

I-WIRE

Independent Workers and Industrial Relations in Europe

AGREEMENT NUMBER: VS/2016/0149

WP1. Literature review

(November 2016)

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1. Introduction

The population of professional independent workers in Europe has known a remarkable growth over the last decade. The rise in the number is especially relevant when compared with the trend in other employment categories. In fact, as reported by Rapelli (2012) – the first European report that clearly highlight the phenomenon from a quantitative perspective – between 2000 and 2011 the increase in professional independent workers reached the peak of +82.1% while over the same time lapse the number of dependent workers and of independent non-professional workers has respectively experienced a very limited increase of 7.2% and 5.6%. The expansion of independent workers has been relevant not just from a quantitative perspective, but also in its structural composition by industry and occupation. Self-employment has become an important, if not the most spread, contractual arrangement within an array of new highly-skilled sectors and professions beyond the traditional ones. In the recent years, the sectors which have contributed the most to the growth in self-employment have been the art, entertainment and the recreation industry, the real estate industry and the ICT industry (Leighton 2013:18).

Such numerical surge has not drawn however the renewed attention expected, neither in the political sphere, nor in the academic reflection. In the public debate, national policy makers across European countries have slowly started to acknowledge the increasing relevance of the phenomenon and to address their new emerging demands into the labour market and within the national systems of social security and welfare state. Recently, the European level contributed in bringing the issue into the political agenda of the member states. The European Parliament has in fact approved the resolution “Social protection for all, including self-employed workers” 2013/2111(INI)-14/01/2014. This resolution invited the member States to: guarantee the social protection to all the workers, including the self-employed workers; to provide mutual assistance to cover accidents, illnesses and pensions; to guarantee the continuous training for all the workers; and to oppose the “bogus” self-employed workers. The specific reference to the category of self-employed in the supranational regulatory framework represents a significant step towards the recognition of the peculiar identity of the independent work.

However, the picture at country-level is still featured by the necessity to update the legislative framework and the social protection system to new emerging demands. The raise in the share of independent workers has not been accompanied by a congruent definition of the regulatory framework to fill the gap between the high skilled professionalism and the low social status attached. As pinpointed also by international observatories like the OECD, ‘concerns have been expressed over the working conditions, training, security and incomes of some self-employed’ (OECD 2000: 155).

Similarly, the lack of adequate political interest has gone alongside limited research attention from the academic world. Despite the renaissance of independent workers, the topic has not been explored in depth by scholars and practitioners whose main focus has been limited to the underpinning motivations and socio-economic drivers of the trend. In fact, this expansion in the share of the professional workforce experiencing self-employment has undergone multifaceted and overlapped interpretations.

Against such backdrop, a rigorous investigation of the issue of independent workers requires the adoption of a threefold analytical tool: a conceptual tool in order to define the population we refer to; an explanatory tool in order to explore what are the determinants of their growth in the contemporary labour market; and a policy tool that focuses on the way in which the behaviours should be regulated, by law, on their collective representation and on the welfare measures targeting independent workers.

In order to investigate the scenario of independent workers, (i) we start from the conceptual approach of the study and the terminological discussion, since across Europe there is a great variability in the definition of the phenomenon that needs to be systematized in order to adopt a shared definition in the project; (ii) we analyse the quantitative trends that the category of independent workers has followed in a comparative perspective, using the Eurostat database; (iii) we provide an explanatory approach through an overview of both the theoretical framework dealing with post-fordism, knowledge economy and the segmentation theory, as well as the institutional framework considering labour regulations, social protection and collective representation; (iv) some conclusions will be drawn from the literature review.

2. Conceptual approach: definitions and measurement

An essential preliminary step to the systematisation of the literature concerning the independent workers involves the definition since there is a remarkable discrepancy among EU countries. Despite the outstanding diffusion of independent workers during the last decade and the gradually mounting resonance the phenomenon is obtaining, there is not a universally accepted definition. It is commonly recognized that self-employment encloses multiform categories of workers in terms of occupation, job structure, degree of autonomy and professionalism. Moreover, from a cross-country comparative perspective, the respective national legislative and institutional frameworks influence the categories of workers to be enclosed in the definitional boundaries.

From the literature review, four main orders of problems emerge in the definition of independent workers.

A first mistake involves the methodological fallacy of equating self-employment to small enterprises and entrepreneurship (European Employment Observatory Review 2010; Henrekson 2007). ‘This somewhat vague notion refers to the idea of the innovative self-made man who starts out with nothing and becomes a captain of industry’ (Rapelli 2012: 6). The figure of the independent worker is, in fact, erroneously assimilated to the role of the entrepreneur who autonomously establishes and leads his/her own business with entrepreneurial and managerial ambitions, often employing dependent personnel.

Such perspective represents a misleading interpretation of the category since it does not conceive the independent work outside the entrepreneurial perspective. In addition, such categorization hides the considerable heterogeneity that features self-employment.

A second order of problems deals with a false dichotomy we find in some literature between low-skilled manual salaried workers and high-skilled professional self-employed (Bronzini 1997). Such misleading conception can be attributed to the dichotomy between professional occupations – characterised by highly skilled and intellectual tasks, generally associated with autonomy– and low-skilled manual jobs which require a dependent “more protected” contractual arrangement. As known, however, the category of self-employed workers encompasses a wide and multifaceted array of occupations and professionalisms. Similarly to the dependent salaried work, independent work can be a contractual configuration for both

manual and intellectual jobs. Traditionally autonomous work developed in agriculture, in the retail sector, in the manufacturing industry, as well as in the artisan business, all occupations inherently manual despite the technical content (Ranci 2012). With the advent of the post-fordist era and the marked tertiarization of the advanced economies, autonomous work has proliferated in several professional labour markets ranging from financial services, ICT industry, creative sectors, consultancy and intermediation services. Hence recognising the independent nature of work only to professional jobs is not only erroneous but also misrepresentative.

A third order of issues relates to the variety of labels adopted to define the population of self-employed, not fully overlapping and not always referring to the self-same population: independent professionals (Leighton 2013), autonomous workers, I-Pros (Rapelli 2012), new self-employed workers (Schulze Buschoff and Schmidt 2009, Westerveld 2012), autonomous workers of second generation (Bologna and Fumagalli 1997), self-employed without employees (Dekker 2010), freelance (Heery et al. 2004). These definitions only in general terms circumscribe the same phenomenon, each recalling different definitional shadows. Moreover an excursus of the international literature shows how each definition, according to the country, might address different groups of workers reflecting differences in the regulatory and legal frameworks across the EU.

