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## Social protection for atypical workers during the pandemic: Measures, policy debates and trade union involvement in eight member states

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## **Abstract**

The spread of Covid-19 and the ensuing adoption of lockdown measures have had severe consequences for European labour markets. All EU governments quickly made unprecedented economic and social support available to tackle the consequences of the pandemic. However, these measures – introduced by EU Member States during the pandemic as regards unemployment benefits, sickness benefits and special leave for parents – have not fundamentally improved formal access to social protection schemes for non-standard workers and the self-employed. Especially in the domain of unemployment benefits, temporary (sometimes one-off), mostly flat-rate and means-tested benefits have been introduced for these categories, thus falling short in structurally addressing important gaps in their social protection systems, which pre-date the Covid-19 pandemic. The present report discusses the measures targeted at non-standard workers and the self-employed in eight countries: Belgium, France, Ireland, Italy, Lithuania, Portugal, Romania and Sweden. These case studies confirm the emergency and non-structural character of the measures but also provide innovative country-specific examples. The pandemic has triggered debates on the situation of specific categories of workers and on the need to address gaps in their protection (e.g. workers in the platform economy). It has also highlighted the active role that trade unions have played during the crisis. Nevertheless their involvement in the decision-making process has clearly been uneven across countries and has been dependent on political will and on the state of social dialogue.

## Introduction

The spread of Covid-19 and the ensuing adoption of lockdown measures to prevent infections have had severe consequences for European labour markets. All EU governments quickly made unprecedented economic and social support available to tackle the economic and social consequences of the pandemic. With regard to social protection and social inclusion measures, in most cases the eligibility conditions of schemes were relaxed, benefits upgraded and ad hoc benefits and innovative measures introduced. These measures are expected to have had a positive effect on non-standard workers and vulnerable groups (Baptista et al. 2021; Spasova et al. 2021a).

Earlier research conducted by the European Social Observatory (OSE) for the European Trade Union Institute (ETUI) on access to social protection and Covid-19 mapped the measures linked to unemployment and sickness benefits, as well as special leave for parents, introduced during the pandemic in the 27 EU member states, with a focus on those measures targeted at non-standard workers and the self-employed<sup>1</sup> (Spasova et al. 2021a). In general, these categories of workers have greater difficulties in accessing social protection given the legal impediments to building up entitlements. In particular, the self-employed are (much) less protected than salaried workers in terms of both their statutory and their effective access to social protection. They are, in the main, excluded from insurance-based social protection schemes, particularly unemployment benefits, accident and injury at work benefits and, to a lesser extent, sickness benefits (Spasova et al. 2017; Spasova et al. 2019; Matsaganis et al. 2016). Moreover, the Great Recession and the rise of platform work have triggered processes which are unravelling labour market law and which have led to the creation and increase of new forms of non-standard work such as on-call work, zero hours contracts, solo dependent self-employment and portfolio work. For legal scholars such as Paul Schoukens (2020: 6), this points to ‘a further development (to the extremes)’ of non-standard work.

These developments have resulted in great challenges regarding access to social protection for non-standard workers and the self-employed. Several measures have been taken to ease access to social protection, but formal access to schemes

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1. For the purposes of this chapter we use the following definitions of different types of employment (ILO 2016): standard employees, i.e. full-time open-ended contracts; non-standard workers, i.e. contractual employment outside of full-time open-ended contracts (e.g. part-time, temporary contracts, zero hours, seasonal workers, etc.); and self-employment, i.e. people working on their own account.



has not been fundamentally improved for the various categories of non-standard workers and the self-employed. Especially with regard to unemployment benefits, which are among the most inaccessible schemes, those without formal access have remained excluded, even under Covid-19. To remedy the loss of revenue of those with no access to unemployment benefits, member states have implemented several temporary (sometimes one-off), mostly flat-rate and means-tested benefits for such workers to limit the damage. Furthermore the abrupt health crisis has underlined acute gaps in social protection systems. The fact that countries had to urgently address eligibility conditions and create new schemes shows that many people would otherwise have remained without any income support at all. The health crisis has clearly highlighted and reinforced the inequalities of access to social protection in labour markets under which people may have no alternative to precarious labour status.

Following up on that work, eight countries were chosen to be further examined as separate case studies; these countries were selected as having introduced some innovative measures and because they represented various configurations of access for these categories of workers to the three areas of social protection under scrutiny.<sup>2</sup> The eight case studies (Belgium, France, Ireland, Italy, Lithuania, Portugal, Romania and Sweden) were produced by independent national researchers who looked into the situation regarding access to social protection during the pandemic while providing an initial assessment of the effects of the measures taken in each one (Belletti and Norbiato 2021; Cousins 2021; Fritzell et al. 2021; Lazutka and Navickė 2021; Legros et al. 2021; Perista 2021; Pop 2021; Van Lancker 2021). This report brings together the key messages and findings from the research project – drawing on both the EU-wide mapping exercise and a horizontal reading of the in-depth case studies – while providing a forward-looking perspective.

The case studies provide examples of the country-specific and, in some cases, innovative measures implemented during the pandemic.

In the area of unemployment benefits, some countries have provided emergency benefits, broad in scope, including to those with insufficient entitlement to benefit ordinarily (Ireland and Lithuania). Italy has even set up a specific benefit for some categories of the self-employed as a structural measure (which will last beyond the pandemic) and established on an experimental basis until 2023.

In the area of sickness benefits, a number of measures have been introduced, ranging from changes to one or more of the parameters of existing benefits (e.g. the levels of benefit or abolition/decrease of waiting periods) to the introduction of new benefits specific to Covid-19 (e.g. the Irish Enhanced Illness Benefit).

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2. The selection of the case studies was agreed between the OSE and the ETUI based on the findings of the first deliverables of the project (Spasova et al. 2019). The order of importance for the selection of the case studies was: a) unemployment benefits; b) sickness benefits; and c) special parental leave. The intention was to highlight some specific, and in some cases innovative, measures taken regarding these benefits. Moreover, the countries selected include 'old' and 'new', larger and smaller member states and at least one member state from each 'welfare model'.

The impact of changes on non-standard workers and the self-employed should be considered as contingent and with rather limited scope; data on take-up for specific categories of workers are often not available. This said, measures easing the eligibility criteria for access to benefits (e.g. in Ireland and Romania) should have facilitated access for some categories of non-standard workers, while measures entailing the abolition/reduction of waiting periods may have helped improve the situation for some categories of the self-employed (for instance, in Portugal).

Regarding special leave for parents, in all the countries studied (except for Ireland) new schemes have been introduced or existing ones extended. The self-employed have been included in these schemes (except for Romania), showing a clear positive trend towards the inclusion of this category. However, in some cases (e.g. Portugal), they have been subject to less advantageous conditions than workers.

The case studies show that, in some countries, the pandemic has triggered debates on the situation of some specific categories of workers (e.g. in the platform economy and in some country-specific situations). They also highlight the active role of trade unions in proposing measures in all countries, although their actual involvement has been dependent on political will and the state of social dialogue in the countries.

The report is organised as follows. Section 1 sets the scene, providing an overview of the key measures taken by all EU countries regarding unemployment, sickness benefits and special leave arrangements. We then examine the situation in the eight countries under scrutiny, illustrating the measures affecting access to social protection of non-standard workers and the self-employed in the three policy domains at the core of our research (Sections 2, 3 and 4). Section 5 discusses the involvement of trade unions in the development of the measures implemented in the eight case study countries. Section 6 presents some of the debates in these countries and suggests potential ways to improve access to social protection for non-standard workers and the self-employed, including in the context of the monitoring and implementation of the 2019 Council Recommendation on access to social protection for workers and the self-employed (hereafter ‘the 2019 Recommendation’).<sup>3</sup> The final section draws conclusions based on the case study evidence.

