

Spasova, Slavina et al.

**Research Report**

## Non-standard workers and the self-employed in the EU: Social protection during the Covid-19 pandemic

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# **Non-standard workers and the self-employed in the EU: social protection during the Covid-19 pandemic**

Slavina Spasova, Dalila Ghailani, Sebastiano  
Sabato, Stéphanie Coster, Boris Fronteddu  
and Bart Vanhercke

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This mapping report is the first deliverable of a larger study which the European Social Observatory is conducting on behalf of the European Trade Union Institute (ETUI). In a next stage of the research, eight case studies will be conducted of Member States which have implemented significant and particularly relevant (in the spirit of the Council Recommendation on access to social protection for workers) and/or innovative measures. The final report of the project will provide a comparative analysis of the national measures in the social protection branches under examination.

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## Introduction

The lockdown and other restrictive measures introduced during the Covid-19 pandemic and the ensuing economic recession have had a strong impact on labour markets worldwide. As far as the European Union (EU) is concerned, the accelerated fall in total employment was the ‘sharpest decline ever observed over two successive quarters since 1995’ (European Commission 2020a: 20). Unemployment, however, decreased moderately over 2020, although to differing extents in individual Member States and at different paces during the various lockdown phases (ibid: 7). This exceptional and unpredictable context puts the pivotal role of social protection squarely in the spotlight, reminding policymakers and citizens of the **essential role of strong social security** to cushion against potential disastrous social impacts and job destruction. Various job retention schemes have played an important role as automatic stabilisers to preserve millions of jobs (OECD 2020a; Müller and Schulten 2020; European Commission 2020a).

At the same time, the consequences of the pandemic also highlighted that – to rephrase George Orwell’s expression – ‘all workers are equal, but some workers are more equal than others’ regarding their access to social protection. The Covid-19 pandemic severely affected some categories of non-standard workers<sup>1</sup> and the self-employed (Eurofound 2020a, 2020b; ESPN 2020; Causa and Cavalleri 2020; OECD 2020c). The crisis hit labour markets hard at a time when, for decades now and especially since the Great Recession, there has been a gradual unravelling of labour laws in the name of flexibility. Indeed, the growing interest in the social situation of the self-employed has been linked to trends such as the restructuring of economic and labour markets, in particular during the economic crises, and the growing importance of the platform economy (Behrendt and Nguyen 2018; Schoukens *et al.* 2018; Degryse 2016). This process has led to the creation and increase of new forms of non-standard work such as on-call work, zero-hour contracts, solo dependent self-employment, portfolio work. For legal scholars such as Paul Schoukens (2020: 6) this points to ‘a further development (to the extremes)’ of non-standard work.

While during the pandemic, people in salaried employment<sup>2</sup> have benefited from job retention schemes (such as short-time work schemes) and were able

- 
1. We use the ILO definitions: *standard employment* i.e. full-time permanent contracts; *non-standard employment* (e.g. part-time, temporary contracts, zero-hour etc.); *self-employment*, i.e. people working on their own account (ILO 2016).
  2. We distinguish between a contractual employment relationship with an employer (including standard and non-standard workers) and self-employment.



to access unemployment schemes, this was not the case for several categories of non-standard workers, and especially for the self-employed. Consequently, a salaried employee and a bogus self-employed<sup>3</sup> or a dependent self-employed person who do the same job in the same enterprise may well have very different levels of entitlement (or, in fact, no entitlements whatsoever) to, for instance, unemployment and sickness benefits (access to which was essential during the pandemic). In a context of increasing fragmentation of labour market statuses, some categories of non-standard workers, and more traditionally the self-employed, have only restricted access, or even no access at all, to certain social protection schemes, notably unemployment benefits, sickness benefits and schemes covering occupational diseases and accidents at work (Matsaganis *et al.* 2016; Spasova *et al.* 2017). Although there have been some reforms improving access for the self-employed (Spasova and Wilkens 2018; Spasova *et al.* 2019), significant gaps remain. Non-standard workers and the self-employed, therefore, were particularly affected during the pandemic, which has impacted people's health (access to sickness benefits) and jobs (access to unemployment benefits).

In this context, the purpose of the present study is to **map key social protection measures taken during the pandemic** from the perspective of fragmentation of labour market statuses, notably by focusing on non-standard workers and the self-employed as well as taking into account the gender dimension of these social protection measures. The analysis focuses on the 27 EU Member States, covering the period of the first wave of the pandemic: from the beginning of the lockdown measures (for most countries at the beginning of March 2020) until 31 December 2020<sup>4</sup>.

The remainder of the publication is structured as follows. Section 1 discusses the relevance and research design and explains the broader project of which this analysis is part. Section 2 describes the measures taken regarding unemployment benefits during the pandemic. Section 3 focuses on sick pay and sickness benefits. Section 4 discusses the special Covid-19 parental leave arrangements. The conclusions highlight the main trends in the measures taken during the first wave of the pandemic as well as their relevance for non-standard workers and the self-employed.

- 
3. A situation in which an employer wrongfully treats a worker as an independent contractor and hides their true status as a salaried employee (ILO 2016).
  4. Countries which have developed along similar lines are listed in brackets (e.g. AT, BE, BG). The complete list of country acronyms can be found in Annex 1. The countries in brackets are provided by way of example and are not necessarily exhaustive.

# 1. Relevance and research design

## 1.1 Context of the research: a threefold relevance

The relevance of the research is threefold: a) the pandemic which triggered the need for certain social security benefits; b) the context of the 2019 Council Recommendation on access to social protection for workers; and c) the lack of research on the topic, now that the second wave of the pandemic is hitting Europe and some countries are already facing a third wave.

- **The pandemic and the need for social protection**

An initial screening by the European Social Observatory of the available evidence (see Section 1.2) shows that most EU Member States have taken measures – which vary greatly – to make eligibility conditions for social protection benefits less stringent. This study aims to evaluate whether these measures have improved formal and effective coverage (see definition below) for non-standard workers and the self-employed, and whether these categories of workers have gained (temporary) access to branches from which they were previously excluded. As Covid-19 is, first and foremost, a health crisis, which in turn has impacted the economy and the labour market, the social protection measures taken by the Member States during 2020 mostly relate to sickness benefits, unemployment benefits and special Covid-19 parental leave arrangements. In other words: they relate to benefits to which these categories of workers may not have formal access (in the case of unemployment and sickness benefits), or to which their access is hindered by stringent eligibility conditions. While these categories of workers are normally covered by parental leave schemes, we consider it essential to include parental leave in the scope of our research, as most childcare facilities and schools were closed during the lockdown period(s).

- **The Council Recommendation on access to social protection**

The questions raised in the present study are also relevant in relation to the monitoring and evaluation of the Council Recommendation on access to social protection for workers and the self-employed (hereafter ‘the Council Recommendation’) which was adopted as a key initiative of the roll-out of the European Pillar of Social Rights in November 2020. Member States are asked to implement the principles set out in this Recommendation and to submit a plan setting out the corresponding measures to be taken at national level by 15 May 2021 (18 months after the formal adoption of the Recommendation). The Commission

will then review the progress made in its implementation, in cooperation with the Member States and drawing on a common monitoring framework<sup>5</sup>. After consulting the stakeholders concerned, the Commission will submit a report to the Council of the EU by 15 November 2022.

According to the spirit of the Recommendation, Member States are suggested to ensure that their social protection systems provide: a) formal coverage; (b) effective coverage; (c) adequacy; and (d) transparency for all workers and self-employed. This mapping report examines the first two aspects, as it deals with both formal and effective access. Formal access refers to whether a worker is formally included (mostly by law) in a social protection scheme. Effective access relates to whether a worker who has formal access can build up entitlements and meet the eligibility conditions to access the scheme. The Recommendation calls on the Member States to ensure mandatory social protection for all workers and for the self-employed ‘at least on a voluntary basis and where appropriate on a mandatory basis’ (Council of the EU 2019: 7). As for effective coverage, one of the main recommendations to the Member States is to ensure that the eligibility conditions and the design of the schemes ‘should not prevent individuals from accruing or accessing benefits because of their type of employment relationship or labour market status’ (Council of the EU 2019: 7).

- **The need for research into social protection measures for non-standard and self-employed workers during the pandemic**

The research community, international organisations (including the ILO and the OECD) and some organisations working closely with social stakeholders (such as Eurofound and the ETUI) started to map governments’ policy responses during the first weeks of the Covid-19 crisis. This included the setting-up of databases identifying measures taken to address the social implications of the pandemic (for an overview of social science sources on the pandemic, see Bridano 2020).

These databases are mostly repositories of country policy responses to the Covid-19 crisis, on topics such as employment and social protection, income maintenance, safety at work, social dialogue and other economic measures taken to alleviate the effects of the crisis<sup>6</sup>. At this stage, a wealth of raw data are available on policy initiatives aimed at addressing the impact of the Covid-19 crisis, but these mostly focus on the situation of the labour market as well as poverty and social inclusion,

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5. As of 15 November 2020, the Commission, jointly with the Social Protection Committee, is to establish a monitoring framework and develop agreed common quantitative and qualitative indicators to assess the implementation of this Recommendation, enabling its review (Council Recommendation 2019).

6. ESPN (2020); ILO Social protection database [https://www.socialprotection.org/gimi/ShowWiki.action;jsessionid=C9nffZOboFuzNdgbMIkkMd6A\\_28QR51vPP5N85QaHyvDn4r0-9!445242879?id=3417&lang=EN](https://www.socialprotection.org/gimi/ShowWiki.action;jsessionid=C9nffZOboFuzNdgbMIkkMd6A_28QR51vPP5N85QaHyvDn4r0-9!445242879?id=3417&lang=EN); EUROFOUND COVID-19 Policy Watch <https://www.eurofound.europa.eu/data/covid-19-eu-policywatch/database>; OECD site on Corona virus <http://www.oecd.org/coronavirus/en/>; World Bank ‘Social Protection and Jobs Responses to Covid-19: A Real-Time Review of Country Measures’ <https://openknowledge.worldbank.org/handle/10986/33635>

and far less on social protection. Moreover, analytical and comparative research is still at an initial stage.

The most common research approach to the impact of the pandemic on non-standard workers and the self-employed has been to focus on their economic and labour market situation. There has been no specific research into social protection for non-standard workers and the self-employed. In some cases, research covering these categories of workers focused on the distributional risks, identifying the type of non-standard workers and the most impacted economic sectors (OECD 2020c; Causa and Cavalleri 2020). Eurofound (2020b) has also published research on the initial policy responses in the Member States, as well as the results of surveys on the employment and poverty situation of workers in the EU, including non-standard workers and the self-employed. These studies conclude that non-standard workers (especially some categories) and the self-employed are particularly vulnerable. Nevertheless, none of these studies provides a systematic review of the social protection measures taken during the pandemic by the EU Member States or their potential impact on access for non-standard workers and the self-employed.

Given the abovementioned gaps in access to social protection and the lack of systematic research into this issue, the added value of this comparative study is that it focuses on the formal social protection measures taken during the pandemic and their potential impact on effective access to it. Given the specific context of the pandemic described above, the study focuses on a) unemployment benefits; b) sick pay and sickness benefits; and c) special Covid-19 parental leave arrangements. In particular, it maps the changes made to some parameters of the schemes' eligibility and payment conditions, including waiting periods, qualifying period, benefit level and duration and voluntary access with opt-in or opt-out. The specific focus is on non-standard workers and the self-employed, who may have differentiated access to this kind of benefits. Importantly, as the pandemic affected women in different ways, and women are most likely to be working under non-standard contracts – especially part-time jobs, domestic work etc. (Rubery and Tavora 2021) – the gender dimension will be cross-cutting in this reflection, especially regarding leave arrangements. Due to school and day-care closures and the impossibility of relying on grandparents, many parents working from home have been struggling to reconcile their job and care responsibilities. Much of this additional workload has fallen on women, as care continues to be provided predominantly by women during the pandemic. To support working parents' care responsibilities during times when school and childcare facilities were closed, several countries have provided paid leave, which has mainly benefited female and male workers in the formal sector covered by social insurance (Dugarova 2020).

