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Employment Protection Works: The case against labour market deregulation

1. Introduction

Deregulatory policy agendas have regained prominence across the OECD, with labour market regulation once again at the centre of political debate. Against a backdrop of weak productivity growth and rising public debt, policymakers are reaching for policies perceived as growth-enhancing but requiring limited public expenditure. Both the OECD and the World Bank have long argued that excessive regulation and bureaucratic requirements impose financial and administrative compliance costs that constrain firms' ability to compete, grow and create jobs (World Bank 2018, OECD 2025). Within labour markets, this argument often translates into calls for weaker employment protection legislation (EPL).

According to this view, more "flexible" labour markets – characterised by weaker job protection and simplified redundancy processes – reduce firms' labour adjustment costs and risks, facilitate hiring and firing, and increase job-to-job mobility. Higher mobility is assumed to improve the reallocation of skills across firms, sectors and regions, raising productivity and fostering stronger economic growth. Proponents also claim that increased flexibility for employers leads to higher aggregate employment and reduced unemployment. This policy brief contests these claims, arguing that weakening employment protection is a political choice with clear winners and losers, not a neutral route to economic progress.

Advocates for labour market flexibilisation deploy several arguments. The World Bank and OECD have contended that stringent job protection for permanent contracts inherently leads employers to over-use temporary contracts, fuelling labour market dualism with limited transitions to stable jobs (World Bank 2015, OECD 2014). In developing countries facing severe informality, a parallel argument holds that weaker EPL would encourage formal hiring by narrowing the gap between formal and informal employment costs. Moreover, more stringent employment protection in European countries has been cited as an explanation for weaker AI investment compared to the United States – including in the recent OECD Economic Outlook. This brief examines these claims, showing that the evidence – including from the OECD's own employment research – does not support deregulatory prescriptions on duality, informality and the AI investment gap.

Drawing on academic literature and empirical evidence, this brief argues that labour market deregulation undermines sustainable and inclusive growth. It also highlights objectives of employment protection that are often overlooked in economic analysis: rebalancing labour market power, guaranteeing income stability, ensuring fairness and non-discrimination, improving occupational health, and supporting social cohesion and democratic stability.

2. Why weaker EPL will not deliver higher productivity or employment

The case for weakening employment protection has long featured in OECD economic policy advice. The 2025 Economic Outlook embeds this familiar argument within a broader "regulatory reset" narrative that treats job protection as a regulatory cost – one that hampers productivity-enhancing reallocation, reduces firms' responsiveness to shocks, and discourages hiring (OECD 2025). This framing is misleading, and the evidence does not support it.

The relationship between EPL and mobility remains contested in the literature. Against this backdrop, the assumption that weakening job protection boosts voluntary job mobility is questionable and reflects only one part of the story. The OECD's own Employment Outlook 2025 finds that voluntary job-to-job transitions drive productivity growth, while involuntary mobility largely offsets those gains. Importantly, reducing EPL is also likely to increase involuntary mobility – that is, unemployment – with disproportionate effects on older and other vulnerable workers. Indeed, work from the OECD itself finds that stronger job protection is associated with higher employment rates among older workers, owing to lower dismissal risks and longer job tenures (OECD 2015). A study on Italy finds that a 2012 labour reform reducing protection resulted in lower re-hiring wages and reduced re-hiring probability, with young and vulnerable workers particularly affected (Francesconi & Sonedda 2024).

Moreover, another study on Italy shows that firms above the 15-employee threshold – and thus subject to stricter EPL – often exhibit higher mobility than smaller firms (Belloc & D'Antoni 2020). While this pattern has been attributed to the use of temporary contracts to circumvent EPL (Hijzen et al. 2017), alternative explanations emphasise the role of monopsonistic practices among small and medium-sized enterprises, combined with lower unionisation and weaker wage-setting institutions. In such contexts, labour adjustment may occur through wage compression rather than labour market mobility. By contrast, in larger firms – where collective bargaining coverage is higher and job protection is stronger – adjustment may take place through employment levels rather than wage cuts (Belloc & D'Antoni 2020). Weakening EPL may fail to boost voluntary mobility and could instead reinforce monopsony power, depress wages and sustain low employment, with adverse effects on both labour market mobility and allocative efficiency.

