

Embedded Fixers, Pragmatic Experimenters, Dedicated Activists: Evaluating Third-Party Labour Market Actors' Initiatives for Skilled Project-Based Workers in the Gig Economy

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Abstract

Non-standard career paths — in which workers jump from one employment arrangement to another according to the projects they work on — have become more frequent in modern labour markets. The traditional solutions for organizing and managing work relationships and job transitions have become less effective for such workers regarding the risks of precariousness and economic dependence they may experience. Envisioning ways forward requires an appreciation of what was achieved over the past century and an understanding of what is needed to replace and adapt these achievements. Emerging solutions for managing work relationships are provided by a growing range of third-party labour market actors, but the evaluation of their contributions in the literature remains limited. In this article, we build an original theoretical framework to evaluate such contributions according to the kind of services they provide and their respective engagement in institutional innovation. We give examples of solutions developed for skilled workers in two institutional contexts: the Netherlands and Belgium and show how our framework can help distinguish at least three groups of actors that contribute to labour market development in different ways.

1. Introduction

The emergence of project-based work creates new groups of skilled workers who operate differently from both employees and self-employed workers

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before, making the existing economic, legal and social solutions provided in standard employment relationships insufficient for these actors.

Ideas about what is needed to cope with these developments differ. Often, the debate is simplified, getting stuck in simple ideal-typical oppositions. The Netherlands is a case in point where, after innovative regulation of agency work in the 1990s, the debate about the position of self-employed without personnel has been characterized by ambiguity and indecision, with some arguing that they are independent workers who need protection, and others they are entrepreneurs who need freedom. Along these lines in the Netherlands, both unions and employers organizations claim to represent independent workers. A more careful evaluation, however, does not merely require us to distinguish different groups of independent workers, but more importantly requires a more careful analysis of what is changing in the employment relationship, the institutional framework supporting the organization of work between workers and employers, and how initiatives in the labour market seek to/can respond to the evolving situation.

Emerging solutions for managing work relationships are provided by a growing range of third-party actors, not only traditional unions but also quasi-unions and other third-party actors such as employers' associations, cooperatives, community organizations and commercial Labour Market Intermediaries (LMIs). We specifically explore the situation for skilled project workers, as this group has been growing quickly over the last two decades (Leighton and McKeown 2015; Rapelli 2012; Semenza and Pichault 2019). Along with this growth, a variety of organizational initiatives to support them have emerged, and the debate about entrepreneurial freedom and social protection has been particularly intense (Benassi and Dorigatti 2015; Bureau and Corsani 2018; Kornelakis and Voskeritsian 2018; Sandoval 2016; Siapera and Papadopoulou 2016). Two key questions are how these third-party actors contribute to the management of work relationships and job transitions, and to what extent their contributions resolve the disconnection from solutions offered until now. Our article aims to answer these questions by exploring the 'functional equivalents' (FEs) they provide to open-ended standard employment relationships (Marsden 2004) and their engagement in a process of collective capability formation (Ibrahim 2017).

We show the relevance of this more sophisticated analysis of the role of third-party actors and the original combination of these two theoretical perspectives, using it to differentiate three groups of actors. A first group of *embedded fixers* can be characterized by its strong institutional embedding: they engage in advocacy and social dialogue at the institutional level or in operational development of economic and social FEs, but establish project-based workers (PBWs) strictly as either independent entrepreneurs *or* regular employees. They operate well within the existing status quo and focus on possibilities for supporting PBWs within it. As a consequence, their solutions provide concrete, but temporary solutions that enjoy pragmatic legitimacy, but do not address challenges confronting PBWs as those of a novel group of workers in the labour market. A second group of *pragmatic experimenters* can

be distinguished, often engaged in regulatory bricolage, triggered by critical reflection, providing mostly individual-level economic FEs, but lacking the collective agency and social engagement at the institutional level required to build new collective capabilities. And finally, we envisage a third group of *dedicated activists* that combines novel individual-level solutions, with community building and active innovative institutional engagement in social dialogue, aiming to create a basis for developing novel sustainable collective solutions. We argue that although the activities of the first two groups of third-party actors offer instant/immediate relief for PBWs, they do not provide any promise or guarantee of a long-term, generalizable solution for PBWs. The third group of actors shows a different approach recognizing the needs of PBWs, but also aiming to envision collective solutions and to embed them in the institutional fabric of modern labour markets.

2. Challenges for project-based workers

The growing share of non-standard work arrangements among skilled workers has led to an unprecedented development of project-based work, more and more relying on individual entrepreneurship. Such workers take charge of distinct, complex tasks limited in time and scope within large-scale projects. Many studies have, however, revealed that they can experience severe risks of precariousness and economic dependence (de Peuter 2011; Hirsch 2016; Kalleberg 2009; Adams and Deakin, 2014) leading to job insecurity, discontinuity of income, lack of skills development, restricted access to social security, exclusion from collective bargaining, etc. (Davidov 2004; Havard *et al.* 2009; Keller and Seifert 2013; Wears and Fisher 2012). These developments reflect the disconnection of a growing part of the workforce from the collective capabilities (Ibrahim 2006, 2017), supporting the organization and management of work that have been developed in the Western world over the past century. Such a disconnection often makes them internalize and even neglect the vulnerability of their working conditions (Cicmil *et al.* 2016).

Although the consequences for individual workers are very clear and disturbing, it is important to realize that the new developments also pose a number of challenges for employers. Marsden's (2004) analysis highlights the mutual dependence of organizations and skilled workers where often the actual employment relationship can only be partly captured in a contract. The traditional open-ended employment relationship offered the opportunity to establish a psychological contract with implied mutual expectations and to include mechanisms of deferred payment to ensure optimal performance in ill-defined tasks through a legal context that made these agreements acceptable to both employers and employees. The more transient project-based relationships, however, lack the longer term perspective of these open-ended relationships, making it necessary for both employers and workers to find FEs to standard employment relationships for these burgeoning

arrangements (Marsden 2004: 662). We argue that to evaluate the role and possibilities offered by third-party actors, it is important to see how they fit in this quest and how they contribute to both providing these FEs and to the need to develop new collective capabilities (Ibrahim 2006, 2017) to manage work relationships in the new world of work.

3. The growing role played by third-party actors

In response to the above-mentioned challenges for both employers and workers, a growing body of third-party actors is developing initiatives to support PBWs in their work and through their non-standard job transitions. They appear to provide solutions filling the gap between the pure hierarchical (organizational) and market (boundaryless) forms of managing work and careers. They play an intermediation role between individual workers and user organizations, supporting the former in stabilizing and managing their professional trajectories while helping the latter, in a context of growing hyperspecialization of tasks, to find appropriate skills, often through online platforms (Koene *et al.* 2014; Malone *et al.* 2011; Stanton and Thomas 2016).

Research shows increasing activity of a variety of third-party actors such as unions, quasi-unions and LMIs vis-à-vis PBWs. LMIs directly intervene in the establishment and management of employment relationships in various forms (Bonet *et al.* 2013; Lorquet *et al.* 2018). Unions and quasi-unions have an indirect relation to workers but may act together within networks (Heckscher and Carré 2006; Hyman and Gumbrell-McCormick 2017): the former through collective bargaining, the latter through lobbying and/or advocacy work. At the same time, novel-community-based initiatives provide pragmatic and hybrid solutions that combine these activities in new ways. Key question is how these various initiatives contribute to the changing work landscape and how they compare.

Much is written about the tendency of conventional *unions* to expand in new segments of the labour market, usually less organized (Benassi and Dorigatti 2015; Murray 2017), either via vertical integration — grouping all workers in the same workplace regardless of statuses — or horizontal integration — enlarging to similar occupational groups (Pernicka 2005). Extending the classical bases of union recruitment may be reached either by offering specific legal, fiscal and social support (*servicing model*) or by organizing collective mobilization, particularly among marginalized groups such as migrants or women (Burawoy 2008) through methods and actions transferred from the most organized segments (*organizing model*). A tough and very often discussed question is whether non-standard workers should be absorbed in existing organizational structures or whether a specific structure should be devoted to them (Kornelakis and Voskeritsian 2018; Wynn 2015). However, if some examples of the ‘extension scenario’ may be found for specific categories of workers (temporary agency workers, casual workers), they are much less frequent when considering professional workers.

Moreover, the traditional measures of union membership, coverage of collective agreements, labour disputes (Visser 2019), etc., are not appropriate for this kind of population. We must keep in mind that such workers often voice their concerns on an individual basis. They want to ‘retain the strongly-felt option of independence’ (Osnowitz 2010: 128) with a spontaneous reluctance vis-à-vis collective actions (Wynn 2015), whatever their perception of social risks, as shown by Jansen and Lehr (2019). Many of them consider the peculiarities of project-based work are not understood by conventional unions — who often see them as ‘false’ independent workers or again ‘disguised’ employees — and prefer to voice directly their own demands. Moreover, their contingency often prevents them developing levels of membership that could lead them to the power of collective bargaining (Bernsten 2016; Heery 2009). Extending the role of unions thus remains a very limited option. A recent ETUI report (Fulton 2018) about the responses offered by traditional unions to self-employed workers considers the landscape as not very successful and presents a call for new forms of industrial relations. The question is whether representation of workers just needs to be adapted or whether there are fundamentally new ways of protecting and supporting workers when employers are not formally considered responsible for the employment relationship (Stewart and Stanford 2017).