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3. The 2019 Council Recommendation on access to social protection for workers and the self-employed was adopted as a key initiative of the roll-out of the European Pillar of Social Rights in November 2020. It provides several specific recommendations concerning formal and effective access for workers and the self-employed (for more information, see Spasova and Wilkens 2018; and Spasova et al. 2021 a,b).

## **1. Social protection measures in the EU during the pandemic: setting the scene**

This section describes the types of measures that have been taken in the broader EU context during the pandemic regarding unemployment benefits, sickness benefits and special leave arrangements. This overview summarises and updates<sup>4</sup> the mapping exercise carried out by Spasova et al. (2021a). Countries which have developed along similar lines are listed in brackets (e.g. AT, BE, BG). The list of country acronyms can be found in Annex.

In response to the sudden outbreak of the pandemic, followed by strict lockdown measures, temporary changes have been made to unemployment benefit schemes making them more inclusive and also, in some cases, more generous. By far the most frequent adjustment has been to the duration of benefits which has been extended in 12 member states (BE, BG, DE, DK, EL, FR, IT, LU, LV, PT, RO and SK). Another important measure has been the adjustment of the qualifying conditions to provide access for workers without a sufficiently long work history, which has occurred in seven countries (EL, ES, FI, FR, LV, PT and SE). For instance, Spain has even abolished the qualifying period required to access unemployment benefits; while Finland and Portugal have halved it. Other measures have included the suspension of waiting periods (specific to some member states: DK, FI, IE and SE) (see also Baptista et al. 2021). Some countries have also introduced broad-based emergency ‘hybrid’ unemployment benefits (having the characteristics of both social insurance and social protection) in order to include people who did not have sufficient entitlement to access the ‘ordinary’ unemployment scheme (e.g. IE, IT, LT and SI).

All these measures have improved access for non-standard workers and, in some cases, the self-employed (where they have access to these schemes) to unemployment benefits. However, the pandemic has not triggered changes improving access to unemployment benefits by the self-employed in cases where they do not generally have access to such schemes (except for an experimental benefit in Italy): loss of income from self-employment has been addressed through ad hoc, mostly minimum flat-rate benefits (Baptista et al. 2021; Spasova and Regazzoni 2022).

Regarding paid sick leave schemes (sick pay or sickness benefits), virtually all EU countries have implemented some measures affecting their functioning (see

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4. Updated as far as June 2021. The timing of the specific measures has generally followed the evolution of the pandemic. Most measures were introduced in March 2020 and have been in place during the periods of lockdown.

also Baptista et al. 2021; Eurofound 2021; OECD 2020). These have consisted of: a) amendments to ordinary paid sick leave systems to adapt the provisions to the specific circumstances of the pandemic (e.g. in DK, EE, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE and SI); b) the introduction of new benefits and schemes specifically designed to address the impact of the pandemic (e.g. in CY, CZ, IE and SK); and c) the activation of measures already foreseen in the event of the spread of infectious diseases or an epidemic (e.g. in AT, DE, FI and SE).

These measures have affected several key parameters of the schemes including, first, the qualifying conditions for access (the required period of employment or contributions) which have been relaxed in a few countries (notably ES, FR, IE, IT and RO). Second, in the vast majority of EU countries the coverage circumstances have been extended to cover workers in mandatory quarantine (e.g. in AT, BG, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, MT, PL, PT, RO, SE and SI) or needing to self-isolate due to particular vulnerability in the event of Covid-19 infection (e.g. CY, DK, EL, FR, IT, LT, MT, RO and SE). Third, in no less than ten countries (BE, CZ, ES, IE, IT, LT, PL, PT, RO and SE), the level of benefits has been increased. Fourth, in terms of the duration of benefit, the waiting periods for access have been waived in eight countries (DK, EE, ES, FR, IE, LV, PT and SE), while in six (DK, FR, LT, LU, LV and RO) the maximum duration of receipt has been extended where benefits would have expired during the pandemic. Finally, in many EU member states, public authorities have intervened in the funding of the schemes through measures aimed at reducing employers' contributions (e.g. in AT, DE, DK, EE, ES, HR, HU, IT, LV, MT, RO, SE, SI and SK).

Importantly, virtually all the measures introduced by EU countries as regards paid sick leave are of a temporary nature, i.e. they were intended to be in force only as long as the pandemic was ongoing. Most of these measures have indeed only applied to circumstances directly linked to Covid-19, thus not affecting the overall functioning of these schemes. In particular, with regard to effective access for non-standard workers and the self-employed, while some measures may have improved the situation of those workers who already had access to benefits before the pandemic (for instance, the waiving of waiting periods for the self-employed), eligibility conditions for access have remained unchanged in almost all EU countries; this means that gaps in the coverage of specific categories of non-standard workers and self-employed which predate the pandemic have not been addressed and no measures specifically targeting those workers have been identified.

Twenty one member states (AT, BE, BG, CY, CZ, DE, EL, ES, FI, FR, IT, LT, LU, LV, MT, PL, PT, RO, SK, SE and SI) have introduced special parental leave arrangements targeting parents unable to provide childcare, where both were employed, during the closure of schools and childcare facilities. These measures have been labelled differently (including additional days off, corona leave, special leave for childcare and care time) and have taken different forms (such as leave and the reduction of working time). In most member states, such schemes were newly introduced in the context of the pandemic (e.g. AT, BE, CY, EL, ES, FI, MT, PL, PT, RO, SI and SK) while, in a few countries, leave arrangements were rather an extension of, or an amendment to, an existing measure (e.g. CZ, DE, LT and

LU). Generally, the duration of these benefits has corresponded to the lockdown period but, in some cases, measures have been extended beyond 2020.

The arrangements vary greatly between member states in terms of the eligibility conditions, the targeted population and compensation rates. In most, they are available to both standard and non-standard workers, including the self-employed in the majority of the member states providing such schemes. In only a few (e.g. EL, MT and RO) are they somewhat less comprehensive in scope: available only to salaried workers (in both private and public sectors in Greece), or only to private sector workers (e.g. CY, MT and RO). In Belgium, salaried workers employed at less than 75 per cent of a full-time job are excluded. Finally, in just 13 member states (BE, CZ, DE, FR, IT, LT, LU, LV, PL, PT, SE, SI and SK) do the self-employed also have access to specific arrangements and, in some cases, they are subject to particular conditions.

The next sections discuss which measures have been implemented in the eight EU member states considered, in key social security branches, while also providing an initial assessment of the effects of the measures taken. Except where otherwise indicated, all information regarding these case studies is drawn from the country chapters produced in the context of this project (Spasova et al. 2021b)<sup>5</sup>.

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5. An important caveat is that a comprehensive assessment of the impact of the measures is impossible because most of the pandemic measures are still ongoing and data on take-up by specific categories of workers are not always available.

## 2. Unemployment benefits

This section focuses on the measures affecting the unemployment benefit schemes of the eight countries under scrutiny, reflecting a wide range of situations regarding the access of non-standard workers and the self-employed.<sup>6</sup>

### 2.1 Measures for salaried workers: improved access but gaps remain

#### 2.1.1 Measures for salaried workers, including non-standard workers

All eight member states have implemented measures to improve access to benefits, or otherwise their duration or generosity. In some cases, new benefits have been created to cover people who may not have had access or unemployment benefits or insufficient entitlement (see Box 1 for further details about the emergency benefits introduced in Ireland and Lithuania).

