

Work Package A

Industrial relations and creative workers. Overall report

ir-CREA

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I. A “flexible” definition of the problem

Over the past fifteen years – after the pioneering works of the Commonwealth of Australia (1994) and of the Department for Digital, Culture, Media and Sport of the UK government (DCMS 1998) were published – the cultural and creative industries (CCIs) have become increasingly important, being seen as a new driver of economic growth worldwide.

As such, the CCIs are seen as fundamental contributors to the European dynamics of innovation, economic growth and social development, participating in its “industrial renaissance”. At the EU level, since the mid-2000s, the European institutions began to add the adjective “creative” to the term “cultural industries” – which indeed became “cultural and creative industries” – though the focus was specifically on their direct economic contribution. This change was followed by the adoption of policy initiatives in support of the CCIs, funded through EU financial instruments, such as the structural funds, or specific policy programmes, such as *Creative Europe*.

While the term “creative” is widespread, its meaning is far from being univocal, though it relies on the general idea that “creatives” influence the economy and society, with cross-sector effects. “Creative” is thus a typical umbrella concept, which actually includes different industries and professional figures. In the framework of the IR-CREA Project, we did not draw a clear line to define what is “creative” and what is not in the three countries studied, namely Denmark, Italy and the Netherlands; we rather recognized the structural differences and adopted the constructed definitions that best suited them, looking at the specific contexts. As already stressed in a report on the creative economy drafted by UNESCO (2013), in effect, a shared definition of this phenomenon does not exist, so that it is easier to identify the “prevailing models to adapt to the reality of their local context, culture and markets”.

This sector is therefore very heterogeneous. It includes various types of workers and companies, adopting different competitive strategies. On the one hand, there are workers employed in larger companies or, even, “stars” in their sector, benefiting from stable work contracts, high income levels and good working conditions. On the other hand, there are “vulnerable” workers, who contract out their skills to various organisations in a project-based labour market, straddling between self-employment and economically dependent condition, with medium-low wages and whose professional environment is characterised by a high level of uncertainty. IR-CREA focuses on these latter, namely high-skilled workers who play a pivotal role in the knowledge economy, but are also vulnerable, in terms of job security, working conditions, access to welfare, and income levels.

As the comparative analysis will show, the three selected countries are characterized by considerable diversities in the systems of labour market regulation and industrial relations, what allows us to reflect on the relevance of the “country dimension” in the regulation of the sector. In other words, we wonder whether it is the “sector” that determines its own characteristics (in terms of productive organization, dominant

contractual forms, models of industrial relations), or it is the “country” that, through its regulatory framework, determines the way the sector itself works. To answer this question, IR-CREA examined in depth two relatively small but economically relevant sectors, i.e. graphic design and video game development, investigating the dynamics of labour regulation at both the macro and the micro level.

Preliminarily, some points can be made concerning the most important similarities between the three countries, as emerged from the analysis.

First, *passion* is a critical element, with which those working in these sectors motivate the willingness to accept low wages, long working hours and, more generally, poor working conditions. The Dutch case revealed the existence of three different types of mechanisms related to passion and reputation: 1) people undertake further projects in addition to their ordinary work, for example the development of a video game, because they believe it is an interesting project (in these cases, the passion for the development of the video game leads the workers to take on a heavier workload); 2) several interviewees mention the positive and informal climate as a fundamental characteristic of these industries; 3) for others, competition implies that portfolios and the relationships with clients are extremely important. These mechanisms, combined with the high degree of competition and the absence of barriers to enter the market, leads workers to settle for lower earnings.

Second, passion does not explain everything. Differently from what emerges from the literature on creative work, which stresses the idea of the centrality of passion, IR-CREA shows that *unfavourable employment and working conditions* are prevailing, and that these are connected with firms’ size and internal organisation. Creatives are thus passionate, but are also vulnerable. A degree of differentiation in labour regulation in the different types of companies clearly emerged: those who work in start-ups or small firms, in fact, have more deregulated employment and working conditions than those in larger ones. These are characterized by a more traditional pattern of labour regulation, which involves the use of temporary staff, hired on a project basis, but also implies offering safer conditions to a “core” of workers, who are considered of a strategic importance for companies’ competitiveness.

Third, another common feature has to do with the massive impact of *new technologies* on work methods. In this regard, the lowering of entry costs and the democratization of innovation had two effects. On the one hand, it made work tools more accessible and easy to use. The interviewed employers and freelancers in the graphic design industry indicated that the approach to work changed, most of it being designed for digital media, which are replacing paper. This indeed require a radically different approach: today, instead of designing a poster, a flyer, a magazine, and so on, graphic designers offer the creation of “corporate identities” through visual communication tools. On the other hand, a phenomenon emerged that has to do with the platform economy or the use of platforms to present portfolios and seek for clients. Here, the perception of the interviewees, in the Italian case, is that the jobs performed through

the platforms basically consist of simple tasks, mostly in response to small customers, who require low-budget services. As such, they represent an opportunity for young people in the early stage of their careers, when they need to create and enrich their portfolios, but represent a problem of sustainability of competition.

Fourth, the *portfolio logic* prompts creative workers to accept low-paid jobs to improve their CVs. In the three countries examined, the CCIs are characterised by a significant presence of both freelance and atypical work. Occupational trajectories are highly fragmented, especially at the beginning of career, though relevant dissimilarities can be recognized between different groups of creative workers. In Italy, for instance, several interviewees reported a significant spread of (unpaid) internships and forms of (often, bogus) self-employment as first steps in their professional careers. This is closely connected with the importance of the portfolio and with the construction of “knowledge networks” to enter the sector and access paid work; the interviewees, in fact, declared that they accept low salaries in order to build their portfolio and become known. The feature of being a “portfolio-driven” industry leads employees to worry less about their (potential) earnings in a specific company, and more about what a specific job will add to their CVs. This means that they often accept job offers without negotiating salaries or fees. This causes an unwanted effect, since people who want to work in the sector give employers the opportunity to offer lower wages and worse working conditions, especially for starting positions. As a general tendency, being portfolio-driven implies that collective problems are faced individually.

Fifth, *productive organisation* is mostly based on so-called “project work”, and it largely relies on the use of freelancers. This produced high levels of uncertainty, and the need for workers to constantly demonstrate their ability and talent to keep getting jobs. Research has shown how, generally, creative workers respond to these challenges by holding multiple jobs, even outside the creative field, and by investing in their skills and portfolios, sometimes accepting to work for free to demonstrate their capacities. These trends support entrepreneurship among creative workers, but also frequent transitions from the condition of freelancer to that of employer, and vice versa. The distinction between employer and employees is sometimes blurred: people can be freelancers, employees or employers, depending on the period, not following a well-defined order, but engaging in “fluctuating careers”; or, for example, they can be the founders of a start-up and, at the same time, work on a project, cooperating with other firms as a freelancer. Moreover, the unclear division between employer and employee implies that the (collective) mechanisms that are typical to other economic sectors have not been triggered (union claims etc.). In Italy and the Netherlands, companies usually hire people ad hoc and often on a freelance basis, according to the project they need to develop, while in Denmark permanent work contracts are more frequently used. It is also widely believed that working hours are often long and unpredictable, with frequent periods of overtime (often unpaid), during the so-called “crunch times” (the final phases of a project). This reveals the presence, again, of blurred boundaries between work and private life, and an increasing difficulty in distinguishing between

work and non-work. At the same time, creative work generally allows high flexibility in working hours, which is usually appreciated by workers. Both in Italy and the Netherlands, freelancers and small teams are more likely to work on weekends and have prolonged periods of overtime. Larger firms, instead, have a more traditional work organisation, with standard working hours and a less frequent use of overtime. This seems to derive from the need (and higher capacity) to regulate the production process, in order to be able to meet strict deadlines.

Sixth, these sectors pose critical *challenges to interest representation*. The institutions of industrial relations, in effect, play a marginal role in labour regulation within these industries, especially in Italy and the Netherlands. Traditional industrial relations practices, such as collective bargaining, also are of a slight significance. In all three national cases, however, traditional actors are trying to make innovations to reach these types of workers. Denmark distinguishes itself, as it registers a relatively high union membership among creatives, though it is considerably lower than the national average. It should also be noted that trade unions and employers' associations play a critical role at a cross-sectoral level, e.g. in the field of social security, by engaging in social negotiation practices, which are likely to have a substantial impact on workers' vulnerability. Either increasing it or decreasing it.

Seventh, the "space" of *sectoral industrial relations*, however, offers possibilities for new actors to undertake innovative actions. The "associative dimension", which finds an expression in "trade" or "professional" associations, translates into the provision of services to support businesses and workers. These kinds of associations have a strong impact, as they facilitate the creation of shared identities among workers. On the other hand, they still are slightly relevant from the point of view of regulation.

Eight, *employers' and workers' demands*, however, are oriented towards services, such as training, guidance, mentoring, social protection, etc. For start-ups or small teams, particularly, services are critical. Training courses, for instance, are often stressed lacking. Social protection, on the contrary, is not frequently mentioned by creative workers, though it is a subject of great importance.

Ninth, *politics* proved to be crucial in supporting these sectors. This is what emerges, for instance, from the Dutch case, in which the government played a key role, since it promoted the public recognition of the CCIs and included them among the priority sectors, which in 2011 were identified as key policy areas for the advancement of the Dutch economy, the so-called *Top Sector Policies*.

2. The theoretical debate: four literatures examined

The cultural and creative industries (CCIs) are characterized by a high complexity. Despite that some of them are strictly interconnected with each other, they are extremely heterogeneous and fragmented. Defining them is therefore a very difficult task, so that there is no unanimous agreement among experts and scholars about their being a “sector”, in a conventional sense, nor about their delimitation and composition. The activities that are usually included in the CCIs, in effect, have a common denominator in *a set of ideas and practices through which culture and creativity are translated into economic value*; culture and creativity, however, can also be found in other sectors, which are not considered here. On the other hand, the CCIs are characterized by marked heterogeneity along several dimensions, which are: company size, product type, target markets, inter-firm relationships, organisational models, employment relationships, work qualification and skills, and so on. As such, heterogeneity also affects industrial relations, since it involves all the dimensions that influence collective action. Heterogeneity, in fact, makes it much more difficult for the actors of industrial relations to identify a set of strategies and representation paths. For this reason, it is not possible to speak of unitary systems of industrial relations within the CCIs; on the contrary, it seems more appropriate to speak of *a variety of forms of interest representation*, which in some cases go beyond industrial relations.

Heterogeneity and fragmentation are indeed important keys to interpret correctly the dynamics of interest representation in this broad economic area. These have to do with the intrinsic nature of creative work in sometimes very different sectors and sub-sectors. So, for instance, salaried work still prevails in some sectors, such as printing and publishing, while discontinuous work is inherent in other cultural industries, such as cinema and television, and in performing and visual arts; self-employment and professional work, then, are typical of the creative industries, namely architecture, communication, advertising and design. Work discontinuity and self-employment, particularly, identify an area of vulnerable workers, exposed to competitive pressures such as those deriving from market variability and technological change.

To fully understand the dynamics that generate the, actual or potential, demands for representation and protection in such a varied world, it is therefore necessary to go beyond sub-disciplinary boundaries and refer to different literatures, which are not always communicating with each other. Four types of academic literatures can be identified, here, that are particularly helpful for this purpose, focusing respectively on: (1) *creative work*; (2) *professionalism*; (3) *industrial relations*; and (4) *governance*. Below is a summary review of their specific contributions, which, combined together, should be used to build a coherent, but flexible theoretical framework.

To begin with, the literature focusing on *creative work* has been booming over the last two decades (to name only few, see: Christopherson 2008; Deuze *et al.* 2007; Hesmondhalgh and Baker 2008, 2011; McKinley and Smith 2009; Martin and Deuze 2009; Teipen 2008; Umney and Kretsos 2014), starting from some pioneering works

in late 1990s and early 2000s (see: Ursell 2000; McRobbie 2002; Ross 2003). These works acknowledged a number of common characteristics showed by creative work in different creative industries and marked by a trait of ambiguity (Hesmondhalgh and Baker 2011).

First, several contributions stressed the fact that working conditions in many of the CCIs are problematic. Pay is reported to be generally low, with a significant amount of workers (especially younger ones) willing to work for free in the hope to set a foot into the industry (Ursell 2000). However, scholars also highlighted the presence of high-income individuals (“star” workers), earning high amounts of money and functioning as a reference point for the others, which may accept poor pay in the hope of following their example and “making it” (Menger 2015). Working hours are reported to be usually very long and often unpredictable, with extended periods of overtime work, usually during “crunch time”. Moreover, a characteristic highlighted by many scholars is the blurring of boundaries between work and life, with working time eating out workers’ private sphere. Still, this type of work also enables workers a high flexibility in their working time, something usually praised by workers. Work in the CCIs has also been described as highly insecure and precarious (Ross 2003), with freelancing and different kinds of self-employment reported to be the dominant employment model. Several contributions showed how, since the 1980s, some cultural industries (like television and radio broadcasting), once characterized by strong internal labour market models, moved “toward outsourcing production, relying more on freelance labour, and assembling teams on a project-by-project basis” (Murdock 2003: 31), making careers in cultural industries less secure and predictable. This “projectification of work” (Maylor *et al.* 2006) produced a high uncertainty (Hesmondhalgh and Baker 2011) and the need for workers to continuously demonstrate their ability and talent to keep getting jobs (Antcliff *et al.* 2007; Blair 2001). Creative workers are usually reported to respond by holding multiple jobs, sometimes even outside the creative field in order to sustain their cost of living (Throsby 2012), by continuously investing in their skills and portfolios and in “self-branding” (Gandini 2015), sometimes even accepting to work for free in order to demonstrate their ability (Blair 2001). As we will see below, these trends foster self-entrepreneurial attitudes among creatives, as implied by the expression “entremployee”, coined by Pongratz and Voss (2003). Socialising and networking are considered to be the keys in sustaining employment opportunities in these industries, in what McRobbie (2002) called a “PR meritocracy”, keen to club culture. While many workers are reported to like this kind of attitude, several scholars highlighted the often exclusionary nature of these networks (Christopherson 2008), which tends to sustain a homogeneity of class and gender and to favour the occupation of those having time for social relations, usually the young and unattached, while expelling older workers (Deuze *et al.* 2007: 343). Lastly, scholars highlighted a tendency by workers to move rapidly between different types of employment (freelancing, working for a company, setting up their own business) (see: Bergvall-Kareborn and Howcroft 2013; Gill 2007), blurring the distinction between employers and employees.

A number of reasons have been highlighted for explaining why workers accept such poor and precarious working conditions. First and foremost, creative workers have been shown to be pushed by strong intrinsic motivations (Ursell 2000; Umney and Kretsos 2014). Expressions like “passionate work” (McRobbie 2002), “affective labour” (Lazzarato 1997; Hardt and Negri 2000), “labour of love” (Gill and Pratt 2008), and “playbour” (Kuecklich 2005), are commonly used to describe workers’ attitudes to work in these industries. As argued by Gill and Pratt (2008: 15), research on creative labour “speaks of deep attachment, affective bindings, and to the idea of self-expression and self-actualization through work” as key motivations pushing workers to enter and remain in these industries. Hence, “passion” has been considered to be a key disciplinary technology (Gill and Pratt 2008), masking and sustaining self-exploitation (Ross 2003). However, some scholars have also highlighted how this motivation does not necessarily imply toleration of poor working (Thompson *et al.* 2016), and that this nexus is actively shaped by workers themselves in different contexts and in different phases of their personal lives (Umney 2016).

Second, the need to retain employment in highly competitive and insecure labour markets strengthens workers’ availability to accept poor working conditions with the idea that today’s sacrifices are accepted as an anticipation of future rewards (Bergvall-Kareborn and Howcroft 2013). In industries where employment is based on personal reputation and portfolios (Gandini 2015), and on social networks (Antcliff *et al.* 2007), there are strong incentives to take jobs beyond monetary remuneration (Umney and Kretsos 2014). Moreover, the centrality of networks for creative work also reduces the likelihood of workers expressing their grievances, fearing the risk of being labelled as “troublemakers” and, thus, being expelled from the labour market (Hesmondhalgh and Baker 2011).

The absence of unions, and workers’ consequent scarce awareness of their rights, together with employers’ hostile attitude towards unionisation and other forms of collective action is the third reason that is commonly advanced to explain critical working conditions (Hesmondhalgh and Baker 2011). Looking at the historical transformations of traditional creative industries, some scholars argued that “there is a distinct correlation between derecognition and increasing incidence of lower starting rates, longer working weeks, the removal of overtime pay and various allowances, and reduction in holiday pay and redundancy pay” (Gall 1997: 158).

Even if most of the scholars seem to agree on these characteristics of creative work, recent contributions started raising criticisms on some basic assumptions of previous literature. According to Thompson *et al.* (2016: 317), particularly, the literature on creative labour has been characterized by “an excess of high theory over detailed empirical accounts of actual creative labour in specific creative industries”, which has fostered over-generalisations and detachment from the context. This led to the development of some key categories and concepts (such as affective, cognitive and free labour, passion, work and play), which are used in an undifferentiated manner, producing an undifferentiated notion of creative labour. Hence, several contributions

called for increased attention to the “specificities of different industries, workplaces and locations” (Gill and Pratt 2008: 21) by looking at creative labour within the context of creative industries and their value chains. As argued by Christopherson (2008: 92), “creative workers’ goals and strategies are depicted as driven by personal, internal motives (and especially affective motivation and passion) rather than influenced by the political and economic context within which they work”. Creative work is usually portrayed as an individual enterprise, driven by love for the job, with little attention paid to the industry context in which creative workers operate. However, the organisation of firms and industries and their business strategies are keys in explaining creative workers’ employment conditions and, thus, managerial strategies are said to require closer inspection (Bergvall-Kareborn and Howcroft 2013: 977).

A second type of literature is, then, that on *professions and professionalism*. As already stressed, in fact, in some cases creative work assumes the typical character of “professional” work, linked to specific models of professionalism. So, there are traditional professions, such as architecture, and emerging professions, such as design. The term “emerging” professions refers to those activities which, only recently, or relatively recently, have started a process of professionalization, *à la* Wilensky (1964), and which, in any case, are not fully legitimized by public regulation, despite a more or less explicit demand for recognition; but it may also refer, simply, to activities that are linked to a rising or expanding market. In this sense, these are professions with no or low institutionalization, which, as such, distinguish themselves from “protected” professions (of which two typical examples are law and medicine), as being exposed to market regulation and to a process of “rationalization”, associated with the promotion of “managerialist/organisational” cultures (Evetts 2003).

In this regard, Hanlon (1996; 1998) theorized the rise of a new model of professionalism, based on the concept of “commercialism”, which describes the tendency of professionals to depend more and more on their capacity to create profit for their clients. He, thus, coined the term “commercialised professionalism” to indicate a shift of the focus towards aspects such as responsibility and performance, and the increasing importance for professionals of developing entrepreneurial and managerial skills. Other authors, then, expressed in similar terms. Svensson (2006), for instance, spoke of “marketization” and “managerialism” as phenomena that impose new objectives to professionalism, and offer new bases for the creation of trust among both professionals and the institutions that host them.

