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Media and lawmaking : exploring the media's role in legislative processes

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Chapter 4

Restructuring employment law: an in-depth analysis of *de Wet werk en zekerheid*

4.1 Introduction

Employment laws are important to the lives of all citizens, whether they are employees, employers, have temporary or fixed contracts, work part-time or fulltime, are freelancers or even pensioners. These laws influence the terms of employment for people, the rules governing dismissal and the arrangements for those that become unemployed. In the Netherlands there has been permanent debate about various aspects of employment law, for instance about the rules governing dismissal. Also calls for a formal regulation of the trend towards a more flexible labor market have been heard, especially in recent years. After a series of agreements between the coalition parties, the so-called social partners (i.e. employers organizations and trade unions) and a number of supporting opposition parties, in

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2014 a bill restructuring the existing employment law was passed.

The legislative process as well as the period preceding and following the discussion about the bill was accompanied by ample media coverage. Did this media attention affect the legislative process, and if so, in what manner? Structured by the four research questions presented in subsection 2.3.4, I study whether the parliamentary reports and debates about the bill and the (proposed) changes in its content are inspired by or a response to media attention. The in-depth analysis shows that the media coverage affected the legislative process to some extent, but does not indicate that the media had substantial influence on the positions of parties. The political and historical context of the bill, in particular the agreements reached prior to its introduction, were far more influential than the media attention. Media coverage was predominantly used to underline or reinforce political actors' existing positions. However, the extensive coverage with a critical undertone did increase doubts amongst political actors. For several MPs media attention did serve as a source of information and as such this was reflected in the development of several parties' concerns about the bill. As a result, media coverage played a role in the development of some amendments. However, media attention did not lead directly to the introduction of amendments, and most amendments were not related to media coverage whatsoever.

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The legislative process concerning the bill 'employment and security' (*Wet werk en zekerheid*, 33.818) is the second case under study. The bill restructures employment law in the Netherlands and addresses three broad issues, i.e. dismissal law, the legal status of flexible workers, and unemployment benefits. The bill was introduced into parliament by the government in November 2013, and was passed and finally published in the law gazette in June 2014. A total of four government amendments, 31 parliamentary amendments and 16

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motions were introduced during the process; 8 amendments and 7 motions were passed, changing parts of the bill, including dates of commencement, evaluation moments, the severance pay in small to medium-sized enterprises, and legalization of the education duty. The bill was supported by the coalition parties *VVD* and *PvdA*, the so-called 'constructive' opposition parties *D66*, *CU* and *SGP*, as well as by opposition parties *CDA* and *GL*, in both Houses of Parliament. In the Lower House also the one-man faction *Bontes* supported the bill. This implies that only a few parties voted against the bill; the *SP* and the *PVV*.

The three key topics of the bill have a long history of public and political debate. At the time of the introduction of this new bill, the legislation governing dismissal in essence remained unchanged since the Second World War (*Memorie van toelichting Wet werk en zekerheid*, 2013-2014, p. 2). There had been debate about reforming the rules governing dismissal for decades, but without much success. For several years, especially since the financial and economic crisis in 2007-2008, Dutch governments considered all kinds of cutbacks. One of the areas in which cuts were considered was unemployment insurance. Also, with regards to the labor market flexibilisation trend, there has been ample discussion about the development towards more temporary and flexible contracts.

In July 2012, the Members of Parliament Ulenbelt (*SP*) and Hamer (*PvdA*) presented the private member's bill 'Security for flex' (*Zekerheid voor flex*) to the public. The primary aim was to create more security for people with temporary and flexible labor contracts. After the parliamentary elections in September 2012 a new government was formed and in October 2012 this Rutte-government, consisting of *VVD* and *PvdA*, presented its coalition agreement. The introduction of chapter XI about the labor market reads: "Further improvement in the functioning of the labor market is needed for all employees. There are not enough new job opportunities for older employees in particular, and flexible workers deserve better protection. Being able to move quickly from one job to the next with as short a period as possible on benefits is in the interests of all concerned. By reforming the law on the termination of employment

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and modernizing the Unemployment Insurance Act (*WW*), we can make the transition from one job to the next substantially shorter. We will seek agreement with the social partners on a social agenda which will include these plans" (*Regeerakkoord VVD-PvdA*, 2012, p. 45). The *PvdA* subsequently withdrew support from the private member's bill; the party's wishes were incorporated in the coalition agreement.

In April 2013 the government came to a 'Social Agreement' (*Sociaal Akkoord*) with the social partners, i.e. employers organizations and trade unions. This agreement covered various labor market topics, including the ones that were eventually translated into the bill under consideration here. In November 2013, the government eventually introduced the bill, called 'Labor and security', into parliament. Because the coalition parties of the Rutte-II government did not have majority support in the Upper House, the government looked for ad hoc support by opposition parties. In October 2013, the coalition had reached an agreement with three opposition parties, *D66*, *CU* and *SGP*, about the budget for 2014. As part of the package deal, these parties – also known as the 'constructive opposition' – were expected to support the bill restructuring employment law.

