

What is GIG-economy and how does it affect labour inspectorates?

GIG-economy - a free market system with temporary positions and independent workers are hired for short-term commitments

Increasing knowledge and capacity building by learning from each other

Minutes from Webinar 17th February 2021

In February the Nordic Baltic Undeclared Work Project hosted a webinar with a strong focus on practical examples and discussions in-between several different authorities, from both Nordic and Baltic countries. The focus was on the need for common understanding and capacity building amongst labour inspectorates when it comes to safe-guarding a healthy work environment for those who work within the GIG-economy. The webinar provided participants with both increased knowledge and tools by discussing what we as labour inspectorates can do, and what needs there are – drawing upon practical examples and the recent research.

The day was divided in two parts – in the morning there was a broader audience, and in the afternoon the focus was on labour inspectorates presenting and discussing the topics amongst themselves. The afternoon presentations can be found in this report, but the results from those workshops are presented in another report and only shared internally. Statistics and other details presented in these minutes could be subject to changes, and comparisons in-between countries are hard due to lack of data – for further clarifications please contact the country representative.

See appendix 1 for agenda and 2 for invited participants.

The Nordic and Baltic countries are very committed to the task of tackling undeclared work. We see it as crucial to establish good collaborations with all EU member states for the success of this, but especially between ourselves due to geographical proximity. We share many of the challenges that can be identified on the European labour market today, and facilitating the transition from undeclared work to formal work is one of the most important for us all.

The commission has granted a joint project in-between the Nordic countries and Estonia and Latvia focusing on undeclared work that started in February 2019. The project has four themes: (1) joint cross-border inspections, (2) evaluation and effect analysis, (3) communication and information and (4) co-operation with social partners and other national authorities.



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Morning session

The Nordic-Baltic Undeclared Work Project (UDWP) was presented to the attendees, which commenced with a pilot project in 2017, and was made up of experts from the Nordic countries, Sweden, Norway, Denmark, Finland, and Iceland. Funding for the project was provided by the European Union. The project then received a second funding from the European Union to continue its work through 2019 and 2020, with the inclusion of Estonia and Latvia. Due to the global Covid-19 pandemic, the project has been extended into the spring of 2021. The project leader is Mattias Hellberg of The Swedish Work and Environment Authority. The project's objectives are to share good practices, establish networks and promote activities. The project's results will be published in reports and presented in relevant forums. See appendix 3 for links to find out more about the work in the participating countries.

Presentations from each country participating in the Nordic-Baltic UDWP regarding legislation, statistics and competences of inspecting GIG economy and platforms

Norway – represented by Pål H. Lund, of The Norwegian Labour Inspection Authority

Legislation

In Norway, there are no specific regulations pertaining to GIG employment, however all labour law and regulations are applicable to employees of GIG platforms, but important protection such as working hours and payment do not apply to self-employed individuals. Relevant regulations such as safety issues only pertain to certain fields of work.

The correct registration of bogus self-employed individuals has proven problematic for the tax authorities, and social security benefits vary significantly between employees and the self-employed. Steps are being taken and The Norwegian Governmental Committee regarding the future of work is reviewing the framework for various forms of affiliation between workers and employers and the organisation of work and activities to determine if the framework is sufficiently clear, appropriate, and adaptable for both the current and future working life. Hopefully, there will be a new legislation in the future.

Statistics

78% of workers in Norway are hired in an employment relationship and 4,1% are self-employed without any employed workers. GIG makes up only 0.02% of the Norwegian Gross National Product (GNP) and is made of 70-80 platforms. The most common sectors are housing i.e., Airbnb, transport, and service channels. Housing and transport sectors have the highest economic turnover, with 15 of the 70-80 companies having an annual turnover of more than 500,000 Euros.

Competences

Inspectors are able clarify as to whether a worker is employed or self-employed by identifying certain characteristics, such is the worker's freedom to manage their own projects and to decide how and when to do the work, and the owner of the tools and other equipment required to perform the work. Inspectors are required to make a holistic evaluation of the employment relationship.

So far, no cases have been brought to court and is not a prioritised sector.

Denmark – represented by Anne-Marie von Benzon of The Danish Working Environment Authority

Legislation

The Danish Working Environment Authority (DWEA) operates under the auspices of the Ministry of Employment and monitors the safe and healthy working conditions in all companies operating in Denmark, both domestic and foreign. The authority carries out workplace inspections and draws up rules and provides information regarding workplace safety and health. The Working Environment Act prescribes the Employer's responsibility to ensure a healthy and safe working environment for their employees. It also regulates self-employed workers ensuring that their own working environment is safe and secure. When inspecting GIG platforms, inspectors seek to identify characteristics, such as who is responsible for bearing the risk, and who is the employer.

Competences

DWEA, tax authorities, police, and the Agency for International Recruitment and Integrations (SIRI) perform ad hoc workplace inspections and permitted to share information and do so as much as possible.

Statistics

In 2017, 19% of Danes used GIG-platforms. 9% purchased accommodation through platforms such as Airbnb, and 7% purchased transport via car-sharing schemes such as GoMore.

The number of platform providers grew from 105 in 2015 to 25,000 in 2017.

Iceland – represented by Edda Bergsveinsdóttir of The Directorate of Labour.

Legislation

Workers in Iceland are defined from a taxation point of view, and taxation and declared earnings lay the foundation for workers' social insurance entitlements. Workers may be employed or self-employed, or both, and one does not exclude the other. Self-employed workers declare their earnings to the tax authorities on a monthly or annual basis. Annual declarations are reserved for occasional contract work.

No legislation surrounding GIG workers regarding labour law and occupational safety and health currently exist, and although favourable legislation surrounding start-ups and innovation companies does exist, larger and globally known GIG platforms have not established themselves in Iceland, except for Airbnb.

Statistics

Currently, no statistics or data on GIG workers has been systematically collected by any of the governmental agencies. The data that has been collected has been done by non-governmental bodies, performing surveys and one-time data collections. The government is however currently compiling a Green paper regarding labour market affairs and addresses the data gap and the extent of GIG work in Iceland.

Although there is an absence of data on GIG workers, an informal opinion has been formed that a lot of individuals involved in GIG activity, do so on a part-time or incidental basis, according to the number of people declaring mixed income as employees and occasionally self-employed.

Competences

Workplace inspections and other labour market matters are divided between several authorities: The Directorate of Labour, The Administration of Occupational Safety and Health, Iceland Revenue and Customs and the Police. The labour unions also carry out effective workplace inspections within their own regulatory frame.

As specific legislation surrounding GIG workers exists, when encountered during an inspection, they are inspected and provided the same information as any other worker regarding rights and obligations, and workplace safety and health.

Latvia – represented by Renars Lūsis of The State Labour Inspectorate

Statistics

Latvia has the highest number of GIG platform users in Europe (40%) and GIG economy accounts for 0.63% of the Latvian GDP, with 0.33% of workers employed in GIG economy, according to statistics from 2018.

Legislation

No specific legislation regarding GIG economy exists, except in the transport and tourism sectors. Labour law is applicable to prove employment relationships and only a part of the Labour Protection legislation is applicable, which also applies to self-employed workers.

The most popular sectors and platforms are transport, i.e., companies such as Bolt, accommodation i.e., Airbnb who hold a significant share in the platform, food delivery and other individual services such as ICT, repairs, etc.

