1. Introduction: self-employed professionals in a comparative perspective

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The aim of this volume is to explain the variance in legal status, working conditions, social protection and collective representation of self-employed professionals1 across Europe. The Introduction contextualizes self-employment in a comparative perspective, explaining the economic and technological reasons that support in particular the growth of self-employed professionals, who offer highly qualified and specialized skills that perfectly respond to the needs of contemporary capitalism. The proliferation of these occupations, functional to the services economy, which deviate from the traditional employment relationship, pose challenges to the systems of institutional regulation of labour, welfare and collective representation. The chapter deals with the individual dimensions of autonomy at work (work legal status, work content and working conditions) and addresses the issue of how employment autonomy is governed in different European national contexts. It emphasizes the importance of understanding in which institutional settings professionals develop their activity and may find policy responses to emerging needs for social protection and collective representation. The last part of the Introduction describes the structure of the book, giving a summary of the content of each chapter.

Virtually all capitalist economies deal with the challenges of transition to an on-demand service economy, supported by unprecedented technological developments and the digital revolution that has modified traditional professions and generated new ones, fostering the growth of a body of highly qualified professionals. Since the 1990s, they have played a key role in satisfying the growing demand for flexible, skill-based and

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1 We will use this term to cover various concrete individual situations of knowledge-based workers, sometimes with self-employed status, sometimes not, whose activities are neither regulated by the state (via laws) nor by professional bodies and which are often labelled differently: freelancers, independent professionals (IPros), autonomous workers, solo entrepreneurs, etc.
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hyper-specialized competences. These project-based forms of occupations produce new job opportunities, but also new risks that demand a revision of the regulatory and social protection framework in European countries. However, at first glance, both institutional regulation and representation seem unequal and remain fragmentary: different countries have adopted different types of legal arrangements, social protection schemes vary in scope and the development of collective organizations differs within each nation. Apparently, common economic pressures, such as global competition and socio-economic change, do not translate into convergent policy responses among European nations.

The spread of individual bargaining is strictly connected to the individualization process of working conditions that has taken place in every industrialized country. The process is ambiguous: it offers more autonomy and self-determination but, on the other hand, workers are subject to facing all the risks associated with their chosen activity. This ambiguity is clearly visible in professional self-employment, largely concentrated in the advanced service sector, comprising a heterogeneous group of workers with both intellectual and technical skills, various types of contract relations and very unequal income levels. Moreover, the demand for collective representation is challenging traditional industrial relations institutions. Given the high diversity of contractual situations, the traditional industrial regulation model based on collective bargaining cannot be applied as such to growing sectors and new forms of work (Eurofound 2015). During the last two decades, innovative experiences have been supported by new forms of association, such as ‘quasi-unions’ (Heckscher and Carré 2006; Sullivan 2010), and labour market intermediaries (LMIs) (Autor 2008; Bonet et al. 2013; Lorquet et al. 2018; Vinodrai 2015). Consideration of these new scenarios in socio-economic research has been scarce, the focus being mainly on union revitalization strategies (Benassi and Dorigatti 2015; Gumbrell-McCormick and Hyman 2013; Murray 2017). This scarcity is probably also a reaction to the decline of unionization rates and to the loss of centrality of traditional industrial relations models and collective bargaining (Burawoy 2008; Tattersall 2010) that reflects also the sectoral change of the economy. Even less explored is the relationship and coordination between these different forms of workers’ organizations and institutional regulation. In particular, there are very few studies on the coordination between unions, quasi-unions and LMIs—either at national or international level—that could be crucial in generating new social dialogue initiatives and supporting the efforts of governments, employers and workers’ organizations to manage change and achieve economic and social aims.

The growth of new self-employed professionals—related to the transition
to the service economy and the innovative power of digital technologies—
can be contrasted to other employment conditions, such as overall numbers
of self-employed and employees, which have remained relatively stable over
time with perhaps a slight decline in the latter group at the head. What do
statistical data tell us?