Another recent tendency is the emergence of bottom-up solutions arising from *community-based* membership, around specific jobs (journalists, artists, lawyers, etc.) and/or statuses (self-employed, freelancers, crowd workers, etc.). Unlike the organizing and servicing models often leading to instrumental commitment vis-à-vis unions, this community model is based on high social commitment, militancy and a relational culture (Tapia 2013; Vinodrai 2015). Rather than seeking to establish collective bargaining relationships with employers, ‘they often construct compelling narratives that include the voices of workers themselves, skilfully attracting public and media attention to the plight of the precariat and the legal violations inflicted on it’ (Milkman 2013: 657). They also try to forge a shared identity and improve their public image through numerous reports and lobbying actions. In the same vein, there has been a growing interest in the potential of cooperativist structures, owned or controlled by those who depend on them for work. One of the leading advocates of this approach is Scholz (Scholz 2016; Scholz and Schneider 2017), though empirical examples of platform cooperatives remain limited in scale. In research such initiatives dedicated to voice the specific concerns of non-standard workers are labelled as quasi-unions or proto-unions (Heckscher and Carré 2006; Jenkins 2013; Milkman 2013; Sullivan 2010): they are differentiated from conventional unions and are considered as a kind of improvisational unionism (Oswalt 2016). A crucial question concerns the relations likely to develop between conventional unions and such quasi-unions entering the labour market (Xhaufclair *et al.* 2018). Following Heckscher and Carré (2006) and Hyman and Gumbrell-McCormick (2017), building network institutions and joint activities within targeted campaigns could significantly increase their mutual influence, as evidenced by Pasquier

et al. (2020) in their in-depth study of the Fight for 15 Movement in the USA. Considering the relations between unions and quasi-unions, their respective strategic positioning and their struggle for legitimacy in a context of historical fragmentation often generate strong resistances against such network institutions (Heery *et al.* 2012). However, while the literature provides a careful and balanced discussion of the impetus of these community-based organizations in a landscape dominated by questions of representation and negotiation, there is only limited attention to the documentation and evaluation of the novel and sustainable solutions for organizing and managing project-based work that these third-party actors are offering. Such initiatives seek new combinations of representation and practical support, making it hard to place them and evaluate them in the existing theoretical debate.

In parallel, a burgeoning literature characterizes the role and functions of *Labour Market Intermediaries* and serves as a starting-point to analyse the interventions of commercial third-party actors in modern career management. Referring to previous distinctions developed by Autor (2009), the generic approach developed by Bonet *et al.* (2013) proposes to split LMIs into three categories: information providers (online job boards or outplacement agencies), matchmakers (selection and recruitment agencies, executive search firms, etc.) and administrators (temporary work agencies or professional employer organizations). This classification is focused on the role played by LMIs in the matchmaking process. It mainly concerns LMIs taking over some operational functions formerly managed by user companies themselves. Like the debate about unions, discussions of market-based initiatives remain close to their origins, rather than offering a critical evaluation from a broader perspective of what is needed in an era of new work arrangements. Most overviews and categorizations of LMIs focus on the way they improve the functioning of market mechanisms, with little concern for their contribution to renewal of the context governing work and employment relations developed during the last century (Koene *et al.* 2014: 2). Some recent typologies broaden the dimensions taken into account in the analysis of the services developed by emerging LMIs, considering their origin and objectives, the allocation of career management responsibilities, the kind of HRM support provided, the legal protection offered, etc. (Lorquet *et al.* 2018). An important question is thus whether we need something new. Is there a new situation?

Considering our examples, we see organizations struggle with this question. In the Netherlands, the Arts Union, a union with over 60 per cent self-employed among its members, was good at negotiation and representation, but uncertain about which kind of services would further strengthen their relationship with their self-employed members. Similarly, Platform Independent Entrepreneurs, a representative organization of self-employed that is part of the employers association, was experimenting with services for self-employed to strengthen its relationship with its constituency. The question of services might actually point to an in-depth underlying issue. In the traditional employment context, implementation of negotiated

agreements was done by the organizations employing the workers. These organizations were also tasked with maintaining employee representation. If traditional organizations (employers) are disappearing as platforms to execute negotiated agreements, what can be new platforms for execution and new ways to maintain collective agency? We argue if there is a new situation, there are a number of important questions to be asked that can help establish what is needed, but that at present these questions are often not addressed. In the Belgian context, the extensive debates around the role of Creativ' Network, a cooperative combining representation and practical support of independent creative professionals, highlight the unease with novel initiatives that do not fit the existing distinction between supporting employees and facilitating entrepreneurs.

Most third-party initiatives claim to contribute to an institutional evolution that can improve the quality of the relationship between workers and employers. Some of them, like Creativ' Network in Belgium, explicitly state through numerous publications and meetings they want to build the labour market of the future in a sustainable way (Xhaufclair *et al.* 2018). Very few studies, however, explore the extent to which such claims are effectively put into practice.

We conclude that many of the discussions about the solutions offered to PBWs are unsatisfying, because they do not appreciate the fundamental changes in the nature of work: they only evaluate the contributions of a specific category of actors. Moreover, they do not fully appreciate the necessity to develop and adapt, rather than maintain or discard the institutional context created over the past century. As a consequence, such analyses do not show how the interventions of the various third-party actors differ and how they make fundamentally different contributions to the evolution of our Western European employment model.

In this article, we therefore discuss what it takes to evaluate initiatives from these two perspectives. We provide a framework to better understand how the different initiatives help to accommodate the needs of PBWs facing the changing labour market conditions in terms of security (pensions, insurance packages, financial guarantees in case of late payment or bankruptcy, access to mortgages, etc.), human capital (skills development, exchange of expertise) and jobmatching (job vacancies, career opportunities) (Heery *et al.* 2004). We argue that not all third-party actors provide similar kinds of contributions. Although all claim to support and represent PBWs, they differ greatly regarding the triggers that initiated their activities in the area; their reading of the situation, its challenges and its possibilities; the kinds of services they provide; their ambitions/objectives, and consequently their relation to the individuals they represent, and the role they chose in the process of institutional development. *Two key questions* are explored here. First, how do the various emerging third-party actors contribute to the organization of work of PBWs in the gig economy? And second, how and to what extent do their initiatives contribute to the development of sustainable solutions for managing work relationships and careers of PBWs?

To answer these questions, we develop Marsden's appreciative analysis of the need for 'FEs' to the legal-regulative, economic and social aspects of the traditional open-ended employment relationship (Marsden 2004). Subsequently, we theorize how the activities of third-party actors can contribute to sustainable solutions, through the development of novel collective capabilities (Ibrahim 2006: 2017).

4. Functional equivalents to standard employment relationships

Evaluating the consequences of the unprecedented development of project-based work in the digital economy, Marsden (2004) highlighted the need to appreciate the importance and success of the open-ended standard employment relationship. He pointed out that it was a successful and highly sophisticated arrangement of regulatory, economic and relational agreements relying on a longer term (open-ended) relationship for managing the mutual dependence of organizations and skilled workers in 'regular' open-ended employment relationships, and that it was vulnerable to the short-termism inherent in project-based work.

Marsden indicated the need to develop FEs to for autonomous work in all three areas. First, in the *legal and regulatory context*, there was the need for representative institutions, supporting credibility of commitments and trust in contract enforcement; second, in the *economic area*, the recognition of longer term value required some way of providing FEs to deferred rewards beyond the scope of transient contracts through inventive remuneration packages, recognizing the value that is created and likely to guarantee a steady income flow; and third, in the *social domain*, FEs to a stable job might be found through membership of an occupational community, addressing issues of career development, regular access to work, training and development and individual reputation, because 'an individual's reputation for good and reliable performance is also a collective good of the occupational community as a whole' (Marsden 2004: 673). Marsden's analysis not only highlights three different aspects of the employment relationship, but also, maybe more implicitly, points out the inherent interrelatedness of FEs and their embeddedness in the collectively developed and maintained standard employment relationships.

While Marsden argued that the three elements of standard employment relationships were interconnected, our evaluation of the literature shows that in discussions of the role of third-party actors in the labour market, elements are often addressed selectively, offering FEs that resolve some concrete aspects of the work relationships, but at the same time leave other elements unattended. For instance, some third-party actors just propose economic FEs, through the transformation of discontinuous project-based incomes into a continuous income flow within the legal forms of cooperatives (Bureau and Corsani 2018). Some others — like Meetup communities — try to provide PBWs with social FEs, that is, skills development, mutual information on the

latest developments in the occupational field or job opportunities, through a mixture of offline and online meetings (Shen and Cage 2015). Whatever their success among PBWs, such initiatives are characterized by a selective provision of FEs.

Drawing on Marsden's approach, we argue that the support of PBWs requires to address the full range of FEs and, though FEs might be provided through new constellations of actors, a key question in the analysis of specific labour market initiatives concerns *the range of FEs provided* as this can be expected to affect the reach and impact of these initiatives.