The concerns and challenges include:

- Matters concerning occupational safety and health - some of the activities may be dangerous, i.e., delivery services.
- Working time - the worker's right to refuse projects, offline options a balance between work and rest time.
- Social protection - self-employed workers are not insured for accidents or illness.
- What and where to inspect – due to lack of recent data, choosing a company or a workplace can be difficult.

Finland – represented by Riku Rajamäki of the Regional State Administrative Agency for Southern Finland

Legislation

GIG economy is mandated by The Finnish Employment Contracts Act, which states that *'...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 directions and supervision in return for payment or other remuneration'*.

Competences

Finland operates five regional labour inspectorates, who generally have large competences in both labour law and occupational safety and health. Labour law prescribes either employment or entrepreneur and there is nothing in between.

Inspectors do not have competences to make legally binding decisions regarding employment relations. They can provide an opinion in their inspection reports regarding the nature of employment, however there are no legal consequences. Inspectors have also provided formal recommendations to employers if the characteristics of employment were noticed at an inspection.

Statistics

GIG platforms are various, such as car washes, barber shops, etc.

Between 2017 and 2019, the Foreign Labour Inspection Unit of Southern Finland performed 2778 inspections. On 85, or 3,1% of the occasions, formal recommendations were provided to employers based on observations that work was being performed in an employment relationship, regardless of the employer's disagreement. The formal recommendations were mostly made in the hospitality sector (hotels, restaurants, ect.), and were not only provided to GIG related matters, but also to completely undeclared workers, i.e., "helpers".

Estonia – represented by Liis Naaber-Kalm of The Labour Inspectorate of Estonia

GIG economy is not a regulated sector in Estonia, and there no existing legislation regarding GIG platforms and their workers, and therefore no statistical information or data is available regarding the actual size of the market. The Labour Inspectorate views the service providers only as the mediators and therefore take no responsibility for their workers.

According to the Estonian Tax Authorities, a regulation should be available soon, as drivers and couriers should be declaring their income and paying taxes accordingly. Food delivery as a GIG platform has become especially popular in the last years.

Sweden – represented by Mattias Hellberg of The Swedish Work and Environment Authority

Statistics

GIG and Platform economy is gaining both media and political attention in Sweden, although it is difficult to factually estimate how large the market is due to many different views of the market share, and the negative and positive impacts.

Studies show that around 12% of people aged 16-65 have performed an assignment via a digital mediation platform, most however, do not have this as their main occupation. 4% of workers in Sweden are self-employed.

Competences

The national work environment strategy for 2016-20 sees that new forms of work are a response to the needs for organising work in a more flexible manner. The new strategy for 2021 – 25 takes an even more ambitious aim at this. However, new flexible ways of working should not equal poor OSH

as physical and psychological risks may be enhanced. The new ways of working however, present both challenges and possibilities.

Legislation

One of the challenges faces is defining 'worker' and 'employee'. Recent court cases have shown that Swedish legislation has not risen to the challenge of providing clear definitions. It has proven to be a complex issue, and especially challenging to the Nordic labour markets and their strong tripartite model.

The tax and labour inspection authorities are the central inspection authorities regarding this field of work. Studies and reports are currently underway. For instance, The Nordic Future Group which evaluates the OSH implications and provides recommendations to the labour inspectorates on how to facilitate consultations with platform-based businesses on how to accept their OSH responsibilities.

[Online platform economy: Regulatory responses by the EU and the member states](#)

Presented by Dr. Sacha Garben, Professor of EU law at the College of Europe

Preliminary Observations

No singular definition of "online platform economy" exists and there is a conceptual confusion due to lack of systematic distinction between the related phenomena of digital, sharing, collaborative and GIG economy. Further confusion is created due to lack of distinction between crowd-, GIG-, piece-, and on-demand work.

The overarching development is the digitalisation of online platforms, which are central to the general digitalisation of society and the economy. Are they the neutral mediator of service and goods, or are they more involved? This can be approached from a benign or a strict angle, the latter being a full economic activity. There are also overlaps to the general GIG economy which predates the platform digitalisation. For the purpose of this talk, the presentation focuses on the Online Platform Economy.

Online platforms can impact the provision of labour and comprises of a great variety of working arrangements. Generally, the arrangements are atypical and can comprise of many forms of non-standard employment.

Risks

OSH risks for online platform workers are likely to be aggravated due to atypical working relationships, lower average age of the worker, lower training levels, loss of protective effect of common workplace and rapid pace of work. Continuous real-time evaluation and performance rating induces stress. The work generally takes place in private settings and are therefore a lack of awareness regarding OSH standards. Workers may also suffer isolation due to the individuality of the work. These are all independent factors that have shown to increase the risk of work-related accidents and isolation may have a negative psychosocial impact. Workers tend to suffer from stress due to uncertainty about the application of employment rules and OSH standards. Lack of occupational healthcare leads to an increased risk of morbidity, and general employment law may or may not be applicable, which in turn creates job and income insecurity. The key issue is the

uncertainty of the status of the workers. Who is responsible for them? Not all cases are brought before the courts.

Responsibilities

The EU member states have adopted very different approaches, ranging from adopting special legislation to judicial enforcement by courts of pre-existing legal framework, from adopting specific collective agreements to self-regulation through codes of conduct. Regardless of what approach is followed, it does not seem to have yet resolved the key problem that many working arrangements in the online platform economy do not fall easily into the classic legal conception of the “employment relationship”, creating confusion, and leaving some who should be considered “employed” without protection.

National Responses to Online Platform Work

France has been at the forefront in dealing with online platform work. The Act of 8 August 2016 on work, modernisations of social dialogue and securing of career paths provides everybody working through a platform minimum rights to accident insurance, continued professional training, validation of their working experience. It also provides them with a right to constitute a trade union, to join a union, and representation of a union, to take collective action in defence of the interests.

France’s third Occupational Health Action Plan of 2016-20 proposes action framework to deal with the use of digital tools, raising awareness among companies to integrate questions linked to digitalisation into their risk assessments and create collective workspaces for teleworkers. Addressing these issues at an EU level could lead to the possible adaption of the digital screens’ directive. The “*loi Thevenoud*” (*the Thevenaoud Act*) prohibits activities such as Uber’s transport online platform.

UK legislation features a third category of workers, known as “intermediate workers”, who are neither employed or self-employed, and sets a baseline of rights such as basic health and safety rights, minimum wage and working time rights. Despite this, the employment status of online workers has still been difficult to determine. The employment status of online platform workers has been considered by UK courts, but with inconsistency conclusions.

In Netherlands, employment law has the binary distinction between ‘employed’ and ‘self-employed’, and features a presumption of employment. The matter of whether someone is considered to be employed or self-employed depends on a case-by-case assessment, usually by the courts, and is quite unpredictable. For example, Deliveroo drivers were first considered to be self-employed by a district court, but in a subsequent judgement they were considered to be employees. On the 16th of February 2021, the Amsterdam Court of Appeals determined that delivery workers are considered as employees and not self-employed.

The Dutch government seem open to the possibility of regulating online platform work, but no concrete initiative has been taken yet.

Germany has adopted a bottom-up self-regulation, and in Spain Deliveroo drivers were last year considered to be employees by the Spanish courts. It should be noted that it were the Spanish Occupational Safety and Health Authorities who carried the matter to the courts.

