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Dissenting and innovating: Freelancers' emerging forms of organising in the Netherlands

Abstract: This article investigates precarious workers' organising by considering the case of freelancers, a category between the self-employed – usually represented by employer organisations – and employees – whose interests are traditionally defended by trade unions. Drawing on a six-month ethnography conducted in the Netherlands within two freelancer associations, our study shows their capacity to exercise collective forms of 'critical agency' – on the one hand by questioning their established practices and seeking to innovate their repertoire, and on the other by staging protest actions, despite the long Dutch tradition of consensus-based social dialogue. The aim of the article is twofold. First, it contributes to the debate on precarious workers' organising by

considering freelancers as agentic subjects, whose collective identity and organising practices shape and are shaped not only by the socio-institutional context, but also by the type of relationships they create and in which they are embedded. Second, by focusing on collective everyday practices as fields of production of the new, it illustrates diverse forms of critical agency exercised by freelancers, thus offering an empirical contribution to the understanding of critical agency in its making.

Keywords: Critical agency, Ethnography, Freelancers, Organising, Precarious work, The Netherlands.

Introduction

The changing nature of labour in recent decades has also implied a change in collective practices of organising that can give voice to workers' dissent and foster innovative ways of mobilising. In the Fordist era, in the European context, work was traditionally embodied in a (white, male, and heterosexual) employee with an open-ended and full-time contract, who enjoyed the protection of labour law and the welfare system. In this context, labour conflicts were mainly epitomised by a strong and socially homogeneous working-class movement, within which trade unions played an important role. In the last few decades, however, the flexibilization and fragmentation of the labour market has led to a crisis of identification of workers with a labour movement and its main organisational structures, namely the trade unions (Gumbrell-McCormick and Hyman, 2013; Wieviorka, 2013). Indeed, almost everywhere in Europe, precarious workers have experienced a lack of voice in traditional industrial relations and its political arena, while at the same time unions have suffered a drastic reduction in their membership (Keune, 2013; Heery and Frege, 2006). Freelance workers, who fall between self-employment and employment, embody these tendencies, as their status – especially in European national contexts with strong legal employment protections – suffers, compared to employees, from a severe lack of collective representation (Bologna, 2018; Conen and Schippers, 2019). The situation is different in more deregulated institutional regimes, such as the UK and

Ireland, where in recent decades there have been several examples of freelance collective organising (Heery et al., 2004; Wynn, 2015).

By positioning this study at the crossroads between industrial relations and social movement debates, this article discusses two case studies conducted in the Netherlands and illustrates how precarious workers' organising practices also develop among freelancers. The selected cases are relevant for two sets of reasons: on the one hand, because freelancers in the European context tend to join associations that focus mainly on service provision (i.e., training or legal and fiscal assistance), while they rarely engage in direct forms of collective action (Jansen, 2020); on the other hand, the case studies were conducted in a country, the Netherlands, where the institutional framework is characterised by a low level of conflict and a consensus-based tradition not only in the case of freelancers, but also with regard to employees (Connolly et al., 2017; Gumbrell McCormick and Hyman, 2013). In particular, by leveraging the cartography of the current debate on 'critical agency' proposed by Rebughini (2018) in this journal, we explore grassroots freelance initiatives within the two associations studied, selected for their innovative organising practices compared to those traditionally used by this category of workers.

The article is structured as follows. The first section deals with the debate on precarious workers' forms of organising in industrial relations and social movements studies and introduces the concept of 'critical agency', explaining how we adopted,

deployed, and empirically defined it to analyse freelancers' organising practices. In the second and third sections, the research context and methodology are illustrated. Findings are then reported based on the two case studies conducted: 'The Orde van Registertolken en-vertalers' (Orde), an association of sworn interpreters and translators (I&Ts); and the 'Dancers' Council' (DsC), an informal network of dancers. The discussions and conclusion outline the theoretical and empirical contribution of our study.

Precarious workers' organising: What spaces for collective agency?

After being neglected for a few decades, the forms of organising of precarious workers have become a pivotal topic in both industrial relations and social movements debates, although until recently these two fields of study have mainly developed separately (Della Porta, 2015; Murgia et al., 2020; Türkoğlu, 2019).

Generally speaking, the former has mostly explored how the traditional actors in the industrial relations arena (i.e., well-established trade unions) are willing and able to attract underrepresented constituencies, such as women, migrants, young people and, more generally, precarious workers (Alberti et al., 2013; Pernicka, 2005). From the perspective of the unions, the changing composition of labour and the increasing number of precarious workers contributed to accelerating the enduring crisis of these organisations, because of a difficulty in extending their membership (Heery and Frege, 2006; Keune,

