

INDEPENDENT WORKERS AND INDUSTRIAL RELATIONS IN EUROPE

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- SYNTHESIS REPORT -



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TABLE OF CONTENTS

1. AIMS OF THE STUDY, CONCEPTUAL APPROACH AND METHODOLOGY.....	3
2. CHARACTERISTICS OF I-PROS AND RECENT TRENDS IN THE EU	8
3. EVOLUTION OF WORKING CONDITIONS AND NEEDS: THE PERCEPTION OF	15
4. THE VARIETY AND EVOLUTION OF INSTITUTIONAL REGIMES IN THE EU.....	19
5. EVOLUTION OF COLLECTIVE REPRESENTATION, INDUSTRIAL RELATIONS AND NEW STRATEGIES.	28
5.1 The role of unions, quasi-unions and LMIs	28
5.2 New intervention strategies and examples of good practices .	34
6. CONCLUSIONS AND POLICY IMPLICATIONS.....	41
6.1 Main findings	41
6.2 Policy implications.....	45
REFERENCES	61

1. AIMS OF THE STUDY, CONCEPTUAL APPROACH AND METHODOLOGY

The growth of non-standard work arrangements has become a common feature of modern labour markets. Between the salaried work and self-employment, a large grey zone of work arrangements has been growing in the last decade characterised by increased flexibility, lower protection and higher autonomy in the way of performing work. These new forms of work are increasingly involving skilled independent professionals working as freelancers.

The literature and the policy debate on flexibility and labour market transformations have focused mainly on temporary and precarious workers (Koene, Garsten, & Galais, 2014), while other forms of work, such as new autonomous workers, have received less attention.

Independent professionals are considered high earners and high consumers, able to invest in private insurance and pension schemes, as well as in professional upgrading. However, the working and income conditions of these workers have been worsening, especially since the 2008 financial crisis, with declining returns to their skills, talents/human capital and lack of social protection and representation.

These workers are increasingly asking for greater social, professional protections and collective representation and are creating new forms of associationism and self-help. Trade unions, quasi-unions and labour market intermediaries are also developing innovative strategies and tools to answer the professional and social needs of these new worker categories, which could be extended to other non-standard workers.

The representation needs of freelance workers, the new strategies and forms of collective representation being developed, and the relationships and coordination mechanisms between these different forms of worker organisation, representation and regulation are still little explored.

The aim of the study is to investigate these new trends and to analyse the representation needs of the I-Pro new autonomous workers; the strategies and tools adopted by different actors to represent and support these workers; the coordination strategies eventually adopted; and the consequences of such coordination – or lack of coordination – on social dialogue, in order to outline concrete policy recommendations. In detail, the study is meant to address the following research questions.

- What are the working conditions and representation demands of I-Pros in EU countries?
- What have been the answers provided by ‘old’ and ‘new’ forms of regulation and representation? Are there innovative regulation laws, policies and practices at country level – able to respond to these institutional critical dimensions? Is there a convergence in responses among the European countries, or differentiation?
- To what extent do collective representation institutions provide new collective capabilities in terms of income continuity, skills development and access to health and to social protection? Are they replicating the social rights of employees or are they offering ‘functional equivalents’ to these rights? Is there space – within the changing institutional framework – for innovative strategies from the social partners?
- How can different forms of organisation generate new social dialogue initiatives?

In order to address these research questions, the study has analysed in a comparative perspective the needs and working conditions of new autonomous workers, and the ways the regulative framework and industrial relations systems are answering these needs.

The focus of the study is on the so-called I-Pro workers. Following Rapelli's (2012) definition¹, I-Pros are self-employed workers without employees, who are engaged in activities of an intellectual nature and/or in services sectors other than farming, craft and retail (e.g. NACE sectors J-S).²

I-Pros are an heterogeneous group of workers, including intellectual and technical professions (interpreters, consultants, trainers, IT specialists, artists, translators, analysts, accountants etc.) performing different skilled tasks, and characterised by a variety of working conditions and employment relations which are framed by national regulatory systems.

These workers are often formally defined as self-employed, and generally enjoy fewer social and labour rights than dependent workers. However, they can be engaged simultaneously in different jobs (multiactivity), sometimes combining different statuses in their working life, or supported by a labour market intermediary (LMI) in order to secure their professional path (such as by transforming commercial activity into salaried work), as shown by the survey undertaken within the I-Wire project.

In order to address the research questions previously mentioned, a multidimensional analysis has been carried out according the dimensions illustrated in Table 1 below.

1 Rapelli, S. (2012). European I-Pros: a study. Professional Contractors Group (PCG), London; Leighton & Mckeown (2015).

2 These sectors are : Information and communication (NACE key J); Financial and insurance activity (NACE key K); Real estate activities (NACE key L); Professional, scientific and technical activities (NACE key M); Administrative and support services (NACE key N); Education (NACE key P); Human health and social work (NACE key Q); Arts, entertainment and recreation (NACE key R); Other service activities (NACE key S).

Table 1 – Synoptic table of the dimensions studied

Dimension	Macro	Meso	Micro
Theoretical orientation	Institutional analysis	Organisational analysis	Individual analysis (subjective orientation)
Unit of analysis	Countries	Organisations/ associations	Individuals
Empirical focus	Self-employment regulation in the EU Member States	Structure and offer of collective representation	Independent professionals' working conditions
Methodological approach	Comparative/cross-country analysis	National case studies on organisations and selection of good practices	Web survey targeted to I-Pros
Main challenges (collective action problems)	European common framework of legal status, social protection and labour market regulation	How to support coordination (coalition building, reframe of employment relations system)	How to improve working conditions (supportive network for professional improvement and personal development)
Key concepts	Institutional recognition of status Social protection Collective representation	Quasi-unions, LMIs, unions, self-organisations	Professional self-employed broad professions/multi-task professions Middle-class position

Source: UNIMI

The research tools combine desk and field work.

The **desk analysis** included:

- an overview of the literature on the issue of the new autonomous workers and the different forms of collective representation of this heterogeneous category of workers (Mori & Semenza, 2016; Naedenoen & Pichault, 2016),
- a quantitative analysis of available data on the incidence and evolution of I-Pros in the EU28 (Soru, Zanni, & Sinibaldi, 2018),
- a review of the variety of institutional arrangements and types of employment relations present in EU Member States (Beuker, Naedenoen, & Pichault, 2018),
- a review of the most representative organisations, including trade unions

(Samek Lodovici, 2017) and new emerging organisations such as quasi-unions (Sinibaldi, 2016), and labour market intermediaries (Naedenoen & Pichault, 2016), and of the evolving strategies adopted to provide collective representation and protection to new autonomous workers,

- a transversal analysis of case studies (Mori & Semenza, 2018),
- a transversal analysis of good practices adopted by existing organisation to answer the representation and protections needs of the I-Pros (Loi & Samek Lodovici, 2018).

The **field work** included : an extensive **online European survey** targeted to freelance workers; **nine country case studies**; and five **national workshops** with I-Pros' main representative organisations in order to gather original data and information on new features of the labour market and industrial relations, and to discuss good practices and policy implications.

The **online survey** (Soru, Zanni, & Sinibaldi, 2018) was aimed at collecting information on I-Pros' socio-economic characteristics, their professional condition, their expectations and their perceived needs. A total of 2,054 questionnaires were collected, with the majority coming from professionals not organised into professional orders, as well as from journalists and artists.

The **nine country case studies** covered EU countries – Belgium, France, Germany, Italy, Netherlands, Slovenia, Spain, Sweden and the UK – representative of the different patterns of new autonomous work in Europe and of the different types of regulatory, industrial relations and social protection regimes operating in EU countries. The country case studies have been carried out by national experts on the basis of document analysis, focus groups and interviews with institutional actors

and key stakeholders³. They provided inputs for the analysis at the macro institutional and meso organisational levels, and evidence for the identification of good practices representing approaches and experiences adopted to support the working conditions, representation needs and social protection of new autonomous workers.

The result of the survey and of the case studies, have been discussed in **national workshops** with representatives of industrial relations actors, to spell out analytical results, empirical insights and policy suggestions.

2. CHARACTERISTICS OF I-PROS AND RECENT TRENDS IN THE EU⁴

Professional independent workers in Europe have been rapidly expanding over the last decade within an array of new highly skilled sectors and professions beyond the traditional ones, including the culture sectors, entertainment and the recreation industry, the real estate industry and the ICT industry.

Besides full-time professional independent workers, in recent years there has also been an increasing number of workers that have mixed positions at the same time (combining salaried work with independent work) and/or during their working life, moving from dependent to autonomous work and vice versa in different phases of their working life.

According to Rapelli, the number of I-Pros was 8,569,200 in 2011, equivalent to 26 % of the total population of self-employed workers and 37 % of self-employed workers

3 See the reports on national case studies developed within the European project I-WIRE, Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

4 This section summarises the main findings of the analysis developed in ; Semenza 2018,

without employees⁵. Between 2000 and 2011 I-Pro workers dramatically increased (+ 82.1 %), while over the same period the number of dependent workers and of independent non-professional workers experienced a much limited increase (+7.2 % and + 5.6 % respectively).

The growing trend of I-Pros in Europe is confirmed in recent years: according to Eurostat microdata⁶ they reached 9,826,000 in 2015, equivalent to 4.4 % of total employment in the EU28 and almost one third (29.7 %) of the self-employed.