The selection of this legislative process as the second case is the result of the sequential case selection strategy (see subsection 2.3.3). This bill differs from the first bill (see chapter 3) in several respects. First, to have diversity in the issues under consideration, the policy area is different: this bill is about social affairs and employment. Second, various interviewees in the first round emphasized differences in media interest between topics that concern elites versus ordinary people. The first bill primarily applies to elites (i.e. top managers in the (semi)public sector); the second bill has direct consequences for all, or at least many ordinary, citizens. Third, because the parliamentary support in the first case was unanimous, as a second case a bill was chosen that was not supported by all parties. Finally, in order collect valid and reliable interview data, the legislative process is more recent than the first one.

4.3 Data

A total of 110 parliamentary documents related to the legislative process, including the bill, memoranda, parliamentary proceedings, amendments, motions and governmental letters, have been retrieved. Via LexisNexis all articles and items published in all national newspapers and magazines that discuss the labor market or (un)employment (insurance) in some way (not necessarily as the main topic) are taken into account. The same criteria have been applied to the selection of radio and television broadcasts of national television and radio channels (see Appendix III). This resulted in 481 print articles and 24 broadcast items from the period the bill was debated in parliament, from November 15, 2013 (two weeks before the introduction of the bill) until June 24, 2014 (the day the law was published in the law gazette). Thirty-two people have been interviewed, both political actors, departmental actors and journalists. The interviewees include eighteen MPs who acted as spokespeople with regard to the bill in the Lower House and the Senate, three departmental actors, and eleven journalists in print media, radio and television (for a full list of interviewees see Appendix V).

4.4 Results

In order to answer the general question whether media attention played a role in this legislative process, the four research questions (see subsection 2.3.1) will be answered subsequently. Firstly, the media attention for the (topic of the) bill will be discussed. Secondly, I study whether and how political actors respond to media attention and thirdly, I analyze whether politicians tried to receive or influence coverage. Finally, I discuss whether the media coverage influenced the support for amendments and for the bill.

4.4 Results

| Legislative element | Percentage of items (%) | Absolute number of items (N) |
|----------------------------------|-------------------------|------------------------------|
| Bill | 36 | 180 |
| Legislative debate/report | 10 | 53 |
| Legislative round table | 0 | 0 |
| Amendment | 5 | 25 |
| Motion | 0 | 0 |
| Vote/support in parliament | 18 | 92 |
| Any legislative reference | 40 | 202 |

Table 4.1: References to the legislative process (*WWZ*) in all media coverage: items with at least one reference to legislative element

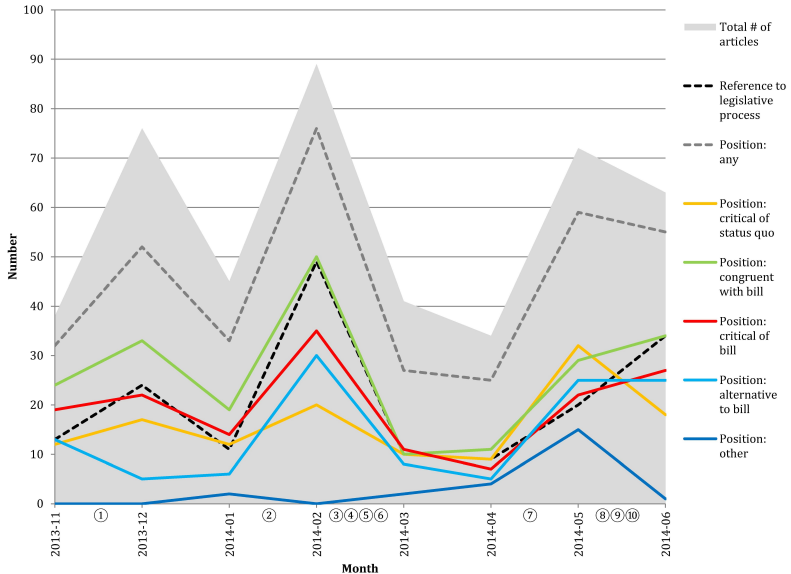
4.4.1 Media attention

The first question is what the media attention related to the bill looks like. I will go into the focus and distribution of the media attention for the legislative process, the types of coverage, and the media visibility of political actors.

Attention for the legislative process

The content analysis shows that a large part of the coverage is related to the bill: 40% of all media items contains at least one reference to one or more aspects of the legislative process (see Table 4.1). The actual bill is referred to most, with 36% of all coverage ($N=180$). This indicates that there is a lot of debate in the media about the desirability of the bill; the bill is also frequently mentioned in media reports that reflect on the large reforms of the Rutte-II government.

In 18% of the media items the support or vote in parliament is mentioned. Often media items contain phrases like “The plans will get majority support in the Lower and Upper House” (NOS, 2013) or explain that because *D66*, *CU* and *SGP* already signed an agreement with the government, these parties will support the bill. In 10% of the coverage a reference is made to a legislative report, debate or procedure. Amendments are mentioned in 5% of all coverage ($N=25$), and different from the first case, two newspapers (*Nederlands Dagblad* and *Reformatisch Dagblad*) explicitly use the



Note. The numbers in the figure indicate key moments in the legislative process.

Figure 4.1: Media attention in newspapers per month and key moments in parliament WWZ 2013-2014

word ‘amendment’. The media attention contains no references to a legislative round table²⁴ or to any of the motions introduced.

Distribution of coverage

Figure 4.1 shows a clear relationship between the peaks in press coverage and the key moments in the legislative process. The total number of articles peaks during the Lower House phase of this process in February 2014 (grey area). The number of articles that contain references to the lawmaking process (black dashed line) is

²⁴ A legislative round table is an expert meeting with MPs in the context of a legislative process.