2013). Over the years, a lively debate around how to revitalise unions (Baccaro et al., 2003; Trif, 2023) has begun, showing how, by adopting an organising model, some unions have succeeded in ‘organising the un-organised’, in both the US and Europe (Connolly et al., 2017; Holgate, 2005). By endorsing this approach, unions have rediscovered their social movement origins (Simms et al., 2013), in the attempt to organise groups of workers through direct actions, by identifying and recruiting leaders, and reaching out to communities (Holgate, 2021; McBride and Greenwood, 2009). Within this discussion, several authors have suggested that theory and research on precarious workers’ organising should expand its gaze to different collective actors and coalitions (see Hyman and Gumbrell-McCormick, 2017). Attention has been paid to ‘alternative’ collective actors, considered as less institutionalised forms of collective mobilisation than trade unions, and identified as potential allies to face the challenges of growing labour market insecurity (Heery and Frege, 2006; Ibsen and Tapia, 2017). However, apart from a few recent studies (Alberti and Però, 2018; Però, 2020; Trlifajová and Formánková, 2022), the focus of the industrial relations’ scholars dealing with the forms of organising of precarious workers has mainly been on organisations, delving less into the agency of workers and their ability to build bottom-up collective actions.

Studies on social movements have also become interested in precarious workers’ organising, in particular after the outbreak of several waves of protests in the 2000s (Casas-Cortés, 2019; Della Porta et al., 2016; Mattoni, 2012). Different from the debate

on employment and industrial relations, in this corpus of studies, the objective conditions of working in a precarious job are often considered together with its subjective perception. Mattoni (2022), for instance, found that the variety of lived experiences of precarious labour are mirrored in various types of movements and organisations, and this is both a richness and a challenge that activists need to face. Mattoni and other scholars, following Melucci's approach (1996), have devoted their attention to the formation of a precarious collective identity and on workers' ability to develop specific frames to cope with uncertainty (Flesher Fominaya, 2010; Milan, 2015), considering the implication of these processes for collective action (Colombo and Rebughini, 2019; Mattoni and Vogiatzoglou, 2014) and for the formation of a 'precarious movement' (Mattoni 2022). Various authors have thus emphasised the strong connection between collective identity and the construction of 'relationships of trust' among different social actors (see Della Porta and Diani, 2006). Moreover, social movements scholars have analysed how, notwithstanding the limited impact in terms of social policies and labour markets regulations in the short run, precarious workers' movements have strongly contributed in the long run to the production of a critical knowledge (Casas-Cortés et al., 2008; Della Porta and Pavan, 2017) that recognises and understands precariousness and informs renewed repertoires of actions, in response to labour market transformation but also to workers' subjective perception of insecurity (Della Porta et al., 2016). In this regard, recent studies have highlighted how strikes have been coupled with new forms of protest

that have proved to be pivotal for stimulating alliances between activists and other subjects (such as consumers and citizens) who also face precariousness in their everyday lives (Mattoni, 2012; Zamponi and Fernández González, 2017; Wieviorka, 2013).

The last few years have seen a growth in the relationships between traditional unions and other collective actors in civil society with the purpose of organising and representing precarious workers, as well as an increase in grassroots forms of organising and mobilising emerging outside well-established unions (Cini et al., 2022; Meardi et al., 2021; Mezihorák et al., 2023; Royle and Rueckert, 2022). Consequently, a fruitful comingling has occurred between industrial relations and social movements' theoretical frameworks that has stimulated in both fields the development of approaches that take workers' agency as a starting point (Alberti and Però, 2018; Murgia and Pulignano, 2021; Però, 2020; Vatansever, 2022). This perspective therefore considers precarious workers as agential subjects, whose collective identity and organising practices take shape and are shaped not only through the socio-institutional context, but also through the types of relationships they create together with other workers (precarious or not) within trade unions, but especially within newly emerging activist groups.

To enhance the comingling between industrial relations and social movement studies, and to contribute to fostering a bottom-up approach, this study explores workers' collective agency in the case of two freelance associations in the Netherlands by investigating the contemporary processes of collective identification and the formation of

alliances that underpin their practices of organising. In particular, to contribute to the debate on the agency of under-represented workers, we rely on Rebughini's analysis of the concept of *critical agency*, understood as "a collective enterprise of aspirations and knowledge opportunities" (2018: 16). In her article aimed at offering a reconstruction of the ongoing debate, Rebughini (2018: 3) states:

While the slippery notion of agency is usually conceptualized as the capacity of a subject to act in an autonomous way, critical agency can be considered as a more focused variant related to the interpretation of such agency as 'critical', that is, able to be at the same time dissident and innovative, oriented against and beyond what is perceived as unjust, unequal, unacceptable.

This definition brings to the fore the very notion of 'critique', today characterised by a difficulty to identify an 'historical subject' of critical and emancipative attitudes – as the working-class movement was – observing on the contrary the emergence of scattered and local 'critical initiatives', much more focused on the present, on contingency and on situated solutions to structural problems.