Growing attention is therefore paid to the role of *organisations*, as employers of professionals. Evetts (2006) spoke specifically of “organisational professionalism”. A thesis, then, gained currency that a new paradigm was emerging, going beyond the idea of professionalism as a “third logic”, distinct from bureaucracy and market (Freidson 2001). Among others, Noordegraaf (2007) used the concept of “hybrid professionalism”, indeed, to describe a type of professionalism based on “reflexive” control, aiming to reinforce the idea of professionalism in changeable organisational contexts, which implies the research of new sources of identity (on this issue, see: Dent and

Whitehead 2002). This also involves the reorganisation, restratification, and relocation of professional work, within professional fields that are becoming increasingly heterogeneous and fragmented (Noordegraaf 2013).

The emergence of new professions, though, raises again the question of inequalities *within* and *between* professional groups, originally understood as a problem of market control (Sarfatti Larson 1977; Freidson 1986), linked to the rise of intra- and interprofessional conflicts, based on “jurisdictional” claims (Abbott 1988). In this regard, Saks (2015) noticed that professions are not homogeneous entities, but hierarchically differentiated groups, which rely on mechanisms of “exclusion”, *à la* Parkin (1979). In this sense, those between professional groups are seen as adversarial relationships, which can give rise to processes of “marginalization” when classic professions succeed in reaffirming their control over the market (see: Butler *et al.* 2012), but can also originate new jurisdictions, forms of cooperation or, even, partnerships between professionals.

Among the CCIs, as we will see, graphic design represents a specificity. It is, in fact, a particular case of hybrid professionalism, indeed relying on a “discursive practice”, used to give meaning and value to work (see, first of all: Grey 1998; and, more recently, Evetts 2006; Muzio *et al.* 2011; Kipping 2011). Actually, it is a discourse largely developed within “flexible” organisations. These are mostly small-scale organisations of an informal and temporary kind, based on networks of professionals, which are functional to “project-based” activities (on this concept, see: DeFillippi 2009; 2015; DeFillippi and Arthur 1998; DeFillippi and Lehrer 2011) and compatible with the need for autonomy. The institutionalization of these kinds of professions, in effect, was held back by the rise of the neo-liberal rhetoric and by jurisdictional conflicts. Hence, they are driven primarily, if not exclusively, by the market logic. In the absence of an institutionalized community of peers, it is in the market that these “creative professionals” define their work identities, and it is in the relationships with clients that they build their reputation and obtain legitimization.

A third type of literature to consider is that assuming the analytical perspective of *industrial relations*. Here, it has to be noticed that creative industries, and professions as well, have not been a strong focus of inquiry in this field of study. However, we can identify three different streams of literature which have dealt, more or less directly, with industrial relations in creative industries. First, there are contributions exploring *new strategies* adopted by traditional trade unions for representing the demands of creative workers and the emergence of *new actors* for dealing with the difficulties of traditional ones. A second stream of literature deals with creatives’ propensity to act collectively. Third, we have contributions looking at the role of industrial relations in shaping employment conditions within the creative industries. Below, we will explore each of them.

It is a literature stream which often does not specifically focus on creative workers *per se*, but on some creative industries as examples of “new worlds of work”, where “new workers” (such as self-employed and non-standard workers) are employed in

significant numbers. Hence, it usually overlaps with the literature investigating trade union and other actors' strategies for representing self-employed and non-standard workers. Two facets have been highlighted by this literature. First, the difficulties for trade unions in representing a fragmented and diversified workforce and the implications for their strategic approach to interest representation. Many studies highlighted how, in order to deal with demands of representation, which are different than those of workers traditionally represented by trade unions, the latter have to develop new forms of representation. In particular, a stronger focus on services and less attention to collective bargaining (Heery and Adler 2004; Cella 2012). Second, the increased role of new actors of interest representation (Mingione *et al.* 2014; Ciarini *et al.* 2013), also called *quasi-unions* (Heckscher and Carre 2006) or *proto-unions* (Sullivan 2010). These organisations “emerged to represent the interests of otherwise unrepresented people in their work lives and in their relationships with their employer, seeking to address matters of worker rights and to improve working conditions” (Heckscher and Carre 2006: 606). Again, the literature on these new actors of representation does not deal specifically with creative workers, but look at them among other types of workers. These organisations, indeed, have been diffusing both at the lowest and at the highest end of the skill distribution, i.e. both among low-skilled workers in low-wage, usually service occupations, and among high-skilled white-collar workers in newer industries, such as IT and new media (Heckscher and Carre 2006). Such organisations have been said to have a number of characteristics (liquid, loose and informal membership, lack of hierarchies, occupational focus) which make them more attuned to workers outside traditional unions' strongholds (Saundry *et al.* 2007; Ciarini *et al.* 2013). However, it has been often argued that they do not really represent a viable alternative to trade union representation and that the alliance between the two might be a more promising avenue for helping workers to defend their interests at the workplace (Heckscher and Carre 2006; Saundry *et al.* 2007).

A second stream of industrial relations literature dealing with creative workers looks at the obstacles to collective action experienced by this group of workers. In this regard, several authors highlight the presence of a tension between artistic and economic goals, which translates into a “tension between trade union membership and career aspiration” (Saundry *et al.* 2007; Umney 2016). In particular, creative workers' desire to work (and, thereby, express their creative potential) “can inspire a fatalism about material conditions [...] which severely limits the organising potential of unions” (Greer *et al.* 2018: 167). However, research also revealed positive experiences, highlighting cases where creative workers have successfully mobilized (Percival and Hesmondhalgh 2014; Dean 2012; Simms and Dean 2015). These works suggest caution in the idea that creative work is inherently individualistic and union-free.

Lastly, there is a stream of literature that looks at the role of industrial relations institutions in creative industries. This literature takes two distinct forms. First, there have been studies looking at the disorganisation strategies undertaken by employers in order to break industrial relations institutions and the constraints on their behaviour

(Saundry *et al.* 2007; Ursell 2000). Such contributions focused on highly regulated industries and on the “role of employers in unmaking regulated labour markets and making a deregulated market regime” (Smith and McKinley 2009: 21). Second, some contributions looked at the role of national industrial relations and labour market institutions in shaping employment in creative industries. While research on creative industries usually assumes that creative jobs transcend national boundaries and conventional employment patterns, comparative research pointed to the “continuing significance of national patterns of employment, rooted in different systems of market governance, industrial relations institutions and policies, and sectoral strengths” (Christopherson and van Jaarsveld 2005: 78; see also: Vinodrai 2013; Teipen 2016). For example, Umney (2016) showed how some national institutions affect labour market norms in creative industries. Similarly, Christopherson and van Jaarsveld (2005) pointed to the role of national institutions in structuring the way that employers and workers solve the problems associated with project-based work and, particularly, the process of skill acquisition, worker’s control over time and tools, and expectations regarding career developments and relationships with employers.

A further pertinent type of literature is that on *governance*. Here, we refer to an approach of study that relies on the neo-institutionalist theory and is widely used in economic sociology. From this perspective, the concept of governance indicates “the set of mechanisms, devices and institutional arrangements that coordinate the economic actions of actors and organizations, regulate the distribution of resources and structure conflicts” (Burrone 2012: 185-186). As such, governance is distinct from government, the latter being a “subset” of the former, indeed referring to a “formal and explicit” form of governance (Crouch 2005: 21). In this sense, governance is more encompassing, as it includes both governmental and *non*-governmental mechanisms that are intended to satisfy the needs of persons and organisations (Crouch 2005; referring to Rosenau 1992). The most relevant aspect of governance is nevertheless its “multi-actor” nature. As it was noted, in fact, “no actor, public or private, has enough knowledge to solve problems or enough overview or action potential” (Crouch 2005: 21; see, also: Kooiman 1993). This is strictly connected with the existence of different forms of governance (namely State, market, corporate hierarchies, associations, communities, clans, networks, and formal law), which are not mutually exclusive, but combine together in various ways and forms (on this aspect, see, above all: Campbell *et al.* 1991; Hollingsworth *et al.* 1994; then, see: Hollingsworth and Boyer 1997).

The adoption of the governance approach, so defined, implies looking at the role of different institutions and regulatory mechanisms, focusing on their mutual influences and interdependences, which has also been referred to as “institutional complementarities” (on this latter concept, applied to the comparative analysis of the varieties of capitalism, see the pioneering work of Hall and Soskice 2001). Concerning the role played by the actors of industrial relations in the CCIs, in the dual prospect of supporting the competitiveness of these sectors and tackling the implications of the

inherent vulnerability of the workforce, this means looking at them in the wider framework of interconnected institutional actions.

An analysis focused on workers' vulnerability, then, may find a helpful support in the stream of literature on the so-called "governance of uncertainty" (for a first theoretical formulation, see: Crouch 2008). The economic uncertainty of creative workers, especially those working as freelancers or in small-scale organisations, in fact, is an emerging policy issue, involving industries that are widely recognized as "strategic" for pursuing competitiveness along the "high road", which however rely on extremely flexible organisational arrangements and work processes. It basically has to do with: work and income discontinuity; lack of protection against unemployment and low income, but also in the case of absence from work; low pension levels; and, generally, the exclusion from firm-level social benefits. As Crouch (2008: 7) explained, "various agencies [...] might intervene to govern or manage this process", including "trade unions, government, law, family and community". These, nevertheless, operate in different ways in different regimes; and, the author specified, "it should not be assumed that they always operate to reduce uncertainty" (Ibid.).

3. The research: scope, design and methods

As already stated, creative workers are a key component of the knowledge economy, since they are highly skilled, and share high personal investments in human capital. On the other hand, even though they are commonly described as an indistinct group, they are highly heterogeneous, and many of them suffer from low income and high uncertainty, and are thus markedly vulnerable. Despite this, they are often reluctant to join trade unions and to engage in collective action. Trade unions have themselves serious difficulties in finding effective forms of organisation and in including them in collective bargaining. Furthermore, notwithstanding the strategic role of these kinds of workers, in-depth analyses in the fields of industrial relations and, more generally, of interest representation are rare.

The IR-CREA Project aimed to fill the gap, by analysing traditional and innovative forms of collective representation of the mixed interests of creative workers. In particular, the Project intended to address this general problem by trying to answer the following questions:

- What are the strategies pursued by the social partners, at the national and local levels, to face the challenges related to the high uncertainty which characterizes creative labour markets?
- What is the role of collective bargaining, again, at the national and sub-national levels, and of social dialogue in regulating creative labour?
- Do special institutions, such as bodies and funds set up and managed jointly by employers' associations and trade unions provide collective goods and services for creative businesses and workers?

- What kinds of strategies do employers' and union representatives adopt to include creative workers in traditional interest representation schemes?
- How can social partner organisations increase the inclusion of creative workers in industrial relation processes?
- To what extent are creatives experimenting new ways and tools for representing their own interests?

That said, IR-CREA focused on four main analytical dimensions:

- i) The role of institutions in reducing market risks, in sectors that are characterized by high vulnerability and low unionization;
- ii) The capacity of the actors of industrial relations to develop innovative forms of organisation and strategies of action;
- iii) The role of other types of actors, such as professional associations, in the field of worker representation, normally presided by traditional trade unions;
- iv) The emergence of new actors, which respond unanswered demands for representation and protection.

This report, specifically, presents a comparative analysis of the findings of the three country studies, carried out in Denmark, Italy and the Netherlands, in two economic sectors, which are graphic design and video game development. The comparative approach is likely to give an added value, since the three countries examined differ notably in terms of degree of unionization, coverage of social security, and vitality of creative labour markets.

In detail, Paragraph 4 will present the results of the two sectoral studies, trying to identify possible common patterns among the three selected countries, in the context of sectoral specificities. The choice of studying these two sectors was made jointly by the Project partners and was justified by the necessity to account for the heterogeneity of the CCIs. The two sectors, in effect, represent very different cases, with the graphic design industry partly originating from the traditional – and strongly unionized – publishing and printing sectors, and video game development which is, instead, a relatively new sector, with no traditions at all in industrial relations and collective bargaining. Paragraph 5, then, will offer a cross-sectoral analysis, from the theoretical perspective of governance, trying to evaluate the differential weight of the three main forms of governance, which are “economic”, “political” and “societal” governance. Finally, it will make a concluding point, by theorizing a “governance-mix” model, which characterizes the CCIs.

The analysis in the following pages is actually a “meta-analysis”, carried out on the three country reports produced in the framework of the IR-CREA project (see: Been *et al.* 2018; Bellini *et al.* 2018; Larsen *et al.* 2018). In general, research activities relied on a mix of quantitative and qualitative methods. These included the realization of two series of semi-structured interviews, one with key informants (employers' and union representatives, policy makers, academics, experts, etc.), one with creative workers

(employers, employees, freelancers), complemented by the use of statistical data and the review of official documents, such as the texts of legal acts, policy programmes, collective agreements and other relevant materials. A total of 125 interviews were made: 45 with key informants (15 per country); 33 in the graphic design industry (12 in Denmark, 9 in Italy, 12 in the Netherlands); 47 in the video game industry (13 in Denmark, 21 in Italy, 13 in the Netherlands). For more details, see Annex 1. These interviews were conducted at the national/sectoral level and, when relevant, at the local level, with specific reference to the city areas of Copenhagen (Denmark), Milan (Italy), Amsterdam and Utrecht (Netherlands), where the two selected sectors are highly concentrated. For further information on other methodological aspects, such as case selection, see again the country reports.

4. Sectoral studies

4.1. Graphic design

a) Description of the sector

This paragraph focuses on a specific creative industry, that is graphic design. This label, however, might be misleading, and therefore needs to be properly defined. The word “design”, in effect, has a broad spectrum of meanings. First, it indicates either an *activity*, the *outcome* of this activity or an *organised system of actors* (Maffei *et al.* 2014). As such, it can be understood as a creative process that involves a plurality of actors in various phases and is differentiated depending on its outcome and/or the product market. Design, so defined, is thus further divided into several sub-sectors, each one with its own specific features in terms of business logics and work processes, but also in terms of firm type and size, employment forms, and so on. Among these, two are prominent, because of their longer history and heavier economic weight, namely: *industrial (or product) design*, whose business is the development of market products, which embraces the optimization of their functions and aesthetic; and *graphic and communication design*, which instead consists in the conception, production and distribution of both graphic and visual solutions for a variety of product and service markets. Here, it has to be noticed that, despite a certain, though very limited, permeability between the two sub-sectors, these actually follow separate paths, regarding for instance education and training. Besides, several specializations can be identified that have developed as autonomous branches. These are: *fashion design*, which is devoted to the development of products, materials or technologies for the fashion industry; *interior design*, aimed at the designing of surfaces, spaces and objects of interiors; *environmental design*, that is the designing of urban living spaces or products or in support of urban planning, with the attention to sustainability; and *web design*, derived from communication design and applied to the development of websites. There are, then, emerging specializations, such as: *service design*, which responds to the growing demand, both from the public and private sector, to improve the quality of interaction

between service providers and users; and *strategic design*, aimed at planning and coordinating a process of innovation.

As for graphic and communication design (from here on, simply “graphic design”), this is a typical example of business service sector, though it is, in turn, highly segmented, on the basis of the primary field of activity and of reference clients. In detail, the fields of activity include: visual identity, staging, signage, packaging, type design, publishing, digital publishing, illustration, infographics, multimedia, animation, web, cultural communication, and, also, event organisation, strategic consultancy, and teaching. This rough list gives a clear idea of the fragmentation of the sector, which is even greater if we consider that the degree of specialization in one or more fields of activity varies greatly, depending on a number of factors, such as the market position, the firm size and, again, the type of clients. Various combinations are actually possible: from freelancers in a weak market position, who are induced to carry out multiple tasks, depending on their contingent needs and opportunities, to larger firms with multiple skills, but focused on a single and highly specialized activity. Clients, instead, are mostly businesses, though public administrations are of a certain relevance. The relative weight of clients makes a great difference, here: “big” clients, for instance, may require a variety of tasks, inducing firms to widen their ranges of skills and competences. What is also worth noting is that a considerable share of business passes through communication agencies, which, in a certain sense, play a role of brokerage between clients and service providers. Other intermediaries of increasing significance, then, are web-based platforms for freelancers.

The graphic design industry, thus, relies on networks of suppliers, clients and other actors, which play the role of brokers. As we will see, networks are also the key to understand the nature of work in the sector, as they allow to respond to the demand for flexibility connected with project-based activities.

Fragmentation, understood in terms of “organisational” fragmentation, is reflected in business statistics.

Here, it is first of all to be noticed that the sector examined actually represents a small segment of the overall economy, but with relevant differences between the three countries. Its incidence in terms of enterprises, as a percentage of the total, is in fact: 0.3%, in Italy; 0.6%, in Denmark and in the Netherlands (various sources, see: Table 1; last available data). Despite that Italy has a higher number of enterprises in the sector, as an absolute value, these are comparatively less relevant in the economy. Furthermore, the number of businesses increased in all three countries, but in Italy it grew at a slower pace than in Denmark, where it doubled from 2008 to 2016, and above all in the Netherlands, where it grew four times in a few years, since 2013 (see, again: Table 1).

Table 1 – Trend in the number of businesses in graphic design (absolute values, 2008-2017)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
DK (a)	868*	932*	1,142*	1,333*	1,447*	1,536*	1,649*	1,707*	1,822*	
IT (b)				11,540	12,031	12,354	13,222	13,171		
NL (c)						3,200	3,610	6,865	9,610	12,220

Note: Blank cells indicate data not available.

* Data refer to workplaces and are thus likely to be overestimated if compared to the number of enterprises.

Sources: (a) Statistics Denmark; (b) Istat; (c) CBS.

Firm size, then, is extremely low, though with considerable differences between the three countries. The Netherlands, particularly, shows an “atomization”, with 97.7% of enterprises that are composed of individual firms. In all three cases, however, more than 98% of the total are firms with less than 10 persons employed (see: Table 2). In general, the analysis seems to reveal that a process of polarization has taken place between a few larger firms which have maintained or increased their market shares, and many people who have chosen to practise the profession as self-employed (without employees) and freelancers; these latter, nevertheless, account for most of the growth in the number of enterprises in the sector (see: Been *et al.* 2018; Bellini *et al.* 2018; Larsen *et al.* 2018).

Table 2 – Businesses in the graphic design industry (corresponding to NACE Rev. 2, code 74102), by size class (% , last available data)

Size class	DK (a)	IT (b)	NL (c)
I	77.9	81.7	97.7
2-9	20.4	17.2	2.1
10-49	1.5	1.1	0.2
50 and over	0.2	0.0	0.0
TOTAL	100.0	100.0	100.0

Sources: (a) Statistics Denmark, 2014; (b) Istat, 2011; (c) CBS, 2017.

