



WP4 Intervention and policy recommendations

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The 15 case studies of collective representation for slash workers selected and in-depth analysed in WP3 (Task 3.2) represent the basis and the starting point for the present analysis. This report aims at identifying models of collective representation that turned to be shared and transversal across the countries included in the project and, possibly, transferable to other contexts.

This report is organized into two sections. In the first section, edited by UCSC, the criteria to build the transversal models and the four models identified starting from the case studies are described; this section also presents the results of the local workshops carried out in the 5 countries under investigation to discuss the strengths and the weaknesses of the four models in a perspective of transferability and effectiveness of the practices identified. The second section, edited by ACTA, proposes policy recommendations that emerged from the overall research activity.

Section 1

1. Models of collective protection and representation of slash workers (edited by UCSC)

In the report relating to the task 3.2 of WP3 it is possible to reconstruct in detail the criteria adopted to select comparable case studies across countries relating to experiences and organisations of collective representation and protection of the slash workers. In the same report, the identified cases are presented in detail.

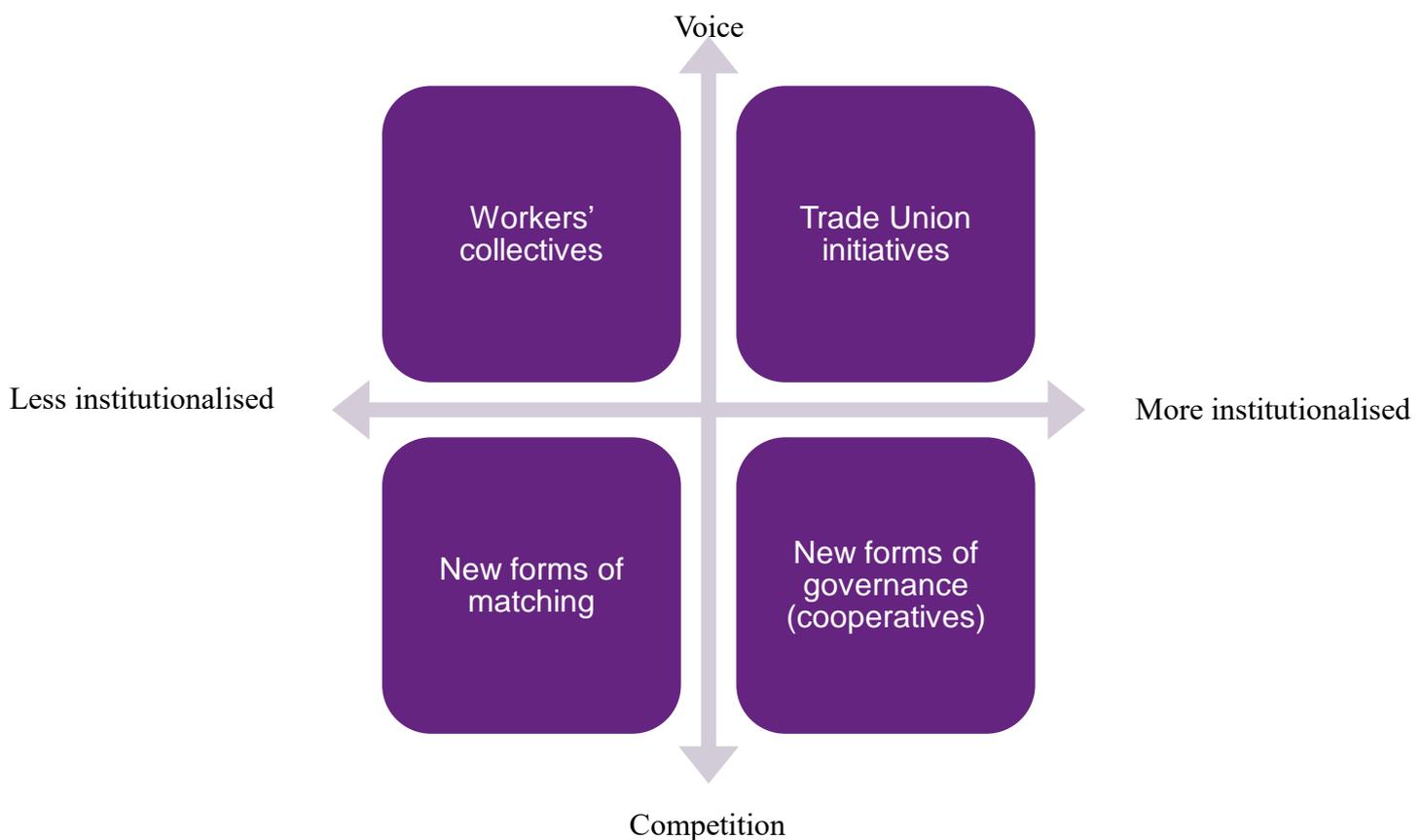
1.1. The four models

Starting from the WP3 analysis of the cases studies, through a retrospective study, the present analysis aims to detect similarities between the case studies analysed in each country, in order to find common structural characteristics and to identify possible patterns. The result of this comparative analysis is illustrated in Figure 4.1.

We clustered the models along two main axis: the first distinguishing between more voice-oriented actions vs. entrepreneurial practices aimed at building alternative economic models; the second distinguishing between more or less consolidated and institutionalized experiences.

For each model, we have deepened a series of analytical dimensions that enables to compare the different models and to understand their peculiar characteristics, namely: the type of organisations associated to the model; the centrality of slash working in their organizational actions; the main problems they try to address concerning slash workers; the profile of the promoters and founders of the initiative; the source of the financial support; the type of membership; the Strategic aims pursued; the strategic actions implemented; the mobilization strategies; the institutional collaboration in place; the proposal put forward; the results obtained; and the weaknesses displayed by the model.

Tab. 1 – Models of protection and collective representation of slash workers



The first quadrant in the upper right clusters the more institutionalized experiences promoting voice and lobby actions: it includes the initiatives promoted by the trade unions. These initiatives display some common features. These are initiatives aimed at expanding the reference basin and the membership of traditional trade unions, using digital channels to communicate with workers or addressing platform workers who are still underrepresented. For this reason, they address their actions also to non-members. The main shared object is

struggling to cope with the violations of labor rights. The problems connected to this kind of initiative concern the transition from being and experimental experiences to become a more structured and central initiatives in the strategies of trade union action.

Type 1 – Trade union initiatives	
Reference Cases: - IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work – Germany https://ombudsstelle.crowdwork-igmetall.de/en.html - CITUB App – Bulgaria https://play.google.com/store/apps/details?id=com.voxknsb&hl=bg&gl=US - Tu Respuesta Sindacal Ya (TRS) - Spain http://www.turespuestasindical.es/	
Type of Organization	Trade Unions - Ombudstelle for Fair Crowd: IG Metall (2.2 million employees from the areas of metals and electricals, iron and steel, textiles and clothing, wood and plastics, crafts and services and information and communication technology) - CITUB App: The Confederation of Independent Trade Unions of Bulgaria (KNSB/CITUB) is the largest trade union confederation in Bulgaria (275,762 members). - TRS: The Unión General de Trabajadores (UGT) is one of the two major Spanish trade unions (941,485 members), historically affiliated with the Spanish Socialist Workers' Party (PSOE).
Centrality of slash working	IG Metall Ombudstelle and TRS are devoted to platform workers, while CITUB app to undeclared work. Both these categories of workers have significant shares of slash workers, a condition that is therefore addressed indirectly
Main problems they try to address	Lack of protection of workers. - IG Metall: mediations of conflicts - CITUB: labour rights violations - TRS: collecting information and requests from platform workers
Profile of Promoters and Founders	Trade Unions
Financial Support	Trade Unions. CITUB app co-financed by the European Social Fund
Membership	Mainly open. - IG Metall Ombudstelle: people working for platforms that signed the Code of Conduct for Fair Crowd Work. IG Metall represents crowd-workers in court cases only if they are members from at least 3 months. - CITUB and TRS: open (free access), even for non-union members

Strategic aims	<p>Getting to know and dealing with the problems of non-unionized workers</p> <ul style="list-style-type: none"> - IG Metall Ombudstelle: to provide a source of regulation and to guarantee fairness for platform workers; begin a process in which a sort of collective bargaining takes place in platforms. - CITUB: to reduce undeclared work - TRS: gathering information about platform work; offering legal advice; organize and mobilize platform workers.
Strategic actions	<p>Tools to collect reports from workers</p> <ul style="list-style-type: none"> - IG Metall Ombudstelle: Code of conduct for crowd-working platforms; mediation forum to resolve conflicts between platforms and their crowd-workers. - CITUB: workers can report through the application about workplace irregularities and the experts send the signal to the relevant institutions. Anonymity is guaranteed. The follow up about the infringements are published on the app, as a signal for other workers. - TRS: to compensate for the lack of a physical work centre they created an internet-based trade union section to meet the demands of platform workers; it depends directly from the confederation (two full time employees + 10 persons working on the initiative).
Mobilization	<p>Mainly reports to institutions.</p> <ul style="list-style-type: none"> - IG Metall Ombudstelle: requests to EU regulators. - CITUB: civic participation through an app; campaign to change Bulgarian legislation about undeclared work - TRS: UGT is part of the Social Dialogue Table for the regulation of digital platforms which began negotiations on October, 2020 at the call of the Ministry of Labour and Social Policies.
Institutional Collaboration	<ul style="list-style-type: none"> - IG Metall Ombudstelle: collaboration with the platform “content.de” that initially formulated the guidelines for the code of conduct; participation of other European Trade Unions in the launch of the Code of Conduct - CITUB: cooperation with NGOs and administrations - TRS: collaboration with Riders X Derechos.
Proposal	<ul style="list-style-type: none"> - IG Metall Ombudstelle: a relatively non-bureaucratic and inexpensive way to resolve simple disputes and to protect workers’ rights. Theoretically, it can encompass an international range of members and complains. Policy recommendations: IG Metall directed a request to EU regulators to give crowd-workers the rights to organize and negotiate collective agreements, including genuine self-employed platform workers. - CITUB: to increase civic participation in reporting workplace irregularities. Policy recommendations in order to reduce undeclared work