In modern Western thought, from Kant to Foucault, critical agency has been conceptualised mainly as the self-reflexive ability of the human subject, and therefore as its capacity to be aware and take a distance from domination and conformism. Following

the end of universalistic forms of critique typical of modernity and industrial societies and drawing on analytical references mainly from post-colonial and post-human studies (see Butler, 1987; Prakash, 1999), Rebughini, instead, enhances an understanding of critical agency intended nonexclusively as an “un-masking tool”, based on a dualism between the subject and the object, and thus on the subject’s capacity to objectify and ‘criticise’ reality. Contrariwise, the author stresses the inner ambivalence characterising the contemporary nature of critique and critical agency: “A critique generated by a subject capable of negation, resistance and refusal in the name of an abstract ideal and a critique arising from the subjective imagination, the search for the new, the creative situated relationship with the environment” (Rebughini, 2018: 5). Therefore, beyond the idea of ‘critical capacities’ (Boltanski, 2011), focused on practices and justifications of action in situations of dispute, ‘critical agency’ refers to a broader historical transformation of the ways in which it is possible to express a social critique, considered *at the same time* as a form of dissent against given power relations and as an adaptive innovative creativity.

In this frame, also building on the understanding of De Certeau (1990), precarious workers’ critical agency and their organising practices can be conceived as tactical actions, elaborated according to the opportunities and limits of each situation, without necessarily requiring a shared definition of a global project, but taking advantage of contingent, concrete occasions, and mobilising individuals’ capacity to read the context, and to handle situations that cannot be radically changed (Colombo et al., 2022).

Moreover, we argue that Rebughini's (2018: 16) emphasis on the fact that the two elements of critique – the capacity for dissent and opposing the *status quo*, and the creative imagination to innovate the existent – are complementary and “need be thought and performed together” is helpful to advance our understanding of the ways in which critical agency is collectively enacted in the case of precarious workers' organising. In this context, in fact, ‘critique as negation’ alone risks appearing as self-sufficient and “supported by the intractability of antagonism” (ibidem: 8), while ‘critique as creativity’ alone risks being perceived as an individual, naïf act, and a-political aspiration to “authenticity” (Rebughini 2015). By advancing this conceptualisation of *critical agency*, this perspective opens up a way to analyse it in its making, rather than focusing on who is the subject of critique, what is criticised, or why it emerges.

To understand the critical agency of precarious workers and how it is expressed through collective organising practices, the case of two freelance associations, that mobilise outside the traditional field of industrial relations, proves to be particularly unusual across Europe and especially in the Dutch context, which is characterised by a high level of cooperation with a low level of conflict. In particular, we aim at developing our understanding of how critical agency works in practice by focusing on two main aspects that represent relevant topics of reflection for industrial relations and social movement scholars, namely the creation of alliances and the formation of collective identities.

Research context

The Netherlands is an interesting example in Europe not only because it is the country with the largest increase in the number of freelancers in recent decades (Conen and Schippers, 2019; Eurostat, 2022), but also because of several attempts to give them a voice in the industrial relations arena (Mezihorák et al., 2023; Jansen and Sluiter, 2019). According to an analysis conducted by Jansen (2020) using the second wave of the 2014 Solo Self-Employment Panel (promoted by the Dutch Ministry of Social Affairs and the research company Panteia), in the reference period approximately 40% of freelancers in the Netherlands were affiliated with several types of organisations, including professional associations (19%), trade unions (11%), or independent self-employed worker associations (12%).

Notwithstanding the wide variety among these organisations, their practices generally converge, as they mainly share a negotiating approach to advance their claims in the political arena, and are mostly oriented towards providing services, training, and networking opportunities for freelancers (Pernicka, 2006; Wynn, 2015). Within this scenario, as part of a broader study on collective practices of organising developed by freelancers in Europe (see Murgia et al., 2020), we selected two associations whose practices appeared to be particularly innovative compared to those traditionally used by

organised freelancers. We therefore opted for the selection of two “atypical” case studies, that could “challenge and assist theorizers to account for enigmatic counterexamples at the margins of generalized explanations, offering invaluable opportunities to improve abstracted representations of social phenomena” (Mabry, 2008: 218).

The set of practices developed by the studied association is not atypical *per se*, since they historically belong to the repertoires of actions of workers generally organised through unions or social movements. Their originality depends, instead, on the context in which they are adopted: first, they can be considered innovative for freelance associations, usually focused on providing services, training, and networking opportunities for members. Second, they are even more atypical in the Dutch context, characterised by a long tradition of consensus-based social dialogue, for both employees and the self-employed, where the latter are also formally included in the industrial relations system (Connolly et al., 2017; Gumbrell McCormick and Hyman, 2013).

The first case study is ‘The Orde van Registertolken en-vertalers’, called ‘Orde’ by its members, which was created in 2020 by a group of around 600 sworn interpreters and translators (I&Ts) who decided to distance themselves from the more established freelance associations in the I&T sector. Since its official creation, the Orde has carried out two main waves of demonstrations – in October 2021 and February 2022 – organising public assemblies, petitions, media campaigns and demonstrations in several Dutch cities, especially in the Hague.

The second case study is represented by the ‘Dancers’ Council’ (DsC), a group of around 30 dancers, who recall in their collective name the experience of workers-councils, a movement of workers oriented towards the self-management of production, that spread throughout Europe during the first decades of the 19th century (Bologna, 1973). Since 2017, the DsC group began to organise informal meetings with the aim of sharing information about the situation both within companies and in the independent dance scene, focusing mainly on the city of Amsterdam.

