

## Mapping social protection coverage for platform workers: A comparative analysis of Belgium, Italy and the Netherlands

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# Mapping social protection coverage for platform workers: A comparative analysis of Belgium, Italy and the Netherlands

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## Abstract

The aim of this paper is to examine if and how the reclassification of platform workers from self-employment status to employment status can provide them with adequate social security protection. Little is known about how this transition would guarantee platform workers adequate social protection within the social protection scheme for employees. National social security schemes, in particular income replacement benefit schemes, often (still) depart from the standard employment relationship, leading to lower protection for atypical work forms. Platform workers combine several of the characteristics of atypical forms of work, such as low earnings, irregular working patterns and working. Integrating platform workers into employee social security schemes faces additional challenges due to the online nature of their work, algorithmic management, high levels of unpaid labor, and employer identification difficulties. This paper focuses on unemployment protection, as EU Member States struggle to provide adequate protection for workers with irregular work patterns and income fluctuations, in the case of (short term) income replacement benefits. By constructing nine ideal work patterns reflective of diverse nature of platform work and current

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practices among platform work, we analyse how different types of 'employed' platform workers may fare within the legislation of three EU countries (Belgium, Italy, and the Netherlands). This approach allows us to assess the applicability of unemployment protection to different working patterns among 'employed' platform workers, considering formal, effective, and adequate access to unemployment schemes as outlined in the Council Recommendation on access to social protection for workers and the self-employed (2019).

### **Keywords**

Social security, atypical work, platform work, EU, Recommendation on access to social protection, unemployment protection

## **Introduction**

The aim of this paper is to examine whether and to what extent the reclassification of the status of platform workers, from self-employment to employment, can provide them with adequate social security protection. Case law in several EU Member States has clarified, on a case-by-case basis, the legal classification of platform workers, in particular those working on demand through an app. Several national courts have found that such workers should be considered as employees (Hiessl, 2022). In order to provide more legal certainty, initiatives have been launched at both EU and national level to provide further guidance on the legal status of platform workers (e.g. in Belgium, adopted in September 2022). The proposal for an EU Directive (2021) to improve the working conditions for platform workers includes several criteria to distinguish between employed and self-employed platform workers (for a discussion, see also Menegatti (2023)).<sup>1</sup>

Nevertheless, while this instrument can serve as an important tool to increase legal certainty, it does not contain provisions on how to ensure adequate social protection for (employed and/or self-employed) platform workers (see also the discussion in Barrio (2023), Hooker and Antonucci (2022) and Spasova and Marengo (2023)). Little is known about how the transition from self-employment or even undeclared work to 'employee status' would guarantee platform workers adequate social protection within the social protection scheme for employees. National social security schemes, in particular income-replacement benefit schemes, are often based on an assumed standard employment relationship (i.e. full-time work with a contract of indefinite duration) (Schoukens et al., 2022: 95; Forde et al., 2017: 69). For those in atypical forms of work, such as part-time work, temporary work or on-call work, there are often several barriers to accessing social security systems (Hooker and Antonucci, 2022: 9). Such workers may not be formally enrolled in the social security scheme ('lack of formal access'), or they may find it difficult to complete the required qualifying period, or may receive only low benefits due to, for example, low working hours or irregular working patterns ('lack of effective access') (Forde et al., 2017: 70; Spasova et al., 2017 and De Becker, 2023). The access of platform workers to social security is limited due to characteristics they share with atypical workers, such as low earnings, irregular

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1. Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work, COM [2021] 762 final.

working patterns and working hours (Forde et al., 2017: 57, 59 and 104; European Parliament, 2021). However, they experience further barriers to accessing social security due to their own distinct characteristics, such as the online nature of platform work, the role of algorithmic management, the high level of unpaid work on platforms and the difficulty of identifying the employer.

Against this background, this paper examines how a change in a platform worker's status to that of employee may lead to adequate social security coverage. This paper focuses on unemployment protection, as EU Member States struggle to provide adequate protection for workers with irregular work patterns and income fluctuations (Eurofound, 2018: 47; Hauben et al., 2021: 54; and the discussion in De Becker, 2023), especially in the case of (short-term) income replacement benefits. Platform work presents an additional challenge, as it is often unclear to what extent a platform worker is (involuntarily) unemployed. This paper focuses on on-location platform work<sup>2</sup> (i.e. passenger transport, the food/parcel delivery sector, personal and household services and domestic work) and not on online platform work<sup>3</sup> (i.e. work where tasks are not location-dependent but are performed online). This is because there have been court cases in EU Member States mainly regarding on-location platform workers, to reclassify them as employees. Moreover, a large proportion of on-location platform workers, particularly those working in transport and delivery services, earn their principal source of income through platform work (Eurofound, 2018: 1 and 23<sup>4</sup>; Piasna et al., 2022: 53<sup>5</sup>).

The structure of this paper is as follows. We start with a literature review covering the different working patterns of platform workers. Next, we examine their formal, effective and adequate access to unemployment schemes, as covered in the Council Recommendation on access to social protection for workers and the self-employed (hereafter: the Council Recommendation).<sup>6</sup> As the transition from self-employment or undeclared work to 'employee' status is still being discussed on a case-by-case basis in EU countries, it is difficult to capture the different working patterns using existing data. Thus, we use nine ideal types of employment patterns that can be found amongst platform workers and examine their statutory unemployment protection. We selected three countries based on their different welfare regime models: a Bismarckian model (Belgium), a Southern model (Italy) and a

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2. See for a definition: '*The tasks on location-based platforms are carried out in person in specified physical locations by workers, and include taxi, delivery and home services (such as a plumber or electrician), domestic work and care provision*' (ILO, 2021: 1). See also Barcevicus et al. (2021: 34): '*Delivery of services is physical, although matching and administration services between customers and service providers are digital (e.g. transportation, cleaning or delivery services)*'.

3. These are also called online web-based platforms; see the following definition: '*On online web-based platforms, tasks or work assignments are performed online or remotely by workers. These tasks may include carrying out translation, legal, financial and patent services, design and software development on freelance and contest-based platforms; solving complex programming or data analytics problems within a designated time on competitive programming platforms; or completing short-term tasks, such as annotating images, moderating content, or transcribing a video on microtask platforms*' (ILO, 2021: 1). See also: Barcevicus et al. (2021: 34): '*Remote delivery of electronically transmittable services (e.g. via freelance marketplaces). This is also referred to, in various sources, as cloud work, crowd work, online freelancing, remote platform work or global reach platform work*'.

4. However, the interviewees indicated that their earnings from platform work are insufficient to make a decent living.

5. These authors pointed out that their research concerned mainly activities such as renting out accommodation, remote freelance work and transport work.

6. Council Recommendation of 8 November on access to social protection for workers and the self-employed [2019] OJ C 387.

Beveridgean model (the Netherlands<sup>7</sup>) (for a discussion of this classification, see Esping-Andersen (1990) and also Berghman (1991: 16–17) and von Maydell et al. (2001: 19–20)). In the penultimate section, we discuss the findings of our analysis. Finally, we conclude this paper by summarising the key findings and their implications for the legal initiatives to transform the legal status of platform workers, from self-employed to employees.

One element not covered in great detail in this paper is the debate on the current legal status of platform workers. In all three countries, there have been discussions about their legal status, which have also led to a number of court cases. Another aspect which we do not investigate in detail is the possible diversity of employment contracts in the three countries and the different definitions of the concept of employee in labour law, on the one hand, and social security law, on the other. An employee for labour law purposes is not always an employee for social security purposes. In the following discussion, we assume that the person in question can be considered an employee for the purposes of the unemployment schemes discussed. We are aware that this implies a certain abstraction from reality and therefore does not capture the full complexity of labour and social security law. This choice can be explained by our wish to focus on how the current national unemployment systems are structured, taking into account the diversity of platform work.

