



IMPROVING THE REPRESENTATION OF

self-employed women

WITH PROFESSIONAL AND MANAGERIAL TASKS



{ Research study on the situation of self-employed women with professional and managerial tasks in Europe and their organisation and representation }

carried out on behalf of EUROCADRES – *femanet* network

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{ FOREWORD

BY CARLO PARIETTI, PRESIDENT OF *EUROCADRES*

To develop gender mainstreamed trade union capacities and strategies has always been one of the major objectives of *EUROCADRES*. The development of its network *femanet* is of outmost importance to identify, provide answers, elaborate strategies and face current issues on the labour market which affect the working conditions and needs of women with professional and managerial tasks in particular.

These are the reasons why this final study report must be considered first of all a work of *femanet*, facing the urgent matter of developing women's careers and protecting their social rights throughout employment and self-employment experiences.

Self-employment is in fact not a new form of employment but it is a slightly growing form of employment in Europe and emerging more in some sectors than in others. The differences between employment and self-employment for P&MS are narrowing. Trade unions have indeed started to face this matter, trying to increase their

representation capacity, even with some delays. Mostly, we believe that improving the representation capacity of self-employed women with professional and managerial tasks at a European level, respectful of national diversities and traditions, is foremost an inescapable condition.

Two sets of weaknesses are threatening the European Social Model (ESM) nowadays:

First of all, across the European Union, highly qualified **women are still experiencing difficulties in the full development of their career**, even though with some notable exceptions. Trade unions standing for the defense of the ESM have to be able to overcome this limit first, aiming at a more equal society in terms of opportunities and working conditions. The possibility for women with professional and managerial tasks to enter the labour market as employed as well as self-employed and to step from one condition to another and vice versa, can be indeed useful in the process of building a consistent career. It might give women the chance to compensate an already

irregular dirt patch with experiences and a fairer work-life balance.

The second threat for the ESM, on which the trade union movement has to stand firmly, is the pressure for **self-employment as a way to go beyond dependent work relations** and light up bonds and constraints in the management of the labour force. Employers are becoming more and more commonly used to impose self-employment status to their dependents to be unrestricted in managing relations with employees, without any cost to bear. This phenomenon is widely known as the “economically dependent self-employment”. By leaving the worker in the most vulnerable condition of depending from one employer only, but without any safety-net regarding social security or poor working conditions, it paves the way to precariousness.

For all these reasons it is necessary for trade unions to enhance their representation capacity for self-employed workers. This objective could be pursued both by including the needs of self-employed in the traditional collective

bargaining models and/or through agreements with professional associations.

In order to be able to represent all P&MS in Europe and enhance the solidarity between workers in different employment status whose borders are nowadays fading, trade unions should do all it is in their capabilities to discourage any form of contrast between employment and self-employment, by providing the same kit of bargaining instruments to recognize and represent the needs of the individuals and include it in the collective bargaining capacity, without this leading to an increase of self-employment itself.

As the study report has set up in its final recommendations for increasing gender mainstreamed trade union capacities for self-employed, *EUROCADRES* and *femanet* will continue to step forward to increase the information and confrontation over the urgent matter of enhancing the representation capacity of women with P&MS tasks, and to defend in this way the European Social Model.

{ INTRODUCTION

This study reports on the findings of a research on the situation of self-employed women with professional and managerial tasks in Europe and on their organisation and representation by trade unions. The study is published by *EUROCADRES*¹, the European trade union federation representing professional and managerial staff, within the framework of an EU funded project entitled “Improving the representation of self-employed women with professional and managerial tasks”.

EUROCADRES' network *femanet* is the leading force of the project activities related to this research study. Their members participated in the project core group and worked with two external experts who carried out this research among self-employed women and men in Europe, national and European trade unions, as well as national associations of self-employed workers.

1 For more details, see the *EUROCADRES* website <http://www.eurocadres.org>

EUROCADRES is mindful that self-employment is a growing phenomenon for workers with professional and managerial tasks in Europe and that it concerns some sectors to a greater extent. An awareness of the lack of data and homogenised information available on these issues is also a motivating factor for carrying out this study.

Therefore, *EUROCADRES* *femanet* study focuses on identifying gender disparities in the situation of self-employed women and men, reasons for their self-employment, their working and living conditions, and their needs. In addition, the study examines how trade unions can support this category of workers, especially with the aim to improve the conditions of women with professional and managerial tasks, and gender equality in the labour market generally.

The project was developed with the premise that self-employment can be seen from a twofold perspective:

a) Self-employment might neglect important questions,

such as ensuring adequate economic rewards and granting social protections. Self-employed workers can be economically dependent on one client and in a disadvantaged situation. There are also different forms of bogus self-employment, where the individual can end up in very a vulnerable situation.

- b) On the other hand, self-employment might lead to better qualifications and skills which can improve the conditions for entering or returning to regular employment. Trade unions have also reasons to promote the values of gained skills and qualifications of self-employed workers (entrepreneurial skills, etc.) and thereby support their employability on the labour market.

The two main objectives of the study are the following:

- To improve knowledge and understanding of the situation of self-employed workers with professional and managerial tasks;

- To identify differences in situations, conditions and needs of self-employed men and women, and on how trade unions can support this category of workers.

This report is based on research and data collection carried out between January 2012 and January 2013.

{ METHODOLOGY

The research undertaken by *EUROCADRES* aimed to collect information and provide an analysis on the following issues:

- the situation of self-employed women in a given sector and differences between men and women;
- working and living conditions of self-employed men and women;
- improvement of skills and qualifications of self-employed workers;
- trade union strategies, services and policies for self-employed workers from a gender perspective;
- methodologies used by trade unions to collect data on self-employed workers;
- potential strategies for trade unions to address the specific needs of self-employed women with professional and managerial tasks.

Quantitative and qualitative data and information on the above-mentioned issues was collected through desk

research, an on-line survey and individual interviews with national trade union representatives and professional associations for self-employed workers. In addition, five national focus groups for self-employed women and men with professional and managerial tasks were organised in Austria, Belgium, Italy, Spain, and Sweden. The aim of these focus groups was to learn directly from self-employed women with professional and managerial tasks about their working conditions, skills and qualifications, their motivations for becoming self-employed, the main differences between self-employed men and women, and the needs of self-employed women as regards trade union representation.

Data was collected from a wide range of sectors including professionals in health care (doctors, dentists, vets, and pharmacists), advice professions (lawyers, accountants), technical professions (architects, engineers), therapists, trainers and teachers, advisors, archaeologists, media workers, journalists, translators, tourist guides, graphic designers, and culture and creative workers.

Despite the important quantity of data that could be gathered, several limitations of the collected data were identified. Across countries, there is a lack of national data targeted specifically at the situation of self-employed women with professional and managerial tasks. In addition, data across Europe is not always comparable, for many reasons: either because the data does not refer to the same timeline, or because EU Member States use their own definitions for certain professions including for “self-employed worker”; often data is not collected systematically and according to the same methodology. Because of these limitations and the restricted remit of the project, the report provides a general analysis of main trends on self-employed women with professional and managerial tasks across Europe.

The findings of the research were presented and reviewed at a *femanet* workshop in Krakow in January 2013. The main objective of this workshop was to develop a proposal for an action plan for trade union strategies, policies and services based on the outcomes and recommendations of the research. The main conclusions can be found in the annex to this report.

The report is structured as follows: Section 1 introduces a definition of self-employed worker and, professional and mana-

gerial staff. It also presents a brief overview of the main initiatives on self-employment undertaken by the European Union and trade union federations at European level. Section 2 examines the situation of self-employed women with professional and managerial tasks in Europe. Section 3 reports on the working and living conditions of self-employed women. Section 4 explores the relationships between self-employed women with trade unions and professional associations. Section 5 outlines a number of recommendations aimed at trade unions for the formulation of potential strategies to address the specific needs of self-employed women with professional and managerial tasks.

The European report is completed with ten country reports with detailed analyses and information for the following ten countries: Austria, Belgium, Denmark, Finland, Germany, Italy, the Netherlands, Poland, Spain, and Sweden.

Section 1. *The European context*

At European level, self-employment has been the focus of growing attention in the last decade, not least because it concerns a significant proportion of the workforce in Europe and because it is characterised by a steadily increasing trend. In 2010, self-employed workers made up 15% of the total working population in the EU-27, with Member States' proportions varying from over 30% in Greece to under 10% in Denmark and Sweden.

Inside the EU, there is currently no commonly agreed definition between Member States of self-employed workers or self-employment. According to the European Foundation for the Improvement of Living and Working Conditions (Eurofound), across countries, definitions for “self-employed workers” include the following common elements:

- traditional classification of employment relationships;
- legal subordination;
- dependent/independent worker dichotomy;
- correspond to classifications used by the International Labour Organisation (ILO) and the Organisation for Economic Cooperation and Development (OECD);
- self-employment is defined in a residual way, compris-

ing all contractual relationships not falling within the boundaries of ‘paid employment’.

In the past decade, the **European Commission** has undertaken several activities related to self-employed workers. This includes several studies with the aim to better understand the legal, social and economic situation of self-employed workers in the EU², several EU surveys³ and public consultations⁴. In general, the European Union considers self-employment as a driver for economic growth and job creation. Promoting self-employment has been established as a key economic strategy both for the EU and

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- 2 *Economically dependent / quasi-subordinate (parasubordinate) employment: legal, social and economic aspects*, Adalberto Perulli, study commissioned by the Directorate General for Employment and Social Affairs, European Commission, 2002, <http://ec.europa.eu/social/BlobServlet?docId=2510&langId=en>; *Study on Precarious work and social rights*, Sonia McKay, Steve Jefferys, Anna Parakevopoulou, Janoj Keles, *Working Lives Research Institute*, Faculty of Social Sciences and Humanities, London Metropolitan University, study carried out for the European Commission (VT/2010/084), 2012, ec.europa.eu/social/BlobServlet?docId=7925&langId=en
 - 3 See in particular the Flash Eurobarometer 283, European Commission, May 2010, http://ec.europa.eu/public_opinion/flash/fl_283_en.pdf
 - 4 See in particular the 2012 public consultation ‘*Entrepreneurship 2020 Action Plan*’ The results of this public consultation can be read on http://ec.europa.eu/enterprise/policies/sme/public-consultation/index_en.htm#h2-9

Member States⁵. The European Commission's Directorate-General for Enterprise and Industry (DG ENTR) has been particularly active in promoting entrepreneurship and self-employment, including female entrepreneurship through several supportive measures, such as a *European Network to Promote Women's Entrepreneurship*, a *Women Entrepreneurship Portal*, a *European Network of Female Entrepreneurship Ambassadors* and a *European Network of Mentors for Women Entrepreneurs*.