Table 1 presents an overview of the changes introduced during the pandemic as well as a comparison with the ordinary rules applicable to the benefit, flagging whether there have been important changes compared to the general rules. For instance, if a country requires a long contributory period before a person can access unemployment benefits, this may hamper effective access for temporary workers. Shortening such periods could be interpreted as having certainly improved access.

As mentioned in Section 1, the most frequent change has been the extension of the duration of benefits. In almost all member states (except for Belgium), duration is limited in time and linked to a variety of conditions. Only seven member states grant the same duration of benefits to all those who qualify; in all the others, duration varies by contribution history (BG, EE, ES, IT, HR, HU, NL, RO and SK); contribution history and age (AT, DE, EL, FI, FR, IE, LU, PL, PT and SI); or age alone (CZ and LT) (European Commission 2020; MISSOC 2021). In six of

6. Unlike the sections on sick leave (Section 3) and on leave arrangements for working parents (Section 4), this section is divided into two parts: non-standard workers; and the self-employed. The reason is that unemployment benefits are the most inaccessible of schemes, especially for the self-employed, and that, given the variety of systems and measures taken during the pandemic, it was important to identify clearly their effects on the self-employed.

the eight countries studied (except for Belgium and Sweden), duration depends on either the length of the contribution period (IE, IT and RO), age (LT) or both contributions and age (FR and PT); this may mean that people on non-standard contracts receive benefits for a much shorter period. Belgium is a particular case: duration is unlimited (although benefits do decrease over time), but young people (18-25) who have completed secondary education or alternate learning can only access professional integration benefits for a maximum of 36 months. During the pandemic all the countries except for Sweden (where there was no lockdown) have prolonged the period of receipt. Ireland and Lithuania have not prolonged ordinary unemployment benefit but have provided a new scheme accessible to all those who were not eligible for the ordinary scheme.

Table 1 Comparison between the general rules of the scheme and changes during the pandemic for salaried workers

Country	Belgium	France	Ireland*	Italy*	Lithuania*	Portugal	Romania	Sweden
Rules of the scheme/changes during the pandemic								
<b>Qualifying conditions</b>								
Employment/insurance record (in months)	10	4 (130 days)	24	3	12	12	12	12
Reduction/abolition of qualifying period	None	3 (88 days)	None	None	None	6	None	6 and required working hours per month cut from 80 to 60
<b>Level of benefits</b>								
Income replacement	65%	57%	Flat rate	100%	62%	65%	75%	80%
Increase in income replacement	None	None	None	None	Additional lump sum of €42 per month	None	None	From €91 to €120 per day
Suspension of gradual reduction of benefits over time	X	X	None	None	None	N/A	N/A	None
<b>Duration of benefits</b>								
Duration (min-max) of benefits	36 months/unlimited	6-36	6-9	1.5-24	9-11	5-30	6-12	10-15
Extension of duration	X*	X	None	X	None	X	X	None
<b>Inclusion of specific non-standard workers</b>								
	X	X	X*	X	None	X	X	X

\*BE: the duration is unlimited except for school-leavers, who are entitled to 36 months of benefits; IT: includes both *Nuova prestazione di Assicurazione Sociale per l'Impiego* (NASpI) and *Indennità di disoccupazione per collaborazione coordinata* (DIS-COLL); IE: refers to the general scheme but also the Pandemic Unemployment Payment (discussed below); LT: refers to the general scheme but also the Pandemic Jobseeker's Benefit (discussed below).

Source: Belletti and Norbiato 2021; Cousins 2021; Baptista et al. (2021); Fritzell et al. 2021; Lazutka and Navickė 2021; Legros et al. 2021; MISSOC 2021; Perista 2021; Pop 2021; Van Lancker 2021.



The qualifying period is among the main obstacles to access by non-standard workers as it can be quite long. In most member states the qualifying period for unemployment benefits is 12 months, but it may be as long as 24 (e.g. IE) (European Commission 2020; MISSOC 2021). In the eight case study countries, qualifying periods are among the longest in the EU but, in a small majority, there have been reductions. In Portugal and Sweden, for instance, the qualifying period has been halved while in France, where the period required is among the shortest in the EU, it has been further reduced. Meanwhile, Italy has suspended or eased the conditions for accessing the general unemployment benefit scheme (*Nuova Assicurazione Sociale per l'Impiego*, NASpI). For NASpI claims presented by the end of 2021, the only condition was that the individual must have paid 13 weeks of contributions in the four years prior to involuntary dismissal. The qualifying period, of 30 actual working days in the twelve months preceding involuntary dismissal, has also been suspended. Ireland and Lithuania, with long qualifying periods, have not reduced these but both have created extraordinary benefits granting access without a qualifying period. In Belgium and Romania, however, where the required insurance periods are among the longest in the EU, there have been no changes.

As for the income replacement rate, member states have clearly not made benefits more generous except for Sweden, which in any case has among the highest replacement rates in the EU. Six of the case study countries have rates which decline over time although, for reasons of readability, Table 1 shows only the highest rates which generally apply for the first three to four months. This means that, in many cases, the longer-term unemployed receive lower rates than those shown (for more details see European Commission 2020; MISSOC 2021). Only two of the countries where benefits are degressive have suspended this procedure during the pandemic (Belgium and France).

Another important development is that countries have facilitated or granted access to previously excluded groups. This is the case in Belgium and France.

In Belgium, performing artists and technicians in the cultural sector have been able to apply for unemployment benefits without these being reduced if they also received copyright royalties during this period. The reference period for accessing unemployment benefits has been frozen (from 1 April 2020 to 30 June 2021) and the right to benefits extended to a broad professional group in the sector: performers and technicians who can prove they had planned ten artistic or technical performances or had 20 working days during the first lockdown were also granted access to unemployment benefits.

In France, workers in the arts and performance sector, called *Intermittents du spectacle*, have been granted an extension of their entitlement to claim unemployment benefits in what has been called an '*année blanche*' (standstill year). These workers fall under a specific regime in the unemployment insurance system which entitles them to benefits if they can show evidence of 507 hours of work over the previous 12 months.



Ireland and Lithuania have put in place emergency unemployment benefits, accessible without a qualifying period (for more details, see Box 1). As shown in Table 1, Ireland requires among the longest periods of contributions in the EU and in Lithuania this period is one year. Some workers have therefore not been able to access ordinary benefits, so these countries established new schemes with no or far less stringent eligibility conditions.

#### Box 1 Emergency benefits in Ireland and Lithuania

##### **Ireland**

As early as March 2020, Ireland introduced a broad Pandemic Unemployment Payment for workers who lost their jobs due to Covid-19. This is a weekly payment to workers and the self-employed. The levels of benefit are generally higher than those in the ordinary unemployment benefit scheme. In general, people who became unemployed due to Covid-19 would qualify for the PUP and, therefore, few changes were made to the ordinary unemployment benefit scheme. The PUP is described as an insurance payment but all those in (insurable) employment at the time they lost work qualify, without having to satisfy contribution conditions or a means test as in the ordinary scheme.

##### **Lithuania**

A new temporary Jobseeker's Benefit has been established during the pandemic, available to all unemployed persons registered with the Employment Service in 2020 and not entitled to contributory unemployment benefits (not accessible for the self-employed). The amount of the Benefit was 200 euros per month in 2020. The Benefit helped bridge the gap in the coverage of ordinary unemployment insurance benefits.

