

Facing inequality at work

Atypical employment and social protection in Europe

30

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Resumen

La digitalización y la automatización de la economía tienen un fuerte impacto en el mercado laboral (Brynjolfsson; McAfee, 2014: 11). El mercado laboral se está volviendo más flexible. La flexibilidad, por un lado, busca aumentar la productividad laboral pero, por otro lado, tiene enormes consecuencias sobre los trabajadores, especialmente sobre las mujeres y en particular sobre su posibilidad de conciliar la vida laboral y familiar. De hecho, la flexibilidad del mercado laboral, por un lado, aumenta el crecimiento de los trabajadores autónomos y promueve un cambio en la forma de trabajar, por ejemplo, cada vez es mayor el uso del trabajo inteligente; la emergencia de la pandemia Covid-19 bien lo está demostrando. Por otro lado, la flexibilidad se combina con un factor creciente que está cambiando la forma de trabajar y las condiciones sociales de los trabajadores: el aumento de trabajos atípicos, como los falsos autónomos, TAW¹.

Sin políticas adecuadas para la seguridad de los trabajadores, la flexibilidad podría convertirse en inseguridad flexible, provocando necesidades sociales que las políticas deben atender. Un tema central es que el caso de los autónomos no solo está ligado a trabajadores y profesionales altamente calificados sino que podría estar ligado a trabajos atípicos, con una condición de trabajo intermitente, una baja productividad y una menor negociación colectiva. Esta condición se vincula fácilmente con una menor protección social para los trabajadores y unas condiciones laborales más frágiles.

Este artículo tiene como objetivo específico comprender los límites de la negociación colectiva en relación con los trabajos atípicos. Como caso de es-

¹ El trabajo por agencia temporal (TAW) es una relación “tripartita” o “triangular” que involucra a un trabajador, una empresa que actúa como agencia de trabajo temporal y una empresa usuaria, mediante la cual la agencia emplea al trabajador y lo pone a disposición de la empresa usuaria.

tudio, el artículo analiza las cooperativas de actividad y empleo (CAEs) y un caso particular de una cooperativa europea “SMART”, que agrupa a trabajadores atípicos en general, y trata de compensar un problema de cobertura otorgándoles un contrato on-call, que se traduce como una oportunidad de acceso al sistema de bienestar. De esta forma, actúa como una política de bienestar indirecta y permite a los trabajadores acceder a beneficios sociales.

La metodología propuesta sigue un enfoque cualitativo que incluye entrevistas semiestructuradas. Se realizaron 8 entrevistas a actores privilegiados entre los que se encuentran el presidente europeo e italiano de la cooperativa SMART, cuatro trabajadores ICT y dos representantes de sindicatos.

La hipótesis es que más allá de la forma tradicional de asegurar la cobertura social, se podría construir una nueva forma de crear redes informales entre los trabajadores. Esto podría disminuir los problemas de flexibilidad, creando un marco de seguridad flexible entre los trabajadores, especialmente entre las mujeres.

Palabras claves: economía digital – negociación colectiva – inclusión social competencias – flexibilidad

Summary

The digitalization and automation of economy are strongly impacting on labour market (Brynjolfsson; McAfee, 2014:11). Labour market is turning into a more flexible one. Flexibility from one side, goes towards a reinforcement of work productivity, but on the other side it has enormous consequences on workers, especially women, in particular on their possibility to work-life balance. The flexibility of labour market in fact, from one side enhances the growth of self-employed workers, and it furthers a change in the way of working as for example the increasing use of smart working, as also the emergency of pandemia Covid-19 is showing. From the other side flexibility combines itself with a growing factor that is changing the way of working and the social conditions of workers: the increase of non-standard jobs, such as bogus self-employed, TAW².