EU responses to Online Platform Work – Legislative and judicial action

The EU has adopted two measures in the context of the European Pillar of Social Right that may impact online platform workers’ social and employment rights. The Access to Social Security

Initiative is a recommendation that urges Member States to provide similar social protection rights for similar social rights for similar work, regardless of employment status, and the transferability of acquired social protection rights.

The revision of the Written Statement Directive is also intended to reinforce the rights of that Directive about the information the worker is entitled to receive in their employment contract and to define core labour standards for all workers including those in very atypical employment relations, such as 0-hours and on-call work. The recommendations are, however, not legally binding. The Court of Justice as declared that Uber is a transport company, and the workers are considered employees and EU law, such as OSK applies to them.

Article 1(2) of Directive 2019/1152 on Transparent and Predictable Working Conditions *'applies to every worker in the Union who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State with consideration to the case-law of the Court of Justice.'*, and therefore the autonomous EU definition of "worker" as developed by the CJEU will apply to anyone who performs services for remuneration under someone's direction.

Article 1(4) states that *'Where no guaranteed amount of paid work is predetermined, the requirement that the contract is for more than 3 hours a week does not apply.'* If the work is unpredictable, the number of ensured paid hours must be stipulated in the contract, and the employer may not prevent workers from working for a competing platform.

Articles 4, 9 and 10 state that workers whose hours are unpredictable do not have to accept work if it does not fall within the predetermined reference hour or is not called to work within a reasonable timeframe and have the right to be paid when work is cancelled without reasonable notice.

Articles 11 and 18 state that Member States are obliged to provide minimum protection if they permit 0-hours contracts and must introduce some protection into their legislation.

New legislation is in the pipeline at the EU parliament that all online workers will be considered employees, although nothing has yet been approved.

Impact of COVID-19

Studies indicate that the COVID-19 crisis has magnified all the risks due to the increase of online consumption and home-delivery due to social restrictions, placing workers in more exposed conditions with their safety and health being in precarious risks. Online platform workers are not always able to ensure social distancing, and are often not provided with personal protective equipment, sick pay or hazard pay. Without sick pay, they are unable to afford to self-quarantine and are pushed to work despite being possibly symptomatic.

Conclusions

Online platform work implies a number of important OSH and social risks, and that various approaches have been taken at a national level. A key question remains: Are/should online platform workers be considered employees or self-employed, with all the labour law/OSH/social security implications? Although without a clear answer by the legislator, this question is being posed to courts, who can do a detailed case-specific assessment, but this creates uncertainty.

At EU level, it now seems clear that many online workers will be considered “workers” and thus benefit from minimum EU standards, including matters concerning OSH. However, this generally does not include wages, sick leave, or social security.

A new initiative on online platform workers is welcome. It would however seem that the problematics of online platform work should not be treated in isolation, but instead to be embedded in two more general discussions that should guide future action at all levels; The rise of atypical and precarious employment, and the question whether self-employment (even where ‘genuine’) should operate under such a different legal regime in terms of social security, OSH and other labour law aspects.

Platform work in the Nordic countries: Issues, cases, and responses.

Presented by Dr. Kristin Jesnes, Researcher from Fafo

What is platform work?

The Stanford definition describes it as a triangular relationship between the platform company, the platform worker, and the consumer. Work is performed on an on-demand basis and are compensated on a piece-work basis. Workers are required to supply their own work equipment, and the jobs are mediated digitally through an app or software. There are, however, many variations of the definition and new ones emerging. There has also been a power struggle between definitions.

Question for debate - Uber has prompted a debate, challenging the norms of workers’ rights, etc. Should workers be considered employees with the entailing rights, or should they be self-employed? This is as relevant today as it was in 2014.

Platform work in the Nordic Countries

The extent of platform work is still uncertain as the definition and the genre is still in development. Workers of GIG platforms make up a minimal proportion of the labour market. The flexibility of GIG platform work often invites uncertainty and instability.

Three types of OSH risks have been identified in the Nordic countries – Unclear employer responsibilities, Algorithmic management and digital surveillance, and general OSH risks such as job insecurity, isolation, high accident risk, underload and overload of work, and little work-life balance.

Three distinctive factors have also been identified in the Nordics:

- GIG platform companies emerge in industries where the Nordic labour model is weak, i.e., private services.
- Some platforms hire employees on a part-time basis.
- In few instances’ platform companies, workers and unions are negotiating collective agreements.
- The Nordic labour markets are highly organised, and some companies may find it easier to consider their workers as employees to evade hassle.

Collective agreements for platform workers

The Danish company Hilfr, which provides home-cleaning services negotiated a collective agreement without much of the workers’ participation. Foodora’s workers in Norway took to strike action in 2019 and participated in the negotiations of a collective agreement. It must also be noted that Foodora is also a member of the Norwegian employer’s association. This is a more traditional method of collective bargaining than the example in Denmark, where the involvement of the platform workers varies.

Some of the challenges faced when negotiating collective agreements are competition law, competing companies using contractors, and platform work is different from traditional forms of full-time employment. A sector level agreement could be the solution to the competition challenge.

Government responses to platform work

So far, the government has approached the matter with a 'wait and see' manner. Despite the formation of committees and report compilation, no real progress has been made. There is hope that the formal recommendation from the Finnish Ministry of Economic Affairs and Employment, who has considered that couriers are to be considered employees, may lead to new policies.

Uber in the Nordic Countries – Uber commenced operations in the Nordic countries in 2014. The platform violated taxi market regulations and provoked deregulation across the Nordics, except for Denmark and Iceland, which has in turn facilitated the increase of Uber-like business models. Indications show that platform work is being normalised.

Platform work and Covid-19

The pandemic has impacted different sectors in different ways and has highlighted platform workers' vulnerability.

Some platform companies have chosen to recognise their workers as employees. The Hilfr agreements have since been considered to be in breach of competition legislation and minimum wage clause was removed, however the matter is still under consideration. The new method of negotiating collective agreements may be an inspiration of how they may be negotiated in the future.

Conclusion

Two narratives provide guidelines for understanding and responding to platform economy and its potential development. The 'erosion' narrative depicts unequal competitive conditions, fictitious self-employment, long working hours, low earnings and insecurity, and difficulty for the social partners to regulate platform work.

The 'taming' narrative highlights the way that the Nordic labour market institutions can marginalise the phenomenon and limit its growth and ensure employment relations for workers and negotiate collective agreements.

The report on which Kristin Jesnes presentation is based can be found in its entirety here:

<https://www.norden.org/en/publication/platform-work-nordic-models-issues-cases-and-responses>

[Work Environment for Workers Within the Platform Economy.](#)

Presented by Dr. Nuria Matilla-Santander of The Institute of Environmental Medicine at Karolinska Institutet

The research project

The Precarious Work Research Program Consortium is an international group of researchers, studying non-standard and precarious employment in Sweden, Belgium, Spain, Chile, USA, and Canada. The program is funded by the Swedish Research Council for Health, Working Life and Welfare Forte. Principle investigator is Theo Bodin, Associate Professor at Karolinska Institutet.

The objective of the research, which took place in Sweden, is to explore the complex inter-relations between non-standard work arrangements, health and well-being of workers their families, to gain a better understanding of how work can be proactively shaped to support the needs of workers, and to assess the impact of the Covid-19 pandemic on precarious workers' well-being.

The group began the research by advertising via Facebook in November 2020 for a non-representative sample of non-standard workers in Sweden. 47 GIG workers participated in the survey and were presented with a questionnaire regarding impact of Covid-19 on their work and health, their household and economic situation, and their health and well-being. The final report was published on the 1st of February 2021.

