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## **Activation French policies: dilemmas of the employment counselors and their clients coping with unemployment traps**

*Lynda Lavitry<sup>1</sup>*

This paper deals with the consequences of the evolution of labour market active policy measures in France since the late nineties: it comes to analyzing how the "customization", the term used by the institution (which indicates an individualization of the relationship and of the results of employment consultants), is articulated with activation issues.

The term "activation" refers to activation of expenditures, "*passive spending policies*", and, by extension, defines the activation of the beneficiaries themselves. Activation refers to the notion of empowering the unemployed: the means to act on individual variables (compensation, behaviour, occupational and geographical mobility) to suit the needs of the labour market. This is a major focus of employment policies since the late nineties, which responsibility falls to agents located at the bottom of the public action.

To what extent the new accountability standards of the unemployed are integrated into the activities of employment counselors, do they modify the control practices and why, what are the ways of legitimating? These are some questions of our ongoing research<sup>2</sup>.

In the first section, we'll analyze the implementation of the Social Cohesion Law from 2005 until the most recent developments of activation programs in 2009. Since the late 1990s, the French National Employment Agency (Agence Nationale Pour l'Emploi, ANPE), the first

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<sup>2</sup> The results presented in this paper arise from two surveys conducted in the South of France: one of a research master of Sociology, conducted in 2007 for four months in two ex ANPE agencies, which combined 16 individual interviews with the advisers and observation of twenty professional appointments. Another ongoing investigation since 2008 as part of a thesis in sociology has so far focused on 66 interviews of counselors from seven agencies, and observation of 250 interviews made with 60 professional between November 2008 and June 2009.

operator of employment policy, has gradually promoted a new social contract, which relies on individual responsibility and flexibility to fit into the labour market. Since 2006, the implementation of the Monitoring Monthly Custom has become an important step in this evolution from a logic of status to a logic of contract (Freyssinet, 2000), with a greater emphasis on the active role of the recipient whose obligations to participate in activation measures have systematically increased. The evolution of the legal framework relies on a hardening of the control of the job seekers. The individualization brings out various types of consequences: changes in the public employment service organization, with a rationalization of the activity of the counselors, through the acceleration of the processes (decrease of the length of interviews, increase of the recourse to subcontracts), the intensification of the workload, and the greater valuation of statistical indicators.

The second and third sections analyze sanction practices of the employment counselors. We will try to define types of practices, through the *professional ethos*, which aspects resonate with concepts of activation and control. In the same section, we will turn to the meaning of these evolutions for counselors and their clients. The study provides elements of understanding of these positions by analyzing individual trajectories.

<b>1-The activation policies and programs in France: a new social contract, based on individual programs and a rationalization of the services supplied</b>
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The establishment of activation in France is marked by a few large steps: the law for Social Cohesion (2005), the amendment of articles of the Labour Code and redefining terms of sanctions taken by employment agents (2005), the implementation of Monthly Monitoring Custom (2006), and the implementation of Reasonable Job Offer (2008).

The Law for Social Cohesion, which marks the end of the monopoly of placement of the National Agency for Employment, launched the reform of the Public Employment Service in January 2005. It was accompanied by the junction between compensation and placement, and finally completed by the merger in January 2009 of the unemployment insurance agencies, in charge of compensation for the unemployed, and of the National Agency for Employment in charge of placement. The two systems became integrated into a new structure called Pôle Emploi: before that, the two structures were independent from each other.

Title 1 of the Act in the law of social Cohesion called "mobilization for employment" gives the objective of creating "*a systematic output of logic of assistance*". The Law for Social Cohesion intends to do away with the "welfare state approach" by changing the definition of job search

and its methods of control. However, the social assistance system is kept separate from this merger, with its own policy strategies, its own policy delivery institutions, and its activation instruments and financing.

Secondly, articles of the Labour Code relating to criteria for monitoring the job search are modified in a narrower sense (Article L.5421-3 “*positive acts and repeated*”, “*genuine and serious job seeking*”). The modalities of sanctions by agents of public employment service are reviewed in a more coercive sense: a 2005 decree gives the power of control directly to employment counselors, whereas before, there was a special structure dedicated to the control of the unemployed (SCRE: controlling service of the job search, implemented by the state services). The decree also makes possible the sanctions on shorter delays.

In 2006 the Monthly Monitoring Custom (Suivi Mensuel Personnalisé: SMP) with a single referent was introduced. The physical signing in, which was abolished in 1982, is restored. New types of penalties are created: the fact of missing an appointment could be struck by two months of suspension of unemployment benefits.

Another recent highlight of this activation policy is the law n° 2008-758 of August 1st 2008 on "Employment Reasonable Offer". This law restricts to two the number of job offers they could refuse and introduces penalties for non-acceptance of geographic mobility and wage level<sup>3</sup>. Sanctions become more severe with the duration of unemployment. The incentive schemes for the resumption of employment have also been applied to classes of people exempted from job search hitherto: since 2008, the Monthly Monitoring Custom has been set into motion from the first month of registration for the unemployed over 50 years while the job search monitoring has been extended to 58 years for jobseekers compensated by unemployment benefits and 56.5 years for recipients of specific solidarity allowance.

All these elements are integrated with policies workfare or activation, which induces a notion of conditionality of help to the adaptability to the labour market.

### **A- Activation process based on individual programs**

The individualized service in the national agency for employment (ANPE), the main operator of the public employment service, has been an ongoing process since 1999, accompanied by a gradual extension of the public concerned and by an increased frequency in the appointments.

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<sup>3</sup> However, the law specifies that the proposed access to employment developed by the consultant must take into account "the formation of an applicant for employment, qualifications, knowledge and skills acquired during career, personal and family circumstances and the situation of local labor market "

<b>The gradual rise of individualization</b>					
<b>Plan type</b>	<b>Date of establishment</b>	<b>Targeted public</b>	<b>Appointment frequency</b>	<b>Single referent</b>	<b>Compulsory appointment</b>
SPND (service personnalisé pour un nouveau départ: Custom Service for a new start)	1998	- Youth under 25 entering their sixth month of unemployment or having more than 12 months of unemployment -Long-term unemployed (12/ more than 24 months) -Minimum income recipients	None	No	No
PAP-ND (Projet d'Action Personnalisé pour un Nouveau Départ: Personalized Action Plan for a New Start)	1999	- Youth under 25 entering their sixth month of unemployment or having more than 12 months of unemployment -Long-term unemployed (12/ more than 24 months) -Minimum income recipients	Every six months	No	No
PAP (Projet d'Action Personnalisé: Personalized Action Plan)	2001	All jobseekers, compensated or not, from 1, 2,3 categories	Every six months	No	Yes
SMP (Suivi mensuel personnalisé: Monthly monitoring custom)	2006	All jobseekers, compensated or not, from 1, 2,3 categories	Every month	Yes	Yes

The term "personalization" is used by the public employment service with a positive connotation to put personal requests of the user at the heart of the organization, in a movement of "modernization by the user" (Weller, 1999). The government in the 90s initiated this movement, and it put an end to the traditional distance maintained with the public. In this paper, we use the term individualization to describe a public employment policy, which takes into account the regular monitoring of a single individual, an adaptation of certain individual characteristics, and the fact that the unemployed have a partner identified as their single referent.

