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Licensed to skill? The impact of occupational regulation on fitness instructors

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Abstract

Occupational licensing, which restricts entry to a job to those with certain qualifications, has traditionally been associated with professionals. Can such forms of occupational regulation support skill development and higher wages lower down the labour market? Cross-national comparisons of a specific occupation can highlight differences in regulation and the interaction between skill formation and industrial relations institutions. We compare the regulation of the occupation of fitness instructor in the UK, France and Norway, focusing on the impact on skills and wages, and suggest that while licensing offers some beneficial outcomes, the relationship with these other institutions is critical.

Key words: occupational regulation, licensing, skills, intermediate jobs, pay, France, Norway, UK

Introduction

There is a broad consensus across the developed world that a higher qualified workforce will enhance competitiveness, productivity and wages. Such assumptions reflect the enduring influence of human capital theory and the purported shift towards a knowledge economy. There is, however, growing scepticism in some policy quarters whether simply boosting the supply of qualified labour can deliver, given problems of ‘over-qualification’, ‘under-utilization of skill’ and the persistence of low-wage, low-skill jobs (Brown et al., 2010; Keep et al., 2006; Lloyd and Payne, 2016; OECD, 2010). But what of more *targeted* upskilling approaches? One mechanism is a licence to practice, a form of occupational regulation traditionally associated with professional occupations, whereby access to a job is restricted to those with specified qualifications. Can such forms of occupational regulation be used to support skill development and higher wages lower down the labour market?

In the USA, the coverage of licensing has grown from five percent of the workforce in the 1950s to around a third today, and is often contrasted with the decline in trade unions (Kleiner and Krueger 2013). Research typically finds that licensing is associated with higher wage premia, lower employment growth, higher prices and no discernible improvements in product or service quality (Forth et al., 2011). In the UK, policy-makers have asked whether statutory licensing can boost employer training (Tamkin et al. 2013), while others have suggested it may help to address low-wage work (Ray et al., 2014: 33) or contribute to the revitalization of trade unions (Koumenta, 2015). There is some evidence that licensing has raised qualification levels in lower end jobs, but has little effect on wages.

In this article we ask whether licensing can have a positive impact on skills and pay for workers in intermediate jobs, a group that has been relatively neglected by researchers. We aim to move beyond existing research in two ways. First, we identify the impact of qualifications and training on skills and their deployment in the workplace. Apart from Gospel and Lewis (2011), researchers have largely neglected this question. Much of the justification for regulation relates to its potential to improve outcomes for consumers or users; but measuring impact is extremely difficult.

An alternative is to examine a central mechanism through which quality is supposed to be enhanced, namely the more effective deployment of skills within the job.

Existing research is typically limited to one country, so our second contribution is to analyse occupational regulation through an international comparison. Does a job that is licensed in one country but not in another exhibit differences in its position in the occupational hierarchy and in relative pay levels, and can such differences be attributed to licensing? Understanding the way in which regulation fits within the wider context of national institutions (Boll and Weeden, 2015) also provides a basis for debate around the potential and limits of licensing.

Our qualitative research explores the impact of different forms of occupational regulation in the UK, Norway and France. The focus is on the qualifications, skills and pay of fitness instructors, classified by ISCO as an intermediate occupation. We begin by arguing for an analysis of occupational regulation that centres on skill development and use from a job quality perspective. The research rationale and methods are then discussed. We examine occupational regulation in the fitness sector and whether the different national systems of qualification and training provide the required skills and knowledge for the job and improve instructors' pay. We conclude by considering the potential for occupational regulation to improve the prospects for intermediate groups in the labour market.

Occupational regulation

Occupation regulation denotes the use of standards, typically involving qualification requirements, applied to a particular job. It includes licensing, where only those meeting the required standard are legally entitled to practise; and certification and accreditation, which confer an occupational title or recognition of competence without this being a legal requirement to practise. Two countries in our study, the UK and France, are among the 'middle-range' countries in their use of licensing, with up to a fifth of the workforce affected (Koumenta et al., 2014: 37); data on Norway are not available.

The research agenda has been dominated by economists studying licensing in the USA, where variations in rules across states provide ample opportunities for detailed comparisons. Here, the standard argument for licensing is that it can help overcome the problem of 'asymmetrical information' (Akerlof, 1970), where consumers cannot judge the quality of a product or service. However, an occupational group may capture an 'economic rent' through higher wages or fees than would accrue in a hypothetical market subject to perfect competition. This boost in income may occur through monopoly effects, as restrictions on labour supply reduce the number of practitioners; or human capital effects, as less qualified providers are excluded from the occupation (Kleiner, 2000; Shapiro, 1986).

Quality is a vital consideration, since the policy case for licensing is primarily based on ensuring safety and raising standards of provision. Many economists however suggest that higher prices or wages may not generate corresponding benefits in terms of output or quality. Carpenter et al. (2015) describe licensing as a 'burden', and Kleiner (2015: 2) refers to a 'guild ridden labour market'. Research has predominantly focused on relatively powerful professional occupations; only a few studies have examined non-professional jobs, such as hairdressers, barbers and florists (Carpenter, 2012; Kleiner and Park, 2014; Timmons and Thornton, 2010).