For each of these benefits, the present analysis will provide some initial reflections on the effect of these measures on effective access, i.e. whether and how the provisional measures have reduced the impediments linked to eligibility conditions for non-standard workers and the self-employed. Effective access is best measured by coverage and take-up indicators. It should however be noted that at this early stage of implementation of the measures, systematic data is difficult to obtain, particularly for specific categories of workers. This study will, therefore, mostly focus on a discussion of whether and how the measures (e.g. reducing qualifying

periods, abolishing waiting periods) potentially improve effective coverage for non-standard workers and the self-employed. These questions will be further developed in the deliverables which follow on from this publication.

## 1.2 Methodology

The overall approach of the research is to first look at the changes made to the parameters of the social schemes during the pandemic, identifying their scope, target and timing. Second, we look at the situation before the pandemic and notably whether non-standard workers and the self-employed had access to these schemes. The third step is to briefly discuss the impact of the changes on formal access and on effective access. The second and the third steps are especially relevant to unemployment and sickness benefit schemes; in the case of parental leave arrangements, Member States mostly created new *ad hoc* schemes (the so-called ‘corona leave’, to respond to the closures of schools).

### Box 1 Methodological limitations

First, in some databases, the information given on the countries is not uniform. Some country correspondents provide details on individual measures, while for others the information is scarcer. This bias was overcome somewhat by comparing the information in different databases. It is not that surprising that some explanations of social protection measures are missing from these databases, as they provide a huge amount of information on various measures taken during the past few months.

Second, the names of benefits and measures may differ among the databases, as these are translated from the national language into English and come from different national sources. Thus, we checked carefully whether or not the information referred to the same, or rather a different, measure.

Finally, because of the abovementioned issues, the analytical interpretation and classification of some measures may in some instances be biased. However, only a few cases (specific schemes in a few countries) are likely to be affected.

Overall, we give a complete picture and the trends described accurately reflect the situation.

Source: author’s own elaboration

As for data sources, after an initial screening, notably through the databases contained in the Oxford Super tracker<sup>7</sup>, we drew on the sources most relevant for this research, notably the ILO, Eurofound, ESPN Flash reports on Covid-19 and the OECD. These databases consider all the 27 Member States (except for the OECD, which covers 22 of them) and provide succinct information on social protection measures. We looked at all these databases for each Member State in order to compare the information available. In some specific cases, when information was

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7. Oxford Super Tracker <https://supertracker.spi.ox.ac.uk/policy-trackers/>

not clear, we searched for evidence on official governmental sites of a particular Member State.

We took a systematic approach, comparing the information for each country in each database. Nevertheless, given that the context of the pandemic and ensuing measures is dynamic, and that there is a profusion of information available, some methodological biases should be taken into account, as described in Box 1.

## 2. Unemployment insurance-based benefits

When initially conceiving this section, the OSE research team undertook to examine whether and how Member States have changed the rules of their unemployment systems during the pandemic in order to better include certain categories of non-standard workers and the self-employed. This idea was based on an optimistic assumption, which ended up being disproved by the situation ‘on the ground’. Most Member States have indeed made some provisional changes to the rules governing their unemployment benefit schemes, to temporarily benefit non-standard workers such as people on short-term temporary contracts. However, with some exceptions, there have been **no cases of non-standard workers and the self-employed being included in schemes to which they do not ordinarily have formal access**.

Importantly, the study does *not* focus on job retention schemes (e.g. short-time working schemes, so-called ‘temporary/technical unemployment’). There are three reasons for this. First, these schemes are in general open to all salaried employees. Second, they do not fall within the scope of the aforementioned Council Recommendation. Finally, as these schemes were among the main measures taken to cushion the effects of the crisis, they have been extensively researched since the beginning of the pandemic, notably by the ETUI (Müller and Schulten 2020), Eurofound (2020b) and the OECD (2020c).

All Member States have established a form of income support for the self-employed and for certain other categories of workers who would otherwise be left in dire financial straits due to the pandemic. These benefits could be described as ***ad hoc* social assistance support paid by the State budget**. Although such temporary *ad hoc* social assistance schemes fall outside the scope of the Council Recommendation, their urgent implementation highlights the significant gaps in access to social protection. Thus, in this section, we not only discuss the changes made to existing unemployment benefit schemes (Section 2.1) but also briefly describe the other support measures targeted at specific categories of non-standard workers and the self-employed during the pandemic, as these were their main sources of support (Section 2.2).

## 2.1 Changes to the parameters of unemployment benefit schemes

This section focuses on the changes made to existing unemployment benefit schemes during the pandemic<sup>8</sup>.

Almost all Member States have made changes to the main parameters of their unemployment benefit system, to provide better access, improve payment conditions or prolong the period of receipt of benefits (Table 1), although there are some important exceptions (HR<sup>9</sup>, HU, MT, NL) and The Netherlands and Malta suspended job search requirements (Eurofound 2020a). In Hungary, the government's response focused on preserving demand for labour (support to enterprises) rather than supporting consumption (support to individuals through social protection schemes), in line with its declared goal of building a 'work-based society' (Gál 2020).

### 2.1.1 Measures targeted at salaried employees

In general, the changes to the parameters of unemployment benefit schemes apply to all the categories of workers who have access to the scheme, and all changes are temporary<sup>10</sup>: changes mostly applied during the lockdown periods<sup>11</sup>, which varied from country to country. In several cases the measures were extended (sometimes depending on the economic sector) until the end of 2020, especially in September-December 2020 when the second wave of the pandemic struck Europe. Generally, non-standard workers, such as part-timers and those on temporary contracts, have formal access to unemployment schemes on an equal footing with standard workers in all Member States, with some important exceptions (see below).

The parameter most subject, by far, to changes was the *period of receipt of benefits* (BE, BG, CY, DE, DK, EL, FR, IT, LT, LU, LV, PT, RO, SI, SK). This period was extended in different ways and mostly for one to three months beyond the periods of lockdown. The extension was mostly paid at the same level as before the pandemic. For instance, Slovakia extended benefits by one month and Germany by three months. Other countries paid a flat-rate amount to people whose benefits expired. In Latvia, those who are no longer entitled to receive benefits are entitled to a special allowance of €360 per month for four months.

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8. Like all summary tables, Table 1 presents a simplified overview of the measures adopted. We tried to be as precise as possible by providing clarifications linked to an asterisk and describing some of the most important measures in the text. It should be noted that the changes in parameters are aimed to improve access to social protection. We have not come across any example going in the opposite direction (e.g. improving one parameter while downsizing another one, restricting access).

9. Since 2019, unemployment benefits are no longer contributory in Croatia. They are now financed from general taxation while before they were paid from contributions (1.7% of the gross salary paid by the employed or self-employed; Bežovan *et al.* 2019).

10. At the time of writing of this report, January 2021.

11. Except for Sweden, which did not implement lockdown measures.



Table 1 Measures related to unemployment benefit schemes (until 31 December 2020)

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	
<b>UNEMPLOYMENT BENEFITS</b>	X	X	X	X	X	X	X	X	X	X	X	X	NO	NO	X	X	X	X	X	X	NO	X	X	X	X	X	X	X
<b>Qualifying conditions</b>																												
Employment period requirement**						X			X	X	X	X			X				X				X		X			
Other conditions										X																		
<b>Level of benefit</b>																												
Increase in compensation rate/amount	X*		X				X								X						X				X			
Suspension of regressivity		X									X																	
<b>Period of receipt</b>																												
Abolishing/ reducing waiting periods							X				X				X										X			
Extended period of receipt		X*	X	X		X	X		X		X				X	X	X	X	X				X	X	X	X	X	X
Other (e.g. suspension of conditionality, simplified admin procedures, online applications)		X	X		X		X	X	X	X	X	X			X				X	X	X			X				
<b>Conditions related to employment status</b>																												
Specific categories of non-standard workers***												X			X*										X*			
Self-employed							X		X*	X*	X				X*	X	X						X		X			

\* AT: both unemployment assistance and unemployment benefit increased; BE: only for school-leavers, CY: only for people who are no longer entitled to receive a benefit; EL: only to some categories of self-employed who were previously included; IT: includes both NASPI (*Nuova prestazione di Assicurazione Sociale per l'Impiego*) and DIS-COLL (*Indennità di disoccupazione per collaborazione coordinate*); ES: includes both the general unemployment benefit scheme and the specific unemployment benefit scheme for the self-employed 'cessation of business activity benefit'; SE: People on contracts of less than 50%. This is a summary table which does not provide information on the timing of the measures: several of them were in place only for a few months (during the lockdown periods), others are still in place at the time of writing.

\*\* This relates to the period (most often several months) during which a person needs to work in order build up entitlements for unemployment benefits.

\*\*\* These include only some country-specific and job-specific categories of non-standard workers, such as those on civil contracts (e.g. BG, PL), zero-hour workers, seasonal workers, students, domestic workers. It does not refer to workers on part-time and temporary contracts, who generally are formally entitled to social protection.

Source: Eurofound 2020a; ILO 2020; ESPN 2020

The *qualifying conditions* have also been changed, although to a lesser extent (DK, ES, FI, FR, IT, LV, PT, SE). The only two countries which temporarily abolished the qualifying conditions are Italy and Spain, where even people whose previous entitlement to benefit had been suspended became entitled to it again. Other countries have considerably shortened (typically halved) the qualifying period: from 26 to 13 weeks in Finland and from 180 to 90 days in Portugal. In Sweden, under the previous rules, a person had to be a member of an unemployment insurance fund for at least 12 months to be eligible for benefits, while under the new measures (March-December 2020), every month of membership counts as four months (Eurofound 2020a; ILO 2020). Italy has a separate unemployment scheme (*indennità di disoccupazione mensile*, DIS-COLL) for specific statuses of non-standard workers, such as continuous and coordinated collaborators (so called ‘co.co.co’) and those on project-based contracts (‘co.co.pro’), apprentices, members of cooperatives, art workers as well as those employed in the public sector with fixed-term contracts. During the pandemic, the qualifying period for the general unemployment scheme was suspended and the period of receipt of benefits was extended to two months for those whose entitlement expired during the pandemic (Eurofound 2020a).

The *level of benefit* was modified in only six countries (AT, BG, EE, IE, PL, SE), and degressivity of unemployment benefits was temporarily suspended in Belgium. Austria granted a one-off lump sum payment of €450 in unemployment benefit or unemployment assistance for at least 60 days between the beginning of May 2020 and the end of August 2020. Moreover, the level of unemployment *assistance* was temporarily increased to the level of unemployment *benefits* (Eurofound 2020a; ILO 2020).

Waiting periods – specific to only some countries (DK, FI, IE, SE) – were suspended (Eurofound 2020a). Finally, some other measures for employees include suspension of training and job search requirements<sup>12</sup>, as well as facilitated administrative access in the form of on-line application for benefits (Eurofound 2020a; ILO 2020).

### 2.1.2 Measures targeted at specific categories of non-standard workers

Only very few measures were targeted at specific groups of non-standard workers that are excluded from formal access. Indeed, as mentioned previously, non-standard workers are generally entitled by law to benefits, except for some specific categories such as casual and seasonal workers (e.g. in BG, LV, PT, RO). In some countries, specific categories may also not be entitled to unemployment benefits: ‘civil law contracts for a specified task’ in Poland as well as ‘marginal freelancers’

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**12.** Table 1 may not be complete regarding job search requirements as, in the consulted databases, these were mentioned among the measures applying to the main parameters. It can be assumed that most Member States suspended these requirements during the lockdowns.

and ‘marginal part-timers’ in Austria (Spasova *et al.* 2017)<sup>13</sup>. Our research shows that in almost all cases, Member States dealt with these specific categories by providing them with targeted *ad hoc* income support allowances, but not with formal access to the unemployment benefit scheme (see Section 1.2).

