



Mutual Learning on Access to social protection for workers and the self-employed

1st Workshop: Extending formal coverage

Thematic Discussion Paper

**Extending formal coverage: mandatory
versus voluntary approach**

DG Employment, Social Affairs and Inclusion



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Unit EMPL C2

E-mail: empl-c2-unit@ec.europa.eu

Web site: <http://ec.europa.eu/social/mlp>

European Commission

B-1049 Brussels

Mutual Learning on Access to social protection for workers and the self-employed

1st Workshop: Extending formal coverage

DG Employment, Social Affairs and Inclusion

Directorate-General for Employment, Social Affairs and Inclusion
Mutual Learning on Access to social protection for workers and the self-employed
1st Workshop: Extending formal coverage
Belgium, 29-30 October 2019

**Europe Direct is a service to help you find answers
to your questions about the European Union.**

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

The information contained in this publication does not necessarily reflect the official position of the European Commission

This document has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult: <http://ec.europa.eu/social/easi>

© European Union, **2019**

Reproduction is authorised provided the source is acknowledged.

Table of Content

1	Introduction	1
2	Setting the scene of social protection for self-employed and non-standard workers..	2
3	Extending social protection: mandatory vs voluntary?	3
3.1	Extending coverage through mandatory insurance: some guidelines for successful application to non-standard work and self-employed.....	4
3.2	Extending coverage: some considerations for a useful application of voluntary insurance	7
4	Conclusions	13
5	List of references.....	14
6	Annexes	17

1 Introduction

The European Commission's Directorate-General for Employment, Social Affairs and Inclusion is organising a series of Mutual Learning Workshops on Access to social protection for workers and the self-employed. The workshops aim at supporting Member States and contributing to the implementation of the principles set out in the proposed Council Recommendation on access to social protection for workers and self-employed. The first workshop is an opportunity to discuss and exchange experiences on how to extend formal coverage to all workers and the self-employed and therefore focuses on article 8 on formal coverage of the Recommendation:

'Member States are recommended to ensure access to adequate social protection for all workers and self-employed persons in respect of all branches mentioned in point 3.2. of this Recommendation. In light of national circumstances, it is recommended to achieve this objective by improving the formal coverage and extending it to:

(a) all workers, regardless of the type of employment relationship, on a mandatory basis;

(b) the self-employed, at least on a voluntary basis and where appropriate on a mandatory basis.'

(Council Recommendation 12753/19, 15 October 2019; henceforth the Recommendation)

In this paper we discuss the ways and options for extending social protection coverage for self-employed and non-standard workers. Social protection, especially work-related social insurance, has traditionally been designed with the typical worker in mind, i.e. the person working full-time in a subordinated relationship towards their employer, on the basis of a contract for an indefinite time (Barrio and Schoukens, 2017, 221ff). Extending work-related social protection schemes to the self-employed and non-standard workers, such as part-time workers, fixed-term workers or platform workers, is a challenge (Spasova, Bouget, Ghailana and Vanhercke, 2017, 60ff) as many of the rules do not fit the specific working conditions of these groups. However, looking at the social protection schemes in place in the EU, organizing fully-fledged social protection of non-standard workers and the self-employed does seem to be possible (Spasova, Bouget and Ghailani, 2019, 2019; see also typology Schoukens, 2000, 65-66). In its recent recommendation, the EU calls upon its Member States to ensure effective coverage for all workers, regardless of the type of employment relationship. Coverage for the self-employed should also be improved and extended, but the Member-States have been given more leeway here, allowing them to have the protection for the social risks organized 'at least on a voluntary basis, and, where appropriate, on a mandatory basis' (Council Recommendation 12753/19).

In this contribution, we will sketch how mandatory social protection schemes can be extended to all workers and the self-employed, and the possible options that mandatory and voluntary insurance schemes may offer in establishing comprehensive social protection coverage for self-employed persons. At the same time, we will highlight the limits of a voluntary approach and indicate under which conditions it may be more appropriate to work with mandatory insurance schemes. These options and limits will be illustrated with some (best) practices that are currently in place.

In doing so, we first outline the current gaps of social protection for these groups (2. Setting the scene of social protection). Subsequently, possible strategies to extend coverage will be addressed (3. Extending coverage), in which the more traditional approach of organizing social protection on a mandatory basis will be set against the further development of voluntary insurance schemes. First, we pay attention to some key principles mandatory social insurance schemes must respect when accommodating (existing) social protection systems to non-standard forms of work and for the self-

employed (3.1.). Then, on the basis of the national reporting of the Member States (Commission, Impact assessment, 2018; MISSOC, 2019) and recent literature regarding social protection for non-standard work and self-employed (Spasova, Bouget, Ghailana and Vanhercke 2017; Codagnone et al, 2018; Fondazione G. Brodolini, 2018; Barrio, Montebovi, 2018), best practices in extending coverage through voluntary insurance schemes will be highlighted and assessed on their possible merits and pitfalls (3.2.). In the final chapter (4. Conclusions), we make a synthesis of our main findings and create a bridge to the upcoming sessions.

The paper addresses the access to social protection for self-employed and non-standard workers. We understand by self-employed all persons who work on their own behalf; and by non-standard workers the persons working in the framework of an employment relationship with an employer, but whose contract depart from the standard form (with regard to the duration of employment, the number of working hours or other terms of the employment relationship (Recommendation, point 7, 2019). By social protection we understand the set of schemes addressing by way of solidarity the traditional social risks as listed in the Recommendation, paragraph 3.2; 2019). Social assistance schemes will thus not be touched upon in this thematic paper. The contribution focuses mainly upon how, by means of mandatory and/or voluntary insurance, social protection can be further extended. We do, however, not make an evaluation as to whether (voluntary) insurance schemes should be organized in a private or public manner, and/or whether they should be for profit or not for profit. Such an evaluation would be too much considering the scope of this contribution.

2 Setting the scene of social protection for self-employed and non-standard workers

In the EU, overall 61% of the employed population still works in a standard employment relationship (SER); 39 % in one of the categories of non-standard work or self-employment (Eurostat, Labour Force Survey 2018). Around 14% of the total 222 million people employed in the EU were self-employed; 8% were full-time temporary employees; 4 % were part-time temporary employees; and 13 % were part time-permanent employees (Annex 1). Self-employed and non-standard workers face quite some gaps in their social protection (Commission, Impact Assessment, 2018, 3ff; Spasova, Bouget and Ghailani, 2019, 169). Social protection systems were primarily developed for standard workers, implying a long term, full-time work relationship (Barrio and Schoukens, 2017, 221ff); hence, systems are not always tailored to the specific work situations of self-employed and non-standard workers (Barrio, Montebovi and Schoukens, 2018, 226ff).

In particular, self-employed and non-standard workers face problems with accessing sickness benefits and unemployment schemes (Commission, Impact Assessment, 2018, 4ff). In addition to these two labour related risks, the self-employed lack protection against accidents at work and occupational diseases whereas the non-standard workers have difficulties in accessing maternity benefits schemes (Annex 2 and Annex 4). Contrary to the self-employed, quite some non-standard workers also experience problems as regards access to other social protection schemes (old age, survivors', invalidity, and health care benefits), mainly caused by the extensive use of minimum time periods, qualifying periods and income thresholds (Barrio, Montebovi and Schoukens, 2018, 226ff). Moreover, when they manage to become part of the schemes, non-standard workers face problems of reduced coverage due to insurance records characterized by a low-income basis and by intermittent insurance periods. If the income basis upon which they contribute is low, the eventual benefit will be low as well.

Taking into account that most non-standard workers are active as employees, the latter group mainly takes part in the general social protection system that is in place for workers (employees); however, due to the fact that minimum income thresholds and minimum qualifying periods are applied, they face problems to access these work-related

social protection schemes (Barrio, Montebovi and Schoukens, 2018, 226ff). The issue of effective and adequate coverage will be discussed in subsequent workshops.

The self-employed, on the other hand, have a tradition in the EU of having own (categorical) systems in place, designed for the whole group of the self-employed or, alternatively, addressing separately the various self-employed groups (tradesmen, craftsmen, the free professionals, farmers, etc.).

Social protection for the self-employed can be grouped (Annex 2) in *universal systems* (in which they share social protection with all the other workers and/or residents); *general systems for (only) the self-employed*; and *categorical systems* for specific self-employed groups (Schoukens, 2000, 65ff). An alternative typology (Annex 2 addressing the level of protection of the self-employed as well) refers to inclusive systems, access à la carte systems and exclusive systems (Spasova, Bouget and Ghailani, 2019, 169). In *inclusive systems*, self-employed people are required to be insured under all the insurance-based schemes. The '*access à la carte systems*' cluster refers to countries where self-employed people have access to all social protection schemes, but with specific arrangements: either voluntary affiliation to the insurance-based schemes or access to means-tested benefits. For instance, in some countries, the self-employed are not required to be insured under one or more insurance-based schemes, while salaried employees must be insured under all of them. However, the self-employed person in these countries may choose to voluntarily opt into the scheme(s) concerned. Moreover, the self-employed worker may not have access to the insurance-based version of a scheme, but can at least access the means-tested benefit. In the *exclusive systems* cluster, the self-employed are not covered by one or more insurance-based schemes, nor do they have the possibility to opt-in.