Source: Cousins (2021); Lazutka and Navickė (2021).

## 2.1.2 Effects of the measures for non-standard workers

Where the qualifying conditions have been relaxed, they are most likely to have had a positive impact on non-standard workers, especially in countries where qualifying periods are, in general, quite long. Moreover, as the duration of benefits in many countries is proportionate to age and the insurance contributions record, the extension of the period of receipt should also have had a beneficial effect on non-standard workers many of whom might ordinarily have been entitled to a shorter duration of receipt because of their shorter career and because many are young (duration can also vary with age). In other cases, specific groups which were previously excluded have been granted access, thus highlighting important gaps in access to unemployment benefits due to tough qualifying conditions.

Evidence on the specific status of non-standard workers is still very difficult to obtain, but the case studies provide some first reflections on the specific impact of these measures on this category.

In Ireland, since the PUP is payable to any person in (insurable) employment at the time of the loss of employment, the benefit is estimated to have helped all those who could not access the ordinary benefit. According to the Economic and Social Research Institute (ESRI) '[f]amilies in the lowest income quintile actually experienced small income gains compared to the pre-Covid scenario as a result

of the more generous rate of PUP' (cited in Cousins 2021). As for the adequacy of PUP, it is estimated that these benefits are paid (in many cases) at a significantly higher rate than standard benefits.

In Lithuania too, the broad coverage of the new jobseeker's allowance has been beneficial to many workers who were previously excluded. According to the Swedish case study, the highly universal system of social protection, which extends to most forms of employment as a baseline, has proved its worth during the crisis.

Against this positive background, the case studies highlight that several categories may have missed out on protection.

In Romania, since there were no changes to the qualifying period, workers on temporary contracts may have been at a disadvantage. Most of the measures adopted during the Covid-19 pandemic did not enable access for those who previously had no access to various benefits, but rather consolidated support for those who were already covered. Support for the unemployed was limited to those registered and already receiving unemployment benefit while the long-term unemployed – registered or not – had to rely on social assistance benefits (such as minimum income, child allowance and parental leave).

In Belgium, it is estimated that people in flexi-jobs and young people on dual learning programmes, traineeships or student contracts still fell outside the protection of the emergency measures.

In some countries (e.g. Lithuania and Romania), the level of benefit is also seen as inadequate. In Lithuania, for instance, Jobseeker's Benefit is only 45 per cent of the net monthly minimum wage.

## **2.2 Access to unemployment benefits for the self-employed: only temporary stopgaps**

### **2.2.1 Measures for the self-employed**

Unemployment benefit schemes are among the social protection schemes with lowest levels of access for the self-employed. Moreover, access often varies between self-employment categories and a self-employed person may only be eligible for means-tested benefits or be subject to opt-outs and exemptions (Spasova et al. 2017). In those member states where the self-employed are mandatorily included in unemployment schemes, all measures taken during the pandemic have also applied to the self-employed as they generally must meet the same eligibility conditions as workers (European Commission 2020; MISSOC 2021). Table 2 presents access to unemployment benefits in general and the situation during the pandemic in the case study countries.<sup>7</sup>

7. Please note that, in several cases, access can also vary according to the category of self-employed (for more details see Spasova et al. 2021a).

Table 2 Access to unemployment benefits for the self-employed and changes during the pandemic

Country	Belgium	France	Ireland*	Italy*	Lithuania	Portugal	Romania	Sweden
Access for the self-employed								
Access to the general scheme	None*	None*	X	None	X	X	X	X
Changes during the pandemic	N/A	N/A	X	N/A	X	X	X	X
Access to a specific scheme for the self-employed	X	X	N/A	N/A	N/A	N/A	N/A	N/A
Changes during the pandemic	X	None	N/A	N/A	N/A	N/A	N/A	N/A
Temporary 'functional equivalent' scheme introduced during the pandemic	N/A	N/A	X*	X*	X	N/A	N/A	N/A

\*BE: access to a lump sum benefit in case of insolvency called the 'bridging rights'; FR: since 2019, access to a lump sum unemployment benefit; IE: PUP is also accessible to the self-employed; IT: introduction of 'functional equivalent' unemployment benefit for the self-employed on an experimental basis: *Indennità straordinaria di continuità reddituale e operative* (ISCRO).

Source: Belletti and Norbiato 2021; Cousins 2021; Baptista et al. 2021; Fritzell et al. 2021; Lazutka and Navickè 2021; Legros et al. 2021; MISSOC 2021; Perista 2021; Pop 2021; and Van Lancker 2021.

Table 2 shows that only Ireland, Portugal, Romania and Sweden provide access to unemployment benefits for the self-employed. In these four countries, eligibility conditions – such as waiting periods and the 'cessation of activity' requirement – have been relaxed for the self-employed.

In Sweden, as a temporary pandemic measure, self-employed persons who receive unemployment allowance were allowed to continue with some activities related to their business operations during 2020 as long as these activities contributed to relaunching their operations when the market situation had improved. In addition, the so-called 'five-year rule' has been temporarily removed for self-employed persons who became unemployed in 2020. This rule is intended to reduce excessive use or fraudulent practice and requires five years to have passed since the last receipt of unemployment benefits.

In Ireland, self-employed people have been entitled to unemployment benefits since 2019 but, during the crisis, they were also granted access to the PUP. Moreover, self-employed people in receipt of the PUP were allowed to earn up to 960 euros over an eight-week period from their business while retaining their full PUP entitlement.

Both Belgium and France provide access to specific schemes granting lump-sum benefits not linked to previous earnings. In Belgium, the self-employed do not have access to the unemployment scheme but instead have a separate scheme delivering so-called 'bridging rights': (insurance-based) flat-rate benefits which can be granted for 12 months. During the pandemic, the amount of these benefits has been doubled. Importantly, during the crisis, self-employed people who restarted their activity have also been entitled to bridging rights.

The only country which does not grant access to the ordinary unemployment benefit scheme, and which introduced a specific scheme for the self-employed, is Italy, the ‘Extraordinary allowance to guarantee income and operational continuity’ benefit (*Indennità straordinaria di continuità reddituale e operativa*, ISCRO) is designed to protect ‘para-subordinate collaborators’ (i.e. workers whose status exists between dependent employment and self-employment). This scheme has been introduced on an experimental basis for 2021-2023 and targets ‘para-subordinate collaborators’ enrolled in the *Gestione Separata* fund who have suffered a significant drop in income, of at least 50 per cent, compared to their average income over the last three years. The benefit covers 25 per cent of average income over the three-year period, up to a maximum of 800 euros.

### 2.2.2 Effects of the measures on the self-employed

In all member states, including countries where the self-employed have access to unemployment benefits, the self-employed have been included in the measures taken during the pandemic: waiting periods and other specific conditions related to their status have been removed.

Despite improvements to most schemes, some of the case studies underline that the pandemic has brought to light previously existing issues such as the long-debated shortcomings of voluntary insurance (addressed in the 2019 Council Recommendation; see also Spasova and Wilkens 2018).

In Romania, unemployment insurance is voluntary for the self-employed and very few take it up. However, this seems to be a more general problem of the receipt of unemployment benefits (e.g. due to qualifying periods and benefit duration). Coverage is low, even for workers in standard employment, while the proportion of the registered unemployed receiving unemployment benefits has decreased over time; during 2016-2019, only between 20 per cent and 25 per cent of all registered unemployed were receiving the benefit. Given that many of the unemployed who are not entitled to benefits are not even registered with employment offices, the proportion receiving unemployment benefits is even lower. In 2020, due to an increase in new unemployment, the proportion rose to 33 per cent.

