

# WELCOME BACK!

1

## AFTERNOON AGENDA

13.00 – 14.00

### ***Lessons learned until now – labour inspectorates***

*What are the specific challenges regarding GIG for labour inspectorates?*

- *Iceland*
- *Finland*
- *Sweden*

14.00 – 14.40

### **Short break and work shop – country wise**

Conclusions to be put down in writing

14.40 – 15.20

### **Reconvene and each country presents their findings**

15.20 – 15.30

### **Summing up and final remarks**

# Lessons learned until now – labour inspectorates

2

## ▶ Iceland

- Sandra Heimisdóttir

Vinnueftirlitið | Administration of Occupational Safety and Health

## Finland

- Riku Rajamäki

Regional State Administrative Agency for Southern Finland/Division of Occupational Health and Safety

## ▶ Sweden

- Sara Svensson, Mattias Karlsson

Swedish Work Environment Authority

- Lisa Hemph and Rebecca Filis

Swedish Public Employment Service & Swedish Tax Agency

# GIG-economy and labour inspection in Iceland

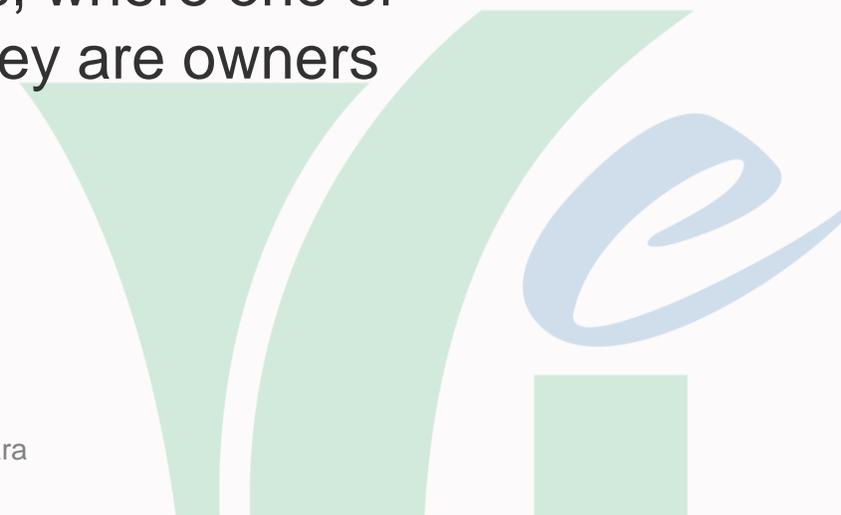
Sandra Heimisdóttir

Administration of Occupational Safety and Health



# Administration of Occupational Safety and Health in Iceland (*Vinnueftirlitið*)

- » Act on Working Environment, Health and Safety in Workplaces, no. 46/1980
  - » Article 2(1): “This Act covers all activities, where one or more persons are employed, whether they are owners of the enterprise or employees.”



# Specific challenges regarding GIG for labour inspectorates

- » Lack of data
- » Identification
  - » Platform workers
  - » Self-employed
- » Timeframe of projects
- » Location of physical work environment
  - » Temporary
  - » Homes
  - » Own personal space
  - » Other spaces, e.g. cafés



Thank you for your attention!



**VINNUEFTIRLITIÐ**

FRUMKVÆÐI • FORVARNIR • FAGMENNSKA

# Gig Economy – with focus on “light entrepreneurship” at inspections



Aluehallintovirasto  
Työsuojelu



@tervettatyota

Regional State Administrative Agency for Southern  
Finland/Occupational Health and Safety  
Senior Inspector Riku Rajamäki





## Specific challenges

- Intensive marketing on “light entrepreneurship’s” benefits
- From labour inspectorate’s perspective, a new tendency to turn normal paid work into entrepreneurship – to the situations where it doesn’t fit
- Most common sectors where “light entrepreneurship” seen problematic: construction, cleaning, car washes, restaurant



## Specific challenges

- Several cases where in paper self-employed foreign persons have thought to be in an employment relation => often no real characteristics of entrepreneurship
- Important consequences to "light entrepreneurs":
  - ❑ Residence permits, social security benefits, accident insurance etc.
  - ❑ Work discrimination not applicable to entrepreneurs
- Often "light entrepreneurship" as a way to avoid compulsory employer's fees