	<ul style="list-style-type: none"> - TRS: a virtual union section. Policy recommendations: they call for the creation of a public registry of platforms and their algorithms and for a tripartite observatory of platforms as a space for tripartite social dialogue
Results	<p>Mainly new contacts with non-members.</p> <ul style="list-style-type: none"> - IG Metall Ombudstelle: contact with platforms workers, since its main constituency was composed of high-skilled industrial workers in traditional industries. 50 conflicts submitted to the board for mediation from 2017 to 2019 - CITUB: 100000 downloads from 2019 to April 2020 - TRS: up to August 2019, 1,867 enquiries had been answered through the TRS webpage (mainly about redundancy and social security issues, the evaluation system and the allocation of working hours). They established union section in Glovo and Deliveroo. They started with riders but they expanded to other platform workers.
Weaknesses	<p>Some technical impediments; difficult to scale-up</p> <ul style="list-style-type: none"> - IG Metall Ombudstelle: membership is voluntary and very few platforms are members (10 platforms). It is mainly a German office, centering on German organizations. - CITUB: only 108 signals received, probably also due to the poor technical quality of the app (mainly about non-payment of salaries and social security contributions and for illegal overtime work) - TRS: low rate of answers to the questionnaire; no participation to the Facebook group and the Twitter account (now closed).

The second quadrant in the upper left concerns the voice initiatives which arise bottom up, launched from below by grassroots movements that take the form of collectives of workers. This kind of initiative is widespread among platform workers, especially food delivery riders, but we also have the interesting case of French sound artisans. In this case, the main organizational goal revolves around the precariousness of these workers and the need to ensure better protection to these unstable workers. They represent very interesting forms of self-organization of workers, which experience as main difficulties in involving workers who may lose their jobs due to their activism. Moreover, they struggle to take more structured forms, even when they set it as a goal.

Type 2 – Workers’ collective	
Reference Cases: - Riders x Derechos – Spain (https://www.ridersxderechos.org/) - Liefern am Limit (https://www.facebook.com/liefernamlimit/) - Les Sons Fédérés (The Federal Sounds, TFS) – France (https://sons-federes.org/)	
Type of Organization	Riders x Derechos is a collective created by home delivery workers Les Sons Fédérés (The Federal Sounds, TFS) is a collective for “sound artisans”, without a legal status. They are in the process of building a more formalized structure. Liefern am Limit became an official subunit of the food and restaurant union - NGG in November 2018
Centrality of slash working	These movements represent workers (riders and sound technicians) who perform fragmented activities and often combine multiple activities.
Main problems they try to address	Precarious jobs Lack of social protection, representation and participation
Profile of Promoters and Founders	Bottom up by the workers in the field. Liefern am Limit: promoted by students who did not fear the backlash from the companies
Financial Support	Volunteering
Membership	Open (free access) Registration through mailing list
Strategic aims	To defend rights and lobby for the regulation of work and social protection of workers
Strategic actions	<ul style="list-style-type: none"> - Riders x Derechos: strong communication strategy through various channel; promotion of home delivery cooperatives based on an ethical and ecological model - Liefern am Limit: to form work councils - TFS: open letter to policy makers, other public releases, a radio broadcast, investigative/research work
Mobilization	<p>Collective action and lobbying</p> <ul style="list-style-type: none"> - assemblies, mobilisations and strikes (<i>Riders x Derechos; Liefern am Limit</i>) - judicialisation of the conflict through complaints to the Labour Inspectorates and to the labour court (<i>Riders x Derechos</i>) - <i>TFS</i>: public releases; they were auctioned by the Ministry of Culture on march 2020.
Institutional Collaboration	<p>Collaboration, support and alliance with trade unions and with other national and international social actors to strengthen support for their cause.</p> <ul style="list-style-type: none"> - <i>Riders x Derechos</i>: Various unions offer to represent them, but they choose to remain independent. Nevertheless, they maintain a collaborative relation. They are part of the

	<p>Transnational Federation of Couriers (FTC) which brings together riders' organisations from eleven European countries</p> <ul style="list-style-type: none"> - <i>Liefern am Limit</i>: born as a Facebook Group in February 2018, it then became an official subunit of the NGG Union in November 2018. They were supported by German association of unions (DGB) and the union for workers in the food and restaurants sectors. <p>Government at local, regional and state level. For example</p> <ul style="list-style-type: none"> - <i>Riders x Derechos</i>: it has held meetings with political representatives from different parties and parliamentary groups. At the national level, they managed to schedule a meeting with the Minister of Labour. - <i>Liefern am Limit</i>: The unions hold different stances on the regulation of the riders; a dialogue at national level has not been opened <p><i>TFS</i>: no evidence of established connections with other professional organizations or unions</p>
Proposal	<p>Improvement of working conditions.</p> <ul style="list-style-type: none"> - <i>Riders x Derechos</i>: a) lobby for the approval of a law that regulates work on digital platforms, guaranteeing labour rights and the application of the Workers' Statute; b) cooperative platform home-delivery - <i>Liefern am Limit</i>: a) required the access to a pension scheme with possibility to choose between private and public coverage; b) expansion of gig workers or so-called solo-self-who has the access to the social insurance system. - <i>TFS</i> advocates for the inception of a new radio creation subsidy fund
Results	<p>General Results:</p> <ul style="list-style-type: none"> - Introduce the debate on precariousness and the lack of regulation in their industries and – in particular – in the digital economy - The setting up (<i>Riders x Derechos</i>) of a cooperative platform for home-delivery that promotes an alternative ethical model for the home-delivery market. <p>Specific results:</p> <ul style="list-style-type: none"> - Resolution by Labour Inspectorate and court ruling recognizing the existence of an employment relationship between courier and companies (<i>Riders x Derechos</i>) - PPE during the COVID-19 pandemic (<i>Riders x Derechos</i>; <i>Liefern am Limit</i>)

	<ul style="list-style-type: none"> - Resonance in the public discourse (<i>Liefern am Limit</i>). - to consolidate itself as a social movement (<i>Riders x Derechos</i>) - <i>TFS</i>: the open letter was signed by 160 people and at least 150 people registered on the mailing list.
Weaknesses	<ul style="list-style-type: none"> - Economic sustainability - The recruitment of new supporters and the implementation of collective action are becoming increasingly difficult due to riders' fear of being fired (<i>Riders x Derechos</i>; <i>Liefern am Limit</i>) - <i>TFS</i>: difficulties related to the establishment of a trade union.

If we move to business ventures quadrants, the less structured experiences in the bottom left concern new forms of matching between demand and supply of work, which range from simple Facebook groups to traditional internet websites, as in the case of Humus. The main issue they try to address to protect slash workers concerns the power asymmetries arising between employers and workers and opacity in the labour markets. The promoters are not trade unions or workers but social entrepreneurs.