The authors of the Lithuania case study report that, ‘the most important lesson learnt from the Covid-19 crisis is the lack of unemployment social security guarantees for the SE’ (Lazutka and Navickė 2021: 68). There have also been gaps related to individuals’ insurance situations and income.

In Belgium, the amount of these benefits has been doubled and the Working Group on the Social Impact of Covid-19 has concluded that the (doubling of) bridging rights offers effective support for the income of the self-employed. However, the Management Committee for the Self-Employed estimates that there have been considerable gaps in the take-up of the measure.

In France, access to the specific unemployment scheme (newly implemented in 2019) during the pandemic has apparently been hindered by stringent eligibility

conditions. The scheme was initially expected to receive 25,000 to 30,000 claims in the first year but only received 800 because of its highly restrictive eligibility conditions, while these are also estimated to have made this measure almost inoperable during the pandemic. In addition, benefits are often calculated to reach the level of the minimum income (about 500 euros), which is well below the poverty line.

Despite the importance of these measures, unemployment benefits remain difficult to access and, with very few exceptions, almost no changes have been made to the rules governing formal access. The self-employed could call on the ad hoc emergency measures instigated during Covid-19 but have remained excluded from ordinary unemployment benefit schemes in countries where they do not have access to the latter (see also Baptista et al. 2021).

The only country which has extended access to (some categories of) the self-employed regarding a general scheme is Italy. ISCRO is a structural measure (and the first ever such measure introduced in the country) which has had significant take-up and, overall, the self-employed represent a large proportion of the total number of recipients (67 per cent) (Belletti and Norbiato 2021).

In Portugal, according to the government, approximately half of all self-employed workers had received support from at least one Covid-19 related measure aimed at compensating the loss of income, compared with around 25 per cent of workers, by March 2021. However, the level of support for self-employed workers has been well below that offered to salaried workers. Moreover, the entitlement conditions imposed on the self-employed have been much stricter than those for workers covered by the furlough scheme (Moreira et al. 2020: 15, cited in Perista 2021).

Importantly, the category most often referred to in all the case studies is those working through platforms, most of whom are self-employed (Pesole et al. 2018). This group is increasing in size in all the countries under examination and such workers may not have accessed unemployment benefits even if formally included in the scheme (due to not meeting the conditions relating to working periods given the nature of their work). Most Member States (except for DE, ES, HR, HU, MT, SE, SI, SK), irrespective of whether they provide access to unemployment benefits, have provided income replacement support for the self-employed (Spasova and Regazzoni 2022, Baptista et al. 2021). However, most schemes clearly provided basic support in the form of lump sums close to the minimum income level, which can be estimated to have provided an insufficient replacement of previous income. Moreover, access to both types of benefits (benefits relative to previous earnings or lump sums) has been subject to a variety of eligibility conditions (e.g. reduction in turnover or inactivity, self-employed with staff, solo self-employed etc.), which varied according to the period of lockdown and the sector of activity (Spasova and Regazzoni 2022).

### **3. Paid sick leave**

In the eight case study countries, a few measures have been introduced which affect various parameters of paid sick leave schemes, additionally with an impact on access for non-standard workers and the self-employed. However, such measures have been few in number.

#### **3.1 Covid-19 related improvements for non-standard workers and the self-employed**

In Belgium, the changes introduced during the pandemic have mostly affected the level of benefits provided: from March 2020, in cases of incapacity for work lasting at least eight days, the self-employed have received a top-up to ordinary sickness benefits while workers' sickness benefits have been increased to the level of temporary unemployment benefits. This measure applies to all instances of sickness leave (i.e. it is not limited to circumstances related to Covid-19).

The measures implemented in France include: a) the suspension of eligibility conditions (minimum employment periods or contributions) for access to daily sickness allowance for workers suffering from a health condition, vulnerable people at higher risk of developing severe forms of Covid-19 and parents looking after their children following the closure of schools or creches; b) the abolition of the three-day waiting period for the allowance; and c) the extension of the maximum benefit period for workers (both workers and self-employed) diagnosed with Covid-19.

In Ireland, Enhanced Illness Benefit has been introduced for workers unable to work because they have been infected by Covid-19 or who have been advised to self-isolate. Unlike ordinary Illness Benefit, the 'enhanced' benefit is available to both workers and the self-employed and it has less stringent eligibility criteria in terms of employment periods and the contributions record, as well as no waiting days and a higher level of payment.

Changes to the paid sick leave system in Italy have mainly involved an extension of the circumstances covered, which now include periods spent in mandatory quarantine due to Covid-19 for workers in the public and private sectors and periods of self-isolation by vulnerable workers. Furthermore, as of March 2020, periods spent by workers in mandatory quarantine for reasons related to Covid-19 are not included in the maximum number of days for which a worker can receive sickness benefits.

In Lithuania, one of the most significant measures implemented has been the extension of the coverage of sickness benefits to people with chronic illnesses (both workers and the self-employed) needing to self-isolate because they are at higher risk of developing severe forms of Covid-19. In addition, the level of benefit has been increased for some categories of workers infected by Covid-19 while performing their duties.

Portugal has introduced specific rules for workers (both employees and the self-employed) infected by Covid-19 or in precautionary self-isolation due to the risk of infection. These provisions deliver benefits which are higher than ordinary sickness benefits and with no waiting days. In addition, Covid-19 has been recognised as an occupational disease for workers in the healthcare sector (both workers and the self-employed).

In Romania, Covid-19 has, from May 2020, been included in the list of so-called 'group A infectious diseases'. Consequently, workers affected by Covid-19 have access to medical leave and associated indemnities, irrespective of the social security contributions record. Furthermore, the indemnity for workers quarantining or self-isolating due to Covid-19 has been increased.

In Sweden, a number of temporary changes to the paid sick leave system have been introduced during the pandemic, including compensation by the state for the waiting day when workers (including the self-employed) are not covered by benefits as well as the extension of coverage to groups of the population particularly at risk of developing severe forms of Covid-19. Additionally, as of February 2020, Covid-19 has been classified as a socially dangerous disease, thus allowing workers and the self-employed to apply for so-called 'Disease Carrier Allowance' in cases of infection or suspected infection. Access to this benefit is not subject to any waiting period.

### **3.2 Potential effects of the measures on non-standard workers and the self-employed**

When it comes to assessing the impact of these measures on non-standard workers and the self-employed, several caveats are needed. First, the eight countries under scrutiny had, even before the pandemic, different starting points and situations in terms of gaps in access by these groups to paid sick leave schemes, which makes comparisons across countries particularly difficult. Second, most of the measures introduced are designed to be temporary and many of them only cover circumstances related to Covid-19. In these cases, the impact of changes on non-standard workers and the self-employed should be considered as contingent and with a rather limited scope. Finally, data on the take-up of the measures that have been implemented are not always available, especially for specific categories of workers.

Thus, for instance, in Sweden, no data are available on the take-up of the compensation provided for the waiting day before gaining access to sickness benefits. The measure is meant to have universal coverage, but it does not apply



automatically and applications have to be made. This is likely to ensure that the take-up rate is below 100 per cent (Fritzell et al. 2021). Similarly, in Ireland, since Enhanced Illness Benefit has more relaxed eligibility conditions than standard Illness Benefit, we can presume that both non-standard workers and the self-employed have had broad access to this benefit: however, no data are available on the take-up by these categories.

