



WP 2 - Comparative report of regulation models and characteristics of the actors involved in industrial relations for contingent workers and their strategies

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1. Introduction

The objective of the WP2 of SWIRL project is to analyse the different industrial relations regimes and the impact they have on protecting and representing slash workers/contingent workers from a comparative European perspective. A main focus is identifying emerging models and the experiences of organizations representing the interests of these workers. Through literature and secondary data analysis, interviews with institutional actors and stakeholders, we analyse the dynamics of regulation and how they affect the characteristics of organization and representation of these workers in the various European countries. The research will also explore how the different contexts of industrial relations influence the new strategies adopted by trade unions, organizations and companies to meet the needs of protecting slash/contingent workers. In addition to traditional actors of industrial relations, the emergence of new actors of representation (Quasi-unions, umbrella companies and cooperatives, platform cooperativism), both nationally and locally, is also taken into account.

We address the following questions: Do traditional models of industrial relations still have any explanatory power in showing differences between countries in their ability to regulate modern forms of work? Have the actors impacting on the system of regulating work and protecting workers shifted or have new ones emerged? Are the issues usually associated with industrial relations research and bargaining still valid today or are other issues more pressing?

The report is based on the continuous work of SWIRL partners who have produced two national reports each, based on a commonly elaborated methodology and templates (see the reports in Annexe). The first set of national reports provided an overview of the models of regulation, policy and industrial relations in their countries and addressed the issue of how these respective systems have responded to the challenges and needs of slash workers/contingent workers. Six country reports (Bulgaria, Belgium, France, Germany, Italy, Spain) were delivered in the autumn of 2019 and then revised at the beginning of 2020. Those reports were based mainly on desk research. The second set of reports were based on interviews with key stakeholders in five of the countries covered by the research:

Bulgaria, France, Germany, Italy and Spain. Here the main focus was new actions and initiatives to deal with the challenges for slash workers and how organizations are adapting to changes in work and employment. In total, 6 interviews were carried out in Bulgaria, 7 in France, 5 in Germany, 8 in Italy and 5 in Spain (31 in total).

This report includes an introduction, a section on developments in industrial relations models and how they address slash/contingent workers, a section on the various types of regulations, guidelines and laws that are emerging to protect and improve working conditions for slash workers, and a section on collective action and initiatives designed to represent/protect such workers. A final section offers some conclusions and policy recommendations.

2. The Industrial Relations models and their evolution

A main bulwark of industrial relations research is the assumption that different models of representation exist in different institutional contexts and that these contexts explain the ability of organized industrial relations actors to protect workers. One question confronting us today is to what extent traditional models and approaches of industrial relations help us to understand the contemporary world of work in order to formulate policy to support today's changing workforce. Industrial relations has, up to now, mainly concentrated on company-centered, place-based work, usually in established sectors, with traditional forms of labor relations describing the interaction between employers, unions and workers. Much work and a high share of the workforce still takes place in these contexts. However, the landscape of work is changing as a result of digitalization, the use of platforms, shifts from traditional industrial sectors to service sectors, etc. Traditional industrial relations research tended in any case to neglect or at least underrepresent certain sections of the workforce where more precarious, contingent and atypical forms of employment were occurring, often among women and minorities. (Meil 2009) At the same time, company policies involving outsourcing and offshoring, exiting from employer associations that participate in corporatist patterns of collective bargaining, increases in temporary and irregular employment relations have been on the increase (Doellgast and Greer 2007; Huws 2014; Conen 2020; Heiland 2020). Additionally, it appears that companies have become much more aggressive in finding ways of bypassing existing regulations even in countries known for their high quality of social dialogue (Meil et al 2009; Meil 2012)

The focus of the research in this project goes one step further in analyzing the challenges and strategies for industrial relations in light of new working arrangements and conditions by looking at workers with multiple jobs in potentially both place-bound and virtual/remote working arrangements and with differing skill levels. Given the difficulty that traditional models of industrial relations have demonstrated in addressing the needs of contingent workers, self-employed and free-lance workers, platform workers, and other new forms of work, the following questions arise: Do traditional models of industrial relations still have

any explanatory power in showing differences between countries in their ability to regulate modern forms of work and in protecting diverse workforces? Have the actors impacting on the system of regulating work and protecting workers shifted or have new ones emerged? Are the issues usually associated with industrial relations research and bargaining still valid today or are other issues more pressing?

2.1. The foundations of traditional industrial relations in Europe

Traditional research on industrial relations has provided us with the set of institutions and actors to understand the contexts in which industrial relations occurs and the regulations that emerge from it as well as the means to compare the types of protections and concrete form that regulation of the employment relationship takes, for example in the form of rules, procedures, topics and arenas of negotiation. (Meil et al. 2003)

Research on industrial relations from the 70`s through the 90`s often developed models which identified different industrial relations systems based on national institutional contexts (Esping-Andersen 1990; 1996; Crouch 2001; van Gyes 2003; Soskice and Hall 2001; Streeck 1998; Jacoby 1995; Düll and Bechtle 1988). This research showed how differences in welfare regime types, varieties of capitalism and accompanying national variations in institutional coordination, and different systems underlying collective bargaining and norm setting in workplaces impact on worker protection and quality of worklife. These national groupings focused on the roles and relations between institutions in the country and their effects on worker and employment outcomes, mostly regarding traditional aspects of collective bargaining such as wages, hours, job security, benefits, etc. and concentrated on standard employees in standard employment situations.

The comparative studies often included normative explanations on which systems protected workers more effectively. From a policy perspective, there was little room for action if one happened to come from a weaker rather a stronger institutional setting for determining worker security or good working conditions. In this way, the models were largely descriptive. Of course, a basic premise underlying the research was that strong

institutions and coordination of industrial relations actors engender strong industrial relations and better worker protection.

An important legacy deriving from industrial relations research is the identification of the actors involved in the process of bargaining and regulation. These include the state, various institutions, and organizations at national, regional and local levels (unions, employer associations, works councils, companies), as well as individual workers. The traditional systems in Western Europe upon which much of the analysis on industrial relations took place were dominated by large actors – unions, employers' associations and the state. The models of industrial relations generally gave these actors roles in the process and compared systems based on levels of coordination or conflict that its institutions and their actors displayed as well as the role of markets vs. states in the determination of employment regulation.

One example of such model development is the hybrid models developed by van Gyes (2003).

