

Hybrid Labour

Measuring, Classifying, and Representing Workers at the Boundaries of Employment and Self-employment

EDITED BY
Annalisa Murgia



Hybrid Labour

This book advances the debate on the hybrid areas of labour by taking the case of work arrangements that destabilise the dichotomies between standard and non-standard work and between self-employment and dependent employment. By maintaining the connection between structural conditions and human agency, it focuses not only on how workers at the boundaries between employment and self-employment are affected by social norms and institutions but also on how they can shape them in turn, especially through collective organising.

The analysis presents the main findings of the ERC project SHARE – Seizing the Hybrid Areas of work by Representing self-Employment – a six-year transdisciplinary and multi-method study conducted by combining comparative analysis of labour laws and labour force surveys with a cross-national ethnography carried out in six European countries: Germany, France, Italy, Slovakia, the Netherlands, and the United Kingdom. By proposing to use ‘Hybrid as Method’, the tensions between employment and self-employment are analysed to challenge the hierarchy encoded in this dichotomy and to problematise its boundaries. Indeed, the category of hybrid has proved promising not only for understanding which categories are at stake but also how they have been historically constructed and how they may be differently imagined and conceptualised.

This book will be of interest to students and scholars of all social sciences, particularly those who study the ongoing processes of individualisation and the novel forms of organising developed in the hybrid areas of labour. It will also be useful to activists and trade unionists, as well as policymakers.

Annalisa Murgia is Associate Professor of Sociology at the Department of Social and Political Sciences of the University of Milan, where she is also the scientific coordinator of the Research Centre GENDERS (<https://gender.unimi.it/>). Her research interests focus on precariousness, emerging forms of organising, and gender differences in organisations. She is the PI of the ERC project SHARE, ‘Seizing the Hybrid Areas of work by Re-presenting self-Employment’ (2017–2023, <https://ercshare.unimi.it/>). She recently co-edited the book *Faces of Precarity: Critical Perspectives on Work, Subjectivities and Struggles* (2022).

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To Francesca Pesce, a research participant who has become a friend. As well as mobilising the freelancers, she got me moving too. I can never thank her enough.



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Preface

Annalisa Murgia

This volume is the result of a research programme that started about ten years ago. To account for the journey so far and to thank the many people who have been on it, in this preface I would like to briefly reconstruct its story. In the course of my research, which focused mainly on precarious labour, I soon identified two topics that I decided to explore more systematically. First, among the workers I interviewed, it seemed to me that the proportion of self-employed workers without employees (also known as ‘solo self-employed’ – SSE) who perceived themselves as precarious was growing year by year. At the time of my doctoral research, conducted between 2006 and 2008, I had the opportunity to investigate the proliferation of work arrangements that fell in between self-employment and employment (the so-called *co.co.co.*) in Italian public administration. Over the years, I felt the gap growing between the public representation of self-employment, identified with an entrepreneurial spirit and the rejection of any form of welfare, and the self-representation of the subjects I interviewed, who instead perceived themselves as vulnerable and in need of social protection. Second, in the biographical accounts of my research participants, I seemed to hear more and more stories of SSE workers who felt isolated and atomised in the labour market but would have liked to have a collective voice and to feel part of an organisation or network, which they nevertheless did not recognise in the traditional actors of representation, such as trade unions or employer organisations. These two elements led me in 2014 to participate in the funding call ‘Starting Grant young researchers’ from the University of Trento, where I was working at the time, which allowed me to deepen my research interests in the areas of labour in between self-employment and salaried employment and how these are measured, classified, and represented in the European context in terms of statistics, labour law, and access to social protection and collective representation. The funds obtained made it possible to carry out a pilot project in several European countries and to meet with various people and organisations without whom this research would not have been possible and whom I would like to take this opportunity to thank.

I start with Emiliana Armano, with whom I grew up intellectually and with whom I have experienced over the years a relationship of sisterhood

and political and emotional solidarity. It was thanks to her that I deepened my understanding of self-employment and knowledge work, delved into the work of Sergio Bologna, and then also got to know the Italian SSE association ACTA. And it was also thanks to her that I had the opportunity to meet Antonella Corsani and the Smart freelance cooperative, as well as the network of the ZOGRIS project on the grey zones of work and employment. In the same years, on the one hand, I had the opportunity to work – together with Barbara Poggio – on the project *Trapped or flexible? Risk transitions and missing policies for young high-skilled workers in Europe*, funded from the European Commission. On the other, thanks to Daniele Di Nunzio of CGIL's Di Vittorio Foundation, I came into contact with a group of trade unionists who were members of or close to the Agenquadri association (now Apiqa), with an idea of work and employment that seemed very far removed from the stereotyped and anachronistic visions that the workers I interviewed claimed the trade unions had on solo self-employment. To deepen the ongoing dynamics in other European countries, with funds from the grant I obtained, I then decided to carry out two visiting periods during which I decided to write the research project whose results are presented in this volume. The first position, hosted by Marieke van Den Brink and Yvonne Benschop, was at Radboud University, in the Netherlands, where research on solo self-employment was already particularly advanced; the second was in Berlin, hosted by Isabell Lorey of the European Institute for Progressive Cultural Policies and by the Centre for Transdisciplinary Gender Studies (ZtG) of the Humboldt University. It was there, in November 2015, that I submitted the proposal for the SHARE project, which stands for 'Seizing the Hybrid Areas of work by Re-presenting self-Employment', and which was thereafter funded for almost seven years by the European Research Council (ERC).

Common research interests and seemingly endless discussions during those years consolidated the project idea. It would be impossible to mention all the people who read and commented on the project proposal,¹ but I would like to thank the group of colleagues who gave me the energy to go ahead with the research, who spent nights with me at the university discussing the research design, and who never let me be discouraged by a conservative and hostile academic system, in particular Elisa Bellè, Rossella Bozzon, and Francesco Miele, and also Francesca Fiore, who had already developed the project's visual identity before I even knew I had been awarded the project. When the news of the funding arrived from Brussels, I had already left the University of Trento to move to the University of Leeds, where I decided to start the SHARE project at the Centre for Employment Relations, Innovation and Change (CERIC), a perfect context for my research. I would especially like to thank Gabriella Alberti, who welcomed me as a colleague and most importantly as a friend. In Leeds, we hired the first four members of the group, whom I can never thank enough for the trust they gave me when I decided, partly because of Brexit and partly out of love, to accept the proposal of the Department of Social and Political Sciences of

the University of Milan, where I am currently based, and where the other members of the SHARE team were also hired. A wonderful research group has grown together, from which I have received constant and loving support during the difficult years in which research was conducted, hit by both a global pandemic and serious health issues. I cannot imagine better people I would have liked to work with, colleagues, but above all, comrades.² And finally, three more special thanks. The first goes to my wife, Roberta, my life partner, and my main supporter. This research and most probably my academic journey would not have existed without her. The second to the ERC, and also to Daniela Falcinelli, without whom I would never have had the opportunity to do my job in Italy. And a very special thanks to the amazing team of doctors who have cared for me over the years – Silvia Muggia, Valentina Errico, Agnese Losurdo, Daniela Bernardi, Carmen Scantamburlo, Letizia Myolin Frailich, and Giuliana Gargano – as well as to all the nurses, a warm thanks in particular to Cinzia Bertelli, Catalina Valencia, Serena Pagani, and Roberta Cara.

This is the brief story of the journey that led me to write the SHARE project proposal; in the rest of the book, we report on the main results of the research we conducted. The many references found in this end-of-project volume to articles and chapters published in the course of our project demonstrate the various lines of research that have been undertaken within the life of this research programme. The ERC project SHARE, which lasted over six years and was conducted in six European countries, was made possible thanks to the collaboration and generosity of the SSE worker organisations involved, from trade unions to employer organisations, from freelance associations and cooperatives to grassroots and self-organised groups. The research design and the list of all organisations are reported in detail in Chapter 6. Once again, a heartfelt thank you to all the workers who dedicated their time and were willing to share their stories with us.

Notes

- 1 The list of all colleagues who commented and provided constructive feedback to the project proposal is reported in this interview: <https://www.sisec.it/2018/bando-european-research-council-intervista-a-annalisa-murgia-vincitrice-con-il-progetto-share-seizing-the-hybrid-areas-of-work-by-re-presenting-self-employment/>.
- 2 Short biographies of all the SHARE team members can be found here: <https://ercshare.unimi.it/team/>.



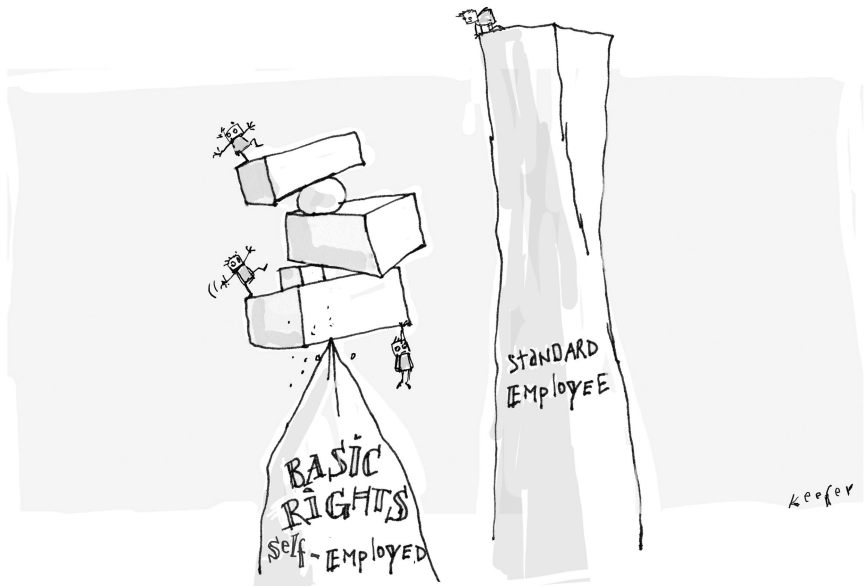
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Part 1

The State of the Art





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1 Working at the Boundaries

An Introduction to Solo Self-employment

Annalisa Murgia

The landscape of work and employment has undergone significant transformations over recent decades, influenced by globalisation, technological advancements, and changing socio-economic paradigms. Among these shifts, the rise in non-standard employment relations represents one of the major challenges in terms of workers' rights and collective representation within European societies. Non-standard employment relations encompass a broad range of work arrangements that deviate from full-time, permanent employment. Over the years, a comprehensive and articulate scholarly debate has focused on how processes of flexibilisation are transforming traditional work arrangements and challenging national labour law systems. In the European context, the state of the art is already well developed with regard to part-time work, fixed-term work, and temp-agency work (see Choonara et al., 2022). More limited is research that has extended its gaze to self-employment (Arum and Müller, 2004; Bologna, 2018; D'Amours, 2006). In particular, studies on areas of labour at the intersection of employment and self-employment remain fragmented (Supiot, 1999; Bureau et al., 2019). This chapter – and more generally the research presented in this volume – makes a contribution to this debate by deepening current knowledge on self-employed workers without employees, also called 'solo self-employed' (SSE) workers, and exploring their particular positioning in the European labour market. Specifically, a critical reflection is proposed on the limits of current interpretative frameworks, as well as on national labour laws and industrial relations systems to measure, classify, and represent the world of the SSE.

In general, the SSE are not covered by labour law, and they are hardly (or not at all) socially protected (Dekker, 2010; Conen and Schippers, 2019; Semenza and Pichault, 2019; Westerveld, 2012). In 2019, the Council of the European Union adopted a recommendation on access to social protection for workers and the self-employed (Council of the European Union, 2019), stating that all workers in the EU, including the self-employed, should be entitled to adequate social protection, regardless of the type and duration of their work arrangements. In recent years, the Covid-19 pandemic has further highlighted the limited access of self-employed workers to social rights, as it has made more visible the gaps in formal and effective coverage, as well as the

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inadequacy of national welfare systems towards these workers (Eurofound, 2024). With the aim of mitigating the social impact of the pandemic, the European Commission recommended in 2020 to nine member states (Cyprus, Estonia, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovenia, and Spain) to improve social protection coverage for non-standard workers and the self-employed. In the following months, the Commission also emphasised that the exceptional measures taken during the pandemic to extend social protection to previously excluded groups could inspire the implementation of structural reforms to increase protection for the self-employed as well (European Commission, 2021). However, the first monitoring process carried out following the recommendation was not encouraging, as it found formal coverage gaps in 19 member states for at least one group of self-employed workers, mainly with regard to unemployment, sickness, accidents at work, and pensions (European Commission, 2023a, 2023b).

Even though the SSE share little or no access to forms of social protection, they otherwise represent an extremely heterogeneous category of workers, in terms of socio-demographic characteristics and industries, but also in terms of working conditions and income levels (see Chapter 2). SSE workers include creative professionals, such as translators, editors, or artists, as well as food delivery riders or cleaning workers operating through digital labour platforms. All these workers, despite differences in national context and professional conditions, seek in self-employment the key advantages of autonomy and flexibility, as well as the possibility of personalising not only work schedules but also work environments. However, the dark side of these benefits often translates into longer working hours, income volatility, and isolation. Moreover, while for some people becoming an SSE worker is the result of a desire for independence, flexible hours, and personal fulfilment, for others self-employment is a consequence of dissatisfaction with a salaried job, unemployment, or the need for a secondary income, as well as a combination of constraints and possibilities of choice. Such heterogeneity is also reflected in the academic debate on self-employment, which is often scattered across disciplinary areas that rarely dialogue with each other (Murgia et al., 2020). On the one hand, there are studies that focus on disguised self-employment, emphasising precarious working conditions and labour exploitation, as well as the regulatory challenges faced by those who are misclassified as SSE in order to evade labour protections. On the other hand, there are disciplinary perspectives that emphasise the cultural aspects of the enterprise economy, exploring the representations of subjects and the production of entrepreneurial subjectivities in the current capitalist system.

The first debate has been carried out mainly within work and employment relations studies (Arum and Müller, 2004; Eichhorst et al., 2013; Muehlberger, 2007; Schulze Buschoff and Schmidt, 2009) and labour law (Countouris, 2007; Freedland, 2003; Fudge, 2006; Leighton and Wynn, 2011; Perulli, 2003; Supiot, 1999), mostly concerned with breach of contract and the condition of workers legally hired as self-employed, but in reality

completely dependent on their (supposed) clients. In particular, these studies have highlighted how it is much cheaper for employers to hire SSE workers instead of employees because of the lower cost of their agreements and because they are free to provide their services in all member states, also crossing national borders. This means that employers can replace employees with workers who are legally self-employed but are in fact wholly dependent on the company. Different terms have been used to denote these situations, such as ‘de facto employees’ (Bettio and Villa, 1989), ‘fake self-employment’ (Kuhl, 1990), ‘bogus self-employment’ (Schulze Buschoff and Schmidt, 2009), or ‘dependent self-employment’ (Muehlberger, 2007). These approaches have recently been revitalised with the advent of platform work (De Stefano and Aloisi, 2018; Graham and Joe, 2017; Hendrickx, 2023). While at the time of writing this volume, in many European countries the status of employee or worker is granted for several working activities carried out through digital labour platforms, when we started the fieldwork, in all European countries investigated, platform workers were all hired as SSE. On this point, in April 2024, the European institutions approved the EU Platform Work Directive (see Chapter 14 for a reconstruction of the dynamics during the various steps that made up the institutional policy-making process).

The second debate has instead focused on the enterprise economy, being more interested in the professional conditions of creative and knowledge workers, as well as independent professionals and freelancers, who experience enterprise as a major element of their identities (Barley and Kunda, 2004; Corsani, 2020; Murgia et al., 2016; Murgia and Pulignano, 2021; Storey et al., 2005). These different but overlapping studies have pointed out that, since the 1970s, technological innovation and knowledge as production factors are at least as important as capital, changing organisational structures, logics, and employment practices. In this framework, the SSE are emblematic of the post-Fordist capitalist model, which requires workers to become the creators of their own destiny and ‘entrepreneurs of themselves’ (Foucault, 1979), in a process that gives rise to forms of subjectivation of the self that are based on individualisation and the logic of enterprise (Bröckling, 2016; Armano et al., 2022). In this regard, by the end of the 1990s, Boltanski and Chiapello (1999) pointed out how in the ‘new spirit of capitalism’, which is non-disciplinary and no longer based on obedience and control, neoliberal ideology has succeeded in subsuming the anti-authoritarian instances of self-determination and the needs for creative expression claimed by social movements and workers themselves since the 1970s. To some extent, in this process, subjects find themselves caught in what has been described as a ‘passion trap’ (Armano and Murgia, 2017). On the one hand, they search for activities that are a source of passion, recognition, and pleasure, but on the other hand, in this search, they experience passion in the most literal sense of the term: the pain, suffering, and fatigue caused by the poor working conditions to which they are subjected. The identification with work and the celebration of work autonomy and self-realisation through entrepreneurship

(Beck and Beck-Gernsheim, 1996) have also contributed to dissolving the sense of collective belonging, promoting competitive logics among workers, who tend to represent themselves as individualised and forced to respond individually to market pressures (McCabe, 2008; Rose, 1992).

The research presented in this volume considers the missing dialogue between these perspectives on freelancing and solo self-employment as an opportunity to critically reflect on the approaches used so far within different fields of study. The research journey taken over recent years by the SHARE project team has interwoven promising conversations between labour studies, both sociological and legal, and cultural studies, more concerned with the individual and collective representations of the workers at the centre of the analysis, that is to say, the SSE. In particular, a trans-disciplinary and multi-method approach was adopted, aimed at achieving an in-depth understanding of solo self-employment, taken as an empirical example of the areas at the intersection of self-employment and employment. Our research programme then investigated how SSE workers are measured, classified, and represented at both national and European levels, with the intention of questioning the instruments and approaches used so far and contributing to a reconfiguration of the conceptual framework used hitherto to interpret work and employment. First, how data on SSE workers are collected through various (inter-)national labour force surveys was examined. Second, how solo self-employment is regulated by national and European labour regulations was analysed. Finally, forms of representation were explored, considering both the symbolic and identity aspects of representation as well as those related to the representation of interests (Pitkin, 1967). In line with the most recent contributions on the concept of representation (see Saward, 2014), we stressed the dynamic, claim-based character of representation, its performative aspects, and the institutional ones. Differently from classical approaches that are too focused on institutional representatives, we immersed ourselves in the professional worlds of SSE workers rather than simply engaging with their (supposed) representatives. On the one hand, this has allowed us to focus on not only individual but also collective representations and to show how SSE workers, long portrayed as epitomising individualisation processes, are actually able to construct novel forms of organising and solidarity. On the other hand, it meant focusing on the construction of identities and the constitution of collective subjects, taking into consideration not only the traditional actors representing labour, such as trade unions and employer organisations (Barry and Wilkinson, 2011; Gumbrell-McCormick, 2011; Heery and Abbott, 2000; Pernicka, 2006), but also the new actors and modes of representation and organising, analysed in their dynamic and differentiated process of claiming (Allegrì and Ciccarelli, 2014; Bologna, 2018; Jansen, 2020).

The volume is organised as follows. The first part reports the state of the art with respect to the three main axes of analysis: the measurement, classification, and representation of SSE workers. More specifically, Chapter

2 illustrates how European labour force surveys define and describe the heterogeneous world of solo self-employment. Chapter 3 is dedicated to a critical analysis of how legal systems regulate and distinguish SSE from salaried employment, taking into account both the individual and the collective dimensions and highlighting the consequences on social security. Chapter 4 then reconstructs the forms of collective representation emerging among the SSE by considering both the more institutionalised collective actors, such as trade unions and employer organisations, and the hitherto less studied actors in both labour and cultural studies, such as new SSE associations, freelancer cooperatives, as well as grassroots and self-organised groups.

The second part of the volume, comprising Chapters 5 and 6, is dedicated to illustrating the epistemological and methodological approach of our research programme. In particular, the concept of ‘hybrid’ is introduced to indicate not only the blurring of the boundaries between employment and self-employment but also, more importantly, an epistemological positioning useful to challenge an established dichotomy on which the conceptualisation of work in European societies has been based since the Second World War. We have therefore considered the hybrid not as a result – i.e., a third area derived from the intersection of the two poles of a dichotomy (in this case, employment on the one hand and self-employment on the other) – but as a method, able to avoid static representations and challenge the hierarchy implicit in the dichotomy under study. In this part, the research design is also presented, which combines a comparative analysis of labour force surveys and labour laws, both at the EU and national level, with a cross-national ethnography focused on the representation of the SSE in six European countries: France, Germany, Italy, Slovakia, the Netherlands, and the United Kingdom.

The third part of the volume – from Chapter 7 to Chapter 14 – presents the research conducted within the ERC project SHARE from 2018 to 2023. Chapter 7 analyses how the increasingly blurred boundaries between employment and self-employment are challenging definitions and measures used in European labour force surveys (mainly the European Working Conditions Survey and the European Labour Force Survey), with a focus on the six countries studied. Moreover, it critically assesses current operationalisations of emerging employment statuses and arrangements, such as dependent contractors and platform workers, and shows how official statistics are caught between the need to rely on stable and comparable measures in space and time and the urgency of capturing the transformations that are (re)shaping the boundaries of labour relations, proposing possible ways of addressing these two opposing tensions. By adopting a legal perspective, Chapter 8 analyses the hybridisation of firms and the ‘marketisation’ of labour relationships from both subjective and objective perspectives, emphasising the hybridisation of work management and production processes. The findings are examined through judgements from the SHARE project countries, selected to illustrate how legal interpretations can address the organisational changes

of the past decade, thus revealing the regulatory potential of flexible labour law categories.

Subsequent chapters present the main results of the ethnography conducted in the six European countries studied. Chapters 9 and 10 offer comparative analyses, considering empirical material collected in all the countries studied within trade unions, employer organisations, and other collective actors in the first case, and within freelance cooperatives in the second case. By conceptualising industrial relations systems as always being in process, Chapter 9 points out that the interdependence of the different collective actors and their strengthening relations, although to a different extent, stimulate the improvement of SSE workers' representation in all national contexts, studied from more centralised and consolidated industrial relations systems to more fragmented and decentralised ones. Chapter 10 introduces the case of freelance cooperatives, which have paved the way for an alternative space between wage-employment and self-employment. By adopting the legal status of a cooperative to build an alternative to profit-driven logics, these organisations have managed to adapt to several national legal frameworks to allow freelancers to negotiate their pay with clients and manage their professional activities in complete autonomy, while at the same time formally becoming employees.

Chapters 11–13 report the main research findings of case studies conducted within trade unions, employer organisations, SSE associations, freelancer cooperatives, as well as grassroots and self-organised groups. Chapter 11 focuses on the strategies of the different collective actors studied to approach and recruit the heterogeneous group of SSE workers. First, it discusses the case of artists and creative workers, who pioneered the collective representation of the SSE. Second, it analyses the two main approaches to collective representation we found: the representation of workers in the same industry regardless of whether they are employees or self-employed; and the SSE as a transversal category of workers, regardless of their occupational sector. Attention is also paid to the case of self-organised groups that, despite not being unionised, manage to self-organise and build forms of grassroots solidarity. Chapter 12 is dedicated to the practices performed by SSE workers, which we considered hybrid because of their ability to combine different repertoires of actions typical of both social movements and trade unions, as well as to make individual and collective practices coexist, including service provision and various forms of organising. More specifically, SSE workers' practices of organising within trade unions and SSE associations are discussed, as well as the practice of whistleblowing, showing how the latter can turn from individual to collective. Chapter 13 then contributes to the existing debate on transnational representation and organising by exploring the main European and international networks promoted by different types of organisations involved in the organising of the SSE, including platform workers.

The last research chapter offers a socio-legal analysis of two pieces of legislation recently approved by European institutions in the field of solo

self-employment: the ‘Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons’ and the ‘Platform Work Directive’, which were studied in their making through a series of interviews with labour representatives and a documentary and legal analysis of the texts. Attention was paid in particular to the most controversial points of the documents and those for which SSE workers’ representatives campaigned and mobilised. Although the Directive was not yet approved at the time of the fieldwork, some reflections are offered on the final version of the text.

Finally, in the conclusion, we return to the concept of ‘hybrid’, borrowed from feminist, science and technology, and postcolonial studies, used as an epistemological approach to explore the changed scenario of contemporary labour and in a move towards a theoretical rethinking of the interpretative categories of work (see also Piro et al., 2023). This requires questioning the historical binary opposition between employment and self-employment, standard and non-standard, formal and informal, productive and reproductive, and paid and unpaid labour. We then propose to use the concept of hybrid to capture the co-existence of multiple features that cannot be represented in a binary way, conceptualising hybridisation as a process that characterises the fragmented nature of contemporary labour, which is affecting working conditions and levels of social protection, as well as the representations of subjects and their capacity for individual and collective agency.

References

- Allegri, G., and Ciccarelli, R. (2014). What is the fifth estate? *OpenDemocracy*. Available at: <https://www.opendemocracy.net/en/can-europe-make-it/what-is-fifth-estate/>.
- Armano, E., Morini, C., and Murgia, A. (2022). Conceptualising precariousness. A subject-oriented approach. In J. Choonara, R. do Carmo, and A. Murgia (Eds.), *Critical Approaches to Precarity: Work, Subjectivities and Movements* (pp. 29–43). Bristol: Bristol University Press. Doi: 10.56687/9781529220094-005
- Armano, A., and Murgia, A. (2017). Hybrid areas of work in Italy. Hypotheses to interpret the transformations of precariousness and subjectivity. In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance* (pp. 47–59). New York: Routledge. Doi: 10.4324/9781315593838-5
- Arum, R., and Müller, W. (Eds.) (2004). *The Re-Emergence of Self-Employment: A Comparative Study of Self-Employment Dynamics and Social Inequality*. Princeton: Princeton University Press. Doi: 10.1515/9781400826117
- Barley, S. R., and Kunda, G. (2004). *Gurus, Hired Guns, and Warm Bodies: Itinerant Experts in a Knowledge Economy*. Princeton: Princeton University Press. Doi: 10.1515/9781400841271
- Barry, M., and Wilkinson, A. (2011). Reconceptualising employer associations under evolving employment relations: Countervailing power revisited. *Work, Employment and Society*, 25(1), 149–162. Doi: 10.1177/09500170110389229
- Beck, U., and Beck-Gernsheim, E. (1996). Individualization and ‘precarious freedoms’: Perspectives and controversies of a subject-oriented sociology. In P. Helas,

- S. Lash, and P. Morris (Eds.), *Detraditionalisation: Critical Reflections on Authority and Identity* (pp. 23–48). Cambridge: Blackwell.
- Bettio, F., and Villa, P. (1989). Non-wage work and disguised wage employment in Italy. In G. Rodgers, and J. Rodgers (Eds.), *Precarious Jobs in Labour Market Regulation: The Growth of Atypical Employment in Western Europe*. (pp. 149–178). Geneva: International Institute for Labour Studies.
- Bologna, S. (2018). *The Rise of the European Self-Employed Workforce*. Milano: Mimesis.
- Boltanski, L., and Chiapello, E. (1999). *Le nouvel esprit du capitalisme*. Paris: Gallimard.
- Bröckling, U. (2016). *The Entrepreneurial Self: Fabricating a New Type of Subject*. London: Sage. Doi: 10.4135/9781473921283
- Bureau, M. C., Corsani, A., Giraud, O., Rey, F., and Tasset, C. (Eds.) (2019). *Les zones grises des relations de travail et d'emploi: un dictionnaire sociologique*. Buenos Aires: Teseo.
- Choonara, J., Murgia, A., and Carmo, R. M. (Eds.) (2022). *Faces of Precarity: Critical Perspectives on Work, Subjectivities and Struggles*. Bristol: Bristol University Press. Doi: 10.1332/policypress/9781529220070.001.0001
- Conen, W., and Schippers, J. (Eds.) (2019). *Self-Employment as Precarious Work: A European Perspective*. Cheltenham: Edward Elgar. Doi: 10.4337/9781788115032
- Corsani, A. (2020). *Chemins de la liberté: le travail entre hétéronomie et autonomie*. Vulaines-sur-Seine: Éditions du Croquant.
- Council of the European Union (2019). Council recommendation of 8 November 2019 on access to social protection for employed and self-employed workers. *Official Journal of the European Union*, C 387, 15 November.
- Countouris, N. (2007). *The Changing Law of the Employment Relationship: Comparative Analyses in the European Context*. New York: Routledge. Doi: 10.4324/9781315614472
- D'Amours, M. (2006). *Le travail indépendant: un révélateur des mutations du travail*. Québec: Presses de l'Université du Québec.
- Dekker, F. (2010). Self-employed without employees: Managing risks in modern capitalism. *Politics and Policy*, 38(4), 765–788. Doi: 10.1111/j.1747-1346.2010.00257.x
- De Stefano, V., and Aloisi, A. (2018). *European Legal Framework for 'Digital Labour Platforms'*. Luxembourg: European Commission.
- Eichhorst, W., Braga, M., Famira-Mühlberger, U., Gerard, M., Horvath, T., Kahanová, M., Kendzia, M.J., Martišková, M., Monti, P., Pedersen, J.L., Stanley, J., Vandeweghe, B., Wehner, C., and White, C. (2013). Social protection rights of economically dependent self-employed workers. *IZA Research Report*, 54.
- Eurofound. (2024). *Self-Employment in the EU: Job Quality and Developments in Social Protection*. Publications Office of the European Union.
- European Commission (2023a). *Access to Social Protection for Workers and the Self-Employed: (Partial) Update of the Monitoring Framework 2022*. Brussels.
- European Commission. (2023b). *Report from the Commission to the Council on the Implementation of the Council Recommendation on Access to Social Protection for Workers and the Self-Employed*, COM(2023)43 Final. Brussels.
- European Commission (2021), *The European Pillar of Social Rights Action Plan*. Luxembourg: Publications Office of the European Union.
- Foucault, M. (1979). *Naissance de la biopolitique. Résumé du cours au Collège de France*. In Dit et écrits, vol. III. Paris: Gallimard [*The Birth of Biopolitics: Lectures at the Collège de France 1978–1979*. Palgrave Macmillan, 2008].

- Freedland, M. (2003). *The Personal Employment Contract*. New York: Oxford University Press. Doi: 10.1093/acprof:oso/9780199298631.001.0001
- Fudge, J. (2006). The legal boundaries of the employer, precarious workers, and labour protection. In G. Davidov and B. Langille (Eds.), *Boundaries and Frontiers of Labour Law: Goals and Means in the Regulation of Work* (pp. 295–316). Portland: Hart. Doi: 10.5040/9781472563804.ch-014
- Graham, M., and Joe, S. (2017). *Towards a Fairer Gig Economy*. Meatspace Press.
- Gumbrell-McCormick, R. (2011). European trade unions and ‘atypical’ workers. *Industrial Relations Journal*, 42(3), 293–310. Doi: 10.1111/j.1468-2338.2011.00628.x
- Heery, E., and Abbott, B. (2000). Trade unions and the insecure workforce. In E. Heery and J. Salmon (Eds.), *The Insecure Workforce* (pp. 155–180). New York: Routledge. Doi: 10.4324/9780203446485.ch8
- Hendrickx, F. (2023). Platform work and beyond. *European Labour Law Journal*, 14(4), 465–473. Doi: 10.1177/20319525231210744
- Jansen, G. (2020). Solo self-employment and membership of interest organizations in the Netherlands: Economic, social, and political determinants. *Economic and Industrial Democracy*, 41(3), 512–539. Doi: 10.1177/0143831x17723712
- Kuhl, J. (1990). New deal and new forms of employment. *Labour and Society*, 15(2), 237–255.
- Leighton, P., and Wynn, M. (2011). Classifying employment relationships—more sliding doors or a better regulatory framework? *Industrial Law Journal*, 40(1), 5–44. Doi: 10.1093/indlaw/dwq029
- McCabe, D. (2008). Who’s afraid of enterprise?: Producing and repressing the enterprise self in a UK Bank. *Organization*, 15(3), 371–387. Doi: 10.1177/1350508408088535
- Muehlberger, U. (2007). *Dependent Self-Employment: Workers on the Border between Employment and Self-Employment*. London: Palgrave Macmillan.
- Murgia, A., Bozzon, R., Digennaro, P., Mezihorák, P., Mondon-Navazo, M., and Borghi, P. (2020). Hybrid areas of work between employment and self-employment: Emerging challenges and future research directions. *Frontiers in Sociology*, 4, 86. Doi: 10.3389/fsoc.2019.00086
- Murgia, A., Maestripietri, L., and Armano, E. (2016). The precariousness of knowledge workers: Hybridisation, self-employment and subjectification. *Work Organisation, Labour and Globalisation*, 10(2), 1–8. Doi: 10.13169/workorglaboglob.10.2.0001
- Murgia, A., and Pulignano, V. (2021). Neither precarious nor entrepreneur: The subjective experience of hybrid self-employed workers. *Economic and Industrial Democracy*, 42(4), 1351–1377. Doi: 10.1177/0143831x19873966
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024
- Perulli, A. (2003). *Economically Dependent/Quasi-Subordinate (parasubordinate) Employment: Legal, Social and Economic Aspects*. Brussels: European Commission.
- Piro, V., Murgia, A., and Azaïs, C. (2023). Hybrid areas of labour. Challenging traditional dichotomies to represent work, workers, and working trajectories. *Rassegna Italiana di Sociologia*, 64(2), 165–182. Doi: 10.1423/107856
- Pitkin, H. F. (1967). *The Concept of Representation*. Berkeley and Los Angeles: University of California Press. Doi: 10.1525/9780520340503
- Rose, N. (1992). Governing the enterprising self. In P. Morris and P. Heelas (Eds.), *The Values of the Enterprise Culture* (pp. 141–164). London: Routledge.

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- Saward, M. (2014). Shape-shifting representation. *American Political Science Review*, 108(4), 723–736. Doi: 10.1017/s0003055414000471
- Schulze Buschoff, K., and Schmidt, C. (2009). Adapting labour law and social security to the needs of the ‘new self-employed’—Comparing the UK, Germany and the Netherlands. *Journal of European Social Policy*, 19(2), 147–159. Doi: 10.1177/0958928708101867
- Semenza, R., and Pichault, F. (Eds.) (2019). *The Challenges of Self-Employment in Europe*. Cheltenham: Edward Elgar. Doi: 10.4337/9781788118453
- Storey, J., Salaman, G., and Platman, K. (2005). Living with enterprise in an enterprise economy: Freelance and contract workers in the media. *Human Relations*, 58(8), 1033–1054. Doi: 10.1177/0018726705058502
- Supiot, A. (1999). *Au-delà de l'emploi. Transformations du travail et devenir du droit du travail en Europe*. Rapport pour la Commission Européenne (dir.), Paris: Flammarion.
- Westerveld, M. (2012). The ‘new’ self-employed: An issue for social policy? *European Journal of Social Security*, 14(3), 156–173. Doi: 10.1177/138826271201400301

2 A Statistical Portrait of the Workers at the Boundaries of Employment and Self-employment in Europe

Who Are They and What Do They Do?

Rossella Bozzon

2.1 Introduction

During the 20th century, analyses of labour markets in the European context show that parallel to the rise of dependent work, there was a concomitant decline in self-employment largely attributable to the decline of employment in agriculture and the development of mass production and capital-intensive industries (Conen and Schippers, 2019; Supiot, 1999). The historical decline of self-employment experienced a slight recovery from the 1980s onwards, mainly thanks to small enterprises. The reasons for the ‘renaissance’ (Arum and Mueller, 2004) of small businesses and self-employment in Europe can broadly be traced back to the processes of globalisation of contemporary economies, the ICT revolution, and the increased role of knowledge in the production process (Bögenhold, 2019; Bögenhold and Staber, 1991).

Although the impact of these changes on business development and job conditions is contentious, there is a broad consensus on the increasing heterogeneity of situations within self-employment that oscillate between genuine or innovative forms of enterprise and ambiguous and weak autonomous conditions, whose working circumstances are close to those of employees (Bozzon and Murgia, 2022; Kautonen and Kibler, 2016; Williams and Horodnic, 2019). The representation of the self-employed as small entrepreneurs, employers, and owners of the means of production has progressively been undermined by economic and technological changes and by the deregulation of labour relations. Such transformations have shifted the focus on categories such as ‘involuntary’ (or ‘necessity-based’ or ‘forced’) self-employed, ‘dependent’ self-employed (or ‘dependent contractors’), and ‘hybrid entrepreneur’. In terms of work statuses, all these labels, which are the result of emerging labour circumstances, began to challenge the traditional dependent versus independent dichotomy, delineating new ‘grey zones’ between the two poles that for decades, in the European context, have characterised capitalist production relations: employers and employees (Bögenhold, 2019; Bureau and

Corsani, 2017; Dvoutelý, 2020; Kautonen and Kibler, 2016; Murgia et al., 2020; Williams and Horodnic, 2019).

This chapter aims to provide a descriptive overview of the main trends in self-employment over the last 15 years in Europe by focusing on the information available in the European Labour Force Survey (EU-LFS) in an attempt to delineate the heterogeneous job conditions that characterise the blurred boundaries between self-employment and salaried employment, focusing on three main categories discussed in the current academic debate: involuntary self-employment, dependent self-employment, and hybrid entrepreneurship.

2.2 Data and Sample Selection

The analyses are based on data from the EU-LFS and the EU-LFS ad hoc module on self-employment 2017. The sample considers employed individuals aged 15–74 in 20 European countries.

Countries are selected and grouped according to four distinct types of institutional regulatory systems related to labour markets, education and training, and finance and inter-firm relations, derived from debates on the varieties of European capitalisms (Hall and Soskice, 2001) and varieties of entrepreneurship (Dilli et al., 2018): Conservative Market Economies (CMEs), Liberal Market Economies (LMEs), Mediterranean Market Economies (MMEs), and Eastern Market Economies (EMEs). The CMEs (including continental and northern European countries) are characterised by well-regulated labour markets and fairly permissive financial markets, vocational education systems that teach specific skills targeted to the workforce, and reliable legal systems that support inter-firm collaborations. The LMEs include Anglo-Saxon economies (Ireland, the UK) characterised by permissive financial markets and deregulated labour markets, education systems that teach the workforce general skills, and reliable legal systems that regulate business collaborations. MMEs (including France, Italy, Portugal, and Spain) are characterised by rather constraining financial institutions and constrained labour markets, education systems that teach mostly basic skills to the workforce, and unreliable legal systems that make business-to-business collaborations difficult. Finally, EMEs are distinguished by constraining financial markets and well-regulated labour markets, education systems that teach mostly basic skills, and unreliable legal systems (Dilli et al., 2018).

Within this framework, what follows is a comparison of the profiles of SSE workers across different European countries, taking into account economic sector, type of occupation, and socio-demographic characteristics (gender, age, and migrant status).

2.3 General Trends

Although, from a long-term perspective, there has been a revival of self-employment, an observation of trends over the last 15 years in Europe reveals that the average incidence of self-employed workers among the total number of employed persons 15–74 has slightly decreased from 14.4% in 2007 to 13.7% in 2022. However, the incidence of self-employment in relation to total employment varies

substantially between countries. While in the CMEs countries, primarily Norway, Denmark, and Germany, the incidence of self-employed workers ranges between 5.0% and 8.0%, countries in the MMEs constellation (Italy and Portugal) and EMEs (Poland, Czech Republic) show an incidence of self-employment against total employment at well above the European average of 14%.

The trend over time is irregular across different countries. Countries in the CMEs and LMEs show a consistent increase of self-employment on total employment between 2007 and 2022, including in the Netherlands (+2.4 pp), the UK (+2.0 pp), and France (+2.4 pp). Other countries have seen a consistent decline, including Germany (-2.6 pp), Norway (-4.4 pp), Italy (-3.8pp), and Portugal (-8.4pp) (Table 2.1). These uneven trends are partly attributable to changes in the volumes of those employed in the different employment statuses between 2007 and 2022 (Table 2.1). While in the Netherlands, France, and the UK there was a steady growth in the total number of self-employed workers exceeding the overall growth in total employment, Portugal, Italy, and Spain registered a loss in their volumes of SSE workers and entrepreneurs against a relatively stable volume of employed persons. Norway and Germany showed a decrease in the number of self-employed workers against an increase in the volume of total employment (Figure 2.1).

The majority of the growth of self-employment is associated with the category of micro-firms, own account workers, or SSE (Table 2.1). The category of SSE workers constitutes the majority of the self-employed, and their weight

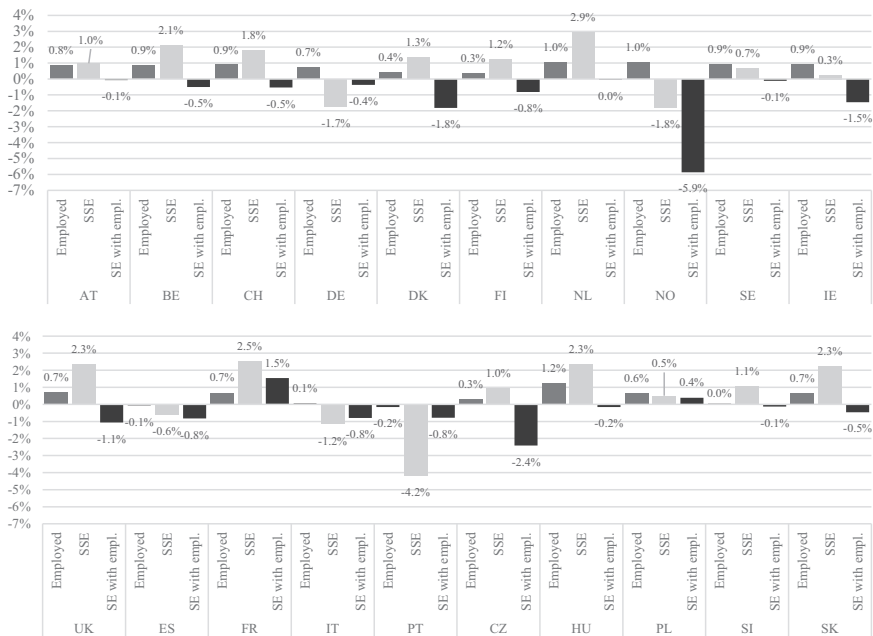


Figure 2.1 Employed, solo self-employed, and self-employment with employee – average growth rate 2007–2022.

Table 2.1 Share of self-employed and SSE on employed 15–74, and share of SSE on self-employed 15–74.

		% Self-employed/employed 15/74					% SSE/employed 15–74					% SSE on self-employed 15–74				
		2007	2012	2017	2022		2007	2012	2017	2022		2007	2012	2017	2022	
CMEs	AT	11.3	11.1	10.9	10.8	-0.5	6.4	6.5	6.2	6.6	0.1	56.8	58.5	57.3	60.7	3.8
	BE	13.4	13.4	13.5	14.3	0.9	8.9	9.3	9.4	10.7	1.8	66.5	69.6	69.6	74.5	8.0
	CH	13.6	13.1	12.6	13.6	-0.1	7.6	6.9	6.8	8.7	1.1	56.0	52.9	54.2	64.3	8.3
	DE	10.9	10.9	9.7	8.3	-2.6	6.1	6.2	5.4	4.2	-1.9	55.8	56.8	55.5	50.6	-5.2
	DK	8.4	9.0	8.0	8.0	-0.4	4.6	5.3	4.8	5.3	0.7	54.3	59.3	59.8	65.7	11.4
	FI	12.0	13.1	12.8	12.5	0.5	8.0	9.1	8.8	9.1	1.1	66.7	69.2	69.2	73.0	6.4
	NL	13.4	14.7	16.3	15.8	2.4	9.3	10.9	12.3	12.3	3.0	69.6	73.8	75.5	78.0	8.5
	NO	7.7	6.8	6.4	4.4	-3.3	5.6	5.0	4.6	3.6	-1.9	72.3	73.7	72.3	83.1	10.8
LMEs	SE	10.3	10.2	9.6	9.5	-0.8	6.4	6.4	6.0	6.2	-0.2	62.1	63.1	62.5	64.7	2.7
	IE	15.3	15.7	14.6	12.8	-2.5	9.8	11.0	10.0	8.9	-0.9	64.0	69.9	69.0	69.7	5.7
MMEs	UK ^a	13.0	14.1	14.8	15.0	2.0	10.1	11.6	12.5	12.8	2.7	77.9	82.3	84.1	85.4	7.5
	ES	16.4	16.6	16.0	14.9	-1.5	11.0	11.4	10.9	10.1	-0.9	67.0	68.9	68.2	67.7	0.7
EMEs	FR	10.3	10.9	11.2	12.7	2.4	5.9	6.6	7.0	7.7	1.8	57.1	60.3	62.8	60.6	3.5
	IT	24.2	23.3	21.7	20.4	-3.7	17.2	16.7	15.6	14.3	-2.9	71.1	71.8	72.0	69.9	-1.2
	PT	22.4	19.9	15.5	14.2	-8.2	16.8	14.9	10.7	9.1	-7.7	75.1	74.7	69.4	64.2	-10.9
	CZ	15.5	17.8	16.6	15.5	-0.1	11.8	14.4	13.4	13.0	1.2	75.9	81.0	81.1	84.0	8.1
	HU	12.0	11.3	10.1	12.2	0.2	6.8	6.1	5.4	8.0	1.2	56.3	53.6	53.9	65.1	8.8
	PL	19.1	18.8	17.8	18.7	-0.4	15.1	14.6	13.7	14.8	-0.3	78.9	77.8	77.3	79.2	0.3
	SI	10.8	12.0	11.7	12.0	1.2	7.5	8.6	7.9	8.7	1.2	69.3	71.5	67.2	72.9	3.6
	SK	12.8	15.4	15.2	14.9	2.1	9.7	12.4	12.0	12.2	2.6	75.6	80.3	78.9	82.3	6.7
	Total	14.4	14.5	14.0	13.7	-0.7	9.8	10.1	9.8	9.6	-0.6	67.9	69.7	70.1	70.3	2.4

Source: Own calculations on Eurostat online database 'Employment and unemployment (LFS)' [lfsa_espais] <https://ec.europa.eu/eurostat/data/database>.

Note: For UK data refers to 2007, 2012, 2017, 2019.

has increased over time in most countries. On average, the SSE account for about 70% of the self-employed. However, while in Germany, Austria, and France the proportion of SSE did not exceed 60% of self-employment in the 15 years under consideration, in Norway, the UK, the Czech Republic, and Slovakia, the proportion of SSE workers increased over time and exceeded 80% in 2022.

With respect to socio-demographic profile (Table 2.2), the main change can be seen in the ageing of the employed population over the last 15 years, with a more pronounced impact among the self-employed. Almost one in two self-employed were aged 50–74 in 2022. Moreover, among the SSE, an increase in the incidence of women, foreigners, and individuals with high educational qualifications can be observed, but these trends are in line with the average trends of the total employed population.

2.4 Trends of Solo Self-Employment by Sector and Occupation: iPros, High-Skilled, and Low-Skilled

As shown in the previous section, recent trends in levels of self-employment are largely due to the growth of SSE workers. The development of micro-enterprises and own account workers is often portrayed as a consequence of the processes of globalisation and technological change. To describe the magnitude of this transformation, the sectors and occupational domains in which SSE are most prominent need to be considered. Along this line of analysis, a fundamental distinction is made between the development of occupations and forms of self-employment in the knowledge-based as well as in the traditional sectors and occupations.

Table 2.3 compares how the composition of the SSE and total employed population has changed by economic sector and type of occupation over the last 15 years. Specifically, sectors are classified into five categories: Agriculture; Construction; Knowledge-based intensive Sectors (KBS); Non-Knowledge Based intensive Sectors (Non-KBS); and Other Tertiary (Knapp, 2020; Knapp et al., 2021).

Table 2.4 confirms that the relevance of the employed in the service sector and in the KBS particularly has grown markedly in the last 15 years. While one in four employed persons worked in KBS were SSE in 2008, this ratio rose to one in three in 2022. This change is also reflected in the sector profile of the SSE: while 27.5% of the SSE worked in KBS in 2008, this percentage rose to 37.2% in 2022 (Table 2.3). Within the KBS, the share of the SSE on total employed grew from 8.8% to 10.3% between 2008 and 2022, with an average annual growth in the volume of the SSE of 2.7% against an average growth of overall employment in the sector of 1.6%. Thus, the development of work and professions in KBS is a key driver of the growth of (solo) self-employment. The increase of labour demand in KBS is of particular interest because the SSE workers employed in this industry are often classified as independent professionals – the so-called ‘iPros’ – and freelancers

Table 2.2 Employed (SSE, SE with employees, employees) by sex, age, country of birth and level of education, and share of SSE and SE with employees on employed, 15–74. EU 2007 and 2022.

	Descriptives													
	SSE		SE with employees		Self-Employed		Employees		Tot Employed 15–74		%SSE/ Employed		%SE with employees/employed	
	2007	2022	2007	2022	2007	2022	2007	2022	2007	2022	2007	2022	2007	2022
Sex														
Male	67.1	63.9	75.8	72.2	69.9	66.4	52.9	51.3	55.4	53.4	11.8%	11.5%	6.3%	5.5%
Female	32.9	36.1	24.2	27.8	30.1	33.6	47.1	48.7	44.6	46.6	7.2%	7.4%	2.5%	2.4%
Age classes														
15–34	22.4	19.3	15.1	11.2	20.1	17.0	36.9	31.9	34.5	29.9	6.3%	6.2%	2.0%	1.5%
35–49	42.9	36.7	48.6	39.0	44.7	37.4	40.3	36.1	40.9	36.3	10.3%	9.7%	5.5%	4.4%
50–74	34.8	44.1	36.3	49.8	35.2	45.6	22.8	32.0	24.6	33.9	13.8%	12.5%	6.8%	5.9%
Country of birth														
Foreign	5.5	8.8	4.6	7.6	5.2	8.5	7.0	10.1	6.7	9.9	8.0%	8.6%	3.2%	3.1%
Native	94.5	91.1	95.3	92.3	94.7	91.5	92.9	89.9	93.2	90.1	9.9%	9.7%	4.7%	4.1%
Level of education														
Low	29.4	17.5	23.8	17.3	27.6	17.4	24.0	16.6	24.5	16.7	11.7%	10.0%	4.5%	4.2%
Medium	45.0	42.9	43.5	41.4	44.5	42.5	49.2	44.5	48.5	44.2	9.1%	9.3%	4.1%	3.8%
High	25.5	39.4	32.5	41.1	27.7	39.9	26.6	38.7	26.8	38.9	9.7%	9.6%	4.8%	4.1%
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	9.8%	9.6%	4.6%	4.1%

Source: Own calculations on Eurostat online database 'Employment and unemployment (LFS)' [lfsa_espais] <https://ec.europa.eu/eurostat/data/database>.

Table 2.3 SSE and employed (15–74). Descriptives by sector and occupation, 2008 and 2022.

	SSE 15–74			Employed 15–74		
	2008	2022	Δ (2022–2008)	2008	2022	Δ (2022–2008)
Primary	17.8	11.2	–6.6pp	14.0	10.1	–3.9pp
Constructions	13.6	12.9	–0.7pp	14.1	13.2	–0.9pp
Secondary	6.3	5.5	–0.8pp	8.3	6.8	–1.6pp
KBS	27.5	37.2	+9.7pp	25.7	33.8	+8.1pp
NoKBS	32.5	31.3	–1.2pp	36.2	34.5	–1.7pp
Other tertiary	2.1	1.3	–0.7pp	1.6	1.2	–0.4pp
Managers	5.1	5.8	+0.7pp	6.2	6.3	+0.1pp
Professionals	22.2	26.9	+4.7pp	18.6	22.9	+4.3pp
Technicians and associate professionals	13.4	14.4	+1.0pp	16.5	16.2	–0.3pp
Clerical support workers	2.2	1.9	–0.3pp	10.5	10.3	–0.3pp
Service and sales workers	16.3	15.0	–1.3pp	17.2	16.1	–1.1pp
Skilled agricultural, forestry, and fishery workers	15.8	11.6	–4.1pp	3.0	2.3	–0.7pp
Craft and related trades workers	17.4	16.5	–0.9pp	11.9	10.8	–1.1pp
Plant and machine operators and assemblers	4.6	4.6	+0.0pp	7.1	6.8	–0.2pp
Elementary occupations	3.1	3.4	+0.3pp	9.0	8.3	–0.8pp
	100	100		100	100	

Source: Own calculations on Eurostat online database ‘Employment and unemployment (LFS) [lfsa_espais] <https://ec.europa.eu/eurostat/data/database>.

(Rapelli, 2012; Knapp et al., 2021; McKeown, 2015), a central category in the debate on the precarisation of high-skilled workers employed in the grey areas between employment and self-employment. A large proportion of the employed in KBS are represented by high-skilled professions, namely managers, professionals and technicians, and associate professionals.

The relevance of SSE workers among the employed in KBS varies significantly across countries regardless of the institutional context (Figure 2.2). While in Italy the share of the SSE on the total employment in KBS is about 20% and remained relatively stable over time, in the Netherlands and the Czech Republic it grew rapidly between 2008 and 2022, reaching 15% of the employed in the industry in 2022. On the contrary, there are contexts with a low incidence of the SSE in KBS and a concomitant decrease; this is the case in Germany and Norway, where respectively only 6.2% and 3.2% were employed as SSE in KBS in 2022.

Table 2.4 Share of SSE on employed (15–74), and average growth rate SSE and employed by sector (2008, 2012, 2017, and 2022) and occupation (2012, 2017, 2022).

	% SSE/TOT employed					Average growth rate 2022/2008	
	2008	2012	2017	2022	Δ (2022–2012)	SSE	Employed
Primary	46.0%	44.7%	41.2%	39.8%	–6.2 pp	–2.8%	–1.7%
Constructions	15.9%	18.6%	18.9%	18.5%	+2.6 pp	+0.2%	–0.2%
Secondary	3.2%	3.4%	3.3%	3.2%	0.0 pp	–0.4%	–1.3%
KBS	8.8%	9.9%	10.2%	10.3%	+1.4 pp	+2.7%	+1.6%
NoKBS	10.2%	10.6%	10.0%	9.8%	–0.4 pp	+0.2%	+0.5%
Total	9.6%	10.1%	9.8%	9.6%	0.0 pp	+0.5%	+0.5%
Managers		8.4%	8.2%	8.9%	+0.5 pp	1.7%	1.1%
Professionals		12.2%	12.2%	11.3%	–0.9 pp	2.3%	3.0%
Technicians and associate professionals		8.3%	8.0%	8.6%	–0.8 pp	1.1%	0.7%
Clerical support workers		2.1%	1.9%	1.8%	–0.4 pp	–1.3%	0.6%
Service and sales workers		9.7%	9.5%	9.0%	–0.7 pp	–0.5%	0.2%
Skilled agricultural, forestry and fishery workers		53.9%	50.4%	48.6%	–5.3 pp	–2.6%	–1.6%
Craft and related trades workers		14.9%	14.7%	14.8%	–0.1 pp	–0.2%	–0.1%
Plant and machine operators and assemblers		6.6%	6.2%	6.5%	–0.1 pp	0.4%	0.6%
Elementary occupations		3.4%	3.6%	3.9%	0.5 pp	1.3%	0.0%

Source: Own calculations on Eurostat online database ‘Employment and unemployment (LFS)’ [lfsa_espais] <https://ec.europa.eu/eurostat/data/database>

The analysis by sector also highlights some dynamics concerning SSE workers in low-skilled occupations. First, there has been a consistent decline of the SSE in agriculture – from 46% to 39.8% – also mirrored by the decline of skilled agricultural, forestry, and fishery workers. Second, in the construction sector, the incidence of the SSE grew by 2.6 pp, reaching 18.5% of total employment in the sector in 2022. In this case,

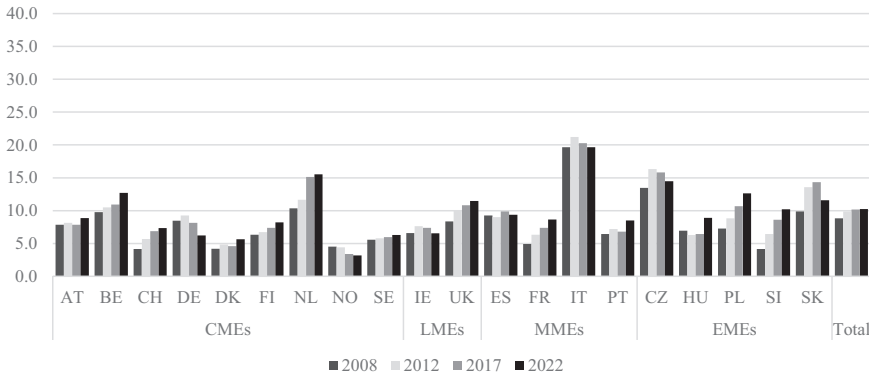


Figure 2.2 Percentage of solo self-employed on employed in knowledge-based sectors (KBS) (15–74) in 2007, 2012, 2017, 2022.

the occupational profiles developed were mainly related to craft and other trade workers and low-skilled jobs in the elementary occupations. In the construction sector, there were significant differences between countries in the relevance of SSE workers. In Slovakia, Czech Republic, and the UK, two out of five employed in the construction sector were SSE, while this condition applied to less than one in ten workers in Norway and Sweden and less than one in twenty in Austria.

2.5 Exploring the Grey Areas of Work: Involuntary and Dependent Self-Employment

In political and public debates, the promotion and support of self-employment and small businesses are often portrayed as ways of working that enable processes of economic innovation and the creation of new jobs that offer, compared to subordinate work, more space for self-fulfilment and the reconciliation between work and private spheres through greater control and autonomy in deciding when, where, and how to work. At the same time, the debate on the grey areas of work pointed out that self-employment is not always configured as a free choice motivated by a genuine entrepreneurial vocation but rather as a necessity related to marginalisation processes connected to macro-insecure economic conditions or processes of reorganisation of work that force workers to accept subcontracting or freelancing given the unwillingness of labour demand to create dependent employment positions (Aguilar et al., 2013; Kautonen et al., 2010; Millán et al., 2019; Smeaton, 2003). This second dynamic favours the development of marginal and weak self-employment positions such as involuntary (Carrasco and Hernanz, 2021; de Vries et al., 2020; Ferrín, 2023; Kautonen et al., 2010) and dependent self-employed workers (Böheim and Mühlberger, 2009; Bozzon and Murgia, 2022; Williams and Horodnic, 2019).

The category of involuntary self-employed refers to the motivations that led to starting an entrepreneurial or self-employed activity. The main distinction is between those who are pulled into self-employment on a voluntary basis and those who are pushed into self-employment because of economic or labour market pressures, out of necessity, or because they were forced to do so by their previous employers. Involuntary self-employed workers usually lack the intrinsic motivation necessary to support a genuine business activity and are more exposed to risk of business unsuccess and low subjective well-being (Block and Koellinger, 2009; de Vries et al., 2020).

Dependent self-employment refers instead to SSE workers who, in principle, should organise their work autonomously, but in practice are characterised by economic and/or operational dependencies that make their job conditions close to those of employees. Economic dependency is defined by job situations in which a self-employed person has a dominant client or a specific firm (employer) that defines their access to the market, price setting, and access to raw materials or capital items. Operational dependency refers to the lack of authority in deciding work organisation (Bozzon and Murgia, 2022; Williams and Horodnic, 2019).

Although there is a lack of data that would allow for a systematic longitudinal analysis, the ad hoc module on self-employment of the 2017 EU-LFS allows for a cross-country comparison on the quality of the working conditions of the SSE by taking into account the motivations for starting a self-employed activity, which characterised involuntary self-employment, and (some) forms of economic and operational dependency that define dependent self-employment conditions.

2.5.1 *Involuntary Self-Employment*

For the purposes of this analysis, the identification of involuntary status is based on the main reason that led to the start of the business activity. Involuntary SSE workers are self-employed people who either could not find a job as employees or were requested to become self-employed by a former employer or did not want (or plan) to be self-employed but entered self-employment for other reasons. Figure 2.3 compares the incidence of involuntary SSE workers with the total number of SSE across countries. On average, 16.8% of SSE workers in the selected European countries started their independent work because they were forced into it or out of necessity. For almost one in two involuntary SSE workers, involuntariness is due to an inability to find a salaried job.

There are substantial differences across countries in the incidence of involuntary self-employment. On average, in the countries of the MME and EME constellations, the incidence of involuntary SSE workers is higher and largely above the EU average than in the CMEs and LMEs. In Slovakia, almost two out of five SSE declared that they started their business on an involuntary basis. Alongside those who started self-employment because they were not



Figure 2.3 Involuntary self-employed. Percentage of solo self-employed (15–74) by country.

able to access paid employment, there is a large proportion who declared that they were forced into this choice by their previous employer. Slovakia is the only country where a consistent prevalence of this option is visible. In the other countries, this option is found in around 2% of the self-employed. These high levels of involuntariness in Slovakia can partly be attributed to labour regulations, the conditions of which are so strict that they facilitate exclusion from employee status (Digennaro, 2020). Moreover, in Austria and Ireland too, the percentage of involuntary SSE workers is approximately 7%, a quite uncommon condition with respect to the other countries. These differences between contexts in the incidence of involuntariness of self-employment are connected to institutional differences in levels of support for entrepreneurial activity and employment creation. Favourable legal and institutional support for the labour market and entrepreneurship are indeed usually positively related to the creation of genuine enterprises (Gevaert et al., 2018). In particular, Scandinavian, conservative, and liberal countries are institutional contexts that offer the most support for entrepreneurship, while Eastern and Mediterranean economies represent less supportive environments for both the growth of entrepreneurship and employment protection. In these contexts, low social protection and high unemployment are often conditions that push people into self-employment out of necessity, favouring the diffusion of weak self-employment positions (Dilli et al., 2018; Fritsch et al., 2019).

Focusing on the differences between sectors and occupations, Figure 2.4 suggests that the highest levels of involuntariness are found among SSE workers in low-skilled occupations and in the construction, secondary, and Non-KBS sectors (mainly craft workers). In these cases, involuntariness affects one in five SSE workers and just slightly less than one in three in elementary occupations. In contrast, in agriculture, KBS, and high-skilled occupations, the involuntariness rate does not exceed 15% of the SSE. While, on the one hand, in agriculture, the main motivation for becoming an SSE is inheriting or continuing a family business, on the other hand, SSE in KBS and

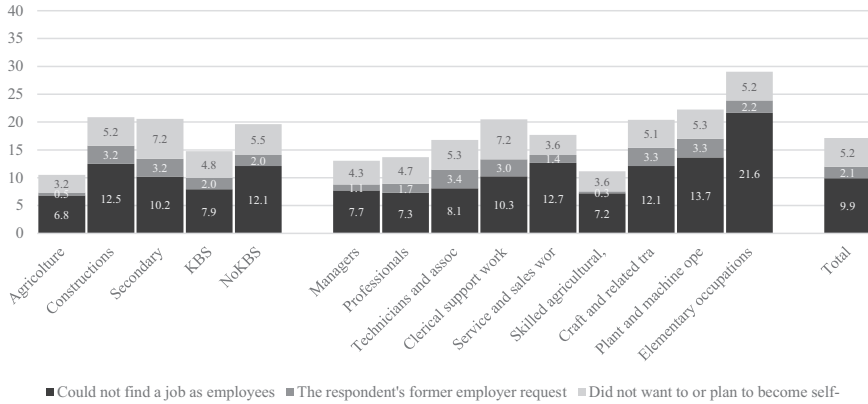


Figure 2.4 Involuntary self-employed. Percentage on solo self-employed (15–74) by sector and type of occupation.

those employed in high-skilled professions tend to consider self-employment more frequently as the usual practice in their professional sphere or as an opportunity for professional growth.

2.5.2 Economic Dependency

Regarding the working conditions that make the SSE closer to the status of employees, dependent self-employment is usually defined by the presence of two main forms of dependency: economic and operational.

Economic dependency is defined by job situations in which a self-employed person has a dominant client or a specific firm (employer). A client is defined as dominant if it provided at least 75% of income in the last 12 months. Economic dependency affects the overall potential profits and prospects of business development, exposing these SSE workers to high income uncertainty and vulnerability. More specifically, economic dependency affects about one in four SSE workers in the sample (Figure 2.5), but the prevalence of this condition varies considerably between countries. In the Nordic countries and in most of the Eastern European countries considered, the single-client condition is widespread, and, in some cases, such as Norway, Sweden, and Slovakia, it characterises almost two out of five SSE workers. In contrast, in the Mediterranean countries (excluding France), the single-client condition is less common than the European average with incidences ranging from 16.5% in Spain to 20.7% in Italy.

Rates by sector and type of occupation show that economic dependency is prevalent among SSE workers in agriculture (40%) and among those in less qualified clerical jobs. The lowest prevalence of this type of dependency is found in the Non-KBS tertiary sector, mainly in care activities, sales workers, and manual jobs such as craft and related trades workers activities (Figure 2.6).

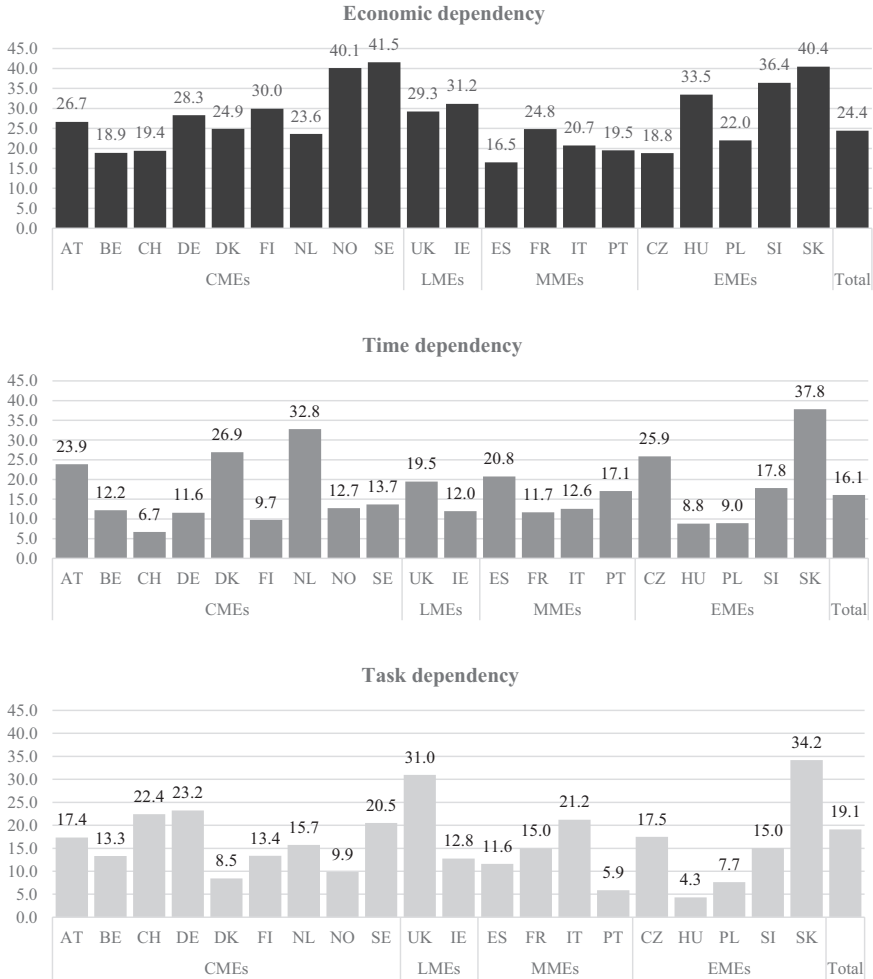


Figure 2.5 Forms of dependency: economic time and task dependency by country. Percentage on SSE (15–74).

2.5.3 Operational Dependency

The second form of dependency that characterises dependent self-employment is operational dependency, which is related to the level of decision-making, autonomy, and control over the organisation of the business and the daily work. The EU-LFS ad hoc module on self-employment identifies two types of operational dependency: ‘time’ and ‘task dependency’ (Bozzon and Murgia, 2022). Time dependency is a situation where working time is decided by clients or by any other party. Task dependency is a situation where the respondents are not able to influence the content or the order of the tasks in the main job.

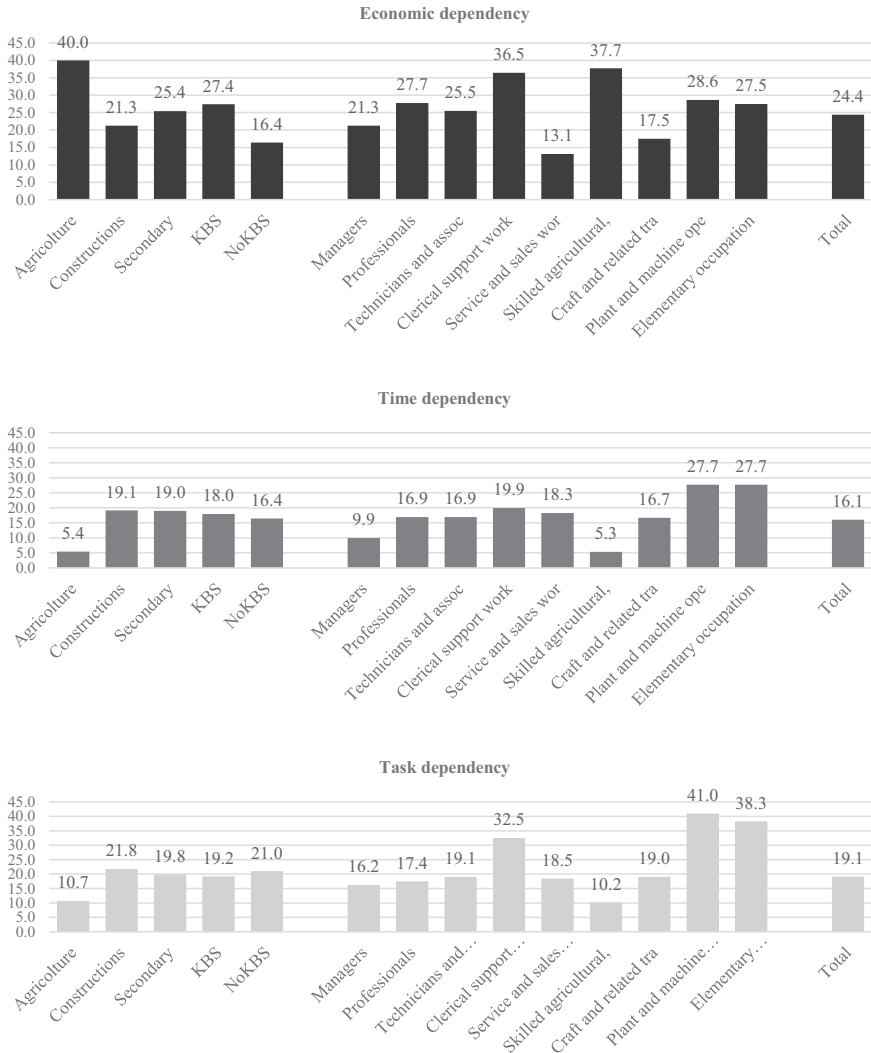


Figure 2.6 Forms of dependency (economic, time, and task) by sector and type of occupation. Percentage on SSE (15–74).

Time dependency affects, on average, 16% of the SSE considered, while task dependency affects 19% (Figure 2.5). Again, considerable variation is visible between countries, but, differently from involuntary self-employment and economic dependency, there is no systematic pattern across institutional contexts. Slovakia shows incidences of both time and task dependency – 37.8% and 34.2%, respectively – that are double the European average. Considering the high prevalence of economic dependency and involuntariness, in Slovakia, the SSE seem the most exposed to experiencing forms of weakness and vulnerability in the European context. Hungary and Poland show a very

limited spread of both forms of task dependency, with incidences of less than 10%. In the Netherlands, time dependency affects one out of three SSE workers, but levels of task dependency are slightly below the average. By contrast, in the UK, task dependency affects about one in three SSE workers, but the levels of time dependency are slightly above average.

Focusing on sectors and types of occupation, the prevalence of time dependency is particularly high among the SSE in secretarial and administrative support, blue-collar, and elementary occupations. In these cases, the incidence of time dependency affects about 40% of the SSE. The incidence of task dependency seems instead to be more prevalent in low-skilled occupations. The other sectors and occupations are settled on time and task dependency rates close to the average. An exception is self-employment in agriculture, where very low levels of time and task dependency are found (Figure 2.6).

2.5.4 Dependent Self-Employment

The definition adopted by Eurostat in the context of the ad hoc module on self-employment defines economically dependent SSE workers (DSSE) as those who have worked in the last 12 months for a single or a dominant client, and this client has decided their working hours (Eurostat, 2018; Kösters and Smits, 2022). This is a fairly restrictive definition, which considers the simultaneous presence of only two forms of dependency: economic and time. On the basis of this definition, about 4.9% of SSE workers are considered DSSE workers (Figure 2.7). An alternative operative definition of DSSE workers – based on the available information in the 2017 EU-LFS ad-hoc module that also considers the presence of task dependency – defines this group of workers as SSE who experience at least two out of three forms of dependency: economic, time, and task dependency (Bozzon and Murgia, 2022). On the basis of this ‘loose’ definition, the rate of DSSE is 12.9% among selected

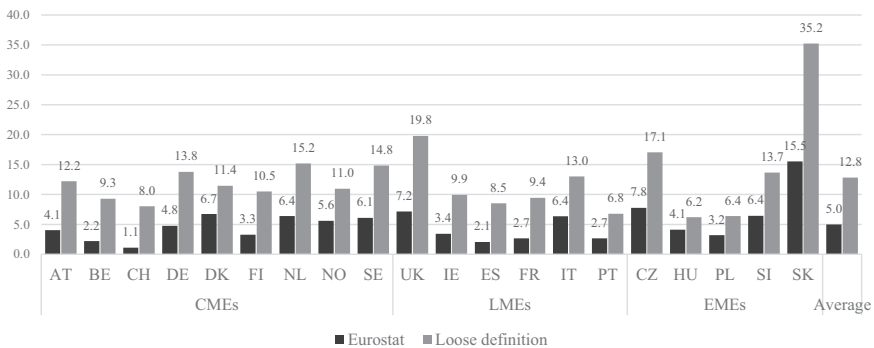


Figure 2.7 Dependent self-employment by country. Percentage of SSE (15–74).

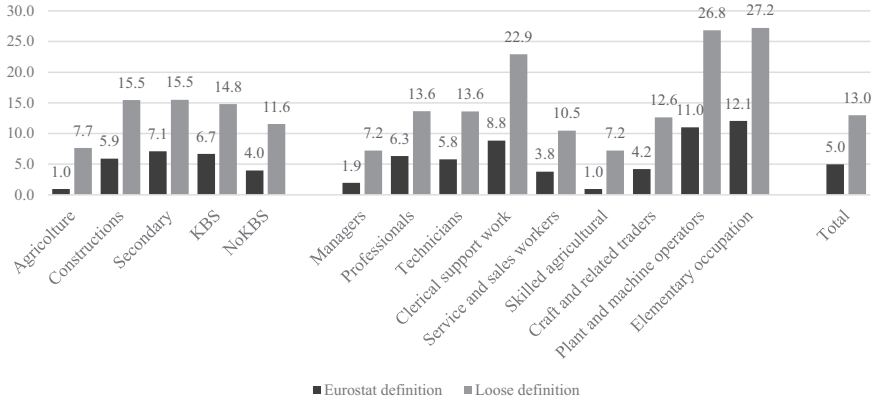


Figure 2.8 Dependent self-employment by sector and type of occupation. Percentage of SSE (15–74).

cases. There is therefore little overlap between the considered economic and operational dependency.

The incidence of DSSE (according to both operative ‘strict’ and ‘loose’ definitions employed in this chapter) is particularly high among the SSE in Slovakia (35.28%) and the UK (19.8%). In some countries, where the share of self-employment is particularly high, the incidence of the DSSE is instead below the sample average. This is the case in MMEs, mainly Portugal and Spain.

The analysis of the incidence of DSSEs on total solo self-employment by sector and type of occupation confirms what has already been described for the individual forms of dependency: those working in low-skilled occupations are most at risk of being dependent self-employed. In the case of workers in agriculture, the high incidence of economic dependency rarely combines with the two forms of operational dependency considered, time and task, resulting in the lowest levels of DSSE workers (Figure 2.8).

2.5.5 *Relations between Involuntary Self-Employment and Dependent Self-Employment*

At the country level, it is documented that dependent and involuntary self-employment rates are not correlated (Kösters and Smits, 2022) (Figure 2.9). Apart from Slovakia, where there are high rates of both involuntary SSE and DSSE, there is no systematic cross-country variation between involuntary self-employment and DSSE rates.

Nevertheless, it cannot definitively be forgotten that these disparate conditions may mutually affect each other. Table 2.5 indicates that individuals who enter self-employment involuntarily are at a significantly higher risk

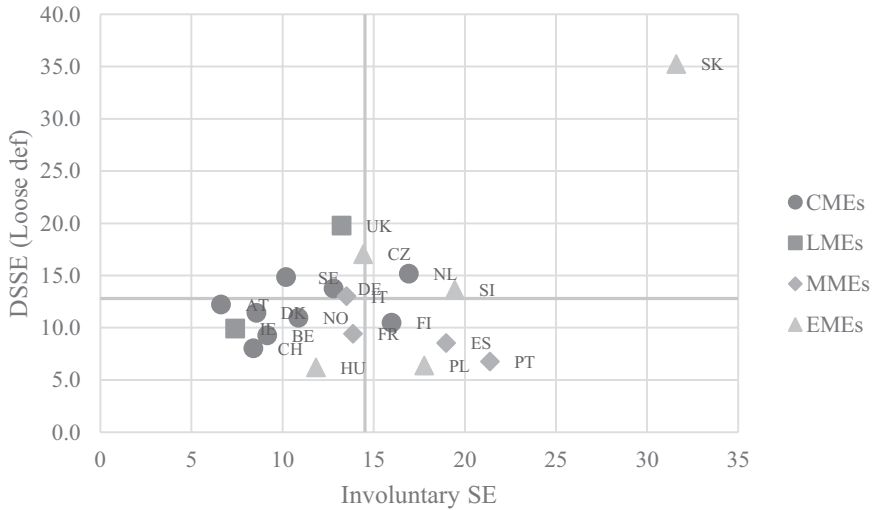


Figure 2.9 Share of involuntary and DSSE on SSE. Cross-country correlation.

of experiencing economic, operational, and task dependency, with respective values of +9.9 pp, +7.8 pp, and +7.7 pp compared to those who enter self-employment voluntarily. Furthermore, economic dependency is also positively associated with the risk of experiencing time and task dependency, with respective values of +11.6 pp and +10.7 pp.

Considering other attributes characterising business activity, such as the time of entry into self-employment and the presence of business partners, estimated parameters indicate that these two conditions influence the risk of experiencing economic dependency and involuntariness. However, they have no effect on time or task dependency. In particular, having been self-employed for less than a year significantly increases the propensity to be in a condition of economic dependency (+9.3 pp) as well as to be classified as an involuntary SSE (+7.6 pp). In contrast, having a co-owner seems to limit the risk of experiencing economic dependency and being an involuntary SSE worker. Moreover, the analyses of socio-demographic characteristics suggest that foreigners are more exposed than natives to the risk of having started an entrepreneurial activity on an involuntary basis and being DSSE, mainly based on economic or task dependency. Moreover, the SSE aged 15–34 face a higher risk of being DSSE than older SSE. On the contrary, age is not related to the risk of being involuntary SE. Regarding educational qualifications, higher levels of education protect against experiencing task dependency but have no effect on preventing economic and time dependency and involuntary self-employment. Finally, there are no significant differences in the risks of being DSSE or involuntary SSE by sex.

