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## **Public Employment between Markets and Institutions. Competition and its Impact on Public Personnel Policies\*\***

**Abstract** – Public management reforms of the last decades increased the competition between the public and the private sector and challenged formerly standardised and collective public personnel policies. Based on expert interviews, this paper explores the impact of competition on public personnel policies in comparative case studies. We distinguish between competition for the provision of services, evidenced in waste collection, and competition for highly qualified personnel, exemplified by energy regulatory agencies. These cases are contrasted with the police as a field which is not influenced by either form of competition. Comparing Germany, France, the UK, and Sweden we show how competition shapes public personnel policies in different institutional settings. The results indicate that the designs of personnel policies in different fields of public employment are influenced by the type and the extent of competition. Nevertheless, reactions to competition comply with the constraints and options of the respective national institutional design.

### **Öffentliche Beschäftigung zwischen Märkten und Institutionen. Wie Wettbewerb die Personalpolitik öffentlicher Arbeitgeber beeinflusst**

**Zusammenfassung** – Reformen der vergangenen Jahrzehnte haben zu einer zunehmenden Konkurrenz zwischen dem öffentlichen und dem privaten Sektor geführt und stellen die ehemals weitgehend einheitliche Personalpolitik des öffentlichen Dienstes vor neue Herausforderungen. Basierend auf Experteninterviews untersuchen wir in ländervergleichenden Fallstudien die Auswirkungen von Konkurrenz auf die öffentliche Personalpolitik. Dabei unterscheiden wir zwischen Konkurrenz um die Erbringung von Dienstleistungen (Müllabfuhr) und Konkurrenz um hochqualifizierte Beschäftigte (Energeregulierungsbehörden). Diese beiden Fälle werden mit der Polizei als einem Fall kontrastiert, in dem kein Wettbewerb mit der Privatwirtschaft vorliegt. Der Vergleich von Deutschland, Frankreich, Großbritannien und Schweden ermöglicht es dabei, Wettbewerbsdruck und institutionelle Einbettung in ihrer Bedeutung für die Personalpolitik gegenüberzustellen. Die Ergebnisse zeigen, dass die Personalpolitik in verschiedenen Feldern des öffentlichen Dienstes von Ausmaß und Art des Wettbewerbs beeinflusst wird. Die Anpassungen der Personalpolitik stehen jedoch in engem Zusammenhang mit den Zwängen oder Möglichkeiten, die durch die nationalen institutionellen Settings erzeugt werden.

**Key words:** **public sector labour markets, personnel policies, competition, administrative regimes** (JEL: J20, J30, J45, J80)

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## 1. Introduction

In many OECD-countries, public employment traditionally was subject to unitary regulation and was characterised by standardised personnel policies. Based on the New Public Management (NPM) paradigm (Hood 1991; Christensen/Laegreid 2003; OECD 2004), the public sector reforms of the last decades not only questioned the state as the main producer, provider and distributor of services, but also the traditional practices of public human resources management (Page/Wright 2007). While generally public sector reforms aimed both at enhancing the efficiency and at improving the quality of public services, in the context of the financial crisis recent measures are primarily geared towards reducing costs as the substantial recruitment freeze in the British civil service exemplifies (The Telegraph 25 May 2010).

The NPM-oriented reforms resulted in increasing competition between the public and the private sector in two different aspects: First, the transfer of tasks and responsibilities to private actors led to new managerial functions of the state (Genschel/Zangl 2008) and increased the necessity for public personnel with specific skills also demanded in the private sector. Since the labour market supply of specialists tends to be smaller than the demand, states are facing increasing competition with the private sector for personnel (OECD 2001). This kind of competition is not new, but it is intensifying due to the increase in high profile public sector jobs and the demographic change in many European countries. Second, liberalisation and privatisation led to competition for the provision of services between public and private organisations (Atzmüller/Hermann 2004; Brandt/Schulten 2008; Ferlie et al. 1996; Lippert 2005). As in the personnel-intensive service industry the design of personnel policies is a central factor for competitiveness, this might lead to an adaptation to private employment standards.

Although these developments suggest an increasing diversity between public sector fields, research so far focused on personnel policies of the public sector as a whole (Farnham et al. 1996; Raadschelders et al. 2007) or on single levels or organisations of the public sector (Kuhlmann/Bogumil 2007; Bouckaert 2006). Different developments across the public sector have so far been neglected. Thus, this paper investigates the divergence within national public sectors by assessing how different forms of competition result in differences of current personnel policies in the fields of the police, of energy regulatory agencies, and of municipal waste collection. Since responses to competition in terms of personnel policies are likely to differ according to national traditions of public employment and reform agendas (Pollitt/Bouckaert 2004) we also provide a country comparison of France, Germany, Sweden and the UK. Concerning the interplay between competition and public personnel policies we assume that different forms of competition affect the personnel policies of different fields of public employment in distinct ways. This might induce similarities between the personnel policies of these fields across countries. However, we also assume that national institutional patterns of public personnel policies serve as a filter for competition. Based mainly on expert interviews with human resources managers, the paper presents and compares findings on the impact of competition on recruitment, initial and continual training, career advancement, pay systems and job security.

In the next section (2) we illustrate our research design and discuss analytical considerations. The core of the paper is then composed of case studies of public sector fields that show how competition influences personnel policies in practice (3-5). The synopsis condenses the findings and emphasises that institutionalist arguments can explain general national characteristics of public personnel policies while functionalist arguments can account for similarities of personnel policies in particular fields of public employment across countries and thus for differences between personnel policies within a country (6).