Without appropriate policies toward security of workers flexibility might become flex-insecurity, causing social needs that policies need to take care of. A central issue is that the case of self-employed is not only linked to high-skilled workers and professionals, but it could be linked to non-standard jobs, with an intermittent working condition, a low-productivity and a lower

2 Temporary agency work (TAW) is a “three-way” or “triangular” relationship involving a worker, a company acting as a temporary work agency and a user company, whereby the agency employs the worker and places him or her at the disposition of the user company.

collective bargaining. This condition is easily linked with a lower social protection for workers, and a frailer working condition.

The article has as specific goal to understand the limits of collective bargaining in relation to non-standard jobs. As case study the article analyses the activity and employment cooperatives (CAEs) and a particular case of a European cooperative “SMART”, that puts together atypical workers in general, and tries to make up to a coverage problem giving them an on-call contract, that is traduced as an opportunity to access welfare system. In this way it acts as an indirect welfare, and it allows workers to access social benefits.

The proposed methodology follows a qualitative approach, including semi-structured interviews. There are 8 interviews to privileged actors, among which the European and the Italian president of SMART cooperative, four ICT workers and two trade unions.

The hypothesis is that beyond the traditional way of assuring social coverage, there could be built a new way of creating informal networks among workers. This could decrease issues about flexibility, creating a framework of flex-security among workers, especially women.

Keywords: digital economy – collective bargaining – social inclusion – skills, flexibility

Recibido: 3 de febrero de 2020

Aprobado: 2 de noviembre de 2020

Introduction

The configuration of a knowledge society with a growth in service sector, but also the digitalization and automation of economy (Brynjolfsson; McAfee, 2014:11), are leading the labour market to be more flexible. This is a main issue in the theory of labour market segmentation, that affects the work itself (Tangian, 2007; EU 2015, Kowalski, 2015), especially for small enterprises. The flexibility of work in fact, together with the increase of non-standard jobs, are growing factors that are changing the working conditions in terms of organization and social security. Flexibility modifies the quality of job both in material and intangible conditions, as for example the job's security. It has consequences on workers, especially women, in particular on their possibility to conciliate life and job. In order to avoid that the gender gap in salary grows and that the transparency around working conditions decreases it is relevant

to study how to regulate these new forms of work. Without appropriate policies toward security of workers, in fact, flexibility might become flex-insecurity, causing social needs that policies need to take care of.

Linked to the growth in flexibility there is a new geography of jobs (Moretti, 2013), with persistent inequalities among countries with a structural agriculture sector in East Europe and a growth of high skilled service in continental Europe; 70,1% of the employed people in Europe are in fact employed in service sector (EU, 2015). Nevertheless, there are also inequalities inside countries (Viesti, 2019), with different impact on social security of workers. The incidence of self-employed, mostly without employees, has greatly increased with the diffusion of digital platforms and their use by ICT services providers, especially through online outsourcing. This moved work to lower-wage areas within national economies (Bain, Taylor, 2008), but, by the early 1990s, the spread of digital connectivity made it possible for destinations such as India and other less developed countries to capture large amounts of outsourced work, ensuring lower costs to western companies (Dicken 2015; Lambregts et al. 2016).

Moreover, services are more and more structuring on outsourcing modality, especially to self-employed or platforms. First of all, outsourcing has favored the vertical disintegration of organizations, with a consequent fragmentation of value chains in different tasks and actors, segmenting labor market; secondly the new configuration of relationships among customers and suppliers impacts on working conditions (Frey, Osborne, 2015; Graham et al., 2011; Emmenegger et al., 2012), especially into small enterprises. The more in fact, the outsourcing chain becomes complex, the more social protection gap is structured among standard (Grimshaw, 2005) and atypical workers, among insiders and outsiders of labor market, especially in small businesses (Regalia, 2020), with a worse working condition for non-standard workers (Keune, 2015). Outsourcing of peripheral functions in fact, thicken the flexibility and the occasional use of external service providers or atypical employment contracts (fixed-term contracts, part-time contracts, project contracts, etc.).