The launch of the Personal Action Plan for a New Start (PAP-Nouveau Départ) in 1999 coincided with the third progress contract with the State and it marks a redefinition of means and objectives assigned by the State to ANPE (Charlier, 2002). In 2001, the PAP (Personal

Action Plan) created a personalized monitoring every six months for all the unemployed, whether or not they received compensation.

This is the first time in the history of the national Agency that a monitoring of each job seeker by an employment referent counselor, guarantor of the mobilization of support tools to investment, had been established on a monthly basis. The monthly monitoring begins in the fourth month of unemployment for the majority of job seekers monitored by the agency, whether looking for a permanent contract, term contract or seasonal.

Moreover, individualization is based on the statistical profiling of the job seekers. The "calculation of unemployment risk statistics" allows pre-positioning of the unemployed on a course based on their risk of long-term unemployment and the "employment component", depending on whether the unemployed person is searching for a trade that is considered "under pressure"<sup>4</sup>. The profiling development is part of an acceleration of the overall process, by early diagnosis, and by creating a category of unemployed persons whose statistical profiling indicates that they should find a job quickly.

Created in 2006, the Monthly Monitoring Custom seems to be linked to the European Employment Strategy (Barbier, 2006): in 2005, the European Commission presented the Integrated Guidelines for Growth and Jobs for 2005-2008, which advocated that to "*ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive, through (...) continual review of the incentives and disincentives resulting from the tax and benefit systems, including the management and conditionality of benefits and a significant reduction of high marginal effective tax rates, notably for those with low incomes, whilst ensuring adequate levels of social protection* ».

In this respect, the individualization, based on standardized profiles, reflects the aim of accelerating the process inputs and outputs, and gives a more important control to the counselors over the job seekers thanks to a better knowledge of their personal cases.

## **B- New social contract: tightening of the rules regarding the control of the job seekers**

The concept of a state-managed control of the job seekers is not new; it even seems inseparable from public service offering (Tuschszirer, 1999). However, the establishment of Monitoring Monthly Custom (SMP) in 2006 with the ANPE, which restores the physical signing in (repealed in 1982) and intensifies monitoring (every six months versus every month) is

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<sup>4</sup> Trades for which the number of supplies exceeds the number of demands. They are mainly the construction sector, hotels and catering, transport, process industry, sale, cleaning activities, personal services.

concomitant with the reinforcement of investigative and sanctions against unemployed considered inactive in their research (Lavitry, 2009). This new paradigm associated with the individualization significantly modifies the position of the employment public service. It makes the institution change from "Gifting" or "contract" (Benarrosh, 2006) towards a sharper activation {"*There is an element of control in the Monthly Monitoring Custom*" (Advisor, 28, 3 years of seniority at the ANPE) / "*We tightened the speech with the job seeker, it works by actions, it verifies what has been done from one month to another.*" (Counselor, 35, 3 years of seniority at the ANPE)}

Under the law of Social Cohesion (January 2005), sections of the Labour Code relating to the monitoring of job search are modified in the direction of consolidating job search criteria: it is added the notion of "positive acts and repeated," and of "a genuine and serious" action for job search (article L311-1). New grounds for cancellation made by the ANPE are created: the refusal of proposed contract learning, refusal of subsidized work, while the possibilities of geographical mobility is added.

The discretion becomes an important issue in the context of activation of the unemployed for three reasons: because since 2005, agents are directly responsible of the control of the job search, more the control is reinforced with the monthly system appointment by a single referent, and moreover, these activation notions rely mainly on the reading of the counselor about what is insufficient job search or reasonable employment offer {for instance: in setting the Reasonable Offer, it is also stated: "*it is during the interview or at follow-up of the offer with the employer, that the counselor may define an offer such as reasonable employment offer*" (internal instruction of November 7, 2008) }.

These activation policies rely heavily on professional practices of advisors in face-to-face interviews especially with unemployed people receiving benefits. The increased monitoring made by Monthly Monitoring Custom, covering both the frequency of pointing and control of the job seekers<sup>5</sup> with a wider range of penalties, gives greater power to the counselors. Indeed, their administrative decision can be the starting point for an automatic suspension of compensation for the unemployed beneficiaries of the ARE (Allowance for Return to job) or ASS (Specific solidarity allowance), which is new: before the implementation of the Monthly Monitoring Custom, that was not automatic. Missing an appointment for an interview at the ANPE, since the decree of August 2, 2005, has meant a higher category of

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<sup>5</sup> With the introduction of the SMP, the frequency of pointing and control in France is lower than that of the United Kingdom (every two weeks) and Denmark (no weekly physical score) but higher than Germany where the frequency of inspections is six times per year on average (in E. Besson, towards employment, the examples of Germany, Denmark and the United Kingdom, Report submitted to the Prime Minister, Paris, La Documentation Française, July 2008, 40 p.)

punishment: it causes a cancellation of the allowance for a period of two months, and for beneficiaries of unemployment insurance, a suspension of full payment of the allowance which can last up to two months.

Since the decree of August 2, 2005, supplemented by a circular dated from September 5th 2005, inadequate search of employment or denial of employment has brought about a striking off of the recipient by the ANPE for fifteen days to six months, and for beneficiaries of the ARE, a suspension of 20% of the allowance for a period of two to six months.

### **C- The working patterns evolution**

Individualization is concomitant with a series of organizational changes: a change in the division of labour, the arrival of new software packages devoted to standardizing working practices of maintenance, and an increased internal control are part of important changes in work organization.

New tools have emerged to "accompany" the trend towards an individualization of treatment. The introduction of new tools (Enterprise statistics on the labour market, guide to best practices, new software for jobs tracking), facilitates the monitoring of the job search, and the promulgation of the Employment Reasonable Offer Act: all these elements increase the right of counselors to have a more coercive behaviour with the unemployed and to encourage them to "*adapt the project of the unemployed to the requirements of the labour market*" (from the ANPE guide for the new recruits in 2005).

A new tool aims to make the practice of counselors more homogeneous: this tool is the guide for Good Practice of Placement Practices, created in February 2008. Regarding the search profile of job seekers, two features are mentioned: Agency services ("*I check with the jobseeker that he has understood and integrated the services that will bring the Agency to help him to get a job*") and new standards for obligations of applicants for employment (*I check with the jobseeker he has understood and integrated the requirements for an active, practical and justified search for employment*). In the conversation with the job seeker, the issues of wage and mobility are of particular importance: these two points have to be registered in the report of the interview. In the part "*I confronted the job seeker with the market, it is stated " if we agree that he is unlikely to find a job in the trade which he wants to work in, we explore other opportunities "*".