## 2. Research design and analytical considerations

In order to detect the impact of competition on public personnel policies and to account for institutional contexts at the same time, this paper is based on cross-country case studies of the police, of municipal waste collection authorities and of energy regulatory agencies. The paper takes a broad understanding of competition as the striving of at least two actors for the same objective, whereby the achievement of one actor reduces the chances for the achievement of the other actor (Nullmeier 2005: 108). With regard to the relations between the public and the private sector, two different fields of competition are distinguished: competition for personnel and competition for the provision of services. While energy regulatory agencies are supposed to compete with private firms for highly-qualified personnel, municipal waste disposal represents competition for the provision of services. The police, in contrast, are assumed to be a field of the public sector that faces no such competition with the private sector.

The analysis of the impact of competition on public personnel policies can build on the structural-functionalist approach of social systems as developed by Talcott Parsons (Parsons 1951; Parsons et al. 1953). In his AGIL-scheme, the basic concept of his general analysis of social systems, Parsons identifies adaptation (A), goal attainment (G), integration (I), and management of latent problems (L) as “survival problems“ of social systems and organisations respectively. Although being criticised for the vagueness and lack of empirical testability of his approach (Silverman 1971: 54ff; Whyte 1961), by transferring his general concepts to the analysis of organisations (Parsons 1956a, Parsons 1956b), Parsons has been able to direct the attention to “the influence on the internal structure of organizations of (a) the environment within which it operates and (b) the *nature* of its goal and that it has a goal to fulfil” (Landsberger 1961: 236). In this regard Landsberger identifies an unstated underlying hypothesis of Parsons, namely that “organizations will veer between efficiency (A and G) on the one hand, and the stability and possible drag on efficiency signified by having a well integrated organization with articulated values (I and L) on the other“ (Landsberger 1961: 234).

From this perspective, the public sector traditionally fulfilled a dual function. First, it provided citizens with goods and services that were not or could not be provided by the private sector. Secondly, from a labour market perspective the public sector constituted a protected internal labour market (Sengenberger 1987; Doeringer/Piore 1971) and had an integrative function for groups that were disadvantaged in the private sector. Until the 1980s these two functions were complementary and stabilised each other as the expansion of the welfare states required employees to produce and

distribute public goods and services. Those who so far had been disadvantaged in the private sector could be integrated into the labour market in this way (Gottschall 2009).<sup>1</sup> However, public sector reforms and especially the resulting competitive pressures are likely to disturb the equilibrium between these two functions of the public sector.

In our analysis, efficiency is understood as the ability of a public sector field to adapt to competitive pressures in order to be able to fulfil its task. Competition is regarded as an external factor to which the different fields of the public sector with their specific tasks have to adapt their personnel policies. This is because personnel policies contribute essentially to an efficient task fulfilment. For instance, an energy regulatory agency will not be able to fulfil its complex task if it is not able to recruit and retain the required highly qualified staff because the potential employees rather tend to work in the private sector due to higher wages. On the other hand, public organisations with high personnel costs will not be able to compete with the private sector for the provision of waste collection. However, we also value the idea of *functional equivalents* (Scherer 2003: 328) as alternative organisational solutions that can meet functional requirements in the same way as, e.g., financial flexibility. In this context we assume that specific functional equivalents are a result of different national institutional contexts. We consider functionalist considerations to be of explanatory value with regard to cross-national similarities of personnel policies between particular public sector fields. Moreover, functionalist theory can account for differences between public personnel policies within one country. More precisely, we assume that *competition for personnel or for the provision of services evokes adaptations to private sector personnel policies (assumption 1)*. Thus, we focus on efficiency and do not systematically elaborate on the integrative function of the different public sector fields.

However, public personnel policies are closely related to public administration regimes (Pollitt/Bouckaert 2004; Tepe et al. 2010). The impact of competition on public employment in waste collection, energy regulatory agencies and the police is thus limited by institutional factors. Our notion of institutions is based on the conceptualisation presented by Scott (2001), who distinguishes between three pillars of institutions: a regulative pillar, denoting regulative rules such as laws and sanctions enforced through coercion, e.g. provisions on employment status, recruitment procedures, or pay systems that enable or hinder the state to adapt personnel policies; a normative pillar, referring to binding expectations that are based on social norms and are exemplified, for instance, by specific public sector job definitions or professional roles; and a cultural-cognitive pillar which stresses the socially mediated construction of a common framework of meaning, such as a shared public service ethos.<sup>2</sup>

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<sup>1</sup> Empirically, this is especially evident for women whose share in the public sectors of most Western European countries rose above 50% after the year 2000 (OECD 2002a: 20).

<sup>2</sup> The construction of this institutional framework of public personnel policies is strongly influenced by public sector trade unions. These tend to be more powerful than private sector unions despite nationally different patterns and strengths of public sector employee representation (Bordogna 2008; Keller 2010 for an account of the German case).

Institutionalist theory helps to understand why there are nationally distinct answers to competition even within the same fields of the public sector. Although increasing competition with the private economy must be dealt with to different degrees in different fields of the public sector, it is unlikely that national characteristics of public personnel policies are suspended due to the emergence of competition. We rather expect competition to be transformed into solutions that are in line with national patterns of public personnel policies. This means that *the form and degree of adaptations towards private sector personnel policies depend on the flexibility of the institutional framework of public personnel policies (assumption two)*.

The countries of comparison differ significantly with regard to public employment (Hils/Streb 2010). In the *UK*, the majority of public employees is subject to regular labour law and has the same legal employment status as private sector employees. Public employment in general was deeply transformed through partly radical reforms in the 1980s and 1990s. Results of this process are de-standardised personnel policies that strongly vary between different public employers. In *Germany* and *France* hierarchical and standardised structures of recruitment and career development characterise public employment. In the German case, public employment is decentralised and characterised by a dualism of civil servants (37%, Statistisches Bundesamt 2010: Table 2.1) with unilateral statutory employment regulation on the one hand and public employment on the basis of collective agreements on the other hand. Public employment in France, in contrast, is legally regulated on the national level and a larger share of the public workforce has the status of civil servants (84%, Direction générale de l'administration et de la fonction publique 2009: 10). As in the German civil service, the main characteristics are employment for lifetime, formalised entrance to the civil service followed by seniority based career advancement, and a pay system oriented at securing a certain status for civil servants and their families (Hils/Streb 2010: 28). In contrast to Germany and France, public employment in *Sweden* underwent encompassing reforms and is nowadays aligned with employment in the private sector.

