



## **Independent Workers and Industrial Relations in Europe**

### **WP1. The role of trade unions**

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Manuela Samek Lodovici

IRS- Istituto per la Ricerca Sociale



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### **REFERENCES**

**List of Abbreviations**

AFD	Alliance Français des Designers
ALAI-CISL	Association of Atypical and Temporary Agency Workers
ATA	Asociación de Trabajadores Autónomos
AVV	Alternative Labour Union
BECTU	Broadcasting Entertainment Cinematograph and Theatre Union
BMJ	Bundesministerium der Justiz
CGT	Confédération Générale du Travail
CISL	Confederation of Workers' Unions
CLAP	Chambers for independent and precarious workers
CNV	Christian National Union The Netherlands
CPO-UIL	Coordination committee for the Employment of Atypical Workers
CTAC	Confederació de treballadors autònoms de Catalunya
DAG	German Salaried Employees' Union
DBG	German Confederation of Trade Unions
DJ	Dansk Journalist for bund
DJV	Deutscher Journalisten-Verband - German Federation of Journalists
ECJ	European Court of justice
EU	European Union
FEDAE	Fédération des auto-entrepreneurs
FEI	Federation of Entertainment Unions
FELSA-CISL	The Independent Commerce and Service Workers' Union
FIM	International Federation of Musicians
FNV	Dutch Trade Union Federation
KUNSTENBOND	Arts Union, The Netherlands
ICT	Information and Communication technology
JU	Swedish Journalist Union
MHP	Union for Middle groups and Higher Personnel, The Netherlands
MU	Musicians' Union
NIDIL-CGIL	New Work Identities
NVJ	Dutch Association of Journalists
PACT	Producers Alliance for Cinema and Television (
SNAII	Syndicat national des auteurs d'invention indépendants
SNPEF-CGT	Education and training staff in the private sector
TUC	Trade Union Confederation
UCC	Union of executives CFDT-Cadres
UGT	Unión General de Trabajadores
UPTA	Union of Professionals and Self-Employed Workers of Spain
VCP	Union for Professionals, The Netherlands

VDÜ	Verband deutschsprachiger Übersetzer literarischer und wissenschaftlicher Werke
VTC	Voiture de Transport avec chauffeur .e passenger car with driver

## Introduction

Freelance workers represent a special challenge for trade unions' strategies and approach to workers representation, because the traditional collective bargaining model cannot be applied to these workers<sup>1</sup>. New autonomous workers face low incentives and possibilities to associate with their peers for several reasons<sup>2</sup>:

- i) their dispersion and heterogeneity;
- ii) their reluctance to cooperate given the competition between them;
- iii) the individualization of the contractual relation and their reluctance to exercise collective rights that could adversely impact on their reputation, or reduce their working opportunities; and
- iv) the difficulty for traditional unions to develop new types of representation.

Over the years, trade unions in Europe have tried to extend their representation to these new groups of workers, implementing new strategic and organizational actions in order to satisfy the protection needs of "not organized" workers<sup>3</sup>.

In this paper the focus is on how trade unions are trying to regain a role among these workers, with focus on the I-Pros. The main research questions are the following:

- Who are the self-employed workers more likely to be represented by trade unions in the EU?
- What strategies and organizational forms are trade unions' adopting in order to represent these workers in EU countries?
- What forms of coordination/cooperation trade unions have (not) set up with other representative bodies?

1 Rapelli S. (2012), European I-Pros: A Study, [www.pcg.org.uk/sites/default/files//media/documents/RESOURCES/efip\\_report\\_english.Pdf](http://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* (iPros) [www.pcg.org.uk/sites/default/files/media/documents/RESOURCES/Future\\_Working\\_Full\\_Report.pdf](http://www.pcg.org.uk/sites/default/files/media/documents/RESOURCES/Future_Working_Full_Report.pdf).

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

3 McCormick R. e Hyman R. (2013), *Trade Unions in Western Europe* Hard Times, Hard Choices, Oxford, Oxford, University Press.

The analysis is based both on a review of the academic and grey literature (web sites, press review, etc.), as well as on the experience and practices emerging from the nine country case studies analysed for this project.

## Typologies of unions and of affiliated workers

The heterogeneity of I-pros and free-lance workers means that interest representation takes different forms. While liberal professionals are represented by their own professional associations, free - lance 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 un-organised, and the issue of their representation is becoming more and more relevant as the share of the traditionally unionised “standard” dependent workers is declining together with union membership.

We can classify unions representing free-lance workers into three main typologies.

The first includes **occupational/professional unions** in strongly unionised sectors, like the **media and creative industries**. Besides artists, these unions represent journalists, translators, media workers, graphic designers, etc. who in recent years have increasingly shifted from a dependent to a free-lance employment status. To extend union representation to the growing share of own account workers, these unions are creating **specific sections for free-lance workers within the original organisation**. These sections act both as trade unions and as professional associations, providing specific services and lobbying activities in a similar way as the independent interest associations representing crafts-persons and the liberal professions<sup>4</sup>. Similar patterns are emerging also in **the education & training sectors, and, more recently, in the IT sector**.

Free-lance workers in all these sectors are usually high skilled, with significant autonomy in the performance of their work, hired as free lancers to provide a final product (articles, photographs, artistic performance, etc.).

Unions are also involved in the representation of the less skilled independent workers in the **construction and transport sectors**. Examples are the French Unions created in 2017 by CGT

<sup>4</sup>European Foundation for the Improvement of Living and Working Conditions, 2010 Self-employed workers industrial relation; Pedersini

(Confédération Générale du Travail): VTC (Voiture de Transport avec chauffeur, i.e. passenger car with driver) and the Union of meal deliverers.

#### **BOX 1 - Examples of occupational/ professional unions**

**BECTU, Broadcasting Entertainment Cinematograph and Theatre Union** is the **UK's** trade union representing a community of both employees and freelance workers across the media and entertainment industries. The union's freelance branches are organised on both a craft basis (for example: camera, sound, hair and make-up etc.) and on a geographical basis. In the UK, also the **Musicians' Union (MU)** represents all those workers in the music industry who are not members of any other body of musicians. MU represents both salaried as well as self-employed workers, although 90% of the membership is made up of self-employed musicians. The union has about 30,000 members.

**In Denmark, the Danish Journalists (Dansk Journalistforbund)** has a special section for freelancers representing a wide range of journalists, communicators, photographers and illustrators. A special feature of these unions is that there is a certain **overlap of domains**. This has had the effect that some artists are members of more than one union in order to be covered as broadly as possible.

**In the Netherlands**, many unions set up specific sections for own account workers. The **Dutch Association of Journalists (NVJ)**, is affiliated to the FNV federation. It represents 7500 member journalists, both employees and self-employed professionals. It is an independent, non-political, non-governmental association striving for press freedom and good working conditions for professional journalists. Another Dutch example, is **Kunstenbond**, the union for artists. Founded in 1977, it had merged into FNV KIEM in 1998. However, over the past years the share of self-employed artists members increased and recently the Kunstenbond, with approximately 6000 members, became an independent union affiliated with FNV to better serve the needs of its dual constituency. In the construction sector **Zelfstandigen Bouw (Self-employed Construction)** originated in 2012 from the FNV, as a union for self-employed workers without personnel. It has 10,000 members and presents itself as service provider and advocate for its members. Separate associations for own-account workers in **agriculture, health care, ICT, manufacturing, services, trade and transport** were also set up.

**In France**, the **union of executives CFDT-Cadres (UCC)** in year 2000 created a working group "Autonomous Professional", in order to defend these professionals regardless of their legal status. According to the website of the SNAPAC-CFDT, the union gathers professionals, employees in the private sector or non-salaried persons (authors, creators, artists and autonomous professionals under specific rights, such as copyright or related rights, intellectual property code), in the fields of entertainment, culture, animation and sport. In 2016, the CFDT-F3C (Culture, Consulting, Communication) organized a workshop in order to imagine a new form of union, addressing the needs of workers in the digital economy. They launched the **platform Union Communication** and were supported by some federations of the CGT, such as the union SNPEF-CGT (education and training staff in the private sector), facing the dramatic increase of self-employment in its sector. Another example in France is the **CAPA - VTC (Voiture de Transport avec chauffeur, i.e. passenger car with driver) and the Union of meals' deliverers** which have been created in response to the creation of informal collectives of young workers, especially the deliverers in Gironde.

**In Slovenia, the Glosa Union** represents both dependent and autonomous workers in the art sector, and in natural and cultural heritage protection sectors, etc. The **Slovenian Union of Journalists** provides free legal assistance and support to its members in disputes between workers and employers. It negotiates on behalf of its members on the bases of the Union's constitution, and on collective agreement for professional journalists; it monitors compliance with the collective agreement by the media enterprises and immediately takes action if breaches of the agreement occur; it provides mutual assistance among members; and it organises strikes, if necessary.

**The Swedish Journalist Union (JU)** has for a long time organized freelance journalists. The first freelance section (Freelance National - (Frilans Riks) was created in the late 1960's and the union currently organizes around 1800 freelance members, largely women (56%) and representing around 15% of all its members.