Another relevant aspect is related to the geographical distribution of graphic design firms. In this regard, a general trend is that described by the concentration of these enterprises in metropolitan areas, especially in those surrounding the cities of Amsterdam, Copenhagen and Milan, and in other urban settings, such as those of Rome, Turin, Bologna and Florence in Italy, and Rotterdam, The Hague and Utrecht in the Netherlands (see, again: Been *et al.* 2018; Bellini *et al.* 2018; Larsen *et al.* 2018). Cuccia *et al.* (2009) explained this phenomenon, with specific reference to the case of Milan, by observing that being a graphic designer in Milan guarantees some competitive advantages, basically related to three factors: (1) the national and international visibility; (2) the presence of scope economies that generate positive externalities, above all in terms of circulation of ideas, as sources of inspiration and drivers of innovation; and (3) the possibility to catch new trends and cultural changes. What is more, this city also hosts important education institutions as well as major events and international exhibitions.

Regarding the reference markets, then, they have deeply changed. Some traditional employers of graphic designers, for instance publishing and printing companies, have in fact tended to externalize most of their internal functions. On the other hand, other market operators, such as private television broadcasting companies, have become increasingly important (as the case of Milan specifically shows). As already noticed, today, the market looks “disordered”, with a high segmentation of clients by type, size, spending capacity and, above all, awareness of the quality of a design service, what makes it difficult for young designers, who do not rely on a consolidated clientele, to reach a stable and secure position in the profession (Bellini *et al.* 2018).

The profession itself, its contents, processes and instruments, have also rapidly changed, because of the impact of new technologies and digitization. A clear example is that of school publishing, where the “virtual” replaced “paper”. A new and potentially disruptive phenomenon, then, is that of the so-called “platform work”. Online work platforms, as Farrell and Greig (2016: 2) wrote, “have created a new marketplace for work by unbundling a job into discrete tasks and directly connecting individual sellers with consumers”. As the same authors pointed out, “these flexible, highly accessible opportunities to work have the potential to help people buffer against income and expense shocks”; on the other hand, they offer “fewer worker protections than traditional work arrangements” (Ibid.). These are often multinational companies and work on a global scale. A major segment is indeed that of “online freelancing”, where “clients contract professional services to distributed third-party workers” (Kuek *et al.* 2015: 7). Examples of platforms that offer services related to graphic design include Upwork (formerly Elance and oDesk), Freelancer, and Zhubajie/Witmart. Here, a generalized perception of the actors interviewed is that the works habitually performed by platform workers consist of simple tasks, in response to small clients, who demand for low-budget services. As such, they represent an opportunity for young people in their initial phase of their careers, when they need to create and enrich their own portfolios, but they pose a problem of sustainability of competition (Bellini *et al.* 2018).

To sum up, the graphic design industry presents some basic features that can be seen as common denominators among the three countries. This is, in fact, a small and highly fragmented sector, characterized by a heavy weight of self-employed and freelance work, highly concentrated in metropolitan and urban areas. This latter component, which is likely – though not necessarily – to be more exposed to vulnerability, is also the one that grew most in the period under examination, also due to deep changes in the reference markets, affected by processes of outsourcing. The sector itself, then, has been altered by technological change.

b) Institutional background and regulation of the sector

A common feature of Denmark, Italy and the Netherlands is the lack of a coherent policy framework aimed at regulating, supporting and promoting the graphic design industry. Actually, graphic design, as defined in the previous sub-paragraph, has

rarely been the object of targeted policy measures, especially at the national level. As a general rule, in all three countries, graphic design was implicitly covered by sets of policies aimed at promoting the development of the CCIs on the whole.

Some differences can however be recognized. The Netherlands, in fact, was the only country, among those examined, to develop a specific programme for the promotion of the creative economy (in the framework of the so-called *Top Sector Policies*), and to set up a coordination tool, the so-called Dutch Creative Council, a public body with advisory functions (see: Been *et al.* 2018). Although it involves several sectors among the CCIs, nevertheless, this programme has not a specific focus on graphic design. In Denmark, instead, the overall design industry was included in a wider industrial and growth policy plan, which, among other things, pursued the aim of empowering the existing strongholds of the creative economy, making Denmark a “powerhouse” for creative business (see: Larsen *et al.* 2018). Differently, in Italy, despite a strong rhetoric oriented to sustain the CCIs, sectoral policies are fragmented, and the government spending on culture is still comparatively low (see: Bellini *et al.* 2018). An example of the contradictory nature of the discourse developed by Italian politics is given by the approval by the Chamber of Deputies of a draft law on the regulation and promotion of cultural and creative enterprises (on 26 September 2017): this initiative, in fact, was intended to provide “legal recognition” of cultural and creative enterprises, but the financial incentives for cultural start-ups, initially included in the document, were cancelled from the approved version.

In this context, public policy mostly had an “indirect” influence on the regulation of the graphic design industry. Few examples of “direct” policies can be found in Italy, in the fields of cultural promotion and business support, though more focused on the overall design industry or on industrial design. The creation of the Triennale Design Museum, for instance, was funded by the Ministry of Cultural Heritage and Activities and Tourism (MiBACT) in 2007. A programme of financial incentives, named *Disegni+*, addressed to industrial design firms, was then launched by the Ministry of Economic Development (MISE) in 2011 and ended in 2013 (see: Bellini *et al.* 2018). Generally speaking, national policies for supporting the competitiveness of the design industry were in effect sporadic, isolated and limited in scope. Many initiatives can nevertheless be found at the regional and local levels. In this regard, the regional government of Lombardy proved to be one of the most active public actors. Lombardy was in fact the only region, among those investigated, to set up a framework legislation for the development of design. This involved the recognition of selected “areas of productive excellence” with “a high technological potential”, the so-called Meta-Districts, which indeed included the Meta-District of Design. Within this framework, from 2003 to 2008, the Lombardy Region funded 13 projects, a total of 8.9 million euros (source: Lombardy Region). Since 2011, then, some new projects were developed under the umbrella of two actions promoted by the EU, namely the *European Design Innovation Initiative* (EDII) and the *European Design Innovation Platform* (EDIP). Many actions were actually undertaken over the years, in this region, to promote the development

of design, though mostly addressed to industrial and fashion design. These basically consisted of exhibitions and events, but also comprised projects for the transfer of knowledge, vouchers for the use of design skills, incubators for creative businesses, and projects for the development of personal skills (for a complete list, see: Maffei *et al.* 2014). Other relevant initiatives can nevertheless be detected in other regions, such as Piedmont, Veneto, Emilia-Romagna, Latium and, in the South of Italy, Apulia. In Denmark, then, though there is no policy focused specifically on graphic design, a certain attention to the design industry has been paid in recent local initiatives. In 2017, for instance, a *Strategy of Growth and Development of Greater Copenhagen Area* was formulated by the Capital Region of Denmark as a comprehensive action plan with the purpose of improving growth, employment and wealth. One of the four priority sectors identified indeed was the creative sector, with an emphasis on its recognized strongholds, namely fashion design and other types of design, such as that applied to filmmaking (see: Larsen *et al.* 2018). In the Netherlands, finally, the municipality of Utrecht is particularly active in supporting the creative industries, essentially by providing “hotspots” and financial incentives to support people that want to start their own businesses (see: Been *et al.* 2018).

Two further domains where public policy ought to play a key role, which is likely to influence – though “indirectly” – labour regulation in the sector, are: the regulation and protection of freelance work; and the recognition of unregulated professions.

Concerning the first aspect, what is noteworthy is that, in all three countries, though to different extents, *social protection for freelancers* is much weaker than for salaried workers. In the Netherlands, particularly, self-employed and freelance workers are not automatically protected against labour market risks; to receive unemployment benefits, for instance, they have to terminate their company. In recent years, a lively debate arose around this issue, and it is likely that in the near future some sort of (voluntary or mandatory) social security scheme will be proposed by the government (see, again: Larsen *et al.* 2018). In Denmark, then, the tightening of the requirements for unemployment benefits, since 2010, posed serious challenges to creative workers, especially to those who are used to work for short periods. In this context, freelance workers can receive ordinary unemployment benefits up to two years after a three-week “waiting period”, if they are members of an unemployment fund, are able to document 52 weeks in employment or self-employment, the company closed down; they can also receive supplementary unemployment benefits if self-employment is recognized as a secondary job. The major challenge for them is indeed being able to document enough hours worked to earn the right to receive unemployment benefits (see: Been *et al.* 2018). In Italy, instead, the Parliament recently approved the *Freelance Workers’ Statute*, which introduced a series of provisions that increased the protection of freelancers, such as: measures to avoid payments being delayed in transactions with businesses or public administrations; tax deductions for training expenses; the extension of maternity and parental leaves; the suspension of the payment of social insurance contributions in case of long illness; the creation of specific offices for

freelancers within the Public Employment Services; the possibility to participate in public competitions; and the possibility to create or participate in “networks of enterprises”. This intervention, complemented by the introduction of the principle of “fair pay”, filled a regulatory vacuum, which, until now, had left freelancers without any protection. Another important contribution of public policy, in Italy, was the introduction, in 2014, of a flat-rate tax of 5% for the first five years (so-called *regime forfettario* or *regime dei minimi*) for freelance professionals with registered VAT numbers and an income from work below 30 thousand euros. This intervention was designed to help young professionals in the early stage of their careers, reducing fixed costs in the phase of start-up.

In general, it can be said that a certain proactivity of sub-national public actors can be detected in all three countries. These provide supplementary resources to support the CCIIs and, in this sense, they promote bottom-up processes of construction of local creative economies.

The second aspect configures an Italian specificity. Italy, in fact, is the only country, among those examined, to have started a process of *regulation of the profession of graphic designer*. This translated in the creation, within the framework of Law No. 4/2013, a register of “recognized” associations, kept by the MISE. This register distinguishes between those associations that are entitled to release a “certification of quality” and those that are not. The two main associations representing designers in the country, ADI for industrial design and AIAP for graphic design, are indeed recognized by the MISE under Law 4. ADI, particularly, is already entitled to release the certification of quality of services, whereas AIAP, at the time of writing, is still under evaluation. This process is important, because assigned professional associations in the sector a “regulatory” power, though it is a case of “soft” regulation, as it will be explained later in this report (see: Sub-paragraph 4.1, letter e, below).

A further point, then, is the presence in all three countries of a *plurality of actors*, both public and private institutions, which play a crucial role, contributing to the *creation of key collective goods*, such as expert knowledge and skills. Among them are universities, business schools, educational institutes, art academies, etc. These organisations exercise an important function, as they give local product and service markets the skills they need.

c) *Productive organisation*

Graphic design is not really a new profession, but one that has undergone substantial changes in recent years. Digitalization, on the one hand, and the economic crisis, on the other, are two factors that had a strong impact, implying the development of its “project-based” nature, which require “flexible” organisational settings. Workplaces also changed in kind, with relevant implications in terms of work organisation and working conditions.

The information collected through the in-depth interviews, within the case studies carried out in the three countries, allows to draft a rough typology of the different ways of practising the profession of graphic designer and of the related organisational settings: 1) freelancers who practise the profession in individual offices, co-working spaces or, even, at home; 2) freelancers who practise the profession in shared offices, to share the expenses, with no forms of internal collaborations; 3) freelancers who practise the profession in shared offices, with opportunities of internal collaborations, under a common brand or not (in this case, persons can be involved in both individual and joint projects, even in parallel); 4) small teams, as organisational units based on informal partnerships formed by freelancers; 5) small and larger firms. The case of small teams differs from the previous ones in that it relies on more solid relationships between the persons involved. It is possible to identify a core group, formed by the founder(s) and a few “senior” designers, and a “variable geometry” of professionals (designers and other specialists) with whom they cooperate, depending on the type and size of the project. As for graphic design firms, it is not easy to draw the line that separates the “small” from the “large”. Both rely on a core group of employees (that is, “salaried” professionals) and a network of freelance associates and external co-operators, but larger firms may also employ managers, marketing or public relations specialists.

In all three countries, the interviewees revealed that the approach to work changed in the last decade, as a consequence of technological development and digitalization. A common feature is thus that graphic designers and design firms rely on variable networks of professionals, what implies a high degree of informality in employment relationships, even in structured work environments. On the one hand, this affected the ways of working as well as the relationships with clients, whose demand for graphic design services is increasingly directed towards the construction of “visual identities”. On the other hand, the process of democratization of expert knowledge implied a decline in the value commonly assigned to the work of graphic designers. At the same time, the economic crisis required changes in work organisation patterns. In general, graphic design firms evolved towards project-based, short-term business models. What is more, they often reorganised work processes, relying on a “core” of workers on full-time open-ended work contracts, increasingly complemented by a “peripheral” network of freelance, atypical and, even, unpaid workers. This is also the case of several sampled companies, although significant differences can be found among them. In Denmark, for instance, the firms examined used outsourcing only to a limited extent, due to the perceived risk of losing control of the work process (see: Larsen *et al.* 2018). In the Netherlands, the interviewed employers stated that they had to reduce the volume of employment during the crisis and that they then preferred to maintain a minimum number of permanent employees (see: Been *et al.* 2018). This organisational model, they argued, makes them more flexible and less vulnerable to economic cycles. In Italy, those who had not the capacity to adapt to technological developments, particularly, lost market shares; in this sense, technological change hit harder than the economic crisis (see: Bellini *et al.* 2018). The adoption of alternative

organisational models, in effect, was a consequence of the growing complexity of graphic design, which today involves a variety of professional figures, both creative and technical, interdependent to each other. The creation of “temporary coalitions” is then facilitated by the development of mobile technologies, such as smartphones and laptops, coupled to cloud computing, telecommuting and video-conferences, which facilitate remote working and the de-codification of traditional workplaces.

In general, new strategies to cope with business fluctuations were developed. These are: the systematic use of freelance work, the frequent recourse to collaborations with other firms, the creation of project-based coalitions; and the outsourcing of projects or tasks. In the Dutch case, for instance, the employers’ networks are critical in work organisation: employers usually hire people and collaborate with other organisations they already know; similarly, the interviewed freelancers declared that they also make use of their own networks to cope with fluctuations in the amount of work and to share knowledge and skills (see: Been *et al.* 2018). In the Danish case, however, some firms prohibited secondary employment, as they feared it would affect the employees’ performance and work commitment, which may explain why the practice of using freelancers is less spread among the sampled companies (see: Larsen *et al.* 2018). Others considered dual employment as an enrichment for the company, since it potentially contributed with an additional network of clients. Also in the Netherlands, some firms were reluctant to stop hiring persons on a fixed-term contract (see, again: Been *et al.* 2018). Several interviewed employers stated that they prefer to hire on a permanent basis rather than make use of freelance workers, because they aim to build their own teams and have employees strongly committed to their organisations, as this is seen as positive for motivation and productivity.

d) *Characteristics of the workforce*

The main *forms of employment* that can be found in the graphic design industry are: employers, employees, freelancers and interns. In general, given the diversity of organisational arrangements and the variety of forms of work, it is difficult to identify typical career paths. Informal education is fundamental for all workers; after having received a qualification from formal educational institutions (as the schools of art, architecture or design), in fact, many of them continue to keep themselves informed through self-education and on-the-job training. In the Netherlands, specifically, the interviewees declared that a crucial element is the contamination of ideas and skills at work. Sometimes, firms and freelance workers consciously take on tasks that require them to learn new skills and reserve additional time to acquire these skills. In addition to keeping their creative abilities up-to-date, acquiring new inspiration is also very important. A common way to achieve these goals is to participate in seminars, workshops and conferences, often organised by professional associations or other forms of interest organisations.

In this sector, people mostly work as freelancers. The analysis has brought to light a discontinuity of careers, even in the cases of established professionals. Transitions

from and to self-employment are also frequent in the phase of start-up. Furthermore, unpaid internships, atypical works and bogus self-employment seem to be necessary steps in the entry paths to the profession. As already noticed, the presence of these different figures is part of the strategies put in place to cope with fluctuations in the amount of work. A common trend for young people, however, is to begin their careers doing unpaid internships. Furthermore, it is quite usual that they repeat such experiences several times before starting working as a freelancer or being hired on a regular work contract.

The length and intensity of the *working time* are also linked to the employment status and to the type of organization. These pose challenges concerning the organization of time. In the early stages of their careers, particularly, graphic designers tend to work more days per week, on weekends and on public holidays. As their careers go on, nevertheless, freelancers tend to impose themselves stricter rules. An increase in the workload, then, may require a reorganisation. This is a fundamental step for solo practitioners, small teams or, even, small businesses that cannot meet their customers' demand. Larger design firms, then, generally require greater commitment from their employees and collaborators, which can translate into more business days, longer working hours and a faster pace of work.

In all the countries considered, however, the interviewees showed a strong "*passion for work*". This partly compensates for low earnings. People working in this sector are willing to give up potential higher earnings to work in a "cool" place or to be involved in interesting projects. In Italy, wages and fees are almost exclusively determined through individual negotiation; this process is likely to be more flexible in small firms, as they cannot count on a strong brand to retain talents (see: Bellini *et al.* 2018). Also in Denmark, wages are determined through individual negotiations. In the firms examined, specifically, wage bargaining is almost non-existent, partly due to financial constraints and the intense price competition faced by the graphic design industry in the country, which caused the freezing of salaries (see: Larsen *et al.* 2018). In the Netherlands, instead, the salaries of the employees interviewed are often determined on the basis of the BNO salary scales, which set a standard in the sector. Employers declared that they prefer to use the BNO guidelines, because this is the simplest way for them to determine what is a "decent" salary in the sector (see: Been *et al.* 2018).

In general, the *relationships with clients* are shrouded in uncertainty. The outcomes of negotiations vary greatly, depending on the type of client, on the type of project and, even, on contingencies. The interviewees in the Netherlands declared to prefer the standard contract with clients, formulated by BNO. However, they still feel that this is difficult to use: they believe that it is hard to convince customers to accept the standard terms and conditions set by BNO.

Pensions are another controversial issue. Freelancers, specifically, do not seem to be fully aware of their high vulnerability, for instance in the event of absence from work due to sickness or pregnancy/maternity. In Italy, even if they are solo practitioners, they say that they will deal with these problems when needed and that, if they will

not be able to work, they will probably give part of their work to some colleagues; besides, they say that they will use their own personal or family resources to face the expenses. The Dutch cases studies, instead, showed that there is no common practice as to how things are arranged within companies: one employer provided pension build up within a traditional pension fund; another one provided employees with money to arrange it themselves; others, then, did not provide any pension arrangements at all.

People working in the graphic design industry do not always consider themselves to be in precarious employment and working conditions. They are aware that they do not benefit from the protection guaranteed by collective bargaining. On the other hand, they often see these sacrifices as “investments” on their careers.

e) *Interest representation: actors and forms of action*

In general, if we consider the *occupational group* of “graphic and multimedia designers” (ISCO-08, code 2166), we observe a certain dispersion of workers in a variety of economic sectors, among which are advertising agencies (NACE Rev. 2, code 7311), media representation (7312), other printing (1812), and pre-press and pre-media services (1813), in addition to, of course, specialized design activities (7410). A common feature, however, is the increasing trend of the proportion of self-employed workers, as a consequence of outsourcing practices undertaken in sectors such as printing, where a relatively high proportion of salaried workers is nevertheless still present. This necessarily reflects on the configuration of interest representation, so that, even in this specific segment of creative labour market, we could speak of a “functional heterogeneity”, which implies a sort of “division of labour” among different types of collective actors.

