



National measures to protect non-standard workers including workers in the platform economy

This briefing contains the following sections:

- Policy pointers on the vulnerable situation of non-standard workers and platform workers amidst the COVID outburst.
- Measures introduced at national level to protect these categories of workers.
- Reforms in the light of the COVID crisis in the qualifying conditions for non-standard workers to access sickness benefits.
- Measures undertaken by some platforms in relation to sick leave.

Non-standard workers including workers in the platform economy must be protected, particularly in the context of the spread of coronavirus. The EU and the Member States must now guarantee that non-standard workers are granted access to occupational safety and health and all other labour rights. This ETUC briefing note focuses primarily on developments for platform workers in the light of the crisis. Further updates will also tackle the situation for other non-standard workers, as this category isn't limited to digital labour platforms.

Several governments are advising workers to isolate themselves, which is an unrealistic expectation for most workers concerned. Since many of these workers cannot afford to take sick leave for fear of losing their wages, any measure in this direction aimed at containing the pandemic will not be effective. Some of the platforms, for example, are offering private (and limited) social protection schemes for workers. However, these workers should have access to social protection and public health policies in order to achieve the main principles of social protection for all: adequacy, accessibility and universal coverage; assistance against the main risks of life; and the crucial role of the State in building strong protection systems that are adapted to individuals while being based on solidarity.

ETUC affiliate organisations have reported about different measures undertaken at national level to protect non-standard workers and self-employed workers (for the latter see the separate briefing note on "Self-employed workers"). However, measures to specifically protect the employment, working rights and access to social protection of workers in the platform economy have not yet been addressed. Some of these measures at national level are listed below.

Governmental decisions on the stoppage of certain sectors to protect workers and society should also apply to non-standard workers including those in platforms economy. These workers should be as protected against the contagion and technical unemployment as

COVID-19 WATCH ETUC BRIEFING NOTE

NON-STANDARD/ PLATFORM WORKERS 27 MARCH 2020



standard workers. However, Member States are allowing platforms to continue their business when not even expanding despite theirs not being an essential economic activity.

Workers in the platform economy are therefore faced with the only choice of continuing to work with symptoms that could mean they have the virus or to lose all their income. Despite this crucial service to society, platform workers are faced with the only choice of continuing to work with symptoms that could mean they have the virus or lose all their income. The measures taken by some countries to contain the spread of the virus and provide some security for workers are failing to protect the most vulnerable workers. If European governing bodies and Member States really want to contain the virus, they should take steps to ensure that people can isolate themselves and take sick leave without worrying about how they are going to pay their bills.

It is not acceptable that gig companies fought to make workers ineligible for benefits and now they're offering only a concession of short-term paid sick time to prevent the virus from spreading. These measures do nothing for the thousands of platform workers who may show symptoms but chose not to stay home for fear of missing a pay check and falling behind on rent. We don't need healthcare and paid time off only during a pandemic but a guarantee that their health is not dependent on a company's whim.

This is the reason why this briefing note also includes a section on some the measures undertaken by some platforms in relation to sick leave.

One note of caution, this briefing note captures a dynamic situation which is subject to ongoing change. We therefore kindly ask affiliates to provide us with further information on COVID 19-related measures that have been introduced in your country so that we can update this briefing note.

- **Austria.** The Ministry of Culture has given assurances that the measures should consider the precarious situation of art and culture professionals, regardless of whether they are non-profit, non-profit cultural associations or self-employed. The Austrian film fund is to receive a special budget from the government to compensate the additional costs of postponed or interrupted productions and losses for distributors due to the closing of all cinemas.
- **Czech Republic.** The measures prepared by the Government in the Czech Republic according to the Act on Employment § 120 for employees as well as for the self-employed will also cover platform workers.
- **Finland.** The government announced that self-employed and freelancers – including platform workers - will get access to unemployment benefit during the COVID-19 crisis.
- **Germany.** Several regional governments have announced specific economic support measures for artists and other cultural workers, prioritising free-lance and self-employed workers.

