



# ACCESS TO SOCIAL PROTECTION FOR CITIZENS WITH IRREGULAR WORK-INCOME

by Culture Action Europe

## A PROJECT, A RESEARCH PLAN

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### 1. The Welfare Line

Culture Action Europe (CAE) is a non-profit-making association whose aim is to put culture at the heart of the public debate and decision-making at every level – both local and European - as well as to encourage the democratic development of the European Union. CAE is an umbrella organization that represents federations of professional sectorial organizations that has recently opened to individual membership. It is evolving from a sectorial advocacy organization to a grass-rooted organization that represents (individual) professionals of the cultural sector. One of its strategical objectives is to reverse the current economic and political weight by strengthening the political power over the economical. This can be done by replacing the political debate in the hands of citizens. To achieve these aims, CAE has developed different working groups addressing specific issues; one of these is the *Welfare Line* which focuses on the issue precarious workers.

CAE emerges from the artistic and cultural fields, which are sectors that count a very high percentage of professionals that work on a project basis, therefore a high number of professionals in so called “atypical”/”new” forms of

employment. If the sector has always experienced such forms of employment, it certainly isn't the only one.

People who develop portfolio careers or who have atypical forms of employment represent an important and rapidly growing portion of the European labour force. These workers are defined as solo-self-employed (those without permanent employees), employees who work from one fixed-term contracts to another as well as those with open-ended contracts who work part-time (less than 20h/week)<sup>1</sup>. When taking into consideration this working population, the Eurostat figures (2014) show that people working in atypical employment represent nearly 40% of the European labour force<sup>2</sup>. It is a highly segmented population, even though research reveals that most of these workers have irregular income and live in or on the border of precarity. The trend is rapidly growing (see next chapter).

This evolution of the labour market has a huge impact on both the financing of social security and access to social protection. In fact, most social security systems were built under the assumption that individuals work full-time with open-ended contracts. People who are in atypical forms of employment share many characteristics with those who develop portfolio careers. These often endorse different social statutes during their professional life, are discontinuously employed/paid by different employers/contractors. This has many implications concerning access to social protection. CAE's Welfare Line's aim is to address these issues, beyond social statutes and avoiding sectorial confinement.

## 2. Access to Social protection for citizens with irregular work income:

The increasing out-sourcing of companies and rapid technological development has tremendously affected labours' workflow and organization. It has greatly participated to the increase of citizens who do not have open-ended full-time contracts in the European labour market. These changes in the labour market impact greatly the working conditions, level of income of workers, as well as their access to social protection and labour rights. The raising inequalities and

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<sup>1</sup> Atypical employment in Europe 1996-2011, Discussion paper P2013-003, august 2013 Wissenschaftszentrum Berlin für Sozialforschung (www.wzb.eu )

<sup>2</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Labour\\_market\\_and\\_Labour\\_force\\_survey\\_%28LFS%29\\_statistics#Labour\\_force\\_in\\_the\\_EU](http://ec.europa.eu/eurostat/statistics-explained/index.php/Labour_market_and_Labour_force_survey_%28LFS%29_statistics#Labour_force_in_the_EU)

IT evolution in robotics (machines will assume more than 23 % of jobs by 2025<sup>3</sup>) aggravates the issue.

The atypical forms of work challenge each system of social security. To accommodate these challenges, nearly each country has designed exceptions to the general rule. We will address the issue of access to social protection in its broadest significance; that is against social and economic risks. By these we intend risk of: unemployment, knowledge obsolescence, enterprise, (professional) illness & occupational injury, parenting, old age/pension, career transition to which we have added housing and access to credit).

Much research exists on all these topics, but they are often confined to the analysis of a specific sector (performing arts, horeca, fishing...), if not job-specific (the artist, the fishers, interim industrial workers, the seasonal farmer...) or based on social statutes (self-employed/ employees). If these finite approaches have the advantage of providing detailed in-depth analysis of specific aspects, they also hinder the understanding of crucial aspects:

- a. They often are very theoretical as they have a tendency to **focus on the legal text rather than the concrete application or use of existing rules**
- b. They do not allow addressing the critical issue of **equality of access to social protection** for EU citizens, therefore neglecting the importance of the labour market's global evolution

These topics are normally handled by traditional stakeholders of the Social Dialogue, but as the employment market is changing, so should the social dialogue structure and stakeholders. We believe it should be enlarged to others, such as professional associations, cooperative workers and self-employed (and within self-employed representation a special place should be given to solo-self-employed). The Welfare Line is a place where these topics can be discussed openly amongst all interested parties.

The project is ambitious, necessary and urgent for 3 reasons. First of all, more and more citizens work and do not have full access to social protection. Secondly, the inequality of income has raised significantly in the last decades, affecting particularly those with irregular income. Finally, the decline of steady

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<sup>3</sup> <http://www.express.be/business/fr/economy/les-robots-ne-veulent-quune-seule-chose-votre-emploi/211299.htm>

and high growth rate is persistent<sup>4</sup> and harms the social ladder mechanisms creating a wide class of low-income workers on the edge of poverty. To allow a true access to social protection to all, adapted and innovative solutions must be found. The discussion must be opened and enlarged to NGO and civil society organizations.