Some results from a gender perspective

Of the women surveyed, 6% stated that GIG work is their main form of work and it is their main income provider, and 14% of men. Before the Covid-19 outbreak, 40% of these women stated that their main form of work was GIG work, 50% were directly employed and 10% through and temporary employment agency. Men, on the other hand, stated that 14% were GIG workers before the outbreak, 29% were directly employed, 14% through a temporary work agency, and 43% stated that they were self-employed, while no women stated that they were self-employed.

The socio-economic characteristics of the above GIG workers show that a higher percentage of female GIG workers live in Stockholm, and a higher percentage of male worker live outside of Stockholm. A higher percentage of females aged 25-35 and 46-55 work as GIG workers, while more than twice as many males aged 36-45 work as GIG workers. A vast majority of GIG workers, both male and female are educated beyond primary/secondary level education. Around 60% of both males and females state that they had on several occasions experienced difficulties in covering their regular expenses in the last three months.

The employment precarity index (EPI) takes into account three factors when determining employment precarity:

- Employment insecurity – type of employment arrangement, if it is formal or informal, and its longevity.
- Income – working hours, income volatility, and income levels.
- Rights – to sick leave, days off, better conditions, and ability to exercise rights.

44% of women are determined to be working in low precariousness situations, and 32% in high precariousness situations. Half of the men are working in medium precariousness situations. 60% of women experienced poor mental health, 100% of which working in high levels of precariousness, and 69% of men, of which 75% working in high levels of precariousness.

Employment arrangements characteristics of gig workers – Almost half of men and women work part-time (less than 30 hours per week) in GIG employment. A majority of both men and women work in an on-call or day-to-day basis and earn a low monthly income of less than 795 Euros.

Inability to exercise their rights – 70-80% of both men and women feel afraid to demand better employment and working conditions. 65-70% of both men and women feel that they cannot take sick leave without obstacles or consequences. 86% of men cannot take vacations without obstacles or consequences, 75% cannot request a day off for family affairs when needed, and 92% cannot request a day off for personal reasons when needed.

Covid-19 and its impact in employment and working conditions of gig workers

80% of both men and women expected their total working hours to be reduced in the next 3 months. 55% of women and 71% of men have at some point been Unemployed/furloughed since the COVID-19 outbreak. Most of both men and women have had their working hours cut since the Covid-19 outbreak, thus decreasing income levels. 70-80% of men and women did not receive benefits that they were entitled to.

Almost half of both men and women worked in close proximity to COVID-19 infected persons or were unable to maintain social distancing. 55% of women and 67% of men stated that they were provided with personal protective equipment (i.e., masks, visors, etc.). Only half of the men were provided with appropriate information and/or training for protecting from being infected, and other measures taken to protect them from being infected (such as barriers, social distancing, etc.).

Conclusions

Although the data is only preliminary, it does seem indicate that the pandemic has impacted GIG workers. 60-70% of GIG workers have suffered a decrease of their working hours and income, and 70% are afraid of demanding better employment or working conditions. Further in -depth interviews will provide more information on experiences of gig workers during the pandemic, motivations to undertake gig work, and what practices or policies could support their health.

The view from two companies

Swapp agency/Maur, Iceland – represented by Davíð Rafn Kristjánsson

Swapp Agency provide business-to-business solutions offering recruitment, Employer of Record, and legal services, who's client portfolio are mainly foreign companies entering the Icelandic market. Maur is a freelancing platform and a self-proclaimed visionary for GIG economy in Iceland.

From the beginning, their ambition was to meet a changing labour market and work environment, analyse trends, predict changes, and determine how they are able to meet these changes. Covid-19 may have exposed these trends even better.

A lot has changed from 20 years ago, when people generally held 10-20 jobs in their lifetime. Today people hold 50-80 jobs, and predictions show that people may hold up to 200-500 jobs in the future and 'jobs' will be a more open concept. This is where GIG economy comes in.

According to Business Insider, Tech companies in particular show a high employee turnover rate. According to Forbes, people are no longer interested in building a career with one company, and company loyalty is a thing of the past.

Maur is an online platform where companies and individuals can buy services from "freelancers". Over 300 freelancers are registered with Maur, offering various services. Maur was recently acquired by Swapp Agency, and their aim is to form Maur into a regulated platform to buy services from quality freelancers. They expect a drastic increase in freelancing in the future.

In Iceland, freelancing is driven by unregulated Facebook groups with no limit to the context of work. The most popular site has over 64,000 members, which accounts for approximately 18% of the Icelandic population. On these sites, you can encounter problems of questionable legitimacy of the work and workers. Maur wants to provide a more regulated platform and take responsibility.

Freelance and GIG workers, who fully intend to operate in a legal manner tend face challenges of doing so due to their lack of knowledge of the legalities, and not all of the elements are grasped that the government expects them to.

Icelandic culture has very blurred lines about what 'a job' is and many are unsure if income is to be declared due to complex legal issues and tax returns, and obtaining legal advice is costly. This is especially true to cross-border situations.

What are the opportunities?

Firstly, the job market, governments need to work with freelancers and realize that some professions are more suitable for freelancing than others. Second is job security, the Icelandic government has provided relief packages due to the impacts of Covid-19 to employees, companies and the self-employed, yet freelancers felt that they had been forgotten and left out of the relief packages. Due to the increased activity of freelancers, the government must begin to work with them, and provide clear framework and solutions. It must also be realised that some professions are simply better suited for the GIG economy. Freelance work may also be an opportunity to decrease unemployment.

Airbnb went from being a wildly unregulated platform to being successfully regulated due to a soft regulation approach.

Conclusion

Rethink the system. It seems bold, but what if freelancers made up 30% of the job market? How will the government accommodate them?

Simplify processes and reach out to freelancers and provide education and support in declaring and legitimizing their work.

Encourage freelancers. Encourage the skilled freelancers on the market and support them as they should contribute to a labour market rather than be left out of it. It should be considered a possibility to expand the work market but not a retraction. We have skilled people in the labour market who are not being used to their full potential.

Foodora, Norway – represented by Paul Olai-Olssen

Paul's presentation is opened with the question: do freelancers create employment or steal existing work?

The Norwegian employment model states that 'an employee is someone that provides regular work for someone else.'

Foodora Norway AS was established in 2015 as a part of the German company Food Hero, with 100% of the workers employed as bicycle food couriers. In 2016, the riders were placed under the transport unions, at the recommendations of the existing unions, however the riders did not agree with the arrangement and in 2018, shop stewards and the Transport Union commenced negotiations of a new Collective Bargaining Agreement (CBA). Many of the workers were young and had little idea about how to organise, but through ideas of the workers and existing unions, they were able to create a new CBA based on the work of all riders.

In August 2019, workers commenced a 5-week strike action, and in September, the first CBA intended solely for Foodora's bicycle couriers, and the first of its kind is signed. The strike led to the employment of a high number of self-employed workers due to the promise of job security through CBAs. Foodora has also now joined an employer's organisation to ensure more effective negotiations in the future.

The most important aspects of the CBA are the right to negotiate, the right to information, and the right to consultation. Indications show that Foodora's workers' rights are much more favourable compared to freelancers in Sweden. Swedish couriers and Foodora are currently negotiating CBAs.