In comparative perspective public personnel policies still differ significantly from human resources management in the private sector. In a conceptualisation of personnel policies, we distinguish career-based policies as in Weber's model of bureaucracy from position-based policies (Bach/Della Rocca 2000: 83f; Hils/Streb 2010: 8; Knill/Balint 2007: 437). *Position-based* personnel policies are adjusted to a tight coupling of specific tasks and jobs. Recruitment procedures and training tend to be non-standardised and focus on the requirements of the position to be filled, while upward career development is based on performance. *Career-based* personnel policies, in contrast, are based on the notion of life-long careers within the organisation and provide standardised paths for recruitment, training and continuous upward career development. Whereas personnel policies in the private sector tend to be rather position-based (with the exception of very large enterprises), many public employment relationships and especially civil servant relationships are characterised by career-based personnel policies.

The following case studies concentrate on job security as well as on recruitment, initial and continual training, patterns of career advancement and pay systems as main criteria of human resources management (Knill/Balint 2007: 436). Results are based

on 38 expert interviews with human resource managers and personnel or trade union representatives in the police, municipal waste collection, and energy regulatory agencies in the UK, Germany, France and Sweden. Furthermore, codified regulations (such as laws) and publications of different public authorities (such as annual reports of energy regulatory agencies) were analysed. Finally we include insights from existing empirical research on the terms and conditions of public employment in the different fields.

### 3. The police

Police forces increased during the last two decades in contrast to other parts of the public sectors in Britain, France, Germany and Sweden (Kroos 2010: 2, 7; cf. for data: Hicks 2005: 483; INSEE 2009; Statistisches Bundesamt 2009; Rikspolisstyrelsen 2010). In all advanced democracies police governance, including personnel policies, is high on the political agenda (Bull 2000; Ivarsson Westerberg 2004; Renaudie 1999). The police render a key service to society (Horton 1995: 1) and therefore belong to the heart of public services. In protecting the society's rules and values, police officers act as the long arm of the constitutional state (Lange/Schenck 2004; Monjardet 2001). Due to this positioning in the state's centre, competition for the provision of services does not affect this field of the public sector. The provision of public security is a direct task of the state and cannot be delegated to private providers. Accordingly, private security services mainly provide security for private clients, events or buildings (Koltermann 2006; Lange/Schenck 2004: 103). The particularity of the police's mission also gives rise to the assumption that the police do not have to compete for personnel, as they offer a unique job profile and work ethos not found elsewhere.<sup>3</sup>

Indeed, all interview partners reported that due to high popularity and professional singularity, the police can choose from a large pool of applicants. Only in Germany, in contrast to what we expected, competition for talented personnel plays out to some extent. The German *Länder*, having the main responsibility for the police and employing the bulk of police officers, perceive an increasing degree of competition for personnel, but not with the private sector. In fact, the *Länder* compete for personnel among each other, i.e. there is competition within the public service. Due to the decreasing size of school leaver cohorts police recruitment officers are now more and more concerned about what can be offered to future applicants in terms of career prospects. Respective reforms were at least to some degree linked to the perception of competition: While some *Länder* decided to abolish the lowest career bracket for newly recruited police officers, other *Länder* tried to ease upward mobility by reforming entry examinations for higher career brackets or by reducing qualifying periods for promotions. Increased competition for police personnel is also reflected in growing efforts to recruit both women and members of ethnic minorities; however, this development is also linked to the organisational goal of *integration* in the sense of Parson's AGIL-scheme. Our interviewees, though, also referred to the different national policy

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<sup>3</sup> Furthermore, a high degree of unionisation among police officers and a pronounced professional identity based on unitary training pathways and on the risks involved in everyday policing open up only small room for personnel reforms.

traditions in this respect: In France, not only positive discrimination but also positive action for under-represented groups in the police force is discarded in favour of the principle of equality of opportunity. Both the British and the Swedish police forces are characterised by comprehensive sets of equal opportunity policies, mainly by means of positive action or by efforts to increase transparency of personnel decisions. The German case is somewhat peculiar insofar as efforts to recruit ethnic minority officers already exist since the mid-1990s, albeit with rather small success, while positive action towards women is considered as unnecessary despite the late admission of women to the Western German police forces.

Generally, patterns of career development as well as pay structures within the police remain in line with the career-based civil service model. In all four countries of comparison, employment regulation in the police allows for little flexibility. At the same time, police officers benefit from favourable employment conditions in all countries, first and foremost a lifelong employment guarantee. Entry into the police force is usually linked to a general beginner's position or an entry position in the career bracket that corresponds to one's level of general education. Subsequent career development then follows a stable path and is at least to some degree linked to seniority, while pay development is almost completely dependent on seniority, and performance-related pay rarely exists. Police employment in the UK and Sweden diverts slightly from this picture of the classic civil servant career: In the UK, statutory employment regulation for regular police officers has remained more or less untouched, but since 2002 a second-class group of policemen has been established. An increasing number of civil police staff fulfilling policing tasks are subject to diverse and far less advantageous employment conditions (Jones/Sluis 2009; Loveday et al. 2008; HM Inspectorate of Constabulary 2004). Personnel policies within the Swedish police allow for a more flexible consideration of the organisation's requirements, making them less similar to the almost purely career-based policies in Germany or France. In Sweden the important *glass-ceiling-reform* of 1997 partly abolished standardised promotion paths, and pay structures allow for individual pay setting within a given framework for those in higher positions.