Source: case studies

A second type of unions are the **horizontal unions representing only high skilled I-pros and free lance workers** created by existing unions and confederations, mostly in the service sector, where the share of free lance workers on total employment is relatively high. Examples are the Ver.Di Union in Germany, HK/Free Lancer in Denmark; UPTA in Spain; Consulta del Lavoro Professionale, vIVAce and CLAP in Italy. The Italian examples are interesting in this respect. Consulta del Lavoro Professionale, created by the largest Italian trade union confederation CGIL in 2010, introduced for the first time in Italy new forms of representation and new strategies targeted to free-lance professionals; the more recent vIVAce and CLAP show two different approaches to unionise free-lance and autonomous workers: while vIVAce! was created (top-down) by the second Italian trade union confederations (CISL); CLAP was created directly by free-lance workers in contrast to the “traditional” unions. Its position is midway between a union and an association of professionals. Another interesting example is the Dutch VVA representing young free-lance workers.

Unions exclusively organising own-account workers have seen their membership growing faster than other unions. They have been able to recruit workers who have chosen to be self-employed, while the so-called “bogus” self-employed workers are still underrepresented (Schulze Buschoff and Schmidt 2009). In some countries, such as the Netherlands, the choice of some unions to extend their representation to new groups of workers has been controversial. For example, the Christian Trade Union Federation (CNV) decided not to extend its representation to self-employed workers, while the other major union confederation, the Dutch Trade Union Federation (FNV), created a new union especially devoted to self-employed workers without employees.

**BOX 2 - Examples of unions representing free-lance and I-pros workers**

**In Denmark**, the Union for service workers has created a section called **HK/** for members that for necessity or own choice want to be a 'free agent'. Most of the members are women who work in the graphical sector, in publishing, and as correspondents and translators. HK is a member of the Danish Confederation of Trade Unions (Landsorganisationen i Danmark, LO).

**In Germany the United Services Union Ver.Di** is one of the largest German trade union with 2.18 million members. It was created in 2001 when the German Salaried Employees' Union (DAG) merged with other four unions of the German Confederation of Trade Unions (DGB): the German postal union, the Union of trade, banks and insurance companies, the Union of printing and paper, journalism and art; the Union of public services, transport and traffic. Ver.Di adopted a guideline for the representation of self-employed workers and set up a federal commission on self-employment as a body to represent self-employed workers within the organization. A specific Unit – **Ver.Di Selbstständige** – was created as an attempt to answer to a fast changing labour market. Ver.Di Selbstständige currently includes some associations of independent professionals and has around 30000 members, largely in the media and information sectors. It is expanding in other sectors such as art, education, health and wellness, trade, financial services, logistic, telecommunication. The choice to dedicate specific resources for representing solo self-employed was an innovation, especially if we consider that it was made at the beginning of the new millennium when the public debate on this issue was at the beginning. Ver.di has also an important role in the debate over the forms of protection to be guaranteed to digital workers.

In the **Netherlands**, the internet- based **Alternative Labour Union (AVV)** intends to represent the interests of young people, flexible contractors, and self-employed. In 2006, also the **general trade union De Unie**, an affiliate of the Federation of White-Collar Employee Organisations, and the Service Sector Union of the Christian National Union Confederation established low-cost internet-based unions targeting the so-called 'internet generation', and providing helpdesk support as well as offering low cost services such as training programmes or career counselling. **FNV Zelfstandigen** –is an independent organization affiliated to the FNV federation with 12,000 members, providing advocacy services for the self-employed. It was founded in 1999 and aims to strengthen the position of self-employed professionals through targeted and active lobbying. It also provides assistance and support to own account workers with professional advice, legal assistance, issues regarding debt, discounts on insurance and an inspiring network. **The VCP**, the union federation for professionals, represent the interests of 'all professionals' and pays special attention to separate professions. It represents all Dutch union federations in Eurocadres. Among its affiliated are many professional associations of senior staff and civil servants, as well as the federation for medical specialists.

In **Spain** in the 1980s, the **UGT** established a union to represent self-employed workers, the Union of Professionals and Self-Employed Workers, UPTA, representing all regions and sectors. Even though any type of self-employed worker can belong to UPTA, the union orientation makes it particularly attractive for economically dependent self-employees or bogus self-employees. UPTA, together with ATA is one of the most representative organizations of self-employees: in 2016 58.5% are ATA and 22 % are UPTA. A similar, but smaller, organisation is TRADE, close to CCOO.

**In Italy -The Independent Commerce and Service Workers' Union (FELSA-CISL)**, is affiliated to one of three main Italian Confederations (CISL- the Confederation of Workers' Unions) and coordinates numerous associations in various service sectors (art and culture, insurance and financial services, driving schools, petrol stations, call centres, commercial distributors, newsagents and tobacconists, internet and web workers, family mediators, justice workers, security personnel, tourism operators, travelling shows, street traders). A different type of organization is **vIVAce!**, created on 18 August 2016 as a spin-off of the FELSA- CISL. It aims to represent and organise independent workers, as well as to share a constructive culture on autonomous work inside the union. vIVAce! is integrating innovative forms of representation and communication (on line community) with free-lance workers, with the existing services CISL provides to its members (e.g. administrative advice, legal advice, etc.). Among innovative tools are for example **vIVAce! the community** and **vIVAce Lab. The Community** is a national on-line community, without local articulations. The membership is extremely heterogeneous, but concentrated on independent workers enrolled in the Separate Management Fund of INPS, the national social protection body. They operate in very diverse occupations, from lawyers to marketing consultants

to experts in designing European projects. The community does not configure as a classical union federation affiliated to the confederation CISL. **vIVAce Lab** provides information and collects the needs and questions from the Community. Information and answers are provided by psychologists, experts in labour law, experts in marketing and in training, experts in EU funding (<http://www.vivaceonline.it/vivacelab/>). vIVAce! also provides special conventions on a number of products and services, including health care insurance, support for the organisation of events and presentations, etc. (<http://www.vivaceonline.it/servizi/>).

In **Slovenia**, **Pergam** is one of the first unions that extended membership to non dependent workers that perform work on other legal grounds than dependent employment contracts (e.g. contract for a copyrighted work, work contract, service contract as a self-employed, student referral, etc.).

Source: case studies

A third typology is composed by trade unions representing those workers that are formally self-employed but have a less clear-cut professional identity and are more vulnerable in the labour market (the so called “**bogus self-employed workers**) or **precarious workers**.

Unions have either created **horizontal branches** to represent these workers together with the other non-standard or atypical workers in all sectors; or **sector specific unions** have extended their representation to the sectors’ self-employed and non standard workers.

### **BOX 3 - Examples of unions representing non-standard workers (including bogus self-employed)**

**In Italy in 1998**, the three main Italian trade union confederations – Cgil, Cisl, and Uil - created special structures aimed at representing so-called ‘atypical’ workers, among them workers with employer-coordinated freelance contracts. Cgil and Cisl have respectively founded the New Work Identities (Nuove identità di lavoro, Nidil-Cgil) and the Association of Atypical and Temporary Agency Workers (Associazione lavoratori atipici e interinali, Alai-Cisl), while the Uil has assigned representation of ‘atypical’ workers to the Coordination committee for the Employment of Atypical Workers (Coordinamento per l’occupazione dei lavoratori atipici, Cpo-Uil), which initially represented unemployed workers and persons with ‘socially useful jobs’. Since their establishment, these unions have demanded specific protections for employer-coordinated freelance workers and the recognition of a status close to that of employees, especially in terms of social security and employment protection. Following legislative developments have introduced important modifications of rules on employer-coordinated freelance work which have opened the way to conversions into open-ended contracts, in particular in call centers. Such conversions have usually taken place through collective agreements, which include those signed by Nidil-Cgil, Alai-Cisl and Cpo-Uil with various companies operating in the call centers sector: for example, the Almamiva group, Call&Call (Lombardy), In&Out (Rome), Televoice (Lombardy), Media Call and Com.net (Lombardy) (Eurofond 2009)<sup>5</sup>.

**The Chambers for independent and precarious workers (hereinafter CLAP)** are a federation of independent self-managed associations created in Roma in 2013 and then extended to Padova and Naples. CLAP’s approach traces back to the Chambers of workers originated from the laboring and union movement in Italy, but also in France and Spain. The core idea is that the union has to be revitalized through a local, horizontal, bottom-up and self-managed organization. CLAP organises precarious workers of different typologies, ranging from atypical and precarious dependent workers, to outsourced workers in both public and private sectors, as well as to pure and bogus independent workers. They are particularly active in the public and private health sectors, in the social services, in the cooperative

<sup>5</sup> Eurofond 2009 "Italy: Self-employed workers"

sector and in the services dealing with migrant social policies, all sectors with a high share of independent work is relevant.

**The Dutch Trade Union Federation - FNV**, one of the two major Federations in the Netherlands, represents non standard precarious workers in those sectors where workers face particular risks, including the postal sector, the cleaning sector, meat processing, domestic aid, the taxi sector, construction and temporary agency work.