Foodora and their workers have gained a lot of media attention with their operations.

If there are foreseen issues arising, workers are able to request a meeting with management within 8 days, and vice versa.

The job is clearly not intended for freelancers due to the organization of their projects. However, in order to remain competitive to companies who only hire freelancers, 50% of Foodora's workers are still self-employed. The organized part of workers doesn't object to this as doing so might eradicate the work all together.

Conclusion

Was the key factor education and organization? It is important to be able to educate ignorant young workers of their rights on the labour market, who can carry over their knowledge and contribute to future workplaces.

[Conclusions from the morning session, Dr. Magnus Falk.](#)

It is clear that the existing conceptual confusions must be clarified, especially due to the rapid growth of GIG economy, which was first boosted by the 2008 crises and now in Covid times, it has further increased. There is also a need for good dialogue with workers and others engaged in new forms of work so that they can better understand their rights and obligations.

We need to ask, what application of employment rule need to be changed, and what must be considered when doing so?

The definition of the worker-employer responsibility needs to be properly clarified and seems to 'fall between chairs' as nobody appears to want – or can – take a clear stance.



Afternoon session

Lessons learned until now – labour inspectorates

What are the specific challenges regarding GIG for labour inspectorates?

In this first part of the afternoon three countries presented in more detail their view on GIG and how they work to meet up to the challenges. Iceland was represented by two authorities due to the division of responsibilities.

Iceland – represented by Sandra Heimisdóttir of the Administration of Occupational Safety and Health

Labour inspection in Iceland is divided and operated between two different authorities, The Directorate of Labour and The Administration of Occupational Safety and Health (AOSH). The AOSH in Iceland operates according to the Act on Working Environment, Health and Safety in Workplaces. The purpose of the Act is to ensure a safe and healthy working environment in accordance with the social and technical developments in society, and the scope of the Act is basically all workplaces within the Icelandic jurisdiction, except for those in air and out on sea, but those workplaces are controlled by the Icelandic Transport Authority. The Act covers all activities (on land), where one or more persons are employed, whether they are owners of the enterprise or employees”.

The provisions of the Act therefore apply to all employers, however small their businesses might be, even if they are self-employed and do not employ anyone else. This means that certain working conditions should be secured by employers, for themselves, even though they are the only person working for the business.

Specific challenges regarding GIG workers

One of the biggest challenges for labour inspection in the GIG economy, especially in relation to working conditions and safety and health in workplaces, is to identify the relationship between a person and a workplace. Workers are generally defined from a tax point-of-view. As GIG work is not specifically defined, and do not always have information on hand regarding the worker’s terms of employment.

In the Icelandic GIG economy, there are probably two main types of workers that we would be looking at: platform workers and solo self-employed workers. Although there may of course be more that we are not as familiar with. GIG workers who provide a service to consumers via a platform company, such as cleaning services, musicians, and waiters for private parties are a good example. However, this can be extended to many other types of occupations, such as travel guides, drivers, etc. These workers would be going from gig to gig, but they would still usually be classified as employees of the platform that sells the service and pays their salaries.

The platform company, the employer, according to the Act on Working Environment, Health and Safety in Workplaces, is responsible for the working conditions of their employees, as they may have to follow some guidelines or instructions from their employer, i.e., on how the service should be provided and what rules apply.

Solo self-employed workers who work only for themselves and do not receive a salary directly from an employer, and don’t have any employees themselves, are considered to be independent contractors, and are therefore responsible for their own working conditions.

Although the responsibility for the working conditions is on the hands of employers, both of those groups who work in the gig-economy often face very similar situations in terms of working environment and conditions, and the challenges of inspection can therefore be quite similar.

The physical working locations for GIG workers is often ad hoc, i.e., private parties, which could be in the home of the consumer, or another facility that the consumer is not familiar with or has limited power over. In some cases, the position could be very short-term and the hiring process, likewise very short and quick. The worker is therefore entering a new work environment within a short time and only for a short time. They may need to hit the ground running and have little time or opportunity to assess the risks of the work and work environment, make the improvements needed, request extra equipment, etc. In these situations, the opportunities for inspection are limited as locating the workers and timing the inspection is challenging.

To be able to perform a thorough inspection, information regarding the location, time and the nature of the GIG would have to be known in advance. Even if all GIGs were reported to the authorities, the manpower to inspect them simply does not exist, especially in very short-term situations.

This is not to say that we cannot inspect their psycho-social working conditions, i.e., the form of communications, how their work is planned, how they should react to unexpected or unwelcome incidents or behaviour, etc. but we do face these challenges in relation to their physical working environment and conditions. It is suspected that the dependency on constant demand and having good contacts, varying working hours, alternating workplaces, etc. creates a unique kind of work-load strain on GIG workers, and may cause long term effects on their health and wellbeing. However, due to the lack of data this is still just speculation.

On the other hand, some GIG workers may have a very stable working environment, i.e., in their homes or cars, where they can perform their work in accordance with the consumer or the platform that they work for, and even without much contact at all. This may apply to work performed by Translators, Lawyers and Designers etc. However, in these cases it may be a challenge to be granted access to someone's home or vehicle, and even more so to make administrative decisions regarding improvements they must make on their own personal property so that the working environment is in accordance with legislation. Some may even have a stable working condition that they have no power over, for example always sitting with their laptop at the same café or library, and this may be very challenging to keep tabs on and inspect.

In any case, due the absence of specific data regarding workers in GIG economy, making assumptions and planning inspections bases on them is challenging. Unless the GIG workers always perform their work in the same known workplace and in the same manner, it is difficult to know how and where to inspect their working conditions and work environment. For now, the administration is neither excluding nor focusing on GIG workers, but we have challenges that relate to their identification and logistics of their physical working conditions.

Therefore, the AOSH in Iceland is very open to collecting data and learning more about GIG economy, i.e., the scale of the market, the types of occupations, where the work is being performed, and how it is organised. From there we will be able to determine best practices regarding educating workers and employers about OSH matters, and inspect their working conditions and environment.

The way of which to reach out to workers and employers, i.e., via social media, courses, etc. can be speculated on endlessly, but the bottom line is that first we need information and data regarding GIG workers and their work.

Iceland – represented by Edda Bergsveinsdóttir of The Directorate of Labour

Due to absence of data and clearer picture of the extent and nature of GIG work, there cannot be a comprehensive or strategic approach to inspections of GIG workers. Targeted Gig inspections to verify their working conditions or to merely engage in a dialogue with such workers would be difficult to carry out in the current data vacuum. The competences of the Directorate of Labour extend specifically to temporary agency workers, posted workers, foreign labour, and third-country nationals in Iceland and in terms of traditional forms of work our legislative resources are fairly good. However, the data vacuum in Iceland may have adversely impacted our inspections in terms of identification of the workers we inspect as they may have been merely classified as self-employed or as undeclared employees of a company. In this, it is stressed that the problem lies in classification of workers encountered rather than a failure of the objective of the inspection. With added knowledge this may be rectified.

Our main concern is however that the provision of GIG services often take place outside traditional workplaces and at all sorts of hours. This means that the workers may perform their work at non-commercial or private properties owned by either the GIG worker or the buyer of services. The place of work may change daily or multiple times a day. This entails multiple hindrances in identifying a GIG worker and locating the place of work on the day of inspection. Private, residential properties are outside the scope of our inspections and would require assistance of Police to carry out. Inspecting a lone GIG worker can therefore be much like locating a moving target which is not restricted by one type of location or terrain.

