

PRINCIPAL - AGENT AGREEMENT AND UNEMPLOYED THIRD COUNTRY NATIONALS: THE ROLE OF PUBLIC AND PRIVATE EMPLOYMENT SERVICE AGENCIES IN CONTRACTING-OUT EMPLOYMENT CASE MANAGEMENT TO ENABLE YOUNG THIRD COUNTRY IMMIGRANTS EMPLOYMENT-RELATED TRANSITION FROM WELFARE TO WORK IN CZECH REPUBLIC

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Abstract

Purpose – This purpose of this paper is to explore contracting-out of employment case management service implementation and the role of public and private employment service agencies under principal-agency agreement in Czech Republic to enable young third country immigrant employment-related transition from unemployment to all types of employment

Design/methodology/approach – The qualitative case study was to understand the role of Local Public Employment Service (PES) and Private Employment Service agencies in contracting-out for employment case management service delivery to enable young third country immigrant employment-related transition from welfare to work. Drawing on official employment-related legislative documents and scholastic text, data were collected. Data were analysed using document and thematic qualitative content analysis techniques.

Finding – The findings show information, monitoring to guide ethical value and accountability, and bonding to target agency's conduct. This outcome points to a crucial authoritative model in contracting-out of employment case management implementation to manage taxpayer's money in time where countries are still facing financial crisis with gross domestic product deficit.

Research limitations/implications – The single case-oriented approach focused only on the Czech Republic with insufficient generalization to explain the phenomenon in countries not included in the study leading to low external validity. In addition, this study focuses mainly on young third country immigrant employment-related transition from welfare to work in the Czech Republic. Thus, irregular and undocumented third country immigrants are not part of this study.

Analysing research findings with the lens of contracting-out model, assumes that human beings' actions are rational and bounded with self-interest and opportunism. Using principal-agent theory in contracting-out case management study allows the investigation to specify tasks as well as how controlling and monitoring over private agencies and bonding mechanisms serve as prerequisites for the principal's (PES) authoritative managerial duty to enable young third country immigrants from welfare to work.

Practical implications – The outcome of this study is relevant because it widens the understanding of corporate partnership between officials (principal) and employment agencies (agent) to improve young third country immigrants' transition into work. Also, the researcher hopes this research contribution would stimulate further study in active policy measure implementation and governance. In addition, this research outcome offers other observations and approaches of the researcher about the implementation governance of activation policy measures to enable young third country immigrants' employment-related transition. Hence, the most important contribution is not the achievement, but to contribute to further study in third country national's research.

Originality/Value – This research is considering the distinctiveness of third country national's heterogeneous group's sub-category as a focused group to enrich the real community and foster social cohesion. There is still little rigorous empirical evidence to justify the contracting out of employment case management services service delivery to enable third country national's employment related transition from welfare to work in CEE countries, including Czech Republic with needs to fill this knowledge gap. This study enriches this line of qualitative research and concentrates in particular on the sub group of young third country immigrants among the heterogeneous groups of third country nationals

Keywords: Contracting-out case management, Czech Republic, Employment service, Welfare-to-work, Young third country nationals

Research type: research paper.

Introduction

Contracting-out of employment case management from public to private employment service agencies to deliver advice to hard-core job seekers is not completely new governance. Contracting out takes places in quasi-markets replacing state monopoly of service delivery, assuming private agencies are better off to enable disadvantaged people's needs. Yet, private enterprises may have too strong incentives to cut cost that can impair service implementation quality (European Commission 2012; Gesine 2016; Bartlett et al 1993). Moreover, local government units are face challenges with information asymmetry and costly administrative process to monitors agency's performance (Gilbert 2004: 120) and manage taxpayers money resulting to conflict of interest fulfilling their relational tasks (Gilbert 2004) in the contractual agreement. Although, there are existing contracting-out of employment service research in many countries, rigorous empirical evidence is still scarce in CEE countries (Gesine 2016), including Czech Republic to understand the role of public and private employment agencies contracting out for employment case management specifically to enable young third country nationals employment-relate transition from welfare to all type of work. As a matter of fact, this study provides an more insight to enrich contracting out of employment case management research in Czech Republic. Thus, analyzing the principal-agent relation is keys to understanding this dynamic.