## Literature review

Mapping the working patterns among platform workers is a challenging task, due to the lack of reliable data. Despite the increase in platform-based work (Barcevičius et al., 2021: 82; Forde et al., 2017: 35), it has been difficult to fully capture the actual scale of work performed and the working conditions on platforms. This is partly due to the lack of consensus on the definition of platform work, which stems from the diversity in the types of work and platforms (Barcevičius et al., 2021: 84).

Currently available data show that a large group of workers work on platforms as a secondary (even a non-professional) activity, for additional income (Brancati et al., 2020: 41; Eurofound, 2018: 12; Hauben et al., 2021: 3). Overall, only a small number of workers have platform work as their main source of income (Kilhofer, 2021: 20; Piasna et al., 2022: 52<sup>8</sup>). Most platform workers also seem to have another job or other source(s) of income (Forde et al., 2017: 34). However, it is unclear whether or not such figures underestimate the total number of platform workers who engage in platform activities on a more substantial basis. This is particularly the case for on-location services, as researchers have struggled to collect data for this group (Behrendt et al. 2019: 21; Brancati et al., 2020: 30). Some studies found that a larger proportion of on-location workers derive their main source of income from platform work (Eurofound, 2018: 1 and 23<sup>9</sup>; Piasna et al., 2022: 53<sup>10</sup>). It is also expected that this number will increase

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7. In light of the extensive reforms of the Dutch social security system in previous decades, the Netherlands will serve as an example of a Beveridgean social security scheme. The Dutch social security system was traditionally designed as a Bismarckian social security system, but from the outset had a more hybrid character, combining a Bismarckian with a more universal approach.

8. Piasna et al. (2022: 52) point out, moreover, that platform work is a growing phenomenon, as over one-third of platform workers started within the last year. Barcevičius et al (2021: 82) state that: '*the findings of the 2021 survey also indicate that a large share of people who worked through platforms between December 2020 and May 2021 began these activities in the period 2019–2021 (57.7%)*'.

9. However, the interviewees indicated that their earnings from platform work are insufficient to make a decent living.

10. These authors pointed out that their research concerned mainly activities such as renting out of accommodation, remote freelance work and transport work.

greatly (especially in the transportation sector) in the coming years (BarceVICIUS et al., 2021: 87; Behrendt et al., 2019: 21; Forde et al., 2017, 34 and 38–39).

Regarding earnings from platform work, existing studies point to low average earnings, which are often perceived as a strong characteristic of platform work (Campbell, 2022: 119–120). A study by Eurofound (2018: 60) found that earnings were highly uncertain for on-location, platform-determined work,<sup>11</sup> as they often depended on the shifts, tasks and bonuses given by the platform (e.g. delivery/courier). This was different for what they called on-location work-initiated platform work<sup>12</sup> (e.g. cleaning services), as these workers often set their own prices and working time.

The low earnings and the irregular working hours for all types of platform work have been described by some as a continuum of casual, on-call work (Campbell, 2022: 121–122; Forde et al., 2017: 65; Huws et al., 2019: 14). Studies also show that platform workers often combine several jobs and may (frequently) change their occupational status over time. In the case of multiple jobs, the nature of this additional work will have important implications for platform workers' social security coverage (e.g. work as an employee or as self-employed). A key feature of platform work is also the blurring of boundaries – between full-time and casual work, independent and dependent employment and between work and leisure (Sundararajan, 2017: 12). As such, platform work appears to be task-based, temporary and often casual in nature (Behrendt et al., 2019: 18–19).

The above analysis shows that platform workers often experience low wages, unpredictable and insufficient available work and insecure employment (Behrendt et al., 2019:22; Berg et al., 2018: 62). Another element to consider when it comes to platform work is the prevalence of unpaid work (Behrendt et al., 2019: 23; Forde et al., 2017: 34; ILO, 2021; Pulignano and Mara, 2021; for a more in-depth discussion on unpaid work: Pulignano et al., 2023a and Pulignano et al., 2023b). Unpaid work can be defined as any hours worked that are not paid or taken into account as work, such as waiting time, for platform delivery workers. While this is not only found among platform workers (Cole et al., 2024), it is prevalent and more visible among platform workers; this is due to the nature of their piece-rate contract, which only pays for certain specified activities, and to the algorithmic management that makes workers more liable to take on additional tasks or work longer hours for which they are not paid (Wood et al., 2019). The lack of work (or information on it) means that platform workers also often spend long periods looking for work, thus increasing their overall workload (Forde et al., 2017: 45; see also Behrendt et al (2019:23) and Berg et al. (2018: 67)). In order to find more work, some platform workers spread themselves across a number of platforms: however, this is not always allowed by platforms. Moreover, the start-up costs of spreading across platforms are high, as platform workers have to invest a lot of time in unpaid tasks to establish their reputation on each platform (Berg et al. 2018: 66).

In the light of the literature review, in the following sections we will use two dimensions – working time and income level – as key analytical dimensions to analyse the unemployment coverage of employed platform workers. While unpaid labour is not included in this analysis, it is an important element to take into account when interpreting the findings and implications (Pulignano et al. 2023a and Pulignano et al. 2023b).

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11. In this study, on-location platform-determined work was defined as follows: low-skilled work allocated by the platform and delivered in person (Eurofound, 2018: 1).

12. In this study, on-location worker-initiated work was defined as follows: low to moderately skilled work where tasks are selected and delivered in person (Eurofound, 2018: 1).

## **Legal framework for access to social protection and the ideal/typical types of ‘employee’ platform workers**

This section analyses the potential unemployment protection for nine ideal types of platform employees – with different working times and income levels – in Belgium, Italy and the Netherlands, based on the legal framework of formal, effective and adequate access. We first provide an overview of the legal framework and how we derive the nine ideal types, then examine how each type would, or would not, be covered by the unemployment protection system in the three countries.

### *A legal framework for formal, effective and adequate access*

The Council Recommendation aims to ensure minimum standards of social protection for workers and self-employed persons, taking into account the (limited) competences of the EU in this area. On the basis of this recommendation, EU Member States will have to guarantee formal, effective, adequate and transparent access for workers and the self-employed. Article 9 also calls for EU Member States to take into account the specificities of atypical work and self-employment, as it is often the specific working situations among these workers that result in exclusion from social protection (e.g. the restrictive definition of the personal scope or the use of a minimum amount of work or income as a threshold). In this paper, we consider the legal framework of formal, effective and adequate access (as further explained below) to evaluate the unemployment protection offered to employed platform workers. Despite its non-binding nature, the Council Recommendation, and the four-pillar framework it contains, remains the only instrument at EU level which expresses the social protection model for which the EU stands.

### *Ideal types used to review the legislative framework*

This paper examines what the change in status of platform workers from self-employment or undeclared work to employment means for their social security coverage, in particular for unemployment protection. This study recognises that working patterns vary, even among platform workers with the same ‘employee’ status, as discussed in the literature review section. As the change to ‘employee’ status is still being discussed on a case-by-case basis in EU countries, it is not easy to capture the different working patterns with the existing data. It is therefore difficult to predict how the reclassification to employee status may affect their social protection and how their experience might differ from that of existing (or more ‘traditional’) atypical workers. In order to fill this gap, this paper uses nine ideal types of employment patterns, with different working hours and levels of income, as these are key dimensions that can be used to differentiate between types of platform workers, and are relevant to access to social protection (see also literature review).