Research methods

Our ethnographic study was carried out in the Netherlands between September and December 2021 and – due to severe pandemic restrictions – continued online until February 2022, with short stays during the summer of 2022.

Access to the fieldwork was negotiated with representatives of the organisations studied and facilitated by the fact that one of the authors was a visiting researcher at the University of Amsterdam. Notwithstanding the pandemic restrictions, it was possible to attend organisations’ premises and participate in public and sometimes private meetings, and public events (both online and offline), and to conduct several informal conversations. The researchers were also provided with a range of materials intended for internal and external use, such as flyers, press releases, internal reports, and pictures.

Moreover, 55 in-depth interviews were carried out, both online and offline, in Amsterdam and several other Dutch cities. Interviews were conducted with organised freelancers (19 interpreters and translators and 24 artists and creative workers) as well as with 12 unions' and employer associations' representatives. Their names are changed in the text to preserve their anonymity. The interviews – each lasting between one and two hours – were audio-recorded and collected in English. During the conversations, the researchers investigated both the careers of the freelancers and their relationships with the associations to which they belonged.

The interviews were fully transcribed and analysed in three steps using a thematic approach (Schwartz-Shea and Yanow, 2013), supported by the software Atlas.ti9. In the initial coding round, we identified innovative organising practices and therefore selected the two case studies at the core of this article as both atypical cases of practices of organising compared to those traditionally used by freelancers. In doing so, we realised that the case studies selected for their uniqueness and innovation (one of the dimensions of critical agency), were also coupled with forms of dissent (the other key dimension of critical agency), albeit with different degrees of intensity. Therefore, in a second step, we analysed how innovative and oppositional practices were combined and configured differently in each of our two case studies. Finally, in a third phase, the findings of the thematic analysis conducted within the two freelance associations were compared to

identify emerging transversal themes and thus consider commonalities and differences in their collective practices of organising.

Findings

Sworn interpreters and translators go on strike

The agencies have started to pay less and less! The conditions in the courts are bad, and interpreting is very badly paid work! So, that's why I've started to get *a more activist attitude*.

Alexandra, interpreter

In 2019, a group of I&Ts, mainly organised through social media and thanks to word of mouth, founded the so-called 'Action Group for registered I&Ts' that carried out several waves of demonstration and strikes, especially in January 2019, organising a strike that involved around 1,500 sworn I&Ts, achieving unprecedented success in this professional sector. In December 2020, this group gave birth to the 'Orde', whose practices appeared to be *strongly innovative* compared to those of similar freelance associations.

First, Orde organised simultaneous demonstrations in several Dutch cities, bringing on the street and in front of courts and Ministries placards like those visible in Picture 1: "Well translated, badly paid", "The state falters", "Many interpreters and translators are

under pressure but don't lower their head". In addition, they found creative ways to increase the group's visibility, while at the same time establishing the boundaries of the group itself. As an example, Orde's members wore red and black clothing and invented ritual gestures that were performed during the protest, like putting a finger in front of their mouths to signify silence (see Picture 1), a practice observed on other occasions during the fieldwork.



Picture 1. The Orde.

Today I have the opportunity to join a demonstration organised by Orde that is protesting in front of the Parliament, in The Hague. When I announced my presence to the members, they

seemed very happy to ‘host’ me and, as the only requirement, they asked me to get dressed in black and red clothes. [...] Once I reached the area around the Parliament, I immediately identified the group of around 35 people. All together, they look very diverse: men and women, old and young people, coming from different countries and – evidently – different social backgrounds. I immediately think that the idea of wearing similar clothing is a good choice: people on the street notice the group and sometimes stop to ask what is going on and, at the same time, Orde’s members recognise each other very quickly. Indeed, I realise that not all the participants knew each other from before: when a new person joins the group, s/he is recognised easily because of the dress code, and s/he is promptly welcomed by the other members... me included – immediately identified as an Italian translator.

Author’s fieldnotes, 6 July 2022

Together with demonstrations, a second innovative practice implemented by Orde’s members was the strike – the refusal to work for public agencies during agreed periods. Since this represented a fairly new practice among I&Ts, its content and boundaries (how often and for how long to strike, how to engage Orde’s members in it, and how to make it effective) necessitated several internal discussions. The outcome of these debates led to the adaptation of this practice to Orde members’ needs and possibilities. Fergus, among others, explained how and why the group decided to shift from a ‘traditional’ full time strike to an intermittent work refusal:

[Within the 'Orde'] there are people who say: "We shouldn't work for the government at all, we should go on strike for an undetermined time, until we get our demands", but there are also people who say: "I have to pay for my home, I have to pay for my children, I just can't go on strike". So, we try to find the middle road. For example we went on strike for a[n entire] week, [...] or we also have what we call the 'stop days': any given month on the 1st, 11th and 21st of that month, on those three days, we ask everybody to refuse work, also thinking that this must be possible for everybody, you can generate income all the other days of the month. At least we give a clear sign to the authorities.