Even if lower EPL were to increase mobility, higher turnover is not costless for firms. Weaker protection can facilitate the dissolution of poor matches, but it also prompts workers to search more actively for alternatives to hedge against unemployment risk (Bertoni et al. 2023). Higher turnover entails additional recruitment and training costs and may hinder the adoption of technologies that rely on learning, experience and tacit knowledge. More generally, longer job tenures and the predictability associated with employment security support investment in firm-specific human capital – a key driver of productivity growth.

In addition, a large body of research has examined the relationship between EPL and labour market outcomes such as employment and unemployment rates. The prevailing evidence is clear: stronger employment protection does not systematically lead to higher unemployment or lower employment (Arestis & Gómez 2025). Instead, EPL primarily shapes how labour markets adjust, rather than whether people are employed. Cross-country studies show that while stricter EPL may reduce hiring during periods of uncertainty, it also reduces job destruction, particularly during economic downturns, with these effects largely offsetting each other (Nickell 1997, Bassanini & Duval 2006, OECD 2020). In practice, EPL stabilises employment and limits sharp spikes in unemployment during recessions.

The ILO frames employment protection legislation differently – not as a simple determinant of aggregate employment but as a key institutional component supporting decent work, job quality and stability. It emphasises that EPL's effects are complex and context-specific, and

cautions against attributing weak labour market outcomes solely to protection measures; broader institutional, economic and policy factors play decisive roles (ILO 2010, ILO 2015, ILO 2023). As discussed already in the OECD Jobs Strategy of 2006, a large number of countries with comparatively strong employment protection frameworks have achieved high employment levels, solid productivity growth and low unemployment (OECD 2006). Taken together, robust and effectively enforced employment protection supports inclusive growth, social cohesion, and resilient labour markets – and should be strengthened to meet evolving challenges, not weakened or dismantled.

3. Strong protection does not create labour market duality

The recent OECD Economic Outlook warns that strict protection for permanent contracts can encourage excessive reliance on temporary contracts and thereby fuel labour market duality (OECD 2025). Duality refers to the division of the workforce into distinct segments with markedly different rights and working conditions. Such duality can undermine productivity and overall labour market dynamism, as firms rely on short-term labour rather than investing in skills and long-term work relationships. A large body of research links high levels of duality to adverse social and economic outcomes, including lower fertility rates, weaker integration for young and low-skilled workers and reduced aggregate job security (OECD 2011, Boeri 2011, Bastianelli et al. 2023). These outcomes reflect not only differences in contract duration, but also disparities in access to training, social protection and career progression.

The core problem identified in the literature is labour market dualism itself – not job protection. The policy objective should therefore be to limit the excessive use of temporary contracts and to incentivise stable hiring, rather than to weaken protection for workers with permanent contracts. A wide range of studies emphasise that it is the differential in protection between contracts – the so-called EPL-gap – rather than the overall level of protection that drives duality (Bastianelli et al. 2023, OECD 2014). The OECD's 2020 Employment Outlook recognised this explicitly, arguing for narrowing the gap in protections between permanent and temporary workers as a way to reduce duality and improve overall job quality. As the OECD notes, “strict job protection provisions for regular workers require strict hiring laws for temporary workers to limit labour market duality and segmentation” (OECD 2020). In other words, strong protection for permanent employment is not inherently problematic, provided it is accompanied by adequate regulation of temporary contracts.

The literature also highlights the distributional effects of EPL. Stronger protection reduces wage inequality and improves job stability for workers in standard employment relationships, particularly older workers, while uneven protection tends to increase duality (OECD 2011, Kahn 2010). Where employment protection is undermined through the widespread use of temporary contracts, young and low-skilled workers are disproportionately exposed to insecurity. This does not point to a problem of “too much protection”, but to insufficient and unequal protection across contract types.