In terms of identification, both in and out of the field, it is my opinion that there is ample value in cross-agency collaboration, both in terms of dialogue and joint-inspections. We are fortunate here in Iceland that we have established a functional and fruitful cooperation on inspection level between the government authorities that handle labour market inspections, including the AOSH, The Directorate of Labour, the tax authorities, and Police. It is hoped that as we gain better insight into the extent and nature of the new forms of work and GIG platforms, we may include that in our collaboration as we must adapt and evolve in our methods and understanding of the labour market we serve.

On a final note, I think that once the data gap has been bridged, we, as inspection-oriented authorities, need to not only adjust our own inspections to these new forms of work but also realise the strength that collaboration on this subject can give us, not only on country level but we must go further and seek to form lasting collaboration across borders and with our own social partners.

Comments from moderator

The term 'data vacuum' is useful and he agrees that cooperation across authorities and borders is very important, and the knowledge required to understand the phenomenon and more importantly, the status of the GIG workers, are they doing it happily, or are they doing it by force? He also takes note, as already mentioned, of the classification of the worker, and seeking the classification of the worker as being the ultimate task of the inspection.

Finland– represented by Riku Rajamäki of the Regional State Administrative Agency for Southern Finland

GIG Economy- with a focus on ‘light entrepreneurship’ at inspections

Due to the lack of legislation – or rather lagging of the same, the situation in Finland is neither clear nor ideal but there are at least some efforts being made, despite the difficulties, and it is hoped that their efforts will be an inspiration and example for others.

One of the definitions that they are working with is ‘light entrepreneurship’ (LE) which is used quite commonly in Finland and is understood to be connected to platform economy. There has been intensive marketing of LE and its benefits. However, from a labour inspectorate’s perspective, it is a new tendency to turn normal paid work into entrepreneurship in unfitting situations. In some situations, this arrangement may be fitting, in other it is clearly not, and some workers are even unaware of their status, i.e. as an employee or self-employed. The most common sectors where it has been problematic is in construction, cleaning, car washes and restaurants, etc. Workers who are working in these arrangements need to be aware of their rights and obligations.

Specific challenges

Several cases have presented themselves of foreign workers who believed that they were in an employment relationship, but on paper they are in fact self-employed, and often there are no real characteristics of entrepreneurship. The workers’ employment relationships with the platforms may impact their residence permits, social security benefits, accident insurance, etc. Work discrimination, i.e., under payment of wages is not applicable to entrepreneurs and may promote social dumping. Often, LE is a way to avoid compulsory employer’s fees, such as pension fund contributions, social insurance, accident insurance, etc.

Employment contracts definition in Finland - According to The Employment Contracts Act, ‘[The] 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.’, and all criteria must be met if the relationship is to be determined as an employment relationship.

Case example – food couriers

Several authorities have reported foreign workers who do not have a legal right to work and reside in Finland, are working as food couriers, which is especially noticeable in the Helsinki area. As labour legislation and the Finnish Aliens’ Act only applies to workers in an employment relationship with an employer, the inspectorate’s first task was to determine the workers’ nature of employment with the platforms. Inspections with two separate food courier companies were performed in order to first determine if the workers were employed or not. They discovered that there were assignment contracts between food delivery companies and food couriers.

Findings of inspections – What they found were assignment contracts between the food delivery companies and the couriers with predefined set fees. The couriers used electronic applications where they could accept delivery assignments. It was the opinion of the companies that there was not an employment relationship as the work was not performed under the direction or supervision

of the company. However, other criteria conformed to the Finnish Employment Contracts Act, but the main point at the end was, was the work performed under the direction or supervision of the company? The labour inspectorate requested the opinion of the Finnish Labour Council regarding the applicability of the Finnish Working Hours Act in regard to the food courier companies' inspections. As the Working Hours Act only applies to employment relationships, the Labour Council needed to first establish as to whether the couriers' work was indeed performed in an employment relationship. Last autumn, after nine months of deliberation, the Labour Council provided opinions on both cases and voted 6-3 in favour of employment relationships. It must be noted that the Labour Council cannot provide legally binding interpretations, but they are nonetheless valuable in legal processes.

The Labour Council's main points in their opinions were as follows:

- 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 courier's act according to instructions given by company?

It is important to underline the word 'possibility', even if the companies are not influencing or supervising the way the couriers carry out the work, it does matter that they are able to do so.

Finally, with the council's split decision of 6-3, they determined that the digital applications used allows the companies to direct and supervise the couriers' work and provide the couriers with written instructions on how to make the deliveries.

The Labour Council saw no clear signs of entrepreneurship in that the food couriers are not permitted to offer their services simultaneously to other operating delivery companies, the couriers were not able to negotiate the delivery fees with the companies, and the fees offered to the couriers were not so high that they were able to cover their own insurance and pension fees.

Three of the council's members disagreed and voted in favour of the employers in that the direction and supervision criteria didn't exist in these cases. The council is made up of experts representing workers, employers, and neutral state representatives.

What's next with the cases? – It was decided to put the pending inspection notices on hold until the council had made their opinion as the main factor was not to make a quick decision but to gain better knowledge and understanding of the situation.

In December, the companies were provided with the inspection reports requesting that the companies are required to have a working hour register for the workers, in accordance with the Working Hours Act, as it has been determined that the workers are in a working relationship with the companies and is therefore applicable in this situation.

The companies have been provided with a six-month deadline, which will expire on May 21st of this year to implement the required improvements. Generally, companies are provided with a shorter deadline to make any appropriate amendments, but in this situation the inspectorate took into consideration that the companies in question would have to almost restructure their operations completely and were therefore granted extra time. If the company has not implemented the required improvements by the given deadline, the inspectorate will most likely commence administrative processes by ordering the companies to comply with the notices of improvement, and begin to threaten the companies with fines, but this will mean that the companies are entitled to appeal the inspectorate's decision to the administrative court.

It is probable that the companies may still contest the inspectorate's decision. It is highly likely that at least one of the companies will appeal. It is in fact hoped that there will be an appeal so that there will be a clearer interpretation and understanding of the situation. The processes will likely be lengthy, and hopefully there will be some updates or even results to share in the future.

Sweden – represented by Mattias Karlsson and Sara Svensson of the Swedish Work Environment Authority
New Ways of Organising Work

The project: new forms of work – The supervision effort is a pilot project on new ways of work, focusing on self-employment companies and digital platforms. The project was commissioned by the Swedish government and are expected to report back in February 2022. 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. The work is carried out mostly by the project members, which consists of two inspectors, Mattias and Sara, a project manager, a lawyer, and a communicator. For those who would like to read more about the project, the project directives registration number is 2018/035377. Further information is also available on their website. The project is limited to the Work Environment Act, with a focus on systematic work environment work.

Inspections – the way it works

During a regular inspection, an employer is met at the workplace, who knows what the employees' duties are and where the work is performed. The workers are also met with. It is known that the Work Environment Act and regulations apply to the employer. When inspecting digital platforms and self-employment companies, the owner of the company was met with, but the workplaces where the work is performed in not seen and the workers performing the work were not met with. It is unknown in some situations if the Work Environment Act applies, and some of the companies that were inspected were curious to know what responsibilities they have. The purpose of the project is to determine if the Work Environment Act is indeed applicable.

