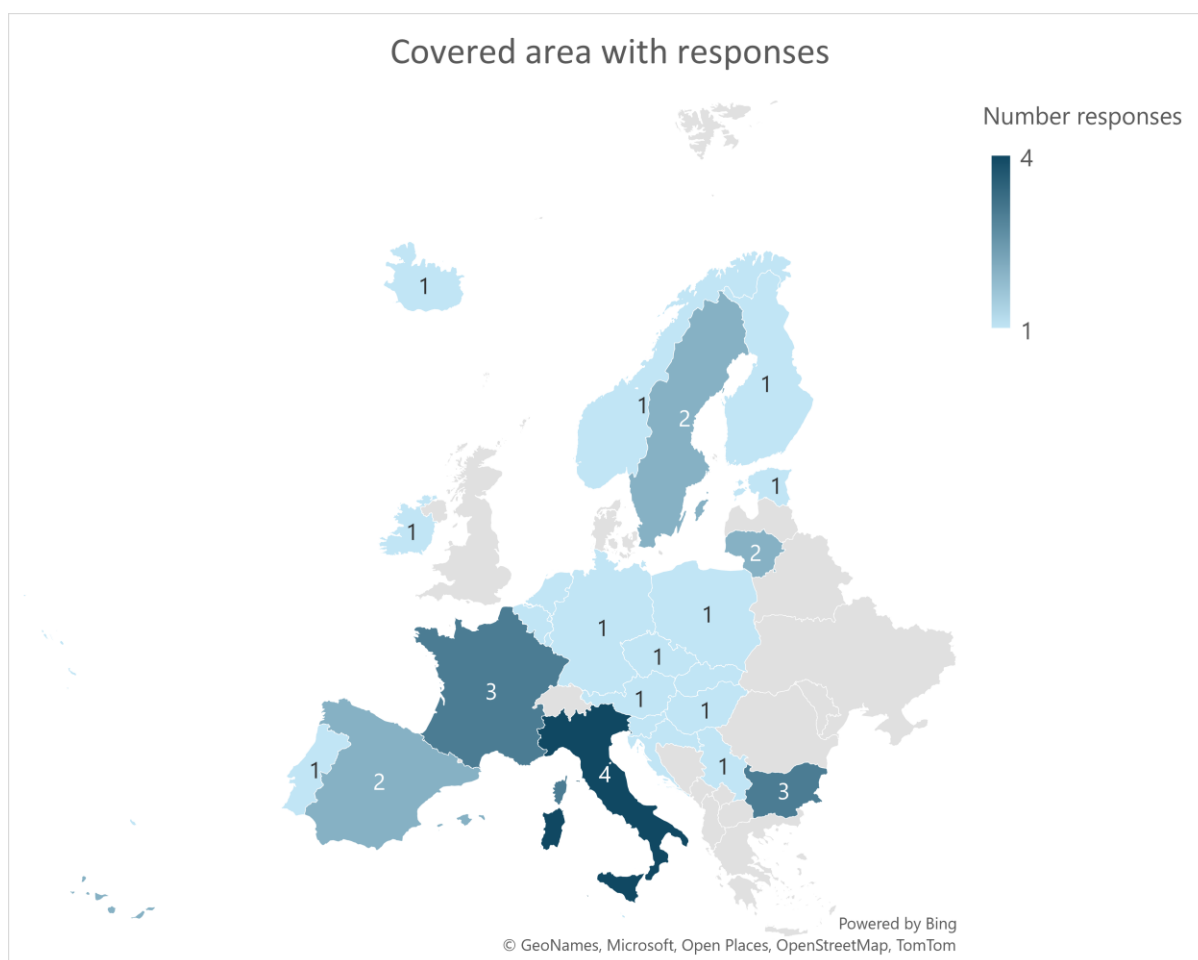


First observations on questionnaire on precarious work

Written by Wouter Zwysen 24/04/2024, based on downloaded excel sheet with responses 23/04/2024 (36 responses). UPDATE 17 May 2024, (39 responses, addition from Ireland ICTU, Slovaka Confederation of Trade Union of Slovak republic, and Luxembourg OGBL + LCGB)

This report provides an overview and first interpretation of the responses provided by delegates on the ETUC questionnaire on precarious work. I will go section per section to provide an overview. First, I describe the respondents. Second, I show the responses to the types of precarious work contracts that exist and are seen as problematic (section 2a – questions 5 and 6), and other factors contributing to precarity within a country (section 2b – questions 7 and 8). Third, I discuss the responses on recent changes – what drove increased precarity (question 9); whether there were recent changes to the legal framework (question 10). The fourth section details what actions are being taken nationally (11) and what should be taken (question 12). Finally, the fifth section describes responses on which European action should be taken to end precariousness at the labour market (question 13 and 14).