The only example of a country which provided access to a previously excluded category is Sweden, where in order to be eligible for unemployment benefits, a worker must have worked at least 50% of the time (during the past six months). This minimum limit has now been lowered during the pandemic to allow a larger number of part-time workers to become eligible (Eurofound 2020a).

### 2.1.3 Measures related to the self-employed

Unemployment benefits are among the least accessible social protection schemes for the self-employed. In thirteen Member States, the self-employed have no formal access, in six of them they can join voluntarily and in only seven are they mandatorily included. Moreover, access often varies between categories of the self-employed, and a self-employed person may only be eligible for means-tested benefits or be subject to opt-outs and exemptions (Table 2).

Table 2 Formal access for the self-employed to unemployment benefits and measures taken during the pandemic

Insurance-based social protection schemes	Statutory access		
	Available		Not available
	Mandatory	Voluntary	
Unemployment	CZ, HR, HU, LU, PL, SI, SK <sup>c</sup>	AT <sup>c</sup> , DE <sup>c</sup> , DK, ES <sup>d</sup> , FI, RO <sup>d</sup> , SE	BE, BG, CY, EE <sup>a</sup> , EL <sup>b</sup> , FR <sup>b</sup> , IE <sup>a</sup> , IT <sup>bd</sup> , MT <sup>a</sup> , NL, LT <sup>b</sup> , LV, PT
Measures taken during the pandemic regarding the insurance-based scheme	N/A	DK, ES, FI, SE	LT

Notes: a) access only to means-tested benefits; b) access only for certain categories of SE; c) opt-out and exemptions; d) compulsory /voluntary access depending on the category of SE. Dependent self-employed are mandatorily covered in ES, IT, RO.

Source: Spasova *et al.* 2019; Eurofound 2020a; ESPN 2020

In those Member States where the self-employed are mandatorily included in unemployment schemes, there were no references whatsoever in the databases to changes specifically targeted at this category. It seems safe to assume that all changes to the parameters described in Section 2.1.1 also apply to the self-employed, as they generally have to meet the same eligibility conditions as employees (MISSOC 2020; Spasova *et al.* 2017). Moreover, all these countries

<sup>13</sup>. In some countries, apprentices (e.g. BE, EL, HR, MT, NL, PL) and trainees (e.g. EL, FR, HU, IT, LT, MT, NL, PL, RO) are excluded from entitlement (Spasova *et al.* 2017).

(except for Croatia and Hungary) provided additional non-contributory income support (see Table 3, Section 1.2).

Most Member States which provide voluntary access to the self-employed have relaxed the eligibility conditions (DK, ES, FI, SE), such as waiting periods and the ‘cessation of activity’ requirement (i.e. the operations of the enterprise must have ceased, temporarily or permanently). In Sweden, under the temporary pandemic measures, the self-employed who receive an unemployment allowance may continue with some activities related to their business operations during 2020, as long as these activities support the reopening of their operations when the market situation improves. In addition, the so-called five-year rule has been temporarily removed. This means that self-employed people who pause operations in 2020 in order to receive unemployment insurance may do so again within the next five years and still receive unemployment insurance. Similar measures were taken in Denmark, Finland and Spain. In Spain, the self-employed have a specific unemployment scheme called ‘cessation of business activity benefit’ which they can join voluntarily. The eligibility conditions and the application procedure have been relaxed during the pandemic (Eurofound 2020a).

In Italy, the above-mentioned unemployment benefit scheme for specific categories of non-standard workers (DIS-COLL) now also includes, since 2017, the ‘dependent self-employed’. During the pandemic, similarly to the measures for the categories of non-standard workers included in this scheme (see Section 2.1.2), the qualifying period for dependent self-employed was suspended and the period of receipt of benefits was extended to two months for those whose entitlement expired during the pandemic (Eurofound 2020a).

Finally, among Member States which do not provide formal access to the self-employed, the only country which granted a kind of ‘hybrid’ access for certain groups of self-employed is Lithuania (see Box 2). Some of these countries provide access (mostly voluntary) to only some categories of self-employed (most often country-specific categories). Changes in the parameters applied also to them. For instance, in Greece the duration of receipt of unemployment benefit was extended and this extension also applied to certain categories of self-employed entitled to this benefit. We classify Lithuania in this group and label the situation there as ‘hybrid’ because it provides a new *ad hoc* ‘job seekers’ benefit to unemployed people excluded from insurance-based benefits (60% of all unemployed in Lithuania); this includes job search requirements and at the same time is a temporary measure paid by the state budget (Navicke *et al.* 2020). It also includes the groups of self-employed which are excluded from access to insurance-based benefits. Moreover, interestingly, eligibility is conditional upon the payment of social contributions in general to the social protection schemes in which they are included. This means that in Lithuania the self-employed pay social contributions to some schemes (e.g. health insurance, sickness benefits) but not for unemployment benefits as they do not have formal access to such benefits. During the pandemic, access was granted to the self-employed, as long as they were up to date with the payment of their social protection contributions (Eurofound 2020a; Navicke *et al.* 2020).

### Box 2 Lithuania: *ad hoc* job seekers' allowance

On 8 May 2020, amendments to the Lithuanian Law on Employment allowed unemployed people who are not entitled to insurance-based benefit (including self-employed) to apply to the Employment Service for a flat-rate benefit. The measure is temporary (March 2020 – ongoing at the time of writing).

A fixed benefit of €257 per month may be granted to self-employed persons who have been forced to cease their activity due to the emergency situation. The benefit will be paid if the self-employed meet the following conditions: a) they paid social insurance contributions for at least three months during the last 12 months prior to the declaration of the state of emergency; b) due to the emergency, they can no longer carry out their activities; and c) they have no outstanding debts to the state budget and in relation to social insurance payments.

The application is received, examined and the decision on whether to grant the benefit is taken by the Employment Service. The benefit is paid by the state agency for social insurance 'Sodra'.

Sources: Eurofound 2020a; ILO 2020; Navicke *et al.* 2020; Sodra 2020

(State Social Insurance Fund Board of Lithuania, <https://www.sodra.lt/en/>)

## 2.2 *Ad hoc* support benefits for the self-employed and specific categories of non-standard workers

This section briefly describes *ad hoc* income support measures which countries took to cover (or top-up) the lost revenues of workers who cannot access unemployment insurance and at the same time would not have qualified directly for minimum income schemes. These measures are, in other words, a kind of emergency subsistence support. In some countries they are called 'unemployment benefits', but in fact these measures constitute *ad hoc* non-contributory support for mostly self-employed workers (and, in rarer cases, for some very specific categories of non-standard workers). We will not discuss the details of these schemes: they are non-contributory and can be classified as 'social assistance' and are thus outside the scope of the Council Recommendation. Nevertheless, it is important to flag them in the study, as they illustrate that the Member States had to urgently put in place such benefits, indicating that important gaps remain in the access of some groups to insurance-based benefits<sup>14</sup>.

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14. The measures described in the table do not include economic support for enterprises.

Table 3 Emergency *ad hoc* income support measures (until 31 December 2020)\*

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	
<b>AD HOC SUPPORT BENEFITS/MEASURES</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	NO	X	X	X	X	X	X	NO	X	X	X	X	NO	X	X
<b>Qualifying conditions</b>																												
Contributory																												
Non contributory	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X
<b>Conditions related to employment status</b>																												
Specific categories of non-standard workers				X					X	X			X		X	X	X				X	X	X	X		X		
Self-employed	X		X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Other (e.g. undocumented migrants, informal workers, domestic workers, people without any support etc.)																	X						X	X			X	

\* Please note that Table 3 may group together more than one measure per country.

This is a summary table which does not provide information on the timing of the measures: several of them were in place only for a few months (during the lockdown periods), others are still in place at the time of writing.

Sources: Eurofound 2020a; ILO 2020; ESPN 2020

## 2.2.1 *Ad hoc* measures for the self-employed

As Table 3 shows, emergency *ad hoc* income support measures, often called ‘bridging rights’, mostly benefited the self-employed (Section 1.1).

It is important to note that there are multiple schemes of *ad hoc* support and some fragmentation between them: some schemes do not cover all the categories of self-employed, or sometimes one country has several schemes targeting the different categories of self-employed (e.g. CY, DK, IT). For instance, Cyprus excludes those whose financial activity has not been particularly affected by the crisis (e.g. doctors, pharmacists, operators of medical appliances, grocers, kiosk owners, manufactures of everyday products and veterinarians) from the ‘special scheme for self-employed workers’. Other schemes have been specifically put in place to remunerate contract workers and self-employed people working in the Ministry of Education’s afternoon programmes. In Italy, the self-employed without access to unemployment benefits (e.g. craftsmen, traders and agricultural workers) received a €600 lump sum benefit, as well as benefiting from measures targeting employers and firms in the following months (Eurofound 2020a).

In other cases, conditions were set related to the number of the people employed by the self-employed (e.g. DK, LU). Luxembourg (where the self-employed have access to the insurance-based unemployment scheme) created an additional income support measure aimed at small enterprises and self-employed people employing fewer than ten employees. In Austria there are two ‘hardship case funds’: one for solo self-employed; and the other for family-run businesses (Eurofound 2020a). Finland put in place specific financial aid for solo self-employed people negatively affected by Covid-19.

An interesting example is The Netherlands, which has had the steepest increase in the EU in the number of solo self-employed during the past decade (Eurofound 2017)<sup>15</sup> and where the self-employed are not insured against unemployment. In order to help those who remained without support during the pandemic, the country implemented three specific income support packages (*Tijdelijke overbruggingsregeling zelfstandig ondernemers*, TOZO I, II, III) (Eurofound 2020a). The government called upon citizens and businesses to only take up financial support if they really needed it. As time progresses, only the hardest hit or most vulnerable solo self-employed are expected to be eligible for this support measure (Timmerman and Oostveen 2020; Government of The Netherlands 2020<sup>16</sup>).

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15. The country received two Country-specific Recommendations (CSRs) in 2016 and 2017 calling for measures to tackle issues related to the steep increase in the number of self-employed without employees, including the promotion of ‘access of the self-employed to affordable social protection’ (Spasova and Wilkens 2018).

16. The coronavirus – FAQ for entrepreneurs: <https://business.gov.nl/corona/overview/the-coronavirus-faq-for-entrepreneurs/>



## 2.2.2 *Ad hoc* measures for specific categories of non-standard workers

Unsurprisingly, among the most frequently targeted categories of non-standard workers across countries are seasonal workers, as the virus hit the hotel and catering sector very hard (EL, ES, HR, IT). As already mentioned in Section 1.1, seasonal workers often lack formal access to unemployment benefits. For instance, in Greece, employers of seasonal workers could suspend the employment contracts of some or all of their relevant seasonal employees for the period from 1 June 2020 to 30 September 2020. In such cases, the employees were entitled to receive an ‘exceptional state benefit’ of €534 until September 2020 (Eurofound 2020a).

Other categories of workers affected are part-time workers working low numbers of hours, or people who have not completed the qualifying period so are not eligible for unemployment protection (ES, IT, NL). As shown in Section 1.1, some countries, such as Sweden, provided these workers with access to the general unemployment scheme. However, most Member States granted them specific *ad hoc* income support. In Spain, for instance, a group particularly affected by the current situation and who may not be covered by income protection schemes are those workers whose temporary contract ended after lockdown was declared. The country granted them an ‘exceptional unemployment subsidy’. In The Netherlands, in June 2020, a one-time benefit of €1,650 was introduced for workers on a ‘flexible contract’<sup>17</sup> who suffered a loss of income (Eurofound 2020a; Timmerman and Oostveen 2020).