Table 1 – Total employment, self-employed, self-employed without employees, I-Pros and IP in the EU28 (2015)

	EU 28	% of all employed	% of self-employed
Total employed population	221,498	100.0	
Self-employed workers	33,110	14.9	100.0
Self-employed without employees	23,799	10.7	71.9
I-pros (NACE sectors J-S)	9,826	4.4	29.7
IP (ISCO 100-352, managers, professionals and technicians)	7,238	3.3	21.9

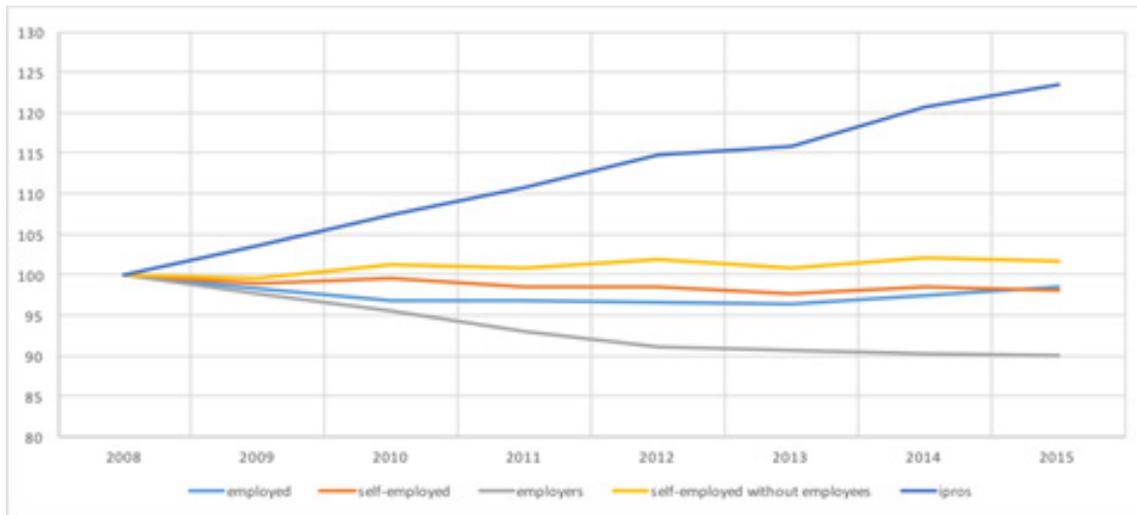
Source: ACTA, analysis of Eurostat microdata, (Soru, Zanni, Sinibaldi 2018)

The increase was also strong during the crisis years. As shown in Figure 1 below, in the period 2008-2015 I-Pros increased by 23 %, while the overall population of self-employed without employees remained almost stable and dependent workers slightly declined.

5 The main data source on self-employed workers is the EU Labour Force Survey, which is based on respondents' perceptions of their employment status, either as employee or self-employed, in their main job.

6 See for a detailed analysis the report by Soru, Zanni, & Sinibaldi 2018

Figure 1 - The growing trend of the I-Pros in Europe



Source: own elaboration on Eurostat data

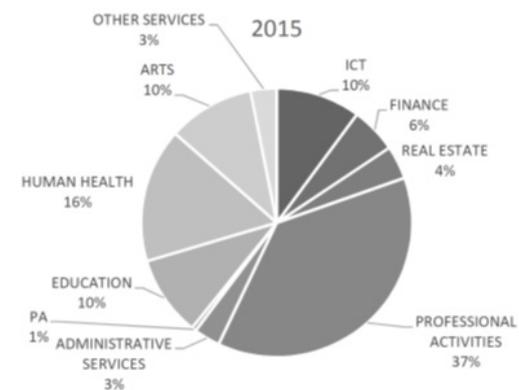
The high growth rate of I-Pros is in part due to the better employment performance of the service sectors largely employing I-Pros (e.g. business and social services) compared to other sectors, but also in part to the increased use of these workers in all sectors.

As shown in Figure 2, the sectors registering the highest shares of independent professionals⁷ in 2015 are the professional, scientific and technical activities and the arts, entertainment and recreation industries, and to a lesser extent the real estate industry and the ICT sector.

The sectors registering the highest increase of independent professionals (IPs) between 2011 and 2015 are the education and real estate service, followed by other services, healthcare, and professional and administrative services.

⁷ Independent Professionals are a sub category of the I-Pros, including those with a high professional position such as managers, professionals or technicians. They represent the large majority (74 %) of I-Pros.

Figure 2 - IP sectors in the EU-28



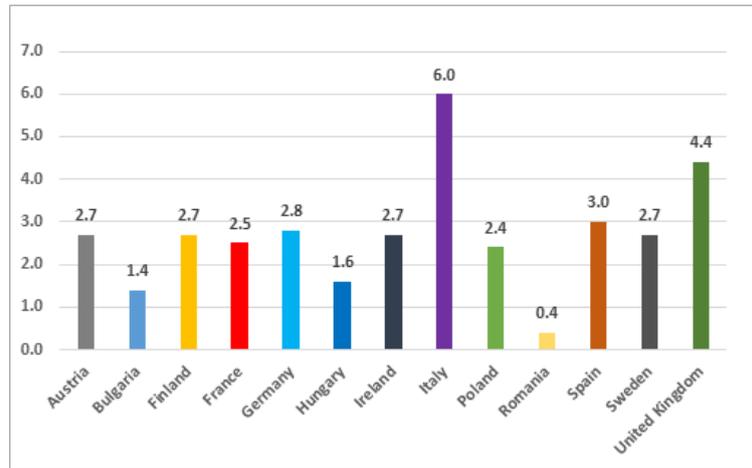
Source: ACTA, analysis of Eurostat microdata, (Soru, Zanni, Sinibaldi 2018)

In the period 2011-2015 the increase in IPs was significantly higher in the educational, other services and healthcare sectors, than in other sector with a high share of I-Pros (e.g. ICT and the arts).

There are wide differences across EU countries, both in the incidence of I-Pros and their trends. Almost two thirds (62 %) of the European I-Pros were concentrated in four countries: the UK (20 %), Italy (17.5 %), Germany (14.8 %) and France (9.2 %). The Netherlands, the UK, the Czech Republic and Belgium show a lower incidence compared to the previous countries, but registered the highest growth rates between 2008 and 2015 among I-Pros.

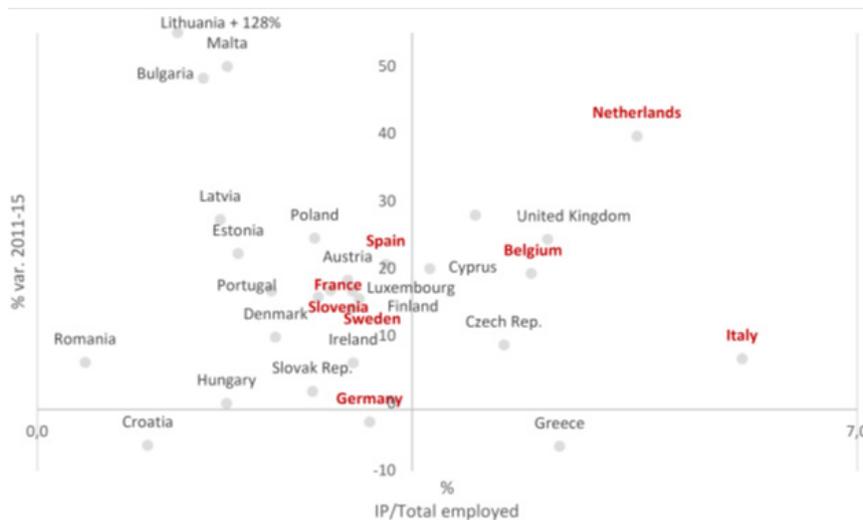
As shown in Figure 3 below, Italy and the UK are the countries with the highest share of IP workers over total employment.

Figure 3 - Independent Professionals as a percentage of total employed population
by country in 2015



Source: ACTA, analysis of Eurostat microdata (Soru, Zanni, & Sinibaldi 2018)

Figure 4 – EU Countries on the basis of % IP and trend



Source: ACTA, analysis of Eurostat microdata (Soru, Zanni, & Sinibaldi 2018)

Turning to individual characteristics, Eurostat microdata show that **women** represent 42.8 % of the I-Pros and their share has been increasing since 2011, particularly in the healthcare, education and public administration sectors. Their share is higher than

average and around 50 % in the Baltic countries, Bulgaria, Finland and France.

As for the age composition, I-Pros are largely in the 40-49 age bracket, while the share of young people under 30 is low compared to salaried employed, although they are relatively more in the ICT and arts sectors.

Their **educational** level is much higher compared to other categories of workers, with 70.5 % having a tertiary education and a higher share participating in lifelong learning. The reasons behind the proliferation of I-Pros is ascribed to three main factors: the deep transformations that occurred in the organisation of work, the diffusion of digitalisation and ICT in production processes, and changes in the preferences expressed by workers in terms of lifestyles (Bologna & Fumagalli, 1997).

These trends indeed underline a structural phenomenon, related to the changing patterns of production and consumption processes. I-Pros are functional to the increasing tertiarisation of the economy in EU countries, globalisation, the growth of the knowledge economy, and the changing patterns of production and work organisation. This has been brought about by technological innovation and digitalisation, requiring a high work flexibility, and high-skilled and multitasking workers able to cover a broad set of competences and occupations. With a high degree of flexibility, an elevated educational background and a remarkable capacity to network and develop virtual relationships, the independent work has immediately fitted the requirements of the cognitive economy.

Another indication resulting from these trends is that a large majority of the self-employed are represented by 'real' independent workers working for many clients, while dependent self-employment (e.g. those with only one client) are a minority.

These self-employed workers are bringing to the forefront of the political agenda important issues, common to all new and emerging forms of employment relationships and relating to working conditions, social rights and new forms of representation.

The regulatory and legislative frameworks are showing difficulties in adapting to such an expanding population. There is a growing role played by regulations in affecting the quality of work of independent workers through sectoral policy measures on the one hand (e.g. ad hoc fiscal treatments, time of payment), as well as universal measures linked to social and welfare protections, including maternity and parental leave, injury and illness protection, and pension schemes.

As for representation, in a framework characterised by the declining role played by trade unions in the traditional collective representation of workers' interests and demands, new forms of representation are emerging and new relevant actors such as quasi-unions and the labour market intermediaries.

3. EVOLUTION OF WORKING CONDITIONS AND NEEDS: THE PERCEPTION OF SELF-EMPLOYED PROFESSIONALS⁸

Eurostat data on working conditions analysed in the ACTA report show a much greater and growing diffusion of multiple and part-time jobs among I-Pros, compared to other categories of workers. An indicator of the fragmentation of working patterns among these workers is probably due to a demand that is increasingly asking for multitasking and multiskills and to the need to integrate income. Multiple and part-time jobs are more frequent among women I-Pros working in the educational and PA sectors, as well as among artists.

The European online survey carried out for this study confirms the individual characteristics of I-Pros and the multiple jobs they tend to perform, as shown in the summary table below.

The survey collected 2,054 responses in the nine countries selected for the case studies. The data were collected through an on-line questionnaire uploaded onto the Google Forms platform. Word of the questionnaire was spread primarily on the website of the I-Wire Project and by associations of freelancers, as well as union organisations. The majority of the questionnaires came from professionals not organised into professional orders, as well as from journalists and artists. The number of questionnaires gathered is very different across the surveyed countries, as shown in the table below, which provides the main evidence resulting from the survey, also for the countries with fewer than 100 respondents (Spain, Sweden, Slovenia)⁹. For a detailed description of the methodology and results see Soru, Zanni, & Sinibaldi (2018).