In the past years, the EU has also adopted several important measures to enhance the social protection rights of self-employed workers. In 2003 the **Council of the European Union** adopted a recommendation on the improvement of the protection of health and safety at work for self-employed workers⁶. In 2010 the EU adopted a directive which entitles pregnant self-employed women to the same maternity allowance as employees⁷. In particular the

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- 5 For the job creation potential of entrepreneurship, see the Communication from the Commission *Towards a job-rich recovery*, 18.4.2012, COM(2012) 173 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0173:FIN:EN:PDF>; see also the EC's Communication on Entrepreneurship 2020 Action Plan, 9.1.2013, COM(2012) 795 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0795:FIN:en:PDF>
- 6 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:053:0045:0046:EN:PDF>
- 7 Directive on self-employed workers and assisting spouses (Directive 2010/41/EU), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:180:0001:0006:EN:PDF>

European Parliament (EP) has become an active defender of social rights of self-employed workers and asked at several occasions that the European Commission and Member States ensure that the recourse to non-standard or atypical contracts does not serve to conceal illicit employment and does not replace regular employment, thus resulting in poorer and more precarious conditions⁸.

The **European Economic and Social Committee (EESC)** also adopted several opinions and reports on self-employed workers, including on female entrepreneurs, asking for specific measures to fight bogus self-employment and enhancing the social rights of self-employed workers⁹.

Finally, **Eurofound** publishes regularly studies on self-

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- 8 See in particular the European Parliament Resolution of 6 July 2010 on atypical contracts, secured professional paths, and new forms of social dialogue (2009/2220(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0263+0+DOC+XML+V0/EN> and the EP's Report on precarious women workers (A7-0264/2010), 5.10.2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2010-0264+0+DOC+PDF+V0/EN&language=EN>
- 9 See in particular the 2010 opinion on '*New trends in self-employed work: the specific case of economically dependent self-employed work*', Opinion 2011/C 18/08, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:018:0044:0052:EN:PDF> and the 2012 own-initiative opinion on '*Female entrepreneurs – specific policies to increase EU growth and employment*' Opinion 2012/C 299/05, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:299:0024:0028:EN:PDF>

employment¹⁰ which provide an *extensive* overview of the industrial relations and employment and working conditions of self-employed workers in the EU-27 Member States and Norway. Eurofound's Fifth European Working Conditions Survey¹¹, published in May 2012, covers self-employment extensively and provides some data about the profile of self-employed workers, including gender-specific data.

At European level, over the past years, **European Trade Union federations** have shown increasing interest in organising self-employed workers. Several sector-specific initiatives have been taken, especially as regards the creative and culture sectors¹² and in the field of informational and communication technologies¹³. In 2010 UNI Europa initiated a cross-

sector project on *'The UNI Europa approach to new forms of employment relationship – reaching self-employed'*¹⁴ which resulted in a study on employment and working conditions of self-employed workers in the service and communication sectors in Europe¹⁵, and proposals for trade union action at national level and European level.

10 See in particular: *'Economically dependent workers', employment law and industrial relations*, Roberto Pedersini, Fondazione Regionale Pietro Seveso, study commissioned by EIRO, Eurofound, 2002, <http://www.eurofound.europa.eu/eiro/2002/05/study/tn0205101s.htm>; *Self-employed workers: industrial relations and working conditions*, Roberto Pedersini and Diego Coletto, University of Milan, comparative study carried out jointly by EIRO and EWCO of Eurofound, 2009, <http://www.eurofound.europa.eu/comparative/tn0801018s/tn0801018s.htm>

11 <http://www.eurofound.europa.eu/pubdocs/2011/82/en/1/EF1182EN.pdf>

12 See the joint statement of European Trade Union federations 'Collective Representation of Freelance Workers in the Media/Entertainment/Creative Sector', <http://www.scenaristes.org/pdfs/freelance.pdf>

13 In 2002 UNI Global Union set up a Freelance Network for the IBTIS sector (Industry, Business Services and IT). In 2005 the network prepared a report entitled 'Opening the doors wide to the self-employed - How trade unions are recruiting and organising self-employed workers as members' <http://www.andrewbibby.com/pdf/selfemployed%20report.pdf>

14 Project financed by the European Commission's DG Employment, Social Affairs and Inclusion, budget line 04.03.03.02

15 *Study on employment and working conditions of self-employed workers in the service and communication sectors in Europe*, Richard Poláček and Karima Zahi, UNI Europa, 2011.

Section 2. *Overview of the situation of self-employed women with professional and managerial tasks in Europe*

Across the different countries covered in this study, the following main trends were identified on the overall situation of self-employed women with professional and managerial tasks.

1. PROFILE OF SELF-EMPLOYED WOMEN

→ Insufficient official data, statistics and research on self-employed women

Across European countries very little official data and statistics are available on the profile of self-employed workers, in general, and on self-employed women with professional and managerial tasks, in particular. This also includes lack of data on specific categories of self-employed women, such as those who work on their own account (without employees) and those with a foreign nationality. Except for a few countries (e.g. Poland, Germany), little research has been undertaken on the working and living conditions of self-employed women, on their motivations to become self-employed or to give up self-employment, about their family situation and

their specific needs. Available data and information shows that, within each country, there are important profession-specific and social differences between self-employed women.

→ Self-employed women are particularly present in health professions, in the private teaching, training and education sector, and in the culture and creative sectors

In general, self-employed workers are operating within two major groups: those who are working in the so-called “liberal professions”, who are generally obliged to register with the chambers (e.g. lawyers, doctors, pharmacists) and who usually have to comply with specific regulations; those who belong to the so-called “free professions” and who either may be or may not be obliged to be part of a professional association or federation (e.g. therapists, trainers, teachers, advisors, journalists, creative workers, artists, internet designers, PR experts, coaches, etc.). Available data and information on professions, in which self-employed workers are active, generally follow the different national clas-

sifications and denominations of the different professions and, in particular, as regards the “free professions” where, in the last few years, many new professions emerged in health care, advice and consultancy services, and IT. At times, this inconsistency of data hinders the possibility to compare the situation in different countries. In general, however, in many countries self-employed women are very present in the health professions (including psychologists, nurses, therapists, mid-wives, health care, etc.), in the private teaching, training and education sector, in translation and interpretation, in information and publishing, research, as well as in the cultural and the creative sectors. As regards advisors and consultants amongst the “free professions”, men are generally more present in legal, economic (finance, accounting, marketing), technical and business consultancy professions. Women also make up an increasingly high proportion of the self-employed in the “liberal professions” (pharmacists, doctors, lawyers, architects, vets, dentists, etc.). In some countries (such as Belgium and Spain), there are more self-employed women working in the commerce sector.

As pointed out by several trade unions, it is sometimes difficult to make comparisons between male and female self-employed workers, especially in sectors where a majority of self-employed workers are women. In some countries (e.g.

Sweden, Denmark) differences between self-employed men and women are more sector-specific rather than gender-specific, although this may be linked to a general higher level of gender equality in the labour market and in society at large.

→ **Self-employed women have a higher educational background and are generally older and more experienced than men when becoming self-employed**

Across European countries, the educational background of self-employed women with professional and managerial tasks is quite high compared to that of self-employed men. In most countries, the majority of self-employed women are aged between 35 and 45. The age when women decide to become self-employed varies considerably between countries and within countries, according to the specific sector of activity. However, compared to men, women are generally older when they decide to become self-employed and they more often already have a significant management experience.

2. SELF-EMPLOYED WOMEN IN EUROPE

KEY TRENDS

→ Self-employment is in general an increasing phenomenon amongst highly qualified women

In all the countries covered by the study, self-employment is strongly promoted by national labour market policies. Available data indicates that the number of self-employed women is rising, though to different degrees within specific sectors. Some countries indicate no or little increase in self-employment amongst women (such as Denmark, Sweden), whereas other countries have registered a higher degree of increase over the past years (e.g. in Austria, Belgium, Finland, Germany, Italy, Poland), including in sectors where men traditionally were the majority of self-employed workers (liberal professions). The feminisation of certain sectors often results in lower wages and precarious employment for employees, but often also results in lower income rates for self-employed women. A European Commission study shows that “evidence of the ‘resilience’ of self-employment to the crisis, compared with paid employment, is found in a

number of the national articles”¹⁶, but that “a number of the national articles seem to contradict this trend observed at European level”, namely through an increase in the number of bankruptcies and a fall in self-employment.

→ Self-employed women are more often one-person companies operating without employees

In nearly all countries covered by the research, compared to men, self-employed women make up a higher proportion of one-person companies that do not employ any staff. Women-led enterprises are also generally less capitalised and tend to expand less compared to enterprises led by men. However, in several countries, the number of self-employed women who employ staff has increased over the past years, although women-led enterprises often remain micro-enterprises with a reduced number of staff.

16 *Self-employment in Europe 2010*, European Employment Observatory Review European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, 2010, p.8, <http://www.eu-employment-observatory.net/resources/reviews/EEOReview-Self-Employment2010.pdf>

→ **Self-employed women face discrimination in accessing work and services, and level of fees**

Many self-employed women report that they face discrimination in accessing work as self-employed, especially during their pregnancy or when reaching a certain age in some specific sectors (e.g. advice, culture and creative sectors). Key management positions for self-employed workers are generally better paid, but still remain mainly male dominated. As mentioned above, the feminisation of certain sectors also leads to lower fees for self-employed women.

In addition, in several countries, self-employed women regularly experience difficulties in accessing bank loans; this happens despite the fact that several studies in different countries (e.g. Germany, Poland) prove that self-employed women are generally better prepared before setting up as self-employed. Research also reveals that there are much lower insolvency rates for undertakings created and led by self-employed women, compared to undertakings led by men.

3. MAIN REASONS FOR WOMEN TO ADOPT THE STATUS OF SELF-EMPLOYED

There are a variety of reasons why self-employed workers in general and women in particular choose to be self-employed. There are often sector-specific reasons, but in general across Europe, the following categories of main reasons were identified through interviews and data provided in reports published in different EU countries covered by this study¹⁷:

→ **Aspiration for self-fulfilment, creativity and independence**

Many studies carried out across European countries and interviews with self-employed women reveal that self-employed women have opted for self-employment, because they seek greater professional fulfilment, self-development, and the possibility to be more independent and creative in their work. In many sectors, self-employed women value the fact that they can act independently and develop their pro-

¹⁷ The findings are in line with the main results of the opinion poll carried out by the European Commission: Entrepreneurship in the EU and beyond, Flash Eurobarometer 283, European Commission, May 2010, http://ec.europa.eu/public_opinion/flash/fl_283_en.pdf

professional working methods, which they often do not have the opportunity to do as an employee.