Much information exists, namely the legal and sociological aspects, other still needs to be collected. Beyond the above-mentioned cross-sectorial approach, what seems to be lacking most is the actual access to social protection for citizens who do not work with open-ended and full-time contracts. We have started this work.

### 3. The research project

The objective of the research is to identify if citizens who are in atypical forms of employment in Europe have full access to social protection.

To achieve this, we compare data from different countries (and therefore different social protection models), in order to identify both what social protection mechanisms are most adapted to atypical employment situations and which specific areas of social protection still need adapted solutions for atypical workers.

The results of the study will be the basis for drafting and debating recommendations among the CAE network.

#### 3.1 The population under analysis

People who are in atypical forms of employment are all those who work neither under open-ended contracts or full-time. This includes solo-self-employed people (those without permanent employees), employees who from one fixed-term contracts to another as well as those with open-ended contracts who work part-time (less than 20h/week).

CAE believes it is inappropriate to label these workers with “atypical employment” as it makes the phenomenon marginal (which isn’t the case anymore). “New forms of employment” makes the phenomenon appear new while it is a trend that started decades ago. “Portfolio careers” or “autonomous workers” are interesting designations, but they cover a more

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<sup>4</sup> Despite all fruitless past and present political and economic tentative to reboot the growth to the level of the glorious thirties.

proactive segment of the designated population that would exclude workers outside of knowledge economy (like industrial interim for example). We could speak of “citizens with irregular or low work- income” (cwilwi), but it is long and not very positive.

For the time being we will speak of workers or citizens with “atypical employment” even though it isn’t appropriate. This denomination has the advantage, for the time being, of being well-known and largely used and thus understandable. Nevertheless we believe that only by addressing the appropriate group, beyond the social statutes, through an appropriate label, can we appropriately address a major issue that affects the European labour market, across economic sectors. The topic of proper denomination shall be addressed as it is important to find one that includes all those who are not in full-time open-ended contracts and that concerned people can identify with.

If our aim is to address all sectors, we know that, initially at least, we will only be able to reach people from the creative sector. The cultural sector includes all professionals of creative industries, that is: artists, technicians of the sector, intermediaries (managers, producers, agents...).

We would like to have a European comparative approach, ideally by analyzing the situation in all EU countries, up until now, we have collected data on Austria, Belgium, France, Germany, Hungary, Italy, The Netherlands, Spain & Sweden. <sup>5</sup>

## 3.2 The object of the research: access to social protection against Health related risks

The topic of Access to social protection is very broad. On the one hand, it seems impossible to address all social risks at once, and on the other hand counter-productive to address each social risk individually. Therefore we chose to identify categories of risks. The first survey on access to social protection for those in atypical forms of employment targets specifically the Health related risks. This family of risks includes all risks that may affect a citizen’s physical aptitude to work, and therefore their work-income, such as:

- 1) **Access to health care**= is access to the diagnosis, treatment and prevention of [disease](#), [illness](#), injury, and other [physical and mental](#)

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<sup>5</sup> Data kindly collected and offered by SmartBe

[impairments](#) in human beings<sup>6</sup>. The social protection will cover the partial/full reimbursement of consultations, medications and hospitalisation. We will not go as far as reimbursement of prosthesis or dental care.

- 2) **Benefits** linked to loss of revenue due to health related issues such as:
  - a. **Sickness:** benefits linked to the incapacity of the individual to work because s/he is ill.
  - b. **Professional injury:** benefits applicable to individuals who cannot work because of an injury that occurred in the frame of their professional activity. This term is used to compare the situation of employed and self-employed workers.
  - c. **Occupational disease:** benefits applicable to individuals who are affected by any chronic ailment that occurs as a result of work or occupational activity<sup>7</sup>.
  - d. **Maternity:** “cash benefits (...) paid during maternity leave in the period immediately preceding and following childbirth (...) They can also be in kind, such as the provision of care conjunction with pregnancy and childbirth”<sup>8</sup>
  - e. **Long term care:** is a variety of services which help meet both the medical and non-medical needs of people with a [chronic illness](#) or [disability](#) who cannot care for themselves for long periods of time<sup>9</sup>. It is usually a mixture of in kind and cash benefits.

