

## **EXECUTIVE SUMMARY:** Report on the UNI Europa Webinar on Restructuring and Empowering Self-employed Workers – 18 March 2021

### **1. Introduction**

This webinar for affiliates was the first in a series of two on cutting-edge issues in collective bargaining, in preparation for UNI Europa's 2021 conference on 27-29 April, and comprised the presentation and discussion of several cases of union initiatives dealing with restructuring, on the one hand, and collective representation and bargaining of self-employed workers, on the other. These themes relate to UNI Europa's project on restructuring over the last two years and to ongoing discussions at EU level concerning the revision of how competition laws are applied to self-employed workers. The position of UNI Europa on the latter is that "a worker is a worker": self-employed workers should have the same collective bargaining rights as employees.

### **2. Restructuring in the services sectors**

The sectors least affected by the current crisis and which show positive change in respect of headcount (roughly 11 to 20 percent according to [Eurofound](#)) are primarily white collar services sectors that have been subject to a state of "**permanent restructuring**" in recent years and have been able to transition much of their workload to remote working, explained Mark Bergfeld (UNI). In the longer view, the most important drivers of the permanent state of restructuring in services are companies' endeavours to maximise shareholder value, to reduce headcount for the benefit of certain accounting standards, to deliver short-term growth and to boost productivity among workers. These dynamics are converging with the moves to remote working.

The Finansforbundet trade union in Denmark, with a density of 75% in the financial sector and a net worth of €275m, has responded innovatively to a decline in union membership (-19%) in banking and credit unions. With the support of the Municipality of Copenhagen and the Danish bankers' association, the union itself has built and developed a new fintech sector through the **Copenhagen Fintech Lab**, hosting 50+ startup companies at its Trade Union House and providing administrative support including accounting, HR and insurance. As a result, the sector has seen (high-skilled) jobs with employment contracts (instead of freelancers) grow from 700 to 3,000 and investments from €13m to €470m since 2015. Finansforbundet led efforts to organise these companies into an Association of Fintech Employers in order to be able to negotiate a sectoral agreement, which is now reaching completion and has a similar character to that of the banking sector. Having created a fintech academy to educate members from traditional finance for new jobs, the union is in the final stage of its strategy: organising its fintech members.

Meanwhile, the Financial Services Union in Ireland has faced a permanent state of headcount reduction in a sector increasingly dominated by US multinational investment – openly hostile to unions – and in a national context that lacks both legal protections for collective bargaining and any recent history of campaigning and organising in trades unions. The FSU, undeterred, developed a three-pronged "**ground up**" **organising strategy**: strengthening its membership in core banks (protecting jobs, branches and encouraging reskilling), growing in newer financial services (from 55 employers in 2018 to 99 by the end of 2020) and reaching into new parts of

the technology sector. In the latter case, FSU undertook a survey on terms and conditions in the games industry – which helped recruit members in key workplaces – followed by conversation mapping and a pay transparency survey – all helping to build a base among the 2,000 workers. FSU has since become a “union of choice” for workers in creative areas including animation.

The European Works Council (EWC) at global security giant G4S has been heavily involved in the information and consultation process around the restructuring of the company since 2018 – such as its separation and sale of cash businesses – that has led to **the ongoing takeover**. Most recently, the EWC has submitted detailed opinions (as reported in the [Financial Times](#)) to G4S shareholders and current management concerning Allied Universal's offer, along with that of another major security company. They have demanded commitments on job security, health and safety, and human rights responsibilities along with improvements in cooperation with trade unions, greater information and consultation rights and the protection of the global agreement with UNI Global. On 3 March, the latter organised a G4S trade union alliance meeting with representatives of 500,000 security guards from 29 countries to advance these demands.

### 3. Organising, representing and collectively bargaining for self-employed workers

Germany's Collective Agreement Act dictates that where more than 30% of a freelancer's income comes from one client, a collective agreement can be concluded on their behalf, and gains have been won for the former in this way since the 1970s. Organising self-employed workers in the public broadcasting sector, the ver.di union has developed a “golden rule” of always negotiating and concluding collective agreements for self-employed workers – who make up half of the sector – at the same time as those for employees, to allow for **solidarity between workers**. Recently, the union has also used regional laws to achieve equal co-determination rights for freelancers in works councils at half of the public broadcasters. Furthermore, over the last five years, the union has organised “**bogus**” **freelancers**, using a combined approach of legal procedures, strikes and collective agreements to win permanent employment contracts with fixed hours and working times and pension benefits.

Unfortunately, the same legal rights for collective bargaining do not apply to the rapidly increasing group of self-employed workers in the Netherlands. In public broadcasting, employers have consistently rejected efforts to include discussion of freelancers' low rates within agreements. In this context, FNV union (Media & Cultuur) has over the last year worked to develop a “revolutionary” **Fair Practice Code** regulating public broadcasting companies' agreements with freelancers and setting minimum rates (“a threshold not a norm”) at 150% of collectively agreed minimum wages for employees. The code – a first in the Netherlands – is an agreement between the trades unions, the employers' association and the governing organisation of public broadcasters (NPO), and its underlying principle is that employees should not be put in competition with freelancers working at very low rates. FNV has worked to ensure that the code, concluded for an indefinite period and effective from 1 December 2020, takes account of how freelancers' earnings compare with employees' overall salaries and benefits and corrects for inflation and indexations. While freelancers will still have to negotiate their own rates based on experience and the nature of the work at hand, a committee of representatives from both sides will resolve problems with the code and evaluate it in December 2021.