Type 3 – New forms of matching	
Reference Cases:	
<ul style="list-style-type: none"> - Humus (www.humusjob.it) - Professional and Freelance Services FB Group (https://www.facebook.com/groups/greelance.bg/) 	
Type of organisation	Business network (<i>rete di imprese</i>), innovative startup with a social vocation (<i>startup innovativa a vocazione sociale</i>) - <i>Humus</i> <i>Professional and Freelance Services</i> is a Facebook Group
Centrality of slash working	Being a slash worker is an inherent characteristic of the workers involved in this kind of business.
Main problems they try to address	Power asymmetries and opacity featuring the market of reference: <ul style="list-style-type: none"> -no clear-cut or traditional employment status (i.e gig or seasonal workers in agriculture operate in a labour market where undeclared work is extremely common; freelancers have no clear rights and protections) - unequal access to relevant information and limited availability of such information (transparency issue)

	<p>concerning both hosts and employers are crucial in the cases of <i>Humus</i>)</p> <p>-low awareness of existing regulation and available protections (for example regarding taxation, mainly in the case of freelance) or work regulation (for example among migrant workers in agriculture sector in the case of <i>Humus</i>)</p>
Profile of Promoters and Founders	Social entrepreneurs
Financial Support	<p><i>Humus</i>: “ethical” firms (i.e. NaturaSI-leading company in organic food distribution is showing interest in investing and supporting <i>Humus</i>) or using Crowdfunding platform (crowdfundingbuzz.it for <i>Humus</i>)</p> <p><i>Professional and Freelance Services</i>: volunteering</p>
Membership	Open (free access), sectorial, not binding or exclusive
Strategic aims	<p>Alternative business and organizational model that provide infrastructure and services to empower workers.</p> <p><i>Professional and Freelance Services FB Group</i> acts as a (experimental) form of collective action for contingent/slash workers and other atypical workers, organized in an horizontal P2P scheme.</p> <p><i>Humus</i> is an innovative job matching platform dedicated to promoting regular contracts in the agriculture sector</p>
Strategic actions	<p>a) New intermediation improving the “quality of matching” through self-selection or labelling employers/employee with respect to a precise alternative and ethical vision of the market (i.e. <i>Humus</i> tries to create a positive reputation for firms that hire their workforce with regular contracts through an “ethical stamp” which certifies the quality of work and the quality of the employer)</p> <p>b) promoting collaboration and networks of workers and employers (sharing costs, for example through specific regulative devices such as “the network contract” among employers in the case of <i>Humus</i>) or sharing information (for example, <i>Professional and Freelance Services FB Group</i> engages ad hoc discussions about parental leave or formal registration as self-employed)</p> <p>c) increasing transparency (identity, experience and attitudes of workers or employers are fully described and represented in all the three cases)</p>
Mobilization	No collective action, no lobbying
Institutional Collaboration	No collaboration with the trade unions or other institutions. An exception is represented by the case of <i>Humus</i> : in the past, they have developed a project with a confederal trade union to organise a training course dedicated to labour regulation and contracts in agriculture. The collaboration

	was limited to this project: in fact, after this experience the collaboration with the trade unions was deemed as extremely difficult)
Results	- Experimenting a concrete example of alternative business models or organizations where workers are strongly committed -Strengthening collaboration among workers
Weaknesses	No scaling In search of economic sustainability

More structured and institutionalized initiatives oriented to business, in addition to intervening on matching, promote new forms of governance of these activities. The prevailing form is that of the cooperative enterprise, also in the variant of the platform cooperative. The cases in this quadrant at the bottom right are numerous, albeit at different levels of maturity and development. This is the model where the socio-economic issues connected to performing multiple activities are addressed in a more direct way. The most interesting aspect displayed is that these cooperatives aim to maintain the flexibility and the full autonomy of workers but, at the same time, they want to ensure the protection of workers. They turn to be successful in introduce collective logic of action within sectors based traditionally based on highly individualized forms of work. On the other side, their main criticality mainly concerns the double and contrasting role they play by representing the interests of workers who are, at the same time, members of the cooperative.

Type 4 – New forms of governance (cooperatives)	
Reference cases:	
<ul style="list-style-type: none"> ▪ Doc Servizi - Italy (https://docservizi.retedoc.net/) ▪ Smart: Spain (https://smart-ib.coop/) and Germany (https://smart-eg.de) ▪ HappyDev – France (https://happy-dev.fr/en/) ▪ Coopcycle – France (https://coopcycle.org/en/) ▪ Consegne Etiche - Italy (https://consegnetiche.it/) ▪ Fair Bnb – Italy (https://fairbnb.coop/) 	
Type of organisation	<p>Cooperative enterprise</p> <ul style="list-style-type: none"> - <i>Doc Servizi</i>: a self-management cooperative enterprise (<i>cooperativa di autogestione</i>) that manages and coordinates the professional activity of artists and technicians in the music industry. - <i>SmartIb</i>: a business promotion cooperative that provides legal coverage for professionals in the arts and culture sector.

	<ul style="list-style-type: none"> - <i>HappyDev</i>: SCIC (Société cooperative d'intérêt collectif), umbrella brand used by various cooperatives in the IT sector. All chapters can be organized following a specific legal status - <i>Coopcycle</i>: federation of bike delivery cooperatives - <i>Consegne etiche</i>: project promoted by the Municipality of Bologna, involving delivery cooperatives - <i>Fair Bnb</i> is a cooperative accommodation booking platform that promotes and funds local initiatives and projects.
Centrality of slash workers	Slash work is directly connected to intermittent work and multiple commitments characterising the industries involved (creative and cultural industries, IT and communication, delivery).
Main problems they try to address	<p>Intermittent work: professionals in these sectors suffer from intermittent job engagement and multiple commitments:</p> <ul style="list-style-type: none"> - such condition affects both the continuity in income levels and the access to social protections schemes. - relatedly, ad hoc administrative and legal support are fundamental <p>Professional isolation and need to build networks and contacts.</p>
Profile of promoters and founders	<p>Workers in the sectors involved, looking for a bottom-up collective responses to their professional needs and difficulties.</p> <ul style="list-style-type: none"> - <i>Consegne Etiche</i>: promoted by the municipality of Bologna.
Financial support	<p>The cooperative models is based on the sharing and on the redistribution of financial revenues of the members/shareholders, levying a fee on the contracts.</p> <ul style="list-style-type: none"> - <i>Consegne Etiche</i>: the municipality provided for expertise and economic resources during the research and co-design phases. - <i>Fairbnb</i>: Banca Etica, a leading institution in ethical finance, and BCC, a Cooperative Bank, are crucial partners; they also got a crowdfunding campaign through Indiegogo
Membership	<p>Sectorial specialisation (music and entertainment industries for <i>Doc Servizi</i>; cultural industry for <i>SmartIb</i>; IT for <i>HappyDev</i>; delivery for <i>Consegne Etiche</i> and <i>Coopcycle</i>) but without formal restrictions on the nature of the activities performed.</p> <p><i>HappyDev</i>: workers must be co-opted by 3 members; it is mandatory to sign the Manifesto; they must hold an independent contractor legal status. Within each chapter, experienced freelancers play the role of 'captain members'.</p>

Strategic aims	<p>Innovative organizational model aiming at</p> <ul style="list-style-type: none"> - providing an organisational infrastructure to ensure employment and income continuity in case of intermittent work - providing collective services to professional workers who can continue to perform their professional activity individually and autonomously, but minimising the risks connected to individual entrepreneurial activities. The services include training, coaching/mentoring, peer-support. - foster solidarity between workers and withing the local community (<i>Fair Bnb</i>)
Strategic actions	<p>Through the membership, the cooperative acts as direct employer of the workers, previously self-employed: they became formally employees but de facto autonomous in their professional activity within the cooperative structure.</p> <ul style="list-style-type: none"> - through this structure, the cooperative gets responsible of the payment of salaries, social contributions, as well as for the application of rights and social protections attached to the status of cooperative employee; - through this structure, on behalf of its members the cooperative performs all the administrative and legal duties autonomous professionals have to abide by towards the clients. - <i>Coopcycle</i>: they also provide technical support <p>Exception: <i>HappyDev</i>, members are freelancers, the cooperatives structure allows to adopt a legal status which does not require salaried status for all the workers.</p>
Mobilisation	<p>Collective lobbying actions and mobilisation:</p> <ul style="list-style-type: none"> - to promote the cooperative model in general and get formal recognition; - to advocate for sector/industry specific issues <i>SmartIb</i> towards the public administration; <i>Doc Servizi</i> as social partner in the music industry; <i>Consegne Etiche</i> through the municipality of Bologna. <p>Exception: <i>HappyDev</i> is not focused on enabling social and political dialog. It rather adopts a specific approach to the market of qualified professional services (see their Manifesto), as an alternative to freelancing platforms.</p>
Institutional collaboration	<p>Collaboration with the trade unions recognised as crucial for cooperatives with an institutionalised role as social partners:</p> <ul style="list-style-type: none"> - <i>Doc Servizi</i> collaborates with the sectorial union to get the first NCA for the work of artists, technicians and employees of cooperative signed in the sector.

