

Thoughts on flexicurity as an instrument for ‘a better’ labor law in Ecuador

Flexiseguridad como instrumento de derecho laboral en el Ecuador

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Abstract

This ‘research note’ deals with new and innovative proposals for labor flexibility, which implies the employment relationship termination (principal-agent). This proposal is known as flexicurity or flexicurity. The Denmark model, the country in which this concept originates, has been taken as a basis. Mention is made of three fundamental pillars: flexibility in the employment relationship, a system of provision of unemployment services, and an activation policy. On the other hand, the research note points out that one should not omit the normative framework that governs each country to study flexicurity. Do not violate the worker's fundamental rights and those established in the Convention of Human Rights to meet commercial needs. International processes involve the right to work, the dignity and citizenship of the worker, and finally, the freedom to choose.

Palabras clave: Labor standard, labor law, labor security, social security, worker.

Resumen

La presente nota de investigación aborda las más recientes y novedosas propuestas de flexibilización laboral, donde involucra la extinción de la relación laboral, (principal - agente), dicha propuesta se la conoce como flexiseguridad o flexiguridad. Se ha tomado como base el modelo de Dinamarca, país en el cual se origina este concepto. Por una parte, se mencionan los tres pilares fundamentales: a) flexibilidad en relación con el trabajo; b) el sistema de prestación de servicios por desempleo; y c) una política de activación. Por la otra, se señala que para el estudio de la flexiseguridad no se debe omitir el marco normativo o institucional (formal) que rige en cada país. Es decir, al intentar satisfacer las necesidades empresariales se deben

establecer estructuras de gobernanza jurídico-económica que eviten violentar derechos fundamentales del trabajador y los establecidos en la Convención de Derechos Humanos, es decir, reglas de juego de tratados internacionales que involucren el derecho al trabajo, la dignidad y ciudadanía del trabajador y su la libertad de escogencia.

Keywords: normas de trabajo, Derecho Laboral, seguridad laboral, seguridad social.

Introduction¹

When approaching the Labour Law's panorama and its relationship with Social Security, it must reflect its legal configuration, importance, and transcendence like human and daily activity in human beings' lives.

Human work within the social plane serves as an element of relative evaluation of that daily effort's exercise. On the one hand, societies conceived as organized groups of individuals gathered under specific cultural, linguistic, and historical parameters that are very common, is nourished by the effort to configure itself and progress in all those aspects that constitute and define, and thus give rise to a phenomenon of legitimization of societies based on work.

On the other hand, it is worth mentioning that the Law is conceptualized as an ordering phenomenon of society, in general, to discipline the activities and human relations. Simultaneously, the Labor Law specifically worries and emphasizes order and systematizes the labor benefits, personnel that conforms to a company, economic remuneration, sanctions, contracts, and relations between the employee and worker.

All human beings can achieve their proposed goals, and among these, we have access to the labor market or commonly the right to work and full employment. In this way, labor law has become an instrument for the entire exercise of rights (Magnus, 2018). There are also intrinsic obligations in exercising rights, which become rules that regulate the relationship between employer and employee today.

Implementing a new labor relationship implies legal consequences for the parties involved and the social control agencies and operators to diminish the collateral effects once the relationship is terminated (Hideyuki, 2016).

It is essential to know the individual differences between the worker and employee to utilize human resources within this process efficiently. Also, it is essential to emphasize the importance of harmony in a work environment to prevent employees from creating hostile environments that will affect the entity.

It is currently prevalent to see the gaps between the principal, the employer, and the agent, the worker; both actors pull in their interests (Pendleton and Robinson, 2018). A work environment without compromise, highly damaged, and hostile climate can take a long time to recover stability.

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The social phenomenon of work generates asymmetrical relations between the contracting parties, in which there is usually a strong party (employer) and a weak party (employee). Therefore, labor law has an intuitive function concerning the worker, and its rules tend to restrict the freedom of enterprise to protect the weak party against the strong party and thus pursue the purpose of protected social structuring (Shahini *et al.*, 2016).