The purpose of this paper is to fill in the gap and explores contracting-out of employment case management service implementation and the role of public and private employment service agencies under principal-agent agreement in Czech Republic to enable young third country immigrant employment-related transition from unemployment to all types of employment. In addition, this research enriches contracting-out of case management service delivery to enable unemployed young third country immigrants among hard core-welfare recipients employment-related transition from welfare to work in Czech Republic. Unemployed young third country immigrants are defined as non-EU nationals or foreigners who voluntarily and legally move to one of the European Union member's State with visa and residence permits. In particular, they are hard-to-place clients that face several barriers to enter work and needs employment case management to adjust contemporary competitive (de)regulated employment systems. The research questions is: How is the role of Public employment service and private employment Service agency in contracting-out of employment case management service implementation under principal-agent agreement to enable young third country immigrant employment-related transition from welfare to work in Czech Republic, and what is the consequent to young third country immigrant.

Drawing on official employment documents and scholastic texts, the qualitative case study data are collected for analysis with the methods of document and thematic content

analysis techniques. The paper begins with section two discussing principal and agent arrangement in contracting-out of employment case management model. Section three will discuss the methodology and methods of the study. In section four, the researcher will present the findings on the role of public and private employment agencies in contracting-out case management service implementation enabling young third country immigrant's employment-related transition from welfare to work in Czech Republic. Finally, this paper will end with some general remarks

Principal-agent agreement in contracting-out case management

Principal-agency agreement is a relational authoritative model in contractual governance where according to institutional economics, agent of implementation (here employment agencies) is supposed to pursue the interest of the principal (here a bureaucratic apparatus or individual officials) (Potůček et al 2016). Analysing of the principal-Agency model over the past years is essential to understand the causes and consequences of interests' disagreements (Zinyama 2014). In particular, it assumes human beings actions as rational bounded with self-interest and opportunism (Eisenhardt, 1989). The principal – agent arrangement emphasizes on information asymmetry problems in contracting out of service implementation (Barney and Ouchi, 1986). As a matter of fact, principal-agency agreement shows the risk attitudes of principals and agents (Eisenhardt, 1989) in contracting-out of employment case management services delivery implementation. However, there are information resulting to conflict of interest that is often manage with bonding to target agency's activities, and monitoring of their tasks.

In contracting-out, agency relationships occur when the principal (Public Employment Service) in the relational agreement delegates authority to agents (private employment services) and the principal's interest is often affected by the choices of agency's who own the resources such as time, information and skills (Potůček et al 2016: 147). This relational authoritative model of corporative governance is useful to develop flexible forms of services delivering specifically targeted to local labour market needs (European Commission 2012). Yet, the decisions differ in Austria, Finland and the Czech Republic due to their dissimilar institutional setup in Employment Acts. Moreover, different problem arises when there is conflict of interest between the principal and agent.

In Barney and Hesterly (2005) view, conflict of interest arises in principal-agent specific tasks fulfilment. Similarly, Potůček et al (2016: 147) argues that conflict of interest is imperative because it is not the principal but the agent who has resources such as time, information and skills. Therefore, the principal cannot fully check the agent's compliance with his/her orders and interest (Potůček et al 2016). Thus, making principal unable to monitor agent's actions and incapable to controls agent's activities because of insufficient information. And agent's deviation from the pursuit of the principal's interest, instead pursuing his value orientation and /or maximizing his own benefit and appropriating the utilities of some of the goods and services that the principal made him responsible (Mlcoch 1996, Dowding 2011, seen in Potůček et al 2016: 147). In addition, there are also issues of adverse selection and moral hazard. (Keil 2014) that shows agent's opportunistic behaviour in service delivery that works against the principal managerial performance (Zinyama 2014).

On one hand, Adverse Selection occurs before the start of the relational contractual interaction (ex ante) between the principal and agent. In Keil (2014) view, the principal cannot fully judge (a) the agent's quality indicated by productivity, soft skills, and education, for instance, that are hidden characteristic, (b) the plans of the agent if and how to maximise her own profit through consuming "perks", shirking, gather valuable knowledge, such as,

hidden intentions. The outcome shows agent's opportunistic behaviour is service delivery that works against the principal managerial performance (Zinyama, 2014). Similarly, Keil (2014) argues that it leads to quality uncertainty because principal takes the risk to pay a price higher than the agent's real market value. In this case, a price cap indicates the risk that the "high-value" agents don't apply (Keil 2014). For example, adverse selection can lead to partial market failure, since the principals offer the average price that is too low for the high-quality applicants. In this case, only low-quality firms offer their service, even if the minimum price the high quality agents want is lower than the principal's maximum willingness to pay (Keil 2014).