	<ul style="list-style-type: none"> - <i>SmartIb</i> envisages to engaged in stricter dialogue with the unions in the coming years - <i>Consegne Etiche</i> is based on an inclusive co-designed project, directly involving workers' movements, as RUB, with their experience of struggles and representation of riders' voice. - <i>Coopcycle</i>: they interact with workers' collectives and unions. The federation was founded in collaboration with the founder of CLAP, described as a "friend organization"; several members are also enrolled in a union branch. <p><i>HappyDev</i> is not collaborating with trade unions; they share their technical infrastructures with other types of collectives.</p>
Specific claims and future goal	<p>Acknowledgement of the specificities of both the cooperative model and of the job-related issues in their specific industries.</p> <p>For <i>Doc Servizi</i> and <i>SmartIb</i>: aspiration to become institutionalised actors in the industries of reference towards the governments and the other social partners.</p> <p><i>Coopcycle</i> do not intend to take part in collective actions as a federation; they see themselves as competing with the platforms as an alternative way of working.</p> <p><i>Consegne etiche</i>: they intend to establish a network of private and public actors, collecting competences, expertise, relationships, and practices developed in the urban territory who support and use the service promoted by the alternative delivery model</p>
Results	<p>Model of social innovation: institutionalisation of an innovative organisational model that enables independent professionals with intermittent jobs to benefit from income continuity, access to social protections and, at the same time, to perform their professional activity autonomously.</p> <p>Reduction of precariousness in the artistic, cultural and creative, IT industries, and delivery in terms of job intermittence, income discontinuity and lack of access to social protections</p>
Weaknesses	<p>Economic sustainability at risk in case of prolonged lack or delays in the payment on the part of the customers</p> <p>Lack of institutionalised recognition as social partner</p> <p>Conflicts with trade unions</p>

As often happens when dealing with classifications, what turns to be of particular interest are the dynamics taking place between one quadrant and another, more than the positioning of the different experiences within the quadrants. If the tension between movement and institution, between bottom up and top down, has always been at the center of the debate, in

this interpretative scheme what is most interesting is the relationship that emerges between voice actions and alternative entrepreneurship actions. What we have been observing over the recent years is a gradual blurring of the boundaries between these traditionally distinct forms of collective action. In particular, cooperatives play an increasingly important role in representing workers' needs. This new role can lead to new alliances with the trade unions or, as we have seen in many cases, can trigger issues of jurisdictional conflicts.

1.2. The local workshops

The four models described have been discussed in local workshops carried out in the five countries involved into the empirical analysis, between 18 March and 30 April 2021.

During the workshop, the local researchers presented the four models and participants were required to answer these questions with personal notes:

1. Do you think this model can be implemented in your country? (if one or more of the cases presented already refers to your country, take into consideration mainly the others or in any case reflect on the possible evolutions of the cases already present)
2. What role could your organization play in implementing this model?

The debate – organized in two rounds, was guided by these inputs and questions.

First round:

- Requests for clarification or further information on the proposed models
- What are the weaknesses, the risks of these models? What to avoid?
- What are the strengths? New ideas listening to these cases? (new, provocative, even impossible) What role can your organization play?

Second round. General question: Are there other ways to protect and represent slash workers who have not been presented in the cases? More specific questions:

- How do you think the protection of discontinuities between one contract and another and the accumulation of multiple jobs relating to different social security funds should be addressed?

- Do you think that universal social security should be based on the insurance system? if so, can it actually guarantee adequate protection and be sustainable for workers? If not, what alternatives are possible?
- How do you think platform jobs should be framed, including for tax and social security purposes?
- Do you think collective bargaining for self-employed workers can be used? have you ever applied it?

The workshops involved 4 to 7 participants in each country, including representatives of institutional actors, trade unions, workers' movements, cooperatives and alternative entrepreneurial initiatives.

The table below lists the participants for each country (Table 2).

Tab. 2 – Participants of the local workshops

Country	Participants
Bulgaria	<ul style="list-style-type: none"> • Ivo Iliev (II) Administrator of the two biggest professional-oriented Facebook groups: «Professional and freelance services» with 96,000 members and «Handmaders, Painters and Crafters» – 31,000 members. • Violeta Zlateva, Chair of the Union of Self-employed and Informal Workers (NGO). • Ivanka Mogilska, freelancer, copywriter, founder and author of the blog http://svobodnapraktika.com/. • Adrian Iliev, Chair of the Branch Syndicate Information Technologies at National Federation Technical Industry, Science, Informatics (NFTISI) at CL Podkrepa • Vanya Grigorova, Advisor of the President of CL "Podkrepa"
France	<ul style="list-style-type: none"> • Éric Peres (Force Ouvrière union, Secretary General FO-Cadres, vice-president French Data Authority CNIL) • Odile Chagny (economist, researcher at IRES, coordinator of the Sharers & Workers initiative) • Amandine Brugiere (head of Perspective ANACT [French National Agency for the Improvement of Working Conditions], former member of the CNNum [French Digital Council]) • Édouard Bernasse (former food delivery rider, secretary general of the CLAP union [Collective of Parisian Autonomous Delivery Workers], parliamentary assistant of Senator Pascal Savoldelli) • Élisbeth Leblanc (occupational psychologist, member of ANACT, PhD Candidate in psychology of work at Lyon 2 University) • Nicole Alix (president of the NGO Coop des Communs, former president of the development division of Crédit Coopératif bank)

Germany	<ul style="list-style-type: none"> • Hans Pongratz (LMU) • Gunter Haake (Verdi) • Sebastian Hoffmann (smart de) • Heiner Heiland (TU Dortmund)
Italy	<ul style="list-style-type: none"> • Francesca Martinelli (Doc Servizi) • Chiara Chiappa (Doc Servizi) • Ilaria Lani (Nidil-CGIL Firenze) • Anna Soru (ACTA) • Cristina Zanni (ACTA) • Michele D'Alena (Consegne Etiche) • Michele Faioli (CNEL)
Spain	<ul style="list-style-type: none"> • Felipe Corredor (Riders x Derechos) • Rocío Nogales (Smart Ibérica) • Rubén Ranz (UGT) • Fernando Rocha (Fundación 1º de Mayo, CCOO) • Israel Sánchez (CAIS- Consorcio Andaluz de Impulso Social)

The following table (table 3) summarizes the main issues that emerged from the local workshops in the five countries for each topic.

Tab. 3 – Main results of the local workshops

Country	Main results
<i>Requests for clarification or further information and remarks</i>	
Germany	<p>It was seen as extremely important to address the problems of collectivity for slash workers since the institutional landscape in Germany is centered around workers having one occupation with one employer. For the self-employed, some privileged occupational groups have their own associations which lobby for a specific clientele. More collective approaches would reach more vulnerable workers and have more say at a political level</p> <p>The second typology is a top-down approach favored by unions. The fourth typology is a grass roots or bottom-up approach which is not so common in Germany but is an important path for slash workers.</p> <p>The third model was not so well understood. It was unclear how sustainable such models are.</p> <p>Cooperatives are seen as important components of a future of collectivity for many freelancers within a framework of basic employment protections.</p>
Italy	The presented models seem to point out that the most widespread experiences of collective representation of slash workers share the common attempt to

	<p>assimilate slash/intermittent workers to the status of subordinated workers (cfr. the cooperative model and alternative business model) as a way to ensure social and employment protections → within the Italian regulatory framework this seems to be the most viable solution compared to the search for ad hoc protections</p>
Spain	<p>One of the participants requests information on the dimension of the phenomenon of slash workers in Europe and on their profiles. He considers that this should be the context in which the models of representation are analyzed ... Following this line, another participant asks specifically about the gendered and intersectional dimension of the phenomenon. She request information about possible initiatives in the sector of care and domestic work → A union representative confirms the difficulty to deal with or reach platform workers in the care and domestic labour sector.</p>
<p><i>What are the weaknesses, the risks? What to avoid?</i></p>	
Bulgaria	<p>If a freelancer/slash worker needs information he/she will find it in informal sources – Facebook groups, bloggers, peers, but there are no organized forms of association of self-employed as in other countries such as the USA or Australia. The freelancers strive for representation and consultations how to follow the administrative, social security and tax requirements. The freelancers need simplifying of tax and administrative procedures. The freelancers' opinion is that the state administration is not transparent, and any clear information is given for how to manage administrative and tax issues, the administration is not supporting the freelancers at all. Freelancers and slash workers feel neglected, they lack any attention from the institutions despite the number of freelance workers is increasing (also in the context of Covid-19) and is becoming significant members of the economy. Obscure administrative procedure are making freelance job uncompetitive because they are allocating too much time for dealing with administrative requirements. The state institutions do not understand this type of occupation. The trade union organizations are still focused mainly on workers who have labour contracts and work 8 hours a day, even if there are voices claiming for a new strategy corresponding to the labour market transformation and rise of atypical work. According to the one of the trade union representatives, the freelance type of occupation is not eligible for, since it is atypical form of employment. The trade unions must change their view, because the situation is constantly transforming, and this way of employment will rise.</p>
Germany	<p>Unions often take the approach of top-down actions. The danger is that they don't really know what the workers, who are not part of their usual constituents,</p>