Table 2.5 Economic dependency, time dependency, task dependency, dependent SSE and involuntary SSE by socio-demographic characteristics. Average marginal effects (15–74).

	<i>Forms of dependency</i>						<i>DSSE</i>		<i>Involuntary</i>			
	<i>Economic</i>		<i>Time</i>		<i>Task</i>		<i>Eurostat</i>		<i>(Loose def)</i>		<i>SSE</i>	
	<i>dy/dx</i>		<i>dy/dx</i>		<i>dy/dx</i>		<i>dy/dx</i>		<i>dy/dx</i>		<i>dy/dx</i>	
Involuntary SSE	0.097	***	0.074	***	0.064	***	0.055	***	0.104	***		
Economic dependency			0.116	***	0.106	***						
Entered the position one year or less ago	0.093	***	0.006		0.005		0.018		0.033	*	0.076	***
Having a business partner:												
- Works together with a co-owner	-0.062	***	0.004		-0.012		-0.020	***	-0.023	*	-0.049	***
Works with other SE in a network	0.006		0.026	*	-0.007		-0.002		0.012		-0.012	
- Both	-0.056	***	0.027		-0.012		-0.024	**	-0.013		-0.031	***
Female	-0.021		0.002		0.005		-0.004		-0.007		0.018	
Foreign	0.037	***	0.021		0.041	***	0.012	*	0.034	***	0.075	***
Age (ref: 15–34)												
15–34												
35–49	-0.026	*	-0.036	**	-0.020	*	-0.021	***	-0.036	***	-0.003	
50–64	-0.024	*	-0.057	***	-0.025	*	-0.027	***	-0.049	***	0.001	
Education (Ref: Low)												
Medium	0.007		-0.003		-0.024	***	0.004		-0.008		0.006	
High	0.007		-0.016		-0.040	***	0.002		-0.012		-0.002	
N.	44,265		44,265		44,265		44,265		44,265		44,265	

Source: Own calculations on Eu-LFS, 2017.

Note: Predictions based on logit models which control for country, sector and isco08.

*** $p < 0.001$ ** $p < 0.01$ * $p < 0.05$.

2.6 Holding Multiple Jobs and Hybrid Self-Employment

A further condition in the grey areas between self-employment and employment concerns holding multiple jobs and hybrid entrepreneurship. Holding multiple jobs refers to situations in which people do more than one job at the same time. *Hybrid entrepreneurship* is defined in this debate as a specific form of holding multiple jobs where one job is an occupational activity in self-employment (Folta et al., 2010).

The phenomenon of holding multiple jobs and hybrid entrepreneurship may be motivated by a push-and-pull dynamic (Bögenhold, 2019; Mori et al., 2022) that is analogous to the distinction between voluntary and involuntary self-employment. On the one hand, some workers (employees and self-employed) are pushed to have a second job to meet family needs, maintain their living standards, and limit the risk of unemployment or the consequences of economic instability and job insecurity. On the other hand, there may be pull factors motivated by the desire to achieve greater autonomy and spaces for self-fulfilment and enhancement of one's human capital. The first scenario posits that holding multiple jobs and hybrid entrepreneurship represent further means of work precariousness. Conversely, the second scenario views such practices as a transitional phase towards autonomy and career advancement (Bögenhold and Klinglmair, 2016). The data considered in this study do not allow for a distinction between push and pull dynamics in holding multiple jobs. However, other studies suggest that both dynamics seem to be at work in the European context (Conen and Stein, 2021).

In 2022, the status of holding multiple jobs affected 4% of the self-employed (with and without employees) and 4% of employees (Figure 2.10). It was therefore still a marginal phenomenon (Bögenhold, 2019). However, it should be noted that this phenomenon tends to be underestimated by the EU-LFS due to problems intrinsic to the way second jobs are recorded, which does not allow for the capture of short-term, irregular, and off-the-books work episodes (Conen and Stein, 2021; Mori et al., 2022) (cfr Chapter 7).

The cross-country comparison shows that in continental and northern European countries, holding multiple jobs is much more widespread than in other institutional contexts, especially among the SSE (Figure 2.10). In 2022, in the Netherlands and Finland, respectively, 14% and 12% of self-employed workers and 9.4% and 7.2% of employees held a second job. The Scandinavian countries follow, where holding multiple jobs involved about 10% of the self-employed and 6% of employees. On the opposite side are Italy and Hungary, where multiple jobs affect less than 2% of self-employed workers and employees. Only 1.4% of employees hold a second job as self-employed, thus falling into the category of hybrid entrepreneurs (Bögenhold, 2019). The same is true for self-employed workers, for whom half of the multiple job holders have a second job as employees.

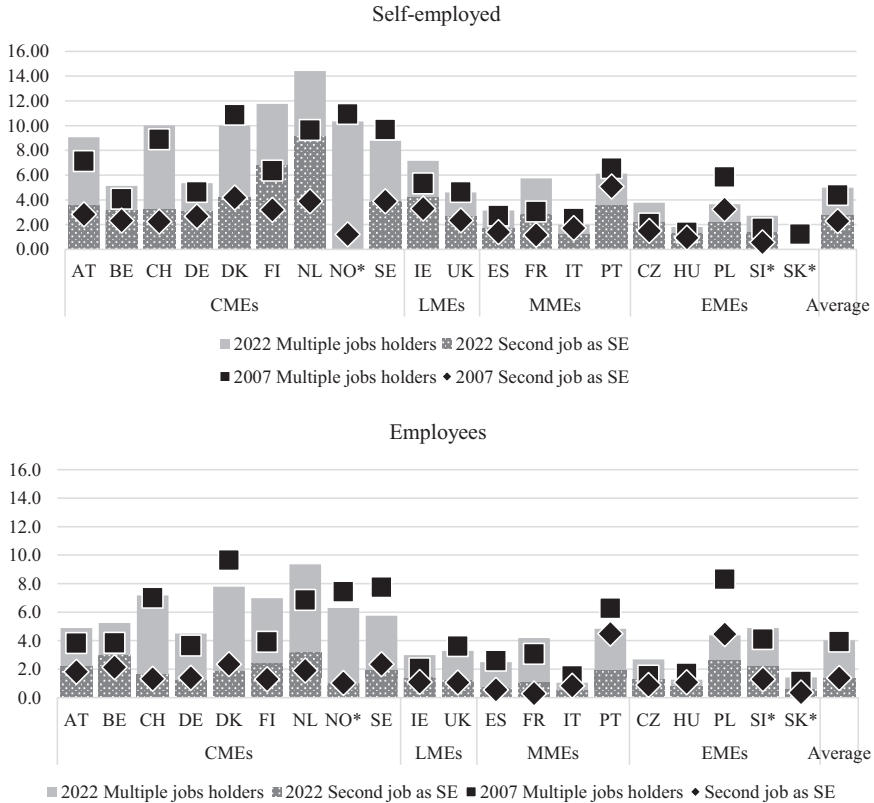


Figure 2.10 Multiple jobs holding. Percentage of self-employed and employees with a second job (15–74) by country.

Focusing on socio-demographic differences (Table 2.6), women are less likely than men to have a second job as an employee (-1.1 pp), regardless of employment status in their main job. Only among employees are women more likely than men to be self-employed in their second job, but the strength of this effect is very small (+0.4 pp). Regarding age, younger people are less likely to have a second job as self-employed but are more likely to have two dependent jobs. This outcome may be indicative of the prevalence of non-standard contracts in the early stages of careers, particularly among younger demographics. Moreover, considering the level of education, the analyses indicate that the propensity to have a second job is higher among those with a high level of education. In particular, they are more likely than those with low levels of education to be hybrid self-employed (+1.2 pp) independently from the main job position.

Finally, with respect to the existence of an association between involuntary self-employment, forms of dependency, and the propensity to have a second job for the SSE, the analyses suggest that these work circumstances do not

Table 2.6 Types of multiple jobs holding and hybrid self-employment by socio-demographic characteristic and job conditions in self-employment. Average marginal effects.

	Multiple jobs holders by working status in the main and second job											
	SSE with a second job as SE		SSE with a second job as employee (Hybrid SE)		SE with employees with a second job as SE		SE with employees with a second job as employee (Hybrid SE)		Employees with a second job as SE (Hybrid SE)		Employees with a second job as employee	
	dy/dx		dy/dx		dy/dx		dy/dx		dy/dx		dy/dx	
Involuntary SSE	-0.003		0.000									
Forms of dependency												
Economic	-0.009	**	0.002									
Time	0.001		0.003									
Task	-0.008	**	0.000									
Female	-0.010	***	0.003		-0.010	***	0.003		-0.011	***	0.004	*
Foreign	-0.007		-0.005	*	-0.008		-0.005		-0.009	***	0.001	
Age class (Ref: 15-34)												
35-49	0.009	***	-0.006		0.009	***	-0.006		0.008	***	-0.006	*
50-64	0.010	***	-0.006		0.010	***	-0.006		0.007	***	-0.008	***
Education (Ref: Low)												
Upper secondary	0.008		0.008	***	0.008		0.008	***	0.007	***	0.001	
Tertiary	0.012	*	0.013	***	0.013	*	0.013	***	0.011	***	0.005	*
N.	44,265		44,265		18,640		18,640		345,722		345,722	

Source: Own calculations on Eu-LFS, 2017.

Note: Average marginal effects based on multinomial models which control for sector, isco, country.

*** $p < 0.001$ ** $p < 0.01$ * $p < 0.05$.

influence the likelihood of having a second job as an employee. Moreover, those in a condition of economic dependency and limited autonomy in deciding how to do their work (task dependency) appear to be less likely to have a second job as the self-employed.

2.7 Prospects of Changing Working Status

This last section shifts the attention to future prospects and focuses on how the four dimensions considered to describe heterogeneous work conditions at the borders between employment and self-employment – i.e., involuntary self-employment, forms of economic and operational dependency (task and time), and holding multiple jobs – influence future career prospects, especially the desire to change employment status.

Table 2.7 analyses the wishes of employees to become self-employed and, vice versa, of entrepreneurs and SSE workers to become employees. In the case of employees, the analyses indicate that for those who have a second job and, above all, those who have a second job as self-employed, the propensity to wish to change job status and start a full-time entrepreneurial career is +16.9 pp higher than those who do not have a second job. Translated into predicted probabilities, if among those who do not have a second job only 8.6% want to become self-employed, this ratio concerns 25% of employees who have a second job as self-employed. In the case of the self-employed, the analyses are separate for entrepreneurs and SSE workers. In general, having a second job, especially among the self-employed, influences the propensity to wish to change the employment status of SSE (+5.0 pp), but not

Table 2.7 Wish to change working status. Average marginal effects.

	<i>Is working as employee but wishes to work as SE</i>		<i>Is self-employed but wishes to work as employee</i>	
	<i>dy/dx</i>		<i>SE with employees</i>	<i>SSE</i>
	<i>dy/dx</i>		<i>dy/dx</i>	<i>dy/dx</i>
Multiple jobs holding (Ref: No)				
As SE	0.169	***	0.038	0.024
As employees	0.017		-0.015	0.050 **
Involuntary SE			0.116	*** 0.214 ***
Economic dependency			0.011	*** 0.035 ***
Time dependency			0.055	** 0.040 **
Task dependency			0.029	0.046
N.	345,722		18,640	44,265

Source: Own calculations on Eu-LFS, 2017.

Note: Average marginal effects based on multinomial models which control for sector, isco, country, sex, age classes, migrant status, and education.

*** $p < 0.001$ ** $p < 0.01$ * $p < 0.05$.

among entrepreneurs. For self-employed workers, the largest role in the wish to change job status is played by involuntariness. Having become SSE or an entrepreneur on an involuntary basis conspicuously increases the wish to become an employee for both self-employed with employees (+11.6 pp), especially for the SSE (+21.4 pp). While among ‘voluntary’ entrepreneurs 9.8% would like to change status, among involuntary entrepreneurs the risk rises to 20.8%. If among voluntary SSE workers 12.8% wish to change jobs, among involuntary SSE 1 in 3 (33%) wish to become an employee.

Differently from involuntariness, the different forms of dependency play a less consistent role in influencing job prospects. On the one hand, lack of autonomy in deciding one’s own work schedule significantly raises the propensity to wish to change the job status of both employers (+5.5 pp) and SSE workers (+4.0 pp). Task dependency, on the other hand, seems to have no influence. Finally, economic dependency elevates the desire to change jobs only for the SSE (+3.5 pp).

2.8 Conclusions

This chapter has presented a portrait of the characteristics of self-employment in Europe over the past 15 years, based on data from the EU-LFS. The main aim was to provide an overview of the evolution of self-employment and heterogeneity of working conditions in the grey areas at the boundary of independent and dependent work. In particular, the status of involuntary self-employment, dependent self-employment, and hybrid entrepreneurship were discussed.

The analyses showed heterogeneous trends across countries, job sectors, and professions in the levels of self-employment and the conditions considered. The prevailing trend in most countries is a growth in the volumes of SSE workers and a concomitant reduction in the number of entrepreneurs with employees. The expansion of the SSE is correlated with the advancement of KBS sectors (the so-called I-Pros). Conversely, a decline in self-employed workers engaged in agriculture is discernible. In terms of socio-demographic characteristics, the prevalence of the SSE is more pronounced among older workers and foreigners.

Considering the distinctions between voluntary and involuntary self-employment, as well as indicators of holding multiple jobs and economic dependency, significant differences were found between countries. The national contexts characterised by a high incidence of self-employment, namely EME and MME countries, are those most characterised by involuntary self-employment. This prevalence can be traced back to a push dynamic in self-employment related to the deficiency of regular wage employment. Conversely, the prevalence of multiple job holders and, in particular, hybrid entrepreneurship is a phenomenon that, although limited, appears to be more prevalent in CME countries, particularly Nordic ones. Finally, economic dependency seems to be more prevalent in Eastern Europe, Nordic, and liberal countries.

In contrast, forms of operational dependency – time and task dependency – seem to be independent of institutional context and more related to the type of occupation. In particular, together with involuntary self-employment and economic dependency, they prevail among SSE with low skills and executive job profiles.

The analyses confirmed a limited overlap between involuntariness and the forms of economic and operational dependency that have already been documented in the literature (Kösters and Smits, 2022). At the same time, situations of involuntariness and economic dependency are positively associated with the risk of experiencing conditions of operational dependency. Furthermore, situations of involuntariness, dependency, and multiple jobs seem to foster conditions of job dissatisfaction and instability (Bozzon, 2023), which in turn may lead to the intention to change jobs.

The picture outlined in this chapter is subject to certain limitations in the available data at a comparative level. In particular, the lack of systematic and longitudinal data on the reasons for becoming a self-employed worker or being a multiple job holder, as well as on the forms of economic and operational dependency that define dependent self-employment, limits our ability to gain a deeper understanding of the mechanisms at play in the grey areas of work. This prevents us from distinguishing, for example, between dynamics of job marginalisation and forms of genuine entrepreneurial development. Moreover, the definition of dependent self-employment, which is based on economics and only two forms of operational dependency – time and task – leads to a partial representation of the phenomenon and its probable under-representation (Bozzon and Murgia, 2022).

Finally, the data considered struggle to capture some transformations in technology, work organisation, and work regulations that are redefining production models and labour and industrial relations. For instance, the growth of multi-party employment relationships (see Cappelli and Keller, 2013) and the more recent advent of digital labour platforms (see Piasna, 2021) are transforming the nature of work and the relationship between employers and employees. However, the available data do not fully capture these transitions and their potential implications, for example, in terms of collective voice to claim access to citizenship and organising welfare protections (Sjöberg, 2017). These changes not only challenge the traditional dichotomy between employment and self-employment, which underlies current statistical representations of the labour market – including the portrait presented in this chapter – but also necessitate a critical redefinition of the information on the structure, conditions, and quality of labour relations to be included in available labour force surveys in order to capture the transformations taking place.

References

- Aguilar, A. C., García Muñoz, T. M., and Moro-Egido, A. I. (2013). Heterogeneous self-employment and satisfaction in Latin America. *Journal of Economic Psychology*, 39, 44–61. Doi: 10.1016/j.joep.2013.07.001

- Arum, R., and Mueller, W. (2004). *The Reemergence of Self-Employment: A Comparative Study of Self-Employment Dynamics and Social Inequality*. Princeton: Princeton University Press.,
- Block, J., and Koellinger, P. (2009). I can't get no satisfaction - Necessity entrepreneurship and procedural utility. *Kyklos*, 62(2), 191–209. Doi: 10.1111/j.1467-6435.2009.00431.x
- Bögenhold, D. (2019). Are hybrids the new normal ? A labour market perspective on hybrid. *Internatinal Review of Entrepreneurship*, 17(4), 00–00.
- Bögenhold, D., and Klinglmair, A. (2016). Independent work, modern organizations and entrepreneurial labor: Diversity and hybridity of freelancers and self-employment. *Journal of Management and Organization*, 22(6), 843–858. Doi: 10.1017/jmo.2016.29
- Bögenhold, D., and Staber, U. (1991). The decline and rise of self-employment. *Work Employment and Society*, 5(2), 223–239. Doi: 10.1177/0950017091005002005
- Böheim, R., and Mühlberger, U. (2009). Dependent self-employment: Workers between employment and self-employment in the UK. *Zeitschrift Für ArbeitsmarktForschung - Journal for Labour Market Research*, 42(2), 182–195. Doi: 10.1007/s12651-009-0014-x
- Bozzon, R. (2023). To what extent are the self-employed satisfied?: A focus on involuntariness and forms of dependency in Europe. *To What Extent Are the Self-Employed Satisfied?: A Focus on Involuntariness and Forms of Dependency in Europe*, 165(1), 201–223. Doi: 10.3280/SL2023-165010
- Bozzon, R., and Murgia, A. (2022). Independent or dependent? European labour statistics and their (in)ability to identify forms of dependency in self-employment. *Social Indicators Research*, 160(1), 199–226. Doi: 10.1007/s11205-021-02798-1
- Bureau, M. C., and Corsani, A. (2017). The French business and employment cooperative. An autonomy factory? In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance*. (pp. 60–69). London: Routledge
- Cappelli, P., and Keller, J. (2013). Classifying work in the new economy. *Academy of Management Review*, 38(4), 575–596. Doi: 10.5465/amr.2011.0302
- Carrasco, R., and Hernanz, V. (2021). Dependent self-employment across Europe: Involuntariness, country's wealth and labour market institutions. *Applied Economics*, 00(00), 1–16. Doi: 10.1080/00036846.2021.1980200
- Conen, W., and Schippers, J. (2019). *Self-Employment as Precarious Work*. Cheltenham: Edward Elgar Publishing. Doi: 10.4337/9781788115032
- Conen, W., and Stein, J. (2021). A panel study of the consequences of multiple jobholding: enrichment and depletion effects. *Transfer*, 27(2), 1–18. Doi: 10.1177/1024258920985417
- de Vries, N., Liebrechts, W., and van Stel, A. (2020). Explaining entrepreneurial performance of solo self-employed from a motivational perspective. *Small Business Economics*, 55(2), 447–460. Doi: 10.1007/s11187-019-00244-8
- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour and Law Issues*, 6(1), 1–47. Doi: 10.6092/issn.2421-2695/11254
- Dilli, S., Elert, N., and Herrmann, A. M. (2018). Varieties of entrepreneurship: exploring the institutional foundations of different entrepreneurship types through 'varieties-of-capitalism' arguments. *Small Business Economics*, 51(2), 293–320. Doi: 10.1007/s11187-018-0002-z

- Dvouléty, O. (2020). Classifying self-employed persons using segmentation criteria available in the Labour Force Survey (LFS) data. *Journal of Business Venturing Insights*, 4(September), e00199. Doi: 10.1016/j.jbvi.2020.e00199
- Eurostat. (2018). Labour Force Survey (LFS) ad-hoc module 2017 on the self-employed persons. *Assessment Report*. Luxembourg: Publications Office of the European Union. Doi: 10.2785/284
- Ferrín, M. (2023). Self-employed women in Europe: Lack of opportunity or forced by necessity? *Work, Employment and Society*, 37(3), 625–644. Doi: 10.1177/09500170211035316
- Folta, T. B., Delmar, F. É., and Wennberg, K. (2010). Hybrid entrepreneurship. *Management Science*, 56(2), 253–269. Doi: 10.1287/mnsc.1090.1094
- Fritsch, M., Sorgner, A., and Wyrwich, M. (2019). Self-employment and well-being across institutional contexts. *Journal of Business Venturing*, 34(6), 105946. Doi: 10.1016/j.jbusvent.2019.105946
- Gevaert, J., Moortel, D. De, Wilkens, M., and Vanroelen, C. (2018). What's up with the self-employed? A cross-national perspective on the self-employed's work-related mental well-being. *SSM - Population Health*, 4, 317–326. Doi: 10.1016/j.ssmph.2018.04.001
- Hall, P. A., and Soskice, D. (2001). An Introduction to Varieties of capitalism (pp. 1–68). In P. A. Hall & D. Soskice (Eds.), *Varieties of Capitalism*. Oxford: Oxford University Press. Doi: 10.1093/0199247757.003.0001
- Kautonen, T., Down, S., Welter, F., Vainio, P., Palmroos, J., Althoff, K., and Kolb, S. (2010). “Involuntary self-employment” as a public policy issue: A cross-country European review. *International Journal of Entrepreneurial Behavior and Research*, 16(2), 112–129. Doi: 10.1108/13552551011027002
- Kautonen, T., and Kibler, E. (2016). *The 'Grey Area' between Employment and Self-Employment: Implications for Official Statistics* (pp. 1–5). Outlook Report. Power from Statistics. Doi: 10.13140/RG.2.2.22424.34564
- Knapp, M. T. (2020). Independent professionals: Knowledge-intensive work between the professions and new expert occupations. *Building Future Competences. Challenges and Opportunities for Skilled Crafts and Trades in the Knowledge Economy*, 1, 126–141.
- Knapp, M., Sawy, A., and Bögenhold, D. (2021). Independent contractors, ipros, and freelancers: New puzzle pieces in a conceptual jungle. *International Review of Entrepreneurship*, Article #1657, 19(3), 333–354.
- Kösters, L., and Smits, W. (2022). Genuine' or 'Quasi' self-employment: Who can tell? In *Social Indicators Research*, 161(1), 191–224. Doi: 10.1007/s11205-021-02794-5
- McKeown, T. (2015). What's in a name? The value of 'entrepreneurs' compared to 'self-employed'... but what about 'freelancing' or 'IPro'? *International Review of Entrepreneurship*, 13(2), 103–116
- Millán, A., Millán, J. M., and Caçador-Rodrigues, L. (2019). Disclosing 'masked employees' in Europe: job control, job demands and job outcomes of 'dependent self-employed workers.' *Small Business Economics*, 55, 461–474. Doi: 10.1007/s11187-019-00245-7
- Mori, A., Pais, I., Arcidiacono, D., and Manzo, C. (2022). The phenomenon of multiple job-holding in Italy: Between recursion and transformation. *Stato e Mercato*, 42(3), 479–514. Doi: 10.1425/106575

- Murgia, A., Bozzon, R., Digennaro, P., Mezihorák, P., Mondon-Navazo, M., and Borghi, P. (2020). Hybrid areas of work between employment and self-employment: Emerging challenges and future research directions. *Frontiers in Sociology*, 4, 1–8 Doi: 10.3389/fsoc.2019.00086
- Piasna, A. (2021). Measuring the platform economy: Different approaches to estimating the size of the online platform workforce. In Drahoukoupil Jan, Vandaele Kurt (Ed.), *A Modern Guide to Labour and the Platform Economy*, (pp. 66–80). Cheltenham (UK): Edward Elgar Publishing. Doi: 10.4337/9781788975100.00013
- Rapelli, S. (2012). *European I-Pros: A Study*. Professional Contractors Group (PCG), West Drayton UK.
- Sjöberg, O. (2017). Employee collective voice and short-term sickness absence in Europe. *European Journal of Industrial Relations*, 23(2), 151–168. Doi: 10.1177/0959680116680674
- Smeaton, D. (2003). Self-employed workers: Calling the shots or hesitant independents? A consideration of the trends. *Work, Employment and Society*, 17(2), 379–391. Doi: 10.1177/0950017003017002008
- Supiot, A. (1999). *Au-delà de l'emploi. Transformations du travail et devenir du droit du travail en Europe*. Rapport pour la Commission Européenne (dir.), Paris: Flammarion.
- Williams, C. C., and Horodnic, I. A. (2019). *Dependent Self-Employment: Theory, Practice and Policy*. Cheltenham (UK): Edward Elgar Publishing. Doi: 10.4337/0781788118835

3 Regulating Labour at the Border between Employment and Self-employment

An Enduring Challenge

Pierluigi Digennaro

3.1 Introduction

This chapter is devoted to presenting and analysing how European legal systems have framed working activities. Labour law developed around the distinction between employment and self-employment in a phase of mature legislation prompted by the era of industrialisation. The relevance of employee status arises from legal systems, linking it to standards that were not supposed to be applied in the case of self-employment. Late in the second half of the 20th century, legislators began to consider the situation of some workers with mixed characteristics that required specific legislative adjustments. In some countries, a third status was created, while in other countries, some of the protective standards for employment were extended over their original scope. In other cases, a certain rigidity of the system led to an increase in the number of SSE workers.

More recently, the affordances of new technologies have brought the debate before the courts and academics regarding the status of workers recruited through digital labour platforms to the point that the European Union (see Chapter 13) decided to intervene with specific regulations. Some countries have also passed laws on platform work, but these often address only specific sectors, such as the mobility or delivery industries. Moreover, it is often legislation that aims at ensuring some rights for self-employed platform workers only (for example, the right to collective bargaining or health and safety standards) or rights connected to the specificity of digital technologies, for example, the right to disconnect. Lastly, this legislation does not usually tackle the issue of the status of workers, with a few exceptions. The cases of Spain and Greece are on opposite sides of the spectrum regarding this point. In Greece, Law no. 4808/2021 introduced a negative presumption of employment, which implies that the contract between a digital labour platform and a service provider is presumed not to involve dependent work when some criteria are fulfilled cumulatively. They relate to the right to use subcontractors or substitutes and to accept or deny platform proposals to work. The Spanish Riders Law (RDL 9/2021), on the other hand, reaffirmed the presumption of employment, already existing in the Workers' Statute, for

workers of delivery platform industries. In light of this frame, general rules (and definitions when given) in each country remain decisive for ascribing a specific status to digital workers in concrete cases. The same applies to case law, which interprets the dividing line between employment and self-employment. Therefore, platform work is not treated in this chapter as a separate topic, but references to it are placed within its general dissertation.

This analysis focuses on the evolution of labour law and the status of subordination, aiming to underline the reasons and logic behind that evolution, shedding light on the changes underway in this branch of law in the current scenario. Furthermore, the approach used addresses the most recent challenges, such as platform work and the consequences of the Covid-19 pandemic on work organisation, from a perspective that avoids viewing them as peculiar and isolated issues created by new technologies or solely related to the urgency of the pandemic. Indeed, each wave of technology has its own technical peculiarities that pose specific issues, but the latest advancements have also revamped old problems in a new way. This will probably also be true for the case of generative AI, whose changes are ongoing and not considered in this analysis. The pandemic exacerbated and boosted some changes in work organisation, especially regarding workplace and working time, which were already under scrutiny before its onset, and highlighted that choosing where and how to work alone does not determine autonomy or the absence of subordination.

The chapter takes two widespread approaches to labour law as its starting point and subjects them to criticism to investigate some of the essential issues and describe the current scenario accordingly. I deal with the first approach, wherein the main objective of labour law is protecting workers, in Section 3.2. Section 3.3 focuses on the second approach, wherein labour law is undergoing an irreversible crisis linked to the inability to draw distinctions between employment and self-employment in particular. This path is designed to focus on the foundations of labour law and path dependency to comprehend how the *status quo* concerning the discernment between employment and self-employment interacts with today's economy and society. Section 3.3 uses the results of the analyses to discuss how the approach used in differentiating between employment and self-employment in labour law and, broadly speaking, adopted lawmaking policies also affects collective rights and social law. The last section is devoted to concluding remarks.

3.2 The Evolution of Labour Law and Subordinate Work in Its Political and Historical Dimensions

According to the first approach, labour law is 'based on the need to protect labour in the field of the productive processes' (Perulli, 2020) – in other words, at its core is protection for workers (Ghera, 1996; Freedland, 2006). Labour law's 'primordial' objective would be, therefore, fighting inequality (Rodríguez-Piñero and Bravo Ferrer, 2012). As underlined by Garofalo

(2006), this view is historically, systematically, and exegetically at least partial and one-sided, since it conceals the function performed by this branch of the law in legal formalisation (and thus legitimisation) of relations of power in the capitalist world of production.

Legal recognition of the employment contract presupposes a society that has abandoned statutes and embraced the idea of formal equality before the law and the freedom to contract and work. Such ideas became prevalent only after the French Revolution. In continental Europe, this required a two-stage movement (for a history of the employment contract, see Veneziani, 1986). Initially, Roman law was adapted to the new circumstances. The definition of a relationship of employment as one involving a *locatio conductio operarum* implied a *fictio* that is ‘a moderate abstraction of labour activity from the person’ (Grandi, 1999, p. 330) who carries it out and places its labour on the market, just like the owner of a commodity. In other words, the exchange of work for money was possible exactly because the new regime replaced the status-based system with freedom of contract and of choice for both contracting parties. This change allowed workers to place the only commodity at their mercy at someone else’s disposal. The only legislative restriction precluded the creation of a perpetual obligation to work for the same purchaser of work since this would have brought back a form of slavery. At the time, the distinction between subordinate or self-employed work was still nebulous under the umbrella of the broad category of *locatio*, which could encompass both renting a workforce for a specific business or for a continuous job. Only later, therefore, did continuity emerge as one of the characteristics of subordinate work as it is today, when it is also used to distinguish, in some legal orders, forms of coordinated or dependent self-employment. However, freedom and equality were merely notional. The old social system based on the status of ‘servant’ was still far from being truly overcome, and it was still somewhat preserved in the new context. Indeed, the reality was characterised by profound disparities and social conditions that were not so different from the past regime, with employers retaining old masters’ privileges (Simitis, 2000).

The contract of employment and the category of subordination are more recent devices, crafted at the beginning of the 20th century, that were necessary for major industrial concentration and to favour capital accumulation. They emerged together with social laws and collective bargaining. Social law was initially devoted to preserving the health of women and children,¹ avoiding compromising the growth of the population, and, as exceptions linked to the special features of some hazardous industries, for the safety of men (who were also obliged to serve in the armies, therefore States needed them in good health). It was characterised as public law, while the labour market was left to contract law. In a way, private law masked the employer’s power by allowing a ‘free’ exchange on the market, while public law aimed to avoid the most detrimental effects. Collective bargaining is one of the tools (together with strikes, picketing, etc.) that resulted from workers’ ability to organise

themselves to oppose employers and obtain better conditions. This collective contraposition and collective agreements brought into play two dimensions that the law initially denied.

From a legal standpoint, the employer's business organisation appeared as a set of personal legal relations between the employer and each of the workers and not as a collective social organisation through which one exercised power over many. Unions and collective organisations of workers were able to bring to light the collective dimension of enterprises. The second dimension was the real condition of the parties, which the law considered to be formally equal and free to exchange money for labour, as if the latter was separable from the person who worked. Therefore, workers gained recognition that one party of the contract is in a position that grants power over several workers who are obliged to operate as a part of and for the purposes of someone else's organisation. The position of power of one party over the other and the social environment in which production is operated were both only recognised at this stage. Both components – power and organisation – remain crucial even today, as argued below. At the same time, workers accepted this new condition (particularly those who were artisans previously organised in guilds and used to control their work independently) in exchange for political participation, protective regulation, and welfare state benefits.

Once the real situation of workers was recognised, protective regulation could be guaranteed within the individual legal relationship and no longer only as a public law with a public function. This is why, in labour law, the will of the parties often gives way to mandatory *ex-lege* regulation (or to rules decided through collective bargaining by organisations that govern employment relationships). As in an agreement under civil or commercial law, the will of the parties is necessary and sufficient for the relationship to come into being, but unlike that model, the parties are inhibited from disposing of the effects of the contract by separating the relationship from the mandatory provisions governing that relationship. The actual course of the relationship prevails over the intentions expressed by the parties in the contract.² Because of this characteristic, it is important to define the border between forms of work and forms of entrepreneurship since, for companies, this logic does not apply.

On the other hand, the employer's power and the labour market continued to be legitimised and recognised by the legal system. Labour law also had the function of smoothing the working of the 'free' market, avoiding the insurgence of movements able or willing to upset capitalism (as happened throughout the 20th century). Thus, labour law can be considered the result of a political compromise between the bourgeoisie and its interests and the workforce and its own interests, and it has its origins in the capability of workers to participate in society and democracy by employing political parties and unions.³ Democracy is indeed *wertfrei* (when certain interests are constitutionally validated, they can rise to principles but never to values); therefore, the prevalence of interests of some over those of others in

a given society depends on a shifting political balance. It is not by accident that labour law began its journey within the liberal democracy model and flourished thanks to democratic constitutionalism after the Second World War. Underlining this political dimension and the conflict of interest behind any democracy elucidates the policies adopted between the end of the 20th century and the beginning of the 21st century and the enduring consequences of this process, which took place under a new shifting political balance.

The legislators' response to economic globalisation was, in the Global North (in the field of labour law), a deep (de)regulation that probably began with the intent to favour a reorganisation of their economies. It has been claimed that workers' rights hampered economies' ability to compete on a global scale. In general, legislators decided during the aforementioned historical period to support the ongoing de-verticalisation of companies and labour cost reductions. Specific neo-liberal ideologies (as well as different constitutional compromises represented in the EU legal framework; see Digennaro, 2022) had a pivotal role in this process, which led to job precariousness. Moreover, they boosted the crises of unions in organising the labour side, decreasing their ability to bring their political agenda into public institutions coupled with internal difficulties and a less strict link with political parties.

In the early stages of labour law, the principle of freedom of contract and at-will employment (which implied the freedom to dismiss) was absolute and allowed entrepreneurs to continually adjust their volume of labour according to their economic calculations so as to better serve their production goals (Mancini, 1962). Those principles never disappeared since they are ingrained in the capitalistic economy and are considered implications of the free economic initiative on a constitutional level. Nevertheless, they have been restricted through legislation on the basis of other constitutional rights that are deemed prevalent according to democratic/social constitutionalism. The liberalisation of the use of subcontracting; the use of labour supply contracts through temporary agencies; the increased use of bogus self-employment and economically dependent self-employed workers (ILO, 2016); as well as temporary or zero-hour work, which started before the end of the 20th century following the neo-liberal agenda, can also be seen as a substitute for the freedom of dismissal, which had been restricted by legislation between the Second World War and the 1970s.⁴ It is not necessary to dismiss workers who are not formally and legally employees of that employer or who have a contract that will not be renewed unless necessary. In this way, the new version of a flat and smart enterprise regained the ability to maximise the use of its in-house workforce, which is made up of fewer and fewer persons, while shifting the burden of under-utilisation of the labour factor onto other parts of the system. One of the axioms of the functioning of the enterprise in the capitalist-industrial system is that within the enterprise, the labour resource must be used to the maximum, while the diseconomies generated by the under-utilisation of the labour resource must be discharged externally to families, the welfare state, and so on (Garofalo, 1992). In the contemporary economy,

the burden of the negative externalities associated with unemployment or underemployment has been borne not only by the above-mentioned institutions but also by individuals working as self-employed 'entrepreneurs', who additionally suffer from a less generous system of unemployment benefits and pension schemes compared to employees. In the case of staff leasing, the burden can be left to other companies specialised in the supply of labour on demand. In this way, an efficiency very similar to levels typical of late 18th-century industrialism in saturating the use of the workforce becomes accessible, though in a different form. Moreover, this frame requires constant reinvestment in worker training, which has been placed under the responsibility of public institutions or, more often, of individual workers who are called upon to be ready to adapt to market demands at any given moment. The neoliberal theory of human capital, according to which any worker is thought of as a self-entrepreneur with their own capital, is at the root of these reforms and the vision of a 'flexible labour market'.

In the context of neoliberal capitalism, some self-employed workers lose real independence from the production processes of others and instead become integrated and coordinated with them. Indeed, the need to govern and coordinate production has not disappeared. Instead, the forms through which this happens have changed since the connector has become the market, with the help of unprecedented technologies that can process information as never before.

A well-rooted perspective on the evolution of labour law is only possible after taking into account that law has a historical, political, and, in a certain sense, ideological dimension, which, if overlooked, leads to a series of dead ends, making the current legal framework regulating labour difficult to decode. It likewise makes the changes of direction and the different *ratio legis* of measures taken in each national system at different historical moments challenging to understand because they are not always homogeneous and do not target the same purpose. Moreover, this leads to wrong answers when investigating the function of labour law as a whole, as well as the concept of subordination on which this branch of law was founded. The inseparability of a person's work from the person themselves creates the risk that exercising power over their work also establishes a sphere of power and influence over the individual. The employment contract (or the 'status' of subordination in civil law systems) was both a way to legitimise this power and an instrument that constrained it by imposing protective standards to protect the person over their work. This mechanism and its 'constraining effect' reached a peak in the *trente glorieuses*. In a way, the person has been protected so that labour alone could be integrated as one of the factors of production that employers have the power to dispose of. From a broader perspective, it can be said that labour law helped to 'solve' or 'neutralise' the contradiction stemming from the bourgeois revolutions, which argued for equality among individuals (or, more properly, among male citizens) but neglected to make it a reality.

For all the above-mentioned reasons, it must be recognised that labour law has been constructed as a law of powers (Auzero et al., 2024) or, rather, aimed at the regulation of powers. Therefore, even when a very strict definition of employment is assumed, the employment relationship can be seen as a tool that ensures a set of powers in favour of the employer, but under conditions imposed from outside the employment relationship, i.e., from the legal system. The problem arises when a power-subjection relationship is preserved without granting corresponding rights to counterbalance it, which is what happens in some cases today thanks also to reforms in labour law that accept and support the misalignment between the legal category of subordination and organisational and economic subjection.

3.3 Is Labour Law Unfit for the Current Scenario?

The proposed analysis leads to the second approach mentioned in the introduction, wherein labour law is undergoing an irreversible crisis, which hinges on the unsuitability of the current distinction between employment and self-employment. This view was particularly prevalent between the end of the old millennium and the beginning of the new one (although it never lost its appeal) and is based on the idea that the characteristics of employment and those of self-employment were becoming less and less distinctive (Supiot, 1999). This occurred because self-employment acquired some of the typical features of employment and vice versa. That being the case, some authors have suggested that the distinction between the two categories can no longer be justified (for example, Linder, 1999; Richard and Carlson, 2001; Fudge et al., 2002). They proposed structuring labour law to move beyond the traditional binary division of employment and self-employment. A suggested option was a system with multiple layers of protection, where the highest level of protection is reserved for the innermost circle of fully dependent workers, whereas another option considered a third category to be grafted between employment and self-employment. On this point, it is worth noting that in proposing to overcome the concept of subordination, one inevitably uses a concept drawn from one or more national legal systems (when using the comparative method) and, moreover, a concept that was historically available at the time of the analysis.

In this frame, it is therefore essential to emphasise that legal systems, institutions, and categories do not remain untouched over time but evolve even when provisions remain firm from a literal point of view. The adaptability of legal systems is often ensured thanks to a lack of detailed definitions of facts that the legislator wants to regulate or by using general and abstract legal paradigms, which are always at least partially indeterminate and given significance by means of interpretation. Moreover, judges must also give meaning to the collection of words composing a disposition, and this operation also gives room for multiple options. There are many schools of thought regarding the interpretation of law and the role of judges. It is not helpful for

the purpose of this chapter to dwell on such a complex debate, but it cannot be denied that the role of judges is crucial as they participate in lawmaking in civil-law systems – and even more so in common-law systems. It is worth underlining that the concept of subordination is a general legal paradigm whose conceptualisations have been debated since its inception more than a century ago and in a completely different social context until today. Therefore, its interpretation and conceptualisation have not remained static over the years. This means that overcoming the current legislative frame through direct legislative reforms is a possibility, but not the only one. Scholars and judges have indeed tried to stretch the subordination concept through interpretation so as to match the current scenario.

Different roads can also be functionally equivalent as long as the starting point is clear. It is important to stress that unless a new paradigm for society is put in place that does not recognise the foundation of the capitalistic mode of production (consequently making labour law unfit in its historical configuration), the power-subjection relationship between who disposes of someone else's work and the workers needs to be revealed (Digennaro, 2020). This is indeed the dynamic behind labour law; what has changed is the making of this dynamic, that is, the possible ways of exercising this power after the dismantling of Taylor-Fordism and the vertical firm, which have been the predominant paradigm for some decades. The issue is that today, control often operates directly through the market instead of inside a plant, and, at the same time, digital technologies create intra-organisational markets that are operated and controlled by private companies. Thus, while the difference between a firm and the market (Coase, 1937) may seem less clear-cut at first glance, the reasons behind strategic decisions regarding the framework for the production of goods and services still relate to costs, output planning, and the possibility to control and direct personnel, albeit in a different manner (for a more detailed illustration on this point, see Chapter 8). It is also true that a power-subjection relationship can exist between undertakings, but legal systems are already aware of this since they include antitrust laws, which provide for dismantling dominant positions. Therefore, to determine the scope of labour law versus the scope of antitrust and commercial law, it is important to investigate the differences and distinct attitudes of these power relations. The fact that there is an area of possible overlap is testified to by the recent European Union Guidelines on collective agreements by solo self-employed (hereafter the 'the Guidelines', see Chapter 13), which have tried to confine the application of antitrust regulation so as to not completely impair the collective bargaining of the self-employed. This is so because, in the EU legal framework, while the concept of 'worker' is fragmented, self-employed are considered enterprises in antitrust law.

Another proof of a possible overlapping is illustrated by those jurisdictions that attempted to insert a third *genus* between autonomy and subordination based on economic dependence. Where the third category has been framed, *personal work* (preponderance of labour over productive organisation and

other productive factors) and *specific economic parameters* (having only one predominant client or economic threshold) identify the marker characteristic. The issue with this solution is that the perspective utilised by legal systems, in this case, is to distinguish an imbalance in the relationship between enterprises (self-employed workers are categorised as assuming an enterprise subjectivity). Therefore, a logic that is not typical of labour law is embraced. Consequently, including a third genus in the legal framework restricts the scope of full protection guaranteed by labour law, as only some protective standards are applied to workers who fall into this category (mostly starting from collective bargaining rights). This is pursued by means of a technique that isolates a form of power considered theoretically milder compared to that exercised in the case of employment. On the contrary, the need of these workers to engage in collective bargaining and form associations indicates a form of ‘subjection’ in the face of a counterpart that wields power. Furthermore, this legal scenario has often legitimised the misuse and misclassification of workers that, notwithstanding having all the characteristics of employees, are instead insured only partial social security coverage and few other rights. Judgements in the UK on app-based workers are the latest clear example of this issue. Even when workers in the app-based market were found to be performing personal work under the control of a main employer that, *de facto* and *de jure*, also exercised substantial amounts of managerial authority, they were classified as ‘limb-b workers’ and, therefore, entitled only to some rights instead of being framed as employees (Countouris, 2022). Countries where the concept of subordination has been less defined (or even lacking in codes or statutes) or broader in its conceptualisation have often followed a different path.

As mentioned above, judges have had a role in shaping the line between employment and self-employment as well as in framing the scope of labour law over the years by developing a complex set of indicators to measure dependence and control that can be grouped into specific tests. The most common and direct way to infer subordination has been the so-called control test, which measures the power to direct someone else’s work and implies the possibility of giving orders about when, where, and, above all, how to perform work (about the modality and manner of working). This test has been considered the easiest way to delineate the scope of labour law standards, especially in times when it largely overlapped with the area of subordination, such as the era in which vertically integrated firms organised workers according to Taylor-Fordism or the Toyota production system. When strictly applied, this kind of test failed to identify those workers who were working outside the employer’s premises (when ubiquitous connectivity was not supported by technology), as well as managers and those workers whose jobs require higher specialisations, creativity, or a high level of discretion. For this reason, over time, judges enlarged the concept of the hetero-direction of someone else’s work, first by accepting that the mere *right* to direct and control work determines the existence of hetero-direction even if this power

is not constantly exercised. Second, they included within employment forms of ‘attenuated subordination’, i.e., cases when direction and control over the work are performed indirectly by looking at the result or the accomplishment of phases of the same operational process, as is typical of forms of HR management that have become common in the post-Fordist era.

This criterion is still useful in many cases, especially when work is managed according to more traditional styles, but it is not totally obsolete or practically unfit, not even for platform work or workplaces where new technologies are in use. Judgements in several countries (for details on case law, see Hiessl, 2021) note that instructions are, for example, given to Uber drivers concerning vehicle use, itinerary, expected waiting time for a customer to arrive, and performance of the ride without interruptions. For food delivery platforms, judges lend weight to the instructions given related to the time-frame for delivering parcels and conduct during delivery, the existence of a fixed maximum delivery time, the obligation to activate the geolocation system and reach a specified departure area to start the shift, as well as the duty to check orders when picking them up, and the requirement to notify successful delivery. This should not be surprising since experts began to identify some forms of exploitation by digital technologies, above all in low-skilled jobs, as a new digital Taylorism around a decade ago (Hirsch-Kreinsen, 2016). This form of *heteromation* (Ekbia and Nardi, 2017; a neologism meaning automation plus hetero-direction) is characterised by a pre-defined set of possible human operations and interactions dictated by the algorithmic organisation of the machine. Therefore, control is operated both directly and indirectly – in the latter case, through the digital environment the worker accesses by logging in. In such a way, digital Taylorism is coupled with a request for a proactive attitude on the part of workers that incorporates their subjectivity (Armano et al., 2022). This means that digital workers are in constant interaction with an organisation that is alien to them and whose purpose is independent of those of the workers who engage with it. In the case of digital work, platforms and applications are the external organisations through which modalities of work are compelled since this digital infrastructure organises the performance of multiple workers in a coordinated manner, organises payments, and selects information and job opportunities to offer each worker. Digital labour platforms and applications represent a ‘whole environment’, and artificial intelligence will push this even further. These technologies consist of two-way interaction and do not merely receive and process data, as was the case with computer software.

It is important to underline the commonalities between the platform-based organisational scheme and the process described above with reference to the late 18th century. As clarified above, at that time, the law did not recognise horizontal relationships between workers, only acknowledging the vertical employment relationship between each worker and the employer coordinating them. Today, technology replaces the functionality that the law had at that time since it masks the overall setup and necessary coordination of

several persons by creating multiple vertical platform-user relations that come into existence as soon as a user/worker enters and accepts the terms to use an application. To do so, labour law developed in the meantime had to be cut off, and this was done by framing the relationship between the company and the user as that of a commercial service. This was the exact position of many platforms in front of the courts in many countries. Given these circumstances, it is natural that the concept of hetero-organisation, which is a way to infer subordination known to labour law, inevitably gained traction (Pallini, 2019), precisely because it is the most suitable criterion to unmask the power-subjection relationship in the current labour market. Integration into another organisation entails exercising power over individuals to coordinate their labour and inputs, making each worker an integral part of the employer's technical, economic, and possibly bureaucratic system. This process not only has an organisational dimension but also involves establishing a productive purpose unique to the organisation, distinguishable from the individual worker's interests. This defining technique also received explicit legislative confirmation in Spain, where Article 1(1) of the Workers' Statute makes direct reference to working under the direction and in the organisation of others to define employment. Furthermore, Article 8(1) explicitly mentions the criteria of direction and hetero-organisation as elements that drive the presumption of employment. This conceptualisation is not alien to the common-law systems, which are familiar with the idea of bureaucratic or administrative control operated within the firm. This implies relying on the court to test 'whether the worker is "part and parcel of the organisation" or "integrated" into the employer's business or, as another formulation put it, whether the worker is 'part of the regular business of the employer' (Davidov, 2002, p. 366).

Looking at the case law, it is also possible to discern other criteria that can be grouped into an economic-dependence scheme. To avoid this group of indexes from being indistinguishable from that of the hetero-organisation, I refer to cases when courts determine whether a worker is an independent entrepreneur since they bear the risk of loss and chance of profit, hire aides and substitutes, or employ capital investments or their own tools. In these terms, this way of demarking the dividing line can be traced not only in statutory laws that funded a third genus or, as in Belgium, as one of the criteria to identify subordination, but also in some judgements (for details, Hiessl, 2021). As an example, platforms have tried to demonstrate that they did not hire employees by changing contract clauses that obliged workers to display the platform's brand or by forcing them to use their own means of transportation. In the UK and the Netherlands, where courts are more sensible to the substitution clause, contracts also include such a clause with the purpose of gaining an advantage in litigation. It is worth mentioning that in Switzerland the courts also pointed to factors such as the bearing of risks not to be paid by customers or of fines for violation of taxi service regulations in order to infer entrepreneurial risk on Uber.⁵

As a partial conclusion of this section, it can be maintained that if the function of labour law is still to govern situations of power and subjection, the opinion about its ability to solve its function today cannot be given in a conclusive way since only lately, after the wave of neo-liberal reforms, can a partial change be found in recent reforms in some countries. A greater resilience is instead attributable to the evolution of judge-made law.

3.4 Consequences on Social Security, the Collective Dimension, and the Dematerialisation of Space and Time

The scenario outlined above has consequences in other closely related spheres, the first of which is the social security and pension system. A growing number of countries in Europe cover the self-employed under mandatory regimes only for certain risks, while in many cases participation remains voluntary. Therefore, non-standard workers and self-employed do not have a comprehensive set of benefits like those of employees and, in particular, suffer from a lack of coverage or gaps regarding unemployment, work injury, and paid sick leave (European Commission, 2023). Furthermore, from a broader perspective, there is an issue regarding the transfer of benefits across schemes and transparency of systems, particularly when a worker operates under more legal arrangements during their career. Focusing on pension schemes, having large numbers of workers who work under self-employment carries two interlinked problems. Contribution rates for the self-employed are typically higher than the rates for employees (according to the International Social Security Association) since they need to account for both the employer and the employee share, which are paid by two different entities in the case of employment. One might believe, therefore, that a solution lies in creating incentives for self-employment (as in the Netherlands, where self-employment receives tax incentives and tax relief for new businesses, coupled with inferior contributions due to the lack of mandatory earning-related pension schemes for self-employed workers) or in a simplified regime (as in the case of France, for example, for auto-entrepreneurs) to prevent the self-employed from shirking their contributions, as they are already often exposed to the risk of poverty (Ratti, 2022). However, when one of these options is chosen, in reality, two more issues arise. Indeed, this can lead to an increase in the number of people working as self-employed, many of whom accept this solution at the urging of their previous employers and, at the same time, are driven by economic convenience. Incentivising workers to work as self-employed shrinks overall contributions, and consequently, the resilience of the national pension system is placed under pressure. At the same time, those solutions increase the risk of the self-employed receiving an inadequate pension once they retire, as pension systems are currently contribution-based. A partial response has been that some organisations of self-employed workers have organised to offer collective insurance, pensions, and other services to their members who are not always involved in the welfare system. The point is that social security

systems often lack a third player – the one that often uses the labour of the self-employed for its own purposes and productive organisation but does not contribute to their pension. For this reason, Portugal, for example, utilises the economic dependence status exactly with the purpose of extending social security coverage to the self-employed through the recognition of an economic dependence status for some workers, requiring the contractor to make contributions.⁶

A second sphere involves the fragmentation of the counterpower that, in the past, was decisive in developing labour law. Once the centrality of the standard open-ended contract has been overshadowed by non-standard forms of work and platform work, the fragmentation of the labour side is boosted. Moreover, platforms have not only denied their workers their shared condition but also falsely presented time and space of work as free-to-choose options. Shared time and space have always been important factors in workers' coalitions since the onset of union struggles, and they remained significant for riders who shared streets and collection points, i.e., a physical space, which contrasted with the dematerialisation that technologies bring about. Broadly speaking, the dematerialisation of space and time that new technologies are progressively introducing might, at first glance, appear to be problematic as it deconstructs two criteria commonly used as indices of subordination: the power to dictate where and when to work. However, the Covid-19 pandemic demonstrates the opposite since many employees shifted to remote working from home. In a time of augmented reality, artificial intelligence, and app-based business, the critical question in classifying workers is no longer about where the worker is placed but rather who owns the digital space where the job and tasks are performed. This will become even more evident as companies begin to exploit augmented and virtual reality as a new resource, creating a virtual space where not only new needs and products will be sold to users, but also new workers will operate in a space that is connected to, yet different from, material reality.

Conclusions

This chapter has outlined the evolution of labour law from its origins, studying this phenomenon with particular reference to the question of how subordinate work has been defined and distinguished from autonomy until today. A review with respect to the reasons and modalities through which this branch of law emerged allows for clarifications with respect to the function that it assumes. This, in turn, makes it possible to understand whether and how the fundamental categories on which labour law was built (subordination vs. autonomy) can still be useful today within an economically and technologically changed context. What has emerged is that labour law arose both from the abandonment of the society of *status* but also with the crucial participation of workers in the democracy, and that subordination was a compromise that granted a form of power on labour with constraints attached

and imposed by the law. Recalling the ideological and political dimensions of labour law provides a better understanding of how labour law is not necessarily aimed at protecting one party. In fact, the last four decades have represented a phase in which lawmaking policies based on neoliberal ideologies have given greater weight to the needs of business and private initiatives. This shift of balance in the legal systems and the use of new technologies are among the factors that have opened the gate to the concealment of *forms of subjection* that otherwise would have been counterbalanced by the mandatory rules imposed by labour law.

In this scenario, some of the more recent legislative reforms and initiatives, along with judge-made law, seem to support a partial change, of course. The analysis of the case law shows that judges, in most cases – albeit not always with a linear trend – have interpreted the category of subordination so that it could encompass at least some of the new modalities that digital companies have used to exercise power over workers. Judges made use of the hetero-direction test but more often employed and refined the hetero-organisation test and only rarely the economic dependence test (cfr. Hiessl, 2021). This is due to the typical organisational asset that platform-based businesses take, whose peculiarities are described in Chapter 8. The situation that has arisen in recent decades has created quite a few difficulties, both in terms of the functioning of the welfare and social security systems and of the viability of collective social rights. On the one hand, from the point of view of social law, despite different roots and routes in national regimes, improvements in social security coverage for self-employed persons can be detected overall, though the share of vulnerable self-employed workers at risk of poverty is still significant and increasing in some countries (see Schoukens, 2022). On the other hand, it can be assumed that, as has occurred in the past, the reorganisation of workers and freelancers may lead to the emergence of ‘new law’ contributing to the modification of legal systems. An opportunity for developing standards through collective bargaining in the area of self-employment may emerge with the release of the aforementioned ‘Guidelines’, to which Chapter 13 of this volume is dedicated (which also analyses the recent European directive for platform workers). Furthermore, Chapter 4 is devoted to the most recent developments in the forms of representation and collective organising of SEE workers, considering trade unions and employer organisations as well as freelance associations, self-organised groups, and cooperatives.

Notes

- 1 One of the arguments used to grant some protection to children was that they had no freedom of contract at all as minors; therefore, legislation in their favour would not have constituted an exception to the general principle of freedom of contract.
- 2 On this point, it is worth noting that this principle is not undisputed in some legal systems that do not focus on general categories but on general contractual schemes, such as the UK, in particular where the primacy of express contract

clauses has always been a crucial principle, although recently the primacy of facts principle was asserted in *Uber v. Aslam* [2021] UKSC 5.

- 3 It was not by chance that men's electoral suffrage and demands for universal suffrage were historically linked to legislative achievements in terms of labour rights.
- 4 It is also important to remember that reforms of legislation on dismissals in countries such as Germany, Italy, Spain, and the Netherlands, which have traditionally had high standards of dismissal protection (Hepple, 2012), were implemented following the 2008 economic crisis (Bij de Vaate, 2017; Gorelli, 2012) according to the last wave of neo-liberal reforms.
- 5 *Chambre administrative de la Cour de Geneve* May 29, 2020, ATA/55/2020 (*Switz.*)(*UberEats*); *Cour d'appel civile du Canton de Vaud* Apr. 23, 2020, HC/2020/535 (*Switz.*)(*Uber*).
- 6 Contractors that account for 50–80% of the total value of the independent worker's activity within a calendar year are required to contribute annually to workers' social security at a rate of 7–10%.

References

- Armano, E., Leonardi, D., and Murgia, A. (2022). Algorithmic management in food delivery platforms: Between digital neo-taylorism and enhanced subjectivity. In E. Risi, M. Briziarelli, and E. Armano (Eds.), *Digital Platforms and Algorithmic Subjectivities* (pp. 87–96). London, Westminster University Press
- Bij de Vaate, V. (2017). Achieving flexibility and legal certainty through procedural dismissal law reforms: The German, Italian and Dutch solutions. *European Labour Law Journal*, 8(1), 5–27. DOI: 10.1177/201395251700800102.
- Carlson, R. (2001). Why the law still can't tell an employee when it sees one and how it ought to stop trying. *Berkeley Journal of Employment and Labor Law*, 22(2), 295–368. DOI: 10.15779/Z38C77D.
- Coase, R. H. (1937). The nature of the firm. *Economica*, 4(16), 386–405. DOI: 10.1111/j.1468-0335.1937.tb00002.x.
- Countouris, N. (2022). Regulatory and jurisprudential perspectives on platform work: The UK case. In M. T. Carinci and F. Dorssemont (Eds.), *Platform Work in Europe. Towards Harmonisation?* (pp. 153–169). Cambridge: Intersentia.
- Davidov, G. (2002). The three axes of employment relationships: A characterisation of workers in need of protection. *The University of Toronto Law Journal*, 52(4), 357–418. DOI: 10.2307/825967.
- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour & Law Issue*, 6(1), 1–47.
- Digennaro, P. (2022). The effects of neoliberalism in European labour law: The meaning of labour and the need for a different constitutional compromise. *European Labour Law Journal*, 13(2), 249–272. DOI: 10.1177/20319525221087254.
- Dockés, E., Baugard, D., and Auzero, G. (2024). *Droit du Travail*. Paris: Lefebvre Dalloz.
- Ekbia, H. R., and Nardi, B. A. (2017). *Heteromation, and Other Stories of Computing and Capitalism*. Cambridge MA, MIT Press.
- European Commission (2023). *Report from the Commission to the Council on the Implementation of the Council Recommendation on Access to Social Protection for Workers and the Self-Employed* COM/2023/43 final.
- Freedland, M. (2006). From the contract of employment to the personal work nexus. *Industrial Law Journal*, 35(1), 1–29. DOI: 10.1093/indlaw/dwl004.

- Fudge, J., Tucker, E., and Vosko, L. (2003). Employee or independent contractor? Charting the legal significance of the distinction in Canada. *Canadian Labour and Employment Law Journal*, 10(2), 193–230.
- Garofalo, M. G. (1992). L'uso ideologico della dicotomia occupazione-disoccupazione. In B. Calza (Ed.), *La disoccupazione* (pp. 235–242). Napoli: Liguori.
- Garofalo, M. G. (2006). Il diritto del lavoro e la sua funzione economico sociale. In D. Garofalo and M. Ricci (Eds.), *Percorsi di diritto del lavoro* (pp. 127–146). Bari: Cacucci.
- Ghera, E. (1996). *Diritto del lavoro*. Bari: Cacucci.
- Gorelli, H. (2012). La reducción de los costes de despido en la reforma laboral española de 2010. *Revista Latinoamericana de Derecho Social*, (14), 79–111.
- Grandi, M. (1999). Persona e contratto di lavoro: Riflessioni storico-critiche sul lavoro come oggetto del contratto di lavoro. *Argomenti di diritto del lavoro*, 6(2), 309–340.
- Hepple, B. (2012). Dismissal Law in Context. *European Labour Law Journal*, 3(3), 207–214. <https://doi.org/10.1177/201395251200300303>
- Hiessl, C. (2021). The classification of platform workers in case law: A cross-European comparative analysis. *Comparative Labour Law and Policy Journal*, 42(2), 465–517.
- Hirsch-Kreinsen, H. (2016). Digitalisation and low-skilled work. *Wiso Diskurs*, 19/2016, Bonn: Friedrich Ebert Stiftung. Available at: <https://library.fes.de/pdf-files/wiso/12864.pdf>
- International Labour Organization (2016). *Non-Standard Employment Around the World: Understanding Challenges, Shaping Prospects*. Geneva: ILO.
- Linder, M. (1999). Dependent and independent contractors in recent US labor law: An ambiguous dichotomy rooted in simulated statutory purposelessness. *Comparative Labour Law and Policy Journal*, 21(1), 187–230.
- Mancini, M. (1962). *Il recesso unilaterale e i rapporti di lavoro*. Milano: Giuffrè.
- Pallini, M. (2019). Towards a new notion of subordination in Italian Labor law? *Italian Labour Law e-Journal*, 12(1), 1–24.
- Perulli, A. (2020). The legal and jurisprudential evolution of the notion of employee. *European Labour Law Journal*, 11(2), 117–130. DOI: 10.1177/2031952520921595.
- Ratti, L. (2022). *In-Work Poverty in Europe. Vulnerable and Under-Represented Persons in a Comparative Perspective*. Wolters Kluwer: Alphen aan den Rijn.
- Rodríguez -Piñero y Bravo Ferrer, M. (2012). La grave crisi del diritto del lavoro. *Lavoro e diritto*, 1, 2–17.
- Schoukens, P. (2022). *Improving Access to Social Protection for the Self-Employed in the EU*. Available at: <https://ec.europa.eu/social/BlobServlet?docId=26039&langId=en>.
- Simitis, S. (2000). The case of the employment relationship: Elements of comparison. In W. Steinmetz (Ed.), *Private Law and Social Inequality in the Industrial Age* (pp. 181–192). Oxford: Oxford University Press.
- Supiot, A. (1999). *Au-delà de l'emploi. Transformations du travail et devenir du droit du travail en Europe*. Rapport pour la Commission Européenne (dir.), Paris: Flammarion.
- Veneziani, B. (1986). The evolution of the contract of employment. In B. Hepple (Ed.), *The Making of Labour Law in Europe. A Comparative Study of Nine Countries Up to 1945* (pp. 31–72). London: Bloomsbury Academic.

4 When Labour Diversifies, Its Collective Representation Does Too

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4.1 A Glimpse into the Past: SSE Workers and Their Collective Representation

Collective representation is traditionally associated with employees. It is assumed that their subordination to managerial control and to the authority of their employer entitles them to claim their interests collectively and to be represented by trade unions. The solo self-employed (SSE) working on their own account are instead either associated in professional and business associations, and historically restricted by competition law in their right to bargain collectively (Hirsch and Seiner, 2018),¹ or considered as not in need of representation, especially in non-regulated professions (Borghi et al., 2018). Such divisions are, however, historically and geographically constructed. In the Global North, at the beginning of the Industrial Revolution, it was indeed craftworkers operating their own businesses who represented the core of the emerging ‘working class’, demanding civil rights for (male) workers, such as rights to associate and vote, and defending their ‘moral economy’ against the state and ‘free market’ proponents (Anderson, 2017; Thompson, 2013). With rapidly diminishing opportunities for self-employment in the new industrial order of the 19th century, industrial workers became the driving force of organised labour, and their alternative revolutionary or reformist counter-models started shaping the Western industrial capitalism of the 20th century (Silver, 2003).

The Taylor–Fordist paradigm, which emerged after the Second World War, was based on so-called ‘standard employment relations’, that is to say permanent and full-time employment contracts embedded in a system of collective representation (Supiot, 1999). In that model, the state became a guarantor of employees’ social and labour rights through trade unions and mass political parties, and the SSE were considered only a residual category (Allegri and Ciccarelli, 2013). However, this paradigm began to be challenged at the end of the 1960s and the beginning of the 1970s, when important political, social, cultural, and economic changes occurred in Western societies (see Honneth, 2004; Lash, 2002). It was in the following years that self-employment – especially SSE workers – became central in work and

employment relations again because they embodied the neoliberal project of shaping social beings into self-entrepreneurs (Foucault, 1979 [2008]), shifting towards a ‘free market’ – in opposition to state control – conceived as an antithesis of collective representation. The following broader erosion of the Taylor-Fordist paradigm thus led to the alleged crisis of collective representation from the 1970s until today (Hyman, 1999).

More recently, however, several authors have questioned whether this crisis concerns representation per se or a specific form of representation as created in the short period between 1945 and 1970s in the Global North. On the one hand, several examples, also very different from each other in terms of organisational model and socio-economic context, show how SSE workers can manage to organise effectively and collectively represent their interests, as in the case of the association of informally self-employed women in India (Agarwala, 2013) or the Freelancers Union in the United States (Heckscher et al., 2010). On the other hand, from a theoretical perspective, the assumption that the concept of representation implies a unidirectional relationship in which representatives, mostly elected, speak on behalf of the represented has been progressively challenged to emphasise instead the dynamic, continuous, and contingent nature of representative relationships (Saward, 2010; Meardi et al., 2021). In what follows, as well as in the rest of the book, the focus is therefore not only on the traditional actors of collective representation but also on the whole spectrum of actors in the European context who are trying to represent and mobilise SSE workers, from trade unions and employer organisations to freelance associations, self-organised groups, and cooperatives.

4.2 On Representing and Organising SSE Workers in Europe

4.2.1 *Trade Unions, Employer Organisations, and Freelance Associations: Organising the SSE as a Renewal of Representation?*

Among trade unions, interest in the SSE emerged in the context of attention to the growth of the more general category of non-standard or atypical workers (Hyman, 1999; Heery and Abbott, 2000). Over the years, the debate has focused mainly on explaining national differences in unions’ responses to the expansion of fixed-term, temporary agency, and part-time contracts, as well as bogus or dependent SSE positions – with low employment security and pay levels. While in national contexts with strong industrial relations’ institutions unions have belatedly developed bargaining capacities to address non-standard workers, in more deregulated institutional regimes, like that of the UK, there have been instead many examples of trade unions organising in areas of casual or freelance work (Heery et al., 2004). One of the lessons from this debate is the focus on ‘organising’ as a way to begin to represent even non-standard or atypical workers (Holgate et al., 2018). In particular, work on the relations between trade unions and social movements has gained

importance, related to the hope that social movement unionism would have led to trade union revitalisation by enabling unions to operate in the community rather than only in the workplace, often very ephemeral in the case of non-standard workers (Fairbrother, 2008). This thesis mainly focused on the process of coalition-building and on the potential for unions to supplement their own internal strength through alliances with civil society organisations (see Heery et al., 2012).

Following the activities of social movements around 2000, the increasing spread of precarious labour pushed unions in continental Europe to think more consistently about organising and representing workers across their legal statuses (Graham and Papadopoulos, 2023). As far as SSE workers are concerned, however, at least at an early stage, the trade unions tended to focus only on the category of ‘bogus’ or ‘dependent’ SSE workers (Keune, 2013) concentrating only in a second step on the SSE who want to be recognised as freelancers without necessarily aspiring to become employees. This rethinking of the representation of the SSE then led to its gradual separation from the all-encompassing category of non-standard workers (Conen and Schippers, 2019).

Over recent decades, several scholars have studied the integration of the SSE into trade unions in Europe (Gumbrell-McCormick, 2011; Jansen, 2020; Pernicka, 2006), and organising collectively and extending collective bargaining to the SSE are now perceived as union priorities across Europe (Fulton, 2018). Although the main perspective remains that of salaried employment, there is a growing awareness among trade unionists that SSE workers are challenging the very foundations of industrial relations, that is to say the opposition between employers and employees, and at the same time, that they are a very heterogeneous category of workers (Bögenhold, 2019; Mirschel, 2018; Pongratz and Abbenhardt, 2018). The fact that the SSE do not form a homogeneous group and are diverse in terms of their activities, interests, and needs requires changes in how trade unions, employer organisations, and new associations of freelancers develop collective action, which cannot be limited to the ‘precarious’ or ‘weak’ SSE (Pernicka, 2006; Ashford et al., 2018; Norbäck, 2021).

In this frame, research has begun to investigate under which conditions SSE workers are able to develop collective practices of organising not only within trade unions but also through freelance associations and employer organisations (Barry and Wilkinson, 2011; Bologna, 2018; Jansen, 2020; Mezihorák et al., 2023; Wynn, 2015). As these works show, while collective bargaining has traditionally been carried out mainly by trade unions and employer organisations, other services, such as legal and financial advice, discounted insurance, or training, have been offered by different types of associations and gradually taken up by some trade unions and employer organisations. In addition, freelance associations in particular, with better access to social protection and involvement in collective consultations with government or local authorities, have contributed to constructing new forms of mobilisation to improve SSE working conditions through their

emphasis on both personal and online communication between members and sympathisers (see Chapter 11).

In this range of collective actors, those that are focusing not only on collective representation but are also trying to organise and mobilise SSE workers – and that are at the centre of this volume – are very different from one another, as is the range of what they are able to offer. However, they seem to have in common a certain move away from traditional, rather bureaucratic, relations towards an ‘individual-centred organising’ (Ashford et al., 2018), often characterised by being more democratic and less hierarchical (Corsani, 2020). Moreover, with our study, we want to contribute to research that considers SSE workers’ organising as an emerging field of study that cannot be confined exclusively to the industrial relations debate but rather can be analysed as a field of novel discourses and practices constructed by a constellation of old and new collective actors that are trying to promote the collective organising of particularly atomised and individualised subjects.

4.2.2 Platform Work and Grass-Roots Groups: From Zero Representation to New Alliances

Although platform work, in the European context, is no longer carried out solely through self-employment, during the research resulting in this volume most platform workers were in fact SSE workers. Digital labour platforms made significant use of outsourcing and subcontracting, shifting the risks from enterprises to workers. Digital platforms, in general, and digital labour platforms in particular, are privileged experimental contexts not only for a new model of capitalism (Srnicsek, 2017) but also for new forms of collective organising.

Across Europe, member states have different and uneven approaches to platform work. National and local legislations focus on specific sectors such as ride-hailing or food delivery services (Act n. 128/2019, in Italy) or assure specific rights to platform workers such as training, collective bargaining, and insurance against work-related accidents and occupational diseases (Act n. 2016-1088, El Khomri law, in France). However, platform work remains poorly regulated, thus reproducing unbalanced power between platforms and platform workers.² In this frame, competition between platform workers has emerged in different forms in the context of remote work and work done offline, but in both situations in extreme forms. In the former case, workers must deal with a very large mass of competitors on an international scale (Wood et al., 2018). In the latter, they must instead fight against an overabundance of people willing to work in a given location, therefore generating lower piecework rates, work extensification, and work intensification (Franke et al., 2023). Due to this complex combination of factors, the collective organising of platform workers has emerged in a hostile environment driven by the ideology of the entrepreneurial self (Haidar and Keune, 2021), where new and old collective actors need to develop novel strategies to approach and mobilise workers.

Focusing on contexts where trade unions are absent or scarce, several scholars (Brophy and Bright Grayer, 2021; Wood et al., 2018) have shown how freelancers working through online platforms can rely on social media to experiment with self-organised, even mild, forms of collective organising. As far as offline platform workers are concerned, working conditions and forms of collective organising change from sector to sector and, even in the same sector, from country to country. Johnston and Pernicka (2021) show how in on-demand for-hire transportation platforms, in countries with neo-corporatist industrial relations actors and a highly centralised workers' movement, such as Austria and Germany, platform workers can rely on high and medium levels of institutional and symbolic power, but this also results in low levels of associational power. In other words, organisations representing platform workers are less keen to mobilise workers because they are confident (even if they are progressively losing this capacity) to bargain with public institutions for acceptable working conditions and/or social protection for platform workers. The situation is different in countries where industrial relations systems are comparatively weaker and exclude some specific sectors and workers. In these contexts, platform workers mainly rely on their associational power as leverage to get visibility and push towards stronger regulation and better social protection measures.

Like the more general category of SSE workers, also in the case of platform workers, early studies on the first attempts to represent and mobilise them (Lenaerts et al., 2018; Leonardi et al., 2019; Vandaele, 2018) have underlined the need for an urgent overhaul of traditional unions' perspective and strategy to organise a growing and varied group of workers as a way to protect all workers. Focusing especially on food delivery riders and drivers of private hire vehicles, several studies have pointed out the key role played by grassroots groups and independent unions in mobilising platform workers in Europe. In particular, the efforts in terms of collective organising made in the UK since 2016 by the Independent Workers Union of Great Britain (IWGB) have been extensively investigated (see Borghi et al., 2021; Tassinari and MacCarrone, 2020). In the meantime, the mobilisations of riders and drivers have spread across all European countries – consequently, so did research on the topic, which showed the importance of alliance-building between self-organised groups and trade unions, but also the fact that collective organising also relies on other vectors of solidarity, e.g., within neighbourhood communities and co-ethnic networks (Abdelnour and Bernard, 2019; Borghi and Murgia, 2025). Moreover, the many conducted and ongoing studies show that, by using different approaches and strategies, the collective actors engaged in the organising of SSE platform workers – well-established unions, independent unions, and self-organised groups – are also proposing an alternative social imaginary of platform work to the dominant one imposed by digital labour platforms, which presents an opportunity to work while having fun and how and when one wants (Borghi and Murgia, 2022).

The growing spread of platform workers' collective organising has generated a broader awareness of the need for regulation in this multifaceted and diverse context (see Chapters 3, 7, and 13) and has shown that organising platform workers is not only necessary but possible. In this respect, attempts to foster coordinated actions through stable or temporary alliances are becoming more and more relevant at both the national and transnational level (see Chapter 12).

4.2.3 *Cooperatives: Representation as a Side Effect*

Besides trade unions, employer organisations, freelance associations, and grassroot groups developing strategies to organise the SSE, another type of organisation is playing a relevant role in associating workers between employment and self-employment: freelance cooperatives.

As underlined in Chapter 3, most European social protection systems were actually built on the dichotomy between wage- and self-employment (Supiot, 1994, 1999). Because of their legal independence, the SSE are deprived of the social rights granted to employees. In most European countries, the SSE are indeed not protected against the risks of illness, unemployment, or occupational accident, and their access to the pension system and to parental leave is much more restricted than for classic employees. In this context, cooperatives emerged across Europe to improve the social protection of the SSE (Martinelli, 2017; Murgia and de Heusch, 2020). To do so, they give the SSE the opportunity to become formal employees of the cooperative while remaining solely responsible for looking after their clients and organising their work (Charles et al., 2020). There is thus a triangular arrangement between the client, who pays the bill, the cooperative, which receives the money and converts it into a wage, and the freelancer, who negotiates with the client while being legally employed by the cooperative (Bodet et al., 2013). Thanks to this unique legal set-up, workers access the same social protection as employees while continuing to work as freelancers (Graceffa and de Heusch, 2017).

To recognise at least basic rights for freelancers, these cooperatives had to be quite creative to find ways to include them in wage-employment. In many European countries, they started exploiting some legal vacuums, adjusting labour law to provide enhanced social protection to freelancers (Bajard, 2020). They thus had to lobby to get institutional recognition of their model, as was the case in France, though a law was introduced in 2014 (Bureau and Corsani, 2017). The extent of social protection granted to freelancers depends on the contract type they can access, which in turn is set by the legal possibilities that vary from country to country. In some cases, freelancers can benefit from an open-ended contract, while in others, they can only be employed with a fixed-term or an on-call contract with the cooperative (Mondon-Navazo et al., 2021).

Freelance cooperatives not only allow their members to mutualise the legal function of the employer, but they also give them access to shared services, such as administrative and fiscal support, debt collection services, and professional insurance. To develop their business, freelancers can benefit from the support of advisers, whose salaries are paid thanks to a levy collected on members' turnover. In some cases, freelance cooperatives also offer training programmes, coworking spaces, and social events to their members, allowing them to gather in professional subgroups (Bajard and Leclercq, 2019). Like classical cooperatives, these organisations belong to their members, who can vote on decisions following the rule '1 person, 1 vote', no matter how many shares of the cooperative one might own (Charles et al., 2020). Freelance cooperatives therefore provide an alternative to self-employment for those SSE eager to enhance their access to social rights and to break their isolation without encroaching on their business autonomy (Bureau and Corsani, 2017; Mondon-Navazo et al., 2021). In that sense, they represent an original form of association, which contributes in a tangible way to improving the situation of the SSE in the European context (see Chapter 9). European freelance cooperatives generally do not define themselves as representatives of freelancers and clearly refuse to interfere in the work carried out by trade unions. Nevertheless, many of them are involved in lobbying activities for the reinforcement of freelancers' social protection, especially at the European level, as transnational networks allow them to coordinate their efforts and adopt common strategies (see Chapter 12).

4.3 Conclusions

The Taylor–Fordist paradigm of industrial relations created in the second half of the 20th century still influences how workers are represented today, which means that employees remain at the centre of the paradigm. However, after the turn of the millennium, research is emerging on attempts to represent the SSE as a category of workers across sectors, not just professionals in regulated professions. This can be attributed to two main elements. First, there has been the rise of platform work, where the unclear status of workers has opened debates about what it means to be self-employed and what dependent work means (see De Stefano and Aloisi, 2018). The second element is related to the deregulation of many industries, which has led to price dumping, the absence or weakness of social protection, and the related lack of representation vis-à-vis the state, causing difficulties even in sectors that were traditionally considered secure for the SSE (Leighton and Brown, 2016; Bologna, 2018). Here too, as in the case of platform work, the evolution of work arrangements has blurred the dichotomy between independence and dependence and led to the elaboration of new mixed categories, such as 'dependent independent contractors' (Westerveld, 2012) or 'economically dependent self-employed workers' (see, among others, Mondon-Navazo, 2017). In other words, labour has become increasingly hybrid if we understand it as a collapse of dichotomies such as dependent and independent or standard and non-standard.

One collective response to this situation is to open collective representation for the SSE as well. To date, research has mainly investigated trade unions (Gumbrell-McCormick, 2011; Pernicka, 2006), but it has also addressed employer organisations (Jansen, 2020), highlighting the need for traditional collective actors to change their practices to be able to engage with this growing category of workers and thus representing together both employees and the SSE. Moreover, in addition to the traditional actors, new freelance associations have also emerged because of the ‘representation gap’ (Meardi et al., 2021), but often also because of disagreement with the form of representation followed by trade unions and employer organisations. This leads to the still under-researched question of how the practices of these traditional and new actors interact and whether and to what extent their hybridisation occurs (see Chapter 8). In addition to interactions at the national level, transnational coalitions of actors are also emerging, shaping both national and European systems of representation (see Chapter 12). Finally, another collective option is the establishment of cooperatives that formally employ freelancers, making them employees and providing an alternative to self-employment (see Chapter 9). In this case, representation is more of a side activity in the form of lobbying. In light of this range of collective actors and organising practices, it would seem that rather than being in a time of crisis of representation, we are instead in a time of its renewal, though with an open ending.

Notes

- 1 The impact of the loosening of these rules in the European Commission’s Guidelines from September 2022 is yet to be explored (see also Chapter 14).
- 2 The impact of the 2024 European Directive on platform work can only be assessed in the coming years and in future research.