Voluntary insurance for the self-employed is readily available (Semenza and Pichault, 2019, 37); yet it is not always popular among the self-employed (Annex 3). Moreover, the insurance schemes for the self-employed and non-standard workers can take different shapes and forms (Annexes 4 and 5). As will be addressed more extensively below (see 3.2), the voluntary schemes differ widely in terms of the risks and groups of workers they cover, as well as in relation to the modalities under which they are offered (opt-in, opt-out, continued, conditions of affiliation).

3 Extending social protection: mandatory versus voluntary?

What approach should be adopted to extend the coverage of social protection for non-standard workers and the self-employed? What can be the role of mandatory and voluntary insurance in protecting the self-employed? Before we embark upon this, we should first emphasize that by default social protection is organized on a mandatory basis (Pieters, 2006, 4-5) due to the fact that a high degree of solidarity (intergenerational and intragenerational; horizontal and vertical) is required to organize social protection; hence, the regulation of social protection is mainly based upon public law. Even in systems where social protection is organized on the basis of mandatory private insurance, these private arrangements will be embedded in public law arrangements. The latter address the flaws typical to private insurance, guaranteeing equal access to the (private) scheme, addressing risk selection and providing support to low-income individuals to purchase private protection on the market. For example, this is the case of the health care scheme in the Netherlands and the accident at work schemes in Denmark and Belgium.

As we will address later on, voluntary insurance can play a role in the organization of social protection, but it is not the standard (default) approach. Voluntary access implies that some groups will decide not to join; it turns out that groups deciding not to join are mainly to be found at both the highest and lowest levels of income (Codagnone et al, 2018, 87-88). The lowest income level is strongly represented by non-standard work or the self-employed, showing the intrinsic weakness of the voluntary approach for these

groups; but losing high-income groups is equally problematic, not only with regard to guaranteeing the financial sustainability of the system, but also for maintaining the trust of the public. Both elements are essential for viable social protection systems.

The study on human behaviour in relation to the extension of social protection (Codagnone, et al, 2018) showed some additional findings of interest. People seem to be more worried about old age and unemployment (especially after the recent global crisis) and are more inclined to accept mandatory insurance for these risks. This also applies for the group of self-employed persons considering insurance for unemployment as a necessary element in their protection (Codagnone et al, 2018, 76).

Less of a surprise is the finding that younger people seem to be less convinced about the necessity of being socially insured, whereas older people are more in favour of having good social protection (Codagnone et al, 2018, 87ff). But it is a risky policy to apply voluntary insurance as a standard for younger generations: they will get used to the fact that work does not relate to (mandatory) insurance for social protection. An important element to change attitudes (towards social protection) seems to be the moment one starts a family (Codagnone et al, 2018, 87ff).

For some life contingencies or life situations non-standard workers and the self-employed seem to be more convinced of mandatory coverage than others. The fact that some risks, such as old age, health care or unemployment, are considered to be more 'worthwhile' for social insurance protection (compared to other social risks) and could be reason to create mandatory insurance schemes in a package. If people are more inclined to take out sickness and health care insurance, there is something to be said for linking work incapacity and health in an integrated health insurance scheme. The same goes for old age which can be provided in a package with invalidity or even accidents at work and occupational diseases. People indeed are more inclined to take out a voluntary insurance for short-term risks (such as sickness or accidents at work) than for long-term contingencies (such as old age); perhaps the insurance of risks that may occur in the short term could be made dependent upon the 'co-insurance' of a long-term risk.

Non-standard work in the form of fixed-term contracts is more likely to generate (the risk of) unemployment. In other words, there is a high risk of unemployment when people work on these types of contracts; social protection for unemployment should consequently be made mandatory for these types of contracts. Similarly, if certain types of work are more prone to accidents at work (regardless of whether the work is standard or non-standard), insurance for this type of accidents should be made mandatory. Protection for accidents at work is then to be addressed from a sectorial point of view; regardless as to whether one works under a standard form of employment or not, the risks at the construction site are the same for all those present (see Section 3.2. below on occupational protection).

3.1 Extending coverage through mandatory insurance: some guidelines for successful application to non-standard work and self-employed

Extending an existing scheme, originally designed for (standard) employees to non-standard workers and the self-employed may require some forms of adaption: when a scheme is applied without adaptation to the specific working circumstances of the non-standard worker or the self-employed, it might not be applied effectively.

In order to accommodate non-standard workers and the self-employed, the system will need to be neutral in its design as regards labour status, yet sufficiently specific in its application rules in relation to the professional group it covers (Schoukens, 2000, 92ff). Furthermore, for those declaring their income themselves (such as the self-employed)-system equivalence (relation between paying into and benefiting from the system) and transparency are crucial factors in this respect.

Systems will also have to build in enough transversality across the various schemes in order to keep the income of non-standard workers and the self-employed sufficiently protected when multiple jobs have been performed over time or are performed simultaneously. Finally, systems need to have a global approach, be able to absorb transnational work and should be effective in their enforcement by applying modern information technology (IT) (Schoukens, 2019, presentation; Commission, Impact Assessment, 36ff). Except for the latter two, which go beyond the scope of this contribution, we examine briefly the meaning of the principles of labour form specificity, equivalence, transparency and transversality for the social protection of non-standard work and self-employment. The issue of effective coverage, adequacy (including contributions), transparency and transferability will be discussed in depth in subsequent workshops and corresponding thematic papers.

3.1.1 Labour form neutral – labour form specific

It is possible to create fully-fledged social protection for non-standard workers and the self-employed. This is evident from comparative research, both recent (Spasova, Bouget and Ghailani, 2017 and 2019) and less recent (Schoukens, 1999). Moreover, from the impact assessment study we learn that mandatory coverage for the self-employed is realistic (Commission, Impact assessment, 36) and that the self-employed are willing to take out full protection (Codagnone et al, 2018, 102) However, in order to have an effective social protection system in place, it is advisable to distinguish in the regulation, between the basic principles which are valid for all involved work groups (standard workers, part-time workers, self-employed persons, etc) and the application rules which have to take into account the specific work circumstances of each of the involved groups (*theory of labour status neutrality vs labour specific applicability*: Schoukens, 2000, 92ff). If one wants to have the basic protection principles applied neutrally to all working people, these must be adapted to the specific work situation of the non-standard workers and of the self-employed (Barrio and Schoukens, 2017, 331-332). Social risks which are strongly organized around the worker's employment relationship with their employer, generate problems when applied to the group of self-employed persons (for example, in the case of short-term work incapacity, unemployment and labour accidents). For wage-earners, the employer plays an important role in the design of these income replacement schemes.

Work characterized by the absence of an employment relationship (with an employer) will require a redesign of the scheme, more closely related to the situation of the self-employed. When struck by sickness, the self-employed will not necessarily face loss of income; for instance, for short-term sickness, it is indeed difficult to measure the eventual income loss. The self-employed will face a loss of manpower though and might be better off with a replacement service helping them out in the business rather than with income replacement. By the same token, partial work incapacity requires a meticulous measurement of loss of income and working time (in relation to the original work) to calculate the exact benefit. Hence, it is quite challenging to have it organized for self-employed unless the administration has a very good idea of the declared income and/or has tools to monitor the drop of the self-employed income due to the work incapacity. Moreover, it is challenging for self-employed to find out to what extent the loss of income is caused by the health disorder (work incapacity) or by the bad economic situation overall (unemployment).

If this kind of income monitoring cannot be accomplished, the organization of part-time work incapacity for the self-employed may be difficult; the focus can then be more on support and services to the self-employed to help them keep their business running or to have them requalified for the labour market. Similarly, unemployment schemes for the self-employed do not focus upon a worker being laid off, but on the final cessation of activities. Alternatively, some schemes focus more upon temporary unemployment and address the compensation of losses due to external situations (force majeure, e.g. damage caused by extreme weather, major public works, etc.).

Consequently, protection for the self-employed will normally start with social risks that have a more universal character such as health care, maternity and equivalent paternity benefits, and long-term income replacement benefits schemes addressing old age, survivorship and invalidity. However, this does not mean that schemes cannot be developed for the self-employed that address the risks of unemployment, sickness and accidents at work or occupational diseases, in a manner adapted to their specific work situation. A major advantage of this approach – covering the self-employed comprehensively for all contingencies - is that a full (equalized) protection for all workers is achieved and hence that the legal qualification of the occupational activities will become less relevant (Schoukens, 1999, 277-278).