	<p>need and want. They may only reach very few workers and have very little leverage.</p> <p>Top-down union initiatives often are geared to getting workers to join unions and be involved in institutionally set goals (such as dependent employment) which might not protect their best interests.</p> <p>Cooperatives in Germany traditionally target a group of privileged clientele. When this is not the case (as with smart de), it is hard to reach out, the membership is very heterogeneous. It is hard to be sustainable because no money to run the cooperative is generated.</p> <p>Several of the initiatives involve foreign workers or Germans with a migration background in Germany. These workers are in a precarious position and are often afraid to engage in the collective actions.</p> <p>The perception among unions is very strong that platform work is often a secondary occupation in which workers (or students) with a main job are just trying to earn some extra money. Therefore, organizing around it is – to a certain extent - a misuse of resources.</p>
France	<p>There is a fundamental ambiguity in this document. Do models aim to describe a typology of actors or of modes of action? Or rather 4 modes of governance? What's the focus? What is the question that we are addressing?</p> <p>The main point is that these 4 types are not static. On the contrary, they are dynamic and can change with time. Some cooperatives can become unions, some association can percolate into movements, etc. As such, a time dimension should be clarified to better appreciate these four models.</p> <p>Cooperatives is probably the most elusive of these 4 types. When we mention a «cooperative model», what kind of cooperative are we talking about? This needs to be specified...</p> <p>When talking about unions, are we only considering new initiatives specific to these workers? Or even wider projects and initiatives? Also, when it comes to unions, how can we appreciate the different approaches to work, employment, and labour each union conveys? FO, for instance, was predicated on the principle of overcoming the employee as the only social agent worthy of representation by the union. The main point is not employment, but how we can defend «the salary» as an institution.</p> <p>In the French context, the relationship between unions and coops is quite distinctive. The issue of federating “alternative” models to uber-like platforms lies at the heart of the debate.</p> <p>This typology seems to stem from a fundamental lack of understanding of the link between work, savings and consumption. This triangulation is paramount and I am not sure it has been included in the study. Ideally, we should have studied the relationship between the transformations of work, the transformation of consumption and how much this is related to the availability of savings for today's citizens.</p> <p>The variety of profiles of workers included in the study (from precarious workers to freelancers, to delivery workers, to micro-workers) makes it very</p>

	<p>difficult to create a single set of categories. What do these workers have in common that makes it possible to treat them as a whole?</p> <p>The heterogeneity of the initiatives included (in terms of countries, sizes, statuses, etc.) can hinder their comparability</p> <p>Workers' statuses should be given a more central role in the models, especially in the case of forms that fall outside traditional/formal employment</p>
Italy	<p>Ethical platforms: this model might be hardly competitive compared to the multinational companies for delivery due to a lack of a potentially unlimited "reserve army" of riders, available at any contractual conditions and with unlimited flexibility in terms of working time and hours.</p> <p>This weakness is strictly connected with the problem of leveraging on economies of scale → obstacle to the financial sustainability in the long run</p> <p>Cooperatives: the model experiences the risks of misuse and misapplication, triggering phenomena of labour brokerage and illegal recruitment of workforce both offline and online.</p> <p>Furthermore, this model works as long as the cooperative has a relevant dimensions: with a few members, the risk of unsustainability is high.</p> <p>Trade unions: the collective representation of atypical, intermittent and autonomous workers raises severe issues in terms of representativeness of the different trade union categories towards these segments of workers and accordingly, in terms of their legitimisation to collectively bargain on behalf of them</p> <p>→ for instance the food delivery riders might be represented in Italy by both the category for atypical workers as well as for the workers in the transport and logistic sector</p>
Spain	<p>These initiatives can become stopgaps, palliative measures, but in practice they do not have the capacity to really reverse the problem of workers' precariousness; they only reduce it.</p> <p>Difficult to explain what these initiatives are (they are not always well understood).</p> <p>Problems of economic sustainability, both for cooperatives and for those that do not generate income from their own activity (e.g. RxD).</p> <p>The diversity and fragmentation of the sectors involved makes the development of this initiative complex.</p> <p>Difficulty in integrating new organisational paradigms. Especially in a context where old and new models of working environments coexist. For traditional trade union organisations it is still difficult to adapt their structures.</p> <p>Existing legal regulatory framework is not favourable and is also in a context of de-structuring of labor norms. These initiatives are taking place at a historical moment when corporate forces are strengthening their power.</p> <p>The context is evolving so fast that even new models (RxD) are outdated, it is difficult to adapt as quickly as the environment requires. Lack of agility.</p>

	<p>False cooperatives are beginning to emerge. Difficult/impossible to compete on a level playing field. This generates frustration.</p> <p>Cooperatives depend on the goodwill and awareness of the consumer.</p> <p>Neoliberal culture and identities are widespread (workers self-identify with neoliberal discourse).</p>
<p><i>What are the strengths? New ideas? What role can your organization play?</i></p>	
Bulgaria	<p>In Bulgaria Facebook groups are substituting the platforms and are preferred digital place for job search and search for information and advice for dealing with administration. Furthermore the group administration has introduced Mentorship program for consulting and advising, which is made via instant messages for free within the all-in-one communication Messenger app.</p> <p>The trade unions agree to cooperate and provide various type of consultations – legal, administrative, other to freelancers active in the facebook groups (exchange forums).</p> <p>Currently there are some types of consulting available and despite being aimed for trade union members only, the freelancers also can take advantages of them.</p> <p>Both freelancers and trade union representatives agree that future cooperation is highly necessary and will be established. Both will participate in forums and workshops and live consultations which will be beneficial for the freelancers and for the trade union members.</p> <p>The identified in SWIRL four types of IR action for slash workers could be useful for further prospective and strategy formulation by trade unions.</p>
Germany	<p>All of these types of collective initiatives serve to get networks created – and this is a large advantage. However, the initiatives should try to create more synergy effects between them, rather than remaining single solutions.</p> <p>Grass root movements, cooperatives, and social enterprises are the best ways to understand work situations of slash workers and define and identify what workers really want.</p> <p>Cooperatives: Are an important form to catch workers who often fall out of other organisational categories (no company-bound employment, no occupational association, no special fund for social insurance for their group) and have them work together to improve their working situation, articulate their interests, and position on the labor market. In Germany the cooperative aspect is somewhat downplayed since the membership is small. However, with growing membership this can change. The cooperative has to move from being an affirmative process to a transformative one. This can only happen if the cooperative is large and powerful enough.</p>
France	<p>The models highlight the common traits between workers that have very different statuses, and show that there are valuable similarities</p>

	<p>The models highlight the trajectory of the initiatives considered, providing context</p> <p>The models aim to improve the workers' condition</p> <p>A comparative perspective is useful to foster workers' organisation</p>
Italy	<p>Cooperatives: organisational body able to socialise social and employment risks, otherwise individually borne by the workers, isolated in the labour market.</p> <p>→ the strength of the cooperative is rooted in its capacity to build networks which multiplies and share the opportunities and the knowledge.</p> <p>Various models display a high degree of transferability and application in other economic sectors: this is the case of the cooperative model in other industries and of the ethical platform model in other cities</p> <p>→ the application in other sectors might even turn to be more effective than the pioneer one.</p> <p>Trade unions: the entitlement to sign NCAs turned to be a fruitful tool for other organisations not authorised to participate in collective bargaining</p> <p>→ trade unions sign national and company-level agreements regulating for instance working conditions of cooperative workers or platform workers.</p>
Spain	<p>Everyone agrees that the best way to protect and represent these workers is through alliances and synergies between the different models: cooperatives, unions and grassroots movements. These models must converge and dialogue with each other.</p> <p>Reinforcing their two-fold dimension. Do not forget that these initiatives are a lifeline for many people; they are necessary for their material survival. At the same time they are tools to fight for their rights - dignity.</p> <p>Some third sector – social economy organization are committed to include gender and climate justice perspectives.</p> <p>They can function as pedagogical tools to change identities and (neoliberal) mentalities. They also suggest that we are not facing an inevitability precarization of labour conditions, that there are alternatives.</p> <p>Implement new communication tools such as podcasts, which make it possible to reach audiences that are not easily accessible through more traditional media. Example: https://ugt-asturias.org/actualidad/salud-laboral/ugt-asturias-presenta-territorio-laboral-un-podcast-para-la-divulgacion-y-la-formacion-preventiva/</p>
<p><i>Are there other ways to protect and represent slash workers who have not been presented in the cases?</i></p>	
France	<p>The representation of slash workers should target all workers, not only the ones in formal employment.</p>

	<p>It should be noted that, in the specific case of France, there is no formal status of «para-subordination» (as opposed to Italy, Spain, Germany, etc.) *See Report Antonmattei & Sciberras (2008) Le travailleur économiquement dépendant: quelle protection?</p> <p>(https://travail-emploi.gouv.fr/IMG/pdf/Rapport Antonmattei-Sciberras-07NOV08.pdf)</p> <p>The relative power of each actor (e.g.: cooperatives, unions, etc.) in each country should be taken into consideration, as this implies different modes of action to be adopted in each country</p>
Germany	<p>New organizational models based on self-management and self-organization that integrate the values of the social economy. An example would be the Buurtzorg Community Care Company: https://www.buurtzorg.com/...</p> <p>We shouldn't forget the role of the State / Public Sector</p> <p>It would be useful to impose social clauses in public administration contracts. This could balance the competitive environment for cooperatives.</p> <p>Some participants highlight the important role that the labour inspectorate has played in regulating the rider sector and suggest that this could be extended to other sectors.</p>
<p><i>Protection of discontinuities and accumulation of multiple jobs</i></p>	
Germany	<p>Social protections up to now have been organized around regular employment relationships in which employers pay half of the contributions. For freelancers and self-employed, this has been organized differently. However, for many self-employed, there are special arrangements to make sure they have affordable access to social protections. For many slash workers, this is not the case. There has to be a basis protection (maybe from taxes and the general population) for these workers.</p> <p>It is good to have collective bargaining, when possible, but it is not always possible. You can't force workers to be dependent employees. The most important thing is to assure that workers have good work, good working conditions and receive fair compensation.</p> <p>The EU spent years trying to define a separate category of worker, for example those who work on platforms: not dependently employed, but not self-employed. They did not succeed – also considering the difficulty across the member States. Also, you have to implement actions in the national framework: trying a one size fits all does not work.</p> <p>Institutionalization is good, but it is necessary to look at work itself rather than workplaces to set standards.</p> <p>Unions in Germany were very slow to respond to the needs of the grass roots movements or to platform work. They only stepped in later when many measures were already in place. You can't expect the unions to take the lead on moving forward with these new forms of work and workers.</p>