8 This section summarises the main findings of the online survey presented in detail in the ACTA report (Soru, Zanni, & Sinibaldi, 2018)

9 For a detailed description of the methodology and results see Soru, Zanni, & Sinibaldi (2018)

The majority of the respondents perceive themselves as independent with regard both to objective criteria and their self-evaluations, although their status depends on the national regulatory framework. For this reason, in France and Belgium their formal status is midway between salaried and independent. In France the great majority (72 %) work as salaried entrepreneurs, while in Belgium, the majority work through labour market intermediaries/new forms of cooperatives, with 45 % being salaried employees of cooperatives, and about 25 % are cooperative members. Very few have established their own businesses.

Overall, the survey responses present a picture of difficult working and income conditions, notwithstanding the satisfaction of these workers for their autonomy and flexible working conditions, due to the absence of work schedules, working hours or working places.

In all the considered countries (with the sole exception of Spain), the majority of the respondents state that they work at more than one profession, ranging from 63 % of the Swedish respondents to 84 % of the Slovenian. A significant portion of those interviewed even declare to have four or more jobs (from 1/5 of the survey respondents in Germany and France to 39 % of those in Belgium). As underlined in the ACTA report, multitasking may present both opportunities and risks. On the one hand, it might increase the ability of these workers to respond rapidly to new market demands; on the other hand, it might undermine specialisation levels. In addition, multitasking also involves a large share of non-paid administrative and promotion activities.

The use of platforms is still limited in France, Italy and Sweden, while it is significant in Spain, the Netherlands and Slovenia.

Most of respondents work at home, and only a few use co-working spaces. Indeed, independence, content of work and a high level of autonomy in terms of working time and place, increased personal efficiency and a better work-life balance are among the

main reasons for satisfaction. However, the ‘domestication’ of work, e.g. the lack of a distinction between times and places of work and life (Bologna & Fumagalli, 1997), may also represent a risk, due to the blurring boundaries between work and family life and the sense of loneliness that most of these workers feel. Workers are likely to suffer social isolation, and the stress of being solely responsible for organising their work.

Another indication emerging from the survey is the low income earned by the majority of the respondents, which is in the different countries less than €30,000 a year. Only in the Netherlands the majority of respondents (51 %) earn more than €30,000, while 15.2 % have annual incomes of more than €100,000. Even when additional income from work or other sources (pension, rent income, ‘gig’ employment) is considered, a large number of respondents state that their overall income is not enough to meet their day-to-day expenses.

Low incomes are often the result of discontinuous employment and low pay. In Slovenia, Italy, Germany and France, those who work on a continuous basis account for roughly half, or slightly more than half, of the total. The situation is especially difficult in Belgium, where more than one quarter of those interviewed work less than 6 months per year, due to the high share of artists among Belgian respondents. Besides low earnings, payment is not guaranteed.

Indeed, low pay is identified by respondent as one of the three main problems they have to face, together with the tax burden and harmful competition. The high degree of competition is further worsening pay and working conditions.

In addition, workers also suffer from a lack of social protection, information asymmetry and the absence of reliable dispute resolution systems¹⁰. Regarding social protection,

10 Eurofound (2015), New forms of employment, Eurofound, Luxembourg. Valenduc/Vendramin (2016), Work in the digital economy: sorting the old from the new, ETUI Working Paper 2016.03.

the majority of respondents consider it low in all the surveyed countries, except for the French and the Dutch, which perceive it as high, with the exception of unemployment benefits in the Netherlands.

As for representation, the survey shows that only in Belgium, Spain and Sweden respondents refer to trade unions, while in the other countries respondents refer to different organisations, ranging from professional associations to horizontal organisations (quasi-unions), umbrella organisations and LMIs. In order to improve the effectiveness of these organisations the respondents indicate the need to develop networking and coalition-building strategies involving unions and professional associations or self-organised associations.

4. THE VARIETY AND EVOLUTION OF INSTITUTIONAL REGIMES IN THE EU¹¹

In all the considered countries, the legislative framework and the social protection system still need to be adapted to the new emerging demands for employment rights and social protection of freelancers and other non-standard workers.

The rise in the share of independent workers has not been accompanied by a congruent definition of the regulatory framework to fill the gap between the high-skilled professionalism and the low social status attached to them. A convergence pattern is however visible towards a greater recognition of the fragmentation of employment contracts and working conditions and the need to develop social protection forms for these workers.

¹¹ This section summarises the main findings of the research report on the transversal analysis of the institutional framework (Beuker, Naedenoen, & Pichault, 2018)

The assessment of the institutional regimes operating in the nine considered countries, carried out by Beuker, Naedenoen, & Pichault, 2018, focuses on four main dimensions:

- **The institutional recognition of workers** situated in a 'grey zone' between salaried employment and self-employment;
- **Social protection** offered to self-employed workers in comparison with employees;
- **Fiscal support** offered to the self-employed in each country;
- **Collective representation** with focus on the strategies and practices developed by traditional unions and other representative organisations (quasi-unions and LMIs). As there is no legal recognition of the I-Pros in the regulatory framework of EU28 Member States, the transversal analysis of the institutional framework focuses on solo self-employed workers (i.e. self-employed workers without employees), considered as the closest category to I-Pros.

The comparative assessment illustrates the different approaches adopted in the nine considered countries and concludes that the institutional factors considered separately do not predict the quality and the level of social protection likely to be offered to I-Pros.

The regulation of autonomous work and of access to social protection in each country is evolving in ways that are strongly influenced by the existing national institutional and regulative approaches that have become entrenched over the years.

As shown in Table 4 below, the approaches adopted by the nine considered countries range from the Swedish system, where no legal distinction is made between self-employed and employees, although fiscal and social protection legislation is differentiated according to the work status, to the binary regulative approach adopted

in Belgium, France and the Netherlands where workers are either self-employed or employees, to the recognition of a hybrid status in Spain, Slovenia, Germany, Italy and the UK.

Table 4 – Legal/regulatory categories in the nine European countries

Countries	Employee	Hybrid work status	Self-employed
Sweden	No legal definition : work statuses are defined in tax law and their differences are mainly shaped by praxis		
Belgium	Employee		Self-employed
Netherlands	Employee		Entrepreneurs
France	Employee		Defined in opposition to employment
Spain	Employee	Economically dependent self-employed (TRADE ¹²)	Self-employed
Slovenia	Employee	Economically dependent worker (ERA ¹³)	Self-employed
Germany	Employee	Employee-like person	Defined indirectly in opposition to employment
Italy	Employee	Semi-subordinated contracts ¹⁴	Self-employed
UK	Employee	Workers ¹⁵	No legal definition

Source: Beuker, Naedenoen, & Pichault, (2018, p.3)

12 See the LETA (2007): ‘Ley del Estatuto del Trabajo Autónomo’

13 Article 213 of the Employment Relationship Act (ERA)

14 Law no 196/1997 (Treu Package) + Law no 30/2003

15 <https://www.gov.uk/employment-status/worker>

Sweden is the only country in which there is no clear legal distinction between employee¹⁶ and self-employed statuses. Judgements of labour courts examine the relation between workers and employers according to a set of prerequisites. Despite the lack of opposite work statuses defined by the law, the authors conclude that Sweden may be considered among the group of countries with a binary approach, given that different laws are applicable (fiscal law, unemployment law, social security law, etc.) according to the work status.

In the other countries with a binary system the situation is rather differentiated. In **Belgium**, the regulatory framework does not really take into account non-standard work arrangements, and the debate around the potential creation of a third status is still ongoing, but no political agreement has been reached so far on this question. **France**, instead, has developed some new statutes mainly for fiscal reasons (as in the case of the ‘micro-entrepreneur’ status), while some categories of independent workers who perform their activities under economic dependency (such as moviemakers and journalists) are automatically classified as employees and the Labour Court has an important role in reassigning labour statuses¹⁷. In the **Netherlands** the Flexibility and Security Act has instead broadened the employee status by reclassifying some self-employed workers as working under employment contracts with all applicable labour rights, protection and social insurance obligations.

The second group of countries has instead legally recognised the presence of a hybrid form of employment midway between dependent and independent employment, with

16 Schmidt-Druner M., (Resp. Administrator) (2013): ‘Social protection rights of economically dependent self-employed workers’, European Parliament’s Committee on employment and social affairs, p.28.

17 Spasova S., Bouget D., Ghailani, D. and Vanhercke B. (2017). ‘Access to social protection for people working on non-standard contracts and self-employed in Europe. A study of national policies’. European Social Policy Network (ESPN), Brussels: European Commission, p.58

specific rights, although to a different extent. In **Slovenia**, a 2013 act has introduced the category of economically dependent workers (i.e. ‘that obtain at least 80 % of their annual income from the same contracting authority’). In **Spain** the legal status of self-employed workers was legally defined in July 2007, also recognising the category of dependent self-employed workers (*trabajador (a) autónomo (a) dependiente económicamente* – TRADE). The aim of this law was to provide higher protection to self-employed by closing the gap between dependent and independent workers. These workers are defined as ‘formally self-employed, but economically dependent on a single supplier or customer or employer’. In **Germany** the 1999 act on self-employment (*Gesetz zur Förderung der Selbständigkeit*) introduced the category of ‘economically dependent work’, according to specific criteria related to dependency on place, time, work content, integration within the organisational chart, and the use of employer’s equipment¹⁸. Thanks to this status, self-employed workers in some sectors have gained labour protection rights. Another set of criteria was developed by the Federal Court based on case law.

In **Italy**, a series of labour market reforms in the late 1990s introduced the so-called collaboration contracts, midway between dependent and independent employment. Act 81/2015 later abolished some of these contracts, with some exceptions.

In the **UK** there is no legal definition of self-employment, but only a set of working conditions set by the HRMC ¹⁹that help indicate whether a worker is self-employed or not. The English common law distinguishes three types of employment relationships: self-employed, employee, and workers (between employees and self-employed). This

18 <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/travailleurs-economiquement-dependants-droit-du-travail-et-relations-industrielles>, consulted the 17.08.17.

19 See her Majesty’s Revenue and Customs Department (HMRC).

distinction is based on a set of indicators on: control over how the work is done; integration (or not) into the employer's organisation; the extent to which the employer is required to offer work; the extent to which the person concerned must bear the economic risks.