This is truer for Italy, where traditional trade unions organise almost exclusively those graphic designers who are employed as salaried workers in the printing and publishing industries (see: Bellini *et al.* 2018). These find representation in large federations, which encompass a wide range of sectors, namely SLC-CGIL, Fistel-CISL, and Uilcom-UIL. These organisations aim to represent artistic and creative workers as a whole, hence intercepting a broad area of structurally discontinuous work, especially among artists. Coordination bodies were created, within them, to support some occupational categories, for instance actors, writers and translators, while no specific initiatives were launched for graphic designers, who are thus covered by a generalist protection. A similar inspiration can actually be found in the representation action of *Kunstenbond*, which is a sectoral federation affiliated to the main Dutch trade union, FNV (see: Been *et al.* 2018). Compared to Italy, however, the Netherlands is characterized by lower associational fragmentation. Other trade unions, in fact, are not that successful in getting members in this sector, since this is not their specific target. In Denmark, instead, following the dissolution of the trade union for graphical workers, in 1999, graphic designers scattered among several organisations, such as: HK and 3F, two of the largest unions in Denmark, which are affiliated to LO, the main union

confederation in the country; TL, an association of professional technicians; and DJ, the union for journalists (see: Larsen *et al.* 2018). Despite they have different targets, all of them declare to gather together both salaried and self-employed workers.

On the other hand, if we focus on the *economic sector* named “activities of graphic designers” (NACE Rev. 2, code 74102), we find relevant differences. While in Italy and the Netherlands, trade unions play a marginal role in the sector, in Denmark they are prominent actors. This might be due to the development of graphic design as a sector dominated by self-employment, which is generally less permeable to union action. Also in Denmark, where union density in the sector is much higher¹, it is nevertheless lower than the national average (Larsen *et al.* 2018).

On the other hand, it has to be said that a certain “experimentalism” can be detected among traditional trade unions, aimed at reaching and organising professionals and freelancers. In Italy, particularly, two interesting cases can be found that represent rather different responses to the demands of these kinds of workers (see, again: Bellini *et al.* 2018). First, the Professional Workers’ Council (*Consulta del lavoro professionale*) of CGIL represents a peculiar case in the landscape of Italian trade unionism, as it is not properly a trade union structure, but a physical place where CGIL holds regular meetings with the associations of professionals and freelancers, and through which it carries out networking and lobbying activities to influence public policy and to promote inclusive bargaining, but it does not aim to organise workers, which remains a prerogative of traditional union structures. Second, Vivace, an association affiliated to CISL, pursues the aim of organising workers, with the purpose of building a web-based “community”, thus trying to use new technologies to respond primarily to the need for “sociability” of freelancers. In both cases, however, the impact of these experimental forms of organisation on the graphic design industry is limited and mostly indirect, based on the influence exercised on public policies regulating self-employed work. What is more, both bodies still suffer from a certain “cultural isolation” within their respective organisations, which is reflected in the lack of resources and in the difficult relationships with sectoral federations. Quite different is the case of the Danish Teknik og Design Freelancebureau (see: Larsen *et al.* 2018). This latter, established in 1992 by TL, was part of an innovative union strategy to help freelancers deal with uncertainty. This consists in “hiring” freelancers as a response to the inherent difficulty for many of them to meet the requirements for unemployment benefits, due to work discontinuity. However, the Bureau is something very different from a traditional employer. It is in fact a responsibility of individual workers to find and manage their own projects, while the Bureau primarily offers a form of income security, indeed ensuring the access to unemployment benefits, and supplies services of

¹ Here, it has to be noticed that no information is actually available on union density in the graphic design industry in Italy and the Netherlands, but according to the key informants interviewed it is likely to be extremely low. In Italy, for example, a recent survey, conducted on a non-representative sample of 767 graphic designers, revealed that only 7% were members of collective organisations, and less than 1% were members of trade unions (Cantieri per pratiche non-affermative 2013). Conversely, in Denmark it was estimated to be around 46%, considering the specialized design activities overall (Larsen *et al.* 2018).

accounting, tax assistance, legal advice, and so on, in order to prevent cases of exploitation, in exchange for a fee varying from 16 to 20% of earnings. Originally targeted on creative workers such as glass blowers, and ceramics and visual artists, the Bureau then extended its range of action to include journalists, architects, graphic designers, fashion designers, and software developers.

In general, the scarce penetration of union action in the sector is also due to the structural weakness of employers' representation, owing to the difficulty, which is intrinsic to the area of professional work, to distinguish clearly employers from self-employed workers. In the Netherlands, particularly, there are no forms of employers' representation in the graphic design industry, properly said (see: Been *et al.* 2018). In Italy, instead, some cases are worth mentioning, though their actual impact in the sector is likely to be limited (see: Bellini *et al.* 2018). Here, again, specific sectoral associations, among which Assografici-Confindustria and Unigec-Confapi, represent printing and publishing companies and, as such, are partners of the above-mentioned trade unions. A new proposal, mostly addressed to small firms, was then developed by CNA, a crafts association, since it created a wide-ranging structure, which proved to be active in communication and high-skilled services overall, though its representativeness among graphic design firms is likely to be very low. A different situation can be found in Denmark, where employers' associations are key actors in both collective bargaining and service supply; most of them, in fact, play the dual role of employers' associations and trade associations (see: Larsen *et al.* 2018). The main ones are: Grakom, that is the association for communication, design and media; DI, the confederation of Danish industry; and the Danish Chamber of Commerce. They organise different segments of the graphic design industry and different types of companies, though with a clear prevalence of small firms. Among these, Grakom is a typical example of dual representation, as it offers differentiated membership packages, giving the possibility to its members to opt for trade services only, not joining the employers' association, thus avoiding being covered by a collective agreement.

Another point of distinction, then, is the role played by other actors, not properly of industrial relations, such as professional associations.

These latter differ from business associations and trade unions in functions, logics of action and, sometimes, in legal status. Among them, however, different types of organisations can be found. Professions, in effect, are stratified by degree of institutionalisation.

This is truer in the Italian case. Here, a first distinction must be made between "protected" and "unprotected" professions. Protected professions are characterized by a dual-channel representation. On the one hand, there are public bodies, set up by law and supervised by the Ministry of Justice, the so-called "professional orders" or "colleges". These bodies are intended to organise all the members of a profession in a given territory; membership and/or registration are thus mandatory, but is conditional to the possession of specific qualifications and to the passing of an access examination. Their main functions are to exert a "control by peers" – in this sense, we speak of "self-

regulation” – to regulate the access to the professional labour market and guarantee the quality of services. For the latter purpose, they usually adopt codes of ethics. On the other hand, there can be private associations, relying on voluntary membership. These do not exercise a function of formal regulation, which is reserved to professional orders, though they (implicitly) act as sources of professional identity, since they give visibility (and social legitimization) to their members. Therefore, their main function is that of cultural promotion. Unprotected professions, instead, are those that are *not* organised in professional orders or colleges, nor they refer to professional registers. Among them are both “regulated” and “unregulated” professions. The former are indeed professions to which access is conditional upon the possession of professional qualifications, these being defined either on a legal or administrative basis². As for the latter, a further distinction is needed. Some of them, in fact, are “acknowledged” professions, operating under a special law, that is Law No. 4/2013. This law, indeed, established a register of recognized associations, kept by the Ministry of Economic Development (MISE), in turn sub-divided into three sections, which identify different types of associations: those entitled to release a certification of quality of professional services; those that are not; and “aggregative forms”, namely associations of independent associations. These are however private associations, relying on a voluntary membership. In general, their original function of cultural promotion remains their core business, though, over the years, they also developed a function of interest representation, mostly exercised through lobbying activities. The process of institutionalisation started with Law 4, then, assigned them a “regulatory” power, though it is a case of “soft”, that is “not binding” regulation, since no education or qualification is required, nor is associational membership a necessary condition to practise the profession. Besides, there are several minor associations, not recognized by Law 4. Here, a thin line separates what we have referred to as a professional association from a cultural association or, even, an independent trade union; the only available criterion to distinguish them is the detection of explicit references, in their declared objectives, to either promoting a professional culture or undertaking cultural or trade union activities. At the bottom are *de facto* professions, unorganised and unregulated, in which a discourse about professionalism is anyway recognizable, though not necessarily linked to cohesive professional communities.

A quite different situation can be found in the other countries examined. Italy, in fact, is commonly considered as one of the countries with the highest degree of regulation of professions, due to a strong public regulation, based on a markedly corporatist system; conversely, Denmark and the Netherlands are among those where

² It is important to notice that the way the concept of “regulated” profession is used, here, is different than usual. In ordinary usage, in effect, “protected” and “regulated” professions are often synonyms. EU law itself does not distinguish between them, speaking generally of regulated professions as those activities “access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications” (Directive 2005/ 36/EC, Article 3-1a). In our case, instead, the distinction between protected and regulated professions is intended to emphasize the differential degree of institutionalization of professions, reflected in the different legal status and role of their associative forms.

professions are less regulated (on this issue, see, for instance, the study conducted on behalf of the European Commission, by: Paterson *et al.* 2003). The Netherlands, particularly, is in some respects closer to the market-oriented Anglo-Saxon model. Beside a few protected professions, such as law and accountancy, whose qualifications are administered by recognized professional organisations, are in fact “regulated study programmes”, defined by law, whose completion is necessary and sufficient to be entitled to practise a profession. In this latter case, private associations with voluntary membership exercise functions of (very) soft regulation. Denmark, too, has a few professions that are regulated by reserves of activities and protected titles, as such requiring the possession of educational or professional qualifications, often mandatory training, more rarely State exams, and in some cases mandatory registration with a State authority (e.g. real estate agents) or a professional association (e.g. lawyers); besides, are many unregulated or loosely regulated professions.

Given these differences in the overall regulation of professions, it has to be noticed that graphic design is classified, almost everywhere, as an unregulated profession. In Italy, however, it is included in the list of acknowledged professions, operating under Law 4. In this legal framework, AIAP, the main association in the sector, started a process of institutionalization, so that it was formally recognized by the Ministry of Economic Development (MISE) and, then, underwent an evaluation process, which, once completed, would give AIAP the power to certify the quality of services, an important step towards the recognition of the profession. This is, in effect, a major point of distinction from its Danish and Dutch counterparts. As such, AIAP plays a dual role, of cultural promotion and professional regulation, though of soft regulation. Over the years, AIAP exercised this regulatory function in various ways, for instance drafting a *Charter for Graphic Design* (1989), a *Code of Ethics* (1993) and a price list, later become a *Fee Guide*. Slightly different is the case of BNO, a professional association that is part of FDCCI, the Federation of Dutch Creative Industries. BNO, in effect, plays its “regulatory” role in a more traditional manner, focusing on the setting of standards of working conditions in the sector. For this purpose, it defined guidelines aimed at regulating a series of aspects, related to work organisation and compensation (e.g. a 40-hours working week and minimum fees). Design Denmark (DD), then, is a professional association that carries out activities of cultural promotion and service supply, the function of interest representation, in a strict sense, being exercised predominantly by trade unions.

In short, the three professional associations differ significantly in the degree of institutionalization (AIAP is recognized by a special law), in the role they play (Law 4 gives AIAP a “soft” regulatory power, while BNO exercises the regulatory function informally, on a voluntaristic basis) and in the weight they have in the system of interest representation (AIAP and BNO are key actors, while Design Denmark, due to its different focus, is at the margins). On the other hand, they have some critical characteristics in common. Firstly, despite they have different profiles (AIAP is specialized on the segment of graphic design, whereas BNO and Design Denmark are more

across-the-board, covering the design industry on the whole), they all have a low representativeness in the sector (AIAP declares about 800 members among graphic designers, Design Denmark and BNO 600 and 1,700 in that order, but including other market segments). They all indeed rely on voluntary membership. Member recruitment is thus among their priorities, for the dual purpose of guaranteeing their own survival and enhancing their influence capacity. The limits of these kinds of associations, in fact, derive from their intrinsic lack of, both financial and human, resources, since they rely exclusively on membership fees as their main source of funding, and on the voluntary work of their members to carry out their activities. Secondly, they organise professionals irrespective of whether they are employers, employees or freelancers; furthermore, Design Denmark declares to represent both individuals and organisations. This is actually a peculiar feature, which might be seen as inherently related to the nature of work in the sector, as “creative-professional” work, not allowing to distinguish clearly between different labour market positions.

In the case of Italy, however, a certain fragmentation can be found also within this segment of interest representation. AIAP, in fact, shares the public space and, often, cooperates with other associations. Among them, ADI is the main association of industrial designers, operating under Law 4. The two sub-sectors, graphic and industrial design, actually are not clearly separated from each other, though they rely on different productive logics and work processes. In effect, it is not so rare that graphic designers join ADI, due to the capacity of this latter to attract more structured and, often, “mixed” organisations, relying on multiple skills. Besides, there are some minor associations, such as APII, ADCI, Aisdesign, Dcomedesign, DFA Italia, IDEA, SID, and TP, which mostly exercise a function of cultural promotion, though they contribute to achieve a critical mass, for instance, by supporting AIAP and ADI in a process of definition of professional qualifications aimed at obtaining a certification of compliance with technical norms.

Among others are associations of freelancers, such as ACTA. This latter plays an important role, mostly carrying out lobbying activities to influence public policy and undertaking pragmatic actions focused on specific aspects of the regulation of freelance work. Though its representativeness in the sector is likely to be very low, ACTA proved to be an influential actor (see: Bellini *et al.* 2018).

In Italy and the Netherlands, however, the absence of specific forms of trade union representation, the inherent organisational fragility of professional associations, and workers’ reluctance to join any form of collective action, created spaces for new actors and alternative forms of regulation.

An example is given by actors that, in the absence of mechanisms of regulation and control of access to the market, certify professional qualifications and make professionals recognizable by potential employers and clients. In the Netherlands, for instance, a critical role is played by art academies. A more complex picture can instead be observed in Italy, where a variety of secondary and tertiary education institutes, both public and private, are present.

Another case is that of new aggregative forms, which, either intentionally or not, respond to the basic needs for sociability, information, and professional exchange, perceived as critical in the context of a marked individualism, accentuated by the diffusion of remote working. In both countries, for instance, there are “virtual”, web-based communities, such as specialized blogs and Facebook groups, but also “physical” places, such as local hubs and coworking spaces, which are increasingly relevant.

It is then worth mentioning the case of the so-called mutual cooperatives, such as Smart, a not-for-profit organisation founded in Belgium that has now branches in several European countries, among which Italy and the Netherlands. The sphere of action of this kind of actors partly overlaps with that of traditional trade unions, what has sometimes created disagreements and jurisdictional conflicts. Smart’s philosophy, specifically, is that of “hiring” people, basically artists and creatives, to afford them the same protection as standard workers, but guaranteeing their organisational autonomy as well as their artistic and creative freedom. Smart is thus the formal employer, which, as such, is responsible for ensuring that clients comply with their obligations; furthermore, it ensures that its members receive regular payments, on a monthly basis, thanks to a self-insured guarantee fund. Here, a remark is needed concerning the similarities between what the Danish Freelancebureau and Smart do. It has nevertheless to be stressed that the former is an example of innovative trade union action undertaken in a “union-centred” system of interest representation, while the latter is a clear private initiative, which (partially) fills a vacuum of representation.

Shifting the focus to the methods of regulation, it is worth noting how the peculiar configuration of interest representation in the sector, in the three countries, reflects in the differential role played by collective bargaining and other traditional forms of action, the most relevant differences being between Denmark on the one hand, Italy and the Netherlands on the other.

Generally speaking, collective bargaining encounter serious difficulties in the graphic design industry, for at least three reasons. First, social partner action is traditionally focused on employer-employee relations, disregarding self-employed and freelance work; for this reason, it is also rare – Denmark is an exception – to find specific forms of trade union representation addressed to graphic designers. Second, graphic designers are dispersed among a wide range of economic sectors, hence part of them might benefit from the coverage of “non-specific” industry-wide agreements. Third, as emerged from the literature review (see: Paragraph 2), graphic designers have “good reasons”, *à la* Boudon (1992), to avoid engaging in collective action, since they are mostly employed as freelance professionals.

In all three countries, collective bargaining in the sector is thus underdeveloped. In Italy and the Netherlands, particularly, no specific industry-wide agreement can be found. In the case of Italy, however, about 20% of graphic design firms are indeed small firms that are likely to apply collective agreements in which the job profile of graphic designer is not regulated, nor is it classified. Quite different is the case of Denmark, where several industry-wide agreements are present, though their coverage is

significantly lower than the national average (see: Larsen *et al.* 2018). A common denominator is instead the absence of collective bargaining at the company level, where employment relationships are highly individualized.

Also in this field, however, an inclination to “experimentalism” can be detected. In Italy, it translated into a discourse, developed by CGIL, about the so-called “inclusive bargaining”. This latter consists in the provision, in the framework of industry-wide agreements, of rules aiming to regulate the use of freelance work, for instance through the definition of minimum fees. At the time of writing, it has nevertheless to be said, this discourse did not produce tangible results, especially in this sector. Another case worth mentioning, then, is that of an industry-wide agreement for the employees of professional firms, signed by Confprofessioni and the three main trade unions in the service sector, namely Filcams-CGIL, Fisascat-CISL and Uiltucs-UIL. Its coverage and effectiveness are nonetheless under debate and its capacity to penetrate the graphic design industry is highly uncertain. In Denmark, instead, we already mentioned the experience of the Freelancebureau, Teknik og Design. This latter indeed attempted to negotiate with the trade unions a framework agreement on freelance work. Negotiations, though, soon reached a stalemate, because the parties involved found it difficult to regulate aspects such as pay and working time and, at the same time, respect the diversity of situations among the freelancers employed by the Bureau (Larsen *et al.* 2018). Other unions, like HK-Industry and DJ, then, relaunched the idea of a framework agreement, including guidelines for price setting. This idea, on the other hand, encountered the resistance of employers’ associations, like Grakom and DMA, which stressed the potential conflict with competition laws.

Joint committees and funds, established through collective bargaining, also play a marginal role in the sector. In the Italian case, it is worth mentioning the pioneering experience of Byblos, that is the first joint fund to give the possibility to discontinuous workers to join a supplementary social security plan. Byblos was created in 1998 on the basis of an agreement between SLC-CGIL, Fistel-CISL, Uilsic-UIL (now Uilcom-UIL), Assocarta, Assografici, ANES, AIE and Intersind (the former association of State-owned enterprises). Its target group, nevertheless, remains that of salaried workers in more traditional sectors such as printing and publishing, though its coverage has recently been extended to atypical workers. Something different can be found in Denmark, where HK-Industry, HK-Retail, and TL, together with the private fund PFA, set up, in 2017, a supplementary social security fund for freelancers and employees not covered by any collective agreement.