Our own approach is to view occupational regulation as one way that workers seek to insulate their wages and conditions from the vagaries of market competition by establishing or protecting their status as 'skilled' or 'professional'. Such processes are endemic within capitalist economies, reflecting attempts to control the supply of labour, the conflict between employers and groups of workers over the distribution between profits and wages, as well as the control and management of skills and the organization of work (Wood 1982). They operate within national institutional configurations, such as minimum wages and collective bargaining structures, which help shape patterns of wage inequality (Pontusson et al., 2002). Our question is whether occupational regulation operates differently across national economies and how far it affords opportunities for workers lower down the labour market to improve their skill levels and pay.

Cooney (2013) suggests that much depends on the institutional arrangements for the regulation of a specific job. He outlines two distinct models of licensing: the 'professional' model is

based upon *self-regulation*, with an emphasis on high skilled performance, long training requirements and self-management of work tasks. By contrast, in the ‘conformance’ model, more typical of ‘intermediate’ jobs, *external* regulatory institutions develop qualifications which are linked to ‘minimum standards’ that reduce the risk of ‘loss and harm’ (2013: 745). In his study of lorry drivers in Australia (which in Europe would be more typically considered a lower level job), Cooney (2013: 756) argues that a ‘conformance approach’ had few effects on skill development or wages; licensing was driven by employers concerned to solve ‘collective action problems’ around training, recruitment and retention.

Cooney’s work shifts the focus towards the institutions of regulation and, in particular, the process of skill formation. A conformist approach to occupational regulation may explain the low qualification requirements and little impact on pay found in studies of newly regulated jobs, such as security guards and care workers in the UK (Gospel and Lewis, 2011; Humphris et al., 2011; White, 2015). This might indicate that licensing in the UK (as opposed to the USA) has little to offer groups of workers outside the professions. Nevertheless, the research base remains very limited, particularly in relation to intermediate jobs.

Bol and Weeden (2015: 354-355) argue that research has tended to ‘gloss over potential variations across countries’ and to examine ‘in isolation’ what they term ‘closure institutions’. Licensing, credentialization, apprenticeships and unions, they stress, should be analysed together. Comparing Germany with the UK, they find that the combination of extensive collective bargaining and a high-quality ‘mass’ apprenticeship system in Germany has meant that benefits of ‘closure institutions’ are more widely distributed across the workforce, whereas in the UK they are focused predominantly on professional elites.

Though Bol and Weeden highlight broad country differences in how institutions interrelate and their influence on wage inequality, their analytical framework still views these institutions as ‘artificial restrictions’ rather than endemic features of the labour market. In addition, they do not consider how the effects of occupational regulation on a *particular* job may be influenced by the national institutional context. Comparing *specific occupations* which are regulated in different ways across countries may illuminate outcomes that cannot be readily observed in one country, particularly when regulations are relatively stable. The aim should be to explore the interconnectedness *with* these institutions, particularly the industrial relations and skill formation systems, alongside the role played by such actors as employers, workers and their representatives at the sector level.

Comparing the regulation of fitness instructors in the UK, Norway and France

Our cross-national comparison examines the impact of occupational regulation on fitness instructor skill and pay in countries where both the nature of regulation and the institutional context varies. This occupation is normally classified as an intermediate job, although skill demands can vary considerably across organizations. Evidence indicates, however, that there is rather less systematic cross-country differences in the role (Lloyd and Payne, 2016). In general, the job involves advice and instruction in exercising and on the appropriate use of equipment. Potentially, instructors may cause serious harm to clients if they are insufficiently knowledgeable, making the occupation ripe for regulation of competency standards on safety grounds.

The three countries studied have contrasting approaches to regulating instructor qualifications. In the UK, there is a voluntary system set up by employers. Earlier research on its introduction (Lloyd, 2005) found only a limited impact on qualification levels --- raising those at the very bottom --- and no impact on pay. Questions remain, however, whether pay would rise over a longer time period, and if higher standards would have a beneficial effect. France offers a case of a robust legal licence to practice that has been in place for many years, while Norway has no regulations at all. These countries also represent very different models of capitalism (Coates, 2000; Hall and Soskice, 2001): neoliberal, state-regulated and social corporatist. Licence-to-practice arrangements are often considered less extensive in the UK than in a number of more regulated European countries which either have extensive apprenticeship systems, as in Norway, or substantial legal regulation of the labour market, as in France.

We focus on the skill and pay implications of occupation regulation. Pay represents a central job quality indicator and is relatively straightforward to measure. However, a key policy rationale for licensing is that it has a positive impact on the quality of the product or service, including safety. We primarily use skill development and deployment as an indirect proxy for quality of instructing. The few US studies of licensing that examine quality tend to use measures based on adverse effects, such as the number of compensation claims or mortality rates (Kleiner, 2000). In the fitness industry, no research to date has measured instructor quality through an analysis of injury rates or insurance claims. This type of approach is hindered not only by a lack of available data, but by questions of reliability on a cross-country basis, given differences in the health profile of clients, reporting of injuries and compensation ‘culture’.

In addition, safety is about measuring minimum standards --- Cooney’s conformist model --- whereas those being instructed are also seeking effective fitness training. Again, this is difficult to measure. Interviews with customers may shed some light on certain aspects of quality; but there are serious limitations in their ability to assess the effectiveness of instruction. Most customers have limited expertise to evaluate the skills and competence of their instructor: a classic case of ‘asymmetric information’. It seems plausible, however, that there is likely to be a strong correlation between the breadth and depth of instructor knowledge and the ability to provide safe and effective exercise advice. One way to address the lack of data on quality, therefore, is to focus on the impact of different forms of regulation on the skills acquired by instructors and their deployment within the workplace. Malek et al. (2002: 23) found that a degree in exercise science and possession of appropriate certificates were strong predictors of the knowledge held by US personal trainers, whereas years of experience were not. In their view, robust licensing arrangements were needed to ensure that all instructors acquired degrees in exercise science, necessary to underpin ‘safe, injury-free, and optimal’ exercise programmes.