This is a strict application of the activation, to reorient the unemployed towards occupations under pressure, but that contradicts another aspect of the Act of August 1<sup>st</sup> 2008 on the rights



and obligations of the unemployed, which states that the employment draft developed by the consultant must take into account "*the formation of an applicant for employment, qualifications, knowledge and skills acquired during his career, his personal and family circumstances and the situation of local labour market*". It is recommended, through this software, to define two types of projects: a device that will enable to return to more rapid employment, and a device allowing a medium or long-term project. It is particularly recommended to broaden the search, geographically or in relation to other trades, "*if we can't find any available offer*".

Another tool was also created in 2008: the package "My job market", which focuses specifically on the first phase of the interview, that is to say, trading on the applicant's profile, which determines his acceptance of an offer. This tool contains the statistics of the national employment agency (vacancies and job applications) and its partners (data on the number of employees and recruitment) to get a picture of recruiting businesses: geographical areas where certain sectors of activity are more represented, or industries that hire more than others. The tool includes pre-formatted files that can be given to applicants for employment with or without the counselor' comments.

Comparing the job seeker's profile that a picture deemed "objective" of a sector's situation, "My job market" is a lever in the negotiations for the acceptance of an offer, aimed at facilitating geographical mobility or to evaluate "realistic" professional project. Faced with the "market reality", the job seeker may have to revise his salary expectations, to increase his geographic mobility or to consider a move or a career move towards related trades. "My job market" appears to be an operational provision of the new activation aimed to regulate the reasonable employment offer.

Moreover, the division of labour as modified by a greater division of tasks gives rise to a chain effect: new organizations of work are related to the establishment of platforms (phone platforms which externalize services to jobseekers, phone platforms of offers for in-house employers) in which advisers lose part of their autonomy; in spite of this they are relieved from some administrative tasks. There is also a greater automation of certain tasks (as far as the control of the job search is concerned: the absence at the professional interviews are handled automatically), and the beginnings of a separation between front and back office to merged sites dedicated to compensation or placement. Furthermore, activity indicators are now related to individual portfolios: the charge indicator (number of jobseekers in the portfolio), measures of time for receipt of job seekers, and the internal control of fault indicators are increasing. Finally, mainly consultants experience the merger in January 2009 between the institutions and

mutual benefit as a tool for increased rationalization, because it introduces more levels of internal control and less flexibility in practices.

There is also a shortening of the average time of interview (in the previous provisions of PAP, the interviews lasted 30 to 45 minutes, whereas under the SMP, they last 15 to 20 minutes), a management more focused on quantitative targets, a reduction in funds for training and incentives to subcontract with agencies authorized by the ANPE (training centres, associations) for unemployed who do not present a direct employability.

The overall finding is that the speeding up of the process and the shortening of it offered benefits to bring down the barriers to access to employment: *"At PAP, we saw them every six months, you had time to say: 'I give you six months, I'll leave you the possibility to solve this and that, in six months, we'll meet again, you should consider this type of service '. Now it's over,"* says a female counselor, 32 years, and 5 years of seniority at the ANPE. For another, male counselor, 42 years, 7 years of seniority at the ANPE, *"Before, the accompaniment benefits employment, with group or individual could have been managed by counselors in our agency. Now we can no longer do it. It is increasingly outsourced, and that seems problematic to me. You're not responsible for the whole mission. "*

## **2- Professional ethos of counselors: from the negotiation paradigm to activation**

### **A- Counselors “practitioners of negotiation”**

As a professional ethos, means a system of values, norms which act as a set of dispositions acquired through experience, that shape social practices in a given professional community, in reference to the definition of Max Weber in *The Protestant Ethic and the Spirit of Capitalism*. We hypothesize that activation of standards and streamlining combined, contributes to a shift of the professional ethos of consultants. It emphasises competitive modes of regulation and legitimating of the trade.

Characterized by its institutional mission of regulator of the labour market, and by its regulatory and administrative component, the job of adviser to employment can also be related to the field of social intervention (Maurel, 1998) by the type of socio-clinical support that it implements, based on listening, counseling and monitoring. Another feature related to social action is its strong relational component, in contact with a predominantly low-skilled population: 57% of registered unemployed between 2002 and 2004 during the implementation

of PAP (Project Custom Action) had a Grade IV and V (primary and professional certificate), 18% were higher education graduates.

There is a structuring of the professional ethos of advisers around a major axis: the pursuit of a position of mediator, a displayed principle of equality, continuity and neutrality in treatment between the unemployed and employers: *"I'm all for parity of treatment. I think we should also be there to alert employers to tell them: now you're paying the minimum wage, but maybe if you give more to your employees, even if the situation is difficult, you would win loyalty of your employees... We often try to fight against low wages"* (Female Advisor, 33 years, level master degree, 3 years of seniority, 2 sanctions / year)

This "ideal model", characterizing the "dignity of work" (Hughes, 1996) is primarily a commonly shared stereotype. It masks the unbalanced nature of relationships with employers that they should retain, and jobseekers with whom advisers appear in a strong position. However, this stereotype reflects the tension resulting from the position as an intermediary, to find a balance between claims of equal treatment supply/demand, a transformative mediation beside to the poorest populations, and the fact of satisfying the employers offers, leading to a selection of the most employable.

It's in the "practice model", the daily routine, where interferes hierarchy of labour between the social control of noble tasks (the treatment of employers) and the relegation of demeaning tasks ("flow" reception, mixing all tasks), but also a choice of roles: closer to technician posture, to business logic, or closer to a socializing logic.

This model is shaped by another feature of the activity of employment consultants: operational autonomy, which allows the choice of roles and positions both with applicants and employers. This autonomy feeling is an important part of professional identity of advisers for the most highly educated, overqualified compared to the required level of an employment counsellor: 27% of advisors interviewed have a level of 2 years' higher education, 25% have 4 years, 19% 4 years, while 6% have only the higher grade.

Because of the priority given to seeking employment, the professional ethos of employment consultants is also built on opposition to the "social professions": the opposite archetype is the profession of social worker, even if we found in the speeches of many advisers, the same dialectical of balance between social and clinical standards and socio-technical standards: *"We're not social workers, that's really what we taught, we are not there to "carry" people. However, we are still there to listen. The social dimension is into what we call the distance from employment. We define trajectories, taking into account personal problems into our requirements"*. (Female Advisor, 39, Master of trade, 10 sanctions / year).

Beyond this opposition to the social professions, there is the need to maintain professional distance with the received unemployed, does not "give in to the kind feeling"; otherwise it would jeopardize the educational relationship with the employment applicant, the recovery effort towards employment.

Another stereotype of the professional ethos of consultants is the deficit of social legitimacy. It comes from an image of powerlessness to combat mass unemployment and from educational relationship (in terms of knowledge to pass on the labour market, its rules) between advisor and unemployed, which leads to feeling of isolation, fairly close to the police profession (Monjardet, 1994), which whom some advisers identify themselves: "*To the outside ...for job seekers, etc., we have image of the wicked in general ... not for everyone ... but they do not have a favourable opinion about us. In order, I think it was the policemen and then the ANPE agents, who were the most unpopular...!*"(Male Counselor, 39, Master of urbanism, 7 years of seniority, 50 sanctions / year). "*It's true that this is not a rewarding job in the sense that it is not well recognized and when we succeed in placing someone, in the idea of the job seeker, it's so normal, we're just doing our job*"(Advisor, 31, certificate of executive secretary, 3 years of seniority, 10 sanctions / year)

The coercive or educational relationship between counselors and unemployed is linked to a central element of the profession of employment consultants: negotiating with unemployed on the acceptance of job offers that they collected from employers.