Other categories of non-standard workers whose income was severely affected by the crisis are informal workers and domestic workers. A few countries have established measures to support this group, as they are not entitled to any income support benefit. An interesting and more comprehensive measure has been introduced in Portugal; it targets those without any income or social protection, providing them with monthly support of €438.81 and at the same time requires them to join the social security system, with a 36-month mandatory commitment to the state social security protection regime. Moreover, they must remain in the social protection system for 30 months after the end of the support period (December 2020). Romania established support for 1.3 million Romanian citizens who previously worked in another Member State and have returned to Romania since the beginning of the pandemic. About 300,000 of them are jobseekers. Spain extended the extraordinary unemployment subsidy for lack of activity to domestic workers (Eurofound 2020a).

In other countries, certain country-specific categories have been granted *ad hoc* emergency benefits. This is the case, for instance, of workers on civil contracts in Poland and Romania. Poland introduced a ‘lockdown allowance’ specifically targeted at people on ‘civil law’ contracts (not covered by labour law) and at the self-employed (although the self-employed have access to unemployment benefits) (Szarfenberg 2020). Romania introduced a similar measure. However, although

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17. Forms of work such as on-call work. For more information see Buri *et al.* (2018).



these allowances are borne by the state budget, they are subject to payment of social security contributions and health insurance contributions in compliance with the provisions of the Fiscal Code (Eurofound 2020a).

### **2.3 The possible impact of measures related to unemployment benefit schemes: discussion**

This section briefly discusses the possible impact of the measures discussed in Sections 2.1 and 2.2 on effective access for non-standard workers and the self-employed to unemployment benefits. As stated in the introduction, the aim of this report is only to map national measures concerning formal access to unemployment benefits, and to provide *some indications* of their possible effect<sup>18</sup>.

The measures related to the relaxation of unemployment benefits will certainly have a positive impact (although only temporary) on effective access for non-standard workers. As previously stated, most non-standard workers have formal access to unemployment benefits, but their effective access may be hindered by the qualifying conditions. In the EU, it is estimated that only 0.1% of standard workers are at risk of exclusion from unemployment benefit, while this risk is real for 31.9% of temporary full-time workers and even 38.7% of temporary part-timers (Matsaganis *et al.* 2016). It should be also noted that temporary workers were among the hardest hit by the pandemic and many became unemployed (European Commission 2020a).

The temporary changes to the parameters of the unemployment benefit scheme, such as reducing or abolishing the qualifying period, have benefited people on temporary contracts. In general, top-ups to the amount, or diminishing the degressivity of the amount, benefit people working part-time and already on lower incomes. Some specific measures to broaden coverage included abolishing the threshold for hours worked which must be reached in order to receive unemployment insurance (e.g. Sweden).

These measures should also be considered from a gender perspective. In 2019, one third of women in employment were working part time (29.4%) in the EU27 – almost four times more than men (7.8%). The pattern is similar across all Member States. The highest share of employed women working part-time was recorded in The Netherlands (73.4%), while the lowest share was in Bulgaria (2.1%). Although the gender difference is small, women are also more likely to work on temporary contracts (13%) than men (10.9%)<sup>19</sup>. Thus, in several countries, women may be among the major beneficiaries of some measures.

However, some estimates of the number of people who benefited from the relaxation of measures related to general unemployment benefit, and from the

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<sup>18</sup>. Effective access will be one of the issues discussed in the eight national case studies which will follow this report, as well in the final analytical report, scheduled for September 2021, when more data should be available on the estimated coverage of the measures.

<sup>19</sup>. Eurostat, Part-time employment and temporary contracts –annual data [lfsi\_pt\_a].

*ad hoc* support measures, show that the conditions applicable to these schemes (means-testing, number of hours worked etc.) may still prevent access by some groups. For instance, it is estimated that while workers on flexible contracts in The Netherlands often met the eligibility conditions for income support, those rejected for the funding did not meet the conditions because they either had not earned enough in February 2020 or had earned too much in April 2020. The scheme applies only to those who earned more than €400 in February and two months later were still earning no more than half of their February gross income (DutchNews.nl 2020).

Regarding the self-employed, in countries where they are required to be covered by the unemployment insurance scheme, the risk of non-coverage is rather low (e.g. CZ 3.6%, HR 4.6%, PL 7.9%). By contrast, in countries where insurance is voluntary, there can be large differences in coverage (PT 12.5% and RO 93.7%) (Matsaganis *et al.* 2016). In Spain, where coverage is voluntary, it is estimated that, due to the low level of the benefit and the difficulties in providing proof of involuntary cessation of activity, fewer than 18% of all claims are granted (Rodríguez Cabrero *et al.* 2017). In Finland, 85.9% of full-time permanent employees are members of unemployment funds (contributory benefit), compared with only 21% of the solo self-employed and 10% of the self-employed with employees (Kangas and Kalliomaa-Puha 2017).

Thus, in countries where the self-employed can choose to join an unemployment scheme, the temporary relaxation of some measures during the pandemic, especially those relating to the requirement for ‘cessation of activity’, is expected to help the self-employed to have better effective access.

Nevertheless, it should be underlined that in not a single Member State where the self-employed are excluded from access to unemployment benefits were steps taken to grant them such access (except for the specific ‘hybrid’ situation of Lithuania, see Box 2). The same is true for certain specific categories, across and within countries, of non-standard workers. Member States increased the number of *ad hoc* income support measures to meet the urgent need to include people left without financial support. Moreover, one of the main features of countries in the Corporatist and Southern European regime is the multiplicity of self-employed statuses (Spasova *et al.* 2019): entitlements vary not only between self-employed and salaried employees, but also between different categories of self-employment. These features are visible even in the distribution of some of the *ad hoc* benefits created to support some categories of self-employed (e.g. Italy).

### 3. Sick pay and sickness benefits

The aim of this section is to provide an overview of measures related to the provision of paid sick leave in the EU Member States between March 2020 and 31 December 2020.

When considering paid sick leave, our starting point was the distinction between ‘sick pay’ and ‘sickness benefits’ proposed, among others, by Spasova *et al.* (2016). In this context, therefore, sick pay refers to ‘[the] continued, time limited, payment of (part of) the worker’s salary by the employer during a period of sickness’ (ibid: 4), while sickness benefits are ‘provided by the social protection system and [are] paid as a fixed rate of previous earnings, or a flat-rate amount’ (ibid).

All EU Member States have schemes providing protection against the risk of sickness in the form of sickness benefits, and, for most of them, also in the form of state-mandated sick pay borne by the employers (except for Cyprus, Greece, Ireland and Portugal). Usually, periods on sick pay precede access to sickness benefit schemes (Spasova *et al.* 2020) and, by definition, only employees can receive sick pay – the self-employed only have access to sickness benefits. Both sick pay and sickness benefits vary significantly between Member States, alongside some key dimensions such as eligibility conditions, duration and replacement rate.

Important differences also emerge between various categories of workers, with the self-employed (and especially some specific categories of self-employed) in some cases being less protected from the risk of sickness than salaried employees. Differences in the degree of protection against the risk of sickness can also be found within the broad category of salaried employees, with a distinction to be drawn between workers in standard forms of employment and ‘non-standard’ employees such as part-time and seasonal workers, due to eligibility criteria excluding them from these schemes (Spasova *et al.* 2017). Thus, even in countries in which they have formal access, non-standard workers and self-employed people can be excluded from effective coverage because they may be unable to meet the eligibility criteria, or they may receive considerably lower benefits than standard workers because they pay lower social contributions (ibid: 51). All in all, 5.1% of temporary full-time workers and 9.7% of temporary part-time workers in the EU are at risk of exclusion from any kind of benefits protecting them in case of sickness. More than one third of the self-employed (37.5%) are not eligible for sickness benefits, with considerable variation between countries (Matsaganis *et al.* 2016). While in countries where insurance is compulsory, the proportion of the self-employed who are not eligible is very low, in countries where insurance is optional, the risk of exclusion is higher, and varies from 33.3% in Germany to

79.6% in Czechia or, even, 100% in Italy (Matsaganis *et al.* 2016). Since filling these kinds of gaps in worker protection in case of sickness is one key element of the Council Recommendation on access to social protection for workers, we have been particularly careful to identify measures explicitly targeted at categories of workers potentially without effective coverage for the risk of sickness.

### **3.1 Member States' responses to the Covid-19 crisis: an overview**

During the first wave of the Covid-19 pandemic, all Member States implemented measures affecting the provision of sick pay and/or sickness benefits, except Bulgaria, Croatia, and Greece (Tables 4 and 5). In most cases, these changes aimed at ensuring the provision of benefits for circumstances related to Covid-19 (illness, quarantine, self-isolation), while in a few cases they applied to sickness in general (i.e. irrespective of Covid-19). All the measures identified in this research are temporary in nature, i.e. they are designed to apply during the Covid-19 crisis, and some of them were already discontinued after the first wave of contagion (during the summer of 2020).

Measures implemented by the Member States in response to the pandemic have typically consisted of:

1. Amendments to ordinary paid sick leave systems (sick pay and/or sickness benefits) to adapt the provisions to the specific circumstances (DK, EE, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE and SI).
2. Introduction of new benefits and schemes specifically designed to address the impact of the pandemic, in the cases of Cyprus (Special Sick Leave Allowance), Czechia (Antivirus Programme), Ireland (Enhanced Illness Benefit), and Slovakia (Pandemic Sickness Benefit).
3. Activation of measures already foreseen in the event of the spread of infectious diseases or an epidemic, in Austria (Epidemic Act), Germany (Infection Protection Act), Finland (Sickness Allowance on Account of an Infectious Disease) and Sweden (Disease Carrier Allowance).

In the following sections we examine in more detail the measures implemented. First, we provide an overview of measures affecting sick pay periods for salaried employees taken in countries where such payments are state-mandated (Section 3.2). Section 3.3 considers sickness benefits, i.e. schemes that apply a) to the self-employed; b) to contractual employees whose reference period for sick pay has expired; and c) to contractual employees identified as suffering from an occupational disease or an accident at work. In the context of the Covid-19 pandemic, and in order to sustain national economies, in most Member States the social security system has (partially or completely) borne the cost of periods usually covered by sick pay which, under normal circumstances, are borne by the employer. Thus, there may be some overlap between the benefits described in Sections 3.2 and 3.3. Section 3.4 provides some concluding remarks.

## 3.2 Measures affecting sick pay

Among the most common measures implemented in EU countries was the extension of sick pay allocation to periods spent in quarantine. In eleven Member States, when a worker cannot perform his/her job from the place of quarantine, employers guarantee income support for the period of sick pay which is usually borne by them (AT, CZ, DE, DK, EE, FR, LT, MT, NL, PL, RO). In another group of countries, income compensation for quarantine, which in normal circumstances should be provided by the employers, is covered directly by the State (FI, HU, IT, LU, LV, SE, SI, SK). In a few countries, income protection has been extended to workers in groups more at risk of developing severe forms of illness in case of Covid-19 infection and who cannot work from home (AT, DK, FR, IT, MT and SI).

As illustrated in Table 4, during the emergency period, public authorities have intervened in the payment of periods of illness that, in normal conditions, should have been covered by employers through the statutory sick pay. Enhanced State intervention in the payment of these benefits has been found in 15 countries (AT, CZ, DE, DK, EE, FI, HU, IT, LU, LV, MT, RO, SE, SI, SK), notably in the form of:

- Full reimbursement of payments made by employers in Austria (for quarantined employees and employees in a risk group self-isolating), in Denmark (for Covid-19 infected employees, quarantined employees and employees in a risk group self-isolating); and in Sweden (for all employees on sick leave, irrespective of the reason).
- A partial refund of payments made by employers in Czechia (quarantined employees), in Germany (quarantined employees) and in Sweden (for all employees on sick leave, between 31 August 2020 and 31 December 2020). In Malta, the refund has consisted in the payment of a one-off lump sum of €350 for each employee quarantined due to contact with a confirmed case of Covid-19. This payment was limited to full-time employees.
- Direct payment by the State in Hungary (employees in mandatory quarantine but not (yet) confirmed positive with Covid-19), in Italy (for Covid-19 infected employees and quarantined employees in the private sector), in Latvia (for Covid-19 infected employees, quarantined employees as of the second day), in Luxembourg (for quarantined employees), in Romania (employees in isolation or quarantine due to the pandemic), in Slovakia (for Covid-19 infected employees and quarantined employees), in Slovenia (for Covid-19 infected employees, for quarantined employees and employees in a risk group self-isolating) and in Finland (for Covid-19 infected employees or those in quarantine).