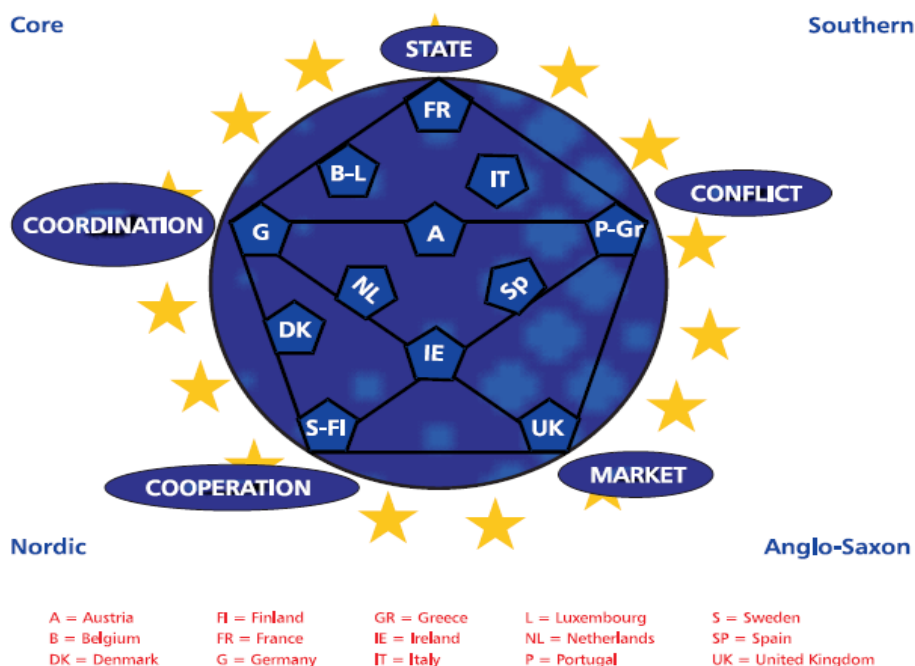


Figure 2.1. Industrial relations and innovation clusters, the EU countries sorted

Source: Van Gyes 2003

In figure 1, van Gyes maps industrial relations systems across Europe in a field characterized by 2 actors: the state and the market, and additionally the levels of coordination, cooperation or conflict that determine how regulation occurs. The models generally tried to determine the extent of centralization, institutionalization, levels of union membership, the level of coordination in the bargaining process and at what level (national, sectoral, company) agreements were reached. They addressed the issues of whether strikes or other collective action characterized the system. And other questions such as: Do the actors of capital and labor negotiate toward compromise? Are typical institutions involved in the industrial relations process within a fixed set of guidelines and areas of negotiation? In the typology above, the areas of Europe were divided into the Nordic countries, the South, the Anglo-Saxon countries, and the so-called core. This is, of course, reminiscent of Esping-Andersen's (1990; 1996) earlier divisions of the welfare state into 3 typologies: the Nordic countries, Continental Europe and the Anglo-Saxon countries). Later, other research complemented these earlier studies, adding Mediterranean and Eastern European models to the comparison. (Ferrera 1996; Delteil & Kirov 2016) see table 1

Table 2.1: Regional breakdown of industrial relations types

Regional Traditional Models of Industrial Relations
Nordic corporatism:
Centralised; high union membership, state support; highly institutionalised; sector level collective bargaining; high cooperation between trade union and employer confederations
Continental Social Partnership:
Organised interests more segmented; high levels of coordination; Sector level collective agreements; social partner regulatory function; complex regulatory system
Anglo Saxon:
Voluntary „free“ collective bargaining; strong central organisation lacking; Company level collective agreements; Fragmented unions
Mediterranean system:
Weak institutionalisation; politicised union division; adversarial relations between IR actors; political mobilisation for state intervention
Central-Eastern European (post-communist) system:
Weak representation and trade union density, dominance of the company level bargaining, PR or façade "tripartism (state using tripartism to legitimize some decisions), weak employers' movement, often dominated by multinationals.

Industrial relations research not only involves actors and institutions, but also a broad range of issues that are the subject (and the source of conflict) for bargaining. (see table 2) Along with examining how actors and institutions are responding to the challenges of contingent and slash work, we are also looking at whether the typical topics of regulation are still valid today or are undergoing shifts or expansions to meet the needs of contingent and slash workers.

Table 2.2: Topics of regulation

Wage formation, wage protection
Contract Types
Time use, working hours
Employment protection measures
Qualification rules, training initiatives
Active labor market measures
Labor market characteristics (i.e. full time, permanent; skill levels)
Working conditions (benefits, collective agreements, overtime, intensification, health standards, etc.)
Social Benefits; Unemployment, Retirement

As mentioned, the original models of industrial relations created typologies by country groupings characterized by their state vs. market orientations, the level of cooperation or coordination of the institutions or institutional actors involved in industrial relations, norm-building structures, and the types of procedures and fixed issues for negotiation. These models have been undergoing change for quite some time. Part of this change was due to a general and ongoing shift from industrial to service sectors of employment, increases in non-standard forms of employment, and shifting and overlapping occupational profiles. An additional part of the shift is due to newer developments surrounding platform and gig work, virtual work and slash work, facilitated by the widespread use of the internet, access to IT, and social media. This has introduced new avenues for work opportunities, connecting to customers, etc. and creates new models of prosumerism and producers.

2.2. Country Comparisons

In the country reports the partners were asked to describe the industrial relations models in their countries and to trace how these models have responded to the challenges of contingent and slash workers. We examined the level at which regulations have traditionally taken place and how that has potentially shifted over time, the levels and areas of protection that are mainly targeted, which actors are the main focus for regulation, which institutions and actors have been involved in the regulation process and what kinds of new initiatives have emerged to meet the demands of contingent and slash work. (see table 3)

All the countries have differing levels of regulation: The State, the national level, the sector level and even the company level. There are some differences in the emphasis on various levels, however. In Belgium the national level is dominant while in Germany, Spain and Italy the sector level and also company level bargaining is prevalent. The State is a strong actor in France, and also plays major roles in Germany, Italy and Spain, but is less present in the new member states, illustrated by the example of Bulgaria. Bargaining tends to occur strongly in traditional sectors in all of the countries and labor law and statutes are gaining ground in all countries, but particularly relevant in Spain, Italy and to some extent Germany. In Bulgaria, the bulk of bargaining takes place at company level, mainly in the manufacturing and in the public sector, leaving large areas of employment, e.g. in services, only to individual arrangements.

Thus, all of the countries examined (Bulgaria, Belgium, France, Germany, Italy, Spain) have regulation systems in which the state, collective bargaining at mostly sectoral level, but also at national level, labor law, and in some cases additional bargaining at the company level, are involved in some mix of influence and control. (see table 3 below) Most of the collective bargaining as it has been practiced up to now has been geared toward established industries and occupations with employment taking place in companies, mostly in the form of regular employment contracts. The lack of place-bound employment and the contingent nature of the work has created a number of challenges for industrial relations actors and their ability to regulate up to the point that in some settings or for some workers little regulation has taken place.

The areas of negotiation in the countries is, not surprisingly, geared toward regular place-bound employment and traditional areas of protection. These include wages and working time and contract regulation, including employment protections. Social security regimes and insurance is a growing area of concern, particularly in France, Germany, Italy. Working conditions are addressed specifically in Germany and Spain.

A central challenge for industrial relations is who is targeted in regulation since the systems up to now have been geared toward regular dependent employees who work for companies. In Belgium this focus on dependent employees is still predominant and has affected the trajectory of regulation in most cases. . In the other countries examined, there has been an attempt to address a broader range of workers who fall into the contingent and slash categories in addition to the traditional areas of negotiation for dependent employees.