Among the nine considered countries, in Sweden and the UK, where there is no statutory definition of dependent employment, case law is the most important source of assessment²⁰ of the presence of economic dependency. Other countries have partially extended labour protection by legislative intervention (Germany and France) or by creating new statuses, as in Italy²¹ where a 2017 legislative decree 81/2017 (the so-called Self-Employment Statute) extended some employment rights and social protection measures to self-employed workers without employees. The Act does not modify the regulation of self-employment contracts (as stated in the Italian civil law), but identifies unfair clauses, which can entitle the self-employed workers to compensation. In addition, some social protection measures (previously foreseen only for employees) have been introduced in relation to intellectual property, and measures aimed at improving job opportunities for the self-employed through public employment services and the possibility to compete in public tenders for consultancy services. Other relevant changes include social protection and maternity leave, sickness or accidents at work, which cannot be claimed for contract termination any more. In addition, self-employed workers are eligible for maternity benefits even if they do not suspend their activities during the legal period of maternity leave, and are granted paid parental leave (up to 6 months during the first three years).

In most countries, the recognition of a legal status entails significant consequences regarding fiscal regimes, social insurance contributions and labour rights.

20 http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/507449/IPOL-EMPL_ET%282013%29507449_EN.pdf, consulted 17 August 2017.

21 Slavina S., et al. (2017). 'Access to social protection for people working on non-standard contracts and self-employed in Europe. A study of national policies'. European Social Policy Network (ESPN), Brussels: European Commission, p. 30.

Regarding social protection, in many countries self-employed workers do not enjoy the same statutory social security schemes as employees. Usually the level of social protection for independent professionals depends on the work category they are classified under. Both accessibility and level of social protection (amount of grant, duration, level of coverage) may vary significantly. In addition, as many self-employed workers combine different legal statuses they are characterised by a high fragmentation of rights.

The Lentic paper provides a detailed assessment of type and level of social protection granted to self-employed workers in the nine considered countries in terms of: maternity, paternity and parental leave, old-age and survivor's pension, cash and in kind benefits; healthcare, sickness benefits, unemployment insurance, family benefits, invalidity, occupational accident/disease insurance.

Overall, while in Sweden, Slovenia and to a much lesser extent the UK, do not provide specific schemes for the self-employed, the other countries provide specific occupational schemes for them. In addition, the access to social protection granted to self-employed workers varies according to the schemes considered: self-employed workers may access to all schemes (either universally (SE) or compulsorily (SI), they may opt-in voluntarily for some schemes (ES) or they may be excluded from one or more schemes (BE, FR, IT, UK, NL, DE). Based on these dimensions, the paper classifies access to social protection into three levels:

- ▶ *limited*, when the self-employed are excluded from one or more schemes and cannot opt in;
- ▶ *medium*, when the self-employed are insured under all schemes, sometimes by voluntarily opt in;
- ▶ *full* when the self-employed are insured either universally or compulsorily under all schemes.

To assess the extent of fiscal support, the paper considers three types of measures: financial incentives, tax or social contributions exemptions, and access to loans at preferential rates. The nine countries are classified as offering a high fiscal support when all the three categories of measures are adopted, a medium fiscal support when two categories are adopted and a low fiscal support when only one is adopted.

Turning to the industrial relations systems, the comparison considers the role of industrial relations in influencing working conditions on the basis of union rates, the coverage of collective bargaining and the degree of inclusion of non-standard workers (self-employed, freelancers, etc.) in traditional unions.

Table 5 below summarises the classification of the nine countries according to the regulatory approach towards the employment status, the level of fiscal support offered in each country to enhance business opportunities for independent professionals, the degree of union inclusiveness (e.g. inclusive or exclusive union strategies vis à vis self-employed workers), and the degree of social protection for self-employed workers.

The table shows there is no clear relation between the type of regulation, the industrial relations system and union inclusiveness, and fiscal support, able to predict the quality and the level of social protection for self-employed workers without employees.

Table 5 – Global protection of independent professionals in the nine countries under study

Country	Regulatory approach	Fiscal support	Union inclusiveness	Social protection
Sweden	Universal	High	Yes	Full
Italy	Hybrid	High	Yes	Limited
Netherlands	Binary	High	Yes	Limited
Slovenia	Hybrid	Medium	Yes	Full
Spain	Hybrid	High	Yes	Medium
France	Binary	High	No	Limited
Belgium	Binary	Medium	No	Limited
Germany	Hybrid	High	Yes	Limited
UK	Hybrid	Low	Yes	Limited

Source: *Beuker, Naedenoen, & Pichault, (2018)*

Sweden is the country that provides the highest level of both social and fiscal protection to self-employed workers, thanks to its universal welfare system guaranteed to all workers, whatever their employment status. **In Belgium, France and the Netherlands** there is no recognition of the specific status of new autonomous workers and access to social protection is limited for self-employed workers. However, France and the Netherlands provide high fiscal support to these workers. Conversely, in Belgium and France unions keep excluding self-employed workers from their membership, even if some local initiatives have been undertaken for the self-employed in specific situations.

Among the countries that recognise a hybrid status between dependent work and self-employment, only **Slovenia** provides full access to social protection, while **Spain** offers a medium level of social protection. In the other countries social protection is limited, although **Italy** has extended access to social protection for solo self-employed workers in recent years. Unions and industrial relation systems are evolving towards an inclusive approach in all of these countries. Fiscal support is high in most of these countries, except for the UK where it is low, and Slovenia where it is medium.

5. EVOLUTION OF COLLECTIVE REPRESENTATION, INDUSTRIAL RELATIONS AND NEW STRATEGIES²².

5.1 The role of unions, quasi-unions and LMIs

The traditional industrial relations model based on collective bargaining cannot be applied to the new forms of independent work considered in the study. I-Pro workers thus represent a special challenge for unions' strategies and approaches to workers representation²³. New autonomous workers face low incentives and few possibilities to associate with their peers for several reasons²⁴, the main ones being:

- their dispersion and heterogeneity, as these workers are geographically scattered and fragmented across many different and dispersed workplaces;
- their reluctance to cooperate given the competition between them;
- the individualisation of the contractual relation and their reluctance to exercise collective rights that could adversely impact on their reputation, or reduce their work opportunities;
- the constraints imposed by the European regulatory framework over open competition, particularly in those countries where freelance workers are assimilated to entrepreneurs and cannot bargain without the risk of being considered as a forbidden cartel activity.

22 This section summarises the analysis of the UNIMI report on the transversal analysis of the case studies (Mori & Semenza, 2018), the reports on unions (Samek Lodovici, 2017), quasi-unions (Sinibaldi, 2016) and LMIs (Naedenoen & Pichault, 2016); the Catalogue of practices (Loi & Samek Lodovici, 2018).

23 Rapelli S. (2012), European I-Pros: A study, www.pcg.org.uk/sites/default/files//media/documents/RESOURCES/efip_report_english.Pdf; Leighton P. (2013), Future Working: The Rise of Europe's Independent Professionals (I-Pros) www.pcg.org.uk/sites/default/files/media/documents/RESOURCES/Future_Working_Full_Report.pdf.

24 De Stefano, V. (2016). The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig economy', ILO, Geneva 2016. Schmid-Drüner, M. (2016). The situation of workers in the collaborative economy, European Parliament In-depth Analysis, October 2016.

For a long time this segment of the labour market has not expressed any demand for collective representation. It is only recently that such a demand has been growing, following the rapid growth of these I-Pro workers during the last decade.

The transversal analysis of 29 representative organisations across nine European countries (Mori & Semenza, 2018), and the good practices collected in the case studies and reported in the Catalogue (Loi & Samek Lodovici, 2018), underline some interesting developments in the collective representation of professional self-employed workers in the advanced tertiary sector.

Different strategies have been put in place in the considered countries, also reflecting the heterogeneity of I-Pro workers. While liberal professionals are represented by their own professional associations, freelance workers in the media, culture and art sectors are often organised in trade unions, following a tradition of strong unionisation in these sectors, particularly in continental and northern Europe. Conversely, self-employed workers in the 'knowledge' economy remain largely unorganised, and are more likely to associate with quasi-unions and/or LMIs. In these cases, emerging organisations tend to transversally organise self-employed professional workers across different occupations, diverse economic sectors and a wide range of activities. The main strategic focus is to recruit, to offer services and to give a collective voice and visibility to professional self-employment in general, as a working condition per se, rather than to specific professions.

Different approaches were also adopted to create new ad hoc structures: while traditional organisations like trade unions and professional associations followed a top-down approach, new organisations, like quasi-unions and new forms of cooperativism emerged from bottom-up initiatives undertaken by activists and the professional self-employed themselves. In the large majority of the cases however they opted for a formal hierarchical internal structure, based on elected representative boards and a clear division of roles.

Although self-employed workers tend to remain ‘*outside the scope of most trade union activity*’ (Gumbrell-McCormick, 2011 p. 306), since the late 1990s, **trade unions** in Europe have tried, more or less successfully, to extend their representation to the new generation of autonomous workers. In some countries, they have implemented new *strategic* and *organisational* actions in order to satisfy the protection needs of these workers and to counteract the individualisation of employment contracts over the last decade.

In most EU countries unions have slowly implemented new strategic and organisational actions in order to adjust their logic of action to the protection needs of these workers and build membership among the professional self-employed workers, at different paces and following diverse trajectories. The dominant pattern has been **the creation of ad hoc structures**, separate from the core union structure, in order to respond to a twofold, opposed, exigency. On the one side, the ad hoc union structure might accommodate more flexibly the specific interests of this segment of the labour market, which are inherently different from the interests of the subordinate salaried workers. On the other side, however, this choice may result in the marginalisation of these workers.

At the project level, unions have **adopted an inclusive approach in all the considered countries, except in Belgium and in France**, where they keep excluding self-employed workers. In France, however, some local initiatives have been undertaken for the self-employed in specific situations as in the case of freelance journalists (so-called pigistes), artists and fashion models. In **Belgium**, unions are still in the process of considering the opportunity to affiliate these new types of workers.

In the other countries an inclusive approach has been adopted, especially since the late nineties, although often targeted to the so-called bogus self-employed.

Unions have also tried to adjust their logic of action to the needs of these workers, adopting different strategies.

In most cases the trade unions have **offered services**, such as legal, fiscal and social security assistance, not only for the I-Pro workers, but more generally for all the non-standard workers. Some unions have also **innovated their strategies by adopting new organising models** to promote the direct participation of workers and their collective mobilisation. This last model represents a more active approach, given that the trade unions do not try to attract workers in a traditional way but actively look for new members by recruiting them one by one.

The search for innovative responses by the trade unions in many European countries has encouraged the **establishment of new alliances and coalition building** with other organisations representing the interest of I-Pros. Coalitions have been also used as a source of added legitimacy for union campaigns, as well as to strengthen the unions' mobilisation capacity, particularly with associations with a large activists base.