The following are not taken into consideration:

- a. Paternity leave and adoption: as they are not linked to a physical condition (while it is the case for maternity leave). This aspect, as parental leave in general, will be addressed later when considering thematic leaves.
- b. Old age: will be addressed when we deal with pensions

### 3.3 The methodology

In order to verify the actual level of social protection benefits for citizens who develop their career under atypical employment forms we choose to

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<sup>6</sup>[http://en.wikipedia.org/wiki/Health\\_care](http://en.wikipedia.org/wiki/Health_care)

<sup>7</sup>[http://en.wikipedia.org/wiki/Occupational\\_disease](http://en.wikipedia.org/wiki/Occupational_disease)

<sup>8</sup>Missoc definition : <http://ec.europa.eu/social/main.jsp?catId=999&langId=en>

<sup>9</sup> [http://en.wikipedia.org/wiki/Long-term\\_care](http://en.wikipedia.org/wiki/Long-term_care)

cross two types of information: national raw legal data and survey addressed to citizens that work in atypical forms of employment.

This double approach is meant to check the discrepancies that may exist between what the law stipulates in theory and the actual practice. These discrepancies between theory and practice can have different origins. They may be caused by competent administrations that have a specific interpretation of the law (or even different ones from one office to another) on the one side, and, on the citizen's side, there may be a lack of information or bypass mechanisms (due to administrative complexity or other reasons that will be addressed).

The data collected at national level will be checked and critically analyzed at national level through semi-structured interviews with experts from the academic world, public administrations and grassroots stakeholders (unions, professional associations...).

## A. Legal data

We intend to collect legal data on the access to social protection against health related risks for classic employees (open-ended full-time contracts), self-employed (preferably those without permanent employees) and all employment forms for which legal exceptions have been designed. Since at the time being we are focusing on the creative sector (for aforementioned reasons) we will in a first phase only address the legal exceptions that may affect creative professionals in a way or another. We would ideally like to address all sectors, but we do not have the means or expertise. Collaborations must be envisaged to enlarge the analyzed population.

In order to collect the above-mentioned data, information sheets were designed to compare the following aspects of social protection, per risk:

- Financing mechanisms of the protection (how is it financed?)
- Eligibility criteria (who can access the protection in theory?)
- Specific conditions of access per risk (beyond the eligibility, to which specific conditions must one have to comply with to access the protection?)
- Level of protection (what does the protection cover? Specific service, cash-benefit? etc)
- Duration of the protection (how long does the protection last?)

Detailed legal data regarding “typical” employees and some general information on self-employed could be found on the missoc website<sup>10</sup>. This information has been checked by experts. They have also completed the information regarding the legal exceptions that may affect professionals of the creative sector (artists, technicians & various intermediaries).<sup>11</sup>

The legal exceptions are particularly interesting to grasp what Member States have recognized as situations needing special regulations, to understand which criteria and what mechanisms they have developed for these specific situations.

At the time we have collected the information in Belgium, Germany, Hungary & Sweden. We are still waiting for the legal information sheets of partners in other countries (Austria, France, Italy, Spain and The Netherlands).

## **B. Reality check survey**

In order to grasp the actual access to social protection we also have to examine what happens in practice. To collect such information we have designed a survey addressed to all “atypical workers”, (see 3.1 for definition). Respondents only answer the questions related to situations they’ve experienced personally and each risk is addressed separately (access to healthcare, benefits regarding: illness, maternity, professional injury, occupational disease & long term care). For each issue the following aspects are addressed (in a time frame of 2010 to 2015):

- Was the respondent ever in a situation where s/he need the specific social protection? (= the need)
- Did s/he access the needed protection?
  - o If yes: how complex was it to access it (indicators=length between request & access + number of institutions to be contacted+ in case of cash benefit or reimbursement of costs, the degree of coverage)

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<sup>10</sup> <http://ec.europa.eu/social/main.jsp?catId=815&langId=en>

<sup>11</sup> Information kindly checked by Smart partners and in some cases by unions or legal experts.



- If not: why? (a personal choice? is there a real obstacle to the access to social protection? In this case which obstacle? Is there another social mechanism that “compensates” or is more appropriate?)

We must note that the specific issue of maternity was a bit more complex as women could find themselves in various social statutes during their pregnancy and possibly access a variety of possible benefits.

The survey was made available in 6 different languages (English, French, Allemagne, Spain, Italy & Dutch) on *surveymonkey*, and sent to all CAE & SMart members and partners across Europe. We have collected over 1400 answers so far (more than half from French speaking Belgium). The survey is still ongoing as we would like to collect at least a few hundred answers per country.

## NEXT STEPS...

The collection of data on Access to social Protection for citizens in atypical employment is still ongoing. Regarding this specific study we would like to make collaborations with academics in order to:

- Finish collecting legal data at national level
- Obtain a critical evaluation of national measures & collected data
- Collect data in other countries than the ones mentioned
- Address the other social protection domains (other family of social and economic risks) for the next risks, fine tune the survey and analytical approach

We would therefore like to collaborate with research centers from different fields in order to have a 360° approach of the issue of social protection and labour market evolution. The academic fields we envisage as crucial are: sociology, social law, labour law, fiscal law and economy. We are of course open to others as a multidisciplinary approach is crucial to address properly the topic. In fact the idea is more to coordinate a collection of data that is comparable and usable at an advocacy level, rather than dictating how to do it.

Funding opportunities will have to be identified at national and European level.

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