In this face-to-face, occurs a relationship of authority based on expertise (knowledge of offers and employers by the advisors) and the establishment of a moral implicit contract (the need for willingness on the part of the unemployed to seek for job). It results a pervasive stereotype in the speeches of counselors, which is the fact for them to represent "the market pressures" acting as a reality principle on the unemployed who are supposed to live in the "dream", the "phantasm" of an "non-realistic" career plan, to whom it is necessary to "bring down to earth": "*People still think that job will fall from the sky as with gambling, just playing the lottery, and one day I will win. It's the same for job seeking: I am looking for work, one day someone will come knocking at my door, and propose me something. But it's not like that in real life, you know. So they are often flabbergasted when we tell them it takes at least eight business contacts by week, the minimum to get something. Incredible! They come here, they are happy, they responded to two offers in a month!*" (Female Consultant, 39, Master of sale, 3 years of seniority, 50 sanctions / year)

Thus, whether to assist and advise the unemployed of "goodwill", active in his research, to "energize" the discouraged unemployed, to inform the dreamer unemployed on the reality of

market employment, to "boost" or even "shake" the inactive unemployed, the underlying paradigm of these different postures is the negotiation, summarized by a professional expression: "get accession of the unemployed", which defines the advisers as practitioners of negotiation.

But the negotiating dimension mainly concerns, in actual fact, the unemployed, and contributes to build the judgments on employability, negotiate or redefine identities (Demazière, 1992) in the course of a discursive activity mostly based on the declarative content, failing to respond to employment demands in a context of mass unemployment.

Of the various aspects of structuring professional ethos of consultants, activation standards reveal the internal debates on major issues of their activity.

The individualization of the portfolios of applicants complicates the exercise of a posture of negotiation in the context of a long-term monitoring of the job seeker: the discourse that was possible at the moment of a single interaction is less easy under mandatory monthly appointments.

On the other hand, the introduction of the activation disrupts a professional ethos marked by a model of labour market regulation, in the role historically vested in the ANPE. It leads to a shift towards a clearer entrepreneurial model, and leaves less room for diversity of roles.

The possibility of sanction from a detailed knowing of the situation of a person followed over several months makes that it's more difficult to abide the ideal model of a distance between employers and jobseekers, especially as activation is turned to the unemployed who receive compensation. The closer relationship with the unemployed has oriented towards a more efficient control of job seeking behaviour, and has incited to act on the activation variables: wage cut, geographical or professional mobility.

Activation moves the professional ethos towards another debate: the shift from insurance (a principle based on equality of treatment) towards a principle of individual accountability, particularly for unemployment benefits (in AER allowance return to employment, or SSA, Specific Solidarity Allowance).

Beyond the fact to embody, as they did before, the reality of the labour market and its constraints face to an undifferentiated population of beneficiaries of unemployment benefits or not, officers must now assume, in the context of individual monitoring, the possibility of suspension of an automatic benefit, henceforth subject to their own assessment of attitudes and job search behaviour. Therefore, the moral implicit contract that binds the advisers to unemployed (help for job search for unemployed of good will) becomes legal injunction. This change in posture creates another potential form of conflict with the unemployed: the insurance

component of unemployment is called into question in favour of moralist interpretations, which shift the boundaries of the categories of justice and injustice.

### **B- Different types of « customers »**

Like the "ideal client" in the service professions (Goffman, 1968), the professional socialization of advisors is built on the mourning of "ideal" applicant which would have no "brake" (experience, age, abundant supply sector) and be completely autonomous, unemployed who do not "stick" in the portfolios:

*"What is frustrating is that the best applicants, you never see them ... we make the registration and then three months later, when we contact them, they have already had contact with their relations... So it's hard to go after companies: you tell them, hey, I have great profiles, but the guy says: I already started in a place..."* (Male Advisor, 29, Master of sport, 2 years of seniority, 3 sanctions / year)

The right customer, an unemployed "deserving" is one who adapts to the organizational constraints of the institution, who accepts the rules of the game and the relationship of authority, who accepts the help, and who is agree with the professional help for job seeking. Conversely, wrong customer is someone who calls into question the authority or expertise of the adviser, or someone who depends entirely on the institution, highlighting the powerlessness of the institution. The typical profile of an unemployed "deserving" is low-skilled applicant, but voluntary in his efforts, ready to geographical and occupational mobility, therefore could be able to be placed into a job more quickly: *"There is a guy in my portfolio, he's construction equipment operator, but he has found a job as a dog handler... and I saw him yesterday, he made me die of laughter ... He bought up a dog to get the job! This guy, I know he wants to work, he will not stand idly by ... you see? ... So, this type of people, you want to work with them"* (Female Advisor, 33, Master of Physics, 7 years of seniority, 2 sanctions/ year)

There is another part of customers, the "impossible-to-place", who have several problems on which employment counselors have little control: alcohol abuse, unrecognized disability (health problems, psychological), homeless. *"I have a gentleman who is depressed, the first time I received him, he told me he has made several suicide attempts, he lacks a lung ... and there I saw him, last month, he tells me he has nodules on the other lung ... This gentleman is minimum income recipient, etc. ... what do I do? Should I impose him sanction and he has no more revenue? This is not possible. So it's been three years that I follow him. That's some example ... The language ... when there is no possibility of conversion ... mobility, driving*

*license... according to the trade, eh ... it's dramatic. The disability ... Also some have strong family problems ... Here I have one who is being treated for hepatitis C, he can work but only half-time, he works in construction but it's still tricky to find a job at halftime, he had found at some moment ... he is very, very exhausted by his treatment: what do I do? It's tricky, so I'm dragging these people, in quotation marks” (Female Counselor, 35, Master of psychology, 13 years seniority, no sanction / year).*

It is significant that the terms that designate the “impossible-to-place” people do not refer, in common language of advisers, to categories of poverty, precariousness and misery commonly used in the vocabulary of social work. This definition of legitimate public describes their specific use of creating distance. They assess the singular cases of the individuals of their portfolios in terms employability categorization ("employment distance") to fit to the labour market. In the professional vocabulary, the unemployed are also often nominated by their administrative categorization, referring to the numbering of the Directory of Trades and Operational jobs from which employers offers are recorded, or more recently, by their categories of compensation, which reflects the shift towards the activation criteria.

Another example of this distancing and clinical categorization, concerns low-skilled occupations, not possibly codified in administrative terms of skills, which are called "trash", designating a weak transverse category, where are relegated job seekers who do have no specific qualifications, such as employees in grocery, or in cleaning activities.

### **3-The activation implementation: some reasons for counselors' and clients' reluctance**

Because of the personalization of the service and the generalization of the Monthly Monitoring Custom for all types of clients (including minima income recipients), counselors are increasingly confronted with the social problems of the unemployed, but they can less and less take them into account. They must oppose this with a placement expertise. This is not suited to a public "*far from the job market*", who constitutes a significant part of their cases, despite the introduction of profiling to enable selection of the more employable unemployed.