3.1.2 Equivalence

Building sufficient equivalence (i.e. relation between what one pays into the scheme and what one receives from it as a benefit) into the scheme will be equally important. Especially for the self-employed, who declare their income themselves; the relation between what they pay into the scheme and what they get out of it is an important factor for the attractiveness of the system. It may also support strategies designed to unveil underdeclared income.

Guaranteeing system equivalence is restricted by redistribution: the higher income groups will inevitably lose out on equivalence. Consequently, the highest income (quartiles) will generate less benefit. As regards the lower income groups, there is a problem with the minimum level on which they should start to pay contributions. If no minimum threshold is defined, low-income workers will generate low levels of benefits, unless financial support and/or assistance is granted to the low-income groups (such as some non-standard workers and self-employed). The consequence of a strict equivalent approach will be that the low-income groups will end up with low benefits and thus will still have to fall back upon social assistance to complement the low benefits. Let us recall here that the Recommendation suggest a mandatory coverage for non-standard workers. Currently, especially the low-income earners among these workers are left out from social protection or are only guaranteed voluntary access to social protection schemes. Making social protection schemes mandatory will call for close scrutiny on how to balance redistribution, equivalence and financial system.

3.1.3 Transparency

Equivalence and transparency are closely interlinked. Whereas the first refers mainly to the relation between income and benefit, the latter relates to the easiness of joining the social protection system and applying for benefits. Transparency seems to be a factor in the decision-making process determining whether or not a person takes out insurance (Codagnone et al, 2018, 77ff). Transparency is also related to the (perceived) administrative burden accompanying any claims for benefits from the system. Many social protection systems are complicated in design and lead to a lack of adequate knowledge and (perceived) lack of transparency (Codagnone et al, 2018, 46ff): the insured persons are not always aware of their real entitlements.

3.1.4 Transversal income protection

A transversal approach prevents the creation of unconnected or fragmented social protection schemes that start to emerge across different professional groups. In a rigid labour market, with hardly any mobility across jobs and professions, a stratified social protection system with different protection levels alongside several professional groups may still be acceptable. Yet in current times where mobility across jobs and professions is promoted as a high value as such, social protection cannot be an element impeding this flexibility. Security is one of the major objectives underlying our social protection systems (Becker, Pieters, et al, 2006); in a labour market marked by job flexibility, this security is to be guaranteed through a system where the levels of protection are of a similar value across the several professional schemes. Transversality can provide the necessary amounts of flexicurity for persons who easily change job positions or

profession. One of the strong elements of a universal social protection system is that it can cope easily with job changes.

Categorical systems, on the other hand, will have to build in a sufficient number of 'bridging' rules guaranteeing coordination among these schemes when insured persons move across them.

3.2 Extending coverage: some considerations for a useful application of voluntary insurance

3.2.1 Typology of voluntary insurance schemes

Essentially a voluntary insurance scheme is characterized by the fact that the person is not mandatorily insured for social protection overall, but for a certain risk (e.g. unemployment in case of the self-employed), or for a certain part in the provided protection (e.g. the self-employed are not mandatorily covered for the part of the work incapacity scheme covering accidents at work). The person is free to look for protection or not; protection can be offered on the private market; the accession to an insurance policy will then be made dependent by the policy provider on a risk assessment of the individual concerned, defining eventually the level of premium and possibly leading to rejection (adverse selection) by the insurance company.

In some systems, the person can - under certain conditions - adhere on a voluntary basis to available statutory schemes (e.g. the self-employed may join the health care scheme which is in place for wage-earners). When the person is allowed to join the existing social protection scheme, this is called 'opting-in'; however, in some situations the persons may leave the scheme in which they normally should participate (opting-out). This sometimes happens when the person has an income above a defined threshold (and is allowed to take out private insurance), or for other specific reasons withholding the person from mandatory insurance (e.g. religious).

Adhering to or leaving the system must be made conditional; this is to prevent a too frequent change in adherence or departure of participants, which would make the scheme eventually unmanageable. Sometimes, (maximum) age requirements are applied and/or time spans during which one may adhere to/leave the system. Contributions are traditionally fixed by law (not risk based) and reflect the comparable amount of contributions standard groups are to pay for social protection. Reductions of or even exemptions from contributions may be granted to address the needs of persons on low incomes.

Voluntary schemes can address different needs for social protection. Although it is not always easy to differentiate these insurance schemes in practice, we can discern the following types of (private) voluntary insurance: supplementary, residual, substitutive and parallel insurance (Pieters, 2006, 90-91). Supplementary insurance schemes address goods, services or benefits which are left out of the social protection package. When, for instance, the self-employed is not covered for a certain risk (e.g. unemployment) or part of a covered risk (e.g. work incapacity related to labour accidents), they may decide to buy supplementary coverage for the non-covered risk. If the self-employed is not enjoying full coverage for the contingency (e.g. a waiting period is in place during which no benefit is paid), the person may - in a residual insurance - take out additional coverage for the non-insured part.

Sometimes groups of persons (e.g. defined groups of self-employed persons or self-employed persons earning above a defined threshold) may be exempted from mandatory coverage, yet it is left up to them whether or not to take out substitutive insurance, i.e. insurance that grants coverage comparable to the social protection scheme they are exempted from. This kind of insurance can be offered on the private market, yet most of the time it is provided in the (general) statutory scheme to which the concerned person can adhere on a voluntary basis (opting-in).

Finally, it is possible that the person is mandatorily insured, yet decides to take out parallel insurance on the private market providing a comparable package next to a mandatory system; hence the person is insured 'twice' for the same risk. People are to look for a parallel insurance in the private market if they do not have enough trust in the protection granted by the social protection scheme. Most voluntary insurance is of a supplementary and/or substitutive nature (annexes 2-5). Some of these insurance schemes are organized as a continued insurance, meaning that the self-employed decide to continue their previous social insurance in the (general) scheme for employees when starting self-employment.

Voluntary insurance can have a role in extending social protection for groups excluded from (parts of) the protection; yet it cannot replace mandatory insurance to address the core functions of a redistributive system. It can be useful in a residual or supplementary way to plug some loopholes in protection, or possibly in a substitutional way, by (re)integrating excluded groups into the main social protection system. However, the latter approach of substitutional coverage is only sustainable if the number of those insured on a voluntary basis remains restricted. If the group of voluntarily insured grows too strong in numbers, it will challenge the financial sustainability required to organise redistribution. Furthermore, in a similar fashion as mandatory insurance, voluntary insurance will need to address the above-mentioned principles of equivalence, transparency, transversality and labour status neutrality/specificity; the following drivers might also be helpful in making voluntary insurance more effective.

3.2.2 Current approaches in voluntary protection: how to extend protection?

Voluntary insurance schemes are present in various forms (Annexes 2-5). Overall, they can be grouped around four major drivers: the social risk (gaps in protection), income, the professional group (excluded groups) and (the lack of occupational) 2nd-pillar protection. A short explanation for each of them, followed by a discussion how these drivers can be addressed to extend coverage is provided below.

3.2.2.1 Covering the gaps in the social risks (unemployment, sickness and accidents at work)

The first series of voluntary insurance schemes address the gaps in social protection. These gaps in protection (see Annex 2) refer to social risks which might appear difficult to organize for the self-employed group, due to their specific work situation (Spasova, Bouget and Ghailani, 2019, 169; Spasova and Wilkens, 2017, 97; Schoukens, 1999).

Social risks which are strongly associated with the workers' relationship with an employer, do indeed generate problems when applied to the group of self-employed persons. In this case, one refers to the protection of short-term work incapacity (i.e. sickness), unemployment and protection in the event of accidents at work and/or occupational diseases. Organizing protection for more universal risks (such as health care, maternity/paternity benefits, old age and survivorship and invalidity), which are not so dependent on the specific type of work, is easier. This has inspired some systems to provide the coverage for unemployment, short-term work incapacity and accidents at work (only) on a voluntary basis, as a kind of extra (supplement) to the mandatory coverage of the other risks. In practice, this is mainly achieved by giving access on a voluntary basis to the social protection schemes which are in place for the wage-earners. Most of the insurance schemes are thus of a substitutional kind. This somewhat prudent approach in opening up what is available for wage-earners, is apparently not so successful in practice as the number of persons taking out voluntary insurance remains limited.

This is at odds with the outcomes of the behavioural study mentioned earlier which showed that the self-employed do indeed wish to be protected against the risk of unemployment (Codagnone et al, 2018, 76 and 102). Against to what is often believed – i.e. that the risk of unemployment is considered to be a typical risk of entrepreneurship – self-employed people do wish to receive income protection in case they have to stop

trading or close their business for reasons beyond their control or will. If one wants to make the voluntary access approach more successful, one may have to build in more elements that address this wish; for example, this can be achieved by designing the scheme more around the needs of the self-employed.