That being said, other forms of action emerged as critical.

In general, all relevant actors in the sector are engaged in lobbying activities and in an informal dialogue with public institutions, which rarely turn into explicit forms of tripartism. This is of course truer for those organisations that do not refer to collective bargaining as a privileged method of regulation.

Very important is then the direct offer of services. Here, a convergence can be noticed among different actors in the type of services supplied. In Denmark, for instance, employers' and trade associations offer rather similar services, ranging from the organisation of events to legal advice, guidance on competition law and intellectual property rights, business planning, and so on. Trade unions, too, have increasingly targeted some of their services on freelancers and start-ups. What is worth noting, here, is that union services have resemblances to those offered by employers' and trade associations, which might reveal that the line separating these forms of interest representation in the sector examined is now thinner (see, once again: Larsen *et al.* 2018). In the Netherlands, instead, the offer of services is the privileged form of action undertaken by trade unions, since the sector is not covered by any collective agreement; union services are nevertheless targeted on salaried workers. On the other hand, BNO, a professional association, offers a wide range of services aimed at promoting the development of the sector, from legal advice to training in creative and entrepreneurial skills, individual coaching and mentoring (see: Been *et al.* 2018). In Italy, then, traditional trade unions offer generic services, addressed to all kinds of workers, with no distinction by type of job. These are services of fiscal and insurance assistance, counselling, and dispute resolution. Here, Vivace represents an exception, as it set up Offices for Freelance Work, within territorial welfare offices (the so-called *Patronati*) of CISL. Vivace also created a network of lawyers to provide – either free-of-charge online or low-cost physical – legal advice to freelance workers. Other actors, such as ACTA and AIAP, offer services (e.g. legal advice and fiscal assistance) targeted on freelancers and graphic designers, in that order. The supply of services, however, does not seem to be able to satisfy the demand; this would be due, again, to the loose organisation and lack of resources of these associations, whose territorial coverage is still spotty (see: Bellini *et al.* 2018).

What is more, an emergent form of action is the development of professional networks. It is particularly relevant in Denmark, where business associations organise events aimed at developing or enhancing informal networks, gathering together different groups of people working in the graphic design industry in the Greater Copenhagen area. In the Netherlands, it is mainly BNO that organises events and local networks of graphic designers. In this regard, some innovative initiatives can be found in Italy, where Vivace, for instance, pursues the aim of building a web-based community of freelancers.

Last, another form of action is particularly important for actors like the associations of freelancers and professionals, which cannot resort to traditional forms of protest, such as strikes, pickets and sit-ins, that is campaigning. Freelancers and self-employed professionals, in effect, are not easy to reach, since they are dispersed among a high number of clients/employers, they have not a stable workplace and, often, they work remotely, at home; hence, they are particularly difficult to organise and mobilize. This is even truer in conditions of lack of resources. The action of such associations, in fact, is based on the voluntary work of their members. The Italian ACTA, for example,

carried out actions with a high symbolic value and a wide appeal, through alternative forms of protest, such as occupations, flash mobs fax and tweet bombings, public campaigns, and so on (see: Bellini *et al.* 2018).

In general, if we look specifically at the workers' attitudes towards collective action, graphic design and industrial relations seem to have followed divergent pathways of development. Also in Denmark, where industrial relations have deeper roots in the sector, union density is lower than the national average, and collective bargaining is much weaker than in other industries, especially at the company level (see: Larsen *et al.* 2018). In Italy and the Netherlands, then, they appear as distant worlds. In Italy, particularly, indifference and, sometimes, hostility towards trade unions emerge as widespread feelings from the interviews with the workers; these sentiments are often associated with a lack of awareness of the forms and contents of union action (see: Bellini *et al.* 2018).

In the Dutch case, the main reason for not joining a trade union is the perception that no immediate and tangible return can be found in the everyday practice of the profession (see: Been *et al.* 2018). In the Italian case, instead, a dissonance exists between workers' needs and union responses, the latter being considered not in line with the nature of work in the sector; here, "pragmatic" attitudes are often associated with "identity" motivations, linked to an aspiration to autonomy ("I don't want to be hired!") and to a self-perception as creatives and professionals, even if speaking of salaried workers (see, again: Bellini *et al.* 2018). In both cases, however, a common idea can be detected that there is no need for "intermediaries" in employment relationships: given the small size of companies, in fact, workers are persuaded that it is preferable for them to try to settle a problem directly with the employer; organisational flexibility, then, facilitates occupational mobility, thus implying that, if necessary, changing jobs is not so traumatic. In Denmark, too, employer-employee relations are described as characterized by a high degree of informality and depicted as "trust-based", though the level of informality (and trust) is likely to decrease with increasing firm size (Larsen *et al.* 2018).

Italian professionals seem to be more indulgent to business associations, though they perceive them as marginal actors in the sector. Dutch employers, instead, complain about the absence of forms of collective organisation devoted to them, so as to represent their interests to the government and claim more flexibility in the use of fixed-term contracts, which they see as a critical factor of competitiveness for project-based activities, highly exposed to market fluctuations. Danes, then, join employers' associations mostly to benefit from business services, which they tend to evaluate quite positively.

Attitudes towards professional associations also differ considerably. Referring to the two countries where these latter play a key role, Dutch graphic designers appear relatively more satisfied. In particular, workers evaluate positively the idea of having someone who "takes care" of their interests. More specifically, they show high appreciation for the guidelines drafted by BNO and their character of "light" regulation,

perceived as more in line with the dimensional characteristics of firms in the sector (Been *et al.* 2018). In the Italian case, instead, members and non-members often reveal opposing views, the latter being more critical about the role played by AIAP and other sectoral associations (Bellini *et al.* 2018).

To conclude, some points can be made.

Generally speaking, it can be said that Denmark distinguishes from Italy and the Netherlands as it has relatively stronger and more inclusive industrial relations in the graphic design industry. Danish trade unions and employers' associations are in fact the dominant actors in the sector. Trade unions, particularly, represent both salaried and self-employed workers, and, for this purpose, also experimented innovative forms of collective organisation, such as the Freelancebureau. Furthermore, they are engaged in collective bargaining at the industry level, though the coverage of the latter is much lower than in the rest of the Danish economy. This, in addition to the weakness of collective forms of action at the workplace level, reveals a substantial "sector effect", which might mean that institutional arrangements certainly matter, but the specific nature of work in the sector pushes towards the individualization of employment relationships. In the case of Denmark, in effect, "associative" regulation partly succeeds in counterbalancing "market" distortions.

On the other hand, in the countries where industrial relations are weak (with specific reference to the graphic design industry), other actors and principles of regulation emerge as relevant. Both in Italy and the Netherlands, in effect, trade unions and, even more, employers' associations play a marginal role, though some experiments aimed at including freelance workers can be found, at least in the Italian case. Here, professional associations play a key role, though their regulation powers are limited, and their representativeness is actually low. These latter, however, are important sources of (professional) identity. New actors, then, entered the public space and play a mostly implicit regulatory role, such as education and training institutions, virtual communities and collaborative workplaces, and mutual cooperatives. In this regard, it is worth underlying that, in Italy and the Netherlands, an actor which is not an actor of industrial relations – and, sometimes, is even seen as a rival by trade unions – such as Smart does things that, in Denmark, are done by a union structure, that is the Freelancebureau. Therefore, in these cases, the "market" seems to prevail, though other mechanisms come into play to counteract the effects of individualization; these rely on a principle of "communitarian" regulation and on informal – we might say professional – networks.

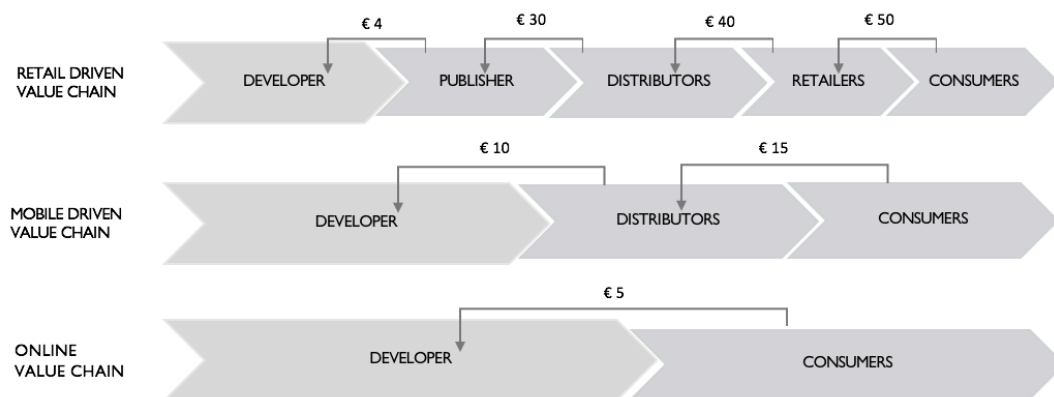
4.2. Video game development

a) Description of the sector

As a background for understanding many of the dynamics related to employment regulation and interest representation in the video game industry, it is important to have a clear picture of video game production and of the different actors involved in the video game value chain.

Three types of value chains are visible in the sector, two related to entertainment games (i.e. games directed to individual customers as recreational activities), that of console games and of mobile games, and one related to serious/applied games (see: Figure 1).

Figure 1 – The most common value chains in the video game industry



Source: BOO-Games Regional Analysis Report.

Console or PC games. Console and PC video games constitute the traditional product of the video game industry and, therefore, this value chain can be considered the traditional organisational model of the industry. This type of games are probably the most remunerative in the field of video games in terms of revenues for a single copy. However, access to this kind of value chain is relatively demanding, since the development of a console or PC video game requires substantial investment (particularly in terms of human resources), since it takes a long time (from 6 months to 2-3 years) for a game (especially premium games for PC or consoles) to be developed (Kerr 2013) and revenues allowing to compensate costs are made only when the final product is sold. Moreover, it requires relatively large teams, usually composed by more than 10 people. This is the reason why the value chain of this kind of games is quite complex and composed by a significant number of actors. As argued by Teipen (2008), the value chain of console and PC video games is constituted by five different segments: retailers, publishers, console and other platforms' manufactures, game developers and component developers. Retailers only organise the sale of video games, so are not particularly important for our discussion. Key players are, instead, the publishers and the producers of platforms on which games are played. Both are, indeed,

involved in the production process, since they organise the financing for the game development, the whole production process and the marketing of a game. They may either design games themselves or finance proposals submitted by game developers. Usually, they retain the copyright on the financed product and, therefore, are able to gain most part of the profits. Not always platform manufacturers also produce games, but they are significant also because they need to give access to their platforms to the different games. Hence, publishers and platform manufacturers enjoy a significant power position towards developers, which are considered the weakest segments of the value chain. However, differently than in the mobile games value chain we will explore below, the relationship with publishers enables game developers to get (at least part of) the production process financed, reducing a some of the risks of a very lengthy development process. On the contrary, mobile game developers, by self-financing production, enjoy more autonomy, but, at the same time, bear all the risk. The last component of this value chain are component developers, which work for main developers as subcontractors (“work for hire” as we will see below) providing elements like graphics, animations, programming and music pieces. This represents a part of workers who grows equal to the sector.

Mobile games. Technological innovations and the diffusion of mobile devices (like tablets or mobile phones) have profoundly changed the structure of the traditional value chain video game production. As visible in Figure 1, the value chain of mobile games is much simpler and it is composed only by video game developers (with component developers) and distributors. This is due to the fact that technologies made the development of video games shorter and less demanding, both financially and in term of needed competences (through the birth of free development engines, like Unity, which help the development process). Time to market for this type of games may range from several weeks to several months (compared to years for console and PC games) (Kerr 2013) and development requires significantly smaller teams (even 2-3 people). Second, and partially connected, new technologies reduced the importance of publishers, both for the access to the market (which can now take place directly through online platforms like Steam) and for the financing of the production process, which, being shorter, is also much less costly. Hence, technological innovations democratized video game production, lowering the barrier to work in the industry and eliminating intermediaries (like publishers and retailers), and fostering the growth of new, smaller companies, start-ups and informal teams. It made, however, video games also a much less remunerative market, since mobile games are available for few euros or even for free on online platforms. Moreover, it strongly raised competition, making it more difficult to have your game noticed by customers (a funny picture of a training workshop in one of the biggest fairs of the sector shows the statement “the trouble with online game stores is that they are full of games”) and, therefore, make money out of this business. Indeed, it has become much harder to realize profits in this market since, with few exceptions, small games from small teams do not achieve very high turnouts (according to the online newspaper *Business Insider* “99.9% of all mobile games are not profitable” and, according to the data reported by

Dyer-Witthford and Sharman (2005), “10% of the games make 90% of the money”³. Thus, while these technological developments partially reduced power asymmetries in the value chain, making video game developers more autonomous, they also increased the risks of development.

Applied games. The above models of value chains mainly focus on entertainment games. In the case of applied games, the model is slightly different. Applied games (sometimes also referred as serious games) are games which aim to educate, inform or train gamers and are funded and distributed by public or private organisations. The games are developed in the most different sectors (such as education, health, transport, banking, security, marketing, culture and defence) to support their business or to achieve their goals. Hence, the value chain of these games sees public or private organisations commissioning the development of the game to game developers, which is then either sold or (more frequently) provided for free to end-users. Applied games have usually a production cycle closer to that of mobile games and much shorter than console or PC games (Kerr 2013). Moreover, they are a relatively secure source of revenues for game developers, because they do not have to confront with the market, but are directly commissioned (and paid) by another organisation (public or private), independently from the commercial success of the product. Applied games (also referred to as serious games), includes games with the aim to inform, educate or train end-users. In particular, applied games are developed and distributed across several sectors like education, health, transport, marketing, and defence. Hence, the client has a central role in the development of a serious game: it works with the developer, finances the project and distributes the final product. Thus, the autonomy of video game developers is strongly reduced but is compensated by a more secure market.

In this report, we will focus on game developers, which are the actors actually producing the final product. The game developer may work independently, developing their own products, “work for hire” (i.e. working as subcontractors providing services for other firms engaged in the production of final products, producing elements like graphics, animations, programming and music pieces) or be active in both activities. Generally, “work for hire” is considered to be less prestigious, since most game developers perceive this type of work as less creative. However, only few game developers can avoid “working for hire”, since it constitutes a more secure and continuous stream of revenues than developing their own game. Hence, most developers engage in both, sometimes using the earnings derived from their “work for hire” projects to fund the development of their own games. Moreover, game developers may be active just in one of the three value chains we have highlighted above or combine the different types of businesses. Again, most game developers perceive applied games to be less prestigious, but this is generally considered a more secure business. Hence, many companies produce both entertainment and applied games, financing the former with the more secure revenues of the latter. As we will see below, usually only larger companies able to

³ <http://www.businessinsider.com/why-999-of-all-mobile-games-are-not-profitable-the-6-things-mobile-game-developers-must-do-to-survive-2012-3?IR=T>.

develop more sophisticated console games, while smaller ones and freelancers are active in the mobile and serious game's segments, or "working for hire" for larger ones.

b) Institutional background and regulation of the sector

Public policies play a central role both for the development of the sector and for sustaining its workers employment conditions. Our research identified both indirect and direct forms of influence of public policies on the video game industry. We understand indirect interventions as those public policies that, albeit not specifically targeted to the industry, have significant impacts on it, while direct ones are those specifically targeted to the sector.

A first arena of indirect intervention concerns the employment and social protection of self-employed workers. In all three countries, albeit with very different extends, social protection for self-employed workers is weaker than for dependent workers. Hence, the diffusion of self-employment within the video game industry makes workers in this sector more exposed to a lack of social support in case of inability to work. In Italy and Denmark, the governments recently adopted initiatives (for the critics only very partial) to extend coverage to self-employed workers or to make access to social benefits less demanding. In Denmark, a new (and less complicated for self-employed workers) unemployment system was approved by Parliament in 2017, even if it still needs to be transposed into detailed legislation. In Italy, the recently approved *Statuto del lavoro autonomo (Freelance Workers' Statute)*, introduced new elements of protection for self-employed workers, among which a more favourable regulation of maternity leaves and sickness benefits. Moreover, the principle of "fair pay" (*equo compenso*) was introduced, which applies to all professionals and freelancers – whether they are members of a professional order or college or not – in their relationships with banking and insurance companies and small, medium and micro enterprises, and expresses the concept that their pay must be proportioned to the quantity, quality, contents and characteristics of their performance. In the Netherlands, no reforms have been actually undertaken to extend the protection of self-employed workers, but according to the national report, it seems very likely that in the near future some sort of (voluntary or obligatory) public insurance scheme against sickness, disability, unemployment or old age for self-employed workers will be introduced. These type of interventions is important for workers in the video game industry, because of the significant incidence of freelances in the sector.

Another arena of indirect intervention concerns public supports for innovative start-ups and companies. For example, in 2012 the Italian government passed a decree law aimed at strengthening the country's economic growth through measures aimed at fostering the creation of start-up companies focused on technology and innovation. Even if not explicitly focused on the video game industry, this measure might have given resources to developers, since, as we have seen, around 20% of developers included in AESVI's census are included in the register of innovative start-ups. Similar initiatives at local level, like the policies promoted by the municipality of Milan on

innovation and on the support of co-working spaces, might also have indirectly benefited the industry, even if no direct reference to this kind of policies was made by interviewees. In Denmark, a publicly funded business organisation, *Vækshus Copenhagen*, offers free guidance to start-ups and businesses to all Danish companies.

In all three countries we also find instances of public policies directly supporting the sector, even if this direct forms of intervention are surely more significant in Denmark and, particularly, in the Netherlands, than in Italy. A first form of direct support relates to the provision of specific training activities by public educational institutions, which represent an important source of collective goods necessary to the development of the industry. In all three countries, public universities started to include courses related to video game development in their degrees, both in informatics and fine arts. In the Netherland there are 44 schools offering game-related programs. The classes and Masters are distributed as follows: 5 in research universities, 17 in universities of applied science and 22 in institutions of vocational education. Extra activities exist under the label of part-time minors and courses. Specific University degrees in video game development were developed in Italy as well. At the Computer Science Department of Milan University the PONG laboratory (play lab for innovations in games) was founded and offers classes on video game design and programming in collaboration with the Politecnico of Milan. Similar classes are also developed at the University of Verona and of Naples. The Fine Arts Academies also started to train students in digital methods, also connected with the video game industry. Also in Denmark, educational institutions are important actors in supporting the industry and many have prioritized game development in recent years, through the creation of a two year master degree in gaming and the hosting of several incubators to support newly and post graduated programmers.