5. Collective capabilities and social innovation

Even if the services offered by third-party actors may be in a relation of complementarity, there is a need to consider how the solutions provided are institutionally embedded. A lack thereof may lead to substantive issues with the ability of such solutions. We thus need to explore their relations with the institutional context and pay attention to the underlying process of social innovation vis-à-vis this context. To do this we turn to Ibrahim's conceptualization of collective capabilities (Ibrahim 2006) and the key elements of the process supporting their development (Ibrahim 2017).

An important part of Marsden's argument is how the standard employment relationship provides the institutional framework binding together the regulatory, economic and relational FEs. From a capabilities perspective, the standard employment relationship and its constitutive elements can thus be seen as prime examples of collective capabilities (Ibrahim 2006) in the world of work. The notion of collective capabilities builds on Sen's (1985, 1999) capabilities approach that has been highly influential in developmental economics. When Sen (1985) defines capabilities at the individual level, as the various functioning bundles that individuals are free to choose from, Ibrahim introduces the notion of collective capabilities, based on the often strong relationship between individual capabilities and social structure (Ibrahim 2006). For our purposes, it highlights the importance of social innovation and maintenance behind many of the constructs (Weick 1995) defining our world of work.

The erosion of collective capabilities in the world of work is cause for concern and begs the question whether new collective capabilities are under development providing PBWs with some discretion and voice in the organization and management of their work, but also their employers with ways to organize these work relationships in a sustainable manner. The development of new collective capabilities for governing work relationships in the 'digital economy' is of major importance, both for workers and for employers.

In a study theorizing the conditions for building and sustaining social innovations from grass-roots-led initiatives, Ibrahim (2017) suggested three interconnected processes leading to the development of sustainable collective

capabilities. *Conscientization* at the individual level, likely to produce behavioural changes; *conciliation* at the collective level, likely to stimulate collective agency towards common goals of well-being; and *collaboration* at the institutional level, likely to promote social reforms with other actors (state, unions, employer associations, etc.). The interplay between individual, collective and institutional levels of capabilities also seems particularly appropriate for the analysis of structural changes in the sphere of work and to evaluate the extent to which various third-party actors can initiate, implement and sustain relevant social innovations.

While specific services of third-party actors can provide solutions for specific situations, considering the erosion of standard employment relationships, the development of such solutions eventually requires the development and maintenance of novel collective capabilities supporting the organization and management of work relationships for PBWs. To evaluate initiatives of third-party actors in this respect, we need to consider how they contribute to the three processes supporting social innovation and the development of new collective capabilities identified by Ibrahim. In the process of *conscientization*, individual actors critically evaluate the situation, which leads to individual behavioural change. At the collective level, a process of *conciliation* takes place, where individual actors come together, blending individual and collective interests, forming a group and develop collective agency. At the institutional level, the collective needs to enter into negotiation and *collaboration* with other actors to achieve institutional reform and acceptance required for sustainability and scalability of the new collective capability (Ibrahim 2017).

The combination of Marsden's notion of FEs and Ibrahim's conceptualization of collective capabilities guides our analysis and evaluation of the kind of support third-party actors provide and the extent to which they contribute to the development of relevant solutions for managing work relationships and careers of PBWs. Marsden's FEs will help to document the services provided by third-party actors in the labour market. However, to assess their contribution to the development of novel collective capabilities, we need to assess the context in which these services are offered. This requires an assessment of the nature of the third-party actors, their objectives and also the portfolio of services offered. We argue that economic FEs will mainly strengthen individual capabilities, but also highlight that while the provided solutions can be developed pragmatically in response to direct needs, their institutional embedding through a process of conciliation requires a much broader developmental engagement. Social FEs will mainly support collective capabilities but again, ambitions in this respect vary greatly between actors who actually take responsibility for developing these capabilities and actors who merely provide a platform to facilitate initiatives by others. Legal and regulatory FEs will provide credibility of commitments and contract enforcement, but again here, the services provided can be limited to the support of individual transactions in the market-place or also address the development of contracting standards and agreements comparable to

those hammered out in collective labour agreements (CLAs) of professional standard setting. We argue that initiatives addressing a full range of FEs will favour the interconnection of the three levels of capability development defined by Ibrahim (2017), which should pave the way to more sustainable solutions.

6. Exploring the growing role of third-party actors

To clarify the value of our theoretical framework, we used a series of case examples of third-party initiatives undertaken in Belgium and the Netherlands, as an illustration of the various approaches likely to be developed vis-à-vis skilled PBWs. They were documented over the past three years in the context of a European research project focused on independent professionals (Semenza and Pichault 2019). In each country, they emanate from unions, quasi-unions, cooperatives and other categories of LMIs. Our case examples were anonymized by changing their names and are shortly presented in Appendix.

The two institutional contexts present clear differences in terms of labour market regulation. The Belgian social security system provides a well-developed protection to workers in standard open-ended career paths and pays limited attention to the rise of non-standard work arrangements. This context is characterized by a very high union rate (more than 50 per cent according to Visser 2019), which reinforces the mistrust of changes that affect the position of employees and traditional unions and polarizes the debates about the emergence of new initiatives. By contrast, the Dutch social security system was deeply reformed since the end of 1990s with greatly enhanced possibilities for flexible non-standard employment relations, clear regulation for short-term flexibility and institutional appreciation of self-employment, but also a great reliance on individual responsibility to manage self-employment and limited attention for those in the grey zone of hybrid work arrangements. The union rate is here much lower (around 16 per cent according to Visser 2019). As a consequence, Dutch unions are more open to explore possibilities to support workers in non-standard employment arrangements, while commercial LMIs may freely develop their services. These institutional differences make the various initiatives to support non-standard careers in both national contexts particularly relevant to investigate.

With our examples, we show both a broad variety of third-party actors *and* a convergence in activities among them. Third-party actors are very different, ranging from commercial LMIs offering direct operational services, such as seeking and managing work engagements or individual fiscal and legal support, to actors in advocacy roles — such as unions and quasi-unions — providing indirect services to PBWs, such as representation in social dialogue, influencing regulation of employment relationships, fiscal arrangements for self-employed workers and general agreements on protection of income from copyrights for artists. Although very different in background, there is

also a tendency towards convergence. Traditional advocacy organizations, such as unions, are moving from pure regulatory and advocacy roles into positions where they also provide more individualized services and support. Similarly, with the growing numbers of self-employed workers, actors who previously provided mainly direct services increasingly engage in advocacy and regulatory activities.

Our theoretical framework can enrich our understanding of the support offered to non-standard career paths by third-party actors and help to assess the potential sustainability of their initiatives. Three groups of third-party actors may be distinguished when considering the kind of economic, regulatory and/or social FEs they develop and the extent to which they contribute to building new collective capabilities. The examples within each group help to see how our framework groups actors in different ways than the traditional classifications offered in research to date.

Embedded Fixers: Strong Institutional Embedding and Advocacy with Selective Provision of FEs

A first group of third party actors is characterized by its strong institutional embedding. They operate as *embedded fixers*. In this group, we find very different organizations. For instance, Platform Independent Entrepreneurs (Platform IE) in the Netherlands is maintaining mostly economic and social FEs for self-employed workers, while the Belgian union Together is engaging in advocacy and social dialogue at the national level for the same category of workers. However, in both cases, their clear institutional embedding limits their contribution to the development of alternative approaches and thus new collective capabilities. These organizations are actively engaged in the existing institutional environment, but their activities seem to define away the novel challenges of the status of PBWs workers by treating them either as temporary employees, with temporary access to rights, or as regular entrepreneurs in no need of further support.

In its advocacy role, Platform IE clearly positions itself as a platform for the entrepreneurial self-employed workers. Platform IE defines PBWs as regular independent entrepreneurs who should be able to reap the benefits of opportunities in the market. It develops mostly economic FEs and shares access to services. Key lobby themes for Platform IE relate to the freedom for self-employed workers to autonomously exploit market opportunities to grow their business. Premise here is that for the self-employed workers freedom is the core element of their choice for self-employment and this is reflected in the slogan of the organization '*an association of self-employed, for self-employed, by self-employed*'. This approach might be typical for the Netherlands where the majority of self-employed PBWs at the time were self-employed by choice, rather than acting out of necessity (Annink and Den Dulk 2012) and were happy with their status (e.g. Hoevenagel *et al.* 2015). Following the quick rise in the number of 'self-employed without personnel' in the Netherlands since the turn of the century in many areas of the Dutch labour market,

the dominant doctrine had been supporting initiative and responsibility of PBWs. In line with this thinking, Platform IE was advocating access to tax benefits intended to stimulate entrepreneurship. However, with the growing group of self-employed PBWs who were not growing their business, but acted as independent professional workers offering their services, discussions arose whether these tax-benefits were not being improperly used as supplementary income (IBO 2015). At the same time, its focus on entrepreneurial self-reliance was reflected in the way in which Platform IE sought to strengthen its relationship with its members through the delivery of services: it limited its engagement by offering access to tax and administrative support via its network, rather than providing these services to its members directly, and by leaving access to training and networking opportunities to affiliated local and industry associations.