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also highest during this phase, when the legislative debates and vote in the Lower House take place.

At the time of the introduction in the Lower House on November 29 (1), there is substantial attention for the bill. The coverage of the legislative process drops during the committee phase (2), which is understandable since the House was into recess until mid-January. In February 2014, the number of articles referring to the legislative process increases strongly. This peak coincides with the introduction of a government amendment (3), as well as with all parliamentary amendments (4) and Lower House motions (5), and with the time when both legislative debates and the vote in the Lower House took place (6). Attention decreases strongly once the bill goes to the Senate and remains low during the first part of the committee phase (7). During the second part, at the end of May, which is also the direct run-up to the plenary debates about the bill in the Lower House, the press coverage increases again (8). During the debates (9) and the vote in the Senate (10), the relative amount of attention for the legislative process increases again sharply.

Types of coverage

The positions presented in the media are primarily congruent with the content of the bill (green line) and critical of the bill (red line). These contradictory signals often occur together, if both an aspect of the bill and an actor criticizing that aspect are mentioned. In particular during the Lower House phase, there is also quite some attention for alternatives to the bill. This concurs with the finding that there is relatively much attention for amendments to the bill. Compared to the first case, positions that are critical of the status quo are much less visible.

Throughout the whole period, there are many opinion pieces in a wide range of newspapers, from the specialized *Financieele Dagblad (FD)* to general newspapers such as *NRC Handelsblad*. They are written by columnists and editors, but also by various types of experts – e.g. professors, economists and lawyers – commenting on (specific parts of) the bill. A striking example of a very critical article in *FD*, published on the morning of the legislative debate in the Lower

House, is by Ferdinand Grapperhaus, a lawyer, professor in employment law and member of the Socio-Economic Council. He depicts the bill as a “labyrinth of form regulations and procedures that does nowhere fulfill its objectives of simplicity, honesty and bigger chances at work” and wonders “what the use is of this revision” (Grapperhaus, 2014). During the Upper House phase of the legislative process, such critical articles continue to appear. Sometimes senators are explicitly addressed, as in an extensive piece published in *De Volkskrant* in the weekend before the bill was sent to the Upper House. Two employment lawyers and a professor in employment law write: “We doubt whether the Lower House has really gained in-depth knowledge of the worries from legal practice and worry that she is primarily guided by political motives. Upper House, know your job!” (Boontje, Sick & Loonstra, 2014).

Another substantial part of the media attention consists of primarily informative pieces in which journalists report on the content of the bill or a particular stage in the legislative process. Journalists often approach such articles from a readers’ perspective and explain what the consequences of the bill will be. Sometimes an overview of the criticism on (parts of) the bill is integrated into these articles. An example is an analysis in the weekly *Elsevier*, published in the week after the bill was introduced. The article informs readers, with a focus on employers, about the changes in the bill, but it starts with the rather ominous sentence: “It all sounds so nice”. The content of the bill is discussed and interpreted, in sentences like: “The employer will have to deal with a couple of thousand euros of judicial costs. Worse: employees can lodge an appeal and appeal to the court of cassation, something that is currently not possible.”

There is also separate coverage, both written and audiovisual, in which experts are asked to reflect on the quality of the bill as a policy instrument. Specifically, it is often questioned whether the – broadly supported – aims of the bill can be reached with the measures proposed. Only few experts come to a positive conclusion. There are also various examples of experts voicing critical opinions, in radio and television shows, such as an employment lawyer who argues in the radio show *WNL Opiniemakers*: “The bill ‘Employment and

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security' should not come about, because it leads to unemployment and insecurity" (WNL, 2014). Journalists show interest in such critical comments: "If prominent people are dissatisfied about something, that is news", according to one journalist.

The more evaluative media coverage often raises and reinforces doubts about the desirability, effectivity and feasibility of the bill. Although the three topics central to the bill (regulation of temporary employment, unemployment benefits and the rules governing dismissal) are all discussed in the more informative coverage, the critical coverage is primarily directed towards the regulation of temporary employment. Most critics of the effectiveness of the bill focus on the measures that should encourage employers to give permanent contracts to people who have been temporary employees (flex workers) for a long time. With regards to these measures, there is also critique with respect to the consequences for small- to medium sized enterprises. In this coverage, a particular pressure group is visible: *Ondernemend Nederland (ONL)*, an employers' organization that is very critical. Most other interest groups are connected to the 'social partners' who signed the 'Social Agreement' that forms the foundation for the bill; they generally express support.

Within two weeks after its introduction, *Het Financieele Dagblad* conducted a survey on the bill, in cooperation with market research company *TNS NIPO*. An article based on this survey emphasized that "over a quarter of the employers expects to let their flex workers go earlier if by the middle of next year the new rules for dismissal will come into force". According to the survey a substantive part of the employers was not willing to execute the bill and thinking of ways to circumvent the law. A follow-up article discussed the varying political responses to the survey: opposition parties feared that the bill would worsen the labor market position of young people, whereas the government parties did not think so. This is the only example of original opinion research instigated by journalists.