Self-employed workers usually follow different working conditions concerning time and work place from employees. This is a challenge for collective bargaining because it pushes to a new combination of social claims. Among employees and self-employed there are differences in terms of wage, time and organization conditions, training opportunities and representations that need to be studied in depth, the called little bargaining power (Kaplinsky, 2004; Manning, 2003). Working-time of autonomous (life-conciliation, extended working hours, overtime), for example, clearly shows this particular difference. For this reason, it is important to understand how the work-contract is done and under what type of conditions. Sometimes in fact, contracts could hide some bad working conditions for self-employed workers that have not the

opportunity to manage with a good work-life balance.

These are the main questions, which are less researched, especially in terms of how they affect atypical workers, in particular women, and on their chance to have a satisfying career.

The article has as specific goal to understand the limits of collective bargaining in relation to these new types of contract. The study is focused on high-skilled workers, such as interpreters, consultants, trainers, IT specialists, artists, translators, analysts, accountants, mainly belonging to non-regulated professions and works in the advanced service sectors. As case study the article analyses the activity and employment cooperatives (CAEs) and a particular case of a European cooperative “SMART”, that puts together atypical workers in general, and tries to make up to a coverage problem giving them an on-call contract, that is traduces as an opportunity to access welfare system. In this way it acts as an indirect welfare, and it allows workers to access social benefits.

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A “grey zone” called flexible work.

Self-employed is surely an increasing occupational form, functional to the contemporary capitalistic model, which needs work flexibility, high skilled-based competences and multitasking. The literature on atypical workers from Nineteen is questioning the change of working conditions, identifying at the beginning a difference among atypical or “untypical” workers (Bureau, Dieuaide, 2018; Conen, Schippers, 2019) and typical workers. Furthermore the increase of precariousness among self-employed leads to a difference among self-employed who enjoy working as freelancers (Burchell et al. 2014; Conen, Schippers, 2019; Gill, 2002; Hesmondhalgh; Baker, 2010) and bogus self-employed, that are mostly dependent workers with a self-employed label, because in reality they are self-employed working for mainly one client (Ranci, 2012; Carrieri e Treu, 2013).

The growth in using of semi-subordinate contracts (continuous and coordinated contractual relationship – co.co.co; occasion collaborator) as a cheaper alternative to traditional employment leads also to a less bargaining coverage and to a growing instability of professional careers (Ranci, 2012).

Self-employment in Italy is legally defined by art.2222 title III of the Civil Code as a worker who legally commit themselves to perform a service or a work under payment, without being subject to any form of subordination

towards the customer, working with their own assets and mainly through their own work. Even if this label describes a clear category, the label of self-employed actually is not a homogeneous category (Conen et al., 2016; Jansen, 2016), it has inside a larger number of working conditions. There are entrepreneurs for personal aspiration, but there are also unemployed who resigns himself to create his own job to re-enter the labour market, that in other way they would not have any social protections. There are actually many labels about who self-employed workers are: independent professionals, autonomous workers or IPros³ (Rapelli, 2012), new self-employed workers (Schulze, Schmidt, 2009), second generation autonomous workers (Bologna 2007; Bologna, Fumagalli, 1997), self-employed without employees (Dekker, 2010), freelancers (Heery et al., 2004).

In Italy freelancers and autonomous workers are defined “the Fifth State” (Allegri, Ciccarelli, 2013), including independent workers (lawyers, architects, web designers) subordinates, precarious and with intermittent activities, that have no social or trade-union protection. All these new forms of works are leading to a state of continuous precarity. This framework seems to draw a so-called “grey zone” (Bureau, Corsani, 2012; Castelvelli, 2010) into labour market, that identifies typologies of work that are among employees and self-employments. They represent a space where new rights are produced among self-employed workers and employees. It seems an indeterminate area of labour law, nevertheless instead of being an area of lawlessness, it could be an area where it becomes possible to experiment with new forms of work, contracts and labour organizations.

