

The (ir)relevance of human resource management in independent work: Challenging assumptions

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Abstract

We challenge the assumption that independent workers are not relevant to or within the remit of HRM practice and theory. Traditionally, HR focusses on the management of employees *within* the boundaries of the organisation. Yet, this neglects the wider role that HR can and must have in the management of human work that the organisation needs yet exists beyond these boundaries. We argue for the 'Human' in HRM to include independent workers. We first contextualise them, highlight the reasons for neglect, and examine and provoke three key areas. We set out the taken for granted, problematise, and then show how they are relevant, look different, or could be. Through this, we provoke exactly what HR does, where it starts and finishes, and its role in a network or ecosystem rather than purely an organisation. We close by offering ways of making this happen for both theory and practice.

KEYWORDS

boundaries of control, collective rights, contract of employment, gig economy, HR practices, HR profession, independent workers

Abbreviation: IW, independent worker.

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Practitioner notes

What is known?

- Independent Workers (IWs) constitute an important element of global and organisational workforces.
- Yet there is a tension in that HR practice and theory largely ignores and neglects these individuals.

What this paper adds?

- Problematises the notion that independent work lies outside of the organisationally and employee-focused remit of HRM.
- Deeper thoughts on how HR could apply to IWs in practice and theory and identify specific ways that this could happen.
- Calls for a more inclusive and responsible approach that could also benefit organisational as well as human outcomes.

Implications for practitioners

- A call to change mindsets and widen the scope of practice to include IWs by being people advocates rather than employee advocates.
- HR professionals can and need to play a key role in identifying IWs in their organisations and developing processes that are mutually beneficial for all parties.

'Whether these myriad developments prove mutually enriching or troublingly divisive lays in part in HR's hands. This new array of workers is still aligned to the business but less known to HR ... the role of an HR professional is to find solutions that meet both needs [individual and organisation]'.

– (Jefferey, 2015, p. 35).

1 | INTRODUCTION

The world of work is going through a period of significant upheaval (Cappelli & Keller, 2013; Spreitzer et al., 2017). Amid technological disruption, globalisation, and demographic shifts, the boundaries of organisations are changing, organisational forms are becoming increasingly pluralistic and individuals are choosing to work in diverse ways (Kalleberg, 2009; Swart & Kinnie, 2014). There are concerns that HR is not keeping pace with an increasingly complex environment in which HR is but one actor in a network or ecosystem of stakeholders (Butterick & Charlwood, 2021; Camuffo & De Stefano, 2019; Harney & Collings, 2021; Kinnie & Swart, 2020; Snell & Morris, 2019).

We focus on one specific part of the ecosystem; that is, independent workers (IWs) who are self-employed, freelancers, or independent contractors (Duggan et al., 2020; Meijerink & Keegan, 2019; Spreitzer et al., 2017). These individuals are vital to global economies, and both organisational and network levels outcomes. However, if we accept that HR is 'the process through which management builds the workforce and tries to create the human performance that the organisation needs' (Boxall & Purcell, 2015, p. 28) and that IWs are part of that workforce within the ecosystem, then there is a tension here; IWs are largely ignored or neglected by HR practice and research (Leighton, 2014; McKeown & Cochrane, 2017; Okhuysen et al., 2015).

This neglect is problematic. For theory, as Cappelli and Keller (2013, p. 575) argue, 'most of our management and social science notions about economic work are based on the full-time employment model'. A deep-rooted assumption of organisational employment underpins many theories and models (Gallagher & Sverke, 2005; Meijerink & Keegan, 2019), and they may be irrelevant to independent work(ers) (Bergman & Jean, 2016; P. M. Wright & Essman, 2019). For practice, most IWs do not encounter 'HR' instead contracting with individual managers, accounts or procurement (Camuffo & De Stefano, 2019). This neglect can have significant implications for organisational outcomes and performance (Barney, 2018; McKeown & Cochrane, 2017), yet arguably more importantly, there are significant negative ramifications for individual wellbeing and the overall experience of work and life. IWs are dealt primarily through transactional contracts and this, in essence, takes some of the 'human' out of how they are treated.

Our aim in this paper is to provoke both theory and practice by problematising the notion that independent work lies outside of the organisationally and employee-focused remit of HRM. We seek to challenge the supposition that because individuals are not employed that they should not be included in the practice of HRM. Hence, we seek to extend the boundaries of HRM from the organisation to the ecosystem and enable the inclusion of the 'human' aspect of HRM to IWs. We do this by considering the question 'is HRM relevant to independent work?' To help answer this, we apply the method of *problematisation* (Alvesson & Sandberg, 2013) to challenge the assumptions that underpin much theory and practice, and indeed unpack our own assumptions. We first open the subject up for inquiry by understanding how we got here; that is, why HR neglects or ignores independent work. We then go on to examine some key areas of HR practice and theory and show the underpinning assumptions. This is the current understanding and how they may, at first, appear to be irrelevant or at least look very different for independent work. We then provide alternative views and new ways of seeing things (Shaw et al., 2017).