Some media coverage refers to reports about labor market developments, published by respected institutions such as the The Netherlands Institute for Social Research (*SCP*) and the Employee Insurance Agency (*UWV*), but this research is usually not explicitly

related to the legislative process. An interesting exception is a long article in *Trouw* about a report by the *SCP*, in which the researcher argues that “The new ‘flex-bill’ (..) is more likely to work counterproductive, than that it will counteract the ‘over the top flexibilisation’ of the labor market” (Visser, 2014). This researcher is portrayed as an expert and the study is used to reflect – critically – on the effectiveness of the bill.

The rather extensive media coverage of the legislative process is both retrospective and prospective. It consists of informative as well as evaluative reports. There are pieces in which journalists report on events, such as the introduction of the bill, a legislative debate or a vote on the bill, articles that anticipate on such events, or that do both in a single item. Items published in the run-up to the legislative debates are often written with the ‘ordinary citizen’ in mind. One reason mentioned for linking articles to legislative events, is “to just inform the reader (..) that this is (..) coming up for discussion.” A reason mentioned frequently for publishing items (directly) prior to a debate or a vote, is that “you want to inform the reader as quickly as possible”. Trying to be early – or even: the first – seems self-evident to all journalists and is a ‘journalistic law’, also when it comes to lawmaking. And while most journalists argue that they did not write pieces with the aim of influencing MPs, sometimes they actually do: a journalist argues that she chose a certain formulation “especially because (..) the Upper House has to judge [the bill] on that. (..) Is it feasible?”

There is no media attention for motions, but some attention in newspapers for amendments. Some amendments receive coverage because of their specific content; the religious-oriented newspapers devote quite some attention to amendments introduced by Christian parties. Usually however only those amendments that have passed or are expected to receive majority support are covered. “Amendments that receive majority support and can thus become reality, are more interesting than amendments that don’t (..), because then it’s only about (..) the idea behind it,” one of the parliamentary journalists explains. Another says: “If you see there is a broad majority, you can anticipate that it will happen. (..) Than it is more important to the

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| Political party | Standing | Newspaper articles | Radio & television items |
|-----------------|-----------------------|--------------------|--------------------------|
| <i>CU</i> | Supporting opposition | 37 | 3 |
| <i>D66</i> | Supporting opposition | 32 | 3 |
| <i>SGP</i> | Supporting opposition | 31 | 2 |
| <i>CDA</i> | Opposition | 26 | 3 |
| <i>VVD</i> | Coalition | 25 | 2 |
| <i>PvdA</i> | Coalition | 23 | 2 |
| <i>GL</i> | Opposition | 16 | 0 |
| <i>SP</i> | Opposition | 13 | 2 |
| <i>PVV</i> | Opposition | 7 | 0 |
| <i>PvdD</i> | Opposition | 1 | 0 |
| <i>50PLUS</i> | Opposition | 1 | 0 |
| <i>OSF</i> | Opposition | 0 | 0 |
| Total | | 23 | 2 |

Table 4.2: Political parties in media coverage (*WWZ*): number of items with at least one reference to party

readers, so that they are very well informed.” She adds: “You cannot report every idea of a political party or alteration of a bill. That drives the readers crazy.” That one amendment received coverage but ultimately did not pass, shows that the assessment of the journalist can be incorrect. “I thought that maybe it would stand a chance. That is why I described it.”

Visibility of political actors

Several political actors were present in the media, primarily MPs commenting on the bill and presenting amendments, but also senators who were critical of parts of the bill. Table 4.2 includes all parties that have participated actively in the legislative process in the Lower and/or Upper House, ordered by their number of mentions in the newspapers.²⁵ Note that the parties that are mentioned most

²⁵ All parties are represented in both Houses of Parliament, except for the *OSF* (only represented in the Upper House). *D66*, *CU* and *SGP* signed an agreement with the Rutte-II cabinet and were therefore supporting opposition parties on this bill.

frequently in the newspapers are the same parties that are mentioned most often in radio and television items. Magazine articles did not refer to party positions and therefore are not included in the table.

The three parties that are mentioned most often are the opposition parties that signed an agreement (*Herfstakkoord*) with the government and were expected to support the bill. The number of references to these parties is comparable (all more than 30 times), partly due to the fact that journalists often mention them together; these three parties were known as the 'constructive oppositon' or 'C3'. Journalists referred to the fact that these parties would support the bill, but were particularly interested in their opinions because it could have policy consequences if they criticized the bill. Other parties that were mentioned relatively frequent were the coalition parties *VVD* and *PvdA* and the opposition party *CDA*: despite the fact that this party was rather critical of the bill, it eventually supported the bill in both Houses of Parliament.

The responsible Minister of Social Affairs and Employment Asscher (*PvdA*) is present in the written as well as audiovisual media during all phases of the process. At the time of the introduction of the bill, parts of his press conference were broadcast. Once the bill had passed the Lower House and at the moment the bill passed the Upper House, both on television and on radio the minister was interviewed and participated in discussions with other (political) actors. All in all, there was substantial media attention for the legislative process. For the journalists it is obvious that the bill was covered. According to them the bill had a major impact on society and would affect the lives of many citizens: "This [bill] can affect everyone. And everyone knows people it affects," one of the journalists argued. Another journalist stated: "This is a very sizeable [bill], a lot changes. (..) [It also] really has very large consequences for the whole economy. (..) If it brings about what the minister hopes for, than there are so many changes.. So this bill needs attention. I think no newspaper, no journalist is able to get around that." That the topics of the bill, in particular the rules governing dismissal, had been debated for years was relevant as well. Journalists talk about a "political taboo", mention that politicians "had trouble getting started on it for a very

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long time” and how “remarkable” it is that after years of discussion, almost all parties agreed on how to deal with this issue.