In the Netherlands, the video game industry was supported also as part of the general support given by public policies to the creative industries. Since 2011, the Dutch government recognised the sector as one of the nine priority sectors, key areas to advance the Dutch economy in the future (the so-called *Top Sector Policies*). The government decided to prioritise investment in the creative sector as one of the potential growth poles of the Dutch economy, recognising the creative industries as a driver for growth and innovation. Within the *Top Sector Policies*, the first Rutte cabinet established the Top Teams, made up of members of the creative, scientific, and government communities. Each team has two main activities. Firstly, they work to define strategic orientations in their respective sectors and to take measures that guarantee the competitiveness of the industry in international markets. Secondly, they support the segments by promoting an environment that fosters knowledge creation, innovation, export, improved financial instruments and the creation of human capital (Top Team Creative Industry). The idea underlying the identification of the nine main sectors is that adequate support for the identified sectors affects sustainable growth (and employment) for the Netherlands. Also in Denmark, the software game industry is considered one of the leading priority areas for fostering economic growth.

In both countries, public institutions have developed policies to support the development and growth of business initiatives in the sector. Danish national, regional and local authorities have funded and set-up various organisations, in some cases together with private partners, targeting specifically the software game industry to assist newly start-ups and companies with the development of business plans, funding applications, networks etc. Examples of these organisations are CAPNOVA, Interactive Denmark, and the Danish Film Institute. Support initiatives were initiated also by the Nordic council, which partially funds the Nordic Game Institute, with the aim to promote Nordic collaboration within the industry by organising various events. In some cases, such as CAPNOVA and the Danish Film Institute, these organisation directly invest in video game companies, providing an important source of funding. In the Netherlands, an important role is played by publicly funded incubators, such as the Dutch Game Garden, which develop coaching and mentoring programs, training (especially in managerial skills), and assist companies in negotiations with publishers and with other game developers. The Dutch Game Garden was set up in 2008 by Utrecht's education program for game development with the support of Utrecht municipality and the Province of Utrecht, as a local hub for supervising graduates in setting up their own companies. Within this programme participants are coached in setting up a game company: they have a mentor, can follow classes on business topics and participate in team training. Moreover, the DGG organises events and projects and provides a place where game developers and companies can meet. If requested, the DGG can also negotiate with publishers on behalf of the companies housed by the DGG or go over the contract to check whether no strange clauses are included. Finally, they act as a mediator between companies that want to contract a game studio and the (often small) game studio's itself. Moreover, in both the Netherlands and Denmark, support policies have also focused on sustaining the demand of products provided by video game developers.

In Italy, these types of activities are mostly carried out, even if to a much more limited extent, by AESVI (*Associazione Editori Sviluppatori Videogiochi Italiani*), the business organisation representing the sector. Public support is, instead, less direct. Up until very recently, the role of public policies for supporting the development of the sector was deemed by industry actors as insufficient, and public institutions were considered to have largely neglected the industry. In 2016, the Italian government extended the tax credit policy previously limited to audio-visual companies to the video game sector. According to this initiative, which introduces in Italy a policy measure diffused in several other European countries, companies in the video game sector may benefit from fiscal incentives. This was a long awaited innovation, hardly pushed by AESVI through political lobbying. Moreover, another form of public support regards the internationalisation of the industry. The public agency ICE (Agency for the promotion abroad and the internationalisation of Italian companies), in fact, funds and organises the participation of several Italian video game developers to important global fairs.

c) *Productive organisation*

All three examined countries are outside the central circles of video game production, which concentrates in the US, Canada and Japan.

The game industry in Europe is growing at an estimated annual rate of 10 percent. At the moment, the European game industry employs more than 100,000 people, including 60,000 skilled workers, and contributes more than €3.5 billion to the European economy (BOO-Games 2013), but most recent data shows that the expected to amount in 2018 in Europe and the Middle East and Africa is \$26.2 billion. At the same time, the EU's game industry as a whole is characterized by diversity, fragmentation, and complexity. Within the game industries, a large population of highly creative, small development studios, can be found. Each country, then, presents stark differences in terms of the players' demographics, the size of its game market, and the number of game studios and publishers. The United Kingdom has the most significant share of the market with total game revenues € 4.4 billion in 2018 (10,870 jobs and 1,902 companies in 2015), together with the Germany, whose total game revenues reach € 4.6 billion in 2018 (10,350 jobs and 320 companies in 2015). France follows (3,000 jobs and 600 companies), then Spain (3,380 jobs and 330 companies), Sweden (3,117 jobs), Finland (2,500 jobs). At least half of game development studios have a turnover of less than € 100k, with 10 to 20 studios are responsible for at least 50%, and in some case up to 80% of the entire workforce (Game Monitor 2015). Throughout the years the United Kingdom has enjoyed a relatively dominant place regarding video game developers in Europe, also due to a large a diversified set of companies in different phases of the value chain (Nieborg and de Kloet 2017). The United Kingdom is known for the development of console games with higher specifications and therefore a more extended and costlier activity. Few then approached publishers, big developers and the financial risk taken by the publisher was offset by the reputation and commitment of the developers.

The video game developing sector is relatively small in all three countries, with the Netherlands having oldest and most established industry, with the most significant number of workers (around 3,000), followed by Italy (around 1,000) and Denmark (around 800). However, video game production is expanding in all three cases. The number of employees doubled in Italy in recent years (+100%, in the period 2011-2016), while the number of companies grew by 42% in the Netherlands between 2011 and 2015. In Denmark, the game industry expanded rapidly in recent years concerning economic revenues (+208%, since 2009).

Our three countries share a significant set of similarities concerning the characteristics of the video game industry. Companies are everywhere very small. In the Netherlands, they have on average 7 employees, in Denmark, 33% of the companies have less than 10 employees and 51% are self-employed without employees, and in Italy, 47% of these companies employ between 1 and 5 people. Most companies are also very young: In the Netherlands, most of them were founded less than 4 years ago, while 62% of Italian game developers are younger than three years of age. Moreover,

in all countries, companies' turnover is reported to be very high. In Denmark, for example, the average time span of the companies in the sector is 5 years.

Both in Italy, Denmark and the Netherlands, the video game industry is highly concentrated territorially. 22% of Italian video game developers are clustered in Milan, while Utrecht and Amsterdam are dominant in the Netherlands respectively for start-ups and larger companies, and Copenhagen in Denmark (65% of video game developers are located in the Greater Copenhagen Area). However, the market for video games is instead highly internationalized. For example, 93% of the respondents to the 2016 AESVI survey on Italian game developers declared to export in Europe, 83% in North America, 64% in Asia and 58% in South America.

A significant difference is visible across the three countries for what concerns the area of activity of video game developers. In the Netherlands, the share of companies active only in the segment of applied games is more prominent (34% of the companies and 41% of the workers) than in Italy (11% of the companies) or Denmark. This is due to the significant support of public organisations to the sector in the form of procurement of games. In Italy, instead, most companies (52%) produced both applied and entertainment games, while the Danish game industry mostly focuses on entertainment games – in particular, games for smartphones (47%) followed by boxed and downloaded games (30%).

Regarding employment relations, in all three countries, freelancing is less dominant in video game development than in other creative industries. Indeed, freelancers represent 40% of the video game developers in Italy, 51% in Denmark and just 5% in the Netherlands. In all three countries, the video game industry is highly male-dominated, with women representing less than 15% of the workforce both in Denmark and in the Netherlands and being reported to be very few also in Italy. Moreover, women tend to be confined in administrative, managerial or artistic positions, while programmers are almost exclusively men. Video game developers are also very young: in Italy, they are on average 33 years old, and 2/3 of them are between 26 and 40 years of age; in Netherlands, the average is around 22-25 years old. In terms of workers' educational background, in all our cases a significant share of the workers (37% in Italy and more than half in Denmark) hold an academic degree, but it is not uncommon for game developers to be self-taught, even if less than just a few years ago. In the Netherlands it is interesting to note that for the annual outflow of all game students in 2015 was 1639. Out of these, 991 students graduated from the full-time study (both secondary and higher vocational education and universities), and 648 students completed either a game minor or a game course. One of the elements that emerged from interviews is that employability (in the game industry) largely depends on the background and the specific type of education received. Technical skills are particularly prized, while producers of contents have more uncertain job market perspectives.

Different types of actors are active in game development (see, also: de Peuter and Dyer-Witthford 2005). We identified four different business models. First, we can find individual freelancers which work as contract labour for other companies on a

project basis. Usually, individual freelancers in the video-game industry work for a rather limited number of clients per year and often only for one client. In some cases, they work from their client's premises because they are highly integrated into the client's production process. Both software developers and artists can work as freelancers, but usually programmers have more stable positions within organisations, while artists are more likely to work on a freelance base.

Secondly, we can identify small teams, which are the smallest unit of videogame production. Such teams do often not have a clear legal status and are often made up by single freelance workers joining together for a specific project. Often, team members also work as freelancers for other companies while developing the team's project, usually for making up the money which enable them to continue carrying out their projects. In some cases, such teams are made up of people which have a job in another field and develop videogames either as a hobby or as a potential future job. Sometimes, these teams rely on external support for particular activities, such as music design or translations. The development of these teams is largely connected with new technologies which, as we have seen above, lowered access requirements to the industry. Hence, most of these teams are active in the mobile game segment, because they do not have the resources for developing the more demanding videogames for PCs and consoles. Indeed, video-game development in such teams is often self-funded and, for this reasons, they are often known as independent or indie developers. However, these technological innovations also increased competition in the sector and reduced the likelihood that a game will succeed on the market. Hence, these teams usually also engage in applied games, which, as we have seen, are considered to be a more secure source of revenues.

A third type of organisation active in video-game development are small companies. Such companies are often composed by a core group made up by the founder/s and by dependent employees, and a number of external collaborators with whom they cooperate on a project basis, hired through different contractual forms. Usually, the core group also undertakes management and marketing activities. Such companies can be active both in the mobile and in the PC or console segment and in some cases they also develop applied games for corporate clients or public organisations. However, there are also small companies engaging exclusively with the consumer market, usually with the financial support of a publisher.

There is no clear cut distinction between small teams and small companies in terms of activities, but small companies are more formalized and stable organisations, not linked to the pursuit of single projects. Moreover, they have the juridical status of a company, while we intend for small teams more informal, project-based coalitions of workers. However, quite often small companies are the juridification of a previously existing small team. Often, access to external funds (from a publisher, a funder, a public support initiative) is the trigger of a more structured and formalized organisation and the possibility for small teams to register and to hire employees. Moreover, a more developed organisational structure might be required by a growing amount

of work to be carried out. However, access to funding sources is highly competitive and sometimes it is disliked because the publisher takes a large share of games' revenues and exercise control over the type of game to be published and, therefore, some small teams prefer not to pursue that road. Therefore, a common strategy for both small teams and small companies in the game industry is to engage in "work-for hire" or applied games alongside their own product development to secure financial stability. Moreover, these firms may also decide to cut labour costs (through wage restraint, no overtime payments, along with the heavy reliance on different forms precarious employment such as internships, freelance work, fixed-term contracts and outsourcing) in order to secure the viability of the company. Even though the tough market conditions characterizing the industry, smaller companies and informal teams have grown significantly over the past years in all three countries.

Lastly, larger companies are also involved in videogame production. These companies have a core of dependent employees and a number of external collaborators, usually performing specialized activities not present within the company, such as sound design, or integrating the core team during particular phases of videogame development. Beyond "creative" positions, such companies also employ a significant number of managerial positions, which have the duty of managing the videogame production process, and of administrative staff. Such firms may either focus exclusively on the entertainment market or be active also in applied games. Generally, these are the firms active in the development of more complex games, usually for PC and consoles. The development of videogame in larger companies may be both self-funded or funded by a publisher. Our countries do not have significant number of larger companies. For example, only three companies in Italy have more than 50 employees. And in the Netherland a fewer than 10 companies have over 50 employees (in 2012).

Usually, these different organisational configurations also rely on different modes of human resource management and, therefore, are important to keep in mind when talking about employment relations in the sector. However, as clearly stated in the report on the Dutch case, the distinction between the different forms of employment is not as clear cut as it seems, since many workers in the industry combine several roles. For example, employees (of small and large companies) may have their own side-projects which they develop independently in a small team besides their job. Moreover, movements across different employment statuses and different types of companies are quite fluid and frequent in the sector.

d) Characteristics of the workforce

Employment conditions in all three countries are strongly variable across organisations and depending on the professional activities of the workers. Indeed, within the videogame industry there are different professional profiles, with different competences and different power resources: there are programmers, game designers (which define the structure of the games and the content of the different levels), artists and animators (which are in charge of the graphical content of the game and its

animation). Next to these more “creative” figures, we can also find, especially in larger companies, managerial positions and administrative staff.

Programmers, game designers and artists have different educational backgrounds, with programmers usually holding a university degree in computer science, artists and animators mostly graduating in fine arts and game designers usually lacking clear educational programs. In the past, it was common for people employed in the videogame industry to lack formal educational credentials and to be self-trained in the necessary knowledge and skills through learning-by-doing. Moreover, up until few years ago, no training courses specifically focused on the videogame industry were available. Hence, both programmers and artists were educated in neighbouring fields (such as computer science and arts) and specialized later. Today, instead, dedicated courses exist, supplied both by public and private institutions. For example, in The Netherlands are offered 44 game-related programs: 5 in research universities, 17 in universities of applied science and 22 in institutions of vocational education. Extra activities exist under the label of part-time minors and courses.

In term of access to the sector, interviewees in all three countries report a significant diffusion of (sometimes unpaid) internships and (sometimes bogus) self-employment as first steps in their professional careers. In larger companies, programmers are sometimes first hired as apprentices. Free labour is reported as a necessary step in early careers, especially for artists. This is closely connected to the importance of portfolios for the acquisition of jobs and, in case of freelances, contracts with clients.

Interviewees in all three countries highlighted different ways for searching for new jobs, but the most common avenue for recruitment is word of mouth in established networks. Small teams are often built around pre-existing relationships and contacts, often coming from University experience. Moreover, fairs and game jams (i.e. occasions in which videogame developers meet and have to create a videogame prototype in few days of continuous work) also constitute important networking occasions. These are recruitment dynamics typical also of other creative industries, in which reputation and social networks play a very significant role (McRobbie 2002). Moreover, several artists, for which portfolios are particularly important, reported the necessity of continuous self-promotion and, sometimes, also the fatigue associated with dealing with this kind of mechanisms. Still, in more established companies, both small and large, also other, more formalised, recruitment mechanisms are at play, like job posting and the associated CV submission and selection. Online social networks (such as LinkedIn) also play an important role in the industry. In general, past works documented by portfolios are important for certifying experience and ability.

As we have highlighted above, the industry is characterized by a less significant incidence of atypical work than in other creative industries, even if still very high compared to the economy as a whole. However, the use of atypical forms of employment strongly varies across different types of companies. Smaller teams and smaller companies usually hire people ad hoc and often on a freelance basis, according to the project they need to develop. Many small companies in all three countries show a

classical core-periphery mode, with a small core of dependent employees and a periphery of collaborators, which form the project based coalition developing different projects. On the contrary, larger organisations usually show more stable employment forms, with freelancers only employed for very specific activities (like sound design). In these organisations, the employment of workers do not depend on single projects. As shown also in other countries, the capacity of these kind of companies to secure a stable flow of financial resources, encourages the creation of a more stable workforce through dependent positions (see, also: Thompson *et al.* 2016, on the Australian case). This is strongly related to the fact that the development of more complex videogames, like those developed by larger organisations, take a significant amount of time. However, interviewees in all three countries also reported that mobility across companies is very high and it is not uncommon that workers move after finishing a particular project.

Atypical employment is more common in the first stages of workers' careers. Interviewees report, especially in Italy and the Netherlands, a significant diffusion of (sometimes unpaid) internships and (sometimes bogus) self-employment as first steps in their professional careers. In larger companies, programmers are sometimes first hired as apprentices. "Free labour" is reported as a necessary step in early careers, especially for artists. This is closely, in all IR-CREA countries, connected to the importance of portfolios for the acquisition of jobs and, in case of freelancers, contracts with clients.

An important issue in the industry is the necessity to continuously adapt skills and competences. As reported in other empirical examinations of the new media industries (Christopherson and van Jaarsveld 2005), employer-provided training seems to be relatively scarce. Few workers, all employed by larger companies, reported formal training provided by their companies, usually related to the specific needs of a specific project. The responsibility of updating workers' competences is left to workers' themselves. Some interviewees reported that their companies (usually more structured ones) encourage them to take time for self-training during office hours, generally at the beginning of a new project or when new tools need to be adopted, and when the workload is not particularly high. They also reported that the company provides support material (such as specialized publications) for self-training. In general, however, workers rely mostly on the internet to train, usually through specialized forums dedicated to specific tools, and dedicate a significant amount of their free time (evenings or weekends) to self-training. In the case of freelance workers, the lack of adequate training and the obsolescence of their competences (linked, for example, to the diffusion of new development platforms and engines or new types of coding, and the dismissal of older ones) becomes a barrier to labour market participation.

A significant concern in the industry is related to working hours. In general, the industry is characterized by long (even more than 60 hours a week) and often unpredictable working hours, extending into the weekend, especially during so called "crunch times", i.e. when the deadlines of specific development milestones are

approaching. However, this is again strongly dependent on the organisation workers are employed in. Freelances and small teams usually reported longer working hours and a significant diffusion of work during weekends. On the contrary, interviewees in all three countries reported that larger companies have adopted management strategies to avoid excessive working hours and crunching. Still, overtime is diffused also in larger companies and it is often unpaid if it takes place during weekdays. The availability of working overtime for free has been related both in Italy and in the Netherlands to workers' high commitment to the quality of the output ("you want to be perfect upon release"). Output quality is not only significant as a sign of the strong intrinsic motivations which characterizes workers in the sector, but is important also for workers' portfolio, which, as we have seen, is important for employability.

Wages are also very diverse across organisations and workers' professional backgrounds. Employees (both of larger and of smaller companies) enjoy generally higher and more secure wages, while freelancers and workers in small teams and start-ups often earn relatively little. As we will see below, this is strongly connected to the highly competitive nature of the industry and to workers' and companies' willingness to set a foot in it (often, start-up founders pay themselves little or no money to be able to invest as much as possible in their company), but was also often connected by interviewees to the lack of managerial skills in those organisations. Free work or work for very limited amounts of money are particularly widespread among industry entrants, which struggle to be known and build portfolios in a highly competitive labour market. Nevertheless, there is quite some variety between positions in the games industry. Lower wages are more diffused among artists and game designers, while programmers are often more protected and their wages are higher, since their skills are scarce and highly requested, which gives them a better position. In the case of artists, lack of recognition of artistic work and client's incapacity to recognise the value of artistic work was also reported as a significant explanation for low wages. However, it has to be highlighted that free work and work for limited amounts of money are not exclusively related to the lack of alternative possibilities. Several freelance programmers reported to have accepted to work for relatively little amounts of money when they liked particular projects which lacked sufficient financing. However, it is important to highlight that, even for programmers, wages are generally lower than in other parts of the IT industry, often due to financial constraints which characterize the industry, but also to the passion which moves these workers and which makes them available to accept lower wages in order to be able to work in the videogame industry. However, this is particularly true among younger workers, which have fewer economic needs and have reported to be happy when they are able to pay their bills and remain in the industry. However, several interviewees reported the possibility to exit the industry if their economic needs contrast what companies in the industry are willing to pay, especially after forming a family. This observation seems to be a partial confirm of another topic very present in the literature, i.e. the idea that this sector favours the occupation of the young and unattached and tends to expel older workers (see, also: Deuze *et al.* 2007: 343), in what McRobbie (2002) called "enforced youthfulness".