We use a qualitative approach to evaluate the skills and pay of instructors, drawing on the activities and perceptions of industry stakeholders, gym managers and instructors. A longitudinal study would have been possible in the UK, but the lack of change in regulation in France and Norway warranted an analysis primarily based on a single point in time. The absence of historical pay data in France and Norway also restricted the ability to assess how the position of the occupational group has changed over time. The Annual Survey of Hours and Employment is used to provide longitudinal pay data for the UK.

Between 2009 and 2011, 64 persons were interviewed across the three countries, including 29 instructors and personal trainers. We interviewed providers of fitness instructor qualifications in all three countries: in the UK, a trainer in a private training company and a college lecturer; in Norway, a trainer in a private training company and four university lecturers; in France, a lecturer in a public training organization and the director of a private company. In addition, in the UK we interviewed three senior officials of the sector skills council and the qualification regulator; in Norway, representatives of the main employers’ association; in France, a key civil servant in the Sports Ministry and a previous head of the employers’ association. These interviews typically lasted between one and two hours, and probed key issues in relation to the training and competence of instructors, regulatory standards, and employment conditions.

The main research involved interviews at workplace level. Case studies were selected to include both up-market and low-cost gyms, and to reflect the sector profile in each country. The smaller size of gyms in France meant a larger sample was needed to obtain an adequate number of interviews. In each case, semi-structured interviews were typically undertaken with the gym manager, fitness instructors and, where they existed, personal trainers, focusing on their perceptions of the adequacy of their training, along with broader issues of pay and job quality. This was combined with a tour of the gym, and the opportunity to observe instructors at work. Interviews with managers typically lasted around an hour and with instructors between half and one hour. All interviews were undertaken by one or both of the authors, recorded, transcribed and, where necessary, translated into English, and the data analysed in relation to our central research questions. The case study gyms (anonymized) are outlined in Table 1.

[Table 1 about here]

We next outline the process of skill formation and how the different countries approach the regulation of qualifications required to be a fitness instructor, asking whether these approaches fit the distinction between professional and conformance models (Cooney, 2013). We then explore whether the skills developed in each country are considered to be effective and appropriate, before assessing the impact on pay of these different regulatory approaches.

Skill formation processes

The different qualifications used in recruiting fitness instructors in the three countries are outlined in Table 2.

[Table 2 about here]

In France, all paid teachers and instructors of sports and physical activity must possess a recognised qualification. Two state diplomas have been developed for fitness instructors since the mid-1990s through collaboration between an employers' association, the SNEISS, and education providers. The lower level qualification, BPJEPS-AGFF (*Brevet Professionnel de la Jeunesse, de l'Éducation Populaire et du Sport - Activités Gymniques Forme et Force*), is a one- or two-year *Baccalauréat* equivalent course provided through the Ministry of Sport's regional training centres and in certified private institutions. The qualification is regulated by the Ministry and must include a minimum of 600 hours tuition at the training centre, and between 350 to 500 hours in the workplace, and more for those on apprenticeships. The higher-level diploma, DEUST-MF (*Diplôme d'Etudes Universitaires Scientifiques et Techniques - Métiers de la Forme*) is available at five universities and takes two years, with 1200 hours of class contact and a compulsory work placement of 400 hours.

Both qualifications cover the teaching of group classes and the use of gym equipment and weights, and include knowledge of physical anatomy and health, and also areas such as communication, legal, business and marketing. Participants may be on an apprenticeship or a professionalization contract (where they receive payment) or, alternatively, can have student status. For those on contracts with employers, the programmes are free. For others the costs are around €7000 for the BPJEPS-AGFF, with various sources of finance available, and for the DEUST-MF less than €200 per year as standard university charges apply. Competition for places is tough for both qualifications, with a legal requirement that certain physical tests must be passed, and written assessments and interviews used for selection. Around 150 places are available on the university course and between 1000 and 1500 take the lower level course each year.

In the UK, voluntary minimum standards have been in place for 15 years. In 2001, the Fitness Industry Association, along with the then industry training organization, SPRITO, and a group of leading employers, developed the Register of Exercise Professionals. A form of industry self-regulation, the Register is designed to verify that instructors' qualifications meet national occupational standards. At a cost of £40 (€52) per year, an instructor can register at different levels (currently levels two to four) depending on their qualifications, and must have adequate insurance cover and undertake regular professional development.

The Register recognises a plethora of qualifications developed by a variety of public and private providers. These include two main types of industry vocational qualifications; level 2 in fitness instructing (or level 3 in personal training) offered by a number of private training providers, and National Vocational Qualifications (NVQs) or their Scottish equivalents, undertaken once in post, through a combination of work (in some cases apprenticeship) and self-study. A further range of qualifications can be obtained through full-time education, including one- or two-year diplomas from further education (FE) colleges and university degrees in sports science, fitness and personal training. Qualifications vary considerably both in content and length of study. While a degree in sports science takes three years and has a detailed knowledge-based component including physiology and anatomy, a level 2 Certificate in Gym Instructing can be acquired from a private provider in as little as 10 days and a level three in personnel training in just eight weeks. There are no requirements regarding class contact hours, with some providers offering qualifications purely by distance learning. Fees vary substantially, ranging from £500 to £900 (€600--1050) for a gym instructor and from £1000 to £3000

(€1160-3500) for a personal trainer. Only full-time FE students aged under 19 and those on apprenticeships are entitled to free provision. There are few limitations on the number of students taking fitness qualifications: in 2015 over 26,000 level 2 certificates were awarded.

