Adding the social security lens: Mapping the social protection coverage for platform workers

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7 November 2022
... Collaboration arising out of two projects

- A brief introduction
- ResPectME Project - ERC grant (prof. dr. V. Pulignano)
  - A new theoretical model of, and a measurement approach and monitoring tools for, precariousness at the paid and unpaid work continuum
  - Incl. focus on platform work (interviews)
- Horizon+ project Working Yet Poor
  - Situation of 4 VUP Groups in 7 EU countries
  - Increasing trend of in-work poverty in the EU
  - Comparative report on social security (KU Leuven)
Social security coverage for platform workers?

Income security

Job security

Employee

(Unitary) employer

Full-time and open-ended employment

Difficult to apply to traditional income-replacement to non-standard work

E.g. part-time work, fixed-term work, etc.

Standard employment relationship for social security purposes

(regardless of the social security scheme)
Why need for collaboration?

Difficulties in understanding the group of platform workers and the problems they face

- More in-depth analysis of the social protection coverage platform workers
- Need for data
- Need for legal analysis
Aim of the collaboration

• An emerging trend to regard workers on-demand via app as an employee, due to …
  • National case law
  • Legal initiatives clarifying the labour status (e.g. proposal for an EU Directive)

• What does that mean for social security?
  • Irregular work patterns, unpaid labour, low income, etc. = could still lead to obstacles in receiving an adequate social security protection

➔ Try to map the obstacles in the social security protection provided for employees on platforms
What will we (try to) do?

- Review social security legislation
  - Income-replacement protection in case of unemployment
- 4 countries
  - Different types of social security schemes
  - Belgium, Italy, **Poland** and the Netherlands
- Employees on-demand via an app/platform
  - Why (see next slide)?
- Legal framework: EU Council Recommendation access to social protection
Research focus: employees working on-demand via an app

- variations across platform work
- ongoing debates and changes around labour status of these workers
Part I – Review of legislation

- Legal status
  - (Brief) discussion if platform workers are employees or self-employed persons in national legislation
- Formal access
  - Unemployment scheme in place?
  - Open for platform workers as employees?
- Effective access
  - Qualifying periods
  - Duration of benefits
- Adequate access
  - Unemployment benefits = often % previously earned income
Legal status

• Legal qualification = point of discussion

• Different court cases – outcomes?
  • Some trends
    • Self-employed persons (BE)
    • Temporary agency work (NL)
    • Employees (NL and IT)
    • Employees-like (IT)

• New legislation – Belgium (September ’22)
  • Builds on proposal for a directive (and goes further)
What if we apply legal protection for employees?

- Formal access for unemployment?

<table>
<thead>
<tr>
<th>BE</th>
<th>IT</th>
<th>NL</th>
</tr>
</thead>
</table>
| ✓ But…
1) De Croo Scheme
2) 12 hours a week | ✓ But …
1) Own-account work (no social security contributions and limited tasks, that does not exceed threshold 5.000 EUR) | ✓
1) Extension for employee-like persons (“economic dependency”)
… De facto opt-out |
| But …
1) Exclusion – domestic workers (if threshold days per week are not met) |
What if we apply legal protection for employees?

- Effective access for unemployment?

<table>
<thead>
<tr>
<th>Qualifying period</th>
<th>BE</th>
<th>Flexibility?</th>
<th>IT</th>
<th>Flexibility?</th>
<th>NL</th>
<th>Flexibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days (flexible work forms)</td>
<td>• Days of inactivity can be taken into account</td>
<td>• Longer reference period for part-time workers</td>
<td>• Weeks (13 weeks – period of 4 years)</td>
<td>• Contribution week ⇒ working week</td>
<td>• Must have performed work – at least 26 weeks (36 weeks)</td>
<td>• No limited n° of hours</td>
</tr>
<tr>
<td>But:</td>
<td>• Marginal work (if no days of inactivity)?</td>
<td></td>
<td>• Irregular work patterns</td>
<td></td>
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</table>
What if we apply legal protection for employees?

• Effective and adequate access for unemployment?

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<th>IT</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Amount</strong></td>
<td>• Minimum benefits</td>
<td>• No minimum benefits</td>
<td>• Social minimum</td>
</tr>
<tr>
<td></td>
<td>• Pro rata hours worked</td>
<td>• Decrease over time</td>
<td>• Link with hours worked</td>
</tr>
<tr>
<td><strong>Duration</strong></td>
<td>• Unlimited in time</td>
<td>• Linked with previously worked periods (1/2 contribution weeks)</td>
<td>• Linked with previously worked periods (min. 3 months)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Extension if min. amount worked: 208 h over last 4 years (max. 24 months)</td>
</tr>
</tbody>
</table>

Uncertainty about:
• Income
• Marginal work
• In-between jobs
• Unpaid labour
Unemployment as a wage supplement?

- New trend?
  - BE
    - Part-time unemployment
  - NL
    - Relevant for fluctuating employment contracts
    - Loss of working hours = min. 5 hours a week
      - Specific rules for employees working less than 10 hours a week
  - Italy
    - Pilot project (self-employed gestione separata)
    - Drop in income (50%)
Part II - 16 Ideal Types of Platform Workers

- 4 dimensions:
  1) Sectors
  2) Employment status
  3) Working time
  4) Income level
Part III – legal analysis

- Formal access
- Effective access
- Adequate access

... applied to the 16 ideal types of platform workers