→ **Desire to better combine family and working life**

In many countries, self-employed women mention their wish to achieve a better work-life balance as one of the main reasons why they choose to become self-employed. Many self-employed women want to have more flexible working time arrangements which allow them to devote time to care for children and/or dependent relatives during certain hours of the day, while also dedicating adequate time to their profession. However, research previously undertaken and interviews with self-employed women reveal that, for many self-employed women, self-employment does not always help them achieve a better work-life balance and that running a business limits the time that can be devoted to household and care responsibilities. As a matter of fact, within heterosexual couples (similarly to female employees), it is more often self-employed women who are still bearing the higher burden of household work and care for dependents. Therefore, many self-employed women denounce the 'myth' of a better work-life balance for self-employed workers. Especially pregnant self-employed women often take only an absolute minimum period for their maternity

leave, as they fear losing their clients and their income. As a matter of fact, very often it is the type of business that determines the possibilities to balance work and family life. The availability or the lack of institutional care facilities is an equally determining factor with regards to the possibility of effectively reconciling professional and private/family life.

→ **Discrimination in accessing employment in the labour market**

Often, women choose to become self-employed as they face discrimination in the labour market, either because of their gender, or because of other reasons, such as their ethnic origin, age, disability, sexual orientation, etc. Available statistics show that, in times of crisis, women experience difficulties in finding employment more often than men. Self-employment often remains the only possibility for women to earn an income.

→ **Discrimination within employment, lack of opportunities to grow professionally and dissatisfaction when in employment**

Discrimination within employment can be based on age, disability or other grounds and often affects women disproportio-

tionally more than men. Many self-employed women also indicate that, at a certain stage of their career as an employee, their remuneration does not increase anymore, and as they aspire to get a higher income, self-employment remains the only option. In addition, many highly-qualified women who work as employees cannot further advance professionally in their job. This is particularly true for highly-qualified women with managerial tasks whose professional development is often blocked by “glass ceilings” which prevent them from further advancing towards higher management positions which are monopolised by their male colleagues. Many highly-qualified women also simply lose their job when they become too expensive for their employer. Again, self-employment appears to be the only alternative left for these women. In many countries, self-employed women indicate that they had “negative experiences” when being employed. This often includes, in addition to the cases mentioned above, the lack of appropriate work-life balance measures offered by employers. Furthermore, many self-employed women affirm that being self-employed finally brings them greater respect from others and higher valuing of their work – outcomes which often seem to miss in their experience as employees.

→ Lack of employment possibilities

For several professional activities, there is often no employment available as an employee, either because of the general unfavourable labour market situation in times of crisis, or because employers do not employ anymore and prefer to contract out work from service providers. The situation is even more difficult for women who have been absent from the labour market for a longer period of time, because of care responsibilities or maternity leave. Coming back from unemployment to an employed position often proves to be impossible, and in order to avoid or end unemployment many women turn to self-employment.

In some professions, there are simply no employment positions on offer, because the type of professional work involves a multitude of clients. This is the case for certain professions in the health care sector, advice services, work in the education and culture sectors, and journalism. Therefore, for workers in these sectors (regardless if they are men or women), working as self-employed seems to be the only option available to them.

There are many other specific personal and professional reasons why self-employed women choose to become self-

employed. Studies in Germany and other countries clearly indicate that the socio-economic origin of a person is a determining factor. In many countries (e.g. in Italy), family and/or tradition of self-employment within families influence the decision to become self-employed.

Interestingly, in some countries (e.g. Germany) official statistics are available on the reasons why workers give up self-employment. They sometimes can provide interesting complementary or contrasting information about the reasons why people choose to be self-employed and why they finally decide to give it up.

4. BOGUS SELF-EMPLOYMENT VERSUS 'FREE CHOICE' TO BE SELF-EMPLOYED

In some countries (e.g. Belgium, Denmark, Finland, Germany) self-employed women with professional and managerial tasks and trade unions consider that bogus self-employment is a phenomenon which concerns mostly less qualified workers. In many countries, however, (e.g. Italy, Spain) bogus self-employment is believed to be widespread, even amongst highly-qualified self-employed workers. Trade unions in nearly all countries point to an increasing trend towards out-

sourcing of services by enterprises, and even by public authorities (such as municipalities), which is combined with the subcontracting of former employees who set themselves up as self-employed. In general, there is a lack of consistent data on bogus self-employment, despite the efforts in some countries (e.g. Belgium, Spain, Italy) to fight bogus self-employment and better regulate economically – dependent workers.

Many self-employed women acknowledge that the situation in reality is much more complex and that people are rarely completely free when they choose to become self-employed. As outlined above, the lack of employment opportunities, the discrimination they face when trying to access employment or within employment, the dissatisfaction they experience within their job as employees, particularly as it relates to working conditions and payment, and the impossibility to advance in their career frequently “push” highly-qualified women to adopt the status of self-employed. However, as outlined in the following section, the working and living conditions of many self-employed women are often far from ideal and very often only well-established self-employed workers who managed to “establish themselves” over the years can allow themselves to choose their clients, set their rates and impose their expectations on their working conditions.

Section 3. Working and living conditions of self-employed women - key trends across Europe

1. SOCIAL CONDITIONS AND SOCIAL PROTECTION RIGHTS

→ Little research and data on the social conditions of self-employed women

Only few countries (e.g. Austria, Germany, Italy, and the Netherlands) have undertaken research on the social condition and social protection rights of self-employed workers and of self-employed women in particular. There is no European-wide study with comparable data.

→ Self-employed women – an increasing number of working poor

In many countries across Europe, self-employed workers find themselves in a socially marginalised position, earning an annual income which is often close to or below the poverty line. This is particularly true for self-employed workers in the so-called “free professions” which are not part of the traditional liberal professions (doctors, lawyers, etc.). Several stud-

ies in Austria, Belgium and Germany underline the phenomenon of “working poor” amongst self-employed workers, and especially those who are own-account workers without employees. This affects self-employed women disproportionately more than their male colleagues. Studies in Austria reveal that the risk of child poverty is higher for children of self-employed workers. In order to be able to have a sufficient income to live on, these self-employed workers often have to rely on family support – provided that this is possible.

→ Limited social protection rights for self-employed women

A very fragmented picture arises across different countries in the EU. In several countries (e.g. Austria, Belgium, Italy, the Netherlands), the social security system is considered to be ill-adapted to the working and income patterns of self-employed workers, including because of the impossibility for self-employed workers to benefit from certain social security rights and the obligation to make disproportionately high payments during times when self-employed workers have a low income.

In other countries (e.g. Denmark, Finland, Poland, Sweden), social protection rights for self-employed workers and employees are more or less the same, with some exceptions in some countries, especially as regards unemployment benefits. In these countries, some difficulties occur, which results in de facto limited social protection rights. This is particularly the case for pregnant self-employed women or those who are young mothers and who generally do not benefit fully from maternity benefits and leave periods, mostly because they cannot afford to be out of work, thus missing contract opportunities and generation of income.

Some countries have set up special social security systems for certain categories of self-employed workers. For instance, this is the case for Germany where the “liberal professions” (doctors, lawyers, etc.) can generally rely on better social protection. Media and culture self-employed workers in Germany can benefit from a special social security fund (under certain conditions). In Italy, there are specific pension and social security schemes for certain professions when exercised as self-employed. In Spain “economically-dependent workers” have special social security rights, including annual leave, insurance against occupational accidents and professional illness and against cessation of activity.

Overall the situation of self-employed women and their social security rights can be summed up as follows:

- In several countries self-employed workers are **excluded from social security benefits** such as sick leave, incapacity, paid holidays, parental leave and unemployment benefits.
- In several countries the **vesting periods** for being able to **benefit from social security benefits** (e.g. sick leave) are often longer for self-employed workers than for employees, either because self-employed workers decide to pay lower contributions, or because the national legislation imposes different vesting periods. In reality many self-employed workers also do not take leave when they are sick, because they fear to lose their clients and cannot afford to miss out on income.
- **Health and safety** is a delicate issue for self-employed workers in many countries. In Italy for instance employers oblige self-employed workers to take care for their own health and safety, which proves to be difficult for certain professions, such as self-employed archaeologists. In Sweden, self-employed women who do injurious work during their pregnancy are often not entitled to receive any benefits.
- The rights to **maternity leave** are in general the same for

employees and self-employed workers in several countries. However, the amount of maternity benefits is often based on the level of income, which leaves low-income self-employed women with insufficient earnings. In reality, across nearly all countries, self-employed women do not avail of their entire maternity leave period, as they are afraid to lose clients. In Poland, women who are on maternity leave still have to pay their social security contributions, despite the fact that they do not earn any income.

- Many self-employed workers are obliged to contribute to a private pension fund to be able to benefit from a decent pension. Compared to their male colleagues, many self-employed women do not invest sufficient money into private **pension funds** which leaves them with insufficient income when they retire (e.g. pension is only available on the private insurance market in the Netherlands at a prohibitive cost, which results in 50% of self-employed women without a pension scheme).
- In some sectors and countries, self-employed workers cannot benefit from **social rights** that were **negotiated in collective agreements**. In some countries these rights can be considerable (e.g. Denmark, Sweden). In Denmark standard contracts negotiated by trade unions for self-employed workers without employees try to compensate for this.

→ Self-employed women bear the main responsibilities for the care of children and dependents

Another important difference in the social condition of self-employed women is that, despite gradual changes in family models and partnership (and societal attitudes towards gender roles), in most families self-employed women still hold the main responsibility for the care of children or dependents. In addition, in many countries, the lack of (adequate and affordable) childcare facilities makes it very difficult for self-employed women to combine their career with childcare responsibilities and to achieve a reasonable work-life balance.