Firstly, that there is a relevant increase of self-employed professionals
involved in knowledge/skill-based activities within the service sectors,
especially in non-regulated professions, such as consultants, trainers,
interim managers, interpreters, information communication technology
(ICT) specialists, artists, creative workers, and so on. Secondly, that it is
a structural trend: with a growth rate of 45 per cent in the USA, the UK
and Europe during the last decade, it is quite clear that the numbers will
continue to grow. Thirdly, contrary to what was long thought, few of
them must be considered as false (or bogus) self-employed, that is to say
sharing the same working conditions as employees and working for one
single client; conversely, the majority are authentically self-employed and
work for a plurality of customers on an intermittent basis and short- or
mid-term contracts, which matches the needs of contemporary capitalism.

Despite this rise under way in most European countries, especially
in the area of non-regulated professions, awareness about the working
life experiences of the self-employed is still lacking, both in the political
sphere and in academia. In the official discourse of many policymakers,
it is a workforce associated with innovation, economic growth and future
prosperity. It is also a workforce which can represent a challenge to the tra-
ditional organizational and social structures of the workplace, particularly
as the intellectual rather than manual nature of their work makes it difficult
to apply traditional bureaucratic control over what they do (Thompson
or again Nye and Jenkins (2016) use the term independent profession-
als (IPros) to capture this population. Their research highlights how
uncomfortable they feel with standard employment relationships usually
associated with bureaucratic systems and stressful working conditions. In
theory, no IPros should be considered as ‘failed employees’ pushed into
self-employment as they have no other choice: many of them have made a
conscious choice to work this way (Leighton and Brown 2013) and actively
seek independence, autonomy and choice in the workplace (McKeown
2015). However, the legal status adopted by these professionals does not
always result from individual choices: it can be imposed, lead to economic
dependency and be associated with precariousness as shown in numerous
studies (Bergvall-Kåreborn and Howcroft 2013; Casale 2011; de Peuter
2011; Popma 2013; Standing 2011). Thus, while some individuals voluntar-
ily opt-in (Wynn 2016) or act in response to socially embedded practices in
their occupation or industry (Bögenhold and Klinglmair 2016; McKeown et al. 2011), others are involuntarily pushed (McKeown 2015). This tension in the push and pull of self-employed professional work suggests that the notion of autonomy at work must be considered carefully.

On the academic side, the literature on flexibility, neo-liberal reforms and labour market changes have focused mainly on temporary and contingent workers, on which most policymakers direct their attention (Koene et al. 2014). Much less attention has been given to other workers with alternative employment arrangements, including independent contract relations (direct contracts for particular services with limited benefits), such as freelancers, self-employed professionals, solo entrepreneurs, and so on, ‘whose work is wrapped in a wider context set by the client organization hiring them for their expertise’ (Leighton 2014) at the head. Furthermore, most work in this field fails to adopt a cross-country viewpoint. This is where the research interest of this book is located.

We present the major re-elaborated findings of a two-year European project, Independent Workers and Industrial Relations in Europe (I-WIRE). The book draws on empirical work carried out in nine European countries, which embody different welfare state regimes and diverse models of labour market and professional regulation systems. More specifically, the study has been conducted at three levels (Table 1.1): a micro level investigation, through a web survey, of the individual experiences of new independent professionals, examining their working conditions and social needs (wages, benefits, training, working time, etc.); a meso level analysis exploring the support offered by traditional and emerging initiatives of collective representation, with twenty-nine case studies of local and regional organizations across European countries; and macro level research considering the institutional framework of legal regulation and social protection for self-employment at the head. The added value of this comparative study was gained by the significant fieldwork involved, which provided original data and information on new features of the labour market and industrial relations.

Given the critical considerations developed earlier and the lack of attention these issues have received, the volume has a threefold goal: (i) to shed light on conceptual definitions of the topic, (ii) to provide new empirical insights and (iii) to outline effective policy recommendations.