Fergus, I&T

Alongside demonstrations and strikes, Orde also engaged in public campaigns, launched petitions and inquiries into working conditions in the I&T sector, all practices drawn from social and labour movements' repertoires of actions. Together with the innovative aspects, in the organising practices carried out by Orde the *oppositional* elements were pivotal for aggregating consensus around its main claims and stimulating the emergence of a collective identity among its members. Orde aimed to criticise the Dutch government and its marketisation policies, while at the same time expressed disapproval of the existing system of representation of freelancers' interests.

The government embodied Orde's principal target of contestation since the association openly opposed forthcoming reforms and asked for improvements in the existing legislation. In particular, Orde required the indexing of minimum tariffs established by

law that, according to the research participants, were extremely low and had not increased since 1981 (for interpreters) and 1963 (for translators). In addition, Orde protested the outsourcing of the recruitment system for sworn I&Ts through translation agencies: before the contested reform, officially registered sworn I&Ts were contracted directly and individually by the public offices in need of their services. Since the end of the 1990s, while this mechanism was still in place, large multinational agencies had also started to enter the market, offering services of intermediation between professionals and public administrations with the aim of making recruitment faster and cheaper, by lowering freelancers' fees and increasing competition. At the time of the fieldwork, the Dutch government was in the process of implementing procurements to select, for a fixed number of years, agencies as exclusive providers, therefore aiming at 'buying' an overall cheaper service at detriment of I&Ts labour conditions and freedom to negotiate their fees. In this context, although describing themselves as 'entrepreneurs' and 'businesspeople', Orde's members openly contested the market logic and the neoliberal economic project entailed in the government reforms:

They call it "market", but we think that [the work of I&Ts] should not really be subject to the laws of market. And maybe that's contradictory because we are entrepreneurs, we are businesspeople, but we don't think that you should have this kind of market approach... There's no business here! I mean, if the police or a judge needs something translated or needs an interpreter for the public cause, there is no place for business... I think personally that

neoliberalism has done a lot of [damage]... The system maybe wasn't perfect, it wasn't flawless, but it could have been improved without selling it out to the market.

Hannie, I&T

While Orde challenged the Dutch government and its neoliberal policies, at the same time it criticised the actors playing an institutional role in the existing system of representation of freelancers' interests. In particular, it contested the NGTV, the biggest association of Dutch I&Ts, counting around 1,200 members, and taking part in the PZO, the network of self-employed associations with a seat on the Economic and Social Council. Although several interviewees took part in both the associations, they made a clear distinction between them, considering Orde to be a "union type organisation" [interview with Ireen and informal conversations], and the NGTV as a more traditional lobbying actor, defining it as a "club" or a "place for networking" [interviews with Abigail and Giselle]. Therefore, several research participants criticised the NGTV's and PZO's moderate political approach that, according to them, had proved to be ineffective throughout the years:

What Orde has done in one year is more than what the NGTV or other institutions in Holland have done for us in the past 30 years. Our voice has started being heard.

[Mustafa I&T]

[Q: Was there any connection between Orde and NGTV?] No, not only was there no connection, but this was also a protest against all the associations of I&Ts, because all those associations didn't do their work and that's why there was an action outside these associations. It was a spontaneous action organised by people who were not organised at that moment [...] and they hoped to make a new association more focused on the struggle.

[Kamel, I&T]

These open criticisms, coupled with the radicality of Orde's practices, paved the way to differentiate but also distance Orde from other networks and organisations of I&Ts in the Netherlands. Therefore, while Orde was able to find support abroad (for instance, from similar organisations in Germany and Belgium) and to build alliances with associations representing other professional groups (such as orders of lawyers, judges, and journalists), its protest did not extend to other I&Ts' associations in the Netherlands, including those with a more established position in the industrial relations arena.

Dancers unite in a Council to raise up their voice

[We are] working to create awareness on the importance to dare, to ask, to have claims, because if nobody does it, things will never change. While if we all start to ask, to require [changings] therefore things can change. We need more awareness on this.