2. TRENDS IN EMPLOYMENT STATUS

Trends in employment status are significantly different across sectors and professions. In several countries (e.g. Belgium, Finland, Germany, the Netherlands, Sweden) highly-qualified workers who decide to become self-employed often decide to remain, at the same time, employed on a part-time basis. Hybrid self-employment (combining employment with self-employment) occurs very frequently – but not exclusively – at the beginning of

the careers of self-employed workers. Women seem to use this combined or hybrid employment status more often, compared to their male colleagues. Self-employed men usually tend to have another company rather than combine employment statuses. Some countries also report lower percentages of hybrid workers (e.g. Austria, Poland, and Spain). In Austria, for example, social security regulations oblige workers in a hybrid situation to pay social security contributions twice, thus this form of employment status is not encouraged.

Although the career patterns of highly-skilled workers have changed in the past ten years, with an increasing trend towards 'patchwork' careers (alternating or combining different employment statuses throughout their careers), many trade unions and professional associations report that self-employed workers often experience difficulties finding their way back into employment as employees. Professional experience acquired during periods of self-employment is often not fairly valued.

In general, across all countries, there is a lack of evidence that periods of self-employment are recognised as an added value by employers when self-employed workers apply for a job as employee.

3. CONTRACTING WORK AND INCOME FLOW

In relation to the question on how self-employed women contract work, the following trends across Europe were observed:

→ From sector-specific differences to gender-specific differences

The way self-employed women contract their work and the regularity of their income flow very much varies between different professions or sectors. Although many self-employed workers indicate that there are no gender-specific ways of contracting work, some self-employed women (and associations) point out that women have a different approach to contracting work compared to men, and that women are not always entirely at ease or familiar with the specific ways that men are used to doing business. As a result, women are believed to miss out on business opportunities, especially in certain branches or professions which are traditionally male-dominated or where contracts for self-employed workers are awarded by men. In addition, in certain sectors which are male-dominated (e.g. finance) work that is executed by men is generally considered to be of higher value, whereas other more female-dominated sectors (e.g. care) are considered to be of lesser value and are also often less well paid.

→ Facing gender discrimination

For self-employed women, it is often impossible to prove any gender discrimination in accessing work or when work is being contracted, as it is rare that a man and a woman offer exactly the same service to the same employer. Yet several self-employed women across Europe have experienced direct and indirect discrimination based on their gender when applying for work; some clients openly state that they prefer to work with a man.

→ Importance of professional networks and personal contacts

As pointed out by many self-employed women across Europe, the professional and personal networks of self-employed workers are crucial for identifying new work opportunities. Self-employed workers also often find work through family or friends, or personal contacts.

→ Impact of the crisis

For many self-employed workers across Europe, the economic crisis impacts negatively on the process of getting work, as well as on income, due to lowered rates. In Spain

and in the Netherlands, self-employed workers get fewer and shorter contracts and they often have to lower their rates in order to remain competitive and maintain client loyalty. In Italy and Belgium, for self-employed women, the economic crisis has resulted in limited opportunities for regular, longer-term or substantial contracts, as well as more delayed payments.

According to many self-employed women, **income flows** strongly depend on the specific type of business and sector in which a self-employed woman is active. The following general trends across Europe were detected:

→ Lack of consistent data across Europe on income flows of self-employed workers

There is no consistent and comparable data across European countries as to the income flows of self-employed workers, compared to that of employees with similar professional qualifications and experience, and as regards self-employed women in particular.

→ Irregular income

Depending on the sector, income flows can be regular, for

example, if the self-employed worker works with the same clients over a period of time. In some sectors (e.g. accountancy), self-employed workers are regularly sub-contracted by bigger companies, which secures regular income. If these companies were to close their business, the self-employed worker would also lose his/her regular income source. However, in many other sectors (such as the culture and creative sectors), income is more irregular; this is also true if the self-employed worker has to rely on a multitude of clients to earn a sufficient income. As a matter of fact, women are more active in sectors where irregular income is a recurrent phenomenon (e.g.; journalism, culture).

→ **Less income for self-employed workers compared to employees**

In a few countries (e.g. Denmark), some categories of self-employed workers earn more than employees on average. However, in the majority of countries, self-employed workers earn an income that is generally lower than that of employees in charge of comparable tasks. Importantly, often these are sectors where self-employed women are strongly represented (e.g. health, education, and culture).

→ **Less income for self-employed women compared to self-employed men**

In many countries data is not collected systematically on gender-based pay differentials amongst self-employed workers with professional and managerial tasks. However, available statistics in some countries show that compared to self-employed men, self-employed women usually earn less.

→ **Income-related poverty amongst self-employed women**

In many professions self-employed workers face very low income during parts or the entire period of their career and many live close to or beneath the poverty level. As a general rule, income flows tend to become steadier after several years of professional activity as self-employed, although this is not always the case and it depends on the sector and type of profession. In fact, many older self-employed workers, despite a long working experience, face serious problems with income. In these cases, self-employed workers have to rely on private savings, or on family support, provided this is possible.

Self-employed women are generally more affected by working poverty. For example, in Denmark many self-employed

women in the health sector can hardly make a living. In Italy, the income of self-employed workers in the culture and media professions is one of the lowest in Europe. In Germany, in the last few years, especially self-employed architects, engineers and teachers have witnessed a dramatic decline in working opportunities and a significant drop of their income. Data in 2001 from the fiscal administration in Germany shows that nearly 25% of all self-employed women do not even earn more than € 2,500 per year. In Belgium, it is estimated that 15-18% of the self-employed live in structural poverty.

For self-employed women, the situation is often the worst and especially older women do not have any chance to find an alternative job on the employment market. Where available, national statistics on the income of self-employed workers show that the feminisation of certain professions often goes hand in hand with low income and precariousness.

→ **Lower income for self-employed workers without employees**

Studies and statistics in several countries reveal that self-employed workers without employees (own-account workers) generally earn less than self-employed workers with employees.

→ **Problems with getting paid**

For many self-employed workers, being paid for their services is a struggle. Problems also occur for self-employed workers who work for public authorities, such as municipalities. The problem of non-payment is aggravated by the fact that self-employed workers rarely subscribe to legal representation insurance to recover payments due by clients.

4. WORKING CONDITIONS

Very little gender-specific data is available across Europe and existing studies and statistics refer to self-employed workers in general¹⁸. The following key trends apply to self-employed men and women.

→ Self-employed workers generally **work longer hours, compared to employees**. In times of crisis there is a clear trend in several countries to compensate for lost

18 *Self-employed workers: industrial relations and working conditions*, Roberto Pedersini and Diego Coletto, University of Milan, comparative study carried out jointly by the European Industrial Relations Observatory (EIRO) and the European Working Conditions Observatory (EWCO) of Eurofound, 2009, <http://www.eurofound.europa.eu/comparative/tn0801018s/tn0801018s.htm>

income opportunities by increasing working hours. In some countries (e.g. Germany, Spain) data suggest that self-employed women may work a bit less compared to self-employed men, mainly because of family duties.

- Self-employed workers work **non-standard hours more often**, including evenings, at night and weekends.
- In many countries **self-employed women** bear the **double burden of work and care duties**. As previously mentioned, next to their working hours self-employed women more often do household work and are responsible for the care of children and dependents.
- As indicated, there are usually no paid holidays for self-employed workers and in many cases some do **not take any holidays at all**. The same is true for parental leave, which a self-employed worker has to take at his/her own costs.
- In some countries (e.g. Belgium, Italy) data indicates that self-employed workers experience **more stress, greater workloads and a more difficult work-life balance** compared to employees.

→ Many self-employed workers deplore a **lack of social support services, and in particular affordable childcare**, as well as a **poor access to public services**.

Despite important differences in working conditions between self-employed workers and employees, a recent study conducted by Eurofound shows that most self-employed workers are satisfied with their working conditions¹⁹. However, many of the self-employed women interviewed for the purpose of this study also declare that the difficult working conditions, as well as poor health and safety measures are reasons for many women to stop work as self-employed.

5. OPPORTUNITIES FOR FURTHER TRAINING AND PROFESSIONAL DEVELOPMENT

There are very few specific studies and surveys available on professional training and development for self-employed workers, and for self-employed women in particular. In

¹⁹ *Self-employed workers: industrial relations and working conditions*, study published by Eurofound, 2009 (see above)

Denmark, a 2005 survey indicates that only half of self-employed workers underwent professional training in the past year and self-employed women spent more time in education and training than self-employed men.

→ **Self-employed workers often have to bear the cost of training**

Self-employed workers (men and women) are in general responsible for organising and financing their own training. Often, they have to bear the cost of the training themselves. Very often, self-employed workers find the costs for further training very high and they cannot afford them. Sometimes, self-employed workers can get a tax relief for a training fee they have paid. In some countries and for some professions, training is also offered for free by public authorities, professional association, trade unions and chambers of commerce.

In very rare cases, training is provided and paid for by the main (or the only) client of a self-employed worker. Many self-employed workers across Europe deplore the lack of information about existing subsidies for professional development.

→ **Self-employed workers have difficulties taking sufficient time for training**

Besides the financial aspect, self-employed workers need to free off time to make themselves available for training. However, any time spent for training and further professional development cannot be used to earn income. Therefore, many self-employed workers feel they cannot take sufficient time off to further deepen and develop their professional qualifications. In order to find alternatives, self-employed workers in Italy, for example, seek opportunities for informal training in conferences, or they organise training between colleagues. Often self-employed workers rely on networking rather than undertake any official training.

→ **Training rarely focuses on the specific needs of self-employed women**

Many courses offered by public authorities and chambers often focus on how to start up as a self-employed worker; courses are also centred on legal and fiscal advice for self-employed workers. In general, these courses do not specifically target self-employed women, although some exceptions exist, as in Poland where public authorities propose courses for self-employed women who are over 50.

Trade unions that affiliate self-employed workers (e.g. trade unions in Denmark, Finland, Germany, the Netherlands and Sweden) and professional associations usually offer a wider range of training to their self-employed members, and propose targeted training on business development, PR & marketing, work-life balance, health & safety standards, legal and fiscal matters, and they also provide networking and peer learning opportunities. However, training is rarely tailored to self-employed women's needs. In several countries self-employed women deplore the absence of specific training to meet their needs; however in several countries women also consider that their needs are similar to those of self-employed men and that, therefore, specific training for them would be redundant.

In addition, there are a lot of special, often informal, networks for self-employed women in European countries which are not professional associations, but which may propose networking and professional training specifically for self-employed women.

Section 4. Relationships with trade unions and professional associations

Key trends across Europe

This section provides an overview of the relationship between self-employed workers with professional and managerial tasks, associations for the self-employed and trade unions in the countries covered in this study.