On the other hand, moral hazard is ex post consisting of hidden action (Keil 2014). In addition, moral risk also appears if the principal can fully monitor the actions, but has limited ability to judge them properly (Keil 2014). The underlying problem is the information asymmetry that is helpful of the agent about the quantity and quality of input and of the output (hidden information) (Keil 2014). This gives agents an opportunity to use the discretionary freedom and to maximize his profit function, for instance, through 'fringe benefits', reduced effort, and unnecessarily high budgets that leads to inefficiencies since the decrease in the principal's payoffs is higher than the increase of the agent's (Keil, 2014). But, the principal can reduce it with monitoring.

Therefore, to protect principal's interests, principals monitors agency's actions to decrease information asymmetry (Keil 2014) caused by moral hazards. The principal needs to control the effort invested by the agent. Monitoring activities could be resolved by reports, accounting, explanation and direct observation (Zinyama 2014). Even though, monitoring do not give the full story of agent's decision because of the continuous flux between factual and value premises and facts and values interdependency in the implementation process. Alternatively, fines can be defined for cases where the principal recognizes opportunistic behaviour (Keil 2014). Often, this is not applicable due to difficulties in defining such behaviour in the reality.

In addition, principal can cut private enterprises possibilities of misconduct through the principal's bonding arrangement that penalised agents violating principal's interest or reward them for achieving principals goal (Zinyama 2014) in contracting-out of case management to enable young third country immigrants employment-related transitions. This bonding mechanism are delegation of restrictive and contractual agreements or rules in a cooperative manner that limit the agent's choices (Zinyama 2012). For instance, a coding guidelines, process definitions or management rules to guide the relational contractual arrangement between the principal and agent. But this also bears transaction costs, since compliance with these claims needs control and monitoring.

Having explored the principal-agent agreement, it is certain that specifying the task and monitoring over private agencies respective activities as well as bonding mechanism are prerequisites for the principal – agency relational contractual arrangement in the arena of contracting-out employment case management service delivery from public to private sector. Therefore, contracting-out employment case management implementation to enable young third country immigrant's employment-related transition from welfare to work is interconnected between the principal and agency relational contractual agreement to improve disadvantaged people's social cohesion (Wilensky and Turner 1987). Yet, despite scholastic research, there has not been enough rigorous empirical evidence to prove the role of public and private employment service agency in contracting-out case management specifically to assist young third country immigrant's welfare to work in CEE countries, including the Czech Republic. As such, the purpose of this paper is to fill this gap by investigating contracting-out of employment case management service implementation and

the role of public and private employment service agencies under the principal-agent agreement to enable young third country immigrant employment-related transition from welfare to all types of work in Czech Republic. The next chapter is about the methodology and methods to investigate this phenomenon and derive findings to answer the research question.

Methodology and Materials

This qualitative case study research rely on a constructivist philosophical position, about how the complexities of socio-cultural world are experienced, interpreted, and understood in a particular context and time (Bloomberg 2007).

The finding is a triangulation of official employment policy documents and an overview of scholarly literature to offer a corroboration and/or supportive evidence (Mayring 2012) from Czech Republic. The official documents are Czech Employment Act (that's ACT dated 13th May 2004 on Employment in Czech Republic) and employment policy reports about Public Employment Service. The criteria for selecting these documents are multiple purposely sample (Patton, 1990; Yin, 2003). The researcher searches the official employment documents and reports from online through search engines such as Google and gatekeepers in Czechia between the month of February and March. The documents were specifically in Czech and English language. In the cases of Czech language, the researcher use Google to translate the text or ask his Czech's colleagues to assist in translation

The researcher used document analysis and thematic content analysis technique (Mayring, 1983) to code and analyses the data using themes derived from principal-agent theory-led deductive categories. In the first round of coding process, the researcher develops following suitable categories to enable interpretation: (I) Regulation – room for relation: This show the information agents know or principal have for employment service contracts. How are information process regulated and obtained and how agents offer this information; (II) Control - Monitoring pattern: This code offers officials monitoring administrative process to regulate agencies activities and keep record of their performance; (III). Guidance – Bonding: This code offers the process where principal govern agency's conduct to enable young third country immigrant employment related transition. The researcher also shows links to the bonding mechanism such as punishment towards misbehaviour that are relevant to guide the process from corruption and hold agency accountability for transparency. For example, arrangements that penalised agents violating principal's interest or reward them for achieving principal's goals.

Furthermore, the researcher conducted other rounds of coding based on the extracted text from the document. In this case, the researcher follows a content structure which lies at the centre of this study text interpretation (Lamnek, 2010; Atteslander, 2010). Thus, after several rounds of codes deduction, a thick description for the interpretation is built with the theoretical preposition (Hennink et al. 2011: 236) of principal-agent arrangement to understand the role of public and private employment services in contracting out of employment case management implementation to enable young third country immigrant transition from welfare to all types of work.