## Case example: food couriers

- Several reports from other authorities to LI of Southern Finland about foreign food couriers without any permit to work and reside in Finland
- Labour legislation and Finnish Aliens' Act concerning employers applicable only when employment relation
- Inspections to two separate food courier companies in order to establish whether employment or entrepreneurship
- Assignment contracts between food delivery companies and food couriers



## Employment contracts definition in Finland

- " This Act applies **to contracts** (employment contracts) entered into by an employee, or jointly by several employees as a team, agreeing **personally** to perform work **for an employer** under the **employer's direction and supervision** in return **for pay or some other remuneration.**"
- All criteria must be met if employment relation



## Case example, food couriers: findings of inspections

- Assignment contracts between food delivery companies and food couriers with predefined set fees
- Electronic applications used by couriers where they could accept delivery assignments
- Food delivery companies' point of view: not an employment relation as work not done under the direction and supervision of the company
  - Other criteria matched with Finnish Employment Contracts Act



Aluehallintovirasto  
Työsuoja

# Case example, food couriers: Labour Council's opinions

- LI of Southern Finland asked Finnish Labour Council for opinions about the applicability of Finnish Working Hours Act to food courier companies' inspections
  - ❑ Labour Council cannot give legally binding interpretations; however, they have value in legal processes
  - ❑ Working Hours' Act only applies to employment relations => therefore Labour Council needed first to establish whether work was done in employment relation
- After 9 months, Labour Council gave opinions on both cases, they voted on their opinion (6-3 in favour of employment relation)

# Case example, food couriers: Labour Council's opinions

- Labour Council's main points in opinions:
  - ❑ If willing, do the companies have a **possibility** to influence the way couriers carry out their work, time and place after the gig has been accepted?
  - ❑ If willing, do the companies have a **possibility** to supervise that couriers act according to instructions given by company?
  - ❑ Labour Council with 6-3 decision: digital application allows companies to direct and supervise couriers' work, couriers had written instructions on how to make deliveries



# Case example, food couriers: Labour Council's opinions

- In general, Labour Council saw no clear signs of entrepreneurship:
  - ❑ Food couriers' services not offered simultaneously to many delivery companies in practice
  - ❑ Couriers didn't negotiate delivery fees with companies
  - ❑ Fees offered to couriers not on such a high level, that pension and insurance fees could be thought to be covered by couriers themselves
- Disagreeing opinions in Labour Council: 3 voted from employer's side in favour that direction and supervision criteria didn't exist in these cases

# What's next with the cases?

- Improvement notices on working hour register given in inspection reports to the companies
- Deadline of improvement notices expiring in May-21 (6 months' time to start obeying improvement notices)
- If not obeyed, then administrative process where companies can be obliged to start obeying improvement notices
  - ❑ Employers do have the possibility to appeal to administrative court on the decisions
- It is probable that the companies might still question the outcome => appealing highly probable



Aluehallintovirasto  
Työsuojelu

# New ways of organising work

Swedish Work Environment Authority

2021-02-17

Mattias Karlsson och Sara Svensson



# The project: new forms of organising work

- A government assignment to be reported back in February 2022 (extended due to corona)
- The purpose is to gain knowledge of whether the work environment is satisfactory in this type of work.
- The aim is to test whether the work environment legislation in its current form is sufficient to make demands for improvements where necessary.
- Two inspectors, a project manager, a lawyer and a communicator.
- Project Directive 2018/035377.
- Limited to the Work Environment Act (AML) with a focus on systematic work environment work (SAM).

# Inspections – the way it works

## A regular inspection:

We meet an employer at the workplace where the employer knows what the employee is working on and where the work is performed. We also meet workers.

We know that the Work Environment Act and our regulations apply to the employer.

## Inspections of digital platforms and self-employment companies:

We meet the owner / owners of the company, but never see the workplaces where the work is performed. We do not meet those who do the work.

Several of the companies we have met would like to know what applies and what responsibility they have.

In this project, we do not know if the Work Environment Act applies.



# Inspections done so far

- We have carried out 25 inspections, most of which have led to demands for action.
- Since March 20, 2020, no inspections have been carried out due to pandemic.
- 3 businesses have been fined: 2 digital platforms and 1 self-employed company.
- The digital platforms have appealed the decision with justification as to why they do not consider themselves to have employer responsibility for the work environment.
- The requirements are set on the basis of the regulations on systematic work environment work, AFS 2001:1.
- The decision against the self-employment company has been revoked due to a ruling from the Court of Appeal in October 2019. The Swedish Work Environment Authority appealed the ruling, but the Supreme Administrative Court decided in January 2021 not to grant leave to appeal.