Inspections done so far

25 inspections have been carried out, most of which have led to demands for action. However, due to the pandemic, no inspections have been carried out since March 20th, 2020. Three businesses have been fined, two digital platforms and one self-employment company. The digital platforms have appealed the decision as 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. 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, and the judgment of the Appeals Court in 2019 therefore stands.

Challenges

It is difficult to assess responses in risk assessments when the workplace where the work is performed cannot be visited. Post registered assignments mean that the self-employment companies are unaware of where the work has been performed until they have received

documentation and the invoice has been issued. Contractor workers of foreign-registered companies are not met with. Some are willing to do the right thing but do not know how to go about it.

What happens now?

Distance follow-ups will be carried out towards the companies that have received demands to follow requirements. Physical inspections will resume as soon as the situation in the society allows. Two companies, which are digital platforms, have appealed the fine injunctions, which have been forwarded to the administrative court.

Comments from Moderator

The project is interesting and has been somewhat of a wakeup call to inspectorates. They have been learning along the way and began with a blank page on how labour inspectorates should approach the notion of GIG platforms. Trying to address the issues can be a minefield, and when pushing cases in the courts, like in Finland, it is really important to have the wording right.

The sectors that got fined was restaurants, homework, etc. The two digital platforms that were fined were moving companies, or similar.

Giglab Sweden – represented by Rebecca Filis, The Swedish Tax Agency and Lisa Hemph, The Swedish Employment Service/Jobtech development

Giglab's logo depicts the GIG economy system consisting of the GIG worker in the centre, who is the main focus of the investigation, the platform and the self-employed companies, and society as a whole, and have embraced the inclusion of governmental authorities, the politicians, labour unions, and other civil organisations. The definition of the GIG economy is therefore quite broad.

Giglab Sweden

A lot of work has been completed within the GIG Economy, but due to its complexity they also saw a need for a system perspective. Together with Companion, who researches cooperative platforms, and a researcher from the Stockholm School of Economics, and the Swedish Industrial Design Foundation (SVID), it was decided to set up a process to obtain sustainable growth of GIG economy in Sweden, beginning with mapping the challenges. They had intended to arrange workshops in February and March 2020, but due to Covid-19, they had to think about how to set up the process, which resulted in the creation of the website giglabsverige.se and map the challenges from the GIG workers perspective, then from the perspective of the platforms, and lastly from society's perspective, such as authorities, unions, and employer organisations.

Objectives

The objectives of the project were to develop 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, to provide input into ongoing work towards the Agenda 2030 and focus on better working conditions and digital infrastructure linked to the GIG economy. They also wanted to provide a basis for continued internal work at the authorities linked to the GIG economy. Lastly, they wanted to provide empirical basis for research in the field of gig economics, conducted by post-doctorate researcher Claire Ingram Bogusz at the Stockholm School of Economics.

Mapping using system approach

A system mapping method was used to consider the structure of GIG economy in a more holistic manner. The starting point was to adopt a system perspective on the problem and not to weigh up the complexity. Measures should be implemented where they can have the greatest impact in the entire system and contribute to the adjustments required. To succeed, people, organisations, and society need to contribute to the transition. Four different workshops were organised based on the three different perspectives of the GIG worker, the platform, and society. The outcomes from the workshops are visualised in a spindle diagram. The final and fourth workshop was to discuss the different perspectives, initiatives for finding solutions, identify challenges, a hopefully change the system into one which is more sustainable.

Sustainable Components

The starting point is based on three sustainability components: Power balance and the sustainability in the balance of power between platforms and GIG workers. Next is social security and the sustainability in the transformation to more adapted security systems including GIG workers, and lifelong learning and the sustainability to embrace opportunities to achieve lifelong learning.

According to the diagrams depicted in the slides, the major challenges for the GIG workers are similar to those outlined earlier in previous presentations, such as financial and welfare security, and their view as having a low social status in society. Many workers do not look at their work as being a real career. Due the nature of how their income is earned, it can be difficult for them, for instance, to get a bank loan. Another of their challenges is working environment and labour work conditions. A lot of the workers who attended the workshops were not required to have a physical presence to perform their work, but rather a digital presence. They are aware that there is a lack of CBA's.

The platforms perceive that they are challenged with assisting worker with obtaining better wages as they are not unionised and therefore no guidelines regarding their minimum wage. Some platforms hire various workers in various positions and are therefore unable to achieve a good dialogue with some of the GIG workers. One of the major challenges for GIG platforms is the global environment that they operate in and the level of competition, the GIG workers may work for other platforms, and the customers also buy services from other platforms.

They are also competing with foreign platforms, which must be taken into account when communicating with them and understand that they don't always have the legal or practical prerequisites in place to take more responsibility of their obligations. Many of the platforms would like to take more responsibility, but do not have their legal aspects in place to be able to do so. Finally, the challenge of reaching out and providing information to the GIG workers and the platforms regarding regulations, their rights and obligations and what kind of assistance is available.

Example of proposal – In the fourth and last workshop, some ideas for initiatives were discussed about how to obtain a more sustainable GIG Economy and include a union for GIG workers.

Next step

A report has been written about the work that has been done in Giglab and will be published in February. They also see the need for continued work and framework for the authorities to be able to jointly explore and collaborate, and look onto the possibility for test solution prototypes and look into regulatory barriers.

Comments from moderator

What he really likes about their initiative is trying finding ways to move forward to finding more secure situations for the workers and find a better understanding of the companies' challenges. Also identifying measures that are most effective, which is essentially something that we all are striving for, thus building a more sustainable system. It was interesting to hear about the situation of the GIG workers and that they don't perceive their work as 'proper work', which is something to think about.

The webinar continued with separate workshops country wise – and the results from those are in a separate report. The concluding remarks for the whole day by the moderator Dr. Magnus Falk are however included below.

It seems that we are suffering from a bit of ambiguity towards the new forms of work as they don't seem to fit in our existing moulds. We need to ask ourselves, what is it that we want to achieve, together, as labour inspectorates, tax authorities, etc? As Dorte pointed out, what do the politicians want to achieve? We know what the European Commission wants to achieve, they want a thriving economy inclusive to these new forms of work and we need to tackle the challenges that this presents. It also seems to differ between who you ask, the challenges and possibilities are obviously different for platforms and inspectorates, etc.

The idea presented by Edda that we need to provide a framework for workers of all ages, not just younger and more vulnerable workers, is a good perspective.

Moving forward, what have we learned after today's presentations? Are we even more confused, or do we have some clarification on how to move forward? Whatever we think may be the solution, we share the common goal of making it work, and being worthy for all. As Giglab presented, does our legislation provide us with the most effective measures at the right time? What are the most effective tools? Sticks or carrots?

The Platform for Undeclared Work, have been fortunate to have the assistance of Professor Collin C. Williams from Sheffield University, who as always inquired about what kind of tools we would like to use and has been an advocate for a holistic approach. Do we want to impose punishment to force companies into conformity or do we want to assist them? It may be a question of using both methods, depending on the context of each country. As we saw from the presentations, there appears to be a variance between the countries on how far they have come, the nature of the court cases, difference in legislation, which in turn provide us with different answers on how to move forward and find solutions.

If we are moving forward to where the companies want to take responsibility, is it the court cases that are driving them to do so, or is it a strong business sense? According to the presentation from Swapp Agency, they believe that on a stronger business sense, which is why they acquired the other company, Maur. However, they believe in taking some sort of responsibility, not as an employer as such in the definition, but rather to ensure that income is declared, and taxes and other fees are paid accordingly and that workers are protected.