1. Describe responses



In total, 39 responses were received by the 17th of May, covering 29 countries. There were multiple responses in Bulgaria (2 from the Confederation of Independent Trade Unions in Bulgaria – Todor Tomov and Plamen Dimitrov; 1 from PODKREPA CL – Veselin Mitov), Spain

(Confederacion Sindical de Comisiones Obreras; and UGT), France (CFDT, FO, and UNSA), Italy (2 from CGIL – Cristiano Zagatti and Rossella Marinucci, CISL and UIL), Lithuania (Lithuanian Trade Union Confederation and Lituanian trade union “Solidarumas”), Sweden (LO Sweden, and TCO – The Swedish Confederation of Professional Employees) and San Marino (Confederazione Sammarinese del Lavoro, USL). From EU member states we are missing Latvia, Luxembourg, Denmark, Romania, Slovakia, Ireland, and Cyprus. From outside the EU there are responses from Norway, Liechtenstein, San Marino, Iceland, and Serbia.

2. Types of precarity

2a. What types are present?

Respondents were asked which of 11 types of precarious contracts existed in the national context and whether they were not problematic at all, not problematic, problematic, or very problematic. The table below shows what number of respondents report a specific type of contract exists, the share that states it is problematic or very problematic, the share reporting it as very problematic, and the share who report the problem does not exist or is not at all problematic. An issue that exists everywhere and is reported as problematic by 85% is bogus self-employment. Over half of these (44%) saw it as very problematic. On the other hand, 5% (2 countries – Sweden, and San Marino) saw this as not at all problematic. The next most problematic type is involuntary part-time employment, which 13 respondents reported being very problematic (mentioned by at least one respondent from Austria, Belgium, Bulgaria, Spain, France, Italy, Portugal, Slovenia). This is not a problem in Bulgaria (the other respondent), Germany, Croatia, Serbia and San Marino. On shared third place are subcontracting and platform work , followed by interrupted schedules. Importantly, with the exception of unpaid internships or apprenticeships and zero-hours contacts (where 15 respondents report it does not exist in their context) each type of contract is reported as problematic by over half of the respondents where it exists.

	Count	share_problem	share_very_problematic	share_no_problem
Bogus self-employment	39	85	44	5
Involuntary part-time employment	38	61	34	15
Subcontracting	39	79	28	3
Platform work	39	64	28	5
Interrupted schedules	34	62	24	23

Contracts with fewer social contributions	26	54	23	62
Seasonal work	39	69	23	15
Temporary employment agency	37	78	22	15
Temporary or fixed-term contracts	39	64	21	15
Unpaid internships/apprenticeships	36	39	19	28
Zero-hours contracts	22	45	5	62

The table below shows which countries report a contract type as very problematic, or report the issue does not exist or is not a problem. From these countries it may be possible to learn why it is no problem there.

type	No problem or does not exist		Very problematic	
seasonal	6	BG IT LI LT SE SM	9	CZ DE EL ES FI FR HR LT PT
platform	2	HU LT	11	BE CZ ES FI FR HR IT LT NL PT SI
schedules	9	BG CZ FR HR IE LT SI SM	8	BG FR IT NL PT SM
bogus_se	2	SE SM	17	AT BE BG CZ DE FI HU IS IT LT NL PL PT SI SK
unpaid_intern	11	BG DE FR IT LT NO SE SK	7	BE CZ HU IT LT PT RS
lowsocial	24	AT BG EL ES FI FR HR HU IE IT LI LT LU NL NO RS SE SI SK SM	6	BE CZ DE FR IT
zerohours	24	AT BE BG CZ DE EL ES FR HR IE LT MT NL PT RS SE SI SK SM	1	IT
parttime	6	BG DE HR RS SK SM	13	AT BE BG ES FR IT PT SI
temporary	6	BG FR IT LI LT SM	8	CZ ES HR IT NL PT RS SI
subcontract	1	SM	11	CZ DE HU IT LT NL PL PT RS
temp_agency	6	BG IT MT SE SM	8	CZ ES HU LT PL PT RS SK