One major difference between the countries is in their attempts to deal with today's self-employed or free-lance workers who might differ from those workers in the past. Spain, for instance, has the LETA and TRADE laws from 2007 which give entitlements to and "a series of rights related to employment (working time, holidays, termination of the contract)" (Spanish country report 2019). Belgium, at the other end of the spectrum, has been struggling to change the characterization of self-employed workers as "those who are not dependent employees" and are "entrepreneurs developing their own business activities" (Belgian country study 2020). In Italy, the self-employed and semi-subordinate workers were not traditionally covered under the provisions in national collective agreements. In two sectors, however, (telecommunications and logistics and goods' transport) agreements were achieved which covered semi-subordinate workers and food delivery workers. In general, however, the self-employed are either in liberal professions and represented by their associations, or in the ever-growing non-regulated professions which are only partially represented by professional associations and which contain a sort of grey zone for regulation. A new intermediate was also created - the semi-subordinate worker. This intermediate category, between dependent employees and self-employed, was introduced by the legislation in order to fit the employers need for flexible labour contracts: There are laws regulating the employment of this worker group, who are

formally autonomous, but it is unclear how much protection it really offers them (Italy country report). In Germany self-employed workers also are mostly professionals and join professional associations to represent them (there are 200-300 of them). However, they can also join trade unions and, if employers' associations are willing, can negotiate collective agreements as an occupational group. Journalists have been successful in negotiating agreements and certain creative occupations (some artists and actors) have special agreements on health and pension benefits. As with other countries, efforts among industrial relations actors and the state also focus on preventing bogus self-employed status. This includes basically working for one employer but retaining self-employment status: there are motivations (taxes and payment of social contributions) among both employers and employees to do this. Other aspects of self-employment status are more difficult to regulate – particularly those involving platform and gig workers. As in the other countries in our project, there have been some successes in getting food delivery workers and Uber drivers more protections and classifications as employees with regular contracts (although often temporary) rather than remaining self-employed. In Bulgaria some of the trends in atypical work are not clearly visible due to the prevalence of the informal economy which has a strong and ongoing role. As with the other countries in the project, many of the self-employed in Bulgaria are in designated professions. There are other types of self-employed. However, the category is not seen as an important new employment relationship for platform or gig workers or other types of slash workers nor as yet a potential group for union organizing.

One aspect of industrial relations that emerges clearly in all of the country reports is the difficulty with organizing or regulating non workplace-bound work. This is one reason that the initiatives and successes that have been recorded in new work forms and among contingent workers largely revolves around locally bounded gig workers such as food delivery workers or other transport and delivery workers. This is independent of industrial relations system or model. Although the country reports show that it is difficult to regulate contingent and slash work, they also show that having some existing structures and resources facilitate the support of initiatives to regulate work and improve working conditions. All of the countries examined here did demonstrate successes in organizing food couriers and drivers with the exception of Bulgaria. The existence of works councils,

unions with resources to support legal action and an organized political voice were all part of the institutions that existed in Western Europe but were absent in Bulgaria.

Based on the six country studies on regulation models specifically for contingent/slash workers in this project, we can identify a clear shift in the patterns of industrial relations types that have traditionally been divided by Southern Europe and Central or Continental Europe. Collective bargaining has been extremely hard to achieve for contingent workforces across the countries examined in this project. Self-employed workers rarely achieve regulations for social protection outside of already existing structures except in small pockets of successful initiatives. In this way, Germany, Italy, Spain and Belgium have all moved somewhat more toward market mediated orientations away from state-controlled structures when it comes to regulating the contingent workforce. Also, there seems to be less organized conflict (strikes or other union led actions), and a move toward a much greater role of labor law and the labor courts in mediation processes. France still displays a relatively large role of the state, although somewhat less prominent than portrayed in past models, as well as a greater tendency toward organized conflict (strikes, etc.) than the other countries in the project. Eastern Europe was mostly absent from traditional modelling of industrial relations regulation and has been in any case difficult to place in the fields characterizing traditional Western industrial relations. Levels of coordination, cooperation and conflict among institutionalized industrial relations actors do not adequately reflect the interactions between unions, employers and the state in part because “in the context of a weak state, the coordination among institutions is often problematic, e.g. in order to impose compliance with the existing regulation” (Bulgarian country study 2019). The state does play a role in regulation, but the market is also a powerful mediator.

In the Swirl project, we have a cross-section of countries represented which allows some comparison of how different national systems of industrial relations are dealing with the challenges of new types of work, in particular, slash work. Slash work captures a broad range of worker and employment types: regular contractual employment, self-employment and free-lance work, platform work, contingent work - often in some kind of combination. This mix of employment relationships and work content is a challenge and a blind spot for

most institutionalized systems of industrial relations which have generally focused their activities on regular full-time employment based in company environments. Country reports delivered by the project participants initially provided background information on the system of industrial relations and then what types of activities in areas such as regulation, labor law, or collective bargaining have been carried out for contingent and alternative forms of work. These reports were expanded with an analysis based on interviews with industrial relations and other actors of interest representation on new initiatives and strategies that were being developed at various levels – national, regional and local – to improve the protections and working conditions for slash workers. For this project, we are particularly interested in understanding the interaction between existing systems of industrial relations and new innovative strategies given that new forms of slash work often tend to go beyond national boundaries (platform work, mobility of free-lance workers, and absence of a fixed place of work) and generally have a hard time fitting into the structures of existing systems that were designed for specific workforces and work situations. Thus, on the one hand, it is necessary to see what regional and local initiatives are successful, and at the same time, see what general trends and lessons can be gleaned to provide impulses for Europe-wide legislation and guidelines.

In most of the countries examined here, there is an intensified use of labor law to mediate conflicts and look for guidance and support in regulating work for contingent workers. Also, there is increased pressure to turn to the European Union for the passage of directives and guidelines for regulating contingent work. This is particularly the case for platform workers, since in the virtual world of work, national boundaries as places of regulation have decreased significance. This is a challenge for traditional institutions of industrial relations, which in the past, were very geared toward national systems.

An interesting phenomenon is that, at the same time that more macro levels of regulation have gained relevance, local initiatives at the grass roots level among the actors involved in the contingent work, have also played an important role in achieving protection and rights for certain groups of workers. In Spain, for instance, the labor courts have taken on an important role in advocating for workers and at the same time grass roots initiatives from delivery workers and couriers were the driving force behind getting some new

protections and regulations. Union representatives from several countries were looking toward the EU to provide some guidelines or regulations on the definition of “employee”, protections for the self-employed, and basic levels of insurance protection across EU boundaries. Simultaneously groups of workers in the countries were finding ways to form cooperatives or launch campaigns to publicize the poor working conditions in their contingent jobs. Sometimes, these initiatives receive the support of established institutions such as unions and local associations. These actions make clear the difficult role for unions or other institutions of interest representation whose strategies centered around company-bound employment in national or regional settings. In general, the landscape for industrial relations is changing and very much in flux. There are also differences between countries in the types and numbers of initiatives, as well as the successes, as will be demonstrated in later sections of this report.