In some Member States, access to sick pay for employees is subject to a waiting period. This waiting period has been waived in four countries (EE, FI, FR, SE). In Finland (sickness allowance on account of an infectious disease) and in France (supplementary employer allowance) benefits are paid from the first day in cases of Covid-19 related sickness or quarantine. In both Estonia and Sweden, the waiting days were waived for all periods of sick leave (i.e. not only leave related to Covid-19). Thus, in Estonia, the first three days of sick leave (generally not covered either by the employer or by the social security system) were paid by the Estonian

Table 4 Measures related to sick pay (until 31 December 2020)

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	
<b>SICK PAY</b>	X	X	NO	NO	X	X	X	X	NO	NO	X	X	NO	X	NO	X	X	X	X	X	X	X	NO	X	X	X	X	
<b>Qualifying conditions</b>																												
Decrease in employment period/contribution requirement												X												X				
Extension of circumstances covered (quarantine)	X				X	X	X	X			X	X		X		X	X	X	X	X	X	X		X	X	X	X	X
Extension of circumstances covered (belonging to an at risk group)	X						X					X				X				X							X	
Provision for specific categories of employees																		X										
<b>Waiting periods</b>																												
Reduction in waiting days								X*			X	X													X*			
Conditions related to employment status																												
<b>Level of benefit</b>																												
Increase in compensation rate/amount		X*									X								X	X				X	X*	X	X	X
Enhanced state intervention in payments	X				X	X	X	X*			X			X		X		X	X	X				X	X*	X	X	X
Conditions related to employment status																				X								

\* Measures concerning sick pay for reasons not limited to Covid-19. This is a summary table which does not provide information on the timing of the measures: several of them were in place only for a few months (during the lockdown periods), others are still in place at the time of writing.

Sources: Eurofound 2020a; ILO 2020; ESPN 2020, OECD (2020b, 2020d)

Health Insurance Fund during the emergency period (March-May 2020)<sup>20</sup>. In Sweden, the first day of illness (usually not paid) has been covered by the State.

With regard to the compensation rate/amount, the new paid sick leave systems for causes related to Covid-19 have provided higher payments than normal sick pay in five countries: Finland (compensation of the full loss of income instead of 70%), Latvia (limited to the first and second day of sickness), Romania (gross monthly amount of the quarantine or isolation allowance increased from 75% to 100% of the calculation basis), Slovakia (55% of the assessment rate from the first day of sick leave) and Slovenia (from 80% to 90% of the last wage). In Malta, private sector employees particularly at risk because they suffer from severe medical conditions, are not able to work from home, and are not paid by their employer during their absence, were eligible – between March and June 2020 – for a compensation ranging between €166.15 (full time workers) and €103.85 (part-time workers) per week. In Sweden and Belgium, measures increasing sickness payments have been extended to illness other than from Covid-19. In Sweden, the sick pay standard deduction has been temporarily discontinued, while in Belgium, employees identified as unable to work during the Covid-19 crisis may be entitled to an additional allowance for work incapacity that occurred less than one year ago, paid by the worker's insurance company.

The measures discussed above generally apply to salaried employees, with no distinctions made between employees in standard or non-standard employment. As explained in the introduction, the latter group may have formal, but not effective, access to sick pay: the absence of specific measures for those groups may therefore hamper their access to Covid-19-related benefits. Indeed, with the exception of Romania, no changes in the employment period or contribution requirements for access to those benefits – key eligibility conditions often limiting the coverage of non-standard workers – have been found.

Lastly, with regard to measures affecting the provision of sick pay, we have detected no changes in two out of the 23 EU Member States with a statutory right to sick pay by employers, namely Bulgaria and Croatia (Table 4). Likewise, in all countries where there is a statutory right to sick pay, we found no changes to the eligibility conditions for accessing the scheme, with the exception of France and Romania. In Romania, for the duration of the Covid-19-related state of emergency, eligibility for sick pay for people infected by Covid-19 was extended to those who have not paid the minimum contributions to the healthcare system (generally six months). In France, since February 2020, eligibility conditions linked to employment or contribution record have been waived for people self-isolating.

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**20.** A new amendment to the Estonian paid sick leave system was introduced in December 2020, whereby: a) the first day of sick leave is unpaid; b) days 2 to 5 are covered by employers (sick pay); and c) as of day 6, a sickness benefit is paid by the Estonian Health Insurance Fund. These provisions apply to all kinds of illness (i.e. not only COVID-19-related conditions) and are in force from 1 January 2021 to 30 April 2021.



### 3.3 Measures affecting sickness benefits

In thirteen Member States, additional income protection has been guaranteed to self-employed workers, notably extending their sickness benefits to include cases of quarantine (AT, DE, DK, FI, FR, HU, LV, MT<sup>21</sup>, PL, RO, SE, SK) and/or self-isolation when they belong to a risk group (DK, FR, LT, SE). Additionally, in Poland, as of 7 April 2020, a special allowance amounting to 50% of the minimum wage has been paid to farmers and their household members for periods spent in quarantine or hospitalised (OECD 2020b). Similarly, in those countries with no State mandatory sick pay for employees and where, therefore, both salaried employees and the self-employed have direct access to sickness benefits, these benefits have been extended to instances of quarantine (CY, IE, PT) or self-isolation (CY). In Cyprus, both employees and self-employed people who have contracted Covid-19, are quarantined, or belong to particularly vulnerable groups have access to a Special Sickness Benefit; the amount is dependent on prior social insurance contributions. Similarly, in Portugal, sickness benefits related to Covid-19 (illness, quarantine or self-isolation) were made available to both employees and the self-employed (without waiting days). The same applies to the Irish Enhanced Illness Benefit, designed to help both private sector employees and the self-employed for a maximum duration of ten weeks if the worker has been infected by Covid-19, and two weeks if (s)he is quarantined. In Spain, periods of isolation or infection by Covid-19 have been, temporarily and exceptionally, equated to accidents at work with regard to their economic treatment: employees and the self-employed have therefore had equal access to the corresponding sickness benefit.

Waiting periods for the receipt of sickness benefits usually applying to the self-employed – and, in a limited number of cases, to employees – have been waived or reduced in the case of Covid-19 infection and/or quarantine (CY, DK, ES, FI, IE, LV and PT). Estonia, France and Sweden, for their part, waived or reduced these waiting periods for any kind of sickness<sup>22</sup>. In Spain, unlike ‘ordinary’ sickness benefits, benefits for accidents at work are paid by social insurance from the first day of sickness, without any waiting periods, and the same applies to the newly introduced Irish and Portuguese schemes. In Belgium, under normal circumstances, the insurance company’s medical advisers have to ‘recognise’ incapacity for work for a self-employed person, at the earliest on the date on which the attending physician signed the incapacity certificate. Now, during the Covid-19 crisis, they may establish the start of incapacity based on the period of incapacity indicated by the attending physician on the certificate.

In several countries, sickness benefits related to Covid-19, to which both the self-employed and employees are entitled, have higher replacement rates or are more generous than ordinary sickness benefits (ES, FI, IE, LV, PT and SK). In Ireland, the Enhanced Illness Benefit is paid by the Department of Employment Affairs

<sup>21</sup>. As we have shown in Section 3.2, in Malta, employers who have a member of staff on mandatory quarantine are entitled to a one-off lump sum of €350. This also applies if the workers in quarantine are employers themselves (thus, to self-employed).

<sup>22</sup>. In Estonia, the self-employed were also eligible for reimbursement of the first 3 days of sickness from the State (see Section 3.2).



Table 5 Measures related to sickness benefits (until 31 December 2020)

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK		
<b>SICKNESS BENEFITS</b>	X	X	NO	X	NO	X	X	X	NO	X	X	X	NO	X	X	X	X	X	X	X	NO	X	X	X	X	NO	X		
<b>Qualifying conditions</b>																													
Decrease in employment period/contribution requirement															X									X					
Extension of circumstances covered (quarantine)	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Extensions of circumstances covered (belonging to an at-risk group)			X	X			X					X				X									X				
Provision for specific categories of employees/self-employed																						X							
<b>Waiting periods</b>																													
Decrease in waiting days		X*	X	X	X	X	X	X*	X	X	X	X*	NO		X				X				X		X*				
<b>Level of benefit</b>																													
Increase in compensation rate/amount									X	X	X				X				X				X				X		
Enhanced state intervention in payments			X	X	X	X	X	X*	X	X	X				X				X	X	X				X		X		
Conditions related to employment status										X																			
<b>Period of receipt</b>																													
Extended period of receipt							X*					X			X	X		X*	X				X	X					
<b>Other</b>																													
Suspension activation elements							X*																						

\* Measures concerning sickness benefits for reasons not limited to Covid-19. This is a summary table which does not provide information on the timing of the measures: several of them were in place only for a few months (during the lockdown periods), others are still in place at the time of writing.

Sources: Eurofound 2020a; ILO 2020; ESPN 2020, OECD (2020b, 2020d)

and Social Protection. It has no waiting periods, can be topped up by employers' payments (when applicable) or by the means-tested 'supplementary welfare allowance'. It may provide higher income replacement than non-Covid-19-related sick pay or sickness benefits. In Spain, sickness benefits related to Covid-19 have a higher replacement rate.

In some countries, the period of receipt of sickness benefits has been extended (DK, FR, IE, IT, LU, LV, PT, RO). In Denmark, recipients of sickness benefits due to expire between 9 March and 30 June 2020 were granted a three-month extension. In France, social allowances paid to vulnerable groups expiring on or after 12 March 2020 have been automatically extended for six months. In Italy, periods spent on sick leave due to Covid-19 (sick or quarantined employees) are not counted in the computation of the maximum duration of sickness benefits, while in Luxembourg the same applies to all periods of sickness during the emergency phase. In Denmark, activation elements linked to the receipt of sickness benefits have been temporarily suspended.

Finally, as was the case for sick pay, eligibility conditions for access to the Covid-19-related sickness benefits described above have usually not changed compared to sickness benefits under normal circumstances, apart from in Romania (see Section 3.2) and Ireland. In the latter country, the conditions attached to the new Enhanced Illness Benefit are less strict than those for the ordinary illness benefit: workers just need to be employed or self-employed, to have worked in the four weeks before the date of the medical certificate and to have a current contract of employment (if employees). As a consequence, effective access to those benefits by (some categories of) self-employed and non-standard workers may be limited.

### **3.4 Sick pay and sickness benefits: discussion**

This section presented some key changes affecting the provision of sick pay and sickness benefits in EU Member States during the Covid-19 crisis, also with a view to understanding if and to what extent these changes have addressed existing gaps in the protection of some categories of workers, such as workers in non-standard employment and the self-employed.

Almost all EU MS (except BG, EL, HR) have introduced measures aiming to address the Covid-19 pandemic. The scope of the measures introduced has, however, been uneven and, in some cases, has consisted of changes in administrative procedures linked to access to the benefits. Importantly, all the measures introduced have a temporary character: they apply for the duration of the health crisis due to the pandemic and are not meant to address more structural shortcomings related to access to and effectiveness of national systems. In most cases, Member States have adjusted ordinary paid sick leave systems to adapt those provisions to the changed circumstances, while, in other cases, new, specific, benefits have been introduced during the pandemic. In only a few countries, the response has resulted in the activation of measures already foreseen in the event of the spread of infectious diseases.

Most changes in the Member States have consisted in the extension of sickness payment coverage to instances of quarantine (including precautionary quarantine) and, in a few cases, to self-isolation for groups particularly likely to be hit hard by Covid-19.