Both servicing and organising strategies belong to a general strategy to expand the trade union representation in new sectors and new labour market segments, traditionally not organised (*'Organizing the unorganized'*). It has been also a reaction to the decline of union rates and to the loss of centrality of the traditional industrial relations models and central collective bargaining. These strategies have been so far mainly targeted to the lower segment of the labour market, rather than to the I-Pros.

In parallel to union revitalisation attempts, **new innovative organisations** have emerged, responding to otherwise unaddressed demands of representation among I-Pros. This is the case of **quasi-unions, labour market intermediaries** and new forms of cooperativism. These new organisations have often gradually institutionalised themselves, becoming relevant interlocutors in supporting the interests and the rights of I-Pro workers in the public debate and in the political agenda. Interestingly, these

innovative organisational forms have in several cases anticipated the traditional unions in the collective representation of professional self-employed workers. Created ad hoc, they quickly and flexibly responded to the new demands raised by these workers. Usually, these new organisations built their membership on self-employed workers, regardless of the economic sector of activity and occupation, and focused their organisational strategies on the distinctive interests of the self-employed as such. **Quasi-unions**²⁵ have spread mainly where trade unions have not taken into account the peculiarity of the new generation of professional autonomous workers, treating them either as false employees or as entrepreneurs. They emerged in recent years to represent the interests of otherwise unrepresented people on worker rights and better working conditions. These organisations embody a multitude of diverse organisational forms. However, they have in common the fact that they are generally bottom-up, self-organised associations, often lacking formal membership mechanisms; they also show similar networking strategies. They often have limited financial resources and are mainly based on voluntary work, with a strong core staff whose commitment is permanent, complemented by a very loose and shifting membership. Their notion of member affiliation is also loose, and varied: members can be ‘supporters’ who take part in specific collective actions, ‘registered members’ who sign up for websites/ social media or ‘paying members’ who pay a yearly subscription fee to support the activities of the association.

25 In the international literature, these organisations have been defined in different ways: Jenkins (2013) calls them ‘pre-union’ while Sullivan (2010) defines them ‘proto-union’. Heckscher, C., and Carré, F. (2006) designate them as ‘the broad range of organizations that have emerged to represent the interests of otherwise unrepresented people in their work lives and in their relationships with their employer, seeking to address matters of worker rights and to improve working conditions.’

Their strategies follow logic of action between service and advocacy and do not follow, most of the time, the traditional collective bargaining approach.

Labour market intermediaries (LMIs) and new forms of cooperativism, represent a second innovative organisational form that increasingly supports and organises self-employed workers in the labour market. They play an intermediary role between individual non-standard workers and the end-users of their services and support workers in job transitions. They usually have a **matching function**, either gathering information about vacant positions, and/or providing matching services to both workers and companies.

They may also act as **'administrator' intermediaries**, managing the entire worker-employer relationship, acting as quasi-employers (e.g. becoming the legal employer of workers, making them available to clients, and/or providing them with a full HRM support); or supporting workers in acting as their own employer and reducing their administrative burden.

They can also provide workers with training and offer access to facilities for individual and/or collective activities, which reinforces their feeling of belonging to a community. Another function played by LMIs is to ensure to affiliated workers the entitlement to a series of social and employment rights through new forms of mutualism (insurance packages, training, financial support for developing activities, administrative support opening access to social entitlements) that can be activated by workers whatever their contractual status (employee, trainee, unemployed, on parental leave, etc.).

5.2 New intervention strategies and examples of good practices

The empirical evidence of the **intervention strategies** adopted by unions and other organisations to collectively represent this segment of the labour market shows five main forms of intervention, corresponding to the main needs and vulnerabilities of professional self-employed:

- servicing
- advocacy and lobbying
- community building
- coalition building
- collective bargaining

Table 6 on page 29 lists some innovative practices selected as particularly representative of the intervention strategies adopted in recent years and illustrated in the Catalogue²⁶.

The provision of **professional services** to members represents the main strategy in all types of organisations investigated (unions, quasi-unions, LMI, professional organisations), although to different extents, according to the type of organisation. Legal advice, fiscal support, training, administrative services, support in the management of customer relationships, are the most widespread services provided in order to support their members' problems in terms of *income stability, access to social protection and investments in human capital*.

It is LMIs and cooperatives that are mostly investing in the provision of new services. They have set up forms of new mutualism for their members, including mutual guarantee funds, customised insurance packages, leasing for professional equipment

26 This section summarises the main findings of the Catalogue of practices to support the working condition, representation and social protection needs of new autonomous workers (Loi D. and M. Samek Lodovici, 2018)

and microcredit for the development of professional activities. As anticipated, LMIs also provide matching and placement services. These organisations also support workers in contractual and administrative procedures and contribute to strengthening their business activities (as in the case of the Dutch Yacht service). Training services are also usually personalised on the basis of the members' specific professional needs (as in the Spanish CTAC training capsules). In the same way, consultancy services are complemented with new information tools, according to the new requests coming from the users (as in the case of the German Mediafon, the enterprise connected to Ver.di).

To fund these services, these organisations usually ask for fees, differentiated between members and other workers. Some organisations provide free services, as a tool to recruit new members.

Service provisions can be interpreted as a functional equivalent to the range of social protections that standard employment relationships guarantee to subordinated workers. They can also serve as an effective recruitment tool, and often as a complementary strategy to lobbying and advocacy. To this end, service provision can foster exchanges among users, contributing to building the workers' claims and collective representation in a bottom-up approach (as in the case of the French F3 CFDT's union platform service).

The lobbying/advocacy model embodies a second widespread organisational strategy. Lobbying and campaigning for the rights of self-employed workers, for a better acknowledgement of their specific status, represent the core goal of several organisations, particularly quasi-unions and unions. As the traditional representation via collective negotiations is hardly applicable for self-employed workers, advocacy and lobbying activities become a way to mobilise civil society. These influence the

decision-making process in order to support changes in laws and policies affecting I-Pros (advocacy) or to establish a direct interaction with members of government, parliamentarians, government officials and managers (lobbying). These initiatives can range from campaigns, petitions, proposals and guidelines to reform or introduce new legislation. I-Pro communities and websites are often used as dialogue and mobilisation spaces. Unions are usually involved in lobbying activities and/or take part in parliamentary hearings when legislation affecting the particular interests of their affiliates is discussed. Usually, union initiatives tend to support the professional self-employed in markets where employers are recognisable (e.g. the unionised categories of journalists and creatives). Quasi-unions also play an active role in the advocacy and lobbying activities when the specific status of the professional self-employed worker is at stake, as well as its social and economic rights (formal recognition of the professions, pension schemes or copyright taxation).

The lobbying activities are effective especially when collective organisations set up a direct connection with political decision makers (as in the case of the Italian ACTA's lobbying for the Italian decree for the protection of the self-employed without employees). The most effective advocacy actions are those campaigns more covered by the media, and/or those based on previous analyses of needs (as in the case of the Belgian AJP Freelancer campaign launched to denounce the bad working and financial conditions of I-Pros). Networking is implemented with the aim to improve freelancers' collective power. The mobilisation capacity appears to be associated with the provision of useful information services (as in the case of the AJP Journalistefreelance.be/journalistefreelance.be network). Furthermore, some practices show how a strong advocacy and lobbying activity makes it possible to achieve good results in terms of permanent representation, as in Slovenia, with the creation of the Trade Union of the Precarious as a major result of the mobilisation activity led by the Slovenian Movement for Decent Work and Welfare Society.

A few forms of **collective negotiation activities** similar to those stipulated for employees are observable in traditionally unionised occupations and are usually implemented by unions with identifiable professions and employers, as in the media sector. Unions also engage in broadening the boundaries of the collective agreements in the creative sector by the introduction of specific clauses for the self-employed in collective labour agreements (as in the case of the Dutch Kunstenbond Union exploring the possibilities of setting conditions and tariffs for temporary replacement musicians).

Quasi-unions usually cannot be directly involved in collective bargaining, although in some national contexts they can be entitled to negotiate quasi-collective agreements (such as Belgian civil agreements), e.g. less binding agreements, where the employer side commits merely to respect the agreement.

Other practices not strictly referable to the traditional collective bargaining activity, often carried out by unions, include the **provision of guidelines, protocols and recommendations** to affiliates on minimum fees, payment timing conditions, royalties, workplace safety conditions and access to social protection (as in the case of the Swedish Journalist Union recommended fees). However, this approach is only feasible in specific sectors and occupations, such as journalism or the media sector. Here, it is easier to identify the tasks to be performed and their costs, and professional unions have a long-standing tradition. Another non-traditional and innovative form of negotiation to collectively protect the rights of the professional self-employed is the creation of a joint platform for negotiation on copyright law, as was developed by the Dutch Kunstenbond Union.

Coalition building represents an important organisational strategy to give a collective voice to this dispersed segment of the labour market. It usually involves heterogeneous organisations (union, quasi-union, association of professional self-employed workers of first and second level, movements etc.) and is created to pursue the common interests of the professional self-employed in terms of political/legislative results and services, with reference to their social protection and economic rights and working conditions.

Coalitions may take different forms. They may be industry specific or transversal, built to represent self-employment rights. They may be more or less formalised, permanent or temporary.

Many of the organisations investigated take part in more or less structured and formal partnerships with other associations as a strategy to collectively represent professional self-employed workers. The search for new alliances and coalition building is widely explored by the organisations, since partnership represents a positive-sum game for all the actors involved. Coalitions can facilitate the access to new constituencies of workers: an aspect particularly important when the recruitment of unorganised segments of the labour market are at stake, such as in the case of self-employed workers. Moreover, the creation of coalitions can increase the legitimacy of the campaigns and of the lobbying actions carried out together, on behalf of the wider rank and file. Partnerships enable a strengthening of the individual organisation's capacity to mobilise, in particular when movement and innovative bottom-up associations are involved, give that they are animated by active members and volunteers.

A high degree of transnational emulation is also emerging. Thanks to the affiliation to international federations, networking occasions and a wider access to digital tools, organisations have the opportunity to mutually learn from each other across the national borders, building similar organisational responses to common supranational challenges.

Community-building activities include generally bottom-up initiatives finalised to aggregate and strengthen the professional self-employed in order to build a common identity, in some cases even a common employment contractual status (for instance, the new form of ‘entrepreneur-salaried’ provided by the French Coopaname and the Belgian SMartBe cooperatives/communities).

Communities usually develop common platforms and networks for sharing experiences, mutual learning and collaborative forms of work in order to strengthen their members. They provide information (help desk) and support services in order to improve the professional self-employed’s working conditions (especially vIVAce, Coopaname and SMart). They also provide spaces for co-working and for organising meetings and events. Particularly interesting are the meetings organised to inform members on highly topical issues as well as the meetings organised among sectoral stakeholders to share professional experiences (e.g. the breakfast meetings and the ‘Meet&Connect’ of SMart).