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1. INDIVIDUAL EXPERIENCES OF AUTONOMY AT WORK

If autonomy at work must be considered as a key feature of new independent professionals’ identity, it is important to take into account the various dimensions through which it can be experienced within modern work arrangements. Three aspects at least must be distinguished.
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1.1 Autonomy in Work Status

The prevailing definitions of professionals are logically associated with self-employment (Leighton and McKeown 2015; Nye and Jenkins 2016; Rapelli 2012). However, the seminal paper of Cappelli and Keller (2012) on nonstandard work provides a more complex analytical framework leading to the differentiation of at least four situations:

1. Purely self-employed, working alone and acting as a solo entrepreneur (head of limited company), with a direct relationship to client organizations.
2. Independent contractors supported by umbrella organizations or other third parties, such as crowd-work platforms acting as administrative facilitators.
3. Workers under employment contract with third parties such as professional employer organizations or temp agencies and leased out to client organizations.
4. Regular employees in a subcontracting firm.

The work status of self-employed professionals has consequences for social protection in terms of sickness, disability or retirement. They can access private systems, enjoy facilitated access to the ‘functional equivalents’ (Marsden 2004) of some social rights, and experience continuous or discontinuous social protection. The legal status may mask more complex situations once we consider the potential economic dependency on a single principal. New independent professionals may indeed establish business relations with either one or numerous clients, either simultaneously or successively. The economic dependency on one single principal may result from a lack of freedom: workers are then forced to accept the status of self-employed (Kautonen et al. 2010). Conversely, the possibility of choice is presented as a key component of self-employed professionals’ identity (Leighton and McKeown 2015).

1.2 Autonomy in Work Content

We will now consider a second dimension of employment autonomy: work content. Building on the contributions of Mintzberg on work coordination mechanisms (1979, 1983), we can associate different levels of autonomy with different kinds of control experienced by workers. It is clear that more hierarchical mechanisms (like direct supervision or standardization of work processes imposed by the client organization) will probably give self-employed professionals less autonomy. Conversely, looser mechanisms
(like standardization of norms, mutual adjustment and, to a certain extent, standardization of outcomes) provide self-employed professionals with more autonomy in the way they do their job. In most real-life working situations, however, several coordination mechanisms are combined. We must also keep in mind that project-based work may lead to more subtle and implicit forms of control via the internalization of time and organizational pressures (Cicmil et al. 2016). The quality of support offered when performing the job, as well as the possibility of accessing professional expertise, may be another key differentiator of individual working situations.

1.3 Autonomy in Working Conditions

The working conditions of new independent professionals must also be considered. Four scenarios can be distinguished, ranging from more to less autonomy:

- Working conditions can be entirely under the professional’s individual responsibility with no engagement of their business partner in terms of skills development, income flows, or time and space arrangements.
- At a higher level, independent professionals can access training packages, shared facilities, and administrative and financial services from third-party structures.
- They can also negotiate customized training paths, salary packages, flexible time and space arrangements.
- Eventually, they can be submitted to standard training programmes, structured salary grids (usually resulting from collective agreements) and fixed time and space arrangements.

These various dimensions (work status, work content and working conditions) may be combined and vary independently. This is why a better understanding of the complex individual working situations of self-employed professionals is needed. A specific chapter of this book reports the results of a survey on such questions.

2. GOVERNING AUTONOMY: NATIONAL CONTEXTS IN COMPARISON

Furthermore, it is important to understand the institutional context in which self-employed professionals develop their activities. The various contextual dimensions can indeed strongly influence the conditions under
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which they experience autonomy at work, as shown by Schulze Buschoff and Schmidt (2009). These authors compared national legislations in the UK, the Netherlands and Germany, and the extent to which they tend to enlarge either the scope of labour law or the status of employee to dependent self-employed workers (through paid holidays, sickness pay, coverage by collective agreements, etc.). In the UK, a specific status of ‘worker’, between dependent employment and self-employment has even been created. In Germany, self-employed workers may access unemployment allowances under certain preconditions, while this remains impossible in the UK. In the Netherlands, the recent Work and Security Act (2015) has altered the balance between ‘insiders’ (employees with permanent contracts) and ‘outsiders’ (employees with flexible contracts), making easier the entitlements of outsiders to unemployment benefits and redundancy payments. The different countries may thus be clustered according to specific considerations for self-employed workers in their regulatory frameworks.