A fourth order of issues in the definition of independent worker emerges when self-employment assumes peculiar features that locate it at the boundary with the category of employees. In some European countries in fact the category of dependent self-employed (Muehlberger 2007) has spread, namely ‘workers who are legally self-employed but in fact wholly dependent on the company’ (Pernicka 2006: 125). Despite some analysis considers dependent self-employed as a new peculiar contractual forms, other researches categorize those workers as being in between ‘false freelance’ and ‘forced freelance’ (Nies and Pedersini 2003). False freelancers are workers who are substantially dependent employees but falsely registered as self-employed, while forced freelancers are those independent workers formally detached from the organisational chart of a firm although substantially dependent on a single employers or organisation. Similarly, other research streams have addressed this issue by adopting the notion of salaried entrepreneurs (Bureau and Corsani 2014). The authors refer to a blurred category ranging from ‘independent workers disguised in dependent ones’ since

they are formally salaried workers of a cooperative company but substantially autonomous in the exercise of their functions (*indépendants déguisés en salaires*), to independent contractors with an employee status responsible for generating their own business.

The definition issue has a decisive impact on the statistical measurement of self-employment, which can vary significantly in relation to the definitions adopted.

Starting from the accepted recognition that self-employment embodies a multifaceted and transversal category of workers and whose definition can vary among countries and according to the legal and fiscal framework of reference, discrepancies and inconsistencies emerge also when the statistical quantification of the phenomenon is at stake.

Both the legal and the conceptual definition have relevant consequences on the measurement of the phenomenon, since they enables to delineate the boundaries of the population to quantify. Most of the data on self-employment comes from the national labour force surveys, which ask respondents to classify themselves as employees or self-employed according to their status in their main job. According to this question, however, all kinds of autonomous work seems to be included into the category, such as owner-managers of incorporated businesses who represent a substantial share of self-employment in some countries, but not necessarily in some others. Moreover this definition risks to enlarge the population of independent workers to groups of workers who are not solo self-employed or not fully substantively independent.

Then, there are remarkable cross-country differences in the occupations belonging to the sphere of autonomous work. For instance in Italy a series of liberal professions, ranging from architects, lawyers, accountants and notaries are regulated by professional orders whose membership require a VAT number registration. Conversely, in other countries such professionals are employed as regular dependent workers within associated studios.

In the next section, a shared and precise definition of the phenomenon under investigation is provided.

In order to have a common understanding of the phenomenon under investigation within the I-WIRE project, we adopted since the beginning the definition of independent workers provided by Rapelli in his 2012 study, namely: ‘independent workers without employees

engaging in a service activity and /or intellectual service not in the farming, craft or retail sector' (p.11).

The boundaries of the category follow firstly a definitional element involving a sector-related characterisation by exclusion. The group targeted by the investigation sharply exclude farmers, craftsmen and merchants, conversely including exclusively professional workers in the advanced tertiary sector.

A second grounding component of the definition stresses the importance of being not only an independent worker, but at the same time to not employ any dependent worker (so independent worker without employees).

The combination of these two elements circumscribes more specifically the definition of autonomous workers we want to include into the analysis¹.

3. Incidence of Independent Workers

Since independent workers do not fit properly neither in the cluster of employers nor in the employees' one, statistics and survey generally do not refer precisely to the category. As a result, it is difficult to track and measure the category of independent workers: they are virtually invisible since 'in official statistics they are subsumed in either self-employment or SME data' (Leighton 2016:2).

The main datasets on self-employment are based on the national labour force surveys, which ask respondents to classify themselves as employees or self-employed according to the status in their main job.

Rapelli has done a cardinal exercise in circumscribing the population of independent workers first, and then in the attempt to quantify the phenomenon in Europe starting from the Eurostat Labour Force Survey (see Rapelli 2012). His statistical elaborations present a descriptive overview until 2011. Following the same methodological approach, we have updated the

¹ According to the above definition, a circumscribed set of economic categories of the Statistical classification of economic activities in the European Community (NACE) can be grouped under the I-Pros label, namely: Information and communication (NACE key J); Financial and insurance activity (NACE key K); Real estate activities (NACE key L); Professional, scientific and technical activities (NACE key M); Administrative and support services (NACE key N); Education (NACE key P); Human health and social work (NACE key Q); Arts, entertainment and recreation (NACE key R); Other service activities (NACE key S).

figures until 2015. These contributions remain isolated in the difficult attempt to define the actual size of the phenomenon.

According to Rapelli, the overall population of independent workers in Europe amounted to 8,569,200 workers in 2011. This figure, apparently exiguous, actually embodies the 26% of the total population of independent workers (32,812,800 in total, including the share of 9,578,400 employers). Such proportion is even higher when compared to the size of the cluster of self-employed without employees: out of a population of 23,234,500 solo self-employed, I-Pros represent the 37%.

Table 1. Breakdown of the European population

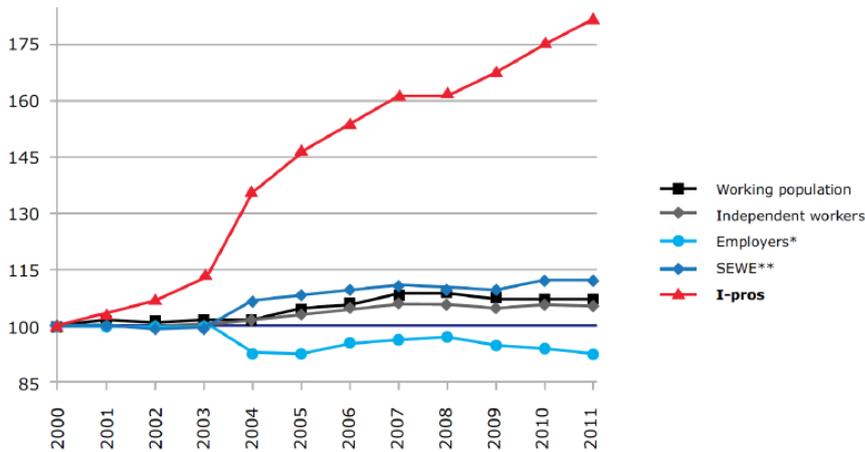
Working population	216,622,900
Independent workers (employers and self-employed without employees)	32,812,800
Employers	9,578,400
Self-employed without employees	23,234,500
I-Pros	8,569,200

Source: Rapelli (2012) based on Eurostat Labour Force Survey (2011a)

Notes: Individuals aged 15 and over in 2011, EU 27

Beyond the static picture, what data stunningly show is the remarkable growth of independent workers in Europe since the 2000s. As mentioned in the opening of the report, the rise in the number of independent workers is especially relevant when compared with the trends displayed by dependent workers and of independent non-professional workers. Between 2000 and 2011 the increase in independent workers reached the peak of +82.1% while over the same time lapse the number of dependent workers and of independent non-professional workers has respectively experienced a much limited increase of 7.2% and 5.6% as displayed in Figure 1.