In this paper, we first identify the ideal types on the basis of hours worked, along the lines of the categorisation suggested by Barcevicus et al (2021:83) into *marginal*, *secondary* and *main* platform workers. These authors define those who work less than 10 h a week through a platform and earn less than 25% of their total income from platform work as *marginal* platform workers. *Secondary* platform workers, according to this definition,

**Table 1.** Gross mean monthly earnings (Eurostat).

	BE	IT	NL
Mini part-time (ratio of 25%, 9.5 h a week)	€812.03	€591.82	€662
Part-time (ratio of 50%, 19 h a week)	€1624.07	€1183.65	€1324.01
Full-time (38 h/ week)	€3248.13	€2367.31	€2648.02

Source: Eurostat, mean monthly earnings by sex, economic activity and occupation<sup>13</sup> and the HCIP index.<sup>14</sup>

work 10–19 h per week through a platform, from which they earn 25%-50% of their total income.<sup>15</sup> *Main* platform workers work at least 20 h a week and earn 50% of their total income through platforms. The categorisation into marginal, secondary and main indicates an important characteristic of platform workers: multiple jobholding.<sup>16</sup> In this paper, we distinguish between full-time, part-time and mini part-time work. Full-time employment is defined in this paper as employment of 38 h a week. For part-time work, we use two possible scenarios: working 25% of a full-time job (i.e. 9.5 h per week; mini part-time) and working 50% of a full-time job (i.e. 19 h per week; part-time).

The second dimension used to define the ideal types is the level of income earned from platform work. While income level is a necessary dimension to examine in order to map unemployment coverage,<sup>17</sup> little information is available on the income earned from platform work. For that reason, this paper uses the Eurostat data on mean hourly earnings<sup>18</sup> (2018 data, indexed on the basis of the HICP for each country in November 2022). The table below shows the average monthly earnings per country for mini-jobs (25% of a full-time job, 9.5 h per week), part-time jobs (50% of a full-time job, 19 h per week) and full-time jobs (38 h per week). Incomes below these levels are considered low, and those above are considered high (Table 1).

Using the categorisation of Barcevicus et al. (2021), discussed above, we label those workers with mini-hours as *marginal*, part-time workers as *secondary* and full-time as *main*, resulting in nine different employment patterns. Those platform workers with a low income will have *low paid* added to their label (e.g. marginal low paid), and those with a high income will have *high paid* added to their label (e.g. main high paid). Those with a medium level of income will not have an additional label (Figure 1).

13. [https://ec.europa.eu/eurostat/databrowser/view/earn\\_ses18\\_48/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/earn_ses18_48/default/table?lang=en).

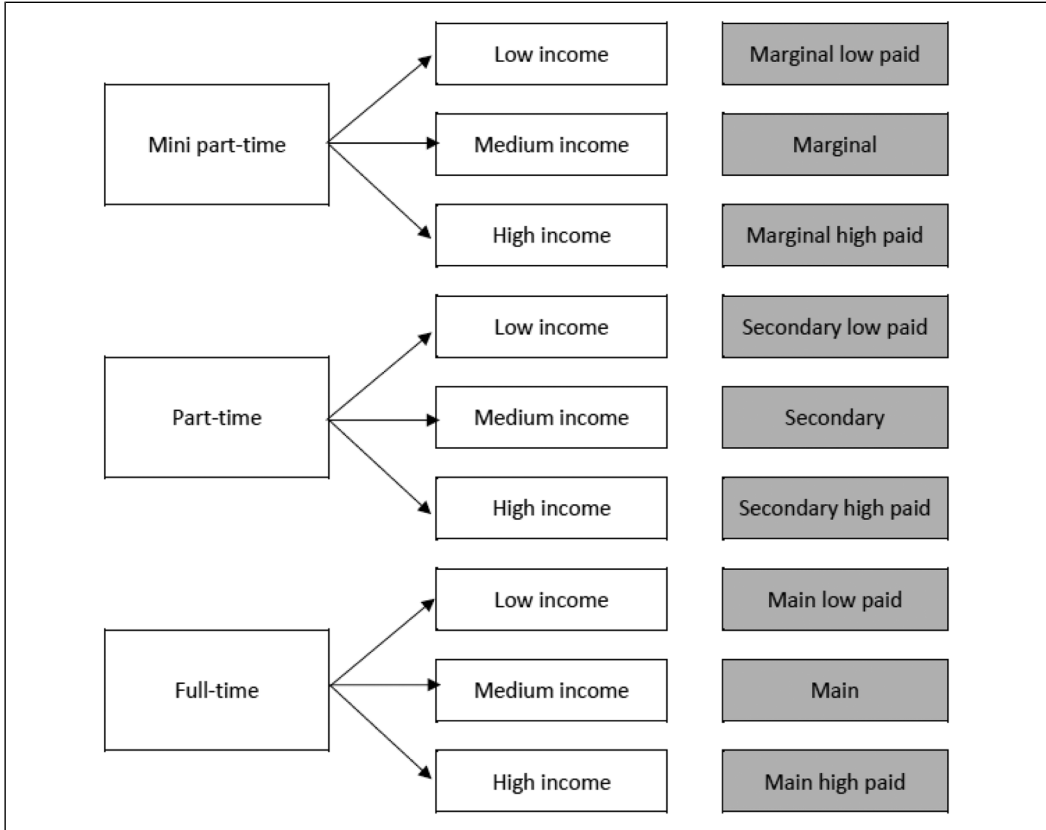
14. [https://ec.europa.eu/eurostat/databrowser/view/prc\\_hicp\\_midx/default/table?lang=en&category=prc.prc\\_hicp](https://ec.europa.eu/eurostat/databrowser/view/prc_hicp_midx/default/table?lang=en&category=prc.prc_hicp).

15. This group also includes cases whose income and hours do not match, such as people who work long hours but earn less than the threshold from the platform, or the opposite.

16. Note that we do not investigate *sporadic* platform work (i.e. people who work less than once a month), as this is a non-professional activity.

17. In many social security systems, income replacement benefits are earnings-related and are calculated as a replacement rate of the original income.

18. We looked at the mean hourly earnings for a manual worker from the following economic activities: wholesale and retail trade, transport, accommodation and food service activities, transportation and storage, accommodation and food service activities, and other services.



**Figure 1.** Nine ideal types of platform employee.

## Legal analysis on unemployment measures applied to the ideal types of platform workers

### *Formal access to unemployment protection*

In the Council Recommendation, formal access refers to the elements that determine the personal scope of (work-related) social security (Schoukens et al., 2022: 102). In this respect, EU Member States are encouraged to open up their social security systems to all groups of workers and self-employed persons. For the purposes of this paper, we examine if and how the nine ideal types of platform workers are included in the unemployment protection system for employees, in the three countries of concern. We limit our analysis to insurance-based unemployment protection, in order to capture the impact of the change in employment status. It should not be forgotten that other measures of social protection, such as social assistance, often also play an important role for platform workers. If workers do not qualify for unemployment benefits, they can often rely on social assistance measures. However, their access to social assistance may also be limited, as such assistance is means-tested and eligibility conditions may be more or less strict across countries.

Unemployment coverage in Belgium, Italy and the Netherlands is linked to employee status (see, for Belgium: De Becker et al., 2022: 43; Italy<sup>19</sup>: Villa et al., 2022: 125<sup>20</sup> and the Netherlands<sup>21</sup>: Houwerzijl et al., 2022: 201). In Belgium, there is an important restriction for part-time workers, who must have worked at least one-third of a full-time worker's hours (+/- 12 h per week) to be eligible for unemployment benefits.<sup>22</sup> The Dutch legislation also excludes certain groups of employees from unemployment protection, such as those who work less than four days a week in a private person's household (for example, cleaners, home carers, etc.) and who are employed by the private household.<sup>23</sup> However, it is uncertain to what extent this exclusion will affect platform workers providing such care tasks. The Amsterdam Court of Appeal ruled that platform workers on the Helping platform<sup>24</sup> should be regarded as employed on the basis of a contract for temporary agency work.<sup>25</sup> They are therefore employed by the platform and are covered by unemployment insurance.