Respondents could also report other issues that were problematic in their national context. Several respondents mentioned that there are many types of precarious contract and that it is particularly important to look at vulnerable groups such as youth, women, or migrant workers (Serbia, Netherlands, Spain, ...). Several countries also specifically mentioned agricultural and domestic workers (Italy, Germany [also undocumented], Austria). Country-specific issues were mentioned, for instance Lithuania reported an issue with working-time arrangements using annualization. In Slovenia there is an issue with student work (temporary and occasional work for highschool pupils and students, which is temporary and occasional and aimed at gaining work experience). In France there are specific types of fixed-term contracts (CDD d'usage, de mission, ...) which can be more vulnerable and have been rising, likely beyond what they were meant for. LO in Sweden mentions that it differs strongly between countries.

2b. What other factors contribute?

	Count where it exists	Problem (%)	Very problematic (%)	Does not exist or

				no problem (%)
Exploitation of third country migrant workers	37	81	41	8
Deregulation of collective bargaining and industrial action rights	36	58	33	33
Lack of access to collective bargaining and right to organize	34	50	24	38
Exploitation of migrant workers	37	68	19	13
Lack means to access justice (financial, time, knowledge)	38	61	24	21
Abuse of posted workers directive	38	47	13	28
Non-competitive clauses	37	19	5	41

Respondents were also asked about what factors contributed to these issues. Almost all respondents (80%) reported exploitation of third country migrant workers was problematic (41% very problematic), and a smaller but significant group (65% and 21% resp) worried about exploitation of migrants more generally. Deregulation of collective bargaining and the right to organize was mentioned as very problematic by 11 of the respondents (33%) (Bulgaria, Greece, Finland, France, Croatia, Hungary, Italy, Lithuania, Portugal, and Serbia). Relatedly but affecting fewer countries the lack of access to collective bargaining was seen as very problematic in 7 countries (Bulgaria, Greece, Croatia, Hungary, Lithuania, Serbia, Slovenia) while not being a problem for 13 respondents. The abuse of the posted workers directive was very problematic in Austria, Germany, Hungary, Italy, and the Netherlands. Noncompetitive clauses were seen as less of an issue, with only 2 countries seeing it as very problematic (Hungary, Netherlands). Lack of access to justice was also seen as very problematic in 7 countries (Bulgaria, Germany, Finland, Croatia, Netherlands, Serbia, and Slovenia).

This points to several issues that are widely shared – deregulation of, and in the worst case lack of access to collective bargaining, the exploitation of migrants – particularly third country migrants. There may also be some coalitions to be formed around access to justice, and the platform work directive.

type	No problem or does not exist		Very problematic	
Access to justice	8	AT CZ ES FR IT MT SM	9	BG DE FI HR IE LU NL RS SI
Access to collective bargaining	15	AT CZ DE FR IS IT LI LT NL NO SE SM	8	BG EL HR HU IE LT RS SI
Deregulation of collective bargaining	13	AT BG DE IT LI LT MT NL NO SE SM	12	BG EL FI FR HR HU IE IT LT PT RS
Migrant workers	5	BG IT PT SM	7	DE HR IS IT LT
Third-country migrants	3	RS SM	15	AT DE ES FR HR HU IS IT LT LU NL PT
Non-competes	16	CZ DE FR HR IE IS IT MT PT RS SE SK SM	2	HU NL
Platform work directive	11	CZ ES HR IE IT LT MT PT SI SM	5	AT DE HU IT NL

Respondents also mentioned other issues affecting their national situation. A diminishing of the right to strike and strict minimal service was mentioned in Lithuania, while Germany mentioned a decline in coverage of collective bargaining with lacking means to raise it again, and Estonia

mentioned no sectoral trade unions in construction and agriculture. Hungary mentioned very weak social dialogue at national level. Malta mentioned employers stopping employees from organising. Serbia mentions the legal framework being changed under pressure of employers' organisations (and foreign investors) leading to deregulation and weakening unions' positions.

A lack of enforcement was mentioned in Portugal, Italy, Germany, Netherlands (as a political choice), and Italy (particularly in the context of undocumented work). Iceland mentioned no enforcement against wage theft and exploitation.

Wider issues supporting precariousness such as benefits cuts (France and Netherlands), precarious jobs (Spain) , erosion of wages (France, Germany), seasonal structure of economy and small firm presence with low quality institutions (Croatia), housing (Iceland).

Undocumented and illegal work was mentioned as well in Bulgaria and Italy.