2.3. New actors

Quite a few new actors have emerged as a result of changing workplaces that impact the activities of industrial relations. The platform economy and the gig economy have introduced new actors on the worker side and causing an increase in workers with self-employed, free-lance and temporary statuses, but also on the employer side with platforms, intransparent customers, app assignments determined by algorithms, etc.

2.4. Definitions of slash work

Industrial relations actors in the countries examined in our project were not familiar with the term slash work per se. The definition used in our project context: “having two or more jobs in at least 2 different activities” was one with which all of the respondents could identify. Many felt that incidences of slash work were on the rise in their countries. Most trade union representatives associate slash work with precarious, contingent and atypical forms of work in contrast to regular full-time employment relationships in which one job as a dependent employee is the norm. It is possible to have 2 different jobs in different activities that are not atypical or precarious: in Germany this would be referred to as hybrid

work status. If at least one of the activities is not protected with employment status or benefits, the work would then be atypical or precarious. Self-employed and free-lance workers might also be atypical, but not necessarily precarious or contingent workers. Often however, slash work is on the rise because it is not possible for the workers, no matter what their employment status is in their primary job, to survive with one income.

Another aspect of slash work that was very prevalent in the interviews with industrial relations actors is its diverse skill range. Thus, both workers in underpaid jobs with low skills and highly qualified professionals in creative sectors characterize slash work. This aspect of slash work is an additional factor in making it difficult to regulate since the interests of the workforce may vary and their leverage for negotiation differs as well. Additionally, there seemed to be differences between countries regarding who slash workers are and in what sectors they can be found. For instance, in Bulgaria, platform work was largely used by low-skilled workers who had difficulty establishing themselves on the regular labor market while in France, there seemed to be a stronger trend towards seeing less regulated employment as a type of flexibility that many workers found attractive. In Spain and Germany there is a clear dichotomy between low and high skilled workers in slash work arrangements. Those workers whose atypical employment was coupled with contingent and precarious employment were the ones with low and irregular incomes. High skilled slash workers were often solo self-employed in well-paid occupations, but with potentially irregular employment.

2.5. and new issues

There is also an array of new issues arising in the changing landscape of work and a new urgency in protections that have existed but bypass those who aren't in a fixed, regular employment relationship. How can self-employed or temporary employees with multiple employers or invisible employers such as platforms be ensured social benefits such as health insurance or contributions into pensions or unemployment benefits? How can fair payment be assured in globally competitive virtual work environments? How can professionalization, recognition of skills, training be organized in virtual or irregular work environments?

Table 2.3 Country comparisons – summaries from the reports

Countries	Level that regulation takes place	Levels and Areas of Protection	Who is targeted?	Institutions/Actors involved –	New Initiatives
Belgium	National; sector; some company level. Strong collective bargaining in traditional sectors	Wages, working time, training, classification	Dependent employees (self-employed rarely) “collaborative platform workers legislation (2017)” the 1st EU country regulation for this group	Trade unions; employer associations; labour council; central council of the economy; sectorial joint committees	Employee sharing; combat bogus self-employment; new tax regime for some digital workers; flex-job regulations; cooperatives
Bulgaria	State (labour and other legislation), almost no collective bargaining for this category	Contract regulation	Self-employed, informal employees	General Labour Inspection, National Social Security Institute	Light forms of exchange within internet forums
France	Strong State (labour law) and strong social dialogue tradition, multiple levels, but also now ‘decrees’	Contract regulation, social security regimes	agency work; self-employment regimes, and fixed-terms contracts, e.g. intermittent work	State, social partners, courts	Taxi drivers’ case, organizing of delivery workers both by traditional and non-traditional organizations
Germany	State and EU; labor law; strong sector-level bargaining; company level bargaining	Differs by workforce; employment protection; working conditions;	Self-employed; Free-lancers; Platform workers; Precarious contingent workers	Some state regulatory agencies; Unions; self-organization of workers; empl. assc.; occup. assc.	Platform pledge; Mobilize self-employed; form works councils in non-union sectors

Italy	State regulation; collective bargaining at sectoral level; some company agreement; labor law	Employment and occupational protection; pay and insurance (food delivery riders); working conditions; social security schemes	Self-employed; semi-subordinated; temp agency workers; precarious workers in specific industries (call center, food delivery riders).	Government; judiciary courts; trade unions; self-organization of workers; employers' associations	New lobbying and network groups; court ruling; new associative forms; bottom-up mobilisation (i.e. food delivery drivers)
Spain	State (labor law); Worker`s statute; EU legislation; collective bargaining at sector and company level;	Contract regulation; working conditions: wages, working time, health at work; social security benefits	Dependent employees (includes full time and part-time workers, agency workers, temporary workers) ; TRADEs through Professional Interest Agreement	Courts; Labour Inspection; Trade Unions; self-organization of workers; employers' association	Mandatory social insurance initiatives; union rep.at company level; „street work“ organizing; info campaigns

3. The regulations for alternative work

This section explores the regulations applied for contingent/slash workers and for alternative employment in a larger sense as they make use of these forms or their combinations in order to exercise their activity. After the short presentation of the main country findings, two tables summarize the regulation types as well as the specific categories of alternative workers and how they are regulated (if at all).

In **Belgium** still the focus of employment legislation is on standard employment and there are no hybrid forms between employee and self-employed (Belgian Country Report, 2020):

The Belgian regulatory framework is deeply rooted to standard employment relationships, so basically salaried employees, disregarding nonstandard work arrangements. Triangular employment relationships which go beyond traditional parties (workers and employers), including the clients/customers as third parties are strictly regulated. The intermediation of staff is prohibited, except for temporary work agencies. "Wage portage" (for instance employees hired and paid by an umbrella company) is prohibited. Nevertheless, various recent legislative interventions have introduced new alternative working arrangements.

However, self-employment could take three different forms: "a full-time self-employed worker; part-time self-employed workers holding at the same time a main salaried activity; self-employed workers under a special compensation system, for those who benefit from the limited expense compensation system" (op. cit.). Actually, the third case is not a specific legal form, but rather a social security exemption for a certain amount daily and yearly.

In addition, freelancers could be also hired by a cooperative and actually be considered a regular employee. While in Belgium there is no specific employment regulation for platform work, recently (2017) a fiscal measure was introduced for those working online: if their income is up to 5000 Euros per year, they pay only 10% income tax, compared to 33% normally.

In **Bulgaria** traditionally typical employment forms dominate the labour market. That is why the employment regulations are particularly focused on the typical employment relationships, leaving the atypical outside focus (only small percentages work part-time, on short-term contracts or as temporary agency workers) (Kirov 2020):

“The Bulgarian labour legislation differentiates between employment (regulated by the Labour code) and non-employment relations (e.g. provision of free-lance services). In order to understand the regulation of those types of work, there is a need to consider the regulations both for employment and non-employment relationships. In practice, slash workers could use a variety of combinations of elements from those relationships. For example, a slash worker can be employed on a labour contract, but to exercise additional activities on a civil contract, or to combine civil contracts or to have main and additional employment contract, and so on. As mentioned, the slash work could be also done within the informal area, including for platform workers. The worker or employee may also conclude employment contracts with other employers for a job outside his working hours under his primary employment relationship (outside additional work), unless otherwise stipulated by his individual employment contract under his primary employment relationship (Art. 111, LC)”.