The Belgian union Together launched various initiatives to support solo self-employed workers via a series of local actions. The definition of a service agreement for independent professionals in a hospital, negotiation of a kind of severance pay for independent journalists during a restructuring process, inclusion of self-employed subcontractors in the discussions about the creation of a European hub for an international player in the e-business field, etc. More recently, it added a unique services platform dedicated to solo self-employed workers. However, like many trade unions in other European countries (Fulton 2018), such initiatives are limited to support the conversion of dependent self-employed workers into regular employees and thus extend the standard employment relationships to new segments of the labour market.

Although the third-party actors in our first group are seriously engaged with the situation of PBWs, the solutions they advocate do not go beyond their existing institutional perspective. The ensuing tensions around their solutions seem to indicate a need for a more fundamental consideration of the position of PBWs.

We can observe that the main principle underlying the various initiatives launched by Together is to provide self-employed workers with a selection of social and regulatory FEs. In terms of social FEs, multiple services supporting the activity of self-employed workers are proposed (information, training, advice, exchange of good practices). As far as regulatory FEs are concerned, some specific contractual arrangements for independent workers are joined to — or aligned with — collective agreements for employees (in case of restructuring for instance). However, the provision of these FEs does not aim at transforming the extant rules of the game on the labour market: it must be considered as an attempt to reinforce the position of self-employed workers vis-à-vis ordering parties through an extension of the collective rights of regular employees. Such initiatives are just linking individual and collective capabilities, without developing any institutional work that could lead to the adoption of a new regulatory framework more adapted to the specific situation of self-employed workers, as suggested by Stewart and Stanford (2017). We must keep in mind that the vast majority of PBWs do not want

to be incorporated in traditional unions: they consider that the latter do not understand the peculiarities of project-based work and show a spontaneous reluctance vis-à-vis collective actions (Wynn 2015).

Similarly, the Dutch debate on the proper use of popular fiscal arrangements that had stimulated the growth of self-employment in the Netherlands highlighted how the simple definition of PBWs as independent entrepreneurs was at odds with the nature of the phenomenon. While the tax incentives were intended to stimulate entrepreneurship and growth of business, for the increasing group of PBWs, they served mostly as supplementary income.

Both examples indicate a growing discomfort with the position of PBWs in the grey zone between employment and entrepreneurship.

Pragmatic Experimenters: Institutional Bricolage with Selective Provision of FEs

In the second group, we find organizations mostly engaged in regulatory bricolage and selective provision of FEs. They operate as *pragmatic experimenters*. Depending on their assessment of the situation, some of them sought to develop FEs ‘under the radar,’ providing localized, pragmatic solutions, leaning on creative interpretations of tax and social regulation, exploring the possibilities of what is allowed. The FEs that they develop are concrete solutions in their local situations. These organizations avoid engaging with the wider institutional context and focus on providing solutions for individual project workers in the margin of legal regulation. For instance, Coop’IT aims to secure a steady income flow for its individual members by engaging them as a kind of ‘salaried entrepreneurs,’ an employment form existing in France, but not in Belgium (Bureau and Corsani 2018). The organization operates as a cooperative, but just provides this practical solution to its members and does not engage in further establishing a legal and regulatory basis for their activities. Clients of its members often do not know that the activities are handled through the cooperative, while members of the cooperative have only very limited contact with each other. Coop’IT provides economic FEs by transforming their members’ project income as independent workers to salaried income that they receive as ‘fictional employees’ of the cooperative. However, it avoids broader institutional engagement by creatively incorporating the activities of its members in the existing institutional environment. The solution works well, but is limited. It does not address the fundamental challenges of project-based work: in case of lack of clients, the workers have to organize their own redundancy and give themselves an advanced notice or, at least, reduce their working time if they cannot generate a steady income flow for the next months. Although Coop’IT provides economic FEs, spreading income, its solution does not translate into sustainable collective capabilities for PBWs.

In this second group, we also find organizations that operate well within the boundaries of the law, but selectively provide mostly economic FEs and

services to maintain individual work relationships, supporting credibility and contract enforcement. We can here present two examples.

Jobshare is an organization that mainly aims to answer to the flexibility needs of SMEs through a stable pool of workers enjoying open-ended employment contract and access to social security within the existing labour law in Belgium. By asking the members of this employers' alliance a financial contribution slightly higher than the usual fees of temporary work agencies, Jobshare provides economic FEs, that is, income stability for flexible workers. However, its engagement in the formation of legal and regulatory FEs for PBWs is limited. Its advocacy role is mainly focused on improving the Belgian regulation of employers' alliances. Supported workers are increasingly looking for the development of social FEs in terms of evaluation, career progress and training, but initiatives in this area are not being developed as there is a growing competition from temporary work agencies offering similar skills at a lower cost.

TWA-Pro is a daughter organization of a large multinational employment agency. It places highly skilled professional project workers in client organizations. It is representative of a group of highly sophisticated and mature Dutch LMIs (van Driel and Koene 2011). In its service provision, TWA-Pro offers commercial services in regular labour markets for both client organizations and professional project workers. It develops regulatory and economic FEs by providing either standard open-ended employment relationships or temporary placements for self-employed PBWs, either directly or through payroll constructions. Rather than strengthening and advocating the position of PBWs, it provides pragmatic services facilitating their engagement in project-based work (economic FEs). It also offers social FEs by facilitating access to training and networking opportunities, but is careful to limit (and not formalize) its responsibilities in this respect. With its activities, TWA-Pro thus stays within the boundaries of existing employment regulation, with its services facilitating placement of self-employed in client organizations. It pragmatically follows labour market developments. When Dutch tax regulations changed in 2016, it offered client organizations evaluations of their 'employment risks' (the risk that a self-employed PBW could be considered as a regular employee by the tax office) and also pay-rolling services for a fee, temporarily taking PBWs placed at a client as employees on its books. TWA-Pro seeks to develop FEs to traditional standard employment relationships, such as a 'prospect declaration' pioneered by TWA-Pros mother organization in collaboration with a number of Dutch banks as an alternative to open-ended contracts for granting a mortgage to PBWs. However, in the debates about the conditions of self-employment in the Netherlands, TWA-Pro adopts a pragmatic position: it aims to influence regulation to improve market conditions, but does not take an active advocacy role for a better protection of PBWs.

For the third-party actors in this second group, it is difficult to address issues requiring long-term commitment and engagement for PBWs. They provide pragmatic transactional services: they recognize the shortcomings in

the existing system and develop localized tailored solutions, but their activities are neither aimed at representation and advocacy on behalf of PBWs, nor aiming to engender broader institutional change. For Coop'IT, it would complicate their daily operations: this is why the founder — actively engaged in the official recognition of workers cooperatives — was obliged to leave the organization. Jobshare and TWA-pro have their own organizational agenda and engage with the position of PBWs in the context of these concerns.

Dedicated Activists: Institutional Experimentation with Full Provision of FEs

The third group of third-party actors takes a more proactive role, giving a central place to social experimentation and institutional renewal aimed at improving the situation of PBWs. They operate as *dedicated activists*. Arts Union in the Netherlands and Creativ' Network in Belgium are two examples with an ambition to more fundamentally redesign work relationships, thinking through all elements of the work relationship and aiming to provide FEs to the traditional employment relationship, although the two organizations have very different backgrounds and also different kinds of strengths and weaknesses.

The Dutch Arts Union is a union for artists. While unions in general explore how to broaden the community of workers they represent, requiring extension of their traditional activities and sometimes discussions about their remit (Benassi and Dorigatti 2015; Tapia 2013), for the Dutch Arts Union this issue was more pressing. It operated as a small union with 6,000 members within the larger union context of 30,000 members. By 2016, following national policy changes in funding of the arts in the Netherlands, over two-third of its membership had become self-employed, pushing the Arts Union to become independent to better serve its diverse constituency. The Arts Union provides representation and services for both employees and self-employed workers. It negotiates CLAs for the employees among its members, but also collective agreements on remuneration and protection of copyrights for all its members, thus providing PBWs workers with economic FEs in the area of deferred rewards. To do this, it cooperates in new networks, such as 'Platform Makers' and Kunsten92. As a board member of 'Platform Makers', the Arts Union has actively been developing a joint platform for negotiation and bargaining around copyrights, with the aim of 'strengthening of copyrights and improving the position of creative "makers" in their negotiations with producers and clients' (Platform Makers, 2018). The platform offers an inclusive way of collective bargaining for the rights of employees and self-employed in the creative industries, organizing 18 professional and stakeholder organizations of creatives. Within Kunsten92, an organization representing all stakeholders in the creative and cultural sector such as artists, employers, unions and professional associations, the Arts Union was appointed a leader actor to develop the Dutch 'labour market agenda for the cultural and creative sector 2017–2023' at the request of the Dutch government, which was published in November 2017 (Kunsten92

2017). In its representative and regulatory role, Arts Union also tries to innovate: for example, by exploring the limits of the possibilities of CLAs, aiming to include minimum rates for self-employed substitutes in orchestras (eventually bringing it to an EU court ruling). Besides this broadening of its representative and regulatory roles, the Arts Union also seeks to change its portfolio of direct support activities. Until recently, it mainly provided services close to its traditional advocacy role: legal advices in relation to jobs and administrative support dealing with income, tax and also dedicated professional support, such as services regarding studio policies for musicians and training opportunities for dancers. But given the recent developments, it also explores ways to extend its services in such matters as training and education, for example, by cooperating with professional sector organizations. By doing so, it aims to address social FEs for PBWs in, for example, reputation building and the kind of support that used to be provided by employers in the context of the standard employment relationships. Discussing the organization of these activities, representatives of the Arts Union invoke the image of 'lego blocks:' combining the Arts Union's lobbying power and tools and services for maintaining work relationships for self-employed with the professional knowledge and expertise regarding the work content of these sector organizations, making it possible to develop tailored and specific services for members.