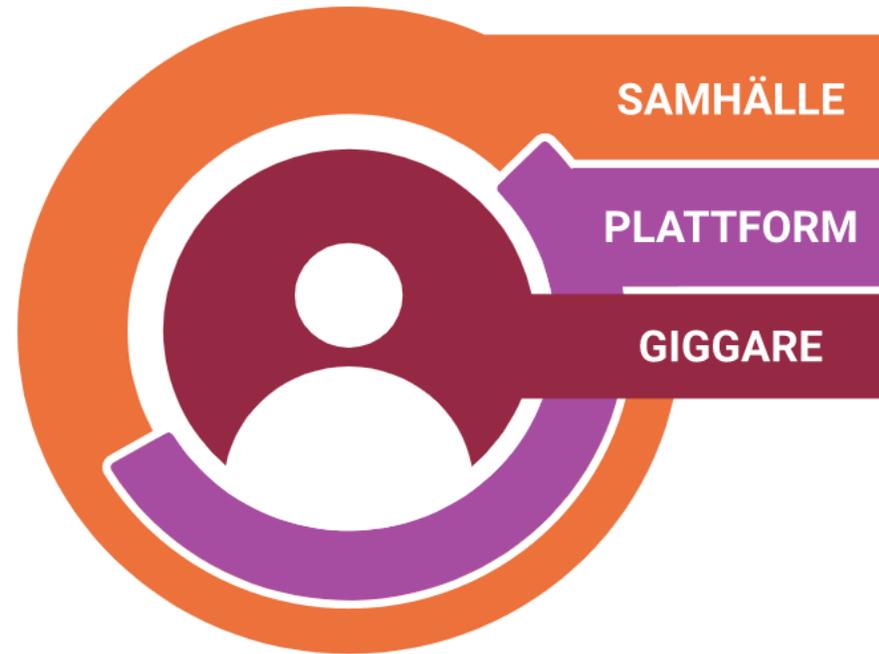
# Challenges

- Difficult to assess responses to risk assessments.
- Post-registered assignments.
- Some have the will to do the right thing but do not know how to.
- Foreign-registered companies.
- We do not meet contractors / workers.

## What happens now?



- We will carry out distance follow-ups on the companies that have received demands to follow requirements from our side.
- We will resume physical inspections when the situation in society allows.
- Two companies have appealed the injunctions with a fine and these appeals have been forwarded to the administrative court.



Giglab Sweden is a policy initiative advocating sustainable growth of the gig economy in Sweden

**Webinar, 17 FEBRUARY 2021**

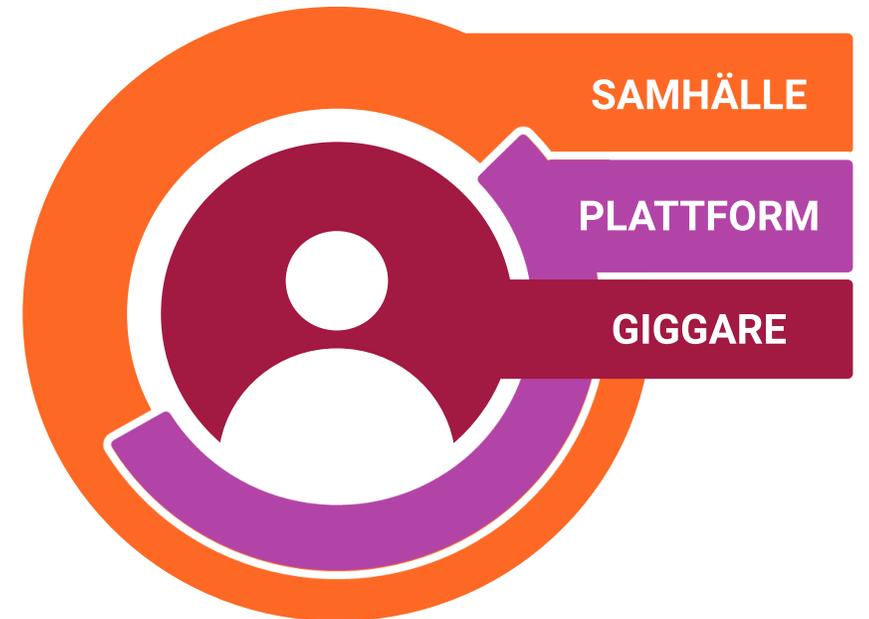
# INTRO

## 1. **Rebecca Filis** – Swedish Tax Agency

- Head of the Tax Agency's task group for the analysis of how the Sharing Economy effects the tax system, and has since then been engaged in questions concerning the tax challenges that appears in new business models and gig economy.