COVID-19 WATCH ETUC BRIEFING NOTE

NON-STANDARD/ PLATFORM WORKERS

27 MARCH 2020



- **Denmark.** A temporary compensation scheme will be introduced for those self-employed workers pertaining to the platform economy (workers without a business-registry number) who expect a loss of revenue. The self-employed person can recover 75 percent of the expected loss of income not taxable at source, however not exceeding DKK 23,000 per month, on condition that the person solemnly declares an expected loss of revenue of at least 30 percent due to COVID-19 from 9 March to 9 June 2020. The parties agreed to also examine whether zero-hour contract workers could be covered by the scheme. Employers and unions in the different industries including in film and TV production have negotiated specific agreements to implement the tripartite agreement to production that have been stopped, suspended or postponed. The agreements aim at securing employment perspective for the period when production resumes and to implement the economic support measures as agreed by the government, employers and unions.
- **Belgium.**
 - The workers working primarily as self-employed (including the assistants) and the assisting partner who are forced to interrupt their self-employed activity due to the COVID-19, may, under conditions, use a « droit-passerelle » (bridge-right). These situations are examined case by case. The financial support amounts to between 1.291,69 and 1.614,10 euros per month. The measures only apply to full self-employed workers, and -for the moment- thus not to platform workers as well as “indépendants à titre complémentaire” (i.e. persons working mainly as worker but in addition/as a complementary job also providing work as self-employed). Furthermore, it only applies automatically to those sectors where closures of businesses were ordered by the Ministerial Decree of 16 March, for other sectors, there is the condition that activities must have been stopped for 7 consecutive days.
 - According to the Belgian legislation, atypical worker (including platform workers) can earn up to 6340€ a year without any taxes and social security obligation, but also without any social status. Therefore, these workers are not entitled to an allowance if they are impacted by the crisis (even if they get sick).
 - A lot of freelance workers are working through systems as "SMart" or "Tentoo", in a system of "temporary short employment contracts" during a mission, and unemployment in between the missions. Under this system, if the missions are suspended due to the crisis, there is no support for these workers.
- **France.** The French Government has announced a set of transversal support measures for businesses which also cover the cultural sector: simplified and reinforced support for short-time contract, payment periods for social and / or tax payments or even direct tax rebate, solidarity funds for small businesses, the self-employed and micro-businesses, bank cash lines guaranteed by the central bank. The government has also announced adjustments to the unemployment insurance rules applicable to intermittent performing artists and technicians and for short-term contract workers to prevent that intermittent workers, who cannot work, are not penalized and acquire rights during the entire phase of the COVID-19 epidemic. The government has also



COVID-19 WATCH ETUC BRIEFING NOTE

NON-STANDARD/ PLATFORM WORKERS 27 MARCH 2020

decided to "neutralise", i.e. not to take into account the period of confinement in the calculation of the reference period entitling intermittent workers to unemployment insurance. Similarly, this period will be neutralized for the payment of compensation - thus, intermittent workers and other employees in the cultural sector who have reached the end of their entitlements will continue to be compensated until the end of the confinement period.

- **Ireland.** The Irish film funding agency, ScreenIreland has announced an initial range of measures to assist those working within the sector during the crisis. Screen Ireland will provide 90% funding upfront on all development loans to Irish screenwriters and production companies through to 31st May 2020. The agency will continue to provide skills development opportunities for industry practitioners, with Screen Skills Ireland delivering some of its planned activity for 2020 online free-of-charge over the next 6-10 weeks.
- **Italy.** The measures included in the "Care-Italy" decree, which invested 25 billion euros and mobilized 350 billion euros resources, include some provisions to non-standard workers such as workers under Co.Co.Co. contracts (contracts for coordinated and continuous collaboration), artisan craftspeople, shop-owners, farmers and agriculture workers, seasonal tourism workers and entertainment workers etc. These workers will be granted an extraordinary compensation of EUR 600 in March. A specific mechanism with an overall funding of EUR 300 million has been established for freelance workers and liberal professionals who are not eligible to the lump sum of EUR 600.
- **Lithuania.** Non-standard workers (in particular in the cultural sector and where theatres, museums music venues, entertainment institutions were closed and gatherings suspended) will be granted a monthly payment of 257 providing a contribution to the social security of at least 3 months in the last year and if this person hasn't worked elsewhere with a standard contract. Additional instruments may be decided in the nearest future.
- **The Netherlands.** Many platform workers do not accrue the number of hours required by the Government to qualify for a supporting program for self-employed (1225 per year / 25 hours per week). As a result, they should apply for normal Welfare, which is significantly lower and puts them into financial trouble.