References

- Abdelnour, S., and Bernard, S. (2019). Communauté professionnelle et destin commun: Les ressorts contrastés de la mobilisation collective des chauffeurs de VTC. *Terrains & travaux*, 34(1), 91–114. Doi: 10.3917/tt.034.0091
- Agarwala, R. (2013). *Informal Labor, Formal Politics, and Dignified Discontent in India*. New York: Cambridge University Press. Doi: 10.1017/CBO9781139198738
- Allegri, G., and Ciccarelli, R. (2013). *Il quinto stato: Perché il lavoro indipendente è il nostro futuro: precari, autonomi, freelance per una nuova società*. Milano: Ponte alle Grazie.
- Anderson, E. (2017). *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk about It)*. Princeton: Princeton University Press. Doi: 10.2307/j.ctvc775n0
- Ashford, S. J., Caza, B. B., and Reid, E. M. (2018). From surviving to thriving in the gig economy: A research agenda for individuals in the new world of work. *Research in Organizational Behavior*, 38, 23–41. Doi: 10.1016/j.riob.2018.11.001
- Bajard, F. (2020). A “Hijacked Salaried Status” in French cooperatives of freelance workers: The political meaning of shifts between standard and non-standard employment. *Frontiers in Sociology*, 5, 36. Doi: 10.3389/fsoc.2020.00036

- Bajard, F., and Leclercq, M. (2019). Devenir entrepreneur(e) en coopérative d'activité et d'emploi. *Journales Anthropologues*, 158–159, 151–174. Doi: 10.4000/jda.8834
- Barry, M., and Wilkinson, A. (2011). Reconceptualising employer associations under evolving employment relations: Countervailing power revisited. *Work, Employment and Society*, 25(1), 149–162. Doi: 10.1177/0950017010389229
- Bodet, C., De Grenier, N., and Lamarche, T. (2013). La coopérative d'activité et d'emploi à la recherche d'un modèle productif. *Revue internationale de l'économie sociale*, 329, 37–51. Doi: 10.7202/1017932ar
- Bögenhold, D. (2019). From hybrid entrepreneurs to entrepreneurial billionaires: Observations on the socioeconomic heterogeneity of self-employment. *American Behavioral Scientist*, 63(2), 129–146. Doi: 10.1177/0002764218794231
- Bologna, S. (2018). *The Rise of the European Self-Employed Workforce*. Milano: Mimesis International.
- Borghi, P., Mori, A., and Semenza, R. (2018). Self-employed professionals in the European labour market. A comparison between Italy, Germany and the UK. *Transfer: European Review of Labour and Research*, 24(4), 405–419. Doi: 10.1177/1024258918761564
- Borghi, P., Murgia, A., Mondon-Navazo, M., and Mezihorák, P. (2021). Mind the gap between discourses and practices: Platform workers' representation in France and Italy. *European Journal of Industrial Relations*, 27(4), 425–443. Doi: 10.1177/09596801211004268
- Borghi, P., and Murgia, A. (2022). Struggling for alternative social imaginaries. A focus on Italian organisations representing food delivery platform workers. *Etnografia e ricerca qualitativa*, 15(2), 279–303. Doi: 10.3240/104669
- Borghi, P., and Murgia, A. (2025, forthcoming). Organising migrant platform workers in London: The case of IWGB. In F. Della Puppa, D. Dhar, and N. Montagna (Eds.), *Migrant Labour in the Gig Economy. Digitization, Platform Capitalism, and Resistance*. London: Palgrave Macmillan.
- Brophy, E., and Grayer, S. B. (2021). Platform organizing: Tech worker struggles and digital tools for labour movements. In B. Dolber, M. Rodino-Colocino, C. Kumanyika, and T. Wolfson (Eds.), *The Gig Economy. Workers and Media in the Age of Convergence* (pp. 207–222). New York: Routledge. Doi: 10.4324/9781003140054
- Bureau, M.-C., and Corsani, A. (2017). An autonomy factory? In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance* (pp. 60–69). London: Routledge. Doi: 10.4324/9781315593838
- Charles, J., Ferreras, I., and Lamine, A. (2020). A freelancers' cooperative as a case of democratic institutional experimentation for better work: A case study of SMart-Belgium. *Transfer European Review of Labour and Research*, 26(2), 157–174. Doi: 10.1177/1024258920919686
- Conen, W., and Schippers, J. (Eds.) (2019). *Self-Employment as Precarious Work*. Cheltenham: Edward Elgar Publishing. Doi: 10.4337/9781788115032
- Corsani, A. (2020). *Chemins de la liberté: Le travail entre hétéronomie et autonomie*. Vulaines sur Seine: Éditions du Croquant.
- De Stefano, V., and Aloisi, A. (2018). *European Legal Framework for 'Digital Labour Platforms'*. Brussels: European Commission.
- Fairbrother, P. (2008). Social movement unionism or trade unions as social movements. *Employee Responsibilities and Rights Journal*, 20(3), 213–220. Doi: 10.1007/s10672-008-9080-4

- Foucault, M. (2008). *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979*. London: Palgrave Macmillan.
- Franke, M., Pulignano, V., and Marà, C. (2023). Workers' contentions over unpaid labour time in food delivery and domestic work platforms in Belgium. *Work in the Global Economy*, 3(1), 6–30. Doi: 10.1332/273241723X16803276410614
- Fulton, L. (2018). *Trade Unions Protecting Self-Employed Workers*. Brussels: ETUC.
- Graceffa, S., and de Heusch, S. (2017). Reinventing the world of work. *Transfer*, 23(3), 359–365. Doi: 10.1177/1024258917707870
- Graham, J., and Papadopoulos, D. (2023). Organizing the precarious: Autonomous work, real democracy and ecological precarity. *Organization*, 30(4), 649–667. Doi: 10.1177/13505084211026874
- Gumbrell-McCormick, R. (2011). European trade unions and 'atypical' workers: European trade unions and 'atypical' workers. *Industrial Relations Journal*, 42(3), 293–310. Doi: 10.1111/j.1468–2338.2011.00628.x
- Haidar, J., and Keune, M. (2021). Introduction: Work and labour relations in global platform capitalism. In J. Haidar, and M. Keune (Eds.), *Work and Labour Relations in Global Platform Capitalism* (pp. 1–28). Cheltenham: Edward Elgar Publishing.
- Heckscher, C., Horowitz, S., and Erickson, A. (2010). Civil society and the provision of services: The freelancers union experience. In D. Finegold, M. Gatta, H. Salzman, and S. J. Schurman (Eds.), *Transforming the US Workforce Development System: Lessons from Research and Practice* (pp. 237–260). Ithaca: Cornell University Press.
- Heery, E., and Abbott, B. (2000). Trade unions and the insecure workforce. In E. Heery, and J. Salmon (Eds.), *The Insecure Workforce* (pp. 155–180). London: Routledge. Doi: 10.4324/9780203446485.ch8
- Heery, E., Conley, H., Delbridge, R., and Stewart, P. (2004). Beyond the enterprise: Trade union representation of freelancers in the UK. *Human Resource Management Journal*, 14(2), 20–35. Doi: 10.1111/j.1748–8583.2004.tb00117.x
- Heery, E., Williams, S., and Abbott, B. (2012). Civil society organizations and trade unions: Cooperation, conflict, indifference. *Work, Employment and Society*, 26(1), 145–160. Doi: 10.1177/0950017011426302
- Hirsch, J. M., and Seiner, J. A. (2018). A modern union for the modern economy. *Fordham Law Review*, 86(4), 1727–1783. Doi: 10.2139/ssrn.2924833
- Holgate, J., Simms, M., and Tapia, M. (2018). The limitations of the theory and practice of mobilization in trade union organizing. *Economic and Industrial Democracy*, 39(4), 599–616. Doi: 10.1177/0143831X18777608
- Honneth, A. (2004). Organized self-realization: Some paradoxes of individualization. *European Journal of Social Theory*, 7(4), 463–478. Doi: 10.1177/1368431004046703
- Hyman, R. (1999). *An Emerging Agenda for Trade Unions?* Geneva: International Institute for Labour Studies, International Labour Organization.
- Jansen, G. (2020). Solo self-employment and membership of interest organizations in the Netherlands: Economic, social, and political determinants. *Economic and Industrial Democracy*, 41(3), 512–539. Doi: 10.1177/0143831X17723712
- Johnston, H., and Pernicka, S. (2021). Struggles over the power and meaning of digital labour platforms: A comparison of the Vienna, Berlin, New York and Los Angeles taxi markets. In J. Drahoukoupil, and K. Vandaele (Eds.), *A Modern Guide to Labour and the Platform Economy* (pp. 308–322). Cheltenham (UK), Northampton (US): Edward Elgar Publishing.

- Keune, M. (2013). Trade union responses to precarious work in seven European countries. *International Journal of Labour Research*, 5(1), 59.
- Lash, S. (2002). Individualization in non-linear mode. In U. Beck, and E. Beck-Gernsheim (Eds.), *Individualization: Institutionalized Individualism and its Social and Political Consequences* (pp. vii–xiii). Thousand Oaks: Sage Publications.
- Leighton, P., and Brown, D. (2016). *Future Working: The Rise of Europe's Independent Professionals*. Brussels: European Forum of Independent Professionals.
- Lenaerts, K., Kilhoffer, Z., and Akgüç, M. (2018). Traditional and new forms of organisation and representation in the platform economy. *Work Organisation, Labour and Globalisation*, 12(2), 60–78. Doi: 10.13169/workorgalaboglob.12.2.0060.
- Leonardi, D., Murgia, A., Briziarelli, M., and Armano, E. (2019). The ambivalence of logistical connectivity: A co-research with Foodora Riders. *Work Organisation, Labour & Globalisation*, 13(1), 155–171. Doi: 10.13169/workorgalaboglob.13.1.0155
- Martinelli, F. (2017). *Autonomie professionnelle, entrepreneuriat et coopération. Le cas des Coopératives d'Activités et d'Emploi en France*. PhD Thesis, University of Bergamo and Paris VIII Vincennes-St.- Denis.
- Meardi, G., Simms, M., and Adam, D. (2021). Trade unions and precariat in Europe: Representative claims. *European Journal of Industrial Relations*, 27(1), 41–58. Doi: 10.1177/0959680119863585
- Mezihorák, P., Murgia, A., Borghi, P., and Mondon-Navazo, M. (2023). Representing solo self-employed workers: The strengthening of relations between traditional and new collective actors in industrial relations. *Work, Employment and Society*, 37(4), 1013–103. Doi: 10.1177/09500170211061227
- Mirschel, V. (2018). Interessenvertretung von (zeitweise) Selbstständigen in der Medienbranche. In A. Bührmann, U. Fachinger, and E. Welskop-Deffaa (Eds.), *Hybride Erwerbsformen* (pp. 131–153). Wiesbaden: Springer VS.
- Mondon-Navazo, M. (2017). Analyse d'une zone grise d'emploi en France et au Brésil: les Travailleurs Indépendants Economiquement Dépendants (TIED). *Revue Interventions économiques. Papers in Political Economy*, (58), 1–30. Doi: 10.4000/interventionseconomiques.3545.
- Mondon-Navazo, M., Murgia, A., Borghi, P., and Mezihorák, P. (2021). In search of alternatives for individualised workers: A comparative study of freelance organisations. *Organization*, 29(4), 736–756. Doi: 10.1177/13505084211041709
- Murgia, A., and de Heusch, S. (2020). 'It started with the artists and now it concerns everyone.' The case of smart, a cooperative of 'salaried autonomous workers. In S. Taylor, and S. Luckman (Eds.), *Pathways into Creative Working Lives* (pp. 211–30). Cham: Palgrave Macmillan.
- Norbäck, M. (2021). Glimpses of resistance: Entrepreneurial subjectivity and freelance journalist work. *Organization*, 28(3), 426–448. Doi: 10.1177/13505084211041709
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024
- Pongratz, H. J., and Abbenhardt, L. (2018). Interessenvertretung von Solo-Selbstständigen. *WSI-Mitteilungen*, 71(4), 270–278. Doi: 10.5771/0342-300X-2018-4-270
- Saward, M. (2010). *The Representative Claim*. Oxford: Oxford University Press. Doi: 10.1093/acprof:oso/9780199579389.001.0001
- Silver, B. J. (2003). *Forces of Labor: Workers' Movements and Globalization Since 1870*. New York: Cambridge University Press. Doi: 10.1017/CBO9780511615702
- Srnicek, N. (2017). *Platform Capitalism*. Hoboken John Wiley & Sons.

- Supiot, A. (1994). *Critique du droit du travail*. Paris: PUF.
- Supiot, A. (1999). *Au-delà de l'emploi*. Paris: Flammarion.
- Tassinari, A., and Maccarrone, V. (2020). Riders on the storm: Workplace solidarity among gig economy couriers in Italy and the UK. *Work, Employment and Society*, 34(1), 35–54. Doi: 10.1177/0950017019862954
- Thompson, E. P. (2013). *The Making of the English Working Class* (New edition). London: Penguin Books.
- Vandaele, K. (2018). *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe*. Working Paper. Brussels: European Trade Union Institute.
- Westerveld, M. (2012). The 'new' self-employed: An issue for social policy? *European Journal of Social Security*, 14(3), 156–173. Doi: 10.1177/138826271201400301
- Wood, A. J., Lehdonvirta, V., and Graham, M. (2018). Workers of the Internet unite? Online freelancer organisation among remote gig economy workers in six Asian and African countries. *New Technology, Work and Employment*, 33(2), 95–112. Doi: 10.1111/ntwe.12112
- Wynn, M. (2015). Organising freelancers: A hard case or a new opportunity? In E. Burke (Ed.), *The Handbook of Research on Freelancing and Self-Employment* (pp. 111–120). Dublin: Senate Hall Academic Publishing.



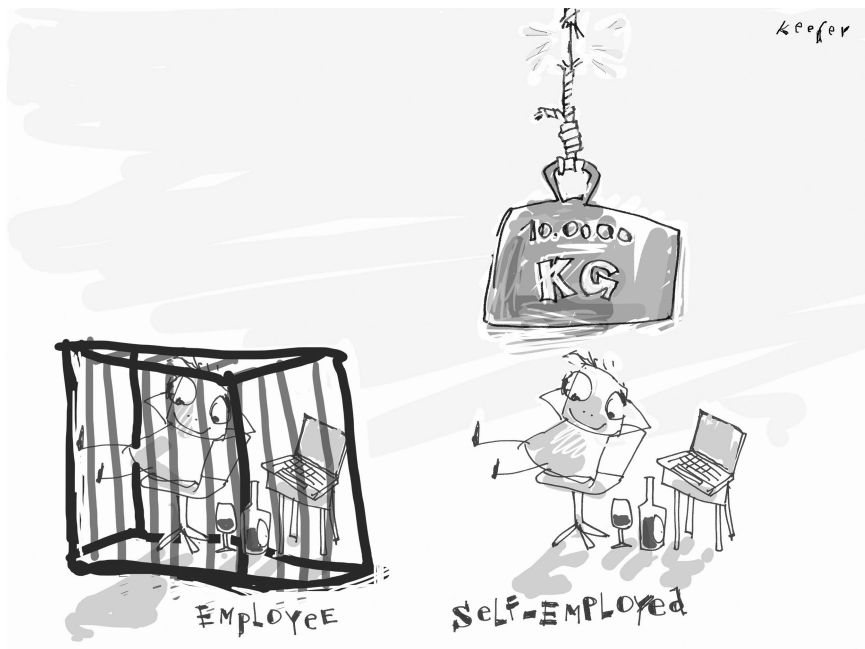
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Part 2

Epistemological and Methodological Approach





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5 Hybrid as an Epistemological and Methodological Approach

Annalisa Murgia

5.1 The ‘Otherness’ of the Hybrid Areas of Labour

This chapter introduces the epistemological and methodological approach adopted in the SHARE project to investigate what I have defined as ‘the hybrid areas of labour’. In particular, it illustrates how the concept of ‘hybrid’ has been interpreted not only as a result of the blurring of boundaries between two categories – in our case, between self-employment and salaried work – but also as an epistemological positioning, therefore introducing the perspective of *Hybrid as Method*.

The starting point of the research was to explore the case of SSE workers as emblematic of the processes of individualisation and labour transformations in the European context (Armano and Murgia, 2017; Murgia et al., 2016; Murgia et al., 2020; Murgia and Pulignano, 2021). As illustrated in Chapter 1, the debate on freelancers and SSE workers has been developed within perspectives and disciplinary areas that have rarely been in dialogue with each other, from labour law (Perulli, 2003; Supiot, 1999) to employment and industrial relations studies (Heery et al., 2004; Pernicka, 2006; Schulze Buschoff and Schmidt, 2009), from critical organisation studies (Barley and Kunda, 2004; McCabe, 2008) to those on entrepreneurship and innovation (Bögenhold and Fachinger, 2007; Folta et al., 2010), to debates within cultural studies (Gill and Pratt, 2008; Bröckling, 2016), as well as those on social movements (Choi and Mattoni, 2010; Funke and Wolfson, 2014). Despite their different epistemological perspectives and methodological approaches, these disciplinary fields have in common the challenge of interpreting the emerging areas of labour that do not fit neatly into either ‘standard’ employment, undertaken by full-time, permanent employees in the formal economy, or into ‘genuine’ self-employment, performed by independent professionals or entrepreneurs, typically with employees.

Whether they are freelance contracts or platform, agency, fixed-term, or dependent self-employed jobs, in the academic debate in the Global North, all these work arrangements have continued over the decades to be defined – by difference – as ‘non-standard’ or ‘a-typical’. In fact, the general agreement on the erosion of the ‘standard’ employment relationship has

not been enough to construct new interpretative categories and challenge the binary opposition between standard and non-standard, typical and atypical, resulting in a contrast between ‘the One and the Other’ (Derrida, 1967). The result is that, although criticised by many (Burgess and Campbell, 1998; Murgia, 2010; Gumbrell-McCormick, 2011), the current definitions are still anchored in the categories created *ad hoc* to interpret the Fordist model and which still maintain a hierarchical interdependence between the emerging areas of labour and what has been defined as the ‘standard’ employment relationship. Moreover, those areas of labour that exceed the employment vs self-employment dichotomy are composed of very different workers, often disguised by official statistics: from highly qualified self-employed professionals able to manage entrepreneurial risk to bogus self-employed workers, hired under a self-employment contract only because this was the cheapest option for the employer. Areas of labour that fall into neither employment nor self-employment also often fall into gaps in labour laws and regulations. The workers who populate and traverse them do not receive – or do so only to a limited extent – the legal protections of traditional employees, such as unemployment benefits, health insurance, paid leave, or retirement plans, and this lack of legal protection and limited access to freedom of association and collective bargaining contributes to their ‘otherness’, as they are excluded from social security and collective representation systems that are designed to support workers.

These reflections led in the late 1990s to the rise of a debate that emphasised grey zones of work and employment, which has focused on work arrangements that lie in an undefined area between employment and self-employment (Azaïs et al., 2017; Bureau et al., 2019; Bisom-Rapp and Coiquaud, 2017). More specifically, in the European political and public debate, the grey zones of work became a key issue with the Supiot (1999) report for the European Commission, which examined how changes in economic and labour relations have challenged labour and social security laws in Europe. At the turn of the century, Alain Supiot (2000, p. 133) pointed out, in a pioneering way, that

The salaried worker is no longer necessarily a simple cog without initiative in a highly hierarchical organisation. And self-employed workers are no longer necessarily entrepreneurs free to do as they like. Salaried employment has given way to what might be called autonomy in subordination, while conversely self-employment has opened up to what might be called allegiance in independence.

In dialogue with this perspective, in our research programme, the concept of ‘hybrid’, instead of ‘grey’, has been used in order to overcome polarisations that oppose ‘black’ and ‘white’ thinking and to move towards a theoretical rethinking of the interpretative categories of work and employment. This meant questioning the historical binary opposition between employment and self-employment, between standard and non-standard, typical and atypical

forms of work. While the adjective 'grey' evokes the idea of the indefinite and indistinguishable, 'hybrid' refers to the coexistence of characteristics usually attributed to categories traditionally kept quite distinct. Furthermore, inspired by the debates within postcolonial and feminist Science and Technology Studies (STS), in which 'hybrid' is a consolidated concept, this volume proposes a renewed perspective that invites the use of the 'hybrid' as a useful epistemological and methodological positioning to question binary conceptualisations. Indeed, the category of hybrid has proved promising not only for understanding which categories are at stake but also how they have been historically constructed and how they may be differently imagined and conceptualised.

5.2 Hybrid as a Method to Challenge the Employment/ Self-employment Dichotomy

The concept of the hybrid has evolved significantly across disciplines, from its origins in biology – it was Gregor Mendel who spoke of hybridisation of plants, laying the foundations for understanding genetic variation and inheritance (Callender, 1988) – to its applications in contemporary philosophy and social theory, postcolonial studies, and STS. How this concept has travelled between approaches and fields of study reflects a dynamic interplay of ideas about assemblage and combination, often situated at the frontiers of individual disciplines. Even in terms of the meaning historically attributed to it, the term hybrid has travelled through almost opposite conceptions that have radically changed over time. If in ancient Greek it expressed outrage, transgression, and violation of the norm, also indicating the offspring of two genetically distinct individuals or species that were considered monstrous and infertile creatures, in the more contemporary understanding hybrid takes on a completely different meaning. Introduced in botany to indicate, on the contrary, the greater fertility, resistance, and quality of plants derived from combinations, it has been associated in contemporary society with the desire to experiment with new encounters and overcome the limits imposed by tradition, thus looking at the hybrid's potential and considering it as a generative threshold of the human. The concept of the hybrid has therefore always been profoundly connected to change, but while in the former meaning change is viewed with fear and a conservative stance, in the latter it becomes a symbol of subversive and progressive instances.

In contemporary philosophy and social theory, hybridity has been employed to challenge and deconstruct traditional binaries. In Derrida's (1981) thought, for example, the concept of deconstruction is based precisely on the displacement of binary oppositions, which inevitably incorporate a hierarchy. The first step in questioning a dichotomy thus entails recognising the violence and forms of power inherent in these oppositions. This is the only way to avoid the 'neutralisation' of opposition in which one part simply absorbs the other, a dynamic that would prevent any effective intervention in

the field (Drichel, 2008). Moreover, the debate on hybridity invites reflection on the internal heterogeneity that characterises each of the two poles of any dichotomy (see Pieterse, 2001), as well as the various categories and positions that cannot be subsumed into a given dichotomy. The question is therefore not only how the Other is constructed in relation to the One, and according to which boundaries, but also how difference is constructed within each of the two opposing categories and how we can explore the areas in-between the two components of a binary system. In this regard, Homi Bhabha (1994), from the perspective of postcolonial studies, further developed the concept of hybridity, arguing that it does not resolve the tension between opposite poles, in particular two cultures, but rather explores intermediate spaces, allowing the creation of new cultural forms that resist fixed positions and representations.

Particularly in postcolonial and STS studies, the hybrid has been rescued from a convoluted past to be used to articulate rights and deployed to claim change. For example, Bhabha described it as a disruptive and productive category, as 'the way newness enters the world' (1994, p. 227). Moreover, he argued that hybridity emerges from a 'third space', a place of negotiation and translation where individuals and groups can contest and redefine meanings. Such a space of hybridisation allows for the articulation of different representations and practices, resisting the fixity of systems based on binarism. In this framework, the concept of hybridity thus emphasises the role of agency in the creation of novel combinations and arrangements. Also, in STS studies, particularly in the thought of Donna Haraway (1985, 1991), the concept of hybridity is associated with the ability to challenge and disrupt established norms and binaries. In particular, the cyborg metaphor proposes a vision of agency that also transcends the traditional boundaries between human, animal, and machine. The cyborg, as a hybrid entity, thus embodies the potential for political agency and community formation that also emerges as performances of multiple lived worlds, weaving threads of meaning and matter through and between so-called 'webs of connection' (Whatmore, 1997). While, therefore, the hierarchy implicit in any binarism intensifies and makes 'natural' structures of domination, it also gives rise to new forms of disruptive agency, or disruptive representations, confirming that there are always different possible combinations of the categories that are taken for granted, which can be (collectively) claimed and imagined.

In the case of the SHARE project, the dichotomy under analysis is the one between self-employment, on the one hand, and employment, on the other. The case study consists of the areas of labour at the intersection of these two categories, with the intention of exploring and challenging the boundaries that define our understanding of the experience of people in hybrid positions who work in societies that are increasingly individualised and unable to offer adequate rights in terms of social protection and collective representation. This meant first of all questioning how the two poles of this dichotomy have been historically constructed.

In the European context, the notion of ‘self-employed worker’ encompasses those who can enjoy *autonomy*, in particular in the organisation of work activities, the setting of working schedules, and the ownership of work equipment. A second characteristic underlying self-employment is the undertaking of business *risk*, which is supposed to be accompanied by entrepreneurial chances. Due to this theoretical balancing of risks and opportunities, self-employed workers, including those without personnel, have long been expected by both politicians and welfare scholars to protect themselves individually and to prefer to do so, for example on the private insurance market. This has led to the argument that the risks of the self-employed are individual rather than collective and social risks (Dekker, 2010), reproducing the representation of SSE workers as embodying the ideal of the entrepreneurial, always mobile, constantly active, and highly flexible self (Armano and Murgia, 2017; Bröckling, 2016), an ideal that still underpins both current employment practices in many sectors and labour market activation policies. A third characteristic that has historically constructed the figure of the self-employed, closely related to the first two, concerns an *individualistic orientation* not only in protecting themselves from risks but also in representing and defending their interests. These individualistic characteristics have been indicated as one of the main reasons that have held back self-employed workers from approaching traditional trade unions (Hyman, 1996; Pernicka, 2006), which in turn have continued over the years to regard them as having little interest in collective action, less relevant for their individualised career strategies and immediate economic needs.

In contrast to the self-employed, where workers may work within a civil or commercial relationship, employees provide their labour within the framework of an employment relationship. One of the main characteristics of the employment relationship, also in legal terms, is *subordination*, which indicates that workers are subject to the management and control of the employer regarding working methods, times, and places. In most European countries, the employment relationship traditionally stems from the employment contract, generally defined by the bond of subordination that is established between the person doing the job – called the employee – and the employer – the party to whom the job is provided (Rosioru and Kiss, 2013). This position of asymmetry is one of the main tasks of labour law (which must temper the employer’s power of command) and has historically shaped the idea that workers are in need of *protection* in their relationship with the employer and to cope with moments in life when a stop or limitation of work is necessary, such as periods of illness, the arrival of a child, or old age (Davidov, 2002). The asymmetry inherent in the employment relationship has historically also underpinned the need for legal and bargaining representation, which implies a specific mandate to a collective actor, typically trade unions, that collectively represent workers’ interests and are in a position to express and channel labour disputes or bargain over salary levels (Meardi et al., 2021). Workers with a ‘standard’ employment relationship,

particularly in the decades following the Second World War, were considered a homogeneous category and therefore bearers of a *collectivist orientation*, both in terms of representation of interests and in terms of labour identity.

In dialogue with the approaches described above within contemporary philosophy and social theory, in the SHARE project, the concept of the hybrid was used not only to identify an emerging area between the category of self-employment and that of employment but also as a perspective to question and deconstruct this binary construction, which, on the one hand, reproduces a series of hierarchies in the labour world and, on the other hand, is increasingly distant from the experiences of workers in contemporary societies. The intention therefore was above all to question how employment and self-employment have crystallised over time in the European context, both in legal and cultural terms, thus trying to understand how they have been measured, classified, and represented. To do this, paying attention to the heterogeneity of positions and dimensions that comprise each of the two opposing categories under analysis, and how they have changed over time, helped to understand the historically, culturally, and geographically situated nature of legal and social constructs concerning work and employment. Drawing on the reflections developed in the context of STS and postcolonial studies especially, in the course of the research we explored the case of SSE workers and conceptualised hybrid areas of labour not with the idea that they could resolve the tension between opposite poles but rather as an opportunity to understand both the intermediate spaces and the two categories from which they originate. The aim has then been to capture the novel labour experiences as well as the ways in which workers themselves can challenge the fixed representation reproduced by the dichotomy of self-employment vs salaried employment. This led us to explore the more or less visible forms of agency exercised by workers to build communities and weave relations and networks in order to collectively claim better working and pay conditions and more rights, both in terms of social protection and collective representation.

5.3 *Hybrid as Method: From a Third Space to an Epistemological Positioning*

The concept of the hybrid used within the research programme initiated by the SHARE project acknowledges the importance of avoiding static representations, which would only risk reinforcing fixed positions. In this perspective, the relations between autonomy and subordination (and between independence and dependence), between risk and protection (or between insecurity and security), and between an individualist and a collectivist orientation are considered complex, processual, and dynamic. Focusing on solo self-employment as a hybrid area of labour then implicitly meant challenging the two opposing categories in the dichotomy we investigated, starting from the assumption that has historically counterposed autonomy, risk, and

an individualist orientation to subordination, protection, and a collectivist orientation.

In this perspective, the hybrid is not just an ‘object’ of research, nor even a third space produced in the intermediate areas between two categories, but rather becomes an epistemological approach. While in the framework of post-colonial studies, Mezzadra and Neilson (2013) introduced the idea of *Border as Method* as an epistemological lens to understand contemporary capitalism, labour dynamics, and political subjectivities, in our research – focused on labour transformations in the European context – we tried to use the concept of hybrid as an epistemological angle, thus starting from those areas that are populated and intersected by subjects that cannot be framed within the boundaries of either autonomous or salaried labour. Considering the hybrid in these terms has the potential to offer novel and particularly productive perspectives on the transformations currently reshaping labour in Europe, the geographical context in which our study was conducted. In particular, conducting transdisciplinary research by using legal, statistical, and qualitative methods (see Chapter 6) allowed us to problematise the dimensions identified as historically underpinning self-employment and dependent employment.

Focusing on the concepts of autonomy and subordination, a first reflection concerns the fact that autonomy cannot be understood as a characteristic and aspiration exclusively of the self-employed, since the search for autonomy is inherent in any labour relationship. The Italian ‘Autonomia Operaria’ (Workers’ Autonomy) tradition, which descends directly from the workerist tradition, has focused since the 1970s on the ‘self-valorisation’ of the ‘mass worker’ (Cunningham, 2000), basing its analysis of the relations between labour and capital on labour’s resistance and search for autonomy (Bologna, 2014). The disconnection between the demand for autonomy and the enjoyment of rights can be considered as the basis of the current capitalist model, which according to some authors (see Boltanski and Chiapello, 1999) is founded precisely on having decoupled, starting with the 1968 movements, the ‘artistic critique’ (based on and demanding freedom, autonomy, and creativity) from the ‘social critique’ (based on and demanding security, rights, and equality). This dynamic, moreover, through a series of ‘micro-dislocations’ eventually shifted the notion of autonomy into something very different from what the French and European social movements imagined. Indeed, autonomy began to be associated with a neo-liberal conception of the self-sufficient individual, particularly from the state and its agencies. Without these constraints, individuals would have been free to choose between alternatives based solely on their personal preferences and interests (Mezihorák and Murgia, 2025). It was in this context that the self-employed without employees began to be represented as ‘entrepreneurs of themselves’ (Foucault, 1979) and thus central to the neoliberal vision of autonomy.

Considering the concepts of risk and protection, we can observe, once again, how the polarisation between those who are ready to take risks to realise their professional aspirations and those who instead work in a subordinate

position receiving protection and security in return is far removed from the experience of workers, even if we only focus on the European context. For more than 20 years, the European Commission itself has been warning of the risks faced not only by the unemployed and those working in the informal economy but also by those employed in work arrangements that fall into a grey area in which basic employment or social protection rights may be significantly reduced (Perulli, 2003). In this regard, numerous studies in recent years have shown the specific vulnerability of the self-employed without personnel (SSE workers), who are at the centre of our study (see Dekker, 2010; Conen and Schippers, 2019; Conen and Reuter, 2024; Semenza and Pichault, 2019; Westerveld, 2012). More generally, deregulated neo-liberalism and labour fragmentation, accompanied by the spread of ‘non-standard’ ways of working – increasingly mediated by digital labour platforms – are rapidly multiplying the risks to which ever larger groups of workers are currently exposed (Choonara et al., 2022; Lorey, 2015). At the same time, it is worth emphasising, on the one hand, that the social protection guaranteed to employees has also been progressively eroded in all EU countries, even for those workers who continue to be considered ‘standard’, and on the other hand, the protection of labour law and the welfare system in the 20th century in Fordist welfare states has in fact been constructed as protection of the heteronormative family, with a male breadwinner (Lorey, 2017). Therefore, the social protection celebrated by nostalgics of Fordism has always been based on significant social inequalities and a long-standing gender asymmetry.

The last dichotomy we have tried to problematise in the analysis of self-employment and salaried work is the one that contrasts an individualist orientation of workers with a collectivist one. First, as with the other dimensions explored, the historical and situated construction of these social constructs should be acknowledged. In this regard, it is interesting to point out once again (see Chapter 4) that in the Global North, at the beginning of the Industrial Revolution, the core of the emerging working class was not the proletariat, but mostly artisans running their own businesses, demanding civil rights for (male) workers, such as the right to associate and vote, and defending their own ‘moral economy’ against the state and the proponents of the ‘free market’ (Anderson, 2017; Thompson, 2013). On the one hand, the fact that workers are self-employed is therefore not in itself an impediment to the development of forms of collective agency and action (see also Bologna, 2018). On the other hand, by considering the experience of people in the contemporary labour market, we can observe that neo-liberalism and individualisation are political trends that have affected all workers, even those historically more protected and unionised. The decline in union membership seems to have been relentless for decades in European countries (Gumbrell-McCormick and Hyman, 2013), although a number of workers’ struggles and claims – both within but increasingly outside trade unions – have appeared to have regained strength in recent years, both in the US and European contexts (Atzeni and Sacchetto, 2023; Minchin, 2024).

Challenging the main dimensions that have historically composed employment and self-employment means offering a perspective capable of imagining different combinations than those consolidated over time and to consider the heterogeneity of different groups of SSE workers in the hybrid areas of labour, from the so-called ‘bogus self-employed’ (as is the case for many platform workers), who combine de facto dependence and insecurity, to the ‘dependent self-employed’, who are characterised by dependence and in various European countries may enjoy some forms of social protection, from creative and knowledge workers, who often combine autonomy and insecurity, to freelance cooperatives, in which autonomy is instead combined with an employment relationship that gives access to rights typically granted to employees. Regarding the possibility of moving away from an increasingly individualised orientation to work, encouraging a renewed collectivist orientation, among the many studies dealing with the revitalisation of trade unions and their rapprochement with alternative collective actors, some studies on migrant workers’ struggles in the Global North, and collective organising in the Global South, explicitly used the concept of hybridisation. Gabriella Alberti (2017), focusing on the experiences of migrant service workers at a university campus in London, showed how their demands for sick leave, paid holidays, and pensions were carried out by the union through hybrid forms of mobilisation and organisation that also involved students, civil society, and local movements, as well as original forms of digital protest. Jessica Alexis Jolicoeur Rich (2020), drawing on a study conducted in Latin America, also discussed how a hybrid organising, which transcends traditional trade union organising structures by integrating grassroots activism with institutional engagement, allows organisations to be more flexible and responsive and to welcome a multiplicity of workers’ identities, perceived as an opportunity to address a wider range of issues and a broader audience. Hybrid forms of organising are also described by Edward Webster and colleagues (2021), who, based on research on workers’ mobilisations in three African cities, highlighted how local unions are changing in response to the challenges posed by precarious work and the gig economy by also adopting new strategies to adapt collective bargaining practices to the informal economy. These analyses, although carried out in very different contexts, emphasise once again that the concept of the hybrid can shed light on the room for manoeuvre that, despite established traditions and forms of organising, remain open to workers to change consolidated practices and to build a renewed collective organising capable of drawing from their work experiences instead of from consolidated patterns that are increasingly distant from workers’ lives.

Using *Hybrid as Method* therefore allowed us not only to understand what hybrid areas of labour are, analysing the combination of different dimensions that characterise them, but also to understand how they work and how they have changed over time. In the context of the SHARE project, this has meant, in terms of quantitative and legal analysis, focusing on methods for measuring and classifying both self-employment and salaried work.

In particular, in terms of statistical analysis, we have shown how European public statistics reproduce a misrepresentation of the boundaries between autonomy and dependency (see Chapter 7), providing a set of indications for improving the available representations of what we have termed hybrid areas of labour. As far as the labour law analysis is concerned, the hybrid has been used as a tool to describe changes in the organisation of enterprises and in the legal regulation of the employment relationship, which have affected the dimensions of risk/protection as well as that of worker representation at the individual or collective level. In particular (see Chapter 8), it has been shown how the hybridisation process, conceptualised in this way, has brought the market to the centre of labour organisation, posing a significant challenge to labour law, traditionally based on the distinction between self-employment and subordinate employment.

In addition to studying how hybrid areas of labour are measured and classified, the qualitative analysis focused on how they are represented, both by the subjects themselves and by the organisations to which they belong. This meant taking into account not only traditional actors of representation, such as trade unions and employer organisations, but also all types of collective actors that were organising SSE workers during the ethnographic fieldwork, thus also including freelance associations and cooperatives, as well as self-organised and activist groups. This led us to focus on the different degrees of agency exercised by the SSE and the practices of organising that they were able to develop. In this case, using *Hybrid as Method* has therefore meant trying to understand the changes in the practices of organising, which in some cases have developed in discontinuity with traditional forms of collective action and in others have instead been re-signified, such as the case of the strike re-invented by SSE associations and self-organised groups. In this perspective, using both hybrid as a method and epistemological positioning has avoided essentialising the identified practices by instead paying attention to the processes through which these practices have evolved over time. Furthermore, it allowed us to show how even among SSE workers, considered emblematic of the processes of individualisation of labour, it is possible to construct forms of collective agency. Indeed, as emphasised by disciplinary perspectives that have been interested in the concept of the hybrid, such as postcolonial studies and STS, processes of change, albeit slow and often conflictual, do in fact take place on the threshold, where the ambiguity of one's position is experienced.

In the following chapters, after describing the research context and the methodological approach adopted, the main findings of the SHARE project are outlined, focusing on how the hybrid areas of labour between self-employment and employment are measured, classified, and represented.

References

- Alberti, G. (2017). Il sindacalismo ibrido dei migranti: le lotte degli esternalizzati nel settore dei servizi a Londra. In D. Sacchetto, and S. Chignola (Eds.), *Le reti del*

- valore. *Migrazioni, produzione e governo della crisi* (pp. 52–69). Roma: Derive Appodi.
- Anderson, E. (2017). *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)*. Princeton: Princeton University Press.
- Armano, A., and Murgia, A. (2017). Hybrid areas of work in Italy. Hypotheses to interpret the transformations of precariousness and subjectivity. In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance* (pp. 47–59). New York: Routledge. Doi: 10.4324/9781315593838-5
- Atzeni, M., and Sacchetto, D. (2023). Locating labour conflict and its organising forms in contemporary times: Between class and the reproduction of capitalism. *Global Labour Journal*, 14(3), 207–219. Doi: 10.15173/glj.v14i3.5624
- Azaïs, C., Dieuaide, P., and Kesselman, D. (2017). Zone grise d'emploi, pouvoir de l'employeur et espace public: une illustration à partir du cas Uber. *Relations industrielles*, 72(3), 433–456. Doi: /10.7202/1041092ar
- Barley, S. R., and Kunda, G. (2004). *Gurus, Hired Guns, and Warm Bodies: Itinerant Experts in a Knowledge Economy*. Princeton: Princeton University Press. Doi: 10.1515/9781400841271
- Bhabha, H. K. (1994). *The Location of Culture*. London: Routledge. Doi: 10.4324/9780203820551
- Bisom-Rapp, S., and Coiquaud, U. (2017). The role of the state towards the grey zone of employment: Eyes on Canada and the United States. *Revue Interventions Économiques. Papers in Political Economy*, 58. Doi: 10.4000/interventionseconomiques.3555
- Bögenhold, D., and Fachinger, U. (2007). Micro-firms and the margins of entrepreneurship: The restructuring of the labour market. *The International Journal of Entrepreneurship and Innovation*, 8(4), 281–292. Doi: 10.5367/000000007782433169
- Bologna, S. (2014). Workerism: An Inside View. From the Mass-Worker to Self-Employed Labour. In M. van der Linden and K. H. Roth (eds.) *Beyond Marx* (pp. 121–143). Leiden: Brill. Doi: 10.1163/9789004231351_007
- Bologna, S. (2018). *The Rise of the European Self-Employed Workforce*. Milan: Mimesis International.
- Boltanski, L., and Chiapello, È. (1999). *Le nouvel esprit du capitalisme*. Paris: Gallimard.
- Bröckling, U. (2016). *The Entrepreneurial Self*. London: Sage. Doi: 10.4135/9781473921283
- Bureau, M. C., Corsani, A., Giraud, O., Rey, F., and Tasset, C. (Eds.) (2019). *Les zones grises des relations de travail et d'emploi: un dictionnaire sociologique*. Buenos Aires: Teseo.
- Burgess, J., and Campbell, I. (1998). The nature and dimensions of precarious employment in Australia. *Labour & Industry: A Journal of the Social and Economic Relations of Work*, 8(3), 5–21. Doi: 10.1080/10301763.1998.10669175
- Callender, L. A. (1988). Gregor Mendel: An opponent of descent with modification. *History of Science*, 26(1), 41–75. Doi: 10.1177/007327538802600103
- Choi, H. L., and Mattoni, A. (2010). The contentious field of precarious work in Italy: Political actors, strategies and coalitions. *WorkingUSA*, 13(2), 213–243. Doi: 10.1111/j.1743-4580.2010.00284.x
- Choonara, J., do Carmo, R., and Murgia, A. (Eds.) (2022) *Critical Approaches to Precarity: Work, Subjectivities and Movements*. Bristol: Bristol University Press. Doi: 10.1332/policypress/9781529220070.001.0001
- Conen, W., and Reuter, E. (Eds.) (2024). *Research Handbook on Self-Employment and Public Policy*. Cheltenham: Edward Elgar. Doi: 10.4337/9781800881860

- Conen, W., and Schippers, J. (Eds.) (2019). *Self-Employment as Precarious Work: A European Perspective*. Cheltenham: Edward Elgar. Doi: 10.4337/9781788115032
- Cuninghame, P. (2000). For an analysis of autonomia: An interview with Sergio Bologna. *Left History: An Interdisciplinary Journal of Historical Inquiry and Debate*, 7(2), 89–102. Doi: 10.25071/1913-9632.5456
- Davidov, G. (2002). The three axes of employment relationships: A characterization of workers in need of protection. *The University of Toronto Law Journal*, 52(4), 357–418. Doi: 10.2307/825934
- Dekker, F. (2010). Self-employed without employees: Managing risks in modern capitalism. *Politics & Policy*, 38(4), 765–788. Doi: 10.1111/j.1747-1346.2010.00257.x
- Derrida, J. (1967). *L'écriture et la différence*. Paris: Seuil.
- Derrida, J. (1981). *Positions*, trans. A. Bass. London: Athlone Press.
- Drichel, S. (2008). The time of hybridity. *Philosophy & Social Criticism*, 34(6), 587–615. Doi: 10.1177/0191453708090330
- Folta, T. B., Delmar, F. É., and Wennberg, K. (2010). Hybrid entrepreneurship. *Management Science*, 56(2), 253–269. Doi: 10.1287/mnsc.1090.1094
- Foucault, M. (1979). *Naissance de la biopolitique. Résumé du cours au Collège de France*. In Dit et écrits, vol. III. Paris: Gallimard [*The Birth of Biopolitics: Lectures at the Collège de France 1978–1979*. Palgrave Macmillan, 2008].
- Funke, P. N., and Wolfson, T. (2014). Class in-formation: The intersection of old and new media in contemporary urban social movements. *Social Movement Studies*, 13(3), 349–364. Doi: 10.1080/14742837.2013.831755
- Gill, R., and Pratt, A. (2008). In the social factory? Immaterial labour, precariousness and cultural work. *Theory, Culture & Society*, 25(7–8), 1–30. Doi: 10.1177/0263276408097794
- Gumbrell-McCormick, R. (2011). European trade unions and ‘atypical’ workers. *Industrial Relations Journal*, 42(3), 293–310. Doi: 10.1111/j.1468-2338.2011.00628.x
- Gumbrell-McCormick, R., and Hyman, R. (2013). *Trade Unions in Western Europe: Hard Times, Hard Choices*. Oxford: Oxford University Press. Doi: 10.1093/acprof:oso/9780199644414.001.0001.
- Haraway, D. (1985). Manifesto for cyborgs: Science, technology and socialist feminism in the 1980s, *Socialist Review*, 80, 65–108.
- Haraway, D. (1991). Situated knowledges: The science question in feminism and the privilege of partial perspective. In D. Haraway (Eds.), *Simians, Cyborgs and Women* (pp. 183–201). London: Free Association Press.
- Heery, E., Conley, H., Delbridge, R., and Stewart, P. (2004). Beyond the enterprise: Trade union representation of freelancers in the UK. *Human Resources Management Journal*, 14(2), 20–35. Doi: 10.1111/j.1748-8583.2004.tb00117.x
- Hyman, R. (1996). Changing union identities in Europe. In P. Leisink, J. V. Leemput, and J. Vilrocx (Eds.), *The Challenges to Trade Unions in Europe* (pp. 53–74). Cheltenham: Edward Elgar. Doi: 10.4337/9781035334940.00027
- Lorey, I. (2015). *State of Insecurity: Government of the Precarious*. New York: Verso.
- Lorey, I. (2017). Labour, (in-)dependence, care: Conceptualizing the precarious. In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods* (199–209). New York: Routledge. Doi: 10.4324/9781315593838-19

- McCabe, D. (2008). Who's afraid of enterprise?: Producing and repressing the enterprise self in a UK bank. *Organization*, 15(3), 371–387. Doi: 10.1177/1350508408088535
- Meardi, G., Simms, M., and Adam, D. (2021). Trade unions and precariat in Europe: Representative claims. *European Journal of Industrial Relations*, 27(1), 41–58. Doi: 10.1177/0959680119863585
- Mezihorák, P., and Murgia, A. (2025, forthcoming). Organising the solo self-employed in Europe: A critical look at the nexus of personal autonomy and collective representation. *Organization*.
- Mezzadra, S., and Neilson, B. (2013). *Border as Method, or, the Multiplication of Labor*. Durham: Duke University Press. Doi: 10.2307/j.ctv1131cvw
- Minchin, T. J. (2024). A new labor movement? Assessing the worker upsurge in the contemporary US. *Labor History*, 65(4), 433–456. Doi: 10.1080/0023656x.2024.2327487
- Murgia, A. (2010). *Dalla precarietà lavorativa alla precarietà sociale: biografie in transito tra lavoro e non lavoro*. Bologna: Odoja.
- Murgia, A., Bozzon, R., Digennaro, P., Mezihorák, P., Mondon-Navazo, M., and Borghi, P. (2020). Hybrid areas of work between employment and self-employment: emerging challenges and future research directions. *Frontiers in Sociology*, 4, 86. Doi: 10.3389/fsoc.2019.00086
- Murgia, A., Maestriperi, L., and Armano, E. (2016). The precariousness of knowledge workers: Hybridisation, self-employment and subjectification. *Work Organisation, Labour and Globalisation*, 10(2), 1–8. Doi: 10.13169/workorgalaboglob.10.2.0001
- Murgia, A., and Pulignano, V. (2021). Neither precarious nor entrepreneur: The subjective experience of hybrid self-employed workers. *Economic and Industrial Democracy*, 42(4), 1351–1377. Doi: 10.1177/0143831x19873966.
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024
- Perulli, A. (2003). *Economically Dependent/Quasi-Subordinate (Parasubordinate) Employment: Legal, Social and Economic Aspects*. Study. Brussels: European Commission.
- Pieterse, J. N. (2001). Hybridity, so what? *Theory, Culture & Society*, 18(2–3), 219–245. Doi: 10.1177/026327640101800211
- Rich, J. A. J. (2020). Organizing twenty-first-century activism: From structure to strategy in Latin American social movements. *Latin American Research Review*, 55(3), 430–444. Doi: 10.25222/larr.452
- Rosioru, F., and Kiss, G. (2013). The changing concept of subordination. *Recent Developments in a Labour Law*, 1, 150–185.
- Schulze Buschoff, K., and Schmidt, C. (2009). Adapting labour law and social security to the needs of the 'new self-employed'—Comparing the UK, Germany and the Netherlands. *Journal of European Social Policy*, 19(2), 147–159. Doi: 10.1177/0958928708101867
- Semenza, R., and Pichault, F. (Eds.) (2019). *The Challenges of Self-Employment in Europe*. Cheltenham: Edward Elgar. Doi: 10.4337/9781788118453
- Supiot, A. (1999). *Au-delà de l'emploi. Transformations du travail et devenir du droit du travail en Europe*. Rapport pour la Commission Européenne (dir.). Paris: Flammarion.

- Supiot, A. (2000). Les nouveaux visages de la subordination. *Droit Social* (2), 131–145.
- Thompson, E. P. (2013). *The Making of the English Working Class* (New edition). London: Penguin Books.
- Webster, E., Ludwig, C., Masikane, F., and Spooner, D. (2021). Beyond traditional trade unionism: innovative worker responses in three African cities. *Globalizations*, 18(8), 1363–1376. Doi: 10.1080/14747731.2021.1874253
- Westerveld, M. (2012). The ‘new’ self-employed: An issue for social policy? *European Journal of Social Security*, 14(3), 156–173. Doi: 10.1177/138826271201400301
- Whatmore, S. (1997). Dissecting the autonomous self: Hybrid cartographies for a relational ethics. *Environment and Planning D: Society and Space*, 15, 37–53. Doi: 10.1068/d150037

6 Research Contexts and Methods

Annalisa Murgia

6.1 A Transdisciplinary and Multi-method Project

To understand how solo self-employed (SSE) workers are currently measured, classified, and represented in different European contexts, transdisciplinary and multi-method research was planned (see Murgia et al., 2020). Different from the idea of interdisciplinarity, where the knowledge from different perspectives is additive, the SHARE project adopted a transdisciplinary approach (see Nicolescu, 1996; Zaman and Goschin, 2010) as a strategy to cross disciplinary perspectives while sharing the same conceptual frame and in the attempt to construct a common theoretical framework. A transdisciplinary project addresses a research question that might only be investigated outside the boundaries of single disciplines.

The analysis of solo self-employment was developed within perspectives and disciplinary areas that have rarely dialogued with each other (see Chapter 1). The characteristics that distinguish subordination from self-employment have always informed debates within labour law, which has in the last decades also focused on the emergence of grey areas between self-employment and salaried work (Perulli, 2003; Supiot, 1999). In recent years, the analysis of freelancers and SSE workers has also become central in studies on employment and industrial relations (Heery et al., 2004; Pernicka, 2006; Schulze Buschoff and Schmidt, 2009), entrepreneurship and innovation (Bögenhold and Fachinger, 2007; Folta et al., 2010), social movements (Choi and Mattoni, 2010; Funke and Wolfson, 2014), as well as in cultural studies (Gill and Pratt, 2008; Bröckling, 2016), and in studies on management and organisations (Barley and Kunda, 2004; McCabe, 2008). As a result of this lively debate and of the recommendations developed by the ILO to adapt current statistical definitions and measurements to changes in global labour markets (ILO, 2018), official labour statistics are also trying to set new standards to identify ambiguous employment statuses in the European context, using in particular data from the European Working Condition Survey (EWCS) (Eurofound, 2013, 2017, 2024; Williams and Horodnic, 2018) and the 2017 ad hoc module on self-employment of the European Labour Force Survey (EU-LFS) (Bozzon and Murgia, 2022; see also Chapter 7).

Within the SHARE project, an attempt was made to build a conversation between these different disciplinary perspectives, all of which were approached from the changing experience and representations of workers. The focus on experience in transdisciplinary studies has a long and well-established tradition, particularly rooted in the work of Edgar Morin, who strongly advocated for the need to move away from single disciplinary perspectives, aiming instead to make sense of lived experiences, which can hardly be seized through a single theoretical approach or debate, requiring rather drawing on a whole range of ‘pertinent knowledge’ (Morin, 2001). From this perspective, although more and more difficult within increasingly sectoral and specialised academic systems, the research objective should not be driven by addressing problems, or worse, by ‘filling gaps’ within the agenda of a specific discipline. Our research objectives would be more promising, and perhaps of greater interest to society, if they started from the conditions and representations of the actors directly involved, who navigate, are subjected to, and act upon the phenomena we wish to understand – in this case, individualisation, the lack of rights, and the ability to construct forms of solidarity and collective action within labour relations. Therefore, it is not a matter of creating abstract theoretical frameworks or promoting the agenda of a discipline, but of co-constructing with research participants knowledge that is relevant to make sense of lived experiences as well as the ‘big questions’, which are usually left out of the academic discourse precisely because they are too complex and addressed within multiple and fragmented academic debates.

Within this framework, we developed the three main analytical axes of the project. As far as statistical analysis is concerned, we were not so much interested in analysing the available data as we were in questioning the methods used so far in the main European labour statistics. On the one hand, we consulted national questionnaires to understand what data was collected and how questions were formulated. With the aim of capturing the experiences of workers in different countries, we administered the questionnaires to a number of research participants working in different industries in order to understand to what extent statistics are currently able to identify the heterogeneity of conditions at the intersection of self-employment and employment and to understand what kind of data are available for each country, their comparability, the definitions used, as well as workers’ perceptions of the questions asked. On the other hand, we analysed the main European labour statistics, *i.e.*, the EWCS and the EU-LFS, trying to understand which national specificities are lost in the harmonisation of European statistics, how SSE workers are classified differently in the different surveys, and which types of data would be important to collect to capture the hybrid areas of labour (Bozzon and Murgia, 2022).

Regarding the legal analysis, the SHARE project aimed to understand not only how solo self-employment is regulated in European and national legislation (Digennaro, 2020), but also to analyse the implications for workers as well as the cultural framework in which labour law has developed in

recent decades (Digennaro, 2022). To do so, various national experts were contacted, and the analysis was also informed by several research participants involved in the investigated countries. Also in this case, the attempt was to read European and national regulations through the lens of experience, following what Alain Supiot (1999) was already arguing in the late 1990s – that in order to understand the transformation of work and employment and its future in Europe, legal categories cannot be reconsidered without reference to the changes taking place in practice, hence the need for a dialogue between legal scholars and social scientists.

In the course of our study, the experiences and representations of the subjects were also investigated through an ethnography conducted over a period of four years in six European countries, in constant dialogue with statistical and legal analyses. SSE workers were considered to be emblematic of the deployment of an ‘enterprise culture’ whose effects, in Western countries, are perceived both at the legal-political level and at the organisational and individual ones (Du Gay, 1996; Gorz, 2001; Rose, 1992). In this dynamic – already observed by Michel Foucault (1979) in the late 1970s – subjects tend to perceive themselves as ‘entrepreneurs of themselves’. By celebrating autonomy, risk-taking, and self-reliance, the spread of an enterprise culture has fostered processes of individualisation and contributed to the emergence of enterprising selves, pressured to take full responsibility for all the risks involved in their lives and careers (Beck, 1992; Beck and Beck-Gernsheim, 2002; Bröckling, 2016). Freelancers and SSE workers embody these processes (see Boltanski and Chiapello, 1999), as they represent both the celebration of self-fulfilment and the self-responsibility of the workforce, based on the transfer to individuals of responsibility for all the risks and costs associated with their work (Fleming, 2017; Moisander et al., 2018; Storey et al., 2005). Moreover, we not only investigated how SSE workers represent themselves but also how the representation of their interests is articulated, in an attempt to capture both performative and institutional dimensions of collective representation, emphasising its dynamic and claim-making nature (Pitkin, 1967; Saward, 2014; Meardi et al., 2021). Departing from classical approaches that focus only on institutional representatives, our study also directly involved SSE workers to understand, from their perspective, how despite processes of individualisation, it is possible to create new forms of collective action and organising.

The research approach used in the SHARE project is thus transdisciplinary in that it examined what I termed ‘hybrid areas of labour’ from different angles, which need to be considered simultaneously and in their mutual intertwining in order to understand the phenomenon under investigation. To explore the figure of SSE workers in Europe, we have therefore related: (i) how they are measured, and thus how they are identified and represented statistically; (ii) how they are represented and classified in terms of labour law and social policies; and (iii) the ways in which they represent themselves and the practices they put in place to move away from the representation of individualised subjects in the labour market and build forms of collective mobilisation and organising.

6.2 Methods and Selection of Countries

The project is cross-national in that it compares six selected European countries by conducting a statistical, legal, and ethnographic analysis. A multi-method research design was constructed, involving several methodological approaches that are relatively complete on their own, and then used together to form essential components of a single research programme.

First, the quantitative analysis shed light on how data on hybrid areas of labour – and specifically solo self-employment – are collected in order to understand how these figures are measured and statistically represented (see Chapter 2). Second, the legal analysis showed how, in the six selected countries, the work arrangements of the SSE differ in terms of employment regulation and protection, providing different public (political and legal) representations of them (see Chapter 3). Third, across the six selected countries, a multi-sited and cross-national ethnography (Marcus, 1995; Hannerz, 2003) was conducted, a method particularly suited to the exploration of an emergent and transnational process like the growth of hybrid areas of labour because of its capacity to combine interpretative ‘thickness’ with comparability among different national contexts (see Chapters 9–12). In particular, we position our study within the framework for transnational comparative research in labour studies recently offered by Almond and Connolly (2020), who called for the adoption of a ‘slow comparative agenda’, which implies long-term engagement, as opposed to the ‘thin forms of analysis and limited sociological engagement’ (p. 2) typical of transnational comparative research. Slow comparative research aims to counter the dominant comparative strategies, conceived as an adaptive response to various external pressures, which force researchers to often rely on the voices of institutional representatives only and to analyse transnational dynamics by producing quick and practical answers, as well as concise recommendations, easily transferable across countries, thus neglecting the contradictions and complications that would emerge from pursuing in-depth knowledge of actors, their representations, and practices.

The European countries involved in the research were France, Germany, Italy, Slovakia, the Netherlands, and the United Kingdom. The first criterion used to select the countries was the balance between comparability and heterogeneity between the cases. In terms of comparability, in all selected countries, in 2015, at the time of writing the ERC project proposal, the rate of solo self-employment had increased significantly over the previous 15 years (around +25–30% in France and Germany, +35% in the UK, +50% in the Netherlands, +60% in Italy, and +130% in Slovakia). In terms of heterogeneity, these countries are characterised by different social protection systems with different levels of inclusion of SSE workers. A further criterion considered was the dynamism of the cases, that is to say, the search for countries in which the capacity, albeit limited, to develop forms of collective organising among the SSE had been detected.

Germany and France are usually classified as ‘pure’ conservative welfare systems, but with different strategies concerning women’s employment (Palier, 2010). Within these systems, social security arrangements include different social schemes and programmes that depend mainly on the workers’ status, profession, or sector of activity. Between the mid-1990s and the first decade of the 2000s, non-standard jobs represented almost 20% of the working-age population in France and 30% in Germany (Eurostat, own calculation). The SSE reached between 6% and 6.5% of employment in these two countries, but they had increased by between 25% and 30% in the considered 15 years (Allmendinger et al., 2013). In terms of employment regulation, Germany and France differ substantially in the ways that they manage the SSE. In Germany, the legislation foresees a hybrid legal category for the ‘dependent solo self-employed’ (*Arbeitnehmerähnliche Person*, ‘employee-like person’), which allows access to certain social protection policies normally granted to employees. This is not the case in France, where hybrid categories are not foreseen and special regulations are in place only for certain subgroups of freelancers and SSE workers (Eichhorst et al., 2013). With respect to the ability to develop collective forms of SSE workers’ organising, the two countries also show substantial differences (see Chapter 9).

Italy represents a Southern European welfare system often described as a special case of the conservative system. Differently from ‘pure’ conservative systems, it is characterised by a ‘deficit’ of social policies and a persistent reliance on family support to manage social risks (Ferrera, 1996). The recent partial and targeted labour-market deregulation has enhanced a clear-cut insider/outsider scenario between permanent workers and temporary sub-protected work positions, fostering a generational divide. In the period considered, temporary jobs accounted for 22% of the working-age employed, among whom the SSE was the largest group, representing 15% of the entire employed population. From a legal perspective, Italy is one of the few European countries that has extended certain employee protections to specific self-employment arrangements (Perulli, 2003). Due to the increase of these employment relationships, since the early 2000s, various collective actors have formally included the SSE within their membership, both among trade unions and among employer organisations and SSE associations.

In the Netherlands, the social protection system is often described as a hybrid case that lies between the social-democratic and conservative models (Kammer et al., 2012). Generally speaking, employment policies in this country are close to the social democratic model, while family/social policies adhere to a conservative system (high family allowances with a notable role of part-time work). As a result, the employment situation of a large share of workers can be expected to be relatively flexible and at the same time relatively protected (Bekker and Posthumus, 2010; Bekker et al., 2011). Non-standard jobs represented more than 40% of the employed population in the period under consideration (Allmendinger et al., 2013). The incidence of solo self-employment, in particular, had almost doubled in 15 years, reaching

12% of all workers in 2014. Although the Dutch social security system has experienced a privatisation trend, it still provides the most comprehensive social security for all self-employed (with and without employees) in terms of a basic pension system with universal coverage. In addition, because of the low statutory thresholds, many of the 'bogus self-employed' have access to the same social security system as the employees (Schulze Buschoff and Schmidt, 2009; Dekker, 2010). This feature represents a significant difference from all the other selected countries. In terms of collective organising too, in the Netherlands the long history and high proportion of self-employment are fertile ground for the development of several collective actors on both the workers' and employers' sides.

The United Kingdom is an example of a liberal welfare state characterised by passive labour market policies, residual social policies, and a relatively small public sector. It shares with Italy high market inequalities and low/residual welfare redistribution when compared with conservative (and social democratic) welfare systems. But, differently from all other systems, the UK labour market is neither highly regulated nor highly coordinated. In 2015, non-standard workers represented about 28% of the employed population, and the SSE represented 12%, having increased by more than 30% in the considered 15 years. SSE workers are usually included in the general (residual) protection system. However, they cannot benefit from all allowances that are not means tested, nor from protection against unfair dismissal, redundancy compensation, or guaranteed pay (Pedersini and Coletto, 2010). As in other deregulated institutional regimes, there are many examples of trade unions organising the SSE and other SSE associations were also identified when the research design was developed.

Finally, Slovakia's social protection system has shifted from a universalistic approach to a residual social system. The Slovak welfare state has developed towards a hybrid system that combines elements of conservative-corporatist (pension system), social-democratic (minimum income), and liberal systems (labour-market regulation) (Fenger, 2007). Labour-market policies have been substantially reformed over recent decades. The Slovak labour market has been characterised by a consistent flexibilisation process aimed at reducing the chronic unemployment of the 1990s. This process has been accompanied by large cuts in unemployment benefits and incentives for labour-market participation. Slovakia was characterised by the largest growth of SSE workers among European countries between 2000 and 2014 (+130%), and, in 2014, the SSE represented 12% of the employed population. Differently from all the other selected countries, in Slovakia, at the time of writing the project proposal, trade unions and employer organisations were dealing only in a limited way with the topic of solo self-employment. However, conflictual industrial relations were starting to translate into collective actions, stimulating a new phase in which precarious labour became once again the priority instead of wage increases (Kahancová and Martišková, 2013).

6.3 The Rationale of Cross-National Analysis

The research in the six selected countries was carried out mainly between 2018 and 2021.

The statistical analysis was conducted to understand national logics in the construction of LFS with respect to hybrid areas of labour. Moreover, aggregate public data were used to describe trends in self-employment across the six countries in the last 15 years. As illustrated in Chapter 2, the SSE are variously distributed in Europe, but all countries showed growth among women, late-career, and migrant workers. Moreover, the relationships between subjective well-being, career prospects, and emerging work arrangements (e.g. dependent and involuntary self-employment or hybrid entrepreneurship) were analysed (see Chapter 7).

The legal analysis focused on how subordinate employment and self-employment are classified in the six European countries studied. As illustrated in Chapter 3 (see also Digennaro, 2020 and Chapter 8), in the Netherlands and Slovakia there is a clear-cut dividing line between the contract of employment and forms of self-employment. Germany and the United Kingdom crafted a *tertium genus* that aims to cover, with some guarantees, economically dependent SSE. France and Italy extended the scope of labour law over categories of formally SSE workers who show vulnerability. Despite these differences, all the countries analysed share the fact that the definitions in use in labour law are different from those used for national social protection systems.

The qualitative cross-national ethnography was conducted in all six countries, mainly in the capital cities (except in the Italian case, which started in Rome but then focused mainly on Milan, where SSE workers are most concentrated), and it aimed to understand how SSE workers represent themselves and how they can break their isolation and develop practices of collective organising. More specifically, it was structured in two main phases. In the first, carried out in 2018 and 2019, we identified the main collective actors to which SSE workers belonged, taking into account all industries and including both jobs considered low-skilled and those considered high-skilled. Participant observation and in-depth interviews were conducted with a range of collective actors, the more institutionalised, such as trade unions and employer organisations, as well as hitherto less studied actors, such as SSE associations, freelancer cooperatives, plus grassroots, and self-organised groups. Below is a list of the collective actors approached.

France

Trade unions

Confédération française démocratique du travail (CFDT)

Confédération française de l'encadrement-Confédération générale des cadres (CFE CGC)

92 *Hybrid Labour*

Confédération générale du travail (CGT)
Force Ouvrière (FO)
Union syndicale Solidaires

SSE associations

Union des auto-entrepreneurs (UAE)
Fédération Nationale des auto-entrepreneurs et microentrepreneurs (FNAE)

Employer organisations

Union des entreprises de proximité (U2P)

Freelance cooperatives

Smart
Grands Ensemble

Grassroots groups

Collectif des Livreurs Autonomes de Plateformes (CLAP)

Germany

Trade unions

Vereinte Dienstleistungsgewerkschaft (ver.di)
Deutscher Gewerkschaftsbund (DGB)
Industriegewerkschaft Bauen-Agrar-Umwelt (IG BAU)

SSE associations

Verband der Gründer und Selbstständigen Deutschland e.V. (VGSD)
Bundesarbeitsgemeinschaft Selbstständigenverbände (bagsv)

Employer organisations

Bundesvereinigung der Deutschen Arbeitgeberverbände e.V. (BDA)

Freelance cooperatives

WeiberWirtschaft
Smart

Italy

Trade unions

Confederazione Generale Italiana del Lavoro (CGIL), section NIdiL and association Apiqa
Confederazione Italiana Sindacati Lavoratori (CISL), association vIVAce!
Unione Italiana del Lavoro (UIL), section Networkers

SSE associations

Associazione Consulenti del Terziario Avanzato (ACTA)

Employer organisations

Coordinamento Libere Associazioni Professionali (CoLAP)

Confassociazioni

CNA Professioni

Freelance cooperatives

Doc Servizi

Smart

Grassroots groups

Deliverance Milano

Camere del Lavoro Autonomo e Precario (CLAP)

The Netherlands

Trade unions

Federatie Nederlandse Vakbeweging Zelfstandigen (FNV Zelfstandigen)

Christelijk Nationaal Vakverbond (CNV)

Vakcentrale voor professionals (VCP)

De Unie

SSE associations

Platform Zelfstandige Ondernemers (PZO)

Zelfstandigen Zonder Personeel Nederland (ZZP Nederland)

Vereniging van Zelfstandigen Zonder Personeel (VZZP)

Werkvereniging

Zelfstandigen Bouw

Freelance cooperatives

Broodfonds

Smart

The United Kingdom

Trade unions

Broadcasting, Entertainment, Communications and Theatre Union
(BECTU)

Equity

Public and Commercial Services Union (PCS), museums section
Unite, construction section
Community

SSE associations

Independent Professionals and the Self Employed (IPSE)

Freelance cooperatives

Coop-UK
Indycube

Grassroots unions

Independent Workers' union of Great Britain (IWGB)
Industrial Workers of the World (IWW)

Slovakia

Trade unions

Konfederácia Odborových Zväzov Slovenskej republiky (KOZ)
KOVO
Integrovaný Odborový zväz (IOZ)
UniJA

Employer organisations

Slovenský živnostenský zväz (SŽZ)
Slovenská živnostenská komora (SŽK)
Slovenská asociácia malých a stredných podnikov a živnostníkov (SAMP)
Združenie mladých podnikateľov Slovenska (with the official name in
English Young Entrepreneurs Association of Slovakia and the abbrevia-
tion YEAS)
Slovak Business Agency (SBA)

SSE associations

Foundation Nová Cvernovka (NC)
Association of Creative Workers (AK)

Coworking spaces

Coworking Cvernovka
Connect Coworking

In this first phase, access to the fieldwork was facilitated through previously existing relationships and by the fact that, during the empirical research, ethnographers were hosted by local universities and research centres interested in the multiplication of hybrid areas of labour between employment and self-employment: Laboratoire Interdisciplinaire pour la Sociologie

Économique (LISE) in Paris; Re:Work Research Centre of the Humboldt University in Berlin; Fondazione Di Vittorio in Rome; the Central European Labour Studies Institute (CELSI) in Bratislava; the Amsterdam Institute for Advanced Labour Studies (AIAS); and King's College University of London. This also favoured making valuable contacts with expert statisticians in LFS as well as with labour lawyers with whom we could exchange views and who could help to grasp the national specificities of the areas of labour at the intersection of self-employment and employment.

After reconstructing the frame within which the different collective actors composed of SSE workers and/or engaged in their representation were operating, the second phase of the qualitative research focused on specific case studies, trying to consider as much as possible the range of actors mapped in the first fieldwork. Thus, in each country, practices of collective organising developed within trade unions, employer organisations, and SSE associations, as well as in grassroots and self-organised groups, were studied. More specifically, this second part of the qualitative research was conducted mainly in 2020 and 2021, with some short fieldwork in 2022. In each country, the practices of organising of three collective actors were studied, selected according to the following main criteria: the dynamism of collective activities, the geographical coverage of the collective actions, and the media relevance in the public debate. Below is the list of our case studies by country:

France

Trade union: Syndicat National des Artistes Plasticien·nes-CGT (SNAP-CGT)

SSE association: Fédération Nationale des auto-entrepreneurs et micro-entrepreneurs (FNAE)

Grassroots group: Collectif des Livreurs Autonomes de Plateformes (CLAP)

Germany

Trade union: ver.di Selbstständige and ver.di art and culture

SSE association: Verband der Gründer und Selbstständigen Deutschland e.V. (VGSD)

Self-organised group: Sindicat Helping

Italy

Trade union: NIDIL-CGIL and Apiqa/Council of Profession

SSE association: Redacta, part of the Associazione Consulenti del Terziario Avanzato (ACTA)

Grassroots group: Deliverance Milano

Slovakia

Trade union/Professional association: Slovenský živnostenský zväz (SŽZ)

SSE association: YEAS mobile app for the self-employed

Self-organised group: groups of workers suing the employer for false self-employment

The Netherlands

Trade union: *Kunstenbond*

SSE associations: *The Orde van Registrertolken envertalers (Orde)*; *Nederlands Genootschap van Tolken en Vertalers (NGTV)*; *Vereniging Zelfstandige Vertalers (VZV)*; *SENSE – Society for English-language professionals*

Self-organised group: *Dancers' Council*, and *BIEB3000*

The United Kingdom

Trade unions: *Equity and Community*

SSE association: *Independent Professionals and the Self Employed (IPSE)*

Grassroots union: *Independent Workers' union of Great Britain (IWGB)*

Having already conducted two years of research in 2018 and 2019, it was possible to continue our activities, albeit remotely, even during the months of lockdown due to the Covid-19 pandemic. The category of SSE workers was, moreover, particularly active at that juncture, also because, in most European countries, they were not initially included among workers to whom economic support was allocated during 2020. Also in this case, data collection and local contacts with experts in solo self-employment were facilitated by the fact that ethnographers were hosted in the second part of 2020 and in 2021 by local research centres and universities during the empirical research, in particular: *LISE* in Paris, *Centre Marc Bloch* in Berlin, *CELSI* in Bratislava, *Amsterdam Institute for AIAS*, and the *Social Policy Research Centre of Middlesex University*. As the Italian fieldwork was mainly in Milan and the *SHARE* project moved from the University of Leeds to the University of Milan at the end of 2018, there was no need to activate other institutional collaborations in Italy.

During the data collection phase, researchers participated in both public and, when feasible, private meetings, co-working spaces, public events, demonstrations, and pickets, alongside the formal and informal interviews. We were granted access to a variety of materials intended for both internal and external use, such as annual reports and internal studies. In instances where participant observation was unfeasible, interviews were conducted with members in diverse positions within the collective actors studied. Over the years, our study achieved a comprehensive, formative, and exclusive engagement with the fields and established high-quality relationships with SSE workers and representatives. Field notes and interviews were recorded in English, French, German, Italian, Czech, Slovak, and Spanish and subsequently digitised in English to ensure accessibility for the entire research team. Monolingual texts were shared biweekly via a remotely accessible server, facilitating post-data collection through collective conversations and

reflexivity. Data analysis employed an inductive approach, which involved iterative readings of texts to identify relevant themes (Schwartz-Shea and Yanow, 2013). The relationships within and between the collective actors studied were then analysed to discern patterns of commonalities and differences across countries. The coding process entailed constant dialogue among ethnographers collecting data in different countries. Moreover, the continuous exchange of experiences with the researchers conducting the statistical and legal analyses made it possible to deal with multiple interpretations and collectively discuss emerging paths of analysis.

6.4 The Rationale of the European Analysis

In the last stage of the research, conducted between 2022 and 2023, the focus of the SHARE project shifted from cross-national comparison to the broader European context. The last part of the study was thus dedicated to analysing the ways in which SSE workers are measured, classified, and represented at the European level.

Following the perspectives that conceptualise a survey as a technique to change reality instead of a research tool to attain knowledge of reality in itself (Dewey, 1938), the European labour force surveys were critically revised. In particular, the statistical analysis assessed how the methodologies developed by ILO and EU labour statistics are re-defining the representation of the borders between employment and self-employment. Using data from EWCS, EWCTS, and the 2017 EU-LFS ad hoc module, we tested how different measures of economic and operational dependency, and the conditions of the involuntary self-employed and multi-job holders, affect subjective well-being, job satisfaction, and job perspectives (see Chapter 7).

The legal analysis showed instead the continuity between neoliberal schools that had a role in making the EU legal order and the concepts of ‘working activity’ and ‘undertaking’ elaborated by the EU Court of Justice (Digennaro, 2022; see also Chapter 8). Moreover, two documents developed by the European Commission were also analysed: the Guidelines on the application of Union competition law to collective agreements regarding the working conditions of SSE persons and the Directive on platform work (see Chapter 14). Regarding the latter, we were able to examine three versions of the EU Directive on platform work released by the Commission, the Council, and the Parliament. The final version was adopted by the European Parliament in April 2024. As the SHARE project was already concluded, the last version was analysed through a documentary analysis and discussion with research participants with whom we were still in contact at the time of writing this volume.

Finally, the practices of organising developed by self-employed associations, trade unions, grassroots groups, and cooperatives at the European level were also analysed (see Chapter 13 on transnational alliances). The interviews were conducted both in Brussels and remotely. In particular, as

far as trade unions are concerned, the organisations that were approached and within which at least one interview with a representative was conducted are, first, the European Trade Union Confederation (ETUC) and its most active members in the policymaking processes, such as the International Federation of Actors (FIA), the European Federation of Trade Unions in the Food, Agriculture, and Tourism (EFFATT), the European Transport Workers' Federation (ETF), and Uni Europe, representing workers in the services sectors. Second, interviews were also carried out within the global union Uni Global, mainly focused on the service economy. Moreover, we reconstructed the experience of the European Forum of Independent Professionals (EFIP), which at the time of the fieldwork had evolved into a network of different collective actors organising the European Freelancers Week. Regarding the EU Platform Work Directive, key experts, activists, officials, and staff members within two further networks of organisations were also interviewed. The first was the coalition of platform workers, grassroots unions, and activist groups organised in the Transnational Federation of Couriers and the International Transport Workers Federation. The second involved the European confederation of industrial and service cooperatives (CECOP), which also includes the freelance cooperatives studied in the SHARE project. Therefore, in addition to the scientific return of research findings, the SHARE project also discussed its results with collective actors and policymakers not only at national but also at European level. Indeed, using a transdisciplinary approach aims to contribute not only to the construction of knowledge but also, and above all, to social change. In this perspective, throughout the project, we endeavoured not to confine our research results – described in the following chapters – to the academic debate only, taking every opportunity we had to share our work and to participate in the activities of SSE workers and collective actors who were involved in our project.

References

- Allmendinger, J., Hipp, L., and Stuth, S. (2013) *Atypical Employment in Europe 1996–2011*. WZB Discussion, No. P 2013–003.
- Almond, P., and Connolly, H. (2020). A manifesto for 'slow' comparative research on work and employment. *European Journal of Industrial Relations*, 26(1), 59–74. Doi: 10.1177/0959680119834164
- Barley, G., and Kunda, S. (2004) *Gurus, Hired Guns, and Warm Bodies: Itinerant Experts in a Knowledge Economy*. Princeton: Princeton University Press. Doi: 10.1515/9781400841271
- Beck, U. (1992). *Risk Society: Towards a New Modernity*. London: Sage.
- Beck, U., and Beck-Gernsheim, E. (2002). *Individualization. Institutionalized Individualism and its Social and Political Consequences*. London: Sage. Doi: 10.4135/9781446218693
- Bekker, S., Dekker, R., and Posthumus, M. A. C. (2011). Self-employment in the Netherlands: In need for more securities? *Bulletin of Comparative Labour Relations*, 2011(78), 189–200.