France	When it comes to the status of slash workers, the ones with a status of independent workers should be granted the same social rights as workers in formal employment, as their work has de facto the same characteristics as formal employment
Italy	<p>Lack of social protections for slash workers → the criteria to access these schemes are designed on the subordinated employment</p> <p>Criticisms emerged concerning the possibility to implement a universal social security system for all kinds of workers → a scheme exclusively based on the insurance system risks to provide only marginal social protections compared to the social contribution paid by the workers. There is a need to complement these resources with the general taxation also for slash/intermittent/atypical workers.</p> <p>Recent attempts to improve social protections through lobbying actions and negotiating tables, generally hampered because of frequent changes in government composition. Also trade unions and professional registered often hampered the extension of social protections via legislative interventions.</p>
Spain	<p>Representatives of unions and grassroots social movements advocate for the introduction of a universal basic income as a way to manage a situation that changes very quickly and challenges the ability of unions to react. It is also considered as a way of adapting the management of social protection to intermittent work trajectories.</p> <p>Representative of union highlights how the universal basic income should be connected with a general redistribution of labour.</p> <p>Limiting working hours. Address the development of the right to rest and right to disconnection.</p> <p>The unions, currently with a sectoral structure, are promoting spaces of representation for workers with various jobs in different sectors</p> <p>These spaces should be both: Online and Onsite.</p>
<i>Platform jobs</i>	
Germany	<p>Many trade unions would like to see platforms be designated as companies so that they have to pay half of the social contributions for health insurance and pensions that regular companies have to pay. There are many obstacles to this path due to the freelance nature of much of the workforce. For some areas (the local/offline) type of platform such as delivery workers, this type of designation is easier and has also achieved some success.</p> <p>Everyone who works should have certain rights and all employers, not matter whether companies, platforms, etc., have to have certain obligations.</p>
France	With respect to logistic workers, their «independent» status is not chosen, but rather imposed by companies/platforms. Platforms choose to manage many aspects of riders (e.g.: they provide invoices) that should be handled by workers

	<p>themselves if they were truly independent. Since they are not de facto independent, they should be granted the same social benefits as employees</p> <p>A work should be done to deconstruct platforms' narratives surrounding the independence and freedom associated with platform work. Workers' aspiration towards flexibility (which is understandable especially among younger workers and among those having legitimate aspirations towards autonomy) are turned into marketing tools by platforms.</p> <p>In terms of platform workers' status at the European level, hybrid/flexsecurity models (such as the Scandinavian model) should be privileged. However, this seems difficult to reconcile with the French political landscape. [OC] In order to have better protection, workers should join Umbrella associations as recommended in the latest Report Frouin</p> <p>(https://www.gouvernement.fr/partage/11922-remise-du-rapport-reguler-les-plateformes-numeriques-de-travail NB: OC partook in this report as a member of the expert council).</p>
Italy	<p>Call for a supranational legislative intervention to regulate platform work at the EU level</p> <p>→ this regulation has to be compatible with the competition law and has to provide a common legislative framework to the member states.</p> <p>Call for a major implementation of collective bargaining at the national level to regulate work in the platforms and slash work.</p>
Spain	<p>Union representatives emphasize the need to adapt legal frameworks to these new labor realities. They consider that a dispute over the legal framework is necessary not only at the Spanish level, but also at the European level and even at the global level.</p> <p>At the Spanish level, they propose to expand the framework of collective labour regulation beyond the company, which is currently the basis of this regulation. It should be more focused on the value chain.</p> <p>Another line of action, which is already being implemented by the unions, is to facilitate and support the self-organization of workers in new work environments.</p>
<i>Collective bargaining</i>	
Germany	<p>Collective bargaining might represent a useful solution to regulate work in the platforms, especially for food delivery platforms (and other local/offline applications), but it is not always possible, especially for remote/online platforms.</p> <p>Many slash workers want to be self-employed or freelance. In many occupations this has a long tradition. Collective bargaining is generally organized around companies and sectors rather than occupations, even though the entire social protection system and work identity is organized around occupations in Germany. For many occupations, having flexibility is very</p>

	important. However, even freelance workers do have to learn not to undersell themselves and charge a fair fee for work. Cooperatives and other groups for the self-employed make this easier.
France	<p>There's a gap between formal employment and independent work. Whatever status is adopted for slash workers, it should be either one or the other (not hybrid statuses).</p> <p>The issue of remuneration should remain at the heart of the debate, rather than status</p> <p>The 4 types featured in the document can indeed compete against each other in cases of collective bargaining. With French new labor laws and recent reforms, workers are invited to choose their representatives among a pool comprising unions, associations, cooperatives... The negotiation and conflicts among these 4 forms of slash worker representation should also be addressed, as they reveal an important side of the issue of worker rights.</p> <p>It should be noted that in Europe, independent workers are now allowed to form associations</p> <p>*Cf. The new article 101 of TFUE https:// concurrence.public.lu/dam-assets/fr/legislation/Article-101-et-102-du-TFUE.pdf</p>
Italy	<p>Collective bargaining might represent a useful solution to regulate work in the platforms, especially for food delivery platforms, but the application might raise tricky implications</p> <p>→ the shift from independent to subordinated status has to take into consideration the need for flexibility in work organisation and working time expressed by these workers, who often perform another job</p> <p>→ need to include flexibility clauses in the NCAs</p>
Spain	Union representatives emphasize the importance of not abandoning nor renouncing collective bargaining

The analysis summarized in the previous table highlights some relevant input for further analysis. Specifically:

- the cases analyzed should not be considered as "good practices" but institutional experiments showing both elements of success and of criticism. In this vein, it would also be useful in the future to examine cases that have failed and can be considered bankrupt, in order to understand the reasons of such failure;
- the analysis shed light on the need to analyze these phenomena also with a longitudinal approach, especially with the purpose to analyze the capacity of the initiatives to survive and to become more institutionalized beyond the startup initial phase;

- the analysis highlights interesting initial forms of alliance and conflict between the different actors involved in the various initiatives considered. On this point, it would be useful to strengthen and deepen the analysis of the results of these coalitions;
- The present analysis of slash workers focused on the quality of working life. These experiences clearly show the tensions between work and consumption on the one side, and between workers and consumers on the other side, and their impact on the logic of protection and representation of workers.

1.3. Annexes. Guidelines for the local workshop

Overall duration: 1h and half

Participants: about 7 representatives of the social partners or other significant interlocutors

Timeline:

Introduction. 10 minutes

- Short presentation of the Swirl project and the objectives of the meeting.
- Short self-introductions by participants.

Presentation of the 4 types. 20 minutes

- One researcher (or more researchers in turn) presents the 4 models. The local team decides independently whether to anticipate the models via email before the meeting or to present them directly during the workshop. If you share the documents, it is recommended that you translate them into your own language.
- During the presentation of the characteristics of the four groups, participants are required to answer these questions with personal notes:
 3. Do you think this model can be implemented in your country? (if one or more of the cases presented already refers to your country, take into consideration mainly the others or in any case reflect on the possible evolutions of the cases already present)
 4. What role could your organization play in implementing this model?

First round of debate. 30 minutes

- Debate rules:
 - Be succinct in presenting your point of view
 - Try to add and not counter
 - When you comment, specify the model you are referring to

A researcher takes notes using the attached outline. The notes will be shared with the participants

- Three rounds of commentary (10 minutes each):
 1. Requests for clarification or further information on the proposed models
 2. What are the weaknesses, the risks of these models? What to avoid?
 3. What are the strengths? New ideas listening to these cases? (new, provocative, even impossible) What role can your organization play?

Second round of debate. 20 minutes

- Debate rules:
 - Be succinct in presenting your point of view
 - Try to add and not counter

A researcher takes notes using the attached outline. The notes will be shared with the participants

- General question: Are there other ways to protect and represent slash workers who have not been presented in the cases? (they can be concrete cases or ideas, proposals).

If it is not enough, more specific questions can be asked:

- How do you think the protection of discontinuities between one contract and another and the accumulation of multiple jobs relating to different social security funds should be addressed?
- Do you think that universal social security should be based on the insurance system? if so, can it actually guarantee adequate protection and be sustainable for workers? If not, what alternatives are possible?
- How do you think platforms jobs should be framed, including for tax and social security purposes?
- Do you think collective bargaining for self-employed workers can be used? have you ever applied it?

Conclusions. 10 minutes

The researchers share the notes taken during the workshop for validation.