In Norway, despite a well-developed initial VET system focused on apprenticeships (Skule et al., 2002), there is no apprenticeship for fitness instructor. There are also no regulations for instructor qualifications or commonly agreed standards specified by the social partners. Instead, qualifications have been developed by individual educational providers, for example the private *Akademi for Personlig Trening* (AFPT) and the *Norges idrettshøgskole* (NIH). Both offer short courses for fitness instructors (although recently dropped by the AFPT) and personal trainers, setting their own qualifications, curriculum and standards. Fitness instructor and personal trainer courses at AFPT take place over 6 and 12 weekends respectively, both combining tutorial instruction with self-directed study. NIH offers short courses (part- and full-time) for fitness instructors (60 hours) and personal trainers (150 hours). Fees are relatively high, NOK11,000 (€1240) and NOK46,000 (€5190) respectively, although full-time higher education students at NIH can undertake the courses as part of their programmes for free. The AFPT trains around 150 individuals a year and NIH 300.

The programmes in Norway appear very similar to the short courses available in the UK. However, the UK has a more complex array of qualifications, with different levels and types, alongside a further set of longer based provision available at colleges and universities. By contrast, the French system is clearly regulated, there are far fewer students, and it is easier for employers and individuals to understand.

A professional or conformist model?

Is regulation in France and the UK intended to achieve conformance to minimum standards and mitigate risk or to develop professionalism? The French system, with relatively high qualification demands, could be viewed as a more professional model with a focus on developing broader and higher skills rather than minimum standards. Viallon et al., (2003:90) suggest the higher qualification (DEUST) aims to equip instructors with 'a wide portfolio of skills, who also understand how to run a company and are capable of assuming managerial responsibilities'. The head of training at Fgym1 explained the rationale:

we try to keep a high level of competence... the level is a bit high for the people who come and do a bit of sport... They don't work just in fitness, but are going to work with doctors, with physios, they are going to link medicine and sport, then you need a fairly extensive knowledge.

Voluntary registration in the UK would seem to fit broadly the conformance approach. The Register was introduced amid media reports of 'cowboy operators' and untrained staff, and industry concerns around potential liability claims. Similarly, higher qualifications for those dealing with medical referrals were designed to reassure healthcare professionals that patients would be dealt with by appropriately trained instructors. A senior figure responsible for overseeing the Register explained its role as 'to make sure that everybody on it does meet the standards that have been agreed by the sector, and the wider reach of that is to protect the public'. The conformance approach can be seen in the relatively low entry standards for new recruits or, as one club manager put it, giving instructors just the 'the basic knowledge to make sure that somebody is doing something safe'. Some interviewees, however, suggested this reflected employers' interests in maintaining an over-supply of labour. An officer from the sector skills council, Skills Active, explained that employers thought that if entry levels were higher 'people may be scared off from trying to get into the industry or just wouldn't be able to do it'.

Cooney (2013) links the professional model to the occupational group controlling the regulatory process. In France, the regulation of sports teaching qualifications has a long history, emerging from specific national political imperatives in the post-war period (Moreau and Collinet 2009). The more recent development of fitness qualifications has been driven by employers and education providers, but operates within the broader sports sector. The qualifications framework and

the general standards required at different levels, such as teaching hours, are developed in forums in which the social partners play a dominant role. In the UK, employers were the main drivers of voluntary regulation, with a central input from the state-financed sector training body. In neither case could these regulations be considered to derive from the occupational group.

Meeting the Needs of Employers and Instructors?

We now explore the perceptions of managers and instructors of the appropriateness of the qualifications and what they offer gym users as well as instructors. In France, employers and instructors generally considered both qualifications as of sound quality, describing them as ‘challenging’ and ‘difficult’. The qualifications have changed over recent years to make them more relevant to the sector. However, both remain within the national system of education and are clearly understood and recognised by employers and managers. There were minor concerns over content: some argued that the two-year university qualification was less practical, whilst others considered the one-year BPJEPS too short. Nevertheless, the manager of Fgym5 felt that ‘training in France is perfect, for me there is nothing to say in relation to the technical level’, although he conceded that there could be more emphasis on commercial and sales aspects.

In one club, some of the managers suggested that the qualification was high for the types of customers that typically visited their gyms, with instructors designing ‘little programmes for people who want to do some little work out’. The head of training, however, still believed that ‘it was absolutely necessary to work with other groups... as the diploma [BPJEPS] allows them to work with sedentary people, adults, children... [and] equally at a high level in sports clubs’. An instructor at Fgym4 commented:

you need the time to assimilate, because there are so many parameters to manage and to know, notably in relation to the human body... the joints, muscles and cardiovascular systems.... You have really to know, ‘this is an adapted exercise for you because you have a problem with the back, you have scoliosis’ [curvature of the spine].

Both qualifications require substantial paid or unpaid work placements, covering at least one-third of the student’s time, a positive aspect emphasised by many of those interviewed. One instructor explained that with one week in class and one week in a gym ‘you could put into practice what you had learnt and little by little that allows you to develop’. The quality of the placement depends on the supervisor or tutor in the receiving club, but in most cases the experience was positive, and instructors were felt to be ‘job ready’ after completing their course.