- Bekker, S., and Posthumus, M. (2010). Self employment in the Netherlands. *European Employment Observatory Review*, 1–7.
- Bögenhold, D., and Fachinger, U. (2007). Micro-firms and the margins of entrepreneurship: The restructuring of the labour market. *The International Journal of Entrepreneurship and Innovation*, 8(4), 281–292. Doi: 10.5367/000000007782433169
- Boltanski, L., and Chiapello, E. (1999). *Le nouvel esprit du capitalisme*. Paris: Gallimard.
- Bozzon, R., and Murgia, A. (2022). Independent or dependent? European labour statistics and their (in) ability to identify forms of dependency in self-employment. *Social Indicators Research*, 160(1), 199–226. Doi: 10.1007/s11205-021-02798-1
- Bröckling, U. (2016). *The Entrepreneurial Self*. London: Sage. Doi: 10.4135/9781473921283
- Choi, H. L., and Mattoni, A. (2010). The contentious field of precarious work in Italy: Political actors, strategies and coalitions. *WorkingUSA*, 13(2), 213–243. Doi: 10.1111/j.1743-4580.2010.00284.x
- Dekker, F. (2010). Self-employed without employees: Managing risks in modern capitalism. *Politics & Policy*, 38(4), 765–788. Doi: 10.1111/j.1747-1346.2010.00257.x
- Dewey, J. (1938). *Logic: The Theory of Inquiry*. New York: Henry Holt and Company.
- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour & Law Issues*, 6(1), C–1.
- Digennaro, P. (2022). The effects of neoliberalism in European labour law: The meaning of labour and the need for a different constitutional compromise. *European Labour Law Journal*, 13(2), 249–272. Doi: 0.1177/20319525221093716
- du Gay, P. (1996). *Consumption and Identity at Work*. Thousand Oaks: Sage. Doi: 10.4135/9781446221945
- Eichhorst, W., Braga, M., Famira-Mühlberger, U., Gerard, M., Horvath, T., Kahanová, M., Kendzia, M. J., Martišková, M., Monti, P., Pedersen, J. L., Stanley, J., Vandeweghe, B., Wehner, C., and White, C. (2013). Social protection rights of economically dependent self-employed workers. *IZA Research Report*. No. 54. Available at: https://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_54.pdf.
- Eurofound (2013). *Self-Employed or Not Self-Employed? Working Conditions of 'Economically Dependent Workers'*. Luxembourg: Publications Office of the European Union.
- Eurofound (2017). *Exploring Self-Employment in the European Union*. Luxembourg: Publications Office of the European Union.
- Eurofound (2024). *Self-Employment in the EU: Job Quality and Developments in Social Protection*. Luxembourg: Publications Office of the European Union.
- Fenger, M. (2007). Welfare regimes in Central and Eastern Europe: Incorporating post-communist countries in a welfare regime typology. *Contemporary Issues and Ideas in Social Sciences*, 3(2), 1–30.
- Ferrera, M. (1996). The 'Southern model' of welfare in social Europe. *Journal of European Social Policy*, 6, 17–37. Doi: 10.1177/095892879600600102
- Fleming, P. (2017). The human capital hoax: Work, debt and insecurity in the era of Uberization. *Organization Studies*, 38(5), 691–709. Doi: 10.1177/0170840616686129
- Folta, T. B., Delmar, F. É., and Wennberg, K. (2010). Hybrid entrepreneurship. *Management Science*, 56(2), 253–269. Doi: 10.1287/mnsc.1090.1094

- Foucault, M. (2008[1979]). *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979*. Translated by Graham Burchell. Basingstoke: Palgrave Macmillan.
- Funke, P. N., and Wolfson, T. (2014). Class in-formation: The intersection of old and new media in contemporary urban social movements. *Social Movement Studies*, 13(3), 349–364. Doi: 10.1080/14742837.2013.831755
- Gill, R., and Pratt, A. (2008). In the social factory? Immaterial labour, precariousness and cultural work. *Theory, Culture & Society*, 25(7–8), 1–30. Doi: 10.1177/0263276408097794
- Gorz, A. (2001). La personne devient une entreprise. *Revue du MAUSS*, 18, 61–66. Doi: 10.3917/rdm.018.0061
- Hannerz, U. (2003). Being there... and there... and there! Reflections on multi-site ethnography. *Ethnography*, 4(2), 201–216. Doi: 10.1177/14661381030042003
- Heery, E., Conley, H., Delbridge, R., and Stewart, P. (2004). Beyond the enterprise: Trade union representation of freelancers in the UK. *Human Resource Management Journal*, 14(2), 20–35. Doi: 10.1111/j.1748-8583.2004.tb00117.x
- ILO (2018). *Room Document 6: Statistical Definition and Measurement of Dependent “Self-Employed” Workers*. Rationale for the Proposal for a Statistical Category of Dependent Contractors. Available at: <https://ilostat.ilo.org/about/standards/icls/icls-documents/>. Accessed 7 July 2024.
- Kahancová, M., and Martišková, M. (2013). From collective bargaining to political action: trade union responses to precarious employment in Slovakia. *CELSI Report*, No 2. Article.
- Kammer, A., Niehues, J., and Peichl, A. (2012) Welfare regimes and welfare state outcomes in Europe. *Journal of European Social Policy*, 22(5), 455–471. Doi: 10.1177/0958928712456572
- Marcus, G. E. (1995). Ethnography in/of the world system: The emergence of multi-sited ethnography. *Annual Review of Anthropology*, 24(1), 95–117. Doi: 10.1146/annurev.anthro.24.1.95
- McCabe, D. (2008). Who’s afraid of enterprise?: Producing and repressing the enterprise self in a UK bank. *Organization*, 15(3), 371–387. Doi: 10.1177/1350508408088535
- Meardi, G., Simms, M., and Adam, D. (2021). Trade unions and precariat in Europe: Representative claims. *European Journal of Industrial Relations*, 27(1), 41–58. Doi: 10.1177/0959680119863585
- Moisander, J., Groß, C., and Eräranta, K. (2018). Mechanisms of biopower and neoliberal governmentality in precarious work: Mobilizing the dependent self-employed as independent business owners. *Human Relations*, 71(3), 375–398. Doi: 10.1177/0018726717718918
- Morin, E. (2001). *Seven Complex Lessons in Education for the Future*. Paris: UNESCO.
- Murgia, A., Bozzon, R., Digennaro, P., Mezihorák, P., Mondon-Navazo, M., and Borghi, P. (2020). Hybrid areas of work between employment and self-employment: emerging challenges and future research directions. *Frontiers in Sociology*, 4, 86. Doi: 10.3389/fsoc.2019.00086
- Nicolescu, B. (1996). *La transdisciplinarité. Manifeste*, Editions du Rocher, Monaco, 95.
- Palier, B. (Ed.) (2010). *A Long Goodbye to Bismarck?: The Politics of Welfare Reforms in Continental Europe*. Amsterdam: Amsterdam University Press. Doi: 10.1017/9789048512454

- Pedersini, R., and Coletto, D. (2010). *Self-Employed Workers: Industrial Relations and Working Conditions*. Dublin: European Foundation for the Improvement of Living and Working Conditions.
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024
- Perulli, A. (2003). *Economically Dependent/Quasi-Subordinate (parasubordinate) Employment: Legal, Social and Economic Aspects*. Brussels: European Commission.
- Pitkin, H. F. (1967). *The Concept of Representation*. University of California Press. Doi: 10.1525/9780520340503
- Rose, N. (1992). Governing the enterprising self. In P. Morris and P. Heelas (Eds.), *The Values of the Enterprise Culture* (pp. 141–164). Routledge.
- Saward, M. (2014). Shape-shifting representation. *American Political Science Review*, 108(4), 723–736. Doi: 10.1017/s0003055414000471
- Schulze Buschoff, K., and Schmidt, C. (2009). Adapting labour law and social security to the needs of the ‘new self-employed’—Comparing the UK, Germany and the Netherlands. *Journal of European Social Policy*, 19(2), 147–159. Doi: 10.1177/0958928708101867
- Schwartz-Shea, P., and Yanow, D. (2013). *Interpretive Research Design: Concepts and Processes*. Routledge. Doi: 10.4324/9780203854907
- Storey, J., Salaman, G., and Platman, K. (2005). Living with enterprise in an enterprise economy: Freelance and contract workers in the media. *Human Relations*, 58(8), 1033–1054. Doi: 10.1177/0018726705058502
- Supiot, A. (1999). *Au delà de l’emploi: transformation du travail et l’avenir du droit du travail en Europe*. Paris: Flammarion.
- Williams, C. C., and Horodnic, I. A. (2018). Evaluating the prevalence and distribution of dependent self-employment: Some lessons from the European working conditions survey. *Industrial Relations Journal*, 49(2), 109–127. Doi: 10.1111/irj.12206
- Zaman, G., and Goschin, Z. (2010). Multidisciplinarity, interdisciplinarity and transdisciplinarity: Theoretical approaches and implications for the strategy of post-crisis sustainable development. *Theoretical & Applied Economics*, 17(12), 5–20. Doi: 10.1016/s2212-5671(15)01373-8



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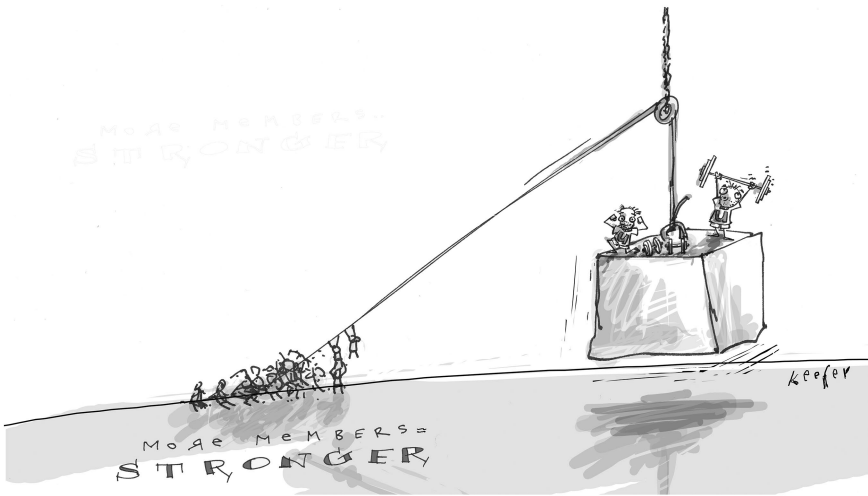
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7 Deconstructing Labour Statistics by Reconstructing the Concepts of Autonomy and Dependency

Rossella Bozzon

7.1 Introduction

The recent revival of the category of self-employment has fuelled a growing debate on the heterogeneity of working conditions within this employment status (Chapter 2). While some dynamics foreshadow the spread of innovative self-employment and economically competitive working conditions, other tendencies have fostered vulnerable and precarious job conditions with limited business and social prospects.

On the one hand, self-employment is promoted as a way of creating entrepreneurial activities and start-ups that foster economic growth and the creation of new job places (job demand), which promote job inclusion and high-value job conditions due to the high degree of autonomy and flexibility in the organisation of work associated with these positions. Ideally, self-employment positions are characterised by specific powers, such as autonomy of decision-making in organising work and hiring people, financial independence, and related responsibility and constraints. On the other hand, the growing relevance of SSE positions and the reduction in the volume of employers documented over the last 30 years suggest that emerging forms of self-employment struggle in the development of virtuous businesses and enterprises with long-term perspectives, able to feed job demand. The increase of SSE workers is connected to the recommodification processes of job relations, which push companies to employ job flexibility while simultaneously shifting risk to the worker through hierarchical forms of outsourcing and (long-term) subcontracting practices or multi-party employment relationships that often involve different forms of hierarchical subordination (Cieřlik and van Stel, 2024; Muehlberger, 2007). Processes of vertical de-integration, outsourcing, subcontracting, and the use of new technologies are at the root of the erosion of traditional organisational structures as well as ways of organising and regulating employment relations. From a legal perspective, the development of these working modalities shifts employment relations from labour regulation to trade relations governed by commercial law (Countouris and De Stefano, 2019), redrawing – or in many cases excluding – access to labour and social protection regulations (Digennaro, 2020).

This chapter proposes a critical analysis of how debates on emerging categories within self-employment are redefining the boundaries between autonomy and dependency and their impact on the methodologies of statistical representation of SSE workers and the labour force in general. First, it analyses five categories employed to represent working conditions within self-employment and the boundaries between independent and dependent work that have emerged in the theoretical and public debates on alternative work arrangements: dependent self-employment, bogus self-employment, involuntary self-employment, multi-party employment, and hybrid entrepreneurship. Second, it focuses on the methodological proposals and operational tools developed in the statistical debate to detect and analyse these emerging categories. In particular, it addresses the definitions and measurements of the structural factors defining the boundaries between autonomy and dependency within self-employment, the subjective and structural drivers defining involuntariness and voluntariness in entering self-employment, and the problems of measuring and describing the multifaceted working circumstances of holding multiple jobs. The final objective is to provide a critical systematisation of the potentials and limits of the available representations of self-employment and to propose strategies for improving the tools to seize the hybrid areas of work at the boundaries between autonomy and dependency.

7.2 Emerging Categories at the Boundaries between Self-employment and Employment

As shown in Chapter 2, to describe the blurred boundaries between employment and self-employment, categories like ‘dependent self-employment’ (Eurostat, 2018; Williams and Horodnic, 2018), ‘quasi-self-employment’ (Kautonen and Kibler, 2016), ‘false self-employment’ (Thörnquist, 2015), or ‘hybrid entrepreneur’ (Bögenhold, 2019) have received growing attention in the debate on alternative work arrangements (Conen and Schippers, 2019; Hénaut et al., 2023; Semenza and Pichault, 2019). These emerging categories are linked to social, economic, and technological transformations that are redefining both production models and the regulation of employment relations. They call into question the original dichotomy or the ‘binary divide’ (Cieślak and van Stel, 2024) between ‘pure’ self-employed workers understood as entrepreneurs, owners of the means of production and (potential) employers, ‘traditional’ own account workers, and independent professionals, on the one hand, and salaried workers, on the other, therefore challenging the consolidated statistical definitions of statuses in employment rooted in the employment versus self-employment dichotomy (ILO, 2018a; Supiot, 1999).

More specifically, ‘dependent self-employment’ has been conceptualised as solo self-employed workers who, in principle, should work and organise their work autonomously but, in practice, depend only on one client or a specific firm (employer) and/or work under similar conditions as employees

(Kautonen and Kibler, 2016; Williams and Horodnic, 2018). This category represents a non-standard form of work that, as formally self-employed, is generally excluded from the rights and protections that employees are entitled to under labour law and collective agreements in most European institutional contexts (see Chapter 3). Dependent self-employment working circumstances are defined by being under the control of a single/main client and lacking decision-making and operational autonomy, which makes this type of independent work activity fragile, with limited possibilities for virtuous business development and being particularly exposed, compared to genuine forms of entrepreneurship, to risks of economic and subjective deprivation.

‘False’ or ‘bogus’ self-employment identifies situations where an employee is pushed or forced to become self-employed or to work as an autonomous subcontractor to avoid or – in specific contexts – circumvent constraints and obligations imposed by social protection and labour law. The working conditions are indeed the same for employees with a regular employment contract (Kautonen et al., 2010; Kautonen and Kibler, 2016; Thörnquist, 2015). Looking at the six countries investigated by the SHARE project, in Slovakia, a growing public debate among policymakers and trade union representatives is focusing on ‘enforced’ or ‘bogus’ self-employment’ to describe the practice by some employers of recruiting SSE persons to perform the work of standard employees. Although bogus self-employment is not defined in the national legislation, the prevalence of this practice has led Slovak legislators to intervene (in 2013 and 2015) and tighten the definition of employment in order to prevent contractual relationships governed by labour law from being replaced by other forms of relationships and to support the transition of persons engaged in bogus self-employment to standard employment (Gerbery and Bednárík, 2016).

Although identifying ‘bogus’ self-employment is essential from a legal perspective, the economic and operational organisation of their job circumstances are similar to those of dependent self-employed workers. The main difference focuses on the reason or motivation for becoming an SSE: while bogus SSE workers are pushed into self-employment on an involuntary basis, dependent self-employment can be a free choice or the outcome of an entrepreneurial aptitude. As shown in Chapter 2, the distinction between voluntary and involuntary SSE does not overlap systematically with situations of economic and operational dependencies, and vice versa. Moreover, both dependent self-employment and false self-employment are the outcomes of recommodification processes that pursue job flexibility by avoiding the costs, obligations, and responsibilities associated with employment relationships. In this frame, outsourcing, subcontracting, and multi-party employment practices have also shaped the forms of economic and operational dependency that define emerging work arrangements at the borders between self-employment and dependent employment. The development of these practices has been reinforced by the spread of digital technologies and digital platforms that facilitate the fragmentation of tasks by replacing work tasks

and activities performed by the employed workforce in services performed by professional contractors and external independent or dependent contractors (Eurofound, 2017; UNECE, 2022).

In this regard, multi-party employment relationships concern contractual (economic or labour) agreements in which more than two parties have a role in the distribution of responsibilities and obligations and on the conditions of work. A typical example of a multi-party employment relationship is a triangular relationship involving a worker (employee or independent contractor), the economic unit for which the work is performed, and a third party, including digital platforms. These situations include both dependent contractors or employees and workers in employment promotion schemes (ILO, 2018a). Furthermore, within types of multiple jobholders, other non-standard or 'alternative' forms of work arrangements can be found, such as the case of those who work simultaneously for multiple employers either as employees or as freelancers or for multiple units of the same employer (Hénaut et al., 2023; UNECE, 2022). These are, therefore, conditions that go beyond the employee/self-employed dualism, outlining formal and informal organisational constraints on operational autonomy and the ways in which work is performed.

A further category in the debate on emerging forms of employment at the boundaries between employment and self-employment is the 'hybrid entrepreneur', which represents an intermediate category, including those with an employment contract in their main job who have a second job as self-employed workers (Bögenhold, 2019). It is a specific form of multi-job holding ideally involved in a transition process towards the development of a start-up or an independent professional or business activity. On the empirical side, however, it is difficult to distinguish among multi-job holders those who have more than one job for necessity or as a way to achieve a satisfactory economic balance from those who consider their second self-employed job as a transition phase towards an independent business career. If the first distinction refers to the debates on the quality of working conditions of multi-job holders and decent work (Conen, 2020; Eurofound, 2020), the category of 'hybrid self-employed worker' was developed to identify a condition of future entrepreneurs and employers targeted by entrepreneurship and small business policies aimed at shortening the transition period (Dvouletý, 2020).

Although there is general consensus on the multiplicity of conditions that constitute self-employment and the forms of work that are blurring the boundaries between self-employment and employment, at the level of statistical representation the identification of these emerging categories is at the centre of intense methodological debates. These emerging categories mobilise issues that have to do with how work and production processes are organised, how economic and working risks are distributed, and how contextual, institutional regulation, and economic conjunctures foster certain employment paths and working conditions. This implies that the understanding and description of the conditions that populate the hybrid area(s) between

self-employment and dependent work should be approached by considering legal, organisational, and economic aspects that influence both the structure of labour and production relations and features related to subjective and contextual dimensions that affect the quality of working conditions (Kautonen et al., 2010).

7.3 Dependent Self-employment

The International Classification of Status in Employment introduced by ILO in 1993 (ICSE-93) represents the main guidelines on which comparative labour statistics developed over the past 30 years are based. ICSE-93 is grounded on a strict distinction between employment and self-employment, which, with the transformations in production models and work organisation that have taken place over the last 30 years, has gradually lost its effectiveness in providing a comprehensive picture of contemporary labour markets.

As observed by experts, available labour statistics based on the ICSE-93 definition struggle to identify and classify job situations at the borders between self-employment and dependent employment, especially when workers are:

- (i) In a situation similar to ‘paid employment’, but which is disguised as a self-employment situation; or
- (ii) in an ambiguous situation with characteristics of both ‘paid employment’ and ‘self-employment’; or
- (iii) working under a triangular employment relationship in which it is not clear who the real employer is, what the workers’ rights are and who is responsible for them.

(ILO, 2003, p.67)

In 2018, ILO established new standards to identify and classify ambiguous working statuses in the new ICSE-18 classification with the aim to overcome the limitations of ICSE-93 and to adapt the actual statistical definitions and measures to changes in global labour markets (ILO, 2018a). The new classification established a wider articulation of standard and non-standard work positions¹ and introduced the category of dependent contractors to detect dependent self-employment, a category at the border between dependent and independent working statuses. According to the ILO Resolution document:

Dependent contractors are workers who have contractual arrangements of a commercial nature, (...) [who are] not employees of that economic unit but are dependent on that unit for organization and execution of the work, income, or for access to the market. They are workers employed for profit, who are dependent on another entity that exercises control over their productive activities.

(ILO, 2018a, p.8)

This definition of dependent contractor identifies the structural conditions of dependency typical of dependent self-employed but does not contemplate identifying the circumstances for being in that specific condition that characterise the category of bogus and forced self-employed. In particular, the ILO resolution outlined the dependency that characterises dependent contractors in two ways:

Of an economic nature, such as being dependent on a single or other economic unit or person for access to the market, fix the price for the goods produced or services provided, or access to raw materials or capital items and/or of operational nature, through the organization of the work.

(ILO, 2018a, p.8)

Operational dependency denotes the lack of autonomy in taking strategic and operational decisions, or in taking decisions about when, where, and how to work.

Despite the acknowledgement of dependent contractors, the methodology to identify this employment status is still under discussion (Bozzon and Murgia, 2022; UNECE, 2022). In the guidelines for the implementation of the ICSE-18, ILO identifies four possible operationalisations of the two forms of dependency to define dependent contractors and trace the borders with genuine self-employment. These operationalisations include indicators able to identify: (i) whether there is a main/dominant client; (ii) whether operational authority over the work is exercised by one separate entity; (iii) the level of control over setting the price for goods or services produced; and (iv) whether the/a client or intermediary provides the material input (raw materials, capital items, or clients) (ILO, 2018b).

Starting from the ILO guidelines (ILO, 2018b), the next sections discuss the methodologies for identifying dependent self-employment in the European context, stressing how different measures return differing profiles of dependent self-employment. Tables 7.1 and 7.2 summarise the main operational definition of economic and operational dependency available in comparative labour force surveys (EU-LFS and the European Working Condition survey (EWCS)) and the main operational definition of dependent self-employment proposed in the European debate. All indicators and the operational definition included in the tables will be discussed within the theoretical and methodological frame proposed by the ILO for the identification of dependent contractors included in the new ICSE-18.

7.3.1 *Economic Dependency Based on the Main Client*

The first indicator proposed by the ILO for the identification of dependent contractors is a measure of economic dependency based on the so-called ‘main client approach’. It is inspired by the economic criterion derived from

Table 7.1 Operationalisation of different forms of dependency in EWCS2010 and 2015; EWCTS 2021 and EU-LFS ad hoc module (2017).

EWCS2010 and 2015 (Eurofound, 2023)	EWCTS 2021 (Eurofound, 2024)	EU-LFS ad hoc module 2017 (Eurostat, 2018)
<p>Economic dependency The identification of economic dependency is based on two questions ‘Regarding your business, do you generally, have more than one client or customer?’ Options: Yes or No ‘What proportion of revenue do you receive from your most important client?’ (Options: (1) Less than 50%; (2) 50–75%; (3) More than 75%) There is <i>economic dependency</i> when a respondent mentions not having more than one client or more than 75% of revenue from the main one.</p>	N.A.	<p>Economic dependency is measured by a categorical variable (MAINCLNT) that identifies the number and importance of clients in the last 12 months of self-employment. The answer options include: (1) <i>no clients</i>; (2) <i>only one client</i>; (3) <i>two to nine clients, but one was dominant</i>; (4) <i>two to nine clients, and none was dominant</i>; (5) <i>more than nine clients, but one was dominant</i>; and (6) <i>more than nine clients, and none was dominant</i>. A client is defined as dominant if they provide at least 75% of the income of self-employment in the last 12 months (Eurostat, 2018). There is <i>economic dependency</i> when respondents have only one client or a dominant client over the last 12 months (options 2, 3 and 5). Time dependency (WORKORG) is based on two questions “Q1_Workinghours Do you personally decide the start and end of the working day?” (Options Yes or No); And if not, “Q2_Workinghours Who decides?” Three options (1) <i>client/s</i>; (2) <i>any other party</i>; (3) <i>cannot say</i>. These questions were asked to the self-employed who had at least one client during the last 12 months (or did not report the number of their clients). There is <i>time dependency</i> when the respondents answer that their working day is decided by clients or by any other party. Note: to make the indicator more comparable with that calculated in the EWCS, we preferred a broader operationalisation. For the identification of DSSE, Eurostat considers only the working time controlled by the main client (Eurostat, 2018).</p>
<p>Time dependency The measure of the working time arrangement is based on the question “How are your working time arrangements set?”, with four options (1) <i>they are set by the company/organisation with no possibility for change</i>; (2) <i>you can choose between several fixed working schedules determined by the company/organisation</i>; (3) <i>you can adapt your working hours within certain limits (e.g. flexitime)</i>; (4) <i>your working hours are entirely determined by yourself</i>. There is <i>time dependency</i> when the respondents answer that their working time arrangements are set by the company, or workers can choose or adapt within certain limits (options 1, 2 and 3).</p>	N.A.	

(Continued)

Table 7.1 (Continued)

<i>EWCS2010 and 2015 (Eurofound, 2023)</i>	<i>EWCTS 2021 (Eurofound, 2024)</i>	<i>EU-LFS ad hoc module 2017 (Eurostat, 2018)</i>
<p>Task dependency Job autonomy is measured by two indicators that measure whether the respondent can control the order of tasks and the method of work. “Are you able to choose or change. your order of tasks?” Options: Yes or No “Are you able to choose or change your methods of work” Options: Yes or No There is <i>task dependency</i> when the respondents are not able to influence the order or the method of work.</p>	<p>Task dependency Job autonomy is measured by an indicator that measure whether the respondent can control the method of work. “Are you able to choose or change your methods of work” Options: Yes or No There is <i>task dependency</i> when the respondents are not able to influence the method of work.</p>	<p>Task dependency Job autonomy is measured by two indicators that measure the ability to influence the content and the order of tasks in the main job. (Eurostat, 2018). “Do you have influence over the content of your tasks?” Options: Yes or No “Do you have influence over the order of your tasks?” Options: Yes or No There is <i>task dependency</i> when the respondents are not able to influence the content or the order of tasks in the main job.</p>
<p>Other indicators of operational dependency Lack of autonomy in running the business: two indicators on the ability to take the main decisions about business activities and to hire employees “Regarding your business, do you have the authority to hire or dismiss employees?” Options: Yes or No “I make the most important decisions on how the business is run [To what extent do you agree or disagree with the following statements?] Options: Agree/Disagree There is <i>operational dependency</i> when respondents do not have the authority to hire or dismiss employees or do not make the most important decisions on how to run their business.</p>	<p>Other indicators of operational dependency: N.A.</p>	

Sources: Methodological documentation to microdata (Eurofound, 2023, 2024; Eurostat, 2018)

Table 7.2 Operational definitions of dependent self-employment.

Eurostat definition	Dependent self-employed are solo self-employed who worked during the last 12 months for only one client or for a dominant client (economic dependency) <i>and</i> this client decides their working hours (organisational dependency) (Eurostat, 2018)
Eurofound definition	Dependent self-employed are solo self-employed who demonstrate at least two out three of the following forms of dependency: work only for one client or a dominant client (economic dependency), lack of autonomy in hiring employees, and lack of autonomy in taking the main decisions about their business activities (Eurofound, 2017; Williams and Horodnic, 2018).
Loose definition	Dependent self-employed are solo self-employed who demonstrate at least two out three of the following forms of dependency: economic, time, or task (see Table 7.1) (Bozzon and Murgia, 2022).
Partially self-employed	Partially self-employed are solo self-employed with a single/main client and at least three indicator among working at the client's premises, using tools owned by the client, impossibility of hiring employees, and having been forced to entering self-employment from a previous employer (della Ratta-Rinaldi and Sabbatini, 2019; della Ratta-Rinaldi, 2024)

labour law practice in the UK and implemented in Germany and Spain, where there is economic dependency when respondents have only one client or a dominant one (Digennaro, 2020; Supiot, 1999). A client is defined as dominant if they provided at least 75% of the income of self-employment in the last 12 months. Thus, there is economic dependency if workers depend for all or most of their income on a single dominant client. It is a proxy for limited access to the market. In national surveys, this information has been collected in the UK-LFS since 1999 and in the Netherlands Survey of the Self-employed (Zelfstandigen Enquête Arbeid, ZEA) on the working conditions and employability of self-employed and entrepreneurs since 2015. At the European level, economic dependency based on the main/dominant client approach has been available in the EWCS since 2010 and in the EU-LFS ad hoc module on Self-employment 2017 (Table 7.1). Since 2021, this information has been part of the EU-LFS methodology for the identification of the dependent self-employed workers established by the Integrated European Social Statistics Framework Regulation (IESS FR) (EU) 2019/1700 and its Implementing Regulation (EU) 2019/2240 for the labour force domain.

Estimations around the diffusion of economic dependency in Europe based on data from the EWCS (2010 and 2015, the European Working Condition Telephone Survey (EWCTS) 2021, and the EU-LFS ad hoc module 2017 show that having a main/dominant client comprises between 20.3% of the

Table 7.3 Economic, time, and task dependency. Percentage of SSE 15–74 in EU-28.

	<i>EWCS</i> 2010	<i>EWCS</i> 2015	<i>EWCTS</i> 2021	<i>EU-LFS</i> 2017
Economic dependency	23.2%	26.1%	31.3%	20.3%
Time dependency	22.0%	28.4%	NA	11.9%
Task dependency	15.4%	17.2%	25.1%	19.8%
N.	3,466	3,499	5,004	57,304

Sources: Own calculation based on EWCS, 2010, 2015; EWCTS, 2021, and EU-LFS ad hoc module, 2017. See methodological note (Paragraph 7.6).

Note: For the operational definitions see Table 7.1

SSE aged 15–74 in 2010 to 30.0% in 2021 (Table 7.3 – see methodological note at the end of the chapter). As shown in Chapter 2, self-employed in agriculture are the most exposed to experiencing economic dependency based on the number of clients.

Despite being an indicator officially adopted by Eurostat since 2021, there is consolidated evidence of its limitations both in terms of stability over time and effectiveness in identifying situations of weakness in business, as well as in the reliability of the collected information. First, some analyses stress the volatility of this indicator of economic dependency, which tends to change rapidly over time, favouring errors in measurements (Böheim and Mühlberger, 2009). The risk of economic dependency is higher among those in the position for less than a year; this risk seems common for those who have been in the same position for a long time (Bozzon and Murgia, 2022). Second, having one single (dominant) client is not a sufficient or a necessary criterion to define limited access to the market, which should characterise dependent contractors favouring overestimation of the phenomenon. The lack of clients could be due to the market, not to a genuine situation of dependency. The use of this indicator can then lead to misclassification problems, including cyclical and transient situations. Furthermore, a main client may also potentially represent a source of economic stability and regular revenues. The fact that more than 75% of an SSE's annual income is derived from a single client should be associated with more detailed information on the level of financial resources actually available, such as total income or the ability to make ends meet. Finally, according to the Eurostat methodological report (Eurostat, 2018), it might be possible that there is also an underestimation of this form of dependency due to the difficulty in understanding the term 'client' in some work contexts, as well as language translation problems. In some cases, such as taxi drivers and platform workers, it is also difficult to establish who is the main client.

An attempt to disambiguate these situations is contained in the 2017 EU-LFS ad hoc module on self-employment conducted in France. The estimation of the economic dependency of self-employed persons in France based on the national questionnaire has permitted a restriction of the condition

of economic dependency to those who declare having only one client and who at the same time consider the possible loss of their main client as an event that could seriously jeopardise the continuation of the activity given the impossibility of replacing them (Babet, 2019). This second situation concerned approximately two out of three SSE workers in the French context (Babet, 2019). Moreover, the French questionnaire disambiguated the type of main client between customer, supplier (upstream), and intermediary (including digital platforms). Detecting the type of client allows for a more accurate framing of certain organisational constraints that delineate the operational autonomy and authority of SSE workers in the organisation of work, as well as of the type of economic and social risks these workers face in different economic sectors. In this regard, analyses based on the French ad hoc module on self-employment (Babet, 2019) show that with respect to organisational and operational constraints, those who have a single client are exposed to time constraints, while those who depend on a single supplier are characterised by the impossibility of setting the tariff and prices of their work. With respect to industries, while the self-employed in the agricultural sector present a high dependence on the chain of suppliers, those working in transport are characterised by the presence of intermediaries.

The Dutch Survey of the Self-employed (*Zelfstandigen Enquête Arbeid, ZEA*) includes questions that distinguish between types of customers/clients (individuals versus businesses/organisations) as well as different ways of acquiring customers/clients, also considering among the multiple responses digital platforms (Werkspot or Freelancer.nl, Uber), social media (Facebook, LinkedIn, or Twitter), and intermediaries (e.g. secondment agencies). Moreover, for respondents who indicated they use platforms to obtain clients, more in-depth questions were tested because of the growing number of platforms and the limited information available on platform workers (TNO and CBS, 2023). In particular, since 2021, a question on what proportion of revenue is obtained through digital platforms was included in order to estimate the level of financial dependency from this specific type of client. In 2021 and 2023, about 6% of the SSE in the Netherlands found clients through digital platforms, and about 23.5% and 30%, respectively, obtained more than 60% of their revenue from this source (TNO and CBS, 2021, 2023). The ZEA surveys (TNO and CBS, 2017, 2019, 2021, 2023) also monitor the networks of self-employed in the Netherlands by considering – in addition to the number and type of clients – the extent of collaborations with other self-employed workers and participation in interest groups, trade associations, and trade unions. The extent of economic dependency may differ depending on social capital endowment. Collaborations and associative participation can be efficient shock absorbers of the economic and labour insecurity faced by self-employment workers. In 2021, 29% of the self-employed in the Netherlands often or always worked with other self-employed, especially among young self-employed aged 15–39 (39%) and in industries such as construction (47%) and healthcare (32%). On the contrary, 27% of the self-employed

said they never worked with other self-employed people. Moreover, around one out of three self-employed are members of a sector, professional organisation or association, or of independent self-employed associations (TNO and CBS, 2019, 2021, 2023).

Finally, in the frame proposed by the ILO guidelines (ILO, 2018b), the identification of economic dependency based on the ‘main client approach’ should represent the starting point to define a scenario that specifies other forms of dependencies – mainly operational – for the identification of dependent self-employment. However, setting economic dependency as a necessary condition for the identification of dependent contractors could be problematic. For instance, jobs performed in the platform economy often represent situations in which the economic dependency based on the main client approach is not helpful for understanding how employment relations are structured (De Stefano and Aloisi, 2018). There may be situations in which, even though there is a plurality of clients (intermediaries) and no financial dependency, there are still restrictive contractual constraints with regard to job autonomy, ways of organising working methods, and the production and distribution processes. All these characteristics relate to forms of operational dependency that do not necessarily go hand-in-hand with the presence of a main/dominant client. The next sections are devoted to exploring these aspects in more detail.

7.3.2 *Identifying Operational Dependency*

The second methodological indication considered in the ILO guidelines for the identification of dependent contractors focuses on operational dependency and considers the lack of autonomy to exercise operational authority over the organisation of work. The assumption is that the self-employed are characterised by a large degree of freedom in the organisation of their daily working lives. A restriction of this operational autonomy by a client or a third party could reveal job conditions similar to those of employees. Thus, a first definition of operational dependency refers to who decides and who has control over how, when, and where the work must be performed. While the identification of economic dependency based on the main client approach is a relatively consolidated practice – beyond its limitations analysed in the previous section – the identification of the different conditions of operational dependency is still at a pilot stage.

In the methodology adopted by Eurostat for the identification of dependent self-employment, operational dependency was translated into time dependency (see Chapter 2) and defined as the lack of autonomy in deciding the start or end of the working day. This is a classical form of subordination based on hetero-direction, i.e., based on the employer’s power to direct the work of others and control how workers operate. In practical terms, employment relationships based on hetero-directive subordination require the worker to comply with orders in relation to when and where the work must be done,

Table 7.4 Dependent self-employment. Percentage of SSE 15–74 in EU-28.

	EWCS 2010	EWCS 2015	EWCTS 2021	EU-LFS 2017
Eurostat definition	6.0%	9.4%	NA	4.8%
Eurofound definition	15.5%	19.1%	21.1%	NA
Loose definition	11.5%	18.3%	NA	13.3%
N SSE	3,466	3,499	5,748	57,304

Sources: Own calculation based on EWCS, 2010, 2015; EWCTS, 2021, and EU-LFS ad hoc module, 2017. See methodological note (Paragraph 7.6).

Note: For the operational definitions see Tables 7.2 and 7.1.

to perform repetitive tasks according to pre-established patterns, to remain on someone else's premises to work, to observe strict working hours or to ensure continuity in the availability of the worker's services, and to use tools, applications, or software provided by the employer or a contracting authority (Digennaro, 2020). In light of these characteristics, Eurostat's decision to consider only time dependency as a type of operational dependency and to define as economically dependent self-employment only those SSE who simultaneously experience economic and time dependency is a rather restrictive choice that leads to an underestimation of the phenomenon (Bozzon and Murgia, 2022). This is particularly the case given that in numerous economic sectors and professional fields, alterations to the manner of working and the digital transformation of work have both rendered compliance with inflexible working hours and the requirement for physical presence at the workplace obsolete in defining the nature of subordination within employment relationships (see also Chapter 3).

According to the Eurostat definition, dependent self-employment represented only 4.8% of solo self-employed aged 15–74 in the EU28 in 2017 (Table 7.4).

Exploiting the information available in the EU-LFS ad hoc module on self-employment, Bozzon and Murgia (2022) proposed a broader operationalisation of operational dependency based on the presence of time or 'task' dependency. The latter refers to the lack of autonomy in deciding the order and contents of job tasks (see Chapter 2). Task dependency is a further classic form of subordination based on the hetero-direction criterion that could be easily considered to identify borders between genuine SSE workers and dependent contractors. According to the operationalisation proposed by Bozzon and Murgia (2022), those who present at least two forms of dependency of the three forms considered – economic, time, and task – are identified as dependent self-employed workers. In this case, economic dependency is not considered a necessary condition, and those who exclusively experience time and task dependency are also considered dependent self-employed. Based on this definition, the proportion of dependent self-employed workers

represented 13.3% of the SSE in 2017, almost double the estimate based on the Eurostat definition.

Furthermore, the Eurostat definition of time dependency, namely that the main client defines the start and end of the working day, fails to recognise other circumstances that restrict the autonomy of workers in organising their working time. This is generally the case when the work is carried out as part of a production process or organised through an external party (hetero-organised work) (Digennaro, 2020), and the work as self-employed is integrated into the principal's organisation. For example, in the EWCS – in 2010 and 2015 – the question on working time was posed differently – ‘How are your working time arrangements set?’ – and among the answer options, both conditions referred to classical forms of subordination – when time arrangement is set by the company/organisation – and a third option – workers can choose or adapt within certain limits fixed by the organisation – which could relate to time dependency based on hetero-organisation of work.² The incidence of time dependency based on the EU-LFS ad hoc module on self-employment is only 11.9% of the SSE in the EU28. On the contrary, according to estimations based on EWCS 2010 and 2015, time dependency concerns respectively 22.0% and 28.4% of the SSE, a proportion more than two times higher. Moreover, according to EWCS data, there was a growth of 6.4pp in the levels of time dependency from 2010 to 2015 (Table 7.3). This also implies that the estimations of dependent self-employment through applying the Eurostat definition to the EWCS 2010 and 2015 are quite different from those based on the EU-LFS ad hoc module 2017. In particular, the incidence of dependent self-employed grew from 6.0% in 2010 to 9.4% in 2015. Moreover, when applying the operationalisation of dependent self-employment proposed by Bozzon and Murgia (2022), the incidence of dependent self-employed workers increases from 11.5% in 2010 to 18.3% in 2015 (Tab 7.4). The growth between 2010 and 2015 is mainly due to the increased prevalence of time dependency among the self-employed (Table 7.3). In brief, differences in operational definition significantly change the levels of operational dependency within self-employment. At the same time, neither the measure of operational dependency proposed by Eurostat nor that proposed by Bozzon and Murgia (2022) is satisfying given the limited forms of subordination considered.

The labour law debate classified other forms of subordination in employment relations. For example, there is a consensus that employees differ from independent workers because they act under the direction of the employer in relation to their freedom to choose the time, content, and place of their work (without sharing business risks with the employer). In the Slovak LFS, a question addressed only to SSE has been included since 2010 to identify situations of bogus self-employment that detect the self-perception of being in a situation of operational dependency. The question asks whether the job performed meets the conditions of dependent work or employee. In the wording of the question, it is specified that dependent work means work that is carried out

by someone who is in a relationship of subordination vis-à-vis the employer, in which the worker carries out work personally for the employer, according to the employer's instruction, in the employer's name, during working time, and for a wage or remuneration. This specification is derived directly from the definition of dependent employment in the Slovak Labour Code (Gerbery and Bednárík, 2016). Despite being formulated within a specific national regulatory framework, the definition of subordination invoked suggests that the dimensions that make up operational dependency are much broader than those considered so far. A comprehensive operationalisation of dependent self-employment should include at least three areas of operational dependency to identify hierarchical control (or lack of autonomy) on how, when, and where to work (Bozzon and Murgia, 2022).

At the same time, this indication could not work for all industries, professions, or job circumstances. With digital labour, time and space are no longer essential in assessing forms of subordination since it is possible to control someone else's labour remotely or by managing the workforce through objectives and project work. This suggests that the dimensions that characterise operational dependency are not limited to classic forms of subordination based on hetero-direction but should also take into account if and how the work performed by an SSE is integrated into someone else's organisation, namely forms of subordination based on hetero-organisation (Digennaro, 2020; Kautonen et al., 2010; Kautonen and Kibler, 2016). The last two methodologies suggested for the identification of dependent self-employment in the ILO guidelines (2018b) aim to capture these job-related circumstances.

7.3.3 Other Forms of Operational Dependency: Identifying Hetero-Organisation

The ILO guidelines (ILO, 2018b) contain two proposals for the identification of dependent self-employment based on hetero-organisation (Digennaro, 2020). In both cases the main aim is to check whether work conditions are genuinely autonomous or dependent on someone else's organisation, including multi-party work relationships, such as in the case of workers providing outsourced services or in employment promotion, situations when an intermediary supplies raw material and receives the goods, or where access to clients or work is controlled by a digital platform (UNECE, 2022). The basic idea is to establish how economic risk and authority over the work are distributed between the different involved parties. According to the ILO guidelines, in the specific case of dependent self-employment, this implies establishing the role played by a main/dominant client in influencing access to the market and the organisation of work by an SSE worker. Thus, economic dependency based on the 'main client' approach must be combined with indicators on the level of authority to take key decisions about how to run the business. This indication recalls the methodology proposed by Eurofound according to which dependent self-employment is given by a combination of the lack

of autonomy in: (i) having more than one client/customer (or not having a dominant client); (ii) having the opportunity to hire or fire; and (iii) in taking the main decisions about one's own business (Williams and Horodnic, 2018). A dependent self-employed is an SSE who does not enjoy one or two of these criteria. On the basis of this definition, the incidence of dependent SSE on total SSE in EU28 was estimated at around 15.5%, 19.1%, and 21.1% in 2010, 2015, and 2021, respectively (Table 7.4).

Bozzon and Murgia (2022) show that there is little overlap between the estimation of dependent self-employment based on the Eurofound methodology and their 'loose definition'. While the marginal distributions of the two indicators are apparently similar (18.3% vs 19.1%), their analysis shows that only 10.4% of cases are considered dependent self-employment according to both definitions, while 16.5% of cases are mismatched. These mismatches in the identification of dependent self-employment between the two methodologies are due to differences in the operationalisation of the operational dependency, that is to say time and task dependency as a proxy of hetero-directed subordination versus lack of autonomy in taking decisions and hiring employees, which recalls a subordination based on hetero-organisation (Tables 7.1 and 7.2).

At the same time, the definition of dependent self-employment proposed by Eurofound is hardly convincing because the indicators considered refer to a generic decision-making authority. On the contrary, the ILO guidelines focus on specific forms of decision-making authority with respect to the various phases that structure business activities and production processes.

The first option included in the ILO guidelines is based on the so-called 'price-control approach' and focuses on the level of control over setting the price for goods or services produced. Genuine self-employed workers are characterised by having bargaining power to price their goods and services. Situations where another enterprise, client, or a third-party defines the prices imply restricted access to the market and a lack of authority in making decisions that can influence potential profits. In line with this indication, from 2019, the Italian LFS has included a question that allows self-employed workers to be identified whose fees, prices, and/or payments due for their work are set by clients/customers or by another party/enterprise (which assigns the work or provides the goods, including subcontractors) (della Ratta and Sabbatini, 2020). In 2021, in Italy, around 14% of the SSE had limited access to the market due to the lack of autonomy in fixing fees or prices (Istat, 2022). Also in this case, the comparison between dependent self-employment based on the Eurostat methodology and the group of SSE workers with limited market access identified through the 'price-control' approach shows little overlap. Only 3% of the SSE are simultaneously dependent on a client who decides on working hours and does not control fees/prices (della Ratta-Rinaldi, 2024).

The last indication included in the ILO guidelines focuses on the specification of the structure of the relations between an SSE worker with the

main/dominant client or intermediary who provides the material input (raw materials, capital items, or clients) and/or the organisation of the means of production. Ideally a genuine entrepreneur buys raw materials from suppliers, produces the services/products and sells them to third parties with the aim of making a profit. However, there may be cases where this structure is different, and in particular, where the supplier of the materials benefits directly from the production of the services or goods. This situation could indicate operational dependency. To identify this situation, it is necessary to clarify the relationship between the respondent, customers, and a potential intermediary. It must also be established whether those who benefit from the production (customers and intermediaries) supply the raw material and/or the working tools for the production. The condition of dependency is defined when the SSE works only for one (or a main) company that pays them directly for their goods or services, controlling the organisation of work and the production process. A measure of dependent self-employment that reflects this logic is the definition of ‘partially self-employed’ proposed by della Ratta-Rinaldi and Sabbatini (2019) on the basis of additional information available in the Italian LFS ad hoc module on self-employment (2017). More precisely, the ‘partially self-employed’ are self-employed workers with a single/main client and at least three indicators of subordination that consider the obligations of working at the client’s premises, of using tools owned by the client, as well as the impossibility of hiring employees, and having been forced to enter self-employment by a previous employer. According to this definition, 9.3% of the SSE are considered ‘partially self-employed’ in Italy (della Ratta-Rinaldi and Sabbatini, 2020). Interestingly, the definition of ‘partially self-employed’ proposed by della Ratta-Rinaldi and Sabbatini (2019) considers both objective conditions of economic and operational dependency as well as a subjective dimension regarding the circumstances that have pushed into an entrepreneurial activity. The latter dimension goes beyond the definition of dependent contractor proposed by ILO (2018a) and overlaps with the space defined by the circumstances that define voluntary and involuntary self-employment. However, while the questions on the ownership of work tools and organisational constraints in terms of working time and space are part of the Italian Labour Force Survey, since 2021, questions on reasons for being self-employed have been excluded.

7.4 Voluntary and Involuntary Self-employment

The definition and operationalisation of dependent self-employment proposed by the ILO (2018a) and adopted by Eurostat focuses mainly on structural features related to the level of economic and operational dependency in the organisation of work and the production process within (solo) self-employment activities. A second approach to analyse borders between independent and dependent jobs focuses on the circumstances or reasons that led workers to enter a specific working status. Regarding self-employment, the

challenge is to disentangle genuine ‘pull’ motivation to start business activities like the case of opportunity-based or voluntary self-employment, from negative ‘push’ motivations where workers have been forced to start a business by a previous employer or by a contextual lack of job demand for dependent job positions, as in the case of necessity-based or involuntary self-employment (Ferrín, 2021; Giacomini et al., 2023; Kautonen et al., 2010).

The conceptual space between the conditions of voluntary and involuntary self-employment reflects both personal orientations to work and the macro-economic, social, cultural, and institutional regulatory conditions in which actors operate (Bozzon, 2023). On the one hand, voluntariness does not exclusively concern an individual predisposition to entrepreneurship but refers to the availability of an institutional business-friendly environment (Dilli et al., 2018), favourable macro-economic prospects, and social and cultural norms regarding work and work/life balance (Bozzon and Murgia, 2021). On the other hand, involuntariness as a reason for self-employment implies that an individual becomes self-employed even if they prefer a subordinate job, while at the same time perceiving that the benefit from self-employment outweighs the opportunity cost of other alternatives in the labour market (Kautonen et al., 2010). The involuntariness associated with self-employment also reflects both bogus self-employment practices in which the start of self-employment is the outcome of an imposition from a (former) employer or the threat of losing one’s job. It can also reflect changes in labour demands that limit dependent work and indirectly force transitions into self-employment in order to avoid long-term unemployment and irregular jobs. The involuntariness of self-employment is often associated with worse business performance and with disadvantages in terms of economic and subjective well-being, but the empirical evidence is inconclusive in this respect (Bozzon, 2023; Carrasco and Hernanz, 2022; Majetic et al., 2023).

In terms of statistical representation, comparative labour force surveys provide limited information on the circumstances of starting a business. Often necessity-based self-employment is measured indirectly through the condition of unemployment before the start of a self-employment position. But the identification of the borders within the hybrid areas of work needs direct and more detailed measures of reasons for starting a certain working arrangement. The data collected by the EU-LFS ad hoc module on self-employment (Table 7.5) distinguish between different conditions that refer to both the area of voluntariness and involuntariness. They range from a ‘suitable opportunity presented itself’ or the search for specific working conditions (i.e. flexible working hours) to acceptance because they ‘could not find a job as an employee’ or the ‘former employer requested to become self-employed’. In particular, it is estimated that less than 2% of self-employed workers in EU28 started self-employment because the former employer requested that they become self-employed, while 10.4% could not find a job as an employee (Table 7.5). The prevalence of these conditions is particularly critical in Slovakia (9.3% and 10.4%, respectively), a country where public debate on bogus

Table 7.5 Reasons for being self-employed by working status. SE 15–74 in EU-28.

	<i>SE</i> <i>with employees</i>	<i>SSE</i>	<i>SE</i>
EU-LFS –Ad-hoc module 2017			
Could not find a job as an employee	5.0	12.5	10.4
The respondent's former employer requested the respondent to become self-employed	1.6	1.9	1.8
It is the usual practice in the respondent's field	12.5	15.1	14.4
A suitable opportunity presented itself	27.0	19.6	21.7
Continued the family business	18.9	13.5	15.0
Did not want to or plan to become self-employed, but started working as self-employed for another reason than listed previously	3.8	5.5	5.0
Wanted to be self-employed because of flexible working hours	7.4	12.1	10.8
Wanted to be self-employed for other reason	18.9	16.3	17.1
No Answer/Don't know	4.8	3.6	4.0
<i>N.</i>	21,541	57,304	78,845
EWCS, 2015			
Mainly through own personal choice	71.4	56.6	61.5
No other alternatives	8.7	21.8	17.6
A combination of both	16.2	17.7	17.1
Neither of these reasons	3.7	3.9	3.8
<i>N.</i>	1,550	3,339	4, 889

Source: Own elaboration on EU-LFS ad hoc module 2017 and EWCS 2015. See methodological note (Paragraph 7.6)

self-employment has been particularly heated (cfr. Chapter 2). The limitation of this representation is that voluntary and involuntary self-employment emerge as two opposing positions (Ferrín, 2021).

An alternative measure of the circumstances that have led to becoming self-employed is provided in EWCS 2015 and distinguishes between those who entered self-employment as a personal choice and those who had no other alternative. Table 7.5 shows that 17.1% of self-employed workers indicate that their condition was due to a multiplicity of reasons that cannot be resolved in the contraposition between a personal choice and having no other alternatives. Voluntariness and involuntariness are two conditions that do not necessarily oppose each other, and the distinction between push and pull dynamics is less clear-cut than at first glance (Ferrín, 2021; Giacomini et al., 2023). For instance, a factor like a desire for independence might in practice motivate entrepreneurship by necessity as a consequence of a lack of independence in a previous job (Hughes, 2003).

Job transitions are generally influenced by a complexity of factors that work at macro, meso, and micro levels and whose perception at the individual level may change over time. A more effective way of monitoring such

conditions is available in the Survey of the Self-employed (Zelfstandigen Enquête Arbeid, ZEA) carried out in the Netherlands (cfr 7.2.1). In this case, the respondents can select multiple options about the reasons leading into entering in self-employment within a wide spectrum of circumstances. Some of the proposed answers focus on features that are usually associated with self-employment, such as the desire to be self-employed, the opportunity to face new challenges, take own decisions, implement own ideas, and earn higher incomes. Other options refer to work-life balance issues. Further items mention unemployment, the lack of alternative employment, or problems at the previous job (TNO and CBS, 2019, 2023). Data extracted from the available research reports (Table 7.6) suggest that in the Dutch context, the share of self-employed people who claim to have been forced into self-employment is rather limited and constant over time. The most frequently mentioned reasons refer to self-employment as a space for self-fulfilment and a way of working that allows for greater control over the everyday working life and work-family balance. On the other hand, it indicates an increase in work-spaces in which self-employment is considered a standard practice, suggesting a change in job demand practices.

A systematic survey of the circumstances that led people to enter self-employment would help with monitoring not only how the boundaries between self-employment and salaried employment change in different contexts but also to establish whether, how, and to what extent these transformations are the outcome of social, economic, or political changes at the macro level.

7.5 Multi-job Holders and Multi-party Employment

Multi-job holders represent a further condition at the border between dependent and independent working statuses that intersect different debates on the transformation of labour under the ‘new’ post-industrial economy (Hénaut et al., 2023; Kalleberg, 2009), ranging from hybrid entrepreneurship (Folta et al., 2010) to marginal work and the development of non-standard and digital jobs (Conen, 2020). In addition to capturing the number of jobs someone holds, appropriate information on multi-job holding should indicate the relation between the main job and other employment(s), as well as the potential impact of different employment statuses and work modalities on individuals’ life courses and subjective and economic well-being (Campion et al., 2020; UNECE, 2022). According to the EU-LFS data, multi-job holders represent almost 4% of workers in Europe (cfr. Chapter 2). In 2021, in various Eastern and Southern European countries, multi-job holding concerns up to around 2% of the workforce, whereas levels are up to 7% to 12% in various Nordic and Continental European countries.

The available comparative statistics have some limitations in identifying the second job that constrains analysis of the phenomenon. The information on multiple jobs collected in the labour force surveys mainly relies

Table 7.6 Reasons for entering self-employment. Percentage, multiple answers. The Netherlands, 2015, 2017, 2019, and 2023.

	<i>SE with employees</i>				<i>SSE</i>				<i>Self-employed (Total)</i>			
	2015	2017	2019	2023	2015	2017	2019	2023	2015	2017	2019	2023
- I have always wanted to be self-employed	38.9	37.0	37.8	48.1	28.9	29.1	29.2	33.2	31.1	30.8	30.8	35.7
- I was looking for a new challenge	32.0	32.4	32.4	28.3	35.0	38.0	37.8	30.1	34.3	36.7	36.6	29.8
- I did not want to work for a boss (any more)	17.8	21.3	20.5	27.5	20.6	24.6	26.0	30.5	20.0	23.8	24.8	30.0
- I wanted to decide for myself how much and when I work	16.1	17.3	16.8	24.1	28.4	32.7	34.7	42.4	25.7	29.3	30.9	39.4
- I wanted to combine work and private life better	7.1	7.3	7.9	14.3	14.3	17.3	18.6	24.0	12.7	15.0	16.3	22.4
- I could earn more as a self-employed person	9.0	10.8	12.5	23.7	11.9	13.9	15.7	25.4	11.2	13.1	15.0	25.1
- None of these				21.1				18.5				18.9
- My profession is mostly self-employed	12.4	13.2	11.3	22.7	20.4	21.6	22.7	33.5	18.7	19.7	20.3	31.7
- I entered the family business	26.8	31.1	28.8	28.5	13.1	11.4	10.2	8.7	16.1	15.7	14.1	12.0
- I could not find a suitable job as an employee	4.4	3.2	3.9	4.3	10.6	11.5	9.2	9.4	9.2	9.6	8.1	8.6
- I was made redundant or my previous contract was not renewed	3.0	3.2	3.7	4.3	8.4	9.5	8.6	7.1	7.2	8.2	7.6	6.6
- In my previous job, the working atmosphere was not good	4.3	5.7	4.2	7.3	7.1	8.2	6.6	11.0	6.5	7.7	6.1	10.4
- My employer wanted me to be self-employed	2.5	2.4	1.9	3.3	2.0	1.8	2.2	2.3	2.1	1.9	2.2	2.4
- Other reason	11.6	9.0	10.9	18.3	11.6	11.4	11.1	17.6	11.6	10.9	10.4	17.7
- None of these				24.9				28.3				27.7

Source: Zelfstandigen Enquête Arbeid – ZEA- Data retrieved from TNO and CBS research reports (2015, 2017, 2019, 2023) (own translation from Duch)

on self-perception and focuses on the usual situation around the reference week, including people who have worked zero hours, which would lead to an under-representation of the phenomenon (UNECE, 2022). In general, self-employed workers who work both in their own professional practice or for an employer, or who hold two different businesses, are considered as having two jobs. For employees, each contract should be considered as a separate set of tasks and duties and consequently as a separate job. Occasional workers should count each separate contract as one job each. However, this criterion based on the number of contracts fails to identify ‘employee sharing’ – i.e. situations where workers have several employers but the work performed is governed by a single contract – as a case of multi-job holders because the information on the multiplicity of employers is lacking (Abraham et al., 2021; UNECE, 2022). Both a formal dimension and time aspects can make the self-perception of having a second job quite challenging. For example, people may not perceive off-the-books jobs, gig jobs, platform work, or short-term projects as another job or business, especially in a context with a large availability of irregular or other non-standard work arrangements and if the respondent has held previous standard work (Conen and Stein, 2021). In this regard, the National Academies of Sciences and Engineering and Medicine (2020) point out the usefulness of considering in labour force surveys specific questions aimed at detecting the occurrence of ‘sporadic’ paid work activities considering a longer time horizon than the reference week considered to establish the actual employment condition and also to mention among the possible paid jobs electronically mediated or platform paid work activities.

A further methodological limit concerns the lack of details on job conditions connected to the second (and other) job(s), including the reason for being multi-job holders (Conen, 2020). Most analyses base the profiling of multi-job holders on details related to their main job (Eurofound, 2020). In the case of the EU-LFS, the second job is qualified by the working status (employee vs. self-employed) and working hours. The latter is the criterion by which the main job is distinguished from the second one.³ In the EWCS, respondents have room to answer whether they have regular or occasional additional paid job(s). Table 7.7 shows the estimation of the multi-job holders based on the EWCTS (2021). In 2021, multi-job holders included about 9% of workers in the EU27+UK. This condition is more common among employers (19%), the SSE (14%), and workers with no contract (13.2%). Most have a regular second job or business, while only about 3% have occasional second jobs.

However, in choosing how to integrate information on second jobs beyond employment status and working hours, the first effort should be made to monitor why people have a second job. This information is missing in the comparative data available in the European context (Conen, 2020).

As in the case of involuntary and voluntary self-employment, the condition of multiple job holders may be motivated by both push and pull dynamics (Bögenhold, 2019; Conen, 2020). On the one hand, some workers (employees and self-employed) are pushed to have a second job to make ends meet,

Table 7.7 Multiple job holding by working status in the main job. Workers aged 15–74 in EU27+UK.

	<i>Employee</i>	<i>No contract</i>	<i>Employers</i>	<i>SSE</i>	<i>Total</i>
Regular second job or business	4.6	7.7	14.0	8.8	5.5
Occasional second job or business	2.7	6.3	3.7	4.2	3.0
Both regular or occasional second job(s)	0.4	1.0	0.4	0.9	0.5
<i>N.</i>	<i>51,124</i>	<i>1,088</i>	<i>2,630</i>	<i>4,859</i>	<i>59,701</i>

Source: Own elaboration on ETWCS, 2021. See methodological note (Paragraph 7.6).

to supplement household income, maintain or improve their living standards, and limit the risk of unemployment or the consequences of economic instability and job insecurity. On the other hand, there may be pull factors motivated by the desire to achieve greater autonomy and spaces for self-fulfilment and enhancement of one's human capital by starting new entrepreneur ventures. Multi-job holding, as well as in/voluntary self-employment, could represent both processes of marginalisation of working conditions and modalities of career development. Gathering information on the reasons for doing more jobs would make it possible to understand in which contexts, for which social groups, and to what extent these opposing dynamics are at work.

At national level, the Survey of the Self-employed (Zelfstandigen Enquête Arbeid, ZEA) allows for an estimation of how many of the self-employed persons surveyed also obtained income from salaried employment, from being a majority shareholder-director, and from other jobs (multiple answers possible) in the Netherlands. In 2023, 15.9% of self-employed respondents were also salaried employed, 4.4% were majority shareholders, and 9.1% also had another job(s). Furthermore, those who also held a salaried job were asked the reasons for holding this second job. The mentioned motivations involved greater financial security (49.7%), not earning enough (42%) and not having enough work as a self-employed person (22.3%), maintaining accrued pension and insurance rights (27.1%), but also aspects related to the quality of professional relationships and knowledge such as maintaining social contacts with colleagues (30.2%), acquiring more knowledge and experience (19.4%), and maintaining or expanding the business network (18%) (TNT and CBS, 2023). A similar strategy could also be employed in surveys targeted to the entire labour force.

7.6 Seizing the Blurring Boundaries between Self-employment and Employment: Some Methodological Insights

This chapter is part of the debate on how available public statistics represent emerging alternative work arrangements and their impact on the quality of working conditions and individual life courses. In the previous sections, the

main methodological indications structuring the debate on hybrid areas of work in Europe have been analysed from the perspective of self-employment, paying particular attention to the increasing diversification and complexification of labour relations and productive processes at the borders between self-employment and employment.

Within the sphere of self-employment, ways of organising work similar to those of employees have become increasingly common but struggle to find clear representation on a statistical level. The introduction of dependent contractors in the ICSE-18 (ILO, 2018a) marks an important advance in the recognition of the phenomenon on a formal level, even if the methodological gap has not yet been recovered. The difficulty in achieving a shared methodology stems from two main features: first, from the lack of established definitions and operational practices of forms of economic and operational dependency that define dependent self-employment; second, from the intersection of the transformations in self-employment with other work processes – mainly flexible work, platform work, and multi-party employment – whose consequences on working conditions overcame the binary divide between independent and dependent work on the basis of the statistical representations of employment statuses. These transformations call into question structural factors that constitute labour statuses between different labour and market regulations, regulated and unregulated forms of social protection against economic risks and labour insecurity, and subjective and contextual aspects inherent to the boundaries between work and private spheres of life. On the one hand, current statistical survey methodologies must make an effort to improve the representation of working conditions among the self-employed. On the other hand, they must also be able to detect forms of work organisation and intermediation that go beyond the autonomy/dependency dichotomy and that are redefining the boundaries of economic and social security and the forms of regulation and representation of the labour force.

With respect to the debate on the definition and measurement of the conditions of dependency that define dependent self-employment, the critical review proposed in this chapter indicates how the debate tends to prioritise measures of economic dependency and leave the definition and measurement of different forms of operational dependency in the background, leading to a misrepresentation of the boundaries between autonomy and dependency. In this regard, it was pointed out that there are work circumstances in which it would be advisable to prioritise the identification of operational and organisational dependencies from which economic dependency follows as a consequence. Shifting the focus to operational dependency implies highlighting how relations of autonomy, flexibility, control (and power) are structured in the organisation of labour relations. Moreover, empirical evidence highlights a small overlap between the different indicators of economic and operational dependency considered within the European statistics. This situation could be the result of two different circumstances. First, it could be the case that it is relatively rare that a self-employed simultaneously experiences both

economic dependency and a specific form of operational dependency. Second, the indicators considered could not be sufficient for adequately capturing dependency (ILO, 2018b). Bozzon and Murgia (2022) documented that both these processes are at work. This reinforces the general indication of the need for a multidimensional methodology that considers the different aspects of dependency, both economic and operational, and the circumstances within which they are developed. The issue is, therefore, to establish in which direction to proceed in order to improve the available representations of what we have defined as hybrid areas or work. Three main indications emerge from the critical analysis developed in the previous sections.

First, it is crucial to improve the consolidated indicator of economic dependency based on the main/dominant client, with additional information to qualify the type of client(s), their influence on the organisation of working and the production process, and how they are acquired (including the role of online platforms). In addition to the presence of a main client, other economic conditions (such as annual income or the ability to make ends meet) and economic or social relations that may influence the management of economic risks and profit prospects should also be considered. These include collaborations with other enterprises and/or membership of interest associations, such as trade associations, trade unions, and other types of organisations, including self-organised groups.

Second, to improve the definitions of operational dependency, it would be necessary to introduce a more accurate classification of forms of hetero-direct subordination with respect to where, when, and how one works and to consider organisational arrangements that structure employment relationships based on the principle of hetero-organisation (Digennaro, 2020). In the current scenario, it is essential to take into account the new forms of economic organisation as well as the impact of digital transformation processes. These factors influence the concrete terms according to which someone else's work is directed, but also allow a company to take control over someone else's work organisation. In contemporary labour markets, a worker can be subjected to an external entity both as a subordinate worker or as a dependent contractor since power can be hidden through the use of commercial agreements and control can be exercised through the market. This implies including in the labour force surveys indicators on the level of control and decision-making autonomy with respect to working modalities and the structure of working and production relations. For example, not only monitoring the working time but also establishing who determines how it should be organised. Moreover, better measures of operational dependency/autonomy should apply to all work statuses (both self-employed and employees) indiscriminately. This could make it possible to establish how emerging forms of work organisation impact working and living conditions regardless of the working status and how employment relations are regulated in different institutional contexts.

Finally, the analysis of involuntary and voluntary self-employment and multi-job holders has highlighted the importance of including in

labour force surveys direct measures of the reasons that drive an individual towards a certain work arrangement. Currently, it is possible to monitor forms of involuntariness mainly related to working time (involuntary part-time) and fixed-term contracts, but this approach should also be considered for other work situations in order to understand how individuals' work patterns are changing according to micro, meso, and macro conditions and influencing these processes in different institutional contexts.

7.7 Methodological Note

The descriptives reported in the chapter are based on the EWCS 2010 and 2015 (Eurofound, 2023), on the European Working Conditions Telephone Survey 2021 (Eurofound, 2024), and on the 2017 ad hoc module on self-employment of the EU-LFS. The final sample includes self-defined self-employed aged 15–74 in the EU28 and in the EU27+UK for the EWCS 2021. In the case of the EWCS, we selected only those who were reported to be 'at work' or 'at work but on parental leave' at the time of the interview. In the case of the EU-LFS ad hoc module, we considered those workers who in the reference week were working or not working but had a business or employment.

Notes

- 1 The proposed ICSE-18 included four categories of employees, which allows for the identification of those with non-standard employment arrangements, five separate categories for owner-operators of corporations, and – central to this work – a separate category for 'dependent contractors'.
- 2 In line with the question proposed by Eurofound, the question on working time arrangements introduced in the methodology of the EU-LFS from 2021 onwards takes into account forms of hetero-organised work distinguishing between who can fully decide for themselves and workers who can decide under flexible working time arrangements; situations in which the employer, organisation or client(s) decides; or where any other party decides arrangements.
- 3 In line with the ILO indications (2018), the Eu-LFS methodological guidelines established that multiple job holders decide for themselves which job is to be considered as the main job. In doubtful cases the main job should be the one with the greatest number of hours usually worked.

References

- Abraham, K. G., Haltiwanger, J. C., Hou, C., Sandusky, K., and Spletzer, J. R. (2021). Reconciling survey and administrative measures of self-employment. *Journal of Labor Economics*, 39(4), 825–860. Doi: 10.1086/712187
- Babet, D. (2019). Un travailleur indépendant sur cinq dépend économiquement d'une autre entité. *Insee Première*. N. 1748, April, Insee
- Bögenhold, D. (2019). Are hybrids the new normal? A labour market perspective on hybrid self-employment. *International Review of Entrepreneurship, Article*, 17(4), 138–163.

- Böheim, R., and Mühlberger, U. (2009). Dependent self-employment: Workers between employment and self-employment in the UK. *Zeitschrift für Arbeitsmarkt-Forschung - Journal for Labour Market Research*, 42(2), 182–195. Doi: 10.1007/s12651-009-0014-x
- Bozzon, R. (2023). To what extent are the self-employed satisfied? A focus on involuntariness and forms of dependency in Europe. *Sociologia Del Lavoro*, 165, 201–223. Doi: 10.3280/SL2023–165010
- Bozzon, R., and Murgia, A. (2021). Work-family conflict in Europe. A focus on the heterogeneity of self-employment. *Community, Work and Family*, 24(1), 93–113. Doi: 10.1080/13668803.2020.1809995
- Bozzon, R., and Murgia, A. (2022). Independent or dependent? European labour statistics and Their (in)ability to identify forms of dependency in self-employment. *Social Indicators Research*, 160(1), 199–226. Doi: 10.1007/s11205-021-02798-1
- Campion, E. D., Caza, B. B., and Moss, S. E. (2020). Multiple jobholding: An integrative systematic review and future research agenda. *Journal of Management*, 46(1), 165–191. Doi: 10.1177/0149206319882756
- Carrasco, R., and Hernanz, V. (2022). Dependent self-employment across Europe: Involuntariness, country's wealth and labour market institutions. *Applied Economics*, 54(14), 1568–1583. Doi: 10.1080/00036846.2021.1980200
- Ciešlik, J., and van Stel, A. (2024). Solo self-employment—Key policy challenges. *Journal of Economic Surveys*, 38(3):759–792 Doi: 10.1111/joes.12559
- Conen, W. (2020). Multiple jobholding in Europe. *Structure and Dynamics*, 20, 1–61. <https://hdl.handle.net/10419/225443>
- Conen, W., and Schippers, J. (2019). *Self-Employment as Precarious Work*. Edward Elgar Publishing, Cheltenham (UK). Doi: 10.4337/9781788115032
- Conen, W., and Stein, J. (2021). A panel study of the consequences of multiple jobholding: enrichment and depletion effects. *Transfer*, 27(2), 1–18. Doi: 10.1177/1024258920985417
- Countouris, N., and De Stefano, V. (2019). *New Trade Union Strategies for New Forms of Employment*. Brussels: European Trade Union Confederation.
- De Stefano, V., and Aloisi, A. (2018). *Employment and Working Conditions of Selected Types of Platform Work - National Context Analysis Italy*. Eurofound, Publication Office of the European Union, Luxembourg. Available at SSRN: <https://ssrn.com/abstract=3281190>
- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour and Law Issues*, 6(1), 1–47. Doi: 10.6092/issn.2421–2695/11254
- Dilli, S., Elert, N., and Herrmann, A. M. (2018). Varieties of entrepreneurship: Exploring the institutional foundations of different entrepreneurship types through ‘Varieties-of-Capitalism’ arguments. *Small Business Economics*, 51(2), 293–320. Doi: 10.1007/s11187-018-0002-z
- della Ratta-Rinaldi, F. (2024). Tra dipendenza e autonomia: dinamica del lavoro indipendente e figure ibride. (pp. 13–52). In F. della Ratta-Rinaldi (Ed.), *Riflessioni sulla qualità del lavoro autonomo, fra aspetti regolativi ed evidenze empiriche comparate*. Roma: INAPP.
- della Ratta-Rinaldi, F., and Sabbatini, A. (2019). Una lettura del lavoro autonomo in chiave territoriale. *Quaderni di Rassegna sindacale*, XX(2), 147–172.
- della Ratta-Rinaldi, F., and Sabbatini, A. (2020). Verso una nuova tipologia di lavoro autonomo, in Ministero del lavoro, Istat, Inps, Inail, Anpal. In *Il mercato del lavoro 2019. Una lettura integrata* Roma: ISTAT.

- Dvoulký, O. (2020). Classifying self-employed persons using segmentation criteria available in the Labour Force Survey (LFS) data. *Journal of Business Venturing Insights*, 14(September), e00199. Doi: 10.1016/j.jbvi.2020.e00199
- Eurofound (2017). *Exploring Self-Employment in the European Union European*. Publications Office of the European Union. Doi: 10.2806/495400
- Eurofound (2020). *Privilege or Necessity? The Working Lives of People with Multiple Jobs*. Publications Office of the European Union. Doi: 10.2806/162748
- Eurofound (2023). *European Working Conditions Survey Integrated Data File, 1991–2015*. [data collection]. 8th Edition. UK Data Service. SN: 7363. Doi: 10.5255/UKDA-SN-7363–9
- Eurofound (2024). *European Working Conditions Telephone Survey, 2021*. [data collection]. 3rd Edition. UK Data Service. SN: 9026. Doi: 10.5255/UKDA-SN-9026-3
- Eurostat (2018). *Labour Force Survey (LFS) Ad-hoc Module 2017 on the Self-Employed Persons. Assessment Report*. <https://doi.org/10.2785/284>
- Ferrín, M. (2021). Self-employed women in Europe: Lack of opportunity or forced by necessity? *Work, Employment and Society*, 37(3), 625–644. Doi: 10.1177/09500170211035316
- Folta, T. B., Delmar, F. É., and Wennberg, K. (2010). Hybrid entrepreneurship. *Management Science*, 56(2), 253–269. Doi: 10.1287/mnsc.1090.1094
- Gerbery, D., and Bednárík, R. (2016). ESPN Thematic Report on retirement regimes for workers in arduous or hazardous jobs: Slovakia, 2016. *European Social Policy Network (ESPN), European Commission*.
- Giacomin, O., Janssen, F., Guyot, J. L., and Lohest, O. (2023). Opportunity and/or necessity entrepreneurship? The impact of the socio-economic characteristics of entrepreneurs. *Sustainability (Switzerland)*, 15(14), 1–21. Doi: 10.3390/su151410786
- Hénaut, L., Lena, J. C., and Accominotti, F. (2023). Polyoccupationalism: Expertise stretch and status stretch in the postindustrial era. *American Sociological Review*. 88(5), 872–900. Doi: 10.1177/00031224231190942
- Hughes, K. D. (2003). Pushed or pulled? Women's entry into self-employment and small business ownership. *Gender Work and Organization*, 10(4), 433–454. Doi: 10.1111/1468-0432.00205
- ILO (2003). *Repori I. General Report. Seventeenth International Conference of Labour Statisticians*. Doi: 10.1017/CBO9781139095686.002
- ILO (2018a). *Resolution Concerning Statistics on Work Relationships*. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meeting-document/wcms_619086.pdf. Accessed 7 July 2024.
- ILO (2018b). *Room Document 6: Statistical Definition and Measurement of Dependent "Self-Employed" Workers. Rationale for the Proposal for a Statistical Category of Dependent Contractors*. Available at: <https://ilostat.ilo.org/about/standards/icls/icls-documents/>. Accessed 7 July 2024.
- ISTAT (2022). *Rapporto Annuale 2022. La situazione del Paese*. Roma: Istituto Nazionale di Statistica
- Kalleberg, A. L. (2009). Precarious work, insecure workers: Employment relations in transition. *American Sociological Review*, 74(1), 1–22. Doi: 10.1177/000312240907400101
- Kautonen, T., Down, S., Welter, F., Vainio, P., Palmroos, J., Althoff, K., and Kolb, S. (2010) Involuntary self-employment as a public policy issue: a cross-country

- European review. *International Journal of Entrepreneurial Behaviour & Research*, 16(2), 1355–2554. Doi: 10.1108/13552551011027002
- Kautonen, T., and Kibler, E. (2016). *The ‘Grey Area’ between Employment and Self-Employment : Implications for Official Statistics*. Outlook Report. Power from Statistics. Available at: https://ec.europa.eu/eurostat/cros/powerfromstatistics/OR/PfS-OutlookReport-Kautonen_Kibler.pdf
- Majetic, F., Rajter, M., and Bassetti, C. (2023). Grey workers in the European Union: Precariousness among economically dependent solo self-employed. *International Journal of Sociology and Social Policy*, 43(7/8), 609–625. Doi: 10.1108/IJSSP-05–2022–0126
- Muehlberger, U. (2007). Hierarchical forms of outsourcing and the creation of dependency. *Organization Studies*, 28(5), 709–727. Doi: 10.1177/0170840607078119
- National Academies of Sciences, Engineering and Medicine (2020). *Measuring Alternative Work Arrangements for Research and Policy*. Washington, DC: National Academies Press. Doi: 10.17226/25822
- Semenza, R., and Pichault, F. (2019). *The Challenges of Self-Employment in Europe*. Cheltenham: Edward Elgar Publishing.
- Supiot, A. (1999). *Au-delà de l’emploi. Transformations du travail et devenir du droit du travail en Europe*. Rapport pour la Commission Européenne (dir.), Paris: Flammarion.
- Thörnquist, A. (2015). False self-employment and other precarious forms of employment in the ‘grey area’ of the labour market. *International Journal of Comparative Labour Law and Industrial Relations*, 31(4), 411–429. Doi: 10.54648/ijcl2015023
- UNECE. (2022). Handbook on forms of employment. In *Comisión Económica de las Naciones Unidas para Europa*. https://unece.org/sites/default/files/2022-08/2210309E_ECE_CES_STAT_2022_4_WEB.pdf
- TNO, and CBS (2015). Zelfstandigen Erquete Arbeid 2015. *Methodologie en globale resultaten*. Available at: <https://monitorarbeid.tno.nl/publicatie/>
- TNO, and CBS (2017). Zelfstandigen Erquete Arbeid 2017. *Methodologie en globale resultaten*. Available at: <https://monitorarbeid.tno.nl/publicatie/>
- TNO, and CBS (2019). Zelfstandigen Erquete Arbeid 2019. *Methodologie en globale resultaten*. Available at: <https://monitorarbeid.tno.nl/publicatie/>
- TNO, and CBS (2021). Zelfstandigen Erquete Arbeid 2021. *Methodologie en globale resultaten*. Available at: <https://monitorarbeid.tno.nl/publicatie/>
- TNO, and CBS (2023). Zelfstandigen Erquete Arbeid 2023. *Methodologie*. Available at: <https://monitorarbeid.tno.nl/publicaties/rapport-zea-2023/>
- UNECE (2022). Handbook on forms of employment. In *Comisión Económica de las Naciones Unidas para Europa*. Available at: https://unece.org/sites/default/files/2022-08/2210309E_ECE_CES_STAT_2022_4_WEB.pdf
- Williams, C. C., and Horodnic, I. A. (2018). Evaluating the prevalence and distribution of dependent self-employment: Some lessons from the European working conditions survey. *Industrial Relations Journal*, 49(2), 109–127. Doi: 10.1111/irj.12206

8 Hybrid Work in Hybrid Organisations. Labour Law and New Organisational Methods

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8.1 Introduction

The process that, throughout the 19th and 20th centuries, led to establishing a dividing line between employment and self-employment via the adaptation of ancient legal institutes was a long one. The result has been a unifying role under the category of employment, which was conceived as encompassing all possible different concrete arrangements through which labour was performed in the interest of the other party, in a way that has been defined as ‘a forced’ unity (Kountouris, 2007, p. 26). It was only with full industrialisation that the figure of the factory worker could be said to have become largely prevalent, but this kind of worker was perfectly in line with the scheme of subordinate work. In any case, from its existence in the juridical world, the contract of employment and the underlying category of subordination have simultaneously been the means through which the employer’s power and prerogatives operate as well as the instrument of a growing set of protective standards that have progressively restricted this power and prerogatives. Since the 1980s, the trend has reversed, and labour law has reacted to the economic and social process of differentiation by institutionalising it in the legal system and incentivising this business world demand. During this long period, a short-sighted view prevailed that understood labour law as an instrument of economic policy aimed at an alleged goal of maintaining and holding on to one’s own industrial system against the fierce competition of others through the globalisation of economies. This has made legislators lose sight of the fact that labour law is, first and foremost, an instrument for mediating conflicts of interest in relations pertaining to production – only secondarily is it an instrument of economic policy (Garofalo, 2006).

In the period spanning the late 19th and early 20th centuries in particular, legislation multiplied instruments of so-called atypical work that differed from standard employment in certain aspects of the regulation and, in some countries, ensured incentives for self-employment based on reductions of tax and/or social security contributions. The misalignment from the standard employment contract may involve various features. For instance, temporary agency work implies a third party (that is not internal to the employment

relationship) for which work is performed for a limited length of time, breaking two elements of the standard scheme: bilaterality and continuity. Part-time employment contracts are also separate from the standard scheme since, for example, the working time can be generally redefined during the relationship, thanks to elastic clauses. Job-on-call instead creates a discrepancy with respect to the continuity of work performance, as well as with the general principle that the mere provision of one's labour within a contractual obligation determines the corresponding payment obligation for the employer (a problem often addressed by an 'availability compensation', which, however, is always lower than the actual wage).