Section 2

2. Policy recommendations (by Acta)

2.1. The main problems arising from the SWIRL project

1. A large share of employment is only lapped by the protection system, which is still largely linked to subordinated employment. Within it, there is a strong growth of independent professionals, defined as high-skilled self-employed in the non-market service sectors (not trade). For these workers, high qualification is not always sufficient to ensure adequate incomes and the pandemic has highlighted their vulnerability, which means there is an urgent need to extend the system of protections to these workers as well.
2. Although there are differences between countries, some common trends emerged with respect to the conditions of self-employed: a) maternity and pension schemes are often provided b) illness (as an allowance for the period of non-work, while health care, where it is not universal, is on a voluntary basis) and unemployment schemes are not generally covered. Compensation protection is lacking and exposure to income fluctuations is high. Occupational safety is also often unattended.
3. There are many differences between contractual arrangements, offering different levels of protection. Sometimes these differences are exploited by workers who try to surf between one contract and another to obtain the benefits, more often it is companies that decide on the most convenient contracts, preferring those that cost less and therefore do not guarantee any welfare protection. As the wp2 report points out (pag. 5) *“it appears that companies have become much more aggressive in finding ways of bypassing existing regulations even in countries known for their high quality of social dialogue”*.
4. The condition of being a slash worker for professional self-employed is often also associated with discontinuity of job activities. This rises problems for the

continuity of protections (social protections should refer to the person and not to the job/contract) and period of non-work makes it crucial to find adequate income support arrangements. In the long term it will also have an impact on pension entitlement.

5. Multiple jobs are often a consequence of the difficulty of economically sustaining oneself in a single job. This holds true in low-skill jobs, but also in high-skill jobs, especially in the sectors of arts and culture. (wp2 report, pag. 17 “*both workers in underpaid jobs with low skills and highly qualified professionals in creative sectors characterize slash work*”). Inadequate incomes can result from low-paid jobs or from the instability and fragmentation of work. The situation of slash workers also makes it difficult to reconcile or combine the access to different social protection systems, attached to different employment status. This segmentation has a considerable cost, frequently giving access only to partial allowances, which do not replace the entire income. The presence of more than one job also makes it difficult to ensure safety controls, which are particularly at risk in activities that are often very stressful (the accumulation of more jobs could result in excessive working hours, but controls are not easy to provide).
6. The spread of platforms that intermediate work favours the growth of the grey area between self-employment and employee. Also, the growth of platform-mediated work, strongly encouraged by the pandemic, goes in the same direction because it makes the distinction between employee and self-employed status more uncertain and creates the premises for a greater diffusion of the of non-standard work. Much platform work relies on contracts where workers are not defined as employees, but instead as 'independent contractors', 'self-employed', or 'gig workers'. These jobs are easy to find (with lower barriers to entry than in the offline labour market) and flexible, but also often without any protection.
7. Platform work poses additional issues related to job classification, contracts, control, transparency of algorithms, rating portability etc. Moreover, it accentuates price competition and thus downward pressure on fees. Further complications arise for platforms operating outside national borders, where it is even more

complex to ensure decent remuneration and social benefits and skills enhancement.

8. The spread of platforms that intermediate work has multiplied the opportunities to find and to carry out additional work activities, often requiring a limited amount of time, ensuring flexibility in the work organisation and to be performed remotely. As reported in the WP3 report, it emerges *“a bidirectional relationship between platforms and slash work. On the one hand, platforms generate job opportunities that ease workers to diversify their paid activities, thus fostering the spread of slash workers. On the other hand, the extension of slash workers helps create the social conditions for the platform work model's sustainability as it is currently operating, since a second job in the “conventional” market provides the job security and income sufficiency necessary to make digital work desirable”*.

9. In some cases, particularly in the audiovisual sector (as reported in the French case “The federal sounds”), the development of platform industries does not define a direct relationship between workers and platform but changes the artistic and economic scenario of the sector and, by encouraging concentration creates downward pressure on workers' compensation.
 In other cases, platforms are places to sell creative content. We are referring to platforms such as Patreon, OnlyFans, Twitch, whose use has grown a lot during the pandemic, which allow people to make money by selling access to original content. It is not clear how these activities should be regulated, whether they should be considered as work and as such subject to social contributions.

10. Women confirm that they earn lower incomes and, in the daily management of work life balance, they are more often than men forced to accept flexible and precarious forms of employment, as well as being in the condition of needing a second job to achieve a survival income.

11. Informal (off-the -books) work remains high, especially in Eastern and Southern European countries (one of the Bulgarian cases is focused on a Facebook group that carries on a campaign against informal economy), not least because of the

difficulty for many workers, especially immigrants, to enter the regular labour market. Of course, off-the-books work is associated with a lack of welfare, unless it is only marginal and secondary work. Platforms, which intermediate many activities that are often carried out off the books, could contribute to emerging from the black market, but rules need to be defined for this to happen.

12. In some countries, especially Bulgaria (report on local workshop), self-employed people experience obstacles due to the lack of transparency in administrative and fiscal procedures and the excess of time-consuming bureaucracy.

2.2. How industrial relations have dealt with these problems.

In general, traditional trade unions have been unresponsive in addressing the above issues. In most countries (except for Eastern European countries, including Bulgaria), trade unions have opened up recruitment to self-employed and hybrid workers, generally excluding only self-employed workers with employees, given their ambiguous role as both worker and employer¹.

But when designing measures for these new types of workers, traditional trade unions have shown a certain rigidity of approach, replicating the strategy adopted for subordinated workers and often focusing their action on the provision of ad hoc services (information, training, contractual assistance...), as confirmed by the Swirl surveys.

Trade unions do not question the system of protections that protects work only if it is an employee, while self-employment is generally governed by the civil code. The union's difficulty is also linked to the organisational logic by sectors and by level of contractual classification, which is the basis for collective agreements. Moreover, they struggle to grasp new needs and tend to favour a top-down approach.

In this context, the path followed has been to broaden the perimeter of application of subordinated contracts, through three ways:

¹ Fulton L. (2018) Trade unions protecting self-employed workers. ETUC. Brussels. The workshop held in Bulgaria confirms the different approach in Eastern European countries “According to the one of the trade union representatives, the freelance type of occupation is not eligible for, since it is atypical form of employment”.

- a) The identification of bogus self-employed workers, so as to counter the growth of weak self-employment on the market.
- b) The identification and the legislative recognition of hybrid figures, i.e. economically dependent or para-subordinate workers (co.co.co. or para-subordinated workers in Italy; trade in Spain), to whom some basic rights are guaranteed.
- c) The establishment of co-operative forms that bring together freelancers, formally classified as employees. A path that is very much followed in Belgium and France [the 2014 Hamon law created the figure of the salaried entrepreneur, within Business and Employment Cooperatives (BEC)]. Being a salaried employee, in fact, allows these workers to get access to a series of social protection allowances, including unemployment benefits.

Other specific measures have been introduced to regulate mini-jobs, such as the tax measures introduced in Belgium for online workers with remuneration of up to EUR 5,000 per year, the German measures for mini-jobs of up to EUR 450 per month, as well as the Italian vouchers (albeit now greatly reduced compared to the original version). In the last two cases, social benefits are also provided.

An analysis of trade union initiatives shows that no particular attention is given to the problems of slash workers. The labour market is becoming more and more fluid and fragmented, but unions have a certain rigidity, focusing on workers who have only one job with one employer.

With specific reference to contingent work, the main initiatives in the industrial relations field concerned the category of food delivery riders intermediated by platforms, often following the bottom-up and self-mobilisation initiatives launched by these workers, while for proposals to protect online work intermediated by platforms unions look to the European Union, from which they expect basic rights and rules to be defined.

Contingent and slash workers, because of their condition of fragmented work, hardly have stable relations with unions. The worsening of their working conditions, especially in the period of the pandemic, has favoured the emergence of new forms of aggregation (collectives, professional aggregations, grassroots unions born from below) that move mainly independently (often in competition) with respect to the formal union, but in some cases come to a convergence.

2.3. The current system of labour protection

The current protection system in most European countries was built on the Fordist model of the employee, when dependent work was largely predominant and self-employment was mainly directed at final consumers (craftsmen, tradesmen, but also professionals such as doctors, lawyers, etc.).

In this scheme the self-employed worker did not need to be protected against a client-contractor with similar bargaining power, as he was generally an individual.

This model is no longer adequate to cover significant and growing shares of self-employed workers who sell their services mainly to businesses and PA, with less bargaining power than their counterparts. The sharp drop in income experienced by the self-employed, especially after the 2008 crisis, confirms this limited bargaining power and at the same time highlights the need for forms of protection, because the drop in income no longer allows them to provide for risk situations on their own. The pandemic crisis has dramatically highlighted this weakness.

What are the existing protection tools?