In **Slovenia**, the **Trade Union of the Precarious** (*Sindikat prekarcev*) was established on October 7<sup>th</sup> 2016 within the largest trade union confederation ZSSS, with the aim to protect the rights of precarious workers, including I-pros. This union was supported by the trade union of students and young unemployed. The union is funded from membership fees and it offers legal security, advice and representation. It was originated by the *Movement for Decent Work and Welfare Society* which was established in 2011, by unions and student organizations to fight “small work” and flexible forms of employment.

Source: case studies

## Mission/Strategies

In most EU countries, including the nine case studies considered in this project, trade unions have recently been trying to extend membership to self-employed workers and are becoming increasingly aware of the specificities of collective representation for independent /autonomous workers.

However, they still show a general difficulty in representing these workers, because of the resistances present on both the workers’ and unions’ side.

Widespread among these workers - and especially among I-pros, self-employed artisans, and traders- is the perception of being “Independent”, and a propensity to represent their interests personally. “Para-subordinate” workers also show a scant propensity to be represented by unions, due to their high vulnerability (Eurofond 2009)<sup>6</sup>.

Unions on their side, have historically displayed an ambiguous position towards this segment of the labour market. On the one hand, unions have treated own account workers as purely bogus independent workers, while on the other hand I-pros and free lance workers are perceived as high-income professionals, not needing support.

**In addition, unions have difficulties in adapting their representation model to the specific needs of self-employed workers. In their efforts to find new forms of representation for free-lance and I-pros workers, and to answer their professional and social needs, unions are trying to develop «functional equivalents» to the social rights of employees, as well as innovative forms of protection and representation.**

<sup>6</sup> Eurofond 2009 "Italy: Self-employed workers"

The specific characteristics of self-employed workers and free lancers have prompted trade unions to adopt a combination of innovative and targeted servicing and organising approaches<sup>7</sup>. Some unions are focusing on legal, fiscal and social security assistance, adopting a so-called *servicing model* targeted to the needs of self-employed workers. Others have adopted new *organising* initiatives to promote the activation and direct participation of these workers and their collective mobilization. Both the servicing and organising approaches have been so far mainly targeted to the weakest segments of new autonomous workers in order to expand the trade union representation in sectors and workers traditionally not organized (“*Organizing the unorganized*”). The unions’ rationale behind these developments is to address the increasing fragmentation and precarisation of labour markets and to try to reduce differences in working conditions among dependent and independent workers, in order to avoid the increase in workers’ precarisation.

There is however still a debate within unions whether they should evolve towards being mainly service providers or maintain their organisational and collective bargaining role, also when addressing free-lance workers.

The **Ver.Di** case in **Germany** is interesting in this respect. As described in the German case study, the pragmatic approach adopted by Ver-Di is based on four key elements:

- The awareness that self-employed workers are increasingly present in many sectors (especially but not exclusively in the service sector), while the union has a structured presence only in few of them (e.g.: media & communication, journalism, literary translation);
- The need to conceive the representation of self-employed workers in coordination with the representation of all the other workers of the same sector;

<sup>7</sup> The ‘servicing model’ is based on the provision of services and support like training, career development and job search, that depends primarily on union activity (and its bureaucracy) carried out by full-time officials external to the workplace. Traxler J. (2005), *Defining mobile learning*, University of Wolverhampton, WV1 1SB, UK. As a reaction against the ‘servicing model’, the ‘organising model’, originated in the USA and Australia, advocates a shift from providing services to existing members to the recruitment, participation and empowerment of new members. Frege C. e Kelly, J. (2004), *Varieties of Unionism. Strategies for Union Revitalization in a Globalizing Economy*, Oxford, Oxford University Press.

- The acknowledgment of the importance of membership<sup>8</sup> as a way to gain bargaining power, notwithstanding the complexity of aggregating the self-employed on collective action proposals;
- The acknowledgment that a servicing approach is indispensable to support the self-employed but it is not an end in itself (Beccalli, Meardi, and Bacio 2014). The union action must influence the political agenda to protect the workers as a whole, through an integrated strategy involving the provision of services', lobbying, and collective bargaining.

A similar debate is ongoing in **Italy**, with **CLAP and ViVace!** representing two opposite views and strategies. vIVAce! is not in favour of supporting collective agreements for independent workers, due to the intrinsic individual nature of these workers and the individually established terms and conditions of employment. Clap instead aims at extending the protection of employment and welfare rights of the diverse types of workers.

Despite the difficulties involved in organizing and representing the collective interests of non-standard and self-employed workers<sup>9</sup>, some unions were able to design innovative strategies addressing the specific needs and vulnerabilities of these workers, by combining different forms of action:

- **Collective bargaining** (Gumbrell-McCormick, 2011<sup>10</sup>; Keune, 2013<sup>11</sup>; Fine 2015<sup>12</sup>);
- **Advocacy/lobbying** to support changes in laws and policies affecting these workers (mainly campaigns, guidelines/protocols);
- **Services provision;**

<sup>8</sup> Membership costs for self-employed workers, as much as for employees, is one percent of their income. Calculation basis of the monthly contribution is the annual profit - referred to as income self-employment in the income tax assessment - after deduction of the operating costs, divided by twelve.

<sup>9</sup> Belkacem, C.; Kornig, C.; Nosbonne, C.; Michon, F. "Mobiliser, défendre les intérimaires. Les difficultés de l'action syndicale», in *La Revue de L'Ires*, N° 83 - 2014/4, pp 3-28.

<sup>10</sup> Gumbrell-McCormick, R. 2011. "European trade unions and 'atypical' workers", in *International Relations Journal*.

<sup>11</sup> Keune, M. 2013. "Trade union responses to precarious work in seven European countries", *International Journal of Labour Research* 5(1): 79–96. Geneva, ILO.

<sup>12</sup> Fine, J. 2015. "Alternative labour protection movements in the United States: Reshaping industrial relations?", in *International Labour Review*, Vol. 154(1), pp. 15-26. Geneva, ILO.

➤ **Building partnerships with other organizations.**

An example in this respect, is the very recent development in France of the Federation of commerce, services and distribution, the Union of salaried couriers, the Federation of research companies and the Confederation CGT, which in December 2016 defined three fields of action:

- Industrial action: the convergence of the rights and benefits of salaried couriers and independent deliverers (in order to prevent the risk of competition between them);
- Legal action: legal assistance for independent workers who want to appeal to the labour court (requalification in employment contract)
- Collective representation: proposal to create employee representative bodies in front of the digital platforms.

In the **UK**, **BECTU** also combines lobbying activities, with collective bargaining and service provision. It signs multi-employer agreements for freelancers, as for instance the PACT/BECTU Freelance Production Agreements, which regulate the relationships between producers and freelancers engaged in the film-making industry. These collective agreements set basic rates of pay, overtime rates, and holiday entitlements and determine the types of contractual engagement as well as providing for a range of security benefits such as sick pay and public liability insurance. Like other unions catering to a large constituency of freelancers, BECTU offers a range of labour market services such as Crewbus, its Freelance Directory, A Freelancers' Fair, health and safety craft cards for freelancers operating in temporary locations, a tax guide for freelancers and employees and public liability insurance (Wynn 2015).

Another interesting case is the Dutch **AVV** created to address the lack of advocacy for young self-employed workers. AVV supports young self-employed workers in access to social insurance, pensions, transition from unemployment to employment, and fiscal services. In 2005, the FNV also set up a youth network organisation for the purpose of expressing views independently of the confederation.

### Collective bargaining

Unions face a number of obstacles to the extension of collective bargaining to self-employed workers.

The main one is **the ambiguity on the legal status of I-pros or free-lancers**. In many countries self-employed workers are excluded from collective bargaining, being considered service

providers or entrepreneurs. As such they cannot seek arrangements on prices, unless they are considered “similar” to dependent workers. This is for example the case in **Germany**, where antitrust law considers self-employed workers without employees in the same way as private companies and prohibits arrangements on prices. However, according to article 12a of the German Collective Agreement Act, it is possible to conclude collective agreements for those self-employed workers who are considered by law to be ‘similar to an employee’, meaning freelancers who usually work exclusively for one client, or have more than 50% (30% in the media sector) of their income paid by only one client. As a consequence, in Germany there are single-employer collective agreements with broadcasting companies on compensation for self-employed workers. Another example is the **Dutch** case, where already in 2010 trade unions were looking for ways to extend collective agreements on pension rights and disability benefits to the self-employed, by introducing clauses on conditions and tariffs for self-employed in collective agreements. However, their wish to contrast ‘false self-employment’ run into problems with EU competition law, as shown in a 2014 ECJ ruling on the legality of minimum fees in collective agreements for self-employed musicians hired to replace employees on a temporary basis<sup>13</sup>.