Non-standard workers also face problems in accessing unemployment and sickness schemes; yet this has much more to do with the element of minimum income thresholds, and will be addressed in subsequent workshops.

3.2.2.2 Income as a driver for voluntary (opt-in and/or opt-out) insurance

In some countries, the level of income is an element for making insurance schemes voluntary. Low income groups are exempted from mandatory insurance, as high income as well. Besides the level, the income tax treatment of the cost of the voluntary scheme can also be an important element for the eventual decision of joining (or not) the insurance. Both elements are shortly addressed in the below paragraphs, explaining their historic rationale and the current pitfalls.

Some Member States, such as Germany and the Netherlands, decide(d) to exempt high-income groups from mandatory protection or give them the chance to opt out in favour of privately-run insurance schemes. This policy is applied regardless of the labour market status and is historically rooted in the belief that high-income groups are (financially) strong enough to decide for themselves what kind of protection they want to purchase on the market or, alternatively, can decide to stay unprotected from some life contingencies and individually bear the risk of non-protection.

Income is the main factor determining whether or not a person has to be insured, but alternatively, other elements of wealth (such as property) have been accepted in the past to justify an exemption (e.g. the original pension scheme for self-employed farmers in Belgium). For middle- and lower-income classes no choice for alternative protection is provided. One of the major negative elements of this opting-out policy is that high incomes are lost for the financing of the scheme, and alongside this, the support of the high income groups in society for the idea of a strongly developed social protection lessens; in the long term, this approach may undermine the sustainability of the social protection scheme.

However, much more in fashion nowadays are policies of voluntary protection for the low(er) income levels, and specifically for persons who due to their labour market status (part-time, fixed-term, non-remunerated work, self-employed work, free-lance work, intermittent or on-call work) generate income below some defined minima (e.g. minimum subsistence, comparable minimum wage). A majority of social protection systems (Annex 5) have set minimum income or work time requirements for participation in the scheme, excluding - from the outset - non-standard workers with (irregular) low income. Consequently, they are left without any social protection at all, and should a risk manifest itself, they will have to call upon social assistance.

The opt-in voluntary systems for low-income groups differ in design; yet overall, we see that either the person is given the option to enter the full system (all contingencies) or the opt-in is limited to some defined contingencies (Annexes 5 and 6).

But here again the success seems to be rather moderate as many persons decide not to join in; and although this hypothesis cannot be proven, it is likely that the financial burden for low-income persons of joining in is still too demanding (Codagnone et al 2018, 60). On the other hand, similar to mandatory social protection, allowing workers with low-income into the scheme might require rethinking the balance between equivalence and redistribution (see above 3.1.2.).

Tax incentives and/or granting financial support to contribution payers, definitely help in making voluntary insurance successful (Fondazione Brodolini; 2018, 133ff). Both can be granted in various forms. Tax relief is best known as the possibility to deduct (insurance) premiums from taxable income; but it can also take the form of a negative tax, providing

income to the persons with no or (too) low income which, in turn, could help pay the required contributions. Financial support can be direct (provided e.g. by social assistance) but also indirect, by reducing contributions or even through exemption from contributions (often applied for voluntary health care insurance).

These financial corrective rules can indeed be effective in convincing persons to opt for voluntary insurance. Yet, as will be touched upon in other workshops in more detail, they will generate a burden on the public budget, may conflict with the redistribution of means and/or will inhibit the projected system equivalence. Granting tax incentives may create a Matthew effect¹ (Berghman, 2010) and end up financially supporting the better-off income groups: due to generous tax exemptions, the middle classes tend to be the main beneficiaries of social benefits and services, even if these are primarily targeted at the poor.

To the same token one has to be cautious not spending more money, by generous tax exemptions, on privately run voluntary schemes than on social welfare support to the lower-income segments in society. As is well-known, redistribution of means is not something exclusively reserved for social protection, but also occurs in fiscal and occupational policies. Exempting (low-income) families from contribution payment will inevitably generate a burden on the public budget, which may endanger the sustainability of public finances if a (too) large group of the persons is on low incomes. Not supporting those on low incomes may be at odds with the element of equivalence, as the level of benefits in the end will have to be kept restricted, in line with the previously low (declared) income. Whatever option for support is adopted, one has to obey by its intervention logic and be aware of the possible effects it may have on the key determinants of every social (protection) system.

3.2.2.3 Voluntary insurance for (unprotected) groups

A third driver for voluntary insurance is to give groups of the self-employed, left without protection, the option to join the general social protection of the (traditional) workers. Historically, this has often been the gateway for the group of self-employed to access social protection schemes (Semenza and Pichault, 2019, 37). Nowadays, this approach is still to be found for some defined categories, such as the (self-employed) farmers, freelancers, micro-entrepreneurs, or the in-between group of the 'economically dependent self-employed persons' (Barrio, Montebovi and Schoukens, 2018, 226ff)

Historically, these voluntary insurance schemes are mainly found in categorical social protection systems (Schoukens, 1999, 273) where new groups of self-employed or left-over groups traditionally have been included in the mainstream system (of the employees). Some groups were not strong enough (in number and/or income) to have a social protection system on their own and have been given the option to adhere to the mainstream system. The fact that the group was contained in quantity justified the voluntary adherence, which was considered to be financially sustainable. Sometimes, one's access is conditional upon having worked before as a worker (continued insurance).

Traditionally, the more developed social protection systems for wage-earners acted as an accommodating system (Schoukens, 1999, 271-275); yet examples can be found showing that new groups (e.g. free lancers) were introduced in a system already in place for one of the traditional self-employed groups (see e.g. France and Austria in this respect; Schoukens, 1999, 106ff and 209ff). When mandatory insurance was not achieved, the compromise was often to have the insurance granted on a voluntary basis (opting-in). This policy of opting-in is now especially in fashion for the in-between group of dependent self-employed persons, who - from an economic point of view - are

¹ A "Matthew effect" appears when the policy widens the gap between those who have more and those who have less.

comparable to the group of wage-earners having their main income source coming from one client.

The challenge for these opting-in insurance schemes is to make sure that the new groups of self-employed can be accommodated correctly. It is one thing to grant the external group access to the pre-existing system, but quite another to ensure that the system reflects their specific social protection needs (see discussion below). The Austrian example of fitting in the emerging group of '*Unselbständigen*' (free-lancers) in the 1990s is interesting in this respect: having first introduced them to the general wage-earners' social protection system in which they were not properly accommodated, they were then re-integrated into the self-employed protection system for traders.

An important driver for taking up voluntary insurance can be continued insurance. The latter presupposes that the person was already insured (in their previous occupation) and that they had decided after the change of job/occupation to keep their insurance in the former system (i.e. continued insurance in case of changing professional group). One of the main reasons for consolidating the old insurance is the fact that the new occupation does not have proper social insurance in place for the risk in question. In many social protection systems, continued insurance is available for the risks of invalidity, accidents at work and unemployment (see the three gap schemes above).

The availability of continued insurance allows workers to safeguard their social protection (addressing a potential protection gap); moreover, the fact that one stays in the same scheme may reduce issues of (lack of) coordination between schemes. Yet the challenge remains that the continued insurance must take into account the fact that the underlying profession – for which a continued insurance is taken up – has changed in character. If the application conditions of the scheme do not adapt to this change in professional activity, the insured person may be at risk of non-entitlement (see labour form neutral and labour form specific application above).

3.2.2.4 Co-insurance and extending occupational (2nd pillar) social protection on a voluntary basis to self-employed

Finally, in some countries, a series of 2nd pillar (occupational) schemes for workers has been opened up on a voluntary basis to self-employed. Although the technique is present in many systems, the opening up of occupational schemes to self-employed seems to be strongly present in the Nordic states (Spasova, Bouget and Ghailani, 2019, 169). These systems are often characterized by a two-pillar approach, of which the basis (1st pillar) provides universal protection for all residents and the secondary (statutory) pillar provides occupational protection for the workers.

Originally, wage earners have been the central group around which the income related protection (2nd pillar) has been organized. Social partners have a fundamental role in the financing and administration of the schemes; the legal basis of the scheme is sometimes even a collective labour agreement. Based on the policy of inclusion, other groups than the historical central group have been integrated; yet due to the strong relation to the social partners, the occupational related schemes can only be accessed on a voluntary basis (in the first period). The extension is often applied to the self-employed directors of the company who can join the occupational scheme in place for their workers; often this is practiced with regard to the risk of unemployment or accidents at work (Schoukens, 1999). This approach of voluntary protection in occupational schemes could now be extended to all self-employed persons either overall or in relation to the occupational sector in which the self-employed are active. The concrete approach will depend upon the way occupational protection is organised in the given Member State. In the longer run, a shift for mandatory coverage may be even envisaged.