Figure 1. Trends of growth in the European workforce (2000-2011) (base 100 in 2000)



Source: Rapelli 2012 based on Eurostat Labour Force Survey (2011a, 2011b)

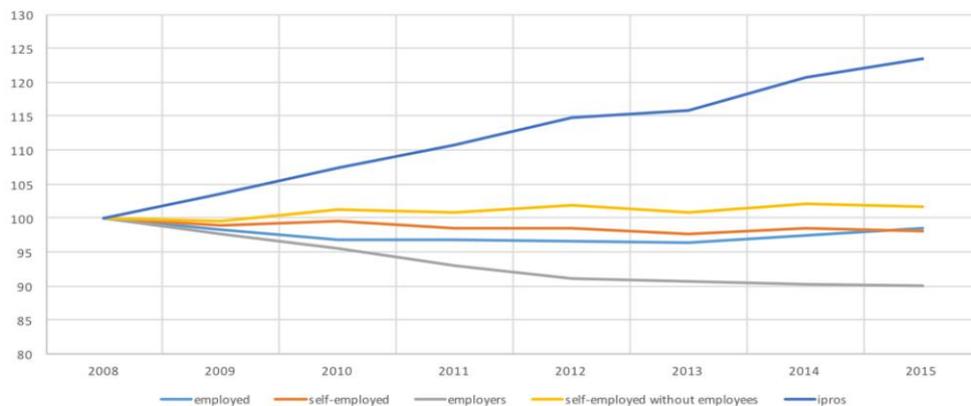
Notes: Individuals aged 15 and over in 2011, EU 27.

* Independent workers include employers and self-employed workers without employees.

** Self-employed without employees

The growing trend of independent workers in Europe is confirmed also in the very last years, following the 2008 financial crisis. Compared to the levels reached in 2008, the population of independent workers has increased again of more than the 20%. During the same time lapse 2008-2015, the overall population of self-employed without employees has remained almost stable, the total number of dependent workers has slightly declined and the share of employers in 2015 was 20% lower than in 2009 (see Figure 2).

Figure 2. Trends of growth in the European workforce (2008-2015) (base 100 in 2008)

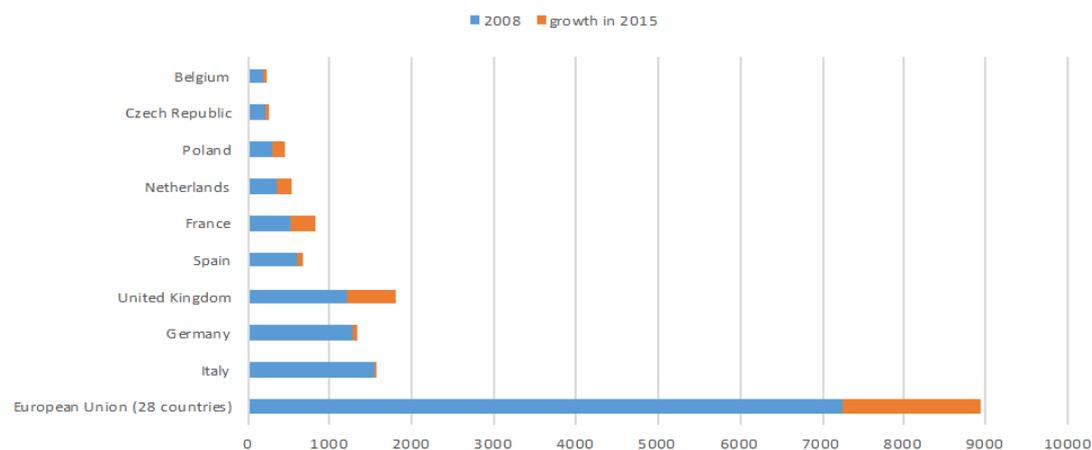


Source: our elaboration on Eurostat Labour Force Survey

This overall supranational picture displays patchier trajectories when broken down by countries. The cross-country variability in the national shares of independent workers is in fact significant. As computed by Rapelli (2012), in 2011 the 71% of the European independent workers population is concentrated in 5 countries where the share of independent workers accounts for more than 5% each: in Spain (6.47%), France (8.55%), Germany (17.89%), the United Kingdom (18.77%) and Italy (19.71%). Conversely, 10 other countries contributed all together only to the 4.3% to the total European I-Pros population, accounting each for more than the 1% (Luxemburg, Lithuania, Latvia, Cyprus, Slovenia, Bulgaria, Romania, Denmark, Ireland and Slovakia).

A marked degree of cross-country variation regards also the rate of growth in the of independent workers population. Among the European countries amounting the highest share of independent workers, the rate of growth between 2008 and 2015 varies significantly, as shown in the Figure 3. Starting from similar level, Germany and Italy experienced a limited increase in the most recent years despite presenting in any case among the highest rate in Europe.