Police personnel policies follow sector-specific needs and institutionally pre-defined public sector logics across the four countries of comparison. This absence of competition in combination with forceful national public employment traditions strongly influences police personnel policies: In Sweden, for instance, the advantageous position of police officers as compared to other Swedish public sector employees can at least partly be explained by the fact that in the police "you do not have the same pressure from outside. You do not have a market" (Swedish police HR manager). This certainly also applies to German and French police forces, where organisational reform and new personnel policies can be understood from a functionalist point of view and are linked to cost-efficiency and the need to improve overall police performance. Likewise, in contrast to many other British public organisations that are forced to compete for the provision of public services through various public sector reforms, British police in England and Wales face no competition. This is probably one reason for the almost untouched statutory employment regulation that applies to

warranted police officers,<sup>4</sup> while increasing use of civil staff allows for cost containment. The slight influence of competition for talented personnel within the German public sector supports our assumption that it is the field-specific coincidence of institutionalised public employment characteristics and competition structures that steers public personnel policies.

#### 4. Energy regulatory agencies

The OECD-wide liberalisation and privatisation policies since the 1980s led to a transformation from a state that produced, organised and distributed all kinds of services to a *regulatory state* (Majone 1994, 1997; Moran 2002). The most important institutional innovation of this transformation was the establishment of independent regulatory agencies (IRAs). Although showing country-specific particularities that result from different organisational cultures, legal frameworks, and political systems (OECD 2002b), agencies share some general characteristics: They are formally separated from the ministry; carry out public tasks at the national level on a permanent basis; are staffed with public servants; are financed mainly by state budget; and have (different degrees of) autonomy from their ministry in policy decision making and over personnel, finance and managerial matters (Christensen/Lægread 2006: 12). Being a subgroup of central agencies, these characteristics also apply to IRAs. They are empowered with the task of regulating certain aspects of an industry in order to ensure competition and to protect consumers, for example, by the regulation of network access, pricing, and end user tariffs (International Energy Agency 2001: 14). This novel public task of creating and maintaining competition in a technically highly complex sector is very demanding. In contrast to the traditional state-owned monopoly which minimised the need for specialist regulatory expertise, in the new regulatory state “effective regulation in electricity requires not just substantial numbers of staff, it requires substantial numbers of staff *with particular and scarce specialist skills* e.g. economists, lawyers, accountants, financial analysts as well as engineers” (Stern 2000: 136). Thus, the complexity of these tasks is supposed to have a strong impact on the agencies’ HR management, because for IRAs “ensuring the competence and specialisation of staff is particularly important” (International Energy Agency 2001: 28).

With the Utilities Act of 2000 the formerly separated British gas and electricity regulators were merged into the *Office of Gas and Electricity Markets* (Ofgem). Ofgem’s personnel policy is subject to the *Civil Service Management Code* which sets out the regulations and instructions to departments and agencies regarding the terms and conditions of employment for British civil servants. Within this framework the departments and agencies are highly flexible in designing their own personnel policies.

The issue of competition for employees was considered as early as the establishment of Ofgem. Pay was regarded as the most suitable instrument for being able to attract the required personnel: “[...] we had to design a pay-structure that could attract people from the private sector as well as the public sector, because if we’d had just the

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<sup>4</sup> The term “warranted police officer” in the UK refers to police officers who have the right to act as representative of the state, e.g. they can arrest someone in contrast to non-warranted police staff.



constraints of the public sector, we wouldn't have been able to attract the people we needed to do the job" (Ofgem HR manager). This focus on pay reflects the general guidelines on the reward principles of the Civil Service, which state that "reward is one of the key tools that employers have to attract, retain and engage the optimal workforce to deliver high performance services to their customers" (Cabinet Office n.d.). Accordingly, in order to be able to recruit and retain staff from private companies, Her Majesty's Treasury gave Ofgem some financial scope with regard to its pay structure.

As a consequence, Ofgem was able to design a structure which seems to be comparatively competitive. Ofgem prefers employees which are early in their career but have already made some experiences in the private sector:<sup>5</sup> Between 60 and 70 % of Ofgem's approximately 340 employees come from the private sector, mainly lawyers, economists, and engineers. However, "there's a certain level which is senior professional jobs where we struggle to attract people, partly because they are very attractive to the outside, industry and the private sector" (Ofgem HR manager). In order to deal with this problem, in 2006 Ofgem started a Graduate Development Programme with the main purpose of filling those jobs where Ofgem has difficulties in recruiting and retaining people. After having spent two years in the programme, the graduates should work for two more years on a middle professional level. Subsequently they are ready to move to a senior professional level. With regard to the competition for employees, this Graduate Development Programme can be interpreted as a functional equivalent to the higher wages of the private sector.

The *German Federal Network Agency* (Bundesnetzagentur) was established in 1998 under the name *Regulatory Authority for Telecommunications and Post* (RegTP) as a higher federal authority within the scope of business of the Federal Ministry of Economics and Technology (Federal Network Agency 2009: 192). Its status guarantees certain independence with regard to personnel, organisational and financial matters (Schmidt 2005: 1027).

In 2005 the RegTP was assigned new functions and renamed to Federal Agency for Electricity, Gas, Telecommunications, Post and Railway. Thus, in contrast to the British, French and Swedish case, the Bundesnetzagentur is a cross-sectoral regulatory agency. Additionally, apart from its regulatory tasks, the agency performs various other technical functions at the street-level. This variety of tasks is the reason for both the comparatively large size and a heterogeneous workforce consisting mainly of lawyers, economists and engineers in the headquarters and technical staff in numerous regional offices. While about 2200 of the approximately 2500 employees have the status of civil servants, the rest of the workforce are public employees.

The personnel policy is basically in line with the provisions of the German civil service law. Although the agency cannot compete with private sector wages, recruiting and retaining employees is not considered as a problem. About 70-80 % of the newly recruited employees are graduates. They possess key qualifications but have not ac-

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<sup>5</sup> According to Ofgem's HR Director there are three reasons for the private sector: First expertise, secondly the credibility of the employees when dealing with the industry, and finally their attitude to work.

quired special skills yet. The high share of job starters can be traced back to the fact that the Bundesnetzagentur wants to develop versatile employees because of its ever changing tasks. However, the recruitment of job starters is also a characteristic of career based systems with their focus on lifelong employment. Accordingly, very few of these employees leave the agency for a job in the private sector.