From these other points as well there is a clear threat to collective bargaining and workers' rights, along with a lack of enforcing existing regulation. This particularly aggravates precariousness as it already exists for vulnerable workers (and aggravated by worsening social environment through cutting benefits).

3. Recent changes

Respondents were asked whether precariousness increased and if so, whether this was more a case of weak legislation, or a lack of enforcement. This is strongly related to the previous section. 5 of the respondents (for four countries) responded that there had been no increase in precariousness – Norway, Poland, Sweden, and San Marino. At least one respondent in the other 22 countries did see a worsening over time. Most respondents attributed this to a lack of enforcement (16 + 6 = 22) while for 14 (8+6) it was a case of a weak legal framework. One Italian respondent mentioned that the type of precarity is very cyclical and depends on the demand for labour and fluctuations in the labour market more than anything else.

Type	Nr cases	Countries
no increase	5	NO PL SE SM
weak legal framework	9	EL FR HU IE IS LI LT RS SM
lack of enforcement	18	BE BG CZ DE EE ES IT LT LU MT NL PT SI SK
both	6	AT FI FR HR IT
other	1	IT

Respondents were then asked whether there were recent changes to the legal framework on labour rights. For 8 respondents and countries there had been no changes in the legal framework recently. However, 11 respondents mentioned labour standard had been weakened (Bulgaria, Czechia, Estonia, Finland, France, Hungary, Italy, Serbia), and 17 respondents mentioned labour standard were strengthened. Maybe need to follow up as Sweden and Lithuania report both no changes and strengthening, Italy and Bulgaria a weakening and a strengthening, and France no change and weakening. This does also indicate that it is difficult to pinpoint in case of multiple changes.

type	Nr cases	countries
No changes	9	AT EL FR IS LI LT LU NL SE
Weaken labour standards	11	BG CZ EE FI FR HU IT RS
Strengthen labour standards	19	BE BG DE ES HR IE IT LT MT NO PL PT SE SI SK SM

The 19 respondents who reported an improvement were asked to mention which actors contributed to the strengthening. All of them reported trade unions were instrumental in the change. For the majority this was in conjunction with government, but two respondents (Belgium and Portugal) highlighted going through the courts and court cases.

nr_cases	type	countries
2	Courts (court cases)	BE PT
19	Trade Unions	BE BG DE ES HR IE IT LT MT NO PL PT SE SI SK SM
17	Government	BG DE ES HR IE IT LT MT NO PL SE SI SK SM

The respondents were also asked to expand on their response. These responses are very valuable and rather detailed. Several respondents highlight to the well functioning of social dialogue in general at the national level – in Spain 12 agreements were signed [10 by all parties] between social partners and government in this legislature, and wages were raised; in Sweden the biggest labour market reform was signed in 2022 by social partners with more flexible rules, greater employability (training and skills) and greater employment protection for workers in atypical employment) ; Malta reports a very strong and effective social dialogue.

Others point towards government-initiated action with trade union input. Germany paints a mixed picture with improvement on temporary agency work and subcontracting (but limited) through an active role by the trade unions and the raising of the minimum wage. On the other hand Germany expresses concern about the extension of the scope of minijobs. They highlight that courts can help but do not allow collective action law suits (and that inspection is too little centralised). In Croatia trade unions effectively advocated for amendments in the new labour Act (driven by the government). Portugal mentions the unions fight for improving labor legislation but governments legislate in the opposite direction and give in to trade union rights. In Belgium new rules were introduced on platform work, but it is not certain yet how well these work. Poland and Bulgaria mention changes being made by the government to resp social dialogue, and remote work / telework

Some of the respondents also mention the contribution to transposition of EU directives. In Bulgaria the unions participated in transposing Work-life balance and Distant work directives. In Slovenia as well there was discussion on law of labour relations as two EU directives had to be implemented, and unions were included in these discussions.

