

## How to unionise freelancers and the solo self-employed? Experiences from Norway

In the changing world of work, where new technology has paved the way for more fragmented employment relationships, national and EU-level initiatives have been taken to strengthen social dialogue for non-standard workers, freelancers and the solo self-employed. In Norway, trade unions have traditionally played a crucial role in setting and enforcing wages and working conditions, and in giving workers a voice. Therefore, it is of particular interest to examine how unions could approach freelancers and the solo self-employed and be seen as relevant for all workers, irrespective of their contractual relationship. In this policy brief we will present good practices undertaken by Norwegian unions to approach freelancers and the solo self-employed.

### **Freelancers and the solo self-employed in the Norwegian labour market**

Norway has a relatively low proportion of solo self-employed workers compared to other countries, at 5% of employed persons in 2018 (primary industries excluded, Alsos et al. 2022, p. 17). The proportion has been stable over time. However, in some industries such as arts and culture, transport, and hairdressing, solo self-employed workers make up a considerable share of the total (ibid). In addition to employees and the solo self-employed, workers can also be freelancers. In practice, the term 'freelancer' may cover both solo self-employed who have set up their own company and workers not holding an employment contract, but where the employer deducts income taxes etc. from the remuneration. In the following we will not make a strict distinction between solo self-employed workers and freelancers.

There are no legal obstacles that prevent Norwegian trade unions from including freelancers and solo self-employed workers as members, and to a certain degree they have done so. Some of them have also negotiated non-binding agreements with employers covering level of remuneration etc. also for the solo self-employed. Collective bargaining in the more traditional way, however, has not been

possible for self-employed workers due to restrictions in competition law. In addition to trade unions that aim to safeguard the interests of employees, there are also NGOs that advocate for the interests of their members within certain industries, especially in the cultural sector. One example is Grafill, a non-profit organisation for those studying or working within the field of visual communication in Norway. However, some self-employed workers, such as craftsmen, have primarily identified themselves as business owners, thus seeing employer and/or business organisations as more relevant for them.

Both trade unions and employer organisations play important roles in Norwegian working life. Minimum wages and many working conditions are based on collective agreements, and not laid down in statutory law, and unions also play an important role in enforcing labour market regulation on behalf of their members. Social partners also influence politics through formal and informal tripartite cooperation. Thus, being represented by a union is of importance for safeguarding the interests of workers.

### **Approaches to freelance unionism**

Efforts among trade unions and NGOs to unionise and improve freelancers' and self-employed

workers' rights are increasing (Steen, 2018). While this is not a new phenomenon, the debate on differing rights between solo self-employed workers and traditional employees has gained broader attention, where the focus has been on more vulnerable groups of solo self-employed, and where differences in social security arrangements and sick pay have been emphasised (Larsen & Ilsøe, 2021). 'Freelance unionism' describes the adjustments made by trade unions to represent freelancers or self-employed workers (Ingelsrud, Hansen & Underthun, 2020). These efforts are often more occupationally oriented than workplace-oriented, aiming to represent both employees and those shifting between different employers and labour market affiliation.

The extent to which Norwegian trade unions and NGOs represent freelancers/ solo self-employed workers varies. Some offer memberships to both employees and the solo self-employed/freelancers, some are specifically directed at freelancers and the self-employed, while others mainly target employees, but have set up specific initiatives to become relevant for solo self-employed workers as well, see LO Independent (Box 2). Initiatives to represent freelancers/ solo self-employed workers are especially prevalent among trade unions and NGOs in occupational fields where solo self-employment / freelancing have been common for a long time. These occupations include journalists, actors, musicians, translators and architects, to mention a few (Steen, 2018). The initiatives are characterised by a number of approaches. We have classified a selection of these in three categories: (1) common identity, (2) rational choice, and (3) institutional approaches. The categories are not mutually exclusive, and most approaches among trade unions and NGOs are characterised by a combination of the three.

*Common identity approaches* emphasise joint interests within an occupational group. A community could be considered especially valuable to freelancers/self-employed workers, as they often work alone. One example of a common identity approach

is the use of 'collegial help', where one member reads through and gives feedback on another member's work. Another example is the way in which certain trade unions and NGOs have specific requirements for their applicants to be accepted as members, for instance based on education or the quality of their work. Because of this, being a member is recognised as a stamp of quality within an occupational field.

One way in which trade unions and NGOs create a common identity is through occupational networks. 'The Alliance for Actors and Dancers' (SKUDA) is one example. SKUDA is owned by the Norwegian Actors' Union, the Norwegian Dancers' Union, and the Association of Norwegian Theatres and Orchestras (SKUDA, n.d.). The Alliance functions as an employer, securing a selection of freelance actors and dancers their social rights and a predictable income in periods between employment. Applicants are chosen based on their amount of work as professional performers. In addition, they should have worked on short-term contracts in the previous two years before applying, and their income for the past three years cannot exceed a certain amount. The Alliance was established as a permanent arrangement in 2016, after undergoing a trial period between 2013 and 2015, and is financed with set grants from the Ministry of Culture. Being a member of the above-mentioned unions/association is not a requirement for being accepted by SKUDA. However, being accepted by SKUDA could draw potential members attention to the unions/association, with the occupational identity as an incentive.

*Rational choice* approaches emphasise costs/benefits for members and potential members. For example, trade unions and organisations that organise freelancers/self-employed workers often offer administrative and economic assistance (Jesnes & Nergaard, 2019). Administrative assistance could for example include accounting, assistance with job applications, advice on contract

conditions, and on guidelines for wages and working conditions. Economic assistance could cover support for a more predictable income, and recommended pay rates. Other forms of membership benefits are aid for legal issues, courses and conferences, networks and insurance. Insurance is among the most common membership benefits, ranging from general liability insurance to health insurance and accident insurance. Certain organisations also cover a set amount of the cost of a 'freelance insurance'. These insurance policies can for instance secure full coverage of sickness benefits from the first day of sickness absence, rather than from the 17th day, which is what self-employed workers are entitled to by law (Altinn, 2023).

*Institutional approaches* emphasise the representation of workers through power and advocacy. As self-employed workers are generally not covered by collective agreements, trade unions and NGOs aim to provide their members with improved working conditions through their political influence. For instance, some trade unions negotiate general agreements and standard contracts their members can use. Further, some unions and NGOs find minimum pay rates useful, while others problematise it, arguing that certain jobs are too varied to be compared. For certain occupational groups, such as translators, lawyers etc. delivering services to the state, pay rates are standardised by the government. For other groups of workers, unions and NGOs can still act to affect and improve their pay rates through lobbying work, placing issues such as social rights and pension on the agenda.

In the autumn of 2018, LO Independent was initiated by the Norwegian Confederation of Trade Unions (LO) to recruit more self-employed workers as a response to the increasing proportion of self-employed workers represented by the Confederation's affiliated unions (LO, n.d.). LO Independent is a forum for LO's affiliated unions that organise workers with less clear employment statuses, emphasising their living and working conditions. The cooperation is meant to offer broader security through membership benefits and tools, such as insurance and legal advice. LO Independent is a service for both voluntary and involuntary self-employed workers, with and without employees. These groups include hairdressers, carpenters, consultants, musicians, writers, taxi drivers, architects, designers, physiotherapists etc.

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