In some countries, the measures implemented during the pandemic may have resulted in some improvements in the situation of (some categories) of non-standard workers and the self-employed, even though they have not been sufficient to fill the existing gaps in protection. Thus, according to Legros et al. (2021), the measures implemented in France are part of a longer trend towards consistency in the protection offered to both standard workers and non-standard workers and the self-employed in cases of illness. This trend has, however, not yet plugged the existing gaps in income protection between full-time workers and other groups.

In Belgium, while some categories of non-standard workers and the self-employed have had access to the emergency measures enacted during the crisis, others are still not adequately covered. These include agency workers not under contract at the time of the crisis; platform workers; people in flexi-jobs; most sex workers not qualifying as regular workers or as self-employed; people in occasional work with interrupted contracts; the self-employed not earning enough to qualify for bridging rights; and young people in dual learning or in different kinds of traineeships, or working on a student contract. Many couriers, whose workload has increased enormously during the pandemic, are not covered by sickness insurance through their employers in cases of mandatory quarantine while the protection offered by some location-based platforms has been deemed by trade unions as non-transparent and generally inadequate.

Restrictions on the access of the self-employed to the measures implemented during the pandemic have been highlighted in several countries. Thus, in Italy, while the measures taken may have improved the protection of non-standard workers in cases of sickness due to Covid-19, they have not covered the self-employed. Similarly, in Romania, while the relaxation of the qualifying conditions for sickness benefits in respect of absence related to Covid-19 may have improved access for workers with no or only short contribution periods (including non-standard workers), these measures have barely had an impact on the self-employed, most of whom are not covered by social insurance. In Lithuania, the self-employed who are working under a business certificate and who are not engaged in any other economic activity are not covered by sickness insurance and thus are not eligible for the pandemic sickness benefits introduced by the government (Lazutka and Navickė 2021).

Conversely, according to Perista (2021), the abolition of the waiting period for access to sickness benefits in Portugal has especially benefited the self-employed and those workers covered by the voluntary insurance scheme (who, in normal circumstances, would be subject to, respectively, an 11-day or a 31-day waiting period for ordinary sickness benefit).



## **4. Covid-19 leave arrangements for working parents**

This section examines the special leave arrangements which have been provided to working parents during the closure of childcare facilities and schools. Among the eight countries under scrutiny, Ireland is an exception as it has not adopted special leave arrangements linked to the closure of such places. There has been a very extensive amount of working from home while certain employers have adopted measures to help workers with childcare responsibilities. Traditionally, childcare has been seen as a personal responsibility and Ireland relies on largely private and family arrangements for childcare rather than publicly-funded facilities.

### **4.1 Specific leave for working parents**

The remaining seven member states have either introduced new schemes in the context of the pandemic or extended existing measures.

In Sweden, the existing temporary parental leave benefit related to care for sick children was extended on 25 April 2020 to cover situations in which individual childcare centres or schools were temporarily closed due to the pandemic.

Alternatives to leave were also available for working parents: in Italy a lump-sum childminding subsidy (baby-sitting bonus) of 1,200 euros was provided to working parents including non-standard workers and self-employed, and healthcare workers were entitled to 2,000 euros. In Portugal, working parents have been able to use their entitlement of up to 30 days leave per year to provide urgent assistance to children aged less than 12 in the case of illness or accident. The benefit corresponds to 100 per cent of the net wage.

Alternatives to leave have also been made available for working parents in some situations: in Italy, a lump sum childminding subsidy (the ‘babysitting bonus’) of 1,200 euros has been provided to working parents, including non-standard workers and the self-employed, with healthcare workers entitled to 2,000 euros.

The duration of leave periods has sometimes corresponded to the period of lockdown, as in Belgium,<sup>8</sup> but in some cases the measures have been extended beyond 2020. In Italy, the ‘corona parental leave’ introduced in March 2020

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**8.** In Belgium, employees could apply for special ‘corona’ paid parental leave from 1 May to 30 September 2020. The measure was not continued after that period and has been replaced by the temporary unemployment arrangement.

has been extended until the end of August 2021. The ‘extraordinary support to families’ scheme in Portugal was put in place in March 2020 and was still in effect on 1 June 2021. In Sweden, extended temporary parental leave continued to be effective until 30 September 2021. Initially adopted in response to the closure of schools and childcare facilities, measures in Lithuania and France have been extended in the event of a child being quarantined, irrespective of whether schools were closed. In Portugal, this situation is covered by another scheme: ‘assistance to children or grandchildren for reasons of precautionary self-isolation’ gives parents or grandparents of children less than 12, and who need to be in precautionary self-isolation, the right to be absent from work for a maximum of 14 days and to receive the related benefit covering the resulting loss of remuneration.

Special parental leave arrangements have been available to parents with children aged up to 12 in Belgium, Lithuania, Portugal, Romania and Sweden; and up to 16 in France and Italy. Leave could be used to care for an older disabled child in Belgium, Lithuania, Portugal and Romania. In France (since September 2020) and Italy, parents whose jobs allow them to work remotely have been explicitly excluded from these schemes. In Portugal, teleworkers were also initially not eligible although, as from February 2021, teleworkers are eligible if they choose to stop working in order to support their families provided they are in one of the following types of household: a) a lone parent household; b) a household with at least one child attending early childhood education and care or primary education; and c) a household with at least one person of any age with a disability and proven incapacity of at least 60 per cent.

As for the population of workers with which we are concerned here, the schemes are either broad in scope and available to other groups of workers in addition to employees; or are less comprehensive in scope.

In Belgium, ‘corona leave’ was available to temporary agency workers and part-time workers (but not to workers working less than 75 per cent of full-time working hours). In Romania, however, it was made available only to private sector workers. Non-standard workers have the same access to leave arrangements as standard workers in Italy, Lithuania and Sweden. In Portugal, domestic workers are included.

Self-employed people have access to the leave in the six other countries under scrutiny, subject to conditions, with the other exception being Romania. This shows a clear positive trend towards the inclusion of the self-employed since, unlike workers and with a few exceptions, this category has no compulsory protection against the risk of loss of income. In Italy, the self-employed must be enrolled with *Gestione separata* to be eligible. In Belgium, the self-employed paying social contributions who must reduce their activity to take care of children are eligible for parental leave bridging rights. In Lithuania, the self-employed are included, except for those engaged in individual activities under a business certificate and those whose jobs allow them to work remotely.

As regards the compensation rate, the replacement rate for all types of work status in France has, since 1 September 2020, been 100 per cent of wages with no

mandatory waiting period. The payment is made for the following 14 days. Flat rates have been paid in Belgium, with an increased amount for single parents and for parents of children with a disability. In Italy, Lithuania, Portugal, Romania and Sweden, specific leave is paid at an earnings-related rate ranging from 50 per cent to 90 per cent. Italy, Lithuania and Sweden<sup>9</sup> granted the same rate of earnings to workers and to the self-employed; while in Portugal the self-employed have received a lower amount since leave for the self-employed is paid at one-third of earnings compared to two-thirds for workers.

## **4.2 Potential effects on non-standard workers and the self-employed**

In Italy, the pandemic has shone a spotlight on the structural weaknesses in the national welfare system; this has pushed the Italian government to adopt a more inclusive approach regarding non-standard and self-employed workers by creating new measures such as the ‘babysitting bonus’ to cover them on an equal footing with workers. Indeed, while ‘corona leave’ was open only to those self-employed workers registered with the *Istituto Nazionale Previdenza Sociale* (INPS), the voucher to purchase babysitting services was also available to self-employed persons covered by private funds. The INPS assessment of the measure reports that the bonus attracted a new group of workers.