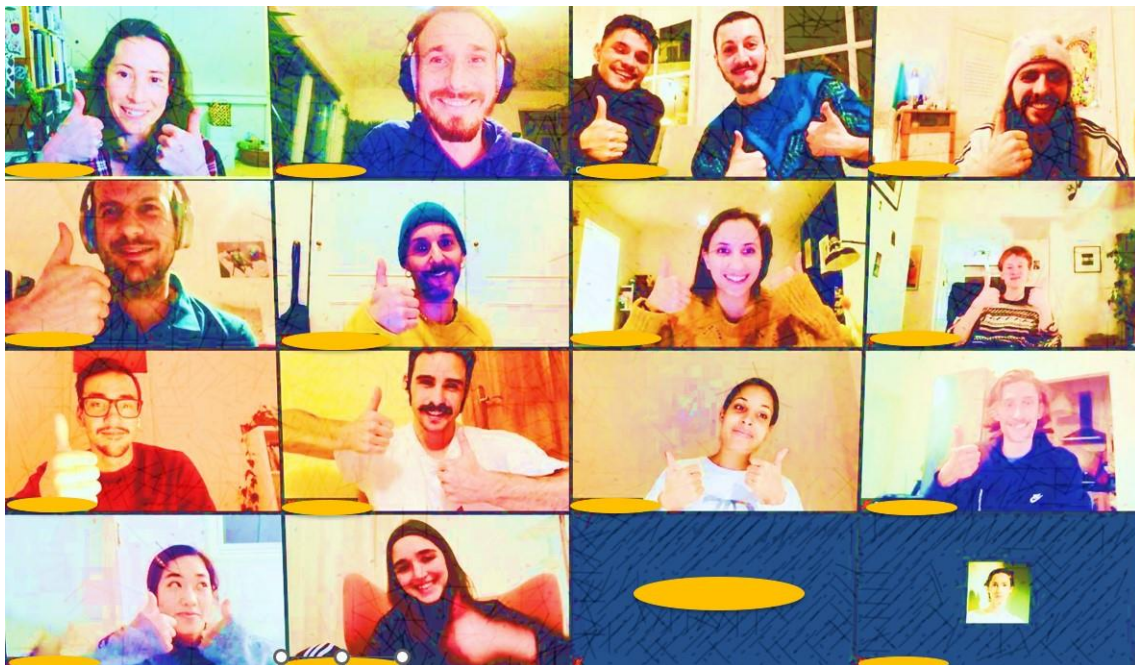
Milena, dancer

From summer 2017, a group of around 30 dancers started to gather in informal meetings; a few years later, in 2020, the group created a Facebook page with the name ‘Dancers’ Council’ aimed at attracting people’s attention on a virtual platform, to disseminate campaigns on topics concerning the dance scene and the cultural sector in the Netherlands, and in the city of Amsterdam in particular. At the very beginning, at least two representatives from six dance companies joined the Council, constituting a sort of informal bimonthly assembly of coordination in the city; a few months later a group of freelancers began to participate. As recounted by Jimmy:

I’m a troublemaker kind of person [*giggling*]... and I’ve seen that the ‘Dancers’ Council’ started from a group of dancers within the Omscholing programme [to re-train dancers in other careers] [...]. They were doing meetings among themselves to understand how the situation was, and how to have a voice, to bring a voice. At a certain point, I decided to write to the person who was posting the meeting’s pictures online and I told her: “Hey, I see no freelancers there”... as it would be better to have meetings with those who are really in need! Because it’s different if you simply want to improve the situation for those who are already inside – since waged dancers are the “privileged” ones – and if you really want to think about young people today, those who are more in need [...]. So, I wrote, then another guy joined, and therefore we started discussing about opening the group also to freelancers.

Jimmy, dancer

This practice continued during the pandemic, although the meetings were organised online (see Picture 2).



Picture 2. The Dancers' Council.

During their meetings, DsC members complained about the fact that their job was physically and emotionally exhausting: for the employees this was mainly due to long shifts required by the companies and to the difficulty of exerting their rights to a 12-hour rest after a performance; for freelancers, the exhaustion was connected to “being at work 24 hours” [interview with Ramona and Jimmy]: training, rehearsing, performing or

looking for the next job. Moreover, the fact that many freelance dancers held a second job to keep their income stable caused a further extension of their working day, and this topic was widely debated in the DsC's assemblies. In addition, DsC members shared discontent for what concerns the tensions and the levels of control experienced within the workplaces: dancing was described as a very stressful activity due to the pressure exerted by choreographers, because of "a very formal hierarchy, which really influences how empowered you feel at work" [Michelle], and because of the risk of harassment, reported by some of the research participants during both interviews and informal conversations.

As in the case of the Orde, the grassroots and informal political work carried out by the DsC was not innovative *per se* since it represented a common practice among unionists and social movements activists. Nevertheless, *it was innovative among freelancers*, especially in the Dutch context, where workers very rarely engage in grassroots forms of participation, that implies refusing a delegation mechanism preferring a direct engagement. Indeed, the fact of being a grassroots and informal group was conceived by research participants as a strength, because it implied the horizontality of the organisational structure and freedom of expression for its members:

At some point, I thought "Maybe we have to become a society or a business or something to make ourselves formal", but now I see [DsC] as a more informal group... and I think the other dancers do too: they see it more as *an informal meeting place*. And I think it's much more

interesting to keep it that way, because it is really about *creating a safe space for dancers to meet and talk and organise*.

Stephany, dancer

The organised dancers were also engaged in transforming the existing system of representation of freelancers' interests. Indeed, after an initial period of autonomy, they began an intense collaboration with the Kunstenbond, a well-established artists' and creative workers' union in the Netherlands, with around 7,000 members, composed of employees but also freelance, with a strong bargaining power and political lobbying capacity. DsC worked as a group to stimulate Kunstenbond to hear their voice and therefore to be more responsive towards the interests of its potential membership:

In 2017 we invited Joren [*union official*] to our meetings. [...] And it was the first time, I think, that he saw what we were doing and how we were working, and I remember he had a day at each company, he came, and he just sort of lived with us – you know? – he was doing the rehearsals, he came on the bus to go to perform... So, we really try to help him with understanding the struggles.