Figure 3. The rate of growth in the independent workers population (2008-2015)



Source: our elaboration on Eurostat Labour Force Survey

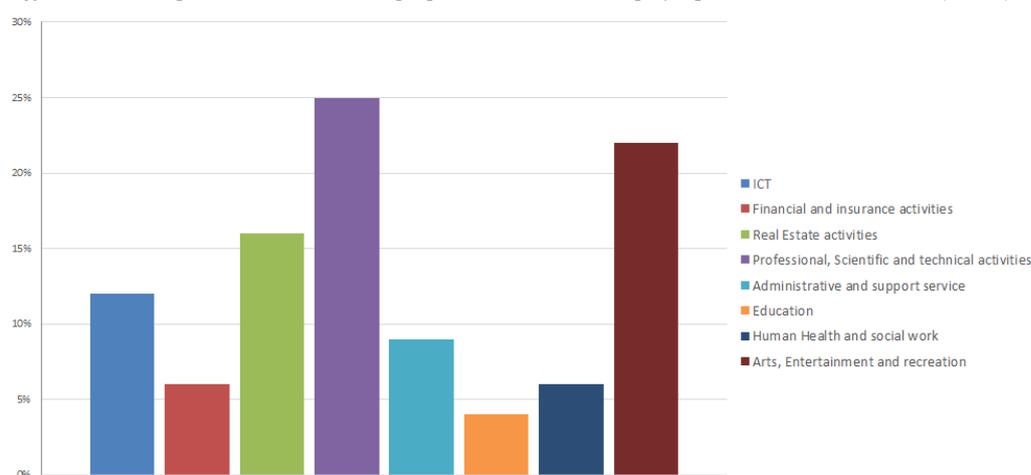
Conversely the number of independent workers has raised significantly in the United Kingdom, overcoming the rate registered in Italy and Germany.

Table 2. Variation in independent workers population in Europe (2008-2015)

	2008	2015	2008-15 trend (thousands)	2008-15 trend (percentage)
Italy	1540.5	1568	27.5	1.8
Germany	1270.7	1323.7	53	4.2
The UK	1206.3	1805.6	599.3	49.7
Spain	602.7	675.3	72.6	12
France	523.4	821.8	298.4	57
The Netherland	357.8	544.6	186.8	52.2
Poland	302	446.9	144.9	48
Czech Republic	201.2	259.1	57.9	28.8
Greece	192.2	190.9	-1.3	-0.7
Belgium	182.9	225.4	42.5	23.2
EU (28 countries)	7251.9	8945.7	1693.8	23.4

Source: our elaboration on Eurostat Labour Force Survey

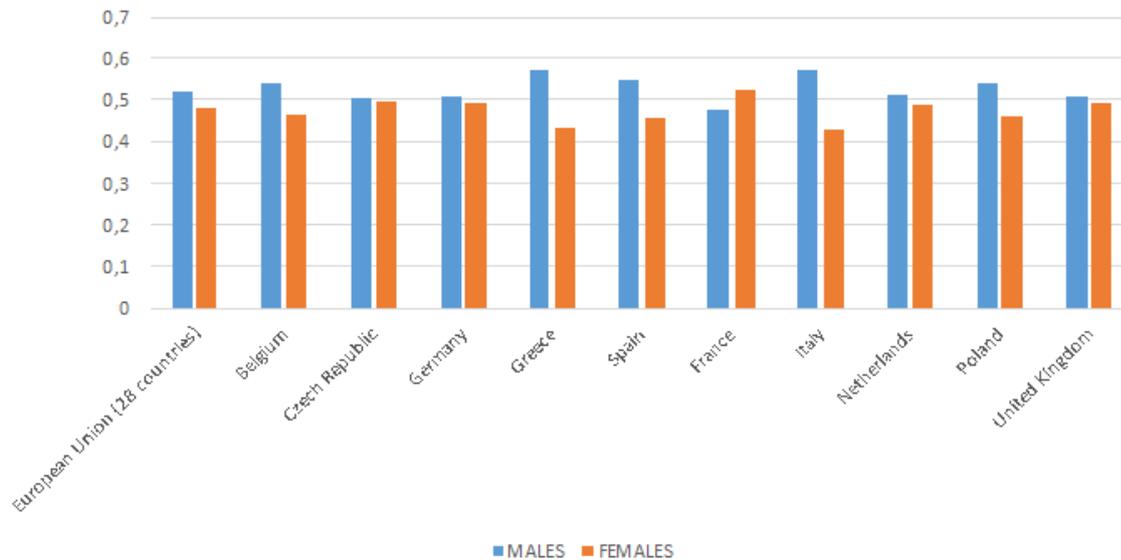
At aggregate European level, differences emerge across economic sectors. As displayed in Figure 4, the cluster of professionals, scientific and technical activities and the cluster including arts, entertainment and recreation industries amount each for more than the 20% of the independent workers population in Europe. Remarkable share, above the 10%, are pinpointed also among independent workers working in the real estate industry and in the ICT sector.

Figure 4. Independent workers population in Europe, by economic sectors (2013)

Source: our elaboration based on Eurostat data

Instead, looking at the independent workers population by gender division, the picture is far more homogeneous. At European level the rate is pretty much the same by gender distribution, and similarly at national level as shown in figure 5.

Figure 5. Share of independent workers in Europe by gender (2015)



Source: our elaboration based on Eurostat data

To summarize, the population of independent workers, defined as ‘independent workers without employees engaging in a service activity and /or intellectual service not in the farming, craft or retail sector’ has known a remarkable increase over the last decade: the trend is even more impressive when compared with the trend of growth of both the salaried workers and the self-employed overall. A more detailed analysis shows a pronounced degree of variation when the aggregate data are broken down by countries and by economic sectors. Despite such a noticeable increase, the topic has so far received only a limited research attention by scholars and practitioners. The next section aims at presenting an overview of the most relevant theoretical approaches that dealt with the topic of independent work.

4. Explanatory approach

Flexible specialization, new economy, globalization, are some of the key concepts usually used attempting to define the transformation of the contemporary capitalism that has,

apparently, lesser control on the labour market conditions. The general reaction to these challenges – common to all the European countries – has been the need of more flexibility in managing the economy. In our time governments, which have had in the past success in reducing social inequalities through the legal control on the hiring and firing practices, have implemented reforms to liberalize labour market, reducing the employment protection legislation in most European countries. From this perspective, the framing refined by the Varieties of Capitalism (VoC) literature (Hall and Soskice 2001) has been evolving as companies situated in different countries, facing the global competition, are following similar roads to post-fordism, adopting similar patterns of labour market de-regulation and segmentation.

Naturally, there are differences across institutional welfare regimes, especially between Nordic and Southern countries, with regard to distributional consequences of segmentation in terms of social protection, labour market policies, access to training, gross earnings power (Häusermann, Schwander 2012). The variability concerns the degree of exposition to social risks. Some studies showed the ways by which firms can compete despite -or circumvent pragmatically- their own comparative rigidities through functional equivalent practices, usually represented by nonstandard contracts (Hermann 2008).