These activities support the mobilisation actions and lobbying activities, and the offered spaces generally become the reference point of activists and a source of funding for the community thanks to their rental.

The online communities are also innovative forms of representation of the professional self-employed workers based on new forms of communication and a way to mobilise workers for lobbying activities. Some communities, through the exchanges among members, try to rebuild the independent workers’ claims in a bottom-up approach, with the aim of also building a form of collective representation. In this way, the communities can even play a political role (for example the vIVAce community).

Examples of practices representative of these new forms of collective representation are provided in the table below and detailed in the Catalogue annexed.

Table 6 – Overview of the selected practices by type of intervention

COUNTRIES	PRACTICES NAME:	IMPLEMENTING BODY	TYPE OF INTERVENTION				
			SERVICE PROVISION PRACTICES	ADVOCACY AND LOBBYING PRACTICES	COLLECTIVE BARGAINING PRACTICES	COMMUNITY-BUILDING PRACTICES	COALITION-BUILDING PRACTICES
Belgium	SMart community and new mutualism service	SMartBe (quasi-union)	✓	✓	✓	✓	
Belgium	Freelancer not easily fooled/pigiste pas pigeon and –Journalistefreelance.be/journalistefreelance.be	AJP (quasi-union)	✓	✓			
Belgium	Civil agreements practice	AJP (quasi-union)		✓	✓		
France	Coopaname community and new mutualism service	Coopaname (business cooperative)	✓	✓		✓	
France	Guide for the candidates for the presidential election: ‘For a renewal of the independent work’	FEDAE (quasi-union)		✓			
France	Union platform service	CFDT (F3C) (union)	✓				
Germany	Mediafon service provision	Ver.di (union)	✓				
Germany	Supermarkt cooperativism	Platform cooperativism	✓	✓		✓	
Italy	vIVAce community	CISL (union)	✓	✓		✓	
Italy	Council of Professions	CGIL (union)		✓			✓
Italy	Lobbying practices for the approval of the 2017 decree ‘Measures for the protection of the self-employed without employees’	ACTA (quasi-union)		✓			✓
The Netherlands	Collective negotiation for the copyright contract law and integrating of clauses for minimum wages for temporary replacement musicians	Kunstenbond (union)		✓	✓		✓
The Netherlands	Yacht labour market intermediary services for autonomous workers	Yacht (LMI)	✓				

The Netherlands	Coalition practices in Dutch Social Economic Council and for service provision	PZZ-ZPP		✓		✓
	Council and for service provision	(Association for self-employed)		✓		✓
Slovenia	Advocacy and lobbying practices of the Movement for Decent Work and Welfare Society	The Movement for Decent Work and Welfare Society		✓		
Spain	Training capsules	CTAC (union)	✓			
Sweden	Freelance recommendation fee practice	Journalist Union (union)			✓	✓

Source: Loi & Samek Lodovici, 2018

6. CONCLUSIONS AND POLICY IMPLICATIONS

6.1 Main findings

The study underlines some important trends and challenges in recent developments of self-employment and I-Pro working conditions, which may be summarised in the following points:

- There is an increasing fragmentation of forms of employment across countries, which overcomes the traditional dichotomy between dependent and independent work: workers may combine both forms of employment and/or transit from one status to the other in their working life.
- Since the late nineties freelance workers in intellectual and technical occupations in the service sectors (I-Pros) have registered the highest employment increases in all the EU countries, involving in 2015 almost ten million workers, equivalent to 4.4% of overall employment in the EU28, and almost one third of self-employed workers. This sharp increase is related to the global process of subcontracting and outsourcing of business and personal service activities and, more recently, to the digitalisation of the production processes and the rise of the platform economy.

- ▶ These forms of employment relations and working conditions produce new employment opportunities, but also new employment and social risks that ask for a revision of the regulatory and social protection framework in EU countries. In the case of freelancers and I-Pros, new opportunities relate mainly to a greater degree of autonomy in performing the work and in a greater flexibility in the use of time and place of work which could facilitate the work-life balance. However these opportunities come at the price of shifting employment and social risks from the employer to the worker.
- ▶ Inversely, some I-Pros may face a decrease of their autonomy level. It is mainly the case for the dependent and/or bogus self-employed workers where a subordinate relationship may be observed on the field: direct injunction from the client, imposition of working time, workload and work pace, etc.
- ▶ I-Pros are increasingly facing: low and insecure income levels; multitasking and multiactivity work (including a large part of unpaid administrative and promotion activities); a high degree of competition in the profession with the consequent difficulty in obtaining a fair compensation for their work, long delays in payments, long working hours and blurring boundaries between work and family life; lack of job crafting opportunities, difficulty in securing professional development and career upgrading; professional isolation; no or limited access to social protection.
- ▶ The proliferation of these and other (e.g. agency work, temporary work) new forms of employment relations and needs are challenging the EU and national employment regulatory frameworks and social protection schemes, as well as industrial relations systems.
- ▶ There is a growing gap in access to social protection for the self-employed. Social protection systems vary significantly across countries, including in

terms of their funding (general taxation or social contributions, compulsory and/or voluntary), coverage (universal or contribution-based) and type of support.

- ▶ The regulation of employment relations and social protection systems are however undergoing profound reforms to respond to the changes in employment relations, although access to social protection (unemployment benefits, sickness, maternity leave, holidays, pensions) remains limited for self-employed workers. In some countries there is an institutional recognition of a new employment status midway between dependent and independent employment with access to certain employment and social protection rights, in others the binary approach is maintained. However, except in countries with a universal social protection system (e.g. Sweden), access to social protection remains generally limited for the professional self-employed, compared to standard permanent and full-time employees. In some countries, favourable fiscal regimes in part compensate for lack of social protection, but in social protection systems with variable and/or voluntary contributions, there is a risk that self-employed people with low and/or irregular income opt out or pay the lowest level of contributions. This may lead to under-insurance against social and health risks.
- ▶ The increasing demand for collective representation has led to the proliferation of new actors (quasi-unions, labour market intermediaries, new forms of cooperativism) besides traditional unions, and new forms of organisation and representation for the I-Pros. These new forms of collective representation have often been directly created by self-employed workers (bottom-up), and operate transversally across different occupations, economic sectors and a wide range of activities and tasks. They have gradually institutionalised

themselves to become relevant interlocutors in the public debate and in policymaking. The reaction of traditional collective organisations (unions, professional associations) to these demands was instead slower and more difficult, having to adjust their consolidated traditional mission and organisational configuration. The adjusting process occurred at different paces and followed diverse trajectories in EU countries. The dominant pattern has been the creation of ad hoc structures (top-down approach) separate from the core union structure, in order to allow a greater flexibility and the adoption of new forms of representation. These new forms of representation are increasingly relevant not only for the I-Pros but also for other non-standard workers.

- The representation strategies and activities can be classified into five main areas, corresponding to the main needs and vulnerabilities of professional self-employed. All the surveyed organisations provide professional services to reduce the administrative burden on their affiliates and to provide legal advice, fiscal support, training and some forms of mutualism, including insurance packages, leasing and access to (micro) credit. A second widespread strategy is lobbying and campaigning for the rights of self-employed workers, with focus on fair remuneration and access to social protection. In the case of unions some form of collective bargaining/negotiation is implemented to improve the working conditions of freelancers in strongly unionised occupations (e.g. journalists, media workers). Community building is another widespread strategy, often through the provision of virtual or physical spaces to support aggregation and self-help, and reduce the sense of isolation felt by the majority of freelance workers. Coalition building is a particularly important organisational strategy adopted to give a collective voice to these dispersed

and fragmented segments of the labour market, through the creation of more or less structured and formalised partnerships often involving both unions and other representative bodies.

6.2 Policy implications

The evolution of employment relations and the growth of new forms of self-employment ask for a rethinking of both the regulatory framework on employment relations, and the welfare and social protection models.

1. Revision of the regulatory framework and a revision of the conceptual approach.
2. Extension of social security towards less selective models (category by category) and more universal approaches (Resolution of the European Parliament 2014: Social protections for all, including the autonomous workers, and the very recent recent Commission's Proposal for a Council Recommendation on access to social protection for workers and the self-employed).
3. New collective representation forms and associative strategies (e.g. neo-mutualism).

Implications for the regulatory framework

The evolution in the nature of work and its organisation with the diffusion of new forms of employment relations and working conditions is challenging the traditional dichotomy between dependent and independent work, and producing new employment and social risks. Workers are increasingly involved in fluid employment relations, often combining both forms of employment and involving frequent transitions from one status to the other during their life cycle.

The regulatory framework of employment relations has to evolve in order to address a number of issues emerging with the proliferation of these new forms of employment and to support a better quality of work and working conditions for all workers, whatever their employment relationship.

One is related to the legal status of freelance workers, which is defined in different ways in EU countries. As shown in the research, freelance workers may be defined as independent contractors, or entrepreneurs or the employees of their own organisations, so that any attempt to pursue collective demands risks breaching antitrust legislation and trade practices. On the other hand, semi-dependent freelancers who only work for one employer might achieve an employee or ‘worker’ status. A specific case is that of platform employment relations and working conditions which have not yet been collectively defined at European and national level. Platform workers are treated in most MSs as self-employed providers of services (to whom collective agreements do not apply), although the platform’s owners generally dictate all the contractual details (such as pay, working conditions and intellectual property). Another case is that of labour market intermediaries (LMIs), that are increasingly involved in the provision of services to self-employed workers. As came up in the French workshop, while some LMIs are aiming at supporting freelance workers by securing their transitions and providing them with supportive services, others instead contribute to the development of fragmented work relationships. Normative criteria are needed to equip policymakers with guidelines for their regulative actions in this field, exploring the evolution of these organisations and the conditions under which they contribute to support the job quality for autonomous workers, either directly or by developing relations with the other representative actors, e.g. unions and ‘quasi-unions’.

According to the recent literature and debate (Steward & Stanford, 2017) the following options are available for reforming the regulatory framework:

- a. Expand the existing protection rules to cover at least those contractors that can be considered as ‘dependent contractors’ and thus closer to the salaried status. These workers should be allowed to access the bargaining rights and processes accorded to employees. However, the rapid evolution of these forms of employment and their combination with other forms makes it difficult to clearly identify these workers and their ‘employers’, as in the case of platform workers.
- b. Instead of creating a new category of workers (a third hybrid status), another option is to adopt a universal rights approach: defining minimum rights for all workers, whatever their status. Professional recognition and lifelong learning, fair working and payment conditions, maternity and parental rights, health insurance and accidents at work should transcend the employment status and the relationships with particular employers. While for some rights such as protection from discrimination this option can be easily extended to all workers for others, like for example the definition of fair pay or paid leave, a new minimum protection framework applicable to all workers has to be designed.

