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FEEDBACK / Draft of Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons

The Union of Journalists in Finland (UJF) warmly welcomes the Commission's Draft for Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons.

UJF represents 14,000 members who work for the print media, broadcasting, publishing and new communications media. One in four of our actively working members are freelancers/solo self-employed.

UJF considers collective bargaining to be the most effective way of improving the situation of freelancers and solo self-employed persons. This pertains to solo self-employed persons working in the online platform economy as well as more traditional settings, including creative fields. Collective bargaining should not be limited to the online platform economy, but should include a wide array of solo self-employed persons. Traditional self-employed work in creative fields is in need of similar regulation as well.

Most freelance journalists work side-by-side with employed ones. However, of these two the bargaining power of the solo self-employed journalists is significantly weaker, resulting in economic conditions which are notably inferior to those of their employed counterparts.

According to job market surveys carried out by UJF, on the average the income of a solo self-employed journalist in Finland is only one half of the income of an employed one. Also in case of the audiovisual translators represented by the UJF, the income of solo self-employed freelancers is significantly smaller compared to that of employed AV translators. Typically, solo self-employed AV translators are financially dependent on a single company or just a few of them, and the bargaining power of solo self-employed AV translators on an individual basis is exceptionally weak. AV translators could be one of the examples mentioned in the Commission's Draft for Guidelines.

The Commission's Draft for Guidelines defines solo self-employed workers to be economically depend when they earn at least 50 % of their annual work-related income from a single counterparty.

UJF considers the 50 % limit to be excessively high, as it would concern only a handful of solo self-employed persons. The limit of economic dependence should be lowered to 33 %, which is also set for certain categories of worker in light of their more precarious working conditions, in accordance with German legislation, Section 12a of the Collective Agreements Act, referred to in footnote 24 of the Draft for Guidelines.

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An additional problem is that a solo self-employed person with a regular or intermittent service providing relationship with a certain counterparty may variably qualify as 'economically dependent' or not, depending on the amount of work undertaken during any given year. However, this should not prevent a solo self-employed person's right to collective bargaining.

The wording of the Draft should be clarified to state that in addition to collective bargaining efforts by solo self-employed persons themselves, also trade unions shall have the right to represent solo self-employed persons in collective bargaining. Especially, the Guidelines should underline the significance of traditional collective agreements and establish the bargaining position of trade unions as representative organizations for the solo self-employed.

Allowing collective bargaining for solo self-employed persons significantly improves their situation. They need better protection and working conditions. UJF underlines, that collective agreements for solo self-employed persons must be negotiated between organised social partners.