David, dancer

After the creation of a 'trustworthy' relationship, DsC and Kunstenbond worked jointly to negotiate a collective labour agreement in the industry of 'Dance and Theatre',

also pursuing the goal of including freelancers in its scope, as explained by Stephany, a DsC member directly involved in the negotiation of the agreement:

The relationship we have with the Kunstenbond is good, so it means that they trust us, and we trust them. [...] Now I'm also trying to broaden the scope to include freelance dancers in the collective agreement. [...] I'm the middle person, so I get informed by those dancers [*DsC's members*] and then I inform Joren and then back to them. [...] And then through assemblies with DsC, I organise them, and I listen to what they tell me.

Stephany, dancer

The grassroots work of DsC was pivotal for negotiators to collect fresh information about dancers' labour conditions and to consequently orient collective bargaining. Moreover, their effort to extend the collective agreement to freelancers was successful, since the negotiations led to the approval of an agreement, signed between Kunstenbond and the employer organisation Nederlandse Associatie voor Podiumkunsten (NAPK), which also included freelancers among its target groups. This represented a novelty for freelancers and provided them with a legal framework to require a minimum fee that, according to the agreement, should be at least 50% higher than the minimum income established for the employees [interviews with Adil, dancer, and with Joren, union official]. While Kunstenbond members considered the collective agreement a great success, DsC members appeared more cautious or even critical, due to the lack of any

enforcement mechanism identified within the text to protect the interests of freelance dancers [interview with David].

The DsC's innovative practices – their ability to directly discuss their working situation and formulate proposals to improve it – combined with its *oppositional drives*. Indeed, the meetings organised by the DsC responded to the need to share the members' discontent about their precarious working conditions, also affected by high levels of competition between waged and freelance dancers.

The DsC's assemblies can be considered as spaces to share information and to collectively express dissent towards the *status quo*. Nevertheless, these internal discussions rarely reached out to the public at large or officially targeted employers and clients or the Dutch government. Therefore, the practices developed so far by DsC could be defined as *weakly oppositional*. The lack of formulation of radical claims, the difficulties in identifying a clear target to address them, and the lack of collective actions other than internal assemblies to express dissent and to inform collective bargaining were all elements that limited DsC's capacity to build a cohesive and committed group. Therefore, some of the members foresaw difficulties in engaging more actively with DsC because of the fuzziness of its practices and collective identity.

It is nice to exchange information: you realise that here it works like this, and there it is like that... But we're still trying to figure out, I think, what's the way, what's our struggle, because

there's so much stuff to do, we have to figure out what we want to focus on, how to reach out to people. [At the moment] there aren't many people [in the group] because we don't really know what this organisation is, because we don't really know what we're doing, so we lack a bit of identity, let's say. Because it's also a bit difficult for us to understand where to move and how to do it.

Jimmy, dancer

Thus, notwithstanding the DsC had been active for several years, its members expressed ambivalent feelings towards its organising practices and uncertainty about its future. Nevertheless, the group's ability to create a long-lasting alliance with the most representative trade union in its sector allowed DsC to contribute to the lobbying and bargaining activities in the Dutch dance scene, as well as to increase the union's responsiveness towards its potential membership.

Discussions

Our findings illustrate the practices of organising among two freelance associations in the Netherlands, showing how the studied freelancers managed to exert critical forms of agency.

In the case of Orde, its members were able to exercise a type of agency that combined aspects of *strong innovation* – by adopting practices which were novel among freelancers

(and historically, in the Dutch context, also rather uncommon among employees), and by adapting them to the specific needs of its membership – with elements of *strong opposition* towards the government and its neoliberal policies and towards the existing system of representation of freelancers' interests.

For the DsC, it was mainly the grassroots political activity that was *strongly innovative*, especially in the context of the Netherlands, which is characterised by a high level of institutionalization. At the same time, DsC's organisational practices, differently from the case of Orde, appeared as *weakly oppositional*, since they conveyed a general lack of contentment towards precarious work, but they did not clearly oppose a specific government policy or economic model, nor did they reject, while instead tried to improve, the existing industrial relations system.

Thus, the element characterising the practices of both associations and driving the selection of our case studies was their *strong innovativeness* compared to other freelance associations, especially considering the national context under investigation. Moreover, while analysing our data, in both cases, we also observed the emergence of forms of dissent, but with a different intensity, ranging from strong to weak oppositional drives. In the case of Orde, strongly innovative practices were combined with strongly oppositional actions, and we therefore described this combination as a *radical* form of *critical agency*. In the case of the DsC, instead, strongly innovative practices were combined with weakly

oppositional actions, and we defined this combination as an *adaptive* form of *critical agency*.

The identification of different forms of critical agency has several implications concerning the ability to develop a collective identity among freelancers and build alliances with other subjects representing and organising them, two of the most debated topics in social movements and industrial relations studies. As highlighted in the case of Orde, by exerting a radical form of agency, sworn I&Ts were able to raise clearcut and focused claims, aimed at challenging the government's neoliberal policies and providing alternatives. The radicality of the claims coupled with the radicality of Orde's practices, such as strikes and demonstrations, allowed the emergence of a *strong collective identity* among mobilised I&Ts and clearly defined group boundaries. Nevertheless, Orde's radicality *discouraged the construction of alliances* with other actors in the arena of industrial relations, i.e., unions, employer organisations and well-established I&Ts associations. This might constitute a shortcoming in the long run, since it could hamper the possibility of achieving effective and stable results.