The use of bogus self-employment or commercial contracts to outsource a portion of the manufacturing or productive cycle to independent contractors is more extreme than using different forms of flexible employment contracts. In the most refined form of this technique, the employment contract is directly displaced by forms of coordinated self-employment and/or commercial contracts, which include clauses that allow forms of control that are no less compelling than those typical of the employment contract. Atkinson (1987) called this option 'distancing' and considered it an alternative to the flexible use of internal workers, who were split between core workers with a standard employment contract asked to provide functional flexibility and peripheral workers engaged by means of an atypical form of working arrangements and provided numerical flexibility. There is, though, a significant difference between 'distancing' and the use of all other contractual flexible arrangements since, in the former case, the whole scheme of the employment contract is denied, as is the protective discipline attached to it. Furthermore, while numerical and functional flexibility works well in the internal enterprise market, 'distancing' operates in a market external to an enterprise since it makes use of the labour of formally non-dependent workers. In recent times, however, new technologies and algorithm-based platforms have tended to function according to a scheme that has two sides. First, technologies have increasingly blurred the distinction between the firm's internal and external markets. Second, they have enabled companies to control assets and employees over the company's formal legal boundaries. The aims of these techniques have been for companies to use even the core group of workers 'just in time' (i.e. only when strictly needed and by circumventing labour standards) and to shift the risk associated with a lack of work onto workers' shoulders.

The processes of reorganisation of the firm, which began well before the advent of the newest technologies and the platform economy, are examined in this chapter as part of a continuous evolution. These processes are investigated in light of theories concerning the nature and boundaries of the firm. The perspective adopted in this chapter investigates the hybridisation of the firm, which seemingly align with external market functioning and the theory of the firm as a nexus of contracts (a theory first introduced by Jensen and Meckling in 1976). The aim here is to demonstrate how, in reality, the

organisational dimension of labour has never disappeared and, consequently, neither should the principles of labour law regulation. As discussed in Chapter 3, where there is the exercise of power, there must also be the application of the mandatory provisions of labour law.

Before delving into the description of the hybridisation of the firm and the ‘marketization’ of the employment relationship, the next section describes the corresponding process of the hybridisation of work management from a subjective perspective. From the worker’s subjective point of view, the idea that the enterprise can function without management has been exploited and taken to the extreme in the latest decades since managerial functions are currently covered by mixing new technology and the pressure exerted on the workers by the market itself, which has shaped the inner core of the enterprise. Therefore, in terms of the organisation of the firm, a pattern can be identified that marks a complete transition from the *hierarchy* of Taylor-Fordism to *holacracy* to the idea of *self-entrepreneurs* in the digital market. The goal of these management techniques is to maintain firm management and organisation of the labour factor while decreasing costs (both in terms of transaction and information costs) and possibly evading the protective scope of labour law. The chapter then reconnects these processes with case law that has emphasised the employer’s organisational power as a crucial factor in bringing workers who were in a situation of subjection to the power of others back under the umbrella of labour law. Given the brevity of the chapter, only a select few of particularly emblematic cases are selected where the processes of ‘marketization’ and ‘hybridisation’ are more evident. More attention is paid to recent cases involving the use of new technologies, considered the most mature point of a longer process.

Therefore, in short, this chapter is devoted to describing the hybridisation of the firm and the labour market both from a subjective and objective perspective and connecting this process to labour law instruments that can be deemed able to unveil and offset this hybridisation. The chapter is organised as follows: Section 8.2 describes the passage from the vertical and integrated firm to the tail of the firm ‘without bosses’, while Section 8.3 describes the ‘marketisation’ of the employment relationship and the firm and connects these phenomena with theories that, when considered *mutatis mutandis*, can still explain the current scenario. Section 8.4 uses examples taken from the countries that the SHARE project investigated to show how the case law of those countries seems to be aware of certain dynamics. Finally, section 8.5 draws some conclusions.

8.2 Hybridisation from the Subjective Standpoint

Boltanski and Chiappello (2005 [1999]) have discussed how the first phase of capitalism, which involved a hierarchical and bureaucratic organisational structure, was replaced by flatter structures that emphasised teamwork, innovation, and the pursuit of personal fulfilment, and that this also

implied a replacement of the ideal worker. During the first phase of industrial capitalism, workers had to be obedient, loyal, and committed to their jobs. Later, the ideal worker was transformed from a compliant cog in the machine into a creative, self-motivated individual. Basically, the ‘critiques’ or challenges to the existing order in terms of lack of participation, creativity, and self-development originally seen by countercultural movements as oppositional to capitalism were eventually co-opted and incorporated into its logic. Those critiques shifted from being slogans against alienation, bureaucracy, and hierarchy into standards companies started to seek, making concrete the suspicions Friedman raised as early as 1977 about ‘responsible autonomy’ as a way to counteract, contain, and coopt worker resistance and maintain or augment managerial control. Furthermore, post-industrial capitalism relies on the voluntary commitment of individuals to organisational goals. Instead of relying solely on coercion or external incentives, organisations now seek to enlist their employees’ active participation and enthusiasm through various strategies.

When considering platform capitalism, those paradigms do not disappear. Although it is difficult to believe that digital platforms can promote any sense of mission or purpose, they have been depicted positively. If one looks back at the first debate on this issue, digital capitalism was presented as a new opportunity for self-expression and personal development, a way towards a new sharing economy able to empower individuals and build social relations, or a means through which anyone can decide when and how to work (a claim the latter often utilised as a strategy during legal disputes against workers). Therefore, in this new phase of capitalism, the active participation of the workers was also mobilised. A study conducted within the SHARE project pointed out that in the delivery sector, platforms request a proactive attitude on the part of workers that encompasses their motivation, desire for autonomy, private time management, and, in a word, their subjectivity (Armano et al., 2022). In the authors’ words, ‘the innovation in organisational processes introduced with the phenomenon of connectivity mediated by lean platforms (Srnicsek, 2016) has enabled a freelance work model on a digital scale in which subjectivity, autonomy and risk-taking have become barycentric’ (Armano et al., 2022, p. 93). The platform model has then taken to the extreme the tale of a ‘capitalism without bosses’, also known as *holacracy* (Robertson, 2007). In this latter model, decision-making is delegated to self-managing ‘circles’ and single employees. In such circles, a collective governance process decides how goals placed by the ‘Board circle’ are to be achieved and how the lower circles organise themselves to reach those goals. Ferschli’s (2017) work described how, in this scheme, as in the oldest organisation models, workers do not decide the final goal of the organisation and how much to do in order to reach it. Moreover, a form of hierarchy is maintained. At the same time, unlike in Taylor-Fordism, the general purpose is clear to everybody, and it is fragmented in internal circles so that those groups of workers can decide how to organise to achieve meta-purposes that converge

in the main one decided, according to the *desiderata* of the company's owner and stockholders. Hierarchy is exercised thanks to peer control and pressure. Managerial function is 'collectivised', ensuring production without supervision. Each worker starts to assume an entrepreneur-like identity invested in the company and the consequent responsibilities, but without corresponding profits. Therefore, this model is very efficient when it comes to cutting management costs and optimising production by fragmenting and sharing control to operate without supervision and central organisation. In this organisational model, one can hear echoes of the theories of human capital developed from the studies of Schultz (1961) and Becker (1962).

Turning our attention to the platform model organisation, there are some differences to underline. In the scheme previously described, the organisation is still relevant, and a new shaping of it is crucial for the working of this model, whereas platforms tend to conceal their organisation by often presenting themselves in courts as mere connectors between self-employed and clients. This position has been assumed many times in various jurisdictions, regardless of the service provided. For example, Uber used it both for its taxi service as well as for Uber Eats (see, among others, the position of Porter Pacific in the Australian Uber Eats case,¹ in the UK the Uber² case where the argument was rejected, in the EU the Asociación Profesional Elite Taxi³ case, as well as in California in the cases of Addison Lee⁴ and Uber⁵). Furthermore, the market assumes a different role. In the *holacracy* model or in a flat enterprise, the internal market of the enterprise and the external market are still easily discernible, and the board still translates signals and demands of the market – the difference is that, compared to the classical organisational model, the response is immediate and more abrupt. In the platform model, the 'marketisation' of the company is fully achieved, as well as the idea of a market made up of self-entrepreneurs since each individual, according to the narrative proposed by the leader companies, can be an entrepreneur just by logging in. The next two sections focus on these points.

8.3 Hybridisation from an Objective Standpoint

As discussed in previous work conducted within the SHARE project, the mechanisms of power and control once exercised through the employment contract are, in a growing number of cases, now exercised *de facto* directly through the market (Digennaro, 2020). This shift is due to a combination of factors, including changes in the regulatory framework enacted by legislators (see also Chapter 3), changes in the organisational structures of companies, and the use of new technologies. To better clarify this argument, it is necessary to underline and explain two possible meanings of 'marketisation' involved in the process and to discuss them in the light of economic and organisational theories. Indeed, both *holacracy* and platform-based organisations exhibit tendencies towards the 'marketisation' of the firm, distinguishing them from the 'Fordist' vertically integrated firm.

‘Marketisation’ can be conceptualised, first, by looking at the formal relationship that links employers and employees. From this point of view, the platform-based model seems to be an evolution of ‘Atkinson’s model’ since, in the latter, a company would still have a first layer of core workers employed according to the standard long-term contract and a second layer of workers employed by means of a non-standard employment contract. Only the last layer of workers would be engaged as self-employed. Platform companies instead make use of commercial contracts and self-employment for their core ‘workers’. ‘Distancing’ is therefore employed indiscriminately; the company relates to their workforce mostly as contractors, thus resembling an apparently ‘virtualised’ company. A second understanding of the term ‘marketisation’ can be linked to the pressure exerted on the workers by the market. In Fordism, the workforce was ‘protected’ in the firm by the pressure of the market to ensure efficient production. In a *holacracy*, hierarchical control is replaced by ‘coordination’; therefore, competition permeates the relationship between units within the company and, at the same time, pressure is also exercised in intra-units by peers to respond to market requests efficiently. In the platform business model, each and every worker is placed in direct competition with all others in a market that theoretically encompasses all workers potentially available in the labour market outside the business organisation through the medium of technology. This is so because, theoretically, every person with a bicycle, car, or personal computer, for example, can transform themselves into a labour supplier or – according to the neoliberal narrative – a self-entrepreneur.

In the context of economic studies concerned with the issue of delineating the boundaries between the market and the firm, in his seminal work Coase (1937) tried to define in which conditions a firm would rise, clarifying that the decision to organise economic activities within a firm is based on the trade-off between the costs of internal coordination (hierarchical control) and the costs of external market transactions (price coordination). Coase’s central insight is that the decision about whether to conduct a transaction in the market or within a firm depends on a comparison of transaction costs. Transaction costs include various expenses such as search and information costs, negotiation and contracting costs, and enforcement costs. These costs can make it more efficient for certain economic activities to be conducted within a firm, where coordination and communication are easier, rather than through arms-length market transactions. This model has been deemed able to explain the flourishing of integrated vertical firms where orders given through managerial hierarchy are cheaper than coordination through the market. In Coase’s view, the employment contract is the epiphenomenon of the ‘firm’ because it allows for hierarchical control of fundamental assets.

Decades later, Alchian and Demsetz (1972) suggested instead that firms emerge to reduce coordination costs associated with team production, defining team production as a situation where the output of a group of individuals working together is greater than the sum of their individual outputs

if they were to work independently. Indeed, in team production, there are coordination costs associated with organising and directing the efforts of individuals within the team due to the need for communication, cooperation, and the resolution of conflicts among team members. By bringing individuals under a common organisational umbrella, firms can facilitate coordination, enforce cooperation, and allocate resources more efficiently. Therefore, by internalising internal transactions between different departments or units, firms can minimise the information costs and uncertainties associated with market exchanges. As the authors wrote, their view is not inconsistent with that of Coase since it underlines a different reason for the firm to exist. Alchian and Demsetz's ideas can explain team-based lean production systems and the organisational asset called *holacracy* since both of them reduce the cost of managing team productions.

Both theories briefly outlined above, remain significant in explaining the platform-based production model. This is so since the algorithm, which is a property of the enterprise, is capable of a double function. It coordinates single-person units that are crucial to running a business and so decreases the managing cost by getting rid of most of the management positions and, at the same time, is always able to set the best price, for example, for the delivery of the parcel or car ride, by matching supply and demand in the organisation's internal market, consisting of the variable number of workers logged into the application at any given time. In this kind of organisation, non-shirking behaviours, which are so crucial in the Alchian and Demsetz vision, are enhanced by marketisation, gamification, and involvement of subjectivities rather than by instilling team spirit and loyalty (as it was the case in the other models). For those reasons, it is evident that platform-based production is not the end of the firm, as some have maintained, but it is instead a very efficient new way to organise it.

On closer inspection, through their reflections, Alchian and Demsetz contributed to blurring the sharp distinction between market and enterprise since they clarified that in their interpretation, the firm is a specialised surrogate for a market for team use of inputs. They depicted the firm as a privately owned market that provides a cheaper collection and collaboration of knowledge about heterogeneous resources. In other words, 'the firm takes on the characteristic of an efficient market in that information about the productive characteristics of a large set of specific inputs is now more cheaply available' (Alchian and Demsetz, 1972, p. 795). This view brings two corollaries: the emphasis on the intra-firm competition among inputs (i.e., workers and units within the same firm) and the dimensional issue. For the latter, the authors explained that the greater the set of inputs about which knowledge of performance is being collated within a firm, the greater the costs of the collation activity. Moreover, the larger the firm, the greater the attenuation of monitor control. Therefore, the issue of the 'iper-flated' internal market should have been resolved, in their view, by having the firm 'divisionalised' in ways to economise costs, thereby achieving the cost reduction

effect of a specialised market. Alchian and Demsetz described theories that have been concretely implemented through *holocracy* systems, whereas in the platform-based organisation, decreasing costs is made possible by the algorithm and technology involved with its calculus power regardless of firm dimensions. Technologies thus smooth and enhance the functioning of the firm's internal market.

Theories presented in this section are not outdated in so far as they describe different ways to organise various inputs and, in particular, labour and provided that we 'do not treat firm and corporation as metonyms' (Tomassetti, 2017, p. 66). Indeed, on the one hand, technologies can expand the central coordinator's power and capabilities to manage inputs and, on the other, can similarly introduce new enhanced capabilities to manage formally separate entities so as to control assets and workers without owning them formally to discharge them at will. In both cases, the organisation remains, thus so does the firm, and the firm's production will be cheaper. This reasoning implies, therefore, that platform-based technologies are also just a new way to organise production.

From a labour law perspective, wherever there is an organisation and a subjection to someone else's power, labour law finds its *raison d'être*. Once this has been established, the question for the jurist becomes how the evolving reality of the organisation and control of work should be regulated. The brief analysis presented suggests that a paradigm of legal subordination based exclusively on the direct direction and control of the worker – which many scholars have already rejected as too limiting a definition of subordination (albeit coinciding with the Taylor-Fordist model) – can often end up being inadequate for interpreting the current scenario. Instead, a broader concept of subjection to another's power and organisation remains viable and can still bring labour law into the frame. The following section is dedicated to bridging case law from the countries investigated within the SHARE project with the provided analysis. This is achieved through judgements that highlight the importance of detecting an external organisation wielding power over workers for subordination to be established.

8.4 How Regulative Schemes Are Facing Hybridisation

When it is clarified that the firm and the formal boundaries of a corporation do not always coincide, two connected questions emerge from the point of view of regulation around identifying the employer and identifying the type of relationship that is established between workers and whoever benefits from their labour.

The research carried out during the SHARE project reflects the second problem, that of the criteria for the legal qualification of the relationship established (Digennaro, 2020). Since employment always implies a power exercised over the worker, there is no doubt that when direct external direction of someone else's work is detected, an employment relationship has been

established. Complexity increases when forms of organisation like those analysed above take advantage of legal orders with the aim of reducing costs and offloading part of the risks (in particular, the risk of non-work) onto the workers. In these cases, being able to identify an organisation that wields power over workers, regardless of the legal form taken by the company or the narrative through which it identifies and situates itself, is crucial.

As briefly mentioned in Chapter 3, doctrine and jurisprudence in various countries have examined the aspect of a worker's inclusion in an organisation that does not belong to them and whose aims and objectives they do not determine as a means of inferring subordination. This happened even before the era of digitisation (see Razzolini, 2010).

For example, German case law and doctrine elaborated on the concept of *Eingliederung*, i.e., the worker's integration in business operations. The Labour Federal Court stated that 'if an activity is planned and organised by another person and the 'contractor' is incorporated in a foreign work organisation to an extent that the autonomous organisation of the work is de facto all but impossible', then the contract cannot be a contract for service.⁶

In the UK, the so-called 'integration test' has been used to investigate whether:

Under a contract of service, a man is employed as part of the business, and his work is done as an integral part of the business whereas under a contract for services, his work, although done for the business, is not integrated into it but is only accessory to it.⁷

Similarly, in France, the concept of *service unilatéralement organisé par autrui* (service unilaterally organised by others) was developed. A very interesting case concerned reality show participants whom the Court classified as employees⁸ because all their activities and personal behaviours were unnaturally guided for the benefit of the show.

In Italy, part of the legal doctrine has consistently emphasised over the years that Article 2094 of the Civil Code related to subordinated employment inherently includes in its wording the concept of the worker being integrated into the organisation of the enterprise, a view supported by some case law (see, most recently, Barbieri, 2019 and the references cited therein).

In the Netherlands, the element of 'authority' has always been the pivotal element characterising employment according to doctrine and jurisprudence. However, some doctrine (Verhulp, 2023), supported by a few rulings on platform work, has recently focused instead on the power exercised within the employer's organisational framework.

Conversely, the Slovakian legal framework shows that tying employment solely to worker direction and control can increase 'distancing'. Statistics (see Chapter 2) and legislative concerns highlight this issue. The legislator addressed it by modifying the labour code's definition of employment and introducing specific prohibitions (see Digennaro, 2020).

Within the limited scope of this chapter, recent cases are particularly noteworthy as they illustrate how effectively the concept of hetero-organisation and the referenced jurisprudence can capture the hybridisation and marketisation of firms discussed. These cases involve judgements on platform-based work, which, as argued above, can in many ways be seen as a new way to organise labour and production in continuity with previous models while also pushing these models to their extremes. In many cases, the most direct way to establish subordination of riders and drivers was to demonstrate the capabilities to issue commands and monitor work through mobile applications. In the end, despite some fluctuations, once the real functioning of the algorithms was understood, using the criterion of the hetero-direction of workers was enough to categorise workers as employees. More complex is the case of crowd workers or workers who do not work clearly for the platform but, at least apparently, through the platform.

In Germany, a case was decided by the Federal Labour Court in 2020,⁹ which brings forward interesting court reasoning. The court underlined that crowd workers did not have a distinguishable organisation since their ‘work result’ was part of someone else’s process, and labour was split among many workers in a fashion that could be useful only as part of someone else’s organisation. This was made possible by fragmenting the job into simple micro-tasks. Indeed, the court stated that even a few organisational requirements decided in advance can determine the performance of tasks that are so simple as to exclude from the outset a free choice for the worker in performing and managing them. In this case, the status of the employee cannot be excluded, said the court. This court’s reasoning aligns with Williamson and colleagues’ (1975) teaching, which, notwithstanding their partial criticism of Alchian and Demsetz’s work, recognised that only when assets are idiosyncratic to a non-trivial degree is the worker-employer relationship no longer equivalent to a collection of contracts signed to acquire labour when needed. In this case decided by the Federal Court, the organisation tied up workers by keeping tasks easy and, in this way, tried to replace the employment relationship by suggesting to the judge that crowd workers were independent contractors. This was possible by shaping the contract in a way that excluded a clear power to direct someone else’s work since it was not necessary to stipulate such power. The court also stated that another circumstance weighed in favour of an employment relationship: the company created an incentive system that induces the worker to continuously take on work assignments and personally complete tasks within a certain timeframe according to precise specifications. This was useful for the company to plan its own activities in a fashion similar to an organisation that would directly employ its workforce. This aligns with what has been described above in terms of the ‘marketisation’ and ‘hybridisation’ of the relationship. Indeed, as the court described, the workers were pressured to combine and fulfil several micro-jobs to gain profitable employment and to constantly engage with the platform, also via gamification mechanisms, in order to be able to take

advantage of a favourable supply situation that arises for each crowd-worker on the basis of their filter settings. In short, the application was able to organise tasks and labour processes even without issuing constant commands, and contemporary peer competition and work fragmentation ensured that crowd-workers were always engaged and kept busy, striving to perform well.

Another interesting case is the development before the Amsterdam courts of the *Helping* case, one of the digital labour platforms analysed within the SHARE project. The Amsterdam District Court¹⁰ decided the case, underlining the circumstance that the platform did not give any instructions or directions to cleaners on how to perform their duty and, therefore, was engaged in irregular job placement (this was deemed so because until this judgement *Helping* demanded payments to the workers for intermediary services). The Amsterdam Court of Appeals¹¹ instead applied to this case art. 7:690 of the Civil Code,¹² recognising that the cleaning service was the core of the *Helping* businesses; therefore, the platform worked as an instrument of organising the workforce for the better. The Court stated that ‘the posting of cleaners to households does not take place incidentally but occurs in the course of *Helping*’s business’ (3.17.1). This case also demonstrates that an organised firm existed over the legal arrangements operated by *Helping*. The platform’s efforts to avoid being depicted as an employer likely stem from a significant rise in labour costs resulting from the inability to utilise exceptions provided for domestic work under Dutch labour laws. These exceptions were rendered inapplicable once the courts deemed *Helping* as the employers of the cleaners (Verhulp, 2023).

It is also worth mentioning how the French Court of Cassation decided the *Uber* case in 2020.¹³ On that occasion, the court, while referring to the principle of authority and the power to give orders and instructions as the basis of subordination, explained that subordination can also arise from having to adhere to unilaterally prepared terms and conditions. This is so because the drivers basically join a service that is entirely created and organised by another company and which is, therefore, governed by *Uber*, whereas drivers are not only constrained as to the terms and conditions of the transport service but also precluded from creating their own clientele and business. In this case, too, it emerged that drivers are part of someone else’s firm, and their work is governed by employing *Uber*’s technologies that expose workers to peer competition in the internal firm market.

8.5 Conclusions

This chapter has contributed to opening a dialogue between different fields of study that do not often interact. The general frame of hybridity has been used as a tool to describe the organisational changes of firms and the consequences that these, coupled with the options opened up by legal regulation of the employment relationship, have entailed on the workers’ condition and their legal qualification. In particular, by rereading critical writings by

both economists and sociologists, the internal-external boundary of the market – which has increasingly permeated not only the organisation but also the performance of work – has been discussed. The outcomes of the first part of the chapter were then placed in dialogue with some judgements encountered in the study of the SHARE project countries, which were selected because they are indicative of how the law of the various countries can be interpreted by some judges to interface with and address the organisational changes of recent decades, of which the platform economy represents only the latest evolution.

As far as the statutory law of countries is concerned, this has been analysed in an extensive comparison published within the SHARE project (see Digenaro, 2020). Furthermore, two elements were referred to in Chapter 3 and the introduction of this chapter: the large doses of numerical and functional flexibility within subordination that legislators have made possible from the end of the last millennium and the choice of introducing a modulation in the field of autonomy as well, or a third genus. Often, these intermediate statuses have turned out to be to the detriment of workers, as they provide a convenient way for companies to exploit technology as an instrument of external control and conditioning of coordinated labour. The case of Italy has its own peculiarity since hetero-organised workers can potentially be assured rights that can reach the full scope of protection. There is still discussion among scholars about how to frame this recent disposition in the legal framework. However, the risk of depriving some of the platform workers of a portion of their rights after the reform remains. This is so even though the court in Palermo,¹⁴ for example, revived the broader notion of subordination as ‘double alienness’¹⁵ (for comment, see Carinci, 2021).

The analysis conducted has demonstrated that the process of hybridisation, as discussed here, has brought the market into the core of labour management and production organisation. Simultaneously, this process has posed a challenge to labour law, which was traditionally based on the distinction between autonomous and subordinate work. However, legal categories can be flexible if the processes are thoroughly understood, revealing the persistent presence of power and authority in the context of work arrangements.

Notes

- 1 Gupta v Portier Pacific Pty Ltd & Ors [2020] FWCFB 1698.
- 2 Uber BV & Ors v Aslam & Ors [2021] UKSC 5.
- 3 ECJ Case C-434/15, ECLI:EU:C:2017:981.
- 4 Addison Lee Ltd v Gascoigne UKEAT/0289/17LA and Addison Lee Ltd v Lange & Ors UKEAT/0037/18/BA.
- 5 People V. Uber Technologies, Inc., 56 Cal. App 5th 266, p. 18.
- 6 Federal Labour Court 25.09.2013 -10 AZR 282/12.
- 7 Stevenson, Jordan & Harrison Ltd v. Macdonald & Evans (1952) 1 TLR 101.
- 8 Cour de cassation, Chambre sociale, 3 juin 2009, 08–40.981 08–40.982 08–40.983 08–41.712 08–41.713 08–41.714, Publié au bulletin.
- 9 Bundesarbeitsgericht, Urteil vom 1. Dezember 2020 – 9 AZR 102/20.

- 10 Amsterdam District Court, 1 July 2019, ECLI:NL:RBAMS:2019:4546.
- 11 Amsterdam Court of Appeals, 21 September 2021 ECLI:NL:GHAMS:2021:2741.
- 12 Article 690: ‘Temporary employment contract is the employment contract under which the employee is made available by the employer, in the context of the exercise of the employer’s profession or business, to a third party to perform work under the supervision and management of the third party pursuant to an assignment given by the latter to the employer’.
- 13 Court de Cassation, Chambre Sociale, 4 March 2020, n. 19-13.361.
- 14 Tribunal of Palermo, 24 November 2020, n. 3570.
- 15 The concept of ‘double alienness’ involves two key aspects: the alienation of the result, where the final product does not belong to the individual workers; and the alienation of the organisation, where its structure and purpose are controlled by the employer, leaving employees with no control or vested interest. This means that work is integrated into an employer-dominated organisation over which employees have no influence. Consequently, this highlights the importance of the organisational element.

References

- Alchian, A. A., & Demsetz, H. (1972). Production, information costs, and economic organization. *American Economic Review*, 62(5), 777–795.
- Armano, E., Leonardi, D., and Murgia, A. (2022). Algorithmic management in food delivery platforms: Between digital neo-taylorism and enhanced subjectivity. In E. Risi, M. Briziarelli, and E. Armano (Eds.), *Digital Platforms and Algorithmic Subjectivities*, 87-96 London, Westminster University Press.
- Atkinson, J. (1987). Flexibility or fragmentation? The UK labour market in the eighties. *Labour and Society*, 12(1), 87–105.
- Barbieri, M. (2019). Della subordinazione dei ciclofattorini. *Labour & Law Issues*, 5(2), I. 1–56. <https://doi.org/10.6092/issn.2421-2695/10235>
- Becker, G. S. (1962). Investment in human capital: A theoretical analysis. *Journal of Political Economy*, (5, Part 2), 70, 9–49.
- Boltanski, L., and Chiappello, E. (2005). *The New Spirit of Capitalism*. London: Verso.
- Carinci, M. T. (2021). Case law approaches and regulatory choices on platform work: The Italian case. In M. Carinci, and F. Dorsemont (Eds.), *Platform Work in Europe: Towards Harmonisation?* (pp. 57–82). Cambridge, U. Intersentia.
- Coase, R. H. (1937). The nature of the firm. *Economica*, 4(16), 386–405. <https://doi.org/10.1111/j.1468-0335.1937.tb00002.x>
- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour & Law Issues*, 6(1), C.1–47 <https://doi.org/10.6092/issn.2421-2695/11254>
- Ferschli, B. (2017). Capitalism without Bosses: The Nature of the Firm and Labour-Process under Self-Management. *Momentum Quarterly*, 6(3), 167–186.
- Friedman, A. (1977). Responsible autonomy versus direct control over the labor process. *Capital and Class*, 1, 43–57. <https://doi.org/10.1177/030981687700100102>
- Garofalo, M. G. (2006). Il diritto del lavoro e la sua funzione economico-sociale. In D. Garofalo, and M. Ricci (Eds.), *Percorsi di diritto del lavoro* (pp. 127). Bari: Cacucci.
- Jensen, M. C., and Meckling, W. H. (1976). Theory of the firm: Managerial behavior, agency costs and ownership structure. *Journal of Financial Economics*, 3(4), 305–360. [https://doi.org/10.1016/0304-405X\(76\)90026-X](https://doi.org/10.1016/0304-405X(76)90026-X)

- Kountouris, N. (2007). *The Changing Law of the Employment Relationship*. New York: Routledge.
- Razzolini, O. (2010). The need to go beyond the contract: “Economic” and “bureaucratic” dependence in personal work relations. *Comparative Labor Law & Policy Journal*, 31(2), 267–302.
- Robertson, B. (2007). Organisation at the leading edge: Introducing holocracy. *Integral Leadership Review*, 7(3).
- Schultz, T. W. (1961). Investment in human capital. *The Economic Review*, 51(1), 1–17. <https://www.jstor.org/stable/1818907>
- Srnicek, N. (2016). *Platform Capitalism*. Cambridge: Polity Press.
- Tomassetti, J. (2016). Does uber redefine the firm? The postindustrial corporation and advanced information technology. *Hofstra Labor & Employment Law Journal*, 36(1), 1–78.
- Verhulp, E. (2023). Technological disruption in employment and labour law in the Netherlands. In M. De Vos, G. Anderson, and E. Verhulp (Eds.), *The Cambridge Handbook of Technological Disruption in Labour and Employment Law* (pp. 93–106). Cambridge. Cambridge Law Handbooks. Cambridge University Press.
- Williamson, O. E., Wachter, M. L., and Harris, J. E. (1975). Understanding the employment relation: The analysis of idiosyncratic exchange. *The Bell Journal of Economics*, 6(1), 250–278. <https://doi.org/10.2307/3003210>

9 A Comparative Ethnography on the Collective Representation in the Hybrid Areas of Labour

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9.1 Introduction

Using hybrid as a method helps to analyse worker representation and organising practices in their making. In particular, to understand what is emerging, developing, and consolidating in solo self-employed (SSE) workers' organising and representing practices, first, we identified in the six countries studied all the collective actors that, at the time of the first fieldwork (2018–2019), were engaged in the collective representation of the SSE. This meant including in our research not only trade unions and employer organisations but also freelance associations, grassroots groups, and cooperatives (see Chapter 4).¹ Second, we specifically focused on the practices of organising developed by each organisation studied in an attempt to understand which practices were considered by its members as consolidated and established and which were instead considered as alternatives. In this second phase, having adopted the hybrid as a method meant avoiding, on the one hand, taking any of the organising practices as a reference point and, on the other, referring to previous research by assuming that there are 'standard' (and static) practices for different organisations, resulting, for example, in a stereotypical opposition of trade unions and activist groups. On the contrary, our methodological and epistemological positioning enabled us to analyse how the different practices developed by all types of collective actors representing the SSE intersect, reconfigure, and take on new meanings in their making and in their interactions with other organisations.

This chapter shows how interactions between different collective actors consolidated the collective representation of the SSE in the countries studied and how they shaped their industrial relations' institutions. Unlike most studies, which have investigated the emergence of representation of hitherto under-represented workers mainly in terms of strategic choices of traditional industrial relations actors, our research instead analysed the interactions between trade unions, employer organisations, self-employed associations and freelance activist groups, and the transformation of their practices of recruiting and organising. The chapter conceptualises industrial relations systems as being always in process and consisting of more or less close relations

between the different collective actors within the frame of SSE workers' representation, which includes organisations both internal and external to the institutional infrastructure of industrial relations systems. The findings point out the interdependence of the actors studied in the development of SSE workers' collective representation, and more specifically, that their strengthening relations stimulate its emergence, although to a different extent, in all national contexts, from more centralised and consolidated industrial relations systems to more fragmented and decentralised ones.

9.2 Frames of Collective Representation

With the concept of 'frame', Goffman (1974) argues that actors are involved in a plural everyday constituency of different frames of reference that elicit different representations and practices. Goffman thus calls for attention towards the context of the action and understands a frame as a definition of situation, organisation of experiences, or as the place 'where the action is' (Goffman, 1969). The concept of frame, therefore, helps to consider individuals as continually navigating and adapting to different contexts that trigger different experiences and different orientations of agency. This means that the more distant or contradictory the experiences are from those usually experienced by the subjects, the more actors must develop a creative capacity to interpret and act within novel frames (Goffman, 1974; Rebughini, 2021).

The idea of framing was transferred to industrial relations by Frege and Kelly (2003) when they applied social movement approaches to trade union studies. They conceptualised framing processes as ways in which unionists perceive and think about changes in their external context as threats or opportunities. Organisational structures, leaders, and collective identities have been identified as the variables that push unions to either replicate old patterns of behaviour in reacting to new issues or to adopt new strategies. In our research, to study the collective representation and organising of the SSE – a category of workers whose representation is still poorly developed in most European countries, unlike that of employees and employers – we decided instead to return to a more interactionist approach and to include in our research design more than just trade unions. We thus focused on all collective actors that populate the arena of SSE workers' representation, and especially on the interactions and more or less stable relationships between them, assuming that each of them makes sense and shapes discourses and practices on collective representation in relation to other collective actors. In studying this field, we have investigated how practices of representation were reshaped, adopted, developed, and eventually consolidated. In doing so, we especially explored the idea that contradictory (or differing) frames from the usual ones can stimulate more creative discourses and practices of collective representation and organising. This made it possible to grasp elements that would not have otherwise been visible and to analyse, as they unfolded,

not only discourses and practices already ‘normalised’ within the organisations studied but also those still unexpressed, which emerged in interactions with other organisations.

9.3 Configurations of Interactions and Frames of Action in Six European Countries

9.3.1 *The Netherlands: A Consolidated Representation with Overlapping Tasks*

Industrial relations in the Netherlands are still characterised by a strong concentration of interests on the side of both employees and employers, although it has become more decentralised in recent decades (Mundlak, 2020). Strongly institutionalised bipartite (Foundation of Labour) and tripartite (Economic and Social Council) forums that influence political decision-making underpin this system. In our project, the main trade unions Federatie Nederlandse Vakbeweging (FNV), Christelijk Nationaal Vakverbond (CNV), Vakcentrale voor professionals, and De Unie, represented in the tripartite, were followed. Alongside these, the organisations studied included Platform Zelfstandige Ondernemers (PZO, a platform for the SSE supported by the main employer federation VNO-NCW), which also participates in the tripartite, and ZZP Nederland and Vereniging van Zelfstandigen Zonder Personeel (VZZP), two self-employed associations operating outside of the tripartite. Based on the suggestions of the research participants, experts from diverse platforms raising awareness about solo self-employment were also contacted, such as ikwordzzper.nl, ZiPconomy, and Werkvereniging.

According to our findings, policies to support self-employment encouraged the growth of SSE workers in the Netherlands in the second half of the 1990s. The first SSE association, VZZP, and the first SSE trade union, FNV Zelfstandigen, were established in 1995 and 1999, respectively. In 2000, FNV created a specific union branch for the SSE in the construction industry called FNV ZBo. Moreover, especially from the 2000s, new actors, such as ZZP Nederland, with their personalised services, began to compete with established actors for the new opportunity to represent the SSE. As a result, traditional actors in the Netherlands modified their institutional frameworks to recruit SSE workers. On the one side, in 2002, PZO – an umbrella organisation that gathers many associations of self-employed professionals – was set up with the support of the main Dutch employer organisation. On the other side, in 2005, the other major trade union federation, CNV, established a section, CNV Zelfstandigen, and started working with ZZP Nederland, which was established in the same year as a website with a helpdesk to provide information to the SSE.

Thanks to the interactions between established and emerging actors, common practices for the SSE circulated among organisations, such as member discounts on health and disability insurance, legal and financial counselling,

and individual support and training. In the arena of political power, the organisations strengthened their relationships and frequently collaborated despite competing over membership. Although being outside of formal institutionalised industrial relations, the representative of ZZP Nederland noted how a coordinated ‘polder’ system of Dutch industrial relations stimulated cooperation and facilitated frequent interactions between traditional and alternative actors, which led to a gradual convergence of discourses and practices and to a consolidation of the field of SSE representation:

That’s one of the most important things, that you can battle on the content, but not on your relationship. It’s a different way of looking at things, we need each other, but we don’t have to agree.

Over the years, the richness of perspectives on solo self-employment increased the visibility of the SSE. In 2009, the government consulted the tripartite Economic and Social Council on the topic of solo self-employment and, a year later, the Council, in collaboration with the representative organisations, including both VZZP and ZZP Nederland, produced the first comprehensive policy document about SSE workers as a distinct category of workers in the Netherlands. Moreover, FNV Zelfstandigen and PZO both acquired a seat in the Council in the same year. Such institutionalisation did not stop the development of representation, as the relations between ‘inside’ and ‘outside’ actors continued to transform the frame in which representation takes place. From the beginning, FNV Zelfstandigen had an ambivalent relationship with the main trade union federation FNV to which it was affiliated because of different opinions on the importance of SSE workers representation. In the following years, these relations evolved in different ways. In order to enhance its voice and create a union with a distinct sectoral structure, the largest FNV federal unions merged in 2015 to form one union with 900,000 members. At the same time, FNV ZBo decided to form an independent organisation – Zelfstandigen Bouw – which became an important actor over the years. FNV Zelfstandigen, which until then had been independent, instead merged with the FNV along with several other organisations and became part of one large union. Such restructuring also impacted relations with other actors. As an example, the director of ZZP Nederland saw the decision of FNV Zelfstandigen as a pro-employee position and claimed that ZZP Nederland wanted to differentiate itself from both ‘pro-employer’ PZO and ‘pro-employee’ FNV Zelfstandigen by supporting ‘genuine’ SSE workers. Such tensions within the FNV were also reflected in the debate on platform work on whether the best way to help platform workers was to focus on a legal way to convert them into employees or to organise them as SSE. In the end, FNV concluded that the two pathways were not mutually exclusive but complementary. For example, the FNV taxi branch has advocated for non-platform taxi drivers to get Uber to set a level playing field, but at the same time tried to reach out to the platform worker communities to get them to think collectively about

their working conditions. Similarly, FNV adopted the first Riders Union. The same approach was also used for local platforms, which have spread in the Netherlands, for example in the care sector and the construction industry. For instance, in 2018, a Dutch-owned platform operating in the hospitality sector signed a joint cooperation agreement with the FNV-affiliated hospitality union to set higher standards than other platforms. According to FNV representatives, this strategy proved to be successful when, in 2019, prior to the Guidelines approved at the European level, the Dutch antitrust authority decided that the SSE could negotiate a collective agreement with tariffs under certain conditions, which opened up further opportunities for Dutch unions to represent them.

In this frame, in 2019, the Dutch government and social partners came to a compromise on the contentious subject of SSE workers' obligatory disability insurance. FNV Zelfstandigen and PZO participated in the negotiations, but ZZP Nederland was not included. A PZO representative nevertheless claimed that further negotiation of the concrete proposal must also involve ZZP Nederland and other smaller but active actors representing the SSE; otherwise, the process would have lacked full legitimacy:

That means that the traditional way of operating is going to progress into something new, but how it will be done, it's not sure – whether in the Economic and Social Council, in the Foundation of Labour, or there would be an independent platform; this is still under discussion.

This negotiation was indeed seen as a sort of precedent for future policymaking regarding the SSE. A sign of this was the emergence, in October 2020, of a new collective actor – Vereniging Zelfstandigen Nederland (VZN, United Self-Employed Netherlands) – composed of ZZP Nederland, Zelfstandigen Bouw, and several other actors, including a successor of VZZP, the first Dutch SSE association. Moreover, in 2022, the chairwoman of VZN gained a seat in the tripartite Economic and Social Council, thus concentrating the interests of SSE workers. The VZN can then be seen as a third actor standing between the FNV Zelfstandigen and the PZO supported by the employers' confederation.

9.3.2 *The United Kingdom: A Consolidated Representation with Division of Tasks*

Since the 1980s, under Margaret Thatcher's government, the promotion of an 'enterprise culture' created a fertile ground for self-employment (Schulze Buschoff and Schmidt, 2009). This initiative enjoyed facilitation and progressive reductions in bureaucratic procedures and costs (European Employment Observatory Review, 2010). Privatisation and outsourcing programmes further favoured self-employment, stimulating the creation of small production and service companies, with various SSE workers offering services as subcontractors (Kitching, 2015). Moreover, from Thatcher's government onwards,

different policy initiatives aimed at guaranteeing mentoring and financial assistance measures for unemployed people willing to set up their own business have been introduced, supporting the growth of self-employment. Its rise in the following years was also due to the lack of good job opportunities guaranteeing acceptable living standards. In consequence, unemployed people have been pushed towards self-employment (Dellot, 2014).

As in the other countries, in the case of the United Kingdom, we also considered the variety of the extant collective actors. As far as trade unions are concerned, there is a long tradition in terms of organising and representing SSE workers, for example in the creative sector, which traditionally has a high percentage of freelance workers. Among well-established unions are Equity, created in 1930, which represents performers and creative practitioners (see Chapter 10), the Musicians' Union, the Writers Guild, the National Union of Journalists, as well as BECTU, whose members are mainly those who work backstage and behind the camera. Next to the creative industries, Unite the Union – focused on construction, manufacturing, transport, and logistics – tackled the significant rise of the SSE, especially in the construction sector. More recently, other unions have started exploring SSE worker representation. This is the case with GMB, which started representing Uber drivers and Deliveroo couriers, as well as Community, a union traditionally focused on iron and steel, textiles, and footwear, that started representing the SSE of the service sector.

Outside the Trade Union Congress, the Independent Workers' Union of Great Britain (IWGB) – the indie union founded in 2012 that is mainly focused on low-paid migrant workers – emerged as a key actor representing platform workers, drivers, and couriers in particular. At the time of the fieldwork, IWGB combined direct actions like wildcat strikes, flashmobs, and protests with legal actions and a structured activity of counter information through social media with the aim of denouncing the exploitation and discrimination suffered by workers. Moreover, IWGB fostered networks at national and international levels, participating in specific campaigns (together with NGOs, other indie unions, associations, and activists) such as the 'Kill the Bill' campaign (2021–2022) against the restrictions on public demonstrations promoted by the Johnson government and the global campaign to boycott the Deliveroo Initial Public Offering on the London Stock Exchange promoted by the International Transport Federation Union that involved well-established trade unions, independent unions, as well as grassroots groups and representing platform workers around the world.

In addition to unions, a variety of professional associations, with different focuses and strategies, played a significant role in representing self-employed and SSE workers. Among them the most representative at national level was the Independent Professionals and the Self-Employed (IPSE), the main national association of highly skilled freelancers and independent contractors, established in 1999 as the Professional Contractors Group, a protest group against the tax statute in force at the time. IPSE developed mainly

consultancy, lobbying, legal assistance, networking, and training activities for a large number of professional contractors and freelancers providing services to companies. During the SHARE project, its activity implied a strong interaction with other professional organisations and unions, developing specific activities in coordination:

We have lots of friends who are within, in and around our world, lots of organisations that we work with. Some of them you could describe as competitors, but we don't go about trying to do them down, in fact I'm a friend with some people. For example, there's an organisation called the Federation of Small Business, but they've actually sort of changed their name, or began to extend their name to the Federation of Small Business and the Self-employed. We are in contact with them; when everything changes fast you always need a network to share and get insights. We also work with Community Trade Union; they don't specifically represent self-employed people, but they do a lot of work around them and we're doing the Disability Project.

As mentioned by the interviewee, the collaboration with the trade union Community on the specific topic of disability resulted in the report *Making Self-Employment Work for Disabled People* (2019). Although unions and professional associations tended to represent different professional figures, at the time of the fieldwork, the interactions as well as coordination efforts were quite intense, as stated by unionists belonging to both Equity and BECTU:

We do work with part of an organisation called the Federation of Entertainment Unions, which includes BECTU, the BECTU Sector of Prospects, the Musicians' Union, the Writers' Guild, and even the creative, the cultural sector of the PCS union.

Beyond the Federation of Entertainment Unions, there are lots of professional guilds. A lot of them are a lot smaller than we are, they're more like clubs. So, there's camera guild, there's two sound guilds, there's the Assistant Directors Association, which is a big organisation, and we have a very good and close relation with them. They make it cheaper to be a member of the Assistant Directors Association if you're a BECTU member and vice versa.

SSE workers' representation in the creative industry was therefore already consolidated at the time of our study, with a range of collective actors presiding over specific labour sectors and specific groups of workers, with limited overlapping and thus also limited competition. The dense network of interactions and coordination activities to represent the SSE indicated that the field of representation was already significantly developed, offering a wide range of services, such as training, legal advice, networking activities, and consultancy.

9.3.3 *Germany: Between Consolidated and Developing Representation*

The German industrial relations system is characterised by the centrality of the bipartite dialogue, both at the branch and at the firm level. The union landscape is unified: the Deutscher Gewerkschaftsbund (DGB) – for German trade union confederation – represents more than 5.5 million members in eight unions organised by sector. During the fieldwork, several unions that were part of the DGB were followed: the Vereinte Dienstleistungsgewerkschaft (ver.di) representing the service sector; IG Metall, organising workers in the metal, textile, wood, and plastics industries; and IG BAU, which gathers workers from the construction, engineering, forestry, and agriculture sectors. Representatives at the DGB level were also interviewed. In parallel, the case of Verband der Gründer und Selbstständigen Deutschland (VGSD), officially translated as the Association of Founders and Entrepreneurs Germany, was also explored, as was the network co-founded by VGSD, Bundesarbeitsgemeinschaft Selbstständigenverbände (Bagsv), the federal working group of associations of the self-employed.

At the time of the fieldwork, contrasted perceptions of SSE worker representation coexisted within DGB. Historically, ver.di was a pioneer in organising the SSE. One of the five trade unions that merged to give rise to ver.di in 2001, IG Medien, was already used to representing SSE artists and journalists. Since 1999, one person has been put in charge of SSE members, and a consultancy service for the SSE had been created in 2000. Within ver.di, the cross-sectorial section ver.di Selbstständige was thus providing support to SSE members and lobbying to improve their access to social rights (Mirschel, 2018; Pongratz and Abbenhardt, 2018). As an example, it was engaged in collective bargaining processes aiming at improving the working conditions of the SSE legally framed as dependent SSE – *arbeitnehmerähnliche Person* – and therefore entitled to negotiate with their main contractor (see Chapter 10). As mentioned by one of the ver.di Selbstständige representatives, they also did internal advocacy work to convince both other unions and executives at the confederal level of the relevance of organising the SSE:

There were five trade unions merging in 2001 and only one out of five was allowed to organise the self-employed. And then we became a part of ver.di, and this was really hard because a lot of colleagues didn't understand: "why do we have entrepreneurs now as members and why do we organise them?", and "they are all bogus self-employed". So, "if we make them dependent workers, we have no more problems", they said. [...] So, it took time to convince our own organisation and society as a whole that SSE maybe have something in common and face the same problems as other workers.

A contrasting position was defended by IG BAU, where the issue of SSE workers was mainly perceived in terms of bogus self-employment. Union representatives were deploring the development of illegal practices resulting in an

increased precariousness and a general deterioration of working conditions. In this vision, only one quarter of the SSE could be considered genuine SSE workers, and their limited access to social rights was exposing them to difficulties, calling into question the relevance of their decision to work as SSE. Between the two differentiated positions of ver.di Selbstständige and IG BAU, IG Metall launched the project *Fair work* to more specifically support SSE platform workers. Based on a rating of the main digital labour platforms according to the working and pay conditions of their workers, this project was aimed at improving the situation of platform workers to bring them closer to employees, but without considering them a priori as bogus SSE workers to be requalified. In this frame, actors from the field described a long-lasting process to build a shared position at the DGB level. A DGB representative expressed in particular the necessity to tackle bogus SSE workers (not denied by ver.di representatives) and at the same time the need to organise and represent the genuine ones:

Our public position is a political position. It is not the organising approach. [...] We make a big difference between false SSE and real SSE. In the first case, we support people who want to have their rights as employees, going to court and so that the court recognises that they are employees and integrated in the process of a certain company. [...] And for workers who have always been SSE, we have a trade union organising those people as well within ver.di. [...] It allows members to compare what you are doing and what is the market price for what you are doing, so that they do not work under the market price, which is one element of trade unionism for the SSE.

The DGB, in general, and ver.di Selbstständige, in particular, were thus identified as representatives of SSE workers. At the time of the fieldwork, a reform of the health system had just been adopted to lower the compulsory contributions of the SSE, and the government started a reflection on the integration of SSE workers into the public pension system. In both processes, ver.di Selbstständige and DGB representatives were invited to the Ministry to discuss the legal changes to be implemented.

DGB and ver.di Selbstständige were not the only organisations being consulted on such issues. In 2017, Bagsv, a network gathering self-employed associations from different sectors, emerged. This network was initially created by sectoral self-employed associations, such as the Allianz deutscher Designer – the alliance of German designers – and VGSD. VGSD was born in 2012 to protest the introduction of compulsory pension contributions for the SSE. Representing both SSE and small firms of up to nine employees, VGSD mainly defended liberal positions, criticising the trade unions that wanted to include the SSE into the public pension scheme:

If you talk about the pension system and having self-employed people included and being forced to pay into the state-run pension system,

there's a joint interest in unions and employers to get the SSE to pay into the system because if they pay into the system, the employers and employees have to pay less. [...] So, we need a lobby on our own. There are lots of processes where SSE aren't invited, even if it's about self-employment, and it's about us and the rules we have to follow, it's money we have to pay but we're not represented because it's only unions and employers.

With VGSD having mostly knowledge workers among its members, the decision was made to create Bagsv to mutualise the lobbying activities of small self-employed associations and to enhance their political clout by being identified as a cross-sectorial network (see Chapter 10). This strategy has proved successful, as Bagsv was systematically invited by the German ministry to discuss ongoing reforms or financial support for the SSE in the pandemic context.

9.3.4 Italy: Developing Representation from Conflict to Cautious Cooperation

In the late 1990s, Italy witnessed a growing public debate concerning a new generation of SSE. Bologna and Fumagalli (1997) defined it as a 'second generation' of SSE workers, primarily engaged in knowledge-based and service-oriented activities within the advanced tertiary sector. In particular, this emerging narrative on solo self-employment claimed the need to guarantee access to forms of social protection and collective representation to all freelancers, and not only to bogus and dependent SSE workers, initially at the centre of the interests of the traditional trade unions. Indeed, in the late 1990s, trade unions created separate categories within the union for 'non-standard workers', including the SSE: Nuove Identità di Lavoro (NIdiL) within CGIL; Federazione Lavoratori Somministrati Autonomi ed Atipici (FELSA) within CISL; and UIL-Temp within the Unione Italiana del Lavoro (UIL). Nevertheless, it was only in the late 2000s that the confederal trade unions and their branches for non-standard workers also began to turn their attention to 'genuine' SSE workers. Also because of this lack of representation, ACTA – the first national association of freelancers – was founded in 2004 and openly self-identified as a quasi-union. The association managed to open for the first time a space between bogus self-employment and entrepreneurs and to emphasise the need for SSE workers' collective representation:

In the situation of weakness towards the market, being part of an organisation that protects freelancers is a way to strengthen the position of freelancers in the market. In this sense, ACTA is experimenting with new ways to aggregate freelancers [...]. In other words, tackling the market collectively means being stronger than tackling it individually.

In its early years, the association distinguished itself by a different approach not only from trade unions but also from other SSE associations, such as the Coordinamento delle Libere Associazioni Professionali (CoLAP) (the umbrella association of independent professionals) and Confprofessioni (the umbrella association of self-employed in regulated professions), who traditionally had more institutional contacts and connections with national politics:

At the beginning, we, and particularly me, I had a lot of meetings with trade unions. They knew almost nothing about solo self-employment. [...] Probably, as we realised, to understand the situation of freelancers, you must have experience of freelancing yourself.

We've noticed that during participation in institutional discussions, other organisations seem more familiar and at ease with the institutional representatives. They engage closely with regular attendance. In contrast, we present our position, explain our stance, and depart without establishing the same level of confidentiality with the institutions.

The relationships between different collective actors have gradually changed over the years. In particular, in 2009, the CGIL decided to create the 'Consulta delle Professioni' (the Council of Professions). The 'Consulta' was mainly a network where the CGIL could engage in discussions with a range of professional organisations, each with different and sometimes conflicting goals (Borghi and Cavalca, 2015). These included several collective actors focused on self-employed workers (especially with employees), such as CoLAP, Confprofessioni, and Confassociazioni (the umbrella association of self-employed in non-regulated professions):

The Council has been created to think, in a structured way, about self-employment [...] Considering the multitude of employment contracts and working conditions, the concept of 'atypical' no longer makes sense.

In addition, the Consulta promoted a series of studies on self-employment (see Di Nunzio and Toscano, 2015). Then, in 2018, the union CGIL decided to replace the trade union association 'Agenquadri', focused on executives, with the new association 'Apiqa' – focused more broadly on both dependent and self-employed professionals – that inherited the work done by the Council of Professions, although at the time of the fieldwork it was not yet clear how the union wanted to reactivate the network built in 2009.

As far as the other trade union confederations are concerned, in 2012, UIL gave birth to UILTuCS-Workers, a trade union consultancy platform dedicated to ICT workers. In the following years, the same platform broadened its target to also focus on platform workers by also managing to have a dialogue with the grassroots groups that mobilised food-delivery riders, in

particular the activists of 'Deliverance Milano'. Instead, the CISL adopted a different approach, more focused on professionals in the service sector. By relying on the experience of FELSA on atypical and SSE workers in retail and service sectors, it created in 2016 the association vIVAce!, with the aim to organise especially young freelancers through an online community for sharing information, fighting professional isolation, and delivering tailored services such as consultancy, legal, and accounting assistance.

Focusing on the relations between trade unions and other collective actors, during our study we reconstructed that trade unions, from the late 2000s onwards, gradually started to invite employer organisations and SSE associations to their initiatives, and, conversely, employer organisations and SSE associations started to open their initiatives to trade unions and other collective actors. Hence, from relying on parallel or competitive strategies, the organisations became progressively aware of each other and of the emerging field of the representation of SSE workers. In this process, the government played the role of an external factor. According to research participants, when it asked relevant organisations to consult about the law on non-regulated professions, which later became law 4/2013, the consultation moved the claims forward but without leading to the consolidation of inter-organisational relations due to divergent positions:

Through Law 4, despite its limitations, we have achieved formal recognition as representative of a workforce that was previously overlooked. This law allows self-employed workers without a professional body to emerge and be represented. Finally, this segment of self-employed workers is receiving the recognition it deserves.

However, several actors noted that this measure proved to be largely ineffective in bolstering the position of professionals in their respective labour markets. A few years later, the consultation of the regulation dealing with social protection and taxation, which later became law 81/2017 on self-employment, created instead the conditions for an informal coordination between different organisations. Each of them presented its position, but at the same time made an effort to find a common agreement. Interesting and symbolic evidence of these evolving connections can also be seen in the following campaigns. As an example, in 2019, CGIL, CISL, Confprofessioni, and ACTA formulated a common online petition for the end of non-paid consultation services solicited by public authorities.

For a number of years, opportunities for dialogue and coordination between the various types of collective actors representing the SSE have therefore flourished (especially on the issue of social protection), even between organisations that until a few years earlier were in open conflict. However, the culmination of a coordination effort lasting more than a decade, leading to the approval of the 2017 law, has been followed by the gradual eclipse of the self-employment debate. In 2019, the CNEL

(National Economic and Labour Council) established the ‘Council on Self-Employment and the Independent Professions’, in which all actors involved in SSE workers’ representation participated. In particular, in the summer of 2019, this new body urged the Ministry of Labour to activate the permanent technical table on self-employment, provided for by Law 81/2017 but not yet launched. A bill on the protection of SSE workers was also submitted to Parliament in 2020, but the Council’s activities came to a halt with the advent of the pandemic.

9.3.5 *France: Developing Representation with Growing but Still Fragmented Initiatives*

In the French context, traditionally characterised by conflictual relations between trade unions and employer associations, the state has historically played an important role. Industrial relations are quite centralised, even if, in recent decades, several laws have tended to confer an increasing clout to local bargaining processes (Rehfeldt and Vincent, 2018). In such a fragmented union landscape, as far as trade unions are concerned, we interviewed representatives of the main union confederations: the Confédération Française Démocratique du Travail (CFDT), the Confédération Générale du Travail (CGT), Force Ouvrière (FO), the Confédération française de l’encadrement – Confédération générale des cadres (CFE-CGC), and the Union syndicale Solidaires. In parallel, self-employed associations, such as the Fédération Nationale des Auto-Entrepreneurs et micro-entrepreneurs (FNAE) and the Union des Auto-Entrepreneurs (UAE), were also investigated. Moreover, as in other European countries, in France too, activist groups have recently been created to represent the rights of the SSE working through digital platforms. In particular, we studied a grassroots group of platform delivery riders – the Collectif des Livreurs Autonomes des Plateformes (CLAP).

The conducted interviews confirmed that French trade unions historically focused on representing employees. However, for most trade unions, the collective representation of SSE workers was not an unexplored territory, especially in the case of specific professional groups, such as artists and taxi drivers (CGT and CFDT), fishermen (CFDT), or IT professionals (Solidaires). Within the CGT, we specifically explored the case of the Syndicat National des Artistes Plasticien·nes (SNAP), which has represented SSE visual artists since 1977. This trade union was described as an exception in the CGT landscape, and the consequences of the legal independence of SNAP members were the subject of reflection by federal representatives:

It’s still in its infancy to organise self-employed people in the CGT, apart from artists/authors, it’s still in its infancy, it’s still a vast field... and it’s very different. [...] The fact that there is no employer means that there are no union rights.

The collective representation of SSE workers recently came to the forefront with the expansion of platform-mediated work. All trade unions initiated a far-reaching reflection to analyse these emerging employment forms and consider the role they could play in defending them. In FO, this process started with a discussion about the digitalisation of work. In the CGT as well, the development of digital labour platforms raised awareness of the need to organise these workers to avoid a social dumping likely to weaken employees' rights and working conditions. The support provided to SSE platform workers was then combined with a defence of wage-employment institutions.

During the fieldwork, we observed cases in which the will to organise SSE workers required fundamental changes in the statutes of unions. In the case of Solidaires, the missions of the trade and services federation were changed in 2017 to put more emphasis on the integration of the SSE. In the CFDT context, an amendment about 'unionisation and representation of freelancers' was voted on during the 2018 Congress and approved with 92% of the votes. From this date, the SSE were formally welcome in the union. During the 2010s, a general shift was therefore observed in all the main French trade unions, which formally broke with a historical tradition focused, albeit with rare exceptions, on employees and displayed a clear willingness to organise the SSE, particularly platform workers. If this shift represented a historic turning point in union discourses, at the time of the fieldwork, the practice of representing the SSE was still quite limited and based on initiatives taken by each union on its own. The CFDT was probably the most advanced, establishing a cross-cutting freelance category and working on a platform aimed at gathering IT and communication freelancers. But the construction of this platform was slowed down by internal obstacles at the time of the fieldwork. For most trade unions, the initiatives aimed at including the SSE were mainly focused on specific groups, such as platform drivers or delivery riders, and were often based on cooperation with pre-existing grassroots groups, as in the case of the CGT *syndicat des coursier-es à vélo de Gironde* for riders or the FO Capa-VTC for drivers.

Alongside the trade unions, new associations emerged to defend the interests of SSE workers, such as the UAE and the FNAE. Both were born in 2009 after the introduction, in French law, of a simplified social regime aimed at fostering self-employment: the *auto-entrepreneur* regime, created in 2008 and then renamed the *micro-entrepreneur* regime. Both associations actively engaged in defending this new social regime, attacked in particular by groups of craftworkers that considered the auto-entrepreneur regime as unfair. Moreover, UAE and FNAE also aimed to provide some support to auto-entrepreneurs who were often inexperienced in self-employment, developing consultancy, and a service offer. The similarities between the two organisations may explain why they tended to be in competition to be acknowledged as the main actor representing auto-entrepreneurs:

In traditional organisations, it's still a trade-based approach. We have taken the opposite approach, because we are not looking at a

particular profession, we're looking at a regime, so we have represented all micro-entrepreneurs. [...] So, bringing them together around a status, that is to say around what guarantees them a form of security in their work, seems to me to be smarter than bringing them together around a profession.

However, over the years, UAE has gained less legitimacy in the representation of auto-entrepreneurs, whereas FNAE managed to expand its membership. Although it was growing, the FNAE was still facing the challenge of being formally included in an industrial relations system relying on the classical dichotomy of trade unions versus employer organisations. For instance, an important institutional space, the Council for the social protection of self-employed workers, was composed of several professional groups, such as craftworkers or shopkeepers, but no distinction was made between SSE and business owners with employees. The FNAE thus decided to build an alliance with one of the three main employer organisations, the Confédération des Petites et Moyennes Entreprises (CPME). Eventually, in 2019, the FNAE managed to obtain two seats on this council and to be formally included in all consultations regarding social rights of the SSE. However, if this institutional recognition represented a step forward in the construction of collective representation of the SSE, it only concerned a specific legal category, the auto-entrepreneurs, and not the SSE as a whole.

9.3.6 *Slovakia: Emerging Representation with Weak Cooperation*

Industrial relations in Slovakia feature a low concentration of interests on both labour and employer sides, with the result that the system is decentralised. Despite there being a centralised tripartite structure, this has been described as a 'political shell' (Pollert, 1999) rather than a real coordinating mechanism. Consequently, the main industrial relations actors target labour legislation, with a main orientation towards government. In our research project, the focus was on the main trade union confederation, Konfederácia Odborových Zväzov Slovenskej republiky (KOZ), which represents the labour side in the tripartite. Regarding other collective actors, the researcher followed Slovenský živnostenský zväz (SŽZZ) and Slovenská živnostenská komora (SŽK) – organisations of sole-traders (which is the legal status of the majority of the SSE in Slovakia), both represented in the tripartite through umbrella employer organisations. Information was also collected from the business associations of SMEs Slovenská asociácia malých a stredných podnikov a živnostníkov (SAMP) and Združenie mladých podnikateľov Slovenska (with the official English name Young Entrepreneurs Association of Slovakia and the abbreviation YEAS). Finally, the activities of the semi-public agency created to strengthen the business environment – Slovak Business Agency (SBA) – were also observed.

Despite the significant growth of SSE workers in Slovakia in the 2000s, trade unions have only occasionally addressed the issue of solo self-employment. Few initiatives by unionists or individuals who would contact unions to be represented as SSE could be found, such as journalists and artists; however, none of these activities were successful. Unionists were aware that the SSE had the right to join trade unions, but in practice, this did not happen, in part because of practical difficulties, such as the need to amend the statutes and the fact that unions did not know what they could offer them. They indeed framed their activities with explicit reference to what they could do for employees, which would not work in the case of SSE, as a KOZ unionist expressed:

Of course, we can represent them individually. They become members of our organisation, and we can help them, provide legal services, they will pay a membership fee. But there is no option of systematic support, for example that we negotiate any collective agreement on behalf of them, because neither on the part of employers, there is no partner.

Another group of actors was composed of three associations that claimed to represent self-employed workers with the status of sole-trader: SŽZ, SŽK, and partly SAMP. However, despite them all agreeing that unions exclusively represent employees and that employer organisations represent the interests of ‘big employers’, they were unable to work together. Therefore, the sole-trader associations frequently found themselves in competition for the same membership and primarily targeted craftworkers like painters and plumbers. The associations’ activities mainly focused on the legal aspects of being a sole-trader, and the emphasis was on commenting on planned regulations and lobbying policymakers.

The only organisation taking a distinctive position, at least partially, was SŽZ. First, it brought together guilds that also had their own autonomous internal life consisting of networking and exchanging experiences. Second, in 2019, this association also participated in a campaign to raise awareness of occupational safety and health among tradesmen. In doing so, it nuanced its previous approach of opposing any tightening of workplace occupational health and safety rules that would also affect the SSE, as often proposed by trade unions. The following research field notes show how SŽZ changed their approach from opposition to a more constructive attitude that brought them closer to the position of trade unions. They planned to contact the sole-traders in their place of operation, in this case the wholesalers:

[The representative told me that] the Health and Safety regulation is primarily targeted at employees. Many firms just outsource it to the external firm. And this does not often involve sole traders. Their position is mentioned in the law very generally (“sole traders should take care about health and safety”). The new leadership of the labour

inspectorate decided to focus on that, but they have no budget. So together with SZZ through SBA – which has a budget – they created electronic brochures and now they are working on videos and physical brochures to be distributed in wholesalers frequented by craftworkers.

Similarly, YEAS, an association supporting small businesses, launched a mobile app in 2018 to alert users to new legislative changes and proposals. In addition, users can comment on some of the changes, allowing YEAS to collect information from the SSE who are not organised (see Chapter 11). YEAS and SZZ often cooperated with the support of the SBA, which was founded together with the Ministry of Economy by SZZ and the Association of Slovak Entrepreneurs, which was very close to YEAS. In addition to this cooperation, in 2019, SZZ was able to join the newest employer umbrella organisation after great effort and negotiation with the other two employer organisations. SZZ belonged to one of the umbrella employer organisations until 2016. This membership gave its representatives access to meetings of the tripartite and with union representatives. Although SZZ, in the opinion of unionists, was behaving more as if they were representing employers rather than sole-traders, in the past there had been a few rare occasions when they found common ground, which helped to improve the position of sole-traders, particularly in the construction sector. However, following a disagreement, SZZ ceased to be a member of the umbrella employer organisation in 2016 and, as a result, stopped participating in the tripartite, which disrupted the contacts with trade unions. It remains to be seen whether the renewal of the SZZ's membership in the employer organisation will bring more attention to the SSE. In any case, in 2020, during the pandemic, SZZ disrupted the strongly entrepreneurial framing of SSE workers and drew attention to the fragility of their situation. This was enabled by new practices such as regular online communication with the SSE.

9.4 Discussion and Conclusions

In this chapter, we compared the six countries studied by looking at the degree of consolidation of SSE worker representation. More specifically, drawing on Goffman's frame theory (1969; 1974), we examined how different frames of SSE worker representation interact (or fail to interact), thereby transforming and possibly consolidating themselves. We considered as consolidated those frames of action where the significant collective actors perceived discourses and practices of representing and organising the SSE as part of their repertoire and already stabilised. In the contexts where established practices were not observed, we instead identified developing or yet-to-emerge practices of SSE worker representation. To summarise, we observed a consolidated SSE worker representation in the Netherlands and the United Kingdom; Germany was instead a sort of intermediate case between consolidation and development; in Italy and France, at the time of the fieldwork, a range of collective actors was

developing several actions to engage with the SSE; and Slovakia was identified as a context where SSE worker representation was slowly emerging.

Both in the Netherlands and the UK, SSE worker representation was consolidated, but in different forms. In the Netherlands, the centralised structure of tripartite and bipartite encouraged smaller and alternative actors to join forces to gain institutional influence, such as in the case of the VZN. This happened in a frame of cooperation between actors guaranteed by the ‘polder’ model. As a result, the main actors inspired each other and developed a set of practices of both individual support and collective representation of the SSE that in 2018–2019 were already consolidated. Differently from the Netherlands, which has a deep tradition of formal social dialogue at national level, in the UK the fragmented sectionalism often attributed to craft unionism has not led to close cooperation between the different collective actors representing the SSE. Relevant interactions between similar or complementary actors (e.g. between indie unions or between organisations that offer different services, as in the case of the media and entertainment industry) were instead observed.

In the intermediate case of Germany, we recorded a different dynamic, with different frames of SSE worker representation occurring already within the main DGB trade union confederation. Interactions of ver.di Selbstständige representatives with their parent organisation and with the confederal level also contributed to an increasingly articulated view of the frames in which the representation of this particular category of workers has developed. In fact, trade unions no longer saw the sole objective as being turning the bogus SSE into employees but also of representing the genuine ones and defending their interests through a cross-sectoral approach. At the same time, the high concentration of interests on the part of both trade unions and employer organisations prompted smaller SSE associations to unite under one umbrella organisation, Bagsv, which has since succeeded in becoming a partner in government consultations. In particular, the political positions defended by trade unions, based on rights and fair remuneration, left some space for associations adopting a more business-oriented approach, eager to limit bureaucracy and mandatory social contributions to be paid by the SSE. This also implied a rather competitive dynamic between trade unions and associations belonging to Bagsv.

In Italy and France – where industrial relations were historically conflictual and highly politicised, with a moderate level of involvement in socio-economic government policies – the trade unions showed a delayed response compared to other European countries to the call for SSE worker representation. In Italy, where the inability to build long-term alliances dates to the 1970s, when trade unions distanced themselves from social movements, solo self-employment, and even more so that done through digital labour platforms, has provided an opportunity to make alliances, although unstable, with both SSE associations and activist groups. In France, where trade unions have traditionally been more capable of establishing long-term alliances with

activist groups, we could also observe some fruitful approximations between trade unions and self-organised groups of platform workers, especially in the delivery and transport sectors.

In Slovakia, the centralised structure was too weak to stimulate actors both to compete by seeking new targets, such as the SSE, and to activate collaborations between different types of collective actors or between similar ones. At the same time, it was rigid enough to leave the emerging actors representing the SSE out of the industrial relations system. Moreover, these collective actors were not able to cooperate in a way that would put enough pressure on the traditional ones. As a result, there were only sporadic attempts by organisations such as the SZZ or YEAS to approach the SSE, and the field of SSE worker representation was still emerging.

To summarise, there is no straightforward connection between the model of industrial relations and the consolidation of SSE worker representation. Rather, the dynamic we observed refers to the fact that once different frames of SSE worker representation emerged, the result was a reversal of the tendency to oversimplify the heterogeneity of this group of workers by recognising it in its complexity. In particular, we showed that the different collective actors representing the SSE are not only in constant interaction but that these interactions stimulate the emergence, further development, and eventual consolidation of collective practices of representation and organising.

Note

- 1 The cooperatives studied are not examined in this chapter since they employ freelancers as employees and thus represent an alternative to self-employment. Chapter 10 is devoted to their analysis.

References

- Bologna, S., and Fumagalli, A. (1997). *Il lavoro autonomo di seconda generazione: Scenari del postfordismo in Italia*. Milano: Feltrinelli.
- Borghi, P., and Cavalca, G. (2015). Frontiere della rappresentanza: potenzialità e limiti organizzativi dell'offerta rivolta ai professionisti indipendenti. *Sociologia del Lavoro*, 4(140), 115–129. Doi: 10.3280/SL2015-140008
- Dellot, B. (2014). *Salvation in a Start-up? The Origins and Nature of the Self-employment Boom*. Royl Society of Arts. Available at: <https://www.thersa.org/globalassets/reports/226768356-salvation-in-a-start-up-the-origins-and-nature-of-the-self-employment-boom1.pdf>
- Di Nunzio, D., and Toscano, E. (2015). *Vita da professionisti*. Associazione Bruno Trentin. Available at: <https://www.fondazionedivittorio.it/sites/default/files/content-attachment/Vita%20da%20Professionisti%20Rapporto.pdf>
- European Employment Observatory Review (2010). *Self-employment in Europe*. Publications Office of the European Union. Available at: <https://op.europa.eu/s/zMPN>

- Frege, C. M., and Kelly, J. (2003). Union revitalization strategies in comparative perspective. *European Journal of Industrial Relations*, 9(1), 7–24. Doi: 10.1177/095968010391002
- Goffman, E. (1969). *Where the Action Is: Three Essays*. London: Allen Lane.
- Goffman, E. (1974). *Frame Analysis: An Essay on the Organization of Experience*. New York: Harper & Row.
- Kitching, J. (2015). Tracking UK freelance workforce trends 1992–2014. *International Review of Entrepreneurship*, 13(1), 21–34.
- Mirschel, V. (2018). Interessenvertretung von (zeitweise) Selbstständigen in der Medienbranche. In A. Bührmann, U. Fachinger, and E. Welskop-Deffaa (Eds.), *Hybride Erwerbsformen* (pp. 131–153). Wiesbaden: Springer VS.
- Mundlak, G. (2020). *Organizing Matters: Two Logics of Trade Union Representation*. Cheltenham (UK), Northampton (US): Edward Elgar Publishing.
- Pollert, A. (1999). Trade unionism in transition in Central and Eastern Europe. *European Journal of Industrial Relations*, 5(2), 209–234. Doi: 10.1177/095968019952006
- Pongratz, H. J., and Abbenhardt, L. (2018). Interessenvertretung von Solo-Selbstständigen. *WSI-Mitteilungen*, 71(4), 270–278. Doi: 10.5771/0342-300X-2018-4-270.
- Rebughini, P. (2021). Agency in intersectionality. Towards a method for studying the situatedness of action. *Socio. La nouvelle revue des sciences sociales*, 15, 189–205. Doi: 10.4000/socio.11329
- Rehfeldt, U., and Vincent, C. (2018). The decentralisation of collective bargaining in France: an escalating process. In S. Leonardi and R. Pedersini (Eds.), *Multi-Employer Bargaining under Pressure* (pp. 151–184). Brussels: European Trade Union Institute.
- Schulze Buschoff, K. S., and Schmidt, C. (2009). Adapting labour law and social security to the needs of the ‘new self-employed’—Comparing the UK, Germany and the Netherlands. *Journal of European Social Policy*, 19(2), 147–159. Doi: 10.1177/0958928708101867

10 Hybrid Cooperatives

An Alternative to Self-employment Ensuring Autonomy, Security, and Solidarity

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10.1 Introduction

While conducting the fieldwork in the six countries studied, we encountered organisations offering an alternative to self-employment to solo self-employed (SSE) workers. As illustrated in Chapter 3, their legal independence actually deprives them of the social protection usually granted to employees, especially in cases of illness, occupational accident, unemployment, or parenthood. Therefore, also in the attempt to prevent the SSE from being compelled to assume sole responsibility for their own career, specific cooperatives emerged to enhance the social rights of these highly individualised workers and to improve their protection against risks through mutualisation processes (see Chapter 4).

Such organisations were not strictly focused on the collective representation or organising of the SSE, but they were nonetheless part of emerging or consolidated frames on these issues, in relation to the other collective actors investigated – both trade unions and SSE associations – in almost all the countries studied. Therefore, although different from the other organisations involved in our research, we decided to explore them, mainly because of their attempt to challenge the dichotomy that has historically contrasted, on the one hand, self-employment conceptualised as a combination of autonomy, risk, and individualistic orientation, and, on the other, wage-employment considered in terms of dependency, security, and characterised by a collectivist orientation (see Chapter 5). By using the organisational model of cooperatives based on the principles of mutualism, these organisations in fact managed to combine autonomy (typical of self-employment) with social security and collective forms of solidarity (classically associated with wage-employment) (Bureau and Corsani, 2017; Martinelli, 2017; Murgia and de Heusch, 2020). This allowed these hybrid cooperatives to provide workers with an original alternative to individualised self-employment (Bajard and Leclercq, 2019; Mondon-Navazo et al., 2022; Mondon-Navazo et al., 2024). Unlike the rest of this volume, in this chapter we do not refer to the category of SSE workers, as in most of the cases examined the focus is on workers who are legally employees. We preferred the broader category of ‘freelancers’, which does

not identify the legal status of workers in any of the six countries but rather a specific way of working, based on autonomy in looking for clients and organising time and place of work, that can then be adopted for both employees and the self-employed.

The chapter is structured as follows. In section two, we analyse the results of a cross-national multiple case study conducted in France, Germany, and Italy with five cooperatives, and we show how these cooperatives manage to give freelancers the opportunity to be formally wage-employed, thanks to triangular work arrangements. The third section explores the case of Broodfonds in the Netherlands, where a different model fosters horizontal risk mutualisation among freelancers who nevertheless remain legally self-employed. The fourth section is dedicated to Indycube, a cooperative based in the UK that was inspired by these cooperative models to offer alternative work arrangements to freelancers. Finally, some concluding remarks on this original alternative to individualised self-employment close the chapter.

10.2 Freelancing as Employees: A Comparison of Hybrid Cooperatives in France, Germany, and Italy

Despite great differences in the legal and social context of the six countries studied, during the fieldwork, specific freelance cooperatives were studied in three countries – France, Italy, and Germany – that used the same business model to provide freelancers with social protection by including them in wage-employment. Three cooperatives actually belonged to the same network that operated in seven countries: Smart, a network of cooperatives with over 40,000 members across Europe, was founded in Belgium in 1998 to improve the social protection of artists and then expanded to other European countries and categories of workers. In particular, we included in our research design the first Smart cooperative created outside Belgium – Smart France – and two most recent – Smart Germany and Smart Italy.¹ We then studied Doc Servizi, an Italian network of cooperatives founded in Verona in 1990, as well as a French ‘Coopérative d’Activité et d’Emploi’ (CAE), that can be translated as ‘business and employment cooperative’, a type of cooperative that in the European landscape is only present in France, taking as a case study Grands Ensemble, created in Lille in 2006. To understand how these five organisations challenged the classical employee/self-employed dichotomy, we compared how they managed to offer freelancers not only autonomy but also security and solidarity.

10.2.1 Fostering Security: Creative Inclusion into Wage-Employment to Improve Social Protection

The main reason for the emergence of the cooperatives studied lay in the drive to enhance freelancers’ social rights by allowing them to formally become employees of the cooperative. Thanks to the triangular arrangement

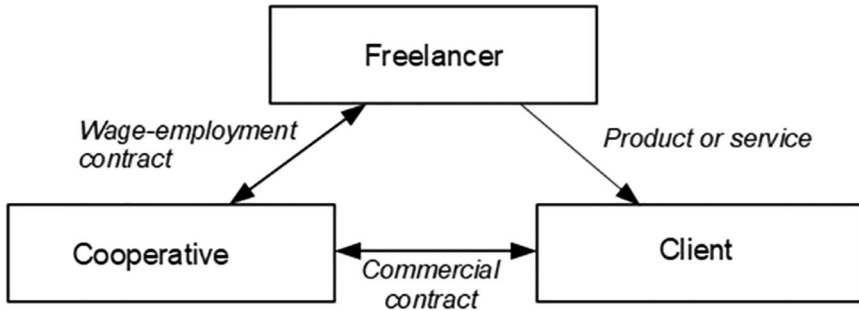


Figure 10.1 Original employment arrangement built by the cooperatives studied.

illustrated in the figure above, the five cooperatives could indeed convert the turnover of freelancers into a proper wage that was subject to social contributions (Figure 10.1).

To enable freelancers to become employees, the organisations studied had to come up with innovative solutions, finding among the employment contracts available in each national context the most adequate to improve the social protection of freelancers without falling into illegal practices likely to threaten the very existence of the organisations themselves. In Smart France and Germany, freelancers were offered fixed-term contracts from one day to several months according to the level of income, while Grands Ensemble in France used to offer open-ended contracts to those members who were able to pre-fund a certain amount of money within the cooperative. In Italy, cooperatives were legally impeded from providing such contracts: in both cases of Doc Servizi and Smart Italy, freelancers could then be employed by the cooperative only through ‘on-call contracts’, which remain ‘latent’ when people are not working and are re-activated when they are asked to perform a new activity within the cooperative requested by the same or another client. While these contracts did not give members the same rights as an open-ended one, they nevertheless improved freelancers’ access to social protection as (temporary) employees of the cooperative. It is therefore unsurprising that this element was mentioned by members as the main reason for joining the cooperative:

Entering Smart, I got access to the employee status, with unemployment benefit and with sick leave too. I feel safer and it is great to know that there is Smart, we both contribute and receive. It changes the relationship with the invoice, I find it great.