The “grey zone” is composed by all workers who have always been linked to a “discontinuous” work activity. In this general field there are the typical discontinuous professions as for example creative workers, but also the start-uppers, which do not have a defined status because they are starting their business, freelancer workers, such as translators, trainers or graphic designers, small artisans. There are also unregulated workers, which have fewer social protections.

Moreover, it is necessary to point out a relevant polarization of work among low-skilled and high-skilled workers, that is reflected also on the social protection.

“The profound polarization of the labour market has led to a sharp rise in wage inequality. Low-skilled jobs in personal services (catering, logistics, health) are by nature tasks in which productivity is low; those who have had to move into such jobs are paid less than was usual in the skilled jobs they held before. Conversely, managerial and creative occupations have seen their productivity increased by IT,

3 Independent professionals.

and the remuneration of such jobs has increased relative to the median wage"⁴.

In this grey zone there are different levels of welfare protections, even among atypical workers, in which we can recall those who choose to be self-employed and those who are bogus self-employed, with a frailer social protection.

There are self-employed that belong to regulated professions, with a private social protection, and that choose to be self-employed. In this choice there is the freedom of a status, that is not a suffered condition. They are usually high-skilled workers, that work as consultant, creative jobs and entrepreneurs, with a high productivity, and that use digital innovation to increase productivity.

Among self-employed there is also a part of bogus self-employment (Pallini, 2006), that means that are similar to employee, working for one main client. Bogus self-employed are intended as an abuse of semi-subordinate contracts⁵, as a cheaper alternative to traditional employment, or as liberal professionals subject to situation of dependence from customers despite the formal autonomy.

These different definitions describe many risks for a part of self-employed, that do not choose to be self-employed but that have a lower social protection. Risks are the certainty of wage labour, isolation, lack of access to continuous training or the management of working time. If according to some authors these difficulties lead to the birth of new forms of alienation, it is true that today we can observe at the same time the development of structures that seek to face them through collaborative and mutual practices. They are finding new solutions that can cope with the difficulties that the self-employed are often forced to face.

Self-employed workers and social protection.

In Italy, quite similar to other countries, among independent workers there are self-employed without employees that are the majority, and then there are also entrepreneurs or autonomous with employees. Self-employed without employees are the real autonomous workers, they are those who have more than one client, and can manage time and place of work. They are different from bogus self-employed or dependent self-employed (DSE) as Eurostat

4 Catherine, S.; Landier, A.; Thesmar, D., 2015.

5 Continuous and Coordinated Contractual relationship (Co.Co.Co.): formally autonomous but functionally assimilated into the company. Occasional collaborator: autonomous worker engaged in a contractual relationship with a customer to provide a service but without a formal contract on place and time of work.

defines them, more easily considered as dependent workers but with a lower cost. In 2017⁶ in Italy independent workers are around 5.363.000, representing the 23,2% of employees, higher than the European average that is around 15,7%. Among them autonomous without employees are the majority, around 68,1%, 3.652.000; they are divided among self-employed and professionals.

Bismarckian social protection systems (Palier, 2010) link access to social protection to a specific form of wage-earning activity. This social system (sickness, unemployment and seniority) is not meant for discontinuous occupations, but for stable ones. It does not assure an equal social protection to self-employed workers and to employees. This condition is particularly true in systems that are not as flexible as those in the countries of Southern Europe, in which the weakness of the social system has a direct consequence on the increase of illegal employment.

In general, the social protection for self-employed is based on a dual system, in which there is a social protection for licensed professionals⁷ with an order belong to their private professional social security fund with own rules, and a lack of social protection for non-regulated professionals that can enrol into either the Separate management fund (INPS) or other funds, but that more easily are without social protection.

At the same time, nowadays companies, more frequently use self-employed workers instead of employees.

«Especially in the consulting world. This type with a flexible contract which recognizes fewer rights, is used especially in small companies, while in multinationals they use consultancy companies and administration companies with workers protected by the National Collective Labour Agreement»⁸.