However, some journalists emphasize that the legislative process was less newsworthy than the moment the measures were announced, i.e. the presentation of the ‘Social Agreement’: “The Social Agreement was the important thing, a lot has been written about that. And the rest is just technical execution. I wrote a piece about that every once in a while, but (..) by then it is ‘yesterday’s story’, so to speak.” So despite the fact that the content analysis shows there is ample coverage of the legislative process, from their journalistic perspective this process is not particularly interesting. There was not much political tension or conflict and it was known in advance that – certainly in the Lower House – the bill would pass. This has consequences for the amount and for the content of media coverage. In the words of another journalist: “Once the bill was there, everything was known already. So than [you make] shorter pieces, and [pieces from] your own point of view, like such a survey.”

In sum, there is extensive media attention for the topics of the bill during the legislative process. Positions that are congruent with the bill and that criticize the content of the bill are present throughout the process. The media attention is informative, i.e. explaining the content of the bill and its likely consequences for people’s daily lives, and evaluative, i.e. providing a platform to journalistic, societal and political actors that doubt or criticize the bill. Almost half of all coverage is related to the legislative process.

4.4.2 Behavior of political actors

To answer the question if and how politicians respond to media attention, this section discusses the ways in which the behavior of MPs during the legislative process is related to media attention for the various aspects of the bill.

Parliamentary questions

Although 11 of the 13 parliamentary questions (PQs) about topics related to the bill asked during the legislative process are a direct

reaction to media coverage, only two of these PQs are related to the legislative process. In both cases it is the Junior Minister mentioning the bill in her response to questions, and only briefly. One of the sets of questions that is *not* a response to media coverage but instead refers to a publication on the website of employers' organization *ONL*, also has a clear link with the bill. In these PQs, posed on 10 December 2013, *CDA* MP Van Hijum argues that there are worries about the bill, because it will increase the cost of dismissal for owners of small- to medium sized enterprises.

In sum, there is no strong and direct relationship between media coverage and PQs during the legislative process. This is understandable when one takes the relative short duration of this particular legislative process into account: the bill was introduced at the end of November 2013 and published in the law gazette already in June 2014.

Legislative reports and debates

The content analysis shows that there is congruence between the positions present in the media and positions in legislative reports and debates. The diversity of positions in legislative reports and debates is much bigger than in the media, however, which can be explained by the fact that it is impossible for journalists to report on every issue and question in parliament. A chronological analysis of the topics indicates that MPs do not seem to respond to media coverage in legislative reports; there are no explicit references to media publications and the reconstruction of the preparation of the parties' contributions to the legislative reports does not lead to examples of issues MPs picked up from the media. Still, most MPs say that they kept an eye on the media coverage about the topics of the bill, either ad hoc or by monitoring the media in a structured manner.

Various MPs, in particular from the Lower House, state that media coverage served as a source of information for them during this legislative process. "This is an example of a bill (..) of which the discussion was constantly fed by topical matters," an MP recalls. Yet media coverage is only one source of information political actors dispose of, and for preparing the legislative reports and debates it is

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not the most important one. Senators argue that the type of information provided by the media usually does not suit their purposes well. Some senators do consider mass media coverage relevant, because it may provide “a brief analysis of what is actually the core of the bill”, something that according to one senator he sometimes risks losing sight of. With regards to this bill another senator argues: “They [the media] have not pointed me at topics that I would not have thought of myself (...). But they have confirmed some of the thoughts I had, and in that sense they play a small role”. Yet another senator suggests media coverage is useful to check “whether I am on the right track. In public opinion, in newspapers, in background articles, I search for objections”.

Notwithstanding some senators saying media coverage is relevant, there are only few reflections of it during the legislative debates, and none in the legislative reports. There are some rare examples, however. One senator explains that he looked up a research report that he referred to in the debate, because he learnt about it via the media. “I took this research into account because I picked it up from the media (...). So the media coverage around [the bill] of course helps, especially to focus us.” In addition, during the legislative debates in the Upper House, five explicit media references are made, for example by *GL* senator Thissen who talks extensively about a newspaper article: “In the *Trouw* that fell on the doorstep this morning, the economist and professor from Tilburg Ton Wilthagen argues that the bill Employment and security is based on a sort of wishful thinking that stems from the Social Agreement. (...) The bill is well-intended, but works counterproductive, he says” (*Behandeling Wet werk en zekerheid, 2013-2014a*). The media references are mainly a way to strengthen one’s own arguments, for example by showing that a person with authority supports the position of one’s party. “I only do it if I am sure that it supports my story, strengthens it, so it impresses the minister more,” an MP explains. In sum, some senators consider media coverage relevant for this legislative process, but they have not substantively responded to it in legislative reports and they have only done so by way of an exception in the legislative debates.