(Smart Germany member)

Having an employment contract means being protected. Last time I was cycling to work and I said to myself: “Well, if I get run over, I’m covered”.

(Doc Servizi member)

It was really important for me to work as an employee. I do believe in the general regime of insurance, politically speaking, I want to be part of it. And, as a cook, I saw colleagues hurting themselves while cooking and having to cope on themselves with their incapacity for work. I didn't want it for me, this is why I entered the cooperative.

(Grands Ensemble member)

Beyond this easier access to social protection, membership in these cooperatives was especially crucial for freelancers due to context-specific reasons. In Italy, where most members of Smart and Doc Servizi were involved in the arts and creative sector, freelancers often found themselves working in the informal economy. Becoming an employee of the cooperative was therefore perceived as a way not only to shift from self- to wage-employment but also to avoid working informally without any kind of protection. In Germany, freelancers were instead obliged to pay a minimal monthly contribution for health insurance, even when they had no income. Becoming a Smart member and converting their turnover into a monthly wage, they could not only access the social rights granted to employees but also ensure uninterrupted access to health insurance:

Some Smart members enter the cooperative because they are aware that, without a cooperative behind them, it is very difficult to work formally. Being a Smart member, in a way... you can tell your client "Okay, I work with you if you sign a contract". To say it yourself is something, to have it said by a well-known cooperative at the European level is something else. This is like a defence, a shield.

(Smart Italy adviser)

The biggest service is really to get people into the employment contract because in Germany there is an obligation of health insurance: even if you're not working, you are obliged to pay for health insurance. This is the reason why we try to keep people continuously in employment to cover them with health insurance and to make them free from the debt on health insurance.

(Smart Germany adviser)

The conversion of a turnover into a wage, by allowing freelancers to contribute to the social protection system, also mechanically resulted in a decrease of net salary. In this regard, several members underlined they had to ask for higher remuneration, which in some cases resulted in losing clients. In other cases, freelancers were instead able to mobilise their political and ethical attachment to wage-employment and their membership to the cooperative as an argument during the negotiation process with their clients:

You have to increase your prices because you realise the cost of labour. If you're a micro-entrepreneur, you don't care, but now you realise that

it's basically halved. That's because there are employer contributions and employee contributions, which are the cost of labour. It's impossible to have the same prices in both cases. As a result, some clients leave, clearly, because you become more expensive than a micro-entrepreneur. On the other hand, there's a sudden awareness that, "Yes, but I was selling myself short, because I was paying nothing, I was entitled to nothing".

(Smart France member)

When I meet a client, apart from the core of my business, what I put forward is that I'm in a cooperative, so I have political choices, I have ethical choices and so I also have an additional cost compared to my colleagues who are self-employed. And in general, they like it. And I tell them that it's also a guarantee for them to work with someone who has a solid legal structure behind, and a strong cooperative, rather than a small micro-entrepreneur who's going to snap them up because he's going to be ill and can't come any more, or because his lorry's broken down, well you know what I mean. There's security behind it.

(Grands Ensemble member)

Turning freelancers into formal employees, the five organisations were thus allowing their members to access the protections usually associated with wage-employment, reducing exposure to social risks – especially high in the Italian and German contexts – and enhancing their awareness about what fair remuneration should mean.

10.2.2 *Supporting Autonomy: Professional Independence and 'Security-Friendly' Services*

The opportunity to become employees of the studied hybrid cooperatives did not result in a loss of autonomy for freelancers. Members remained responsible for finding clients and organising their time and work. Only after finding a new task, and autonomously negotiating its price and conditions with the client, did members ask the adviser in charge of following them to sign and register the contract. Cooperatives thus disconnected contractual autonomy from that experienced in their way of working:

The issue is not being self-employed at the contract level but having flexibility. They are different things, and you can also work flexibly as an employee. That is, the cooperative model shows you that. The issue is flexibility, the freedom to manage work. It's not the fact that you are self-employed, I mean, who wants to be self-employed without guarantees and protections?

(Doc Servizi permanent worker)

We are their employer, but we are not their boss, this is what we tell them. We are co-responsible for their activity. [...] They're responsible for business development, we're responsible for the administrative side. [...] In fact, the people themselves define their project, and we listen and see how we can position ourselves in the most coherent way with what they want. They don't all want to earn a lot of money [laughs], some want to have a quiet part-time job and... that suits them very well.

(Grands Ensemble adviser)

The cooperatives studied also offered freelancers the possibility to manage their income according to their priorities. In all five organisations, members could, for instance, use part of their turnover to reimburse professional expenses or travel costs. This was especially useful in the French and Italian contexts, where the simplified regimes for the self-employed did not allow for the deduction of work-related expenses. By joining a cooperative, members in both countries benefited from a financial autonomy they would have been deprived of as self-employed:

I've realised that Smart gives me the flexibility to sign contracts when I want, to pay myself wages as high as I want, to pay myself minimum wage or 300 euros an hour, and that I can deduct expenses linked to the services I provide. [...] For each contract I leave a little bit of money on my Smart account. And I realised that in the end, contract after contract, when you put aside between 20 and 100 euros... that's how I managed to buy a printer. As a micro-enterprise, I would have paid taxes on it.

(Smart France member)

The opportunity to store money in the cooperative – provided by all organisations except Doc Servizi – thus opened further spaces of autonomy for freelancers. As underlined by members of Smart Italy and Germany, this flexibility could also allow them to compensate low-paid assignments with better remunerated contracts or to cover periods of unemployment:

I know that now I had a well-paying activity, and I will probably have one in which I would technically lose out, but I want to do it anyway because it can really be a real opportunity for me, or because it is a non-profit activity and I want to support it, [...] or because they helped me and I want to help them, so I keep the money there in the cooperative to finance this activity that will be loss-making anyway.

(Smart Italy member)

I'm still thinking about going back to university [...] and it would be nice to have a, what's it called? A pocket money with Smart and say "Okay, I can decide to stay off work for a year or two and do whatever

I want to do”, it’s one of the opportunities. I can like park the money there [...] and say “Okay, I can have like a year off, get paid and still be insured”. That’s the idea!

(Smart Germany member)

Thanks to the trust relationship built between members and advisers, in some cases freelancers could also benefit from the cooperative’s financial support through a monetary advance to help them cope with difficult periods in terms of cash flow:

If a member is in trouble, I can decide to reimburse his expenses even if his account is temporarily in deficit... Because there are also people who have 10 months’ treasury and who ensure that there’s a balance between them and those who don’t have it at all, and... It’s up to us to decide, yes!

(Grands Ensemble adviser)

However, all cooperatives studied were unwilling to be flexible in cases where specific management practices could jeopardise the security or social protection of freelancers. In both Grands Ensemble and Smart Germany, advisers refused – in the name of values and the mission of the cooperative – to sign employment contracts that did not allow members to reach the threshold needed to obtain some social rights:

So, it’s totally up to the member to determine the duration and the extent of the contract. The only important thing [...] they always need to have in mind is that we need at least 600 euros a month. Otherwise it’s not an employment contract that includes health insurance. Anything under that is like marginal employment, without access to health insurance.

(Smart Germany adviser)

You don’t have to have a full-time permanent contract, you can work part-time, but if you work less than 20 hours a month there’s no point in signing a permanent contract because people don’t earn enough to pay contributions. Our very purpose is to enable them to work as employees so that they can contribute, so anything less than 20 hours a month is basically pointless. So they have to charge at least, I don’t know, 500 or 600 euros a month tax-free so that... so that they can earn a minimum wage on a permanent basis. So there’s no rule, apart from the fact that if you work less than 20 hours a month you don’t get a permanent contract.

(Grands Ensemble adviser)

The cooperatives studied also made sure that members did not exceed the legal limit of working hours, which could put their health at risk and increase

the likelihood of an accident at work, particularly in hazardous activities such as show machinery:

The only limit is the attention we have to pay to the safety regulations at work, because obviously we can't let members exceed 40 base hours, plus eight overtime... Compulsory rest, we have to be careful about that. So we always try to have a limit beyond which nobody can go [...]: respect for working hours, and everything that allows you to work in decent conditions. This attention, this seriousness, which goes hand in hand with the protection of workers in the field of safety, has made DOC a point of reference for clients too.

(Doc Servizi adviser)

Another delicate topic concerned the possible mismatch between effective worked hours and declared ones. As mentioned earlier, cooperative members had the possibility to spread their income to cover less remunerated or non-worked periods. The only condition was to respect the legal minimum hourly wage. However, the opposite was not possible: when members did not invoice a sufficient amount of money to meet the minimum wage, the advisers did not allow them to under-report their working hours. Such a behaviour would indeed have meant that freelancers would not have been covered in the event of an accident at work for all the hours worked:

If he's an artist there's no way of negotiating, [...] if he doesn't have a sufficient remuneration we won't be able to do his contract. It's just not possible. Because that's the legal framework within which things have to happen. This person can't declare fewer hours because, if he does a shoot, he has to be covered for the 2 hours of filming he did on location. If there's an accident while he's out with people or something like that, he has to be covered during his working hours.

(Smart France adviser)

The five cooperatives therefore preserved the autonomy of freelancers regarding how to run their business and – thanks to flexible and ‘security-friendly’ procedures – tried to enhance their freedom in managing their turnover, giving them the opportunity to get their expenses reimbursed, increase their social contribution period, or cover unemployment periods by spreading their income. At the same time, all cooperatives studied made sure that the range of possibilities offered to freelancers did not put them at risk or were misused to artificially reduce their social contributions. Members were therefore granted great autonomy, limited only when it could jeopardise the objective of strengthening their security, which was at the heart of these hybrid cooperatives’ projects.

10.2.3 *Enacting Solidarity: Mutualisation Processes and Attempts to Build a Collective*

At the time of the fieldwork, in addition to combining autonomy and social security, the cooperatives studied had invested considerable effort in trying to tackle the individualistic approach usually associated with freelancing by fostering mutualisation processes and supporting the emergence of a collective, albeit facing difficulties. First, members had access to shared services for the daily management of their professional activity, being thus relieved from any administrative burden and freer to focus on their activity:

I've never been able to understand how it works, with taxes and social contributions. And the great thing here is that I don't have to worry about it, my advisor takes care of it.

(Smart Italy member)

We have observed that the longer freelancers are employed by Smart the higher their turnover is. One reason for this, which is kind of a selling point for Smart as well, is that if certain administrative tasks are taken over by the cooperative, they have more time and energy to actually focus on their work. They have more time to acquire new clients and to generate more turnover.

(Smart Germany adviser)

This administrative support – as well as the other shared services offered by the cooperatives – was funded thanks to the fees collected on the members' turnover: the fixed commission rate ranged from 7% to 14% of the turnover according to the organisation studied. In each of the five cooperatives, there was no discount for members with higher invoicing, and the cost was disconnected from the actual use of the shared services, in line with the principle of mutualism. No matter, for instance, how often a member needed the help of the adviser: the contribution to be paid did not vary according to the freelancer profile or situation:

For us, the 8.5% that we ask on member's turnover is not a 'price', but the value of mutualism. There are members who invoice 200,000 euros, instead there are members who invoice 2,000 euros per year, but both pay 8.5%.

(Smart Italy adviser)

There are Grands Ensemble businesses that invoice very well, that have big turnovers, but with whom I have contact once or twice a year by email, and that's it, things are going very well, they have a contract, they invoice, they have no questions. And others who are just starting up, who don't bill anything, and who ask questions all the time and

uhm... who need a lot of support because they're going through a lot of personal and professional steps where you have to be there with them to help things go well. So they require a lot of work.

(Grands Ensemble adviser)

During the fieldwork, we observed some differences in the mutualised services offered by the organisations studied. In the three Smart cooperatives, members could, for instance, rely on a guarantee fund, collectively absorbing potential shortfalls due to late client payments or even payment defaults:

I know there's nothing to worry about, from the moment the estimate is signed. With Smart I don't feel in any danger, I know that as soon as a customer has signed, I'm going to be paid, moreover I'm going to be paid before the end of the month.

(Smart France member)

I recently saw a line in red [on the personal account online, meaning that a client hadn't paid the invoice]. I deal with the client exactly as if he was paying, and I assume that Smart is strong enough to collect the money.

(Smart Germany member)

In France, moreover, both Grands Ensemble and Smart France allowed members to benefit from shared licenses or administrative permits required to work in specific sectors such as show production, training, or care services. This implied for freelancers a collective sense of responsibility, as any individual abuse could lead to the loss of the license and impede many members from working:

We have trainers who benefit from the fact that Smart is acknowledged as a training organisation. They will be able to give training to clients that they would not reach if they did not have the accreditation number.

(Smart France adviser)

In Italy, Doc Servizi stood out from the other four cooperatives studied, offering members a wide range of services, from an e-commerce platform to sell their products to a tender office supporting members eager to respond to a public call. To meet members' needs, at the time of the fieldwork, a travel agency was also created:

For all members and especially for artists who travel a lot we have created a travel agency and I think this is a very useful example to understand how members are immersed in a context where they can access tools that improve their job opportunities.

(Doc Servizi adviser)

In parallel to these mutualised services, the cooperatives invested in the development of a cooperative life. According to the legal cooperative models in the three countries, freelancers were invited to participate in governance after buying a share to become formal members. During annual general assemblies, members were thus entitled to examine the social and financial reports, to discuss the strategies of the cooperative, and to elect the administrative board and the other committees following the horizontal principle of ‘one person, one vote’, no matter how many shares one might own. However, during our study, the five organisations were facing a low participation of freelancers in this collective decision-making process:

There’s quite simply a very different level of involvement and understanding of the structure among the 6,000 members, many of whom don’t specifically want to participate in democratic governance, either because for them Smart is a tool, it’s a solution from time to time, and “Ah it’s a cooperative, great”. [...] So the general assembly took place in Lille, and I think there were maybe 100 people out of these 6,000 members.

(Smart France adviser)

Doc Servizi now has a broad social base. However, a significant part of this social base has entered the cooperative network for convenience. In most cases they are interested in participating in projects, but not in decisions [...]. So, we need a good marketing and communication strategy to make them perceive the real value of being part of a cooperative.

(Doc Servizi, adviser)

To address the low level of engagement, the cooperatives studied developed a range of initiatives to make members aware of the political relevance of the cooperative model and, beyond the governance issue, to foster the emergence of a cooperative life by organising conferences and workshops likely to interest members, as well as convivial social events:

We have the community events for our members, but it is opened to everybody. It gives cooperativists the opportunity to make networking, like offline networking with each other, to present their own services to other members of the cooperative or to have nice intellectual input. [...] The members can also use the rooms, the space of the cooperative to give their own workshops. There is a small space downstairs; if they organise small events they can use our basement. Each first Tuesday of the month we also have an informal meeting, to give the possibility to members to meet and to talk.

(Smart Germany adviser)

Such meetings and events provide members of the cooperatives with the opportunity to get to know each other, breaking the isolation that often characterises freelancers. In several interviews, freelancers from the organisations studied underlined how the cooperative life allowed them to exchange some useful tips with their peers or to develop joint professional projects:

I learned to talk about my project, to build self-confidence. And I think that being in a cooperative helps because we present our projects to each other, we talk about our figures, we want to exchange ideas, we ask each other: “How do you do it?”

(Smart France member)

I can't give you a percentage, but most of them are groups of people working together. Especially in the entertainment industry, in most cases, it's at least one or two freelancers, or maybe it's groups of 10 who maybe have a project where they are all, a project where they are two, a work they do individually, so from time to time, they tell us who's in each project.

(Smart Italy adviser)

To foster the emergence of new collaborations, the cooperatives studied also organised thematic or sector-focused events, which resulted in some cases in consolidated networks or effective partnerships. Within Doc Servizi, a community of performing arts technicians pushed by the cooperative started organising national annual meetings. In Grands Ensemble, an after-work meeting for communication professionals resulted in the creation of a group of eight freelancers eager to collaborate in this field, and, in Smart France, ten members working as sociologists and anthropologists created a group to collectively respond to public tenders after having met at an event organised by the cooperative:

We usually start to provoke these networks, and then they either work or don't. In this case they have set up a system of working together. [...] They have a whole system to keep an eye out for public tenders that interest them, to share information. So when someone is interested in bidding for a public tender, they organise themselves, find out who does what, how the person coordinating all the contracts is paid. So you see, they've set up their own system of governance, which works very well because they're making money [laughs]. And it's great, it's really great. We didn't do anything!

(Smart France adviser)

Beyond these few successful examples of collaborations, several freelancers underlined the difficulty of finding members to cooperate with. Indeed,

freelancers with limited income, for whom every non-worked moment represents a loss of earnings, could hardly devote the time needed to finding collaborators and building up a genuine trust relationship:

We want to cooperate economically with people we like. You can't start to say that you're going to do a project together if you don't know each other and if you don't have the same values, the same vision, the same objectives. [...] Here we don't know each other, so we don't want to do things together, so we can't help each other, it's a vicious circle. The advisers don't have the time to do everything and we're often in rather precarious situations: between a job and a workshop, the choice is often quickly made. And you can't really build relationships with people over an aperitif.

(Smart France member)

The cooperatives' response to the individualistic orientation usually associated with self-employment was therefore to rely on collectively funded shared services that could be used according to the different needs of each member. Beyond this form of solidarity based on mutualisation processes, the emergence of a cooperative life capable of intensifying relationships between members at the time of the fieldwork was still a work in progress in the five cooperatives studied.

This cross-national multiple case study allowed us to analyse how similar cooperatives based in different countries found original ways to improve the social protection of freelancers by including them in wage-employment, while at the same time preserving and enhancing their autonomy and trying to encourage and support the development of solidarity and collective dynamics among freelancers.

10.3 **Broodfonds: A Dutch Example of Horizontal Risk Mutualisation among Freelancers**

Another case study we identified as a hybrid organisation challenging the classical dichotomy between self- and wage-employment was the mutualistic project Broodfonds, comprising 646 groups active in 200 Dutch cities, which at the time of the fieldwork provided an insurance service for freelancers in case of sickness or disability. Like the cooperatives explored in the previous section, this organisation supported freelancers' autonomy, but without hiring them as employees. The security that Broodfonds provided to members was based on the horizontal mutualisation of risk, thus enacting a collectivist approach among self-employed freelancers.

10.3.1 *Covering Risks Collectively Without Encroaching on Individual Autonomy*

Broodfonds was inspired by the mutual insurance associations developed by craftsmen's guilds in early modern times (1500–1800); similar peer-to-peer

forms of support emerged worldwide during the 19th century (Vriens and De Moor, 2020). Although the majority of these small-scale and local organisations disappeared in the 20th century, new mutualistic experiences have emerged in the last few decades as a response to welfare retrenchments in the neoliberal era. Indeed, Broodfonds (literally ‘Funds for Bread’) was created in 2006 as a bottom-up initiative (formally a cooperative), two years after the Dutch government abolished the ‘Disability Act’ for SSE workers to cover sickness and disability. From then on, freelancers were compelled to insure themselves through private companies, which were too expensive for most. By creating a ‘social security and solidarity network for entrepreneurs’,² Broodfonds emerged as a cheaper solution but also as a valid alternative to promote cooperation among its members.

‘Entrepreneur’ was the word used by the organisation and our interviewees to define its membership, composed of self-employed workers (mostly solo) in several sectors, ranging from creative workers to construction, from education to art. Although belonging to different industries, they shared a common desire to maintain individual autonomy to choose freely their type of business and their clients, as well as to negotiate their fees and workflows. At the same time, they decided to join Broodfonds to enjoy, at least partially, the same protections as employees in the event of incapacity for work and illness, therefore combining autonomy with social security.

At the time of the fieldwork, the 30,000 Broodfonds members were divided into small groups of 20 to 50 participants. Each newcomer entered a local group on the basis of a trust bond with a previous member, choosing to make a monthly contribution (ranging from 33 to 112 euros). In cases of disabilities or sickness lasting longer than a month, members received a monthly ‘donation’ from the group, the amount of which depended on the individual contribution and varied between 750 and 2,500 euros per month for up to two years. Each branch was organised autonomously through a local board, although it was supervised by Broodfonds’ founders and advised in cases of problems with its staff. As explained by one of our research participants, a flat, simple structure encouraged many freelance workers to participate:

It’s a flat organisation, it’s very transparent, very easy to understand how it works. When you’re a member you don’t have to [worry]. When you get sick, you don’t have to do anything, it’s really well organised. When you’re an entrepreneur, you have to do a lot of things and you don’t want to have any practical fuss about it, so it’s a really good arrangement, I think.

(Broodfonds member)

Differently from the other cooperatives studied, therefore, Broodfonds granted freelancers the ability to enjoy social security while allowing them to remain formally self-employed workers.

10.3.2 *A Solidarity Based on Mutual Trust*

What the hybrid cooperatives analysed in the previous section had in common with Broodfonds was their reliance on mutualisation of means. While the amount of compensation received could vary according to the level of the contribution, some members could actually contribute for years without ever receiving any compensation, and others who just entered the group could almost immediately benefit from financial support in case of illness or injury (although when becoming members freelancers had to be healthy and able to work). Moreover, the monthly contribution to be paid did not vary according to category of workers, neither distinguishing between high-risk and low-risk jobs nor according to freelancers' age, as is usually the case with business insurance companies.

In contrast to a general social protection system based on anonymity, the case of Broodfonds illustrated a way of providing security *through* the 'social', namely through a progressively created bond of trust between group members. Trust among the members of each Broodfonds group was pivotal, since they had to make decisions that entailed 'moral hazard' (see Vriens and De Moor, 2020), meaning a serious risk of bankruptcy or failure in case of individual misbehaviours. The small number of participants in each group and their mutual relationships played a significant role in minimising risks, conferring a sense of responsibility, and also providing an informal mechanism of social control (Vriens et al., 2021). However, trust needed to be nurtured through everyday decisions. For example, when members declared their illness to their Broodfonds group, their request was not assessed by any doctor but discussed within the group, which took decisions by considering different subjective perspectives on well-being and illness:

Trust is a keyword. How do you trust people? Even people that you know, how do you keep that trust? [...] So how do we do that in Broodfonds? And that's interesting! Sometimes it's hard, especially when we have ill people who are burned out, which is a kind of less visible illness, and we have people with different visions about [it]. Sometimes [members] are people who really work to their maximum, and if somebody says "I have a burnout" people could get suspicious or find it hard to [understand]... and there are sometimes tough discussions. But we have a good group, I think we manage to discuss the topic in a good way... But this really connects to what happens to society, of course: how can we trust each other? What do we need for that? How do we organise that?

(Broodfonds member)

Broodfonds' members also promoted values such as fairness, cooperation, and solidarity in society at large. Some interviewees described their commitment in terms of 'happiness' and feelings of being useful. At the same

time, when being assisted while facing a period of hardship, not only through material resources but also through emotional support, members developed a shared sense of belonging to the group:

It's always nice if someone gets ill that you can support people, personally I really [appreciate it]... When I get a message that someone is ill, I am kind of happy [laughs], in the sense that we can support people, it's nice, you can do something with your money. And when I'm ill that gives me also – of course – a kind of certainty that I'm not [alone]... [...] it's nice to be part of that group.

(Broodfonds member)

Finally, through the periodic organisation of social activities among its members, including parties, walks, or cultural events, Broodfonds local groups aimed to reduce the isolation of freelancers and promote the idea of a community whose members trusted and cared for each other. Therefore, solidarity emerged as a central element, together with the possibility for members to maintain individual autonomy in their professional activities and to enjoy security based on the mutualisation of risk.

10.4 Indycube: A UK Cooperative That Supports Freelancers to Reduce Insecurity

The last hybrid cooperative we investigated was Indycube, created in the United Kingdom to support the autonomy of freelancers by giving access to cheap co-working spaces in deprived regions while fostering an alternative vision for freelancing based on solidarity and community-building. Explicitly inspired by the cooperative models explored in this chapter, Indycube attempted, on the one hand, to reduce the vulnerability and insecurity of freelancers by providing co-working spaces, legal advice, invoice factoring, and political advocacy, and on the other hand, to address the poor unionisation of freelancers by building an original alliance with a trade union, which, however, failed to sustain itself over time (see Pitts et al., 2023).

10.4.1 A Collective Idea of Autonomy to Reduce Insecurity

The idea behind Indycube came about when its founder occupied an office in an underused building in a deprived ex-industrial area of Wales. He convinced the manager of the building to allow him to turn it into a low-cost co-working space for freelancers. This first initiative led, in 2010, to the official creation of Indycube as a Community Interest Company, therefore acting on a non-profit basis. This organisation offered freelancers the opportunity to rent a desk, initially for free and later for £10 per day. Specific funding from local government and other local bodies supported the expansion of other premises beyond Cardiff and Bristol and later into some suburbs

of Greater London. Indycube therefore supported freelancers with limited earning and no access to existing, expensive, and fashionable co-working spaces that were concentrated in large urban centres:

In places like Wales, where the cost of living is lower than in London, they could [survive as freelancers]... their businesses could carry on them for longer but they were in next to nothing, so I had this view that it was so.

(Indycube coordinator)

This nurtured the idea of a sustainable way of working as a freelancer, accessible not only for a privileged minority of top players, while at the same time counteracting the depopulation of territories undergoing reconversion after a period of strong deindustrialisation. Indycube was thus conceived to challenge the dominant trend of freelancers migrating to wealthier urban economies, promoting the idea that professional skills and freelance initiatives could also benefit local areas in transition. This objective – coupled with the greater desire to create a community that shared common values and challenged the dominant model of self-employment – required commitment and a high investment of time:

These things take time, and as we were working with more and more people, we started to realise that this group of people was in quite a lot of trouble, so because I would say the relationships were mostly friendly, we were the landlord, but we were the friendly landlord and we got to know people quite well.

(Indycube coordinator)

The structuring period of Indycube's co-working network also represented a long phase of collecting and analysing the needs of the SSE, whose fragilities – according to the organisation studied – were not taken into account by any other collective actor.

When you overcome the standard storytelling where everyone is engaged in or is planning fantastic professional projects, the reality is quite different. We were seeing people with mostly undiagnosed mental health concerns who were self-employed people; they were struggling, they were in trouble, and nobody was noticing that.

(Indycube member)

The analysis of the condition of its members confirmed to the Indycube coordinators the existence of a segment of SSE workers in search of security. The attempts to find concrete answers led them to explore several European experiences aimed at improving the security of freelancers. On the one hand, they looked at the virtuous experience of Smart Belgium, which over the years had

created a European network of cooperatives; on the other, they studied the grassroots initiative of Broodfonds, developed in the Netherlands to support members in case of illness or injury:

We started to provide initial responses to SSE we encountered. Other answers we did not have. One of the biggest ones is people get paid late or never at all, so Smart has got a really good solution to that, but we needed to understand if it could work in the UK. [...]. Similarly, Broodfonds has become a source of inspiration for us, in the attempt to imagine how to support SSE experiencing periods of unemployment due to injuries or illness.

(Indycube coordinator)

This process led Indycube to become a cooperative, a Community Benefit Society, based on shares of equal value, entitling members to vote according to the rule 'one person, one vote'. At the time of the fieldwork, a collective discussion was also promoted to analyse the effects of digitalisation on the service sector and to think about alternatives such as a basic income to tackle poor work and unemployment, but without moving into an implementation phase.

10.4.2 Attempts to Build Hybrid Paths Towards Solidarity and Collective Action

The shift from the Community Interest Company to the cooperative form (Community Benefit Society) was planned as a measure to empower the members in both the decision-making process and the self-organisation of their everyday working lives. This was part of the original idea of Indycube, conceived from the outset as an infrastructure for an ideal community based on democratic principles and shaped by bottom-up initiatives promoted by its members. The solidaristic dimension therefore was perfectly in line with the cooperative form that, while guaranteeing freelancers the freedom to manage their own professional activities, pushed the members towards a collective dimension in relation to the management of the co-working space and the possible initiatives aimed at fostering the growth of the community.

It was during the transition to the cooperative form that the first contacts between Indycube and the trade union Community took place. Common interests and complementarities emerged quite quickly between the two organisations. Indycube cultivated the idea of a solidaristic path towards self-employment, symbolically challenging the aggressive models of big corporations investing in co-working infrastructure for high-tech start-ups. Community was exploring possibilities for an unprecedented offer of representation addressed to the new generation of workers employed mainly in the tertiary sector rather than in factories and especially in the steel industry, which was the traditional action ground of the union. The commonality of interests brought the cooperative Indycube and the union Community

to implement an operational plan: a web-based platform named Indycube. Community financed by the union became the principal tool through which members could receive legal and financial advice and develop specific campaigns aimed at raising the voice of freelancers. The two sides of a coordinated strategy were fostering the collective action of the SSE and developing specific services to concretely improve their working conditions:

Community provided legal support so it went back to the things that people didn't have... there aren't many able to ring up a lawyer and say, "I'm owed a thousand pounds, can you help me?" We wanted to give them that, and we brought in a bunch of other ancillary products which were of value and collectively were preyed upon.

(Indycube coordinator)

The interest of Community in presiding over the field of SSE worker collective representation and the will of Indycube in exploring new and collective paths towards freelancing thus resulted in an original combination of unionism and cooperativism. However, Indycube's development plan, which aspired to reduce the insecurity of freelancers while implementing collective representation practices with the support and experience of a trade union partner, soon suffered a setback. After many attempts to assess the adaptability of the Smart model to the British context, the main obstacles related to the limitations imposed by the tax system, which did not provide significant relief for cooperatives, thus reducing their room for action. At the same time, relations between Indycube and Community gradually revealed different views and expectations. The former supported positions that were not necessarily organic to Labour political thought, as was the case with the union. The latter needed to translate the investment made in the project into an increase in membership. These divergences were sharply accentuated when the main mastermind of this alliance left the union.

While the Indycube.Community project showed the difficulty of borrowing models and combining different organisational cultures, it represented one of the most articulate and ambitious attempts to merge competences and proposals aimed at supporting the emerging needs of freelancers. Its original plan combined ideas of mutualism, collective representation, and servicing aimed at protecting the SSE, thus counteracting the individualism usually associated with freelance work.

10.5 Conclusion

This chapter showed how cooperatives can imagine original alternatives to the traditional conception of self-employment, which sees autonomy as necessarily bound up with high-risk exposure and individualism. All the organisations studied, albeit in different contexts and in various ways, sought to give freelancers the opportunity to access greater forms of social security

and to break with their isolation, while preserving their autonomy in finding clients and organising their work. However, these organisational experiments illustrated the challenge of building a model that combines autonomy, security, and solidarity, developing all three dimensions equally. The first model presented was the one that granted freelancers greater social rights, allowing them to become formal employees. However, this original inclusion of freelancers into wage-employment proved to be difficult to couple with the construction of a strong community. Broodfonds succeeded instead in creating groups united by a high level of mutual trust, but with protection limited to illness and injury risks. Finally, the example of Indycube.Community showed promising ways to combine wide support for freelancers with collective action but also showed the difficulties of merging different organisational cultures and ensuring the financial sustainability of such attempts.

Our study thus revealed the challenges faced by organisations eager to build innovative alternatives to classic self-employment, as well as their great creativity and willingness to question themselves, to constantly modify their practices to get closer to their objectives, and to draw inspiration from each other.

Notes

- 1 At the time of the fieldwork, Smart was also present in the Netherlands, where we conducted a few explorative interviews with its members and coordinators. Nevertheless, we decided not to include it among our national case studies, since it was not particularly active in comparison to the branches in France, Germany, and Italy.
- 2 <https://www.broodfonds.nl/>, accessed on 25/06/2024.

References

- Bajard, F., and Leclercq, M. (2019). Devenir entrepreneur(e) en coopérative d'activité et d'emploi. *Journal des anthropologues* 158–159, 151–174.
- Bureau, M. C., and Corsani, A. (2017). An autonomy factory? In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance* (pp. 60–69). London: Routledge.
- Martinelli, F. (2017). *Autonomie professionnelle, entrepreneuriat et coopération. Le cas des Coopératives d'Activités et d'Emploi en France*. PhD Thesis, University of Bergamo and Paris VIII Vincennes-St.- Denis, Bergamo.
- Mondon-Navazo, M., Murgia, A., Borghi, P., and Mezihorák, P. (2022). In search of alternatives for individualised workers: A comparative study of freelance organisations. *Organization*, 29(4), 736–756. Available at: <https://doi-org.sid2nomade-1.grenet.fr/10.1177/13505084211041709>. Doi: 10.1177/13505084211041709.
- Mondon-Navazo, M., Murgia, A., and de Heusch, S. (2024). Re-articulating autonomy and solidarity. The case of smart: The largest European network of freelance cooperatives. *Partecipazione e conflitto*, 17(1), 210–228.
- Murgia, A., and de Heusch, S. (2020). 'It started with the artists and now it concerns everyone.' The case of smart, a cooperative of 'salaried autonomous workers'.

- In S. Taylor, and S. Luckman (Eds.), *Pathways into Creative Working Lives* (pp. 211–230). London: Palgrave.
- Pitts, F. H., Borghi, P., and Murgia, A. (2023). Organising the self-employed: Combining community unionism, coworking and cooperativism across contexts. *Open Research Europe*, 3, 80–95.
- Vriens, E., Buskens, V., and de Moor, T. (2021). Networks and new mutualism: How embeddedness influences commitment and trust in small mutuals. *Socio-Economic Review*, 19(3), 1149–1170.
- Vriens, E., and De Moor, T. (2020). Mutuals on the move: Exclusion processes in the welfare state and the rediscovery of mutualism. *Social Inclusion*, 8(1), 225–237.

11 If Work Is Hybrid, Are Workers Hybrid Too? Old and New Challenges for Approaching Heterogeneous Workers

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11.1 Introduction

The rise of solo self-employment has led to the emergence of increasingly broad and heterogeneous categories of workers in search of collective representation, orphans of the support of both trade unions and employer organisations. This phenomenon has fuelled a growing debate on the offer of collective representation targeted at this category of workers (Jansen, 2020; Keune, 2013; Gumbrell-McCormick and Hyman, 2018; Murgia et al., 2020; Bottalico and Murgia, 2022), which at first focused mainly on self-employment characterised by precariousness, vulnerability, and increasing levels of insecurity (Pernicka, 2006; Schulze Buschoff and Schmidt, 2009). However, the heterogeneity of the solo self-employed (SSE) and the fact that they cannot be reduced to the bogus SSE only (see Chapter 4) have challenged the methods of collective representation traditionally used by trade unions and employer organisations.

How, then, can heterogeneous groups of workers be approached, recruited, and organised (Bottalico and Murgia, 2024; Holgate et al., 2018; Keune and Pedaci, 2020; Murgia and Selmi, 2012)? SSE workers have been able, over recent decades, to organise themselves collectively by joining together in a variety of organisations, ranging from trade unions to employer organisations via SSE associations and informal activist groups. This chapter illustrates several organisational cases followed in the six countries studied. In particular, it focuses on the methods used by the different organisations involved in our research design to approach and engage with the SSE. First, we present the different ways in which artists and creative workers, who pioneered the collective representation of the SSE, unionised in various European countries. Second, we broaden our gaze to the SSE from other labour sectors. In particular, the focus is on two main approaches to collective representation: on the one hand, the ability to represent workers in the same industry regardless of whether they are employees or self-employed, and on the other hand,

the approach that favours the representation of SSE workers regardless of their occupational sector. Finally, we present a case study in which the SSE not only work at the boundaries between self-employment and employment but also sit at the borders between the formal and informal economies. More specifically, we followed a group of domestic platform workers, not represented by any organisation but who nevertheless managed to self-organise and build forms of grassroots solidarity.

11.2 Artists and Creative Workers as Pioneers of Union Representation

11.2.1 *The UK Trade Union Equity*

Equity is one of the leading unions representing professionals in the performing arts and entertainment industry, a sector where the distinction between employment and self-employment is more blurred than elsewhere, as workers often have to hire other workers to carry out their own projects. Founded in 1930, it has grown over the decades, and at the time of the fieldwork, it represented around 46,000 members across the UK. Among its members, Equity includes actors and performers who have onscreen roles, but also comedians, dancers on cruise ships, and street performers. Whoever has an income in some way from exhibition-led performances can be a member of Equity. Moreover, the development of digital technologies generated new professional contexts, especially related to the video game industry (e.g., actors acting on a neutral field for character animation) and film industry, where a growing number of professionals were in search of collective representation, forcing the trade union to change its perspective:

We changed in viewing, now there is also Netflix, so we have an agreement with Netflix that from the next year will set a studio in the UK. So, at the moment the films of Netflix are made in the US but as you probably know more and more, particularly younger people, are going to Netflix and this is a massive change that also affects cinemas, we have to move ahead, so with Amazon or Netflix an agreement has been signed. The agreement is about the fees of our members who work with them.

(Equity unionist)

Along with the media industry, the world of performing arts and the entertainment industry has always been an extremely challenging and fluid terrain for the trade unions representing workers:

More and more workers share similar working conditions. They pass from one contract to another, and we concluded that it is the same situation in the sectors in which Equity is focused on. Maybe the interesting

thing for us is that this sector – artists – has always been the ‘gig economy’. As the rest of the formal economy becomes more gig-like, all the unions must ask themselves how to organise the self-employed.

(Equity unionist)

As the interviewee pointed out, the term ‘gig’, which has become synonymous with precarity for many workers, especially for those working through digital labour platforms, originated in the artistic context to refer to a live performance by a musician. It is the dimension of the single piecework performance that structures the work experience and the reduced possibility of more stable pathways. This structural condition experienced by artists playing and performing in venues calls for serious reflection on the opportunities and limits of the activities that a union like Equity can develop for its members:

Well, it’s often been discussed whether it’s an organising or servicing... I think my job, I do a lot of servicing because of the level of case-work and the organising elements of it is harder to do because of the self-employment and the members expect to be very much led... they kind of expect the staff to do the work a lot of the time. So, we would like to have the organising model. And I think we can in some areas, but in the self-employed areas everything is more difficult.

(Equity unionist)

The organising model had to adapt to specific working contexts and workers’ expectations. In this regard, opportunities for organising workers were more favourable within the Performance Department, which focused on artistic production sites such as theatres. In these locations, workers were easily reached and engaged in union activities aiming for collective agreements directly negotiated with employers, unlike street performers and gig artists.

Over the years, Equity has supported workers in coping with extremely diverse and constantly changing working conditions, in a context of increasing precariousness. As one of the trade unionists interviewed pointed out, the rising casualisation of work also brought significant risks of developing mental illness:

People are being far more self-aware about their own mental health. They know that there’s places that you can signpost people to, and this shows that it can be done. I think that’s worth it in that aspect, you know, even if it’s more difficult than organising in the non-permanent workplaces. Actually, there’s a lot of stuff that we’ve shown can work very effectively, in relation to rights awareness, racial and gender discrimination, social security, tax and financial support, as long as the right support network and the right information is available, and this is the first step we are focused on.

(Equity unionist)

While organising workers can be much more complicated because there is a lack of basic conditions such as job stability, the possibility of collective social protection, and an open and structured dialogue with employers, there are implications that affect not only the professional sphere but also psychophysical well-being. Faced with these needs, the concept of organising workers takes on particular connotations: organising means first of all facilitating the circulation of information and then the creation of a support and self-help network that can form the basis for moving from the individual to the collective perspective, pooling knowledge and strategies capable of responding to the needs of the SSE.

11.2.2 *The French Trade Union SNAP*

If French trade unions have historically focused on employees, during the fieldwork we found that SSE workers were actually represented for decades in one of the biggest unions, the CGT, in particular in the professional federation dedicated to entertainment, cinema, audio-visual, and cultural action, where artists, technicians, administrative, or reception staff in all artistic fields are included. In France, in the artistic and creative sector, most workers are actually employees, both under classical wage-employed contracts and under the specific regime of *intermittence*. However, within this federation, two trade unions are focused on the collective representation of the SSE: the SNAC for authors and composers, and the SNAP for visual artists. At the time of the fieldwork, in France, artists-authors could benefit from a specific social security regime, allowing them to accumulate retirement contributions and to receive daily benefits in case of illness, parenthood, or disability. However, these workers legally remained self-employed and were not protected against accidents at work and occupational diseases or covered by unemployment insurance.

In the frame of our study, we focused especially on SNAP, which was not only one of the two trade unions organising the SSE but also one of the smallest, benefiting from very limited material resources compared to the other unions in the federation. Not having, unlike the sections representing employees, any trade unionists directly paid by the CGT, and thus relying only on the voluntary work of its members, it was not easy for the SNAP to participate in all the federation's consultation spaces to make their voice heard. However, SNAP's Executive Committee (EC) members ensured they were represented in the federation's most important meetings; federal representatives were careful to talk about workers rather than employees and to explicitly include visual artists in their public talks:

On 15 December, I met members of the SNAP EC at the demonstration called by the CGT entertainment federation to ask for the reopening of cultural places [after the pandemic-response lockdown]. During the

opening speech, in front of the thousands of people gathered at the Place de la Bastille, the representative of the CGT entertainment federation mentions the specific situation of visual artists four times, pointing out the presence of the SNAP on the square and stressing the need to extend unemployment insurance coverage to artists-authors [who are self-employed]. One of the EC members then turns to me to express his satisfaction: “while before the federation was only talking about employees, now artists-authors are systematically mentioned!”

(Fieldnotes, demonstration at Place de la Bastille,
Paris, 15/12/2020)

From the SNAP’s point of view, the support of the federation was especially useful to gain visibility and access to specific institutional spaces, such as the culture minister’s cabinet. SNAP members were well aware of the political clout of the entertainment federation:

The Federation supports us. For example, they wrote a letter to the Ministry of Culture on behalf of the Federation, based on what we had done, using our figures about financial support for visual artists. So, they do relay the information. Because obviously, when it comes from the entertainment federation, it has a little more weight than when it’s the SNAP-CGT.

(SNAP member)

Beyond the entertainment federation, the connections with other trade unionists within the CGT allowed SNAP members to benefit from valuable technical support over the years. In 2015–2016, SNAP activists developed an alternative model for a social insurance fund for artists, relying on the expertise of CGT members working as social security fund administrators and social security employees to build a credible model:

We worked with people who were in management positions and who were union representatives in the National Health Insurance Fund... So, we held meetings between the SNAP, the CGT staff at the Maison des Artistes [the organisation in charge of artists-authors’ social security], and our comrades who were union representatives at the National Health Insurance Fund. We worked to build a fairly well-structured and thorough project for a social security fund for artists and authors.

(SNAP member)

The inclusion of the SNAP in the entertainment federation was also fruitful for the latter, which could, for instance, benefit from the skills of SNAP members in producing visual material to support the mobilisations. More generally, SNAP’s presence in the federation also represented a particularly relevant

experience, especially in the context of the CGT's increasing openness to the collective representation of SSE workers:

There are bridges. I recently called members of SNAP to ask them to provide visuals for the various ongoing struggles. And they're great, because they don't limit themselves to the issue of artists-authors, they really fuel the different battles.

(CGT federal representative)

It's very interesting because since the development of self-employed jobs and the CGT's concern about delivery riders, VTC drivers, or self-employed workers in general, where it has been said "but we're not going to leave them, we need to unionise them, because we need to support them to define their rights", we've been told "you already have experience in this area", so what we've come to say sounds interesting for a few more people. So, in relation to this new form of precariousness that is auto-entrepreneurship, or micro-entrepreneurship, more or less willingly, more or less voluntarily, our federation provides an interesting experiment.

(CGT federal representative)

The pioneer experiment of the SNAP thus provided an inspiring example for other federations keen to organise SSE workers, such as the CGT transport federation.

11.2.3 *The Dutch Trade Union Kunstenbond*

With around 7,000 members at the time of the fieldwork, Kunstenbond constituted the biggest union organising and representing cultural and creative workers in the Dutch context. The union was born in 2016, after the decision of most of its members to abandon the main Dutch union federation (the FNV) and create an autonomous organisation focused on the creative and cultural industry. According to our research participants, the decision to leave the FNV was mainly due to the need for renewal, in search of better strategies to involve a hybrid and 'atypical' membership:

Especially in the European context, most European unions are probably a little bit more old-fashioned because they focus much more on employees only. And maybe [they are] also gradually involving self-employed, but very slowly... So, the whole programme [of Kunstenbond] was how, as a union, we could relate to atypical, flexible workers, self-employed and all the others.

(Kunstenbond founder)

Among Kunstenbond members, there were classical and pop musicians, visual artists and performers, music teachers and actors, animators and technicians,

working as both employees and self-employed, usually with several years of experience in their field. According to the union staff, around 50–60% of their members were SSE. Nevertheless, many actually held multiple jobs, combining part-time waged employment (not always in the cultural field) with other commitments as SSE artists.

Regarding collective representation, one of the main difficulties faced by Kunstenbond was to recruit a younger membership. According to a union officer, young artists found unions ‘less attractive’ than sectoral associations. To attract a larger membership, Kunstenbond’s activities combined lobbying and collective bargaining with other practices aimed at supporting members. Support was mainly provided by professional lawyers, whom members could access through their yearly subscription. In addition, active members could participate in quarterly meetings of their *vakgroepen* (union departments), and it was within the board of each of the five *vakgroepen* that initiatives to involve new members were discussed. The representatives of the Theatre and Dance *vakgroep*, for instance, proposed to organise workshops addressed to art academies’ students. With a similar purpose, the *vakgroep* of Art Education decided to release a podcast aimed at spreading information about art teachers’ labour conditions and discussing several work-related topics¹:

The first years I had the feeling, “Okay, we’re talking a lot, but I want also to amplify stories and use this position as a platform and I want to reach out to all the other members, I want to be more engaged”. So that’s when I introduced the idea of creating a podcast show... you know, because I have this experience of the radio show, I thought, “This is something I can work on”, so I immediately saw possibilities. [...] Of course, it immediately became a collective initiative [...] there were also other board members that had the feeling that we really need to reach out more, instead of talking to each other, meeting after meeting. It’s important to reach out and also reflect on what we did and amplify that, it’s really important, I think.

(Kunstenbond unionist)

Kunstenbond also worked on developing a network of associations in the cultural and creative industry – De Creatieve Coalitie – that played an important role to advocate for subsidies to artists during the Covid-19 pandemic. In addition, at the time of the fieldwork, Kunstenbond was interested in promoting a form of ‘double membership’:

[A] reason why we did this whole ‘Creative Coalition’ is to try to form a sort of united front for workers, but also – hopefully – use it as a first step to work more closely together with the associations, because the idea is that if you are a professional in the arts sector it is more logical to be a member of an association which is in your peer group than being a member of a union. Well, I can imagine that if you are a

member of an association, you know it will help you with the content of your profession, becoming a better professional in what it is you're doing, being a better artist or a better actor or whatever, and less about conditions or fees, and that's what unions are more interested in. And we'd like to find a way to combine those, in a sort of double membership, being a member of both association and union, and finding ways to make each other stronger.

(Kunstenbond unionist)

At the time of writing this volume, the idea to allow artists to associate at the same time with both Kunstenbond, a trade union, and a sectoral association, mainly focused on improving professionals' skills and networks, had already become effective with musicians, actors, and voice-over actors' associations, while discussions were ongoing with street and circus artists, aiming for an expansion of these types of agreements towards other professional sectors.

11.2.4 *The German Union ver.di Selbständige*

Within the main German union confederation, the DGB, ver.di, is the union focused on services, founded in 2001 from the fusion of five different trade unions. Among them, IG Medien is focused on the art and media sector and has been used to organise the SSE. Since 1999 they had dedicated trade unionists, and in 2000 an advisory service for freelancers, Mediafon, was launched (see Chapter 12). Upon its foundation, ver.di therefore incorporated this service and created a specific section for the SSE, ver.di Selbstständige, with the explicit objective of counteracting the idea of 'self-sufficient' SSE workers:

This is completely against the conception of the neoliberal model, which says that if someone is self-employed, they are absolutely alone and do everything themselves, because they don't need any solidarity, they don't need any collective processes. And we, to a certain extent, we try to collectively change the employment conditions.

(ver.di Selbstständige unionist)

Because the SSE not only faced employment status-related issues but were also interested in topics connected to their specific profession, ver.di provided the 30,000 members of ver.di Selbstständige with the opportunity to also be members of the professional section that was relevant to them. Ver.di Selbstständige and sectorial representatives, especially in the art and culture sector, therefore had to coordinate and differentiate between employment status and job-related issues:

With ver.di Selbstständige representatives, we work closely together and we trust each other. We do professional political work, and they do the

self-employed work. That's why we always have to consult with each other all the time and develop together. [...] This means that in practice we always have to look at for whom it is more appropriate. On the self-employed, let's say: minimum fees for the self-employed, unemployment insurance for the self-employed, pension insurance for the self-employed, collective agreements for the self-employed. And where, for example, is it important for artists specifically, I have to be involved with my professional group. Conversely, it can also be politically helpful to think about whether it makes more sense to speak as an artists' union or whether it makes more sense to speak as a self-employed union. That's a strategic consideration, every now and then. It's simple: we are one organisation, and we work together. This is the complexity in which we move.

(ver.di art and culture unionist)

At the time of the fieldwork, ver.di Selbstständige was also engaged in a struggle to improve the access of the SSE to social protection, especially to health insurance and the pension system. The system applying to SSE artists, based on contributions paid by the companies contracting them, was mobilised by ver.di representatives as a model to be extended to all SSE workers to ensure that the pension funding system would not rest solely on the shoulders of the workers themselves:

This is one of the main questions about pensions: "How to pay this?" Their clients have to pay for this. We have a certain social security system for the cultural sector, with people who use the work of journalists, of musicians or something, having to pay for the social security, and we want this system for all, for everybody. Even for those who earn a lot of money: when for example designers work for BMW, BMW should give money to the social security system. This is our idea; this is the way we want to make sure that there's enough money for the self-employed in the system. They are not by themselves responsible.

(ver.di Selbstständige unionist)

In parallel to these lobbying activities at the national level, ver.di representatives also supported SSE workers' claims for the requalification of their contract into a classical wage-employment contract. Cases of bogus SSE workers were indeed widespread, especially in the field of artistic and cultural education, with music or visual art teachers being contracted as SSE to run weekly classes or workshops in schools. When such workers did not express the desire to be recognised as employees, ver.di Selbstständige struggled to improve their pay conditions, using wage-employment as a reference point:

Fighting for employment in the areas where it is possible makes sense. That is what we do. And where employment is not desired, or not necessary for whatever reason, we say, "but then the people who are self-employed

and basically do the same job as an employee must get the same”. They have to get the same employer gross. Otherwise it doesn’t work. [...] Of course, you are not in a collective agreement, you are self-employed, but you have to be paid like someone in a collective agreement as a gross employer. And ideally you should also get the same protection.

(ver.di Selbstständige unionist)

In specific cases where SSE were legally classified as dependent SSE workers – *arbeitnehmerähnliche Person* – collective bargaining processes could take place. Ver.di Selbstständige representatives provided support and advice to workers involved in discussions with their main client. In a public broadcast where about 600 out of 5,000 workers were SSE, a mobilisation was organised by three ver.di members, with the support of ver.di Selbstständige.

They were scared to death that 600 people would go to court and sue. And I told them that yes, they would [...]. And now all self-employed have a contract that goes until they retire, they can no longer be dismissed. [...] Now they have the same rights. [...] Whether permanent or freelance, it has to be at least the same money, definitely not less, yes? Same work, same money.

(ver.di unionist on the public broadcast)

In the reported case, therefore, the threat of legal action and the building of a long-lasting collective movement relying on strikes and performances allowed the SSE to obtain much better working and pay conditions. Rooted originally in the arts and media union, the collective representation of the SSE thus gave rise to a cross-sectoral section, ver.di Selbstständige. The double membership system and close ties between unionists fostered a fruitful articulation of status-related and professional-based claims, especially in the art and culture field.

11.3 Across the Heterogeneity of SSE Workers and Beyond

The plight of creative workers, who have to manage different jobs, carried out for different clients, often on a self-employed basis, has over time extended to increasingly broad categories of workers. With no claim to exhaustiveness, in this section we present some case studies conducted in the course of our research within SSE associations and trade unions, which have addressed this growing heterogeneity mainly through the creation of cross-sectoral categories.

11.3.1 *The Italian Union CGIL: The Cases of NidiL and ‘Council of Professions’*

In the late 1990s, the Italian confederal trade unions reacted to the rise of non-standard work and created separate categories to represent workers – including the SSE – framed mostly as ‘non-standard’ workers: NidiL-CGIL, FELSA-CISL, and UIL-Temp. This was related to the fact that the issue of

non-standard work within Italian trade unions was framed mainly in terms of precarity, and the SSE considered in need of representation were only the bogus ones (see Chapter 9). Moreover, these separate categories had rather difficult relationships with the traditional ones and did not develop distinctive strategies to approach the SSE.

It was only in the late 2000s that the trade unions, stimulated by the new needs for social protection and collective representation of the SSE, decided to take action on solo self-employment. In particular, in 2009, the main trade union confederation – CGIL – supported the creation of the so-called ‘Council of Professions’, conceived as a facilitator of communication with existing SSE associations, turning occasional individual connections into inter-organisational dialogues. This process led CGIL to increasingly acknowledge the specificity of SSE workers and to rethink their strategies and organisational practices with the purpose of making them more adapted to this category of workers, for example by trying to address them in coworking spaces. The Council also played a key role in promoting the ‘Charter of Universal Labour Rights’, a bill launched in 2016 by CGIL and aimed at establishing a new statute for workers, Article 1 of which states: ‘The provisions of Title I of this law apply to all workers with both subordinate employment and self-employment contracts’. Moreover, in 2018, CGIL replaced the trade union association Agenquadri (composed of managers and executives) with the new union category Apiqa – focused on both dependent and self-employed professionals – which partly inherited the work done by the Council of Professions. As mentioned in Chapter 9, the Council’s experience proved to be strategic during the works that resulted in the 2013 law on non-regulated professions, and especially a few years later in 2017, before the approval of the Self-Employment Act (Act 81/2017), where CGIL, together with the other trade unions, the national freelance association ACTA, and other SSE associations, informally coordinated during the consultation for the regulation dealing with social protection and taxation of the SSE. This path allowed the union to partially redefine the traditional organisational orientation, which had hitherto focused almost exclusively on salaried employment:

Negotiating new collective contracts is a complex process. Leveraging the expertise of the Council and Agenquadri [then APIQA, an association affiliated to CGIL focused on executives], we managed to cultivate significant insights. These insights enabled us to propose a comprehensive platform to other trade unions. This platform encompassed measures aimed at safeguarding the interests of the self-employed during contract renewals. It included improvements pertaining to safety measures and training opportunities. Notably, this approach was applied in sectors such as construction, printing, and professional practices, and we have been able to do this because we had clear and effective ideas on self-employment inclusion in the new collective contracts.

(Member of the Council)

Meanwhile, NidiL-CGIL continued to represent and organise the broader category of non-standard workers, experiencing during the fieldwork a specific interest in SSE platform workers, particularly food-delivery riders (although they lagged behind the self-organised groups of activists who had meanwhile started to mobilise riders across the country). During the project, the NidiL branch in Florence saw a student with unionism expertise become a rider and then join the union, eventually becoming the leader of unionised riders. This pioneering initiative foreshadowed similar experiences in collective organising that was shortly promoted by NidiL in other cities, such as Milan, Naples, Palermo, and Catania:

On the riders, we were not there at the beginning when grassroots groups started the first organising attempts. We arrived later, nevertheless in some cities, Florence included, we were able to build a good and stable relation with young riders who started organising the first protests; since then we supported their actions and now most of them are members of NidiL.

(NidiL-CGIL unionist)

Platform work – food delivery in particular – was one of the areas where, at the time of the fieldwork, NidiL was developing new strategies to approach SSE workers, taking into account the specific local conditions and assets related to the workforce composition and presence of other collective actors at the local level:

In the last year and a half, just before the pandemic, I have seen in NidiL a willingness to listen. In NidiL I have seen a total change, starting with the fact that we created a coordination composed essentially of workers. This favoured confrontation, ideas of strikes, discussions. The situation and agreements in the union change from city to city because each city is a special case.

(NidiL-CGIL unionist)

The experiences gained through the Council of Professions and NidiL within the CGIL have been invaluable for the union in developing the expertise and knowledge necessary for integrating SSE workers into the union's representation strategies. Specifically, the Council facilitated CGIL in opening dialogues with other organisations representing SSE, fostering opportunities for knowledge exchange and coordination.

11.3.2 The Italian SSE Association ACTA

ACTA, which describes itself as a quasi-union, was founded in 2004 as the first national association of freelancers in Italy, with a focus on the need for collective representation and social protection of the SSE in the advanced

tertiary sector. In the early years of its activity, ACTA succeeded in giving visibility to the SSE in Italian society but experienced difficult relationships with confederal trade unions (Mezihorák et al., 2023). At the time of the fieldwork, all activities and services offered by the organisation were performed without remuneration and on a voluntary basis. In particular, there were two main services offered. The first, thanks also to the participation of labour lawyers, was a dedicated mailbox reserved only for members to provide legal information. Typically, members asked questions on social security or taxes to ACTA via email, and those on the board who were more knowledgeable on the subject replied. The second service was the so-called ‘ACTA counter’, present in various Italian cities (and offered online during the pandemic), addressed also to non-members. Through this service, it was possible to get to know ACTA, understand the world of freelancing, and get basic information about SSE rights and obligations. Volunteers used their skills to help a heterogeneous composition of workers on parenthood, welfare issues, and pensions, depending on need. They addressed both SSE workers and employees who wanted to move to self-employment or were forced to do so and wanted to understand what it meant:

Just yesterday a girl approached us saying that she was a part-time employee. Her company offered her to open a VAT number and she wanted to understand the main differences. It was one of many companies offering their employees to become self-employed. This girl had asked to do remote working, and the company told her that she could not do it, so they proposed her a VAT number, so magically she was allowed to do remote working. Being an employee it was impossible, same mansion, same condition. She asked for information, we talked about it; it’s really a matter of negotiation. But contractual strength is proportional to the awareness of your rights. In the end she managed with ACTA’s advice to get a vertical part-time with one day out of three in remote working, keeping all the rights as an employee. The advice there was not for an SSE, it was given to an employee to make her understand what kind of rights she would lose by moving and what rights she had as an employee to stay.

(ACTA board member)

The ACTA counter thus welcomed both freelancers and employees by addressing typical problems faced by the SSE, such as payment delays, parental leave, and illness. In particular, maternity, which in Italy has only recently been recognised for SSE women, was the focus of many requests for first contact with ACTA:

More women come to the counter but because, for example, the topic of maternity touches a lot, and often the reason for first access to the counter is to calculate maternity. People sometimes call naively and then realise that the contract is very badly written, that it has been

imposed on them. Sometimes the counter serves to resolve technical questions, others bring to light realities that, due to a lack of awareness of existing rights and protections, are lacking, and from there political action and demands are triggered.

(ACTA board member)

This service hence had the twofold function of first providing information to workers while at the same time offering important information on their professional profiles, needs, and problems. Counselling, during the counters, was also a means of making workers aware of the association and getting them to join. Therefore, according to research participants, ACTA did not ‘sell’ a service but promoted its political and cultural purpose:

We do not have to acquire a client as if we were an accountant. Our goal is to make the SSE aware of their rights, to spread awareness and join the fight, as well as to explain taxation. ACTA does a great job of using tax legislation in its practical effects, I – as a professional who is aware of the legislation – can explain it in a serious way, and this is also doing politics, stimulating a real knowledge of the system. Then the counter also makes you understand how the world of work runs, makes you see how it changes; it becomes stimulating to enrich the association, it is a bit of give and take. It is a bit like politicians going to the neighbourhood market. The counter has this multi-faceted function from associating new members to understanding what is going on and what is happening through direct experience.

(ACTA board member)

These practices carried out by ACTA show how different and relatively complex might be the process of organising heterogeneous workers. As underlined by the founder of ACTA, the main challenge is precisely:

a massive social mobilisation as a meeting point of different social struggles: if it is already so difficult to talk between neighbouring and similar jobs, it is not easy to imagine something that brings together the electrician with 20 years of experience who joins in a struggle with the freelance in publishing, and the support teacher who has been in a precarious situation for 25 years. It does not seem realistic in the short term, but in my opinion, this is the goal to strive towards, which in fact goes in the direction of a re-composition of the world of work, while recognising the differences that characterise it.

11.3.3 *The French Fédération Nationale des Auto Entrepreneurs et micro entrepreneurs*

In France, the expansion of solo self-employment was encouraged with the creation in 2008 of a new regime for self-employed workers, considered first

as *auto-entrepreneur* and then as *micro-entrepreneur*. This simplified social and fiscal regime was introduced with the aim to facilitate the setting up and management of small businesses and was opened to all sectors, with some additional regulatory constraints for specific branches such as construction, craftwork, or food services. Then, in March 2009, a few students working as auto-entrepreneurs started building a blog to foster tip exchanges and mutual help among users of this new regime:

At the time, there was very little database, very few frequently asked questions, very little networking. So there was first an operational need: “How do I register? How do I opt out? How do I declare my turnover? How do I deal with tax? How do I combine this with my job? How do I combine this with my pension? How do I combine this with unemployment benefit?” So we basically started founding a community.

(FNAE founder)

This first step led to the creation of the *Fédération Nationale des Auto Entrepreneurs et micro entrepreneurs* (FNAE), which progressively started representing micro-entrepreneurs and asked for improvements of the regime from state representatives. The development of lobbying activities was based on the observation that both trade unions and employer organisations were ignoring this emerging category of SSE:

We’re reaching a point where self-employment is exploding, but nothing in the representative model corresponds to us. [...] The big problem with all these historic trade union structures is that they are based on the world of employees. [...] And on the employers’ side, when you knock on the door of the MEDEF [one of the main employer organisations], they say, “Who are you?”

(FNAE member)

The FNAE thus emerged to fill the gap in the collective representation of micro-entrepreneurs, proposing to gather a wide range of professional groups sharing the same regime. This cross-sectorial approach was therefore at the core of the FNAE’s strategy:

So we have 380 professions; we have psychologists, nutritionists, dieticians, landscapers, mushroom pickers, people who do design, graphics, new digital professions and then of course we have craftsmen, lots of shopkeepers, lots of e-traders; we really have everything. People come together more on the basis of their status than on the basis of their profession, because what matters in their day-to-day lives, and particularly in their relationship with the State, is their status. At the end of the day, as long as you’re a micro-entrepreneur, your social protection will be the same.

(FNAE member)

If such a status-based approach allowed FNAE to be progressively identified as a representative of micro-entrepreneurs in the public debate, at the time of the fieldwork they were still facing the challenge to be formally included in an industrial relations model that only included trade unions and employer organisations. As mentioned in Chapter 9, to participate in the Council for the social protection of self-employed workers, FNAE managed to build an alliance with *Confédération des petites et moyennes entreprises (CPME)*, an employer organisation:

Actually, we're neither on the employers' side nor on the employees' side, but we ended up on the employers' side because that's how it works. We made alliances and we got two seats, two seats out of 24 or 23, I don't know how many there are, 23 or 24, it doesn't matter. Now, as we're on the inside, we're systematically consulted on all government issues... As soon as there's a decree, we're consulted. So we're up to speed on everything, and as a result we can call on our members much more quickly, which gives us even more clout.

(FNAE member)

In recent years, FNAE has therefore managed to gain more institutional recognition. As an example, it could participate, in the pandemic context, in the consultations organised by the government – its notoriety increased considerably among micro-entrepreneurs shaken by the lockdown measures.

11.3.4 *The German SSE Association VGSD*

Beyond the consolidated collective representation of SSE workers by *ver.di*, an association emerged in 2012 in Germany to represent the interests of SSE and small companies: *VGSD*, officially translated as the Association of Founders and Entrepreneurs Germany. The creation of this association arose from a petition against a law imposing compulsory pension contributions for the SSE:

They planned that every self-employed person had to pay €400, independent of how much they earned, into the pension system. We organised the petition and we had 80,000 signatures within two weeks. We met the former Secretary of Work. We met her twice and we just explained to her that, you know, a lot of people are part-time and if you're part-time and you maybe earn €1,000 it doesn't work and it would encourage freelancers, especially women, to stay below [the contribution threshold of] €450. It's unfair. It's stupid. So, she stopped the law.

(VGSD founder)

VGSD then became a proper association based in Munich, led by a team of four people, and managed by two full-time and two part-time employees.

Differently from ver.di, VGSD was not limited to SSE but also welcomed small businesses with up to nine employees.

As a recruitment strategy, the founders wanted to create a cross-sectorial organisation, to reflect the shared interests of entrepreneurs regardless of their industry. However, it was difficult for the organisation to engage members from traditional trades relying on historical spaces of collective representation. VGSD thus ended up organising mostly high-skilled SSE connected to knowledge work:

We wanted to cover all kinds of industries, to organise some solidarity between different industries, because certain problems are the same independent of the industry. But because in more traditional industries, like trade and restaurants and shops, there are existing organisations, our focus became people in the service industry and particularly people providing services to other companies. Like knowledge workers, you know, who work for companies and develop know-how. We have a lot of consultants or people who describe themselves as consultants or trainers. We are the largest association in Germany for SSE IT experts. We have lots and lots of translators and people working on texts. So, this has to do with, you know, industries that didn't have an association before.

(VGSD founder)

In an attempt to both expand their base in terms of sectors and to increase their institutional clout, a network gathering SSE workers was created in 2017 at the initiative of VGSD and the alliance of German designers. The network was called Bagsv, meaning the federal working group of associations of the self-employed. It was initially created with 24 organisations, and at the time of the fieldwork was composed of 36 associations, representing more than 100,000 members from very different professions:

Our idea was to find an organisation in which all of us can be autonomous but in certain topics we work together because it's easier to reach our goals when we go together. In February 2017, we founded Bagsv and it was quite a wide range across the industries, like entertainment branch, click work, platform workers, designers, film editors, translators... A whole range, from more creative, less creative, to not creative at all, a whole constellation.

(Bagsv founder)

From the very beginning, the aim was to coordinate to get more political weight than as single organisations. Thematic working groups were also created to build common positions. This horizontal network, gathering self-employed associations of varying sizes from different industries, slowly

came to be recognised by policymakers and became a key discussion partner for ministries and MPs during the Covid-19 health crisis:

German politicians say, “It’s really interesting what you say as an alliance of German designers but for us, it would be a lot easier when you go together with other associations”. But for them it is really new that there’s an organisation which is not an umbrella association, but a network covering several industries. And at the beginning, they were a bit lost. What is that network? But now I think they are really happy that there’s an organisation like ours and they invite us for their conferences and meetings and workshops and stuff. They do it all the time.

(Representative of the alliance of German designers)

In parallel to this cross-sectorial lobbying, which led VGSD to join forces with other SSE associations, VGSD also offered members important spaces for networking. In ten German cities, local groups composed of volunteer members organised a wide range of events to allow members to meet each other and break their isolation. In Berlin, the main activities organised before the pandemic consisted of monthly meetings in the evenings with talks prepared by members, monthly breakfasts in a restaurant, one summer grill party, and one Christmas dinner per year:

Something that I really like, also about the association and the people that are there, as well as about the way we do it in Berlin, is that it’s more informal. Usually, you have network meetings for businesspeople, and there is a different organisation, you must wear a tie, ladies have to make up, dress well, be polite, and well... that’s so boring. With *** [another co-organiser], we are on the same page, we are more personal, we just go there in t-shirt and jeans to meet people, we are eye-to-eye, on the same level, we are not there to find clients – I mean, sometimes people go to find clients. And that’s great if they find a client, but that’s not the main goal of these meetings. The goal is to get in touch and to find common problems or good solutions for problems other people have already found, and to talk about it and get in touch. So, that’s what I really like: informality and also to talk about experience.

(VGSD member)

During the pandemic, VGSD became more visible in the public debate, and new members joined the organisation. At the same time, the rapidly evolving sanitary rules made the organisation of networking events more complicated. In this context, online events and collective walks in the forest were organised in Berlin. Participant observation of these events allowed us to perceive the high appreciation of members for such initiatives, which were mainly valued for their relaxed and informal atmosphere.

11.3.5 *The UK SSE Association IPSE*

IPSE is an association of Independent Professionals and Self-Employed set up in 1999 in the United Kingdom under the name Professional Contractor Group (PCG), which was created to protest against the IR35 tax statute, legislation conceived to tax ‘disguised’ employment at a rate similar to that foreseen for employees. The association initially targeted the IT sector and later became cross-sectoral, also including different groups of platform workers. Originally, therefore, what is now one of the most effective associations in representing a broad range of self-employed workers at a national level was in reality narrowly focused on a small portion of the self-employed ‘élite’.

From the very beginning, the non-profit organisation was designed to provide a wide range of services, such as expert advice, insurance tailored to specific professional needs of members, and access to a professional community that worked as a multiplier of working opportunities and a reference point for peer-to-peer professional exchanges. Moreover, since its inception, lobbying and legal work aimed at protecting SSE interests were at the core of its activities, which in a few years expanded to cover more and more categories of SSE workers:

We’ve been trying to reach out to a broader range of self-employed people. We’ve done that partly because we think we could get more members that way but also because we realise that it’s very difficult actually to talk about contractors and the issues that they face without considering the wider world of self-employed.

(IPSE coordinator)

Independent contractors, therefore, shaped the action of IPSE from the beginning and continued to be a very significant portion of the membership even when the association decided to broaden its target audience. However, the path of openness to new independent professionals has been constant and progressive over time. This made it possible to develop a broad and inclusive reasoning on the different needs expressed by the SSE and to activate a process of diversification of the membership:

We have a new membership now called Essentials, which is a bit cheaper, which is more attractive to sole traders, perhaps people working in creative fields, graphic designers, things like that. So, we have more of those members who are growing. We’re getting a bit more of that, but our core membership is still here.

(IPSE Director of Policy)

Over the years, IPSE carried out a number of fact-finding surveys that resulted in research reports capturing the changing and evolving nature of self-employment in the UK. When it was still called the PCG, it also supported a major

European-wide research effort that helped to take a fresh look at the fluid world of professional self-employment. These efforts also helped to change the language traditionally used to talk about self-employment by introducing the concept of I-PROs (Independent Professionals) (Leighton and Brown, 2016; Rapelli, 2012).

In recent times, partly due to the exceptional conditions generated by the Covid-19 pandemic, the need to understand the sudden changes affecting the self-employed became even more acute:

But as we've gotten more and more into it, we've realised, I mean, look at the pandemic like it was – it would have been silly to have talked just about specific self-employed professionals, to not talk about the whole of the self-employed.

(IPSE Director of Policy)

A pronounced cognitive tension, necessary to understand the changes and needs of its members as well as those taking place in the labour markets that most affect the self-employed, starting with the tertiary sector, led IPSE to enter into dialogue with several organisations that, at first glance, could seem rather distant from their approach to self-employment. This is the case of the trade union context, and in particular of those trade unions that, out of necessity or by choice, decided to explore – in the last few years – the complex world of self-employment outside their traditional targets in order to build an adequate offer of representation:

Community was the Steel Workers Union... they're still good friends of ours. We have been in close conversation with them recently, we did a report called "Supporting the Self-employed" that came out recently; and we did a joint press release with them because there was one of our key recommendations they were also calling for [...]. The main reason why we think Community is an interesting union is because they have always been quite forward-thinking about self-employment.

(IPSE Deputy Head of Research)

During the fieldwork, the combination of continuous research activity on members' needs with an accurate exploration of alliances with other organisations interested in representing the self-employed emerged as a relevant constant. While the heterogeneity of self-employment requires specific knowledge of the different sectors in which the SSE are present, it also calls for the construction of a common framework that can serve as a basis for lobbying an inclusive regulatory framework. In this perspective, apparently very different collective actors – IPSE, an association originally made just of independent contractors, and Community, a trade union traditionally focused on the industrial sector – started to collaborate in producing relevant studies, such as a report on self-employment and disabilities published in 2019.

11.3.6 *The Slovak Young Entrepreneurs Association*

In 2018, the Young Entrepreneurs Association of Slovakia (YEAS) created a tool called 'BiznisInfo', which informed users according to their preferences not only about recent legislative changes but also about proposals that could have a possible impact on their business. The impetus for its creation was a 'last-minute' tax code change that had a significant impact on the business environment and was not communicated to anyone due to time constraints. At that time, YEAS needed to quickly gather information and data about the impacts of the legislation on SMEs. YEAS thus realised a survey among small business-owners – circulated through a business portal run by one of the association's company members – and then provided members of parliament and the media with the findings. Although this legislation passed on that occasion, YEAS created 'BiznisInfo' to solve this problem in a systemic way, to prevent such a situation in the future, and, more generally, to facilitate the participation of entrepreneurs in the creation of legislation, thus strengthening their voice.

This tool took the form of a smartphone application and website. According to YEAS, the biggest added value was that legislative changes, usually only available in 'lawyer language', were made available to BiznisInfo users in more familiar 'business language'. Another added value was that users could find information on their legal obligations in time to avoid fines. In addition, they had all the information they needed at their disposal in a concise manner and in one place. This helped them to save a great deal of time that they could then devote to their professional activities:

BiznisInfo is a useful tool both for YEAS and other business organisations it cooperates with. They can use it to get feedback on upcoming legislative changes and proposals not only from their members, but also from a wider range of entrepreneurs, especially small business owners. They can include their opinions in the comments, and representatives of entrepreneurs can subsequently communicate the findings to the policymakers. From the YEAS perspective, this provides policymakers with the necessary information about the impact of the legislation on the business environment, which may help them to make better data-based decisions.

(YEAS founder)

At the time of the fieldwork, the application was managed by a group of people whose roles were divided between the technical and content aspects of the app. Some of these administrators were themselves members of YEAS. From the very beginning, the association tried to involve members in its development, especially in the area of user experience, and only outsourced some tasks. One of the content administrators was also a YEAS member, a freelance attorney. His work consisted of monitoring the legislative process

in Slovakia. Specifically, when he received information on the drafting of an amendment or a new law that had an impact on the business environment, he entered it into the app. So, he had to first analyse the bill and then, with the cooperation of another administrator experienced in copywriting, ‘translate the text’ into language that entrepreneurs could understand. They were then able to prepare for the potential impact of the measure or vote in a poll and comment on that impact, so that YEAS could use the information from its members in its media outreach. News such as new subsidy programmes and other updates were handled by a different administrator.

To effectively utilise this app, each user had to provide some basic information about their business. As a result, surveys could be targeted at a particular population of small business-owners based on their answers. Hence, BiznisInfo did not lead to the organising of small business owners, but to some extent it improved their ability to express a collective opinion:

We gave a chance to the unorganised small entrepreneurs via BiznisInfo to express their opinions, which will then be taken into account in the creation of regulations. We call them the ‘silent majority’, people who at the end of the day are affected by all the regulations, but their opinions are not taken into consideration in the legislation process. It hasn’t had a major impact on our membership base, but what we’ve been able to do with the app is to reach out to people who aren’t organised anywhere to get their opinion.

(YEAS president)

BiznisInfo therefore served, among other things, as a tool to reach a very heterogeneous population of self-employed workers and small entrepreneurs, thus attempting to overcome the lack of involvement in institutional dialogue, which was difficult to access for YEAS itself and completely inaccessible for unorganised and isolated SSE workers and small business owners.

11.4 Between Formal and Informal Economy: The Self-Organised Group ‘Sindicat Helpling’ in Berlin

During the fieldwork, we observed situations in which the hybrid areas of labour did not involve the boundaries between self-employment and employment but rather lay between self-employment and informal labour, particularly with regard to platform work. While we found both unions and activist groups engaged in the organising of platform workers, especially riders and taxi drivers (see Chapter 13), we did not find any organisations that had been able to organise the growing group of domestic and cleaning platform workers, mainly due to the fact that they intersect several dynamics of invisibilisation, being mostly migrants and women, working within the domestic sphere, and often at the boundary between formality and informality. This does not mean that the ability to organise was absent among these workers. We indeed found, particularly in the German context, self-organised groups

that managed to build grassroots forms of solidarity. More specifically, we were able to conduct a participant observation of the WhatsApp group ‘Sindicat Helpling’, which gathered more than 250 Spanish-speaking members who worked or had worked in the past for this digital labour platform (see Mondon-Navazo and Murgia, 2024). Helpling has a model similar to that of delivery platforms, allowing clients and cleaning service providers to get in touch and charging them for this intermediation process. The platform could thus be used for both punctual and regular cleaning services and is usually charged between 20% and 39% of the price paid by clients. Service providers were invited to work as SSE, declaring their turnover to the tax office, but Helpling did not actually carry out any checks. Our study showed several degrees of informality, from migrant workers who were allowed to work but did not declare their income to the tax office to workers who were legally prevented from working in Germany due to migrant legislation.

Within the WhatsApp group, members could first exchange information about work-related issues such as payment systems, cancellation fees, or possible recourses against clients acting in bad faith. A recurrent topic was connected to cases when clients did not inform a worker of their absence or gave a wrong address. To receive compensation from the platform, workers had to prove that they had really gone to the address:

30/12/2021 at 10:11 – X: Hi there, what do you do if you arrive at your booking but nobody opens the door? I’ve been waiting for 10 minutes. I arrived on time and sent a chat. I tried to call but these are offices. No one left me any instructions on how to get in or anything 🙄

30/12/2021 at 10:13 – Y: Take a selfie with the intercom system just in case, because Helpling are assholes, so take a picture of the chat with the client

30/12/2021 at 10:13 – Z: They have to pay you for it [...]

30/12/2021 at 10:15 – X: I’m going, because obviously there is nobody... I took a lot of pictures. Thanks 🍀🍀

(Excerpt from the chat group)

Members of the group also tried to oppose abusive client practices by building a common blacklist: they compiled a shared document entitled ‘undesired clients’ in which members could indicate the name and address of clients with whom they had had a bad experience, which at the time of the fieldwork counted 178 names:

Name – *** [Address] – This client takes pictures of the house before your cleaning and then sends them to Helpling saying you didn’t work and asking for a 100% refund.

Name – *** [Address] He schedules you at 9am but asks you to arrive at 7am. The house is huge. It can’t be done in 3 hrs and he doesn’t pay.

Name – *** [Address] Inappropriate language towards me.

(Excerpts from the shared document)

During interviews, several members of the chat group explained that they would never accept a new client without first consulting this document. They knew friends or colleagues who had experienced sexual assault by clients, and one interviewee cited a situation in which the chat group had allowed a worker to receive real-time support:

The client opened the bathroom door and came out naked. “Oh, I didn’t know you had arrived”, he said. She felt very uncomfortable, she didn’t know what to do, because how is it possible for a person to say: “I didn’t know you had arrived”, if he opened the door? As she was writing on the group, people were asking her, “Does he live alone?” And she said “Alone, alone, he lives alone”. And she said “I’m here in the house, what should I do? I’m here in the bathroom, I’m very nervous”. “Go away, go away now, don’t go on”, everyone said to her. And she said: “I’m afraid of being sanctioned, of being charged...” Because if you leave a cleaning job unattended, Helpling charges you. They charge for everything.