Whatever the future holds, we will continue to meet and share ideas, experiences, and results, which is something to look forward to. A new mandate has been approved for the continued work of the Nordic-Baltic Undeclared Work Project. The results of the current project will be available in the spring 2021.

Appendix 1 – Agenda

09.00-09.30

(Ice:-1h/Est/Fin/Lat+1h)

Check in/log in to meeting

09.30

Welcome and describing the setting

by Moderator Magnus Falk

09.40 – 10.20

Presentation country wise

(NO, DK, ICE, LA, FIN, EST and SWE)

Legislation, statistics and competence inspections

10.20 – 11.20

Speakers + QA:s

Challenges and opportunities within the GIG-economy

How has the pandemic affected these kind of jobs?

Gender perspectives?

Sascha Garben, College of Europe

Legal framework European level

Kristin Jesnes, STAMI/FAFO

Results Pillar IV, New labour market agents

Nuria Matilla-Santander, The Institute of Environmental Medicine (IMM)| Karolinska Institutet

Work environment for workers within the platform economy

11.20 – 11.30

Break

11.30 – 12.00

Companies from the GIG-economy + QA:s

Iceland (Swapp Agency/Maur) and Norway (Fodora)

12.00-12.10

Conclusions from morning session, Magnus Falk

Appendix 2 – List of invitations

<p>Sweden</p> <p>magnus.falk@av.se mattias.hellberg@av.se cecilia.mobach@av.se minke.wersall@av.se kicki.hook@av.se anne-sofie.daleng@av.se Anna-Carin.Carlsson@av.se peter.burman@av.se Victoria.Roshammar@av.se airi.gustavsson@av.se liselotte.hamfelt@av.se maria.weltenius@av.se arne.alfredsson@av.se tomas.dahlquist@av.se sara.svensson@av.se helena.fallberg@av.se mattias.karlsson@av.se mattias.schulstad@lo.se amelie.berg@svensktnaringsliv.se jmedman@etuc.org ann-sofie.mattsson@regeringskansliet.se joel.phalen@regeringskansliet.se maria.linner@regeringskansliet.se susanna.angantyr@regeringskansliet.se angelica.kauntz@regeringskansliet.se conny.svensson@skatteverket.se Robert.Cloarec@arbetsgivarverket.se madeleine.deland@arbetsformedlingen.se</p> <p>Norway</p> <p>Pal.Lund@arbeidstilsynet.no anne.orheim@arbeidstilsynet.no olav.aanestad.godiksen@arbeidstilsynet.no anna.marta.berg@arbeidstilsynet.no yogindra.samant@arbeidstilsynet.no stig.winge@arbeidstilsynet.no stian.johansen@arbeidstilsynet.no Hege.Kristin.Molokken@arbeidstilsynet.no anat.nilsen@arbeidstilsynet.no elisabeth.hansen@arbeidstilsynet.no Berit.Boee@arbeidstilsynet.no kiell.haugen@arbeidstilsynet.no tone.ronning@politiet.no christin.berges@politiet.no Knut.Johannson.Odegaard@politiet.no Martin.Tardel@skatteetaten.no foodoratillitsvalgt@gmail.com olga.v.ershova@gmail.com eva.barth.haakensen@arbeidstilsynet.no</p>	<p>Finland</p> <p>riku.rajamaki@avi.fi joonas.heinila@avi.fi katja-pia.jenu@avi.fi juho.loukiala@avi.fi riikka.mandelin-hakala@avi.fi merit.ekman@avi.fi sari-anne.salminen@avi.fi anssi.volama@avi.fi niko.huru@avi.fi saara.lipponen@avi.fi rita.soive@avi.fi maiija.talja@avi.fi anne.andsten@vero.fi tommi.lehtinen@vero.fi anu.jarva@etk.fi tiiia.lahti@etk.fi paivi.kantanen@tem.fi kirsi.kyrkko@stm.fi riikka-maria.turkia@ext.ec.europa.eu</p> <p>Iceland</p> <p>edda.bergsveinsdottir@vmst.is sandra@ver.is ragnhildur.thorhallsdottir@skatturinn.is Loa.Olafsdottir@skatturinn.is Dragana.Jovisic@skatturinn.is stefan.skjaldarson@skatturinn.is skuli.jonsson@lrh.is maria.karadottir@lrh.is bjarnheidur.gautadottir@frn.is halldoro@asi.is tania.d.ellifson@vmst.is hanna@ver.is sandra@ver.is svava@ver.is seinarsson@ver.is brynjar@ver.is frida@ver.is sagak@asi.is david@swappagency.com</p> <p>Other affiliations</p> <p>sacha.garben@coleurope.eu Kristin.Jesnes@fafo.no nuria.matilla.santander@ki.se karlis.lapsa@ext.ec.europa.eu Leonardo.COLUCCI@ec.europa.eu Elodie.FAZI@ec.europa.eu Robertas.LUKASEVICIUS@ext.ec.europa.eu Luiza.NITA@ec.europa.eu Lambert.KLEINMANN@ec.europa.eu Endrit.Mujaj@cbss.org Airine.DOBUZINSKIENE@ext.ec.europa.eu Iveta.SURAKA@ext.ec.europa.eu</p>	<p>Estonia</p> <p>liis.naaber@ti.ee kristjan.pikhof@politsei.ee anton.paikse@politsei.ee oscar.oun@ti.ee</p> <p>Latvia</p> <p>Renars.Lusis@vdi.gov.lv Maris.Badovskis@lm.gov.lv Mara.Viksne@lm.gov.lv Liga.Klemere@lm.gov.lv Evita.Leonova-Berzina@vdi.gov.lv SanitaJolanta.Draudina@vdi.gov.lv Andris.Kalinks@vdi.gov.lv Normunds.Sergejevs@vdi.gov.lv Andris.Saulitis@vdi.gov.lv Kristine.Saulite@vdi.gov.lv Maris.Indrikovs@vdi.gov.lv Inese.Laumane@vdi.gov.lv Ingus.Klavins@vdi.gov.lv natalja.preisa@lbas.lv martins.svirskis@lbas.lv inese.stepina@lddk.lv kristina.veihmane@lddk.lv</p> <p>Denmark</p> <p>ak@at.dk avb@at.dk asb@at.dk agp@at.dk doh@at.dk avl@at.dk jens.mogensen@sktst.dk lsb@da.dk nihe@fho.dk</p>
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Appendix 3. Links to participating countries and Platform for Undeclared Work

NORWAY

<https://arbeidstilsynet.no>

DENMARK

<https://amid.dk/en>

<https://workplacedenmark.dk/en/>

ICELAND

<https://www.vinnueftirlit.is/english>

<https://vinnumalastofnun.is/en/foreign-workers>

<http://posting.is/en>

ESTONIA

www.ti.ee

<http://ti.ee/en/organisation-contacts/the-labour-inspectorate/posted-workers/>

FINLAND

<http://www.tyosuojelu.fi/web/en/home>

STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LATVIA

www.vdi.gov.lv/en/

SWEDISH WORK ENVIRONMENT AUTHORITY

<https://www.av.se/en/work-environment-work-and-inspections/>

PLATFORM FOR UNDECLARED WORK

<http://ec.europa.eu/social/main.jsp?catId=1299&langId=en>