The importance of media coverage as a source of information for Lower House MPs is somewhat higher. Again, however, there are few MPs responding to the media in legislative reports and debates. As with senators, there is a less concrete effect of media coverage on the forming of opinion of MPs: “Media have been of importance, (...) in the thinking about the bill and eventually also in the questions that have been asked about it”, an MP explains. According to her this did not result in amendments, but she believes it did affect “the dilemma’s and the discussion we have had about it with each other”, in particular about the rules for temporary contracts and the severance pay. This corresponds with another finding of the content analysis: the broader topics that were most prominent in the media were also most prominent in parliament. Of the three key topics of the bill, two – flexible employment and dismissal – received much attention in both, while the third – unemployment insurance – was relatively invisible and also debated less prominently, in particular in the Lower House.

Lower House MPs followed the media closely with regards to this bill. They mention various reasons: first of all, they want to know what is going on in society. Media coverage contains information about the position of people or organizations ‘in the field’, about the position of experts and relevant research, about potential consequences of the bill, about public opinion and even about the political context of the legislative process. One MP values specialist journalists as a source “because I think that the people who write for these newspapers (...) know what they are talking about”. He elaborates: “Sometimes you benefit from the work a journalist does. (...) It gives a reasonable impression of the breadth of the debate, or the various opinions in the debate.” These are “also the opinions of other [political] parties, because (...) you choose your position in relation to how others choose their position”. With regards to expert knowledge, another MP explains: “I remember that in the *FD* a number of employment lawyers (...) had a say. That is useful to me, for example the route via the cantonal judge, is that going to do what it should do? I don’t know everything about that, so when you read those kinds of things back, you think: right, I actually forgot that, or I

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hadn't seen that, or we should pay attention to that." She concludes: "It has a very useful function, in that you read back things about which you think: I have not looked at it this way before."

However, again, media coverage is only one of many sources of information MPs have at their disposal. Some MPs argue that the value of media coverage is in fact very limited: "If as a spokesperson you have to get your information concerning content from the regular media, than you are not doing your job well. (...) You must always know more, especially with regards to such important topics, than a journalist knows." Although this MP believes media coverage is not useful for developing knowledge about a bill, she does consider the media helpful to develop knowledge about what various parts of the public think, because "you need to get the bigger picture. That is why all media are relevant, and why I think *De Telegraaf* and *Metro* are just as relevant as a more financial (...) article in the *FD*".

Another indirect way in which media coverage played a role in this legislative process was via media-driven emails and letters from citizens. This was particularly the case with this bill, because the informative coverage made citizens acquainted with the changes the bill would bring about, being framed as 'what does this mean for you?'. An MP states: "When they write a lot about a bill in newspapers, people start to email more. Then people connect their situation, that they are not happy with, to what is being debated in The Hague." Another MP argues: "Media messages are often an important catalyst." One topic people expressed their worries about via emails, according to several MPs, is flexible employment; this played a role in reinforcing doubts about that specific element of the bill.

During the legislative debates in the Lower House several politicians referred to media attention. The survey conducted by a newspaper, mentioned earlier, was referred to in order to substantiate doubts about the effectiveness of the measures for temporary employment. There are a number of other explicit media references, for example when a Christian-democratic MP substantiates his position by saying: "Various labor market experts, amongst whom Ferdinand Grapperhaus this morning in the AD, join

that plea" (*Behandeling Wet werk en zekerheid*, 2013-2014b).²⁶ A Green party MP even refers to online media coverage published during the debate, when he says that "Miss Van Nieuwenhuizen wants postponement on other issues as well, as the amendment shows, and if I can believe the news sites, there is more to come" (*Behandeling Wet werk en zekerheid*, 2013-2014b). The minister also referred to a statement in the media, but without explicitly mentioning that this was the case. He referred to the fact that the *SP* party leader Roemer graded the bill a '7-', which he did in a radio interview on the day the bill was introduced into parliament. In sum, as regards Lower House MPs media coverage was present at this legislative process, but during the debates the references are mainly of a rhetorical nature. Only in a more indirect and therefore less tangible manner, the media coverage served as a source of information for political actors and affected the attention for the various topics of the bill.

Introduction of amendments

The amendments and motions that are introduced are not a direct reaction to media coverage. Preceding the introduction of some parliamentary amendments, however, media coverage did play a role. Although their role is limited, the media are relevant here as one of the channels via which concerns about the consequences of the bill reach MPs. MPs indicate that if a specific concern is for example voiced in direct contact with representatives of interest groups and broadly debated in the media, this can be a reason to take the matter seriously. As such, it may contribute to the introduction of an amendment.

It is not so much specific coverage that inspires MPs to introduce an amendment, but more generally the tone of the coverage over a longer period of time, combined with similar critical voices via other communication channels. This mechanism seems applicable primarily to some amendments that are related to the prominent debates about flexible employment and dismissal. An MP explains

²⁶ The reference is technically incorrect, because the article he refers to was not published in the *AD*, but in the *FD*.

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the mechanism with regards to one of the amendments: “That was something we were hearing quite quickly from various sides. I think it (..) was in the media, but also in conversations we have had. That is (..) a typical case of: alright, (..) we have to arrange something better for that.” The reason for this amendment thus were concerns picked up in direct contact with people plus “what you read about it in the media: that runs parallel to each other.”

An aspect of this particular legislative process that is mentioned frequently in the interviews, is the role of the ‘Social Agreement’ and the budget agreement. As a consequence of these agreements, many parties felt they had little room for manoeuvre; this goes for the introduction of amendments as well. Reflecting on the process, one MP argues that “maybe in the end, in what was reflected in amendments and motions, (..) was a bit less than what it would have been otherwise. Because there was the Social Agreement behind it, where we did not get that much space anymore.” According to various MPs, this political deal had implications for the number of amendments and motions and for their content. Parties committed to the agreement could not always propose the far-reaching amendments they probably would have liked.