Findings

The data of this study shows three vital role of public and private employment service agency in contracting out of case management implementation. The first is the role of information to specify tasks. The second ensure monitoring to account for accountability and transparency. Finally, an essential aspect is bonding to target and conditioned agency's action

against misconduct. Hence, in the following sub section, the author of this paper will illustrate and elaborate the three results of this paper:

Information and relational contractual cooperation to specify task

Contracting-out case management implementation is observed from the perspective of authority delegation serving as a tool to manage decision through corporate governance control and contractual relationship (Fama and Jensen 1983). In Czech Republic, the Labour Office may cooperate with non-state employment agencies in the delivery of targeted programmes such as case management other economic providers based on a contractual relationship where they agree partly on the contribution made for targeted programme provisions.

“In the implementation of targeted programmes, the Labour Office may cooperate with other entities or may ensure the provision of such programmes through other legal entities or natural persons based on a contractual relationship (Czech Republic, ACT of 13 May 2004 on employment, Subsection 4, 435/2004 Col)

As part of the agreement, other economic providers based on a contractual relationship partly agree on the contribution made for targeted programme provisions.

Part of an agreement to provide a targeted programme is an agreement on the contribution to be made to the legal or natural person for the provision of the targeted programme” (Czech Republic, ACT of 13 May 2004 on employment, Subsection 4, 435/2004 Coll.)

Through this agreement, the Regional Branches of the Labour Office and Employment Agencies cooperate to carry out intermediation activities. The Labour office assigns the work, supervises, advice, and offer information services in the field of employment opportunities:

“The Regional Branches of the Labour Office and Employment Agencies cooperate in performing intermediation activities, employment of natural persons who assigns the work and supervises it (the “User”), and an advisory and information services in the field of employment opportunities” (Czech Republic ACT of 13 May 2004 on employment, 435/2004 Coll.).

Moreover, the government may issue a decree to established type of work which employment agency may hire out temporary worker to work for the user

Section 64 “The Government may issue a decree to establish types of work for which the employment agency may not hire out temporary workers to work for the user”

Private employment agencies are obligated to communicate and offer the Regional Branch of the Labour offices with information and records about their activities in service delivery:

“A natural person to whom the Regional Branch of the Labour Office provides services under this Act is obliged to provide the Regional Branch of the Labour Office with information...Employment agencies are obliged to keep records” (Czech Republic, ACT of 13 May 2004 on employment, Section 21, Subsection (1), 435/2004 Coll.)

In addition, the Regional Branch of the Labour Office may include job seekers in the shared employment intermediation on the basis of individual activation plan and employee’s written consent:

“The Regional Branch of the Labour Office may include job seekers in the shared employment intermediation on the basis of an individual action plan (Section 33(2)) and with the employee’s prior written consent. When selecting job seekers, account is taken in particular of the labour market situation” (Czech Republic, ACT of 13 May 2004 on employment, Section 119a, 435/2004 Coll.)

Labour office and employment agencies shall cooperate in their specific task resolving situation in the labour market. Employment services may perform the brokerage activities on basis of an agreement with the labour office

“Regional branches of the Labour Office and employment agencies shall cooperate in brokerage activities under paragraph 1 a) a c) resolving the situation in the labour market. The Employment agencies may perform the brokerage activities under paragraph 1 a) a c) also on the basis of an agreement with the Labour Office (Section 119a)” (Czech Republic, ACT of 13 May 2004 on employment, Section 119a, 435/2004 Coll.)

In another word, information and cooperation are tools that officials and non-state entities are using in their relational contractual cooperation to specify tasks and duties. Since specification of tasks is disputable as principal cannot fully check human beings actions that is rational bounded with self-interest and opportunism (Eisenhardt, 1989) to maximise their own profit, public service sector are adjusting with monitoring to control private employment agents activities, which is the subject of the next subsection

Monitoring to account for accountability and transparency

Public employment officials (Principals) should monitor employment agents (agency) actions, decisions and performance (Eisenhardt, 1985) through administrative tasks and incentives to induce agents work in the best of their interests.

The labour office grants and withdraws permits from legal entities to broker employment and keep up records of employment agencies as well as inspect the activities laid down in the agreement

“Grants and withdraws permits from natural persons or legal entities to broker employment and maintains records of employment agencies”.