The Monthly Monitoring Custom has increased the tension between organizational and professional standards (Boussard, 2005) and control has, in some sense, impregnated the counselors' practices. In particular, the increased control tools and the regularity of the appointments lead counselors to integrate into their discourse some suspicion over assumptions of illegal employment, or at least greater severity against jobseekers who do not actively seek a job. Personalization increases the mental burden in the confrontation with people who are

difficult to place, but also to all those who do not fit into the standards of job seeking: on 21 counselors citing percentages, 10 out of 17 believe 30% the proportion of impossible-to-place in their portfolios, and 20 counselors out of 22 estimate of 10-50% the proportion of unemployed who will “stick much time” in their portfolios. We can refer to the professional act of labelling described by Howard Becker (1985): individuals, who not meet the standards of employability in activation period, are likely to be labelled as impossible-to-place. This qualification of unemployability is joining the statistical profiling standards. Most counselors internalize the acceleration process: “*today, a job seeker who says he wants to do a training that lasts more than six months, that makes me nervous, especially if it is not an ‘under pressure’ profession*” says a female counselor, 40 years, 4 years of seniority. In the same way, the unemployed who are applicants for a competitive exam have an obligation to “*search for another track pending*”. Although counselors are not directly assessed on these criteria, the “return quickly to work” standard predominates.

Moreover, even if they do not justify the type of prescribed benefits they chose, counselors are required to integrate the job seeker in a series of corrective actions: an unemployed person who seeks a job in a profession for which there are only few offers but who doesn't have social problems is, to this respect, considered as a difficult case to treat.

Thus, we can note a gradual shift in perceptions about the legitimacy of the cancellation practice: at the beginning of the Monthly Monitoring Custom implementation, only one of the 16 surveyed counselors reported having requested a penalty for refusal of employment or lack of job search. Four years later, among 66 counselors interviewed in 7 agencies, 54% of advisors reported having been the cause of between 1 to 5 one-year cancellations, while 18% initiated 6 to 10 cancellations and 7% 11 to 20 cancellations, but 13% reported no cancellation.

However, we can see a majority of sanctions that are between one to ten sanctions reported in a year, by 66 consultants interviewed, despite a range of sanctions between none to 50 sanctions in a year. This result is quite close to observations of appointments that we could do: we've never seen direct sanctions on the 250 appointments observed. An interesting point is that there are significant differences in posture, regardless of the local operating process, whether by systematic recourse to opinion of the hierarchy, or if it is more based on the autonomy of advisers.

The crisis effect can also explain a majority between 1 to ten sanctions: with unemployment rate of more than 10% for the Paca region, offers in significant reduction (less than 18% in 2008-2009), and portfolios that reach, according to the agencies, 130-150 unemployed by counsellor, the application of activation standards becomes mechanically weaker: it is more



difficult to prove the refusal of offers from employers or inadequate research because there are many applicants for each offer. Moreover, there are an important number of unemployed who are positioning themselves on related activities or low-wage work.

#### **A- Implementation difficulties of control rules and survival strategies**

However, insofar as they keep autonomy to conduct interviews and to determine the steps the unemployed have to undertake (Gélot, Nivolle, 2000), the evaluation of their activities remains essentially quantitative (performance indicators on jobseekers received on time, number of tenders offered, and number of benefits prescribed to job seekers). The rationalization of the interviews remains relative because it is accompanied by survival strategies.

With respect to the control of the job search, the characterization of median or progressive employability, the emphasis on job seeking behavior more than on real acts of research, are used by counselors to adjust their practices, and to keep themselves away from standards set by the institution. Thus, while observing an interview situation, none of the counselors asked for job seeking evidence: *"Anyway, most of our activity is based on the declarative mode, and when someone tries to cheat, I realize it and I try to dig deeper"* says a female counselor (32 years, 1 year of seniority) questioned about her lack of evidence demand. The Reasonable Job Offer, which officially came into force in August 2008 and was clarified by a circular in November 2008, is not applied literally, but rather used in cases when the counselor has doubts about the reality and seriousness of the research. Moreover, its application raises suspicion: *"You have to be very careful with what you register in the profile, which doesn't always happen for the moment. If I do what jobseekers ask for, most are willing to accept any job. You'll have to make them understand the stake for them"* according to a female counselor, 32 years, 3 years of seniority at the ANPE.

Several factors account for these results: first the counselor's activity, which is defined as an intangible service relationship, and which is characterized, more than any other, by a gap between prescribed work and performed work. Counselors in face-to-face situations are constantly asked to make tradeoffs between managerial guidelines, specificity of the recipient's demand embodied by his physical presence and his subjectivity, and their own representation of their mission. Moreover, in a regular relationship, it can be more difficult to launch an action against jobseekers who are inactive in their research, either because the counselors may be afraid of aggressiveness in case of a bad relationship, or because they ultimately feel sympathy for their clients.

The reluctance of the majority of counselors to implement the control and penalty policy can also be accounted for by the employment counselors' values for help and guidance ("*During the initial training, we are told that it is preferable to obtain the agreement of the job seeker, otherwise it is doomed to fail*" says one female consultant). The register of help and support is reinforced by the expected social role of an activity carried out mainly by women, who accounted for 75% of the workforce in 2006.

Rather than a cancellation for refusal of offers or the lack of job search, most counselors prefer more neutral strategies, avoiding a challenge in direct face-to-face with the unemployed: for instance, strategies of attrition (sending many offers to generate automatic cancellations for unexcused absences to appointments) or relegation (sending to prescribed benefits which translates into a refusal to participate for training if the person doesn't come to the appointment).

The practical adaptations also concern the standards related to monitoring of the unemployed: instead of a monthly physical appointment, counselors interview them by phone and they make so called "regulation interviews" with job seekers considered as sufficiently active in their research or who have mobility problems, which prevents the automatic sending of a warning. They also modulate the duration of interviews basing them on the number of people and the different nature of the problems. These series of adjustments show the aim of reintegrating the relational dimension, considered as 'good task' (Hughes, 1996) that gives to this occupation a social legitimacy, which it lacks as regards the efficiency for placement.

### **B-The different views of their mandate according to the counselors**

Beyond the restrictions and survival strategies observed in most of the advisers' work practice, however, differences persist in how to interpret the standards of the Monthly Monitoring Custom: the individualized treatment also depends on the view that each adviser has of his mandate (Hughes, 1996).