The introduction of marginal work schemes in Belgium and Italy is relevant to our discussion.

Belgium has introduced a favourable tax regime for platform workers whose income from platform work does not exceed a certain threshold (2016, the so-called 'De Croo Law') (for a discussion see also De Becker (2023); Fairwork (2022: 13–14)).<sup>26</sup> With this law, Belgium was one of the first countries to create a fiscal framework that exempts platform workers who earn up to a certain amount per year from paying full tax and social security contributions.

Under the De Croo law, platform workers are taxed at a rate of 20% with a 50% fixed cost deduction, and are exempt from VAT and social security contributions, as long as their income is below the threshold (€7170 in 2023), and all other conditions are met. Therefore, these workers cannot build up any social security rights for the work they do and are not covered by labour law. The De Croo scheme was criticised by the social partners due to the insufficient social protection provided to platform workers and the possibility of misapplication of the scheme, notably by

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19. See the exception for public workers and agricultural workers in Art. 2, Act of 4 March 2015, no. 22/2015.

20. See, however, the unemployment protection for certain types of solo self-employed in Villa et al. (2022: 137).

21. Art. 3, Unemployment Act of 6 November 1986; It is important to note that the Dutch unemployment legislation also includes in its personal scope of application employee-like persons (Vonk, 2021: 153–154). The Dutch legislator deemed it necessary to also provide protection to persons who should be equated with employees, because they are equally economically dependent on work for one principal employer (Houwerzijl et al., 2021: 29). Although the extensions discussed allow for broader protection in case of unemployment, an opt-out was created in 2016: parties can agree beforehand that unemployment protection does not apply. In this case, the parties have to sign a written agreement: Art. 1 (5) Rarities Decision of 24 December 1986.

22. Art. 33, Royal Decree of 25 November 1991; this limitation is connected to the principle in employment law that an employment contract cannot be concluded for working arrangements amounting to less than one-third of a full-time occupation (Art. 11bis §5 Law of 3 July 1978 relating to employment contracts, Official Gazette 22 July 1978). Several exceptions to this principle do however apply.

23. Art. 6 (1) c), Unemployment Act of 6 November 1986. In 2021, the Rotterdam court came to the conclusion that the exclusion of domestic workers who are financed by public means is indirect discrimination on the basis of gender: Court of Rotterdam, 16 December 2021, ECLI:NL:RBROT:2021:12432.

24. 'Helping' is a platform that puts cleaners and households in contact with each other: a household can choose from different options offered by the platform (see, for a discussion, also: Houwerzijl et al., 2022: 231).

25. Amsterdam Court of Appeal, 21 September 2021, ECLI:NL:GHAMS:2021:2741.

26. Title 3. Chapter 2 Act of 1 July 2016: The following conditions apply to use of the De Croo scheme: (a) only natural persons who are not acting in the context of their professional activity ('peer to peer') can provide services; (ii) only platforms recognised by a public authority or which have received official accreditation can make use of the De Croo scheme and (iii) only the platform can pay or grant the fees related to platform work to the worker.

Deliveroo. Work under the De Croo scheme is not covered by the unemployment scheme for employees. Some argue that this is a case of ‘non-regulation’, as labour law and social security law protections do not apply (Dumont et al., 2023: 292).

The Italian occasional work scheme allows workers to work on their own account on an occasional basis. The work performed under this scheme is subject to minimum taxation (20%), and no social contributions have to be paid for earnings up to €5000 per year.<sup>27</sup> No unemployment protection is granted for work performed under this scheme. Unlike the De Croo scheme in Belgium, the Italian occasional work scheme is not explicitly geared to platform work. However, previous research has shown that platforms make use of this occasional casual work scheme (Pulignano and Mara, 2021: 13).

Regarding formal access of employees to unemployment protection, all the selected countries have unemployment protection schemes in place for employees, and provide them with formal access to unemployment protection. Platform workers working as employees are also covered by these schemes. However, the existing schemes are best suited to platform workers who work (almost) on a full-time basis (ideal types *main platform work*), which is (most likely) not the case for the majority of platform workers. For platform workers working part time (ideal types *marginal and secondary platform work*), the situation is more complex. Belgium and Italy have schemes in place for marginal work. Under these schemes (the Belgian De Croo scheme and the Italian occasional work scheme), no or limited social security contributions and taxes are due. These schemes are more advantageous than working as an employee for *marginal platform workers* with limited activity, for example those who work only a few hours per week/month, as long as they do not exceed the threshold of €7170 (Belgium) or €5000 (Italy) per year. Their net income will be higher, and they may be able to attract more clients as they can set their prices at a lower level. A previous study showed that in Belgium, platform workers try to reduce their working hours in order not to exceed the thresholds of the De Croo scheme (Eurofound, 2018: 19). Another hurdle in Belgium is the restriction for part-time workers who do not meet the required working hours threshold (ideal types *marginal platform work*, for Belgium).

### *Effective access to unemployment protection*

EU Member States are recommended to ensure effective coverage for both employees and self-employed persons,<sup>28</sup> enabling them to build up adequate social security rights and to access a given level of benefits, in the event of a risk materialising. For example, in order to receive unemployment benefits, workers must meet a number of eligibility conditions related to their unemployment situation (e.g. involuntary unemployment, active job search, participation in training, etc.) or their personal circumstances (e.g. they must not have reached retirement age, etc.). EU Member States are encouraged to cover all employees and self-employed persons by reducing any potential barriers, such as minimum work records or insurance periods (Schoukens et al., 2022: 102). This is to ensure the effective build-up of social protection for employees with an erratic insurance record.

An additional difficulty for platform workers is the ambiguity concerning the involuntary nature of their unemployment and the extent to which they are actually (fully) unemployed. In order to

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27. See also Art. 54bis, Act of 24 April 2017, no. 50/2017.

28. Art. 7 (f) and Art. 9–10 Council Recommendation.

receive unemployment benefits in Belgium, Italy and the Netherlands, the unemployed person must be involuntarily unemployed. If a platform stops offering work due to poor ratings, or denies a person access to the platform, is this voluntary or involuntary unemployment? Platform workers will also need documents from platforms to prove the involuntary nature of their unemployment, but such documents are not always easily available. Greater clarity and transparency on the part of platforms seems desirable to enable workers to adequately assess involuntary unemployment.

To examine effective access to benefits, we look at the qualifying period, the duration of the unemployment benefits and the extent to which it is possible to combine unemployment benefits with income from work in the selected countries. In our analysis of effective access, we include all nine ideal types of employment, although some groups do not have formal access.

*Qualifying period.* In all three countries, a qualifying period must be completed in order to receive unemployment benefits, but the conditions which apply vary considerably.