“Performs inspection activities to the extent laid down in this Act and the Act on the free movement of services” (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

The Labour Office prepare materials to draw up a concept and programs for the development of employment policy to discuss important issues on the labour market about actions that influence state employment policy and systematically monitors and evaluates the situation

“Prepares materials to draw up a concept and programs for the development of state employment policy to address important issues on the labour market and opinions concerning the actions that influence the state employment policy, systematically monitors and evaluates the situation on the labour market and takes action to influence labour demand and supply” (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

In addition, the Labour Office monitors and examines private agencies delivering service activities to check suspect of misconduct by penal code regulation:

“The Labour Office is entitled to examine their capacity to provide intermediation activities if there is reason to suspect that there is a serious threat to protected interests or unauthorized provision of intermediation activities. The Office performs reviews in accordance with special legal regulations.” (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll)

The labor office also keeps the record of permitted employment agencies as a way to control their address and list of workplaces to understand agency conduct, activities, and history of suspension behaviors:

“Records of employment agencies that have been granted permit for employment intermediation are kept by the Labour Office. The records contain the information under Section 62, the address of the employment agency, a list of its workplaces and an indication of whether the employment agency – a legal person has been subject to the suspension of activity consisting

in employment intermediation pursuant to a special Act92)" (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

Bonding to target and conditioned agency's action

The labour office keeps record of employment agencies with permission to offer employment service:

"Records of employment agencies that have been granted permit for employment intermediation are kept by the Labour Office" (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

The records contain the information about the address of the employment agency, list of their work places and signs whether they have been subject to suspension of employment service implementation activities:

"The records contain the information under Section 62, the address of the employment agency, a list of its workplaces and an indication of whether the employment agency – a legal person has been subject to the suspension of activity consisting in employment intermediation pursuant to a special Act92)" (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

Private employment organizations are supposed to meet the specify condition for the permit of employment intermediation otherwise the will face punishment:

"If the legal or natural person ceases to meet the conditions specified for the permit of employment intermediation, the legal person is punished with prohibition of the activity consisting in employment intermediation" (Czech Republic, ACT of 13 May 2004 on employment, 435/2004 Coll.)

As a matter of fact bonding served as a mechanism to enable the principal take control of agencies actions and keep record about their past and current conduct for better assessment. In this arrangement, employment agency are obliged to meet the obligation and task otherwise the faced penalties and suspension

To sum up, Czech Republic PES is undergoing reforms in it public employment sector through contracting of welfare service to enable welfare to work process. Equally, this decentralisation model is transforming from the state to the market where private entities cooperate with the public officials to deliver welfare service through information, monitoring and bonding that is legally binding and regularly controlled through a performance-based management system.

Discussion and conclusion

In this paper, the researcher analyse the role of public and private employment service agency in contracting out of case management to enable young third country immigrant employment-related transition from welfare to work in Czech Republic. The institutional reform decentralising the role of public to private employment service delivery is the consequences that end the monopoly of PES in the delivery of specific public goods and show outsourcing as broader state efforts to decentralised power and promote inclusion as well as manage huge sum of Taxpayer's money.

Information in contracting-out case management relational contractual tool officials and non-state entities are using to specify tasks and duties. Since specification of tasks is disputable as principal cannot fully check human beings actions that is rational bounded with self-interest and opportunism (Eisenhardt, 1989) to maximise their own profit, public service sector are adjusting with monitoring. Monitoring of private employment agents actions and

decisions offer guidance and control to resolve agency problem in contracting-out for case management (Zinyama 2014). Acting as mechanism to negotiate agent's behaviour and performance (Eisenhardt, 1985; Mahoney, 1992; Zinyama 2014) in service delivery. Such observation regulates private employment agencies conduct in service delivery. Therefore, with bonding agency face punishment due to violation of principal's interest or reward for achieving principals goals (Zinyama 2014). This approach also help to cut agency's information asymmetry and ownership in contracting-out of case management as officials and private employment service agencies will eventually stabilizes confidence through bonding of common interest (European Commission 2012; OECD 2010; European Commission 2012).

To conclude, information, monitoring of agency activities, and bonding regulation to target agency's misconduct are valuable tool of employment case management implementation to enable young third country immigrant employment related transition from welfare to work and ease vulnerable people subjective wellbeing in Czech's contemporary superdiversity society. However, if this is not taking into consideration, corruption will take place that is not only harmful to hard-core unemployed citizens participation in welfare sub regimes (such as employment system), but the society, welfare state, economy, and Czech's social cohesion process.

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