In many ways, Creativ' Network entered this field of social experimentation and advocacy with a history that is the mirror image of the Arts Union. Creativ' Network started providing administrative and legal support to artists within the context of the Belgian employment legislation. Creativ' Network strongly advocated the legal recognition of a specific status for artists, eventually obtained in 2002: it paved the way to a full access for artists to the regular social security system even when being unemployed, thus providing legal and regulatory FEs. Creativ' Network then succeeded in enlarging the initial group targeted by the law to any kind of creative work. While building a credibility of commitments through legal and regulatory FEs, one of the main concerns of Creativ' Network is to provide any PBW with permanent access to social security (deferred reward) whatever his/her status: short-term employment contract, self-employed status, unemployment, internship, etc. Moreover, it founded the Professional Association of Creative Jobs that may be viewed as a quasi-union (Heckscher and Carré 2006) and via the organization of various events, it provides PBWs with a series of social FEs (training, advices for career development, networking, etc.). By acting simultaneously as an LMI (through direct individual services) and a quasi-union (through advocacy and regulatory actions), Creativ' Network created a lot of debate with traditional actors on the Belgian labour market: the public office in charge of paying unemployment allowances complained about a diversion of the spirit of the law, the workers unions considered the solutions offered as trivializing precariousness, the temporary work agencies spoke in terms of unfair competition, etc. (Xhaufclair *et al.* 2018). Creativ' Network, however, answered that its initiatives were not compatible with the

institutional status quo and at some points were operating from radically different premises. The two founders present Creativ' Network as a clear alternative to the existing labour market regulation in Belgium that leaves an institutional void needing to be filled. One of them speaks about 'a missing link on the labour market' and explained that 'nobody was doing the job [...]'. Creativ' Network was originally built on the provision of pragmatic solutions (economic and social FEs) for a specific group of workers (i.e. artists); by now, it changes into a cooperative and with growing experience, it is developing into a full-fledged institutional alternative to the standard employment relationships, providing additional legal and regulatory FEs and building collective capabilities for improving the situation of PBWs as a whole.

7. Discussion: Towards sustainable labour market innovations

What makes for the sustainability of solutions for PBWs? Marsden (2004) argued that the strength of the standard employment relationships was based on its ability to establish credibility of commitments and contract enforcement (legal and regulatory), deal with the distribution of rents and deferred rewards (economic) and address issues such as access to work, training and development, reputation and career development (social).

Building on our double theoretical perspective, we argue that different approaches to engaging with the changes in the labour market lead to very different contributions to sustainable labour market innovation. Three processes supporting social innovation may be distinguished according to Ibrahim (2017). Conscientization is about seeing opportunity, that is, noticing regulatory gaps and service opportunities. Conciliation is about sharing responsibility for the group, developing communal goals. Collaboration is also about recognizing the needs and expectations of the wider environment and working to develop solutions that go beyond the initial pragmatic legitimation to sustainable institutional embedding. Below we explain how the portfolio of practices in our three groups of initiatives contributes to these key processes for PBWs, as summarized in Table 1.

Critical Reflection and Conscientization

Critical reflection is characteristic for both pragmatic experimenters and dedicated activists. Both engage in critical reflection and experimentation. They recognize gaps and tensions in the existing system and develop pragmatic local solutions to deal with them. Some explore the boundaries of what is acceptable, engaging in regulatory bricolage, launching local actions, providing mostly legal and economic FEs to resolve gaps and tensions affecting them specifically. Others develop a limited set of economic and legal FEs as services that are attractive and feasible within the context of the existing labour market regulation.

Pragmatic experimenters explore the boundaries of the system and creatively use existing employment regulation and contracting practices, thus

TABLE 1
Contribution of Third-Party Actors to the Development of Collective Capabilities for
Project-Based Workers

	<i>Individual conscientization (critical reflection)</i>	<i>Social unification conciliation (self-interest & communal goals)</i>	<i>Institutional engagement collaboration (with external actors)</i>
Embedded fixers Strong institutional embedding and advocacy with selective provision of Functional Equivalents	No need for critical reflection	Social Functional Equivalents, but no collective envisioning	Collaboration with others in institutional context (pragmatic, local reform)
Pragmatic experimenters Institutional bricolage with selective provision of Functional Equivalents	Critical reflection	No collective envisioning	Few collaboration
Dedicated activists Institutional experimentation with full provision of Functional Equivalents	Critical reflection	Collective envisioning	Collaboration with others in institutional context, (activist, structural reform)

engaging in some kind of bricolage (Baker and Nelson 2005), often playing with legal rules. They provide innovative solutions that seem acceptable enough for a specific group of workers. They, however, avoid discussions about how their activities fit the present institutional context. Avoiding the debate might be a good way to experiment with novel solutions, building up experience that may later be valuable in a process of institutional innovation (Koene *et al.* 2009). However, these actors do not engage in active collective agency nor in institutional collaboration. For example, Coop'IT used existing regulatory arrangements and contracting under the technical form of a cooperative to experiment the status of salaried entrepreneurs, in a context where wage portage is still considered illegal. Jobshare billed each company joining the alliance to guarantee the continuity of workers' incomes whatever the variations of their workload 'as if' it was the only employer of these workers. In such 'institutional bricolage', actors use the current rules of the game in an opportunistic way and experiment with novel solutions, but do not engage in subsequent processes of negotiation and collaboration with other actors to establish sustainable practices that become part of the wider institutional fabric of the labour market.

Commercial LMIs also engage in pragmatic experimentation, providing FEs to PBWs, though usually, they are acting on market opportunities within the boundaries of the law. TWA-Pro is a Dutch example where dealing with PBWs was well developed, stimulated by the possibilities of the Dutch employment legislation and supported by an experienced, professional and regulated temporary work agency industry. For PBWs, the benefits of engaging with TWA-Pro were contingent on their provisional (project-based) employment relationships. TWA-Pro selectively offered a set of FEs to PBWs

and client organizations, dependent on market conditions. In some areas, TWA-Pro developed solutions that did extend the existing framework, for example, by offering a formal 'prospect declaration' for PBWs with Dutch Banks as an alternative to the usually required open-ended employment contract for granting a mortgage. At the same time, it also offered payrolling services for client organizations, curtailing the possibilities for individual PBWs. In all, the focus of TWA-Pro was on developing its own market: collective agency and institutional engagement were mainly focused on the development of the LMI industry, rather than on strengthening the position of PBWs per se.

As stated, critical reflection is also characteristic of dedicated activists. They also identify gaps and tensions in the existing institutional fabric and explore its boundaries and possibilities, but their activities go beyond pragmatic experimentation, as we will discuss later.

Collective Envisioning

Collective envisioning is a second step and an important element in the development of collective capabilities. It serves to rise beyond individual self-interest to formulate shared interests and define communal goals. There are two ways in which this process can be frustrated. First, when there is a lack of critical reflection and conscientization. Second, when critical reflection does not lead to social unification and collective agency.

Embedded fixers suffer from the first limitation. Given their strong institutional embedding, they do engage in advocacy and services, they interact with other parties but operate within the confines of the given institutional context, providing incremental solutions, but no substantial innovation. Embedded fixers aim to resolve the position of PBWs by including them in existing praxis. It means either including them in collective bargaining and thus effectively treating them as employees, or defining their activities as business ventures, leaving all human resource (HR)-related issues to be dealt with by the entrepreneur. These solutions have in common that they define away the grey zone of quasi-employment and quasi-self-employed, treating PBWs either as employees or as entrepreneurs. They do not consider that radical change might be needed. Together and Platform IE provided examples of these respective positions. If PBWs are treated as employees (Together), they are conceived as employees in exceptional work situations rather than as PBWs per se. While employed, they work in traditional hierarchies, either of the user firm, or of the LMI, and are covered by social benefits, but coupled to the employment condition as agreed upon by local partners. If they are treated as fully self-reliant entrepreneurs (Platform IE), there is no need for critical evaluation of their position. A reasoning makes a local solution acceptable and defies the need to engage in broader institutional debate.

Pragmatic experimenters are examples of the second way in which the process of collective envisioning can be frustrated. Although these actors recognize the flaws in the systems, and act upon them, they do not engage in

collective envisioning. In our case examples, there are two different reasons for this, both grounded in a lack of ambition to engage in collective agency. Actors experimenting at the edges of what is legal — like Coop' IT — aim to stay under the radar, avoiding any formal discussion. Actors selectively engaging with services for PBWs following market opportunities — like TWA-Pro — have little to gain from increasing collective agency by PBWs.

