

# Don't GIG Up, Never!

## Country update – SWEDEN

*Vincenzo Pietrogiovanni / Andrea Iossa  
(Fondazione Giacomo Brodolini – FGB)*

June 2022



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# INTRODUCTION

This report is part of a series of follow-up studies to the State of the Art report<sup>1</sup>, published in January 2019 under the project 'Don't GIG Up! Extending social protection to GIG workers in Europe' (VS/2018/0018), and reviewing debate, studies, and policies arising on platform work in the following countries: France, Germany, Italy, Poland, and Spain<sup>2</sup>.

As part of the 'Don't GIG Up, Never!' project (VS/2021/0204), the report updates country level information up to February 2022, illustrating contextual information and recent developments around platform work. More in detail, the country update describes political, social and academic debate on platform work, results of recent research studies, relevant legislation and policy reforms, and social partners' responses to the platform work. This was done using a questionnaire and instructions common to the different countries covered by the partnership.

To support the comparison of findings across countries, the report refers to the 'Don't GIG up!' classification of labour platforms presented in Table 1.

**Table 1. Classification of labour platforms adopted in the project 'Don't GIG up!'**

Platforms involving passenger transport services (Uber, Lift...);	<b>Type 1</b>
Platforms involving goods delivery services (Deliveroo, Foodora...);	<b>Type 2</b>
Platforms involving 'traditional gigs', like gardening, cleaning activities (Task Rabbit, Helping...) up to skilled services (marketing, advertising, translating), possibly also by means of auctions (Fiverr, Upwork...);	<b>Type 3</b>
Platforms externalizing micro-tasks, often performed on web, to a 'crowd' of workers (crowd-work platform like Amazon Mechanical Turk).	<b>Type 4</b>

<sup>1</sup> The report is available under the following link: <http://www.dontgigup.eu/resources/>

<sup>2</sup> The web-site [www.dontgigup.eu](http://www.dontgigup.eu) hosts also two country reports addressing Sweden and Estonia respectively, and covering a larger time span for them were not included in the State of the Art report.

# PUBLIC AND ACADEMIC DEBATE ON PLATFORM WORK

Sweden represents one of the best performing economies in recent years, with all major economic and social indexes showing more or less relevant improvements. The unemployment rate has diminished from its peak in 2010, when it was at almost 9%, down to current 7% circa (OECD, 2018). Sweden represents also one the leading countries for the diffusion and use of digital technologies, with the highest share of valued added produced by the ICT sector among OECD countries. According to OECD report, Sweden shows a tight connection between strong economic performance and the digital transformation. Digitalisation boosted Swedish firms to move up the value chain, focusing their activities on high value-added services (OECD, 2015). Moreover, the Swedish labour market has performed well despite the several crisis of recent two decades, and there is a general consensus on the main reason being the typical 'Swedish model' (or labour market regulation or industrial relations), based on the strong social partners, the centrality of collective bargaining and the collective agreement, and the active role of job security councils.

Major transformations in the labour market have been recently caused more or less directly by technological innovations. In the public debate, it has been reported how the so called 'gig economy' and platform capitalism have the potential to dramatically change traditional work arrangements and labour market relationships.

The public debate on media and social media in Sweden has started already around 2014, and has kept growing. In the beginning, Swedish media reported news from the UK or France, where taxi drivers were protesting against Uber; then, they started to address the possible impact of what was then called "sharing economy" on Swedish economy and labour regulatory framework. In more recent times, the negative effects or shortfalls for platform workers have been the subject of a large journalistic investigation run by SVT, the Swedish public service television company, published in November 2021. SVT talked to about 20 drivers who drove taxis via app companies such as Uber and Bolt in Stockholm. They testified to tough working conditions and difficulties in getting their finances together, despite working well over 40 hours a week (SVT, 2021).

The main aspects addressed in the public debate concerned the employment status, the general working conditions of platform workers, the possible problems with social protection, taxation and collective representation.

The public and political debate has somehow intersected the issue of platform workers with the issue of workers with temporary and fixed-term contracts. Indeed, it has been found that the workers who are the most affected by job insecurity and, to some extent, in-work poverty, are mainly youth and other vulnerable groups (women, and foreign-born persons). Some of these precarious workers perform their activity for or via an app, therefore the two topics are intertwined. Atypical workers tend to receive lower wages than standard workers, moreover, they experience greater job insecurity and earning losses between contracts (OECD, 2018). Also, self-employed workers are more likely to enjoy fewer work-related benefits, in particular for unemployment, work injury, sickness, maternity and retirement. They are also less likely to receive professional training, which in turns makes them less appetible for future jobs. Due to a rather strong employment protection for standard workers, in Sweden, the gap in employment protection between standard and precarious workers in Sweden is among the highest in the OECD (OECD, 2018).