1. AFFILIATION TO TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS

The data collected for this study reveals that most self-employed workers with professional and managerial tasks in Europe are not affiliated to any trade union; instead they tend to be members of an association for self-employed or entrepreneurs and/or of a professional organisation, regardless of whether they do or do not have any employees. However, it is important to note that a number of trade unions in Europe affiliate self-employed workers with professional and managerial tasks – generally those who do not have any employees - albeit to a different degree across countries and sectors. For example, trade unions in the media sector have had a strong membership of self-employed

workers for several years. There are also similar examples of trade union membership of self-employed workers in many other sectors across Europe, such as in healthcare, with a noteworthy steadily rising affiliation rate. In fact, “unions exclusively organising own-account workers have seen their membership continuously growing and increasing faster than other unions. They are particularly good at recruiting own-account workers who have freely chosen their own-account status, while dependent self-employed workers are underrepresented”²⁰. In addition, some unions who represent own-account workers (such as FNVZZP in the Netherlands), reported that a greater number of women are joining their union, including those with professional and managerial tasks.

The study found that high rates of self-employed workers in a country or sector were not necessarily reflected in trade

²⁰ *Adapting labour law and social security to the needs of the “new self-employed” - Comparing European countries initiatives at EU level*, Schulze Buschoff, K. and C. Schmidt, WZB discussion paper, Berlin, 2007, p.108, <http://bibliothek.wzb.eu/pdf/2007/107-113.pdf>

union membership. For example, Italy currently holds one of the highest shares of self-employed workers in Europe with 23.4% and the highest rate of independent professionals with 19.71%²¹, yet self-employed workers are not unionised. In fact, the existing relationships between trade unions and self-employed workers vary considerably across countries, sectors and even occupational activities: in some cases, a relationship has yet to be initiated, whilst in a number of cases it is still at an embryonic stage, and only in a few countries the connection between self-employed workers and employees has already been firmly established across sectors.

Three main models of trade union engagement with self-employed workers were identified:

- Model 1: unions that do not include self-employed workers among their affiliates in countries such as Belgium, France, and Poland.
- Model 2:
 - 1st category: self-employed workers are organised on a sectoral basis. This is the case for some trade unions

21 *European I-Pros – a Study*, European Forum of Independent Professionals, Stéphane Rapelli, 2012, p.16, www.finyear.com/attachment/376124/

in Austria, Denmark, Finland, Italy, Spain and Sweden.

- 2nd category: self-employed workers are organised and services are provided on an inter-sectoral basis. This is the case in Austria, Germany and Italy.
- Model 3: a separate union is set up specifically for self-employed workers. This model currently exists only in the Netherlands.

It is worth noting that unions whose membership is open to self-employed workers (Models 2 and 3) have a relationship with this group of workers that varies in scope and/or nature. The particular approach that trade unions apply to represent self-employed workers is very significant, particularly with regards to the depth of organising. Some unions use the ‘servicing model’, whilst others have opted for the ‘organising model’: some unions both organise and provide a series of services to their self-employed affiliates (e.g. Germany and Sweden), whereas other unions just offer certain types of services (e.g. Italy). Furthermore, some unions have adapted their organisational structure to non-standard or atypical workers in general, in order to set up appropriate representation and participation structures for them, rather than simply integrate them into existing union structures. For example, in Germany,

the main union for services (Ver.di) set up a specific section to deal with the interests of own-account workers; in the Netherlands some unions that specialise in self-employed workers without employees (FNVZZP) are currently in place.

In terms of models of unionisation, it is interesting to mention the case of the Swedish trade union Vardförbundet in the health sector (member of TCO). The trade union reports that many nurses want to be part of the trade union for the purpose of networking. This also includes self-employed workers: those who do not employ any workers and even those who are themselves employers. For the latter category, the union provides them with advice on collective agreements and on their obligations as employers. In case of conflict between a self-employed worker who is an employer and his/her employee (s) (both being affiliates) Vardförbundet represents only the interest of the employee(s).

A particularly significant issue concerning the provision of services is the evident and nearly systematic absence of services that are tailored to the specific needs of women among this category of affiliates. In the case of unions that do not (yet) deal at all with self-employed workers,

a number of internal and/or external factors and reasons were observed regarding the absence of unionisation among self-employed workers. Some of the key reasons cited by respondents include the following:

- The national legal framework for trade union membership does not permit the unionisation of self-employed workers. For example, according to Polish Law on trade unions only employees (i.e. those who have labour law contracts) or unemployed persons can be a member of a trade union.;
- The internal membership rules of a particular trade union restrict access to the unionisation of workers with an employment and unemployment status;
- In several countries some trade unions are structured and organised in a way which makes it more difficult for them to respond to changes or new trends in the labour market, and to adapt and open-up their structures to new categories of workers, including atypical workers;
- The perception that some self-employed workers hold about trade unions or the image that some trade unions project.

For example, in relation to the last two points, a significant number of respondents among self-employed work-

ers indicated that they did not have a positive perception of trade unions in their country mainly due to their “hostile attitude” towards self-employed workers. They also highlighted some unions’ lack of adaptation to and/or understanding of self-employed workers’ (heterogeneous) needs and their condition. Another interesting element relates to how respondents, among both unions and self-employed workers, remarked that there is little questioning, by either party, of the fact that employees who were unionised (have to) leave their union once they become self-employed. There is some awareness among self-employed workers and trade unions that this interrupted relationship also contributes to the decline in union membership and to the absence of collective representation in many countries. Self-employed workers regret the absence of any collective representation, in particular in sectors where employment is simply not an option or where self-employed workers have to negotiate individually with the same employer, and are therefore in a more vulnerable position.

On the basis of existing legislative constraints on trade union membership for self-employed workers, only associations, professional organisations or networks for these workers have a representation mandate. In such cases,

some trade unions build strategic alliances with these associations within the confines of what is legally feasible. In fact, cooperation between trade unions and associations for self-employed workers also extends to many countries where the unionisation of self-employed workers is possible (e.g. in Spain and in the Netherlands). In this respect, the extent, nature and strategic focus of these associations’ activity can have a direct impact on the level of involvement of trade unions. It can influence the trade union’s ability to reach out to this group of workers, which is difficult to access, and enable self-employed workers to link up with a trade union.

The role of associations and networks for self-employed workers is variable across sectors, professions and countries. In a number of cases, organisations for self-employed workers focus on two main strategic issues: labour rights and representation, and economic or business development. There are many good examples of effective cooperation between trade unions and professional associations. For example, ATAEM in the Madrid region of Spain specifically deals with self-employed women. ATAEM cooperates with the union UGT mainly through information exchange, though their relationship is not formally structured. In the Netherlands, the largest association for self-employed

workers, PZO-ZZP²², and the union for own-account workers, FNVZZP, work together on lobbying issues that concern the rights of self-employed workers. In Italy and in Belgium, associations offer limited services. However, it was observed that most self-employed workers in Europe who are members of an association do not necessarily have any contact with a trade union.

2. DATA COLLECTION ON SELF-EMPLOYED WOMEN WITH PROFESSIONAL AND MANAGERIAL TASKS

By and large, data on self-employed workers is collected by State agencies, chambers of commerce (e.g. Austria) and European Union agencies and bodies²³ (e.g. Eurofound, Eurostat). Although the relatively recent trend has been to integrate information on self-employed workers

in employment-related research, analytical labour surveys and statistics, more in-depth and comparable data on the situation of this group of workers remains scarce. Therefore, some progress could be made to collect more systematically research-based evidence related to the profile (e.g. on gender, age, ethnic origin, educational background, sectors, professions), motivation, social situation and needs of self-employed workers. Similarly, there is a noticeable lack of qualitative and quantitative data on the phenomenon of self-employment in Europe and at national level and, for example, whether or how it relates to the state of play in employment and labour market trends, more generally.

This study finds that the situation on data collection on self-employed workers by trade unions is very diverse across European countries. Generally, in countries where self-employed workers are affiliated to a trade union, that union collects data on the profile, needs and/or condition of its affiliates, mostly by means of a survey (e.g. Denmark, Finland, the Netherlands and Sweden). For example, the Swedish union Saco Unionen reports that approximately 10,5% of its affiliates are self-employed (both, men and women), which relates to approximately 45.000 persons and 45% of them are women. Saco Unionen is aware that several of their self-employed affiliates declare that they are employees when joining the

22 *Vereniging Platform Zelfstandige Ondernemers* is an umbrella organisation, set up in 2002, which is made up of members from professional associations, sector organisations and networks of self-employed. PZO represents their interests in the SER (socio-economic Council) since 1st April 2010 and it carries out lobbying activities at national and European level in relation to working conditions, social protection, competition, and intellectual property rights.

23 For example, the European Parliament has recently (in late 2012) commissioned a study on the situation of economically-dependent self-employed workers in the EU. The study is meant to focus on trends, reasons for self-employment, the role of labour law, organisations for the self-employed and industrial relations.

union. For example, this is the case for hybrid workers. Many trade unions acknowledge that there is room for improvement for collecting data that is more accurate and thorough.

In Italy, trade unions have very few data on self-employed workers in their respective sectors and acknowledge that progress has to be achieved in this area. This is probably the reason why CGIL, at national level, commissioned a survey in 2011 from the associated *Institute of Economic and Social Research (IRES)*, from which some of the data in this report is sourced. In this respect, it could be argued that trade unions, national socio-economic research agencies and academic institutions have a major role to play to expand and diversify the pool of information and data available on this topic, particularly with a view to influence and advance the debate at national and European level. In fact, most respondents among self-employed workers indicated that they expected trade unions to contribute to improving general awareness (e.g. among States, trade unions) and public opinion on the working conditions and the needs of self-employed workers ²⁴. Nearly all respondents among trade

unionists agreed that there was a need to achieve progress on the collection of data and insisted that consulting with self-employed workers was a prerequisite in that process. Although, trade unions acknowledge the potential challenge of accessing self-employed workers to gather information on their condition, some have started to reflect on whether and how they should/can represent self-employed workers; some unions have been intensifying their efforts to raise awareness internally.

3. SOCIAL DIALOGUE AND COLLECTIVE BARGAINING

Participation of self-employed workers in social dialogue remains difficult across Europe, with some exceptions for certain types of self-employed workers. There are several countries where trade unions negotiated collective agreements covering also certain categories of self-employed workers, but this is not happening everywhere to the same extent, for the same sector and to cover all types of self-employed workers.