The socio-economic debate on flexibility highlighted, from one side, a positive effect of nonstandard contracts on firm performance, due to a reduction of labour cost and an increase in their own ability to innovate and compete on the global markets. From the other side a negative effect of flexibility has been seen, due to a decrease in human capital investment and hence in performance and competitiveness in the long term.

Large part of the economic literature since '90s states that labour market flexibility allows firms to adapt more easily to fluctuations of demand, increasing their performance through a reduction of labour hoarding, but from the empirical point of view, evidence of the relationship between flexibility and productivity is quite uncertain (Malgarini, Mancini and Pacelli 2013).

Against the backdrop of these transformations, various literature streams have investigated the phenomenon of independent work.

4.1 The post-fordist paradigm

In the seminal work on the second generation of autonomous work, Bologna and Fumagalli (1997) trace the origins of the proliferation of the independent workers to the deep transformations occurred in the organisation of work, in the ICT sphere, as well as in the preferences expressed by workers in terms of lifestyles.

Concerning the organisational change, advanced capitalist societies experienced the gradual overcoming of the mass production based on the taylorist-fordist production system, replaced by the post-fordist organisation of the production. The search for increasing flexibility in the production chain has put major pressures on firms, which as a response started to outsource a growing number of activities and tasks. Restructuring practices towards outsourcing led to the widening of the labour supply made of autonomous workers offering their skills and professionalisms into the labour market (Stanworth 1995). Moreover under mounting international pressures, firms started to downsize the directly employed workforce, increasingly recurring to external autonomous workers. Following such transformations, the post-fordist paradigm affirmed itself, requiring a new reserve army of independent workers.

Importantly, the marked tertiarization of the advanced economies further contributed to the demand of independent professional workers in the labour market (Wright 1997). New labour market segments emerged in sectors like intermediation, financial activities, consultancy and information sharing. This dynamic is strictly intertwined with the development of the ICT industry. New research streams are shedding light on independent workers and the new economies, including the platform economy (Drahokoupil and Fabo 2016), the collaborative economy (European Commission 2016) and the gig economy (McKinsey&Company 2016). Despite these economic segments still involve a limited share of workforce, they however open new considerations in the developments of work in the digital labour market, featured by poorly regulated, segmented or even unregulated working conditions for freelancers offering services online.

A third aspect to be considered is the change in individual preferences about lifestyle and the need to find alternative access to employment, due to the lack of standard employment contracts. The independent work in fact might represent a response to the search for alternative and innovative contractual arrangements that enable to experience hourly flexibility, high mobility, multi-employers commitments (Benz and Frey 2008). Since the

1970s, European and American sociologists attributed the surge in the population of independent workers to a sort of spontaneous and liberating uprising of the new generations of workers, attracted by new lifestyles alternative to the status of salaried dependent worker, tied to the constraints set by the firms (Bureau and Corsani 2014). The desire of higher autonomy, flexibility, discretion in the management of working time and place, the possibility to grasp the opportunities offered by the societal innovations. In synthesis the chance to establish own proper rules, as opposed to an heterodirect existence (Hakim 1988, Leighton 1982).

Adhering to the post-fordist paradigm hence implying the assumption that the proliferation of independent workers' population cannot be considered neither a cyclical effect of the employment crisis (Steinmetz and Wright 1989) nor simply a phenomenon limited to false-self-employment. Other commentators have partly attributed the revival of self-employment to the decline of employment opportunities in the salaried economy (Bogenhold and Staber 1991). It may be symptomatic of labour market deficiencies, rather than the result of fundamental changes in the 'advanced industrial economies that made self-employment more attractive and/or competitive' (Blau 1987: 447).

Conversely according to the post-fordist perspective, it configures as a structural phenomenon which seems to respond to the exigencies of the advanced economies and to their contemporary socio-economic needs. This topic has been explored in particular within the theoretical framework of the cognitive capitalism. The paradigm of cognitive capitalism postulates a further transition of advanced economies from the post-fordist era to the cultural-cognitive one (Colletis and Paulré 2008). According to this analytical approach, the cultural-cognitive economy has emerged from the dismantle of the fordist economy, replaced by a production chain based on networks of small production centres geographically dislocated, combined with globalization processes, the advent of the ICT and of the new media that fastened and eased the communications. In such context the content of work started to profoundly change its appearance: the production and the control of knowledge replace the production of goods. The immaterial production, in a word, substitutes the material production. In this perspective, the capitalist process of accumulation involves new immaterial goods such as knowledge, relationships, networks, and the control of space in both geographical as well as virtual terms (Negri and Vercellone 2007). The cognitive economy is

represented by sectors such as high-technology industry, business and financial services, personal services, the media, the graphic industry and the cultural industries.

The independent work has naturally spread and arisen against this backdrop of the cognitive economy. With a high degree of flexibility, an elevated educational background and a remarkable capacity to network and develop virtual relationships, the independent work has immediately fitted for the requirements of the cognitive economy.

4.2 The labour market segmentation theory

The theoretical contribution falling under the “labour market segmentation” theories have challenged the unity of the labour market since the 1970s. The (neo) institutional approach of dual labour market and the insider-outsider divide (Doeringer and Piore 1971) showed a dichotomy between a primary sector of workers with higher salaries and stability, and secondary sector of workers with lower wages and employment instability.

Furthermore, Doeringer and Piore demonstrated the advantages of the internalisation process, showing three major factors as responsible for the initial generation of Internal Labour Markets: skill specificity, on-the-job training and customary law, that refers to an unwritten set of rules largely based upon past practices.

An internal labour market exists when employers regularly fill vacancies for certain jobs from among their current employees rather than by external recruitment. Employers retain more control over job structures, which could be expected to vary considerably among industries and occupations.

The shift to the Fordist production regime was expressed in the development of elaborated internal labour markets -characterized by high wages and benefits, and cooperative industrial relations- that privileged seniority.

Internal markets are characterized by mobility between jobs within the same firm (and craft labour markets by mobility between firms but within the same sector) and are constituted by workers with interests in the longevity of the firm. Collective bargaining coordinated the interests of both managers and workers across the unionized sector of industry.