The downside is that 2nd pillar protection may generate problems for transversality (see above) and restrict labour mobility. Moreover, occupational schemes are traditionally designed and run by social partners, excluding from the outset self-employment. If social partners manage to incorporate the self-employed among their associations, this

may open up perspectives for creating occupational protection for these groups as well (Semanza and Pichault, 2019, 37ff).

Allowing self-employed in occupational (2nd pillar) schemes will inevitably mean that trade unions will have to reorganise themselves in order to accommodate this group. Some national unions introduced a sub-section in their organisation for self-employed, solo-self-employed or freelancers (FNV in the NL; ACV in Belgium). Yet it is considered to be problematic that self-employed belong to the same unions as their workforce, which in the end can lead to conflicts of interest within the union. Another approach is to use more the existing unions for self-employed as one of the leading actors in the organisation of occupational (mandatory or voluntary) social protection schemes. If indeed the group of self-employed will grow in the future, it is justified to have their representatives introduced in the management of (occupational) social protection; the latter approach, however, requires an adaptation of the existing EU regulatory framework for fair competition. Self-employed persons are considered to be economic agents; any kind of action that may impede price setting in the open market is considered to be potentially in conflict with these rules.

An advantage of occupational protection for self-employed persons, could be that the eventual protection is designed more in line with their work situation. Moreover, when protection is tailor made to the work situation of the self-employed persons, they may be more inclined to buy additional coverage.

In the end, the representative bodies for the self-employed know better what kind of (social protection) needs their respective group has in practice when facing a social risk. For the self-employed this could, for example, mean that sickness is only covered from a certain time period onwards (after 3 or 6 months when income loss definitely takes place); yet an additional protection can also be guaranteed in an initial period providing a flat-rate income compensation or alternatively manpower support.

Maternity/paternity protection (and more in general family protection) could be split into basic mandatory coverage (flat-rate income guarantee for the partners, child benefits) and supplementary coverage that helps the self-employed in continuing their business while taking on family responsibilities as well (child care support, income replacement related to previous income, etc). As family businesses are still important among the self-employed, an additional insurance could be offered on the basis of which old age pension accrue could be organized based on 'splitting' (aggregating the family income of the self-employed across the partners).

This approach may sound indeed a workable solution giving enough leeway for the self-employed to develop their own kind of occupational protection. However, this approach will also face some serious challenges, such as the representation of self-employed in unions, the pressure from higher- and/or middle-income and high-income earners to keep the first pillar as basic as possible, and the fact that the voluntary insurance schemes will still need to stay attractive for adherence.

4 Conclusions

How can social protection systems extend their coverage to include non-standard workers and the self-employed? First of all, by respecting some basic principles, such as labour specificity, equivalence, transversality and transparency. Voluntary insurance schemes could also have a role in expanding protection, but the main approach in organizing social protection remains mandatory insurance given the redistribution required within the systems.

The Recommendation calls for introducing non-standard workers into mandatory social protection schemes. As we noted in this paper, one of the challenges for this group of workers will be to keep schemes of social protection equivalent enough, but at the same time beneficial for the non-standard workers. For self-employed persons the Recommendation calls for access at least on a voluntary basis, and where appropriate, on a mandatory basis. What exactly can be understood by 'appropriate' is open for discussion and will have to become clearer in the future by shaping access to social protection in reality. Yet, on the basis of this analysis, some first guidelines can be chalked out in this respect.

Voluntary insurance schemes could be useful to help further extend protection across all forms of self-employment, mainly in a supplementary and residual manner (thus additional to mandatory protection), possibly also by granting substitutive protection to (excluded) groups. It can help - in a first period - to complete the protection for social contingencies which are challenging to organise for self-employed, such as unemployment, sickness and accidents at work.

Voluntary insurance can be a way of introducing those self-employed to social protection who happen to have stayed outside the general protection system. This approach can be justified, at least, when the number of these groups remains restricted. Techniques of co-insurance, combined insurance or continued insurance can also be helpful in this respect. However, if existing systems rely on a 2nd pillar protection, integrating the self-employed will require a revolutionary rethinking of work representation and unionism.

It goes without saying that financial incentives may help in extending coverage, yet at the same time, these may soon clash with the major goals of social protection, i.e. redistribution and equivalence in social protection. Moreover, one has to be aware of undesired effects of redistribution in other policy areas (occupational and fiscal protection). Equally, the income basis from which the financing is generated, will have to be kept in mind as well. This is particularly true for the self-employed declaring their own income, as will be addressed in detail in the up-coming workshops.

But after all, it will be important when deciding on the concrete approach of extending social protection that one respects the individual working situation of the self-employed person and non-standard worker. It is a basic principle which we have to keep in mind when extending social protection, regardless whether it is done on a mandatory or voluntary basis. Both for society at large as well as for the involved groups, it may in the end be more beneficial if we can come to a social protection that accommodates neatly their particular social needs. Hopefully, with this mutual learning workshop, we can contribute to the concrete development of strategies extending social protection for all in the most beneficial manner.

5 List of references

- AVLIJAS, S., LSE 'Europe in Question Discussion Paper Series – *The Dynamism of the new economy: non-standard employment and access to social security in EU-28*, LEQS Paper No. 141/2019, 2019, 76.
- BARRIO, A., MONTEBOVI, S. and SCHOUKENS, P., "The EU social pillar: An answer to the challenge of the social protection of platform workers?", *European Journal of Social Security*, 2018, N°3, Vol.20, 219-241.
- BARRIO, A. and SCHOUKENS, P., "The changing concept of work: when does typical work become atypical?", *European Labour Law Journal*, 2017, Issue 4, 1-28.
- BECKER, U., PIETERS, D., ROSS, F. and SCHOUKENS, P., *Security: A General Principle of Social Security Law in Europe*, Europa Law Publishing, 2010, 649p.
- BERGHMAN, J., DEBELS, A. VANDENPLAS, H. VERLEDEN, F., MUTSAERTS, A., PEETERS, H. and VERPOORTEN, R., *Belgische pensioenatlas*, Brussels, MINISTRY SOCIAL AFFAIRS, 2010, 138p.
- CODAGNONE, C., LUPIÁÑEZ-VILLANUEVA, F., TORNESE, P., GASKELL, G, VELTRI, G., VILA, J., FRANCO, Y., VITIELLO, THEBEN, A., ORTOLEVA, P., CIRILLO, V. and FANA, M, *Behavioural study on the effects of an extension of access to social protection for people in all forms of employment*, Brussels, EU Commission, 2018, 218p.
- COUNCIL OF THE EU, *Council Recommendation 12753/19 on access to social protection for workers and the self-employed*. October 2019.
- COUNCIL OF THE EU, *Proposal for a COUNCIL RECOMMENDATION on access to social protection for workers and the self-employed. Political agreement. December 2019*.
- EUROPEAN COMMISSION, *Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Council Recommendation on access to social protection for workers and the self-employed*, COM(2018) 123 final – SWD(2018) 71 final, Strasbourg, 2018, 167.
- EUROPEAN SOCIAL INSURANCE PARTNERS, *Are social security systems adapted to new forms of work created by digital platforms?*, Brussels, ESIP, 2019, 31p.
- FONDAZIONE G. BRODOLINI, *Access to social protection for all forms of employment*, Brussels, European Commission, 2018, 247p.
- MATSAGANIS, M., ÖZDEMIR, E., WARD, T. and ZAVAKOU, A., *Non-standard employment and access to social security benefits – research note 8/2015*, 2016, 42.
- MISSOC, *Mutual Information System on Social Protection, Comparative tables*, Brussels, Commission EU, consulted August-October 2019
- OECD (2018), *The future of Social Protection: what works for standard workers?*, OECD Publishing, Paris.
- PIETERS, D., *Social security: an introduction to the basic principles*, The Hague, Kluwer Law International, 2004, 135p.
- SCHOUKENS, P., -, "Comparison of the social security law for self-employed persons in the Member-States of the European Union in", D. PIETERS (ed.), *Changing work patters and social security*, The Hague, 2000, 63-98.
- SCHOUKENS, P., *De sociale zekerheid van de zelfstandige en het Europese Gemeenschapsrecht: de impact van het vrij verkeer van zelfstandigen* (Social security of self-employed persons en EC-Law: the impact of the free movement of self-employed persons), Leuven, Acco, 1999, 615p.

SEMENZA, R. and PICHAULT, F. (eds.), *The challenges of self-employment in Europe. Status, social protection and collective representation*, Cheltenham, Elgar, 2019, 233p.