## 2. **Lisa Hemph** – Swedish Employment Service/Jobtech dev

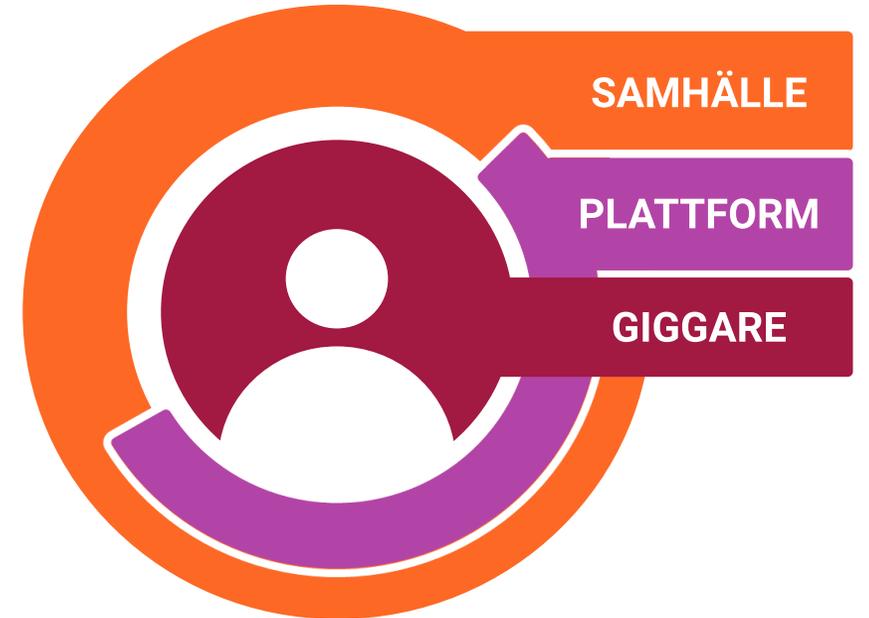
- Focus on dataportability in the gigeconomy and “How online reputation scores within the gig economy may contribute to a more inclusive labor market and increasingly empowered workers”



# GIGLAB SWEDEN

Giglab Sweden is a national policy lab and a collaboration between Jobtech dev/Swedish public employment service, The Swedish tax authorities, Coompanion, Stockholm School of Economics and SVID, the Swedish Industrial Design Foundation.

Our ambition is to work together for a sustainable growth of the gig economy in Sweden.



# OBJECTIVES

- Developing a body of knowledge on sustainable solutions for gig workers, by testing prototypes and using the outcomes to support discussions about policy options in the gig economy.
- Input in ongoing work towards Agenda 2030, focus on better working conditions and digital infrastructure linked to the gig economy
- Basis for continued internal work at the authorities linked to the gig economy
- Empirical basis for research in the field of gig economics, conducted by Postdok researcher Claire Ingram Bogusz at the Stockholm School of Economics

# MAPPING USING SYSTEM APPROACH

During 2020, we have mapped obstacles/challenges within the **Gig Economy system**; through [giglabsverige.se](https://giglabsverige.se) and four digital workshops.



**To create an understanding of the perspectives of different actors.** Identify measures in order to achieve change in the system for a sustainable gig.