In sum, it is clear that politicians have responded in parliament to media attention for the various topics of the bill. In both Houses of Parliament, political actors reacted to the media by making more or less explicit references to media coverage, mainly to underline or reinforce their already existing positions. There are no such effects on legislative reports, and the modest number of media-inspired PQs is also hardly related to the legislative process. Because MPs of coalition and supporting opposition parties felt they had limited to no room for manoeuvre, the potential impact of the media was limited. For several MPs media attention was as one of their sources of information and was reflected in the articulation of parties’ concerns about the bill. As a consequence, media coverage played a role in the development of some amendments. However, media coverage alone is not enough: criticism has to be voiced elsewhere as well, and media attention is subordinate.

4.4.3 Feedback loop: the politics-media influence

The third research question concerns the attempts of politicians to generate or influence media coverage. The content analysis of the media coverage shows there is substantial attention for the legislative process. More specifically, in various broadcasts and articles political actors are quoted or paraphrased and amendments are discussed. This suggests that political actors have successfully tried to generate or influence the coverage of the legislative process. The interviews confirm that there are indeed instances in which Lower House MPs contacted journalists about this bill. None of the senators says to have done so; most of them did not have contact with any journalist whatsoever. Some senators even suggest it does not fit their job to be in the media about a bill that is being debated: “If I hear a senator on the radio, or see [a senator] in the newspaper (..): that is ‘not done’ for a senator”, one of them argues. Another senator argues that being a good legislator and being in the media do not go together. “Our role is not so much to serve the media, but to make sure the legislative process goes well: (..)and that often doesn’t go together, because serving the media is [creating] fuss and getting the minister into trouble. And a good legislative process is finishing it in such a way that (..) the quality [of the bill] is good.”

Interviews with journalists as well as Lower House MPs suggest that most of the time contact is initiated by the journalist. In the days prior to a legislative debate, most parliamentary journalists either make a phone call to all or several spokespeople on the bill or take a walk through the parliamentary building to ask what the parties’ stances are and whether MPs are planning to take any action during the legislative process. Most journalists followed the legislative debates – at least in the Lower House – from the press gallery, or watched it online in the office. “When it is almost finished, I quickly go to the House, to catch them and have a talk afterwards”, one of them explains. In addition to that and due to the fact that most parliamentary journalists are in and around the parliamentary buildings very often, there is frequent non-planned, ad hoc contact between politicians and journalists. One political journalist explains: “You run into them very often (..). So that also happens between

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times.” There are some instances in which MPs approach journalists with regards to this bill. One of the MPs explains that she contacted a journalist from a specific newspaper she thought might be interested in her amendment. This resulted in coverage of that specific initiative.

In general, however, Lower House MPs are not proactive when it comes to media coverage. When approached by journalists, they were willing to cooperate, but only a few MPs say they themselves approached a journalist. They assess in advance whether they think they can count on journalistic interest. Amendments that are introduced by the coalition parties and/or the ‘constructive’ opposition parties can count on some media interest, because the MPs can assure the journalist that these will pass and thus have policy consequences. The main reason why MPs try to get media coverage for their amendments is to create visibility for themselves and/or for their party. “You just want to bring your standpoints into the spotlight”, one MP explains. “When I have introduced [an] amendment (..), yes, then I like it if I get the credits for it, because I devised it. (..) You have to make sure that it is linked to you and [your party]. That is obviously what you try to achieve.” Another MP explains: “You want to show your voters what your position is, [with regards to] things that are very important for your party. (..) Such an amendment is (..) very important to me, (..)so I’d like a lot of publicity for it. So than that is the one that you single out.”

Another reason for MPs to try to influence media coverage is of a more strategic nature. Media coverage puts pressure on other parties with regards to legislative debates: “It can be [a way] to create a reality nobody can disagree with”, as one MP states. However, none of the MPs indicate that this mechanism played a role with regards to the amendments with this bill; the primary reasons seems to be the delicate political balance due to the agreements with the social partners and with the ‘constructive opposition’, combined with the fact journalists are primarily interested in amendments with majority support. Parties that were committed to the agreement took part in multiple negotiations about the bill achieved something that was worth accepting the bill, and knew in advance that they could count on a majority for some of their amendments. They knew the

die was cast and were less inclined to try for additional success. In addition, those parties were afraid to offend others by ‘playing the game’ via the media. On the other hand, parties that were not part of the agreement had virtually no chance of getting majority support for their initiatives and could therefore not count on much journalistic interest – and were aware of that.

The overall picture is that there has been quite frequent contact between Lower House MPs and journalists. Several MPs tried to get coverage for their position or initiatives, and some succeeded. The primary reason was to create visibility. For the parties that could count on journalistic interest increasing parliamentary support for their proposals was not relevant. This clearly suggests the importance of the political context, i.e. the agreements regarding the bill.

4.4.4 Legislative outcome

The fourth and final question is: does media coverage influence the legislative outcome, and if that is the case, how? For answering this question, I distinguish between support for amendments and support for the bill.