Another issue is **how to measure working time and define minimum or standard fees**. As underlined by some authors (Evans, Barley, and Kunda, 2004; Standing, 2014) only part of freelance work is “billable”, as the remaining time is spent on the activities necessary to acquire new assignments (e.g. networking, marketing, developing new ideas, etc.), as well as administrative tasks and training. In addition the heterogeneity of free-lance workers and activities makes it difficult to define minimum or standard fees, and to **support and monitor the application of better fees and working conditions**, given that the traditional tools of collective bargaining are not feasible for free-lancers.

Finally as anticipated, there is the **reluctance of free lance workers and I-pros to be involved in collective actions** and to see their potential benefits.

Unions have addressed these challenges by introducing innovative clauses to protect non-standard and self-employed workers, such as providing guidelines to affiliates on minimum fees; timing conditions; royalties; workplace safety conditions; access to social protection; training, holidays and health suspensions; contributions to transport expenses, etc.

<sup>13</sup> The so-called FNV KIEM case (ECJ Case C-413/13).

As shown in Box 4 below, **collective agreements** similar to those occurring for employees cover free-lance workers in traditionally unionised occupations, with identifiable professions and employers, as in the media sector.

In other cases, **unions support the adoption of so-called “recommended fees”**. This approach is however feasible only in specific sectors and occupations, like journalism or the media sector, where it is easier to identify the tasks to be performed and their costs and where professional unions have a long standing tradition. However, even in these sectors/occupations, many freelance journalists are far from being able to charge the recommended freelance fees. This is for example the case of young new entrants in “poor” professional activities, like editorial, investigative journalism and culture journalism. The Swedish case is particularly interesting in this respect. As reported in the Swedish case study, **the Journalist Union (JU)** and its freelance section established in the 1990s a “freelance recommended fee” communicated to both freelancers and clients. The recommended fee was based on the average salary for employed journalists at about 100 Euros per hour. Based on the estimated working hours needed for an assignment, free lancers could thus set their fee for the assignment. A recent study commissioned by the Union (Werne, 2016) shows however that many freelance journalists are far from being able to charge the recommended freelance fee. In order to tackle this problems, the Union has been trying to activate local journalist clubs, involving its employed members to join forces with their freelance colleagues, underlining that avoiding too low fees for free lancers was also in the interests of the employed journalists to contrast downward pressures on all wages in the industry. However, this involvement has been limited. Only in the case of freelance radio reporters working for a documentary programme on the Swedish public service radio the freelance fees were adopted, however in exchange with less working hours.

In order to address these problems, some unions have promoted **awareness rising campaigns and lobbying activities** to support the extension of contractual rights to free-lancers, sometimes involving also high standing professionals in the same occupation/sector in a sort of informal collective bargaining. This strategy is feasible particularly in the case of professional unions covering both free-lancers and dependent workers.

Another strategy has been to **support transparency and fair payments** in the markets where self-employed workers were involved, detecting contexts and opportunities for developing

both collective means and specific tools for supporting the basic needs of the self-employed, as well as lobbying activities and strategies fostering social welfare.

#### BOX 4 - Examples of collective bargaining for I-pros

**In Denmark**, trade unions for freelancers in the art and culture sectors negotiate collective agreements with employer associations or single employers, typically on minimum and standard fees as well as on standard contracts. For example, the **Danish Artists Union and the Danish Actors Association** concluded collective agreements on fees and wage scales with a large number of communication companies including all national newspapers and the national TV stations, DR and TV 2 (Pedersini and Coletto, 2010).

In **Germany**, a collective agreement for daily newspapers workers, was signed by DJV with the Federation of German Newspaper Publishers and several regional publisher associations. The agreement defines collectively agreed rates for articles and pictures provided by self-employed workers.

**CGT in France** is an example of Union maintaining its traditional role, e.g. to support workers' claims vis-à-vis the platforms, instead of offering services. The SNAII (Syndicat national des auteurs d'invention indépendants), which is part of the Federation of research companies, has published a "manifesto for a status of independent inventors", claiming that the inventors may be protected by the author's status. The SNAII was founded in 2012 by the Federation CGT of research companies. In the long term, the CGT intends to define a common set of labour and social rights, attached to the person of the worker (employee or not), transferable and collectively guaranteed.

In the **UK audio-visual industry**, the employment of freelance workers is governed by a collective agreement between the **Broadcasting Entertainment Cinematograph and Theatre Union (BECTU)** and the body representing independent producers, Producers Alliance for Cinema and Television (PACT). The PACT Agreement sets minimum standards in terms of basic pay, overtime rates, holidays entitlements, working conditions, social security benefits, such as sick pay and public liability insurance, as a framework within which individual negotiations can take place. However, over the past five years the shift towards freelance and contract employment has intensified and the role of the PACT agreement in pay determination has been progressively marginalized. Experienced workers and those employed on high cost programming and films tend to receive significantly above the minimum rate outlined in the agreement. At the other end of the spectrum, many producers facing declining budgets increasingly ignore PACT rates in order to remain profitable in a highly competitive multi-channel environment. For the union, the main problems relate not only to pay, but also to excessive working hours and poor levels of health and safety. In 2003, BECTU members voted to revise the agreement exchanging the possibility for producers to pay below the recommended rates with maintaining respect to the agreements on working hours and health and safety conditions. In addition, the union created a web-site forum to provide a virtual meeting place for freelance workers to discuss their specific employment problems. The **Musicians' Union (MU)** also signs collective agreements with a large number of broadcasters, film producers and record companies in particular in the recording and broadcasting department, hence for the music, film and the television industry. The collective agreements apply to self-employed musicians engaged in recording music of all sort, ranging from film soundtrack, to advertisement jingles, to soundtrack for TV shows.

In the Netherlands, **VVA** provides support in collective agreements by actively including both union members and non-members in negotiations.

Source: case studies and Saundry, Stuart M. , and Antcliff V. (2007 ).

#### Advocacy and lobbying activities

Unions representing self-employed workers, are often involved in lobbying activities and/or take part in parliamentary hearings when legislation is discussed that affects the particular

interests of their affiliates. These initiatives mainly occur in the legislative process, and tend to support especially the bogus self-employed (as in the case of workers in call centers) or professionals in markets where employers are recognisable (e.g. the unionized categories - journalists and creative workers).

As shown by the examples illustrated in Box 5 below, the two main issues addressed by professional unions in their advocacy or lobbying activity are the **acknowledgement of copyrights**; the **formal recognition of the profession** for their members; and the issue of **“bogus” or “false” freelancers** (Thörnquist, 2013).

#### BOX 5 - Examples of advocacy and lobbying activities carried out by Unions for autonomous workers

In **Germany** the unions supported a 2002 amendment of the **Copyright Act** (*Urheberrechtsgesetz, UrhG*), , requiring employers and clients to pay appropriate remuneration (*angemessene Vergütung*). This has led to an agreement between Ver.Di and nine major publishers which was reached after the mediation of the Federal Ministry of Justice (Bundesministerium der Justiz, ) and introduced, in 2005, some common rules on the remuneration of writers. Similar negotiations in the film industry and newspaper sector have so far not led to any agreement. Other attempts to negotiate conditions for self-employed workers were reported in the further education sector, where Ver.Di is trying to reach agreements at regional level covering freelancers who work in adult education centres (*Volkshochschulen*).

The **French AFD** is struggling to have product designers recognized as authors and be eligible to **copyrights** and special regimes. In order to protest against the exclusion of several product designers from the copyright regime on 14th May 2016, AFD members invaded the MDA’s professional commission. The AFD also works for the recognition of a **designer’s degree**, which is part of the recognition of the profession, whatever the discipline. It also fights against “free pitching” and for recognizing a remuneration for the production of models or prototypes in response to a call for tenders in **public procurements**. To this end, a specific AFD Charter for public procurements has been created to support designers. The **FEDAE (Fédération des auto-entrepreneurs)** also frequently intervenes in the political debate and recently published a practical guide geared towards the candidates for the presidential election: “For a renewal of the independent work”.

The **vivAce! Community** in Italy conducted an important lobbying activity, together with many other associations, during the legislative procedure for the approval of the decree so-called “Measures for the protection of the self-employed without employees”. To mobilize its members, the community launched on-line campaigns on the main social media, and participated to fairs and events that might represent occasions of visibility and promotion, such as the “Job Fair”. **CLAP** is trying to sign a memorandum of understanding relating to a Bill of Rights for Independent workers they drafted and that they are presenting in the main Italian municipalities. They are currently negotiating with the City Council of Naples an agreement that would represent a first experience to pave the way to other cities. It is strongly campaigning for the universal extension of social protections and employment rights to the whole labour market, including precarious, atypical and self-employed workers. This is the main objective they want to pursue in the next years.

**In the Netherlands, Kunstenbond** promotes individual and collective advocacy and interacts with the Social Economic Council in order to propose improvements in labor market position and regulations in the development of sustainable self-employment, copyright protections, stronger position and rights for creative self-employed, and collective bargaining. Moreover, they engage in frequent political lobbying for the creative sector in collaboration with various other organizations. For example, Kunstenbond is currently involved in supporting the re-establishment of previous arrangements providing public financial support for the life-long training of dancers, and also engages in facilitating better working conditions for self-employed artists. Recently, Kunstenbond was also involved in negotiating copyright

contract law, to protect income from creative works, such as being eligible for a certain profitable percentage the 'owner' of the copyright can make. The field is a very difficult area, with multiple stakeholders and a lot of legal battles benefiting from the experience and specialist knowledge of *Kunstenbond's* negotiators.