The most important reason for the unproblematic competition can be seen in the high degree of identification the employees have with the agency and its public task: As early as the job interview the agency tries to sort out those applicants for whom monetary considerations seem to be most important and avoids hiring them. In contrast, apart from key qualifications, it is very important “if they suit us” (Bundesnetzagentur HR manager). Additionally, the agency is generally sceptical towards performance-related pay as an instrument for motivating employees. The high motivation of employees and their close identification with the agency can be mainly traced back to openness, flat hierarchies and the confidence the Bundesnetzagentur places in its young employees by assigning important tasks and far reaching competencies to them (cf. also Bertelsmann Stiftung 2004).

The identification with the authority is further strengthened by the possibilities of internal career advancement. Due to the agency’s comparatively large size most vacant posts are advertised internally, thus giving the employees the opportunity to apply for better posts. In this context, the individual continual training policy aims at successful applications for higher positions inside the agency or the entrance into the next salary grade. This, again, is typical of career based systems.

The French *Commission de régulation de l’énergie* (CRE) was established in 2000 and is responsible for the regulation of the electricity and natural gas market. CRE is a so called *Autorité Administrative Indépendante* (AAI). According to the definition of the *Conseil d’État*, AAIs are institutions that act

“on behalf of the state without being subordinate to the government and enjoy, for the proper conduct of their assignments, guarantees which enable them to act in a fully autonomous fashion, such that their action may not be directed or censured except by the courts” (Conseil d’État 2001: 257, quoted in Rochet et al. 2002: 72).

According to Jorion (1998: 42), AAIs are a “completely remarkable rupture with the Napoleonic conception of a hierarchical system where the administration is subject to the orders of the executive” (quoted in Elgie 2006: 215). As a consequence, the personnel policies of AAIs differ considerably from the traditional career based French civil service and are characterised by a high degree of independence especially with regard to matters of recruitment, pay systems, and continual training. An important restriction to the AAIs’ flexibility is the fact that the government is responsible for the allocation of their budgetary posts and the budget of their wage bills.

Like all AAIs, the CRE has the possibility to employ *fonctionnaires* (i.e. civil servants) from other authorities on secondment and *agents contractuels* with temporary contracts for three years which can be extended to six years. At the end of 2008, 14 % of the 129 employees were *fonctionnaires*, while 86 % were *agents contractuels* (Commission de Régulation de l’Énergie 2008: 10). Once working for CRE, both status groups are treated equally under the employment conditions designed by the agency.

Although the CRE is flexible in setting wages and uses individual performance related pay components, due to budgetary restrictions it cannot compete with private sector wages. As there are not enough *fonctionnaires* able to fulfil CRE's special functions, it is vital to recruit a large share of personnel especially with experience from the energy sector. In this context the competitive disadvantage with regard to pay is considered a serious problem. However, as more than 50 % of the approximately 130 employees worked in private companies before joining the agency, it is obvious that the agency is able to compensate for this competitive disadvantage.

The main reason for not having difficulties in recruiting specialists can be seen in the specific design of CRE's training policy which basically aims at meeting three objectives: "develop specific skills required for regulation activities; improve personal efficiency (IT and foreign languages); support career plans, including acquisition of qualifications, linked to CRE's activities" (Commission de Régulation de l'Énergie 2006: 115). Among those objectives the support of career plans plays a key role for being able to recruit the required personnel. CRE's continual training policy is directly geared towards compensating lower wages by providing programmes which make the employees even more attractive for private companies than they are already. In the words of CRE's HR director: "[...] as we can't give them the same level of pay they would have in the companies where they have been appreciated before, we offer them instead a catalogue of continual training programs which respond to their personal expectations" (translation by authors). As a consequence, the employees accept a temporary loss in pay while working at the CRE with the perspective of getting better positions in private companies after having finished their contracts. Thus, the temporary contracts with the *agents contractuels* in combination with this specific design of the continual training policy can be interpreted as a functional equivalent for the higher private sector wages.

The Swedish *Energimarknadsinspektionen* (EI) was established as an independent agency in 2008. Before it was part of the still existing *Energimyndigheten* which has a broader scope of responsibilities (Energimarknadsinspektionen 2009: 10). Although the Ministry of Enterprise, Energy and Communications is in charge of its activities, like all central government agencies EI carries out its tasks and missions autonomously. This autonomous exercise of functions is accompanied by a decentralised personnel system in that "employer responsibilities have largely been delegated to the heads of the agencies" (Arbetsgivarverket 2009a: 7).

EI is comparatively small, its headcount rose from 68 employees in January 2008 (Energimarknadsinspektionen 2009: 9) to 91 employees at the end of 2009 (Energimarknadsinspektionen 2010: 4). Like the regulatory agencies of the UK, France and Germany, its workforce mainly consists of lawyers, economists, and engineers. About 50 % of its employees are recruited from the private sector and competition for personnel is not considered a problem. Accordingly, the personnel policy is not especially geared towards recruiting and retaining employees from the private sector but very similar to the personnel policies of other Swedish agencies.

Based on central collective agreements, pay and other working conditions of central government agencies are established in collective or individual agreements between employer and employees (Arbetsgivarverket 2009a: 13). Pay is individual, dif-

ferentiated and based on three criteria: “a) level of responsibility and degree of difficulty of the work, b) performance and contribution to the operation’s goals and c) the cost of equivalent labour on the labour market” (Arbetsgivarverket 2009b: 8). These criteria are relevant both for setting the wages of new employees and for the annual pay setting dialogue between line-managers and employees. Especially when setting wages for new employees the cost of equivalent work on the labour market plays a role. Thus, if absolutely essential to recruit a certain employee, EI uses its flexibility in setting wages in order to minimise existing wage differences with the private sector.