Despite the interaction between MPs and journalists during the process, media coverage seems to have had very little, if any, consequences for the legislative outcome. To start with the support for the bill, most political parties had very little freedom for maneuver. First of all, the parliamentary parties of the coalition were supposed to support the bill, because it resulted from the coalition agreement; parties in the Upper House are formally not committed to this agreement, but they were expected to support the bill as well. Because the coalition parties *VVD* and *PvdA* did not have majority support in the Upper House, enough parties for getting such support in the Upper House were committed to the bill beforehand: *D66*, *CU* and *SGP* were ‘bound to’ the bill by an interim agreement (*‘Herfstakkoord’*) in the fall of 2013.²⁷ Thirdly, the *CDA* was not

²⁷ The agreement was reached with the parliamentary party groups of *D66*, *CU* and *SGP* in the Lower House; their parliamentary party groups in the Upper House were not

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formally committed to any agreement, but this party is traditionally supportive of the ‘social partners’ (De Jong, 2013). The fact that the bill was based on an agreement with these partners meant that the *CDA* felt it should support the bill. One of the MPs explains that in a comparative perspective, “this bill is very different, to the extent that it is the heart of the Social Agreement”, and “of all the bills I have dealt with, this is the one with the most pressure on it”. Several MPs supported the bill in spite of the critical coverage. A senator explained in referring to a very critical column about the bill: “To be very honest, (...) I find such columns very difficult, because really, I think he is right. But I mean, you know, party discipline, Social Agreement...”

There were few opposition parties left that could freely choose whether to support the bill or not. Media coverage may have played a role in their final assessment of the bill, mainly in the sense that it increased doubts and worries. A senator argues that during this legislative process critical newspaper coverage “brings doubt. (...) As parliamentary party we have doubted until the very last moment about what we should really do. And that just has to do with the fact that such rather authoritative bodies and people [had] such a harsh judgement, were so (...) critical about that bill.”

With regards to the media-politics interaction during the process and the support for some of the amendments, somewhat of a pattern is visible, in particular with respect to amendments and motions relating to the two most prominent topics in both the media and in parliament, flexible employment and dismissal. The media coverage served as a catalyst that increased doubts and worries about the desirability of the proposed measures. It was however not the only source of information for MPs. In addition to criticism that reached them via other channels, the negative comments by societal actors and various experts in particular reinforced the doubts political actors already had. The mechanism with regards to the introduction of these amendments thus also applies to the support they received.

Another similarity is that several MPs indicate that if they would not have been bound to an agreement, they would have had more

formally bound to the agreement.

room to act in response to (media) criticism. Several amendments supported by the coalition and constructive opposition parties together were however the maximum of what was achievable within the political framework and constraints of the agreements. Some MPs are explicit about the fact that media coverage affected their decision to introduce or support amendments: “It has, and it is very consequential. Because we are not making a theoretical law in isolation. (..) The input of society via the news is very important.”

In sum, the media-politics interaction was relevant for the legislative outcome only to some extent. MPs of some parties incorporated media coverage in their final assessment of the bill and amendments. To others, the media’s role was marginal or non-existent: again, the political context played a dominant role. A majority of parties did not have much leeway and did not feel they could incorporate comments and criticism, voiced via the media, as extensively into their considerations as they would probably have done otherwise.

4.5 Conclusion and discussion

What happens to a legislative process when the bill under consideration is heavily covered by the media? This second case study analyzes in-depth if and how media attention plays a role in the lawmaking process that restructures employment law in the Netherlands. This second case shows that media coverage is reflected in the legislative process of the bill ‘Employment and security’ in various ways. However, the content analyses of media coverage and parliamentary documents, as well as the interviews with relevant political actors and journalists, indicate that this media impact is limited and clearly subordinate to the political context. The context within which the major political parties could act was defined in advance by various agreements.

Media attention mainly played a role in the parliamentary discussions about the bill by affecting the behavior of political actors indirectly. During legislative debates, several politicians referred to media coverage to stress their positions. The coverage in general, not

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specific articles or items, also affected the way political actors thought about the bill. Most of them monitored the media and as such it was sometimes a source of information for them, primarily because it sketched the broad outlines of the bill, or it focused their attention on a specific concern about the bill. Journalists often produced informative pieces to prepare their readers for the changes that were to take place. Several political actors tried to and succeeded in getting coverage for their party. The media also functioned as a platform for other actors, such as lawyers or professors, to comment on or criticize the bill. Media attention contributed at least slightly to the awareness amongst political actors that they wanted to amend the bill or support amendments introduced by others. For some MPs, what they heard or read in the media played a minor role in their assessment of the bill as a whole.

Nevertheless, these mechanisms do not seem to have drastically changed the course of the legislative process: the outcome is not affected much, if at all, by media attention. What the analyses and interviews show is the primacy of politics. By the time the bill was introduced into parliament, negotiations had already taken place and continued to take place between the coalition parties, the 'constructive' opposition parties, and even some of the remaining opposition parties. As a result, many parties were relatively happy with what they achieved. They did not have an incentive to use the media, strategically or otherwise, and some even expected it would be counterproductive to try and do so; they felt committed to either the political agreement or the agreement between the social partners.

The media's role 'beyond agenda setting' with regards to this bill is thus limited. This second case study suggests that even when media reporting is monitored closely by political actors, this certainly does not steer or determine the course of the legislative process. In this case, the media at most modestly serve as a catalyst and put emphasis on signals from society that may not have reached politicians effectively via other channels.