The self-employed could register as unipersonal company or just provide services on the basis of civil contract/s. In the latter case they contribute to pension and health insurance rights, but could not receive unemployment benefits. In the country there is no regulation for platform work yet.

In **France**, according to Casili & Wahal (2020):

“...there is still a legislative void concerning the regulation of contingent work, which is not controlled by specific norms or contracts. As such, contingent work mainly falls within three pre-existing contract categories: agency work; self-employment regimes, and fixed-terms contracts, namely intermittent work (which designates occupations where working periods and non-working periods are alternated, in line with the fluctuations of the activity) and seasonal work”.

The different forms are examined in the table 4 below. It is interesting to note that since 2016, there is a special category of platform workers, introduced in the Labour Code. However, according to the report:

“In conclusion, while France has been the setting of innovative regulations seeking to address platform work, the legal apparatus involved in the definition of such work appears complex and still insufficiently clear”.

In **Germany**, *“platform workers and other contingent workers are mostly categorized as self-employed and therefore are not covered under the union agreements on working time, job protection, social service provisions (health care, retirement, etc.)”* (Meil 2020). During the last years an increase of the temporary contracts has been observed in the country: those could be with “a reason and motive in the hiring process (seasonal work for instance)” and those that are not given a reason.

The self-employed or freelancers perform work for a company, but not as an employee and get a stipend or a wage, but not a salary. According to Meil (2020):

“Freelancers are not supposed to only have one employer – in this case they and their employer would be breaking the law of “false self-employment” in which neither side pays into the social service insurance. Many occupations which are mostly highly skilled such as scientific, artistic, literary, educational are categorized as self-employment occupational categories (doctors, lawyers, engineers, architect, tax advisors, journalists, translators, etc.). Free-lancers have to register as such and are subject to paying income tax. Above a certain income, they are also subject to other commercial taxes. Contracts similar to free-lancers are “Dienst (service) or Werk (product)” contracts. These are contracts for particular packets of work for an employer with an agreed upon fixed sum for the work to be delivered”.

In 2003 **Germany** also established the so called mini-jobs, paid monthly up to 450 € for a limited contract period. According to Meil (2020):

“In the past, they were often used in low-skilled job sectors such as the cleaning sector. Now mini-jobs are often used as second jobs, jobs for child-carers, pensioners, etc. Companies have to pay 25% share to taxes and social service

contributions; the employees have health care and (very small) contributions to pensions, and do not have to pay any share from their wage”.

In **Italy** self-employed could belong to two categories, those exercising license professions and those that do not need a registration (Mori, 2020). Another important group represents a hybrid form and has developed since the late 1990s during the reforms of the labour legislation:

“Referred also as “semi-subordinate” contracts (para-subordinato), they embody an intermediate contractual category between the segment of employees and the segment of self-employed workers, combining employment conditions typical of subordinated work with other characteristics featuring self-employment”.

Different types of semi-subordinate contracts are presented in the Italian report: such as the “Continuous and Coordinated Contractual relationship”, the “project contract” and the “occasional collaborator”.

More recently, in 2017, was introduced the contract for occasional services” (Mori 2020):

“...as a way to regulate a grey zone of sporadic and often not declared work, in particular in specific economic sectors like agriculture and the tourism industry. Through a voucher system provided by the National Institute for Social Protection (INPS), a wide range of users (including professionals, self-employed workers, entrepreneurs, non-profit organisations and associations, foundations and private institutions, public administrations, hotel and hospitality structures in the tourism sector) could acquire work performances through this occasional contract”.

In **Spain**, the authors of the national report (Ferradans et al. 2020) state that:

“...there is still a regulatory void regarding contingent work in Spain. Due to this absence of legislation, the relationship between the platform and the user service provider must be analysed on a case-by-case basis in order to determine whether we are dealing with a self-employed worker, an economically dependent self-employed worker or a “traditional” employment relationship, be it part or full-time.

In addition, the digital transformation contributes to the complexity, as explained in the citation below”(op. cit.):

“In this context, economic and technological transformations have generated new grey areas in the Labour legislation, i.e. digitalisation is causing an increase in the individualisation of labour relations, while the boundaries between self-employment and employment are becoming blurred”.

Because of the regulative void for contingent workers, the relationship between the platform and the online worker should be examined case by case. In the Spanish case the uncertainty and blurring boundaries between categories have called for the intervention of courts at different levels, producing rulings that might be controversial.

Finally, according to the report: *“So far, Spain has not adopted any specific regulation on platform workers, or other forms of digital work.”*

The national reports summarise the existing forms of regulation, applied to contingent/slash workers and in general to alternative work. As it is visible from table 4, the main form of regulation is the legal one, stemming out from labour, civil, fiscal, commercial and social security legislation. In all the countries covered by the research, there are clauses both in the labour legislation and in the civil legislation, defining the statute of the different categories and other laws, for example for social securities and fiscal, defining their rights and obligations.

But as the complexity of the legal provisions leads to a blurring boundaries between categories (as it is the case in Spain), the courts are mobilised in order to interpret the ad-hoc cases. However, up to now it has led to the promulgation of several, often contradictory rulings of Spanish courts at different levels.

The regulation is also supplemented in some cases by non-binding instruments, such as the German Code of Conduct for platform work (Meil 2020). However, the effect of those instruments is still to be evaluated.

Finally, an important part of the regulation is brought by the industrial relations systems, as illustrated in Section 2.

Table 3.1. Types of regulation instruments and their use in the researched countries

	Belgium	Bulgaria	France	Germany	Italy	Spain
Legislation	Labour Legislation, Legislation for self-employed, Fiscal legislation	Labour legislation for the employment contracts Civil Code for the civil contracts for service provision Tax and social security legislation	Labour Code	Labour Code	National legislative framework applies for self-employment (Civil Code) and flexible contractual arrangements (semi-subordinate workers)	Labour legislation
Court decisions	The Belgian legislation on collaborative economy (2017) allows workers from accredited platforms (such as Deliveroo, uberEats and listminat) to earn up to about 5000€ annually and pay 10% (of withholding) taxes, no social contributions. Other cases are pending regarding the status of couriers as	Not available	French labor law differentiates between two statuses: salaried and non-salaried work. The differentiation criterion being the existence of a proven subordination link, no matter the workers official legal status. Several court decisions concern a platform worker re-qualification as an employee, but only for single cases: The majority of the cases focus on platforms drivers	In Jan. 2020 the German labour court ruled that platform workers can be considered regular employees under certain conditions. The plaintiff was represented by IG Metall.	Judgment of the Court of Appeal of Turin (2019), following an appeal, established that riders have the right to receive as payment a specific wage level calculated on the salary for employees set by the NCA for the logistic and transport sector. Accordingly, the riders were entitled to paid holidays, sick pay and an extra-"thirteen" month of salary the same	The Supreme Court ruling of January 25, 2000, "the nature of the contracts is not determined by the name given to them by the parties, but by the reality of the functions that take place If these functions fall within the provisions of Article 1.1 of the Workers Statute, the contract will have an employment nature whatever the name the contracting parties gave it". Since 2017 several controversial rulings from the Spanish courts on this matter.