SPASOVA, S., BOUGET, D. and GHAILANI, D., "Self-employment and social protection: understanding variations between welfare regimes, *Journal of Poverty and Social Justice?*, 2019, Vol. 27, No2, 157-175.

SPASOVA, S., BOUGET, D., GHAILANI, D. and VANHERCKE, B., *Access to social protection for people working on non-standard contracts and as self-employed in Europe – A study of national policies*, Brussels, EU Commission, 2017, 97.

VANHERCKE, B., GHAILANI, D. and SABATO, S. (eds), *Social policy in the European Union: state of play 2018*, Brussels, European Trade Union Institute (ETUI) and European Social Observatory (OSE) 196.

WESTERVELD, M. and OLIVIER, M., *Social security outside the realm of the employment contract*, Cheltenham, Elgar, 2019, 275p.

ESPN THEMATIC REPORTS

ALBERT, F., GASPAR, K., GAL, R. I. and TARKI Social Research Institute, ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Hungary, 2017, 19.

BÄCKER, G., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Germany, 2017, 41.

BRADSHAW, J., and BENNETT, F., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – United Kingdom, 2017, 30.

CHLON-DOMINCZAK, A., SOWA, A. and TOPINSKA, I., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Poland, 2017, 25.

DE WISPELAERE, F. and PACOLET, J., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Belgium, 2017, 22.

FINK, M., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Austria, 2017, 21.

GERBERY, D. and BEDNARIK, R., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Slovakia, 2017, 20.

HUGHES, G. and DALY, M., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Ireland, 2017, 21.

HUTEAU, G. and BONNAND, G., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – France, 2016, 25.

JESSOULA, M., PAVOLINI, E. and STRATI, F., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Italy, 2017, 11.

KALLIOMAA-PUHA, L. and KANGAS, O., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Finland, 2017, 23.

KVIST, J., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Denmark, 2017, 19.

LAZUTKA, R., POVILIUNAS, A. and ZALIMIENE, L., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Lithuania, 2017, 26.

LUANA POP, A., and URSE, D., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Romania, 2017, 37.

MASSO, M. and KADARIK, I., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Estonia, 2017, 25.

MEVISSSEN, J.W.M., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Netherlands, 2017, 25.

NELSON, K., PALME, J., BURMAN, S. and ENEROTH, M., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Sweden, 2017, 21.

PACOLET, J. and OP DE BEECK, L., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Luxembourg, 2017, 24.

PASHARDES, P. and KOUTSAMPELAS, C., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Cyprus, 2017, 25.

PERISTA, P. and BAPTISTA, I., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Portugal, 2017, 20.

RAJESKA, F., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Latvia, 2017, 27.

RODRIGUEZ-CABRERO, ARRIBA, MARBAN, MONTSERRAT and MORENO FUENTES, ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Spain, 2017, 38.

SIROVATKA, T., JAHODA, R. and MALY, I., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Czech Republic, 2017, 23.

STROPNIK, N., MAJCEN, B. and RUPEL, V. P., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Slovenia, 2017, 31.

THEODOROUAKIS, M., SAKELLIS, I. and ZIOMAS, D., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Greece, 2017, 30.

VASSALLO, M., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Malta, 2017, 29.

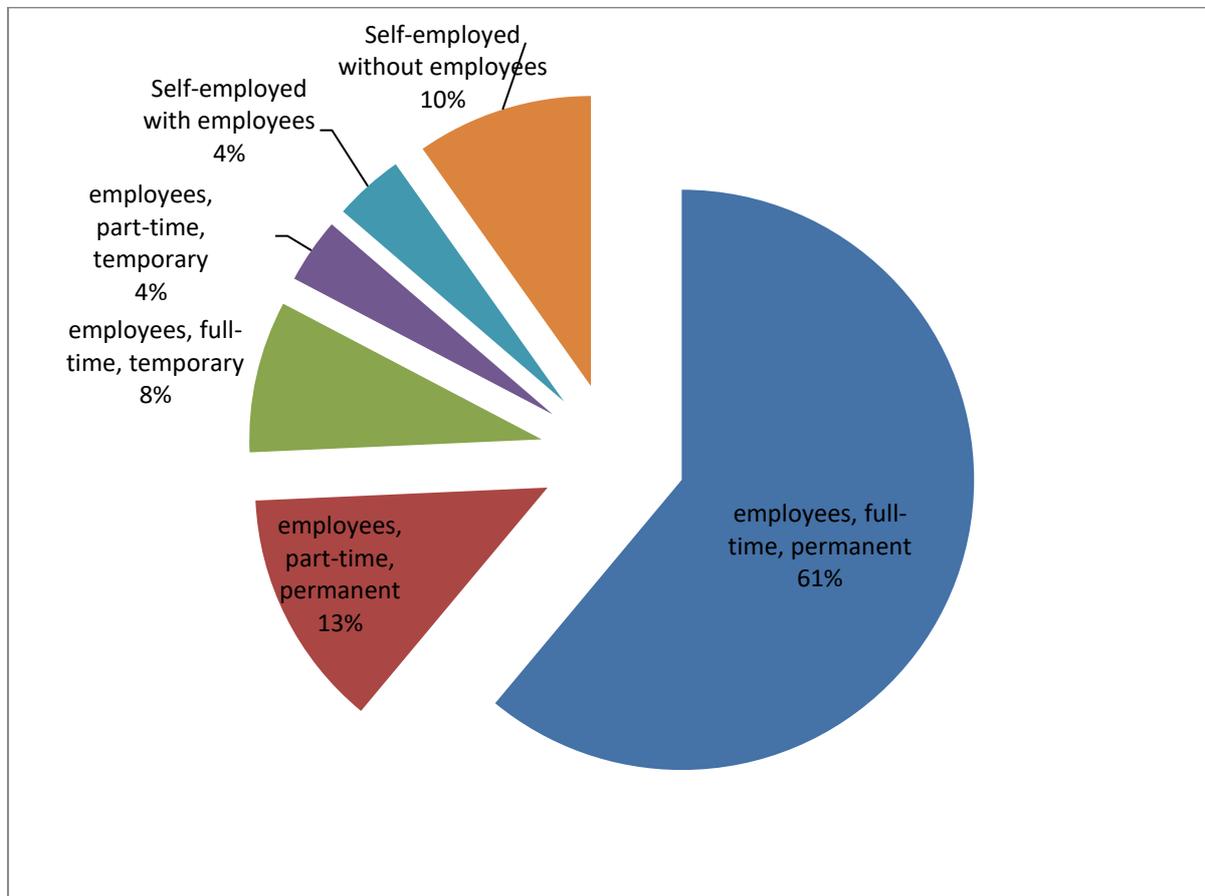
VUKOREPA, I., TOMIC, I. and STUBBS, P., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Croatia, 2017, 25.

ZAHARIEV, B., ESPN Thematic Report on Access to social protection of people working as self-employed or on non-standard contracts – Bulgaria, 2017, 22.

6 Annexes

ANNEX 1: Division standard and non-standard work and the protection of non-standard workers/self-employed for unemployment and sickness

Figure 1. Extent of different types of employment relationship in the EU28 in 2018



Source: Eurostat, Labour Force Survey

ANNEX 2: Statutory access for self-employed

Table 1 System typology self-employed – Paul Schoukens

<p style="text-align: center;">Universal/general</p> <p>A (basic) social protection is organized in the same system for all working groups of the population or even for the whole population. The system does not distinguish structurally or in terms of organization between the different (professional) groups. The system provides, regardless of the group that is insured, an equal (basic) cover, the same administrative structure and a uniform financial scheme</p>	<p style="text-align: center;">General for all self-employed</p> <p>A system where all professional categories of self-employed people are compiled into one social security system. The system has its own administrative structure with representatives of the self-employed and the government; it collects and manages the financial means itself. With regard to cover and financing, the system does not distinguish according to professional groups of self-employed</p>	<p style="text-align: center;">Categorical</p> <p>Specific systems for different professional categories of self-employed persons. Having own administrative structures and financing in place. benefits may differ across the categorical systems.</p>
---	--	---

P. Schoukens, "Social security law for the self-employed persons", in EISS (ed.), *Changing work patterns and social security*, The Hague, Kluwer, 2000.