This policy is a result of the gradual adaptation of the government’s pay and employment conditions towards the private sector since the late 1970s. As a consequence of the former centralised system of pay in the central government sector, less qualified positions were better paid and positions requiring higher qualifications worse paid than in the private sector. The dissatisfaction with this situation from agencies that competed with the private sector for labour was one important reason for the gradual erosion of the centralised system of pay and the delegation of negotiating responsibilities to individual agencies (Andersson/Schager 1999: 246). The government’s Personnel Policy Bill from 1985 stated that “substantial wage differentials should be avoided as regards employees with similar work in different labour market sectors” (quoted in Swedish Ministry of Finance 1995: 20).

Summing up, because of distinct institutional backgrounds the four analysed agencies perceive the competition for highly qualified employees differently. Accordingly, competition has different effects on the personnel policies. The CRE has a special administrative status which allows for a personnel policy that stands in sharp contrast to the still dominant career based system of the French civil service; the competitive disadvantage in pay constitutes a problem and is compensated with a specific continual training policy. Ofgem’s personnel policy is subject to the flexible civil service framework which is geared towards the adaptation of personnel policies according to different business needs of departments and agencies. Thus Ofgem is relatively competitive with regard to pay; at least as long as the employees are in the early stages of their careers. EI in turn fits well into the overall flexible employment conditions of the Swedish central government agencies which are close to the conditions of the private labour market. As a consequence, EIs personnel policy is not especially influenced by competition for personnel. Finally, the German Bundesnetzagentur does not consider itself to be in competition with the private sector at all. While its personnel policy still shows central characteristics of the traditional German career based system, the agency has been able to develop an organisational culture which creates a high identification of the workforce with its employer. Accordingly, the private sector does not seem to be a serious alternative for those employed in the Bundesnetzagentur.

## **5. Municipal waste collection**

In contrast to police tasks and energy regulation, waste collection is not solely provided by the state. Municipalities are legally obliged to guarantee the service but they do not have to provide it via public utilities. Nevertheless, until the 1980s in most European states waste collection was mainly accomplished through public companies. Liberalisation and privatisation policies of the last decades led to an increased share of

private companies in this field and thereby to competition between public and private companies.

Two forms of competition for the provision of this service can be distinguished. First, if contracts are awarded after competitive bidding, direct competition between both sectors exists as is mainly the case in the UK and for packaging waste in Germany. Secondly, public provision can be based on a political decision, in which case public utilities are not in direct competition for the provision of the service, but the political decision for public service delivery has to be justified. Benchmarking and cost comparisons within the public sector or between public and private companies are means of legitimisation and can be interpreted as virtual competition (Nullmeier 2005: 111). Due to liberalisation and privatisation of public services and austerity on the municipal level, this indirect competition for service provision has increased in the last decades (Hemmer et al. 2003: 6ff.).

Despite new technical standards that make work much easier, waste collection remains personnel intensive with a large share of manual labour (European Commission 2001: 19). Except for a few technical or coordinative professions, jobs are dominated by drivers and other manual occupations (ibid.: 24) that do not require specific qualifications. In all countries waste collection is reported to be a field with a substantive share of employees being members of ethnic minorities. However, this is to a lesser extent the result of integrative policies but was rather a result of low labour supply. Nowadays against the background of high unemployment rates, in all countries labour supply is high and thus competition for employees is reported to be irrelevant. Contrastingly, high labour supply results in a better educational or vocational background amongst applicants.

In all countries, the workforce is to a large degree male dominated; recruitment of women is limited by the low number of applications by women. Furthermore, human resources managers have different attitudes with regard to a gender-mixed workforce. Swedish human resources managers were the only ones to report that women work in waste collection and that the company strives to increase their share. This mirrors the national institutional background considering equal participation and gender equality as “a cornerstone of Swedish society” (Swedish Institute 2009: 1). Equal pay is not only an important aspect of equal treatment but employers also have to survey and analyse pay differentials and “to determine whether these are objectively based and have no connection with gender” (Diskrimineringsombudsmannen 2009: 11). Since pay in the male dominated waste collection sector is reported to be higher than in female dominated jobs that demand similar qualifications, human resources managers regard efforts to increase the share of women as a way to counteract pay differentials.

In the United Kingdom competition for the provision of waste collection was not relevant until the end of the 1970s. Like many other public services, waste collection was solely provided by the state through the so-called Direct Service Organisations and Direct Labour Organisations (DSOs and DLOs). As in other fields of the public sector, employment in the waste collection was traditionally characterised by high job security, centralised pay structures and collective agreements on the national level. Encompassing reforms under the Thatcher Government changed this situation radically. The Local Government Act of 1988 introduced Compulsory Competitive Ten-

dering (CCT) and thereby obliged DSOs to prove their competitiveness with the private sector in terms of costs (Domberger/Jensen 1997). Although a large share of municipal organisations won tendering for waste collection (more than 70 %, Szymanski 1996: 7f.), CCT resulted in organisational transformations and a change in personnel policies. Employment security decreased significantly since cost reductions were above all realised through layoffs and a large number of employees lost their jobs (Szymanski 1996; Kerr/Radford 1994: 39). Furthermore, insecure employment as fixed-term employment or temporary agency work increased (Income Data Services 2003: 82). As a result, a diversification of public employment with differing contracts within the municipalities can be observed. Since collective agreements on the national level are no longer binding, pay differs considerably between regions (ibid: 39f.).

New Labour abolished CCT, but the new principle of “Best Value” that was set in the Local Government Act of 1999 did not lead to substantial changes. Even though competition with the private sector is no longer compulsory, it is still a main element of public service organisation (Higgins et al. 2005; Segalla 2006; Sachdev 2001).