The endless combination of teamwork between flexicurity, employment, and social security will be sought to guarantee an efficient and effective model within the Ecuadorian market. If there are conflicts of interest, the jurist will be obliged to deal with each legal scenario.

Therefore, these ideas built around legal-economic mechanisms such as flexicurity are becoming more than relevant to strength the institutional framework in Ecuador and other Latino-American countries. Then, departing and going around flexicurity as a key concept, this article provides some preliminary thoughts to enrich the academic discussion in Ecuador. Consequently, this article was written under the understanding that a conceptual and theoretical revision results essential and timely for furthers empirical proposals produced from an economic and sociological viewpoint.

Methodology

This article proposes a preliminary study from a theoretical, descriptive, and conceptual perspectives. In addition, an extensive review of contemporary socio-legal literature was conducted to identify the most important contributions to the 'mainstream' and the 'mainline' (Mendez, 2014; Mendez, 2019). Within this framework, the functional and socio-juridical approaches are used as critical evaluation tools, applied conceptually. Therefore, in this article a qualitative analysis of ideas behind flexicurity regulations is presented, which makes it based on explanatory and documentary considerations on this economic and legal mechanism currently under debate in Ecuador and other Latin-American countries.

Main meanings of flexicurity

According to the International Labor Organization (cited by Guerrón Ayala, 2001), the right to work is made up of a set of precepts, of public order, regulating the legal relations that have as a cause the work, by account and under other people's dependencies, to guarantee those who execute it. Its sole and primary purpose is the protection of the weakest, in this case, the worker.

Labor Law has certain characters. It is a dynamic right, meaning it is in constant evolution and emerges from social reality. It is a right of social integration since its principles and norms obey the general interest. On the other hand, we have an expansive force because it protects the most vulnerable class and the strongest (Trujillo, 1986).

The main idea of flexicurity is that, if conceived correctly, labor flexibility and employment security or protection can be mutually supportive (Russell *et al.*, 2020). In the current labor markets, a high degree of flexibility and adaptability is in employers' and employees' interests. This approach is much more than a simple arbitration between flexibility and employment security. Flexicurity highlights the critical role of collective bargaining and social dialogue in negotiating the balance between the packages of measures envisaged at the institutional and policy levels (Paolucci and Galetto, 2019).

The term flexicurity was initially used in a law enacted in the Netherlands to provide permanent employment prospects after two years of temporary employment for temporary agency workers, linking employment security to employment under flexible mechanisms. However,

the term's meaning has been extended to cover, more generally, all labor market mechanisms that offer job security in return for more flexible employment relationships (Ravn and Sterk, 2017).

Originally, flexicurity was proposed as a mechanism aimed at increasing, at the same time, both flexibility and security for workers. It implies that flexibility and security are not contradictory notions but that they can help and collaborate. As Servais (2013) pointed out, it is defined as a policy that attempts to combine work flexibility with wage income security. The flexicurity approach assumes that both components (security and flexibility) can not only play against each other, but it is possible to combine both elements harmoniously, combining them in a dialectical relationship.

Thus, when it is desired to implement a new model between the employer and the worker, the first thing that must prevail is social security and enough jobs for those who can do so. The State plays a fundamental role since it must implement public and jurisdictional policies to ensure the full enjoyment of rights.

The term flexicurity was first introduced in the 1980s in the Netherlands (Herráiz Martín, 2008) through different reports that reflected the deficiencies of the labor market and the segmentation between workers with a high level of protection and atypical workers or workers with little protection. (Jaspers, 2009, p. 87).

This issue is then transferred to Denmark, where the approach is remarkably successful, and its achievements in the labor market, which have been incorporated in the famous "Danish golden triangle", have been praised for some time. In general, it has the following vertices: providing employers with an optimal dose of flexibility, providing workers with greater security, especially from social security protection in terms of unemployment, and favoring active re-entry policies. In short, it seeks to make hiring and termination freer, to establish generous subsidy programs in case of unemployment, and to activate the unemployed both for training and in return actions (Jaspers, 2009, p. 89).