Table 2 Statutory access to insurance-based schemes for self-employed – 35 European countries grouped into three clusters (Classification from Spasova, Bouget, Ghailani, Vanhercke - 2017)

'Inclusive systems'	'Access à la carte systems'	'Exclusive systems'
HR, HU, IS LU, RS, SI	AT, CZ, DK, ES, EE, FI, PL, PT, RO, SE	BE, BG, CH, CY, DE, EL, FR, IE, IT, LI, LT, LV, MK, MT, NO, NL, SK, TR, UK

Table 3 Statutory access to social protection for self-employed – contributory and non-contributory schemes (Classification from Spasova, Bouget, Ghailani, Vanhercke - 2017)

Non-contributory social protection schemes	Statutory access		
	Available	Not available	
Social assistance	Statutory access for SE in all 35 countries	N/A	
Child benefits	Statutory access for SE in all 35 countries	N/A	
Long-term care benefits	Statutory access for SE in all 35 countries	N/A	
Insurance-based social protection schemes	Statutory access		
	Available	Not available	
	Mandatory	Voluntary	
Unemployment	CZ, HR, HU, LU, SI, SK ^c , PL	AT ^c , DK, ES, FI, RO, SE	BE, BG, CY, DE, EE ^a , EL ^b , FR, IE ^a , IT, MT ^a , NL, LT ^b , LV, PT ^b , UK ^a
Accidents at work ... occupational injuries	EE, EL, HR, HU, IT, PL, LU, MT, SE, SI	AT ^c , ES ^d , FI ^d , FR ^b , PT, RO ^d	BE, BG, CY, CZ, DE, DK, IE, LT, LV, NL ^b , SK, UK
Sickness benefits	AT ^c , BE, CY, DE ^c , DK, ES ^d , FI, FR, HR, HU,	BG, CZ, EE, NL, PL, RO ^d	EL ^b , IE ^a , IT
Pensions	AT ^c , BE, BG, CY, CZ, DE, DK, EE, EL, ES ^d , FI, FR, HR, HU, IE, IT, LU, LT, LV, MT, NL, PL, PT, RO, SE, SK, UK	DE	
Healthcare	AT ^c , BE, BG, CY ^a , CZ, DE, DK, EE, EL, ES ^d , FI, FR, HR, HU ^b , IE, IT, LU, LT, LV, MT, NL, PL, PT, RO ^c , SE, SK, UK		
Maternity benefits	AT ^c , BE, BG, CY, DE, DK, EE, EL, ES ^d , FI, FR, HR, HU, IE, IT, LU, LV, MT, NL, PL, PT ^c , SE, SK, UK	CZ, LT, PL, RO ^d	
Invalidity	AT ^c , BE, BG, CY, CZ, DE ^d , EE, EL, ES ^d , FI, FR, HR, HU, IE, IT, LU, LT, LV, MT, PL, PT ^c , RO, SE, SK ^c , UK ^c	DK, NL	

Notes: a) Access only to means-tested benefits b) Access only for certain categories of SE c) OPT-OUT and exemptions d) Compulsory/voluntary access depending on the category of SE.

Source: This table is based on previous research: Spasova et al (2017), European Commission (2017 and 2018) and MISSOC database 2018. This table does not claim to be exhaustive

Table 4 - Lack of formal social security coverage for the self-employed – EU Commission Mapping Impact Assessment 2019

Social Security Branch	Member State
Unemployment Benefits	BE ^a , BG, CY, DE, FR, IT, LV, MT ^b , NL, UK ^b
Sickness Benefit	EL ^a , IE ^b , IT ^a
Accident and Occupational Injuries	BE ^a , BG, CY, CZ, IE, LT, LV, NL, SK, UK

Note: The table reports in which branches and in which Member States at least one sub-group of the self-employed is excluded from formal coverage in the sense that they have no mandatory coverage and cannot opt-into voluntary schemes either.

- a) Only one or more sub-groups of the self-employed are not formally covered
 b) In these Member States only means-tested benefits are available to the self-employed while they are excluded from contributory schemes.

Table 5: Voluntary social security schemes for the self-employed - EU Commission Mapping Impact Assessment 2019

Social Policy Area/Types of Employment	Opt-In	Opt-Out ^c
Unemployment Benefits	AT, DE ^c , DK, ES, FI ^a , FR ^c , RO RO ^c , SE ^a , SK	
Sickness Benefit	AT ^c , BE ^a , BG, CZ, DK, EE ^c , IE, IT, LU ^c , FI ^a , NL, PL	AT ^b , RO ^b , SK ^b , UK ^b
Maternity Benefit	AT ^c , BG, CZ, DK ^a , LT, PL, RO ^c	AT ^b
Accident and Occupational Injuries	AT ^c , DE, DK, ES ^c , FI, FR, LT, PT, RO	
Old Age/Survivors' Pensions	AT ^c , BE ^a , DE ^c , DK, EL ^c , FI ^a , LU ^c , NL	AT ^b , IE ^b , FI, RO ^b , SK ^b , UK ^b
Invalidity	AT ^c , DE ^c , NL	AT ^b , IE, RO ^b , SK ^b , UK ^b

Note: a) voluntary scheme on top of mandatory scheme; b) if income below a certain threshold, c) for specific categories of the self-employed.

ANNEX 3: Low take-up of voluntary insurance for self-employed

Overview % opt-in as reported in Spasova (2017), Impact assessment (2018), OECD (2018), ESPN Thematic reports (2017) (RO, ES).

	Sickness	%
AT	Opt-in system for beginning self-employed who do not reach a certain income threshold	22,4% opts in
BG	Voluntary opt-in system	15,7% opts in
CZ	Voluntary opt-in system	15,37% opts in
RO	Voluntary opt-in system	Opt-in rate almost 0%
SK	Opt-in system for self-employed who do not reach a certain income threshold	Opt-in rate almost 0%

	Old-age pensions	%
RO	Self-employed are mandatorily insured if they have a taxable income of at least 35% of the average gross salary/month (=minimum insurance base) if this threshold is not met, they have the possibility to opt in at the minimum insurance base.	20% opts-in

	Invalidity	%
NL	Voluntary opt-in system	25% opts-in

	Unemployment	%
AT	The decision to opt in has to be made within 6 months of starting the business activity and is valid for eight years. Self-employed can chose between three contribution amounts (low-medium-high)	0,3% opts in 66% opts in at lowest amount.
DK	The unemployment scheme is voluntary for self-employed and employees	
FI	Basic allowance is mandatory. Supplementary, self-employed can join an earnings-related unemployment insurance scheme as member of special unemployment funds	20% of self-employed without employees opts in 10% of the self-employed with employees opts in.
DE	Voluntary opt-in system for all self-employed	
IE	Self-employed share-fishermen/women can opt in. Other self-employed are excluded	
RO	Voluntary opt-in system for all self-employed	A little over 1% opts in
SK	Voluntary opt-in system for all self-employed	

ES	Voluntary opt-in system for all self-employed	A little under 25% opts in
-----------	---	----------------------------

ANNEX 4: Gaps social protection and voluntary insurances – Non-standard workers

Table 1 - Lack of formal coverage to social security for people in non-standard employment - EU Commission Mapping Impact Assessment 2019

Social Policy Area/Types of Employment	Casual Workers	Seasonal Workers	National Specificities	Freelance	Apprentices	Trainees	Vocational Trainees
Unemployment Benefits	RO, MT, LT	RO, LV, MT, LT, PT	AT ^a , CZ ^b , DE ^c , PL ^d , PT ^f , SK ^e		EL, HR, MT, NL, PL	EL, FR, IT, LT, MT, NL, PL, PT, RO	
Sickness Benefit	HU, LT, LV, RO	HU, LT, LV, PT, RO	CZ ^b , SI ^d		NL, PL	DK, FR, HU, LT, NL, PL, PT	DK, EL, FR, HU, PL
Maternity Benefit	LT, RO	LT, LV, PT, RO	CZ ^b , PL ^d , UK ^h	FR	MT	FR, HU, IT, LT, PT	EL, FR, HU, IT
Accident and Occupational Injuries	RO, HR, LT	LT, LV, PT, RO	CZ ^b , ES ^f			PT	
Old Age/Survivors' Pensions	MT, LT	RO, LT	CZ ^b , HU ^g , LU ^g , MT ^h , PL ^d		BE ⁱ , HR, MT	EL, FR, HU, IT, LT, MT, PT	
Invalidity	HU, LT	HU, LT	AT ^a , PL ^d			PT	

Note: a) Marginal part-timers; b) Agreement to perform a job; c) Mini-jobbers; d) civil law contracts; e) employees on "work agreement" with irregular income; f) domestic workers; g) on call jobs; h) temporary agency work; i) only below the age 19.

Table 2: Voluntary social security schemes for people in non-standard employment

Social Policy Area/Types of Employment	Opt-In	OPT-OUT
Unemployment Benefits	LV ^a , SE ^a , DK, FI ^a	
Sickness Benefit	AT ^b , PL ^c , PT ^c	
Maternity Benefit	AT ^b , PL ^c , PT ^c	
Accident and Occupational Injuries	PT ^c	
Old Age/Survivors' Pensions	AT ^b , LT ^a , PT ^c , RO ^c	DE ^b , NL ^c
Invalidity	AT ^b , PT, RO ^c	

Note: a) voluntary scheme on top of mandatory scheme; b) if income below a certain threshold; c) For specific categories of non-standard employees.