# **SUSTAINABLE COMPONENTS**

## **Power balance**

Sustainability in the balance of power between platforms/gigworkers

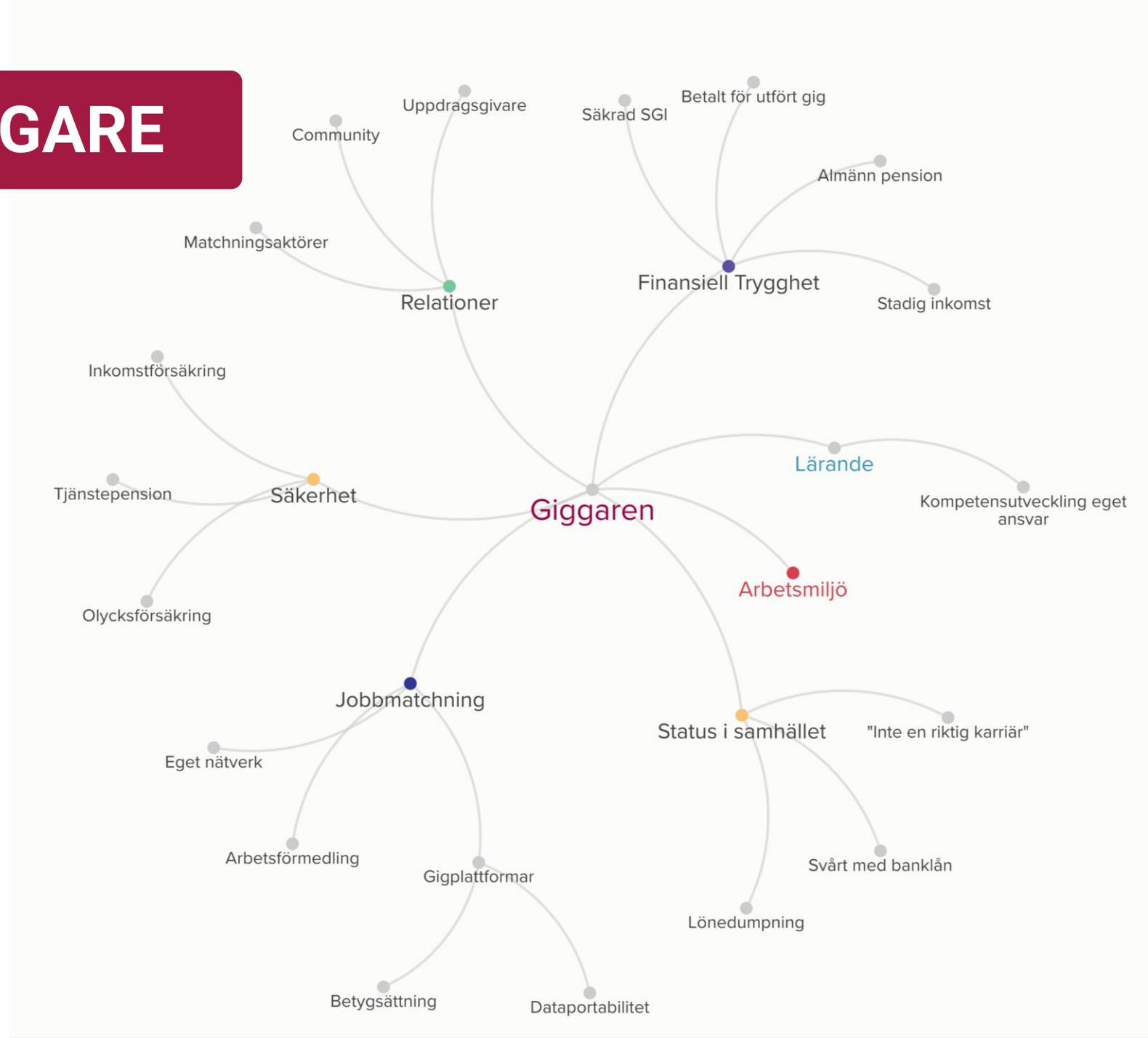
## **Social security**

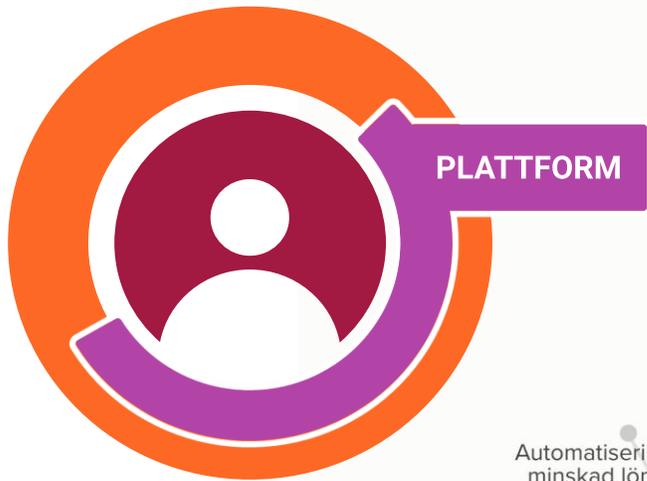
Sustainability in the transformation to more adapted security systems including gigworkers .