When considering schemes providing workers with income protection against the risk of sickness, the section began by drawing a distinction between sick pay provided by employers and sickness benefits (for the self-employed or for employees after the expiration of sick pay). The analysis shows that, in the case of changes introduced during the crisis, this distinction becomes rather blurred. Indeed, in countries where there is a State-mandated obligation for employers to provide payments to sick workers, the most widespread measure identified during this research has been increased participation of the State in these payments, either through (partial or total) refunds of payments made by the employers, or by taking direct responsibility for these payments. In the latter case, employees have been granted either direct ordinary sickness benefits or specific Covid-19-related benefits (in some cases with more generous replacement rates than ordinary sick pay). In several Member States, the latter benefits have also been made more accessible to the self-employed, often waiving the waiting periods to which this category of workers is usually subject, thus somehow reducing – to a limited extent – existing gaps in access to sickness benefits between employees and the self-employed. Similarly, in countries where there is no mandatory sick pay, Covid-19-related benefits were usually paid to both employees and the self-employed.

Overall, these developments show some slight improvements in the protection of self-employed workers or, at least, some steps towards reducing gaps in protection against the risk of sickness. This said, however, two caveats are needed here. First, as already mentioned, virtually all the measures we have identified are intended to be temporary. They are not, therefore, structural solutions to existing shortcomings. Second, usually these measures refer generically to the self-employed or employees. These are obviously variegated groups, with huge internal differences when it comes to access to effective sickness provision. As already mentioned, specific categories of self-employed or employees in non-standard employment may have no access to (effective) paid sick leave schemes.

Only a few measures were explicitly targeted at these groups (e.g. specific provisions for farmers and their families in Poland). The exceptions are Ireland and Romania, which have, to some extent, relaxed the eligibility conditions for certain schemes – notably reducing the social security contributions required – thus broadening the scope of workers covered.

## 4. Special parental leave arrangements

In order to stop the spread of Covid-19, it has been common practice in most EU countries to impose the closure of early childhood education and care (ECEC) services as well as schools in the period between February and June 2020 and beyond, affecting millions of families. These measures varied, both in terms of the period of closure and the establishments concerned, from one country to another. Sometimes schools had to close and start remote learning, while ECEC typically continued to take in children/remain open with stricter hygiene measures. Where closure was mandatory, it was sometimes total, but more often arrangements were made for children of workers in essential services, and for others who had specific reasons for having to send their children to school. This was particularly the case for young children (Koslowski *et al.* 2020). In addition, grandparent-provided childcare has been discouraged due to the higher Covid-related mortality rate for the elderly. Given social distancing measures, the sharing of childcare with neighbours and friends has also been limited in most countries. Most families have therefore had no choice but to take care of their children themselves. As a result, parents have been under great pressure to combine their work and family life. Based on the existing distribution of childcare duties in most families, mothers are likely to be more affected than fathers (Alon *et al.* 2020).

This section reviews the different parental leave arrangements specifically introduced in the context of the Covid-19 pandemic to support working parents affected by the closure of early childhood education and care and schools. Where information is available, we focus particularly on self-employed parents and non-standard workers, as well as on the gender dimension. The Covid-19 pandemic will have a disproportionate negative effect on women and their employment opportunities, but the degree to which this will be the case will depend on the policies enacted to enable parents to provide or arrange alternative childcare while protecting them against job and income loss.

### 4.1 Special leave arrangements: main features

Across Europe, twenty Member States (AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, IT, LT, LU, MT, PL, PT, RO, SE, SI and SK) have implemented special parental leave arrangements in the context of Covid-19, targeting parents unable to provide childcare as both are employed (see examples in Box 3). These measures have been labelled differently in the Member States (additional days off, corona leave, special leave for childcare, care time etc.) and have taken different forms (leave, reduction of working time, etc.). For the purpose of this

study, we have considered them as ‘specific parental leave arrangements in the context of the Covid-19 pandemic’. Generally, their duration corresponded to the lockdown period, which varied from country to country, but in some cases the measures were extended until the end of 2020 (e.g. DE, MT), or even beyond (e.g. AT). Initially adopted in response to the closure of schools and day care facilities, some of these measures have been extended in the event of a child being quarantined, irrespective of whether schools were closed (e.g. AT, SK).

**Box 3 Examples of special parental leave arrangements in the context of the Covid-19 pandemic**

In Austria, due to the partial closure of school and kindergartens, a special care leave was established of up to four weeks, for working parents with children up to the age of 14 and children with disabilities.

In Belgium, working parents of children up to 12 can more flexibly request a reduction of working hours (either 20% or 50% of full-time) as parental leave, and will receive a lump sum benefit, to compensate for the loss of earnings.

In Bulgaria, parents of children up to 12 years of age who, due to the declared state of emergency, are taking unpaid leave of at least 20 working days for childcare at home are entitled to an additional single childcare allowance.

In Germany, employed parents who are unable to work due to closures of childcare, school, day care centres or facilities for people with disabilities, have been entitled to ten weeks of income replacement, or 20 weeks for single parents. The paid leave does not apply during the time of regular school holidays.

In Italy, as a consequence of the suspension of educational services for children and the closure of schools, working parents with children below the age of 12 are entitled to 15 days of parental leave. Parents are expected to alternate in the use of the parental leave, for a total of fifteen days each.

In Lithuania, all parents with children who attended childcare institutions, pre-primary and primary education have been entitled to up to 60 days of sickness benefit to care for children, when educational institutions are closed due to quarantine and parents cannot continue to work remotely.

In Poland, parents obliged to provide personal day care at home for children under eight years old are entitled to additional parental leave of 28 days due to the coronavirus outbreak. Parental leave can be split between parents, the payment can be claimed by only one of them.

In Spain, flexibility is given to employees to adapt or reduce their working hours (up to 100%), with an equivalent reduction in salary, if they have caring responsibilities related to the pandemic.

Source: Eurofound (2020a, 2020b); ILO (2020); Rubery and Tavora (2021); Koslowski *et al.* (2020)

Table 6 Special parental leave arrangements related to the Covid-19 pandemic until 31 December 2020

	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	
<b>SPECIAL PARENTAL LEAVE ARRANGEMENTS</b>	X	X	X	X	X	X	NO	NO	X	X	X	X	NO	NO	NO	X	X	X	NO	X	X	X	X	X	X	X	X	X
<b>Duration</b>																												
Temporary		X		X		X			X		X						X			X		X					X	
Still ongoing	X		X		X				X	X		X						X					X		X			X
<b>Eligibility conditions</b>																												
<b>Child's age</b>																												
Up to 8																						X						
Up to 12		X			X	X				X							X	X					X		X	X		X
13 to 16	X			X					X			X								X								
Regardless of age if disabled	X	X			X			X	X		X	X					X*	X				X		X				
No teleworking possible	X			X							X						X				X				X			X
No income status								X										X				X						
Other		X																			X							
<b>Employment-related status</b>																												
Self-employed included		X			X	X				NA		X					X	X				X	X	X	X	X	X	X
Specific non-standard workers included*					X	X															X							
<b>Compensation rate</b>																												
Equal or higher compared to RPL**	X	X		X	X	X		X	X		X						X	X		X		X	X	X	X	X	X	X
Fully paid	X								X									X										
% of previous earnings				X		X					X						X					X	X	X	X	X	X	X
Flat rate	X								X											X								
Unpaid										X																		
<b>Employer's consent</b>										X																		
Not needed	X		X		X	X		X	X	X	X	X					X	X			X	X	X	X	X	X	X	X

\* Specific non-standard workers include only some country-specific and job-specific categories of non-standard workers, such as workers on civil contracts, zero-hour workers, seasonal workers, students, domestic workers. It does not refer to part-time and temporary contracts.

\*\* Regular parental leave.

Sources: Eurofound (2020a, 2020b); ILO (2020); OECD (2020); Rubery and Tavora (2021); Koslowski et al. (2020)

Some of these Member States (e.g. IT, RO, SE) have also opted for alternative solutions<sup>23</sup>, which will not be described here, as the focus is on specific parental leave arrangements.

Table 6 summarises the parental leave arrangements organised in relation to the Covid-19 pandemic. It shows considerable variations across Member States in terms of eligibility conditions, compensation rates, the need for the employer's consent and job protection.

#### 4.1.1 Eligibility conditions

Special parental leave arrangements were in most cases available to parents with children aged up to 12 (in BE, BG, DE, FI, IT<sup>24</sup>, PL, RO, SE, SI, SK), although the age limit was much lower in Poland (up to 8) and higher (from 14 to 16) in Austria, Cyprus, Czechia, France, Greece and Malta. In some cases, leave could be used to care for an older disabled child (e.g. AT, CZ, EL, FR, LT, PL, RO). In Luxembourg, parents of children with disabilities aged 13 to 18 (or up to 25) are eligible for family leave if they receive the additional special allowance for disabled children from the Children's Future Fund (*Caisse pour l'avenir des enfants*, CAE). In Poland, the scheme covers parents of a child or young person up to 16 years old with a disability certificate, up to 18 years old with a certificate of severe or moderate disability, or up to 24 years of age with a special education certificate.

Despite some important differences, most of the measures recorded were explicitly targeted at parents whose work had not been suspended, or were otherwise affected, and who could work from home. Indeed, in a significant number of countries (including AT, BG, CY, FR, LT, LU, MT, PT, RO), parents whose jobs allow them to work remotely were explicitly excluded from these schemes.

Some countries included restrictions based on the income status of the individual parent (or the household), to rule out 'double income support' (for example, when one parent was already on a short-time work scheme or unemployed); the aim was to target particularly vulnerable parents having no form of income support and with an immediate need for childcare (e.g. in Belgium, Czechia, Italy, Greece and Luxembourg) (Eurofound 2020a, 2020b). In Cyprus, if one parent is working and the other is not (e.g. (s)he is receiving an unemployment allowance, a special unemployment allowance, sickness allowance or for any other similar reasons), the working parent is not entitled to special leave at that time, unless the non-working

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**23.** For instance, in Sweden there were no nationwide school and nursery closures and so childcare remained available as usual. In Portugal and France, childcare was only guaranteed for workers in healthcare and other essential services. This was normally provided by keeping some schools and nurseries open with a skeleton staff (European Commission 2020a). In Italy, a lump-sum babysitting subsidy of €1,200 was provided as an alternative to parental leave, with health care workers entitled to €2,000; in Romania, alternative financial support for childcare was generally available to low-income families with pre-school children, while health care workers received a 75% pay increase to cover childminding costs (Rubery and Tavora 2021).

**24.** In Italy, parents with children between 12 and 16 years of age can also request Covid-19 leave, but without compensation.

parent has himself/herself been infected with Covid-19, is under mandatory quarantine, is hospitalized or is a person with a disability. In Poland, the care allowance for parents forced to stay at home to mind (pre-) school children is not paid if the other parent is unemployed or on maternity, parental or childcare leave.

#### 4.1.2 Employment-related status: the inclusion or otherwise of self-employed and non-standard working parents

Specific parental leave arrangements also varied in how inclusive they were in relation to the labour market status of parents. In most cases the newly introduced schemes are broader in scope and are available to other groups of workers beyond employees, especially the self-employed. In a few countries (e.g. AT, EL, IT, MT, RO), they are somewhat less comprehensive in scope: being available only to employees (in both private and public sectors in Greece and in Italy) or only to private sector employees (e.g. Cyprus, Malta and Romania). In Austria, the legal provisions on special care periods do not apply to civil servants (civil servants, contract staff) who are directly employed by a local authority (federal, provincial, municipal, association of municipalities).

In Austria, Bulgaria, Cyprus, Finland, Greece and Malta, access to the specific leave arrangements is restricted to employees, but in 13 countries (BE, CZ, DE, FR, IT, LT, LU, PL, PT, RO, SE, SI, SK) the self-employed also have access to the specific leave arrangements, subject to conditions (see Box 4).