In Belgium, the qualifying period is determined by the number of days worked during a certain reference period.<sup>29</sup> Both elements vary depending on the age of the unemployed person.<sup>30,31</sup> Work days can be for different employers and do not need to be performed consecutively. Part-time employees have to complete the same number of working days as full-time employees, but these days are reduced to half days, irrespective of the hours worked.<sup>32</sup> The Belgian scheme includes several rules which are advantageous for unemployed people with irregular working patterns. For example, the reference period is extended by six months in the case of part-time work, irrespective of the number of hours worked (Remouchamps, 2017: 140).<sup>33</sup> A large number of periods of inactivity can also be treated as working days (e.g. days on which sickness or unemployment benefit was paid).<sup>34</sup> This may be relevant for fixed-term or temporary employees.<sup>35</sup> Belgian legislation also exempts employees from meeting the qualifying period condition if they become unemployed again within three years of receiving unemployment benefit.<sup>36</sup> This acts as an important safety net for workers with irregular working patterns. In addition, the qualifying period can also be extended (taking into account days previously worked as an employee) by periods of at least six months, up to a maximum of 15 years, during which the person concerned was not covered by the unemployment insurance for employees but had another status, as a civil servant or self-employed worker.<sup>37</sup>

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29. Art. 30, Royal Decree of 25 November 1991. For part-time employees, the reference period is extended by six months.

30. Employees working on a full-time basis younger than 36 years old have to have worked at least 312, 468 or 624 days during the 21, 33 or 42 months preceding the application for unemployment benefits. For employees between 36 and 50 years old, the threshold is 468 or 624 days (in a period of 33 or 42 months) and for employees above 50 years old, a 624-day threshold applies, see Art. 30, Royal Decree of 25 November 1991.

31. In the case of someone in continuous full-time employment, the Belgian legislation takes 78 days into account per quarter, regardless of the actual number of days worked. One special category are part-time employees with retained rights, i.e. employees who accept a part-time job in order to return to employment, although they were previously working full time and received full-time unemployment benefit. Such employees can combine unemployment benefits with part-time work, if the legal conditions are met. Under Belgian legislation, the qualifying period is the same for such part-time employees as for full-time employees.

32. Art. 33 2°, Royal Decree of 25 November 1991.

33. Art. 33 2°, Royal Decree of 25 November 1991.

34. See Art. 30 para. 2 and Art. 38, Royal Decree of 25 November 1991.

35. See a summary of the different factors in: Art. 38, Royal Decree of 25 November 1991.

36. Art. 42, Royal Decree of 25 November 1991.

37. Art. 30, Royal Decree of 25 November 1991.

Under Italian unemployment legislation, the qualifying period requires an employee to have paid social security contributions for at least 13 weeks in the four years prior to becoming unemployed.<sup>38</sup> Similarly to Belgium, weeks of work can be performed for different employers, not necessarily consecutively. As of 2022, the requirement for a worker to have worked for at least 30 days has been abolished.<sup>39</sup> Due to the longer period over which social security contributions can be paid, the Italian unemployment scheme potentially covers a large number of employees with varying work patterns, who regularly switch between jobs and have periods when they do not work between jobs. However, a contribution week does not necessarily correspond to a working week. The two are the same for full-time employees. For part-time employees, however, it depends on the remuneration received in relation to the hours worked. In order to complete a 'contributory week', the weekly wage must reach a certain threshold.<sup>40</sup> If the wage earned does not reach this threshold, the working week is extended in order to reach the required threshold.<sup>41</sup> Importantly, for all employees, regardless of their working hours, contribution weeks can only count once. In other words, if these weeks have already been used to meet the qualifying period condition in a previous spell of unemployment, they cannot be used a second time if the worker becomes unemployed again.<sup>42</sup>

Under Dutch law, an employee must have worked for at least 26 weeks out of the 36 weeks immediately preceding the first day of unemployment.<sup>43</sup> It does not matter how many hours the employee worked in that week, nor do the weeks have to be consecutive or for the same employer. Although this requirement is formulated in a flexible way, it could discriminate against employees on short-term contracts and temporary agency workers, as everyone has to fulfil the requirement to have worked 26 weeks in a short period of 36 weeks, regardless of the employment relationship.<sup>44</sup>

Our analysis of the selected countries shows that the statutory qualifying period can act as a barrier for employees with irregular working patterns. This is particularly the case in Belgium. Although the Belgian scheme has some specific rules for part-time workers, they are not well suited to all types of part-time workers, as they are not linked to previous hours worked. The rules in the Italian and Dutch unemployment schemes are more flexible. However, the Italian legislation requires the ideal types of *marginal platform workers* to work more than one week in order to achieve a contributory week. The Dutch scheme does not specify a minimum number of hours to be worked in a week, thus increasing potential access for all ideal types, including *marginal* and *secondary platform workers*. However, platform workers with very irregular working patterns will find it difficult to meet the requirement, as they would have to work as an employee for +/- 6.5 out of 9.5 months.

**Duration of unemployment benefit.** Unlike the other two countries, Belgian unemployment benefit is not time-limited. It is paid indefinitely as long as the unemployed person fulfils the eligibility conditions (e.g. is actively seeking a new job).

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38. Art. 3, para. 1, Act of 4 March 2015, no. 22/2015.

39. Art. 3, para. 1 b) Law no. 22/2015 introduced by Art. 1, para. 221b) Law of 23/4/2021.

40. Circular note no. 94, 12 May 2015, available online: [https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015\\_8213.html](https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015_8213.html) (accessed 12 October 2023).

41. This was one of the findings that emerged from the Working Yet Poor project, from discussions with E. Villa and G. Marchi (University of Bologna).

42. Art. 3, para. 1, Law no. 22/2015.

43. Art. 17 Unemployment Act of 6 November 1986.

44. There are exceptions for some workers, such as artists, musicians or employees who are not in regular employment.

In Italy, unemployment benefits are paid for half the number of weeks worked, based on the social contributions paid in the four years preceding the start of unemployment (contribution weeks).<sup>45</sup> For example, if an employee has worked 50 weeks, they will be entitled to unemployment benefits for 25 weeks. The definitions of working week and contributory week discussed with reference to the qualifying period apply here as well.

Unemployment benefits in the Netherlands are paid for a minimum of three months. This period can be extended if the required work history is met: that is, a person must have had at least four years of paid work for at least 208 h in the five years immediately preceding the year in which unemployment began.<sup>46</sup> Houwerzijl et al. (2021: 63) point out that students with part-time jobs are often able to acquire the required employment history during their studies.<sup>47</sup> The legislation sets a limit on the number of months for which an unemployment benefit can be granted: 24 months as of 1 July 2019 (Barrio, 2021: 149; Houwerzijl et al., 2021: 60). The previous limit was set at 38 months.

Only in Italy and the Netherlands does the duration of unemployment benefits depend on the work performed. As with the qualifying period, we see a possible obstacle in Italy for the ideal types *marginal platform workers*, as they will have to work over longer periods to attain the same duration of work as the ideal types in *secondary* or *main platform work*. In the Netherlands, the work history requirement is formulated in a rather flexible manner, so this condition can be met by all ideal types.

*The possibility to combine unemployment benefits with income from work.* In this section, we look at the extent to which unemployment benefits can be combined with income from other jobs. This is relevant for multiple-job holders, which platform workers seem frequently to be.

In Belgium, unemployment benefits can only be combined with part-time work if an employee becomes unemployed and later takes up a part-time job because he/she cannot return to full-time work.<sup>48</sup> In this case, additional income support is available. When the part-time job ends, the unemployment benefit is calculated based on the last full-time wage.<sup>49</sup> The Belgian legislation does not provide unemployment benefits if a part-time worker loses only one of their jobs and wishes to continue their other job(s). An exception applies for (limited) side-activity, but such work cannot be performed during normal working hours.<sup>50</sup>

The Italian legislation follows a similar logic to the Belgian scheme: receipt of unemployment benefit can be combined with part-time work in only a few cases, such as when the unemployed

45. Art. 5 para. 1, Act of 4 March 2015, no. 22/2015.

46. Art. 42 (2) a), Unemployment Act of 6 November 1986. The year in which unemployment occurs is not counted, since this is (partially) part of the eligibility criterion.