While few concerns were raised in France about standards, this was not the case in the UK. Many considered the level 2 entry qualification insufficient for the demands of the role. Research by the sector skills council found that four-fifths of instructors qualified to level 2 were designing exercise programmes even though it was not covered in these qualifications. More worryingly, the report noted that ‘most fitness instructors are expected to deal with most clients who enter the gym, including “special populations”, who have a variety of health issues such as back pain or cardiovascular problems’ (SkillsActive/REPs/FIA, 2008: 16). A representative from SkillsActive summarised their concerns:

A level 2 gym instructor is fairly limited, at the moment, in terms of their qualifications, in terms of what they can do with clients, in the type of clients they can see and what they can do in terms of programme writing. However, you go into a real life gym... your employer expects you to do everything, apart from seeing referred clients.

Managers disagreed whether low entry qualifications were an issue. One considered the level 2 to be adequate, describing the job in UKgym2 as mainly to meet and greet clients and provide only very basic advice on equipment use: ‘I just want someone who is going to have a smile on their face,

who can talk to people'. However, it is very hard to draw clear lines around the advice given by instructors to clients, even in narrowly defined roles, as the instructors are often left unsupervised. Indeed, this view contrasts with that of a manager in the public sector: 'in an ideal world, I would like all my staff to be level 4 because then anyone who walks in through the door, we can deal with... one in four people... will walk through the door ticking these boxes [special populations]'

Most instructors interviewed felt that level 2 was very low. As one commented, it was 'quite easy and I think anybody can obtain a level 2 to be honest'. Some admitted that until they had taken higher qualifications they were unaware of their own limitations. An instructor at UK-LA1 explained how he had thought a 'level 2 was adequate... but then when I did a level 3... I was thinking "well why are they training like that and why are they doing this?"' Although level 3 qualifications in personal training were generally viewed positively, questions were raised over standards: 'it's not that good... nobody ever fails it... [and] if everybody is passing it, I think it doesn't bode that well'. There were also concerns around the lack of work placements and the job readiness of new entrants, as instructors took considerable time to gain experience and confidence.

In Norway, as in the UK, the basic fitness qualification was seen by managers and instructors as a real minimum: 'you don't go that deep'. It was considered very limited on theory, such that after completion instructors would still require supervision, along with further in-house training. As one instructor explained, the qualification is 'OK for [dealing with] healthy people' or for showing clients around the gym:

But if you try to give customers more in-depth advanced advice about maybe how to create a complete exercise programme, a specific nutritional advice, you wouldn't really want to give advice about stuff that you might not be qualified to instruct.

Another instructor recognised his own limitations but felt that the job did not demand any more: 'I could have been a better instructor if I had more knowledge, but I think it's OK for the level'.

Unlike in the UK, managers and instructors raised few issues about qualification standards. Even so, a couple of interviewees did voice concerns about instructors potentially being unaware of those areas where they might not be competent. Referring to those with basic qualifications, one manager commented: 'I've seen a lot of them that think they are world champions'; longer study made them realise 'their limits'. In one gym, some instructors were prepared to 'have a go' at dealing with clients with injury problems, despite lacking the formal competence: 'I read, I can find my textbook with particular exercises to make sure I am alright but mostly it is no problem'.

The different national approaches to qualifications appear to reflect an underlying view of the position and role of the instructor. The French instructor is expected to have the skills and knowledge to deal with any client entering the gym, and the qualification provides a rigorous curriculum for doing so. It is also designed to enable instructors to move into personal training or managerial positions. In the UK, fitness instructor is a more variegated category, with individuals in the same job often having different levels of knowledge depending upon their particular education and training. The research suggests that many instructors may be operating beyond their actual capabilities and knowledge base acquired through formal qualifications, raising concerns over risks to client safety. In Norway, the job is generally perceived to be at a lower level in terms of skill demands but again is open to inadequately trained instructors giving inappropriate advice.

The Impact on Pay

We now consider whether regulation is associated with higher levels of pay for instructors. Table 3 shows qualifications and pay in our case study companies. Fitness instructors in Norway receive more (NOK1200 -- 1500, or €13.50 -- 17.00) than in France (€10.00 -- 14.00) and considerably more than in the UK (£5.73 -- 8.20, or €6.65 -- 9.55). There is no statutory minimum wage in Norway, but there are relatively high social norms that are shaped by extensive collective bargaining arrangements and relatively generous unemployment benefits. However, the job is still considered low-paid, as it is in all three countries. The position of instructors within the *national* pay hierarchy reveals a different picture. Those in France rank higher: with the exception of one case, they are paid at well over 80

percent of median earnings. Only in one gym in Norway did pay reach this level, while in the UK the two private gyms were at significantly lower levels, below 55 percent of median pay.

Table 3 about here

Examining the impact of different forms of occupational regulation on instructor pay is hamstrung by the paucity of available data. Only in the UK are wage data produced for instructors, but the sample size is small and it is impossible to separate them from hourly-paid teachers of exercise classes who typically receive a much higher hourly rate. Data for full-time instructors from the Annual Survey of Hours and Earnings between 2002 and 2015 show no discernible trend towards higher earnings. Comparing unpublished pay data collected from workplaces in 2003-2004 by Lloyd with the data from these case studies, there were examples of jobs being paid at the national minimum wage at both points in time. Furthermore, the typical instructor at the highest paying employer in 2010 earned 74 percent of median earnings, compared to 82 percent in 2003 covering a larger sample of employers. The evidence, therefore, does not suggest that the introduction of voluntary regulation has improved instructors' pay.