In **Spain** a successful lobbying activity was the **Self-Employed Workers Statute negotiated in 2007** by UPTA and the relevant employer associations. The Statute includes possibilities of concluding 'agreements of professional interest' (Pedersini and Coletto, 2010). **CTAC (Confederació de treballadors autònoms de Catalunya)** has among its main objectives to have an advisory and advocacy role, in order to improve the professional conditions and, in general, raise the quality of life of autonomous workers.

The **British MU** organises a number of campaigns to support the recognition of freelance musicians as workers. examples are the *WorkNotPlay campaign* on the new social media (Twitter and Facebook mainly) to demand fair pay for musicians. The *SupportMyMusicTeacher* campaign aims to raise awareness on the work music teachers do to create the musicians and music lovers of the future, in order to stop the reduction of public funding for this teaching in schools. The *Creating Without Conflict* campaign is meant to contrast bullying and harassment in the creative industries.

**The Slovenian Movement for decent work** has an awareness-raising mission, and it is present in the broad public debate on decent work and problems of precarious workers, active through campaigns, publications etc., while the Union was the answer to the needs of people who sought advice and help in terms of free legal aid and other advice as well as represent these workers in collective bargaining, social dialogue etc..

Source: case studies and Saundry, Stuart M., and Antcliff V. (2007 ).

### Provision of Services

Although freelancers tend to see trade unions as unnecessary to their individual needs, freelance unions may provide their members with specific services that support their interests. Heery (2004) identifies the following three main interests that can be addressed by trade unions:

- **Income stability** is particularly relevant for free-lance workers compared to other workers, ranging from pensions advice and provision of public liability insurance to access to mortgages.
- **Human capital investments** are also very important for freelancers, as these workers do not have access to the on the job training and vocational education that are provided by employers to dependent workers.
- **Labour market information on job vacancies and career opportunities**, which represent an important share of a free-lance un-billable work.

Services range from information, legal advice, fiscal and social security assistance, and are increasingly extending to the provision of training, social protection schemes, health insurance, maternity/parental benefits, unemployment benefits, support in access to credit and mortgages.

By providing these services tailored to the specific needs of free-lance workers, unions have also a tool to recruit these workers. Furthermore, since own-account workers are widely dispersed, services and information are often offered through internet-based platforms.

Some relevant examples of services provided by trade unions are: the service agency *Mediafon* set up by the *Ver.Di* union in Germany; the UK *BECTU Crewbus*, *Freelance Directory*, etc., as well as the internet based services provided at low rates, as in the case of the Dutch *De Unie*. Examples are provided in Box 6 below.

In order to finance these services, usually unions ask for service fees differentiated between members and other workers.

#### **BOX 6 - Examples of services provided by Unions for free-lance and crowd workers**

**In Germany, Ver.Di** is very service-oriented with a focus on legal services, training and education and insurance products. In 2001 it created **Mediafon GmbH**, a consultancy company where expert freelancers provide advisory services by phone and e-mail on contracts, taxes, social security funds and other relevant issues for freelancers. These services are available to all the 30000 solo self-employed members of the Trade Union and the non-members (who have to pay a consultation fee). The staff of Mediafon is composed by self-employed advisors members of the union with specific expertise on contract negotiation, remuneration, taxes, and social security. During the years the services and the activities of the Union have been extended from workers in the media sector to other sectors, such as art, education, health and wellness, trade, financial services, logistic, telecommunication. Mediafon published also a guideline<sup>14</sup> with an online extension containing information about laws and contractual clauses, tax regulations and insurance regulations which is constantly updated according to the new requests coming from the users. At the regional level, the regional groups organise their own meetings, networks, thematic groups and other activities according with their territorial specificities and needs.

Another example in Germany is **Fair Crowd Work Watch**, a platform<sup>15</sup> for crowd-workers, aimed at fostering fairness and good working conditions among the new solo self employed in crowdwork. The website ([FairCrowdWork.org](http://FairCrowdWork.org)) is designed to promote exchanges. Crowd-workers can network, share their experiences.

In the **Netherlands, FNV Zelfstandigen and CNV Zelfstandigen** are trying to attract self-employed workers by offering insurance coverage and legal advice. **Kunstenbond** offers services on training, legal support in work conflicts (regularly going to court), tax services, collective negotiations, etc. Some individual services for own-account workers mirror those provided for regular employees but also certain specific services are offered (like administrative services, tax information and information for starters). Another union, **De Unie**, affiliated to the Federation for Managerial and Professional Staff (MHP), started to offer reduced membership fees in 2006 covering internet based services and targeted to young workers who may seek union membership for services. The internet trade union membership provides access to information and assistance on labour issues at a low flat rate and services on training and career development at discounted rates. The web site also provides also a forum to discuss workers problems, and allows the discussion of collective actions. Now this Internet union is an independent association which cooperates with *De Unie* and participates in collective bargaining (Eurofound, 2010).

<sup>14</sup> <https://selbststaendige.verdi.de/beratung/ratgeber>

<sup>15</sup> Fair crowdwork website: <http://www.faircrowdwork.org/en/watch>

The **AFD (Alliance français des designers)** – France provides to its members fiscal, social and legal services, as well as information about the profession via its website and with its monthly newsletter, including information on useful administrative documents, problems encountered by professionals, competitions, and calls for work. A personalised assistance to its members may also be provided in court proceedings, in some cases providing an advance in legal payments.

In **Norway, the Finance Sector Union** (Finansforbundet) has launched an initiative targeted at young workers, including self-employed consultants, which offers services such as fiscal and legal advice.

The **Swedish JU** since the 1990's JU has developed a “**service-company**” providing legal and professional advice, support with taxes and administration, customized insurance for freelance-journalists and professional development courses. provides information services to “educate” clients about how much of the fee goes to actual wages for the freelancer and how much goes to taxes etc. A fee-guide (“Arvodesguiden”) has been recently produced, as well as a web-archive where all freelance members are encouraged to report their commissions and fees. This database thus provides an overview of how the freelance fees have developed over the years. As figure 3 shows, there has been an increased gap between the union's freelance recommendation (the dotted line) and the average fee reported in the fee-guide (the bottom line).

In **Italy**, the **vIVAce!** members are offered a number of services and conventions provided by the CISL Union both on-line and in person at their territorial offices: fiscal services: accounting support, help in applying for a VAT number; legal services; consultancy services dealing with welfare system, assistance in the regional and European project preparation; health services; conventions with hotel and transportation. Moreover they are entitled to use of offices and meeting room provided by CISL venues. The community offers also ad hoc services for its members such as the on-line Freelance help-desk: it offers direct assistance and support to specific demands through Skype appointment between vIVAce! experts and workers. A double path of training is under construction: on the one side the community aims at providing coaching and mentoring, while on the other the goal is to offer specific technical courses. **CLAP** also offers a wide range of services through its warehouse called ESC. Services are provided also to migrant people like assistance in job search, language training, legal help.

**BECTU** also offers a range of labour market services such as Crewbus, a Freelance Directory, a Freelancers' Fair, health and safety insurance for freelancers operating in temporary locations, a tax guide for freelancers and employees and a public liability insurance. The **British MU** entitles its members to a wide range of services and benefits covering: insurance services (personal accident insurance; instrument insurance; public liability insurance); support to professional expenses; legal services (free legal advice and representation; contract Advice and Negotiation Service; unpaid fee recovery; trade union representation for problems at work; partnership Advisory Service); consultancy and advisory services (e.g. specialist services on work issues and health and safety; career development; etc.); training programmes (e.g. courses on copyright and on marketing); organization of networking events.

Source: case studies

## Organizational forms and governance systems

Freelancers and I-Pros have a range of needs and interests that are different from those of standard workers, although accessible to trade union intermediation. However, as anticipated in the previous sections, there are specific challenges in representing and involving free-lance workers that require a change not only in the unions' mission and strategies, but also in their organisation and governance systems.

Among the main organizational challenges encountered by trade unions in organizing self-employed workers are<sup>16</sup>:

- The individualization of the contractual relation between free-lance workers and clients resulting in a **dispersion of contracts over time and space** and in a fragmentation of bargaining. For this reason, **freelancers are more difficult to recruit and organise** as their contracts are often short-term and spread across multiple clients, involving spells of unemployment or no work. Traditional union recruitment methods which have operated at the enterprise level need to be adapted to the dispersed working arrangements of many freelancers.
- The **legal status of freelance workers**, which is rather complex and defined in different ways in EU countries. A free-lance worker may be defined as an independent contractor, an entrepreneur, the employee of their own organisation (Gallagher and Sverke, 2005). On the other hand, the semi-dependent freelancers who only work for one employer, might achieve an employee or 'worker' status.