Importantly, cross-country evidence shows that high rates of temporary work do not necessarily translate into higher transitions to permanent jobs. In many cases, temporary contracts become cyclical, trapping workers in repeated spells of insecure jobs rather than

serving as automatic or universal stepping stones (OECD 2014, Booth et al. 2002). Research exploiting policy changes in the Netherlands, for example, suggests that tighter and more coherent regulation of temporary contracts can increase transitions to permanent jobs without reducing overall labour market flexibility (Kabátek et al. 2023). In addition, an OECD assessment of Spain's 2021 labour market reform, which significantly curtailed the use of temporary contracts in favour of permanent ones, observed that excessive use of temporary contracts prior to the reform had detrimental effects on job quality, skills development and productivity. The OECD rightly views restricting the use of temporary contracts as a step in the right direction (OECD 2024). This reinforces the case for policies that improve job protection, rather than dismantling it.

Governments have a wide range of policy levers to limit the excessive use of temporary contracts without undermining protection for permanent workers: restricting the circumstances in which temporary contracts are permitted; capping renewals and total duration; automatic conversion mechanisms; strengthened protection for temporary workers and labour inspection; and financial incentives and disincentives.

4. Formalisation alone cannot solve informality – and weakening EPL makes it worse

In recent years, several OECD publications have also discussed labour market deregulation in the context of tackling informality. This strand mirrors the OECD's thinking on duality: in both cases, the central concern is the way regulatory asymmetries and high compliance costs contribute to labour market segmentation. In this context, reports from the OECD Economics Department often present labour regulation as one factor influencing firms' incentives to hire formally. The Economic Survey of Thailand 2025, for example, argues that simplifying regulation could strengthen incentives for formalisation, particularly for small and medium-sized firms (OECD 2025). Similarly, the Economic Survey of Indonesia 2024 recommends simplifying the regulation to encourage formalisation, recalling earlier OECD proposals to pilot lower levels of employment protection and reduced minimum wages for young workers in special economic zones as a way to reduce barriers to formal employment (OECD 2024). Comparable arguments appear in the Economic Survey of Costa Rica 2025, which identifies high regulatory and non-wage costs of formal jobs as one of the drivers of informality and recommends reducing these costs as part of a formalisation strategy (OECD 2025). Beyond country surveys, a recent OECD research paper on Latin America also explicitly links informality to the costs of formal employment, including labour regulation, social security contributions and hiring and dismissal costs (OECD 2024).

This approach is fundamentally inadequate. It assumes informality is primarily a firm-level cost calculation. But globally, around two billion workers – more than 60% of the world's employed population – work informally (ILO 2023), and the majority are not employed by firms at all. They are own-account workers, contributing family workers, domestic workers, smallholder farmers, street vendors, and home-based workers operating entirely outside the formal employer–employee relationship. For these workers, reducing the regulatory burden on employers is meaningless. There is no employer to regulate.

Platform workers classified as independent contractors, care workers – disproportionately women – in households and communities, labourers on smallholdings: none of these are reached by formalisation strategies that target employer compliance costs. Weakening EPL does nothing for them – it simply levels down protection for those who already have it. What these workers need is extension of rights and social protection regardless of employment status.

Even where informality does involve a firm-level hiring decision, the evidence still does not support deregulation as a formalisation strategy. While some academic models suggest that reducing certain regulatory costs can shift employment from informal to formal, the broader literature offers different lessons. Importantly, empirical evidence weighs substantially more in favour of enforcement than deregulation. Studies find that frequent inspections make formal work more attractive (Almeida & Carneiro 2012) and that strong regulation can discourage informality when coupled with effective compliance mechanisms (Ponczek & Ulyssea 2022). Recent meta-analyses find that measured effects of deregulation on informality often shrink when corrected for publication bias or when controlling for other institutional factors (Fernandez Salguero 2025). Moreover, studies underscore that informality reflects broader economic and institutional conditions beyond EPL, such as macroeconomic settings, skill mismatches and labour market frictions. For example, skill mismatch is found to be a strong driver of informality in Colombia irrespective of regulatory stringency (Flórez & Gómez 2024).