Can the higher rate of relative pay in France be attributed to qualification regulation as against other factors, such as collective bargaining structures? As all gyms in France are covered by sectoral agreements, it is difficult to untangle the two, but it is likely that they are related. The requirement to possess at least a BAC equivalent qualification places the job at 'technician level' within the collective bargaining agreements and, therefore, commands a higher pay rate than for an unqualified position. In addition, a higher national minimum wage and a flatter income structure compared with the UK ensures that even the lowest paid receive hourly earnings that are close to two-thirds of the median. In the UK, the most important factor in explaining pay differentials appears to be the public-private split, whereby local authority gyms follow collective bargaining agreements that provide a substantially higher level of wages than in the private sector.

In Norway, there was little concern about pay among managers and instructors, as the job was considered mainly a part-time position for students and not particularly demanding in terms of skills. As one manager explained, instructors 'don't get much, they only get 120 Kroner [€13.50] an hour.... That's because often they are not qualified or they've just done internal qualifications'. In France and the UK, by contrast, there was considerable dissatisfaction with pay, which was often linked to issues connected with qualifications. In the UK, comparisons were made with less qualified groups, such as cleaners or receptionists, as well as to the lack of any differential based on level of qualification.

If they were level 3 or level 2 they would still get the same wage. They are not going to get paid on their experience or their qualification *per se*, which again maybe that should be addressed.

It's poor really, life-guards get more than us, cleaners and receptionists get the same with no qualifications at all, so you have to go through all your qualifications, pay for all your qualifications on your own, really for nothing.

In France, instructors were critical of pay levels, but in nearly all cases saw the job as a step towards other work, such as managing a centre or becoming a personal trainer. The strong qualification base enables instructors to pursue a range of jobs and to access further educational opportunities: 'It isn't a job that you can do for life, that's for sure, because it is exhausting... I would like to develop in a gym, go from being a prof to a manager.' 'The pay doesn't bother me because I am going to do this for another few years and after that I am going to... switch to personal training.'

It is not difficult to see the relationships between qualifications and instructor pay in the British and Norwegian contexts. In Norway, a fitness instructor is an unregulated occupation, detached from the apprenticeship system, with limited entry requirements in practice. This places the job at the lower end of the labour market, where it operates mainly as a temporary position normally undertaken by students. In the UK, low minimum entry qualifications, as determined by employers, coupled with the large numbers taking fitness-related qualifications in further and higher education, mean that the sector is effectively flooded with labour. Despite these numbers, employers remain

reluctant to raise the bar for fear that this will constrain their recruitment choices and could have an impact on pay.

In France, a higher level of qualification, underpinned by the law, does seem to have played a role in improving instructor pay within the national pay hierarchy, but in the context of a relatively high national minimum wage and sector-wide bargaining. While pay is above the minimum wage, it is still regarded as a low-paid job. One explanation could be that, despite substantially higher qualification demands, labour supply is still not sufficiently tight to raise pay further. At the same time, weak unions have limited ability to improve pay through collective bargaining.

Conclusion

Our research sought to address two main gaps in the literature on occupational regulation: first, can licensing bring benefits in terms of pay and skill in respect of intermediate jobs; and, second, how does the national institutional and labour market context contribute to delivering potential benefits? Overall, we find that occupational regulation, if sufficiently robust as in the French case, can provide higher-level skills which are likely to be of benefit to gym users. While ‘quality’ can mean different things and is difficult to measure, clients are likely to be more protected in terms of safety through a high-standards licensing model than a minimum standards or unregulated approach. The findings also suggest that occupational licensing has helped bring some pay benefits to instructors in France.

The voluntary regulation of fitness instructors in the UK fits Cooney’s ‘conformance’ model, where the focus is predominantly on ensuring minimum standards. The French regime, on the other hand, does not fully match the ‘professional’ model, with a number of key elements missing. While the qualifications are designed to develop the knowledge and skill of instructors at a deeper level and to enable them to reach ‘consistent and reliable high performance’ (Cooney, 2013: 746), the occupational group does not control the qualification requirements or self-regulate adherence to standards; rather it is the state that plays the main role. This suggests that the different forms of licensing are more varied than the dual model proposed by Cooney, and that licensing can be used to support significant skill development even where the regulatory process is not controlled by the occupational group. However, French trade unions at the broader sector level (sport) are heavily involved in the establishment of occupational standards which may be an important factor in ensuring more positive outcomes.

Indeed, this type of cross-national comparative study illuminates not only the effects of different forms of qualification regulation but also the wider role played by the organization of the skills system and the way qualifications relate to collective bargaining arrangements. There are significant country differences, for example, in the role of the state in managing the relationship between training places and labour market demand. In France, it plays a major role in limiting the number of students on many vocational programmes and on courses leading to state diplomas, which restricts the supply of labour in accordance with labour market needs. Similarly in Norway, the numbers taking specific apprenticeship qualifications, typically required for intermediate jobs, are limited through the provision of places in the state school system. In contrast, the UK approach is ‘learner-led’ and market-driven, with courses run on the basis of student preferences. As a result, there can be a significant mismatch between the numbers of learners studying for particular qualifications and employment opportunities, such that a substantial over-supply of qualified labour can have a depressing effect on wages. While this presents a general picture across the three countries, there are exceptions. In Norway, a fitness instructor is not considered to be an intermediate job, signalled by the lack of an apprenticeship pathway. This positioning as an unregulated occupation leaves it open to the market to deliver qualifications, resulting in a situation that looks very similar to aspects of UK provision.