	employees or self-employed.		and couriers ¹ :		as dependent workers.	
Non-binding regulation	n.a.	n.a.	n.a.	Code of Conduct for platform work	n.a.	n.a.
Other (collective agreements) – see part 2						

¹ Paris appeal court: - 13/12/2017: Lecab ; - 10/01/2019: Uber ; Cours de cassation: - 28/11/2018: Takeeateasy; - 04/05/2020: Uber, But cases regarding micro-workers can also be found:- Douais appeal court: 10/02/2020

The following table (5) summarizes the different forms of alternative work, identified in the national reports, as well as the specific regulations applied to them. While some categories are present in all the countries, others are specific for some labour markets – e.g. the minijobs for the German one, the contracts for occasional work in Italy or the intermittent contracts in France and in Italy.

The development of the regulative framework illustrates a trend for increasing variety and complexity of the regulative frameworks in order to cover increasingly diverse cases of alternative work. While some of the employment forms have been developing for a long time (e.g. from the end of 1990s for the semi-subordinate workers in Italy, or from 2003 for the Mini-jobs in Germany or the contracts for occasional work in Italy, reformed in 2017), others emerged relatively recently, for example the 1-day labour contracts in agriculture in Bulgaria (2015).

The platform work is still in a regulatory void in most of the countries covered, although new forms emerge, such as the case in France from 2016. But even in cases where regulation is emerging, it is not able to effectively protect platform workers. The Belgian example is also interesting, as the regulation of the platform is not in the employment sphere, but in the fiscal sphere, opening a larger space for development of hybrid and probably precarious forms of employment. However, those forms should be thoroughly evaluated as they might move informal jobs/tasks in the formal sphere.

The labour and social legislation is a national competence in the EU member states. However, through the national reports could be seen various examples of the EU level debates and regulations that might affect the national solutions. In the Spanish case European Pillar of Social Rights was mentioned, as it envisages that “innovative forms of work that guarantee quality working conditions must be promoted, and labour relations that lead to precarious working conditions must be avoided, prohibiting the abusive use of atypical contracts”, even if this postulate has not changed yet anything in the country. Also in Spain, the future transposition of Directive (EU) 2019/1152, of 20 June, of the European Parliament and of the Council, on transparent and predictable working conditions in the European Union, which “includes several express references to the form of development

of on-demand work in its articles” is expected to contribute to the better regulation of platform work.

In summary, the regulation framework in the investigated countries developed in the context of long-standing and continuous push for liberalisation of labour markets and flexibilisation of employment that resulted in the multiplication of alternative forms of work. And slash/contingent workers most often make use of those forms or their combinations.

Table 3.2 Regulation for specific groups of alternative workers

	Belgium	Bulgaria	France	Germany	Italy	Spain
Self-employed	<p>self-employed - any person performing a professional activity for which s/he is neither engaged through a contractual arrangement.</p> <p>Three options for self-employed.</p>	<p>Self-employed could exercise liberal professions or craft for their own account. The could such civil contract or open a business entity.</p>	<p>Specific regimes – e.g. micro-entrepreneurs - fiscal, social and regulatory regime that allows natural persons whose activity produces revenues below a given threshold to enjoy a set benefits, such as VAT exoneration and various forms of tax exemption based on the revenue</p>	<p>Should have more than one contractor (if not false self-employment)</p> <p>Have to register and pay income tax</p> <p>Many high qualified professionals. Special insurance arrangements for specific occupational groups.</p>	<p>Self-employment in Italy is regulated by the Civil Code and it includes obligations or results.</p> <p>The regulatory framework for self-employment in the so-called liberal professions (<i>professioni liberali</i>) is based on a dual system of regulated and non-regulated professions</p>	<p>"natural persons who regularly, personally, directly, on their own account and outside the scope of the management and organisation of another person, carry out an economic or professional activity on a lucrative basis, and may or may not engage other workers"</p>
Employees' sharing	<p>Introduced in 2000 - a group of employers in an Economic Interest Group can jointly hire employees with open-ended contracts and make them available to all the members according to their job needs.</p>	n.a.	n.a.	n.a.	<p>In Italy, job sharing is defined as part-time work where two workers share the responsibilities and tasks of one job over a fixed period of time, negotiated with the employer. The contract must set out the percentage of working time of each worker. (Eurofound 2015, p. 32)</p>	<p>There is a job sharing figure. The combination of a worker requesting partial retirement with a hired replacement, who covers, at least, the working time left vacant by the partial retiree (article 12.6 ET).</p>
Service provision		<p>Civil contracts.</p> <p>Regulated by the Civil Code. Could be used by employed or self-employed</p>		<p>Service or product contracts (fixed sum agreed for the work)</p>	<p>Forms of semi-subordinated contracts are strictly linked to the provision of a particular</p>	<p>Civil contracts, regulated by Civil Code and TRADE regulated by LETA.</p>

					activity/service/tasks (i.e. collaboration contract)	
Additional employment contract		Regulated by the Labour Code in Bulgaria. Subject to some limits in terms of hours and consent of the main employers.		Multiple contracts are possible, but the sum should not exceed 40 hours per week of official work. (Working time not to exceed 10 hours per day. Difficult to enforce for freelancers and self-employed	Open-ended contract with increasing employment protections (<i>contratto a tutele crescenti</i>) introduced by the Jobs Act reform in 2015 (Decree no. 23). It configures as an open-ended contract with less protections in case of dismissal	TRADE
The contract for occasional services	Not relevant	Not relevant	Not relevant	Seasonal contracts in agriculture and other food processing.	Voucher system (<i>buoni lavoro</i>) introduced for the first time in 2003 and reformed in 2017 (law no.96 – <i>Libretto Famiglia</i>), to regulate grey zones of work in sectors like agriculture and tourism, and occasional activities (babysitting, private tutoring, housekeeping)	Not relevant
Mini-Jobs		Not relevant	Not relevant	Introduced in 2003 and often used in low-skilled sectors. Paid up to 450 € for a limited contract period. Increasingly used as second jobs	n.a.	Not relevant
Fixed-term contracts			For specific and temporary tasks	Fixed-term contracts exist for projects and	Fixed-term contracts could be signed for	Art.15 WS regulates temporary casual