The way in which the question of economic dependency is considered in each national context is also crucial. Intensive debates continue to take place among scholars and practitioners about the conditions under which a presumed economic dependency may be qualified as a regular employment relationship (Prassl and Risak 2015). In some countries, this question remains mainly based on court judgements—highly dependent on individual perceptions of judges—while in other countries strict criteria are defined by law.

The union density and the coverage rate of collective bargaining widely vary from one country to another (Visser 2012), which may create a specific set of constraints and opportunities for professionals. In particular it is interesting to explore the links between union density and the degree of specific consideration for self-employed workers in the regulatory framework.

Another important question is the level of social protection offered. The focus on professionals in the nine countries covered by our research is an opportunity to test the validity of well-established theories on the varieties of capitalism and welfare state coverage (Esping-Andersen 1990; Hall and Soskice 2001).

The way in which labour market policies are designed in each European member state may also create differences in terms of voicing the concerns of self-employed professionals. Some countries are characterized by a strong public intervention: any new initiative related to work arrangements originates from legislation, often observed in France for instance (self-entrepreneurship status, wage portage, job secondment, employers’ alliances, etc.). Some countries (like Belgium) give a priority to collective bargaining, and state intervention is required when social partners are
unable to find agreement: the probability of specific legal rules concerning self-employment may be lower in these conditions. In some other countries (like the UK), professional associations have a strong influence on labour market regulation and policies, so that professionals may benefit from special recognition through their active involvement in such associations.

2.1 Shifting the Boundaries of Collective Representation

Facing the risks of job insecurity, discontinuity of income, lack of skills development, restricted access to social security and exclusion from collective bargaining (Davidov 2004; Havard et al. 2009; Hirsch 2016; Keller and Seifert 2013; Wears and Fisher 2012), most self-employed professionals voice their concerns on an individual basis. They want to ‘retain the strongly felt option of independence’ (Osnowitz 2010, p.128) with a spontaneous reluctance vis-à-vis collective action (Wynn 2015). Many of them consider that the peculiarities of their work are not understood by conventional unions (who often see them as ‘false’ self-employed or ‘disguised’ employees) and prefer to voice directly their own demands. Moreover, their circumstances often prevent self-employed professionals from developing membership of organizations that could grant them the power of collective bargaining (Berntsen 2016; Heery 2009). However, as suggested by Mironi (2010), new forms of representation and voice must be developed according to the multiple and interacting employment models in contemporary organizations.

The ambition of our book is to scrutinize the conditions under which more inclusive forms of social dialogue might be developed in order to meet, as suggested by Heery et al. (2004), the basic needs of self-employed professionals in terms of security (pensions, insurance packages, financial guarantees in case of late payment or bankruptcy, access to mortgages, etc.), human capital (skills development, exchange of expertise) and job-matching (job vacancies, career opportunities).

Monitoring changes in the nature of work relationships is crucial to understanding the scenario affecting labour markets. In the post-industrial capitalism and neo-liberal labour regime era, we can observe how the role of traditional labour market institutions—such as unions and collective bargaining—is declining or experiencing radical transformation (Baccaro and Howell 2011; Meardi 2014) towards new and unconventional settings of employment relations, with the partial exception of Scandinavian countries. This is due to industrial, economic, political and social changes (Crouch 2014; Regalia 2006; Visser 2016).

Trade unions have become less successful in attracting new workers with different types of employment contracts (e.g. nonstandard jobs,
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economically dependent self-employed, project-based workers). The decline of the traditional institutions of collective industrial relations mixes with the spread of atypical work and the growth of new independent professionals in the most innovative economic sectors (Crouch 2012; Glassner et al. 2011; Streeck 2009). The traditional role of trade unions has been challenged and collective bargaining cannot be applied to a growing part of the job market (Leighton 2014; Rapelli 2012).