Part of the debate has been also impacted by proposal from the social partners. As we will see better later on, Unionen, the largest trade union on the private labour market, has proposed an institution with the task to create digital standards and guidelines for platform companies wishing to abide by the rules and norms established in Sweden.

In the academic debate, the topic of platform workers has been generally framed within the wider perspective of the future of work in the Nordic countries. Indeed, the Nordic Council of Ministers funded a large project (run from 2017 to 2020 by Fafo Institute for Labour and Social Research, Oslo) involving more than 30 researchers from the five Nordic countries study that investigated on the impact on labour market and its regulation of the digital transformation. The main research questions of the project were:

- What are the main drivers and consequences of the changing future of work in the Nordic countries?
- In what ways will digitalisation, new forms of employment, and platform work influence the Nordic models?
- What kind of renewal in the regulation of labour rights, health and safety, and collective bargaining is warranted to make the Nordic model fit for the future?

Through action and policy-oriented studies and dialogue with stakeholders, the objective of the project was to enhance research-based knowledge dissemination, experience exchange and mutual learning across the Nordic boundaries.

The general terms of the scholar debate were grounded on the pivotal topic of classification of platform workers. Swedish labour law system being based on a binary division between employment and self-employment, it is crucial to define who is an employee in order to fall within the scope of labour laws and

collective agreements.

In Sweden, the legal classification of platform work is uncertain. There has not been any legislation on the classification of platform work, moreover there is not any ruling from a court of law that has established some principles or criteria to define the legal status of platform workers. The dominating approach on classification is that whether a platform worker is an employee must be assessed on a case-by-case basis. In a Swedish investigation on working environment issues, the Committee affirmed that the classification was imprecise, and depends – among other things – on the level of control of the platform company over the worker and the work performance.

A core aspect of the social model labelled as the ‘Swedish (or Nordic) model’ is to rely on the possibility to conduct collective bargaining, since most working conditions are not regulated in the statutory legislation but only through collective agreements. Indeed, in Sweden there is no statutory legislation on minimum wages, overtime pay, guaranteed minimum working hours, and so on (Westregård, 2021).

The definitions of employee and solo self-employed are important in order to decide the scope of collective agreements as they apply only to employees, with some exceptions. The most relevant sources of law are the 1982 Employment Protection Act (Lag (1982:80) om anställningsskydd, LAS), the 1976 Co-determination Act (lag (1976) om medbestämmande i arbetslivet, MBL), the 2008 Discrimination Act (Diskrimineringslagen (2008:567)), the 1977 Annual Holiday Act (Semesterlagen (1977:480)), the 1982 Working Hours Act (Arbetsstidslagen (1982:673)) and the 1977 Work Environment Act (Arbetsmiljölagen 1977:1160). In Sweden, employment contracts are not required to be in written.

A worker in Sweden can be considered as an employee in labour law but as a self-employed in the social security law. It is important to highlight, indeed, that there is not a unique definition of employment in Sweden. The notion of employment is wider in labour law compared to social security law – which is directly referring to the tax law concept of employment. According to the Administrative Court of Appeal, the classification highly depends on the degree of independence that the worker enjoys in the contractual arrangements.<sup>3</sup> However, the Swedish social security system covers to a considerable extent also self-employed workers, who are protected by sickness benefits, occupational injury insurance, parental allowance and pensions<sup>4</sup>. Only the unemployment insurance is voluntary for both employees and self-employed<sup>5</sup>.

However, since the conditions for benefits are generally more favourable for traditional full-time employees than for other groups, if platform workers are not classified as typical employees, they most likely find themselves in a substantially disadvantaged situation.

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<sup>3</sup> Judgement from the Administrative Court of Appeal in Gothenburg 11 May 2010 (case no. 3059–09), Judgement from the Administrative Court of Appeal in Gothenburg 17 February 2015 (case no. 911–15) and IAF 2016:3, 15-16.

<sup>4</sup> Social Insurance Code (2010:110) chapter 25 and 27, chapter 39-42, chapter 12, chapter 59.