(Interview with a chat group member)

Besides this crucial mutual support regarding their work, group members also shared tips on non-work-related issues, such as administrative procedures and the health system, or the development of common strategies related to transport and housing. From time to time, in fact, a message would be sent to create a new group in order to share a monthly unnamed transport pass with some members to reduce travel costs or to look for a room or find a roommate:

10/03/2022 at 13:53- X: You guys, you who know everything. I never did the tax office thing, Helpling never asked me for it and I worked during 2021 on that and nothing else (except my online job in Chile). Now I can’t do that anymore because I am on a student preparation visa. Do you know what I should do with the tax return? ☐ I’m super lost.

10/03/2022 at 17:45- Y: You can’t do the tax return because you are not registered as a freelancer.

13/04/2022 at 09:32- X: Hello, does anyone know a doctor who speaks Spanish? Other than Gomez because she is on holiday. Thank you.

13/04/2022 at 11:23- Y: Here they had sent a pdf of doctors and specialists in Spanish... If you can send it again it would be great because I lost it... please and thank you.

[About 10 minutes later a pdf file was sent].

Although the latter case described in this chapter does not refer to formalised collective actors, it nevertheless shows that invisible and self-organised groups

of platform workers, still overlooked by both academics and trade unionists, can collectively create spaces of agency and build digitally-mediated forms of solidarity related to work as well as other spheres of life.

11.5 Conclusion

In this chapter, we have shown how, in the case studies conducted in the six countries where our research took place, the collective actors studied – from trade unions and SSE associations to employer organisations and self-organised groups – approached and recruited heterogeneous groups of SSE workers on the basis of their employment status or their occupational sectors.

The case of artists and creative workers illustrates how the trade union Equity in the UK has for nearly 100 years represented and organised workers in the performing arts and entertainment industries, a sector where the distinction between employment and self-employment is particularly blurred. Similarly, the French case of SNAP-CGT shows the ability to represent artists and creative workers – both SSE and employees – at the federal level, as does *Kunstenbond* in the Netherlands and *ver.di Selbstständige* in Germany, where dual membership of the union and specific professional associations is also allowed.

In the second section, the empirical cases selected analysed several categories of workers to show the relationships between their cross-sectoral heterogeneity and the methods of collective representation carried out by trade unions, SSE associations, and employer organisations. The Italian case of *NidiL-CGIL*, for example, demonstrates the innovative operation that broadened the union's traditional areas of action, first by creating a cross-sectoral category within the union, then by promoting through the 'Council of Professions' an arena for confrontation between different collective actors on self-employment. The case of *ACTA*, pioneering in the Italian context regarding freelancer organising, also shows how a 'counter', as well as online and face-to-face interactions, also open to non-members, allow for the exploration of the emerging needs of a plurality of workers, with different employment situations, but with a common ground as SSE. The aim of exploring possibilities of coordinated actions to respond to the emerging needs of professional groups sharing the same regime across sectors is also visible in the French case of *FNAE* and the German one of *VGSD*, the latter being particularly appreciated for its informality and sharing of personal experiences. A similar dynamic can be found in the UK in *IPSE*, which initially targeted the IT sector and later became a cross-sectoral association, also including different groups of platform workers. In Slovakia, instead, *YEAS* developed a different strategy to approach self-employed workers: a mobile app to inform their target about changes in legislation and to engage with SSE workers also through surveys to be disseminated through the media.

Finally, in the third section, the empirical results show how the heterogeneity of SSE workers can be difficult to address, especially when the boundaries

blur between the formal and informal economy, which has been reconfigured by platform work. The case of the platform cleaners studied does not show forms of formal collective representation or mobilisation, but even in such a case, invisibilised workers collectively create spaces of agency and develop digitally mediated forms of solidarity for themselves.

All these empirical cases suggest that collective actors who want to address the heterogeneity of the SSE need to engage in bridgebuilding efforts, thus becoming capable of both crossing different legal statuses – such as SSE, employee, but also workers in the informal economy – and becoming cross-sectoral, thus representing not one or more professions but rather a *professional condition* (Bologna, 2018). The collective organising of workers – the SSE, but not only them – therefore largely depends on their ability to take action even when it does not concern issues that directly affect them. The next chapter is dedicated to forms of organising that we have defined as hybrid, precisely because of their ability to go beyond established practices and build bridges between different collective actors and approaches.

Note

- 1 The programme, named “Kunst and Bondcast”, released 16 episodes. Following this initiative, the Music department also started to produce podcasts (see <https://kunstenbond.nl/vakgroep/kunsteducatie/>).

References

- Bologna, S. (2018). *The Rise of the European Self-Employed Workforce*. Milan: Mimesis.
- Bottalico, A., and Murgia, A. (2022). Posizionamenti liminali tra autonomia e dipendenza: il caso del settore bancario e assicurativo. *Studi Organizzativi*, XXIV(2), 35–69. Doi: 10.3280/SO2022-002002.
- Bottalico, A., and Murgia, A. (2024, OnlineFirst). “We have two engines, and we must keep them both running”: The combination of institutional and symbolic resources in the “socio-emotional organizing” of solo self-employed workers. *Journal of Contemporary Ethnography*, Vol. 53(5) 689–720. Doi: 10.1177/08912416241269990.
- Gumbrell-McCormick, R., and Hyman, R. (2018 [2013]). *Trade Unions in Western Europe: Hard Times, Hard Choices*. Oxford: Oxford University Press.
- Holgate, J., Simms, M., and Tapia, M. (2018). The limitations of the theory and practice of mobilization in trade union organizing. *Economic and Industrial Democracy*, 39(4), 599–616. Doi: 10.1177/0143831X16688942
- Jansen, G. (2020). Solo self-employment and membership of interest organizations in the Netherlands: Economic, social, and political determinants. *Economic and Industrial Democracy*, 41(3), 512–539. Doi: 10.1177/0143831X20937516
- Keune, M. (2013). Trade union responses to precarious work in seven European countries. *International Journal of Labour Research*, 5, 59–78.
- Keune, M., and Pedaci, M. (2020). Trade union strategies against precarious work: Common trends and sectoral divergence in the EU. *European Journal of Industrial Relations*, 26(2), 139–155. Doi: 10.1177/0959680120910193

- Leighton, P., and Brown, D. (2016). *Future Working: The Rise of Europe's Independent Professionals*. EFIP, European Forum of Independent Professionals, Brussels, Belgium.
- Mezihorák, P., Murgia, A., Borghi, P., and Mondon-Navazo, M. (2023). Representing solo self-employed workers: The strengthening of relations between traditional and new collective actors in industrial relations. *Work, Employment and Society*, 37(4), 1013–1031. Doi: 10.1177/095001702111061227
- Mondon-Navazo, M., and Murgia, A. (2024). In/visible intersectional organising: The case of 'Sindicat Helping' in Berlin. Paper presented at EGOS Colloquium, Milan, 4–6 July.
- Murgia, A., Bozzon, R., Digennaro, P., Mezihorák, P., Mondon-Navazo, M., and Borghi, P. (2020). Hybrid areas of work between employment and self-employment: Emerging challenges and future research directions. *Frontiers in Sociology*, 86. 1–8, Doi: 10.3389/fsoc.2021.643967
- Murgia, A., and Selmi, G. (2012). Inspire and conspire. Italian precarious workers between self-organization and self-advocacy. *Interface: A Journal for and about Social Movements*, 4(2), 181–196.
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024
- Rapelli, S. (2012). *European I-Pros: a study*. Professional Contractors Group (PCG), UK.
- Schulze Buschoff, K., and Schmidt, C. (2009). Adapting labour law and social security to the needs of the “new self-employed”: Comparing the UK, Germany and the Netherlands. *Journal of European Social Policy*, 19, 147–159. Doi: 10.1177/0958928708101867

12 Hybrid Practices of Organising

How Workers Mobilise between Employment and Self-employment

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12.1 Introduction

Why was a group of freelancers walking in Milan's city centre with a crown of thorns on their heads, performing a 'Way to the Cross in the book publishing industry'? What does it mean for an association of sworn interpreters and translators in Amsterdam to carry out a strike refusing to work for the Dutch public authorities? How does a group of activists decide to block the orders of a 'dark kitchen' in Paris to protest against Deliveroo? The aim of this chapter is to delve into practices of organising carried out by solo self-employed (SSE) workers, showing how hybridity represents a *fil rouge* connecting different experiences throughout the countries studied and within a variety of collective actors, ranging from well-established unions to grassroots groups.

The literature dealing with SSE workers' organising practices has so far assumed a certain homogeneity among them that, according to several scholars, is mostly oriented towards providing services, training, and networking opportunities (Jansen, 2020; Pernicka, 2006; Wynn, 2015) with a scarce propensity to direct mobilisation, although with some exceptions (Bologna, 2018; Heery et al., 2004) that have recently become more numerous, due to the increasing mobilisation of SSE platform workers (see, among many studies, Bessa et al., 2022; Borghi et al., 2021; Leonardi et al., 2019). The case studies conducted during our research allowed us to contribute to this debate by providing a variety of examples of organising practices that we can identify as *hybrid*. Hybridity here is mainly intended as the combination of several repertoires of actions, such as the performance of colourful demonstrations and flash mobs, taken from the social movement repertoire (Mattoni, 2012; Murgia and Selmi, 2012), together with strikes and blockages typical of trade unions. In addition, hybridity is represented by the ability of SSE workers' organisations to take over some of the traditional practices typical of other collective actors, adapting them to the needs of their membership. Some examples could be an SSE association carrying out a strike action, usually arranged by trade unions, or trade unions developing new services tailored for SSE members. Finally, hybridisation also results in the

combination of individual and collective practices, such as the provision of services, to facilitate SSE workers' professional activities and to defend their rights on an individual basis, carried out alongside collective actions.

The chapter is divided into three sections. The first delves into the organising practices of both established unions and grassroots groups in Italy, Germany, the United Kingdom, and France. The second discusses two examples of SSE associations in Italy and the Netherlands, respectively, both engaged in radical and creative actions to denounce and improve SSE workers' professional conditions, while the last section analyses the combination of individual and collective dimensions of action in a case of whistleblowing in Slovakia, used to fight the widespread use of bogus self-employment. The chapter concludes by arguing that the combination of several practices, belonging to a variety of repertoires of actions, and their adaptation to changing scenarios and organisational contexts are the key to developing innovative forms of SSE workers' organising.

12.2 The Hybrid Organising of Unions and Grassroots Groups

In the last few decades, while precarious workers have been experiencing a crisis of representation, trade unions have faced a phase of decline in their role and their membership, expressing a need for revitalisation (Frege and Kelly, 2003; Heery and Frege, 2006; Keune, 2013). Attempts to respond to the precarious workers' representation crisis have been multiple. On the one hand, to reach out to a larger and more diverse membership – including SSE workers – in several countries, well-established trade unions started revising their repertoires of actions by stimulating novel forms of organising and opening up services addressed to this specific group of workers. On the other hand, bottom-up experiences emerged throughout Europe, outside the perimeter of well-established unions, animated by workers themselves, aimed at organising directly by creating grassroots groups and initiatives.

12.2.1 Well-Established Trade Unions

A trade union interested in exploring the articulated world of the SSE needs, first and foremost, physical and/or virtual spaces to encounter them. With this purpose in mind, since 2014, CGIL has experimented with creating coworking spaces in the Italian context. Here, in addition to providing individual and shared workstations, the union offered tax services dedicated to SSE workers while also listening to their professional and representational needs. These spaces were usually designed by the local union branches and differed from one city to another. For instance, in the city of Bergamo (in Northern Italy), the local CGIL supported the creation of the coworking space 'P@sswork', promoted through an innovative partnership between the trade union and the local branch of the charitable institution ACLI, the social cooperative AEPER, the local branch of the national confederation

of craftworkers and small and medium-sized enterprises (CNA), and the association for vocational training ‘San Vincenzo’. Another context investigated during our research was ‘Worx’, a coworking space opened in 2015 by the Milan CGIL together with the union’s centre for tax services:

There is a wide debate within the union about how coworking and related services can be implemented. Milan represents a case in itself, [since] it has specific traits in terms of number of professionals in general and SSE professionals. We must absolutely consider this specific trait if we don’t want to fail... We are planning dedicated services precisely for that target. [Coworking was] one of the first things we did, and it was very successful. In November, one month ago, we organised an ‘open week’ of services in the Worx coworking space. We also planned workshops on various topics, such as welfare for freelancers, debt collection, tax duties, electronic invoicing, flat tax. They were sold out in 10 days.

(CGIL unionist)

The services provided through the coworking networks were combined with an intensive communication and information campaign promoted through the union’s social networks and websites, where tutorials dealing with different professional aspects concerning SSE workers’ activities were posted (i.e., taxes, social security, credit recovery), and where specific initiatives aimed at networking and information about them were advertised:

We did a precise choice with even political consequences: our services are exclusively for the SSE. This means that we need to imagine dedicated services for specific self-employed workers who have particular characteristics and, in some cases, also specific fragile traits.

(CGIL unionist)

The idea to develop services and support the collective engagement of the SSE responded to a precise orientation of the union that, coherently with its original vocation, decided to represent and organise workers (and not companies). This position took into account the contradictions experienced by the SSE and their role in the production system of the advanced tertiary economy. In discussions among trade unionists, a clear distinction arose between those SSE workers who, in providing their professional services to individual and corporate clients, were more exposed to the uncertainties of the market without, however, having the characteristics of a firm, and those who instead had employees and acted in the market like a proper firm rather than individual service providers:

We [as a union] have a very wide range of clients and members: freelancers working for different firms, lawyers, but also SSE with a single client – the most in trouble from an economic point of view. Let’s

say that they stimulated our reaction in reshaping our services, also considering the importance of a direct relation which favour the comprehension of their needs.

(CGIL unionist)

This was a strategic choice that favoured the possibility of trustworthy relationships, which can shift the position of coworkers from an individualistic to a collective dimension of work. Nevertheless, as one of the interviewees reported, becoming a member of the union was an option hardly considered by coworkers. The services provided by the union, starting from the workstations, were always evaluated in relation to the market offer and not as an ideological or a political option; therefore, they had to be competitive in comparison with other market options. Nevertheless, this experience was relevant to start thinking about other initiatives aimed at raising collective awareness and possibilities for collective actions for the SSE, especially within the broader framework of an increased interest by the union in solo self-employment developed by specific union sections such as the NidiL-CGIL (see Chapter 11).

A similar case, concerning a well-established trade union developing novel practices to enlarge its membership by also including SSE workers, can be seen in the German *ver.di Selbstständige*. As described in Chapter 11, *ver.di* is a cross-sectorial section representing SSE workers within the main German union in the services sector. Beyond its intense political lobbying to improve the access of the SSE to social protections, this organisation also paid close attention to its members' individual needs. Thus, to help members cope with the complex administrative, welfare, and fiscal procedures they had to carry out as SSE, *ver.di* created a customised advice service. This service was first financed by a governmental programme in 2000 and, at the time of the fieldwork, was still entrusted to a *ver.di*-owned company called *Mediafon*. This advice service relied on a team of 15 remunerated SSE workers and was organised at the national level. While it was billed to non-members, *ver.di* members had the opportunity to ask for free as many questions as they needed. This support channel, therefore, played a crucial role in consolidating the relation of members with *ver.di* on both material and symbolic levels:

[The service] was very innovative about 20 years ago when we started; today it's relatively common. In the past, there was a call centre where people could call, then the case was typed in, then the staff looked to see who could give the best answer. [...] Now we have stopped with the call centre: [...] you simply type your question into a form and it is then immediately passed on to the person who can best answer.

(*ver.di* unionist responsible for *Mediafon*)

So I think [the service has] more of a members' retention function, not so much an advertising function, and it is of course also an image

issue overall. There are few organisations, actually none at all, that can afford to say that they have a continuous advisory service that responds very promptly and processes a lot of information at the same time. [...] It is also useful to show to members that we really care about them.

(ver.di unionist)

Such a service not only allowed members to remove their doubts but also freed up union staff from dedicating most of their time to solving individual problems, giving them the opportunity to focus on other issues, such as those more connected with organising. At the same time, this service was conceived as a preliminary step for collective action. After answering callers' questions about remuneration or social rights, the advisors could in fact invite them to get in touch with ver.di unionists:

If someone asks me about a professional issue, then I say: "That's not a question for the self-employed department, please contact Mediafon" [...]. So if we started solving the individual problems of the SSE, the day would be over with counselling 10 people. And that's why this takes place in a service society.

(ver.di Selbstständige unionist)

We want people, when they are individually advised by us, to perceive that ver.di can collectivise it and that it is not an individual problem. The effect that we actually want is: "Yes, we will answer your question, but since it cannot be solved by individuals, you have to do something with others". For instance we say that we know that things are getting worse and worse in journalism, that the pay is getting worse and worse, and we also know people who want to fight back together. That is still our unique position. But that also means that it's really the members who say: "Okay, we have to do something".

(ver.di responsible for Mediafon)

An example of articulation between individual services and collective action took place during the pandemic. When lockdown measures were taken in Germany initially, in most of the regions, SSE workers could ask for emergency financial allowances. Later, it turned out that most of them should not have asked for this fund, which was strictly limited to cover business expenses, such as rents of business premises or expenses for company cars, while living costs were ineligible. Many SSE workers were thus required to reimburse the aid they had received and therefore called Mediafon for advice. This massive wave of concern finally led to the organisation of a demonstration in Hamburg:

The Hamburg reimbursement procedure was a huge burden, because an incredible number of SSE workers called ver.di and asked what they

should do now. So I organised a demonstration together with ver.di, to protest against this procedure and the criminalisation of SSE workers. [...] We asked ver.di to support us to organise this demonstration. Because it's not like we are people who make demands, this is not an ordering service, we also have to engage as members.

(ver.di member of the art and culture group & ver.di Selbstständige member)

In both cases presented, concerning well-established unions in Italy and Germany, we observed the hybridity of their practices. First, both unions decided to provide new types of services (such as coworking spaces and a support line), therefore 'borrowing' practices typical of SSE associations without abandoning their mission, as a union, to organise and represent workers. Second, they adapted these services to a specific target group (SSE workers) and a specific context (organising services differently depending on the city and through times, including the pandemic period). Finally, in both cases, the trade unionists interviewed stressed the connection between the provision of individual service and the unions' main aim – to organise collective action. The demonstration organised by ver.di in Hamburg soon after the first lockdown represented the most evident case, highlighting these connections, overlaps, and articulations.

12.2.2 *Grassroots Groups*

In the last decade, we attested to the emergence of grassroots groups and initiatives throughout Europe, often characterised by new hybrid sets of practices (see also Alberti, 2017), as a reaction to the lack of representation for SSE workers. Among grassroots unions, IWGB – created in the UK in 2012 by a group of Latin American outsourced cleaners working at the University of London – played a significant role. This group broke with the well-established union UNISON in the attempt to demand better working conditions and fight against outsourcing processes. Since then, IWGB began organising workers with low wages and insecure work, often migrants, including a growing number of SSE platform workers (Borghi and Murgia, 2025). The independent union was strongly oriented towards democratic and inclusive processes; thus, decisions were the result of collective discussions among members, who had an equal right to speak and vote and actively participated in the structuring process of specific campaigns.

In recent years, platform work has emerged as one of the main challenges for the union, which in 2016 supported the first riders' protests in Europe; since then, IWGB has become a reference model for many other unions and activist groups that subsequently emerged on the continent. When IWGB members and staff decided to mobilise food delivery riders, in particular those working for Deliveroo in London, they could rely on previous experience

with couriers employed by ‘The Doctor Laboratory’ (TDL), a company specialised in dedicated medical sample collection services:

After the campaign in TDL there had also been attempts to organise delivery riders. There had been this slightly different approach compared to how we approach them now, in the sense that [back then] there were independent strikes we started supporting. [...] People got pissed off and then it ended there. So, the idea was to build a base, which then, democratically... I mean the idea was to get to 100 members in London, build the base, have a meeting to decide a strategy. Things were more difficult than we thought, but that was the idea, to start from the base.

(IWGB unionist)

The mobilisation of food delivery riders, therefore, began with self-organised workers, and after that, the effort of the union was oriented to organise more stable groups and to plan strategic actions going beyond the initial expression of discontent. In this respect, from the very beginning, the first riders’ mobilisation relied on digital tools, such as chats and social networks, which played a crucial role but also had some limitations:

Chats and social networks are not a basis for organising workers; they are a basis for mobilising them. For me, it’s a pretty fundamental difference because mobilising people has never been a difficult thing; riders are pissed off because working conditions are terrible. Saying “We’re pissed off, let’s go” is quite easy. To do it in an organised, democratic, and systematic way is more difficult, that’s what we’re trying to do, so that’s the organisation, that in my opinion is not limited to chats such as WhatsApp groups. Chats work better when someone outside in the real world builds trustworthy relations with riders.

(IWGB unionist)

Organising riders implied adapting well-known practices to new circumstances and different labour compositions. Therefore, the initial phase of IWGB activity implied a long period of exploration, information gathering, and analysis, including an accurate mapping of the territory, echoing a typical ‘workers’ inquiry’ supported by new interactive technological tools. One unionist and a workers’ organiser explored the city to see where the riders gathered while waiting for orders; meanwhile, the union staff activated an interactive Google Map, where users could see where riders were meeting, while riders themselves were marking the places they were gathering. The learning process and unionists’ expertise improved with time, and this allowed them to optimise energies and strategies. Initial important knowledge acquired through mapping concerned the composition of the riders’

groups and therefore the difficulties for unionists in dealing with a diverse membership:

In London there are migrant groups from all over the world with very different backgrounds, from North Africa, Brazil, or Bangladesh, and so on. They generally do not understand each other, and this is the main reason why we also have ‘ethnic enclaves’ among riders of food delivery. Within these communities, in some cases, you have to deal with the same prejudices of the society at large even if they are themselves part of marginalised communities.

(IWGB unionist)

Organising riders of different national groups, therefore, also meant differentiating strategies and approaches to develop a trustworthy relationship with all of them. For this reason, and thanks to a specific funded project, at the time of the fieldwork, the aim of IWGB was to engage community leaders among riders interested in fostering a union strategy. As shared by some union members, the union tried to tackle riders’ isolation by first consolidating existing rider communities, often based on national common backgrounds, while at the same time promoting democratic decision-making processes, able to foster aggregation across ethnic boundaries. This practice was part of a flow of activities ranging from pickets to protests and individual case law that were part of both a learning process that created shared knowledge and concrete forms of struggle that made the conflict visible in the public sphere and also through structured counter-information activity on digital social networks.

In 2016, an analogous process of grassroots organising emerged in Italy, particularly in Milan. In this case, it was not a grassroots union, but five young activist workers who created the grassroots group ‘Deliverance Milano’ (DM) with the aim to plan common strategies to tackle the increase of precarious labour in the city exacerbated by the spread of digital labour platforms. From the beginning, DM focused on riders of different platforms, which started with food delivery and then expanded their services to other goods. Mobilising riders was their main goal and a field of experimentation, due to a lack of knowledge related to a new and fast-changing heterogeneous workforce. Inspired by the protests of Foodora riders in Turin a few months before (see Leonardi et al., 2019), DM activists promoted the first strike of Deliveroo riders in Milan in July 2017. This represented an attempt at increasing the visibility of riders, fuelling at the same time the public debate that, in that period, was focused more and more on the role of digital platforms in urban economies. The strike, a traditional practice in the industrial economy where employees were the solid base of unions’ collective action, had to be re-imagined in relation to SSE workers with no rights to strike and collective bargaining. However, the main goal of the protest was not to interrupt the service, as it would be in a traditional form of strike, since this would have implied a very high participation rate – difficult to achieve at the first

attempt. Conversely, considering the working conditions of riders, the aim of the strike was to show that claiming collective rights through protest was possible. Surprisingly, according to the organisers, what was expected to be only a symbolic strike of Deliveroo riders turned into a protest animated also by several couriers working with other platforms that showed how widespread the discontent was and how forms of solidarity could be extended beyond a single platform.

In addition, from the very beginning, DM combined an inquiring approach aimed at collecting information about riders' working conditions with an intense counter-information activity on social networks as part of a strategy to mobilise workers. In this period, the term 'metropolitan union' was conceived to distinguish the grassroots group from both traditional confederal unions and more structured grassroots unions that emerged in Italy from the mid-1970s:

We have always been informal as a grassroots union, even if at the beginning we did not use the term 'union', we defined ourselves as "a support network for workers". The term 'metropolitan union' came later because we understood that [...] being defined as a metropolitan union supported the idea that workers could gather in a collective organisation to claim rights and develop strategies for self-representation based on democratic processes. Some of us also became riders, and some riders who were part of the first workers' assembly actually later joined the informal metropolitan union [...]. The struggle can go through phases that die or stop without being linear in their evolution. What remains for the workers is the organising.

(DM activist)

The daily practices of DM, therefore, were focused on interpreting the different phases of discontent, constantly carrying out work at street level to raise awareness on the meaning of strikes, protests, and collective rights:

The organisation has been reshaped many times according to the waves of mobilisation and the periods when discontent was there, but it was not sufficient for a strong mobilisation. Now we also have a small political group that is the driving force behind very large mobilisations. In June [2020] we were able, thanks to the constant counter-information we did among workers, to organise the biggest Italian – probably also European – protest there has ever been among platform workers.

(DM activist)

Over the years, on the one hand, DM refined its practices of worker engagement through constant contact with riders, supporting self-organised initiatives that emerged over time. On the other hand, DM consolidated its core structure to effectively support workers' mobilisations in the most

favourable phases of the protests. The idea of a strike became part of the riders' repertoire of actions – as one of the activists stated – significantly changing the starting conditions when proposing a strike to food delivery riders implied long discussions to explain its meaning. At the same time, the turnover of riders required a continuous activity aimed at sharing skills and knowledge. This is why constant contacts with the community of riders and counter-information activities emerged as strategic tools to maintain continuity in a fluid and, in many respects, unstable context, characterised by a lack of interest – on the platform side – in structuring an effective social dialogue.

A third case study conducted within a grassroots group involved the Collective of Autonomous Delivery Platforms (CLAP), which was created in Paris in 2017 and organised during summer demonstrations to protest Deliveroo's unilateral changes of its remuneration system, substituting an hourly payment with fare-based remuneration. At the beginning of 2020, CLAP initiated another protest to denounce the unpaid waiting time and the further pay cuts realised by Deliveroo. In this context, activists decided to organise a strike, gathering in front of the so-called 'dark kitchens', which the platform itself rented to restaurants to test a new takeaway offer, based in several Paris' neighbourhoods. 'Deliveroo Editions', the name of these spaces, was perceived as a strategic place, both to have an impact on the platform and to reach out to an important number of riders:

It's not easy to get riders together. But with Deliveroo, we're lucky, there are the Editions and it's a hive of activity, everyone comes. So we can get their attention at the Editions.

(CLAP activist)

CLAP members also chose particularly lucrative time slots for the platform: Friday, Saturday, and Sunday evenings from 6 pm to 11 pm, and chose a specific day, 14 February, Valentine's Day, to kick off their wave of demonstration, inviting several journalists along:

When I arrived, the riders were installing two banners saying "Au secours!" [Help!] and "La rue est notre usine - Les forçat du bitume relèvent la tête" [The street is our factory - Asphalt convicts raise their heads again]. After a while, CLAP representatives used a megaphone to give a talk to the around 15 present journalists. A few members of parliament were there too. The riders presented the CLAP and the action of the day. They mentioned the recent requalification of a rider into an employee and said that their lawyer was available to help more people do the same. They explained the system of the shifts, to underline that riders are definitely not able to choose when to work and talked about the pay decreases they were facing.

(Fieldnotes excerpt, 14/02/2020, Deliveroo Editions, Saint-Ouen)

The time and space of the strike, therefore, also represented an opportunity to invite riders to take legal action to be reclassified as employees, showing how individual legal cases and collective initiatives were actually intertwined and reinforced each other in CLAP's practices.

From 14 February to 15 March 2020, CLAP riders met every weekend in front of the Deliveroo Editions kitchen to make their claims heard. They wanted to impact the restaurant's turnover, banking on the fact that restaurant owners would complain to Deliveroo and refuse to pay the rent. Sometimes during these evenings, a Deliveroo employee would decide to close the huge gates of the courtyard, refraining from giving orders to the riders: the closing of the gates was a source of great satisfaction for the riders gathered on the street. At other times, the gates remained open but no rider showed up to take orders, and the mobilised riders themselves did not receive any orders. Therefore, it was inferred that the restaurant terminal needed to connect to the platform was switched off, which was perceived as another sign of success. And in some cases, the Deliveroo employees and the restaurant owners tried to ignore the CLAP mobilisation and go on delivering food, leaving the gates open or reopening them and assigning orders to the riders. In such cases, CLAP riders deployed various strategies to impede non-mobilised riders from picking up the orders:

A bit before 9pm, they reopened the gates of the courtyard and riders realised that the kitchen was working again because they were receiving orders. They positioned themselves in front of the door and started trying to incentivize incoming riders to decline the order requests. Every time a rider arrived, someone went to talk to him to explain the reasons for the strike, asking him to cancel the order, asking for solidarity with the strike and thus asking the rider to eventually move to work in other areas. They emphasised that they had to fight right now because otherwise their remuneration would keep decreasing and that they were fighting for all of them. In most cases CLAP activists were successful in convincing other riders. Sometimes CLAP riders simply shouted at couriers approaching on their bikes or motorbikes, "there is a strike, it's closed!" without entering into the political argument, and couriers simply turned back.

(Fieldnotes excerpt, 21/02/2020, Deliveroo Editions, Saint-Ouen)

The Deliveroo employees in charge of dispatching the orders sometimes tried to retaliate, but CLAP activists did their best to make them change their strategy:

From time to time, Deliveroo employees were trying to shout to riders, "Come it's open, if you want to get your order, no problem!" At a certain point, a CLAP activist started saying to them: "I don't understand you, I can understand the guy who came here to earn a few euros and

doesn't want to give up his order because he came here, but why are wage-employed people from Deliveroo in the position of making people enter to give the order, what do they win? They could just say "there is a blockage, I'm not able to give the order, I'm sorry", that's it. But no, instead it is as if they are forcing people to give orders". The Deliveroo employee replied: "Yeah but think about these riders, they want to earn a bit, you cannot impede them doing so, it's not fair. I'm just doing my job". After this discussion, the formulation changed a bit and the Deliveroo employee was saying to incoming riders: "It's open if you want to get your order, but if you want to cancel it, no problem, it's your right".

(Fieldnotes excerpt, 29/02/2020, Deliveroo Editions, Saint-Ouen)

Beyond wide media coverage of their bad working conditions, the mobilisation also allowed CLAP activists to be contacted by Deliveroo representatives for a meeting. Nevertheless, although CLAP members wanted to go on mobilising to get an appointment with a Deliveroo headquarters representative, the lockdown measures taken in France in March 2020 impeded continuation of their protests, and Deliveroo enjoyed the pandemic period not only to continue with the decreased remuneration levels but also to abolish the system of shifts that guaranteed the riders minimum levels of work. Nevertheless, CLAP has continued its work, organising demonstrations at the end of 2020 to call for the regularisation of undocumented riders who had been 'disconnected' massively by another platform.

As the three case studies in the UK, Italy, and France show, grassroots unions and grassroots groups of riders throughout Europe have developed a plurality of hybrid practices. First, similar to other collective actors, most started their action after a process of inquiring into riders' labour conditions in the cities; this implied creating a strong connection with local contexts by building on pre-existing activist networks, among neighbours, national, or religious communities. Second, radical actions such as strikes and pickets were deployed. These practices needed to be adapted to formal SSE workers with no rights to strike and, in certain urban contexts, with no possibility to be actually disruptive for the food delivery service. Third, the blocking of pivotal spaces (such as the 'dark kitchens') was often coupled with demonstrations to gain visibility in a city turned into a 'factory of riders' (as stated by CLAP), in order to also raise awareness among citizens as users of the platform. Fourth, strikes and demonstrations were constantly documented through social media but also in the traditional press because implementing a strong communication strategy was, from the beginning, a key practice in strengthening the organised riders. Finally, the mobilisations went hand in hand with direct negotiation with platform representatives and with individual case law: in fact, although they were not established unions, both DM and CLAP were able to help several riders move from self-employment to wage employment, thanks to labour lawyers close to their groups.

12.3 The Hybrid Organising of SSE Associations

With respect to the hybridisation processes that characterise the organising practices of SSE workers, besides both well-established unions and grassroots groups, another relevant collective actor encountered during the fieldwork were SSE associations. In this section we present two case studies, conducted in Italy and the Netherlands, with the aim of analysing how hybridisation takes shape in such contexts.

The first case study is represented by Redacta, a group of activists created in 2019, within the Italian freelance association ACTA, an Italian cross-sectoral SSE association founded in 2004 (see Chapter 11). Redacta was born through the launch of an independent inquiry into working conditions in the book publishing industry. In the last few years, the publishing sector in Italy has experienced a progressive erosion in the quality of its labour. It is a low-margin and high-risk sector where many books remain unsold. Years without a representative reference have worsened an atmosphere characterised by a lack of openness and cohesion among workers, who are often reluctant to talk about their pay and contractual conditions and, as in other creative fields, willing to work more than a non-creative worker would be willing to accept for the same remuneration (Cavani and Soru, 2021; Redacta, 2020).

At the time of the fieldwork, the Redacta activists group wanted to contest misuses of employment contracts and aimed above all to promote an improvement of SSE working conditions, collective representation, social protection, and earnings. To do this, Redacta members first conducted an independent inquiry on working conditions in the publishing industry, similar to the inquiry and mapping work conducted by riders' grassroots groups across Europe. This initial phase was aimed at creating a coalition and searching for new solutions by assessing effective and pragmatic proposals. The political background of the members and the relationships with ACTA led Redacta to employ a multi-faced strategy based on the combination of different practices typical of both institutional actors and social movements (Bottalico et al., 2025). On the one hand, being part of ACTA meant that the association was able to benefit from advice, services, and institutional contacts at local and national level, as well as from the support of a well-known Italian cartoonist, who was a member of ACTA's board and who drew the illustrations for Redacta's campaigns free of charge. On the other hand, since its inception, the grassroots group organised its members by using typical activist methods, partly recalling the imagery built in the early 2000s around the 'San Precario' movement and the 'May Day parade' (Foti, 2017).

In light of the growing intensity of Redacta's activities and membership, in November 2019, Redactors decided to organise an event aimed at making the organisation known to the outside world and the Milanese publishing environment for the first time. The event was called 'The Way of the Cross in the book publishing industry', and it was held in parallel with the cultural

event ‘Bookcity Milano’, which involved several local and national cultural institutions and foundations linked to publishing houses, including the Italian publishers’ association:

The *Via Crucis* [the Way of the Cross] was an event a bit goliardic within an institutional initiative. We were still at the beginning, we wanted to make ourselves known, we organised the event not as an official event, but abusive, and it was a sort of street parade in Milan, in which we stopped in certain significant places connected to publishers... the procession of the passion of the editorial work, that is, the one who does a job for passion but then dies for this passion, and the passion becomes precisely a passion in the sense of the passion of Christ. People were curious, they listened... it was the first time we appeared [publicly] in some way.

(Redacta member)

As underlined in this excerpt, this unofficial and situationist parade (within an institutional event) titled ‘Book, what a passion!’, was intended to exorcise the ‘passion trap’ (Murgia, 2014) of those working in the publishing sector. The ‘passion’, as is often the case with knowledge and creative workers, indicated not only the pleasure for the job but also the suffering of workers, who pull the cross of the cultural industry. Six stations of the *Via Crucis* of editorial work were identified – six cult places of publishers based in Milan – while workers told of the vicissitudes related to their working conditions and crossed urban spaces carrying their bodies through the streets, wearing symbolic elements of the Way of the Cross – such as the crown of thorns on their heads – to reaffirm their professional status.

Along these lines, another initiative organised by Redacta was carried out at Palazzo Isimbardi, in the headquarters of the metropolitan city of Milan, in the frame of the European Freelancers Week (see Chapter 13). In 2021, activists participated in a roundtable with workers from different sectors, debating with representatives of the cultural sector and local authorities, such as AFOL, the local public authority providing training and guidance to workers. Within this institutional framework, Redacta organised a tarot card reading to question, in a sarcastic way, the future of the SSE in the publishing industry. The title of the initiative was: ‘What will happen to freelancers of the editorial sector? Ask the Tarots!’ Within the institutional framework of the European Freelancers Week, Redacta activists reaffirmed that the lives of the SSE in the publishing sector are united by characteristics of precariousness, contingency, and exposure to the vagaries of the market.

The second case study is also emblematic of the ability to combine different organising practices, as represented by the Orde van Registrertolken en-vertalers (Orde), an association of around 600 sworn interpreters and translators (I&Ts) based in the Netherlands. The organisation was created by a group of sworn I&Ts, providing services to courts, police, immigration offices, and other public agencies, that started to mobilise at the end of the

1990s, with the aim of contesting the precarisation of their profession. They protested the transformation of the intermediation system, mainly due to the growing role of agencies providing I&Ts services for cheaper prices than individual professionals; moreover, they contested the outsourcing of I&T services to these agencies through public procurements. According to Orde's members, this meant lowering the quality of the services by also reducing I&Ts' possibilities to negotiate their fees while generally increasing labour market competition. Using their words, they contested 'privatisation', 'neoliberalism' and 'market-oriented' government decisions. Moreover, agencies and large intermediaries were willing to pay I&Ts no more than the minimum tariffs established by law, which according to Orde's members, were dramatically low and needed to be indexed.

To tackle these issues, from December 2020 (when it was officially created), Orde opted for the adoption of practices that were quite unusual for a SSE association, mainly drawn from the repertoires of actions of unions and social movements (Piro and Murgia, 2024). The most visible way of voicing members' dissent was in organising parallel demonstrations in several Dutch cities, finding creative ways to represent themselves as a collective, and attracting attention, even if demonstrating in small groups. To increase their visibility on the street, they wore red and black clothes and invented ritual gestures, like bringing a finger in front of their mouth as a sign of silence: they did not want to 'talk' anymore (or 'interpret' anymore), their slogan said, until their voices were listened to in the public arena.

Together with demonstrations, another practice they re-appropriated was that of the strike, translated into the refusal to work for public agencies during specific periods. Although striking is an organising practice typical of trade unions, our interviewees referred to it as very much in continuity with the possibility of SSE workers saying 'no' to their clients and thus to refuse work proposals when fees or deadlines were deemed to be unacceptable. In addition, their strike strategies changed over time to adapt to the needs of a prolonged absence of income for the mobilised SSE. Therefore, at the time of the fieldwork, Orde was carrying on what we can define as a 'hiccup strike', whereby members refused jobs proposed by public administration on certain agreed days every month. Therefore, in carrying out practices derived from social movements (such as colourful demonstrations) and trade unions (such as strikes), the association changed its attitude towards forms of organising by assuming 'a more activist approach', as referenced by one of our interviewees. Moreover, the language used to frame (and, thus, conceive) these forms of organising was modified to be more inclusive and able to convey SSE's specific claims. A member of Orde, for instance, underlined the importance of innovating the vocabulary when describing this kind of protest:

[*Some people say:*] "We have to raise wages". No, not 'wages' because you don't get a salary, you get a fee or a remuneration, you don't get a salary because you are not a salaried worker. Language that we use is so

important! Or, they say: “They force me to sign a contract”, I say “No, nobody forces you to sign a contract, a contract exists for you to negotiate it. A contract is the will of two people who agree, so they don’t impose a contract on you”. This change of mentality is complicated because there are many people who have the idea that “to work as an SSE you have to [do everything]” [...]. What we have to do is to make each member of the Orde aware that they have to negotiate their rates and working conditions, they have to negotiate them, that they don’t have to sign contracts without reading them.

(Orde member)

Alongside pickets and strikes, Orde also attempted to build alliances, especially with politicians, members of parliament, and other professional associations (i.e., lawyers, judges, and journalists), both in the Netherlands and abroad. Moreover, its members engaged in public campaigns and launched petitions and inquiries on the working conditions in their sector, all activities aimed at raising awareness among sworn I&Ts and informing broader public opinion. As an example, a campaign we followed contested the government’s decision to pay I&Ts per minute instead of providing an hourly fee, thus serving a dual purpose: on the one hand, it encouraged sworn I&Ts to explicitly recognise their value as professionals, while on the other hand, it informed public opinion by also pointing the finger at Dutch public authorities:

Let me tell you an anecdote: Picasso is sitting on a terrace in Rome and one of his fans says: “Oh, Picasso you’re so great!”, and he sees a napkin on the table and says: “Picasso, please, draw me a picture”. So, he draws a picture of a goat in one minute, and this fan says: “Can I have it?” “Yes, you can have it for 1,000 Euro” “1,000 Euro for one minute?!” Picasso says: “No, it’s 50 years plus one minute, this is what you’re paying for”. So, I knew the story... and I do the same with my clients.

(Orde member)

To sum up, our findings showed, first, that both members of Redacta and Orde carried out permanent self-inquiries on working conditions in specific industries, producing informative material on legal and tax issues to raise workers’ awareness, as well as ironic and provocative campaigns to inform broader public opinion and to ‘name and shame’ institutions for their scarce commitment to protect SSE workers. Second, they organised collective actions by combining different practices, such as performative demonstrations in several cities (giving attention to specific symbols to gain visibility in the public space) and strikes (framed as a practice in continuity with SSE workers’ ability to negotiate their workflows). In the case studies analysed, therefore, the hybridisation of organising practices stems from the fact that the associations investigated were able to combine practices from the repertoires of actions of

both social movements and trade unions, which in turn were offered together with initiatives more common among SSE workers, such as the provision of services and legal support.

12.4 Whistleblowing against Bogus Self-employment

During the fieldwork in Slovakia, we found that the SSE organising was rather nascent and lacked initiatives that would expand their practices beyond the traditional repertoire. However, we did identify interesting cases of whistleblowing carried out collectively (differently from what is usually done), aimed at framing bogus self-employment as an anti-social activity. This practically meant reporting cases of bogus self-employment and denouncing (to courts but also to public opinion) existing irregularities in the way labour law was enforced. Whistle-blowers were then able to creatively use the law to fight against bogus self-employment, while at the same time challenging the dichotomy between them as individuals and the institutions that enforce and shape labour law. Specifically, they were able to use their individual disputes to deconstruct and collectively challenge the institutional environment in which the use of the bogus self-employment was embedded. In fact, whistle-blowers' networks pointed out inconsistencies in the interpretation of the Labour Code by the organisations responsible for its enforcement (such as labour inspectorates, but also the courts), thereby trying to reinvent the criteria of wage-employment to fit the internal logic of the Labour Code (Mezihorák and Murgia, 2023).

A first example observed in 2001 was the case of Mr A., a regional branch director of a financial services company. Together with other workers, he protested when asked to become a sole-trader, claiming it was a violation of the Labour Code, and was therefore fired for alleged redundancy. After that, he filed a complaint with the labour inspectorate about his suspicions that the company had used bogus self-employment and, concurrently, sued the employer for wrongful dismissal. The first case between the company and Mr A, which he initially lost, developed into a number of lawsuits that were pending at the time of the fieldwork. Mr A maintained constant communication with a few of his former colleagues to learn fresh information about any legal violations the company may have committed. He gradually built a loose network of individuals who obtained whistle-blowers' protection and filed lawsuits against the company for using bogus self-employment. They coordinated their activities in order not only to win their disputes but also to maximise the impact of these judgements on the institutional environment, promoting and actually enforcing labour law.

In another case, two SSE journalists accused their media outlets' management of interfering with their work because of external political and economic interests. As a result, their collaboration with the journals was interrupted. Without intending to enter a legal dispute with their former clients (or employers), they first made their situation public. Following this

media coverage, several law firms contacted the journalists and offered to represent them for free as part of their pro bono activities. Indeed, the law firms, based on information the journalists had previously disclosed about their work, concluded that the journalists had been unlawfully dismissed because their work fulfilled the requirements for wage-employment. After this case, several dismissed journalists were urged by the lawyers to take legal action in support of their claims. Two journalists, based on the advice of the law firm, requested whistle-blower protection, claiming that their client/employer acted unethically. This was refused with the claim that they were SSE and therefore not covered by any type of protection. After that, the journalists together sued the employer for wrongful dismissal, claiming that they were employees. The alternative plan was to apply for whistle-blower protection after a first instance decision confirming that they were in fact employees. Or in yet another case, a law firm suggested that journalists had to immediately go to court. Both lawsuits, which were filed in 2018 and 2020, respectively, were still awaiting their initial court rulings at the time of the fieldwork.

Although the legal route to enforcing one's rights is often seen as individual, our study shows how it can instead be fundamentally collective, based on the relations between institutional actors and bogus self-employed workers. As stated by one of the dismissed journalists:

I would like very much to set a precedent, some judgement the other courts would rely on which would be made public and people working as self-employed and unsatisfied with that, they would get the courage to stand up and fight for their rights.

(Whistle-blower)

In all the cases illustrated, the workers were also in contact with trade unions, but the unions claimed to be unable to support them because of their SSE status. Therefore, they developed their own practice of organising based, first and foremost, on relationships with colleagues who energised each other to begin a legal dispute with their employer and with sympathetic lawyers who provided crucial expertise. In addition, for every legal action that in some way affected a protected whistle-blower, the labour inspectorate would have to verify it, which means bringing another institutional actor into the dispute. Workers thus mobilised very different resources: relational ones, in the form of relations among colleagues and with lawyers, and symbolic ones, especially in the case of journalists claiming that bogus self-employment risked threatening the freedom of journalism, or more broadly that bogus self-employment was an anti-social activity that implied focusing the attention on a large public and not only on an individual interest. This symbolic framing as public interest was also intended to draw other institutional actors into the dispute, such as labour inspectorates and courts, who were asked to strive to produce consistent judgements on bogus self-employment for the future.

12.5 Conclusions

This chapter analysed SSE workers' organising practices in different European countries, across different industries, and through different collective actors, ranging from well-established unions to SSE associations and grassroots groups. We defined SSE workers' organising practices as *hybrid* since they combine different repertoires of action, coming from social and labour movements. Among the collective actors considered in this section, service provisions went along with colourful and provocative demonstrations, and forms of negotiations and lobbying were carried out alongside strikes and pickets.

In relation to well-established unions, we analysed the cases of CGIL, in Italy, and ver.di, in Germany, which both designed new services tailored to SSE workers, taking into account the specificities of the local contexts and the particular time in which they were embedded; in both cases, these services were imagined as a way to enlarge union membership and also move SSE workers' concerns from an individual to a collective level, as suggested by the demonstration in Hamburg organised by ver.di in 2021. Among grassroots unions and groups, we observed how IWGB in the UK, DM in Italy, and CLAP in France were combining forms of inquiring, demonstrations, and pickets with lobbying activities and individual case law to support workers in pushing digital labour platforms to recognise their effective employees' or worker status.

As far as SSE associations are concerned, in the Italian context, Redacta emerged as a paradigmatic example of how SSE professionals in the book publishing industry organised by carrying out sarcastic performances and demonstrations to increase the visibility of their precarious working conditions. Moreover, we highlighted how the organised SSE workers that we observed were able to transform traditional practices, adjusting them to a specific target, and shaping them to respond to the particular necessities of SSE workers. The case of the Dutch SSE association Orde was thus relevant to illustrate how the strike, coming from the labour movement tradition, was adopted by an SSE worker organisation, framed as a practice in continuity with SSE workers' ability to refuse to work in cases of unjust conditions, and implemented in the form of a 'hiccup strike' to allow professionals to earn an income while protesting.

Finally, we showed how the organising practices observed addressed individual claims while 'raising' them to a collective level: the case of the use of whistleblowing legislation in Slovakia, for instance, highlighted how an individual juridical tool could be employed to tackle bogus self-employment at a more general, collective level.

In conclusion, in the cases studied, hybridisation is in our view the outcome of the ability to develop novel practices and renew and 'borrow' them from other collective actors to organise the SSE, which has opened spaces for workers to express their desires for autonomy without being forced into individualisation, to fulfil their needs as professionals while combining them with forms of collective solidarity and cooperation.

References

- Alberti, G. (2017). Il sindacalismo ibrido dei migranti: le lotte degli esternalizzati nel settore dei servizi a Londra. In S. Chignola, and D. Sacchetto (Eds.), *Le reti del valore*. Bologna: DeriveApprodi.
- Bessa, I., Joyce, S., Neumann, D., Stuart, M., Trappmann, V., and Umney, C. (2022). *A Global Analysis of Worker Protest in Digital Labour Platforms*. Working paper 70International Labour Organisation. Doi: 10.54394/CTNG4947.
- Bologna, S. (2018). *The Rise of the European Self-Employed Workforce*. Milano: Mimesis.
- Borghi, P., Murgia, A., Mondon-Navazo, M., and Mezhiorák, P. (2021). Mind the gap between discourses and practices: Platform workers' representation in France and Italy. *European Journal of Industrial Relations*, 27(4), 425–443. Doi: 10.1177/095968012111004268.
- Borghi, P., and Murgia, A. (2025, forthcoming). Organising migrant platform workers in London: The case of IWGB. In F. Della Puppa, D. Dhar, and N. Montagna (Eds.), *Migrant Labour in the Gig Economy. Digitization, Platform Capitalism, and Resistance*. London: Palgrave Macmillan.
- Bottalico, A., Carini, G., Cavani, M., and Murgia, A. (2025). L'organizzazione collettiva dei/lle freelance tra simboli e istituzioni. Il caso di Redacta. In L. Alteri, S. Busso, G., Piazza, and L. Raffini (Eds.), *L'altra politica. La partecipazione non convenzionale nei vecchi e nuovi conflitti sociopolitici* (pp. 45–57). Milano: McGraw-Hill.
- Cavani, M., and Soru, A. (2021). Freelance nell'editoria libraria in Italia. In I. Pais, and A. M. Ponzellini (Eds.), *Il tassello mancante. L'intervento organizzativo come leva strategica per la transizione tecnologica*. Milano: Feltrinelli.
- Frege, C. M., and Kelly, J. (2003). Union revitalization strategies in comparative perspective. *European Journal of Industrial Relations*, 9(1), 7–24.
- Foti, A. (2017). The precariat for itself: Euro May Day and precarious workers' movements. In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods*. London: Routledge.
- Heery, E., Conley, H., Delbridge, R., and Stewart, P. (2004). Beyond the enterprise: Trade union representation of freelancers in the UK. *Human Resource Management Journal*, 14, 20–35. Doi: 10.1111/j.1748–8583.2004.tb00117.x.
- Heery, E., and Frege, C. (2006). New actors in industrial relations. *British Journal of Industrial Relations*, 44(4), 601–604. Doi: 10.1111/j.1467–8543.2006.00515.x.
- Jansen, G. (2020). Solo self-employment and membership of interest organizations in the Netherlands: Economic, social, and political determinants. *Economic and Industrial Democracy*, 41(3), 512–539. Doi: 10.1177/0143831X1772371
- Keune, M. (2013). Trade union responses to precarious work in seven European countries. *International Journal of Labour Research*, 5(1), 59–78.
- Leonardi, D., Murgia, A., Briziarelli, M., and Armano, E. (2019). The ambivalence of logistical connectivity: A co-research with Foodora Riders. *Work Organisation, Labour & Globalisation*, 13(1), 155–171. Doi:10.13169/workorgalaboglob.13.1.0155.
- Mattoni, A. (2012). *Media Practices and Protest Politics: How Precarious Workers Mobilise*. London: Routledge.
- Mezhiorák, P., and Murgia, A. (2023). From resentment to deconstruction: Whistleblowing as a politico-legal tool of labour law enforcement. *Economic and Industrial Democracy*, 45(2), 511–529. Doi: 0143831X231167451.

- Murgia, A. (2014). Representations of precarity in Italy: Collective and individual stories, social imaginaries and subjectivities. *Journal of Cultural Economy*, 7(1), 48–63.
- Murgia, A., and Selmi, G. (2012). “Inspire and conspire”: Italian precarious workers between self-organization and self-advocacy. *Interface*, 4(2), 181–196.
- Pernicka, S. (2006). Organizing the self-employed: Theoretical considerations and empirical findings. *European Journal of Industrial Relations*, 12(2), 125–142. Doi: 10.1177/0959680106065024.
- Piro, V., and Murgia, A. (2024). Dissenting and innovating: Freelancers’ emerging forms of organising in the Netherlands. *Current Sociology*, 0(0). Doi: 10.1177/00113921231223176.
- Redacta (2020). *Editoria libraria. Un sondaggio*. Available at: https://www.actainrete.it/wp-content/uploads/2020/07/Editoria-libraria_sondaggio.pdf (accessed 10 May 2022).
- Wynn, M. (2015). Organising freelancers: A hard case or a new opportunity? In E. Burke (Ed.), *The Handbook of Research on Freelancing and Self-employment* (pp. 111–120). Dublin: Senate Hall Academic Publishing.

13 Hybrid Forms of Organising Are Growing and So Are Workers' Networks

The Emergence of Transnational Alliances

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13.1 Introduction

Alliances are a traditional topic in both social movements (Van Dyke and McCammon, 2010; Zajak and Haunss, 2022) and industrial relations studies (Cha et al., 2018; Hyman and Gumbrell-McCormick, 2017), not only at the local and national level but also at the transnational one (Geelan and Hodder, 2017; Tarrow, 2006). In this chapter, we focus on different transnational networks dealing with the collective representation and organising of solo self-employed (SSE) and freelance workers.

The first network is represented by EFIP, the European Forum of Independent Professionals, created in 2010 by a range of SSE associations based in the United Kingdom, Italy, Germany, the Netherlands, and Spain, later joined by France, Romania, Croatia, Poland, and Belgium, with the aim to coordinate lobbying activities at European level and to foster the public debate on SSE workers' rights. The second case study examines the European Trade Union Confederation (ETUC) by focusing on how trade unions have addressed the challenges posed by solo self-employment at the European level, also considering the specific case of platform work. Still in the field of platform work, the third type of transnational alliance identified during our fieldwork comprised well-established and grassroots unions, alongside activist groups representing and organising food-delivery riders. Taking into account the significant role played by the freelancer cooperatives studied within the SHARE project (see Chapter 10), we also investigated the European Confederation of Industrial and Service Cooperatives (CECOP), the top-level representative organisation of social, worker, and freelance cooperatives at the European level. To conclude, following interviews conducted within UNI Global Union, an overview of the ILO position on self-employment is provided, since it represents a relevant reference point for many of the organisations considered here and is a central player in defining the coordinates of social policies and public debates at both national and European levels.

13.2 ‘Like Herding Cats’: EFIP, the European Forum of Independent Professionals

EFIP was created in 2010, and at its peak, it included national member organisations representing around 10 million independent professionals in 11 member states all over Europe (Eurofound, 2017). It mainly aimed to provide representation for European independent professionals, labelled as iPros, through research and advocacy. According to a report commissioned by EFIP itself, iPros can be defined as ‘[s]elf-employed workers, without employees, who are engaged in an activity which does not belong to the farming, craft or retail sectors. They engage in activities of an intellectual nature and/or which come under service sectors’ (Rapelli, 2012, p.4). Over the years, the steady growth of iPros (Borghgi and Murgia, 2019; Leighton and Brown, 2013) has triggered new needs of collective representation (Borghgi et al., 2018).

The European Forum was mainly financed by IPSE, a UK-based SSE association interested in showing EU institutions that the specific concerns and priorities expressed by the association were also shared by similar organisations across Europe:

Typically, what would happen is that if we went to Europe, if there was a piece of legislation coming out of Europe that we thought it could influence the UK’s perspective, it would be hard to say we’re just the UK, we want [this and that]. But if we went there and said we represent a... groups from across Europe and we have a concern or we think you should be doing it this way, or we’d like to influence in a certain direction. We felt that it would gain more traction and I’m pretty certain that we are right.

(IPSE representative)

While initially EFIP’s members predominantly included highly skilled, genuine self-employed workers, from its foundation, EFIP also acknowledged the need to tackle the growing internal heterogeneity of the SSE. The network was aware of the growing share of bogus SSE workers and strongly called for a clear definition at the European level of genuine self-employment:

We experienced the same problem in different cultural contexts, in all European countries: there is this image of employers and of employees and nothing in between. There is a lack of understanding that SSE people are not in a transitional phase [...] There is also this third thing, that one is SSE and simply works together with others on an equal footing. And you don’t want to become an employer, but you simply want to market your knowledge in the knowledge society and instead of looking for employees, you look for partners with whom you can cooperate.

(EFIP’s German member – VGSD)

Their main demands therefore included: an official definition of iPros and its systematic measurement in European surveys; the appointment of a European iPro envoy to EU institutions on the model of the SMEs one; the right to be consulted on relevant policies and legislation; and the identification of the SSE as the smallest business unit, with the same access to services, tenders and public procurements, EU funding, training opportunities, and rights to provide services across borders as other European SMEs (EFIP, 2014). In particular, EFIP pushed to promote transnational activities of single-member companies within the framework of the discussion on the reform of the EU Directive, which was later rejected by the European Parliament and heavily criticised by ETUC for the risk of fostering bogus self-employment and facilitating letter-box companies and social dumping. In 2017 too, when the EU Commission started consultations for a legal redefinition of the SME in EU law, EFIP called for the inclusion of the SSE ‘as a highly skilled segment of the self-employed and a unique subset of micro-enterprises’. Further, EFIP emphasised the role of iPros as a driver of employment and job creation (EFIP, 2014).

EFIP included all the major national SSE associations regardless of differences in ideological positioning and organisational structures (Borghini, 2021). For example, although EFIP’s main objective was to gain recognition for iPros, some national associations considered the expansion of social protection measures for the SSE as a priority from the outset. For some of EFIP’s members, such as the Dutch PZO, having a European representation was crucial to obtain social rights for the SSE and prevent what they perceived as an excessive focus on expanding the status and protection of employees. For others, such as the Italian ACTA, joining the Forum was initially perceived mainly as an opportunity to exchange information and participate in bottom-up events or research projects, not necessarily adhering fully to IPSE’s political agenda:

We see some threats going on in Europe, so we need to be very aware about what is happening over there. Europe was more and more oriented to make an employee more important. The development here is more as we are talking about all workers, if you are an employee or volunteer or self-employed you have to have some kind of basis for your social benefits [...]. So, we are now in that stage where we are looking for a way for how we can organise that.

(PZO representative)

The Brits created the network because they wanted to really show they were independent because their tax system rewards independent professionals and they had to defend themselves from accusations of being bogus SSE. It was exactly the opposite for us. This constant confrontation about different ways we operated in different systems was really

interesting for knowledge purposes but not to have common political campaigns.

(ACTA representative)

Therefore, it was generally clear that fundamental divergences on the role and mission of EFIP remained. Such differences seemed ultimately related to the conception of solo self-employment itself:

There are big differences in how freelancing is understood, and in particular on provision for pension, sick pay, etcetera. The UK has very much a very American view on that: everyone [should be] organising [these on] their own, whereas many of the European organisations, of course, had the European social model going over their heads, which is, you know, about how to better look after our independence.

(IPSE representative)

[Other members] were far more concerned about other social issues we were not interested in, and which bored us. The thing about them is they want to be part of our European organisation and get credibility back home, but we had the money, and they didn't like that we would block everything they did. [...]. I mean, have you ever heard of the expression herding cats? In English, when you plan to organise a group of people that are just completely different you know it is like herding cats, it's really hard to herd cats.

(IPSE representative)

Despite relevant differences, the common need to maintain a European voice and the strong dependency of the whole network on IPSE's resources ensured the continuity of the organisation for a few years. In particular, EFIP provided an infrastructure for recurrent meetings among national organisations. It even appointed a Secretary General devoted to full-time lobbying and networking with EU institutions and managed to organise an annual European event – still in existence at the time of the fieldwork – named European Freelancers' Week, a campaign during which coordinated events such as awareness-raising initiatives, workshops, panels, exhibitions, and networking meetups were organised by several EFIP national members in different European cities. The European Freelancers' Week also had a manifesto that largely mirrored that of EFIP (2014).

However, the Forum collapsed when IPSE, its main funder, withdrew from it. After Brexit, the investment of resources to consolidate lobbying at the European level became less and less attractive for British members, while other member associations did not feel committed enough or did not have the resources to keep the Forum alive. EFIP soon dismissed its lobbyist in Brussels and slowly discontinued other sporadic coordination activities. After EFIP, there were no other attempts to organise the SSE at the transnational

level, although the need for coordination was widely recognised. First, the lack of resources remained a crucial impairment for national organisations to set up a European network with dedicated staff and an office in Brussels. Second, differences between national associations, their constituencies, policy priorities, and political agendas do not encourage cross-country coordination. Finally, while the EU system provides institutionalised channels and resources for trade unions and employer organisations, the hybrid status of SSE workers, at the time of the fieldwork, still lacked specific mechanisms for collective representation, making the creation of an autonomous transnational actor representing the SSE a daunting task:

You need to be autonomous from both [trade unions and employer organisations]. This is one of the reasons why we cannot really find partners [in other EU countries] that can maintain this autonomy. This is also related to financial autonomy. Who can put the money in a transnational network? Either trade unions or employer organisations.
(ACTA representative)

During our study, only the European Freelancers' Week was still active, in which we participated in the various national contexts. Although lacking in terms of coordination between countries, this event still offered the SSE the opportunity to meet, discuss their working conditions, or advertise their work and meet new clients.

13.3 Not Just Bogus: ETUC and the Representation of SSE Workers

At the time of the fieldwork, ETUC comprised 93 national trade union confederations in 41 countries, along with ten European trade union federations. It was a member of the International Trade Union Confederations and represented 45 million members across Europe, being recognised by the EU treaties as the peak-level social partner representing workers in the Tripartite Social Summit. Moreover, its European sectoral federations participated in the social dialogue sectoral committees, and it was part of several EU consultative bodies, such as the European Economic and Social Committee, contributing to EU policymaking on employment and social matters.

Issues concerning solo self-employment were not a priority for ETUC for many years, but things changed in the last decade. In ETUC's Action Programme for the 2011–2015 period, SSE workers were generally described as mere 'pseudo-self-employment', *i.e.*, contractors forced out of formal wage-employment by employers' strategies to cut costs and avoid responsibilities (ETUC, 2011). SSE workers were conflated with other non-standard workers facing 'unclearly defined work status without labour rights and earnings significantly below the minimum wage' (ETUC, 2011, p.20). The main activities of the ETUC on solo self-employment are, therefore, aimed at curbing its bogus manifestations.

Only more recently has ETUC started to deal with the working conditions of both bogus and genuine SSE workers more systematically. In a survey with its national affiliates (Fulton, 2018), it emerged that in at least six states of the European area (Bulgaria, Hungary, Poland, Romania, Serbia, and Turkey), national legislation prevented the SSE from being members of trade unions or did not provide clear rights for these workers to form or join a union. In the Czech Republic, Latvia, and Slovakia, there were no SSE workers joining any union, even though they had the right to do so, and in all other countries, organisational efforts were uneven and varied. Some unions developed specialised sections to organise sectors with a predominant presence of SSE workers like journalists, actors, and architects. In other cases, organisational efforts devoted to atypical workers (like temporary agency or zero-hour workers) aimed also at reaching out to the SSE. In a few cases, specific branches organising only SSE workers were created within traditional confederations (like FNV in the Netherlands or UGT in Spain), and in many other cases sporadic campaigns were employed to reach out to them.

At the 2015 Congress in Paris, the ETUC committed to making the representation, organising, and protection of SSE workers one of the priorities of its mandate. This decision entailed a shift from framing the SSE as merely a sub-category of non-standard employment to be limited and reclassified to considering self-employment an empirical reality in its own right that can be the result of the workers' agency and life choices. That shift also implied a more structured rethinking about what collective organisation, rights at work, and full access to social protection were and could be for the SSE. In the four-year Action Programme (2015–2019), the Confederation committed to preventing the ongoing replacement of regular employees with SSE workers without labour rights. At the same time, it made full access to social protection and collective bargaining for genuine SSE workers a priority of its own action (ETUC, 2015). In the Resolution towards new protection for self-employed workers issued in 2016 (ETUC, 2016a), the ETUC set a road map of campaigns and activities to reduce the gap of representation of the SSE by sharing good practices already established among its affiliates and by creating links with existing initiatives representing them, such as SSE associations, cooperatives, or co-working places. If, on the one hand, the ETUC consistently opposed 'the idea that self-employment schemes as such can be a kind of panacea against unemployment in Europe', on the other hand, it devoted increasing efforts to make sure that 'genuine self-employed workers are covered by social rights, such as the right to adequate remuneration, fair terms and working conditions, education and training, unemployment protection, social protection, and pension rights' (ETUC, 2016a, p.1). Yet, the representation of SSE workers remained uneven and limited to some countries and sectors. At the same time, the limited number of autonomous

organisations representing the SSE often made direct unionisation the only way to provide these workers with representation channels:

[Another] difficulty is that there are no real national organisations representing SSE workers. As a trade union movement in each country, in some cases they [our members] can organise self-employment, but in some cases, they are prohibited by law. So, you cannot even become a member of the union because you are not an employee. [...] In some countries we developed some advocacy and collaborations with SSE associations that provide services. These [associations] are in our line saying that they want to protect the entrepreneurial freedom of the SSE, but they are often really alone. There you have little collectives of organised people, [...], but it is like groups of individuals that are really alone, that are not heard in the national discussion, or are not properly structured.

(ETUC officer)

The fragmentation and the limited capacity for action of the organisations supporting the SSE in countries where unionism for them is not allowed emerged as relevant limitations. In these cases, through targeted alliances, the unions could support advocacy and servicing activities as a way to enhance visibility and the aggregation process of the SSE. However, in these cases, the room for manoeuvre was very limited:

It is difficult to have relevant examples of interactions or alliances except in the case when our unions really organise directly the SSE, which is the case for... one of the Belgian trade unions tried to do that, in Germany ver.di also, and yes in Italy for the hetero-autonomous [workers]. There are some specific sections of trade unions trying to organise these workers except that there is no proper voice for those SSE who would like to be protected from subordination.

(ETUC officer)

In the 2015–2019 Action Programme (ETUC, 2015) and in following resolutions (ETUC, 2016a), as well as in position papers within the framework of the works on the implementation of the European Social Rights Pillar (ETUC, 2016b, 2019a, 2021), the Confederation stressed the need to eliminate obstacles to collective bargaining faced by the SSE. Besides organisational difficulties that trade unions encountered to mobilise freelancers, case law in different EU member states impaired collective agreements signed by genuine SSE workers, considering them in breach of competition laws (see Chapter 14; Fulton, 2018; Rainone and Countouris, 2021):

A problem that has been experienced by our members, especially from professionals such as journalists or actors and musicians...

[is that] they were having difficulties in bargaining collectively. There were even cases where they were extremely afraid of being sued by the national competition authorities. There were cases in which agreements, which had been closed, and you can imagine how difficult it is, first of all, to organise SSE workers. [...] Usually we are accused of not being the voice of SSE workers. That is not true! All our members – because we have members in 37 European countries – will tell you, all of them are, to a certain extent, organising and representing these workers.

(ETUC officer)

Consequently, the ETUC maintained a clear distinction between companies and SSE workers. Making sure that competition law did not infringe on the collective bargaining rights of the genuine SSE workers therefore became a priority. As the confederal secretary put it, ‘wage-fixing is not price-fixing – trade unions are not cartels’ (Schömann, 2022, p.3), and collective bargaining was then perceived rather as a fundamental right of all workers regardless of employment status:

Because of changing dynamics in the labour market, we see more and more SSE and more and more [of them] in the digital [platforms], but also in terms of outsourcing. And these people may sometimes find themselves in a quite precarious situation since in principle they’re not covered by labour law, in particular if they are genuinely SSE. [...]. Of course, then access to collective bargaining for these SSE is a long-standing demand of ETUC, and it’s not that we are asking for a new right. We are asking for competition rules to stop interfering with a fundamental labour right that is guaranteed by ILO conventions, for example, to all workers, regardless of employment status. So, in our opinion, the EU competition rules are not in compliance with fundamental human rights instruments at the international level.

(ETUC officer)

Since the Paris Congress, therefore, ETUC has consistently devoted more attention to representing SSE workers and campaigning to secure their right to collective bargaining and their access to social protection. In the 2019–2023 Action Programme, while preventing bogus self-employment remained one of the core goals of the Confederation, it recognised the increased autonomy characterising genuine self-employment and making it appealing to workers. An open commitment to renew union movement by including the SSE and other excluded categories of workers was reiterated, and a consistent campaign for universal and mandatory access to stronger protection for SSE workers was confirmed. In the programme, opting-out options for own-account workers were criticised as were non-compulsory social protection schemes. As enshrined in the programme of the Confederation,

‘self-employed workers should be able to contribute according to their means and receive according to their needs’ (ETUC, 2019b, p.61).

In recent years, the increasing role of digital platforms banking on independent contractors and the generalised rise of SSE workers have also contributed to the ETUC’s rethinking around self-employment:

In 2019, in our congress in Vienna, the discussion on self-employment was [also seen as] part of the development of platform work and platform economy. There [at the Congress], the main priority was to fix self-employment, accepting of course that people can be SSE but if they want to be SSE, they have to be true SSE, and if they are bogus SSE, they should have all the rights that go with it [...]. So, we have clarified a bit our approach there by saying that we want to get the employment contract for all those who are subordinated, not only those who are going to court or win the court cases but that there has been a real game changer in the platform economy. And there is not only the platform economy because you can be bogus SSE without being on the platform. [...]. So, first [we advocate for] employment contracts for those who are subordinated, at the same time protecting the real self-employment and genuine self-employment from being subordinated.

(ETUC officer)

Finally, in the most recent four-year Action Programme (2023–2027), voted in the ETUC Congress in Berlin, the Confederation confirmed its commitment to further organise and better represent the SSE, to fight against bogus self-employment, and to grant full social protection, collective bargaining rights, and non-discrimination for the genuine SSE (ETUC, 2023).

If the initial approach of the ETUC framed solo self-employment as primarily a tool through which workers are pushed into unprotected employment arrangements, things have slowly changed. With time, the Confederation came to recognise genuine SSE workers as workers in their own right with specific needs and demands and with valid reasons to prefer freelance work over wage-employment. Increasing efforts to study, reach out, and organise these workers sided with the traditional campaigns against atypical forms of employment. While a representational gap still existed at the time of our study, ETUC committed to keep fighting bogus self-employment while at the same time providing genuine SSE workers with channels for collective bargaining and a representation at national and EU levels.

13.4 Transnational Alliances of SSE Platform Workers: The Case of Food-Delivery Riders

The focus on food-delivery riders revealed an extremely complex and fruitful context to observe the strategic role of alliances, particularly international ones. Starting with the study of two collective actors, IWGB in the

UK, a grassroots union, and Deliverance Milano (DM) in Italy, a grassroots group (see Chapter 12), a complex network emerged, connecting different organisations across the globe. Evidence collected showed specific traits that transcended simplifying dichotomies between well-established trade unions on the one hand and grassroots unions and groups on the other (Borghi and Murgia, 2024). Alliances were certainly favoured by the intensive use of online communication as a daily tool to share information in real time, planning and coordinating actions through democratic decision-making procedures, and monitoring what was happening in the different territories and countries involved in the alliances.

The first attempt to promote a transnational alliance of riders' organisations took place in 2018 and was represented by the European Assembly of couriers, which gathered for the first time most of the organisations, mainly grassroots groups, involved in mobilising and organising food-delivery SSE platform workers. As one of the interviewees who took part in both initiatives commented, the European Assembly has been quite relevant in symbolic terms, showing that organising grassroots groups all over Europe favouring information exchange was possible. Although the initiative had limited consequences in terms of organising coordinated actions, it played an important role in the circulation of news, representing a first step in the transnational organising of platform workers.

Limited effects on organising also emerged within the 'Alianza Unidxs World Action' (AUWA), another relevant transnational alliance launched in 2020 and still under construction during our fieldwork. It was founded by the American Mobile Workers Alliance (AMWA), a Californian union representing platform workers of Uber, Lyft, and Doordash. AMWA played a key role in promoting a global alliance, fostering online assemblies and providing simultaneous translators to facilitate exchanges between activists from Europe, South and North America, Russia, and India. The creation of a global network emerged primarily from the perception that California, the place where digital labour platforms were invented, was also the strategic area where they experimented with aggressive forms of lobbying to protect the interests of investors by sacrificing workers' rights and earnings. In November 2020, Uber, Lyft, and Doordash invested US\$25 million to promote a ballot initiative named PROP22 that passed with 59% the same day as the state election. This initiative allowed platforms for transportation and delivery to classify platform workers as SSE instead of recognising them as employees, thus avoiding the obligation to provide them with social rights. During the fieldwork, PROP22 was perceived as the first step in a global initiative aimed at dismantling national laws protecting workers.

Sharing concerns about PROP22 certainly played an important role in the creation of the international alliance, initiating a long-distance discussion – which we followed step by step – in which participants from different countries were able to tell what was happening in their territories and what organising activities they were engaged in. Although the platforms'

strategy was perceived as a real danger, among some of the activists participating in the online meetings there was awareness of an important gap between different territories. Indeed, the platforms were adopting different strategies both to conquer market share and to organise lobbying activities. This made PROP22 an important symbolic issue but not sufficient to act as a medium-to-long-term glue for the alliance. In other words, the issue of PROP22, while an important initial stimulus, did not become a common battle, leaving open the need to find a shared framework on which to base common actions and mobilise platform workers. Nevertheless, the evolving internal debate increased trustworthiness among participating organisations, fostering at distance symbolic support during the meetings and sharing posts on social networks. Moreover, this was the first step to publicly communicate the existence of the network through press releases discussed in online meetings.

The ‘Alianza Unidxs World Action’ was thus a base for nurturing common values, but it also showed relevant limitations connected to a diffuse perception of the gap between the everyday life of the member organisations at the local and national levels and the potential added value of coordinated actions at the transnational level. There was surely a difference between the organisations promoting the alliance, which were more involved and interested in the network, and the more peripheral ones. Moreover, there was a clear difficulty in actively involving the network in common initiatives, whether they were initiatives in support of the protests against the PROP22 or when, following the creation of a common manifesto (published in December 2020), various actions and flash mobs were proposed for its promotion. The manifesto was the result of several online meetings where common claims were discussed and approved. The main claims were the employee status for platform workers, hourly rates instead of piecework, insurance against accidents and unemployment, transparent and fair data management, protection against unfair deactivation and other unilateral decisions of platforms, a public register for digital platforms, the recognition of trade unions, and rights for collective bargaining. Over the months, the confrontation in the alliance – both in online meetings and in the WhatsApp group – oscillated between sharing urgent issues in certain territories and attempts to find a common framework that could serve as a basis for coordinated actions. Thus, on the one hand, relevant issues emerged, such as the harassments, injuries, and violence suffered by riders in several South American countries and the dangerous conditions experienced by Russian activist riders who were obsessively controlled by police forces. On the other hand, the promoters explored, with limited success, the possibility of defining strategies for an international mobilisation that could be meaningful for all members of the alliance.

A third, more successful case of transnational coordination between platform workers was instead observed in 2021, when a global campaign was promoted by the International Transport Workers’ Federation (ITF) to boycott the Deliveroo Initial Public Offering (IPO) on the London Stock Exchange.

Months before 31 March and 7 April 2021, when the IPO took place, ITF started a specific recruiting campaign among different organisations across the globe, focusing on the most relevant organisations active in the field of food-delivery riders' collective representation, beyond their organisational form and affiliation to ITF. The idea to invest in organising and mobilising platform workers focusing on transnational alliances emerged long before, during the 44th Global Congress of ITF in Singapore in 2018. At that time, as one of the ITF trade unionists interviewed said, the disruptive role of digital technologies in the transport sector was already clear; therefore, from this consideration came the decision for a constant commitment to ensure that new technologies were a tool to improve the condition of workers and not a threat to the quality of work. The campaign against the Deliveroo IPO was therefore part of a mid-term strategy focused on digital labour platforms that also implied an unorthodox exploration of possible alliances. As one of the key ITF unionists in the IPO campaign declared, the global network quickly evolved to include more than 60 organisations across the world, with the support of specific projects developed by some leading organisations, such as the Australian Transport Workers Union (TWU) and IWGB, which led the campaign against the Deliveroo IPO. Demonstrations and communication initiatives were organised in many countries, including Greece, Japan, Spain, Italy, Ireland, Canada, and especially in the UK, where the IPO launched in London. Coordinated actions, discussed and planned in online meetings, showed how a global alliance could perform across the globe according to a general but clear common frame and flexible choices, in terms of actions and places, at local and national level. Through this strategy, the campaign gained significant visibility at the national and international levels:

The coordination at distance worked really well; the visibility of our campaign contributed to spread consciousness on digital labour platforms in general and Deliveroo in particular. It had an impact on IPO performance; this was the main purpose, thanks to the contribution of each organisation involved.

(ITF unionist)

Protests obtained visibility starting from social media and passing through mainstream media, playing a probable role in the negative performance of the IPO. During the months before the IPO and during the period of protests, the coordination of ITF was based on democratic decision-making procedures that included online surveys on claims and strategies, which were constantly discussed with the aim to make the most of the skills and options for action among members of the alliance. Through this common frame, actions were implemented autonomously by each organisation, considering how they could be integrated into the local agenda in a sustainable way. The core structure of the alliance was made up of trade union branches of the transport sector, but other branches also joined it, as in the case of the Italian

NidIL-CGIL, because of their active role in platform work at the local and national levels. At the same time, strategic members were also grassroots groups and indie unions. Behind this choice, ITF had a pragmatic idea of an alliance composed of collective actors effectively fighting against the despotic power of digital labour platforms, going beyond an idea of a formal membership conceived as a rigid fence of the union federation. This was the rationale through which both IWGB and DM – two organisations studied during our fieldwork – were included in the alliance and in the global campaign, despite being a grassroots union (the former) and a grassroots group (the latter).

The three case studies considered – the European Assembly, the AUWA alliance, and the ITF network – revealed that in the cases of the Assembly and the AUWA, the combination of a highly symbolic instance but without a specific purpose, or perceived as circumscribed to a specific territory, progressively eroded the constituent groups' energies, limiting the potential of the alliance itself. This also showed how long-distance solidarity could be a relevant tool for networking but has limited effects in the medium to long term. On the contrary, the proposal of a common aim as the starting point of a process of organising – the campaign to boycott Deliveroo's IPO – generated an aggregation process already oriented to a precise purpose intelligible to all participants. This fostered virtuous effects fuelled by democratic decision-making processes able to combine effectiveness in coordination and flexibility in the forms of organisation in the different territories involved. In this case, energies were not employed in search of a common framework but for the construction of a common strategy within a framework to which the participants adhered, recognising themselves in a project where both trade unions, independent unions, and grassroots groups could play a relevant role.

13.5 Promoting Cooperativism Transnationally: Freelancer Coops in Europe

As discussed in the previous chapters, even though cooperatives were not engaged in representing or organising SSE workers, in the course of our study they nonetheless emerged as key collective actors in framing the phenomenon of solo self-employment at both national and transnational levels. Having analysed them in national case studies (see Chapters 4 and 10), we therefore decided to explore them further at the European level.

CECOP is the peak-level representative organisation of, among others, social, worker, and freelancer cooperatives at the EU level. It defines a cooperative as 'an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise' (CECOP, 2019, p.14). It was founded in 1979 and, at the time of the fieldwork, included 25 members in 16 European countries (predominantly national networks of cooperative firms) and represented roughly 40,000 enterprises (mostly SMEs) and 1.3 million workers. More specifically, CECOP's membership

consisted of 35,000 worker cooperatives, 12,000 social cooperatives, and 1,000 cooperatives of self-employed producers, service providers, SSE workers, and other freelancers. CECOP was also part of broader transnational networks of cooperatives such as the International Organisation of Industrial and Service Cooperatives (CICOPA) and International Cooperative Alliance (ICA). Its mission is to represent and promote the cooperative model in the EU and beyond (CECOP, 2021).