This impacts on the social protection of workers, creating inequalities of protection among them.

Moreover, workers pay more and more attention to what it concerns professional associations, for example engineers, lawyers, accountants. Professional associations become a kind of protection on technical issues, that is not completely linked with a formal and social protection. Nevertheless, workers feel more easily with this kind of relationship, perceiving instead the trade union as a fixed form, as for example explain a ICT workers.

6 Istat, ASIA

7 They are regulated professions belonging to art.2220 of Civil code, whose practice is subordinated to a registration in a professional order.

8 Trade union. Sectoral level.

«I am not a member of a trade union. I do not have too much time for it. I work, I love do it. If there was not the problem to earn for life I would do it gratis. For this reason, sometimes I accept under-pressure jobs, with tight deadlines. I usually work at night, I pass through stressful times. I share these issues with my colleagues, and I usually share information about “bad clients” too».⁹

According to this sense of distance to traditional trade union diffused among self-employed workers, there are growing some new practices of social protection, that try to put together the condition of self-employed and its flexibility at work, with a social and legal safeguard.

«The contractual form affects workloads not as a contractual form but based on how much blackmail the company can put in place; the more fragile the position of the worker is, the more we find exploitation»¹⁰.

This process means a complete revision of the conceptual approach on employment relations and a rethinking of both regulatory framework on employment relations, the welfare and social protection models. It means also a proliferation of new collective actors and new forms of organization of collective representation. They try to introduce innovative structures within the traditional collective organizations. This challenges the collective bargaining system, towards a rethinking of social protection. There are some cases of new kind of unions that work on platform and online, aiming to be in contact with those workers that do not meet in a place of work, as in a traditional firm. For example, they can reach platform workers, or riders. To sum up trade unions try to be responsive to a change in union coverage.

The case study of activity and employment cooperatives (CAEs)

In this context of unequal social protection among workers, it is interesting to underline that there are some particular forms of cooperatives which allow self-employed workers to share information and to meet with other workers, in order to assure better working conditions and remuneration compared to those offered on the market. These organizations offer the opportunity to workers to be accompanied in the development of their own activity, supporting their administrative staff and building space of cooperation among

⁹ Interview n.4 ICT worker.

¹⁰ Interview n.5 Trade union, sectoral level.

workers. Secondly the organization allows workers to have access to a status of employee that guarantees them the social protection.

In France the Activity and Employment Cooperative (CAE)¹¹ are shared enterprises, made up of entrepreneurs especially dedicated for start-uppers. CAEs offer the possibility of testing a project without having to create a legal structure *ex nihilo*. They offer to self-employed workers the opportunity to cooperate with other professionals and to obtain the same rights of employees, without losing their autonomy in the management of their business. This way of organizing a network among workers reduce the risk of isolation that self-employed usually run, especially the typical legal and social isolation that start-uppers run at the begin of their activity.

The special feature of CAE is that it brings together multiple economic activities, carried out by associated salaried entrepreneurs who choose to pool management and operating resources. The start-upper retains the status of employee on a permanent contract (CDI), which guarantees him the maintenance of his social rights in case of failure. In this way workers can benefit from the advantages of the wage-earning while creating his own business. This device can also be useful for job seekers who will continue to receive their allowances.

Their aim is to reconcile “the autonomy of individual entrepreneurship with the dynamics and collective protection of wage earners” (Demoustier, 2006:129). On the one hand, the entrepreneur remains a self-employed worker who can manage his work independently, but at the same time the CAE also allows him to gain an employee status.

Like any business, the CAE produces goods and services that it sells to customers. It thus generates turnover which enables it to finance its operations and remunerate workers. The higher the turnover of the project leaders, the more the resources of the CAE are important.