Across Europe, there is a very diverse picture on the inclusion of self-employed workers in social dialogue and on the extent to which they are, or can be, covered by collective

²⁴ Regarding the image of entrepreneurs in society, see for example, *Entrepreneurship in the EU and beyond*, Flash Eurobarometer 283, European Commission, May 2010, Chapter 2, http://ec.europa.eu/public_opinion/flash/fl_283_en.pdf

agreements negotiated by trade unions. In general, most countries and sectors do not have any collective agreements that cover self-employed workers as the legal framework does not allow for collective agreements (e.g. Austria, Belgium, Finland, Sweden). In addition, the very few collective agreements that include self-employed workers are mostly limited to certain types of self-employed workers. These agreements address some forms of social protection (e.g. maternity leave, pension) and/or agreed minimum rates (e.g. Denmark, Germany). However even in these cases, for example on rate-setting, there are challenges or barriers posed by potential violation of competition law, as setting minimum rates could be legally construed as a price-fixing agreement between competitors²⁵. Recent efforts of trade unions in the Netherlands to fix minimum rates for self-employed workers in the culture sector were dismissed by a Dutch court on the ground of infringement of competition law²⁶.

25 See in 2004, a decision by the Irish Competition Authority stated that the freelance voice-over actors who were members of the Irish Actors' Equity were in fact undertakings, by virtue of their self-employed status. Therefore the authority reached the conclusion that the minimum fees established in the Union's collective agreement were to be considered as equivalent to a price-fixing agreement and in breach of competition law. This was equally the case for freelance journalists and musicians. A strong campaign by a group of Unions to reverse this ruling was successful and ultimately, a special provision was included in the Transitional 2008-2009 Social Partnership Agreement, but the planned legislation has yet to be introduced.

26 *Study on employment and working conditions of self-employed workers in the service and communication sectors in Europe*, Richard Poláček and Karima Zahi, UNI Europa, 2011, page 35.

In Denmark, most trade unions do not participate in social dialogue on behalf of self-employed workers. However, the creative workers' unions frequently conclude special collective agreements for self-employed workers without employees and freelancers, and/or they sign so-called 'standard contracts'. This group of workers is not covered by a 'standard' collective agreement and thus not entitled to receive social benefits, such as maternity leave, pay during sickness and labour market pension which subordinate employees receive through collective bargaining. Therefore, standard contracts and special collective agreements are compensatory measures.

In **Germany** trade unions can negotiate collective agreements and be involved in social dialogue for so-called 'permanent assigned freelancers'.

In **In the Netherlands**, FNVZZP participates in social dialogue and collective bargaining (only with the government), whilst taking into account the realities of the labour market. The union has representation on the board of FNV (main workers' union), in the Social Economic Council (SER), in The Hague and at EU level. Therefore, the union's strategy focuses on the introduction and implementation of legislation (e.g. maternity leave) and labour policy. For example, the

own-account workers' union demands changes in the social security and tax systems²⁷, pension rights and better social protection, generally. Through its representation in the SER, FNVZZP argues that similar rights that apply to employees should also benefit self-employed workers, bureaucratic barriers should be removed and higher costs connected to self-employment should be addressed.

The only collective bargaining for self-employed workers in **Italy** was concluded by CGIL in the finance sector (the “mediatori creditizi” in banks). However, CGIL believes that next to improving legislation for self-employed workers and their representation by trade unions, the renewal of collective agreements could be a priority strategy for the near future, in order to achieve better rights for self-employed workers.

In addition, most trade unions are aware of the growing problem of ‘bogus’ self-employment and its threat for employees, albeit with varying degrees according to countries and sectors.

²⁷ A detailed list of recommendations can be found in the 2007 FNV publication *The Dynamic Triangle: Sole Traders and the FNV*.

4. GOOD PRACTICES OF STRATEGIES, POLICIES AND SERVICES FROM TRADE UNIONS AND PROFESSIONAL ASSOCIATIONS

The various country reports included in this study contain a series of examples of good practices that were identified among participating trade unions and professional associations. In some countries, trade unions offer a rich variety of services to support self-employed workers; many trade unions also have set up specific strategies on self-employment. The variety of good practices across countries reflects the different levels at which unions and associations engage with self-employed workers and how they work towards the improvement of their condition. However, there are also many countries in which services for self-employed workers are limited in numbers and in scope; they only partly respond to the needs of self-employed workers, with regards to social protection and working conditions. It is also important to underline that in many countries the specific circumstances of self-employed women are not systematically integrated in trade union actions. At the same time, it should be acknowledged that in nearly all countries covered in this report, trade unions and associations are committed to and working on making progress to address the specific needs of self-employed women.

As mentioned in previous parts of this section, unions are very heterogeneous in their approach to dealing with self-employment, self-employed workers and self-employed women in particular. There are a number of external and/or internal determining factors that contribute to this range of perspectives and strategies. Among other reasons, these variances can be attributed to:

- trade unions' national traditional (or cultural) approaches or strategic priorities; the extent and trends of unionisation of workers, more generally (e.g. in Belgium the rate of union affiliates is very high);
- the way trade unions are structurally organised, and the extent to which they have adapted their organisational structure to adequately respond to the changes or new trends in the labour market and the ensuing consequences for different categories of workers;
- the degree of understanding, knowledge, openness, reflection or area of focus (in each EU Member State and in the European Union) of trade unions and other stakeholders about trends in the labour market (externalisation, outsourcing of services, etc.), overall dynamics between employment and self-employment, the issues that affect self-employed workers and how they impact differently on men and women;

- labour law and policy and the national socio-economic context;
- the perception that some self-employed workers hold about trade unions or the image that some trade unions project.

Section 5. Recommendations for potential strategies for trade unions to address the specific needs of self-employed women with professional and managerial tasks

This section contains a series of recommendations that may be useful as guidelines for debate and for the development of a strategic plan for trade union action on self-employed women and men with professional and managerial tasks, in Member States and at European level. These recommendations were elaborated mainly on the basis of suggestions provided by self-employed workers (women and men) with professionals and managerial tasks and by some trade union representatives who participated in this study. Previous needs assessments of self-employed workers carried out by trade unions in the countries covered by this research and national studies on self-employed women were also taken into account. In relation to this synthesis of proposed strategies, the following three observations are worth noting:

→ The following recommendations for action at national or regional level may not necessarily be pertinent for all countries, particularly given the range of (legal and eco-

nomic) situations previously described in this report. In addition, these recommendations should be read in conjunction with the country reports included in this study;

- Respondents among self-employed workers made similar suggestions for future action across the different EU Member States;
- Respondents among trade union representatives proposed actions that were in line with those put forward by self-employed respondents. Moreover, there were no conflicting perspectives from trade unions and self-employed workers on possible strategies for improving the situation of this category of workers.

The recommendations are structured into for trade union action at regional, national level and at European level.

1. IMPROVED KNOWLEDGE AND UNDERSTANDING OF THE SITUATION OF SELF-EMPLOYED WORKERS

1.1 Facilitate democratic participation of self-employed workers

Enable self-employed workers to participate in discussions on potential trade union representation. To that effect, set up programmes to reach out to self-employed workers and develop specific mechanisms which facilitate a coherent consultation process.

1.2 Raise public awareness and increase visibility of self-employed workers

Develop and disseminate information on the working and living conditions, and specific needs of self-employed workers, with a view to improve knowledge and understanding at regional, national and European levels by European institutions, governments, public authorities, trade unions, employers and employees (and unemployed).

1.3 Improve data collection

Collect quantitative and qualitative data on the profile and working and living conditions of self-employed professionals with a view to identify what specific needs could be met. In particular, support the data collection initiatives of regional associations for the 'free professions' with public

co-funding. The integration of an equal opportunities dimension requires particular attention (e.g. in terms of gender, age, geographical location). For example, this should include collecting gender-specific data on important information such as: types of contracts and enterprise according to specific branches; leaving the status of self-employment or combining employment status (hybrid); age and family situation of self-employed workers; working time and training for further professional development; income; public and private structural support available, etc.

1.4 Draw an analytical picture of the situation of workers in the labour market

This would entail analysing strengths, weaknesses, opportunities and threats in the labour market, as well as the extent and nature of discrimination against certain groups. The focus of such analysis would also include assessing how the social rights of self-employed workers could be further improved and the extent to which the situation of self-employed workers also impacts on the pay and working conditions of traditional subordinate employees. For example, it may also be useful to consider the changes in the way work is organised in Europe, namely that the production cycle has been highly fragmented, large numbers of activities are outsourced and the consequences in terms of bargaining and representation.

1.5 Adopt a different approach for own-account self-employed workers and self-employed with personnel.

There is a need to recognise the specificities of self-employed workers without employees (own-account workers) compared to self-employed workers who employ employees, with a view to develop measures tailored to their needs.

1.6 Exchange best practices with trade unions across countries

This involves meeting with trade unions from other countries in order to exchange best practices to improve knowledge and understanding of the situation of self-employed workers.

2. BETTER REPRESENTATION OF SELF-EMPLOYED WORKERS

2.1 Clarify the role and position of trade unions vis-à-vis self-employed workers

Discuss whether and to what extent trade union membership can be open to self-employed workers. For example, reflection could focus on the context in each country and the feasibility of political representation and organising, what categories of self-employed workers could be represented (if at all), whether unionisation is the most effective

approach or whether other approaches are more pertinent, such as lobbying for improved labour law and/or cooperation with associations.

2.2 Promote a modern image of trade unions that does not reflect traditional types of representation

Change the image of trade unions in order to ensure that trade unions are seen as organisations where needs can be met and not only as mere representation bodies.

2.3 Set up appropriate representation and participation structures within trade unions

This involves developing structures that reflect and take into account the heterogeneity of self-employed workers' needs, their specific circumstances (as compared with employees) and their preferences on how they wish to be organised. Trade unions could study the different approaches of organising self-employed workers and consider the feasibility of adapting these approaches to their specific national context and trade union culture. For example if trade unions decide to represent self-employed workers they could consider a more network-oriented approach to trade unionism where self-employed workers are not integrated into existing union structures (e.g. specific sections within established unions in Germany or setting up of specialised unions in the Netherlands).

2.4 Analyse if and how self-employed workers should be included in collective bargaining

This includes devising specific strategies on how to include the concerns of self-employed workers in collective bargaining, even in cases where national law does not allow for trade union representation of self-employed workers.