Among the different kinds of cooperatives constituting CECOP's membership, cooperatives of freelancers and SSE workers (see Chapter 10) represented a minority that, however, managed to put the promotion of its own social business model at the core of CECOP's agenda (CECOP, 2019, 2021; CICOPA, 2018). Moreover, in regulatory contexts where social protection was attached to waged-employment, freelancer cooperatives represented an institutional experimentation able to mutualise freelancers' means and resources and provide workers in sectors characterised by fragmented project-based careers with fuller social protections while maintaining their autonomy in organising work and dealing with clients (Bureau and Corsani, 2017; Bajard and Leclercq, 2019; Mondon-Navazo et al., 2022; Mondon-Navazo et al., 2024).

The establishment of what we have called 'hybrid cooperatives' (see Chapter 10) dates back to the 1990s. In countries such as France and Italy, it initially involved professionals on a cross-sectorial basis and often in the artistic and cultural sectors before progressively expanding to freelancers in other industries (Murgia and de Heusch, 2020; Martinelli et al., 2022). The creation of transnational networks of freelancer cooperatives even preceded CECOP's use of the model. For instance, the cooperative SMart, founded in Belgium in 1998, progressively expanded to branches in eight other European countries (Graceffa and de Heusch, 2017). Other cooperatives followed suit in the creation of transnational networks, which initially responded to a commercial need of cooperatives' members more engaged in mobile cross-border careers:

A significant number of artists in Belgium needed to work abroad because we're a small country, [...]. And we were a bit hampered because we had set up a system in Belgium with contracts [in compliance with Belgian laws] but when they worked abroad, well, it was a bit of a no-man's-land. So, the first motivation [to start a branch in another country] was to respond to a request from our members who told us: "Yeah, SMart it is great, but what do we do when we go and perform in France?"

(SMart director)

A similar dynamic was reported by Doc Servizi, an Italian freelancer cooperative, that started opening offices abroad to support members' mobility:

We have a branch in France; we are going to start one in Denmark soon. We plan to do the same in Spain, Germany, Switzerland, and San

Marino. These are “permanent establishments”, this is how they are defined [according to the EU law]. We don’t use them to enrol foreign members, we don’t have the knowledge and networks for that. Our aim is to start these establishments where there are cooperatives that work like us, to create a network with them. So, we use them to help our Italian members to move [abroad] and to have a network of branches that can also offer some assistance to the foreign member of another cooperative.

(Doc Servizi representative)

This process promoted information exchanges and paved the way for a transnationalisation of practices. For SMart Belgium, for example, it was the consolidation of a network of branches in different European countries that exposed the Belgian headquarters to the cooperative model:

We decided to become a cooperative because our partners in other countries were developing as cooperatives. We discovered this world thanks to our international relations, and we realised that this was the legal status that was the most fit for purpose with our way of working with our members.

(SMart Belgium officer)

Moreover, mutual learning from partners in different regulatory contexts became a tool for advocacy campaigns. Doc Servizi, for example, used its connection with the French cooperative Coopaname to start joint research activities and produce knowledge to be used to push for cooperative-friendly regulations on the French model:

With Coopaname, for example, we are trying to get some funds to work together. Covid disrupted our activities a bit, but we had already participated in calls for joint activities, for research projects. [...]. From a political point of view, it has been prolific; it led us to cooperate a lot with Coopaname, to deal with the French model and its specific law, that is a bit at the core of the issue, i.e., the possibility to have specific regulations supporting the model.

(Doc Servizi representative)

Cooperation with national branches of the same cooperatives’ network or between different independent cooperatives is, however, generally hampered by tight resources and daily activities to focus on. A consolidated actor like CECOP, therefore, emerged as an institutional infrastructure to develop common transnational projects and organise structured lobbying activities at the EU level. And while freelancer cooperatives remained a minority of CECOP’s membership, the network was ready to assign a leading role to such experiences. In 2016, when the European Commission launched the consultation on the European Pillar of Social Rights, CECOP campaigned – and SMart had a

leading role in the process – to expand social protections to all types of workers, also covering the SSE, platform workers included (CECOP, 2018; Murgia and de Heusch, 2020). This campaign even obtained a formal recognition of the crucial role of worker (and especially freelancer) cooperatives in promoting social rights (CECOP, 2020). Advocating for the full implementation of the Pillar also brought CECOP to work closely and to forge alliances with ETUC and other European civil society organisations (CECOP et al., 2021):

CECOP was a network that allowed us to get in touch with other actors with problems similar to ours. So, we became members immediately and a few years ago they offered to chair an internal working group called: “Employment, platform workers and cooperatives”. It was a few months before Covid-19.

(SMart Belgium officer)

Following Covid-19, CECOP’s working group started to systematically analyse how cooperatives were coping with lockdown measures and how national governments could support freelancers. Continuous transnational exchanges identified best practices and led to a policy paper (CECOP, 2020) that national members could use to lobby their national governments:

It was useful to demonstrate how little policymakers consider some kinds of workers that however exist in many countries. It was not only an issue for SMart branches but also for similar actors in Finland, in Italy. It was something beyond SMart, it was larger. So, we raised awareness: we want this, this, and that. We showed the difficulties as well. At the European level the goal was to show our experiences while at the national level each actor acted on their government drawing on the fact that they could say: “Look, in Germany or in France they did this and that”. So, there was a double function that the transnational level reinforced because we could say that there were things which were being carried out in other countries [in terms of aids and subsidies] so these things were possible.

(SMart officer and chair of the CECOP working group “Employment, platform workers and cooperatives”)

In addition, lobbying at the European level was greatly facilitated by CECOP. While the working groups produced analyses and knowledge, lobbying took place in two ways: through national members’ contacts with national members of the EU Parliament and through campaigns led by the CECOP Secretariat. As Doc Servizi and SMart Belgium officers explained:

We had meetings at the DG Employment, with Schmidt and Banczyk [Commissioner for Jobs and Social Rights and Deputy Head of

Unit “Future of Work, Youth Employment” Directorate-General for Employment, ndr], where we could present our cooperative model.

(Doc Servizi representative)

At some point we went to illustrate our position in different DGs and in the European Economic and Social Committee. But at that point it was always the Secretary of CECOP to take the lead. I would accompany him as coordinator of our working group, and we would agree with other members on things and issues to raise and ask for. [...]. We took part in several auditions for self-employment and platform work [on the Commission guidelines on solo self-employed workers’ collective bargaining and the Platform Work Directive, ndr]. I think these two dossiers are tightly linked and they are linked to the European Pillar of Social Rights.

(SMart Belgium officer)

More recently, CECOP again joined forces with ETUC in a common campaign to influence the drafting of the Platform Work Directive (see Chapter 14). On the one hand, in line with ETUC, CECOP pushed for strict criteria of reclassification against platform workers’ bogus solo self-employment; on the other hand, it pushed for an official recognition of the cooperative model as a valid alternative to platforms in the report of the European Parliament.

Contrary to EFIP’s experience, therefore, freelancer cooperatives relied on a rooted, institutionalised European network. Within CECOP, they could campaign for the recognition of their innovative model that, through mutualisation of resources and participatory governance structures, was generally able to protect freelancers from the vagaries of the market without impairing their autonomy. Its model – based on the mutualisation of means, the pooling of contacts and opportunities, and the access to fuller social protections through a shift towards salaried employment – helped CECOP to forge alliances with civil society organisations and the European trade unions for inclusive forms of protection for employees and genuine SSE workers alike.

13.6 The Role of the International Labour Organization

A crucial transnational arena of contention where the rights of all workers, including the SSE, are continuously negotiated is the International Labour Organization (ILO). ILO is the oldest United Nations agency, and it is organised through a tripartite governance: governments, employers, and worker representations of each member state have equal powers in its structure. ILO’s mission is the promotion of rights at work, the enhancement of social protection for workers, and the development of dialogue on work-related issues. Besides research and analysis, ILO has the power to shape the regulatory systems of its member states through resolutions, declarations, and conventions. Moreover, through the Committee on Freedom of Association

and the Committee of Experts on the Application of Conventions and Recommendations, ILO provides guidance on the interpretation and application of its legal acts.

The rights of workers in hybrid areas of labour have been a crucial source of discussion within ILO. If the organisation was founded on the premises of a stable and dichotomous organisation of employment relationships, the change of labour markets and productive organisations led to a progressive effort to include all workers, regardless of their formal status, in ILO's declarations and conventions (Bonner et al. 2018; Vosko, 2002). The coverage of freedom of association, the effective recognition of the right to collective bargaining, and the elimination of discrimination have to be understood in an encompassing way, including therefore, informal workers and SSE (Novitz, 2022; Countouris, 2019). This inclusionary effort has been reinforced by the Decent Work Agenda inaugurated in 1998 with the aim to provide fundamental workers' rights and social protection to all workers despite the persistence and growth of informal employment in the Global South and the fissuring of work in the Global North (De Stefano, 2021). Such a universalist orientation is confirmed in the Declaration on Social Justice for a Fair Globalization in 2008 (Novitz, 2022) and more recently in the Report of the Global Commission on the Future of Work (ILO, 2019), which recognised the employment relationship as the centrepiece of labour protection but, at the same time, re-established the importance of developing social protections and effective rights at work for all workers, regardless of their contractual arrangements.

In the last few years, through programmes dedicated to non-standard forms of employment, ILO has devoted increasing attention to the platform economy and its impact on employment and decent work. At the 2018 International Labour Conference, ILO's members voted to deepen their knowledge on digital labour platforms in order to 'identify avenues for platform economy workers to access freedom of association and collective bargaining' (Hadwiger, 2022, p.9). Consistently, the ILO Centenary Declaration for the Future of Work (2019) called for actual policies to respond to the challenges of the digital transformation of work. Shortly after, the ILO Governing Body decided to convene a tripartite Meeting of Experts on 'Decent work in the platform economy' to inform a general discussion on standard-setting to be held at the following International Labour Conferences. The tripartite Meeting of Experts was held in October 2022 and hosted delegations of representatives from governments, transnational trade unions, and employer organisations. The meeting had to discuss challenges and opportunities posed by the platform economy, to examine access to freedom of association and the effective recognition of the right to collective bargaining for platform workers, to review and assess workers' contractual classification, and to draw concerted conclusions that would provide guidance for further discussions in the International Labour Conference. Despite intense debate, a consensus was not reached on any official conclusions. While the government and the

worker group had reached unanimity on key questions, the opposition of the employer group prevented the adoption of a common final text (ILO, 2022, p.7).

As emerged clearly from the proceedings (ILO, 2022), while the mission of the meeting was the drafting of common conclusions, the representatives of employer organisations were wary of this possibility from the outset. As the workers' group spokesperson explained:

The Meeting of Experts basically had to inform the [ILO] governing body whether there is a need for standard setting at the ILO level or whether we should have another general discussion at the international labour conference. So, for us, in October 2022, it was very, very clear. We had identified clear governance gaps in international labour standards, regulatory or legislative gaps on the existing body of international labour standards. But we also identified particular thematic gaps where certain international labour standards would [have to] apply to platform workers – because they apply to all workers – but the very nature of platform work made it difficult to apply them. So having identified those legislative and thematic gaps we were clear that we needed this meeting to conclude that we needed standard settings, we needed a future ILO convention, a recommendation or both.

(ITF legal director)

However, it also emerged from the proceedings (ILO, 2022) that, while the mission of the Meeting was the drafting of common conclusions, the representatives of employer organisations were firmly opposed. The Employer Vice-Chairperson stated that the 'conclusions reached at the Meeting would have implications for the economy, employment and the livelihoods of persons and enterprises', therefore, 'any attempts to reach a generalised conclusion would [...] be premature and counterproductive'. For the employer organisations, therefore, the meeting had rather the aim to 'deepen and widen the collective understanding of the platform economy, considering its multiple dimensions, its diversity and its application in different contexts' (ILO, 2022, p.7). On most of the issues debated, employer and worker organisations maintained opposing positions. Employer organisations refused to use terms such as 'insecure', 'non-standard', or 'precarious' to describe platform work in favour of a discussion that would rather stress the positive contribution of platforms for employment creation (especially for peripheral segments of the labour force), flexibility, and entrepreneurship. The employers' representatives also rejected any discussion of common principles to classify platform workers' employment status and highlighted instead the role of platforms in formalising previously informal economic activities. Finally, in terms of collective rights, the employers' representatives warned against a wide application of collective bargaining rights to platform workers since many of these, from their perspective, would have to be considered SSE that

would fall under commercial and competition law rather than labour law. As an officer of UNI Global Union – the global union of service workers – who participated in the negotiations reported:

We were there to discuss platform workers and they would even refuse to use the term ‘worker’ that we know includes all kind of professions and typologies of workers. With the algorithmic management, that is another big issue, it was the same. It was a bit of a paradox that you ask me to not use these terms that are quite well recognised in the documents of the ILO and everywhere. So, it ended badly.

(UNIGlobal officer)

As the Meeting’s Chairperson described, the parties ‘had missed a historic opportunity to give guidance to the Governing Body, the Office and most importantly to Member States, and that the outcome might not be remembered kindly’ (ILO, 2022, p.71). The stalemate at the ILO Meeting of Experts well encapsulates the conflicting perspective over hybrid forms of labour that platforms have contributed to fostering. Nonetheless, a few months after the Meeting, the consensus for standard-setting reached by Workers’ and Governments’ Groups pushed the ILO governing body to place on the agenda of the 2025 International Labour Conference an item for standard-setting in the platform economy.

13.7 Conclusion

The representation of SSE workers has seen burgeoning involvement from both traditional and emerging collective actors. This has fostered the accumulation of knowledge and actions that have gradually evolved into increasingly robust international alliances. While networks of SSE associations have pioneered the acknowledgement of shifts within the self-employed workforce, trade unions have also progressively augmented their significance. Their solid infrastructures for research and workers’ organising have allowed them to interpret the evolving frontiers of SSE workers’ representation. Regarding SSE platform workers, independent unions and grassroots groups, alongside well-established trade unions, have played pivotal roles in establishing transnational networks and mobilising workers on both European and global scales. Finally, we highlighted how cooperatives also occupy a central position in alliances pertinent to both solo self-employment and platform work, with the aim of extending social protection to all their members, both SSE and employees.

Throughout this chapter, we showcased numerous transnational initiatives involving different collective actors, at times with differing views on SSE workers. Nevertheless, they effectively networked to expand workers’ access to social protection and collective representation. SSE workers’ alliances are the result of a years-long process of knowledge sharing and collective

elaboration, further accelerated by the rise of digital labour platforms. This acceleration has facilitated the convergence of traditional and emerging organisations, enabling them to coordinate their efforts to tackle global representation challenges.

Transnational alliances exhibit hybridity, observed in their internal diversity consisting of collective actors with distinct organisational cultures, like trade unions and grassroots groups. This diversity also encompasses various political and professional perspectives. However, as demonstrated by both EFIP and ITF networks, the reasons for exploring common positions at the transnational level can overcome different ideas on SSE workers without losing sight of the priorities for the alliance. Thus, even with their fragilities and imperfections, transnational alliances emerge as the result of a stratified process of knowledge accumulation and the mutual recognition of different actors. The alliances analysed in this chapter have become the place where differences could be mediated in the search for a common strategic frame necessary to tackle challenges that increasingly transcend national borders.

References

- Bajard, F., and Leclercq, M. (2019). Devenir entrepreneur(e) en coopérative d'activité et d'emploi. Les 1001 visages de l'émancipation. *Journal des anthropologues*, 158–159(3–4), 151–174. Doi: 10.4000/jda.8834
- Borghi, P. (2021). Self-employed and non-standard workforce collective identities in Italy and the United Kingdom: A comparative perspective on discourses of new collective actors. *Politiche Sociali, Social Policies*, 1, 99–118. Doi: 10.7389/100589
- Borghi, P., Mori, A., and Semenza, R. (2018). Self-employed professionals in the European labour market. A comparison between Italy, Germany and the UK. *Transfer: European Review of Labour and Research*, 24(4), 405–419. Doi: 10.1177/1024258918761564
- Borghi, P., and Murgia, A. (2024). Beyond borders: Trans-organisational and transnational alliances among gig workers in the United Kingdom and Italy. *Journal of Industrial Relations*, 66(3), 410–433. Doi: 00221856241238617
- Borghi, P., and Murgia, A. (2019). Between precariousness and freedom: the ambivalent condition of independent professionals in Italy. In W. Conen, and J. Schippers (Eds.), *Self-employment as Precarious Work* (pp. 132–152). Cheltenham: Edward Elgar Publishing.
- Bonner, C., Horn, P. and Jhabvala, R. (2018). Informal Women Workers Open ILO Doors through Transnational Organizing, 1980s–2010s. In: Boris, E., Hoehtker, D. and Zimmerman, S. (eds). *Women's ILO: Transnational Networks, Global Labour Standards and Gender Equity, 1919 to Present* (pp. 176–201), Leiden: Brill.
- Bureau, M. C., and Corsani, A. (2017). An autonomy factory? In E. Armano, A. Bove, and A. Murgia (Eds.), *Mapping Precariousness, Labour Insecurity and Uncertain Livelihoods: Subjectivities and Resistance* (pp. 60–69). London/New York: Routledge.
- CECOP (2018). Position on European Commission's Public Consultation on a Possible EU Action Addressing the Challenges of Access to Social Protection for People in all Forms of Employment in the Framework of the European Pillar of Social Rights. Brussels: The European Confederation of Industrial and Service Cooperatives.

- CECOP (2019). Non-Standard and Platform Workers in the Covid-19 Crisis; A Worker-Owned Cooperatives' Perspective, Policy Paper. Brussels: The European Confederation of Industrial and Service Cooperatives.
- CECOP (2020). All for One. Response of Worker-Owned Cooperatives to Non-Standard Employment. Brussels: The European Confederation of Industrial and Service Cooperatives.
- CECOP (2021). Strategic Plan 2021–2025, Approved during the Online Congress 8 June. Brussels: The European Confederation of Industrial and Service Cooperatives.
- CECOP et al. (2021). Common statement: Stand Up for the Social Pillar. An Alliance of Social Economy Enterprises, Trade Unions & Civil Society Organizations. Available at: <https://www.socialeconomy.eu.org/2021/02/22/common-statement-stand-up-for-the-social-pillar/>
- Cha, J. M., Holgate, J., and Yon, K. (2018). Emergent cultures of activism: Young people and the building of alliances between unions and other social movements. *Work and Occupations*, 45(4), 451–474. Doi: 10.1177/0730888418785977
- CICOPA (2018). The Future of Work. Where do Industrial and Service Cooperatives Stand? Strategic Paper. CITTA: International Organisation of Industrial and Service Cooperatives.
- Countouris, N. (2019). *Defining and Regulating Work Relations for the Future of Work, Governance and Tripartism Department*. Geneva: International Labour Office.
- De Stefano, V. (2021). Not as simple as it seems: The ILO and the personal scope of international labour standards. *International Labour Review*, 160(3), 387–406. Doi: 10.1111/ilr.12201
- EFIP (2014). EFIP Manifesto: Unlocking the potential of Europe's iPros. London.
- ETUC (2011). Strategy and Action Plan, 2011–2015. Brussels: European Trade Union Confederation.
- ETUC (2015). Action Programme, 2015–2019. 13th Congress, Brussels: European Trade Union Confederation.
- ETUC (2016a). Towards new protection for self-employed workers in Europe, Resolution adopted at the Executive Meeting on 14–15 December 2016. Brussels: European Trade Union Confederation.
- ETUC (2016b). Working for a Better Deal for All Workers, Position on the European Pillar of Social Rights adopted at the Extraordinary Executive Committee Meeting on 6 September 2016. Brussels: European Trade Union Confederation.
- ETUC (2019a). Action on Access to Social Protection, Resolution Adopted at the Executive Committee of 26–27 March 2019, Brussels: European Trade Union Confederation.
- ETUC (2019b). Action Programme, 2019–2023 14th Congress, Brussels: European Trade Union Confederation.
- ETUC (2021). Position on the Assessment of the Action Plan implementing the EPSR + Roadmap to the EU Social Summit in Porto, Resolution adopted at the virtual Executive Committee Meeting of 22–23 March 2021, Brussels: European Trade Union Confederation.
- ETUC (2023). Action Programme 2023–2027 – Together for a Fair Deal for Workers, 15th Statutory Congress, Brussels: European Trade Unions Confederation.
- Eurofound (2017). *Exploring Self-Employment in the European Union*. Luxembourg: Publications Office of the European Union.

- Fulton, L. (2018). Trade unions protecting self-employed workers. Brussels: European Trade Unions Confederation. Available at: <https://www.etuc.org/en/publication/trade-unions-protecting-self-employed-workers>
- Geelan, T., and Hodder, A. (2017). Enhancing transnational labour solidarity: The unfulfilled promise of the Internet and social media. *Industrial Relations Journal*, 48(4), 345–364. Doi: 10.1111/irj.12190
- Graceffa, S., and de Heusch, S. (2017). Reinventing the world of work. *Transfer: European Review of Labour and Research*, 23(3), 359–365. Doi: 10.1177/1024258917707870
- Hadwiger, F. (2022). Realizing the opportunities of the platform economy through freedom of association and collective bargaining, *ILO Working Paper 80*, Geneva.
- Hyman, R., and Gumbrell-McCormick, R. (2017). Resisting labour market insecurity: Old and new actors, rivals or allies? *Journal of Industrial Relations*, 59(4), 538–561. Doi: 10.1177/0022185617714423
- ILO (2019). Work for a Brighter Future, Global Commission on the Future of Work, International Labour Organization, Geneva: International Labour Organization.
- ILO (2022). Meeting of Experts on Decent Work in the Platform Economy. Summary record of proceedings, MEDWPE/2022, Geneva: International Labour Organization.
- Leighton, P., and Brown, D. (2013). *Future Working: The Rise of Europe's Independent Professionals (iPros)*. London: European Forum of Independent Professionals.
- Martinelli, F., de Heusch, S., Toncelli, R., and Shamku, M. (2022). Innovative models of cooperative of independent workers for decent work in Europe. *Revista Nacional de Administración*, 13(1), 11–37. Doi: 10.22458/rna.v12i2.3767
- Mondon-Navazo, M., Murgia, A., Borghi, P., and Mezihorák, P. (2022). In search of alternatives for individualised workers: A comparative study of freelance organisations. *Organization*, 29(4), 736–756. Doi: 10.1177/13505084211041709
- Mondon-Navazo, M., Murgia, A., and de Heusch, S. (2024). Re-articulating autonomy and solidarity. The case of smart: The largest European network of freelance cooperatives. *Partecipazione e conflitto*, 17(1), 210–228. Doi: 10.1285/i20356609v17i1p210
- Murgia, A., and de Heusch, S. (2020). It started with the arts and now it concerns all sectors: The case of smart, a cooperative of 'salaried autonomous workers'. In S. Taylor, and S. Luckman (Eds.), *Pathways into Creative Working Lives* (pp. 211–230). London: Palgrave Macmillan, Cham.
- Novitz, T. (2022). Collective labour rights for working people. The legal framework established by the international labour organization. In P. Sanjukta, S. McCrystal, and E. McGaughey (Eds.), *The Cambridge Handbook of Labor in Competition Law* (pp. 11–26). Cambridge: Cambridge University Press.
- Rainone, S., and Countouris, N. (2021). Collective bargaining and self-employed workers. The need for a paradigm shift. *ETUI Policy Brief*, Brussels: ETUI.
- Rapelli, S. (2012). *European I-Pros: A Study*. PCG – The Voice of freelancing. London: EFIP.
- Schömann, I. (2022). *Collective Bargaining and the Limits of Competition Law. Protecting the Fundamental Labour Rights of Self-Employed Workers*. Brussels: ETUI Policy Brief.
- Tarrow, S. (2006). *The New Transnational Activism*. Cambridge: Cambridge University Press.

- Van Dyke, N., and McCammon, H. J. (2010). *Strategic Alliances: Coalition Building and social movements*. Minneapolis: University of Minnesota Press.
- Vosko, L. F. (2002). 'Decent work': The shifting role of the ILO and the struggle for global social justice. *Global Social Policy*, 2(1), 19–46. Doi: 10.1177/1468018102002001093
- Zajak, S., and Haunss, S. (2022). The politics of alliances. The making and breaking of social movement coalitions. Introduction to the special issue. *Social Movement Studies*, 21(1–2), 1–7. Doi: 10.1080/14742837.2021.1973890

14 A Hybrid Attempt to Regulate Labour

Recent Developments under the European Union's Legal Framework

Francesco Bagnardi and Pierluigi Digennaro

14.1 Introduction

This chapter¹ analyses the ‘Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons’ (C 2022, 6846 final; hereafter ‘the Guidelines’) and the ‘Proposal for a Directive of the European Parliament and the Council on improving working conditions in platform work’ (COM 2021, 726 final; hereafter ‘the Directive’). These two documents are related to the legal position of SSE workers and platform workers, who find themselves in a hybrid area of the labour market. The chapter delves into the policymaking dynamics and the legal aspects of these two pieces of European Union (EU) legislation because of the crucial role they have in the current regulation of emerging hybrid areas of work. Through interviews with labour representatives and documentary analysis, we tease out how the actors representing these workers at the EU level have attempted to shape the making of such documents, together with a technical analysis of the texts and their legal implications. In the first part of the chapter, we reconstruct the perspective of the main European actors representing solo self-employed (SSE) workers who actively participated in the policy-shaping process. We analyse the most contentious points of the texts that the constellation of labour representatives campaigned and lobbied for and which remain potentially contentious for them, notwithstanding the improvements achieved. In the second part, we advance a juridical exegesis of these texts and highlight the main points that, at the time of writing, we found controversial.

The issues at stake in the two documents are, on the one side, the collective bargaining possibilities for the SSE and, on the other, the under-regulated status of platform workers and their legal qualification. These issues and the attempts to address them through the documents under analysis are closely linked to the very ‘manufacture’ of the EU legal framework. Thus a few premises are necessary to better understand the key passages. First, in the EU legal order, the dichotomy ‘worker-undertaking’ has a particular significance in its implications. Second, the EU system lacks a generally applicable

and unitary definition of ‘worker’ since it rather provides only a *prevalent* definition stemming from the principle of the free circulation of the workforce in the common internal market.

The employment contract at the national level has been crafted as a tool that recognises the employer’s power over the workforce but, at the same time, constrains it through protective standards for the subaltern party (see Chapter 3). Therefore, determining when a condition of subordination exists in a concrete case is relevant in each national legal frame because it guarantees the protective standards that, due to historical circumstances, have been attached to such a contractual form. In EU law, the notion of ‘worker’ was developed to identify those entitled to freedom of movement (Art. 45 TFU) in the common market (Giubboni, 2018). Therefore, at the EU level, the concept has a different function, and each worker is considered mainly as an economic entity to be unleashed in the market instead of a subject that, in some circumstances, needs protection from the market. This is due to the ideologies structuring the EU legal order, which, since its inception, has been built on the faith that the market is the best connector and processing system of all the information and could only fail in the event of acquired dominant positions undermining free competition (Digennaro, 2022).

In the frame of Art. 45 of the Treaty on the Functioning of the European Union (TFU), the concept of ‘worker’ was set by the European Court of Justice (ECJ) in the landmark judgement *Lawrie-Blum* (ECJ C-66/85 ECLI:EU:C:1986:284) as: *a person that for a certain period of time performs services for and under the direction of another person in return for which he receives remuneration*. It has been argued that this concept suffers from many strictures arising from the traditional binary divide between employment and self-employment (Kountouris, 2017), although this alignment is less strict than it seems from the definition just given. For example, the ‘remuneration criterion’ is interpreted in a broad way. Ultimately, any, even indirect, *quid pro quo* such as services and other benefits in kind provided in lieu of a regular salary (ECJ C-196/87, ECLI:EU:C:1988:475) or a ‘share’ of sale (ECJ C-3/87 ECLI:EU:C:1989:650, § 36) can be regarded, in the view of the ECJ, as remuneration. Conversely, not all the labour is relevant to the EU law since the Court’s first step during a judgement is normally ascertaining the existence of ‘an effective and genuine economic activity’, which is not on such a small scale as to be merely ‘marginal or ancillary’ and therefore significant for the market (ECJ C-53/81, ECLI: EU:C:1982:105, § 17 and ECJ C-337/97 ECLI:EU:C:1999:284, § 13; on the meaning of this parameter and its significance, see Digennaro, 2022).

The EU concept of ‘worker’, with its problematic relationship with the concept of subordinate employment, is crucial for determining whether the subject made use of freedom of movement or other economic freedoms. In other words, the concept of ‘worker’ has been crafted to distinguish this status from that of an ‘undertaking’, which is instead granted the freedom of establishment (Art. 49 to 55 TFU) and the freedom of service (Art. 56 to

62 TFU). In turn, the concept of 'undertaking' is relevant for establishing the scope of application of Art. 101 TFU. Therefore, being regarded as a 'worker' excludes the application of EU antitrust law. As a matter of fact, the concept of employment that is in use at the national level, with different nuances, is used at the EU level as a secure parameter that sets a limit on the provisions applicable to undertakings. When asked to assess it for the sake of applying Art. 85 of the EEC Treaty (currently 101 TFU), the ECJ elaborated a very broad concept of 'undertaking' and clarified that *any entity carrying on activities of economic nature, regardless of its legal form, constitutes an undertaking within the meaning of the mentioned article* (ECJ C-41/90, ECLI:EU:C:1991:161 and ECJ case C-36/74 ECLI:EU:C:1974:140).

The ECJ crafting of both these categories explains why self-employed workers have been classified as 'undertakings' by the EU law and the reasons behind the famous *Kunsten* ruling (Case C-413/13 ECLI:EU:C:2014:2411). In that case, the Court was asked to pronounce on a collective labour agreement that laid down, along with the wages of employees and substitutes hired under an employment contract, the minimum fee for the SSE who replaced 'ordinary' employed members of the orchestra when required. The Court ruled that since self-employed workers are to be considered as an 'undertaking' under the antitrust law, a collective agreement signed on behalf of self-employed workers constitutes a *cartel* unless it can be demonstrated that the members of one of the contracting employees' organisations are false self-employed. The latter condition occurs when they perform the same activity and under the same conditions as the workers with whom the collective bargaining agreement was signed. Only in this case, a provision of a collective agreement in favour of those 'false self-employed' does not fall within the scope of Art. 101(1) TFU. The Court of Justice stated that it was for the national court to ascertain the mentioned condition but gave some criteria that could be read as reaching a broader concept of 'worker' compared to that implied in the *Lewrie-Blum* formula. This ruling opened a debate on the balance between antitrust law and workers' rights to collective bargaining that ultimately led to the Guidelines analysed in this chapter.

As stated at the beginning, there is not just one concept of 'worker' in EU law. Indeed, the notion of 'worker' in the European Social Security Law precociously began to diverge (Giubboni, 2019) from the one elaborated within the scope of freedom of movement. In the former area, the role of the EU is to coordinate national social security systems to prevent workers from losing their social security *acquis* due to movement within the internal market. In this area, the concept of 'worker' is broader and tends to encompass all those who are active in the market. At the same time, since the conceptualisation elaborated for the sake of the freedom of movement was the first at the EU level, it has tended to expand (Risiak and Dullinger, 2018; Menegatti, 2019) through a mechanism of action involving the principle of equal treatment, even at the expense of concepts developed at the national level. This

is due to the ECJ case law and happens easily when the directive to interpret does not refer to the concept of worker or employee at the national level. Moreover, even when the Court is called on to interpret a directive that does refer to national laws and related definitions of workers explicitly, it tends to curb the national definitions. In the latter case, the leverage used by the Court is the necessity of giving effectiveness to the directive by ensuring its objectives and, therefore, the rights ensured by it. Consequently, the Court provides guidelines to avoid the national interpretation of concepts such as ‘worker’, ‘employee’, or ‘employment contract’ impairing or jeopardising the *effet utile* pursued by a directive. This attitude towards the balance between a definition provided directly by a directive and the different national legislations is of particular importance when analysing the new proposed Directive on platform workers.

14.2 Policymaking Processes to Regulate Emerging Hybrid Areas of Work: The Guidelines and the Directive

While discussions on the hybrid areas of work in the platform economy began at the EU level under the Juncker Commission, it was with the von der Leyen mandate that policy debates took off (Spasova and Marengo, 2023). In the *Political Guidelines for the European Commission 2019–2024*, Ursula von der Leyen listed ‘improving the labour conditions of platform workers’ as one of her priorities. A first Regulation ‘on promoting fairness and transparency for business users of online intermediation services’ was issued in 2019, while a Social Summit on platform workers’ conditions was set for 2020 but never took place because of the Covid-19 pandemic (Dufresne and Leterme, 2021). Platform work, however, remained a priority for the Commission, and its 2021 *Work Programme Communication* announced a legislative initiative to improve the working conditions on platforms to follow a two-stage consultation of social partners.

In the same period, the discussion on regulating platform work gained momentum in the European Parliament as well. Different political groups – both liberals (Spasova and Marengo, 2023) and the Left (Dufresne and Leterme, 2021) – drafted reports with the aim of steering the works of the Commission (Buendia Esteban, 2022). In September 2021, the European Parliament voted a resolution on ‘new forms of employment linked to digital development’ with the aim of securing ‘fair working conditions, rights and social protection for platform workers’.² The text already contained the main salient points that would be incorporated into the Commission’s proposal and that were also deemed crucial by European trade unions. The resolution emphasised the need for the correct classification of workers and platforms, the former being often misclassified as SSE and the latter being erroneously considered as digital infrastructure rather than employers. The resolution also called on the Commission to reject the creation of a specific legal status for platform workers and rather called for platform

workers' access to collective bargaining, representation rights, and fair and transparent algorithmic management practices.

On 9 December 2021, the Commission issued a package of measures that included a communication explaining its broad approach to the matter, a proposal of the Directive, and the draft of the Guidelines on collective agreements for the SSE. In the Communication *Harnessing the full benefits of digitalisation for the future of work* (European Commission, 2021a), the Commission placed the announced legislative acts within its broader political agenda and called for greater clarity on the employment status of people working through digital labour platforms and better regulations of algorithmic management practices. Besides introducing the Directive and the Guidelines, the communication called on national authorities, social partners, and relevant stakeholders to actively work to support platform workers exercising their rights, including those to be introduced or clarified by the Directive and the Guidelines. On the one hand, the Commission announced measures to reclassify as employees those workers under bogus self-employment arrangements; on the other hand, it committed to promoting and protecting SSE workers by making sure, through the Guidelines, that 'competition law does not stand in the way of collective bargaining' (European Commission, 2021a, p.5). New measures on algorithmic management would instead have applied to both dependent employees and genuine self-employed.

The discussion over the Guidelines started with a first Inception Impact Assessment (IIA) and a consultation campaign in January 2021 (European Commission, 2021b). In the IIA, the Commission recognised that 'self-employed are considered "undertakings" under EU law and an agreement between them risked being in breach of Article 101 of the Treaty' (European Commission, 2021b, p.1). This had a 'chilling effect' on the attempts of SSE workers to bargain collectively to mitigate those market power imbalances that generally exist in their relations with clients (European Commission, 2021b, p.2).

In September 2022, the Commission issued the final text of the Guidelines, which established two kinds of regulatory situations. The first includes cases when SSE who are in a situation comparable to that of workers (*i.e.*, they are economically dependent on a single counterpart, or they work *side by side* with dependent employees, or if they work through digital platforms) sign a collective agreement. The second situation includes collective agreements redressing an imbalance in bargaining power between the SSE and their counterpart (*i.e.*, when SSE workers negotiate with representatives of an entire sector or a firm with more than 2 million turnover and ten employees). In both cases, competition law should not apply because the Commission commits to not intervening against these collective agreements.

The Directive was still in the making at the time of writing this chapter. After the Commission issued its own proposed text in December 2021,³ and the Parliament approved a different text in a plenary session in February 2023,⁴ the Council passed its own version in June 2023.⁵ While drafting the

chapter, the three bodies had entered negotiations in the *trilogue* to find a compromise final text.⁶ The text proposed by the Commission provides a list of five criteria for the correct classification of platform workers' status: meeting at least two of them triggers a presumption of employment (Chapter II). Platforms can rebut the classification by disproving the existence of an employment relationship. The Directive proposal also regulates algorithmic management (Chapter III). It obliges platforms to provide workers with information on automated monitoring and decision-making systems, puts limits on the collection of personal data not strictly connected to the performance, and obliges platforms to guarantee human oversight over any automated decision-making mechanisms. Among other things, it recognises a worker's right to obtain explanations for automated decisions and the right to collectively discuss and negotiate the introduction of such automated systems. Platforms are also obliged to make information about their workers, contractual arrangements, and performances accessible to workers themselves and other relevant authorities (Chapter IV).

The making of both the Guidelines and the Directive was accompanied by consultations between European social partners, stakeholders, and the Commission. For the Directive, the discussion proceeded to the Parliament and the Council, where social partners again had the chance to influence the policymaking process. In the following sections – through the analysis of interviews conducted with key representative of workers at the EU level – we reconstruct the process of policy-shaping of both documents.

14.2.1 *The Making of the Guidelines: Balancing Competition Law and Fundamental Rights*

The factors leading to the Guidelines are multiple and combine structural changes and emerging regulatory deficits as well as political entrepreneurship on the side of the Commission and workers' agency at both national and transnational levels. As an officer of the European Trade Union Confederation (ETUC) summarised, changing dynamics in the labour markets and the increasing role of outsourcing practices triggered a growth of bogus SSE workers that de facto put them 'outside of the labour law'. This was coupled, however, with increasing efforts by unions to mobilise these workers (Fulton, 2018). At the same time, an ongoing review of the EU competition framework initiated by the von der Leyen Commission⁷ started to focus on employment dynamics within digital labour platforms. Further, a growing number of national cases emerged since the early 2000s in which collective agreements signed by SSE workers were challenged on the grounds of their breach of competition law. As a representative of the International Federation of Actors (FIA) leading the lobbying of the International Arts and Entertainment Alliance (IAEA) put it:

[It all] came to the fore with the Irish case, that was the 2004 ruling by the Irish Competition Authority, which overturned a number of existing

collective bargaining agreements. [...]. This was an established bargaining relationship which was suddenly called into question on the grounds of the fact that the actors – they were voiceover actors, also photographers, also journalists – were freelance. Now, these would have been, in some cases, jobs that would have been in an earlier time employee jobs. Times changed; [they] tend to be freelancers now. The collective agreement was still in place, and it was overturned. So, this was something that caused a real race to the bottom on standards. [...]. And from that time on then, we started to hear of all other instances. So, it came up in a number of places: in the Netherlands, in Romania, in Denmark.

(FIA-IAEA officer)

Case law started to have a real effect on workers' collective rights, impairing their collective organising:

There have been cases in which agreements have been reached, and then these agreements have been deemed illegal by the national competition authorities with economic penalties of very high amounts. So, this has had a chilling effect.

(ETUC officer)

Some cases reached the ECJ, which increasingly emphasised the need to balance competition law and workers' collective rights (Rainone, 2022; Schömann, 2022), while trade unions campaigned for the Commission to intervene. For ETUC, the main problem was the conflation of SSE workers with economic undertakings, as an 'overinclusive understanding of "undertakings" effectively creates obstacles for self-employed and other non-standard workers to access collective bargaining' (ETUC, 2021a, p.4). Overall, European unions assessed the text of the Guidelines as a good compromise:

We have welcomed the Guidelines because what they do, first of all, is to make sure that the competition law takes a step back in order not to stand in the way of self-employed persons organising collectively to defend their interests in terms of working conditions and remuneration. And it does so in a way, also by kind of recognising the fundamental importance of collective bargaining in rebalancing the power relations in the labour market.

(ETUC officer)

Nonetheless, a few shortcomings remained. Drawing on the recognition that freedom of association and collective bargaining are fundamental rights to be granted to *all* workers regardless of their employment status, ETUC emphasised that any thresholds or conditionality to the exercise of such rights had to be avoided. In this regard, the Guidelines do not exempt collective agreements between SSE and small and medium enterprises from the application of competition law, which might leave 'the door open to the circumvention

of labour rights through abusive subcontracting' (Schömann, 2022, pp.4–5). Moreover, as we discuss further in the next section, despite trade unions' pressures, the Guidelines do not authorise a form of concerted practices outside the context of negotiation aimed at determining the prices and conditions under which services are offered by SSE workers. This explicit reference could undermine the possibility for trade unions to suggest through their channels of communication minimum tariffs for the SSE, a practice they sometimes use to limit a race to the bottom:

One of the ways that [unions] tried to help them [SSE] is to help them to set rates, to actually not allow themselves to be massively underpaid or undercut. And this is something that different unions have approached in different ways. [...]. But what I have often seen would be that, maybe in a private section of the website or maybe on a public section book by a calculator, there is some possibility of getting insight into what might constitute a reasonable rate, taking into account the fact that as a SSE person you are going to have additional costs that people, especially at the start of their careers, tend to discount, issues like social protection, pension, health, etcetera. [...]. So, the issue of rates was important for us because actually that is something our members already do, and we wanted it to be clear to the Commission that we see that as a completely legitimate activity. [...] We wanted to use the opportunity to kind of clarify that, you know, that that's fine. That that's part of how you prepare the ground for collective bargaining also. And we couldn't really actually bring DG Competition around to that vision of the rates.

(FIA-EIEA officer)

Moreover, while the Guidelines removed competition law's obstacles, difficulties to collectively bargain for the SSE remain:

We removed one obstacle, but only one. We removed the competition obstacle. So, basically now we can say that if there are still problems on the ground, they come from somewhere else than competition law. But these guidelines cannot solve those [other] problems... in some member states they are constitutional problems. Then, of course, there are practical problems: How do you organise these workers?

(ETUC officer)

As succinctly put by another FIA union representative, '[i]t is up to us to be kind of proactive now in trying to make the most of the opportunity that's there'.

14.2.2 *The Path to the Directive on Platform Work*

As with the Guidelines, multiple factors paved the way to the Directive. Some European trade unionists emphasised the disruptive model of platforms and

the workers' mobilisations that were triggered by it. Others referred to the juncture of Covid-19 and lockdowns that put couriers and other platform essential workers in the spotlight. The consolidation across the EU of court rulings in favour of the reclassification of platform workers away from bogus self-employment and the increased political willingness of the Commission also played a role. The reaction of workers and trade unions across Europe to the disruptive platform models is well summarised by an ETUC representative:

We have different strategies. First is to try to reach employers, platforms in this case, to get collective agreements [...]. Second one, I would say, was more organising these workers when possible, by creating collectives, creating groups of riders or of SSE. Then, the third tactic are the legal cases because as platforms did not respect the rules, it was important to go to court [...]. Even though, if you win in the court, there is only the recognition of the problem, and one worker is reclassified, he gets only the payment for a few months, but it does not change the model. Fourth, the political pressure because the legal case is good to show the problem but not to solve it. So, you need to increase the pressures on the policymakers to make legislations and this is the case of the Platform Work Directive and in some countries different legislations have been put in place. And fifth, I would say, a lot of communication strategies from trade unions to try to reach out to platform workers in their communities, in different places.

(ETUC officer)

In terms of the selected policy instruments, unions pushed for a binding tool against the preference of employer organisations, *i.e.*, a directive:

[Employers'] first approach was to say: "There is no problem of bogus self-employment, if this exists, then it needs be tackled at national level by case law and it should not lead to a directive, or binding tool, or one size fits all instrument". We had a negotiation with them on digitalisation in the beginning of 2020. Nothing was binding there, as it was a negotiation leading to recommendations for our members. There we tried to bring the question of platform work into the discussion on digitalisation and they said: "No, we don't want to discuss about that, we do not want any measures in this regard". [...]. So, if we would have begun negotiations with employers, they would have done everything they could to delay any position. [...]. In any case, employer organisations do not represent the platforms. When we negotiate in collective bargaining, we negotiate with organisations that can apply the measures. [...]. When we speak about Business Europe or the national level employer organisations, they do not represent Uber because Uber does not recognise itself as an employer, so it is not a member of employer organisations.

(ETUC officer)

The increasing political will of EU institutions to regulate the platform economy through encompassing legislative solutions was also crucial (Kilpatrick, 2023; Spasova and Marengo, 2023), as reported by a representative of the European service union federation:

There was also, I think, a political will to engage in a strong directive. I think this was heavily influenced by the pandemic. I think in the pandemic, platform workers were very visible. In a moment where everybody was at home and confined, a lot of people saw that the few workers in the streets were picketing with bikes, you know, and I think there was a moment where there was a lot of visibility about this precarisation of the workforce. And I think there was a political will to gain some political points from the Commission on doing something progressive in that way. So, the progressive forces were very clear from the beginning, pushing for a very strong directive.

(UNI Europa officer)

It is against this background that the European Commission and Parliament started their consultation with European social partners and later approved their versions of the Directive. ETUC consistently campaigned with both institutions for a Directive that would establish a strong presumption of employment for platform workers with a burden of proof on the platforms that intended to rebut such an employment relationship. The Commission adopted the rebuttable presumption of employment conditioned to the presence of two criteria of dependency out of a list of five. ETUC was critical of such a solution, as it emerges in its consultation paper to the Commission (ETUC, 2021b, p.8):

ETUC calls for [...] a strong presumption of an employment relationship, in which the presumption is generic, in the sense that work provided via a platform company presupposes the existence of an official employment relationship, and that platform companies should establish, before the court, extensive facts to rebut it. The reason for such strong presumption is based on the structural bargaining inequality between workers in platform companies and platform companies.

For trade unions, in other words, platform workers had to be considered employees unless and until platforms appeal against such a presumption through an ad hoc judicial or administrative procedure. The draft proposed by the Parliament moved the criteria of employment presumption in the recitals, making them guiding principles for the rebuttal rather than a condition to ascertain the employment relationship in the first place.⁸ As a representative of the European Transport Federation explained:

I think the fundamental difference in the presumption criteria part is that it has been moved, compared to the Commission text. So, we

believe this is a big achievement. It should not be the workers trying to see whether they meet certain criteria, it should be a general presumption applying to all.

(ETF officer)

Trade unions have also campaigned for a clear classification of platforms as employers to be treated according to the obligations of the sectors in which they operate as any other *traditional* company abiding by the ‘provisions and regulations’ of that sector, ‘negotiated in collective bargaining by the social partners’ (ETUC, 2021c, p.1). ETUC opposed the creation of any ad hoc third legal status for platform workers with specific protections and access to workers’ rights (ETUC, 2021c). Consequently, it pushed to set a strong employment presumption but also lobbied to broaden the scope of the Directive to cover *all kinds of platforms* and *all non-standard workers* outside of platforms.⁹ These demands were only partially incorporated into drafts of the Directive. While most labour platforms were included in the realm of the Directive, rules on algorithmic management were not enlarged to non-platform sectors:

At the beginning there were discussions that the platform directive would only apply to on-location platforms and not crowd-work, for example. So, it would have applied only to delivery and stuff like that. At the end we won this battle saying: “Yes, it is all platforms”.

(ETUC officer)

The algorithmic management provisions are quite advanced, I think. We actually introduced an amendment in that sense that [...] didn’t pass the negotiations, which was that we wanted these provisions to apply to every worker that was subject to an algorithm environment and not necessarily platform work.

(UNI Europa officer)

Another issue raised referred to the situation of undocumented migrants making ends meet by using fake accounts or relying on informal subcontracting on platforms. Despite unions’ pressures, this specific issue did not find any mention in the different drafts of the Directive:

One thing the ETUC tried to have was a moratorium on immigration cases for platform workers affected by the Directive, so that people who are undocumented could remain in Europe if they can no longer use the platform or need to regularise their situation through an employment contract. [...]. At the moment, there are people working under multiple Uber Eats accounts – the food delivery. We are saying: “This needs to be regulated properly for safety reasons”. But then, the other side of it, the reason why there are three or four people renting and paying a person is because they don’t have the documentation

to form an Uber Eats account themselves. So, the reasons they are doing that it is because they don't have the paperwork to work. They are really vulnerable in the labour market; they have no choice. That is the other risk, and we have to remember that. It is good to have regulation but sometimes regulations can really push people further to the margins.

(ETF officer)

Throughout the policymaking process, European trade unions played a crucial role by mobilising workers, building alliances with other European actors and grassroots movements, and lobbying European lawmakers. The drafts issued by the Commission and the Parliament were received as broadly positive:

I must say that, very surprisingly, a huge part of our requests was taken up by the Commission proposal and the ones that were not were taken up by the Parliament report. So, this is, to be honest, quite a rare achievement in EU policymaking, that the trade union view and the trade union proposal are so incorporated into a legislative file has been quite unique.

(ETUC officer)

The text on which member states' governments compromised in the Council, however, watered down the employment presumption and opened to national derogations, undermining some of the provisions that European unions had campaigned for.

14.3 Analysis of the Two Documents from a Legal Standpoint

14.3.1 *The Guidelines*

The Commission Guidelines are, in short, an instrument of self-restraint adopted by the body that has the duty to enforce the provisions contained in Art. 101 TFEU. It is essential to underline that Guidelines cannot amend the Treaties' provisions or prejudice the ECJ's power to interpret Art. 101 TFEU. Yet, they are an instrument that can work directly on Treaties' effects by changing how the Commission itself applies EU competition law. For this reason, recital 10 specifies that the Guidelines do not prejudice other rules or principles of the Union law and do not affect other domains nor prejudice the definition of the terms 'worker' or 'self-employed person' under national law. Thus, the definitions contained in the Guidelines have their specific domain in European competition law, as their function is to bring some collective agreements out of the sphere of application of Art. 101. This implies that not all the collective agreements are covered by the Guidelines and are exempt from EU competition law.

To understand the relevance of the Guidelines, it is important to distinguish between, on the one hand, their objective scope of application, *i.e.*, the matter that can be covered by the collective agreements and the definition of the agreements that are outside the scope of Art. 101, and, on the other hand, their subjective scope of application, *i.e.*, the workers who can enter the allowed collective agreements.

As for the objective scope, recital 15 lists all the matters that can be included in a collective agreement suitable to pass the 'sieve' of the Guidelines. If this recital is intended to involve a closed list, as it seems from the examples provided in the text, a soft law instrument without the force of law would infringe fundamental trade union law principles. This is so because the Guidelines would encroach on the parties' free will and their freedom of collective bargaining, which is also reflected in the choice of matters to be included in the negotiations and in the final outcome of those negotiations. Moreover, some of the statements in the Guidelines about the kind of agreements covered by the Guidelines need a specific focus because they will probably enter into dialogue with the previous ECJ case law on prices and rates at which the SSE offer their service if organised in associations. According to the ECJ case law, since both SSE workers and professionals are undertakings (Wouters C-309/99 Feb. 2002), their associations are associations of undertakings too. Consequently, according to Art. 101 TFEU, all agreements among SSE or professionals, decisions by associations of those workers, and concerted practices that directly or indirectly fix purchase or selling prices or any other trading conditions are prohibited (Ordem de Técnicos C-1/12 ECLI:EU:C:2013:127; Consiglio nazionale Geologi C-136/12 ECLI:EU:C:2013:489). In this context, therefore, professional scales of fees issued by professional associations setting minimum and maximum prices have been deemed contrary to antitrust law unless it can be demonstrated that the association's regulations or practices would serve a public interest insofar as they provide guarantees to the consumers (in terms of quality of the service, for example). The Guidelines instead establish that, under certain conditions, collective agreements related to working conditions and, therefore, remuneration are exempt from competition law provided they are the result of a negotiation. Additionally, coordination activities on each negotiation side that may take the form of information exchange or agreement in order to favour the negotiation are also exempt if they are necessary and proportionate for the purpose of negotiating and concluding the agreement. Nevertheless, recital 17 clarified that the Guidelines do not cover decisions by associations or agreements or concerted practices between undertakings outside the context of negotiation (or preparation of negotiation), which go beyond working conditions regulations:

In particular, they do not cover agreements which [...] determine the prices under which services are offered by solo self-employed persons

or the counterparty/-ies to consumers, or which limit the freedom of undertakings to hire the labour providers that they need.

Through this wording, the Commission intended to clarify that its position and the CJE jurisprudence on concerted practices setting minimum and maximum fees are not altered by the Guidelines. Additionally, this provision ensures that ‘suggestions’ on reasonable fees, often provided by SSE organisations as mentioned in Section 14.2.1, remain questionable and subject to Commission review.

Regarding the subjective scope of the document, recital 2 clarifies that, for the purpose of the Guidelines, SSE workers are those who rely on their own personal labour. This provision identifies personal labour as the distinguishing feature of self-employment, and in doing so, it curiously resembles the way the Italian legislation differentiates both self-employed workers and small entrepreneurs from the concept of ‘enterprise’. There is, however, a relevant difference. Art. 2222 of the Italian Civil Code uses the expression ‘predominantly own work’, whereas the Guidelines state that the SSE person must rely ‘primarily on his or her own work’. The Guidelines’ definition is, therefore, more restrictive. Moreover, the effect of this interesting statement largely vanishes as soon as one considers the two macro-ensembles in which those SSE, who are able to sign ‘permitted’ collective agreements, are organised. The first group is that of the SSE comparable to workers. Those workers are:

- a (a) Persons who are economically dependent vis-à-vis their counterparts because they do not determine their own conduct on the market and are an integral part of someone else’s business. The pattern, in this case, is the same, *i.e.*, a category of workers that could be theoretically broad is instead reduced by the Commission to a narrow one since it is clarified that the SSE are considered to be economically dependent only when they earn, on average, at least 50% of their work-related income from one source over a period of either one or two years (Recital 24).
- b (b) Persons who perform the same or similar tasks ‘side-by-side’ with the employed workforce under the direction of their counterpart and do not bear the commercial risks. This case is a patent case of false self-employment.
- c (c) Those who perform works for digital labour platforms that provide services or goods at the request of the recipient and organise the work performed by individuals according to the definition provided in Recital 2 (d). This latter group of workers is also currently classified by many of the higher national courts as employed personnel as recognised by the European Parliament itself (Resolution P9_TA (2021)0385, Recital N).

The comparative work carried out within the SHARE project (see Chapter 8; Digennaro, 2020) demonstrated that the workers with the characteristics

listed by the Guidelines would already be classified as employees in many European countries. In fact, the tendency of the systems is to interpret subordination in a way to include workers who are not necessarily under the strict direction and control of the employer. In the worst-case scenario, when a third genus is in place, their legal systems already ensure those hybrid workers the collective bargaining right. In this case, the Guidelines clearly state that, in terms of EU competition law, these workers are still classified as self-employed and, therefore, as undertakings, but a collective agreement signed by their representatives is granted immunity from Commission intervention when some conditions are met that make their position comparable to that of a 'worker'.

The second macro-ensemble includes those collective agreements (related to working conditions) concluded with their counterparts by SSE workers who face a strong imbalance of bargaining power. The parameter of the bargaining imbalance was pointed out as promising (Rainone and Countouris, 2021). It is a good indicator that, regardless of workers' legal status, they do have a counterpart that is able to condition their work activity. In the case of the Guidelines, however, this parameter has been formulated in a way that is likely to be ineffective in most cases. According to the Commission's document, the imbalance of power must be extraordinary, since it is presumed when the counterparty/-ies represent the 'whole of a sector or industries' or if the aggregate annual turnover of the counterparty/-ies and/or the annual balance sheet total exceeds EUR 2 million. Only the third option, having a staff headcount equal to or more than ten persons, seems easier to match. Lastly, there is a final exception linked to the case of those who are already entitled to the right of collective bargaining under national or EU legislation. This clarification, given the history, is neither irrelevant nor useless in the Guidelines.

The reason behind the release of the Guidelines was the misalignment between the scope and practicability of collective bargaining rights granted by national and international standards and the impairment arising from EU competition law. Overall, a careful exegesis of the Guidelines suggests that the objectives have only been partially achieved, as the Guidelines did not make the right of collective bargaining available to all workers who need it, nor for all of those entitled to it according to international standards. In other words, while the Guidelines can avoid the 'chilling effect' on SSE workers' collective bargaining that ETUC targeted, they cannot be considered the starting point of a Copernican revolution on collective bargaining in EU law.

14.3.2 The Platform Directive

As far as the proposed Directive is concerned, a cross-analysis of the texts issued by the three institutions involved in the legislative process shows a considerable gap between the drafts. In general, however, the Council text not only, in most cases, disregards the parliamentary proposal but often further simplifies the original Commission's one.

Compared to the Commission's proposal, the Parliament's text additions grant a greater role to collective bargaining and platform workers' voice. Furthermore, the Parliament's proposal commits member states to strengthening inspection controls with greater powers for these services and even by setting a national target for the number of inspections to be carried out (Art. 4(3) d). Recital 26a states that the reclassification of a person performing platform work as employed by the digital labour platform should immediately generate an inspection of the relevant national authority to verify the status of all the other workers employed by the same platform. However, these additions were not considered by the council either formally or in terms of content innovations. Additionally, the parliamentary proposal contains, at recitals 26 and 42a and Art. 12b, explicit references to the phenomenon of subcontracting to avoid, by placing a subcontracting undertaking between the platform and the service-proving person, the obligation set by the Directive and the legal presumption being circumvented. The above-mentioned provisions clearly state that the digital labour platform of which the employer is a subcontractor shares all the responsibility of the employer in addition to or in place of it. Also, attention was given to the case of the undeclared work of third-country nationals. These additions show Parliament's sensitivity to and awareness of the issues raised by trade unions and workers on these issues.

Neither the text of the Commission nor that of the Council contains these kinds of provisions. Yet, the Council proposal is not without a say on the issue of subcontracting. References to intermediaries can be found, first, in Art. 2 under 'definitions'. When it comes to defining what is meant by 'platform work', it is stated that it is work organised through a digital platform that can be performed by individuals or an *intermediary*. Furthermore, the Council proposal added Art. 2a, which stands as a general clause imposing on member states the burden to 'ensure that the use of intermediaries does not lead to a reduction in the protection afforded by the Directive to persons performing platform work'.

The most contentious part of the Directive, however, referred to Art. 3 (related to the correct determination of employment status) and 4 (related to the legal presumption) of the Commission's proposal. As explained in the introduction, each directive can make an explicit reference to the concept of worker at the national level or instead leave room for the one developed directly at the EU level by the ECJ case law. Notwithstanding this, the ECJ used the leverage of the *effet utile* to expand its own conceptualisation. The case of this Directive proposal was peculiar and prone to creating a complicated conundrum to disentangle. When it comes to defining platform workers, all proposals agree on finding the point of reference in the employment contract as defined in the national law, collective agreements, and practice in force in each Member State. Additionally, it is made clear that the ECJ's case law must be taken into account. Recital 20 of the Council's version particularly emphasises this reference by adding that the ECJ case law on false self-employment has to be considered since the Court ruled that the

classification of a self-employed worker under national law does not prevent that person from being classified as a worker within the EU law if their independence is merely notional. Therefore, considering the references to the ECJ case law present in all the versions and the brief clarifications provided in the introduction, it cannot be excluded that the national state concept of an 'employed person' (and that of 'employed-like worker' or similar where a third status is established) will have to give way to the ECJ concept of 'worker' if the *effet utile* of the Directive is called into question by its application. At the same time, the constituent elements of the concept of 'employed worker' in each member state are of particular relevance since the platform is required to prove the non-existence of these elements in order to overcome the rebuttable presumption imposed by Art. 4 of the proposal. This implies that this relative presumption can be overcome by platforms in 27 different ways, with the additional issue that not all the national state systems are binary (Barbieri, 2021).

The political battle over the Directive inevitably heated up around the criteria needed to substantiate and trigger the rebuttable presumption. The Council proposal maintains those criteria in Art. 4 of the Directive but not without amendments compared to the original proposal, which was centred on criteria that recalled the powers of directing, controlling, and sanctioning of the employer (criteria b, c, and d) plus a clause on the determination of the remuneration (criterion a) and one related to the economic control of the worker (clause e). The presumption was triggered when two out of five criteria were found to be applicable, creating quite broad possibilities. The Council proposal disentangles the (d) criterion into three different ones and asks to fulfil three criteria out of a list of seven for the presumption to be applied.

The Council proposal appears less protective of workers for many reasons. Criterion (a) on remuneration loses its reference to the power to *effectively determine* remuneration. Therefore, only a reference to the circumstance that the platform should specifically determine *the upper level of remuneration* remains. Criterion (c) is written in a broader way in the Commission's proposal since the platform can 'supervise' the performance or 'verify' the quality of the result, whereas the latter reference is missing in the Council's proposal. The first scenario is a typical form of control that is easy to find in subordinate employment. The meaning of the second verb instead is broad enough to include both cases where the contractual obligation is embodied in the delivery of an *opus perfectum* (i.e., a specific result that the worker achieves according to their personal modality of work) and those where management by objective is in place. It must be remembered that this legal presumption applies only to digital labour platforms as they are defined according to Art. 2 of the Directive. In the Council proposal, a further criterion is added to this definition: the digital labour platform should involve 'the use of automated monitoring or decision-making system'. This clarification, which may seem harmless enough today, may one day reduce the applicability of the Directive, as it will also be necessary to ascertain the existence of

this additional element in the concrete case. As an example, when generative AI or even wet-AI systems will be used in place of algorithms, will those still be considered ‘automated’?

The Council’s proposal also adds a somewhat ambiguous safeguard clause according to which the rules of Art. 4 and 4a shall not affect the discretion to ascertain the employment relationship for national courts and authority, regardless of the number of criteria fulfilled. This clause seems redundant since, as explained above, the function of the criteria is to establish the rebuttable presumption, whereas it is always in the power of national courts to determine whether a worker is subordinated or self-employed. Instead, if three out of seven criteria are met, the national court cannot pronounce a judgement that denies the employment status when the platform cannot rebut the presumption. Not being so, the Directive would be deprived of its *effet utile*.

One final point deserves to be emphasised, as it weakens the instrument *per se*. The Council proposal adds an exception to the functioning of the presumption mechanism by granting a special power only to ‘competent national administrative authority in charge of verifying compliance with or enforcing relevant legislation’ (such as labour inspectorates), *i.e.* a discretion not to apply the presumption. This can only be the case when these authorities ‘are verifying compliance with or enforcing relevant legislation in their own initiative, and it is manifest that the person performing platform work is not a platform worker’ (recital 20 and Art. 4. P 1^oa).

14.4 Conclusion

This chapter combined the analysis of the policymaking processes with the exegesis of two legal texts, the Guidelines and the Directive, which are crucial for the regulation of hybrid areas of work in the EU. We first presented the position of workers’ European representatives and teased out their main concerns and criticisms to the texts and then provided a legal analytical reading of the documents.

While the European trade unions generally welcomed the Guidelines, they critically assessed and raised concerns over the different drafts of the Directive that were under discussion in the trilogue while writing this chapter. After more than 800 days of negotiations and a few failed attempts to find a compromise text in the trilogue, an agreement on the Directive was struck while this chapter was in its final stage. The approved version of the Directive has been welcomed by the representatives of workers and cooperatives who took part in the policymaking as an important milestone for the European labour movement. Yet, it has also been assessed as a watered-down version of the precedent proposals (Voet, 2024; Cecop, 2024; ITF, 2024). In terms of inspection mechanisms, in Art. 6, the final version of the Directive requires member states to provide for effective control and inspections where the existence of an employment status of a platform worker has been ascertained by a competent

national authority. However, the mechanism is not automatic as offered by the Parliament's proposal. Regarding the role of intermediaries, in line with the Council's proposal, Art. 3 of the final text commits member states to ensure equal treatment to those who work directly for the platform and those who work through an intermediary. The reference to an 'automated monitoring or decision-making system' has also been retained in the final version. The most contentious issue remains the presumption of employment. In the approved text, the criteria for triggering the presumption of employment have been removed. Article 4 delegates to national legal frameworks the determination of employment status while maintaining reference to the case law of the ECJ. This implies the possibility for the ECJ to leverage the *effect utile* mechanism described in the chapter introduction. Further, according to Art. 5, the presumption of employment applies only when direction and control over the worker are ascertained according to national provisions. On the one hand, this direct reference to the national legal framework avoids the creation of the complex system set by the previous proposals in which an ad-hoc concept of 'worker' was defined for the sake of the presumption and risked being overridden by different national legal definitions in force in the member states. On the other hand, the current wording of Art. 5 risks nullifying the presumption mechanism altogether. Indeed, even in member states where the concept of subordination is particularly restricted, the presence of direction and control already determines the recognition of an employment status (see Chapters 3 and 8). Against this background, therefore, the impact of the Directive will largely depend on its concrete implementation in each member state.

As far as the Guidelines are concerned, our legal analysis showed that they presented potentially controversial points, particularly regarding their rather narrow scope in both objective and subjective terms, which risks reducing the usefulness of the legal instrument. Moreover, it remains problematic whether a document without the force of law can affect the concrete practicability of a fundamental right.

The two policy instruments emerged as a response to the multiple tensions arising from deeply engrained structural contradictions in the EU legal system. The lack of a generalisable legal definition of worker and the catch-all definition of undertakings, the under-regulated realm of platform work, and the growing hybridisation of employment practices have shown their detrimental effects on the everyday lives and labour rights of workers across Europe. Yet the Guidelines and the Directive, despite their major political significance, only marginally tackle the contradictions of an institutional system based on the primacy of the market. Indeed, they target the symptoms rather than the real cause of the problem, providing new regulatory tools to protect workers without, however, addressing the complex and intricate architecture of EU hierarchies of rights (Digennaro, 2022).

This speaks to our analysis of policymaking as well as to the broader debate on the role of the EU in regulating work (Maccarrone et al., 2023). While part of the scholarship has observed a gradual shift of European

policies away from the market-centred, austerity-driven approaches of the 1990s and the Great Financial Crisis towards a growing attention to the social dimension of European integration (Kilpatrick, 2023; Zeitlin and Vanhercke, 2018), our analysis offers a rather sobering account. On the one hand, the policymaking process leading to the Guidelines and the Directive showed that labour representatives have crucial but limited leverage on EU institutions, especially the Council. On the other hand, an in-depth analysis of the texts suggests caution in reading the Guidelines and the Directive as broad game-changers for the lives of workers in the hybrid areas of labour.

Notes

- 1 This chapter is the result of a collaboration by the authors, who share the entire content. Pierluigi Digennaro is responsible for both parts 14.1 and 14.3, while Francesco Bagnardi is responsible for both parts 14.2 and 14.4.
- 2 https://www.europarl.europa.eu/doceo/document/EMPL-PR-657498_EN.pdf
- 3 Proposal of the Commission: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A762%3AFIN&qid=1639058069638>.
- 4 Report approved by the Parliament: https://www.europarl.europa.eu/doceo/document/A-9-2022-0301_EN.html.
- 5 Proposal of the Council: <https://data.consilium.europa.eu/doc/document/ST-10107-2023-INIT/en/pdf>.
- 6 As mentioned in the methodological section (Chapter 6), the study at the EU level was conducted between 2022 and 2023. Consequently, the present work focuses on the texts issued by European institutions before the final compromise struck in the trilogue. In the conclusions of the chapter, however, some reflections on the text approved in April 2024 are offered.
- 7 <https://www.europarl.europa.eu/legislative-train/carriage/review-of-competition-policy/report?sid=7101>
- 8 It should be noted that the Council's text brought the criteria back in. In its version, the employment presumption is triggered if three criteria out of a list of seven are met.
- 9 As put in the ETUC Consultation paper: 'The ETUC would be in favour of applying the EU action to all non-standard workers and workers in platform companies (including the self-employed). The ETUC would be in favour of an EU action including all platforms' (ETUC, 2021c, p.17).

References

- Barbieri, M. (2021). Prime osservazioni sulla proposta di direttiva per il miglioramento delle condizioni di lavoro nel lavoro con piattaforma. *Labour & Law Issues*, 7(2), 1–20. Doi: 10.6092/issn.2421-2695/14110
- Buendia Esteban, R. M. (2022). Examining recent initiatives to ensure labour rights for platform workers in the European Union to tackle the problem of domination. *Transfer: European Review of Labour and Research*, 28(4), 475–487. Doi: 10.1177/1024258922114950
- CECOP (2024). *Members State Find an Agreement with the European Parliament on the Platform Work Directive*. Available at: <https://cecop.coop/works/members-state-find-an-agreement-with-the-european-parliament-on-the-platform-work-directive>

- Digennaro, P. (2020). Subordination or subjection? A study about the dividing line between subordinate work and self-employment in six European legal systems. *Labour Law & Issues*, 6(1), 1–47. Doi: 10.6092/issn.2421–2695/11254
- Digennaro, P. (2022). The effect of neoliberalism in European labour law: The meaning of labour and the need for a different constitutional compromise. *European Labour Law Journal*, 13(2), 249–272. Doi: 10.1177/20319525221093716
- Dufresne, A., and Leterme, C. (2021). *App Workers United. The Struggle for Rights in the Gig Economy*. Brussels: GUE/NGL European Parliamentary Group.
- ETUC (2021a). *Feedback on the Commission Inception Impact Assessment on Competition Law and Collective Bargaining for Self-Employed*.
- ETUC (2021b). *Reply to the Second Phase Consultation of Social Partners under Article 154 TFEU on Possible Action Addressing the Challenges Related to Working Conditions in Platform Work*. Resolution adopted at the extraordinary Executive Committee meeting of 9 September 2021.
- ETUC (2021c). *Reply to the First Phase Consultation of Social Partners under Article 154 TFEU on Possible Action Addressing the Challenges Related to Working Conditions in Platform Work*. Resolution adopted at the virtual Executive Committee meeting on 22–23 March 2021.
- European Commission (2021a). *Harnessing the Full Benefits of Digitalisation for the Future of Work*, Brussels, COM (2021) 761 final.
- European Commission (2021b). *Inception Impact Assessment: Collective Bargaining Agreements for Self-Employed – Scope of Application of EU Competition Rule*, Ref. Ares(2021)102652. Brussels.
- Fulton, L. (2018). *Trade Unions Protecting Self-Employed Workers*. Brussels: ETUC.
- Giubboni, S. (2018). Being a worker in the Eu law. *European Labour Law Journal*, 9(3), 223–235. Doi: 10.1177/2031952518791828
- Giubboni, S. (2019). Worker. In A. Bartolini, R. Cippitani, and V. Colcelli (Eds.), *Dictionary of Statutes within EU Law* (pp. 645–652). Cham: Springer.
- Kilpatrick, C. (2023). The roaring 20s for social Europe. The European Pillar of social rights and burgeoning EU legislation. *Transfer: European Review of Labour and Research*, 29(2), 203–217. Doi: 10.1177/10242589231169664
- Kountouris, N. (2017). The concept of ‘worker’ in European labour law: Fragmentation, autonomy and scope. *Industrial Law Journal*, 47(2), 192–225. Doi: 10.1093/indlaw/dwx014
- ITF (2024). *Platform Work Directive adopted: A Step Forward, Now Enforcement Is Key*. Available at: <https://www.itfglobal.org/en/news/platform-work-directive-adopted-step-forward-now-enforcement-key>
- Maccarrone, V., Erne, R., and Golden, D. (2023). The European Union: A significant player in labour policymaking. In D. Clegg, and N. Durazzi (Eds.), *Handbook of Labour Market Policy in Advanced Democracies* (pp. 219–233). Cheltenham: Edward Elgar.
- Menegatti, E. (2019). The evolving concept of “worker” in EU law. *Italian Labour Law e-Journal*, 12(1), 71–83. Doi: 10.6092/issn.1561–8048/9699
- Rainone, S. (2022). Labour rights beyond employment status: Insights from the competition law guidelines on collective bargaining. In T. Addabbo et al. (Eds.), *Defining and Protecting Autonomous Work. A Multidisciplinary Approach* (pp. 167–192). Cham: Palgrave MacMillan.
- Rainone, S., and Countouris, N. (2021). *Collective Bargaining and Self-Employed Workers. The Need of a Paradigm Shift*. Brussels: ETUI Policy Brief.

- Risiak, M., and Dullinger, T. (2018). The concept of worker in the Eu law-Still fit for purpose? *Kutafin University Law Review*, 5(1), 18–20. Doi: 10.17803/2313–5395.2018.1.9.021–045
- Schömann, I. (2022). *Collective Bargaining and the Limits of Competition Law. Protecting the Fundamental Labour Rights of Self-Employed Workers*. Brussels: ETUI Policy Brief.
- Spasova, S., and Marengo, M. (2023). The politics behind EU legislation on platform work: institutional synergies and a novel constellation of players. In B. Vanhercke, S. Sabato, and S. Spasova (Eds.), *Social Policy in the European Union: State of Play 2022* (pp. 69–89). Brussels: ETUI.
- Voet, L. (2024). Platformwork directive—delivering rights for all. *Social Europe*. Available at: <https://www.socialeurope.eu/platform-work-directive-delivering-rights-for-all>
- Zeitlin, J., and Vanhercke, B. (2018). Socializing the European semester. *Journal of European Public Policy*, 25(2), 149–174. Doi: 10.1080/13501763.2017.1363269.

Afterword

Annalisa Murgia

This volume reports the main results of the research programme developed within the ERC project SHARE on hybrid areas of labour in between self-employment and salaried employment. By taking the case of solo self-employed (SSE) workers, i.e., self-employed workers without employees – considered emblematic of the processes of individualisation of labour relations – we analysed a variety of positionings and work arrangements that destabilise the self-employed vs. employee dichotomy, focusing in particular on how, in the European context, hybrid areas of labour are measured, classified, and represented. From a theoretical point of view, research on solo self-employment is fragmented into different fields of study and methodological approaches (see Chapter 1). Many studies have focused on the impact of these work arrangements on access to labour rights, social protection, and collective worker representation. Other authors have explored the same phenomena by focusing on the meanings SSE workers attribute to their position and work experience. Research on solo self-employment, scattered across different disciplinary perspectives – from labour law to studies on employment and industrial relations, on entrepreneurship and innovation, and on management and organisations, from cultural studies to those on social movements – has therefore tended to remain isolated within single disciplinary fields. As a contribution to advancing the debate on this particular category of workers and their heterogeneous work experiences, throughout the project we adopted a transdisciplinary perspective (see Chapter 6), combining different methods that nevertheless shared the same conceptual framework.

In the first part of the volume, we summarised the state of the art with respect to our three main axes of analysis: measurement, classification, and representation of the hybrid areas of labour. Chapter 1 outlined the transdisciplinary rationale underpinning the project and the different approaches in the literature with respect to solo self-employment. Chapter 2 described how the main European labour force surveys measure and classify the heterogeneous world of SSE workers. Chapter 3 was then devoted to an analysis of how legal systems classify this category of workers and how in different European countries SSE workers are regulated and distinguished from both employment and self-employment. Finally, Chapter 4 addressed the

issue of representation and collective organising, reconstructing the studies on the forms of collective action that are emerging among SSE workers by considering a range of collective actors, usually studied within different disciplinary fields: from the more institutionalised ones, such as trade unions and employer organisations, to the more informal actors, such as grassroots or self-organised groups, as well as hitherto little studied ones, such as SSE associations and freelance cooperatives.

After presenting the scenario within which our research is situated, in the second part of the volume, we described the epistemological and methodological approach adopted within the SHARE project. In particular, in Chapter 5, we introduced the concept of the ‘hybrid’, which we adopted by drawing inspiration from postcolonial and feminist science and technology studies (STS) to signify not only the increasingly blurred boundaries between employment and self-employment but most importantly an epistemological positioning aimed at challenging the main dichotomy around which work and employment have historically been conceptualised in the European context. This means that we considered the *hybrid* not as an outcome – that is to say, an area, a third zone resulting from the intersection of employment and self-employment – but *as a method*, adopted to critically analyse labour force surveys, labour laws, as well as forms of representation, at both the national and European level (for a detailed description of the research design and case studies conducted, see Chapter 6).

The third part of the volume – comprising Chapters 7–14 – reported the main findings of the SHARE project, which combined statistical, legal, and ethnographic approaches and was conducted from 2017 to 2023 by a team of ten researchers in six European countries: France, Germany, Italy, Slovakia, the Netherlands, and the United Kingdom. In particular, we deconstructed and challenged a set of dichotomies that have historically characterised self-employment on the one hand and wage employment on the other, defining the former as characterised by autonomy, risk-taking, and an individualistic orientation, and the latter as marked by dependency, a need for protection, and a collectivist orientation. The statistical analysis has shown how both national and European statistics provide different representations of the boundaries between autonomy and dependence (see Chapter 7), which are only partially capable of seizing the heterogeneity of SSE workers and their multiple experiences in European labour markets. The labour law analysis (see Chapter 8) also focused on the dimensions of autonomy/dependence, risk/protection, and individualism/collectivism, illustrating the changes over time in the logics of the legal regulations of labour relationships in different European countries. In Chapters 9–14, the focus of analysis shifted from the individual to the collective level, concentrating on the collective actors involved in SSE worker representation and the practices of collective organising that SSE workers managed to develop in the six European countries studied and at the European and transnational level. This approach made it possible to consider the reciprocal influences between subjects and

social structures and to analyse at the same time the structural conditions and the agency of the workers involved in the research, to understand not only how they are influenced by social norms and institutions but also how they can shape them in turn, especially through collective organising.

The SHARE project introduced the concept of ‘hybrid’, borrowed from feminist STS and postcolonial studies, as an analytical lens to explore the changed scenario of contemporary labour. By connecting different disciplines and crossing the boundaries of different research techniques, we drew on our transdisciplinary and multi-method research programme to move towards a theoretical rethinking of the interpretative categories of labour. More specifically, first, we discussed the difficulty of measuring and classifying contemporary labour experiences in national and European labour statistics, which increasingly struggle to portray current forms of employment and need more accurate tools to account for the composition of hybrid areas of labour and to define their boundaries. Second, we analysed how the legal boundaries between employment and self-employment are increasingly under pressure, also due to the spread of platform work and remote work, and how they could be redefined to reorganise the protection granted to self-employed workers under labour law. Finally, we discussed how the hybridisation of labour has also affected its forms of collective representation, with particular attention paid to the novel challenges to approaching and mobilising SSE workers, a very heterogeneous category of workers that epitomises the processes of individualisation of labour relations. Following this line of interest, we studied a range of different practices used for recruiting and organising the SSE, as well as a multiplicity of collective actors composing the arena of collective representation, and the unprecedented alliances they are able to build, at both the national and transnational levels.

In conclusion, our contribution on processes of hybridisation of labour conceptualises the hybrid not so much as an ‘object’ of research but rather as an epistemological posture. Considering the hybrid in these terms has the potential to offer novel and particularly productive perspectives on the transformations currently reshaping labour, starting from the experiences and representations of the workers directly involved and their attempts to cope with the processes of individualisation of labour relations and the lack of rights and collective representation. This is possible through the realisation of studies that deeply engage with research participants and take seriously their positions. Indeed, by adopting *Hybrid as Method*, we are also encouraged to acknowledge the partial and situated nature of any form of knowledge and to do our best to blur the distinction between ‘researcher’ and ‘researched’, promoting collaborative research practices that are more oriented towards the co-construction of knowledge. The objective of both researchers and workers participating in research is, in our view, ultimately the same: the understanding of ongoing labour transformations and the attainment of decent and meaningful working conditions that allow – regardless of whether workers are self-employed or employed – an assurance of autonomy, adequate social protection, and access to collective representation.



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