Flexicurity is seen as a mechanism to increase, at the same time, flexibility, and security for workers. It implies that flexibility and security are not contradictory notions but can help each other and work together. Both elements are complementary, combining them in different doses to obtain a different result from what could be achieved individually with each of the components.

Also, as Servais mentions, flexicurity policy seeks to combine work with wage income security. The flexicurity approach assumes that both components, security, and flexibility, can oppose each other and harmoniously combine both elements combined in a dialectical relationship. Indeed, it is not easy to reconcile in one word. Two terms in the workplace have always worked as opposites. It is an overall approach to employment policy that combines certain flexibility of labor legislation, allowing companies to adapt their staff according to their needs and ensure that workers can move and unload into a new job in real-time to lose their job and get a new one.

The flexicurity-led approach is to achieve a balance between the two poles, but without sacrificing any of the essential aspects.² This implies that balance is indispensable to counteract the most harmful effects of both terms. Otherwise, balance is impossible. In short, it is an intermediate route between the excesses of flexibility and security. From this perspective, flexicurity is opposed to other possible situations where flexibility and security are interrelated: flexicurity or insecure security, inflection security or strict security, and inflection insecure or inflexible.³

If we are looking for a balanced situation, why do we resort to this concept of flexicurity? The question is important; it points out that the objective of the right to work is to balance the interests and the worker. The answer to this question is that flexicurity seeks a different balance than the one that always has the right to work: it is not a balance of contractual interests but models of labor market management.

It would probably be more appropriate to state that more than a situation of balance, flexicurity in a system of exchange or compensation: weakening guardianship in the workplace and increasing the risk of extinction than workers, who are more exposed to dismissal, a change of improvements in unemployment protection and an active policy that helps them find employment (Loy, 2007, p. 164).

Flexicurity can be compatible with the contradictory terms: flexibility and security, which are the components of this new figure. From flexibility, what is proposed is more complicated than the more reactive and dynamic labor markets; labor markets must have the capacity to adapt to possible changes that may occur in the same way to better adapt to new economic needs.

In practice, this adaptability of the market necessarily implies that companies' capacity to adapt, which directly affects the needs of flexibility created both in its internal and external aspects, or what is the same, the revision of labor rules in all its extension. It is necessary to introduce more information from the organization of the productive process so that the entrepreneur can face the productive needs and their evolution; this implies both internal flexibility and working time) and external (especially from the termination of the work contract).

From security, there are also different components⁴. Although, it is a constant feature that flexicurity seeks to replace job security with employment security as an approach that involves activating activation policies for the unemployed, such as regulating mechanisms to encourage the unemployed to stop receiving unemployment benefits possible and return to work.

Then, it has been defined as warfare, with direct support to the activity of placement and retraining, reforms of the public employment services to increase their efficiency and functioning, improvements in training, which must be permanent, and improvements in social

² On this issue, we must state, as Rodríguez-Piñero (2007) pointed out, that the concept of flexicurity implies "the establishment of new relations between flexibility, security, and protection in employment, without sacrificing either flexibility or security"; so this concept expresses "synthetically, this new balance between flexibility and security, a policy to promote flexibility combined with security, reducing the effects of market segmentation and counteracting the negative elements of the term flexibility." (pp. 114-115)

³ The situation in which our country's position would fall. (Valdés Dal-Re y Lahera Forteza, 2010, p. 39)

⁴ For example, Loy (2007) speaks of security in the workplace (security against termination of contract), in employment (remaining employed, but not necessarily in the same job), income security (in case of unemployment), or combined security (referring to the combination of family and work-life).

security protection against unemployment, but conditions the benefits to the activation of the unemployed.

It is dynamic security aimed at acting in a context where the globalized market's rapid transformations occur.

Labour flexibility and employment security or protection can be mutually supportive. A high degree of flexibility and adaptability in the current labor markets is in both employers' and employees' interests (Dias and Jardim, 2018). This approach is much more than a simple arbitration between flexibility and employment security. Security-related policies and adequate unemployment benefits are articulated with activation policies that can also increase flexibility by giving workers the confidence that they will be helped to find a new job as soon as possible and be guaranteed financial protection for the transition period. It reduces workers' fear of losing their jobs.