## **Lifelong learning**

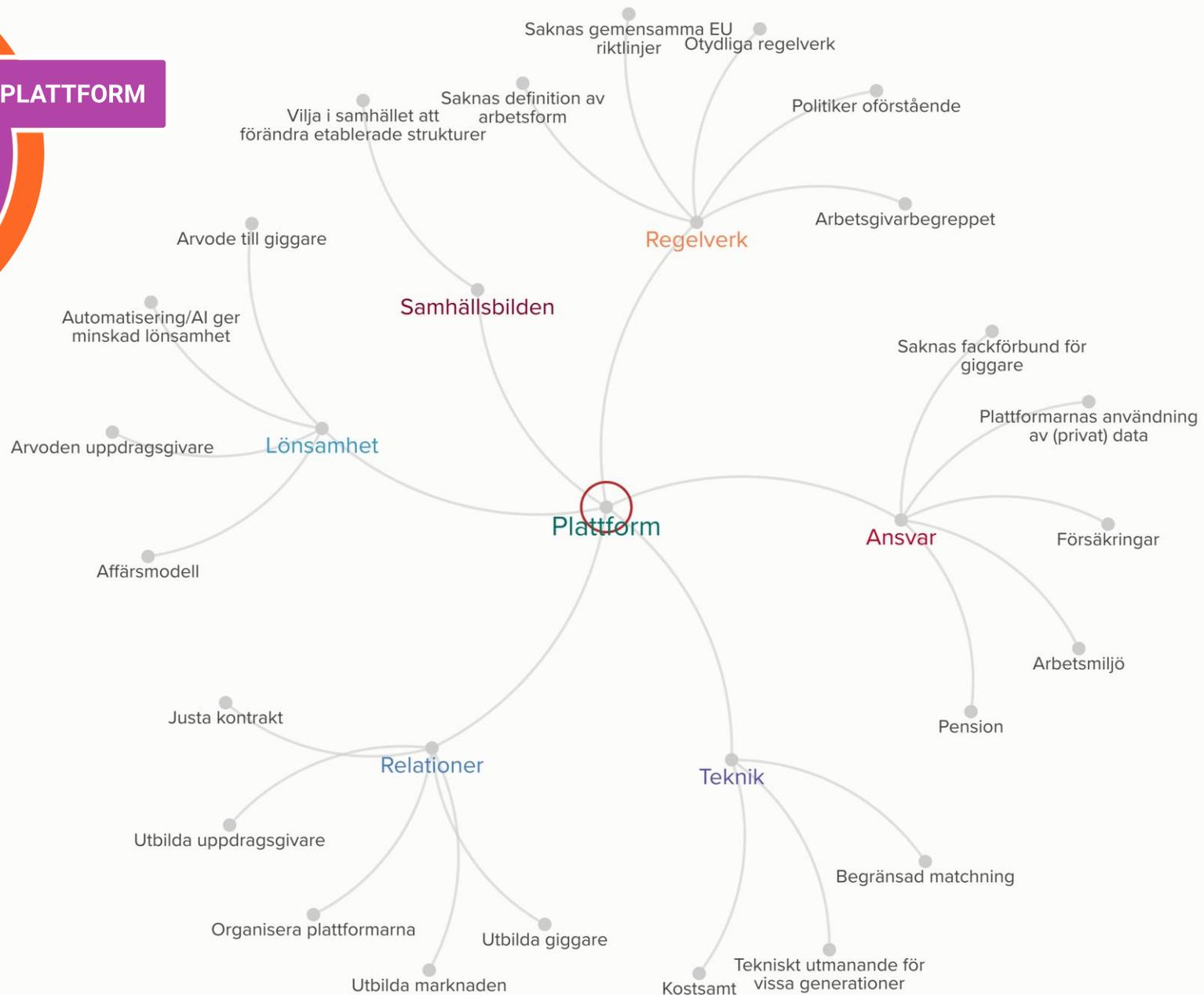
Sustainability to embrace opportunities to achieve lifelong learning.