47. According to Houwerzijl et al. (2021: 63), this criterion can be met by working anywhere between five hours a week and a full-time job (40 hours a week) for six weeks.

48. We will not discuss the rules on temporary unemployment in more detail. Employment agreements can be temporarily suspended in several cases, e.g. for economic reasons, force majeure, etc.

49. Art. 29 § 5 and 131bis § 5, Royal Decree of 25 November 1991. A similar logic applies for part-time unemployed who accept a job involving fewer working hours than before.

50. Art. 48, Royal Decree of 25 November 1991.

person combines an unemployment benefit with self-employed work (€5500/year in 2022<sup>51</sup>) or with occasional work (€5000/ year in 2022<sup>52</sup>).<sup>53</sup> In such cases, the benefit is reduced by 80% of the earned income.<sup>54</sup> A person who combines several part-time jobs can, after the loss of one part-time job, combine an unemployment benefit with income from the other part-time jobs as an employee. The annual income earned from work cannot exceed €8173.91 per year (2022<sup>55</sup>).<sup>56</sup> Special rules also apply if the unemployed person takes up a new job or does intermittent work,<sup>57</sup> in addition to the loss of the job, for which they could claim unemployment benefits. Even in these cases, unemployment benefits can be combined with the additional income earned, if the legal conditions are fulfilled, for example if the work is performed for a different employer than the previous employer.<sup>58</sup> However, the benefit will also be reduced by 80% of the earned income.

The Dutch unemployment scheme seems to be more flexible than the Belgian and Italian schemes, and allows employees to combine unemployment benefits with income from part-time work. If not all the employment is lost, the reduced number of working hours is compared to the previous average number of working hours in the last 26 weeks.<sup>59</sup> To be eligible to combine income from work with an unemployment benefit, at least five working hours per week must be lost. An exception applies when a part-time worker works (on average) less than 10 hours per week. Part-time unemployment also occurs when a person has lost less than five hours per week, as long as this is at least half of the average hours worked per calendar week;<sup>60</sup> 70% of the income earned will be deducted from the unemployment benefit.<sup>61</sup> The unemployment benefit will be stopped in full once the employee receives an income that exceeds 87.5% of their former wage.<sup>62</sup>

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51. These amounts can be consulted at <https://www.inps.it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennit-mensile-di-disoccupazione.html> (accessed 12 October 2023). They refer only to the year 2022.

52. These amounts can be consulted at <https://www.inps.it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennit-mensile-di-disoccupazione.html> (accessed 12 October 2023). They refer only to the year 2022.

53. Circular note no. 94, 12 May 2015, available online: [https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015\\_8213.html](https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015_8213.html) (accessed 12 October 2023).

54. Missoc Italy 2021, available at: <https://www.missoc.org/missoc-database/comparative-tables/>.

55. These amounts can be consulted at <https://www.inps.it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennit-mensile-di-disoccupazione.html> (accessed 12 October 2023). They refer only to the year 2022.

56. Circular note no. 94, 12 May 2015, available online: [https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015\\_8213.html](https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015_8213.html) (accessed 12 October 2023).

57. Circular note no. 94, 12 May 2015, available online: [https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015\\_8213.html](https://www.inps.it/it/inps-comunica/atti/circolari-messaggi-e-normativa/dettaglio.circolari-e-messaggi.2015.05.circolare-numero-94-del-12-05-2015_8213.html) (accessed 12 October 2023).

58. See: <https://www.inps.it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennit-mensile-di-disoccupazione.html> (accessed 12 October 2023).

59. Art. 16 (2), Unemployment Act of 6 November 1986.

60. Art. 16 (1), Unemployment Act of 6 November 1986.

61. Art. 47 (1), Unemployment Act of 6 November 1986.

62. Art. 20 (1) c), Unemployment Act of 6 November 1986: If the employee starts performing activities for which he/she is not considered an employee, for example as a self-employed person, a fictitious income is assumed, equal to the daily wage on which the unemployment benefit is based. See also Art. 77(a) Unemployment Act of 6 November 1986.

Our analysis of the Belgian and Italian systems shows that they seem to be less suited to multiple jobholding, so potentially to the ideal types of *marginal* and *secondary platform work*. Only once totally unemployed is it possible to take up new employment and to combine unemployment benefits with income from work. Strict conditions apply.<sup>63</sup> The Dutch system seems to be more flexible. It seems to function more as a wage supplement for workers with irregular work patterns (e.g. in on-call work or with multiple short-term employment contracts) and to mitigate the impact of loss of income due to unemployment.

### *Adequate access to unemployment protection*

A third pillar of the Council Recommendation is the provision of an adequate level of protection in the occurrence of a social risk. The Council Recommendation defines adequacy as a situation in which social security schemes provide an adequate level of protection to the socially insured, in a timely manner and depending on national circumstances. One of the major drawbacks of the Council Recommendation is the lack of clarity surrounding adequacy of social protection. Despite some broad guidelines, no further specific detail is given.<sup>64</sup> Although there are no clear figures or references in the Council Recommendation, it is clear from its wording that the goal is to keep employees and the self-employed out of poverty. It could be argued that adequate benefit should be above the minimum subsistence level applied in social assistance schemes.<sup>65</sup> The Council Recommendation also emphasises that individuals should be able to maintain a decent standard of living.<sup>66</sup>

For Belgium, calculating the exact amount of an unemployment benefit is a complex task, partly because unemployment benefits are provided indefinitely. These benefits are calculated on the basis of the daily wage earned prior to unemployment,<sup>67</sup> and decrease over time.<sup>68</sup> Unemployment benefits for part-time employees are calculated on the basis of half working days, regardless of the hours worked. This constitutes a disadvantage for part-time employees working more than 50%.<sup>69</sup> The Belgian unemployment scheme uses minima to protect lower incomes and maximum benefits.<sup>70</sup> We have briefly summarised the main principles used for the calculation of Belgian unemployment benefits in the table below (Table 2):

In Italy, the unemployment benefit constitutes 75% of the taxable salary for social security purposes of the last four years, divided by the number of contribution weeks and multiplied by the number 4.33,<sup>71</sup> when the monthly salary is equal to or less than €1352.19 (2023).<sup>72</sup> For wages

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63. See, for example, Art. 104 §1bis and Art. 131 bis, Royal Decree of 25 November 1991, on the income guarantee benefit that can be granted if an employee takes up part-time employment.

64. Recitals (17) and (19) Council Recommendation.

65. Recital (17) Council Recommendation.

66. Recital (17) Council Recommendation.

67. The daily wage is the wage to which the unemployed employee was entitled at the end of the most recent continuous period of at least four weeks during which they were employed by the same employer. If this is not the case, a minimum daily wage is used to calculate the unemployment benefit: Art. 65, Ministerial Decree of 26 November 1991.

68. Art. 114, Royal Decree of 25 November 1991.

69. Art. 111, Royal Decree of 25 November 1991.

70. Art. 115, Royal Decree of 25 November 1991.

71. Art. 4, Act of 4 March 2015, no. 22/2015.

72. These amounts can be consulted at <https://www.inps.it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennit-mensile-di-disoccupazione.html> (accessed 12 October 2023).