In Portugal, while specific measures have been adopted, self-employed workers have not been included on an equal footing with standard workers. Non-standard workers as well as the self-employed are eligible for the ‘extraordinary support to families’ scheme, but the scheme for self-employed workers is significantly less generous since the monthly benefit corresponds to only one-third of the base wage for the self-employed compared to two-thirds of it in the case of workers. Nevertheless, the pandemic has focused more attention on certain categories of the self-employed: lawyers and solicitors were excluded from the scheme because they are covered, on a mandatory basis, by a specific social protection scheme although this did not provide any type of equivalent support. The Ombuds Office considered the complaints it received from these workers to be well-founded and recommended they be integrated as potential recipients, particularly because the benefits were financed by the state budget rather than by social security funds. However, one year after the outbreak of the pandemic, lawyers and solicitors still had no access to support.

In Belgium, as leave was granted only to parents working more than 75 per cent of full-time hours, several groups of non-standard workers would have had no access to this leave.

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9. In Sweden the income base for calculating benefits for the self-employed is the same as for sickness benefit.

## **5. Trade unions: (how) have they been involved in the pandemic measures?**

In the only existing study regarding the involvement of trade unions in the measures taken during the crisis, Eurofound (2021) found that trade unions (and employer organisations) have been most involved in employment protection measures but least involved regarding measures to prevent social hardship. The study divides countries into six categories ranging from ‘no involvement’ to ‘involvement in designing/amending measures’. Our case studies provide further information as regards trade union involvement with the findings confirming the Eurofound classification.

Belgium, Ireland and Sweden are classified by Eurofound in the category ‘strong involvement including through tripartite bodies’.

In Belgium, the social partners were involved, via the Economic Risk Management Group, in designing the national measures. The group provided advice on work-related matters to the Council of Ministers which developed most of the national crisis measures. Through the National Labour Council, the social partners negotiated and agreed upon a new national collective agreement (CA 147) which arranges temporary unemployment for white-collar workers in companies without an existing arrangement. The Council also negotiated and agreed more general measures to support people during financially difficult times. At sectoral level, efforts were also made by the social partners to mitigate the consequences of the crisis and provide support.

In Ireland, the trade unions, including the Irish Congress of Trade Unions (ICTU), have historically had limited input into the design of social protection measures and no role in implementation other than in bringing issues of concern to the attention of the relevant policy-makers. The involvement of the unions has tended to focus primarily on wage-related issues and conditions of employment (e.g. hours of work).

During the pandemic, however, ICTU has made submissions to the Parliamentary Committee on Social Protection on the PUP and it has also been involved in discussions on the proposed introduction of statutory sick pay, proposals for which were discussed at the Labour Employer Economic Forum which includes, in addition to the government, the ICTU and the Irish Business and Employers Confederation. Trade unions have generally welcomed the measures but have raised concerns relating to rates of benefit, the continuation of support, the application of job search rules to those whose jobs have been closed down and

general control measures. As for the self-employed, the ICTU has supported the increased coverage for self-employed workers but remains concerned that the increased access to social insurance benefits for the self-employed in recent years has not been matched by a corresponding increase in their insurance contributions.

In Sweden, representatives from the major trade union confederations confirm intense contacts between the government and the social partners during the pandemic. These consultations usually included all government-supporting parties in Parliament. The social partners seem especially to have influenced decision-making in situations where they were in agreement with the government. All the Swedish trade union confederations have proposed measures to tackle the social consequences of the pandemic, most of which were eventually implemented by the government although to varying degrees.

Portugal is included in Eurofound's category 'involvement in consultation and evaluation through tripartite bodies'. Perista (2021) notes that the social partners have been regularly informed of and consulted on the measures taken by the government through tripartite meetings of the Economic and Social Council's Standing Committee for Social Dialogue. The latter body is also tasked with the regular evaluation of employment protection measures. Although they were useful in providing the views of the social partners on the measures being taken by the government (e.g. on unemployment benefits and on the special 'pandemic' parental leave), these consultations did not result in the proper involvement of the social partners in the design of these measures during the pandemic. According to Eurofound (2021: 67), the dynamics of the social dialogue have improved with the preparation of the recovery measures, presented to the social partners in June 2020.

France, Italy and Lithuania are included in the Eurofound category 'no or weak involvement in the early phase of the pandemic but stronger involvement in the subsequent design or amendment of measures'.

In France, the Covid-19 outbreak had a negative impact on the social dialogue; the government took most of the measures addressing the pandemic without prior consultation with the social partners, at least formally. However, informal consultations were held with some organisations. Although not significantly involved in the design of the government's response to Covid-19, the social partners have been very active in negotiating agreements, at both sectoral and company level, to adapt work organisation or carry out reorganisations.

The trade unions nevertheless consider that they have influenced several of the government's choices, including the deferral of implementation of unemployment benefit and pension reforms; the setting up of a solidarity fund for the self-employed; the extension of the job retention scheme to the maximum number of workers; and raising awareness of the need to provide protective equipment to workers.

As pointed out by Belletti and Norbiato (2021), most of the measures aimed at reacting to the pandemic in Italy were taken by the government by decree, thus

leaving limited space for ex ante consultation with trade unions on the contents of the provisions. Trade unions were, however, consulted after the adoption of the measures (through informal dialogue with the government) or in parliamentary hearings. In some cases, these consultations led to adjustments and amendments to the measures.

Overall, the social partners have supported most of the measures adopted to attenuate the social consequences of the pandemic, including those aimed at granting more social protection to non-standard workers and the self-employed. With regard to the latter point, however, some criticisms have been raised by *Confederazione Generale Italiana del Lavoro* that stresses their ad hoc character and their insufficient structural response to the gaps and shortcomings in the Italian welfare state (a potential exception being ISCRO).

According to Lazutka and Navickė (2021), the government in Lithuania consulted the social partners on an ad hoc basis when taking decisions related to social protection in the context of the pandemic, i.e. without taking the form of tripartite meetings. Cooperation between the government and the social partners (and civil society organisations) was greater at the beginning of the crisis, when an ‘Advisory Group for Post-Lockdown and Social Issues’ was set up involving the social partners and other stakeholders (April 2020) under the responsibility of the Ministry of Social Security and Labour. However, the Advisory Group was discontinued in 2021 and social dialogue dynamics have progressively weakened (including in the elaboration of the Lithuanian National Recovery and Resilience Programme).

With regard to the measures adopted by the government to address the social consequences of the pandemic, the social partners have been generally supportive of the income maintenance measures and wage subsidies while raising concerns about the adequacy of the financial support offered through these benefits (especially for the self-employed) and on them being discontinued too early.

Finally, Romania saw the involvement of the social partners reduced to ‘information only’, according to Eurofound. During the pandemic, the intensity and the quality of social dialogue has been relatively weak and, according to the social partners themselves, they have generally not been involved in proper and meaningful consultation with the government (Eurofound 2021). All the collective agreements in place prior to the state of emergency remained valid during it and during the subsequent state of alert and for up to 90 days after the end of the latter. Formal consultation of the social partners by the Ministry of Labour and Social Protection and the Romanian government took place at meetings of the social dialogue committees and the Tripartite National Council for Social Dialogue. Most of the consultations organised by the government were only for information, however.

As underlined by Concordia, the employer confederation, one positive aspect of the pandemic has been the growing dialogue with some trade unions. Although this has not resulted in any particular agreements, the exercise has helped rebuild trust between the social partners.