Therefore, the traditional organizational models adopted for the representation of "standard" dependent employment in the industrial sector is not working for these workers, besides becoming less effective also for an increasing segment of dependent workers. Unions have to define a more inclusive constituency for self-employed members and then structure their representation facilities.

One issue is whether self-employed members should be absorbed into existing structures of representation alongside other members or whether unions should set up separate structures to deal with their specific needs.

Another issue is how to use alternative forms of representation, involving network arrangements, internet platforms and the like, which may be both better accepted by individualistically - oriented self-employed workers (Saundry and Antcliff, 2006), as well as more efficient and flexible than traditional union organisation models.

Heery (2004) in his UK based study underlines the following distinctive forms of 'freelance unionism':

<sup>16</sup> Kurt Vandaele and Janine Leschke, *Following the 'organising model' of British unions? Organising non-standard workers in Germany and the Netherlands*, ETUI WP 2010.02

- **recruitment** is located at the point of entry into the occupation or job search;
- **union participation** is centered on geographical and occupational branches rather than firm level;
- **representation** is performed by external paid officers;
- **the union service function is more accentuated;**
- **collective bargaining tends to be multi-employer and targeted at occupational labour markets.**

Heery suggests that the methods adopted by freelance unions such as BECTU, could be extended to other occupational groups with substantial numbers of freelancers, particularly those in the IT sector, personal and business services, and the knowledge economy.

The organizational changes that have been introduced into the union structure to support own-account workers are particularly significant in the Dutch, German and UK cases, insofar as they represent a more network-oriented approach to trade unionism (cf. Kochan, 2004). In the other countries this trend is more recent and less developed, as shown by the Italian case.

#### [Affiliation to larger unions or confederations](#)

One question that arises is whether self-employed members should be absorbed into existing structures of representation alongside other members or whether unions should set up separate structures to deal with their specific needs.

As anticipated in section 1, usually unions addressing own account workers tend to set up specific sections within established unions, (as in the case of the German Ver.Di), or to establish independent unions (as in the case of the Dutch Kunstenbond or the Italian CLAP).

Both forms have pros and cons and it is not possible to establish ex ante which one is performing better. Being part of a larger union allows a greater inter-union coordination both at the local/national and international level, as well as a stronger bargaining power and lobbying capacity. As shown in the case of Ver.di, the organizational stratification allows the Ver.Di section representing own account workers to:

- i) convey requests and proposals to the higher levels of the structure;
- ii) foster the debate on emerging issues affecting self-employed workers;

- iii) collect ideas, proposals, suggestions and strategies developed within the unions' network, both nationally and globally.

However, the affiliation to a traditional union, makes it more difficult to adopt organizational practices, governance systems, and types of actions better suited to represent the needs of free lancers and I-Pros, which are rather distant from traditional unions' organizational forms and actions. The tension between the umbrella organization and the unions targeted on self-employed and free lance workers is tending in some cases towards more independent organisations. Ver-Di, for example had some success on the political front, however, it is still affected by the conflicting constituencies of dependent and self-employed workers.

A third typology is represented by the Italian Consulta del Lavoro Professionale, coordinated by CGIL, which is meant to facilitate the debate among different organisations outside the union, including quasi-union, free-lance workers and associations. The Consulta has a national coordination level, while at the regional level the choice to activate a Consulta is left to local organizations (see Imola et al., 2011<sup>17</sup>; Borghi and Cavalca, 2015<sup>18</sup>).

#### **BOX 7 - Examples of unions relations with umbrella organisations**

##### **Unions affiliated to umbrella organisations**

In Germany the **Ver.Di Selbstständige** section representing own account workers can rely on DGB, the umbrella organization which, in turn, is member of international trade union organizations and advisory bodies. This allows a strong inter-union coordination, and Ver.Di Selbstständige is able to guarantee, through its structured network, a direct connection with the different organizational levels ranging from local to international. In order to maintain direct contact with self-employed workers, Ver.Di Selbstständige created city-centre one-stop shops providing advice, information and counselling in labour market issues and career planning (Annesley 2006: 171-172). Another initiative involves the use of text-messaging instead of leafleting to facilitate immediate communication among workers and between workers and the union. Great weight is attached to a service oriented image by the provision of legal advice, representation before labour courts, training and education and a variety of insurance products. The already cited Mediafon-project and its call-centre its another example of individual services now provided to all own-account workers.

**The Dutch FNV Zelfstandigen** is also an independent organization affiliated to the FNV federation with 12,000 members, providing advocacy services for self-employed. It was founded in 1999 and aims to strengthen the position of self-employed professionals through targeted and active lobbying. Moreover, they provide assistance and support to own account workers with professional advice, legal assistance, issues regarding debt, discounts on insurance and an inspiring network.

<sup>17</sup> Imola D., a cura di (2011). I professionisti e il sindacato: tra scoperta e innovazione. L'azione della CGIL nel lavoro professionale e la costituzione della Consulta delle professioni. Roma: Ediesse.

<sup>18</sup> Borghi P., Cavalca G., Frontiere della rappresentanza: potenzialità e limiti organizzativi dell'offerta rivolta ai professionisti indipendenti in *Sociologia del Lavoro*, n.4 (140) Milano, Franco Angeli,2015.

The very recent **Italian viVAce** is affiliated to one of the three main Italian Unions (CISL), and the main choices are shared with the national union's secretariat. However this organization is rather autonomous, being an on line community of self-employed workers.

The **British Musicians Union (MU)** is affiliated to the TUC and the Federation of Entertainment Unions (FEI). Within the FEI, MU copes with industry-specific issues: exchanges information, organises joint meeting with the main employers in the creative industry and launches common campaigns. Within the TUC instead MU deals with policy issues at national level, such as pension policy, national health service, transport, and Brexit. MU liaises with individual unions as well, in particular with Equity and BECTU. These three unions often sign collective agreements with the same employer (BBC or film producer for instance). At international level MU is affiliated to the International Federation of Musicians (FIM) representing musicians worldwide on issues such as intellectual property and travelling with their instrument. Although only one third of its members vote Labour, MU has historically been affiliated to the Labour Party and supports a group of MPs which are very supportive towards the Union.

The **Slovenian Union for precarious workers** also did not opt to be independent, but rather to collaborate with other unions under the umbrella of the Association of Free Trade Unions of Slovenia. The choice was owed to the need to avoid a further fragmenting the union organizations. Another perceived advantage in working together with other unions is the sharing of problems linked to the weakening of the unions and the lowering of labour standards for all.

#### **Independent unions**

The **Spanish CTAT**, whose members are mainly (83%) self-employed workers without employees, is an interprofessional organization independent, both legally and economically, from other unions. CTAT economic sustainability is guaranteed by the fees paid for the provision of services, besides membership's fees. It maintains agreements with associations and professional colleges in different sectors, like transport, health, aesthetics, commercial agents, graphic design, music, maintenance, alternative therapies, restoration and conservation, yoga.

Source: case studies

### Forms of networking

Networking is particularly important for self-employed workers and free lancers, due to the variety and fragmentation of professional backgrounds and occupations, as well as to the individualization of the employment contractual relationship.

A single organization, even if well structured and provided with adequate human and financial resources, cannot take on board all the different needs of a very heterogeneous workforce. In order to overcome this problem, in some cases unions have developed a significant networking activity with other unions and freelancers' organizations that mostly share the perspectives and visions promoted by the union. Networking with other unions and workers associations could produce important synergies, increasing the unions' lobbying power and improving the services provided to members, allowing the different components to specialize their services in a complementary way. Other unions and workers' associations can bring in professional knowledge and expertise, making it possible to develop tailored and specific services for members. An example of the importance of networking with other Unions/associations both horizontally and vertically, is the recent **Swedish Journalist Union**

**case against a new copy-right agreement** proposed by the largest media companies, which could be very negative for free lancers. The Swedish Journalist Union joined forces with the International and the European Federation of Journalists, as well as three other professional organizations to dissuade their members to sign the agreement for the introduction of this new sort of copyrights agreement for freelance content. According to this agreement the media companies will get full users' rights for commissioned freelance work. The Union considers this agreement dangerous for free lancers because it takes away the workers' control over their own material. The refusal to sign such an agreement by free-lance workers would not allow the client to use the freelancer's services in the future.

#### **BOX 8 - Examples of unions networking**

**Ver.Di** can count on historical collaborations with the association of literary translators, VdÜ (*Verband deutschsprachiger Übersetzer literarischer und wissenschaftlicher Werke*)<sup>19</sup>, that joined the Trade Union in the '70s; the structured support from Ver.Di was strategic, in the past, in some important negotiations. Ver.Di is also part of an umbrella organization of authors, artists and performers, along with VdÜ and other numerous associations focused on copyright contracts. The active participation in the existing sectoral coalitions, together with the strong presence in some sectors and the networking with some groups and associations, allows Ver.Di both to remain coherent with respect to its union's values and, at the same time, to develop new knowledge and strategies through active participation in a wide network of organisations.