In recent years, trade unions in Europe have tried to extend their representation to new groups of workers, both dependent and self-employed. We call this phenomenon the expansion scenario. They have implemented new strategic and organizational actions in order to satisfy the protection needs of ‘non-organized’ workers (Benassi and Dorigatti 2015; Gumbrell-McCormick and Hyman 2013; Murray 2017). A critical question here is whether self-employed professionals should be absorbed within existing organizational structures or whether a specific structure should be devoted to them (Kornelakis and Voskeritsian 2016; Wynn 2015).

At the same time, new bottom-up organizations have begun to fill the gap left in the system of representation by the trade unions (Milkman 2013; Oswalt 2016). These organizations (often called ‘quasi-unions’) do not act according to traditional models based on collective bargaining (Bologna 2018). They have different forms and structures, but the same objective: to give voice to all workers who face risks related to their job on an individual basis. Therefore, they adopt similar network strategies (Blyton and Jenkins 2012; Heckscher and Carré 2006; Heery et al. 2004; Jenkins 2013; Sullivan 2010; Tapia 2013). In Europe, such quasi-unions are frequent among self-employed professionals. Apart from some rare studies (e.g. Charhon and Murphy 2016), they have not been examined thoroughly. Industrial relations studies have focused mainly on community and labour organizing approaches adopted by traditional trade unions (Frege and Kelly 2004; Murray 2017; Sullivan 2010). Moreover, studies on job transformations have not focused on the representation needs of ‘new self-employed workers’. In EU countries, very few studies have focused on the coordination between unions and quasi-unions. Finally, these new organizations can also deliver specific services as new LMIs: the relations between such LMIs and quasi-unions are thus very important to consider (Xhauflair et al. 2018).

A third possibility is the development of alternative managerial artefacts securing flexible jobs through a direct participation of workers, on a local basis, without any form of collective action and/or representation on a broader scale. In this perspective, self-employed professionals—often belonging to similar business sectors—create small-scale structures in which they can be directly involved in decision-making processes and
daily management. They retain distance from conventional unions and do not want to be represented by any other institutional body. These new forms of industrial democracy are more likely to develop through specific legal structures such as cooperatives (Siapera and Papadopoulou 2016). They may be seen as mutual support organizations, offering employment contracts and a variety of services from bookkeeping and legal help to invoicing and credit control. In some countries, like France, they may benefit from a favourable regulatory framework and appear as levers of institutional innovation (Bureau and Corsani 2015).

Some studies have documented the expansion scenario and some advocacy work emanating from activists and associations of self-employed professionals, but few empirical investigations are available on the various paths towards more inclusive industrial relations for such workers. This volume fills this gap through an in-depth understanding of the solutions developed by unions, quasi-unions or other kinds of LMIs in each European member state.

3. STRUCTURE OF THE BOOK AND MAIN RESULTS

In order to understand how self-employment regulation has developed across countries from a socio-economic perspective, this book outlines a way to clarify three critical dimensions relating to the labour market conditions of self-employed professionals at the head: (i) the contested definition of their legal status and the (ad hoc) regulation adopted in different European countries (Dekker 2010; Heery et al. 2004; Leighton 2014; Rapelli 2012; Schulze Buschoff and Schmidt 2009; Westerveld 2012); (ii) their position in the social protection system (European Social Policies Network, ESPN; Bouget et al. 2017); and (iii) the complexity of collective representation within a context of labour market fragmentation.

Given these three critical dimensions, different questions may be raised. Is there a process of similar (convergent) policy responses among European countries, or does differentiation still prevail? Are there innovative regulation laws, policies and practices—either at the national or regional level—able to match these critical dimensions? To what extent do these collective organizations provide new collective capabilities in terms of income continuity, skills development, access to health protection, retirement and unemployment benefits? Are they mainly based on individual pick-and-choose formulas? Do they replicate the social rights of employees or do they offer ‘functional equivalents’ to these rights (Marsden 2008)? Do they exploit existing ‘holes’ in the current regulatory framework or do they
breach this framework and develop new devices? Can we predict a new era of collective representation, with the rise of new durable solidarities? The responses to such socio-economic challenges are organized in the book as follows.