In the case of DsC, the exertion of an adaptive form of critical agency implied that the organised dancers that we studied did not identify strong and clear claims or precise 'enemies'. On the one hand, this could endanger the DsC members' *collective identification*, jeopardising the success of organising in the long run. On the other hand, by smoothing the radicality of its claims, DsC was able *to build a significant alliance*

with a well-established trade union – the *Kunstenbond* – and, thanks to a joint effort, to achieve some significant results, such as the extension of the collective labour agreement to freelancers, although abandoning more radical oppositional practices.

Conclusions

Precarious workers' organising practices have been widely analysed within both social movement and industrial relations studies (Della Porta, 2015; Hyman and Gumbrell-McCormick, 2017; Meardi et al., 2021). By focusing on the case of freelancers – a growing category of workers at the boundary of employment and self-employment, increasingly exposed to the risk of precarity – this research contributes to debates, in both disciplinary fields, that are interested in workers' agency and their capacity to build alternatives through collective action (Alberti and Però, 2018; Mattoni, 2012; Però, 2020; Piro et al., 2023; Trlifajová and Formánková, 2022; Zamponi and Fernández González, 2017). More specifically, in light of the case studies conducted, we engage with the research that focuses on both the abilities to develop a collective identity (a research interest typical of social movements studies, e.g., Flesher Fominaya, 2010; Milan, 2015) and to build alliances between old and new collective actors (around which a lively debate has recently developed within industrial relations studies, e.g., Hyman and Gumbrell-McCormick, 2017; Holgate, 2021). To fulfil this goal, we demonstrate how the concept

of critical agency, as discussed by Paola Rebughini (2018), translates into collectively constructed embodied practices, informed by a collective production of critical discourses and knowledge (Casas-Cortés et al., 2008; Della Porta and Pavan, 2017).

This article therefore offers an in-depth grounded analysis of how the concept of critical agency is empirically articulated, using the cases of two freelance associations to show how they developed collective practices that are innovative with respect to the existing repertoire of actions, while at the same time being able to challenge the current social order (in a more or less confrontational manner). In this perspective, critical agency is intended, following De Certeau (1990), as the actors' tactical capability to read the context and act accordingly, and contingently combine innovation and opposition. In cases of strong organisational innovation, such as the two associations studied, we have identified two possible combinations of critical agency: one that we defined as *radical* (strongly innovative and strongly oppositional) and one that we labelled *adaptive* (strongly innovative and weakly oppositional). Further investigations could extend this analysis by detecting other possible patterns, consequently improving our understanding of how critical agency is empirically configured in specific contexts. In fact, this research does not consider cases where there is a weak capacity for innovating existing organisational repertoires.

To understand the different configurations of workers' agency, a key element relates to the geographical and historical context in which workers are embedded, that in our

case is represented by a political and industrial relations scenario with a high level of cooperation and centralization (Gumbrell McCormick and Hyman, 2013) and, at least on paper, a strong capacity to represent freelancers' interests (Mezihorák et al., 2023; Conen and Schipper, 2019). Our study did not allow us to investigate how freelancers' collective actions were reflected in the implementation of social policies or new labour rights. However, the analysis of two 'atypical' case studies contributed to envisaging future novel potential trajectories for precarious workers, as it shows that when they mobilise, established industrial relations systems – which continue to keep them on the margins – can be collectively stimulated to become more inclusive.

More specifically, the identified forms of *critical agency* highlight that the capacity to develop collective identities (Mattoni, 2012; Milan, 2015; Vatansever, 2022) and to build alliances with other actors (Cini et al., 2022; Hyman and Gumbrell-McCormick, 2017; Holgate, 2021; Mezihorák et al., 2023) can be considered proxies of precarious workers' possibility to sustain their mobilisation in the long run. We argue, on the one hand, that radical forms of critical agency can promote the emergence of strong forms of identification with the group, while they do not simultaneously facilitate the emergence of alliances, with the risk of making prospective mobilisation unsustainable. On the other, we found that adaptive forms of critical agency, although poorly able to develop collective identification among its membership, can provide a more fertile ground to build alliances and, therefore, to sustain processes of organising in the long run. Moreover, this

study shows that – where there is the capacity to develop innovative organising practices with respect to the traditional collective representation of freelancers (Bologna 2018; Jansen 2020) – spaces of dissent, more or less radical, can be opened up, in which collective identities as well as novel alliances can be built, even for under-represented and particularly individualised workers. This result is interesting not only for the Dutch context, but more generally for understanding how to make current industrial relations systems more inclusive across Europe.

Finally, in line with other studies (Cini et al., 2022; Della Porta, 2015; Mezihorák et al., 2022; Meardi et al., 2021; Murgia et al., 2020; Türkoğlu, 2019), this contribution calls for a closer dialogue between industrial relations and social movements studies, which can better serve the purpose of analysing precarious workers' forms of organising.

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