<sup>5</sup> See the Unemployment Insurance Act (1997:238)

# FEATURES AND TRENDS

It is difficult to measure accurately the development over time and space of platform work in Sweden because it has not been established any form of (public) register for platforms; moreover, and partially as a result, there is not any access to official statistics in Sweden on the number of platform workers and of administrative data to identify digital labour platforms

Nonetheless, more recently, two main sources of data have become available. The first source stems from several European online omnibus surveys that included Sweden (Brancati, et al. 2020), whereas the second source consists of surveys carried out in Sweden that have been commissioned either by the Swedish Government (SOU, 2017, and Gullers, 2016) or by trade unions (Unionen, 2019). These two data sources are more relevant, as Anxo has underlined, “due to severe problems of data comparability in the European surveys (the lack of a common definition of platform work and methodological issues) resulting in large variations in the estimated number of platform workers in Sweden, we focus in the following section on the results of the two above-mentioned Swedish surveys, which are more comparable” (Anxo, 2021).

The incidence of platform workers is lower in Sweden than in other European countries. According to Brancati et al., in 2018, the share of the adult population providing services via digital labour platforms was an average of 8.6% in the EU, while in Sweden it was 7.2% (or around 530.000 persons). The, considering platform workers with at least 20 hours of work per week or earn at least 50% of their income from platform work, this share plunges in Sweden to 0.9% of the adult population (around 66.000 persons) compared to 1.4% in the EU.

According to the Government inquiry, *A working life in change* (SOU, 2017), about 4.5% of the respondents (corresponding to about 272.000 people) had in the previous year tried to work via digital platforms, and 56% of them did actually perform work – which would be approximately 152.000 people or 2.8% of the labour force (aged 15-74 years). Of these works, 45% was performed via on-line platforms, whereas 35% was performed via on-location platforms. Considering how these works have been distributed in industries:

- 44% of the delivered services were provided in the ICT



- 27% in personal transport, good/food delivery and household services
- 25% in Administrative and Support Service Activities
- 22% in culture and media.

According to 83% of respondents, the number of assignments during the year of reference ranged between 1 and 20 assignments. Almost half of the assignments were shorter than 10 hours: this means that more than half of platform workers in Sweden can be classified as marginal part-timers for whom platform work is mainly a secondary occupation – combined with education or other employments. As a result, the majority of platform workers in Sweden seems to have other sources of income.

For around 60% of platform workers, the earnings from platform work constitutes less than 25% of their total revenue. Nevertheless, around 10% of platform workers performs working time for more than 30 hours, and around 15% report that the income from their platform work constitutes at least half of their revenue.

As Anxo highlights, “due to the relatively limited sample and the low number of respondents reporting working via digital labour platforms it is difficult to assess accurately the socio-economic profile of platform workers. However, some patterns can be found. Looking for work via digital labour platforms is more common among men (6%) than among women (3%). Young people (16–24 years olds) are also more likely to search for jobs via digital platforms (10 trade unions and employer organisations) compared to other age groups (2–6%). Foreign born workers (10%) are significantly more likely to provide services via digital labour platforms than native workers (4%). When it comes to regional differences, most platform work is concentrated in large urban areas, particularly the Stockholm region (8%) compared to other regions (ranging between 2 and 4%)”.

As for the kinds of platforms that are active in Sweden, there have been accounted around twenty platforms that provide on-location and online labour. Among them, seventeen companies present themselves as intermediaries, so platform workers are labelled as self-employed; and three present themselves as employers hiring their platform workers as employees. Moreover, only two platform companies have concluded a collective agreement.

# POLICY, LEGAL AND CASE LAW DEVELOPMENTS

The approach of Swedish legislator has been not to intervene with any legislation on platform work. Despite the big debate on matters of classification and all connected social problems, Swedish Government has decided to wait and see what would have happened in courts and among the social partners.

Unfortunately, unlike other European countries, in Sweden there has not been yet any court ruling on platform work. Swedish social partners do not usually use strategic litigation as a tool to solve some problems. One of the reasons behind this choice is that social partner prefer self-regulation above anything else, statutory legislation as well as decisions from the Labour Court or any other jurisdiction.

Some of the measures put in place by the Swedish Government to avoid or minimise the harmful impacts of the COVID-19 pandemic have definitely benefited platform workers, irrespective of their contractual status. Such Government measures were mainly different subsidies for companies and self-employed along with amendments in eligibility criteria for unemployment insurance to ease up the possibility for workers who became unemployed to qualify for unemployment benefits, state funded short-time work schemes, and temporary modifications of the sickness insurance scheme in order to decrease the costs of sickness absence for both employees and employers.

Explicitly the Swedish Government did not take any special measure targeting platform workers during the COVID-19 pandemic, but some of them (platform – namely the ones classified as employees and sole traders) may have easily benefited from the above mentioned measures. However, since there is no statistic on platform workers and on who benefitted for the measures, empirical evidence is not directly accessible in order to fully understand how such public policies have impacted on platform work.