Waste collection in Germany is characterised by a divided responsibility for household and packaging waste that is based on different regulations in regard to competition. In the household waste collection for which municipalities are responsible, tendering is not relevant in case of self-provision. Nevertheless the public utilities face indirect competition with the private sector. In the field of packaging waste the implementation of a new regulation in 1991 shifted the responsibility for packaging waste collection to the private sector. As a result, contracts in this field are only awarded after competitive bidding. While the public share in the household waste collection is about 50%, only about 10% of the packaging waste collection is provided by public utilities. The latter are mostly subsidiary firms of municipal companies that collect household waste (Deutscher Gewerkschaftsbund 2007: 6).

Major differences of personnel policies can be traced back to the form of competitive threat: Employment in all municipal companies in the household waste collection is in general based on the regulation of the collective agreement for the public sector (Tarifvertrag für den öffentlichen Dienst, TVöD). Accordingly, personnel policies are characterised by high employment security and comparatively good pay with career-based elements of progression.

Employment in the packaging waste collection is, however, less favourable. Since contracts for the collection of packaging waste are temporary, employment is often only secured for the contracted period. In order to reduce costs and to keep up with their competitors, public companies ensure numerical flexibility by fixed-term contracts or temporary agency work. Furthermore pay is generally lower in packaging waste than in household waste collection.

However, pay and employment security not only differ between household waste and packaging waste collection, but also between the workers who were employed before and after the introduction of the TVöD in 2005: Workforce that was employed before the introduction of the TVöD is entitled to pay supplements that have been abolished with the introduction of the TVöD. In a case where privatisation of waste

collection was under discussion, new workforce was only employed on a fixed-term basis.

Unlike in Germany, French packaging regulation did not lead to a dual structure and municipalities determine the degree of market involvement and competition by deciding over self-provision or contracting with private companies. About half of the waste collection is carried out by public organisations (ADEME 2009: 8). Virtual competition is of importance, especially in bigger cities where waste collection is often provided both by public and private companies based on a regional subdivision. Nevertheless, the influence of competition on personnel policies is very restricted. French employees in municipal waste collection have civil servant status and belong to the *Fonction publique territoriale* with encompassing legal regulation. Employment is career-based with a tenure contract, seniority-based salary and additional non-work supplements. A distinctive feature of waste collection in contrast to the rest of the public sector is the early pension age of 55 years. Contrary to the other countries, encompassing career development exists and is regulated by law. Due to the fact that employment regulation is set on the national level, only minor differences in the personnel policies between municipalities can be found.

Even though prices in the private sector decreased in the last years and brought costly public provision under scrutiny, consequences for the share of public provision or personnel policies are rare. The rigid employment regulation as well as avoidance of conflicts with the strong unions in this sector can be considered as important reasons. However, municipalities also use the subdivision between public and private service provision as a means to strengthen the position of the public employer against the unions.

Municipal waste collection in Sweden decreased in the last decades and is the lowest of the four countries. Only about 25 % (Avfall Sverige 2007) of Swedish municipalities provide their own waste collection. One reason for the lower share of public service provision might be seen in employment contracts that are much more flexible than in the other countries: As in all other parts of the public sector, dismissal is generally possible. Thus organisational change is easier. Competition with the private sector for service provision is seen as an important topic but, in contrast to the other countries, the price of the service provision is less relevant than its quality:

“It’s not running after bins. But it’s to be polite with the citizens to make a nice work. Go nice and slow in the traffic, don’t rush, follow traffic rules” (Swedish municipality HR manager).

The quality-orientation impacts on personnel policies, and it is one reason for the abolition of a former work organisation that allowed the employees to go home after having completed the collection route for the day. The quality of service is also linked to high employment quality with encompassing programmes for further training.

Summing up, competition for service provision has very different effects on employment in waste collection in the four countries. In the UK, the newly established private sector in the household waste collection led to a two-tier workforce and to reduced pay and employment security standards in the public sector, while the institutional background in France constitutes a hindrance to competitive threats. In Germany, public employment is differently affected depending on the form of competi-

tion. Direct competition in the packaging waste collection led to reduced work security and salaries; virtual competition in the household waste collection contributed to a broad variety of employment regulation. Compared to the other countries, municipalities in Sweden are less active in waste collection, and job security is lowest by collective agreement. Nevertheless competition threatens personnel policies to a lesser degree than in Germany.

## 6. The interplay of competition and institutional settings: Synopsis and conclusions

As we have shown in our case studies, competition for personnel or the provision of services affects the various fields of the public sector in different ways. In general, competition for the provision of services is almost irrelevant in the case of the police. In the police forces of the German *Länder*, competition for personnel influences decisions on patterns of career development to a small extent, and it also seems to influence recruitment policies towards women and ethnic minorities. In France and Sweden, however, police personnel policies are not affected by competition at all. Among the three analysed public sector fields, police employment complies most strongly with career-based personnel policies, and personnel policies are rather inflexible. This observation, though, applies to a larger degree to police forces in Germany and France and to warranted police officers in the UK than to the Swedish police.

Personnel policies in energy regulatory agencies on the other hand are clearly influenced by competition for highly qualified personnel. The British energy regulatory agency considers competitive pay as the most important means to recruit personnel, but despite the flexible framework of the Civil Service this is only possible when employees are in early phases of their careers. Therefore, difficulties in attracting qualified personnel for senior positions are counteracted with the uncommon step of launching an internal graduate programme. The French energy regulatory agency runs a personnel policy that is characteristic for French independent government agencies and is much more flexible than the typical French *fonction publique*. It attracts employees with the possibility to acquire experience highly valued by private employers on the energy market and by providing continual training that is oriented towards the future career development of the personnel. The Swedish energy regulatory agency, however, is embedded in a public sector environment that can hardly be distinguished from the flexible labour market conditions of the private economy. Therefore, competition with private employers is not considered as problematic; nevertheless, the agency makes use of its freedom with regard to salary setting when highly qualified personnel can only be won with high pay. In the German case, in contrast, qualified personnel can be recruited because of the flexible appearance of the civil service employment model combined with the promise of politically and publicly relevant tasks leading to a high degree of identification with the employer.