#### **Typology of practices and postures in activation norms**

	<b>Socio-clinical orientation</b> Guidance for unemployed		<b>Technician and entrepreneurial orientation</b> Satisfy job offers	
<b>Type</b>	« <b>Protesting</b> »	« <b>Social</b> »	« <b>Commercial</b> »	« <b>Legalistic</b> »
<b>Type of relationship</b>	Negotiation	Incitement	Incitation Pressure	Pressure
<b>Number of declared</b>	None ( <i>9 counselors</i> )	1 to 5 ( <i>36 counselors</i> )	6 to 10 ( <i>12 counselors</i> )	11 to 20 and more ( <i>9 counselors</i> )

<b>sanctions/1 year</b>				
<b>Plea treatment after appointment absence</b>	Very frequent taking account of personal reasons	Frequent taking account of personal reasons	Infrequent taking account of personal reasons	Evidence request
<b>Dominant type of sanction</b>	None	-denial of benefits -Warning before sanction -Mandatory invitation to 8 days	-denial of benefits -Warning before sanction -Mandatory invitation to 8 days -Denial of offers	-denial of benefits -Warning before sanction -Mandatory invitation to 8 days -Denial of offers -Insufficient job search
<b>Activation practices</b> (mobility, mileage, salary request)	Low	Medium low	Medium strong	Strong
<b>Time given to a professional project</b>	It depends of the project	6 months	3-6 months adaptation to institutional standards	1-3 months (duration of statistical profiling))
<b>Relationship with “impossible-to-place”</b>	They must be followed up by Pôle emploi, without activation practices	They must be followed up by Pôle emploi, in their interest	They shouldn't be followed up by Pôle emploi, in Pôle Emploi interest	They must be followed up by Pôle emploi, with the same activation practices as others categories
<b>Relationship with employers</b>	Logic of social justice Rebalancing market	Informational logic Little weight action	Expertise logic Added value action	Commercial logic Market adjustment
<b>Reasonable employment offer (ORE)</b>	Depending on jobseeker criteria	Depending on counsellor and jobseeker criteria	Depending on counsellor and job market criteria	Depending on job market criteria

We could identify 4 types of postures that are structured around an axis between 2 orientations. There is a strong difference in the discourses and practices of activation between orientations closed to social-clinic standards, which place more emphasis on the relational aspect of the business, and a greater proximity with entrepreneurial orientation, which emphasize the functional aspect, and puts the centre of activity in the satisfaction offers. The two orientations do not assign the same place to the institution: the socio-clinical try to adapt the tools and requirements to the unemployed, while the technicians' work is more in keeping with the requirements of the institution.

The socio-clinical orientation wants to try to reduce the asymmetrical dimension of the relationship between the unemployed and the institution by using the resources of contractual negotiation. The group puts more emphasis on the relational component of its occupation, mutual understanding through which runs a range of emotions. The relational component is posited as a prerequisite for agreement of the unemployed to a job search .

By contrast, the technician orientation makes few changes in the relationship with the unemployed, and the ways of characterizing the unemployed are primarily based on the

standards of the institution. The group of the 'technicians' stresses more readily the functional component of their business, focusing on quantitative targets (number of positions, speed of placement, human resources and financial resources to service approximation and positioning).

The orientation that is described as socio-clinical, which deemed central activity is to support job seekers, is influencing a type of relationship marked by negotiation or encouragement. In this orientation, two types of profiles were identified: the profile rather "protesting", in opposition to the new institutional norms, or profile rather "social", attempting to reconcile the activation standards and trade standards.

The orientation that is described as technician, entrepreneurial, emphasizes entrepreneurial activity in order to the filling of vacancies. It's also divided into two profiles of advisers: "commercial" profile, which uses the activation standards since they can help to meet the standards of quantitative performance indicators, and the profile "legalistic", sharing the objectives of the other profile but that would be in the application of equitable justice, , rather rooted in the application of equal justice.

The four profiles that we have identified overlap in part with the logic of employment intermediation (the logic of social justice, informational, expert, commercial) observed among advisers in managing job offers (Demazière, 2000).

The "protesting" profile, which is minority, legitimates the non-recourse to sanction by virtue of the activity of helping work-search and free will of the unemployed that they follow: *"I'm not mad, huh, I say: if people don't want to work ... it bothers me not. Everyone chooses his way of life. Work is a social and pecuniary satisfaction, but if people can just earn a living with 5 or 600 euros per month, if it is enough for them and then they have no desire to work ... I'm not there to force them. I think it's unhealthy, when you put pressure on someone; it is not a relationship of trust. I didn't become counsellor in the Agency for that, eh ... and I will not. For me, the civil disobedience: there is no problem, eh ..."* (Advisor, 34, Master of psychology, 9 years of seniority, no penalty / year)

The social profile highlights the ethical considerations related to employment and the interests of balance with socio-clinical standards: *"It's maybe a luxury, but I try to help people achieve their personal goals, not mine ... or that of the Establishment. I have an autonomy that is helping me to do that ... anyway they can not control everything. I would say that there may be situations where if the person succeeds in realizing his own project, that's good"*. (Female Counselor, 37, Master of psychology, 15 years seniority, 4 sanctions / year)

Another technique commonly used by the social profile because it avoids sanctions, is the strategy of attrition: *"When I want to admonish a person, I shall call him... and if he is not*

*motivated, at some point, he will not come and he is disbarred, and I will not catch him up, unless he has proof. Sanctioning is an administrative procedure rather cumbersome, and finally there are simpler, I mean, doing like I do..."*(Female Advisor, 28, Master of trade, 3 years of seniority, a radiation / year)

The business profile puts more emphasis on incentives and pressure, and legitimates the use of the penalty compared to the satisfaction of offers: *"I personally give the benefit of the doubt. But if I realize that if the person refuses, or make false statements, I am armed to sanction when it seems legitimate. I had a case of a baker who wanted a salary not less than € 2000, so of course there was no offer"* (Male counselor, 29, Master of management, 3 years of seniority, 5 penalties / year)

The "legalistic" profile legitimates the use of penalty by an affirmative controlling position, since the control is applied to everybody: *"I have always done warnings or sanction because people refused offers, since 1993, one month after my recruitment. It is the law. We we're there to enforce the law, not to discuss it. But I try to find a compromise with the person, if it is not mobile, it must broaden his professional fields. Initially I can negotiate with the person, but I present things clearly: "If you refuse to be mobile, whatever reason, I refuse to make your registration". But if the person declares to be mobile the whole of France, this would not be legitimate for me to refuse"*. (Female advisor, 52, Master of Psychology, 17 years of seniority, 50 sanctions / year)

These different patterns in understanding the relationship to the institution are built in previous trajectories and the original career choice:

*"Controller for me it was not my job. When I passed the contest, I didn't want to do control, I wanted to be in a relationship of intermediation, and not to control people."* (Female Counselor, 35, Master of Sociology, 13 years seniority, no sanction/year)

*"I have chosen ANPE because it is an institution that has power; it is an institution that represents the law. You see, finally, I find myself well in this institution, I agree with it"* (Female Counselor, 48, master of management, 13 sanctions/year)

Some advisers make an apparent link between the activation standards and their career projection: *"From the moment that today I can't progress more ... I mean, I'll never be referent counselor, so I think that the institution pays me to do a job, I do it, but I will not begin to play the fascist, or "little bureaucrat".*(Advisor, 35, Master of accounting, 11 years seniority, 15 sanctions/ year)

The discussion relates to the "impossible-to-place" people, who have only one "brake" without accumulating several major social difficulties: long-term unemployed, compensated by the regime of solidarity or the dole, illegal worker, mothers face problems childcare.