Collaboration and Institutional Engagement

After collective envisioning, the process of building collective capabilities requires active collaboration and institutional engagement. Only the dedicated activists combine critical reflection, collective envisioning *and* collaboration. They thus connect agentic behaviour at all three levels of engagement, linking individual critical reflection with the development of collective agency and institutional collaboration. Community building, dedicated (critical) advocacy, pragmatic labour market services and active community development are key to their activities.

We labelled Arts Union and Creativ' Network as dedicated activists. They actively consider the grey zone of quasi-employees and quasi-self-employed. In their critical reflection, they recognize the need for autonomy of PBWs that cannot be satisfied in regular organizations, but also their remaining vulnerability as individual workers dependent on income discontinuity and lack of career progression. In a process of collective envisioning, both third-party actors explore novel solutions. For Arts Union, a long-established union, the fact that by now over half of its membership is self-employed, working on specific solutions for PBWs becomes a key objective. For Creativ' Network, the success of its services with PBWs combined with the consistent institutional pressure challenging the core of its activities is an important driver for critical engagement, collective envisioning and engaging in institutional collaboration (and thus debate!). Both third-party actors argue for a more fundamental redefinition of regular work relationships and are looking for solutions, sometimes fundamentally challenging some of the legal, economic and social premises of the standard employment relationships. The approach of each organization is different, reflecting differences in institutional contexts and backgrounds (long tradition of inclusion of self-employed workers in the Dutch unions; high reluctance of Belgian unions vis-à-vis this population). However, their concerns, activities and ambitions highlight the importance of engagement with all three aspects of the standard employment relationships.

With its background in advocacy, Arts Union engages in regulatory debates. Its attempt to regulate the income of replacement musicians through the CLA for classical musicians was followed through the level of the EU Court of Justice where the debate is not only about what could be legally brought under a collective agreement for employees, but also about the more fundamental question of the position of self-employed workers: should they be considered as individual workers or as businesses in view of the law? At the same time,

Arts Union aims to broaden its members' services, extending the activities of its six area groups (Visual Arts, Animation and Visual Arts, Theatre and Dance, Pop Music, Classical and Art Education) and strengthening its connection to professional associations in the arts engaging with novel platforms for cooperation in cultural and creative sectors. Thus, the Arts Union connects individual awareness and collective agency and also combines its advocacy work with ideas based on individual behavioural change and collective envisioning.

For Creativ' Network, the challenges are very similar. Based on its experience in critically evaluating individual needs of PBWs, the organization is actively developing its collective agency through various community-building activities and the creation of the Professional Association of Creative Jobs. It also engages in institutional collaboration to establish the legitimacy of the need to reinvent the rules of the game for PBWs. Creativ' Network claims social security as a basic right, aiming to change the dynamics governing the interaction between the legal, economic and social elements of the standard employment relationship, fighting for an extension of the existing regulatory framework concerning artists to any kind of PBW, whatever his/her status. Creativ' Network actively advocates its novel approach, theorizing its relevance and promoting inclusion of new work arrangements in existing labour market institutions. It thus combines institutional experimentation with active theorization (Strang and Meyer 1993) and institutional engagement (Lawrence *et al.* 2009) to redesign the current regulation, creating resistance and criticism among other stakeholders in the labour market. Its engagement also leads to organizational adaptations. Creativ' Network recently changed into a cooperative form that aims to further align its organizational form with its objectives, at the same time dealing with some of the institutional tensions encountered in its wider environment in Belgium (Xhaufclair *et al.* 2018).

Different Contributions to Institutional Change

The conclusion that dedicated activists are the only group that proactively engages with the full process of collective capability development does not mean that the other actors have no influence on the collective capabilities available to PBWs.

Embedded fixers aim to establish solutions for PBWs in the context of existing employment and self-employment arrangements. Furthermore, pragmatic experimenters are critically aware of the novelty and needs of PBWs located in the grey zone. Actively experimenting with FEs, they partly operate within the context of existing employment institutions, but also extend their services to better meet their members' needs that do not fit the current context. These findings show that they develop novel practices. With the experimentation of salaried entrepreneurs, Coop'IT explores the possibility to introduce wage portage in Belgium, even if it is still illegal. Jobshare devotes many efforts to soften the Belgian regulation on employers' alliances,

in order to make it more attractive. The Dutch TWA-Pro works with banks to provide PBWs with a 'prospect declaration' for mortgage approval. However, their contribution to institutional change is mostly a side effect of their own agendas (compare van Driel and Koene 2011). Our findings reveal that the limited institutional engagement of third-party actors in the first two groups is not aimed at a fundamental redefinition of the position of PBWs in the labour market. The solutions they develop do not transform the existing rules of the game, and therefore, do not provide a basis for building new sustainable solutions in the long run.

Our main theoretical contribution therefore relies on the distinction between embedded fixers and pragmatic experimenters on the one hand, who certainly provide new solutions for PBWs but do not actively engage in transforming the existing regulation, and dedicated activists, on the other hand, who deliberately promote social innovation through sometimes unexpected institutional partnerships allowing the development of novel collective capabilities according to Ibrahim's conceptual framework. Following Stewart and Stanford (2017), we argue that a simple enforcement or extension of the existing regulatory framework might not be a sustainable solution for regulating the growth of new work relationships in the gig economy. These authors suggest three other options: creating a new category of 'independent worker', between employees and self-employed statuses; providing social rights for any kind of workers, whatever their status; and reconsidering the concept of an 'employer'. We conclude that innovative solutions are not sustainable per se. However, we consider as more sustainable those solutions providing a full range of FEs to PBWs and recognizing the importance of all three processes leading to institutional innovation.

8. Conclusion

In this article, we investigated the roles of a growing range of third-party actors, including traditional unions, quasi-unions and other third-party actors such as employers' associations, cooperatives, community organizations and commercial LMIs, in supporting the work relationships and careers of skilled PBWs. The increasing prevalence of project-based work in modern work arrangements paves the way to non-standard career paths, but its transient nature disconnects workers from the mechanisms having successfully governed the standard employment relationships during the twentieth century. This leads to a growing risk of precariousness for PBWs and difficulties in establishing effective work relationships for workers and employers alike.

Building on Marsden (2004) and Ibrahim (2006, 2017), we proposed an original theoretical framework exploring how third-party actors provide FEs to the standard employment relationships and to what extent they directly contribute to the development of sustainable solutions for managing work relationships and careers of PBWs. This theoretical framework may be used to assess the sustainability of solutions developed by third-party actors aiming

to support the work relationships and careers of PBWs. Using case examples of third-party actors' initiatives developed in Belgium and the Netherlands, we show how actors respond differently to the institutional challenges presented by the growth of project-based work depending on their institutional context, their background (either in advocacy or more direct provision of individual services) and their perception of the situation.

Our theoretical framework leads to distinguish at least three groups of actors. *Embedded fixers* are actively engaged in the existing institutional environment without any attempt to transform it: they consider PBWs either as employees with special employment conditions or as regular entrepreneurs in need of freedom, rather than protection. Their contribution to the development of new sustainable FEs and collective capabilities is therefore limited. *Pragmatic experimenters* are mostly engaged in regulatory bricolage and selective provision of FEs. They provide localized, pragmatic solutions, with creative interpretations of tax and social regulation. They avoid engaging with the wider institutional context and focus on providing concrete solutions for individual project workers in the margin of legal regulation. *Dedicated activists* have the ambition to fundamentally redesign conventional work relationships. They aim to provide PBWs with a full range of FEs to the standard employment relationship, considering their mixed desire for independence and protection. Their active theorization of communal goals triggers broader debate and requires active engagement with the institutional environment.

These analyses beg further development and suggest several key areas for future research. First of all, our distinction of three groups needs validation and extension through a systematic review of case studies in various national contexts contrasting liberal and coordinated market economies (Hall and Soskice 2001). It is also important to further evaluate what drives actors' behaviour, by understanding their background, their institutional context and their perception of the situation. Our case examples already show that the institutional differences between Belgium and the Netherlands may impact the kind of solutions provided. In a highly structured labour market like Belgium, characterized by strongly established cognitive categories (employment/self-employment, employer/employee, etc.), traditional unions are hesitant to consider the specific situation of PBWs and these conditions stimulate the emergence of innovative solutions from other third-party actors. In more flexible labour markets like the Netherlands, less cognitive barriers exist and traditional actors openly investigate possibilities to extend their remit to include support for PBWs. Second, longitudinal case studies should be undertaken to document the effectiveness and sustainability of the solutions proposed by third-party actors in the long run, beyond their initial ambition. Third, more empirical research is needed, on a micro level, to understand the way in which PBWs themselves experience the support provided by third-party actors.

At the end of the day, our theorization and examples highlight three important conditions for third-party actors to build new sustainable solutions

for the management of work relationships and careers of PBWs. First, the recognition of the fundamental gaps and tensions in the existing institutional arrangements, that is, that PBWs constitute a group of workers different from traditional employees and entrepreneurs. Second, an appreciation of the interrelatedness of many needs of PBWs, reflected in a clear ambition to provide a full range of FEs (Marsden 2004). Third, the active engagement in institutional innovation through the interconnexion of the three processes driving collective capability development identified by Ibrahim (2017).