There is little information available on non-standard workers, and even less on specific categories of non-standard workers. Some examples can however be found in Belgium, Germany, Czechia, Poland and Portugal. In Belgium, employees working less than 75% of full-time working hours are excluded. In Germany, although mini-jobbers are not covered by the job retention or unemployment schemes, they are entitled to take parental leave. In Czechia, the possibility to draw a care allowance has been extended to employees working on the basis of so called 'work agreements outside employment relationships', e.g. an Agreement to complete a job (DPP) or an Agreement to perform a task (DPČ). In Poland, holders of mandate contracts (freelancers) covered by the public sick-leave insurance scheme are also included. Domestic workers throughout Europe were often excluded as they are informally employed. As migrant women and ethnic minority groups are often employed in domestic work with informal arrangements, their exclusion is likely to exacerbate intersectional inequalities (Rubery and Tavora 2021; ILO 2020). Homeworkers and domestic workers are, however, included in Germany and Portugal.



**Box 4 Examples of specific corona leave arrangements also open to the self-employed**

In Belgium, on 16 May 2020, the corona parental leave was extended to self-employed workers having to take care of a child under the age of 12 or a disabled child. This parental leave can be taken until the end of September 2020. The corona parental leave for self-employed workers cannot be combined with the replacement income 'bridging benefit' (a monthly financial benefit).

In Czechia, from 11 March 2020 until 30 June 2020, employees could take leave to care for a child under fourteen years of age as schools were closed. Before 11 March 2020 (and again since 1 July 2020) this leave could be used by insured employees who were unable to work because (s)he took (takes) care of a sick child under ten years of age. During the same time, this leave was temporarily extended to self-employed parents.

In Italy, the leave for the care of minors ('Covid-19 Leave'), available during the period when educational services for children and educational activities in schools are suspended (effective from 4 March 2020), is open to self-employed workers registered with the *Istituto Nazionale Previdenza Sociale* (INPS).

Luxembourg introduced paid family leave for both private sector and self-employed workers obliged to stop work to care for a disabled or dependent elderly person in their household due to closures of approved facilities. Parents who had to care for children (less than 13 years old) because of ECEC and school closures, could benefit from leave on family grounds, subject to certain conditions.

In Poland, the additional care allowance connected to the closure of ECEC services (including nannies and other individual caregivers) and schools, provided to working parents who are looking after a child under eight years and covered by sickness insurance, is also available to self-employed workers if they are insured for illness; as this insurance is not compulsory, most are not covered.

Source: Eurofound 2020a, 2020b; Koslowski *et al.* 2020

### 4.1.3 The compensation rate

There has been considerable variation between Member States in how the leave has been paid. Most of the measures have been implemented in the form of special or additional parental leave days, with several taking the form of additional or complementary income support (Eurofound 2020a, 2020b). In all Member States where specific leave has been implemented, parents are provided with some element of payment. Spain is the only country where no payment at all is provided. In Bulgaria, the leave is unpaid but parents are entitled to a one-off assistance payment amounting to 375 BGN (approx. €200) if, in the month preceding the use of unpaid leave, no family member has had a monthly income of more than BGN 610 (€305).

Payment policy varies considerably across the countries. The specific leave is paid at 100% of previous earnings in Austria, Luxembourg and Greece; flat rates are paid in Belgium (up to a ceiling), Finland (€723.5 per month) and Malta (€800 for full time employees, €500 for part-time employees). In Belgium, benefit levels

differ according to the sector (private, public, public education) of employment and the parents' age (below or above 50 years old). Benefits are higher for single parents and parents of disabled children. In any case, the benefit cannot be higher than the gross wage of the person involved. In the remaining Member States, the specific leave is paid at an earnings-related rate (up to a ceiling in Cyprus, Germany, Portugal, Romania; no less than the minimum wage in Portugal and Slovenia), ranging from 50% to 90% of earnings<sup>25</sup>.

As shown in Table 7, if the self-employed have access to the specific leave arrangement, they usually benefit from the same earnings-related rates as employees<sup>26</sup>. This is the case for instance in Germany, Italy, Lithuania, Romania and Poland. In some countries (e.g. BE, CZ, PT), the self-employed are entitled to the specific leave but **at reduced pay**. For example, in Portugal, leave for the self-employed is paid at one third of earnings, compared to two thirds for employees. In Czechia, while employees are entitled to compensation of 80% of earnings, the self-employed receive a fixed amount (just under €510/month – €15.41 per day). In Belgium, self-employed persons who have suffered a 100% reduction in activity receive €532.24 a month, €638.69 if the child is disabled or €1,050 for single parents, while employees on full-time leave receive €1,148 if the child is disabled or in the case of a single parent.

Table 7 Self-employed: Inclusivity and compensation rate

Inclusivity and compensation rate		Member States
Specific parental leave arrangement	Including the self-employed	BE, CZ, DE, FR, IT, LT, LU, PL, PT, RO, SE, SI, SK
	Excluding the self-employed	AT, BG, CY, EL, FI, MT
Compensation	Equal to employees	DE, FR, IT, LT, LU, PL, RO, SE, SI, SK
	Lower than employees	BE, CZ, PT

Sources: Eurofound (2020a, 2020b); Koslowski *et al.* (2020); Rubery and Tavora (2021)

These adapted schemes tend to be top-up schemes; they do not affect regular parental leave entitlements or can also be taken up if the latter have been exhausted already. Some of them also provide compensation or benefits that are equal or higher than the regular parental leave schemes. This is true in fourteen Member States (AT, BE, CY, CZ, DE, EL, FR, IT, LU, MT, PL, PT, SE, SK). In Belgium, for instance, the flat-rate benefit is 25% higher than the benefit for traditional parental leave: €149.60 for a 20% reduction in working time, compared to €119.68 for traditional parental leave for employed parents. However, the level of the benefit is lower in Bulgaria, Lithuania, Romania and Slovenia. In Finland, with a special

<sup>25</sup>. The earnings-related rate is 50% in Italy; 55% in Slovakia; 60% in Cyprus; 65.94% in Lithuania; 66% in Portugal; 67% in Germany; 75% in Romania; 80% in Czechia, Poland and Slovenia; and 90% in Sweden and France.

<sup>26</sup>. When information available from the data bases do not distinguish between employees and self-employed when it comes to the compensation rates, we assumed that they were the same for both categories.

flat-rate allowance of €723.50 per month, regular parental leave is paid at 70% of annual earnings between €12,405 and €37,113, with a lower percentage for earnings above this level.

In nine countries that provide working parents with specific leave during the pandemic (AT, CY, EL, FR, LU, PL, PT, RO, SE), parental leave is paid at the same or a higher level than job retention schemes. According to Rubery and Tavora (2021), this could be considered an indicator that the government not only attaches comparable value to care work, but also recognises the importance of both parents' earnings for the family income and the right of both women and men to an independent income. In the remaining eleven countries, pay for parental leave is lower than for job retention schemes, indicating an undervaluing of care; where leave is unpaid (as in Spain) or means-tested and very low-paid (as in Bulgaria), the result is that those providing care, normally women, become economically dependent on other family members. These problems are exacerbated for single parents, who are mainly women and reliant solely on their own income to support their families (ibid). Some leave schemes recognised this higher vulnerability and provided specific rules for single parents either in terms of benefits or leave duration. In Belgium, for instance, while for the self-employed a 100% reduction is compensated by €532.24 a month, the compensation was raised to €1,050 for single parents. Besides, single parents can take full-time leave while other parents only have access to leave of 20% or 50% of full-time work (depending on the working time). In Cyprus, while the eligible parent receives an allowance of 60% of the first €1,000 euros of his/her salary and 40% of the other €1,000 (up to €1,000 per month), for single parents, the percentages are 70% and 50%, respectively, and the maximum amount of the allowance is €1,200. In Czechia, single parents are provided with 16 calendar days leave instead of nine days, while in Germany, an employed single parent is entitled to 20 weeks of income replacement instead of ten weeks.

#### 4.1.4 Employer consent and job protection

In most countries, the employer's consent to the leave is not needed. However, in Spain for instance, the employer can object if the 100% reduction in working time is damaging for business while in Slovakia this consent is needed only for parents working in essential services. Where taking leave requires employer consent (as in Austria, Belgium, Bulgaria<sup>27</sup> and Cyprus), one of the parents may have to resign if leave is refused. Women are the most likely to be affected by this condition, particularly in view of their predominant role in childcare, but also because they tend to have lower levels of remuneration. Women are also more often single parents.

Protecting jobs is crucial, to ensure that people who want to take parental leave do not find themselves unemployed in a particularly difficult economic period and to avoid long-term damaging consequences for women. Among the twenty Member States, only in Belgium are jobs not protected (Rubery and Tavora 2021).

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<sup>27</sup> The employer's consent to the leave is however not needed for mothers and single fathers.

## 4.2 Member States with no specific Covid parental leave arrangements

To get a full picture of what happened in all Member States, we here provide some basic information on the seven Member States (DK, EE, HR, HU, IE, LV, NL) which did not provide working parents with specific leave during the pandemic.

- **In Denmark**, some schools and childcare facilities remained open, with a skeleton staff, to look after children of essential service workers, children of private sector workers who were not sent home, and socially vulnerable children (OECD 2020a).
- **In Estonia**, paid sick leave is also open to workers caring for a sick child or family member or dependant, and this continues to apply to all illnesses (Koslowski *et al.* 2020).
- **In Hungary**, some parental benefits (the employment-related childcare fee, the universal childcare allowance and the child raising support) that would expire during the state of emergency have been extended until the end of the state of emergency.
- **In Ireland**, no new measures have been set up. Workers already had the right to take 3 days force majeure leave in a 12-month period, or five days in a 36-month time period. Workers can ask their employer to allow them to take the full 5 days paid force majeure leave together. If the employer is not paying employees who cannot work because they are looking after a child or another person, the employees may qualify for the Covid-19 Pandemic Unemployment Payment (OECD 2020a).
- **In Latvia**, entitlements to parental benefits that would have expired during the state of emergency (typically, when the child reaches one or 1.5 years of age) were extended until the end of the state of emergency for people unable to return to work. Benefits are capped at €700 per month. A limited number of public childcare facilities remained open to look after children of essential service workers and parents who cannot provide childcare by themselves (Koslowski *et al.* 2020).
- **In The Netherlands**, some schools and childcare facilities remain open, with a skeleton staff, to look after children of essential service workers. These services are provided free of charge for families in which at least one parent performs essential services (education, healthcare, childcare, food sector, key transport, key public sector). Working parents were not provided with a new special family care leave. However, parents who are not in essential jobs, who cannot organize care or schooling for their children due to the school closures and who are not able to work from home are entitled to emergency leave or short-term care leave (OECD 2020a).

## 4.3 Special parental leave arrangements: discussion

Given the nature of some lockdown measures, caring facilities and schools were forced to close, affecting millions of children around the world. This has put a lot of pressure on the parents, trying to balance work and family obligations during this period. In this context, many Member States introduced special leave provisions,

what is often referred to as ‘corona leave’. More precisely, twenty Member States have provided parental support arrangements when neither parent could provide childcare due to both being in employment: this is the case in AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, IT, LT, LU, MT, PL, PT, RO, SE, SI and SK. This special parental leave varied with regard to eligibility conditions (e.g. age of the child), payment conditions (e.g. percentage of previous earnings, flat rate), inclusivity of parents’ labour market statuses and duration. Some of them provide extra support to single parents.

In 13 out of the 20 Member States which provided such leave, the self-employed are covered by these provisions. This shows a clear positive trend towards inclusion of the self-employed, as, unlike employees and with a few exceptions, there is no compulsory protection against the risk of losing their income (Rubery and Tavora 2021). Most countries that included self-employed workers in their parental leave scheme during the Covid-19 pandemic granted the same rate of earnings to employees and the self-employed (e.g. DE, IT, PL, RO). Conversely, a few countries have developed specific leave arrangements, with different levels of remuneration between employees and the self-employed, with the latter receiving a lower amount (e.g. BE, CZ, PT).