The advisors who defend a socio-clinical orientation are calling into question the legitimacy of sanctions against them: *"The Specific solidarity Allowance is also a social minimum, and there if you pronounce a sanction against someone like that, well, there will be a suspension of his rights. A social minimum, normally it should not be conditioned by anything, it is a right. Here in this moment I have a case that perplexes me. Someone who is not a jobseeker, obviously he doesn't seek, if I do a sanction for inadequate search, I know that his SSA will be suspended. There is an ethical problem in this situation"*. (Female Counselor, 29, Master of Political Science, 3 years of seniority, a sanction / year)

Conversely, for advisers "legalistic" the principle of equal punishment should apply whatever the circumstances: *"Someone said to me: 'no, no, I'm independent in my job search'. This man is a specific solidarity allowance recipient since three years. I'm going to say 'stop, goodbye sir', we can no longer continue like this ... You must be logical ... no SSA for six months, it can hurt, it can be efficient"* (Adviser, 39, Master of Planning, 7 years of seniority, 50 sanctions / year)

We find a similar debate about unemployed people who are deemed not active while they are seeking jobs in sectors where there's a resumption of offers. Some advisors prefer incentive policies: *"I keep an eye on this kind of people, so I give them a logbook at the first interview when I feel he diddles a bit, and I ask him to note every company contact until the next appointment.... Sometimes I make them contact the employers by phone in my presence. And sometimes there is a contract that appears miraculously...."* (Female counselor, 28, Master of trade, 3 years of seniority, a radiation/year).

Others prefer sanctions policies: *"In my carriage sector, heavy truck drivers are kings on the job market ... They can find as they want because there is a shortage, in fact, on that trade. So these people, if in two months they have not found a job I know that it's because they don't want to work. So a cat and mouse play begins (...) I give a deadline and if at the end of this period nothing has changed, they actually receive a sanction letter telling: 'You have fifteen days to justify your refusal of offer with the agency director'"* (Counselor, 29, License of Trade, 4 years of seniority, 30 sanctions / year)

Another example of differentiation in treatment practices appears for unemployed persons suspected of undeclared work (failure to declare return to work or moonlighting), that advisers are required to report. Two types of strategies appear: understanding and tolerance

pending a resumption of formal employment: *"I've always preferred to see the person, and to try to talk. The people who have debts can say it bluntly: I can work but not more than two weeks or three weeks a month. You must fit to people ... You can offer fifty permanent contracts to someone, if he knows that his debts won't allow him to earn more than the minimum wage every month, you can't do anything..."* (Male counselor, 46, professional certificate, 26 years seniority, 5 sanctions / year).

Or the attrition strategy to push the suspected unemployed to give up registration: *"I played with the unexcused absences to appointments with someone to whom I suspected he was doing illegal work. I have sent invitation letter of mandatory appointment to eight days, the legal rule...And he didn't come. I couldn't prove anything, huh, so I used this ploy"* (Counselor, 29, Master of Economy, 3 years of age, 3 radiation / year)

The positions also differ on the evaluation criteria of activation: the level of salary expectations to be recorded in unemployed record, or durations that are relevant in the case of reorientation professional, which can vary, depending on counselors, of two months to one year.

We also observed that the profiles "social" and "commercial" are more likely to favour sanctions considered "neutral" and less front-end that the refusal of bids or the lack of job search, like the refusal of being sent to a subcontract operator: some unemployed people suspected of inactivity in seeking employment are encouraged to accept accompaniments by providers. This technique can either get them to unregister themselves if they don't go to appointments, either to sanction for denial of benefits.

There is a crystallization of this debate about control between "protesting" and "legalistic" by critics that advisers address to each other. "Protesting" criticize the arbitrary nature of penalties or the lack of taking in account social aspect of the profession: *"How can we oblige someone to work, in conditions of geographical and occupational mobility that we have decided? ... Who are we, to say 'you do not search in a fairly active way? From the standpoint of morality, it bothers me that we, advisors, we can say to someone that what he does is right or wrong."* (Female Advisor, 33, Master of professional guidance, 3 years of seniority, a sanction / year)

"Legalistic" criticize the traditional bureaucratic relationship based on fear of face-to-face and emphasize a form of punishment in accordance with institutional standards: *"I consider it my job to diagnose the distance from employment, it is my job to propose actions to reduce that distance to employment, my job is to verify that these actions were carried out and if there is a real bad will ... I will try to bring this person in the job search. There are counselors who say*

*no, I do not impose anything, I do not control. But at some moment, you're paid to do certain things, if it doesn't suit you: you leave, you do not do this sort of work, or you do it elsewhere, in an association.* "(Female Advisor, 33, License of Sale, 3 years of seniority, 2 sanctions / year)

There are actually a combination of factors that will influence these different types of postures that combine professional socialization, relationship with career, but also the previous social and professional trajectories: it can be noted a former managerial orientation among counselors whose parents had a private practice. In contrast, counselors from a social background where public service professions are more represented seem more rooted in a vision of public employment service as a mediator in the job market.

Personal experiences of downgrading or unemployment are also important, as the former professional project. Employment public service is for most advisors a second choice or a choice by default: 40 advisors out of 66 had unsuccessful professional plans, 7 wanted to integrate state education, 6 wanted to be social workers and 2 wanted to be psychologists.

Moreover, the analysis of the number of cancellations by age reveals that those who cancel the least are 28-35 years, followed by 51-60 years, while the 36-40 years are the most numerous, followed by 41-50 years. These results could indicate a link between the cancellation practices and the career, in so far as a "moving portfolio" (with an important turn over) enables to get better statistical results, which can be more important in the midterm of a career.

### **C- Bureaucracy inadequacies, economic crisis and tension with public service mission**

The implementation of control is constrained by a lack of resources, a recurrent problem peculiar to bureaucratic occupations (Lipsky, 1980). The shortage of resources is one of the conditions which reduce the discretion of street-level bureaucrats: in our study, each counselor follows an average 150 job seekers, while the threshold was set at 80 by the national management. This limits the impact of real customization but also the impact of control.

Moreover, these changes occur in a context of economic recession and sharp increases in unemployment, leading to a great pressure, which is unusual in its intensity and duration compared with previous experiences: on September 3, 2009, the French unemployment rate was 9.1% of the workforce according to national statistics institute (National Institute of Statistics, INSEE), the strongest increase since the second half of 2006, bringing the number of registered Class A (unemployed deprived of any type of employment) to 2.5 million, an increase of 25.6% over one year. If we take into account job seekers with decreased activity



(Categories B and C), internships, training or illness (category D) and assisted contracts (Class E), more than 4 million people are registered in a job centre in 2009. The economic crisis takes place at the same time as the Reasonable Offer Law: on the one hand, the economic crisis weakens the definition of a suitable job, and also brings about the will to detect « false » unemployed jobseekers, but on the other hand, it makes the task of controlling them more difficult because there are few offers and many supplies, and employers can't remember each person they saw or heard in job interviews.