The dual labour market analytical framework influenced the subsequent neo-institutional debate, developed in particular by the Cambridge School, that emphasized the interaction

between internal and external labour markets (Rubery 1994, Cappelli 1995), using a multi-causality approach. Their studies on the Internal Labour Market transformations (Capelli et al. 1997; Grimshaw and Rubery 1998) highlighted that job and pay hierarchies, permanent contracts and training provisions were adopted not only to meet organizational needs (e.g. worker's commitment, a certain level of job stability and seniority schemes, in order to regain the on-the-job training costs and avoiding turn-over). They were related also to some particular exogenous conditions, such as strong Trade Unions, low unemployment and steady economic growth (Grimshaw et al. 2001).

Referring to industrial capitalism, Granovetter and Tilly (1988) showed that some important part of inequality derives from how workers are sorted among and within firms: "we emphasize the importance of the labour market as a set of institutions that sorts individuals with different personal characteristics into positions with differing rank or potential rewards". Employers and workers are not the only relevant actors. Governments, trade unions and other organized groups have also an important role in allocating workers to firms.

This issue is part of the wider socio-economic debate on inequality associated to labour and the ranking and sorting process in labour markets.

The report considers how unstructured external labour markets characterized by the temporary nature of employment contract and more market-based job arrangements, such as the case of new independent professionals, are challenging the traditional segmentation theory.

Internal Labour Market as a structured approach in managing the workforce is possibly less relevant and favourable today, in favour to an increased importance of a growing external and more competitive open market, as well as an increase of low quality jobs and precariousness.

The strategic use of the core-periphery and dual labour market model has shifted toward more market-mediated employment relationships, such as fixed-term and service contracts. The great expansion of temporary work became the main entry pathways affecting the young worker's generation, both low and high skilled. This strategy has exacerbated the competition between primary and secondary labour market sectors, posing a challenge to the traditional insiders–outsiders divide, especially in the aftermath of the crisis (Dolado et al. 2012).

Nowadays independent work has spread indifferently to all sectors of the economy and has become also much more diffused among professional and managerial jobs, since they

represent a pragmatic response to the needs of highly qualified and specific competences expressed by companies.

Hence, the so-called “secondary sector” of the labour market is losing part of its expected peculiarities, namely to be peripheral, contingent, unqualified, lower-paid and belonging to specific social groups.

From this perspective a good example is represented by the large and growing sector of the independent professionals, consultants, freelance (such as advertisers, designers, analysts, accountants, artists etc.), who are, as we have mentioned before, neither assimilated to traditional craft workers, nor exactly to liberal professionals. One might observe highly qualified/specialized profiles combined with working and individual behaviors that are very far from rules and values on which internal labour markets were built.

The dimensions of autonomy and entrepreneurship characterising freelance activities reflect their needs of independence and self-rule, so that sociologists have indicated new independent workers or “second generation self-employment” as opposed to bureaucracy and organisations.

Finally, the development of an intermediate sector in the labour market, such as the non-traditional forms of self-employment, has raised new social problems linked to unbalanced contractual conditions, unknown to the previous Fordist production model.

In other words, the new segmentation of labour market generates new social risks linked to the disparities in welfare entitlements (social protection and social investment) in many European countries, namely in Southern area where the employment protection regulation covers an increasingly reduced part (60%?) of total employment.

The transformation of post-industrial societies has not always been congruent with the transformation of public regulation: activities of recent professionalization have usually reduced social protection and increased fiscal disadvantages, unfair labour market conditions and non-union membership.

5. Policy approach

5.1 Labour regulation

The recent changes in the world of work above elucidated have progressively questioned the legal framework defining whether a worker has to be considered in an employment relationship or not. The legal status, either as employee or self-employed is often unclear. Such demarcation is particularly relevant since the belonging to a formal employment relationship entitles to an array of protections and right ensured by the labour law. The traditional paradigm of the standard employment relations characterised by a salaried worker depending through a full-time open-ended contract from an employer has seen a gradual decline accompanied by the widespread diffusion of self-employed workers. In particular, the growth of a grey area of employment between salaried dependent work and the independent employment has called into question the legislative boundaries of the employment relations, making increasingly problematic to establish the employment relationship and, accordingly, the entitlement of the rights and duties relating to such contractual relationship (Perulli 2003). Beyond overlapping and blurred boundaries between the two categories, not rarely attempts are made to ‘disguise the employment relationship or to exploit the inadequacies and gaps that exist in the legal framework or in its interpretation or application’ as a way as a way to benefit from an intermediate status between salaried and independent (Casale 2012).

International scholars have pointed out a first intermediate category generally classified as what is known as ‘economically dependent work’. According to the literature economically dependent workers, although formally regarded as self-employed, ‘they lack the criterion of economic independence on the market because they are mainly dependent on just one principal for their income’ (Schulze Buschoff and Schmidt 2009: 151).

Despite potential overlapping in practical implementation and in its repercussion for workers, this kind of self-employment must be clearly distinguished from what has been labelled as ‘bogus self-employment’. If in the former case the dependence from a main employer is primarily economic, in the latter we assist to a deliberate classification of a worker’s employment status as self-employed under the civil law framework, even though the quality of his or her working situation meets all the criteria that qualify an employment relationship as one of dependence.

The literature has paid considerable literature attention on ‘bogus self-employment’, otherwise labelled as ‘sham’, ‘disguised’ or ‘false’ employment. In this case, the legislative boundaries circumscribing the category of self-employed have been stretched on purpose as a way to exploit its economic and financial advantages. This illegal practice is implemented also through an inappropriate use of the commercial and civil legislative framework instead of the labour law code (European Commission 2006). One issue is that workers are forced into self-employment by employers with the aim to reduce labour costs. Compared to the dependent employment, independent work has few, in any, legal protections and fewer social security rights, making the relationship more convenient for the employer/client. In some other cases, workers voluntary opt for the self-employment as a way to lower some fiscal and social insurance contributions (European Parliament 2013). Hence the growing number of workers whose employment status is not clear is strictly intertwined with the fact that they do not enjoy the social and employment protections normally associated with their employment relationship.