## **6. Debates and prospects: has the crisis improved access to social protection?<sup>10</sup>**

Taken by surprise by the sudden outbreak of this unprecedented health crisis, governments had to take emergency decisions regarding social protection measures, circumstances which did not leave much room for debate.

Just as the crisis has highlighted serious gaps in social protection, in particular in the context of the implementation of the 2019 Council Recommendation,<sup>11</sup> the eight case studies have also highlighted the absence of discussions concerning the national plans which were to be submitted by the member states to the European Commission in May 2021. The process of implementing the Recommendation and its evaluation coincided with the pandemic and has highlighted more than ever the acute gaps in social protection identified in the Recommendation. All the case studies reported a lack of specific public/media discussions on the national plans: the 2019 Council Recommendation has had no public coverage whatsoever and the plans have, for the most part, been discussed only by experts and relevant institutions. Most of the case studies outline progress on some of the points of the 2019 Recommendation, but more research is needed in order to link these processes together: to provide just two examples, Ireland has introduced unemployment benefit for the self-employed; and Belgium has improved access to maternity and other benefits.

At the same time, there are ongoing national debates on the issues which are described in these plans. In several cases (Belgium, France, Portugal and Romania), these debates concern the issue of social protection and the working conditions of platform workers, among who are mostly self-employed. In Portugal, the ‘Green Paper on the Future of Work’ (March 2021) quotes the 2019 Council Recommendation and raises several issues regarding access to social and labour protection for non-standard workers and the self-employed. In France, the Minister for Small and Medium-sized Enterprises indicated in December 2020 that he planned to review the criteria to be met by the self-employed to access the unemployment benefit scheme. Moreover, several study groups have been set up in the country to discuss a review of self-employment status. Their reports highlight the need for simplification and for more equal treatment between workers and the self-employed. In addition to easing the eligibility criteria for unemployment

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<sup>10</sup>. We invite the reader to consult the national case studies for a detailed picture of ongoing debates and prospects.

<sup>11</sup>. 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).



insurance, the government has initiated discussions with representative employer organisations to develop, in the course of 2021, a comprehensive plan covering the different sectors of self-employment activity. The plan covers legal status, the calculation of social contributions, unemployment, training and the procedures applicable to the transfer of workers in the event of the failure of a business.

Important discussions are also taking place in Belgium, where there is a ‘vigorous national debate’ (Van Lancker 2021: 8) on access to social protection for people in non-standard work. According to the policy declaration made by the Minister for Social Affairs in November 2020, the federal government will come up with proposals to improve the applicability of labour law and social protection to non-standard forms of work. In several institutions, discussions are ongoing on access to social protection and the social status of non-standard work, including platform work. The national plan to implement the 2019 Council Recommendation is designed to fill some gaps in the social protection of non-standard workers and of the self-employed, while discussions are ongoing on the option of requiring all workers who deliver paid work under the authority of a person (even without employee status) to be covered by the social protection system, including sickness. While expressing doubts about the need for compulsory coverage in some sectors of social protection, the Management Committee for the Self-Employed has recognised the need for improvements in the adequacy of pensions and sickness benefits.

In Ireland, a debate is ongoing on the possible introduction of statutory sick pay (with particular attention paid to workers in low-paid jobs): legislation in this direction was proposed by the government in June 2021 and will be discussed by the Irish Parliament.

In Romania, ‘[a]lthough the measures were temporary, the government began to shift its attention towards these categories in an unprecedented manner’ (Pop 2021: 103), especially regarding the social situation of platform workers who have been steadily increasing in number.

The pandemic, by highlighting important gaps in access to social protection, has been the driver/amplifier of debates which, in some cases, have developed into official plans. These developments are in line with the reforms improving access to social protection which have taken place in the past decade (Spasova et al. 2017) and should be closely followed.



## Conclusions

This paper has collated the key findings from a project conducted by the European Social Observatory, drawing on both an EU-wide mapping exercise and a horizontal reading of eight in-depth case studies on access to social protection for non-standard workers and the self-employed. The thematic focus is the unemployment and sickness benefits, as well as special leave arrangements, implemented during the Covid-19 pandemic. Although these are initial assessments, the findings of our research and the detailed information emerging from the case studies provide a valuable contribution to current knowledge of the situation of non-standard workers and the self-employed during the pandemic, of the effectiveness of the measures which have been implemented to provide them with an adequate level of social protection and of the remaining gaps which prevent effective access to social protection provisions for these labour market groups.

The measures taken regarding unemployment benefit schemes, as reflected in these eight case studies, have mostly extended the duration of benefit and/or relaxed eligibility conditions. These measures are thought to have had a positive effect on access for some non-standard workers as most of these countries make duration conditional upon length of insurance, and even age, and require long qualifying periods. Two member states, Ireland and Lithuania, have created emergency unemployment benefits, which are broad in scope, and have been designed to include those with insufficient entitlements to benefit from the relevant 'ordinary' scheme.

In countries where the self-employed have access to unemployment benefit schemes, the conditions have been relaxed for them as well. However, some of the issues present before the pandemic have been underlined by the crisis, such as the problem of voluntary access leading to non-insurance (e.g. Romania), and issues regarding the income base on which contributions are paid resulting in reduced entitlement (e.g. Lithuania). In countries where the self-employed do not have formal access, nothing changed during the pandemic. The only exception is Italy, which introduced a specific benefit (ISCRO) for some self-employed categories, as a structural measure established on an experimental basis until 2023. To remedy the loss of revenue of self-employed people with no access to unemployment benefits, countries have proposed several temporary (sometimes one-off), mostly flat-rate schemes providing minimum support (Spasova and Regazzoni 2022).

Regarding sickness benefits, the pandemic measures have resulted in some improvements in the situation of the self-employed and non-standard workers (although not for all categories), but most of the measures are specific to Covid-19 and temporary, so are insufficient to fill the gaps permanently.

Governments have been careful to introduce (or extend existing) leave arrangement schemes to support working parents, enabling them to cope with the closure of schools and early childhood education and care services or to deal with times when their children have been quarantined. In most of the member states under scrutiny, the self-employed have been covered by these schemes. This shows a clear positive trend towards inclusion for this category as, unlike workers and with a few exceptions, they enjoy no compulsory protection against the risk of loss of income. However, an opportunity to include them on an equal footing with standard workers has been missed in some countries as the self-employed have nevertheless been subject to less advantageous conditions than standard workers.

It should be underlined that the socio-economic consequences of the pandemic have been considerably cushioned by the quick reactions of the member states and of the EU, and especially by job retention schemes (Baptista et al. 2021; Drahokoupil and Müller 2021; Müller and Schulten 2020) and ad hoc social assistance measures. Moreover, our examination of the adjustments made to ordinary unemployment benefits, sickness benefits and leave arrangements for working parents has demonstrated that, in many cases, crisis measures were necessary as a result of the existence of important gaps in the coverage and adequacy of these ordinary schemes.

Finally, evidence from the case studies also shows that, although governments have involved the trade unions to differing extents in the development of these pandemic measures, in most cases unions have been actively engaged in proposing measures and amendments.

The Covid-19 crisis, by underlining visible and dormant gaps, has clearly shifted political attention to the question of access to social protection for non-standard workers and the self-employed. Yet we will have to wait and see whether those who are calling for action in these areas will succeed in keeping these social issues on the agenda in the context of economic recovery and the expected return of more stringent budgetary surveillance in the EU.

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## **Annex**

### **List of country acronyms**

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czechia
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia



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