4. Actions taken nationally

Respondents provided an overview of the different actions their unions took to combat precariousness. The responses are very rich and detailed and worth studying in detail. I have provided some summary around the main themes that come out, although of course they overlap. First, the most common actions were on the one hand lobby work towards the governance and especially providing a counterweight towards deregulation coming either from a right-wing government or employers' organisations. This is then about representing the workers' side, and was mentioned as a main activity by nine respondents (Czechia, Spain, Finland, Italy, Lithuania [2], Netherlands, Poland, San Marino, Slovenia). 7 respondents mentioned being involved in law changes or legislation (Sweden with new law, Portugal involved in discuss on changes to labor law, Lithuania working to adopt and amend new labour laws), Liechtenstein providing standard employment contracts and pushing for adherence to directive; Bulgaria on legal framework for platform workers; Iceland where employers can be banned from running a company). A further 9 respondents also work through controlling and upholding existing regulation, sometimes by collaborating with labour inspectorates, or by pushing for actions or penalties for companies where abuses happen (eg France, Spain, Portugal;., push for controls in Lithuania, Liechtenstein; judicial legislation in Italy). The third most mentioned activity consists of acting through collective agreements to improve working conditions (Sweden, Netherlands, Lithuania, Italy, France, Spain). Several respondents highlight actions aimed at organizing difficult to reach workers, such as platform workers (Austria, Belgium, Croatia,) or other vulnerable workers (France, Hungary, Malta). Similarly, several unions mention advise and support offered to specific groups of vulnerable workers on their rights (Austria for undocumented migrants, Belgium for temporary workers and migrants, Bulgaria for seasonal workers, Germany [DGB] for migrant workers through counselling, Hungary). A further 6 respondents mentioned awareness campaigns (Norway, Germany, Italy [2], Estonia, Croatia), and 5 mention strikes and specific actions to affect public sentiment and the government plans (Croatia, Finland, Greece, Italy [2]).

Respondents also reported the actions they would like to see taken at national level. This provides very detailed information with specific proposals. One issue that comes up is an improvement of collective bargaining, measures to increase trade union membership (eg Malta – opt-out system; Serbia – better training) and inclusion of trade unions in decision making (Serbia, at the same level as foreign investors). A second issue is the need to strive for more standard contracts, in general but also for specific groups such as unpaid interns or trainees. 9 of the respondents mention specifically a need to change existing regulations and labour law. 11 of the respondents point to a lack of enforcement and a need to strengthen inspections or penalize abuse more harshly. 4 respondents mention an extension of labour law to also include non-standard workers (self-employed, unpaid trainees, ...).

5. What to do at EU level?

Type of action	Number of responses	countries
Awareness raising campaign	18	AT BE BG CZ EE EL HU IS IT LI LT MT PL RS SE SI SM
Better enforcement of existing regulation	19	AT BE BG CZ DE EE EL ES FI FR HU IT LT LU MT NL SI

New regulation	15	AT BE BG ES FI FR IT NL PL PT SI SM
Review of the existing regulation/directive	14	AT BE BG EL ES FI FR HU IS LI LT NO PT SM
Transposition of the existing directive	13	BG ES FI FR HU IE IT LI LT
Other	5	DE EE ES HR SE

Respondents were asked what actions could be taken at EU level. This table groups the responses into different categories. The most popular responses are the call for an awareness campaign and a call for better enforcement of existing regulation – which is in line with earlier mentioned responses that a major issue is that the existing rules are abused and not enforced. Each of these is mentioned by 18 respondents. 15 Respondents mention a need for new regulation, while 14 call for a review of the existing regulation or directives. These countries overlap to a large extent, although Italy, Netherlands, Poland, and Slovenia ask for new regulation but not a review of existing rules; and Greece, Hungary, Iceland, Liechtenstein, and Norway ask for a review of the existing regulation or directive and not for new regulation. Finally, 12 members request EU action aimed at the transposition of existing directives. 5 responses fell out of these categories.

The DGB (Germany) mentions a call for international co-operation and requests European funding for a trade union related counselling network for mobile workers (which is in line with several of the actions already taken at national level to inform mobile workers and migrants of their rights). The UGT (Spain) mentions the European Plan for Young Workers. Relatedly, Estonia mentions youth initiatives for collective solidarity action. LO Sweden does not want new or amended legislation, but would support awareness raising campaigns as long as they are discussed and approved by concerned member organisations (LO Sweden prefers to address the issue of precariousness through collective bargaining at national and sectoral level and not have too much legislation or regulation, this comes out in earlier responses as well).