For what concerns wage setting, collective agreements play a role only in Italy, where the metalworking collective agreement is widely applied by companies and defines wages and other working conditions, even if only for dependent employees. In Denmark and the Netherlands the definition of these standards is left to individual negotiations between employers and employees or to unilateral decisions by management and, in general, is widely exposed to market dynamics. Individual negotiations on wage levels are more prevalent in Denmark than in Italy and the Netherlands, where workers are generally paid according to what the company is available to offer in a “take-it-or-leave-it” type of relation without much space to individual negotiations.

Three interrelated factors are key for explaining relatively poor (even if, as we have seen, highly differentiated) working conditions in the sector. First, passion and high intrinsic motivations have been widely referred to by our interviewees in all three countries. Several interviewees highlighted how this is often explicitly exploited by companies, and used as an argument for justifying this situation, or even for selecting “adequate” employees. Interestingly, we found in the videogame industry patterns common also to other creative industry, such as the necessity for workers to strike a balance between well remunerated, but boring jobs and more satisfactory, but badly paid jobs (for a parallel in the music industry, see: Umney and Kretsos 2014). As we highlighted before, among the coping strategies undertaken by videogame developers, especially programmers, is to work in other sectors (usually considered less creative and appealing) in order to economically sustain their passion and to leave videogame development as a secondary job, often undertaken during weekends. This is strongly related to the highly competitive nature of the videogame industry and the difficulty to finance development and make money out of videogames, especially for small teams relying on self-funding. However, passion is not the only reason explaining these working conditions. Being an industry in which portfolios are very important for future employment, workers are pushed to invest in their CVs and accept lower earnings in order to accumulate good experiences. Moreover, strong competition also drives working conditions down, enabling companies to pay less and offer worse working conditions.

e) Interest representation: actors and forms of action

In all three countries, the traditional industrial relations actors play a limited role in the gaming industry, in particular with regard to the traditional practices of interest representation such as collective bargaining or social dialogue.

Trade unions are absent from the video game industry, with the (only partial) exception of Denmark. Trade union density among Danish video game developers lies at around 50%, a level much lower than in other sectors of the Danish economy, but remarkably high in comparative perspective. Still, unionised workers are spread among different trade unions and this makes the representation of the specific interests of video game developers somewhat problematic. Indeed, Danish trade unions argue not to have specific strategies for organising the industry, also because of the

limited number of workers it employs, and that these workers become members almost by chance. The limitedness of trade union knowledge of this industry was shared also by Italian and Dutch unions, even if, as we will see below, in the Italian case the metalworking trade unions play an indirect regulatory role in the industry, since they negotiate the collective agreement companies apply for their dependent employees. However, this agreement is negotiated without taking into consideration the specific interests of workers in the video game industry (which in some cases even lamented its inadequacy for the industry), since it is targeted to other types of workers.

Notwithstanding the very marginal role played by trade unions concerning the specific interests of workers in the industry, in all three countries trade unions have developed several initiatives which indirectly address issues of interest for video game developers. In particular, those initiatives aimed at strengthening protection of self-employed and freelancers are also relevant for employees within the video game industry, due to the growing share of freelancers and solo self-employed within the sector. Similarly, trade unions play a critical role at an inter-sectoral level, such as in pensions or social security, through social negotiation practices that have a substantial impact on the vulnerability of workers.

Concerning workers attitudes towards trade unions, Italian and Dutch workers expressed their indifference towards this form of interest representation, considered unfit for the type of employment relations in the industry. In none of the studied companies, there were employee representatives, and none of our interviewees was a trade union member nor knew anyone in the sector that was a member of a trade union. Several workers in the analysed Danish companies, instead, were union members. With regard to trade union memberships, feelings among interviewed workers were mixed. Some of them were union members because they feel that unions are essential to counterbalance the power of employers and secure fundamental labour, or because they relied on the unions in different employment matters and had been satisfied with the services they provided. Other, instead, had limited knowledge of trade unions, their role and their services, were unable to see how unions could be helpful for their situation, or considered union fees were too high for joining.

Employers' associations also play a quite limited role in the video game industry, particularly concerning collective bargaining. In both Italy and the Netherlands there are no employer association representing the videogame industry. As we have seen concerning trade unions, in Italy the employer association of the metalworking industry plays an indirect representation role, since it signs the collective agreement video game companies apply to their dependent employees. However, companies in the sector are not part of the employer association and do not express specific demands of representation in this realm. In Denmark, some video game developers are members of one of the three employer associations active in the software game industry, the Danish Producers Association (Producentforeningen), Danish industries and the Danish Chamber of Commerce. However, even member companies usually do

not apply the collective agreement and only opt for business services. The Danish Chamber of Commerce is the only employer association with a sectoral agreement applied to the sector, but it covers only an insignificant fraction of the video game industry. The main focus of employer associations within the video game industry is industry promotion through political lobbying and business support. For example, the Danish Producers' Association sponsors an annual game development prize and, together with some professional organisations in the industry, organises different events for enabling video game developers to develop their network and strengthening their business.

In Denmark and the Netherlands there are no collective agreements regulating wages and working conditions in the industry (with the exception of the above mentioned collective agreement of the IT industry, which, as we have seen, is only applied to very few companies in the sector). Hence, in the two countries, wage and working conditions are primarily regulated by law or by individual bargaining between employers and employees. This is quite rare in the Netherlands, even if very widespread in Denmark. In Italy, instead, video game companies apply the collective agreement of the metalworking industry. This happens because of the institutional characteristics of the Italian system of employment regulation (which considers wage minima set in the collective agreements as mandatory) and as a consequence of the origin of many IT companies in the metalworking industry. However, as we have seen, companies and workers in the sector are generally not part of the signatory social partners and, as a consequence, they do not influence the formulation of the contract. As a result, industry players appear to be engaged in a sort of "institutional shopping", borrowing a form of regulation developed for other sectors. Moreover, there are no formal workers' representation structures and, consequently, there is no second level bargaining within the companies.

While the traditional actors of the employment relationships are marginal in all three countries, other types of actors do, instead, play a more significant role. While taking up different forms (business organisations, professional associations, informal communities), these actors share two important characteristics. First, they tend to focus on the professional identity of the industry and have the goal to support its growth and promote its interests towards public authorities. Hence, they tend to cut across the traditional employer/employee divide, representing all industry members. Second, and connected, wages and working conditions are only partially on the agenda of these actors and, when they are, they are generally interpreted as a consequence of the development stage of the industry. Therefore, issues related to wages and working conditions are addressed through policies aiming to support the growth of the industry. The only partial exception is the Danish branch of the International Game Developer Association, which, as we will see below, has a specific focus on working conditions of video game developers, even though it also represent dependent employees, self-employed and small companies.

Business organisations of the video game industry are present in Italy and Denmark. These organisations develop different types of initiatives to support businesses in the industry (such as business support and managerial training, organisation of events and networking occasions, support with the participation to international fairs and industry events) and focus on lobbying political institutions to support the industry. Moreover, in Denmark, these organisations also focus on direct funding and financial support, investing in new video game developers. Often, they are public funded organisations, while in Italy the only business organisation is a private initiative. Examples of this type of organisations are AESVI in Italy, CAPNOVA, Interactive Denmark, and the Danish Film Institute in Denmark.

In Denmark and in the Netherlands professional organisations are also present. They focus on strengthening the professional network of game developers, by organising events (such as conferences and game jams) to gather game developers to exchange views, interests as well as develop their network and in some instances business opportunities. However, while the Dutch Games Association in the Netherlands organises all components of the video game industry (workers, self-employed and employers) and focuses more on political lobbying and business services (similar to those provided by the above mentioned business organisations), the Danish professional associations tend to focus more on individual video game developers than on employers, even if independently of their employment status. In some cases, such as the Danish branch of the International Game Developers Association (IGDA), their activities also include a specific focus on wages and conditions.

Lastly, informal networks and online communities also play a significant role in all three countries. Digital platforms such as Facebook, LinkedIn, Twitter, but also more specific to the video game industry, such as Umgur and Game Development Denmark (spiludvikling.dk) in Denmark or Gameloop.it in Italy, have also gained an increased foothold within the video game industry. These online communities enable video game developers and companies to exchange their know how, discuss issues of interest, post jobs, recruit competences, get information on the last events in the industry. These networks are considered particularly important for the professional support they give to the members of the industry and also for the possibility to socialise and strengthen community ties. Hence, they constitute a peculiar way to be able to access “collective goods” that video game developers are extremely in need of. From this point of view, technological innovation also influences forms of interaction, making it increasingly possible, and common, to have long-distance interactions and the formation of online professional communities. Reference to online platforms and forums in which issues related to working conditions are discussed was also made by some interviewees, but the role of these platforms concerning employment conditions in the sector seems to be limited to advice and recommendations on how to best individually deal with problems on these issues.

5. Governance of the creative industries

Creative workers are characterized by a high level of professionalism, specialization and training and they are located in a rapidly growing labour market. In other words, they are a strategic asset for the economy. On the other hand, a large share of those workers are extremely vulnerable in terms of wages, working conditions and contract duration.

To fully understand the mechanisms that influence the vulnerability of creative workers, in this paragraph, we will describe how creative industries are regulated. To this end, we will use the concept of governance in the sense of “those mechanisms by which the behavioural regularities that constitute institutions are maintained and enforced” (Crouch 2005: 20).

The governance approach points out that an economic activity, such as the creative sector, is regulated through mechanisms from different realms of life: politics, economy and society. The main actor in the political sphere is the *State*, which can intervene directly through policies but can also exercise governance by law or via more soft forms of influence on other actors, such as trade unions and employers’ associations. The economic domain has two main drivers of regulation: *market* and *corporate hierarchy*. The former is traditionally seen as the regulation of employment relationships by the supply-demand rule, signalled by prices and wages. The latter, instead, has usually its effects inside an organisation or in an organisational field. It entails the hierarchical role of a managerial structure on workers and suppliers. At the societal level, regulation can be provided by three modes of governance. *Association*, seen as formal body bringing together (as members) persons or firms engaged in an economic activity. In this case, membership works by providing access to services and collective goods in exchange for accepting certain obligations on their behaviour. *Community*, which regulates economic activity through customs and norms deriving from enduring relationships in which individuals are embedded. *Network*, instead, refers to the role of informal groups in which individual are bound together through interpersonal relationships.

Below, we will present how these different modes of governance intervene in the creative industries. The aim is to highlight the strength of each regulation mode as well as the “governance-mix” that characterizes these sectors. The comparison among three countries and between two creative sub-sectors will allow to identify general patterns as well as sectoral and national peculiarities.

5.1. The economic governance: market and corporate hierarchy

The characteristics of the labour market that influence the vulnerability of creative workers are manifold. First, to access to the labour market, creative workers have to bear *high sunk costs* (e.g. education, training, equipment). Second, their career depends on the active promotion of their own *portfolios*. This means that, especially in their

early stages of career, creative workers are often willing to accept jobs with unfavourable wages or working conditions. Third, career is ruled by a *winners-take-the-most* law, for which the distribution of resources over time will be unequal: many will have low compensations whereas few “stars” will take over the highest earnings (Menger 2015). Thus, although creative workers generally have high levels of education, their salaries are lower than those of other occupations with similar skills (Alper and Wasall 2006). Fourth, the creative sectors are mostly organised by *recombinant networks* of sub-contractors and freelance-workers. Therefore, market governance prevails on corporate hierarchy, and workers share a high level of uncertainty and straddle between self-employment and economically-dependent employment.

Our research results confirm that market governance is very similar both across countries and across sectors. In particular, work organisation is usually *project-based* both in graphic design and in video game development. This means that teams and networks are built according to contingent needs by combining and recombining competencies that are present in producers’ networks. In the graphic design industry, those networks are mainly the outcomes of mechanisms of “coopetition” (Bengtsson and Kock 2000; Dagnino and Padula 2002) between freelance workers, whereas in video game development recombinant projects regard much more small teams of workers usually associated in small studios or start-ups. Another similarity regards the *portfolio nature of careers*. As mentioned, the need to upgrade the individual portfolio leads to accepting low-paid jobs or unfavourable working conditions. As a consequence, especially in the first steps of career, there is a significant diffusion of internships, bogus self-employment and unpaid work. To accelerate the achievement of personal reputation, workers also experience multiple job-holding and long working hours.

Differences between the two sectors regard mainly two aspects. The first is linked to the greater competition among graphic designers rather than video game developers. The supply of graphic designers’ competences is increased over time as an effect of the lowering of barriers to entry in the labour market, driven by technology development. The second difference refers to the degree of horizontal segmentation of the labour market. Vulnerability in the video game industry depends much more on workers’ skills: software developers are few and more requested, whereas artists are more exposed to competition, also by platform workers.

When sectors are dominated by large employers, higher wages and more stable contracts are widespread, especially between core workers. In these cases, the hierarchy model of governance is relevant and, therefore, careers are more linear, and seniority assures subordinate, open-ended and full-time contracts. Moreover, especially in the video game industry, hierarchy affects working hours, while specific management strategies can avoid crunching time. However, better working conditions usually concern only a strategic core of workers, while fixed-term contracts, outsourcing to freelance and exploitation of interns are quite frequent. At the same time, hierarchy could also be associated with exploiting labour. In those sectors, the high level of labour supply and the typical portfolio-based career allow big corporations to offer lower

wages. Recruitments could be based on offering attractive places to work and a request for a higher pay could be blamed as signals of scarce passion.

Although the market plays a major role in the governance of the creative industries, economic relationships are not completely commodified, but other forms of governance, such as professional networks, play a very important role.

Table 3 – Main features of market governance in Denmark, Italy and the Netherlands

	Denmark		Italy		Netherlands	
	GD	VG	GD	VG	GD	VG
Project-based assignments	✓	✓	✓	✓	✓	✓
Freelance work	✓		✓	✓	✓	
Start-ups/small groups		✓		✓		✓
Portfolio-based career	✓	✓	✓	✓	✓	✓
Long working hours		✓	✓	✓		✓
Higher supply than demand	✓		✓		✓	✓
Horizontal segmentation		✓		✓		✓

GD: Graphic design sector.

VD: Gaming industry.

5.2. The political governance: the role of the State

The State plays a major role in reducing the vulnerability of creative workers. Its governance takes place in three different arenas:

- a) the regulation of the labour market by law;
- b) the policies for social inclusion (e.g. welfare state, labour market policies, etc.);
- c) the policies that foster the competitiveness of the creative sectors,
 - c1) on the supply side (e.g. vocational training, higher education, incentives to firms etc.)
 - c2) on the demand side (e.g. public procurement, etc.).

The State action in these fields can be directly or indirectly targeted to workers and firms of the creative sectors. Welfare reforms that influence welfare provisions for “atypical” forms of employment in all sectors strongly influence the vulnerability of workers in the creative industries; the same is true for the general regulation by law of atypical employment.

a) Since the last 20 years, State initiatives in reforming the labour market have been widespread across Europe. The State has commonly increased the external flexibility of firms by reducing the barriers to entry in the labour market (e.g. fixed-term jobs, temporary agency work, etc.) and to exit from it (e.g. greater ease of dismissal), both for standard and non-standard contracts. This trend led to increasing the exposure of workers to new social risks: job insecurity, low protection from contracts and reduced social provisions. Moreover, the regulation of self-employment continues to be different to that of dependent work.

However, in the past few years, the three countries included in our sample have extended self-employed workers' rights and protections. Denmark had already regulated self-employment in 2005 (Ballebye *et al.* 2009), while Italy has passed the so-called *Freelance Workers' Statute* in 2017. Through this Statute, the Italian government extended to self-employed workers some tax reliefs, broadened the social provisions (sickness and parental leaves), and facilitated the access to public procurement and employment services. Later the same year, the principle of "fair pay" (*equo compenso*) was also introduced, applying to all professionals and freelancers – whether they are members of a professional order or college or not – in their relationships with banking and insurance companies and small, medium and micro enterprises. In the case of the Netherlands, instead, regulation is still rather residual although a debate on how to better regulate self-employment has taken place (Houtman 2009; Eurofound 2017).

At the same time, some differences can be found between the three countries. In Italy, in fact, there has been an increase in flexibility through the introduction of atypical forms of employment. In Denmark, there was a generalized process of flexibilization, widely extended to permanent contracts. Flexibilization in the Netherlands has gone through the extension of part-time work.

b) As a policy-maker, the State involvement in the governance of the creative sectors varies along two dimensions. First, it reduces the vulnerability of workers through labour market policies, such as the provision of unemployment benefits, training schemes and employment services. Second, it provides security through welfare policies, like public pensions, universal health-care, well-endowed social housing schemes, etc. To classify Denmark, Italy and the Netherlands on the governance capacity of the State, we should look at these two dimensions.

i) *Welfare state*. Italy and the Netherlands share the legacy of a Christian-democratic welfare regime tradition (Esping-Andersen 1990; Korpi and Palme 1998). Today, it is still characterized by employment-based fragmented entitlements, an emphasis on transfers instead of services, and private or "third sector" delivery of welfare services. Conversely, the Danish welfare state relies on a social-democratic welfare regime tradition, whose main features are the predominance of universalistic entitlements based on citizenship and high levels of publicly delivered social services. This difference affects directly the vulnerability of self-employed creative workers. In occupational regimes, such as Italy and Denmark, employees have much more welfare entitlements if compared with self-employed and freelance workers, whereas in universalistic countries differences are more limited.

ii) *Labour market policies*. The three countries differ remarkably in the level of commitment in active labour market policies (Bonoli 2001; Hemerijck 2013). On the one hand, Denmark and the Netherlands have increased considerably their spending in "work-first" measures. In particular, Denmark is the ideal-typical case of what has been defined as the "golden triangle" of flexicurity, a system based on three key principles that have combined – and, if possible, balanced – a strong flexibilization of the labour

market with a high level of security. The first key principle is given by the high external flexibility, aimed at reducing job security – namely the possibility of maintaining the same work with the same company – while promoting employment security, understood as the possibility to easily find a new job. The second pillar of the flexicurity model is a high investment in active labour market policies based on individual action plans, continuous training and incentives to hiring. It is precisely this system of active labour market policies that plays a key role in reducing job-search times. Finally, the third pillar is given by high unemployment benefits, which offer economic security during the period of non-work. High investments in active labour market policies characterize also the Netherlands, but, in this case, the notable expansion of employment passed through the increase of part-time work. On the other hand, Italy is still more weighted in favour of passive policies. It is no coincidence that long-term unemployment varies differently between the three countries, with a rate of 1.4% in Denmark, 2.5% in the Netherlands, and 6.7% in Italy.