Control is materially complex to implement because the advisers don't have the material means to verify the reality of 'affirmative acts of seeking employment' with all employers. This defective operational side of the control injunction is also pointed out by most of the surveyed consultants: *"It's not easy to prove that the person does not search. He'll always say 'yes, I applied for this offer, but the employer didn't answer' ... That's it. So unless he misses an appointment, we'll have to build a case against him to prove that he doesn't want to accept prescribed benefits, or he doesn't want to be helped, or he refuses all we offer, thus, all of this requires a lot of stamina!"* says a female counselor, 28 years, 1 year of seniority.

In the face of this shortage of resources and in addition to the dramatic increase of the unemployed, counselors develop patterns of practice that enable them to reduce stress. For example, they try to select “employable” clients and to get rid of not employable people<sup>6</sup>: these groups are sent back to resorting to social devices, such as "Mobilization to Work", which seems to be a tool to protect an area of expertise: it is a way to "clean up the portfolios" to reduce the mental workload due to the unemployed assessed as not employable or not showing the signs of active research. This is also a professional stake: the counselors prefer to avoid keeping in their personal portfolio the persons to whom they have “nothing to offer”, because these cases generate bad statistical results in terms of rotation of inputs and outputs or deadlines for receipt. Another technique is the strategy of attrition, consistent both with the personalization and with the conception of the occupation which refuses cancellation: *"A person who tries to cheat, who tells me anything, I will convene him monthly to break him down, I'll try to wear him down in the end, since you cannot resist that way"* explains a female counselor, 32 years, 2 years of seniority at the ANPE.

An important point to understand the counselors' professional identity is the impossibility for them to get informed about their work results: they have no way to know the real placement rate of the unemployed whom they follow (as the output file is linked to un-subscription by the

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<sup>6</sup> The cases most often cited by the counselors interviewed for defining unemployable people are illiterate, unskilled, single mothers benefiting from minimum income that have problems of childcare, and generally, the low-skilled minimum recipients, those whose income would decrease if they accepted to take precarious jobs.

jobseeker, its reasons are not known except through specific surveys). Neither do the counselors have any real power on the behaviour of the unemployed, nor on offers, nor on the job market. It seems likely that the practice of mediation is so often doomed to a form of unfinished mission or a "magical" practice (Divay, 2001), and tension between socio-clinical standards and socio-technical. The culture of professional counselors therefore seems marked by the relative impotence of the status of market intermediaries, which could explain, inside a uniform framework, the differences between practices which consist in bureaucratic work and social roles adjustment (Dubois, 2003) to produce a form of "social judiciary" act (Weller, 2000).

The task of being an intermediary between the market and the unemployed is also defined by a sense of public service mission, embodied by the values of the French universalism of rights (equal treatment). Often found in the words of counselors the equal treatment between the supply and the demand, and even equity for the most vulnerable unemployed, especially when it comes to pass offers for "bad jobs", with deteriorated working conditions. Inducing the unemployed to accept job offers or professional and geographical mobility which they don't want, creates a tension, partly because of the asymmetric nature of the relationship between employers and unemployed which is opposed with equal treatment principle of the French public service: " *We find ourselves in a kind of conflict, because in front of us, there are people who have reasons not to want to do that job, or who want to do training on areas that are not hiring. It's hard to say no, because you say 'but wait, he has **the right** to want to change'. I represent potential offers that the person in front of me refuses, and he has **no right** to refuse if it is in the Monthly Monitoring Custom, with active job search, dynamic and positive*" (female counselor, 48 years, 2 years of seniority at the ANPE, specializing in the catering sector)

The search of equity representing part of the professional identity of counselors for employment is also tested by the more important place given to the discretion of counselors in monitoring and individual incentives to mobility, which emphasizes the need for implementation of "social judiciary" acting.

Embarrassment about the increase of activation described by the majority of surveyed counselors reveals the ethical tensions of a profession who as a whole considers unemployment as a loss and a state of social invisibility, for which they should reduce the stigmata even though they fail to remedy it. There is therefore a risk of "ethical suffering" emerging from the dissonance between what is required, and the labour and social standards that underpin much of the counselor's occupation. They are caught in a contradiction between altruistic help which is not very much recognized by the unemployed because of a lack of social legitimacy, and

professional bureaucracy in charge of obeying labour policy injunction: *"We have a hard time, a very bad hard time. For example the case last week, a guy who annoyed me: he arrives, so he has not worked since early December, he arrives with his hands in his pockets, thinking what? He's just there to do what? This is what annoys me, that he really takes me for a fool, he thinks: 'I'll be sitting there for five minutes once a month, and after that she will let me go and then I still keep my own little business. So, at the time, it's violent, you initiated a cancellation, but after a week, you don't lose any sleep over it, you say 'what the hell', behind him there is a family, what should I do? After all, he has not insulted me- because now that's what's happening - he was not aggressive, he was just stupid, okay ... And after that, you know, you feel guilty. What is eating us up in our sleep is to feel guilty. But on the other side you're paid by the State in this intention, to control the job search, it's noted on the notification: "You must bring your proof of job search". So we still are between the two, and we don't always know how to position ourselves"* (Female counselor, 39, 3 years of seniority at the ANPE).

Another cause of tension is the need to investigate deeply into the intimacy of the unemployed "under the cover of kindness" (Margolin, 1997). The Monthly Monitoring Custom causes, by its regularity, the will and the professional interest of investigating the clients' life, to get rid of their cases, because seeing the same unemployed each month strengthens their feeling of worthlessness and helplessness. Moreover, there is a mirror effect between counselors and unemployed: most counselors experienced the unemployment and occupational downgrading. This fact could explain their reluctance to incite their clients to accept less paid or less qualified jobs. Professional downgrading problem has to be understood in the context of the sense of honour attached to the professional occupation.

## Conclusion

As a conclusion, we can observe that the development of tools to streamline the activities of employment counselors coincides with the reform of social protection policies and the undermining of the principle of distributive rights. Activation of social spending produces a closer technical supervision of the relational activity and greater attention is paid to management indicators and to the homogenization of discourse and practice towards the unemployed.

In the face of such changes, we notice a general reluctance by counselors to use the tools of activation and to apply sanctions in cases of lack of job seeking, although substantial differences of practices remain among counselors. The reasons of these survival strategies we

have analyzed are various: they are related to the specificities of bureaucracy and deficiencies, to the modalities of control of key activities by a professional group. Moreover, they are linked with the context of economic crisis, but also with the special position of French employment counselors, for whom social justice and rights are structuring elements of their professional identity.

Therefore, the activation strategies, implemented in order to decrease the unemployment trap, by encouraging the resumption of work and occupational mobility, do not seem to work very well (while the feelings of suspicion among the counselors increase). The effects of personalization reactivate problematic elements of the counselors' identity: helplessness in the face of unemployment, tension between the rights and duties of the unemployed.

Following on this first research work that enlightens the ethical issues of a profession, which needs to measure its effectiveness, it would be interesting to analyze the effects in the midterm of the creation of a single operator on processes of rationalization and activation, particularly in terms of reduction of the inactivity traps.

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