Although the information available on non-standard workers remains scarce, it should be noted that some Member States have included non-standard workers in their specific corona leave arrangements (Belgium, Czechia, Germany, Poland and Portugal).

Preliminary research has shown that women have been among the greatest losers from the Covid-19 recession (Rubery and Tavora 2021; Eurofound 2020), as they continued to take on most of the increased family caring responsibilities during this period (Dugarova 2020). Parental leave –when unpaid or paid at a very low level – can reinforce the gender division, which may lead women to withdraw from the labour market to care for their children. It is then crucial, when designing and implementing a leave scheme, to consider the direct impact on gender division: a scheme can result in greater equity if certain incentives are granted or, conversely, in an unequal distribution of care. The situation varies widely between Member States. In Bulgaria, employers are only obliged to grant parental leave to mothers and single fathers, reinforcing women’s role as primary carers. By contrast, parental leave schemes in Belgium and Italy are designed to encourage parents to share responsibilities. In Belgium, parental leave can only be taken on a part-time basis, enabling each employee to reduce working time by up to 50%, so that full-time care is only possible if both parents take leave; in Italy each parent is entitled to 15 days, with the parents expected to alternate so that care can be provided for a total of 30 days (Rubery and Tavora 2021).

Job protection is an important element to take into account. It is crucial to ensure that people who wish to take parental leave do not end up unemployed in a particularly difficult economic period, and to avoid long-term damaging consequences for women in particular (ibid).

## Conclusions and discussion

The purpose of this study is to map the measures related to unemployment benefits, sick pay and sickness benefits as well as special leave arrangements introduced by the EU Member States during the Covid-19 pandemic. The specific focus is on non-standard workers and the self-employed, while particular attention is also given to the gender dimension of social protection measures. This concluding section flags the more general trends in measures relating to access to social protection for these categories of workers.

**Two key findings** emerged from the analysis.

First and foremost, **formal access to the social protection schemes under scrutiny remained basically the same for the various statuses of non-standard workers and the self-employed.** This finding does not invalidate the importance of the measures taken by many Member States with regard to social protection, or the widespread use of job retention schemes, which played a significant role in preventing job destruction (OECD 2020c; Müller and Schulten 2020; European Commission 2020a). Moreover, a large majority of Member States have implemented measures related to the eligibility or receipt conditions of unemployment and sickness benefits. Most measures related to reducing the qualifying periods: this may have some positive effect on effective access for temporary and part-time workers, who generally have difficulties meeting the eligibility conditions. As for the self-employed, waiting periods and other specific conditions related to their status were modified in some of the countries where they have access to these schemes.

Unemployment benefit schemes remain the most inaccessible benefits for some categories of non-standard workers and the self-employed, and there have been no changes in the rules for formal access for these groups during the first wave of the pandemic (except in Sweden, for workers working less than 50%). In other words: **those without formal access to unemployment benefits remained excluded, also in times of Covid-19.** To remedy the loss of revenues of categories with no access to unemployment benefits, countries proposed several temporary (sometimes one-off), mostly flat-rate and means-tested benefits for these categories to limit the damage; in nearly all cases these benefits are being paid by the state budget.

Sick pay and sickness benefits have been the frontline social protection schemes during the pandemic. The most widespread measure undertaken in EU Member States has been to adapt these schemes, or introduce new ones, so as to cover



specific circumstances linked to the pandemic, notably quarantine and self-isolation. In a more limited number of Member States, provisions regulating these circumstances already existed and were activated after the outbreak of the Covid-19 epidemic. In many cases, **public authorities have stepped in more decisively to finance sick pay and sickness benefits.** In general, benefits in case of sickness are less exclusive than unemployment schemes; in many cases, therefore, non-standard workers and the self-employed do have formal access to them. However, sometimes these categories of workers may not meet eligibility conditions (especially those relating to periods of employment/ contributions needed), thus being de facto excluded from access. **These limitations as regards effective access have not been resolved during the pandemic.**

The situation concerning parental leave arrangements is slightly different. The mapping showed that during the pandemic, the most common approach was to create new *ad hoc* leave arrangements. Twenty Member States have provided parental support – which varied in terms of eligibility conditions, payment conditions, inclusivity of parents' labour market status and duration of arrangements – when neither parent could provide childcare due to both being in employment. Almost **two thirds of Member States included the self-employed in the leave arrangements, and, in most cases, granted them the same compensation rate as for employees.** Regarding non-standard workers, a few examples were found where some specific categories of non-standard workers benefited from specific corona leave arrangements. It appears that the Covid-19 pandemic may have reinforced the gender division: whether this will indeed be the case will depend greatly on the policies enacted to enable parents to provide or arrange alternative childcare while protecting them against job and income loss.

All in all, temporary measures related to the benefits under scrutiny in this report were selective: Covid-19-induced adjustments in the area of social protection have benefited workers who already had formal access to social protection and were given better effective access. At this stage, **we have not observed any measures which are intended to be permanent** and thereby reflect the spirit of the Council Recommendation on access to social protection, i.e. to grant formal access and permanently improve effective access to benefits to workers who have issues in accessing them. However impressive the measures taken may be from a comparative perspective (e.g. vis-à-vis the United States), the social protection impact of the Covid-19 crisis for workers without access to social protection was mainly tackled by *ad hoc*, emergency measures generally paid from the State budget.

**The second key finding is that this abrupt health crisis underlined acute gaps in social protection systems.** The fact that the Member States had to urgently tackle eligibility conditions and create new schemes shows that thousands of people would otherwise have remained without any income support at all. The crisis clearly made visible and reinforced inequalities of access to social protection in labour markets, where people may have no alternative to precarious labour statuses.

For instance, **the self-employed are among the categories of workers most at risk if the recession is protracted, also because of limited access to social protection schemes in several Member States** (European Commission 2020a: 36). One issue with the solo self-employed, for instance, and especially the ‘dependent self-employed’, is that many of them may not have chosen to be self-employed and thus have not chosen the poorer social protection coverage which is inherent to the status of self-employment<sup>28</sup>.

Moreover, the latest data and surveys show that self-employed respondents became unemployed more often than employees during the pandemic (Eurofound 2020b). Hit by the crisis, some involuntary dependent self-employed may not receive unemployment protection, while people working in the same enterprise and doing the same job but on a contractual basis may indeed be eligible. In April 2020, 48% of self-employed respondents reported that their household has difficulties making ends meet (ibid). Research has also shown that 73% of the self-employed consider that, for them, the social protection available is not adequate at all (25%) or not very adequate (48%). This percentage is even higher for the involuntary self-employed: 86% of this category consider that their social protection is not very adequate and/or not adequate<sup>29</sup> (Codagnone *et al.* 2018: 61-62). Very clearly, the group hardest hit by the crisis will be young people, but also women, who are more likely to be in non-standard jobs (European Commission 2020a; Piasna *et al.* 2020).

At this stage, the Member States have addressed the needs of some specific categories of non-standard workers and the self-employed only by implementing *ad hoc* support schemes, while jealously guarding access to unemployment schemes. It will be interesting to observe whether this crisis (together with progress in the evaluation of the Council Recommendation) spurs political debate on possible inclusion of some categories of non-standard workers and the self-employed in unemployment benefit schemes.

## Discussion: the need for closing social protection gaps

These two key findings call for a **broader reflection about the social implications of the crisis** for some work statuses, as well as for social protection systems, in the aftermath of the pandemic.

As pointed out by the draft Joint Employment Report published in November 2020, the Covid-19 crisis is ‘a powerful reminder of the importance of social protection systems’ and is stress-testing the capacity of our social protection systems (European Commission 2020a: 17). This study demonstrates that all

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<sup>28</sup>. In 2017, one in five self-employed people stated that they had no other alternative work and therefore resorted to self-employment. Clearly there is a difference between the self-employed with employees and those without: those who employ staff themselves are more likely to have become self-employed out of preference (71%) than those without staff (54%) (Eurofound 2017).

<sup>29</sup>. For standard workers, this percentage is only 42%, with as many as 58% considering it very (7%) or fairly adequate (51%).



measures taken regarding unemployment benefits and sickness benefits are temporary, mostly funded by the general budgets of the Member States, with considerable, and varying, support from EU instruments, and there are no debates concerning commitments to fill in these gaps on a permanent basis (Myant 2021). **These *ad hoc* benefits/schemes are, indeed, temporary stop-gaps, and, given the grim economic and social predictions, a considerable part of the workforce will need to rely on social protection support after the pandemic is over.** Not only will the costs for social protection systems and the economy be considerable: the social costs of gaps in social protection will be equally high. In many cases, people without social insurance coverage for unemployment benefits will be supported by the social assistance budgets and family solidarity, with all the consequences this has for household poverty. A lack of insurance and of sufficient entitlements also implies high non-social protection costs for societies and economies. Without adequate social protection, people's welfare is at risk and the life-time productivity of the potential work force will be lower (Fouarge 2003). Member States which do not provide access to unemployment benefits had to pay out from the State budgets to compensate loss of revenue for which people are not insured, and therefore do not pay insurance. **Moreover, these expensive *ad hoc* emergency measures, paid from the State budget, do not benefit from the risk-sharing which exists when all people are insured.** In this context, taxpayers can be seen as 'de-facto insurers actually subsidising unsustainable developments in specific sectors' (Schoukens 2020: 80-81).

It would be naive to think that the pandemic will be the only crisis for a long time; in this respect, this unexpected emergency can be seen as a significant driver, also in view of the Council Recommendation, encouraging authorities to reflect and act upon improving social protection for non-standard workers and the self-employed. The proposal for a Joint Employment Report recommends that, in a recovery phase, there should be on-going efforts to maintain and reinforce sustainable social protection for all, including for non-standard workers and the self-employed. **Temporary measures do not replace the need to expand social protection** for those who are not covered on a permanent basis (European Commission 2020a).

There is, moreover, **public demand for more social protection**. This is shown in a recent study on attitudes to social protection; it concludes that 'the legitimacy of the European-style welfare state is strongly entrenched among Europeans', who still strongly support the 'social contract in which the government intervenes to redistribute resources to tackle risks and differential life chances' (Tóth *et al.* 2020: 5). Another research project, against the background of the Covid-19 pandemic, considers initial ideas on setting up an unemployment insurance scheme for the self-employed, as the crisis has highlighted the huge gaps in many EU Member States in this respect. A comprehensive 'post-corona' scheme would have clear advantages, as it is crucial to adapt the rules of existing insurance schemes for wage earners while appropriately addressing the specific needs of the self-employed post-corona (Schoukens and Weber 2020).

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All links were checked on 8 March 2021.



## **Annex 1 Country abbreviations**

### **EU countries prior to 2004, 2007 and 2013 Enlargements (EU-15)**

<b>BE</b>	Belgium
<b>DK</b>	Denmark
<b>DE</b>	Germany
<b>IE</b>	Ireland
<b>EL</b>	Greece
<b>ES</b>	Spain
<b>FR</b>	France
<b>IT</b>	Italy
<b>LU</b>	Luxembourg
<b>NL</b>	The Netherlands
<b>AT</b>	Austria
<b>PT</b>	Portugal
<b>FI</b>	Finland
<b>SE</b>	Sweden
<b>UK</b>	United Kingdom

### **EU countries that joined in 2004, 2007 or 2013**

#### **2004 Enlargement**

<b>CZ</b>	Czechia
<b>EE</b>	Estonia
<b>CY</b>	Cyprus
<b>LV</b>	Latvia
<b>LT</b>	Lithuania
<b>HU</b>	Hungary
<b>MT</b>	Malta
<b>PL</b>	Poland
<b>SI</b>	Slovenia
<b>SK</b>	Slovakia

#### **2007 Enlargement**

<b>BG</b>	Bulgaria
<b>RO</b>	Romania

#### **2013 Enlargement**

<b>HR</b>	Croatia
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