3. IMPROVED LEGISLATION AND POLICIES TO ADVANCE SOCIAL PROTECTION AND WORKING CONDITIONS OF SELF-EMPLOYED WORKERS

3.1 Assess the need to revise legislation for the protection of self-employed workers under labour law

Particular attention could be focused on the need for a clear (national) legal definition of a self-employed worker.

3.2 Introduce and/or monitor the proper implementation of occupational health and safety legislation

This is particularly important in order to address physical and psychosocial risks associated with certain occupational activities.

3.3 Improve the system for social security contributions for self-employed workers

Lobby for the improvement and transparency of the social security system, with the aim to reach similar and/or fairer standards of contribution for self-employed workers, in particular as regards pregnancy and maternity leave. This must include reduced compulsory social insurance contributions when self-employed workers are unable to run their business activities independently due to health problems or when they have a low income.

3.4 Guarantee minimum entitlements to social protection

Lobby policy makers to ensure legislation guarantees minimum entitlement to social protection for self-employed workers, as regards sickness, maternity, parental leave, incapacity and occupational accidents, as well as pension rights, and in particular for self-employed workers with a low income. When experiencing frequent periods without work or when jobs as employees are scarce, self-employed workers should be able to access unemployment benefits (e.g. journalists).

3.5 Secure legally set minimum rates for certain professions

In certain sectors (e.g. culture and creative sectors, journalism, etc.) minimum rates can help avoid the downgrading of prices and/or excessive differential with employees' salaries (thus "pushing" employees into self-employment). In this sense, competition rules would need to be addressed inso-

far as they are a barrier to rate-setting and their application penalises certain vulnerable freelancers in the media/entertainment/creative sector (and others).

3.6 Address “bogus” self-employment

More efficient means and strategies need to be developed to fight bogus self-employment. For example, this implies identifying common threats across different sectors and professions.

3.7 Improve the regulatory framework for self-employed workers

This could entail lobbying for sector-specific regulations, more efficient judicial procedures to help self-employed workers claim payments for services from clients, improved access to bank loans, and a clear, fair and transparent tax system, and a specific VAT system for micro or small enterprises, especially in certain types of service (e.g. of public utility), such as health care services and care services for the elderly.

3.8 Support self-employed workers in their quest to achieve better work-life balance

This could include increasing the availability of flexible and affordable childcare facilities that meet the needs of various age groups. Support measures could also include eased bureaucracy for people with health problems and those

with care duties who face an urgent need to re-organise their professional life.

3.9 Develop policies targeting disadvantaged or discriminated groups

This includes specific policies on the equality rights of, for example, women, young people and migrants.

4. GENDER EQUALITY AND GENDER MAINSTREAMING

Gender equality should be mainstreamed in all levels of trade union actions (legislation, representation and collective agreements). This also implies addressing the different and specific needs of men and women. The focus should be on finding solutions to extend social protection to all workers (including those not in the employment market) and support them with their universal rights (such as maternity/parental leave, pension and health). Mainstreaming gender equality and addressing gender discrimination should be major elements of future trade union work, including the following possible lobbying actions towards government, public authorities and employers:

- 4.1** Address the **correlation between the feminisation of an occupational activity/ sector and increasing precariousness**, such as lower income and poorer working conditions, irrespective of the employment status.
- 4.2** **Ensure maternity leave** allows for **reduced amounts of social insurance** contributions and recognise this period as a non-fee period in work experience, which is essential to define the entitlement to pension.
- 4.3** **Devise work-life balance and family-friendly programmes**
For example, this implies an improved childcare system and developing care services for the elderly and dependents, as well as a system of direct support for self-employed workers with care responsibilities. Ensure adequate working time and arrangements similar to those available for employees. Encourage and (financially) enable maternity and parental leave for women and men.
- 4.4** **Combat gender stereotypes** about the perceived roles of men and women in the workplace.
- 4.5** **Eradicate discrimination** based on gender and other (identity/equality) grounds in the workplace, irrespective of the employment status.

- 4.6** **Improve social security benefits** for self-employed women, including through the introduction of reduced compulsory contributions to social security insurance during pregnancy and maternity leave.
- 4.7** **Adopt specific measures targeted at older self-employed women** (over 45) and in particular as regards training and advice.

5. IMPROVED SERVICES TO HELP SELF-EMPLOYED WORKERS AMELIORATE THEIR WORKING CONDITIONS

Trade unions can put in place specific services to empower self-employed workers to improve their working conditions.

- 5.1** **Negotiate a group insurance for occupational accidents and illnesses**
- 5.2** **Provide information, advice and support services** on legal, administrative, fiscal, ethical and technical aspects of each profession (update on health and safety standards). Set up programmes for coaching and mentoring,

particularly for those who start up as self-employed, as well as young self-employed workers.

- 5.3 Organise training** on legal, administrative, fiscal, ethical and technical aspects of each profession (with qualifications), as well as on soft skills needed by self-employed workers, such as leadership, communication, networking and business management. Also, tailor-made training to upgrade professional skills and expertise.
- 5.4 Provide guidance on where to find institutional and financial help**
- 5.5 Offer insurance packages at a preferential rate**, including cover for health care and well-being. The cost of such insurance would need to be fiscally deductible for self-employed workers.
- 5.6 Facilitate access to legal protection and legal advice** (e.g. liability insurance, debt recovery).
- 5.7 Provide specific services to meet health and safety needs of self-employed workers** and in particular those dealing with burnout and exhaustion, occupational illnesses and psychosocial risks.

- 5.8 Set ethical and quality standards for professions or sectors that apply to all types of workers**

6. ENHANCED NETWORKING AND ALLIANCE BUILDING

- 6.1 Develop cooperation between professional associations for self-employed workers and trade unions**

Broaden the “work coalition” by building a relationship with associations for self-employed workers and foster networking with other stakeholders on issues affecting self-employed workers.

- 6.2 Develop outreach strategies**

Develop clear strategies to identify and inform self-employed workers about union support and activities (e.g. address employer resistance to union presence, liaise with relevant agencies such as Chamber of Commerce).

- 6.3 Support the creation of networks of female self-employed workers**

Networks of female self-employed workers can enable discussions and provide opportunities for women to

broaden and deepen their knowledge on how to run a business activity (while respecting some women's particular approach to doing business) and how they can improve their social condition.

6.4 Serve as a platform for professional networking

This includes supporting networking opportunities between self-employed workers and employees in their profession. Such network could promote mutual support among self-employed workers in the same profession, in case of illness or maternity leave, for example, create work opportunities, and help workers reach a better work-life balance. This could particularly address the needs of workers, mainly (though not only) women, who do not have a support system.

7. A MORE CONSISTENT APPROACH TO SELF-EMPLOYMENT AT EUROPEAN LEVEL

7.1 Establish **common ways and tools** between trade unions from different countries **on collecting data and monitoring the situation of self-employed workers** and in particular on women's condition (data should be reliable, accurate and comparable).

7.2 Cooperate with EU institutions on carrying out a **European-wide mapping/research on the profile, social protection and working conditions of self-employed workers, as well as on labour market trends impacting on employment and self-employment.**

7.3 Develop a **clear strategy at European level between trade unions to raise awareness about the working conditions and the social protection of self-employed workers.** Address ways to improve the situation and possibly agree on a minimum standard of rights, particularly with a view to facilitate workers' right to mobility and cross-border working, and life-long learning.

7.4 Encourage the **exchange of good practices between trade unions** and professional associations on services provided to self-employed workers, on fighting bogus self-employment, and on organising own-account self-employed workers.

{ ANNEXES

ANNEX 1. COUNTRY REPORTS

Country reports for the following ten countries are available on the *EUROCADRES femanet* website <http://www.eurocadres.org/spip.php?rubrique620>:

- Austria
- Belgium
- Denmark
- Finland
- Germany
- Italy
- The Netherlands
- Poland
- Spain
- Sweden

ANNEX 2. MAIN CONCLUSIONS FROM THE *FEMANET* WORKSHOP IN KRAKOW, POLAND, IN JANUARY 2013

The conference was well attended by *EUROCADRES* members and delegates reached a very enthusiastic consensus on the necessity for trade unions to unionise self-employed workers with professional and managerial tasks, and in particular self-employed women. Although trade unions underlined that there is no single answer for all different national contexts, they agreed on the following main conclusions after delegates discussed why, how and which categories of self-employed workers with professional and managerial tasks trade unions should organise:

(1) **Rationale for trade unions to organise self-employed workers with professional and managerial tasks**

- Trade unions agreed that they have to take into account changing trends in the labour market and to adapt their

strategies to the particular situation of different categories of workers (e.g. part-time, ageing, self-employed, hybrid) and the changing needs of all workers.

- Self-employment has been a steadily growing reality in the labour market which requires trade union intervention. Trade unions recognise that a considerable number of self-employed workers voluntarily and genuinely choose their employment status because they want to be autonomous. This does not prevent self-employed workers from being often in a vulnerable position in the labour market, facing inadequate social protection and difficult working conditions. Trade unions have a contribution to make in monitoring the phenomenon of self-employment, its trends and future developments.
- Self-employed workers are an important category of workers who need trade union support to be able to improve their working conditions and guarantee their social protection rights. Trade unions are the most legitimate and competent actors for the protection of the rights of self-employed workers. In addition, although professional association may have an important role to play for self-employed workers, trade unions consider that it is their responsibility to ensure health and safety of all workers, including the health and safety of self-employed workers, which also impacts on the health

and safety of employed workers.

- Unionising self-employed workers would further strengthen and consolidate the place of social dialogue in labour relationships.
- Trade unions have a key role to play in effectively addressing the issue of 'bogus self-employment' in order to secure the rights of employees and self-employed workers.
- Many trade unions consider that they have a role to play on the labour market in order to improve the employability of workers and the professionalization of labour. This includes also representing workers who may decide (or are obliged) during certain periods of their careers to become self-employed.
- Self-employed workers are an important source of affiliates for trade unions. At the same time, trade unions need to put in place specific strategies to better reach out to self-employed workers. This implies also the need for many trade unions to improve and modernise their image.

(2) Categories of self-employed workers that trade unions could organise

Trade unions across Europe have made a choice to focus on specific categories of self-employed workers. Whereas

some trade unions consider it important to organise only own-account workers (i.e. self-employed worker who are not employing any employees) a number of other trade unions agreed to affiliate self-employed workers who need to employ a number of workers for a specific project (e.g. in the media and culture sectors) under certain conditions. In this sense, trade unions would have to consider a threshold for the number of employees that an affiliated self-employed worker could have (e.g. up to 5 employees). Trade unions also agreed that in case of conflict between an affiliated self-employed worker and his/her employees, the priority for trade unions must be to represent the interests of employees. Trade unions identified four main categories of self-employed workers:

- Self-employed workers with professional and managerial tasks
- Self-employed workers without employees (own-account workers)
- Self-employed workers with up to maximum number of employees (total number to be determined)
- Both economically dependent and independent self-employed workers.