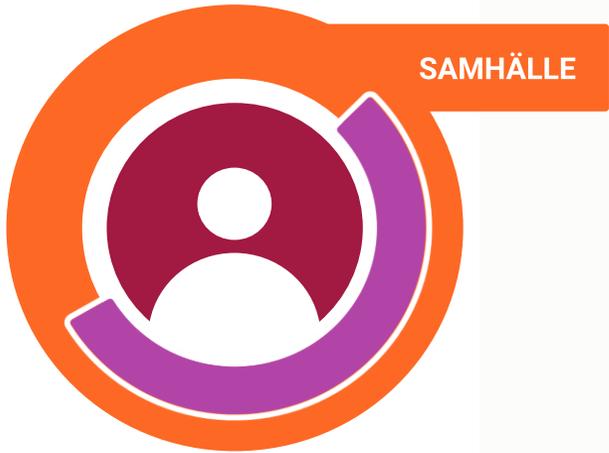
# GIGGARE



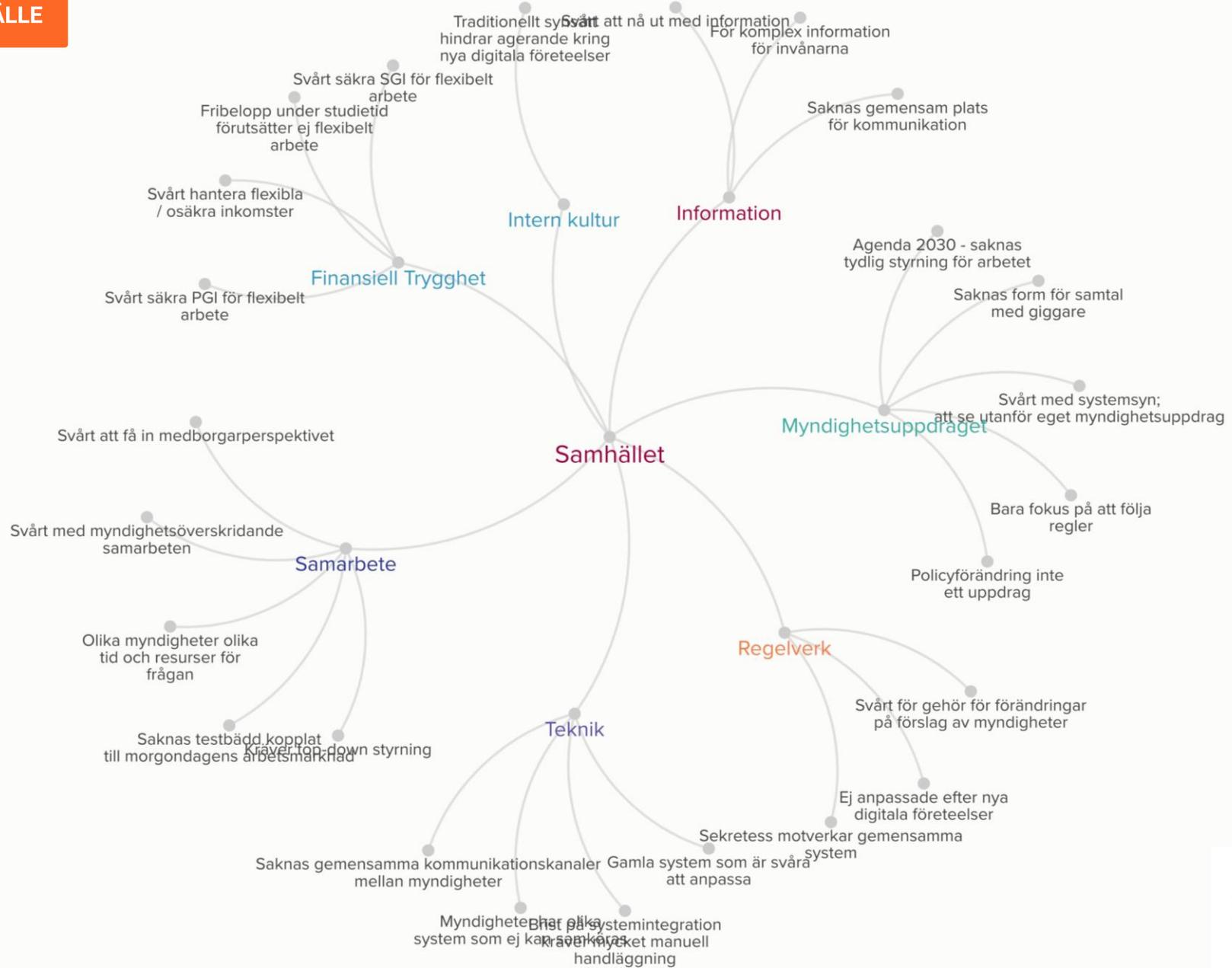


PLATTFORM





**SAMHÄLLE**



# EXAMPLES OF PROPOSALS

- A joint portal for cooperation, discussions, development and test beds
- Explore a new Swedish model for the labour market
- Union for gigworkers
- A new model of skillsmapping for sustainable digital matching