According to the law, students who have worked in the catering industry as a self-employed person cannot apply for welfare and therefore they are now increasing their student loans.

- **UK:**
 - For self-employed or workers in the gig economy who have no access to Statutory Sick Pay (SSP), the government facilitated easier access to other social benefits. In a similar fashion, gig economy workers will not have to be present physically, but will be able to go online to register for these benefits,



COVID-19 WATCH ETUC BRIEFING NOTE

NON-STANDARD/ PLATFORM WORKERS

27 MARCH 2020

and in particular for the Employment and Support Allowance (ESA) that will be eligible for claim as of the first day of quarantine instead of the normal 8th day being out of work.

- Reference could also be made to the initiative of German delivery firm Hermes which announced on 6 March that it would set aside a £1 million (€1.15m) support fund for its 15,000 independent delivery workers in the UK, in the event that they have to self-isolate because of the coronavirus. The group has also pledged to help its self-employed delivery workers to find a replacement if necessary and has committed to ensuring they can continue to work the same rounds when they return to work. Hermes' so far unprecedented stance has been hailed by trade unions, who are concerned about the fate of gig economy workers, since workers in this sector are not entitled to sick pay and can therefore be hit hard if they need to stop working for any reason.

The British Film Fund, BFI and The Film and TV Charity have partnered to create the new fund, established with a £1m donation from Netflix, to help support the creative community, which has been devastated by the pandemic. The fund will provide emergency short-term relief to the many thousands of active workers and freelancers who have been directly affected by the closure of productions across the UK.

With regards to the **access to sickness benefits**, many European countries do not grant non-standard workers this protection due to stricter contributory period conditions. This is so as the qualifying periods for sickness benefits makes it virtually impossible for most of temporary workers to access such benefits. Around one third of the Member States (CZ, FI, HU, SE, SI, SK, NL and LV) as well as Austria (except for rehabilitation benefit), Italy (except for farmers and show-business employees) and Luxembourg (except in case of cessation of the labour contract), do not require a specific duration of the contribution period for eligibility to receive sickness benefits.

In the other Member States, the required period of contribution is typically between two and three months, but with wide variations: from 14 days in Estonia to 9 months in Hungary, and even more than a year in Greece (depending on the duration of the sickness benefit). This period can be spread over a certain time span. For instance, in Croatia the minimum period is 9 months of consecutive contributions, or 12 months with interruptions during the two years preceding the sickness. Likewise, in Lithuania, the contribution period should be at least three months during the 12 months or at least six months during the 24 months preceding the sickness.

Lastly, as mentioned in the introduction of this briefing, we hereby present a short update on different unilateral measures undertaken by digital labour platforms to offer sick leave and other social protection schemes to their workers in response to the spread of the coronavirus:

- Deliveroo (Belgium & France) established a fund to support its drivers, also drivers who are diagnosed with the Covid-19-virus or who find themselves incapacity to work during this crisis period can benefit from a financial support. In France, only riders that have earned 130€ per week during the last 4 weeks on the platform are entitled to this



COVID-19 WATCH ETUC BRIEFING NOTE

NON-STANDARD/ PLATFORM WORKERS

27 MARCH 2020

income in case of contamination. The indemnification of 16,43€ per day can lead to a maximum 14 days of de-connection for a total amount of 230€.

- Uber and Lyft (UK) have announced funds to compensate drivers who have been quarantined or diagnosed with Covid-19, in response to pressure from those who say they cannot afford to take time off work even if they are sick. It would consist of a two weeks compensation. (source Guardian article 11/3/2020 by Kari Paul - Coronavirus forces companies like Uber and Lyft to reckon with workers' rights - Gig companies fought to make workers ineligible for benefits. Now they're offering paid sick time to prevent the virus from spreading).

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