Chapter 2 tackles the topic of the new forms of self-employment as a theoretical matter, in the light of their extraordinary increase in European economies. Considering first the drivers of this growth in the majority of countries, it then provides some interpretations on the way in which professional self-employment—halfway between hierarchy and market—is challenging the solid theories of labour market dualization (insider–outsider divide) and the contraposition between dependent and autonomous work. Moreover, the chapter explains why self-employment is becoming the typical work model for the digital economy and how a paradox is occurring between the survival of a model of professionalism, both in markets and companies and, simultaneously, the loss of social status for these professionals. High levels of education and professional specialization are no longer a guarantee of high levels of income and social status, and this has repercussions for class structure. Within this theoretical framework, the second part of the chapter is devoted to considering the multiple institutional dilemmas that the governments and the European Union are called upon to face, with respect to the ambiguity of self-employed professionals’ legal status and the weakness of their social protection.

In Chapter 3, after the construction of an empirical basis and some conceptual definitions, within a preliminary quantitative analysis on the total self-employed population (using Eurostat data), the original results of an international web survey are presented, whose aims are to explore the socio-economic characteristics, professional status, expectations and perceived needs of self-employed professionals. ‘Snowball sampling’, a research technique widely experienced in the social sciences, was used as a way of gathering information about a population without having to measure its entire size. The social needs of new independent professionals strongly differ from those of employees because they usually operate with a high degree of autonomy, they multiply various subordination links and working places, and they may be the owners of their working tools. Therefore, they are submitted to very high risks of precariousness and social exclusion due to their discontinuous access to social rights.

As part of the growth of contingent work, the overall picture that emerges from the data analysis shows a population with clearly identifiable characteristics: urban localization, variable working time and simultaneous engagement in multiple jobs. A strong orientation towards autonomy at work emerges, but the majority of respondents state a low annual income level in all European countries considered. Low pay is one of the three main

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problems for the self-employed professionals, the others being a perception of vulnerability in respect to social risks (unemployment, future pension benefits, illness, maternity) and a vacuum of collective representation.

Chapter 4 presents an overview of the various regulatory and legal frameworks around self-employed workers, the main institutional arrangements in place and a state-of-the art of the social dialogue in each country’s case study. Nine European countries are covered: Belgium, France, Germany, Italy, the Netherlands, Slovenia, Spain, Sweden and the UK. They embody different welfare state regimes and diverse models of labour market and professional regulation. Each country study presents the same structure, and includes an analysis of the institutional framework, of the public policies supporting self-employment, and of the emergent and innovative strategies of collective representation. The picture that emerges from the country studies is small reforms at the margin and great fragmentation of the measures implemented, accompanied by institutional experimentalism and some innovative strategies of collective representation, carried out by new actors in the industrial relations arena.

Chapter 5 provides a transversal analysis of the country studies presented in the previous chapter, with the aim of explaining variances and convergences among European countries, and aspects of continuity or discontinuity with the past. The comparative analysis of national regulation systems includes differences and similarities in the legal recognition of a specific status for self-employed professionals (universal, binary and hybrid approaches). A common cross-country feature is that self-employed workers benefit from weaker social rights than regular employees. The chapter explores if there is any movement towards a better social protection for self-employed workers. In order to reach an appropriate understanding of the complex and fragmented dynamics occurring in the European labour market, it proposes a multidimensional interpretative approach. This means combining structural dimensions (such as regulatory framework, industrial relations system, degree of economic development, cultural openness vis-à-vis new work arrangements or socio-demographic characteristics) with agency factors (e.g. institutional entrepreneurship, strategies emanating from unions, quasi-unions and labour market intermediaries, and political reforms).