Policies traditionally associated with flexibility can also, in certain circumstances, increase employment security. Therefore, they should be part of a broader mix of policies ability or transition unemployed and job creation. Moreover, flexicurity emphasizes the critical role of collective bargaining and social dialogue in negotiating the balance that needs to exist between the packages of measures envisaged at the institutional and policy levels.

In times of increasing insecurity and uncertainty, achieving a fair sharing of the economic crisis costs between companies, individuals, and authorities is tough. In any case, the crisis context illustrates the importance of flexicurity principles at different business cycle stages, specifically concerning balancing the need for firms to adapt to falling demand. Governments in both developed and developing countries have tried to balance active and passive labor market policies.

Focusing on the prevailing model in EU employment policy which, as we know, is inspired by Danish flexicurity, this term means by Jaspers (2009):

Modernizing the right to work, which is nothing more than a formula to avoid expressly recognizing that we are facing the flexibilization of the labor order: disseminating atypical forms of hiring, especially part-time contracts, should facilitate mechanisms for the productive reorganization of the company or what is the same, internal mobility (functional, geographic mobility, substantial modifications, reduction of working time, wage flexibility) or external mobility (extinction).

Training and lifelong learning, thus facilitating the transition from training to work and the employability of workers and their qualifications.

Policies that allow for faster transition periods improve public services' performance, primarily through individualizing job seekers' treatment and paying particular attention to groups with more incredible difficulty accessing employment.

Finally, it is essential to improve the social security systems, which must also be modernized, providing more excellent protection (albeit conditional on activation) to the unemployed.

In any case, the doctrine has stressed that the flexicurity paradox is only admissible if we understand that a prerequisite for flexibility is the most critical

dose of a new security. We understand as the preservation of the workplace throughout life, but as employment security, i.e., the high employment of workers, which must be guaranteed not only for the educational system but also for the public employment services and for the labor relations system itself, short transition periods, personalized assistance in the search for employment and good unemployment benefits for workers. These transition periods. (p. 93) (cited by Monereo Pérez, 2007, p. 24)

Therefore, flexicurity as an employment policy approach cannot act in any way, but it is valid for the flexibility system is a conditional flexibility.

The objective is to implement flexicurity as a synthesis concept to inspire reforms that increase flexibility in the legal labor discipline applicable to companies and thus guarantee workers' security. Because of the need for "economic changes" for establishing less protection against extinction, it has been verified how national legislation has introduced flexibility in the margins, increasing the flexibility of atypical and temporary contracts. The consequence has been the reduction of the scope of the standard employment contract.

Flexicurity is configured in this document as an integrated strategy to improve labor flexibility and security in the labor market. Security is projected in the labor market, that is, in the permanence in the labor market and the workplace. It implies employment security that can be achieved by finding a job at all stages of their active life and developing their professional careers (Bekker, 2017).

This model responds to a kind of "magic triangle" that combines three elements: 1) a numerically flexible labour market, which facilitates the transition into, out of and back into the labour market; 2) support for the transition to a different job activity through substantial training and retraining programmes as part of active employment policies; and 3) a system of solidarity in the form of a generous public provision of unemployment protection pensions. (Leonardi et al., 2010, p. 420)

This mechanism must be separated to ensure safety in the workplace, i.e., mechanisms to protect against worker dismissal. It requires facilitating the use of skills that allow them to advance in employment, find new jobs and good unemployment benefits, and facilitate transitions from one job to another. In terms of flexibility, they imply a significant failure in labor productivity, responding to productive needs that do allow it. It also means facilitating the worker's professional transitions, from there to other jobs or unemployment situations and from employment to retirement.

About that, the International Labour Organization (2020) mentioned:

The social partners have addressed a variety of topics, ranging from, but not limited to, safety and health, the facilitation of telework/work from home, flexible working time arrangements, cost reduction measures, income support for workers and the resumption of economic activities. Such participative approaches can ensure that effective and equitable solutions are found for those affected by the crisis, using collective bargaining and workplace cooperation to bring. (p. 2)

It seems that these objectives are necessary to make labor regulations more flexible. Also, to improve lifelong learning, active labor market policies that facilitate labor security and modern social security systems that provide good unemployment benefits do not have detrimental effects on job search, which can be achieved through job search support and work incentives.