Our analysis thus highlights that while many third-party actors engage with PBWs, it is important to pay attention to the different ways in which they support workers operating in the grey zone of hybrid flexible work arrangements. All actors provide services addressing the needs of these workers to some extent, often providing FEs to specific aspects of the open-ended standard employment relationships. However, the differences in ambitions and the range of services offered lead to very different contributions to the development of a supportive labour market environment for PBWs. In short, when looking for support to long-term structural evolutions for the sustainable organization of project-based work, it is not enough to document the provision of FEs by third-party actors: we also need to consider the context in which they provide their services and evaluate their engagement in institutional innovation.

Appendix

A. Belgian case examples of third-party actors

Coop'IT is a workers' cooperative destined to improve the working conditions of project-based IT workers through the status of 'salaried entrepreneurs' — unknown in Belgium — midway between the statuses of employee and self-employed. Around 60 workers are members of the cooperative, engaged on open-ended employment contracts. Applicants to the cooperative have to present a persuasive business plan, showing that they could generate a workload that covers the cost of several months of a full-time equivalent employee; otherwise, they have to organize their own redundancy and give themselves an advanced notice or, at least, reduce their working time. Cooperative members are requested to work at home and supposed to be fully responsible for their portfolio of clients. Coop'IT mainly provides transactional activities (administrative aspects of the employment relationship), paid annual holidays and developed a 'solidarity fund' covering financial risks linked to bankruptcy of clients or late payments. Members receive individual objectives and are regularly evaluated. They are fully involved in the management of the structure. They all take part in the General Assembly and some of them are Board members. A specific assembly, called the Council of Associated Workers, gathers all members over one year seniority. The founder and former director was strongly engaged in lobbying activities in order to promote the official recognition of workers' cooperatives (a French concept known as SCOP with no legal status in Belgium) but this activism generated numerous tensions with the growing business activity and eventually led the founder to leave the organization.

Jobshare is an employers' alliance resulting from the association of several dozen SMEs with complementary needs and pooling jobs through a structure legally recognized as a single employer. The alliance employs over 10 full-time employees. The daily management is done by an administrative officer of the local chamber of commerce, who decides how to split and allocate workers' working time among members. Jobshare mainly manages recruitment, personnel administration and compliance with collective agreements prevailing in each business sector concerned. Workers are asking for more relational HR (evaluation, career progress, training), but strong pressure on the costs due to the growing competition with temporary work agencies prevents the development of such activities. Some communication activities are developed through interviews in media and participation to conferences in order to promote the idea of employers' alliance, officially recognized in Belgium but still largely unknown. They explicitly aim at attracting more companies in the alliance.

One of the biggest Belgian trade unions, Together, is particularly concerned with the growth of non-standard work arrangements. Various initiatives are developed, often locally, for self-employed workers even though the latter are traditionally considered by trade unions as belonging to the employers side: negotiation of a 'service agreement' for independent physiotherapists in a hospital; inclusion of independent journalists in a restructuring process with a 'severance pay' equivalent to three or six months of average monthly salary of a journalist; strong support provided to platform workers working for Deliveroo; integration of subcontractors with independent status in the discussions related to the arrival of an e-commerce global player in a regional airport, etc. Together has launched a specific services platform dedicated to freelancers, until now unique in Belgium, providing a series of services: legal advice and assistance, support in debt collection, training and information activities, etc. This initiative however remains highly controversial, not only vis-à-vis employers' associations but also within the union itself: several categories of members consider that the defence of freelancers is not the job of a trade union.

Creativ' Network was initially a foundation recently being transformed into a cooperative structure with 30,000 members. Its aim is to defend the interests of creative workers and provide them with a series of operational services: expense accounts transformed into remuneration statements, access to the employment status and social entitlements, legal and financial support and training packages, etc. With the creation of a professional association for creative workers, it works to stimulate a sense of community among PBWs. It also plays an active advocacy role through numerous publications, seminars, interviews in media, lobbying actions in regulatory organs, etc. Such activities are part of the transformational role Creativ' Network wants to play influencing the current functioning of the labour market, which generates, in turn, many criticisms from well-established actors (unions, policy makers, temporary agencies, etc.). It recently supported on-call workers delivering meals on their bikes on behalf of an international food company: thanks to its third-party payer role, it succeeded in negotiating insurance packages, a minimum number of hours paid after the first call, the reimbursement of professional expenses, etc. Even if the food company eventually stopped the partnership with Creativ' Network, this joint action increased its legitimacy vis-à-vis trade unions.

B. Dutch case examples of third-party actors

TWA-Pro is commercial professional employment organization offering challenging work opportunities and support in networking and personal development for well-qualified independent professionals. It provides HR outsourcing in eight professional fields. Its activities concern 3,500 affiliated professionals of whom about 1,500 are self-employed. Professionals can work with the organization as an employee, as a temporary employee, or as a self-employed interim professional. TWA-Pro offers services to both workers and client organizations (recruitment, selection, matching; contracting and administration) supporting the establishment, execution and closure of project relationships. It also provides PBWs opportunities for networking and access to training and development. With banks, it has developed a 'prospect declaration' giving professionals without open-ended employment contract a possibility to apply for a mortgage for a house. It also offers payrolling services for client organizations.

Platform Independent Entrepreneurs (Platform IE) is a platform for independent entrepreneurs, focusing on self-employed without personnel. It was founded in 2002 when several sector organizations in the IT sector cohered around shared lobbying issues with regard to the legal status of independent entrepreneurs. Platform IE works through channels of the employers' organizations (and thus is not a union). It has a representative in the Dutch Social Economic Council (SER) made available by the delegation of small- and medium-sized enterprises. It mainly takes an advocacy role guarding legal and regulatory conditions supporting freedom and ability to act on entrepreneurial opportunities for self-employed entrepreneurs. Platform IE is open to individual membership, but also has sector-specific associations as members, thus serving as an umbrella organization. Membership services are mostly outsourced. Platform IE has developed direct services for self-employed members. This takes the form of matchmaking and collective contracts, collective insurances and practical administrative advice. While at some point seeking to develop more services in-house, eventually, the organization focused on its advocacy role, providing services such as legal and business advice through independent partner organizations.

The Arts Union is a union for artists and creatives. Originally founded in the late 1970s, it merged with a major union federation at the end of the 1990s forming their arts and media division. In 2016, it became independent again to better serve its 6,000 members of whom a growing number, by that time about two-third, had become self-employed. Organized in six areas (Visual Arts, Animation and Visual Arts, Theatre and Dance, Pop Music, Classical and Art Education), it mostly engages in general political lobbying for general and sector-specific matters. It negotiates CLAs for employees, but also collective agreements concerning remuneration of copyrights/royalties for all workers (employees and self-employed) in the arts. To this end, it also cooperates in novel sector-wide platforms. The Arts Union provides its members with services in relation to, for example, studio policy, (re-)training, legal support in work conflicts (court cases), tax-services and collective bargaining.

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References

- Adams, Z. and Deakin, S. (2014). 'Institutional solutions to inequality and precariousness in labor markets'. *British Journal of Industrial Relations*, 52 (4): 779–809.
- Annink, A. and Den Dulk, L. (2012). 'Autonomy: the panacea for self-employed women's work-life balance?'. *Community, Work & Family*, 15 (4): 383–402.
- Autor, D. H. (2009). 'Studies of Labor Market Intermediation: Introduction'. In D. Autor (Ed.), *Studies of Labor Market Intermediation*. Chicago, IL: University of Chicago Press, pp. 1–26.