Such problematic aspects have raised concerns at European level. The European Commission, in the Green Paper ‘Modernising labour law to meet the challenges of the 21st century’ (2006) promotes some forms of ‘best practice’ which the member states are invited to use as a benchmark. A ‘targeted approach’ is favoured, which gives ‘categories of vulnerable workers involved in complex employment relationships [...] minimum rights without an extension of the full range of labour law entitlements associated with standard work contracts’ (European Commission, 2006: 12). A more recent study commissioned by the European Parliament set more ambitious and universalistic goals in terms of social protections: ‘it is fully consistent with the ambition of the European social model to provide more universal and appropriate social protection for all, notwithstanding different formal types of employment. This implies also extending social protection, and particularly social insurance, to (dependent) self-employed or particular target groups or the creation of specific social security regimes for (dependent) self-employed workers (2013:11).

Hence, the literature regarding labour regulation has importantly dealt with the phenomenon of independent workers by investigating the legislative boundaries of such category, underlying the overlapping categories emerged between dependent and self-employment and the consequent misuse of such regulatory grey area. Independent work can actually be used to

circumvent and question core elements of labour law and social protection provisions, already limited if not lacking. The next section will deepen the latter problematic aspect.

5.2 Working conditions and social protection

In the international literature on social protections and welfare state system, independent work is treated as a phenomenon which present some challenges for social policy systems across the EU. In fact independent workers embody a social group not easy to position in the class structure. Its inherently intermediate and transversal configuration locate independent workers in a tricky position between social class and social status (Wright Mills 1951). In fact the generation of professional independent workers in the post-industrial economy are located in diametrically opposite position by class and by status. If on the one side the independent workers shared a high social status and an educational attainment, on the other side according to their income rate and the occupational position they look more like the middle class or even like the lower class (Ranci 2012). In other words the proliferation of these figures has widened the misalignment between class and status, reflected in the gap between the high professionalism attached to the occupational position and the low social status in terms of social rights and institutional protections, including low income, precarious working conditions, lack of universal welfare protections (D'Amours 2009).

A further contradiction characterises the status of independent worker. Similarly to dependent employees, independent workers rely on selling their labour. But differently from dependent employees, they are generally subject to the civil and commercial legislative framework, and not to labour law, thus do not enjoying employment protections guaranteed by labour rights (Buschoff and Schmidt 2009). This difference has led to a raising gap in employment and social rights to which independent workers are exposed compared to the population of dependent employees.

The notable resurgence of independent workers in Europe in fact in many cases, 'was not reflected in any formal overall review of the social security position of self-employed people' (Corden 1999: 32). Some preliminary contributions at the beginning of the 1990s had already pointed out such issue, observing a 'policy vacuum' and a 'stagnation' of social security policy for the groups of independent workers (Brown 1992). More recent studies have

confirmed the lack of an appropriate social security system for independent workers: ‘unlike dependent employees, a large proportion of self-employed people are not included in social security systems. Alongside the general protection scheme, which provides a minimal level of security, self-employed people are not or only partially covered by statutory systems. And even in case of coverage, the statutory social security systems for the self-employed are very heterogeneous’ (Fachinger and Frankus 2015: 135).

Traditionally, the social protection scheme for independent workers has been characterized by a high degree of voluntarism. Self-employed workers in fact are to a certain extent free to establish the level of protection they are willing to insure themselves against social risks, including invalidity, short and long term sickness, widowhood, disability, lack of clients (corresponding to unemployment), delay in payment (Directorate-General for Employment, 2014). More specifically, when health insurance is at stake, in most of the EU member states independent workers are covered by the country-specific national health service, but which generally represents, once again, a basic insurance that does not take into account the specific needs and demands of independent workers. The need to fill in the gaps in the social security entitlements of the independent workers’ population thus emerges as a question of legitimate rights and of justice (Schulze, Buschoff and Schmidt 2009). The issue is often addressed by policy and law-makers in terms of need to cope with their vulnerability in the social and welfare system. But vulnerability is only one aspect requiring policy intervention: ‘virtually no IPros self-define as vulnerable’ (Leighton 2013). What the literature has highlighted is the primary need to recognise that standard employment composes only a part of labour markets and economies. As a consequence, the widening of the independent workers’ segment in the labour market, generates further fundamental practical and societal questions concerning skills and training, recruitment, rewards systems, financial risks (Leighton 2015).

To recap, the renaissance of independent workers has raised three main policy implications that deserve a deeper investigation. A first issue concerns the regulatory framework of independent work: an up-to-date regulation of professional self-employment is necessary, consistent with the current socio-economic content in which they operate. A second problem deals with the new emerging demand put forward by independent workers, ranging from social security to employment protection. Independent workers, in fact, embody the outsiders of the welfare state, since they belong to an area largely abandoned to the market forces, and

without effective regulation, are bearers of new social needs. These social needs are both specific of their profession (such as the deductibility of expenditure on training aspects, concurrency control, the adequacy of the compensation, the payment terms, the fiscal treatment), and universalistic (such as maternity benefits, parental benefits, protection for accident and health, social security aspects and pension). Thirdly, all these demands, expressed mainly through the new and unconventional collective representation associations (such as Quasi Unions, Labour Market Intermediaries or spontaneous movements), posed problems of economic and social sustainability in the political arena, as well as problems of collective representation of independent workers' interests.

5.3 Collective representation

During the last decades of the 20th century, the role of trade unions as primary means of representation has begun to decline. This is due to industrial, economic, political and social changes (Regalia, 2009; Visser, 2010; Crouch, 2014, Treu, 2014). Therefore, the trade unions have become less successful in attracting new workers with different types of employment contracts (nonstandard jobs, economically dependent self-employed, independent professional workers- I-Pros). The traditional industrial regulation model based on collective bargaining (triangular employment relationship) cannot be applied to growing sectors and new forms of employment. At the same time, it is becoming less and less effective for a growing part of the traditional standard job (weaker coverage and coordination of collective bargaining) (Crouch, 2014: 84-85), and worst for non-traditional forms of employment. This trend has been described in Visser's comparative analysis (2010): in most European countries, the rate of standard workers covered by collective bargaining is decreasing. Bargaining takes place more and more at company's level.