The Work Environment Authority in Sweden has been investigating platform work and the extent to which platform workers are covered by the protections set forth by the Swedish Environmental Act.

In January 2022, the Swedish Parliament approved a large reform of employment law proposed by the Government. Also in this case, in the reform there is not any reference to platform work, however, among the different changes, the amendments of the rules on fixed-term employment might relate to it. Under the new rules, the general fixed-term contract has been replaced by a special fixed-term contract. This new type of contract has the peculiarity that is converted into an indefinite employment when the employee has been employed for a total of more than twelve months during a five-year period. Another

er change is that an employee who has had a special fixed-term employment for more than nine months during the past three years will have a preferential right to re-employment in a new special fixed-term employment. As Carin Ulander-Wänman has commented, “for employees, this is a more generous qualification period for priority rights to re-employment compared to the general rule on rights to re-employment” (Carin Ulander-Wänman, 2022).

This reform, however, might present some difficulties in its application to platform workers, namely those who have numerous short fixed-term contracts or zero-hour contracts with different platforms: in such cases, it could be hard to determine who would be the employer and what kind of working time arrangements the open ended contract would have.

On this note, one of the biggest problems with platform workers in Sweden is the lack of statutory guarantees of a minimum number of actual working hours, which drives many workers into poverty or at risk of poverty. However, legislating about minimum hours of work in total per employment contract is currently not on the agenda.

Finally, in the Government White Paper (SOU 2017:24), the Committee of Inquiry advanced the possibility of extending the concept of the ‘dependent contractor’ as defined in the 1976 Co-determination Act to the application of the 1977 Work Environment Act (SOU 2017:24). If and when this new legislation happens, as a consequence platform workers will finally fall in the scope of the 1977 Work Environment Act, irrespective of their contractual classification.

# SOCIAL PARTNERS' ACTIVITIES AND GRASSROOT CAMPAIGNS

Despite the lack of intervention of the legislator and the absence of case law, in Sweden the labour market actors have set up their social model to try to address some of the issues of platform workers through collective bargaining. Indeed, there is a collective agreement signed between the Swedish Transport Workers' Union and Foodora that is valid from 1 April 2021. This agreement applies to bike and moped couriers, and its main achievement has been to put platform workers in comparable working conditions to the rest of the transport industry under different aspects. Nonetheless, the guaranteed remuneration per hour is lower than the one set by the sectoral collective agreement (around 140 krona, i.e., 13€ per hour). Many platform companies have called for similar agreements, but with special solutions tailored to their specific business model or ask to apply the same wages set for Foodora's bike couriers although their workers don't use bikes.

Several unions have created internal groups where to discuss strategies to tackle platform work. These internal groups can gather researchers and ombudsmen.

On the social partners' side, some clarifications on the Swedish model are necessary first of all. As already noted above, the main source of labour market regulation in Sweden is the collective agreement, therefore it is important to understand how the employers and employee's organisations are dealing with platform work. Among the trade unions, in Sweden the most active ones seem to be the unions for white-collar workers and academic professionals, whose membership is now open not only to employees but also to solo self-employed. Usually, such unions organise special departments for self-employed workers, offer them legal service.

In 2016, Unionen, which is the largest union for white-collar workers in Sweden, and as part of the European network Fair Crowd Work, signed the Frankfurt Declaration on Platform-based Work that was launched by IG-Metall in Germany in 2016. The main idea behind such a partnership agreement on online collaborative platforms was to foster the transnational cooperation among trade unions in order to increase transparency in platform work, share regulatory and policy matters and experiences in how union can more effectively recruit

and organise platform workers. (Unionen, 2016, and Engblom, 2017). Moreover, Unionen has signed collective agreements with some platform companies; it is important to mention, nonetheless, that these collective agreements do not address directly platform workers but the sectorial collective agreement for temporary work agencies and the sectorial collective agreement for media sector apply to the platform company (Söderqvist and Bernhardt, 2019).

Moreover, in order to make their organisations more attractive to platform workers, some trade in recent years union federations within the Confederation of Professional Employees (Tjänstemännens Centralorganisation, TCO) and the Swedish Confederation of Professional Associations (Sveriges Akademikers Centralorganisation, SACO) have opened membership to solo self-employed.

Finally, the Swedish Transport Workers' union has been resorting to some legal disputes to represent the interest of a bike courier who performed her activities for Foodora but was forced to use a self-employment company, PaySalary. It seems that the Swedish Transport Workers' union has used this case as a first form of strategic litigation on platform work.

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