Respondents were then asked to elaborate. Several themes come up. First, need for revision of the posted worker directive and cooperation on cross-national mobility (BE, AT, IS, mention the directive directly but also DE and others speak about seasonal work and migrant labour). Second, help with the transpositions of the minimum wage directive (particularly also on improving collective bargaining) [LT, ES, DE, FR], and platform work directives [BE, ES, FR, EL – calling for tripartite dialogue, BG – also calling for ILO standards on digital workers; IT – particularly on AI regulation], . In this vein there is also a call for applying ILO conventions and focusing on correct classification of work (standardisation overall) also beyond platform work (e.g. for unpaid trainees or interns, also mentioned in Italy). There are very detailed proposals on specific directives that could be re-opened (working time, temporary work, part-time work, seasonal work) from some organizations, but rarely widely shared. There is also a call for a greater focus on worker status in general, but also minimum income schemes. A returning call is also for strengthening ELA. A returning call for attention to outsourcing and subcontracting. Several respondents also point to the need to tackle these issues at the national level (Czechia sees major hurdles in Czech legislation; Sweden prefers to act through collective agreements; Slovakia mentions EU legislation is sufficient and it is at national level that action is needed).

Summary

Precarity of work, and abuse of the different types of non-standard statutes, are seen as a major issue in most countries. There are some country-specific issues (minijobs, zero-hour jobs, ...) but several issues such as dualization where young people and migrants are at a disadvantage, temporary agency work that is abused, and insecure contracts are widely shared. While the respondents indicate that many of the levers to address these issues are at the national level, and many of the respondents already act on these through a variety of actions (ranging from campaigns, lobbying, to strikes, and to specific support for vulnerable groups) there is a desire for European action. Most respondents would support awareness raising campaigns and a push for better enforcement of existing regulation for instance by supporting ELA or coordinating more. There is also a desire for collaboration, particularly on the issue of mobility. Several respondents also indicate that they would like to coordinate the transposition of recent directives (platform work directive – so that it is as consistent and effective as possible; the minimum wage directive and particularly the action plans to increase collective bargaining coverage). There are also mentions of reviewing and possibly revising some directives (seasonal work, temporary work, working time) which are seen as inadequate. Here however opinions are divided, as for some respondents there is no desire for European action.

Appendix – list of respondents

Country	Confederation	Name
AT	ÖGB	Nikolai Sokup
BE	ACV-CSC Confederation	Nathalie Diesbecq
BG	Confederation of Independent Trade Unions in Bulgaria	Todor Tomov, Chief expert-jurist
BG	Confederation of Independent Trade Unions in Bulgaria (CITUB/KNSB)	Plamen Dimitrov
BG	PODKREPA CL	Veselin Mitov
CZ	ČMKOS	Jana Maláčová
DE	DGB	Martin Russell Varga
EE	Estonian Trade Union Confederation (EAKL)	Evelin Tomson
EL	Greek General Confederation of Labour	Panagiotis Kalogerakis
ES	Confederación Sindical de Comisiones Obreras	Ana I. Santana
ES	UGT	Juana Gregori
FI	SAK, STTK and Akava	Alli Tiensuu
FR	CFDT	Eric Mignon
FR	Force Ouvrière (FO)	Romain LASSERRE
FR	UNSA	Jérôme Leleu
HR	SSSH - UATUC	Suncica Brnardic
HU	Szakszervezetek Együttműködési Fóruma (SZEF)	János Véber
IE	ICTU	Lisa Wilson
IS	Icelandic Confederation of Labour	Saga Kjartansdóttir
IT	CGIL	Cristano Zagatti
IT	CGIL	Rossella Marinucci
IT	CISL	Nicoletta Merlo
IT	UIL	Antonella Pirastu

LI	LANV Liechtenstein workers association	Sigi Langenbahn
LT	Lithuanian Trade Union Confederation	Ausra Januskeviciute
LT	Lithuanian trade union „Solidarumas"	Lukas Čapas
LU	OGBL + LCGB (Secrétariat européen commun de l'OGBL et du LCGB)	Katia Neves
MT	General Worker's Union	Kevin Camilleri
NL	CNV	Margo Molkenboer
NO	Landsorganisasjonen i Norge	Elise Helene von Hirsch
PL	NSZZ Solidarność	Daniel
PT	CGTP-IN	Catarina Morais
RS	Confederation of Autonomus Trade Union of Serbia	Sanja Paunović
SE	LO Sweden	Hanna Björknäs
SE	TCO - The Swedish Confederation of Professional Employees	Håkan Gustavsson
SI	Zveza svobodnih sindikatov Slovenije - ZSSS	Mojca Žerak
SK	Confederation of Trade Union of Slovak republic	Miroslav Hajnoš
SM	Confederazione Sammarinese del Lavoro (CSdL)	William Santi
SM	USL	Francesca Busignani