Rather than deregulatory shortcuts that risk eroding job protection broadly without delivering durable formalisation, both empirical work and the ILO point toward comprehensive strategies that improve formal job quality and strengthen governance and enforcement. In its Decent Work agenda and the Transition from the Informal to the Formal Economy Recommendation (No. 204), the ILO emphasises integrated policy frameworks that combine rights at work, collective bargaining, formal job creation and social protection to enable transitions to formal jobs. The ILO stresses that most workers do not enter informality by choice and that its causes are structural: weak governance, inadequate social protection and limited access to decent formal jobs (ILO 2015). It highlights that compliance and enforcement must be paired with incentives for productive formal employment. Tackling informality requires extending protection and rights to all workers – not reducing them for some.

5. No support for the claim that weaker EPL would boost AI investment

The United States attracts higher levels of investment in artificial intelligence (AI) than continental Europe. This gap is increasingly discussed in connection with differences in labour market institutions, with comparatively stronger job protection legislation in Europe identified as a potential constraint on high-tech investment. For example, the recent OECD Economic Outlook argues that “continental Europe’s more stringent EPL is emerging as a potential key reason for why it lags the United States in high-tech” (OECD 2025).

The claim that stricter EPL is a key barrier to AI investment is not supported by the broader body of OECD analysis, nor by the academic literature. Previous OECD work on productivity

and business dynamism consistently points to weaknesses in Europe’s framework conditions for investment, in particular the depth, integration and risk-bearing capacity of capital markets (OECD 2019, OECD Going for Growth, various editions). Recent research similarly identifies Europe’s fragmented capital markets and underdeveloped venture capital systems as central explanations for weaker productivity growth and high-technology investment relative to the US (Arnold et al. 2024). This diagnosis closely mirrors the OECD’s analysis of the European “scale-up gap”, whereby innovative firms struggle to grow beyond early stages due to financing constraints (OECD 2022).

Moreover, AI investment patterns are shaped by broader structural and geopolitical factors. Work by the OECD has emphasised that investment in frontier technologies is highly concentrated globally and driven by strategic competition, particularly between the US and China, and by public support for research and innovation (OECD 2021, OECD 2023). The US benefits from a uniquely dense innovation ecosystem, combining world-class research institutes and universities, strong industry–science linkages, and deep markets for intangible assets such as data, software and intellectual property (OECD 2019). These factors are reinforced by a large and highly risk-tolerant venture capital sector, which is broadly identified as a key driver of experimentation and business dynamism in the tech sector. In addition, the scale of the US economy and the fiscal capacity of federal and state governments allow for coordinated policy responses in support of emerging technologies. Importantly, OECD analysis has long acknowledged the central role of public investment in shaping technological trajectories (OECD 2025). In fact, many of the general-purpose technologies underpinning today’s AI applications originate in publicly funded research programmes, including in defence, space and mission-oriented research and development (R&D). Such public investment reduces uncertainty and facilitates private-sector risk-taking.

While the OECD has associated innovation with risk-taking and labour reallocation, its own work and the broader literature suggest that differences in firms’ risk appetite are more strongly linked to financial constraints, managerial quality and ownership structures than to employment protection (OECD 2019, Bloom et al. various years). Cross-country comparisons further weaken the argument that the level of EPL is a driver of AI investment: countries with very different levels of job protection often exhibit similarly low levels of AI investment, indicating that labour market flexibility does not determine innovative performance. There is little evidence to support the claim that weakening EPL would increase AI investment and reduce the technology gap. The OECD’s own publications point instead to improving research and financing environments as more efficient pathways to increase AI investment.