ANNEX 5: Minimum income/work time requirements for participation in the scheme

	Healthcare: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes

	Healthcare: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if income does not exceed 446,81 EUR/month	Yes
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes

	Sickness: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
IT	Self-employed who are registered with the separate pensions scheme are exempted if their income does not exceed 5.000 EUR/year	No
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
SK	Self-employed are exempted if their income does not exceed 5.472 EUR/year	Yes
ES	Farmers are exempted	No

	Sickness: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Yes

CZ	Workers under an agreement to complete a job (=marginal employment; max 300 hours/year) are exempted if their income does not exceed 10.000 CZK/month (386 EUR). Workers under an agreement to perform work (=marginal employment) are exempted if their income does not exceed 2.500 CZK/month (=97 EUR)	No
DE	Marginal part-time workers are exempted if their income does not exceed 450 EUR/month (threshold of a mini-job) Short-term employees (up to 3 months or 70 working days/year) are exempted	No
HU	Seasonal and casual workers (max. 15 days/months or 90 days/year) are exempted	Yes
LV	Seasonal and casual workers are exempted	No
LT	Seasonal and casual workers are exempted	No
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
PL	Workers under a civil law contract are exempted	Civil law contracts for a specific task: No Civil law commission contracts: Yes
RO	Casual and seasonal workers are exempted	No
SK	Non standard workers on work agreements with irregular income are exempted	No
SI	Temporary agency workers with a contract for less than 3 months are exempted	No
UK	Non-standard workers are exempted if their income does not exceed 116 GBP/week (129 EUR)	No

	Maternity/Paternity: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes

SK	Self-employed are exempted if their income does not exceed 5.472 EUR/year	Yes
UK	Self-employed are exempted if their income does not exceed 6.205 GBP/year	No

	Maternity/Paternity: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Yes
CZ	Workers under an agreement to complete a job (=marginal employment; max 300 hours/year) are exempted if their income does not exceed 10.000 CZK/month (386 EUR). Workers under an agreement to perform work (=marginal employment) are exempted if their income does not exceed 2.500 CZK/month (=97 EUR)	No
LV	Casual workers are exempted	No
LT	Casual and seasonal workers are exempted	No
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
PL	Workers under a civil law contract are exempted	Civil law contracts for a specific task: No Civil law commission contracts: Yes
PT	Seasonal workers with a contract of less than 15 days are exempted	No
RO	Casual and seasonal workers are exempted	No
SI	Workers under a civil contract are exempted	No
UK	Non-standard workers are exempted if their income does not exceed 116 GBP/week (129 EUR)	No

	Old-age pensions: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes

RO	Self-employed whose taxable income is below 35% of the average wage are exempted	Yes
SK	Self-employed are exempted if their income does not exceed 5.472 EUR/year	Yes
UK	Self-employed are exempted if their income does not exceed 6.205 GBP/year	No

	Old-age pensions: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Yes
CZ	Workers under an agreement to complete a job (=marginal employment; max 300 hours/year) are exempted if their income does not exceed 10.000 CZK/month (386 EUR). Workers under an agreement to perform work (=marginal employment) are exempted if their income does not exceed 2.500 CZK/month (=97 EUR)	No
LT	Casual and seasonal workers are exempted	No
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
PL	Workers under a civil law contract are exempted	No
UK	Non-standard workers are exempted if their income does not exceed 116 GBP/week (129 EUR)	No

	Survivors' pensions: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
RO	Self-employed whose taxable income is below 35% of the average wage are exempted	Yes
UK	Self-employed are exempted if their income does not exceed 6.205 GBP/year	No

	Survivors' pensions: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Yes
IE	Non-standard workers are exempted if their income does not exceed 38 EUR/week	No
LT	Casual and seasonal workers are exempted	No
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
PL	Workers under a civil law contract for a specific task are exempted	No
UK	Non-standard workers are exempted if their income does not exceed 116 GBP/week (129 EUR)	No

	Unemployment: Self-employed	Opt-in possibility if threshold not reached?
AT	Self-employed are exempted	Yes, if decision taken within 6 months of starting the business
DE	Self-employed are exempted if they work less than 15 hours/week	No
EL	Farmers are exempted	No
PL	Farmers are exempted	No

	Unemployment: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	No
CZ	Non-standard workers who earn less than ½ of the minimum wage are exempted	No
DE	Non-standard workers who earn less than 450/month (mini-jobbers) are exempted	No
LV	Casual and seasonal workers are exempted	No
LT	Casual and seasonal workers are exempted	No
MT	Workers not gainfully employed are exempted	Yes
PL	Workers under a civil law contract for a specific task are exempted	No

PT	Non-standard workers who worked for less than 360 days in the 24 months previous to unemployment are exempted	No
RO	Casual and seasonal workers are exempted	No
SK	Workers on work agreements with irregular income are exempted	No

	Invalidity: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes
LU	Self-employed whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
RO	Self-employed whose taxable income is below 35% of the average wage are exempted	Yes
SK	Self-employed are exempted if their income does not exceed 5.472 EUR/year	Yes
UK	Self-employed are exempted if their income does not exceed 6.205 GBP/year	No

	Invalidity: Non-standard workers	Opt-in possibility if threshold not reached?
AT	Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Yes
HU	Casual workers are exempted	No
LV	Seasonal workers are exempted	No
LT	Casual and seasonal workers are exempted	No
LU	Non-standard workers whose professional activity does not exceed 3 months/year are exempted if their working time is determined in advance	Yes
PL	Workers on a civil law contract for a specific task are exempted	No
UK	Non-standard workers are exempted if their income does not exceed 116 GBP/week (129 EUR)	No

	Labour accidents: Self-employed	Opt-in possibility if threshold not reached?
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR	Yes

	Labour accidents: Non-standard workers	Opt-in possibility if threshold not reached?
HR	Casual workers under a contract for service or authors' contract are exempted	No
CZ	Workers under an agreement to complete a job (=marginal employment; max 300 hours/year) are exempted if their income does not exceed 10.000 CZK/month (386 EUR). Workers under an agreement to perform work (=marginal employment) are exempted if their income does not exceed 2.500 CZK/month (=97 EUR)	No
LV	Seasonal workers are exempted	No
LT	Casual and seasonal workers are exempted	No
MT	Workers not gainfully employed are exempted	No
PL	Workers on a civil law contract for a specific task are exempted	No

ANNEX 6: Option to enter all contingencies/limited to defined contingencies

		All contingencies/limited to defined contingencies
AT	Beginning self-employed are exempted if their income does not exceed 5.256,6 EUR/year Farmers are exempted if the value of the land of the farm is less than 1.500 EUR Marginal part-time workers are exempted if their income does not exceed 446,81 EUR/month	Possibility to enter all contingencies
BG	Self-employed are exempted from sickness, maternity, unemployment and labour accidents	Opt-in limited to defined contingencies (Sickness and maternity/paternity)
CY	Self-employed are exempted from healthcare, unemployment benefits, long term care, labour accidents and family benefits	Opt-in limited to defined contingencies (healthcare, long term care, family benefits)
DK	Self-employed are exempted from unemployment and labour accidents Non-standard workers are exempted from unemployment	Possibility to enter both contingencies
FI	Self-employed exempted from labour accidents	Possibility to enter contingency
FR	Self-employed exempted from labour accidents	Possibility to enter contingency
DE	Self-employed are exempted from sickness, maternity/paternity, pensions, unemployment, invalidity, accidents at work	Possibility to enter all contingencies (minor exception for those who work less than 15 hours/week, they have limited access and cannot opt in to unemployment benefits)
IT	Self-employed are exempted from sickness	Possibility to enter contingency if income exceeds 5.000/year
LU	When professional activity does not exceed 3 months/year and working time is determined in advance, workers are exempted but do have the possibility to opt-in	Possibility to enter all contingencies
MT	Casual and seasonal workers are exempted from unemployment and labour accidents	Possibility to enter both contingencies
PL	Non-standard employees who work under a civil law contract are exempted from healthcare, sickness,	Opt-in limited to defined contingencies: civil law contracts for a

	maternity/paternity, pensions, unemployment benefits, invalidity	specific task can enter healthcare but no other contingency. Civil law commission contracts can enter all contingencies
SI	Self-employed who earn less than 5.472/year are exempted from sickness, maternity/paternity, unemployment, invalidity, labour accidents	Possibility to enter all contingencies except for labour accidents
ES	Self-employed are exempted from unemployment and labour accidents	Possibility to enter both contingencies
NL	Self-employed exempted from sickness, unemployment, invalidity, labour accidents	Possibility to enter sickness, invalidity and labour accidents