In the European countries, workers' protection has two pillars:

1. labour law: establishing workers' rights through laws and collective agreements, that regulate working conditions (salaries, working hours, rest, etc.) by agreements between employers' associations and trade unions. In some countries there is also a legal minimum wage.
2. welfare, which includes measures mostly financed by contributions to guarantee an income in situations of parenthood, sickness and accident, unemployment or severe income decline and old age (pensions)². These measures vary according to the type of contract. Generally, they provide very extensive protection for employees (partly because the contributions in this case are paid to a greater extent by companies), especially for standard employees. On the contrary, they are limited in the case of self-employment, or excluded altogether in some new forms of work. Self-employed are generally not or only partially entitled to sickness, accident and unemployment

² Other welfare measures, which are universal and concern all citizens, are financed through taxation, such as those for the family and, in general, for health and education.

benefits. The idea is that a self-employed can decide whether and how to provide insurance against non-work situations, without being obliged to pay contributions.

2.4. What solutions for the future?

What are then the viable solutions to implement to regulate working conditions and improving social protections for slash workers?

A first solution, also promoted at the EU level, concerns the redefinition of the boundaries of the concept of worker, expanding the to encompass further categories of non-standard workers. This definitory exercise is crucial given that the application of social and labour protections is directly connected to this. Relatedly, also the application of collective bargaining rights is linked to the application of this definition. A major recent European study on platforms ³ argues (pag. 91). "*At the heart of many discussions around the negative impacts of platform work on working conditions is the way in which the use of non-standard employment relationships (typically, self-employed status) blocks access to many or all of the social protections that come with full-time indefinite employment. To rectify this, the report recommends redefining the category of worker in such a way that it encompasses the new forms of platform work and non-standard work. At a stroke, those currently excluded from standard social protections would be brought back within their ambit. There are a variety of definitions that could be used to carry this out. Regardless of what definition is chosen though, an important aspect is that workers should, by default, be categorised as employees.*" Many of the court decisions on labour cases brought by platform workers also point in this direction.

A second orientation, promoted mainly by movements (and referred to in the Spanish workshop) is to introduce a universal basic income. Support for universal basic income has increased during the pandemic emergency. Indeed, since March 2020, rising inequality and drastic changes in the labour market have forced governments to implement economic initiatives, such as basic income programmes, that previously would have been politically untenable.

³ Online platforms: Economic and societal effects, EPRS, European Parliamentary Research Service, March 2021. [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/656336/EPRS_STU\(2021\)656336_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/656336/EPRS_STU(2021)656336_EN.pdf)

Finally, there is a third path, an alternative to the first two, which asks what the basic protections are and how to ensure them for all workers. Is it possible to adapt employment protection instruments to the needs of the self-employed and new forms of work? Let's consider separately the two pillars of welfare and collective bargaining.

2.4.1. Working conditions

Regarding matters regulated by labour law, as already mentioned, one is certainly of great interest to the self-employed: remuneration. The instrument that generally regulates remuneration in employment is collective agreement. Can this also be an appropriate instrument for non-subordinate forms of work?

The European Union has started considering whether collective bargaining and self-employment under the anti-trust law can be reconciled and whether the current constraints should be removed. According to the European competition law, self-employed are assimilated to companies and any form of coalition for the negotiation of remuneration or other conditions is considered a trust and as such is in contradiction with existing anti-trust law. However, there are some exceptions and in many European countries collective bargaining has often been used, especially for professions revolving around the world of culture, arts and entertainment.

The European Union has recently launched a review of this issue to assess whether it could be adopted for new forms of work.

European Union started exploring this policy situation with reference to job activities intermediated by platforms. With a request for opinions expiring in September 2020⁴, it collected indications on how to adapt current competition laws to the need to counteract the bargaining power of large platforms.

At the beginning of 2021⁵, European Union launched a collection of opinions more specifically aimed "to define EU competition law's scope of application, to enable an improvement of working conditions through collective bargaining agreements - not only for employees, but also, under some circumstances, for the solo self-employed".

⁴ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12418-Digital-Services-Act-package-ex-ante-regulatory-instrument-of-very-large-online-platforms-acting-as-gatekeepers>.

⁵ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12483-Collective-bargaining-agreements-for-self-employed-scope-of-application-EU-competition-rules>.

Hopefully, the European Union should proceed in this direction by removing existing obstacles that prevent solo self-employed to access to collective bargaining.

A further policy instrument, adopted in most European countries, is the legal minimum wage. Among the countries involved in the Swirl project, only Italy has not introduced it yet, due to opposition from trade unions and business associations, and this has favoured processes of compensation compression that were particularly acute during the 2008 and current crises. It would be important to overcome current opposition, in the interest of workers.

The second question then is: is collective bargaining applicable to the self-employed?

Our opinion is that it is applicable to a part of the self-employed, which are directly involved in the production of the service provided by the customer enterprises, i.e. a properly productive activity, while it is not applicable to those who have a staff function, the traditional area of consultancy.

In the first case, the choice of using external collaborators, generally justified by the search for production flexibility, has in fact often aimed at reducing costs, thanks to the combination of lower social contributions (which, moreover, are entirely borne by the self-employed) and lower remuneration. Employers can use their greater bargaining power to impose their own conditions on the self-employed, who are not protected by collective bargaining. These processes have led to situations of strong pay differentiation between the self-employed and employees carrying out the same profession. An example common to many European countries is that of journalists: the generalised crisis in the press, following the advent of digital technology, has mainly affected the freelancer segment, which is more exposed to competition.

Allowing self-employed to organise a representation that can participate in collective bargaining could help rebalance the asymmetry of bargaining power between client companies and self-employed workers. Representation that the self-employed may decide to build jointly or independently of that of employees, depending on the circumstances and the actors in the market in which they find themselves.

It is different when self-employed work for staff activities. Here collective bargaining as it is traditionally understood is not applicable because each self-employed might work with clients belonging to very different sectors and could not refer to a sectoral collective agreement.

However, there is still a need to allow the adoption of instruments for the defence of remuneration and the possible way forward is the identification of reference parameters for

the main services offered, to be defined in a comparison between the representatives of the individual professions and a specific commission that brings together experts, representatives of business and public administration.

The existence of parameters would not, however, guarantee compliance with them, but would represent an important reference for clients and workers and would be useful in the event of legal disputes.

Moreover, with reference to the cultural and creative professions, that, as we have seen, are among those who find it most difficult to receive decent compensation, other issues arise:

- 2) The effective protection of copyright, royalties, that must be adapted and upgraded to the new communication tools;
- 3) Ensuring that public funding, which is a very important financial source for artistic and cultural activities in most EU countries⁶, is used not only for the benefit of businesses, but also for the benefit of workers. Usually, criteria for access to public funds may include aspects of cultural content, nationality of the applicant or talent, commercial potential, gender dimension⁷. Criteria on the contractual status of all workers, respect for safe working conditions and decent wages could be added.

2.4.2. Social protection

Welfare measures to address the issues highlighted in paragraph 1 should overcome current divisions in a context where the distinction between employed and self-employed work is increasingly blurred and where pressures for the growth of bogus self-employment may increase further. A new infrastructure of social protections might foreseen a twofold development:

1. welfare enlargement, by broadening the system of protections, to guarantee to all forms of work some basic protections, including income support policies.

⁶ For example, in the audiovisual sector, by EU-20, the weight of public funds on total revenues is 23% of 114.5 billion. Trends in VOD market in EU28. European Audiovisual Observatory January 2021

⁷ Mapping of film and audiovisual public funding criteria in the EU, European Audiovisual Observatory, Strasbourg 2019 <https://rm.coe.int/mapping-of-film-and-audiovisual-public-funding-criteria-in-the-eu/1680947b6c>.

2. to ensure continuity of access to assistance⁸ in the transitions from one protection system to another and provide full protection to workers engaged in several jobs with different protection systems.

2.4.3. Welfare enlargement

A basic protection system covering parenthood, serious illness, unemployment or a significant drop in income, and retirement could be provided for all workers with all kinds of contracts, even those of very short duration, including platform works. In a scenario where these forms of earnings will be increasingly common and will play a growing role in securing income, it is important to ensure that they help build the social security system, both to protect the worker and to support the welfare state.

Funding should be based on compulsory insurance (with direct employer participation, if possible, or partial compensation from clients, if it is not possible), as is currently the case where such protections are provided. However, to ensure decent minimums even for the most fragile workers, either the contribution is high, with the risk of being difficult to sustain and encouraging tax evasion, or an additional contribution from public finance is required. In the latter case, the guarantee of decent minimums of allowances (in case of illness, pregnancy and retirement) even with low contributions could be an incentive for regular work, even in areas where informal work is widespread.

Insurance should apply to all remuneration arising from the sale of services, ideas or products in whatever form. It should include the contractual arrangements that in many countries (with different forms from country to country) allow forms of employment without social contribution, as well as the various arrangements that emerge on the web for selling content (sale of individual contents or subscriptions or even ‘free’ contributions in the form of donations).

⁸ Parenthood, illness, income support.

2.4.4. Continuity of services

To ensure the continuity and the cumulability of welfare benefits is necessary to overcome the fragmentation of social security schemes. Unifying or at least homogenising the various social security funds would reduce many of the current difficulties. In highly differentiated situations, it will be necessary to provide for:

- bridging measures, e.g. extending the duration of benefits from the abandoned welfare for a sufficient number of months to allow the new fund to become operational;
- the cumulation of benefits accrued with work activities carried out at the same time.