Flexicurity seeks a balance between employers, workers, job seekers, and public administrations' rights and responsibilities (Heyes, 2011). It aims to reduce the gap between those inside and outside the labor market through new forms of flexibility and security that generate more and better jobs, although there is no single model or strategy for action.

In general, as proposed by the EU (2004), flexicurity recognizes that workers must assume a more significant number of transition situations between jobs in their professional careers in the future. The answer is the regulation of good unemployment benefits, support for active job search.⁵ Moreover, improving their professional skills at the beginning of such lifelong learning situations.⁶

In the Ecuadorian case:

There is evidence of provisions aimed at both flexibility and labour protection. Labour protection. This is evidenced by the establishment of the permanent part-time contract or the approval of rotating shifts or special working hours as examples of the former. The approval of rotating shifts or special work schedules as examples of the first case; and the elimination of the fixed-term contract that led to the establishment of the indefinite the elimination of the fixed-term contract leading to the establishment of the open-ended contract as a standard contract, as a clear example. (Medina, 2020, p. 69).

Furthermore, a Ministerial Agreement No. MDT-2020-080 (2020) issued by the Ministry of Labour was issued in 2020⁷, whose overall concept is "flexicurity", which provides a comprehensive strategy for the conceptual service of labour policy and aims to provide companies with more room for mobility and promote economic development while respecting workers' rights. is to increase employment opportunities. Thus, in Ecuador, flexibility and security will be compatible with the maintenance of existing work, because under rigid conditions this task will be more complicated, especially for companies that have been banned from operating since the COVID-19 pandemic (Cuvi, 2020).

Types of contracts: Single contract

What are the next steps that States can take when seeking to implement flexicurity dictates in their employment policies? We can point to a very different set of actions that project on the systems to adapt their labor relations systems and labor markets to the field of flexicurity.

The content of flexicurity will be analyzed, and it must be considered that a study will be carried out at a theoretical level. The deviations or interpretations of flexicurity can lead far from the

⁵ Here it is expressly stressed that the increase in expenditure on active policies implies a parallel reduction in the unemployment rate, which also implies a reduction in the costs of unemployment benefits.

⁶ It highlights how the income of people with more training is higher in percentage terms than those who have not received any training.

⁷ It is not necessary to evaluate whether it is hierarchically superior to the organic laws, only to consider that the ministerial agreement in Ecuadorian legislation enjoys presumption of legality and legitimacy (Cuvi, 2020).

purely theoretical approach that is carried out. Enter the content as close as possible to the following:

First, the fundamental objective of flexicurity is the reduction of the elements that lead to labor market segmentation, the sea from the perspective of the division of the market with temporary workers with permanent workers, as well as between workers with professional skills and knowledge and workers who care for them, or more generally, between outsiders (Bekker and Mailand, 2018). Likewise, part of the dynamics of market segmentation is the exclusion of certain groups from it, which have difficulties in accessing the market (women, the disabled, the long-term unemployed, the elderly), and if they do, so it is through low-quality contractual modalities.

Secondly, flexicurity is the reduction of labor protection, i.e., establishing measures aimed at personnel at the time of dismissal. In addition, “the ‘flexicurity system’ is supported by sound macroeconomic policies, a targeted welfare policy system and well-functioning infrastructural facilities and public institutions” (Downes, 2009, p. 10). The rigidity of protection through dismissal, hiring an eternal nature and hiring a strictly temporary nature in the logic of flexicurity.

However, this is not a simple removal of guarantees in dismissal, but the replacement of the position by an employment protection system, of the employment situation. As we shall see, employment protection arises from different perspectives, affecting both passive and active employment policies. It is an essential condition for reducing employment protection because it can only help with the time available to work as soon as possible and maintain or increase the worker's employability (both in the company and during periods of unemployment).