We propend for the second universalistic solution. As shown in the comparative assessment of the regulative framework in the nine considered countries, the creation of a third status in the regulative framework cannot be considered as a solution per se in improving the working conditions and social protection of freelance workers.

Another important issue to be addressed regards the regulation of the ‘employer’ status especially when the employer is split between the intermediary and the end user. In part this issue has been treated when regulating temporary agency work,

although the introduction of advanced technology and platform work is creating new forms of intermediation, which are more difficult to regulate. Online platforms are not considered as traditional employers, but only as intermediaries between the users and the workers. Therefore, platforms are currently not responsible for paying social security contributions, although they often set prices and working conditions. Platforms avoid transforming the relationship with service providers into an employment one, in order to avoid attaching a host of legal regulations to conform with. Online platforms are thus often reluctant to alter their business model to support workers.

Apart from formal regulation, another important source of employment and social rights protection for the self-employed is court judgement. Court judgement is crucial for qualifying employment relationships particularly in those countries where there is no statutory definition of dependent employment as in Sweden and the UK. However, recourse to court judgement is usually not considered by freelance workers given its usually long procedures and the risks it involves for future work opportunities and the need of support from collective representative bodies.

Another issue related to employment rights has to do with the role of public administrations as users of freelance work. Public administrations are increasingly outsourcing the provision of services to freelance workers, private companies or third sector organisations, often employing freelance workers as service providers. Within this role, public administrations may ensure good working conditions and employment rights, by avoiding tendering on the basis of price rebates and requiring that all service providers respect basic employment and social protection rights, including fair remuneration, working conditions, parental and maternity rights, health, pension and unemployment insurance.

Rethinking social protection

Forms of employment are becoming increasingly complex and differences between self-employment and salaried employment are narrowing. There is also an increasing trend for the employment history of individuals to include periods of both self-employment and paid employment. This may impact on the social protection of such individuals. As such, there is a need for upward convergence of social protection between the self-employed and employees.

The welfare and social protection models need to be revised in order to ensure a social safety net to all workers. Access to social protection, unemployment benefits, healthcare, maternity and sickness leave, lifelong training, fair working and payment conditions for all workers should transcend the employment status and the relationships with particular employers.

Currently the self-employed may be completely excluded from statutory access, or may only be able to opt in on a voluntary basis to key insurance-based schemes such as sickness, unemployment and occupational/injury benefit schemes (ESPN, 2017).

As underlined in a recent Commission's analytical document²⁷, the main shortcomings of current social protection systems concern **coverage, transferability and transparency**, and relate to insurance-based schemes in a majority of the Member States. The document underlines that the self-employed generally have formal coverage of healthcare, maternity/paternity benefits, old-age and survivors' pension schemes, social assistance, long-term care, invalidity schemes and family benefits, but in several countries they are excluded from sickness, unemployment and occupational injury

27 EC Analytical Document accompanying the Consultation Document on the Second Phase Consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges of access to social protection for people in all forms of employment in the framework of the European Pillar of Social Rights, Brussels, 20.11.2017 SWD(2017) 381 final

benefits, although in some cases, they can voluntarily join some of those schemes. There is also a wide variation in formal coverage both between countries and within countries across different schemes, and among categories of self-employed within the same scheme, and effective coverage is usually very low, due to low take-up rates. Eligibility conditions do not usually take into account the self-employed workers' specific situation, but treat and translate working hours and income as if they were salaried workers, instead of adapting the criteria to the specific characteristics of self-employment. According to the study, two elements are particularly critical in accruing entitlements and ensuring the adequacy of benefits:

- a. **Eligibility conditions** which are hard to meet (e.g. contributory periods and cessation of activity requirements) and make effective coverage usually lower than the formal one;
- b. **Benefits** defined as a lump sum rather than in relation to earnings, for the difficulties in assessing the income base due to income paid on long previous periods of earnings, upfront payments (advance social security payments), payments of arrears, under- or non-reporting of income.

A new social protection system thus needs to ensure :

- full coverage of workers, whatever their status;
- the transferability of social protection entitlements across different schemes and employment statuses;
- the transparency of social protection schemes and rights, as in many countries with variable coverage individuals may not be fully aware in what way the social insurance contributions affect their pension and benefit entitlements.

Again, different options are available for extending coverage:

1. A universal mandatory public scheme for all workers, whatever the employment status, based on a minimum level financed through general taxation for those unable to pay social contributions, and a mandatory supplementary level funded through social contributions from employers and workers. This system should be able to also cover those workers (dependent or independent) with a discontinuous career path. There are two issues to be considered: the first is how to make companies contribute when they also employ freelance workers. The second is how to remove barriers to access when setting entitlements, e.g. the level of social contributions to be paid by self-employed workers and the other obligations necessary to get access to benefits, in order to increase take-up and avoid opportunistic behaviors. As emerged in the Spanish workshop, when the level of social contributions to be paid by self-employed workers is a fixed amount the risk is to have low-income workers not being able to afford it and high income ones choosing to contribute the minimum amount. In order to avoid these problems, the social contribution should be set according to the real net income from work. By better tailoring social protection systems to the work realities of self-employed people (including the simplification of administrative procedures), the access and take-up of social protection could be increased. Similarly, it is necessary to ensure that a social safety net is in place for those self-employed people below a certain income threshold to ensure adequate social protection. One issue here is how to establish net income from autonomous work. While this issue was particularly problematic in the past, in recent years the possibility to put together different databases should allow a better assessment of workers' income.

2. Voluntary coverage with private schemes and opt-in or opt-out clauses for the self-employed. These schemes may be either individual based, or, as increasingly happens, provided by workers' representative bodies through mutualisation (unions, quasi-unions, associations, LMIs), which could be another option. Mutualisation by representative associations may reduce the individual costs of private schemes, thanks to scale economies and a greater bargaining power towards insurance companies, as exemplified by the experience of the Freelancers' Union in the USA. Voluntary access could be enhanced by adopting opt-out clauses and income-based contributions²⁸. To support take-up, fiscal incentives may also be provided.
3. An intermediate model based on mandatory and voluntary schemes which could be differentiated according to the type of risk covered. A mandatory minimum public scheme funded on income taxation for health, old age, invalidity, sickness and maternity, supplemented by voluntary integrative private schemes, either individually managed or managed by representative bodies, on both these risks and unemployment.

Whatever the option, transferability of accumulated entitlements and access to information on entitlements to social protection could be improved through:

- mandatory transferability of accumulated entitlements across different schemes and countries;
- awareness-raising activities and personalised information on social security entitlements and obligations, to allow individuals to make better informed choices.

28 As underlined in the cited Commission's analytical report, 'Opt-in solutions require potential beneficiaries to actively choose coverage, whereas opt-out designs imply being covered is the default option. [...] Making an option a default seems to increase the likelihood that it is chosen (default effect). A large empirical literature shows the importance of default options in shaping decisions about retirement savings including savings plan participation and levels of contributions. Setting defaults can therefore be an effective way of influencing behavior also in a context of providing social protection coverage'.

The importance of representation

Collective representation is a third crucial dimension in the institutional framework with important repercussions and effects on the other two aspects: legal status and social protections.

New social actors and innovative forms of representation may become a driver towards the renewal/transformation of the traditional forms of representation and social dialogue. They may also provide a network of support (services, community building, etc.) to self-employed workers, representing functional equivalents to the range of social protection and employment rights generally guaranteed to subordinated workers by standard employment relations.

The research has described the variety of representative bodies and forms of representation developed in recent years to support freelance workers, ensuring that their voice and needs are heard, about their working conditions as well as on broader societal issues.

The study underlines the difficulty of adopting the traditional recruiting, representation and collective agreements models for these independent workers, due to the individualisation and the fragmentation of contracts over time, space and clients. In addition, the European legislation and the legal framework in many countries does not allow self-employed workers to collective bargain over pay and working conditions (antitrust regulation). For these workers, new representative bodies and associations and, to a lesser extent, trade unions are developing innovative representation strategies. They are moving towards a stronger servicing and advocacy/lobbying role, and a greater attention to networking and coalition-building strategies with other unions/associations both horizontally and vertically, as well as a greater use of the internet and virtual communities for recruiting and mobilisation.

There is the need for new negotiating frameworks to be created and new actors to be involved, including for example consumers associations, as proposed in the French workshop. These new representation strategies are becoming increasingly relevant not only for the I-Pros but also for other non-standard workers and should be recognised and supported by public institutions, through both a revision of the industrial relations framework and social dialogue mechanisms, capacity building and funding.

Social dialogue is an important coordination tool between the economy, and the social and political system, which allows governments, employer and worker organisations to manage change and achieve economic and social aims. There is a need for a revision of the traditional representation and industrial relation/social dialogue models. New actors and new forms of representation emerging in recent years should be recognised and involved in industrial relations/social dialogue mechanisms at least with a consultative and/or advisory role. New ways of measuring workers' representation should be defined, as well as new ways of structuring the social dialogue. Different options are available in this respect. One is the creation of a parallel channel of dialogue between representative organisations and the government on issues relevant for autonomous workers, as in in Spain with the creation of the Autonomous Work Council. Another option could be to directly include representative freelance organisations in the social dialogue, as experienced in the journalist sector in Belgium. Both solutions have pros and cons depending on the specific institutional and industrial relation framework present in each country. Whatever the option adopted, a greater involvement of institutions representing the solo self-employed in the social dialogue is likely to support a greater attention to the social and employment rights of these workers not only in labour law and in social protection, but also in active labour market policies, work-life balance measures, labour taxation: all policy areas where the tripartite co-decision and/or consultation mechanisms are usually strongest.

Further research

Overall the fragmentation of employment relations asks for a revision of the conceptual approach on work statutes, to take into account the evolution towards new and mixed forms of work and the role of new technologies in changing work relationships. To this end, a further important research development is to assess how companies are changing work organisation patterns with focus on platform companies that ‘exclusively’ use self-employed service providers rather than employees.

In order to develop a more evidence-based understanding of these changes, it is also necessary to improve data collection, facilitate the use of new data sources, tools and methods, and support data access for the research community.

The role of EU institutions

According to the subsidiarity principle, employment and social protection is primarily a responsibility of Member States.

