

FEEDBACK / EU-commission inception impact assessment

The Union of Journalists in Finland (UJF) welcomes the initiative to develop the legislation regarding the right for collective bargaining for self-employed. We represent 14 000 members who work for the print media, broadcasting, publishing and new communications media. One in five of our members are freelancers/self employed.

1. Context and problem

UJF agrees that there is uncertainty on number of issues, including working conditions and access to collective bargaining for freelancers and other self-employed workers. This applies both for those working outside the platform economy and through platforms. Currently the competition legislation blocks the right to collective bargaining for the self-employed, as the competition authorities compare it to prize fixing. In several EU countries competition authorities have warned unions not to even recommend any minimum rates to their members referring to Article 101 of the TEU, because the competition authorities consider them undertakings and not workers.

We also have to mention that in the spring of 2019 the Finnish National Conciliator's Office (the office assists labor market organizations in concluding collective agreements, especially in situations where industrial peace is threatened) concluded the following during a conciliation regarding the CBA of AV translators: "To the issue the parties had regarding the commission of non-employed translators the Conciliator do not give a proposition for conciliation, as the issue would require amending the legislation and thus is in the jurisdiction of the legislator in the boundaries of EU competition law."

The self-employed all lack of the individual bargaining power to negotiate their terms and conditions, and thus their economic position in media industry is considerably weaker than the position of their employed colleagues. Their average income in Finland is only half of the average income of the employed journalists. We consider collective bargaining is an appropriate and fair way to improve their situation.

2. Objectives and policy options

We agree to the fullest that it is timely now to ensure that EU competition law does not stand in the way of collective bargaining for all self-employed workers working, whether working in in traditional off-line environment or on platforms as well as. We note that it is said that whether or not EU competition law prevents them from bargaining collectively, legal certainty is extremely important to reduce enforcement and litigation risks.

The UJF prefers the EU-commission to move forward with the policy option 4. This should ensure the option for the trade unions to bargain collectively on behalf of all their members, also freelancers and other self-employed. This option

is the widest in its scope and ensures that no self-employed worker is left unprotected. The option does not create new boundaries between the self-employed, thus giving legal certainty about the right of collective bargaining for all of them.

3. Expectations

The proposal in option 4 will have great impact in improving the working and social situation of individuals that are currently in need of protection and often in precarious working conditions. The UJF also wants to stress that the proposal should be developed bearing in mind that collective bargaining is the exclusive competence of social partners. In this respect, genuine social dialogue and collective bargaining should be understood as negotiations between organized, representative and recognized social partners in accordance with national laws and traditions, in order not to legitimize company (“yellow”) unions under the influence of employers, wage fixing practices between employers or so-called “charters for good work” one-sidedly drawn up by some online platforms.

The pandemic crisis has accelerated the need for adjusting the unfair treatment, as freelancers are the first victims of the crisis in the media sector.