			Can be concluded in certain situations (replacing an absent employee, tackling temporary increases in the workload).	substitutions. But they cannot be ongoing (have to switch to regular after 2 periods). This only applies to the regular employment sector.	any kind of work, for a maximum duration of 24 month according to the most recent legislation and extended for maximum 4 times.	contracts, the most common in our labour market: for a specific or temporary task or service, temporary contracts will be converted into permanent ones after 24 months in a 30 month period.
Intermittent work	Working periods and non-working periods are alternated, in line with the fluctuations of the activity. (such as live performance, seasonal sport). Artists are considered salaried workers (unless they can prove financial independence). The so called "statut d'artiste" supports intermittent workers in the arts sector (creators, performers and technicians). Under the <u>cachet rule</u> , unemployment benefits can be claimed within a specified reference period (based on a certain number of days worked: "Guaranteed Average Minimum Monthly Income" and indexed each year). The <u>neutralisation</u> rule allows artists to secure a level of	Not relevant	'intermittant du spectacle' applies mainly to recurring cast and technical workers in cinema, the media, and the performing arts. Contracts take into account the number of hours actually worked and/or the fee, ensures unemployment benefits. Between two periods when workers are employed, they receive a back-to-work allowance based on the number of days	Not relevant	Job on call (<i>lavoro intermittente o a chiamata</i>) with or without availability indemnity. Only workers younger than 24 and older than 55 can apply for a maximum of 400 working days over three years.	The regulation of Discontinuous Fixed Labour, Article 16 ET, is another example.

	unemployment income. (See Belgian report)					
Platform workers	<p>Since 2017 “collaborative platform workers legislation”</p> <p>Fiscal measure (1 March 2017) - a specific taxation regime for workers in the digital economy. new regime introduced a unique rate of 10% of the income through the on-line work (if below €5,000) and directly collected by the respective collaborative platforms.</p>	No regulation	<p>Since 2016 -a new category of workers was included in the Labour Code: “workers who use an intermediary platform by electronic means”, only social protection against injuries</p>	<p>No specific regulation – just regulations for self-employed and freelance workers.</p>	<p>New regulation for the food delivery riders introduced by the national collective agreement for transport and logistics.</p>	<p>There are no specific regulation on platform workers, or other forms of digital work</p>
Seasonal work	<p>In agriculture and horticulture: a maximum of 130 days/year (see Belgian report)</p>	1-day employment contracts in agriculture	<p>For specific purposes, e.g. harvesting. Have the same rights as the other workers.</p>	<p>Seasonal work often carried out by migrants from Eastern Europe. Also workers in slaughterhouses and meat packing work under seasonal, intermittent contracts.</p>	<p>A specific regulation of the occasional contract applies in the agricultural and tourism sectors, providing more flexibility in the use of the contract to adapt to seasonal activities</p>	<p>We have a specific type of contract, permanent seasonal contract, regulated in art.16 WS</p>
Agency work	X	X	X	X	<p>Agency work can be used through both open-ended contracts (staff leasing) and fixed-term contracts. According to the</p>	<p>Agency work can be used in Spain, through fixed term contracts and permanent contracts. There is a</p>

					nature of the contractual relations a different regulation applies.	specific regulation, Law 14/1994, 1 june.
Informal jobs	No regulations	No regulation	No regulation	No regulation	No regulation	No regulation

4. The Actions and initiatives

The collective actions and initiatives for slash contingent/contingent workers are still rare but emerging in all the countries covered by SWIRL (overview in table 6).

In **Bulgaria** (Kirov 2020), the largest trade union confederation CITUB has undertaken some actions to address slash/contingent workers. For example in 2019, in the framework of the campaign the “Grey kills” (<https://sivotoubiva.bg/>), CITUB launched an app called VoxKNSB (<https://play.google.com/store/apps/details?id=com.voxknsb&hl=bg>)². For CITUB (Interview), the results of this initiative are encouraging, because people visit it and share their opinions and complaints. So this is one of the opportunities to gain influence, through digital skills and digital apps and devices and to discover what the interests of those workers are.

In parallel to the action, mobilised by unions, some initiatives have been launched by Facebook group for freelancers moderators. Those initiatives start as simple forums for exchange of information and advice, but currently, their moderators underline the need for legislative change for taxes and social rights.

² See more at <https://www.eurofound.europa.eu/bg/publications/article/2019/bulgaria-latest-developments-in-working-life-q3-2019>

Table 4.1. Comparative table of collective initiatives and actions

Belgium	Bulgaria	France	Germany	Italy	Spain
Trade unions	CITUB App for complaints concerning the grey economy.	Trade unions and collectives for specific sectors – bike riders and drivers	IG Metall – Code of Conduct for platforms; New section in Verdi for self-employed workers; support from NGG union for establishment of works councils for food couriers	Attempts from both traditional confederal union (i.e. UILTUCS UIL) and autonomous grassroots unions (UGL) to organise food delivery riders. Signature of the national CLA by trade unions and employers' associations in the transport and logistics sector introducing the professional profile of the food delivery rider	Two channels:1) the traditional unions' action (essentially UGT and CC.OO) through new initiatives such as the web yourtradeunionresponse.es and other minority trade unions: CGT, Alternativa Intersindical de Cataluña and Intersindical Valencia 2) Workers' own self-organization: RidersXDerechos
Cooperative associations				Experiences of cooperatives in various sectors (arts, music, agriculture)	Experiences on cooperatives in various sectors (arts, music) and riders cooperatives (Mensaka y La Pajara, two home delivery platforms that are self managed by their own workers in the form of cooperatives)
Exchange forums	Facebook groups for information sharing and advice		Various facebook groups; Blogs from platform users	Facebook and Whatsapp groups as arena for bottom-up self-organisation of workers (especially for food delivery riders)	Facebook and WhatsApp groups, yourtradeunionresponse.es , functions as a sort of online union chapter designed to address the problems of digital platforms.
Innovative collective forms of mobilization				Organisation of sit-in in crucial and highly visible workplaces as an action to exercise pressure and gain visibility	Efforts to recruit and organize workers, through "street work"; development of information campaigns and publishing of press reports, through the media and social networks with the intention of publicizing the working conditions or workers for delivery platforms and to defend their employment status with companies.

In **France**, (Cornet, Casilli, 2020), “for platform work, unions and collectives are emerging, but are constrained to specific sectors: Bike delivery (CLAP, CGT), and drivers (Syndicats des chauffeurs privés VTC, etc.)”. Those actions are also backed by initiatives at local level.

In addition, the French report states that:

“For the online freelancers, some collectives are beginning to emerge, sometimes linked with a traditional union (ex: independents.co / CFDT) (C_LL). However, while drivers have claims that are close to those of traditional employees when it comes to social protections and regulations, highly qualified freelancers, like the one offering their services on Malt.com, are more reluctant to the idea of collective organization. Some see themselves as a “post-salaried avant garde”, and are vehemently against structures associated with “salaried workers”. (Interview with E._P. in Cornet & Casilli, 2020))

In the **German** case, according to Meil (2020):

“The IG Metall established the Code of Conduct for platforms. Nine platforms (8 from Germany) have signed on. Participation is voluntary. It is not possible to make all workers on platforms employees because the legal entities are in different country contexts. The IG Metall set up an Ombudsoffice to mediate conflicts and complaints between platform workers and platforms. So far about 50 cases have been dealt with.”