# NEXT STEP

**Giglab Report to be launched in February**

Let us know if you are interested to continue the dialouge. Contact:  
[rebecca.filis@skatteverket.se](mailto:rebecca.filis@skatteverket.se), [lisa.hemph@arbetsformedlingen.se](mailto:lisa.hemph@arbetsformedlingen.se)

[www.giglabsverige.se](http://www.giglabsverige.se)

**THANK YOU!**



**G I G  
L A B  
Sverige**



# Questions at hand

- ▶ What are the challenges that we should prioritize at inspections (“GIG-working environment”)? What measures should be taken?
- ▶ What are the specific obstacles to overcome for successful national cross-agency inspections and activities regarding GIG? How do we establish good cooperation? What kind of tools should be used and why/when? E.g. by prevention, deterrence?
- ▶ What is the added value of finding a well-functioning cross-border collaboration regarding GIG?
- ▶ Tripartite cooperation, how do we engage social partners to be active?



# Welcome back!

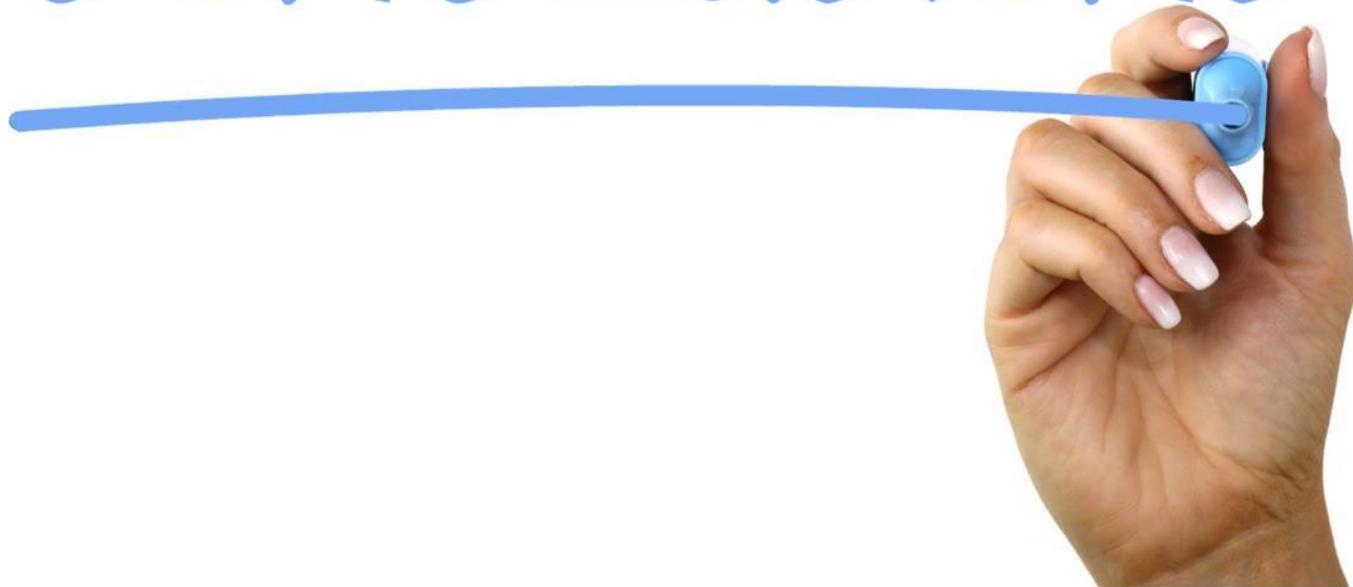
37

## Was it a good discussion?

- ▶ Estonia
- ▶ Latvia
- ▶ Iceland
- ▶ Finland
- ▶ Denmark
- ▶ Sweden
- ▶ Norway



# CONCLUSIONS



# End of the day...finally...

39

Thank you for attending – you will receive this presentation via e-mail – together with a written summary of today's presentations and conclusions.

**Please stay in touch!**