When collective bargaining grows weaker even at company's level, "individual bargaining" becomes stronger (Crouch 2014). But the word "bargaining" is misleading: the company offers a pre-defined job position and the worker can only accept or refuse the offer. A real bargaining can only happen with "strong" workers, those who have strong skills, in great demand by the market. The spread of individual bargaining is strictly connected to the individualization process of the working condition, which has taken place in every industrialized country. The process is ambiguous as it bears both risks and opportunities. On

the one hand, it gives more freedom and self-determination, but on the other hand the worker is forced to face all the risks of his/her activity on an individual basis (Beck, 1999; Bauman, 2000, Bologna and Banfi 2012). The ambiguity of the individualization process is well represented by the new autonomous workers or freelancers or I-Pros who work mainly in the advanced tertiary sector and represent as we have seen a heterogeneous group, including both intellectual and technical professionals, various work contracts, incomes and who work in different markets. As Leighton (2004) has written: ‘While I-Pros have always existed within the labour market, they can be difficult to identify (...). By their nature, I-Pros are not the easiest to observe. For many, their work is wrapped in a wider context set by the client organisation hiring them for their expertise’.

Since the late Nineties, Trade Unions in Europe have tried, more or less, to extend their representation to the new generation of autonomous workers. In some countries, they have implemented new strategic and organizational actions in order to satisfy the protection needs of these workers (McCormick and Hyman 2013).

Some Trade Unions have offered services, such as legal, fiscal and social security assistance. They have adopted the servicing model (Traxler 2005) not only for the new professional autonomous workers, but also for all the nonstandard workers. Other trade unions have innovated their strategies by adopting new organizing patterns to promote direct participation of workers and their collective mobilization. This last model represents a more active approach, because Trade Unions do not try to attract workers but go and look for them (Frege and Kelly, 2004). Both servicing and organizing belong to a general strategy to expand the trade union representation in new sectors and new labour market segments, traditionally not organized (“Organizing the unorganized”). It has been probably also a reaction to the decline of unionization rates and to the loss of centrality of the traditional industrial relations models and central collective bargaining (Tattersal, 2011; Burawoy, 2008). These strategies have been so far mainly targeted to the lower segment of the labour market². «Quasi-union» (Hecksher and Carrè, 2006) and «Labour Market Intermediaries» (Autor, 2008) try to organize the new autonomous workers with medium-high skill level.

² For example, one of the most successful campaigns is “Justice for Janitors”, started in the early Nineties by SEIU (Service Employees International Unions), a North-American trade union which is present in the sector of low-skill services.

Quasi-unions have spread mainly where Trade Unions have not taken into account the peculiarity of the new generation of professional autonomous workers. Trade Unions have often considered them as atypical workers, false employees and/or entrepreneurs and in general they have neither understood nor represented their specific needs, both professionally and socially speaking. In the international literature, these organizations have been defined in different ways: Jenkins (2012) calls them “pre-union” while Sullivan (2010) defines them “proto-union”. They have anyway a common target: to increase the voice capacity of workers who face the risks of their working condition on an individual basis. They also have similar networking strategies (Heer et al, 2004; Hecksher and Carrè, 2006; Sullivan, 2010; Blyton and Jenkins, 2012; Tapia, 2013).

Hence, to recap, the transition from a labour market primarily grounded on a salaried dependent workforce towards a society where the demand and supply of labour are dominated by independent workers sheds light on the inefficacy and the incongruity of the traditional model of collective representation. Such shift in fact trigger a profound redefinition of the employment relations which calls for a revitalization in the strategies and organisational forms to collectively represent workers’ interests, while a number of scholars agree on the concern of integrating the increasingly heterogeneous constituencies of independent workers into the union movement (Dølvik and Waddington, 2002; Gottschall and Kroos, 2003; Keller, 2001). The difficulty to build a class consciousness within the population of independent workers is recognized, since they have limited personal contacts with other workers in their conditions of employment (Pernicka 2006).

1. Conclusion

Across European countries, the population of independent workers has known a remarkable growth over the last decade, especially in the advanced tertiary sector. Despite such fast resurgence, only limited research attention has been devoted to the topic. The present report has provided an overview of the phenomenon by adopting a threefold analytical tool: the conceptual tool to define the population we refer to; the explanatory tool to explore what are the determinants of their growth in the contemporary labour market; and a policy tool that

emphasised the normative aspects. Our conceptual approach points out the main definitional fallacies and misleading interpretations found in the literature concerning the concept of independent worker. These are due to lack of a univocal definition of independent work across countries.

The explanatory tool sheds light on the phenomenon from a socio-economic perspective, in which independent workers embody an expression of post-fordist work and of the developments in the advanced tertiary sector across European countries. From such standpoint, the population of independent workers challenges the traditional insider/outsider divide, acting as a bridge between the internal labour market and external labour markets, linking strategies of internalization of human resources and practices of outsourcing of services and skills. In other words they embody an intermediate labour force category that is located halfway between the hierarchical structure of the firm and the market, since they respond to labour demand coming from both sides.

Hence the increasing trend of independent workers cannot be considered neither a cyclical effect of the employment and financial crisis nor simply a phenomenon limited to false-self-employment. Conversely it configures as a structural phenomenon which seems to respond to the exigencies of the advanced economies and to their contemporary socio-economic needs, as the national data on the UK clearly show.

The growth of independent workers on the one side, and a clearer identification of the targeted population on the other have unveiled some important policy implications.

First, given the above mentioned complexities in unambiguously framing the professional figure of the independent worker, the regulatory and legislative frameworks present juridical anomalies and face difficulties in adapting to such an expanding population.

Second, we witness a growing role played by government regulation (at the macro level) in directly affecting the quality of work of independent workers (at the micro level) through both sectorial policy measures targeting sector-specific demands – corporatist- professional organization interests, such as deduction of expanses of training, time of payment, fiscal treatments – as well as universal measures linked to social and welfare protections, including maternity and parental leave, injury and illness protection, pension schemes.

Thirdly, in the light of the declining role played by Trade Unions in the traditional collective representation of workers' interests and demands, new forms of representation are emerging

and, accordingly, new relevant actors assert themselves such as the Quasi-Unions and the Labour Market Intermediaries.

These repercussions have visibly emerged in the political as well as in the public debate where the diffusion of policy agendas and manifestos promoted by bottom-up organisations and associations representing independent workers stands as remarkable tribute of the relevance of the issue. Nevertheless such debate has not fully entered and sedimented in the scientific debate. The next steps of the I-WIRE project aim at providing a contribution to such debate. An in-depth scrutiny of the phenomenon in nine European countries will be carried out, complemented by the case studies analysis of Trade Unions, Quasi Unions and LMIs and their strategies to represent and to give collective voice to independent workers.

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