The employee-entrepreneur is remunerated in proportion to the turnover achieved, after deduction of social security contributions (employee and employer) and participation in the costs of the structure. In concrete terms, each entrepreneur-employee pays 10% of his turnover to cover the structural costs of the CAE. The CAE team ensures all administrative and accounting obligations and performs social and tax declarations. The entrepreneur is relieved of it and can devote himself to the performance of his services and to the search for his customers. If the activity turns out to be viable, the entrepreneur-employee can decide to leave the cooperative to continue his activity by creating his own business. In some cooperatives, this commitment becomes compulsory after three years, from the entry into the CAE. Within a CAE,

11 The CAEs are today part of the law n ° 2014-856 of July 31, 2014 relating to the Social and Solidarity Economy, (articles 47 and 48), and by decree n ° 2015-1363 of 27 October 2015 relating to activity and employment cooperatives and salaried entrepreneurs

the accompanying persons and the accompanied are associated with the same project.

CAEs have certain predominant characteristics. First, the employees mainly hold the share capital of the company; they operate on a democratic principle 1 person = 1 vote, regardless of the capital held, the seniority or the function within the company. Part of the result (25% minimum) must be allocated to indivisible reserves, which constitute the common heritage of the company. In the end, the possession of capital is linked to the exercise of work in the company, and is not the object of any capital gain on resale. These characteristics place them within an idea of local economic development and responsible entrepreneurship (Gardin, 2006; Stervinou, Noël, 2008).

According to data from the National Syndicate of Wage Carrying Companies, this condition concerns more than 15,000 employees for a turnover of nearly 183 million euros in 2004. This is particularly defined as “portage salarial”¹².

The CAEs benefit from public funding which pays for the reception and support mission that the structure takes on. For the territory, via public funding, the return on investment is therefore both economic and social, because the CAE makes it possible to formalize and secure the employment contract of the self-employed.

The CAE model is particularly suitable for women, who in 2018 represented 54% of entrepreneurs, compared to 40% of business creators in France (2016 figures).

“In a context of precarious employment, atomization of work, flexibility of legal and social standards, the CAE makes a bet: to recreate the collective, the law, security, by and for everyone’s economic and professional success. In this, they concretize, illustrate and defend the idea of collective and cooperative entrepreneurship: “work for yourself, succeed together”¹³.

Activity and employment cooperatives (CAE) can be considered as a real tool for entrepreneurial experimentation insofar as they allow project leaders to test their business and also their motivation. The aim is also that of providing instruments to ensure a stronger sustainability of newly created companies.

The CAEs have had some criticism, showing that sometimes they can be of degraded form of the wage (Darbus, 2008). Nevertheless, as interviews have shown, when the CAEs are structured in a network of solidarity and social economy, ensures that certain characteristics of job security are safe-

¹² http://www.portagesalarial.org/fr/images_db/Note_APEC.pdf

¹³ Extrait du préambule de la charte Coopérer pour entreprendre, rédigée en 2006, www.cooperer.coop/docs/files/CHARTe.pdf

guarded. In the initial phase, in fact, the project holder can be the recipient of unemployment benefits, without income, and in the development phase of the project, when his activity begins to generate a turnover, he becomes an entrepreneur-employee with a permanent contract with the CAE. The worker is supported by the cooperative, which is supported by the public authorities, with a direct impact on local development.

As we have seen CAEs are more based on protecting self-employed in an initial phase of start upping. CAE supports who wants to turn himself into an entrepreneur, creating their own enterprise. CAE gives them a social status of employee, and for this reason they can enter the traditional forms of social protection. Nevertheless, there are other forms of cooperatives, that operate with self-employed without employees, or with atypical workers, that face a precarious working condition, and that are not covered by a social protection.

It is now interesting to show a particular case of organization taking care of autonomous. “Smart” (Mutual society for artists) is a non-for-profit organization, a digital platform that works with self-employed or autonomous workers that mix an individual ambition of being self-employed workers, and an economic difficult situation with a lower social protection. It is in particular related to what is called by Acta¹⁴ as “slash workers”, or rather a self-employed who has multi-jobs at the same time and it changes from one to another. The worker who wants to work with Smart, he buys the shares of the cooperative, for an amount of 50 euro and he becomes a member of it. Smart is thus related to those self-employed that are inside the “grey-zone” described before, that face a segmented labour market, rather than be a self-employed for choice.