For self-employed workers in the public sector, for example, broadcasting, salaries are being paid to the self-employed even during the corona crisis. This is because they were well organized – it shows that collectivity works”.

In **Italy**, the first form of collective action concerns (Mori, 2020) the application of national collective agreements (NCAs), where existent.

“...which constitute crucial tools to protect working conditions. This is the case of the food delivery riders, whose professional figure has been finally introduced in the NCA for the transport sector as a way to ensure minimum income and

statutory protections thanks to the role played by the trade unions in the sector. This is also the case of the artistic sector where the first NCA was signed for cooperatives operating in the sector. The NCA represents a cornerstone since it regulate and ensure rights and protections to new figures involved in the artistic industry”

In addition, a “second domain of collective actions concerns lobbying activities and effective communication, also through digital tools and skills available among members”. The associations benefit from the digital and marketing skills of their members to better lobby and represent the collective interests, e.g. through digital communication campaigns.

According to the Italian report, there have been few, but spectacular mobilisation of precarious workers, for example cultural workers in 2011 or sooner, in 2019 – mobilisation of Deliveroo workers:

“For example, in April 2019 Sindacato Networkers and UILTUCS UIL organised a sit-in in front of the Deliveroo headquarters following the decision of the company to enlarge the delivery areas but keeping the same levels of payment for the riders” (Mori, 2020).

Finally, in Italy there was a consistent effort to build ad-hoc coalitions and alliances, involving a multitude of actors. An example is provided by the 2017 action of ACTA:

Over the years, ACTA has tried to build alliances with professional associations, trade unions, employers' associations and professional registers. From their experience, the most successful collaborations were those centred on specific claims or policies (for example the alliance that lobbied to obtain the approval of the Jobs Act for Autonomous Work in 2017 turned out to be very successful). However, a stable institutional alliance is not practicable for ACTA, since there may be different points of view on some issues that impact differently on different categories of workers (interview to ACTA). (in Mori, 2020)

The situation of contingent and slash workers has had a notable impact in **Spain** where levels of precarious employment are already particularly high.

There are two characteristics of industrial relations for slash workers in the Spanish case which are clearly visible: The collective representation of the slash workers in Spain basically only exists for workers of platforms that offer offline services and the collective organization involving union activity is often carried out with geographic identity and diversity given that different unions have presence in different regions.

Up to now, the main initiatives for regulating slash work “focus almost exclusively on digital platform workers who offer offline services (riders, cleaning, multi-service company workers)” (Spanish country study 2). One main objective is for these types of slash workers´ to obtain legal recognition as regular employees.

The unions mainly involved in organizing these offline workers (UGT, CCOO, Intersindical and CGT) concentrate on “mainly three types of actions, which they carry out in a complimentary manner: 1. Efforts to recruit and organize workers. 2. The use of administrative and judicial procedures, 3. Development of information campaigns and publishing of press reports” (Ferradans et al. 2020). In particular the second initiative “the use of administrative and judicial procedures” has become an important aspect of regulating work for slash workers. This is partly due to the fact that “there is an absence of “specific regulation or consensus regarding the labour status of this type of work” (p. 14), and thus “the most relevant legal intervention is that undertaken by the social justice courts” (p. 14) The unions pursue the legal route and also help workers file complaints with the Labour Inspection, for instance in cases of questionable dismissal.

Another unique aspect of the Spanish case is the counterinitiative by companies which mobilized their own “yellow unions”, attempting to win worker support if they backed their organizations rather than labour unions. They also supported cases against Deliveroo in the social security administration in the courts.

While it is difficult to provide a systematic picture, a few trends emerge from the country cases.

The first one concerns the actors. The examined actions and initiatives illustrate that slash/contingent workers are addressed both by traditional actors (trade unions such as CITUB or IG Metall) and by a multitude of new actors coming from different spheres (organisations of self-employed like ACTA in Italy, cooperatives such as SMART in

Belgium and other countries). This gap in Bulgaria is addressed by loose forums for exchange of information and advice, such as the professional-oriented Facebook group <https://www.facebook.com/groups/greelance.bg> (83.6 K members) and professional-oriented Facebook group: Handmaders, Painters and Crafters <https://www.facebook.com/groups/bulgariancrafts/> (14,104 members).

The second one concerns the groups covered/addressed. On the one hand, the focus of such initiatives is on highly qualified professionalists (IT and other freelancers, for example in Bulgaria or France and Germany), on the other – to groups such as the food riders (Italy, France and Spain).

The third issue concerns the scope and character of the actions/initiatives. They include a variety of cases, from the simple exchange of information (Bulgaria) to voluntary Code of Conduct (Germany) or App for complaints (Bulgaria) and lobbying for new legislation.

5. Conclusion and policy recommendations

A major challenge for regulating contingent and slash work is its great diversity, encompassing low-skilled tasks as well as high-skilled professional work. It also can involve workers in companies, platforms, offline, online or a mixture of all of these. It is difficult to find regulations that meet the needs of all of these worker types, ranging from basic protections to more specific needs and balancing the benefits of flexibility with the risks of exploitation.

The actors and institutions in traditional industrial relations systems, such as unions and the actors in collective bargaining processes, have a difficult time meeting the challenges of new forms of work, especially contingent and slash work. The reasons include shifts in self-employed and free-lance work which now encompass more precarious workers and cannot be adequately represented by professional associations. Furthermore, the lack of place-bound work and thus identifiable employers and negotiation partners. The initiatives that have been successful in most countries have focused on platform workers with offline tasks such as riders or food couriers which have a place-bound presence. And in fact, the successes have mostly occurred in part due to the activism of the workers themselves. After a first wave of mobilization, the initiatives have often received important support from actors and structures with resources such as unions, that have supported them legally and in their public awareness campaigns. In addition, those type of workers are on the rise and are concentrated around few platforms. Thus, we have seen some protections for these workers in Italy, Spain, Germany, but less so in Bulgaria where the actors of industrial relations are too weak and fragmented to offer support.

The country reports have identified measures that have taken place at the local, regional and national levels. In order to achieve a minimal level of protection for contingent and slash workers, there have been calls by several union representatives and other actors of industrial relations for actions at the EU level to provide some basic protections to workers - particularly those involved in online tasks which go beyond national boundaries. Several initiatives also involve the legal systems of the various

countries for instance to prevent unlawful dismissal, ensure that the regulations that do exist are being adhered to, and to adjudicate the rights of self-employed workers.

However, there are still broad differences between countries with regard to categorizing self-employed workers. This includes recognizing that some self-employed workers, also many who work on platforms, or who carry out personal service have precarious working conditions and need protections whereas other self-employed are professionals or business owners and have different protection and bargaining needs. This means that it will be necessary for an EU position on what an “employee” or a “self-employed” person is to aid unions and other institutional bodies at the national level as well as give labor courts some context for their decisions on labor protections.

Finally, the raising of awareness about the successes and failures of the different campaigns, grassroots actions and collective mobilisation of particular groups of slash workers, either through traditional actors or through innovative forms, will contribute to the search of relevant solutions in other EU countries.

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