Moreover, from the flexicurity point of view, at least theoretically, it is for the bet of a new balance: less tutelage before dismissal, but better benefits and improvements in active policies and intermediation in the labor market to avoid the tutelage of work, but it has to go to a work situation so that the worker can remain in the job as long as possible, and thus guarantee short periods of transition between one job and another, that improves his employability during the job and has the right to benefits of sufficient quality (Bredgaard and Madsen, 2018).

In that vein, it is proposed to redefine the terminology of "hidden" and "indefinite" employment of what means a rethinking of the position of work that progresses over time. In summary: although the employment contract is indefinite, in the initial times of contracting, it is in labor protection, compared to the current costs of extinction of the means of extinction of temporary contracts, which increase to a measure that time passes and remains alive, the employment contract and until reaching the maximum protection after a specific year of years, the maximum compensation that should no longer be raised to the maintenance of the employment relationship.

In any case, this maximum compensation is always lower than the current compensation payments. In other words, something very similar to the doctrine of the single contract to which we will refer later. Finally, from workplace protection, flexicurity necessarily implies a reconsideration of dismissals for economic reasons (collective or plural objectives). Then the procedural steps are reduced, the duration of the process is shortened, and what the EU calls "procedural reliability" (Andersen et al., 2019); i.e., objectification of the causes of collective

or plural dismissal and introduction of a definition of these causes that allow greater security for the employer when deciding to initiate collective dismissal procedures.

It is essential to strengthening unemployment benefits: flexicurity cannot be understood if it does not occur through a substantial improvement of the social security system, especially of the economic conditions that allow for periods of transition from one job to another. It should be noted that a difference from the guidelines on reducing labor protection, which is quite specific, cannot be compared with the need to establish a European standard of protection in terms of unemployment since there is a significant vagueness in Community approaches (Heimberger, 2020). On one hand, it should be noted that the establishment of quality unemployment prevents the unemployed from entering illegal employment to supplement the income derived from low unemployment benefits.

On the other hand, the general approaches among EU member countries, which adapted to unemployment benefits are configured as mechanisms to facilitate the exit from the labor market (the so-called "pre-retirement" benefit would be a good example), should be avoided, but the purpose of these benefits has been to facilitate the transition to a new job; that is, to seek permanence in the market (Bauer and Eichenberger, 2021).

Closely related to the unemployed protection are active employment policies, which are particularly important in flexicurity. A change in public employment services is necessary from the outset: the available systems' capacity to penetrate the labor market is detected, and they are completely outdated.

It is not only an economic investment to improve the structure, but also to improve their performance, mainly because they must be implemented: mechanisms that allow public services to develop an activity that offers a personalized treatment of the UN⁸ Job seekers, who are as much as possible of a pre-intervention nature, in the sense of acting as soon as there are indications of possible job loss and exceptional attention to those groups that have more significant difficulties in accessing the labor market.

A fundamental connection has been established between active and passive employment policies. For accessing and maintaining the collection of unemployment benefits, a set of activities must be fulfilled: the development of training activities or the improvement of employability; active job search, acceptance of job offers, sanctions for non-compliance with these actions.

The aim of this research note was none other than the labor market segmentation since the origin of labor market segmentation lies precisely in foreigners' training deficit. Training must be permanent and require a substantial increase in investment in human capital (Drábek et al., 2017). For instance, flexicurity requires public authorities' involvement to ensure that European citizens benefit from high-quality educational systems that promote a substantial reduction in dropout rates and ensure that they leave their studies with training for professional activities. Alternative training can play an important role. However, it is essential to invest and allocate monetary funds to improve regulated professional training from that point on.

⁸ United Nations Organization.

It is an area that considers essential permanent and ongoing on-the-job training, which ensures that all workers can benefit from training, and thus encourages workers to improve their professional skills through continuous training, as companies, which must facilitate the training of their workers, which means that it has directly resulted in increased productivity.

It is essential to ensure that all workers have the same rights as permanent workers, but it is much easier than it is if they are temporary. The investment does not bring benefits to the company. Training must be inserted in the work contract, generating obligations for both parties. In the entrepreneur's case, he must take charge of his workers' training and invest. These incentives must also fall on the workers, progress in their professional careers, establish fundamental policies and paid leave benefits that are integrated into the curriculum, or establish personal training accounts for each worker, allowing them to invest work time in training, in coordination with the needs of the business.