**Table 2.** Overview of Belgian unemployment benefits.

	Cohabitants with dependents	Single persons	Cohabitants
<b>Period 1</b>			
0–3 months	65% of previously earned wage (capped)		
4–12 months	60% of previously earned wage (capped) <sup>74</sup>		
<b>Period 2</b> –2 months + two additional months per year in which the person has worked as an employee, max. 36 months			
13–24 months <sup>75</sup>	60% of previously earned wage (capped)	55% of previously earned wage (capped)	40% of previously earned wage (capped)
As of month 25: General reduction in the amounts granted			
<b>Period 3</b> - Flat rate benefit, dependent on the household composition			

Source: Summary made by the authors based on Art. 114 and further in the Royal Decree of 25 November 1991.

higher than €1352.19, the unemployment benefit is calculated in two steps. The first part of the benefit amounts to 75% of the wage below €1352.19. If the unemployed person had a wage higher than this threshold, 25% of the amount above the threshold is added. In 2023, the maximum amount of the unemployment benefit was €1470 per month.<sup>73</sup> The Italian unemployment scheme does not set a minimum benefit. From the first day of the sixth month of receiving the benefit, the unemployment benefit is reduced by 3% every month.<sup>76</sup>

In the Netherlands, as in Belgium and Italy, unemployment benefits are calculated on the basis of the previously earned wage, taking into account the wage earned in the year preceding unemployment.<sup>77</sup> In the first two months, unemployment benefit corresponds to 75% of the previously earned monthly wage.<sup>78</sup> From month three onwards, the replacement rate is set at 70%.<sup>79</sup> The amount of the monthly wage taken into account is capped (at €5579.75 per month, 2023). If an employee earns more than that amount, the excess is not insured in case of unemployment.

The Dutch legislation provides additional protection when an unemployment benefit is not high enough to reach the level of the statutory minimum wage (Houwerzijl et al., 2021: 88).<sup>80</sup> If the unemployment benefit does not reach the social minimum, the unemployment benefit is topped

73. These amounts can be consulted at <https://www.inps.it/it/it/dettaglio-scheda.schede-servizio-strumento.schede-servizi.50593.naspi-indennita-mensile-di-disoccupazione.html> (accessed 12 October 2023).

74. Different capped amounts are applied as of month 7.

75. Different capped amounts are applied as of month 15.

76. Art. 4 3), Act of 4 March 2015, no. 22/2015.

77. The daily wage over a period of 12 months is taken into account: see Art. 1b 1), Unemployment Act of 6 November 1986.

78. Art. 47, Unemployment Act of 6 November 1986; see the definitions used in the formula of Art. 47: Art. 1b, Unemployment Act of 6 November 1986.

79. Art. 47, Unemployment Act of 6 November 1986.

80. As regulated in the Supplementary Benefits Act of 6 November 1986.

**Table 3.** Unemployment benefits (December 2022, single person, months 0–6).

	BE	IT <sup>82</sup>	NL
<b>Part-time 25%</b>	(Please note that the ideal types of marginal platform workers will have no formal access to unemployment coverage, see the discussion above).	€443.87	€662
<b>Part-time 50%</b>	€1055.64 (0–3 m) and €974.44 (as of month 4)	€887.74	€1324.01
<b>Full-time</b>	€2079.48 (0–3) and €1919.58 (4–6)	€1217.26	€1986.01 (months 0–2) and €1853.61 (as of month 3)

Source: authors' own calculation based on Eurostat data.

up by a supplement. However, for employees who earn less than the minimum wage, because they work fewer hours (part-time work), the supplement and the unemployment benefit cannot exceed the previously earned wage (this will most likely be the case for the ideal types of *marginal and secondary platform work*).<sup>81</sup>

On the basis of the Eurostat data mentioned above, we have calculated the level of unemployment benefits for a period of six months, for a single person working 25%, 50% or 100% of a full-time equivalent job, in each country (Table 3).

In all three countries, unemployment benefits are expressed as a percentage of the previous wage (i.e. the replacement rate). Italy takes the income earned in the last four years as 'previous earnings'; this long reference period may be advantageous for platform workers with irregular working patterns, but the calculation becomes rather complex. The Netherlands, on the other hand, bases itself on the income earned in the year before the person becomes unemployed, which can also be advantageous for employees who do not work continuously throughout the year. Belgium takes into account the earnings of the last four weeks of continuous work: an approach that is well suited to a standard employment relationship, but not to employees with more irregular work patterns (and/or with different levels of earnings from the work performed during the last four weeks).

There are also some differences in the minimum protection provided in these three countries (see Table 4 below on minimum and maximum benefits). The Italian system does not provide minimum benefits, while the Dutch system provides minimum protection by linking unemployment benefits to the minimum wage through the Supplementary Benefits Act.<sup>83</sup> For part-time workers earning less than the minimum wage, the supplement and the unemployment benefit together cannot exceed the previous wage. The Belgian unemployment system also provides minimum benefits (which are halved for part-time workers), regardless of the number of hours worked per week. This can be advantageous for part-time workers who work less than 50% of a full-time job (see

81. Art. 2, Supplementary Benefits Act of 6 November 1986.

82. We have simplified the calculations for Italy: we have calculated the unemployment benefit on the basis of the mean monthly earnings, although strictly speaking one would need to apply the taxable income for social security, as explained in the article.

83. Supplementary Benefits Act of 6 November 1986.

**Table 4.** Min. and max. unemployment benefits (December 2022, single person, months 0–6).

	BE <sup>84</sup>	IT	NL
<b>Min.</b>	€1337.18	No minimum benefits	€1266.28
<b>Max.</b>	€2079.48 (0–3) and €1919.58 (4–6)	€1360.77	€3799 (0–2 months) and €3546 (as of month 3)

Source: authors' own calculation.

ideal types *marginal platform work*), but can pose a challenge to the financial sustainability of the social security system.

All three countries have set maximum levels of unemployment benefit, so the maximum benefits in the selected countries cannot exceed the following amounts (FTE). This may have a negative impact on the ideal types of platform work with high incomes. In Italy, the unemployment benefit ceiling is set at a rather low level, which leads to a higher loss of income for medium to high earners. Although less evident than in Italy, unemployment benefits in Belgium can also result in a loss of income for medium and high earners. This is because after the 12th month of unemployment, the minimum and maximum benefits (for a single person) are set at almost the same level (see the discussion in De Becker and Schoukens (2023: 40)). This is not the case in the Netherlands, where the difference between minimum and maximum benefits is greater.

We have summarised the minimum and maximum unemployment benefits for each country in the table below (Table 4).

### Comparative analysis

Our analysis of legislation in the three countries shows that different platform workers would fare differently under the various legislations, due to the design of that legislation. Italy, for example, grants formal access to all workers, without differentiating on the basis of hours worked, and formulates the required qualifying period in a rather flexible way; however, since there is no minimum benefit level, access may not be adequate for platform workers with a low income. Moreover, platform workers with a high income will also face a substantial drop in that income, as the maximum level that unemployment benefits can reach is low. The Netherlands has less strict rules on the hours of work that need to be performed in the qualifying period, provides a minimum level of protection and allows workers to combine income with unemployment benefits in the event of changes in working hours. However, the minimum level of protection is reduced pro rata on the basis of the hours worked, which could have a negative impact on those in *marginal and secondary platform work*. The qualifying period may also be difficult to reach for platform workers with very irregular working patterns, with alternating periods of high and low work intensity. Belgium guarantees a minimum level of protection, has a long list of equivalent days to fulfil the qualifying period, and provides unemployment benefits for an unlimited duration, which gives some security to the unemployed as long as they are eligible for benefits. Nevertheless, the minimum protection provided under Belgian law is reduced

84. For Belgium, the income used to calculate the unemployment benefits exceeded the capped wage (i.e. 3.199,26 EUR, December 2022).

for part-time workers, to 50%, which is disadvantageous for workers who work more (e.g. ideal types in *secondary platform work*). The qualifying period is also long, so this condition will be harder to meet for workers with irregular working patterns.