**The French AFD (Alliance français des designers)** is a federation of several associations of designers and cooperates with several other associations in the design sector, as well as with other professional unions in France and abroad and with social protection institutions and design schools.

The **Dutch artists' trade union Kunstenbond** is considering to combine forces with other professional associations in order to increase their lobbying power and allow different component to specialize their services in a complementary way. The cited associations would benefit from Kunstenbond's lobbying power and the services it provides for self-employed, while they would bring in relevant professional knowledge and expertise on their sectors, making it possible to develop tailored and specific services for their members. Kunstenbond could then be focusing on. Kunstenbond is also closely working with VNO-NCW and MKB-Nederland, the association of Small and Medium Enterprises in the Netherlands. They are located in the same building and share some supporting services, such as ICT support. Another organization they are working with is ZZP Nederland, focused on self-employed professionals.

**In Italy, CLAP** is affiliated and particularly active in the Coalition 27 February, a coalition of associations and movement that is campaigning and organising for a universal welfare system and a fairer fiscal system through programmatic manifestos and lobbying with the political forces, in particular at the Ministry of Labour. They collaborate, despite frictions and different positions, with some federations of the CGIL dealing with independent workers. **The community vIVAce!** is instead not formally included in any coalition, but it is involved in lobbying actions with other organisations. In the near future vIVAce! aims at establishing itself as a reference self-employers and is discussing its future structural configuration.

<sup>19</sup> VdÜ: [www.literaturuebersetzer.de/](http://www.literaturuebersetzer.de/)

## Forms of governance and role of the internet

As anticipated in the previous sections, freelancers are more difficult to recruit and organise collectively as their contracts are often spread across multiple clients, they operate individually, competing with each other and trying to avoid unnecessary financial burdens, given the uncertainty of their income.

Traditional union recruitment and governance methods operating at enterprise level have thus to be adapted to the dispersed working arrangements of many freelancers, and trade unions have to develop a more inclusive constituency for self-employed members and find methods of interest aggregation and efficient structures of collective representation able to incentive a common identity.

As shown in the examples below, unions representing autonomous workers usually are less hierarchical than traditional unions, adopt a more direct and active participation approach than the system adopted by traditional industrial unions, and ask for lower membership fees, raising their funds largely from services' fees. Usually professional unions are more structured than horizontal unions representing only free lance workers.

### BOX 9 - Examples of Unions' organisational structures

The **French Fedae** is an association with seven volunteers (members of the executive boards) and several delegations. The board of directors is elected for two years. The union has about 80000 members, who pay 50 euros to become members and 124 euros to benefit from the legal protection, in addition to the other services. The **AFD (Alliance français des designers)** is instead structured more like a traditional union. It is managed by an executive board elected by members (16 administrators) and a bureau elected by the board. Each administrator has a specialized task, for example the relationships with one of the line ministries (Culture, Commerce et Industrie, finances, Affaires sociales). The union has about 2200 members, that pay a different fee according to the membership status (active or associated). Members benefit from all the AFD services and take part in the votes of the general meetings. The board is currently thinking of proposing two different levels of contribution: a basic level and a complete offer (140 euros) with access to a professional indemnity and mutual insurance at a special price.

**CTAC (Confederació de treballadors autònoms de Catalunya)** has more than 35,000 associates, and is the most representative organization of self-employed in Catalonia. There is a reduced fee for freelancers who have lost all their clients but still want to join CTAC. This fee gives them access to a number of basic services, although access to other supplementary services requires payments, which are reduced for members. CTAC collects information directly from its members and produces information brochures on the organization's objectives and services. CTAC also has fluid relationship with other institutions, especially at the local level. For example, they currently organize a meeting between CTAC partners and the head of Barcelona City Council's business area to disseminate the needs of the self-employed in the city and generate new local policies. Likewise, CTAC coordination usually participates in information sessions, round tables and talks with different local entities.

**In Italy vIVAce!** is configured as an on-line community. According to decisions taken in the CISL confederal congress in June 2017, it is now developing territorial structures. The Community is formally steered by an appointed governing body, while the first elections will be held in two years. A scientific

committee of five multi-disciplinary members (political science, psychology, marketing, HRM) and professional experiences (union official, researcher, educator, marketing consultant) supports the development and implementation of strategic actions. The vIVAce! personnel is mainly formed by volunteers who actively animate the community at the local level by organising activities and meeting. The dependent paid personnel counts the coordinator and two young employees responsible for the communication tasks. **Clap** in Rome constituted its association in 2013 and is located in an occupied warehouse called ESC managed by a network of volunteers. None of the volunteer is salaried, but they receive expenses reimbursement. Clap in Rome has about 500 affiliated members who pay a fee. CLAP's recruitment strategy is based mainly on the word of mouth, the use of social media to promote the services offered..

The **British MU's** in the **UK** is organized like a traditional union. Its Executive Committee is the main ruling body, made up of elected members from the UK six regions. The number of representatives in the Executive Commission elected by each region is proportional to the number of their members: regions are entitled to one EC member every 1,500 members, provided that each region should have at least two representatives. In addition, the MU has six regional offices, each led by a Regional Committee with 20 members who sit for a two-year term of office. The Regional Committee is responsible for MU activities within the Region, it considers motions submitted to the Executive Committee and motions submitted directly to the Regional Committee. The MU also has a number of Sections and Section Committees: the sections are networks of members, set up to keep the Executive Committee informed of developments in the main different areas of musicians' work.

In the **Netherlands** the artists' trade union, **Kunstenbond**, is organized as a traditional union. Its board consists of 12 people, each one more or less responsible for one sector. In addition, they also have three functional departments (legal, administration and communication.) Five people of the board are also negotiating collective agreements. Kunstenbond is organized into six departments. In order to specifically meet the needs of artists and creative workers, it collaborates with fellow trade unions and other organizations in the Netherlands. The board now is independent of FNV and able to take its own decisions on the use of funds. Although Kunstenbond is independent, it still relies on (and has to pay for) some services FNV provides. Contact with the self-employed members is maintained by making use of new communication technologies like websites with member only sections providing information and advice. **CNV Zelfstandigen** offers two types of memberships. Being member only of CNV Zelfstandigen, with (mostly paid) access to services for the self-employed, or become a member of both CNV Vakmensen and CNV Zelfstandigen for people who work as employee and as self-employed.

**In the Slovenian Movement for Decent Work and Welfare Society (Gibanje za dostojno delo in socialno družbo)** and the **Trade union of the Precarious**, every member with paid membership has a vote and can be heard in the meetings. The leaders are elected at general assemblies, where all the members vote. In the Movement there is virtually no hierarchy. The Movement's activities (roundtables, conferences ...) are promoted through a monthly newsletter, traditional media, the Movement website, and the social networks. In the Union, each member has a voting right and can participate to the election of the Union's president and the preparation of the Union's program. The aim is to encourage members to take an active role – in decision making processes, program formation, and taking over the role of local or regional leaders in their regions and in their fields.

Another difference with traditional unions is that **the most used forms of recruitment, members communication and activation are unions websites, internet platforms and the social networks**. Such arrangements appear more efficient and flexible for free-lance workers than traditional union models<sup>20</sup>, for two main reasons. The first is that independent workers

<sup>20</sup> Michael Wynn, *Organising Freelancers: A Hard Case or a New Opportunity?*, *International Review of Entrepreneurship*, Article #1508, 13(2) 97

can be more easily approached through the web, and the second is that free-lance workers and I-pros usually work through the web.

**The Internet** has indeed a complex role in the relationship between trade unions and autonomous workers. While it may represent an opportunity for unions to connect with younger, computer literate workers who are little interested in unions, it may also foster the growth of other informal and formal organisations that may challenge trade unions in the representation of these workers' interests (Panagiotopolous and Barnett,2014).

**Internet may help in recruitment campaigns**, both by publicising the role of the union and directly contacting an increasingly IT-literate, dispersed workforce (Heery et al, 2004a). Internet platforms may provide a location where workers can meet, discuss, and exchange ideas (Kelly and Kelly, 1994; Greene and Kirton, 2003). In this way, web-based relationships and internet social networks can become a way for the unions to collect a wide range of opinions and interests, as internet networks allow a higher degree of freedom of expression, compared to official union sites constrained by legal and internal policy considerations. According to Wellman (Wellman 2001, 246), such connections can *'provide a basis for interest based structures that provide support, partial solidarity and vehicles for aggregating and articulating interests'*

**Internet can also enhance the provision of services and information** via union websites and through e-mails and social networks, and facilitate national and international co-operation and co-ordination by connecting spatially dispersed workers and extending the scope and focus of collective action (Lee 1996).

**It can support unions in the organisation of collective actions**, reducing the 'distance' between workers and supporting solidarity (Greene et al., 2003). It also helps trade unions in developing innovative campaigns through the mechanism of so-called 'virtual unions' (Diamond and Freeman, 2002), whereby a campaign is focussed around a web-site with an identity that, in name at least, is separate from trade union organisation. According to the literature, e-forms of collective actions indeed offer the possibility of 'forming and shaping collective interests amongst workers' (Greene et al 2003:4), by allowing an anonymity which

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bypasses the constraints on union activity faced by the weakest segments of both dependent and autonomous workers (Greene and Kirton, 2003).