Chapter 6 focuses on the new forms of collective representation and organization by which self-employed professionals articulate and defend their interests. This is a specific topic in the broader debate on nonstandard and precarious work. The deep analysis of innovative forms of collective interest representation, based on twenty-nine collective organizations investigated across Europe, provides a picture of the proliferation of new actors, bottom-up organizations, beside (or beyond) traditional unions,
aimed at collective representation of this growing unorganized segment of the labour market. More specifically, the chapter focuses on the presence of ‘new’ forms of organization and self-organization (quasi-unions, LMIs and cooperatives); the organizational and strategic answers coming from the traditional trade unions to include and give voice to new independent professionals; and the rise of new forms of dialogue and cooperative relationship (coordination) between ‘old’ and ‘new’ organizations. The chapter explores the conditions under which coordination between trade unions, quasi-unions and LMIs can help social inclusion and meet the heterogeneous representation demands and protection needs arising from new types of professionals. Three main organizational strategies are identified: provision of services, as neo-mutual organizations; advocacy, lobbying and political activities; building coalition and new alliances in order to reinforce their legitimacy. A combination of strategies and capacities to create partnerships characterize each national context or cluster of countries. These organizations have gradually institutionalized, becoming relevant interlocutors in the public debate and policy making.

Chapter 7 takes up the most relevant results that emerge from the various contributions of the book and underlines that the growing part of self-employed professionals has not yet been accompanied by a structural revision of the regulatory framework. There is a lack of a comprehensive reform design regarding legal recognition and regulation, social protection and industrial relation models, which still need to be adapted to unanswered demands. Are we currently facing a transition from a prevalent ‘legal-regulatory paradigm’ towards a ‘representative paradigm’ of qualified self-employment in Europe? We can expect that new forms of collective representation will have an impact on both legal and professional status and state regulation, in terms of eligibility to social protection. The challenges posed by new employment trends ask for new tailored and focused policy responses to support the equal treatment of workers, whatever their status. Among many options assessed in the recent debate, the adoption of a universal rights approach, whatever the status and employment relationship, appears the most appropriate to address current and future trends in employment patterns. Fair work and payment conditions, standardized access to social rights (maternity and parental leave, health insurance, safety at work, etc.), professional recognition and lifelong learning should transcend employment status and relationships with particular employers.

Finally, the Afterword explores the possibility that a new era of social dialogue is currently emerging in Europe. Self-employed professionals represent a key stake, because they are skilled, they are mere workers and do not possess the traditional capital and assets of entrepreneurs. Since the beginning of the twenty-first century, they have been the most dynamic segment of
the labour market. They represent, in a context of enduring unemployment and precariousness in the European Union, a central way of developing employment and diversifying careers. However, they do not fit into the classical processes of social dialogue, which were devised and implemented for salaried workers many years ago. Beginning with a traditional definition of social dialogue, and briefly showing the trends and challenges affecting it in the European Union, the Afterword considers the specific needs of these new workers connected to the rich resources they can provide.

The main findings of our book show a mixed picture, with shared challenges and partly divergent responses that denote, however, signals of change with the potential to overcome the insider–outsider labour market divide. Firstly, throughout all aspects explored during this research, we found many common trends among the EU countries investigated. However, facing similar challenges, each country shapes its own responses in terms of social sustainability. Secondly, three strategic models of collective representation and mobilization may be observed across different national contexts: servicing, lobbying and coalition-building. Each national context is characterized by a specific combination of strategies depending upon the local capacity of partnership and coalition. Thirdly, an increasing number of self-employed professionals are involved in digital platforms as one of the tools of their main employers/users/customers/business partners. Self-employed professionals are, in fact, among the principal recipients of platform capitalism, which has accelerated and exasperated all the perverse effects of labour market deregulation. Regulation in this sector of the economy is lagging behind the reality. Beyond legal re-regulation, other urgent challenges have emerged: (i) the potential extension of social protection to minimal and universal social protection schemes (versus selective and fragmented protection); (ii) the potential implementation of active labour market policies to support and promote sustainable self-employment; and (iii) the potential strengthening of bottom-up organizations (quasi-unions, LMIs, etc.) extending the collective representation of new independent professionals within a renewed social dialogue. Are we witnessing a defensive wave in society against market excesses, leading to the reinvention of new solidarity links according to the current evolution of work arrangements?3

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REFERENCES


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