In the terms proposed by the EU, it should be recognized that flexicurity is inspired by the experience of member countries, especially in life, which is known as the Danish golden triangle. It is based on relatively low protection against dismissal, a change from a small measure of protection against unemployment, accompanied by significant efforts to reduce the length of transition periods and substantial investment in lifelong learning (Hastings and Heyes, 2016). There is no doubt that this has been the primary source of inspiration in the EU. However, this model is difficult to transfer to other legal realities or cultural contexts that are utterly different from how it emerged and evolved, as the labor doctrine pointed out. It makes it challenging to use such a model because the results will not be the same.

Also of concern is the fact that flexicurity is seen as an exchange of labor flexibility, so we assume, with absolute harshness, that labor flexibility will be focused on the labor contract, on the contractual relationship between the employer and the worker, in contrast, security is not offered in any way through the mechanisms of the edge of the contractual link. From this perspective, the labor order no longer has the meaning of protective regulation or the worker's protection to rebalance the employer's weak contracting party's situation.

There is a debate among those who promote absolute and radical flexibility in the labor market to foster more extraordinary job creation to increase the country's productive apparatus's competitiveness.

Prioritizing social consensus and the welfare state are fundamental pillars of this model, even if this leads to less job creation because the degree of depth of labor reforms in terms of labor flexibility is limited.

Most economies have focused their efforts on external flexibility and, to a lesser extent, on internal and wage flexibility. Layoffs and lowering labor costs through the use and implementation of temporary contracts, internship and training schemes are among the mechanisms that have been most widely applied and have received minor opposition compared to others. However, the implementation of wage flexibility causes strong opposition from workers' centers and the community. In the case of internal flexibility, this is also seen by some unions as the loss of the last stronghold of control and power over the employer, since it would be more complicated to make decisions regarding individual decisions that today are almost totally in the control of the unions.

The relationship with the subject is because there are two main actors: the employer, who would be the principal, and the worker, the agent. The Danish model seeks to implement easy access to the labor market, but it must respect the principles and regulations within labor law. Here, the best decisions should be made when hiring and dispensing with a person's professional services—running the risk of terminating or opening an employment contract, whether on a trial basis, for a fixed term, or an indefinite period. Besides, seek a balance (check and balance) between social security and flexibility of schedules, obligations, and benefits of the parties involved to avoid conflicts and legal disputes that can last for years.

Conclusions

Flexicurity should be a labor law instrument for protecting workers and employers from combining social security with stability and demand for jobs in the market. Flexibility has been an innovative process for the entry and exit of jobs but must always ensure the weakest's welfare; in this case, the worker (agent).

The main objective it seeks is to implement competitiveness within the labor market as long as labor legislation is respected, and the State is the mediator in labor conflicts or disputes. The experience of European countries has been opposite to that of our current labor legislation. It influences according to education, culture, and tradition.

One of the resonant characteristics of labor flexibilization in Latin America is establishing minimum protection against arbitrary dismissal. Labour flexibilization has brought about linking the economy with labor law as a new study modality regarding the relationship between principal and agent (employer-worker).

On the other hand, it is worth mentioning that the employer and the worker's improvement policies are substantial since this flexibility model combines work, family, and personal life. All this is considered when evaluating the performance and competitiveness of the collaborators.

Improving labor performance is a complicated task, so we seek to maximize the hours in which workers are most productive by implementing this model. Finally, it attracts new talent and reduces absenteeism and delays that often cause losses to the company.

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Contribución de los Autores

Autor	Contribución
Rodrigo J. Quintanilla	Concepción y diseño, investigación; metodología, redacción y revisión del artículo
Rubén C. B. Méndez Reátegui	Investigación; análisis e interpretación
Lissangee S. Mendoza García	Adquisición de datos, análisis e interpretación
	Investigación; análisis e interpretación
	Adquisición de datos, análisis e interpretación

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