As underlined by Saundry (Saundry et al. 2007)<sup>21</sup> although virtual communities provide a space for the expression and mobilisation of interests, their ability to represent workers is limited. They provide an opportunity for trade unions to extend organization, developing web-based tools to facilitate recruitment of freelance workers and to create some sort of virtual community, as in the case of BECTU experience in the audio-visual industry presented in Box 10. The virtual community is used to boost the ability of workers to bargain and defend their interests. In this way, such networks appear to supplant one of the key functions of the industry unions.

#### **BOX 10 - An example of web-supported collective actions for free-lance workers**

'TV Wrap' was formed by a group of freelance television workers, previously unknown to each other that realised that they had a common grievance with the way in which they had been treated while employed by independent producers. In conjunction with Tvfreelancers.org, they set up a new web-site under the banner of 'TVWrap' and initiated an online petition, part of which asked freelancers to add their stories of poor employment practices, in particular abuse of the Working Time Regulations.

The petition received substantial coverage both in the trade press and in national newspapers (such as the Guardian's Media section). While the petition contained anonymous allegations of exploitation, the campaign included several well-known television professionals, who had sufficient standing to publicly voice their concerns. This led to senior independent production companies publicly defending their employment records and the independent producers association PACT, asking for more evidence from TVWrap. The main industry unions played no formal role within the campaign save for adding their voice to other supporters of the campaign. The campaign had gathered sufficient momentum for PACT to be forced to act. Consequently, PACT began negotiations with BECTU on revising the collective agreement governing the employment of freelance workers on factual programmes, which the TVWrap campaign claimed was being widely flouted.

This case suggests that:

- virtual networks can provide a space in which common grievances can be shaped and articulated.
- virtual networks can connect a diverse range of workers who otherwise would have little chance of meeting, and apart from the issue in question, little in common.
- The network enabled the more exploited and underpaid TV workers to link with those with reputation and influence, able to mobilize resources to mount an effective and high profile campaign.

However, while virtual networks were an effective way of campaigning and raising consciousness, they lacked the organisation necessary to deliver hard industrial relations outcomes. In order to achieve this, BECTU was needed to step into the breach.

Source: Saundry et al.(2007)

<sup>21</sup> R. Saundry, Stuart M. , and Antcliff V. (2007 ), Broadcasting Discontent - Freelancers, Trade Unions and the Internet, in *New Technology Work and Employment* 22(2):178 - 191 · July 2007

**The internet may also allow unions to extend involvement and bypass hierarchy and bureaucracy.** Virtual networks can develop a sense of shared interest and even solidarity among isolated free-lance workers that can thus turn to social networks to seek the mutual support once provided by workplace trade unions.

Due to all these reasons, e-networking could become a key part of strategies aimed at renewing unions' organisational models, as unions seek to connect with new constituencies of workers (Frege et al., 2004). And indeed, as seen in section 2, many unions are creating websites through which members can access union services and information on employment legislation, pay rates and bargaining materials (Greene and Kirton, 2003).

However, the growth of the internet may have some **drawbacks** for union action. It may encourage individualistic attitudes amongst workers, distancing themselves from both the workplace and other workers, and, at the same time, provides 'easy' alternatives to union membership and activity (Martinez et al., 2009). . As underlined by Saundry et al. in their 2007 paper, virtual networks facilitate networking, but are not a network in themselves. They have no identity, and those who participate in online discussion forums do not see themselves as members of an organisation but simply as users.

Internet networks are fluid mechanisms focussing on specific issues that are directly relevant to users. The anonymity allowed by the social networks is however an obstacle to the development of a more structured identity. In addition, unions have to compete also with industry specific professional networks in the provision of certain labour market services.

To conclude, trade unions could use virtual networks to reach free-lance workers who would otherwise be difficult to organize. As they are seen as independent of unions, they appear more credible for potential participants and may provide important insights and strategic opportunities for trade unions. Virtual communities also incentive contributions from workers and activists in a bottom up approach. Their narrow focus on particular issues may provide the basis for the formation of a collective identity and consciousness, however limited in scope.

Unions are trying to combine the use of internet with the move toward some sort of structured action. It is indicative in this respect that some unions, starting as virtual unions, are now moving toward the creation of territorial structures in order to overcome the isolation of free-lance workers. This is for example the case of the Italian **vi.VA.ce** and of the **French Fedae**,

which regularly organize meetings (the so called “cafés de l’auto-entrepreneur”) where members can catch up on news about their status, exchange views and develop their networks.

### **Challenges and future developments**

The increase of a mobile and contingent work force, largely composed by own account workers resistant to traditional methods of workplace organization, is particularly challenging for trade unions (Heery et. al., 2004a).

As discussed in the preceding sections, the main challenges faced by unions in trying to represent own account workers are the following<sup>22</sup>:

- The Individualization and the fragmentation of contracts makes it difficult to create a sense of community or “solidarity” with each other.
- Own-account workers require more individual attention than other workers because their issues are not easily resolved on a collective basis;
- The legal framework in many countries does not allow self-employed workers to collective bargain on prices (anti-trust regulation);
- Self-employed workers are often reluctant to join unions, as this is perceived as potentially damaging their employment prospects. It is particularly those workers most at risk of exploitation that are the least likely to turn to a union. For instance, amongst young workers a reliance on the support of the union may be perceived as an admittance of failure and incapacity to be on their own.

Unions’ strategies are moving towards a stronger servicing and advocacy/lobbying role, a greater attention to networking with other unions/associations both horizontally and vertically, a greater use of the internet and virtual communities to recruit and mobilise free lance workers.

Looking ahead, an example of a possible evolution of free-lance unions in the next years comes from the US, where free-lance workers represent a large share of the workforce.

<sup>22</sup> Kurt Vandaele and Janine Leschke (2010), Following the ‘organising model’ of British unions? Organising non-standard workers in Germany and the Netherlands, , ETUI WP 2010.02

### The US Freelancers Union: is this the union's model for the future?<sup>23</sup>

The **US Freelancers' Union** has some 350,000 members from all over the 50 US states and **represents an interesting mix of classic trade unionism and social entrepreneurship, supporting itself largely with fees for services<sup>24</sup>.**

Although the Freelancers Union's goals and intent are similar to those of traditional unions, "our **business and organizing models are profoundly different,**" says Sara Horowitz, the founder of the Union. For instance, unlike most U.S. unions, which support themselves by collecting membership dues, the Freelancers Union earns revenues by charging fees for its many services. The organization then reinvests all its earnings into new initiatives, training, and advocacy. This has allowed the Union to be financially **sustainable since 2006.**

The Freelancers Union combines two approaches. On the one hand, it works through political channels to secure better conditions for independent workers. On the other, it provides **access to health care as well as dental, disability, and life insurance** customized to individual needs and at low costs for its members, by exploiting the scale economies and the purchasing power of its many members.

The **union's financial sustainability is guaranteed by selling insurance schemes,** as in the US insurance schemes are not provided by national welfare systems.

In the state of New York, the Freelancers Union even **set up its own insurance company,** drawing on grants and loans from a coalition of businesses and philanthropies. Individual costs for insurance are around 20% of the average monthly premiums for other self-insured New Yorkers.

The organization also presented **a nationwide retirement plan for its members** in April 2009. Members enrolled in the plan can choose among 12 professionally vetted and monitored funds or target-date funds. To promote regular savings, the plan also offers automatic withdrawals from freelancers' checking accounts. There is no minimum investment, and union members can adjust their contributions for free to accommodate instable cash flows they often experience.

<sup>23</sup> Amy Wilkinson, *The Entrepreneurial Union*, Stanford Social Innovation Review Fall 2009

<sup>24</sup> (<https://www.freelancersunion.org/>)

Also **unlike traditional unions, the Freelancers Union does not negotiate salaries or organize strikes**. It does instead implement advocacy and lobbying actions for the protection of freelance workers. An **advocacy** success, was for example in 2009 when New York City Mayor supported a new federal unemployment benefit for freelancers, who make up 15 percent of New York City's workforce. The Freelancers Union designed the proposed **Unemployment Protection Fund**, which would require the federal or state governments to match \$300 for every \$1,000 a Freelancers Union member voluntarily pays into a designated fund. Members could draw upon these funds to pay for college tuition, housing, education, or other needs in case of unemployment.

The Freelancers Union is also working for the implementation of an **online credit union** where freelancers can save money as well as receive loans.

The Union organisational and service model is largely based on **the use of Internet**. Through the **organization's Web site**, workers can find copywriters, legal advisors, and babysitters in their extended community, creating even more opportunities to meet clients. They can also organise online and offline meetings. Virtual communities within the network discuss specific topics of interest for free lance workers, such as mental health, insurance premiums, taxation policy, and résumé writing. The union's online presence also allows its members to advocate on their own behalf by signing petitions, organizing political events, and joining together to meet politicians.

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