There are also important differences in the way qualifications relate to pay bargaining arrangements. In Norway, the attainment of ‘skilled status’ through an apprenticeship programme is associated with a higher pay grade in collective agreements compared with an ‘unskilled’ worker without a craft certificate in the same industry (Skule et al., 2002). Linkages between qualifications, status and pay are somewhat looser in France, although with close to universal collective bargaining coverage, agreements still include pay differentials linked to skills in the job. In the UK, the

relationship between qualifications and pay is far weaker, in part because qualifications bear little relation to collective bargaining but also because the latter is absent from many organizations and sectors within the economy.

These contextual differences are important in considering whether a form of occupational licensing for instructors in the UK and Norway, similar to France, would necessarily have a positive impact on skills and pay. In the UK, one might presume some general uplift in the skill level, although even this could be questioned given the lack of robustness, inconsistency and variation which plagues the design of vocational qualifications in the sector and more broadly (Wolf, 2011). It is also unlikely that such a change would remove the over-supply of potential recruits, given multiple routes through the private sector and further and higher education. In the absence of any labour market or trade union pressures, it is difficult to envisage any substantive change to pay outcomes. In Norway, one possibility is to consider the effect of incorporating fitness instructor as a recognised occupation within the apprenticeship system. Such a scenario is far more likely to provide a link to higher skills and pay than in the UK, given the strength of the initial VET system and the importance of craft certification in collective agreements (Skule et al., 2002).

Our study suggests that under certain conditions occupational regulation can improve the skills and wages of workers outside of the professions. However, where this occurs through the actions of the state rather than the occupational group itself, as in France, the effects on pay may not be substantial. This raises important questions for considering what occupational regulation can offer groups lower down the labour market. The difficulty is that many are unorganized and, unlike traditional professional groups, are more likely to depend on the state framing legislation on a public interest case or on voluntary arrangements developed by employers. In such a situation, it is likely that minimum standards of competency would form the basis for regulation, rather than high levels of skill and improving pay. Where unions are able to organize, might they consider campaigns around occupational regulation as part of a strategy of professionalization or upskilling? In countries like the USA and UK, lack of institutional support for collective bargaining and the absence of workers' voice within the skills system make progress much harder. As a mechanism for improving job quality for intermediate groups, occupational regulation is not necessarily any easier than other approaches and cannot be separated from more traditional forms of collective action.

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References

- Akerlof, G. (1970) 'The market for 'lemons': Quality uncertainty and the market mechanism', *Quarterly Journal of Economics* 84(3): 488-500.
- Bol, T. and Weeden, K. (2015) 'Occupational closure and wage inequality in Germany and the United Kingdom', *European Sociological Review* 31(3): 354-369.
- Brown, P., Lauder, H. and Ashton, D. (2010) *The Global Auction: The Broken Promises of Education Jobs and Incomes*. New York: Oxford University Press.
- Carpenter, D. (2012). 'Testing the utility of licensing: Evidence from a field experiment on occupational regulation', *Journal of Applied Business and Economics* 13(2): 28-41.
- Carpenter, D., Knepper, L., Erickson, A. and Ross, J. (2015) 'Regulating work: measuring the scope and burden of occupational licensure among low- and moderate-income occupations in the United States', *Economic Affairs* 35(1): 3-120.
- Cooney, R. (2013) 'Occupational licensing in intermediate-skill occupations: The case of drivers in the land transport industry', *Journal of Industrial Relations* 55(5): 743-759.
- Forth, J., Bryson, A., Humphris, A., Koumenta, M. and Kleiner, M. (2011) *A Review Of Occupational Regulation and its Impact*. Wath-upon-Deane: UKCES Evidence Report 40.