6. Employment protection serves broader functions

The preceding sections have examined EPL through an economic lens, finding that the case for deregulation is weak even on its own terms. But productivity and economic performance are not the only considerations. Labour law also serves broader functions in supporting wellbeing, security and social cohesion. An assessment of job protection that focuses exclusively on economic outcomes risks overlooking its role in shaping labour market stability and individual economic security – factors also linked to overall economic

resilience, trust in institutions and democratic stability. Evidence indicates that stronger job protection is associated with longer tenure and lower perceived job insecurity, facilitating household decision-making (including family formation), supporting investment in skills, and contributing to more stable labour market dynamics (Acemoglu & Pischke 1999, Adserà 2004, Anderson & Pontusson 2007, OECD 2023). Greater income stability can improve health and reduce reliance on healthcare and social protection systems (Marmot et al. 2008, Benach et al. 2014).

Conversely, deregulation reinforces income inequality, with adverse implications for inclusive growth. Reductions in job protection have been associated with higher unemployment and downward pressure on wages – dynamics that weaken growth (Stiglitz et al. 2025). As indicated earlier, OECD work has also documented the distributional effects of changes in protection. In particular, weaker worker protections tend to reduce the bargaining position of lower-skilled workers and lower the disposable income of low- and middle-income households, thereby contributing to higher inequality (Causa et al. 2016).

Moreover, a growing body of empirical literature finds that stronger employment protection is associated with greater worker bargaining power and higher labour income shares, while deregulation is correlated with a declining labour share (Koh et al. 2018, Arestis et al. 2020 and El-Ganainy et al. 2021). A recent OECD study examined Italy's 2015 reform, which reduced employment protection for firms above 15 employees. It found that productivity in affected companies increased by an average of 1 percent per year over the five years following the reform, but the labour share fell by up to 0.7% over the same period – suggesting that the gains accrued to employers, not workers (OECD 2025).

Against the backdrop of persistent decoupling between productivity and wage growth, these dynamics demand greater attention. Analytical approaches that ignore the links between EPL, bargaining power and labour's share of value-added offer an incomplete picture of labour reform's implications.

These findings resonate with the principles underlying international labour standards, which recognise that employment relationships cannot be treated as ordinary market transactions. There is a structural imbalance of power between employers and individual workers, and the relationship is characterised by dependency and unequal information and resources. EPL plays a vital role in ensuring fairness and non-discrimination, preventing abuse and providing legal certainty and protection against unjustified dismissal – principles that are central to the concept of decent work as articulated in ILO Convention No. 158 and Recommendation No. 166. Equal opportunity in the labour market therefore requires not merely formal anti-discrimination rules but also enforceable employment protection. The ILO has emphasised that weak job protection frameworks increase exposure to arbitrary dismissal, discourage the exercise of fundamental labour rights, including unionisation, and undermine job quality (ILO 2015). From this perspective, EPL contributes not only to employment stability, but also to income security, predictable career trajectories and incentives for training. Robust protection also supports occupational safety: workers protected against dismissal are more likely to report unsafe conditions, harassment or illegal practices.

7. Conclusion

There is no robust evidence that countries with weaker employment protection outperform those with stronger frameworks in terms of growth, productivity, or labour market outcomes. Claims that employment protection impedes mobility, employment, productivity and growth are frequently overstated and given undue prominence. The significant consequences of weakening worker protections – heightened insecurity and inequality, reduced predictability, weaker skills investment, erosion of job quality and occupational safety – are largely overlooked.

The OECD's emphasis on formalisation as the primary solution to informality is inadequate. Most informal workers worldwide are outside the formal employer–employee relationship entirely. They need rights and social protection extended to them regardless of employment status – not a further erosion of standards for those who already have protection.

The brief also challenges the claim in the recent OECD Economic Outlook that differences in employment protection legislation between the United States and continental Europe can account, even partially, for the AI investment gap. More plausible explanations – differences in market structure, access to finance, public investment and innovation ecosystems – are found in the OECD's analyses. Employment protection is not a driver of the technology gap.

Policymakers should recognise that robust employment protection – alongside coordinated collective bargaining, strong rights to organise and strike, adequate wage floors, labour inspection and enforceable anti-discrimination rules – are cornerstones of well-functioning labour markets and societies. Employment protection is not an obstacle to growth. It is a condition for growth that is sustainable, inclusive, and broadly shared.

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