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The Work of the Freelancer, Globally and in Serbia: Is It a Blade with Too Many Sharp Edges?

Abstract

This analysis aims to contribute to the debate surrounding the position of freelancers both globally and in Serbia. The introduction includes an overview of the impact the trend of increasing atypical forms of work has had on the traditional international standards of decent work, which even today remains unattainable to freelancers. Next, terminological challenges related to the emergence of freelancers and the international standards that exist at the level of individual states or international organisations are analysed. Although legal acts, for the most part, still lack solutions that unequivocally refer to regulating the position of freelancers, there are examples which set certain standards, such as case law in the UK, legal solutions in Italy and the results of social dialogue in Denmark. In the environment surrounding Serbia, the tax treatment of freelancers was regulated in Northern Macedonia in 2015; however, their employment status was not and remains unregulated. As regards the position of freelancers in Serbia, the analysis focuses on determining the relevant elements of current regulations and, thus, formulating an answer to the question of whether freelancers are considered workers (staff) or entrepreneurs. The conclusion has been that domestic regulations are partial, mutually exclusive and contain legal gaps that make it impossible to provide an unambiguous answer to this question. In any case, until now, the Serbian Government's priority in terms of freelancers has been to impose tax liability, without providing any protection of labour rights. The most important aspect of resolving the position of freelancers in Serbia will be the extent to which the scope of labour legislation reform takes place in the process of joining the EU in order to combat precarious work and abuse of atypical forms of work.