It is present in 45 cities, in 9 European countries, Belgium, Austria, France, Germany, Spain, Hungary, Italy, Holland and Sweden. It was born in 1998 in Belgium. It has 120.000 members and 2.500 employees.

“The aim of the cooperative is in a certain way to reconduct self-employed to a traditional social protection, assuring them their personal aspiration of being autonomous. In this perspective the cooperative SMART represents an innovative practice. Smart in fact, hires them, becoming their employer, taking care of all administrative, tax and contractual aspects”¹⁵.

In this sense the cooperative “Smart”, thanks to a job on call contract, becomes the employer of self-employed specific linked to knowledge society, and coordinates the administrative aspects of the commission with the client. The cooperative, thanks to a “guarantee fund” among workers, assures the salary to workers each month following the work, trying to solve the problem of

14 Association of freelancer

15 Interview n.1, European president.

discontinuous payment for workers. This fund is powered by the payment of all European Smart cooperatives, that pay the 8,5% of their revenue. Moreover, self-employed have usually multi-jobs, to many different clients and they are forced to turn to multiple pension funds and manage a complex administrative staff, having access to lower social rights. “Smart” with its work is able to support workers in this administrative work, giving them the opportunity to access a single form of social security, as employees.

The cooperative supports the problem of social protection, and tries also to have effects on their level of education and training, organizing courses or allowing a better share of information among workers on training opportunities, for what it concerns for example the career recovery that usually affects self-employed.

«Companies have no longer the production process inside. There is a very fragmented work organization. This generates a high turnover in the company, but this is not an indication of employment, because it is for a residual time during the year.

This affects the fact that there is a tendency to a frailer specialization within the workplace. Companies invest a little amount in staff training, and new staff is hired from time to time with a high turnover»¹⁶

Beyond a frail social protection self-employed are also facing some many problems related to the new ways of organizing the labour market, related to an even more in-depth flexibility, that affects their working conditions. The smart-working for example is becoming the favourite choice both for enterprises and for workers. It has enormous impact on working conditions. Smart working has overcome some typical characteristics of employment, as for example how to measure working time. The way of measuring by hours is insufficient. Working-time is changing from a counting “by hours” to a counting “by objective”. Nevertheless, for this problem the cooperative has not a specific action to support.

«But now we work no more by working hours, but by working time. We are working by objectives. In this sense, it makes sense to speak of the *right to disconnection of work*, instead of spending all day working, and answering to the client. I do not want to be at work each Sunday, always working on emergence»¹⁷.

The cooperative “Smart” is working on creating networks among workers, trying to implement different types of contracts to different type of workers. “Smart” at the beginning was mainly working with artists, but during years it

16 Interview n.2 Italian President.

17 Interview n.3 ICT worker.

develops a multiple strategy. Working on different types of contract, and on what type of contract assures the better working condition, is a way to assure workers a legal protection. For example, workers more usually claim that customers pay with a long delay, and “Smart” with the guarantee fund assures that workers are paid on time, but at the same time it begins a legal action towards clients in order to make them respecting time and schedule. For this reason, the cooperative “Smart” works in order to assure a social protection, but it is not its responsibility to work towards a recognition of better working contracts. In this field, it acts an important role in supporting a public action in order to make certain issues more evident to institutions. This lobby action is important, but has no spaces in collective bargaining action in order to define better conditions for workers.

The claim of rights for better working condition is in fact, something that goes ahead the cooperative’s responsibility. It is better a condition shared in a prospective of collective bargaining, that clearly it could not be assured by the cooperative, but better by a trade union.

«Cooperative Smart has not the goal to be a trade union, that has its specific role. It has the goal to face the precariousness of atypical workers»¹⁸.