(3) Actions at national level

EUROCADRES encourages its members to continue making progress and taking actions to improve the situation of self-employed workers with professional and managerial tasks.

- **Data and good practice on self-employed workers:** Trade unions are invited to collect data on the situation of self-employed workers in each country. Trade unions are also invited to continue collecting examples of good practice on how to organise self-employed workers and/or provide services to them. At European level, trade unions could exchange these good practice examples and consider what existing models of trade union relationship with self-employed workers they could adapt to their national context (e.g. collective bargaining could be applied for certain categories of self-employed workers).
- **Social protection rights and equality:** Lobbying for the respect of social protection rights, equality rights (including on gender) and improved working conditions of self-employed workers is a cornerstone of trade union's work regarding self-employed workers. Lobbying is particular important as regards self-employed worker's rights to health and safety, and their maternity

and parental rights. Across countries there are different ways how this can be achieved. For example, in the Netherlands, FNVZZP used child protection legislation to secure maternity leave rights for self-employed women at the same level as that granted to employed women. As the level of social protection is different in each country, trade union action needs to take into account the national context in terms of the legislative framework and the economic situation.

- **Collective agreements:** Trade unions underlined the importance of collective agreements for employees. While some trade unions consider that some types of collective agreements could be adapted to the situation of self-employed workers, other trade unions consider that extending collective agreements are not an appropriate strategy for this category of workers.
- **Services for self-employed workers:** Services for self-employed workers in general, and for self-employed women in particular, must respond to the evolving needs of these workers. Advice and support is important when workers start working as self-employed, but there may also be a need for services, when the worker is already advanced in his/her career. The needs of the

self-employed workers are the starting point and the decisive elements for devising appropriate services.

Useful services provided by trade unions include the following:

- Advice services in the area of taxation, accountancy, legal advice on civil and commercial law, employment legislation, health and safety and work. The main objective is to promote amongst self-employed workers a “culture of law”, an awareness and responsibility of rights and obligations.
- Negotiating for self-employed workers preferential insurance schemes for civil responsibility, legal assistance, etc.
- Providing training, including on health and safety.
- Providing job information and orientation, especially for young people and migrants.
- Indicating applicable rates.

Services offered by trade unions might not always need to be specific to self-employed women. However, services provided need to take into account a gender approach and for some specific groups of women (e.g. migrant women) the provision of specific services for women may be relevant.

→ **Cooperation between trade unions and professional associations:** Professional associations for self-employed workers are important partners and discussions on how to improve cooperation with trade unions need to be initiated. However, a close cooperation can only work if trade unions and professional associations share the same values and a vision of solidarity for workers.

The different national and sector-specific contexts of self-employed workers call for different ways for professional associations and trade unions to cooperate.

A starting point for cooperation is to take stock of who is doing what and which services are provided for self-employed workers. Providing complementary services should be the guiding rationale for cooperation with professional associations. However, the traditional and exclusive role of trade unions in collective bargaining needs to be underlined.

(4) Actions at European level

→ *EUROCADRES* has an important role to play to defend the rights of self-employed workers with professional and managerial tasks at EU level, as well as to coordi-

nate action undertaken at national level and European level.

→ This also includes lobbying European institutions in order to fight bogus self-employment and to improve the working conditions and social protection rights of self-employed workers.

→ A common understanding of self-employment is needed in order to make progress at EU level. As a first step, trade unions could agree on a EU common “working definition” and elements of good practice in self-employment. As a second step, a code of conduct and good practices guidelines could be developed for trade unions activities at national level. *EUROCADRES* could also develop a Charter on self-employed workers which could be used as a basis for transnational company agreements and in fighting bogus self-employment.

→ ETUC should support *EUROCADRES* to put forward proposals for atypical workers. With the support of the ETUC, *EUROCADRES* would ensure that employers contribute to discussions on the representation of self-employed workers by trade unions and agree on minimum conditions for this category of workers outside traditional collective bargaining.

ANNEX 3. LIST OF LITERATURE

The following list of literature is indicative and refers to studies, reports, reviews and surveys reflecting the situation of self-employed workers across Europe. The different country reports of the *EUROCADRES femanet* study on self-employed women with professional and managerial tasks also refer to previously published national reports and studies.

- *Study on Precarious work and social rights*, Sonia McKay, Steve Jefferys, Anna Paraksevopoulou, Janoj Keles, *Working Lives Research Institute, Faculty of Social Sciences and Humanities, London Metropolitan University*, study carried out for the European Commission (VT/2010/o84), 2012²⁸
- *European I-Pros - a Study*, European Forum of Independent Professionals, Stéphane Rapelli, 2012²⁹
- *Fifth European Working Conditions Survey*, European Foundation for the Improvement of Living and Working Conditions, 2012³⁰

- European Union Labour Force Survey, Annual Results 2011, Martin Teichgraber, Eurostat, statistics in focus, 40/2012, 2012³¹
- Active ageing, Special Eurobarometer 378, survey report for the Directorate General for Employment, Social Affairs and Inclusion, 2012³²
- *Study on employment and working conditions of self-employed workers in the service and communication sectors in Europe*, Richard Polátek and Karima Zahi, UNI Europa, 2011³³
- *Reconciliation of work, private and family life in the European Union*, Andrea Broughton, European Working Conditions Observatory (EWCO), European Foundation for the Improvement of Working and Living Conditions, 2011³⁴
- *Self-employment in Europe 2010*, European Employment Observatory Review European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, 2010³⁵

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29 www.finyear.com/attachment/376124/

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31 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-12-040/EN/KS-SF-12-040-EN.PDF

32 http://ec.europa.eu/public_opinion/archives/ebs/ebs_378_en.pdf

33 Internal UNI Europa document

34 <http://www.eurofound.europa.eu/ewco/surveyreports/EU1101011D/EU1101011D.htm>

35 <http://www.eu-employment-observatory.net/resources/reviews/EEOReview-Self-Employment2010.pdf>

- *Very atypical work – Exploratory analysis of fourth European Working Conditions Survey* – Background paper, Sara Riso, European Foundation for the Improvement of Living and Working Conditions, 2010³⁶
- *Working poor in Europe*, Doris Hanzl-Weiß and Hermine Vidovic, European Foundation for the Improvement of Living and Working Conditions, 2010³⁷
- *Flexible forms of work: ‘very atypical’ contractual arrangements*, Andrea Broughton, Isabella Biletta and Mats Kulander, European Foundation for the Improvement of Living and Working Conditions, 2010³⁸
- *A review of methods used across Europe to estimate work-related accidents and illnesses among the self-employed*, William Cockburn, Daniela Treutlein, Judith Heinrich Antti Karjalainen, Simon Kaluza, Adriano Papale, Marthe Verjans, European Risk Observatory Report, European Agency for Safety and Health at Work, 2010³⁹
- *Entrepreneurship in the EU and beyond*, Flash Eurobarometer 283, European Commission, May 2010⁴⁰
- *Reconciliation between work, private and family life in the European Union*, Eurostat, 2009 edition, 2009⁴¹
- *Flexicurity: Indicators on the coverage of certain social protection benefits for persons in flexible employment in the European Union*, Alphametrics, study carried out for the European Commission, VC/2007/0870, 2009⁴²
- *Workers on the border between Employment and Self-employment*, Ulrike Muehlberger, Silvia Pasqua, Vienna University of Economics & B. A., University of Turin, Italy & CHILD, 2009⁴³
- *Self-employed workers: industrial relations and working conditions*, Roberto Pedersini and Diego Coletto, University of Milan, comparative study carried out jointly by the European Industrial Relations Observatory (EIRO) and the European Working Conditions Observatory (EWCO) of Eurofound, 2009⁴⁴
- *Dependent self-employment as a way to evade Employment Protection Legislation*, Concepción Román, Emilio Congregado, José María Millán, Universidad de Huelva, 2009⁴⁵
- *A Gender Perspective on Self-Employment Entry and Per-*

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37 <http://www.eurofound.europa.eu/ewco/studies/tn0910026s/tn0910026s.htm>

38 <http://www.eurofound.europa.eu/ewco/studies/tn0812019s/index.htm>

39 https://osha.europa.eu/en/publications/literature_reviews/self-employed

40 http://ec.europa.eu/public_opinion/flash/fl_283_en.pdf

41 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-78-09-908/EN/KS-78-09-908-EN.PDF

42 <http://ec.europa.eu/social/BlobServlet?docId=4239&langId=en>

43 http://www.aieLit/bacheca/UDINE/free/Muehlberger_Pasqua.pdf

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45 <http://www.revencap.com/encuentros/antiores/xiieea/trabajos/pdf/184.pdf>

formance as Self-Employed, Pernilla Andersson Jooa, Eskil Wadensjö, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labor, Bonn, July 2008⁴⁶

- *Digital Cowboys - Developments in the labour market for self-employed workers*, Denis Bouwman, FNV Zelfstandigen, 2008⁴⁷
- *Adapting labour law and social security to the needs of the “new self-employed” - Comparing European countries initiatives* at EU level, Schulze Buschoff, K. and C. Schmidt, WZB discussion paper, Berlin, 2007⁴⁸
- *Opening the doors wide to the self-employed - How trade unions are recruiting and organising self-employed workers as members*, Andrew Bibby, UNI Global Union, 2005⁴⁹
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- *‘Economically dependent workers’, employment law and industrial relations*, Roberto Pedersini, Fondazione

Regionale Pietro Seveso, study commissioned by EIRO (European Industrial Relations Observatory on-line), 2002⁵¹

- *Economically dependent / quasi-subordinate (parasubordinate) employment: legal, social and economic aspects*, Adalberto Perulli, study commissioned by the Directorate General for Employment and Social Affairs, European Commission, 2002⁵²

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47 [http://www.uniglobalunion.org/Apps/UNIFiles.nsf/vwLkpFilesById/407B81F8A018B0B7C1257631004E4064/\\$FILE/Digital_Cowboys.pdf](http://www.uniglobalunion.org/Apps/UNIFiles.nsf/vwLkpFilesById/407B81F8A018B0B7C1257631004E4064/$FILE/Digital_Cowboys.pdf)

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