

The (inefficient) response of social partners to atypical forms of work: the case of Slovenia

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The spread of new forms of work

■ Regulated forms of work:

- employment contract, temporary agency work, student work, occasional work of retired persons

■ Trends:

- 2008 – 2016: *drop of employment contracts* for 7,6 %
- 18 % of *fixed-term* (but: nearly 50% among youth)
- 10,2 % of *part-time* (but: increased more than in EU, the most among East EU)
- increase of *temporary agency work*
- constant presence of *student work*
- 12,5 % of *self-employed*, *high* increase of self-employed who do not employ anyone and work on the client's premises (same apply for *single-member private limited liability company*)

- Reality: High proportion of „on call work“ of self-employed person and students



Response of the social partners (1): **trade unions**

- How efficiently and legitimately **represent** employees' interest?
 - TU inability to attract them and to address their different interests
- Which **strategy** for the diversification of work relations?
 - 'employee' status v. membership decline
- **Freedom of association** in not limited in Slovenia, but right to strike yes: just for those, who have an employment contract
- Validity of **collective agreements** based on employment contract
 - No protection for those who work on civil basis
 - Collective agreements v. competition law
- One of the responses: **Trade union of precarious workers**
 - Very individual approach
 - Special strategy for 'gig' workers
 - Different services offered to atypical workers.



Response of the social partners (2) : **employers organization**

- Tendency to decentralize collective bargaining
- **Weakness to associate**
- Taking advantage of atypical forms of work, but **no strategy adopted**
- NB: different view considering the of **lack of workforce**



Response of the social partners (3): **government**

- Employment Relationship Act 2013: introduced the category of **‘economically dependent person’**
 - 80 % of income from one employer
 - Some employment protection
- **BUT: very scarce effects in practice**
 - difficult to apply in practice
 - low awareness and low motivation
 - **Problem: many self-employed do not want to be ‘employed’;** reasons: freedom, flexibility and lower taxes
- Amendment of the Labour Inspection Act in 2017
 - Right to impose upon an employer the **conclusion of an employment contract**



Response of the social partners (3): platform work

- Social partners **have not expressed their view** regarding platform work
- Trade unions and some employers' organization fiercely **against Uber**
- However, platform are present in Slovenia:

NAROČI HRANO NA DOM PREKO SPLETA!

LJUBLJANA
MARIBOR
KRANJ
CELJE
KOPER
VSA MESTA



PIZZERIJA | MEHIŠKA | JEDI Z ŽARA | BREZ GLUTENA | VEGANSKA | MALICE IN KOSILA | SOLATE | BURGERJI
KEBAB IN BUREK | VEGETARIJANSKA | SUSHI | TAJSKA | INDIJSKA | MORSKE JEDI | ITALJANSKA | KITAJSKA
DOMAČE JEDI | RUSKA | JAPONSKA | DNEVNA PONUDBA | VSE KUHINJE

Usposobljeni in zanesljivi čistilci

4,81 ★★★★★ več kot 3377 ocen

Prav vsak beeper je podrobno preverjen. Po dveh razgovorih s predstavniki Beepinga in pridobitvijo Potrčila o nezakazovanosti s strani Ministrstva za pravosodje, sledi še teoretično in praktično izobraževanje. Tu ste seveda tudi vi, saj je vsako čiščenje mogoče oceniti. Preko vaših ocen in podanih komentarjev dnevno poizkušamo našo storitev izboljšati.



Rok M.

★ 4,82 | 52 čiščenj

Ocena: ★★★★★
Izjemno zadovoljna! Rok je bil prijazen in ekstra natančen, stanovanje je kot iz škatlice."
- Ana



Irena E.

★ 4,73 | 306 čiščenj

Ocena: ★★★★★
"Zelo sem zadovoljna. Gospa Irena je odlično opravila svoje delo. Zagotovo se bom naslednjič spet obrnil na vas."
- Sergej



Suzana K.

★ 4,66 | 75 čiščenj

Ocena: ★★★★★
"Zelo zadovoljni, ob naslednjem naročilu bi želeli isto čistilko."
- Špela



Effects of new forms of work on **employee participation**

- The legal basis for participatory rights is the **employment contract**
- **All others are excluded**
 - temporary agency workers: who is in fact the employer and who counts for works councils (active voting right)?
 - German solution?
- Also problem of **values, knowledge and implementation**



Some **empirical** evidence: interviews

■ **TU of precarious workers**

- 'employees' are not service providers
- TU are not adapted to the current reality on the labour market, but *this is our only future*, so they need to adapt

■ **Employer organization**

- Self-employed as a free economic activity, not as a precarious form of work, but they would include them in the collective agreement at a sectoral level.
- Problems of association.

■ **Slovenian platform**

- Main motive: undeclared work; prerequisite: regulated legal status
- Not allowing cleaners to be dependent on them

■ **Labour Inspectorate**

- Lots of violation of atypical forms of work
- Self-employed do not want to be employed



What is next?

- Atypical forms of work are **a reality**.
- Simply focusing on legal categories is insufficient - **tax, social security**, etc, need to be addressed in a global approach
- **Collective bargaining rights** (and more autonomy for collective bargaining in the context of competition law) are very important
- But....depends on willingness of **trade unions** to confront the challenges of atypical forms of work
- Possible directions:
 - Legislative changes
 - Strengthening the inspection
 - Policy making
 - Raising awareness
 - Redefine the role of social partners v. atypical forms of work?