- Baker, T. and Nelson, R. E. (2005). 'Creating something from nothing: resources construction through entrepreneurial bricolage'. *Administrative Science Quarterly*, 50 (3): 329–66.
- Benassi, C. and Dorigatti, L. (2015). 'Straight to the core—explaining union responses to the casualization of work: the IG Metall campaign for agency workers'. *British Journal of Industrial Relations*, 53: 533–55.
- Bernsten, L. (2016). 'Reworking labour practices: on the agency of unorganized mobile migrant construction workers'. *Work, Employment and Society*, 30 (3): 472–88.
- Bonet, R., Cappelli, P. and Hamori, M. (2013). 'Labor market intermediaries and the new paradigm for human resources'. *The Academy of Management Annals*, 7 (1): 341–92.
- Burawoy, M. (2008). 'The public turn. From labor process to labor movement'. *Work and Occupations*, 35 (4): 371–87.
- Bureau, M.-C. and Corsani, A. (2018). 'Collective actions on the margins of the salariat'. *Transfer: European Review of Labour and Research*, 24 (3): 279–95.
- Cicmil, S., Packendorff, J. and Lindgren, M. (2016). 'The project (management) discourse and its consequences: on vulnerability and unsustainability in project-based work'. *New Technology Work and Employment*, 31 (1): 58–76.
- Davidov, G. (2004). 'Joint employer status in triangular employment relationships'. *British Journal of Industrial Relations*, 42: 727–46.
- de Peuter, G. (2011). 'Creative economy and labor precarity: a contested convergence'. *Journal of Communication Inquiry*, 35(4): 417–25.
- Fulton, L. (2018). *Trade Unions Protecting Self-Employed Workers*. Brussels: ETUC.
- Hall, P. A. and Soskice, D. (eds.), (2001). *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.
- Havard, C., Rorive, B. and Sobczak, A. (2009). 'Client, employer and employee: mapping a complex triangulation'. *European Journal of Industrial Relations*, 15 (3): 257–76.
- Heckscher, C. C. and Carré, F. (2006). 'Strength in networks: employment rights organizations and the problem of co-ordination'. *British Journal of Industrial Relations*, 44 (4): 605–28.
- Heery, E. (2009). 'Trade unions and contingent labour: scale and method'. *Cambridge Journal of Regions Economy and Society*, 2 (3): 429–42.
- , Conley, H., Delbridge, R. and Stewart, P. (2004). 'Beyond the enterprise: trade union representation of freelancers in the UK'. *Human Resources Management Journal*, 14 (2): 20–35.
- , Williams, S. and Abbott, B. (2012). 'Civil society organizations and trade unions: cooperation, conflict, indifference'. *Work, Employment and Society*, 26 (1): 145–60.
- Hirsch, B. (2016). 'Dual Labor markets at work'. *ILR Review*, 69 (5): 1191–215.
- Hoevenagel, R., De Vries, N. and Vroonhof, P. (2015). *Arbeidsmarktpositie van zzp'ers; Zzp-panel: resultaten eerste meting 2014*. Zoetermeer: Panteia.
- Hyman, R. and Gumbrell-McCormick, R. (2017). 'Resisting labour market insecurity: old and new actors, rivals or allies?'. *Journal of Industrial Relations*, 59 (4): 538–61.
- Ibrahim, S. (2006). 'From individual capabilities to collective capabilities: the capability approach as a conceptual framework for self-help'. *Journal of Human Development*, 7 (3): 397–416.
- (2017). 'How to build collective capabilities: the 3C-model for grassroots-led development'. *Journal of Human Development and Capabilities*, 18 (2): 197–222.

- IBO (2015). IBO zelfstandigen zonder personeel, *Interdepartmental Policy study Self-employed without personnel*. Ministry of Finance, Inspectie der Rijksfinanciën, office of Strategic Analysis.
- Jansen, G. and Lehr, A. (2019). 'On the outside looking in? A micro-level analysis of insiders' and outsiders' trade union membership'. *Economic and Industrial Democracy*. <https://doi.org/10.1177/0143831X19890130>
- Jenkins, J. (2013). 'Organizing 'spaces of hope': union formation by Indian garment workers'. *British Journal of Industrial Relations*, 51 (3): 623–43.
- Kalleberg, A. L. (2009). 'Precarious work, insecure workers: employment relations in transition'. *American Sociological Review*, 74 (1): 1–22.
- Keller, B. and Seifert, H. (2013). 'Atypical employment in Germany. Forms, development, patterns'. *Transfer — European Review of Labour and Research*, 19 (4): 457–74.
- Koene, B. A. S., van Driel, H., Walter, L. and Bergström, O., (2009). 'Conditions for institutional experimentation and innovation – comparing the Netherlands and Sweden'. *EGOS colloquium Barcelona*.
- , Garsten, C. and Galais, C. (2014). *Management and Organization of Temporary Agency Work*. London: Routledge.
- Kornelakis, A. and Voskeritsian, H. (2018). 'Getting together or breaking apart? Trade union strategies, restructuring and contingent workers in Southern Europe'. *Economic and Industrial Democracy*, 39 (2): 357–75.
- Kunsten92 (2017). *Arbeidsmarktagenda culturele en creatieve sector 2017-2023*.
- Lawrence, T. B., Suddaby, R. and Leca, B. (eds.), (2009). *Institutional Work: Actors and Agency in Institutional Studies of Organizations*. Cambridge, UK: Cambridge University Press.
- Leighton, P. and McKeown, T. (2015). 'The rise of independent professionals: their challenge for management'. *Small Enterprise Research*, 22(2–3): 119–30.
- Lorquet, N., Oriane, J.-F. and Pichault, F. (2018). 'Who takes care of nonstandard career paths? The role of labour market intermediaries'. *European Journal of Industrial Relations*, 24 (3): 279–95.
- Malone, T. W., Laubacher, R. and Johns, T. (2011). 'The big idea: the age of hyperspecialization'. *Harvard Business Review*, 89: 56–65.
- Marsden, D. (2004). 'The 'Network Economy' and models of the employment contract'. *British Journal of Industrial Relations*, 42 (4): 659–84.
- Milkman, R. (2013). 'Back to the future? US labour in the new gilded age'. *British Journal of Industrial Relations*, 51 (4): 645–65.
- Murray, G. (2017). 'Union renewal: what can we learn from three decades of research?'. *Transfer — European Review of Labour and Research*, 23 (1): 9–29.
- Osnowitz, D. (2010). *Freelancing Expertise: Contract Professionals in the New Economy*. Ithaca, NY: Cornell University/ILR Press.
- Oswalt, M. M. (2016). 'Improvisational unionism'. *California Law Review*, 104 (3): 597–670.
- Pasquier, V., Daudigeos, T. and Barros, M. (2020). 'Towards a new flashmob unionism: the case of the Fight for 15 Movement'. *British Journal of Industrial Relations*, 58(2): 336–63.
- Pernicka, S. (2005). 'The evolution of union politics for atypical employees: a comparison between German and Austrian trade unions in the private service sector'. *Economic and Industrial Democracy*, 26 (2): 205–28.
- Rapelli, S. (2012). *European I-Pros: A Study*. London: Professional Contractors Group Ltd.

- Sandoval, M. (2016). 'Fighting precarity with co-operation? Worker co-operatives in the cultural sector'. *New Formations*, 88: 51–68.
- Scholz, T. (2016). *Überworked and Underpaid: How Workers Are Disrupting the Digital Economy*. Hoboken, NJ: John Wiley & Sons.
- and Schneider, N. (eds.) (2017). *Ours to Hack and to Own: The Rise of Platform Cooperativism, A New Vision for the Future of Work and a Fairer Internet*. New York; London: OR Books.
- Siapera, E. and Papadopoulou, L. (2016). 'Entrepreneurialism or cooperativism?' *Journalism Practice*, 10 (2): 178–95.
- Stanton, C. and Thomas, C. (2016). 'Landing the first job: the value of intermediaries in online hiring'. *Review of Economic Studies*, 83 (2): 810–54.
- Sen, A. K. (1985). *Commodities and Capabilities*. New Delhi: Oxford University Press.
- (1999). *Development and Freedom*. Oxford: Oxford University Press.
- Shen, C. and Cage, C. (2015). 'Exodus to the real world? Assessing the impact of offline Meetups on community participation and social capital'. *New Media & Society*, 17 (3): 394–414.
- Semenza, R. and Pichault, F. (eds.), (2019). *The Challenges of Self-Employment in Europe. Status, Social Protection and Collective Representation*. Cheltenham, UK: Elgar Publishing.
- Stewart, A. and Stanford, J. (2017). 'Regulating work in the gig economy: what are the options?'. *Economic and Labour Relations Review*, 28(3): 420–37.
- Strang, D. and Meyer, J. W. (1993). 'Institutional conditions for diffusion'. *Theory & Society*, 22: 487–512.
- Sullivan, R. (2010). 'Organizing workers in the space between unions: union-centric labor revitalization and the role of community-based organizations'. *Critical Sociology*, 36 (6): 793–819.
- Tapia, M. (2013). 'Marching to different tunes: commitment and culture as mobilizing mechanisms of trade unions and community organizations'. *British Journal of Industrial Relations*, 51 (4): 666–88.
- vanDriel, H. and Koene, B. A. S. (2011). 'The rhetoric of restraint: the struggle for legitimacy of the Dutch temporary work agency industry, 1961-1996'. *Enterprise and Society*, 12 (3): 562–600.
- Vinodrai, T. (2015). 'Constructing the creative economy: design, intermediaries and institutions in Toronto and Copenhagen'. *Regional Studies*, 49 (3): 418–32.
- Visser, J. (2019). *ICTWSS Database*. version 6.1. Amsterdam: Amsterdam Institute for Advanced Labour Studies (AIAS), University of Amsterdam.
- Wears, K. H. and Fisher, S. L. (2012). 'Who is an employer in the triangular employment relationship? Sorting through the definitional confusion'. *Employee Responsibilities and Rights Journal*, 24: 159–76.
- Weick, K. E., (1995). *Sensemaking in Organizations*. Newsbury Park, CA: Sage.
- Wynn, M. (2015). 'Organising freelancers: a hard case or a new opportunity?'. *International Review of Entrepreneurship*, 13 (2): 93-102.
- Xhaufflair, X., Huybrechts, B. and Pichault, F. (2018). 'How can new players establish themselves in highly institutionalized labour markets? A Belgian case study in the area of project-based work'. *British Journal of Industrial Relations*, 56: 370–94.