EU institutions may support national reforms in order to reduce social dumping and obstacles to labour mobility and full employment, as well as to improve the quality of work and contrast poverty and social exclusion.

European institutions are recently contributing to bring the issue of employment rights and social protection for autonomous workers into the national political agendas, and this move will likely affect national regulations.

The **European Parliament** has approved the resolution ‘Social protection for all, including self-employed workers’ 2013/2111 (INI) -14/01/2014, inviting Member States to: guarantee social protection to all the workers including the self-employed; provide mutual assistance to cover accidents, illnesses and pensions; guarantee the continuous training for all the workers; and to oppose the ‘bogus’ self-employed workers. The specific reference to the category of self-employed represents a significant step towards the recognition of the peculiar identity of the independent work.

The recent launch of the European Social Pillar by the **European Commission** and the Commission's proposal for updates of the EU social legislation are other important steps in this direction, as they include a commitment for ensuring fair and predictable labour contracts for all types of work and access to social protection for all workers.

The European Pillar of Social Rights provides a framework to develop an innovative regulatory and social protection framework in relation to the principles of fair working conditions and social protection. While the fair working condition principle does not explicitly mention the self-employed and appears to be still considered having in mind only dependent workers, the social protection principle explicitly mentions the self-employed: 'regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed have the right to adequate social protection' (key principle 12). Comparative research on the pros and cons of different regulatory and policy models, and the exchange of experience among policymakers and regulators, could support the identification of new ways for ensuring fair working conditions and social protection to the self-employed and gig-economy workers.

Regarding **employment regulation and working conditions**, the written statement directive applies only to workers, **and the self-employed are in principle outside its scope**. However, the boundary between the two categories is in fact becoming more difficult to draw. Such blurring of status jeopardises the effectiveness of labour law which is dependent on the status of employment. To the extent that workers are wrongly categorised as self-employed, they are removed from the protection of the EU acquis to which they should in fact be subject. In addition, the worsening employment and conditions among the self-employed ask for the inclusion of self-employed in the scope of application of the directive, as asked by trade unions.

On 21 December 2017 the Commission released a **proposal for a directive on transparent and predictable working conditions** as a direct follow-up to the proclamation of the European Pillar of Social Rights. It aims to set new **rights for all workers**, particularly addressing insufficient protection for workers in more precarious jobs, while limiting burdens on employers and maintaining labour market adaptability. The Commission is proposing that all workers in the EU should have the right to:

- ▶ more complete **information on the essential aspects of the work** to be received by the worker, in writing, at the latest on the first day on the job (rather than up to two months afterwards);
- ▶ a limit to the **length of probationary periods** at the beginning of the job;
- ▶ **seek additional employment**, with a ban on exclusivity clauses and limits on incompatibility clauses;
- ▶ **know a reasonable period in advance when work will take place**, for workers with very variable working schedules determined by the employer, as in the case of on-demand work;
- ▶ receive a written reply to a **request to transfer** to another more secure job;
- ▶ **receive cost-free the mandatory training** that the employer has a duty to provide.

These rights should cover all workers in all forms of work, including those in the most flexible non-standard and new forms of work such as zero-hour contracts, casual work, domestic work, voucher-based work or platform work. However, self-employed workers are outside the scope of the proposed directive. It also comes with targeted provisions on **enforcement**, to make sure that workers in the workplace effectively benefit from these rights.

Within the framework of the Social Pillar, on 13 March 2018, the Commission also released a **Proposal for a Council Recommendation on access to social protection for workers and the self-employed**²⁹. With the proposal, the Commission aims to encourage EU countries to:

- ▶ allow non-standard workers and the self-employed to adhere to social security schemes (closing formal coverage gaps),
- ▶ take measures allowing them to build up and take up adequate social benefits as members of a scheme (adequate effective coverage) and facilitate the transfer of social security benefits between schemes,
- ▶ increase transparency regarding social security systems and rights.

According to the subsidiarity approach, while the decisions on the protection levels to be guaranteed to workers (including the self-employed), the design and the financing of the systems are left to Member States, the proposal provides guidance and support to MSs on ensuring that all workers and the self-employed:

- ▶ have full mandatory coverage through a combination of public, occupational or private schemes in social security schemes for sickness and healthcare, maternity or paternity, accidents at work and occupational diseases, disability, old age. In the case of unemployment benefits the self-employed may adhere on a voluntary basis;
- ▶ can accrue and take up adequate entitlements;
- ▶ can transfer social security entitlements between schemes and employment statuses;
- ▶ have transparent information on their social security entitlements and obligations.

29 European Commission, COM (2018) 132 final <http://ec.europa.eu/social/main.jsp?catId=1312&langId=en>

The choice of the instrument (recommendation, rather than directive) is driven by realism and feasibility, given that employment and social protection remain under national responsibility, and that there are different views both across MSs and the social partners on how to intervene, also due to the wide differences in MSs institutional frameworks and traditions.

Regarding industrial relations and social dialogue, in 2015, the Commission together with the social partners and other EU institutions, also launched a **New Start for Social Dialogue** with a number of initiatives, including capacity-building initiatives for national social partners; a greater involvement of the social partners in EU policy and law making, including in the European Semester; a clearer relationship between social partners' agreements and the Better Regulation Agenda³⁰.

Although these provisions do not explicitly mention self-employed workers and their organisations, EU institutions could incentive coalition building between unions, quasi-unions, umbrella organisations, as well as support capacity building through the exchange of experiences and practices.

EU institutions and MSs should also strengthen the knowledge base, supporting comparative research on the pros and cons of different institutional and industrial relation models in ensuring employment and social rights to all workers, as well as strengthen the data collection and harmonisation both at the EU and MS level to monitor the situation in MSs. To this end, the Commission's proposal for a recommendation on access to social protection for all workers and the self-employed also includes a provision asking for a statistical commitment to collect and publish reliable statistics on access to social protections by type of employment relationships

30 EC. Employment and Social Development in Europe 2016. Chap. 5

and individual characteristics, and for reinforced cooperation with Eurostat for the creation of appropriate indicators to monitor progress towards full coverage.

EU institutions could also support capacity building through the exchange of experiences and practices among organisations, policymakers and regulators.

REFERENCES

Beuker, L., Naedenoen, F., & Pichault, F. (2018)

Transversal analysis of the institutional framework, Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Bologna, S., & Fumagalli, A. (1997)

Il lavoro autonomo di seconda generazione [Second generation of self-employment: Scenarios of post-Ford industrialism], Milano, Feltrinelli.

De Stefano, V. (2016)

The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig economy', Geneva: ILO.

European Commission (2016)

Employment and Social Development in Europe 2016. Luxembourg: Publications Office of the European Union.

European Commission (2017)

Analytical Document accompanying the Consultation Document on the Second Phase Consultation Second Phase Consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges of access to social protection for people in all forms of employment in the framework of the European Pillar of Social Rights. SWD (2017) 381 final.

Available at: ec.europa.eu/social/BlobServlet?docId=18596&langId=en

European Commission (2018)

COUNCIL RECOMMENDATION on access to social protection for workers and the self-employed. COM (2018) 132 final. Available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2018:132:FIN>

European Parliament (2014)

Resolution of 14 January 2014 on social protection for all, including self-employed workers (2013/2111 (INI)). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0014&language=GA&ring=A7-2013-0459>

Gumbrell-McCormick R. (2011)

European trade unions and atypical workers. *European Journal of Industrial Relations* 42 (3), 293-310.

Heckscher, C., & Carré, F. (2006)

Strength in networks: Employment rights organizations and the problem of co-ordination. *British Journal of Industrial Relations*, 44 (4), 605-628, p. 606.

Koene, B., Garsten, C., & Galais, N. (2014)

Management and Organization of Temporary Work. In B. Koene, N. Galais, & C. Garsten (Eds.), Management and Organization of Temporary Agency Work (pp. 1-20). New York: Routledge. Routledge Studies in Management, Organizations and Society.

Leighton, P., & Brown, D. (2013)

Future Working: the rise of Europe's independent professionals (iPROS) London. Available at: www.pcg.org.uk

Loi, D., & Samek Lodovici, M. (2018)

Catalogue of practices to support the working conditions, representation and social protection needs of new autonomous workers. Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion.

Available at: <http://www.i-wire.eu/outputs/>

Mori, A., & Semenza, R. (2016)

Literature review, Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Mori, A., & Semenza, R. (2018)

Transversal analysis of case studies, Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Jenkins, J. (2013)

Organizing 'spaces of hope': Union formation by Indian garment workers, British Journal of Industrial Relations, 51, 623-643

Naedenoen, F., & Pichault, F. (2016)

Definitions and typology of new autonomous workers, Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Pedersini, R. (2002)

Travailleurs économiquement dépendants, droit du travail et relations industrielles, EurWORK - European Observatory of Working Life, EUROFOUND.

Available at: <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/travailleurs-economiquement-dependants-droit-du-travail-et-relations-industrielles>

Rapelli, S. (2012)

European I-Pros: a study. London: Professional Contractors Group (PCG).

Samek Lodovici, M. (2017)

The role of trade unions, Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Schmidt-Druner M., (Resp. Administrator) (2013)

‘Social protection rights of economically dependent self-employed workers’, European Parliament’s Committee on employment and social affairs, p.28.

Schmid-Drüner, M. (2016)

The situation of workers in the collaborative economy, European Parliament In-depth Analysis, October 2016.

Semenza, R. et al. (2018)

Project presentation and research questions. EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Sinibaldi, E. (2016)

Mapping Quasi-unions. Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Slavina S., et al. (2017)

‘Access to social protection for people working on non-standard contracts and self-employed in Europe. A study of national policies’. European Social Policy Network (ESPN), Brussels: European Commission, p. 30.

Soru, A., Zanni, C., & Sinibaldi, E. (2018)

Survey. Research report – EU project I-WIRE Independent Workers and Industrial Relations in Europe, funded by EUROPEAN COMMISSION DG Employment, Social Affairs & Inclusion. Available at: <http://www.i-wire.eu/outputs/>

Spasova S., Bouget D., Ghailani, D. and Vanhercke B. (2017)

Access to social protection for people working on non-standard contracts and as self-employed in Europe. A study of national policies. European Social Policy Network (ESPN), Brussels: European Commission.

Stewart, A., & Stanford, J. (2017)

Regulating work in the gig economy : What are the options ? Economic and Labour Relations Review, 28 (3), 420–437.

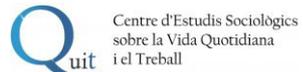
Sullivan R . (2010)

Organizing workers in the space between unions : Union-centric labor revitalization and the role of community-based organizations , Critical Sociology , 36, 793-819.





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