The combination of the two dimensions shed lights on the different role of the State in the selected countries. In Denmark, the mix of a social-democratic welfare-state legacy and of high investments in active labour market policies reduces the vulnerability of creative workers. The universalistic nature of the welfare regime makes welfare provisions more accessible also to self-employed workers, whereas activation services contribute to increasing their employability. As a matter of fact, the Danish social policy system is the same for self-employed and employees, even if certain elements are voluntary (e.g. occupational pension schemes, insurance against accidents at work and unemployment insurance) and the entitlements for sick leave are slightly different for self-employed workers than for employees (Eurofound 2017).

The occupational-welfare legacy, typical of Italy and the Netherlands, produces different effects on creatives' vulnerability, depending on the magnitude of investments in active labour market policies. As a consequence of the welfare regime legacy, Dutch welfare still distinguishes between employees and self-employed workers. Even if health insurance, long-term care, family benefits, old-age pensions are universal, self-employed workers are not entitled to sickness benefits, insurance against accidents at work and unemployment. Furthermore, maternity benefit levels for the self-employed are much lower than those for employees (Ibid.).

In spite of this, the high quality of employment services reduces creative workers' perception of vulnerability. Along with Denmark, the Netherlands has been the forefront of the flexicurity model, which combine decreasing job protection and extensive investments in the employability of unemployed people (Marsden 2006; Ibsen and Mailand 2011; Burrioni and Keune 2011). Although the flexicurity model is under pressure, as far as the generosity of unemployment benefits has been reduced and ever more conditioned to the acceptance of the jobs offered, the basic characteristics of the model are still present (Burrioni 2016).

In the Italian case, the low expenditure in active labour market policies combined with an occupational welfare state produces a high degree of vulnerability for

creatives with a self-employed position. Despite the adoption of the *Freelance Workers' Statute*, self-employed workers have still worse benefits in terms of maternity leaves, accidents at work and sick leaves, and the access to unemployment benefits is still limited (Ibid.). At the same time, compared to other countries, Italy invested more in labour market flexibilization than in occupational security (Gualmini and Rizza 2014). Interventions in favour of the unemployed are still unbalanced on the side of passive policies, mainly dedicated to employees. Furthermore, active labour market policies are scarcely financed and show low levels of effectiveness.

Overall, although in all three countries there is a differentiated protection between self-employment and dependent work, in Denmark and the Netherlands the State still plays a remarkable role in reducing the vulnerability of workers.

c) With regard to the promotion of the creative industries, the State can adopt both demand-side and supply-side policies. Concerning the former, public contribution in the demand of creative products – the so-called “public procurement” – is relevant mainly to promote experimental activities and to contaminate non-intrinsically creative industries (e.g. the application of video games to the health sector). At the same time, public demand may have either a counter-cyclical or a pro-cyclical effect. The austerity programmes implemented by the European governments during the post-crisis years had a negative impact on the creative sector: the cuts of public expenditure increased risks for companies and the downstream vulnerability of their workers (Vinodrai 2013).

Today, the role of the State in supply-side policies regards mostly the support given to the growth of new sectors (King and Le Galès 2017). In the case of the creative industries, we noticed a clear cut between Italy, on the one hand, and the Netherlands and Denmark, on the other. Denmark and the Netherlands have codified their efforts into a national sectoral policy dedicated to specific creative sectors (e.g. the video game industry in the Netherlands) or paid attention to the creative industries in its broader sense by offering targeted services (e.g. the case of policies for the design sector in Denmark). On the contrary, in Italy, the attention to the creative industry is more recent and still limited. The main achievement regards the extension of the tax credit scheme for the film industry to the video game sector, in 2016. Italian creative firms can also benefit from a wide range of incentives addressed to small and medium-sized enterprises, aimed at supporting internationalization and R&D activities. Moreover, Italy is a paradoxical case of legal recognition of the creative industries' relevance for economic competitiveness that goes hand in hand with spending cuts in the same sectors.

5.3. The role of the societal governance: associations, community and networks

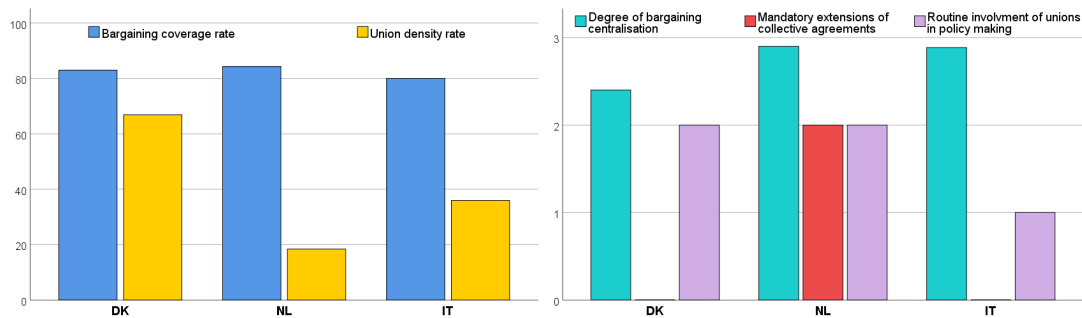
Although the gradual and generalized decline of the role of trade unions (Baccaro and Howell 2017) and the progressive dualization of the labour market (Crouch 2012; Thelen 2014), industrial relations still play a relevant role in the governance of the economy, at least in Europe. In general, the role of industrial relations in the economic governance can be signalled by some indicators: a) high bargaining coverage rate; b)

high union density rate; c) centralized level of wage bargaining; d) presence of a mandatory extension clause of collective agreements to non-organised employers; e) involvement of unions and employers in social dialogue.

On these indicators, Denmark, the Netherlands and Italy share a very high degree of bargaining coverage rate and a centralized style of bargaining. They conversely show differences in union density rate, involvement in social dialogue and presence of a mandatory extension clause of collective agreements to non-organised employers. Denmark still has a high union density and a strong tradition in social dialogue. The Netherlands, where social dialogue is also relevant, balances a lower density with a mandatory extension clause of collective agreements. Italy shows a moderate union density, occasional social dialogue and the lack of mandatory extension clauses of bargaining outputs to sectors not covered by collective agreements.

Overall, although the three industrial relations systems are a relevant asset for the economic governance, Danish industrial relations seem to be healthier.

Figure 2 – Indicators of industrial relations’ institutionalisation (2008-2014)



Source: ICTWSS Database, 2016.

Our research results reveal that associative governance in the fields of graphic design and video game development is less relevant whether compared to the national model of industrial relations mentioned above. The strength of the associative governance is weaker in the creative industries than in many other sectors in the three countries. Nevertheless, graphic design shows a more articulated system of interest representation than video game development.

At the national level, comparisons mark dissimilarities of trade union representativeness. In Denmark, for example, union density reaches the peak of 50%, both in the graphic design and the video game development sectors. Despite this high membership rate, bargaining activity is not widespread. Most of Danish firms in the video game sector are not part of an employer’s association and do not bargain wages or working conditions, nor they apply collective agreements. In the graphic design industry, the coverage of collective agreements is higher, as it reaches a third of the total of employees. However, the coverage in graphic design and in the video game industry is much lower than in the majority of other sectors.

In the Dutch case, trade unions and employers' associations play a marginal role in regulating the graphic design industry. Companies employing graphic designers can apply the industry-wide agreement only if they have a typographical division. As a result, most part of graphic designers is not covered by a collective agreement. Graphic designers are instead mainly represented by professional organisations, such as the Bond Nederlandse Ontwerpers (BNO). This organisation is specialized in the making of different services, such as legal advice, training and networking activities rather than in traditional industrial relations practices such as collective bargaining. In addition, BNO publishes annually the working conditions guidelines, which have become a benchmark for professional fees and for their periodic indexation to inflation. The guidelines also introduce several "non-binding" standards on minimum wages, holiday-pay, parental leaves and the use of non-standard contracts. BNO also acts as a national pressure group. Either the video game development sector does not apply collective agreements and sectoral trade unions are weak. Like for graphic design, the main role in associative governance is played by a professional association, the Dutch Games Association (DGA), that organises sectoral events and connects professionals and firms, aiming at stimulating business opportunities in the industry. Unlike BNO, DGA provides also local services, such as business incubation service. At the same time, in the last years, DGA has played an important role in the national representation of the sector, especially within the top-down sectoral policy domain the government created specifically for the video game industry.

In the Italian context, as in the Dutch one, the degree of bargaining coverage in the creative sectors is low. In this case, however, it is not just about the lack of a collective bargaining specifically dedicated to graphic design or video game development, but the scarce implementation of other existing industry-wide agreements that, in Italy, can be voluntarily applied to companies.

Moreover, the attempts of the main trade unions to experiment new strategies aimed at increasing their representativeness among self-employed and precarious workers are marginalized by the prevailing organisational attention to dependent and retired workers. However, some of the experimentation of new modes of representation of self-employed and precarious workers by trade unions are interesting: a) CGIL promoted a cooperation between trade union members and civil society in order to give voice to self-employed workers (Professional Workers' Council); b) Vivace-CISL and Nidil-CGIL attempt to offer specific representation to self-employed and para-subordinate workers; c) the Union of workers in the communication sector (SLC-CGIL) has then experimented the so-called "inclusive bargaining", through which it tried to regulate self-employment and non-standard workers' activities within national industry-wide agreements.

On the employers' side, representational attempts are mainly exercised by the representatives of crafts enterprises (CNA), which try to include graphic designers and video game developers in their general effort to represent the high-skilled service sectors.

The most relevant association for graphic designers is AIAP, the Italian design and visual communication association. AIAP has the dual role of promoting the identity and the professional community and regulating the sector through the provision of skill certification services and through lobbying activities. Another form of interest representation available to graphic designers is that of ACTA, which represents freelance workers overall mainly through campaigns, including those for “fair pay” and the reduction of the tax burden.

The associational governance of the Italian video game industry is even less structured than that of graphic design. Here, union density is far below the national average and the degree of affiliation of firms to employers’ associations is low. In this case, the major role in the governance of the sector is played by AESVI – the Italian video game publishers and developers association. Although AESVI is affiliated to the main Italian employers’ association (Confindustria), it is not involved in collective bargaining. Like a professional or a trade association, it fosters the sector through the organisation of fairs, by offering support to internationalization, training, as well as through lobbying activities at the national level.

In a nutshell, in the three countries, the associative form of governance is weaker in the creative sectors than in traditional ones. The difficulty of trade unions, employers’ associations and professional organisations to represent high-skilled workers is then confirmed. However, research results report several innovative practices, so far suggesting that these sectors can be viewed as “laboratories” of voice empowerment.

Furthermore, both in Italy and Denmark emerged another innovative way of interest representation, in this case mainly addressed to freelance workers. It is the birth of cooperative companies who employ freelance or self-employed workers to let them access welfare state provisions. The Danish Freelancebureau and the Italian SmartIt (which is a part of a Belgium-born European network) constitute a new mode of collective action that uses the old instruments of the cooperative movement rather than acting in the political or in the industrial relations arenas.

Finally, our case studies, with particular reference to the Dutch case, highlight the increasing hybridization between trade unions, trade associations and professional associations. These organisations tend more and more to offer similar services to self-employed workers, mainly aimed at improving workers’ entrepreneurial capacity, conveying information and increasing their connectivity to local and international networks.

From a communitarian governance point of view, research results both in graphic design and in the video game sector show that social ties emerging from web-based professional communities, but also through much loosely connected professional networks, are vectors of reputation and trust and, therefore, underpin portfolio-based careers. This re-embedding process, which is a consequence of the vertical disaggregation of firm organisation, has a critical role in post-industrial sectors. They spread information, provide technical help and, more broadly, build the community from

the bottom. Moreover, professional (mainly online) networks provide information on jobs, career opportunities and on how to cope with technological advancement. Along with generating professional identity, these networks and communities are also precious tools to reduce the professional isolation of creative workers and to mitigate inter-individual competition by creating an arena where it is possible to share advice and professional hints. In other words, (online) professional communities are the typical regulation mechanisms for settings characterized by “coopetition”. Namely, when creative workers cooperate with each other to reach a higher value creation or in the exploration of knowledge but, at the same time, they compete for market share of their service and in the exploitation of the knowledge created (Dagnino and Padula 2002). Lastly, (online) professional communities are places of mutual learning as an effect of sharing experiences and information and, consequently, places where professionals have an opportunity to develop their skills (Wenger 1998).

In summary, the comparative analysis clarifies that collective bargaining plays a very limited role in reducing the vulnerability of creative workers, even there are ways of indirect coverage of the creative sectors by some collective agreements. However, this does not mean that some associative, communitarian or networked governance is not at work. In this case, the actors involved are numerous and interest representation is fragmented: traditional unions (Denmark, Italy), trade associations (AESVI in Italy and DGA in the Netherlands), professional associations (AIAP in Italy and BNO in the Netherlands), but also forms of “new-communitarian” activities, both formal (i.e. the Freelancebureau in Denmark and SmartIt in Italy) or informal (i.e. online professional communities).

Although the associative governance of creative sectors is weak at the sectoral level, it has a prominent role at the intersectoral level, where it produces results that have a significant impact on the two sectors. Concertation on welfare and social security policies promoted mainly by trade unions have a very strong impact on working conditions and on workers’ vulnerability in the two sectors.

5.4. The “governance-mix” of the creative sector

The vulnerability of creative workers is largely determined by the intrinsic characteristics of the sector, which cross-cut the different national contexts. The poor presence of large corporations also contributes to reducing the standards of job security and working conditions. Conversely, national institutional settings – such as welfare states and the different approaches to labour market policies – significantly reduce the levels of creative workers’ vulnerability. Compared to Italy, Denmark and the Netherlands have designed a more favourable institutional context, which undoubtedly increases workers’ security. However, independently from the model of social inclusion institutionalized in each country, in all cases, self-employed workers have less entitlements than employees, especially with regard to social security, sickness and unemployment benefits.

Along with the function of labour market de-commodification, public policies can also strengthen the creative industries by sectoral supply-side interventions. In this case, we noticed a clear demarcation between the two Northern European countries, on the one side, and Italy, on the other. In the former, the State and the social partners designed policies dedicated to the creative sectors, whereas in the latter interventions are still episodic or still at the stage of “rhetoric without public spending”.

Concerning the industrial relations arena, we argued that the diversity of institutional contexts determines the degree of indirect coverage of the creative sectors by collective bargaining. On the other hand, we have reported that collective bargaining in creative sectors plays a very limited role both at the national and the company levels. Representation of the creative sectors is rather fragmented between trade unions, professional and business associations, but also from online professional communities and a new cross-country cooperative movement. Interesting attempts to revitalize the representativeness of social partners in the creative sectors have also been described.

In summary, we suggested that the sector has a “governance-mix”. The market carries out the lion’s share of the economic governance while the State has a major role in reducing vulnerability. Nevertheless, the State intervention has been specifically designed neither for creative nor for self-employed workers, but is mainly the legacy of the evolution of social inclusion strategies. The associative governance is instead fragmented and mainly driven by professional or business association. Practices are mainly non-conflictual but focused on facilitating as far as possible the individual career in a context of growing deregulation of the sector.

Finally, vulnerability seems to be mitigated by networks and communitarian forms of governance. Concerning the former, networks governs project-based sectors by conveying reputation and social capital. Hence, governance through networks mitigates market competition with elements of cooperation among individuals who share information and opportunities. Regarding the latter, there are two kinds of community governance. The first is light and takes the shape of online professional communities, the second is heavy and is related to the emergence of a renewed cooperative movement of freelance workers.

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Annex I. Summary of interviews

The interviews in numbers

	Countries			Total
	Denmark	Italy	Netherlands	
Key informants	15	15	15	45
Graphic designers	12	9	12	33
Video game developers	13	21	13	47
Total	40	45	40	125

Sources: Been *et al.* (2018); Bellini *et al.* (2018); Larsen *et al.* (2018).

Annex 2. Lists of names, abbreviations and acronyms

Business associations

AESVI – Associazione Editori Sviluppatori Videogiochi Italiani
AIE – Associazione italiana editori
ANES – Associazione nazionale editoria periodica specializzata
Assocarta – Associazione italiana fra gli industriali della carta, cartoni e paste per carta
Assografici – Associazione nazionale italiana industrie grafiche, cartotecniche e trasformatrici
CNA – Confederazione nazionale dell’artigianato e della piccola e media impresa
Confapi – Confederazione italiana della piccola e media industria
Confindustria – Confederazione generale dell’industria italiana
Confprofessioni – Confederazione italiana delle libere professioni
DI – Dansk Industri
DMA – Danske Mediers Arbejdsgiverforening
FDCl – Federatie Dutch Creative Industrie
Grakom – Brancheforeningen for Kommunikation, Design og Medieproduktion
Intersind – Associazione sindacale delle aziende a partecipazione statale
Producentforeningen
Unigec – Unione nazionale della piccola e media industria grafica editoriale, cartaria e cartotecnica

Trade unions

3F – Fagligt Fælles Forbund
CGIL – Confederazione generale italiana del lavoro
CISL – Confederazione italiana sindacati lavoratori
Consulta del Lavoro Professionale della CGIL
DJ – Dansk Journalistforbund
Filcams – Federazione italiana lavoratori commercio turismo e servizi
Fisascat – Federazione italiana sindacati addetti servizi commerciali affini turismo
Fistel – Federazione dello spettacolo, dell’informazione e delle telecomunicazioni
FNV – Federatie Nederlandse Vakbeweging
HK – Handels- og Kontorfunktionærernes Forbund
Kunstenbond
LO – Landsorganisationen i Danmark
Nidil – Nuove identità di lavoro
SLC – Sindacato lavoratori della comunicazione
Teknik og Design Freelancebureau
TL – Teknisk Landsforbund
UIL – Unione italiana del lavoro
Uilcom – Unione italiana lavoratori della comunicazione
Uilsic – Sindacato lavoratori cartai cartotecnici tipografici stampa spettacolo e cultura
Uiltucs – Unione italiana lavoratori turismo commercio e servizi
Vivace – Community dei lavoratori indipendenti

Professional associations

ADCI – Art directors’ club italiano
ADI – Associazione per il disegno industriale
AIAP – Associazione italiana design della comunicazione visiva
AIFI – Associazione italiana progettisti d’interni
Aisdesign – Associazione italiana degli storici del design
BNO – Beroepsorganisatie Nederlandse Ontwerpers
Dcomedesign – Associazione Dcomedesign
DD – Design Denmark
DFA Italia – Design for All Italia
DGA – Dutch Games Association
IDEA – Associazione italiana exhibition designers
SID – Società italiana design
TP – Associazione italiana pubblicitari professionisti

Associations of freelancers

ACTA – Associazione consulenti terziario avanzato

