

Brussels,
16 March 2011

**Post-modern
freelance
organizations vs.
Middle Age Guilds**

*Sergio Bologna
ACTA Board member*

Introduction

- What is a profession?
- Is 'business' a profession?
- Does being a professional necessarily mean that one belongs to a specific profession?
- What is the difference between 'regulated' and 'unregulated' professions?
- What is the 'second generation of independent workers'?

What is a profession?

- What is a profession?
- Since the beginning of the XX century this question has given rise to many debates and schools of thought
- A special branch of sociology named 'sociology of the professions' investigated this topic with authors like Bledstein, Abbott, Tausjkin, Ehrenreich, Freidson, Sarfatti Larson, Macdonald, Derber and Prandstraller, among others
- There are many differences between the structuralist school, the institutional school and other methodological approaches, but the conclusion is

'profession is an ideology'

Is 'business' a profession?

- In the months following the crisis of October 2008 the *Harvard Business Review* launched a debate on managerial ethics
- The irresponsible behaviour of financial managers in the derivatives market brought the question of ethics in business to the fore
- The definition of 'profession' is traditionally associated with the existence of an ethical code
- The majority of the participants in this debate seemed to share Richard Barker's opinion: *No, Business is not a profession* (in *Harvard Business Review Magazine*, July-August 2010)
- Business is business, ethics belongs to the individual moral attitude

Is 'business' a profession? (2)

- In 2002 the 4th edition of *Management consulting. A Guide to the profession*, edited by Milan Kubr, was published by the ILO in Geneva
- On page 131 there is an interesting question: 'Is management consulting a profession?'
- The answer seems very reasonable:

'It is not important to know if it is a profession or not... theoretically anyone can define himself as a 'consultant of enterprise' and thereby consult to firms without specific qualifications, licences, credentials or professional registrations... what is important is that the market for this occupation grows.'

'Regulated' vs. 'unregulated' professions

- The differing regulations in European countries are responsible for the distinction between 'regulated' and 'unregulated' professions
- Normally 'regulated professions' are considered to be the old liberal arts like lawyers, doctors, architects, journalists etc.
- In Italy, for example, we have 27 professions with their own Order or Register, all recognised by the State
- They are defined in the Civil Code as 'intellectual professions'

'Regulated' vs. 'unregulated' professions (2)

- The existence of 'unregulated professions' is not a consequence of a lack of regulation, but mainly of the combined effect of re-organization processes in the structure of firms and public sector bodies (outsourcing)
- It also stems from the introduction of new IT technologies and the changes in lifestyles and individual needs
- This phenomenon spread in the capitalist world during the middle of the 1970s, concentrated predominantly in the vast urban areas of North America and Western Europe
- Some historians and sociologists have defined this phenomenon as "**post fordism**"

The second generation of independent workers

- During this process of transformation, accelerated by the Internet and Web civilisation, the nature of independent work has changed dramatically, as has that of the traditional liberal arts
- The 'new' unregulated professions find their clients in the private or public sector, while the old professions provide services for individuals (the former cannot work 'under the table', while the latter can)
- In Italy 25% of the workforce is 'independent' - with the majority belonging to the agricultural, retail and transport sectors, or they are artisans or 'old professions'
- We have named this group "the first generation of independent work"
- As freelancers of the so called 'unregulated professions', we are 'the second generation of independent workers'
- We are the workforce of the future

The second generation of independent workers (2)

- We prefer to draw a distinction between the 'first' and 'second' generations of independent work instead of between 'regulated' and 'unregulated' professions
- It is not so important for us to know whether we are classifiable as professions or not:
 - We are freelancers, mercenaries, we do not need to obtain a social status from an elitist ideology
 - We need to be regularly and honestly paid by our clients
 - We want a fair fiscal treatment
 - We ask that, as taxpayers and citizens, we be granted the same rights to social security dependent workers

The second generation of independent workers (3)

- What we now have to fight against is the widespread temptation among second-generation freelancers (the so-called 'unregulated professions') to create the same Orders and State-recognised bodies as the traditional liberal arts
- In Italy a number of associations for independent workers are now actively pushing for classification and State recognition – supported by trade unions and some politicians
- This is the wrong way to represent and to advance the cause of freelance work

A final word about Orders

- What is really striking is that this request comes at a time when the Orders are losing their original powers (control of the access to the market, training of members, protection of their jurisdiction etc.)
- The old Orders no longer provide any protection for young lawyers, doctors and architects - whose income is not high enough to pay the exorbitant fees requested by these institutions for their private professional health and pension funds
- Orders have lost their prestige, and often they are accused of being undemocratic and of freezing social mobility
- Despite this, in some countries like Italy they are still strong enough to prevent governments from liberalising the professions according to the EU Directives
- What have Freelancers got to do with such kind of conservative lobbies? Nothing.

What have Freelancers got to do with
this kind of conservative lobby?

Nothing