In municipal waste collection, competition for the provision of services proves to be highly relevant with regard to personnel policies. The introduction of compulsory competitive tendering in British waste collection caused job losses, an increase of non-standard employment and the deterioration of employment conditions in public employment. Likewise, in German municipalities which stand in direct competition with

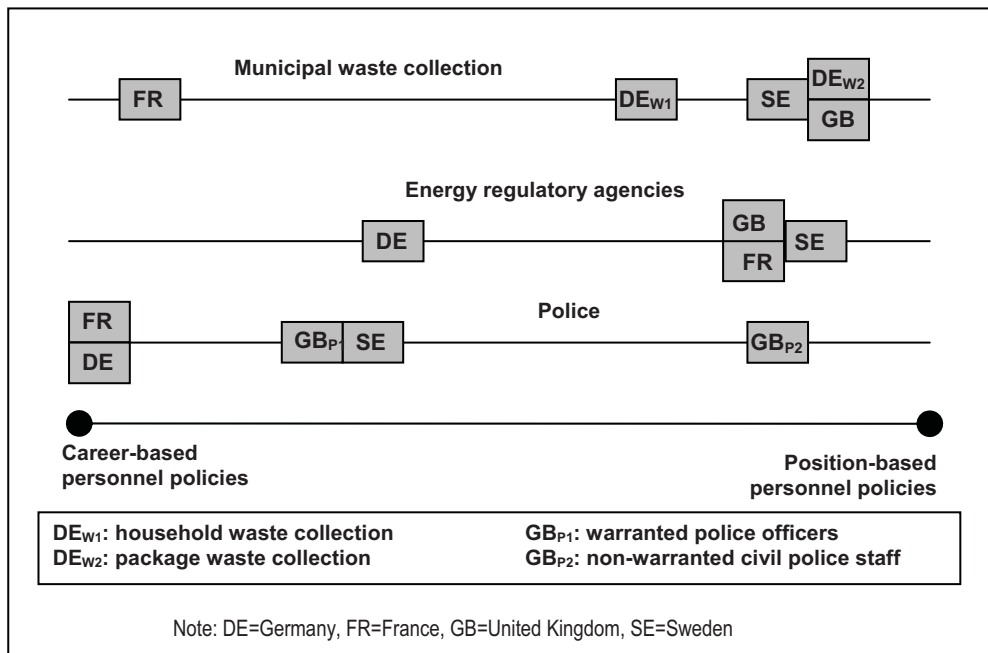


private providers, both pay and job security decreased significantly. However, in Sweden, where waste collection is far less often carried out by public employers than in Germany, municipalities who commit themselves to this task do so in order to ensure a high quality of service as well as of employment conditions. French municipal waste collection is hardly affected by competition although the country has a strong mix of both public and private providers. This is due to the civil servant status of the employees.

This last observation clearly underlines that not only competition structures but also national public sector employment models are crucial influential factors for personnel policies in particular fields of the public sector: In the British public sector, the introduction of flexible forms of human resources management was an element of the radical reforms of the 1980s and 1990s. Nowadays this flexibility is mirrored in a large diversity of employment forms and personnel policies in the public sector. The dual employment structure within the German public sector leads to substantial employment differences between public employees in waste collection on the one hand and civil servants in the police or the Bundesnetzagentur on the other hand. In the French public sector, the high overall significance and standardisation of civil servant employment accounts for similarities between personnel policies within the police and in municipal waste collection. The Swedish case is characterised by the largest degree of flexibility of public employers and the highest similarity to private employment patterns in all studied fields of the public sector. The assumptions presented in the analytical section of this paper have shown to be correct: Competition clearly evokes the need to adapt public personnel policies to private sector practices. However, the form and breadth of these adaptations are closely linked to the institutional framework of public personnel policies and depend on its flexibility.

Graph 1 exemplifies the different orientations of public personnel policies we found. The categorization of personnel policies, i.e. recruitment, initial and continual training, patterns of career advancement, and pay systems, as rather career-based or position-based (compare section 2) displays the variety of public personnel policies in the employment fields and countries. However, the graph also indicates a link between career-based personnel policies and rigidity of the institutional embedding on the one hand (the police in general, municipal waste collection in France) and between position-based policies and flexibility of the institutional embedding on the other hand (energy regulatory agencies, municipal waste collection in Germany, Sweden, and the UK).

Our findings show that a functionalist argument helps to explain why personnel policies in particular fields of public employment show similarities across countries, and why personnel policies differ so much within national public sectors. However, it has to be complemented with institutionalist considerations which account for the persistence of strong national characteristics of public employment. According to functionalist theory, competition for the provision of services in waste collection should lead to efforts to decrease wage costs, and competition for qualified personnel should trigger wage increases in energy regulatory agencies. This is only partly the case though. Instead, public personnel policies react to competition with the private economy in ways that comply with the constraints and options created by the national

**Graph 1: Variance of public personnel policies by employment field and country**

institutional embedding of public employment. More precisely, in many cases our analysis of personnel policies revealed functional equivalents to wage increases or wage cost decreases that were in line with the institutional prerequisites of public employment. Thus, despite the clear impact of competition for personnel or the provision of services our case studies mainly indicate institutional compliance of public personnel policies. The only apparent divergence can be seen in the case of the French energy regulatory agency. This can be attributed to a window of opportunity for flexibilisation of personnel policies that was used when the category of independent administrative authorities was created in the French public sector at the end of the 1970s. This divergence allowed for the introduction of demand-tailored options for continual training in the French energy regulatory agency as a functional equivalent to higher salaries.

As our case studies underline the high relevance of field-specific characteristics of public sector employment, future research should take into account the interplay between national public employment models and personnel policies in particular fields of public employment.

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