## Discussion

The limited access to social protection among platform workers, described in the previous section, resonates to some extent with the difficulties faced by atypical workers in general (see the discussion in Spasova et al. (2017)). Social security systems, including unemployment schemes, have traditionally been designed and developed based on the assumption of a standard employment relationship. On one hand, platform workers face challenges in accessing social protection due to the features of their work that deviate from a 'typical' employment relationship, such as its on-demand, temporary and (in some cases) part-time nature. The risk of job instability commonly experienced by platform workers (Degryse, 2016: 41) is particularly evident where there are thresholds for access to certain social security schemes, such as the requirement to have paid contributions for a certain length of time within a certain period. If such workers have frequent fixed-term or part-time jobs, these may be too short to be taken into account for social security purposes, even when they add up to a large number of working hours. Job instability can also make it difficult to track employment spells, as in some cases people may work for a few hours at a time with one employer, followed by long periods of inactivity.

On the other hand, platform work also has unique features (Aloisi and Gramano, 2019; Menegatti, 2023) which are new and additional challenges for existing social protection systems (Behrendt et al., 2019: 23); these include the presence of an (online) intermediary and algorithmic management. The amount of work done, at the end of the day, can be highly dependent on the specific algorithm in place, regardless of the hours a platform worker has been waiting for a new task. Studies show a significant impact of platforms' algorithmic management on the amount of work allocated to platform workers, and their paid working hours do not necessarily depend on the amount of time they spend on the platform (Eurofound, 2018: 60). The importance of an online reputation is also a significant feature of platform work, most of which cannot be transferred from one platform to another. This can lead to workers' dependency on platforms and platforms' increased power over working patterns.

Another challenge that can be specific to platform workers is the difficulty identifying the main employer, a key aspect for social security (Behrendt et al, 2019: 23; European Parliament, 2016; Forde et al., 2017: 73 and beyond). In this context, it becomes difficult to identify who is responsible for paying contributions or deciding on dismissals and involuntary unemployment. The characteristics of platform work have led to an ongoing debate about whether workers are employed by the users of the platform or by the platform itself. It should also be noted that platform workers are often active on several platforms simultaneously, while at the same time they are not necessarily active on all the platforms where they are registered (Valenduc and Vendradmin, 2017: 34). This, combined with the fact that platforms may be based in different countries, makes it extremely difficult to track employers and the work performed. In addition, platform workers also struggle more than other types of workers with the large amount of unpaid work they are required to perform (see literature review). Since this unpaid work is often not formally counted as 'working hours', the platform workers may inevitably be marginal workers, which then leaves them with limited access to social security. Finally, what it means to be unemployed may also be blurred in the platform. The creation of an employment contract, which specifies how to terminate the contract or sets out additional obligations for the employer

in case of a dismissal, may clarify this, but the blurred boundary between paid and unpaid work and the role of an app as a seeming employer makes it difficult to define what unemployment means.

Hence, platform workers experience not only similar challenges to atypical workers concerning effective and adequate access to social security, but also new (additional) challenges that may not be sufficiently covered by the existing criteria. In light of the above, it can be argued that platform work poses several challenges for social security law. These challenges can be summarised as: a lack of transparency; and a lack of inclusion (Barrio, 2021: 165–66). The lack of transparency stems from the uncertainty about the professional status of many platform workers, but also from the difficulty of defining ‘work’ when dealing with social security and platform work. Lack of inclusion refers to a lack of formal and effective access to social security schemes and lack of adequate coverage.

Overall, our analysis shows that it is difficult for platform workers with irregular and low earnings and short working hours to access unemployment benefits (ideal types *marginal* and *secondary platform work*). The hurdles they face mainly hamper effective and adequate access to unemployment protection. As the literature review showed, platform workers still often find themselves at the lower end of the market, in a rather precarious position where they are forced to hold multiple jobs at the same time. This means that a large group of platform workers have no access to unemployment benefits, even when they become employees. Moreover, platform workers more frequently have fragmented work experiences, although it is not certain how this may unfold when platform workers are hired as employees. The problems faced by platform workers with irregular and low working hours and low earnings overlap to some extent with the problems of atypical workers, such as part-time, temporary and on-call workers. Some suggestions have been made in the past on how to overcome the obstacles facing atypical workers with erratic working patterns and low earnings; these include allowing more flexibility with regard to interrupted contribution periods, and ensuring portability of entitlements in order to maintain an adequate level of protection (ILO, 2016: 302). The required contribution periods can also be rethought by, for example, formulating them in terms of ‘hours worked’ rather than in working days. Additional social security contributions can be required from employers (e.g. platforms) who make use of a very volatile workforce, with a high number of short-term or on-call contracts, to ensure that those persons can have adequate access to unemployment benefits.

We also find that the social security schemes discussed are not well equipped to deal with people working in two or more jobs (multiple jobholding) and losing one of these, which is a common phenomenon among platform workers. In Belgium and Italy, in such cases, the partially unemployed cannot combine unemployment benefits with income from work. The scheme in the Netherlands, on the other hand, seems more flexible. In general, as more and more employees are combining multiple jobs or have irregular work patterns, it is necessary to rethink unemployment benefits in the event of a partial loss of income (Behrendt et al., 2019: 32), considering the extent to which employees can combine loss of income from one job with holding one or more other jobs. Nevertheless, it is not always possible to work longer hours or combine platform work with other work, as the actual work may take up much longer than the hours for which platform workers are remunerated (i.e. may involve unpaid work) (Eurofound, 2018: 21; Pulignano and Mara, 2021: 8).

## Concluding remarks

The aim of this paper is to examine whether and how the reclassification of the legal status of platform workers from self-employed to employees would provide them with adequate unemployment

protection. On the basis of a literature review, we have identified the different working patterns prevalent amongst platform workers, which led to us identifying nine ideal types of employment patterns. We then examined the unemployment benefit legislation in Belgium, Italy and the Netherlands, considering formal, effective and adequate access.

Our findings, as discussed above, suggest that the issue of limited social protection among platform workers exists not simply because they are self-employed, but also because the current social protection systems are not well equipped to protect those in the diverse working patterns that deviate from the standard employment relationship – even amongst the employed. When it comes to social protection for platform workers, their distinct characteristics (e.g. algorithmic management, frequent unpaid work, blurred role of employer) should also be considered, as these add another layer of complexity limiting workers' access to social security, but which is not fully captured by the umbrella term of 'non-standard work' or 'atypical work'. A focus solely on the legal reclassification of platform workers to employees often neglects the heterogeneity among employees, with different working patterns, as well as the distinct features of platform work, which further differentiate them from the existing idea of an 'employee'. This research showed the need to examine not only the formal access of platform workers, but also their effective and adequate access, since formal access alone may not guarantee actual coverage or protection. We find that 'employee' status may provide platform workers with theoretical, formal access, but may not guarantee an effective or adequate level of access to benefits, due to these workers' varying and inconsistent working patterns.<sup>85</sup>

Finally, our findings on the limited access of marginal types of platform workers to unemployment protection leads us to ask broader questions: how far does solidarity stretch within our social security system? What is work, and from what moment do we consider which work to be relevant for the purposes of social security? These questions all point to one thing: we need to rethink the design of social security legislation. Our focus needs to go beyond mere reclassification of platform workers to employees, and should guarantee adequate access to social protection, as stated in the Council Recommendation, in order to build more inclusive social protection across Europe.

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85. The limited access of platform workers to social protection is especially important due to the expansion of the platform economy. More importantly, considering the higher likelihood of young people engaging in platform work, it could lead to a general social issue of labour market insecurity among the young and exclusion from the existing social security system (Ghailani et al, 2022).

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