The relationship with institution is more linked to public funding, they apply for public projects funding, putting together workers and creating some cooperation opportunities. In this sense they create new opportunities for workers, and they also try to negotiate good working conditions for workers. This action of lobby seems to create a sort of cooperation framework that support the self-employed in his daily life at work. For example, clients could be warned about some rules concerning contracts, or working time, and on the other hand workers, that are in group, could be stronger rather than negotiate contract’s conditions on their own.

Conclusions

The flexibility of labour market is impacting the way of conceiving the social protection of workers, especially for atypical employment. According to the recent literature and debate (Steward, Stanford, 2017) there are some options available in order to reform the regulatory framework of social protection.

First of all, it is necessary to expand to self-employed the existing protection rules intended for employees, in order to cover at least those workers that work as bogus self-employed, that work as dependent workers with one main

18 Interview n.2 Italian President.

client. For example, the activity and employment cooperative and the cooperative “Smart” are reconducting self-employed workers to a traditional form of social protection, identifying the self-employed under an administrative form as an employee.

Secondly, there are self-employed that prefer this status, and those who do not want to be an employee. Case studies have shown that trade unions have to intend social protection not only directed to employees or self-employed, but that is for different forms of jobs that need a social protection. Unions have to consider that there are different status for self-employed, a *grey-zone* as described before, that need to be covered with new rules that recognize the multi status of atypical workers. Instead of reconducting self-employed workers to a traditional form of social protection, the welfare system needs to invest on a multi collective bargaining, mixing its actions for employees and self-employed.

Trade unions take care of working conditions, and act for collective bargaining and representation of all workers, even those with precarious labour contract. In particular with bogus self-employed sometimes it is hidden how the contract is done and under what type of conditions, and trade unions could work in order to make this situation clearer in the collective agreement. Moreover, trade unions could take carry out unified actions with other categories of workers and other unions. One of the strategies could be that of building networks of solidarity with other organizations and social movements.

New forms of unions are trying to intercept atypical workers’ needs and to face their lower union coverage, but their action is still limited or not institutionalized, as for example the Council for Professions (Consulta delle professioni) of CGIL in 2003, *vIVAc* an association created by CISL (www.viva-ceonline.it), and *Networkers*, created by UILTuCS-UIL. These are not typical trade unions, but rather ad hoc structures that enable discussion about issues affecting atypical work. They also seek to represent workers’ interests and have a particular focus on changing work conditions. These structures provide technical support to the self-employed, especially in seeking to facilitate the creation of a community of self-employed providing a forum in which discussion and sharing of experiences can take place. These structures are also providing online discussion facilities where meetings among autonomous workers can be held, in particular ICT workers who tend to work alone.

Trade unions, but also the welfare and social protection models need to be revised in order to ensure a social safety net to all workers. Together with trade unions the social legislation defines a minimum standard of rights for all workers, that could combine with different work’s status, assuring a universal approach to social protection and social rights, whatever the employment status.

The action introduced by activity and employment cooperatives and

“Smart”, is more related to a defensive strike, in order to fight against the non-respect of rights, rather than a claim for the introduction of new rights, or new relationships with companies to assure better working conditions and new rules for social protection. Activity and employment cooperatives and “Smart” are not acting as a different trade union, but as institutions that allow workers to deal with an employee life condition. Rather than this, a self-employed worker needs to revise its social protection, according to institutions, and also with new ways of working.

The case study presented is showing that even the organization of enterprise could impact on working conditions, and even the way how to organize the work. Cooperatives, with a democratic way of organize the work, try to face new worker’s needs, exploring new way to relation with self-employed and at the same time a new way to assure them the access to social protection.

Flexibility at work thus pushes to reform the social protection system in order to propose new ways of covering self-employed, but also in order to make a clear definition among the different way to be self-employed and different needs that workers have. Initiatives as activity and employment cooperatives and “Smart” are relevant case studies in order to focus the attention on how the labour market is changing, and to collect workers’ needs.

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