- Gospel, H. and Lewis, P. (2011) 'Who cares about skills? The impact and limits of statutory regulation on qualifications and skills in social care', *British Journal of Industrial Relations* 49(4): 601–22.
- Humphris, A., Kleiner, M. Koumenta, M. (2011) 'How does government regulate occupations in the UK and US? Issues and policy implications' in D. Marsden (ed.) *Employment in the Lean Years: Policy and Prospects for the Next Decade*. Oxford: Oxford University Press pp 87–101.
- Keep, E., Mayhew, K., and Payne, J. (2006) 'From skills revolution to productivity miracle – not as easy as it sounds?', *Oxford Review of Economic Policy*, 22 (4): 539–559.
- Kleiner, M. (2000) 'Occupational licensing', *Journal of Economic Perspectives* 14(4): 89–202.
- Kleiner, M. (2015) *Guild-Ridden Labor Markets: The Curious Case of Occupational Licensing*. Kalamazoo, Michigan: Upjohn Institute.
- Kleiner, M. and Krueger, A. (2013) 'Analyzing the extent and influence of occupational licensing on the labor market', *Journal of Labor Economics* 31(2): 173–202.
- Kleiner, M. and Park, K. (2014) 'Life, limbs, and licensing: occupational regulation, wages, and workplace safety of electricians, 1992–2007', *Monthly Labor Review* 137: 1.
- Koumenta, M. (2015) 'Unions and occupational regulation', in Unions21 (ed) *Extending Collective Bargaining: Extending Union Influence*. London: Unions 21, pp. 10–11.
- Koumenta, M., Humphris, A., Kleiner, M. and Pagliero, M. (2014) *Occupational Regulation in the EU and UK: Prevalence and Labour Market Impacts, Final Report*. London: Queen Mary, University of London.
- Lloyd, C. (2005) 'The regulation of the fitness industry: Training standards as a policy option?' *Industrial Relations Journal* 36,5, 367–385.
- Lloyd, C. and Payne, J. (2016) *Skills in the Age of Over-qualification: Comparing Service Sector Jobs in Europe*, Oxford: OUP.
- Malek, M., Nalbone, D., Berger, D and Coburn, J. (2002) 'Importance of health science education for personal fitness trainers', *Journal of Strength and Conditioning Research* 16(1): 19–24.
- Moreau, D. and Collinet, C. (2009) *Les Educateurs Sportifs en France Depuis 1945. Question sur la Professionnalisation*. Rennes: Presses universitaires de Rennes.
- OECD (2010) *Innovative Workplaces: Making Better Use of Skills Within Organisations*. Paris: OECD Centre for Educational Research and Innovation.
- Pontusson, J., Rueda, D. and Way, C. (2002) 'Comparative political economy of wage distribution: the role of partisanship and labour market institutions', *British Journal of Political Science* 32(2): 281–308.
- Ray, K., Foley, B. and Hughes, C. (2014) *Rising to the Challenge: A Policy Agenda to Tackle Low Pay*. London: Work Foundation.
- Shapiro, C. (1986) 'Investment, moral hazard and occupational licensing', *Review of Economic Studies* 53(5): 843–862.
- SkillsActive/REPs/FIA (2008) *Health and Fitness: REPs Occupational Research 2008, Executive Summary*. London: SkillsActive.
- Skule, S., Stuart, M., and Nyen, T. (2002) 'International briefing 12: training and development in Norway', *International Journal of Training and Development* 6(4): 263–76.
- Tamkin, P., Miller, L., Williams, J. and Casey, P. (2013) *Understanding Occupational Regulation*. London: UKCES.
- Timmons, E and Thornton, R. (2010) 'The licensing of barbers in the USA', *British Journal of Industrial Relations* 48(4): 740–757.
- Viallon, R., Carny, J., and Collins, M. (2003) 'The European integration of a new occupation, the training and education strategies of national professional organizations: the case of the fitness sector in France and the United Kingdom', *Managing Leisure* 8(2): 85–96.
- White, A. (2015) 'The impact of the Private Security Industry Act 2001', *Security Journal* 28(4): 425–442.
- Wolf, A. (2011) *Review of Vocational Education: The Wolf Report*. London: Department for Education.
- Wood, S. (1982) *The Degradation of Work: Skill, Deskillling and the Labour Process*. London: Hutchinson.

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Table 1. Characteristics of case study gyms

	Ownership	Location	Interviewees
UKgym1	Large chain	Medium city	Gym manager (instructor), 2 instructors
UKgym2	Large chain	Large city	General manager, gym manager, 1 instructor, 1 personal trainer/ instructor
UK-LA1	Local authority	Small town	Regional manager, duty manager, 4 instructors
UK-LA2	Local authority run by charitable trust	Small city	General manager, gym manager, 4 instructors
Ngym1	Large chain	Oslo	Gym manager, 1 instructor, 2 ex-instructors,, 2 personal trainers
Ngym2	Small chain	Oslo	2 gym managers (instructors), 3 instructors
Ngym3	Quasi-public	Oslo	General manager, gym manager (instructor), 2 instructors
Fgym1 ^a	Large chain	Paris	2 senior managers, 2 gym managers, 2 instructors
Fgym2	Regional chain	Large city	gym manager, 1 instructor
Fgym3	Regional chain	Large city	gym manager, 1 instructor
Fgym4	Independent	Large city	1 instructor
Fgym5	Independent	Large city	Owner (instructor), 2 instructors
Fgym6	US-franchise	Large city	Gym manager (instructor)

^aFgym1 included two gyms, one targeted at the mid-market, one at the higher end.

Table 2. Fitness instructor qualifications

	France		UK	Norway
Qualification	BPJEPS-AGFF	DEUST-MF	Level 2 REPS	University module / private course
Internal equivalence	BAC Prof	BAC+2	General Certificate of Secondary Education	-
Work placement	374	400	-	-
EQF level	4	5	3	10 ECTS (degree level)

Table 3. Qualifications and pay in the case study gyms

Gym	Qualifications at recruitment	Typical hourly pay	% of national average wage	Minimum wage	Collective agreement
UKgym1	Level 3 REPS	£6.00	54	£5.73	No
UKgym2	Level 2 REPS	£5.73	52	£5.73	No
UK-LA1	Level 2 REPS	£7.00	63	£5.73	Yes
UK-LA2	Level 2 REPS	£8.20	74	£5.73	Yes
Ngym1	No minimum	NOK120	64	NA	No
Ngym2	No minimum	NOK150	80	NA	No
Ngym3	1-year university course	NOK145	77	NA	Yes
Fgym1	BPJEPS/DEUST	€12.00	88	€9.00	Yes
Fgym2	BPJEPS/DEUST	€12.00	88	€9.00	Yes
Fgym3	BPJEPS/DEUST	€12.00	88	€9.00	Yes
Fgym4	BPJEPS/DEUST	€11.50	85	€9.00	Yes
Fgym5	BPJEPS/DEUST	€14.00	103	€9.00	Yes
Fgym6	BPJEPS/DEUST	€10.00	74	€9.00	Yes