We close by returning to the definition of HR and questioning what exactly HR is and what it wants to be. Building on previous arguments (Dundon & Rafferty, 2018; Kinnie & Swart, 2020), we focus on widening the scope of HRM to be inclusive of IWs. This requires a change in mindset to (re)focus on putting the human (back) in so to be a more inclusive *people advocate* rather than purely the *employee advocate* (Ulrich & Brockbank, 2005). We see this as vital to not only ensure the future relevance of HRM (Dundon & Rafferty, 2018; Guest, 2011; Kinnie & Swart, 2020) but also ensure moral and ethical imperatives (Bolton & Houlihan, 2007; Cleveland et al., 2015; Marchington, 2015; P. M. Wright & Essman, 2019). At present, there is a risk that the profession and field of HRM no longer stands up for the humans in business (Butterick & Charwood, 2021).

We contribute to HR theory and practice in the following ways. First, by emphasising the neglect of IWs and by seeking ways in which this group can be covered by the human aspect of HR at an ecosystem level. We, thereby, create a space for this to be more fully unpacked and addressed. Second, we argue for an engagement with IWs and to appreciate the important role that they play as part of the performance of the human capital ecosystem; and that HR has a key role to play here (Barney, 2018). Finally, we assert that IWs are people and not commodities tied up in a contract. Doing this requires a change in mindset and approach that will improve our knowledge and understanding as well as positive human impact.

2 | INDEPENDENT WORK AND HR: CONTEXT AND PROBLEMS

Our definition of IWs incorporates solo self-employed, freelancers, and independent contractors whose work relationships are governed by a market-based arrangement under contract rather than employment law. They are not employees and do not employ others in their provision of labour, skills, and knowledge (Leighton & Wynn, 2011). The focus is therefore on actors who are neither bound by the directive control of an organisation nor subject to mutual obligations as seen in an employment relationship (Cappelli & Keller, 2013; IPSE, 2018; Kitching & Smallbone, 2012; Spreitzer et al., 2017). Independent work primarily concerns relationship between individuals and organisations; although, this extends to those in triadic work relationships where a third-party vendor contracts

rather than employs (Cappelli & Keller, 2013). The vendor could be a labour market intermediary, digital platform, or project network organisation with small cores of employees and large armies of independent contractors. We purposely exclude temporary agency workers and other forms of outsourcing arrangements as seen in intra-organisational and interorganisational working (Kinnie & Swart, 2020) where individuals are still within the remit of an employer's HRM practices. Furthermore, we do not use the term 'gig-work' as this is weakly defined and focuses on platforms when most independent work takes place away from these (CIPD, 2017; CRSE, 2017; IPSE, 2018). Instead, what some term the gig-economy, including some platform work, comes under our umbrella term of independent work through independent contracting.

Independent working is not new (Stewart & Stanford, 2017). However, noting the concurrent rise of the standard employment relationship (Kalleberg, 2009) and decline in self-employment during the 20th century, independent work has seen a marked growth in recent years, both numerically and in public consciousness (CRSE, 2017; Lockey, 2018); it is not a niche, but constitutes a sizeable component of and contributor to national economies. In the UK, in 2019, self-employment accounted for over 15.3% of the labour force (over five million people) (ONS, 2020). In the EU, it was also 15.3%, 10% in Japan, and 24.6% in Korea (OECD, 2021). Much of this growth can be seen post-global financial crisis with significant gender and age dimensions (Lockey, 2018; ONS, 2018). However, the precise number of IWs is hard to define as they can be full-time employees and part-time IWs simultaneously (CIPD, 2017). For organisations, IWs can lower indirect costs (Adams et al., 2018), enable flexibility, increase capacity to meet demand surges (Spreitzer et al., 2017) and bring external knowledge and experience to fuse with existing knowledge stocks (M. Bidwell, 2009; Matusik & Hill, 1998). Some can be vital 'star players' (McKeown & Cochrane, 2017).

We now highlight the neglect of IWs in ecosystems with regard to HR practice and theory. First, we see that there is professional blindness from within HR towards IWs. This is not surprising, given that HR is seen as an employee and employment-focussed function (Marchington, 2015; McKeown & Cochrane, 2017) and professional training and socialisation focuses on these. Indeed, so does much HR and Management education (Butterick & Charlwood, 2021). Yet, IWs are not employees and so 'HR doesn't understand them' (Jefferey, 2015).

This continues into decisions about the sourcing of human capital, where HR is often excluded (Camuffo & De Stefano, 2019; Cappelli, 2015). The decision is often ad hoc or at the discretion of individual managers. This exclusion is not necessarily intentional, but reflects the view of the relationship as transactional (Leighton & Wynn, 2011) and managers as 'purchasers of a service' or commodity in a market rather than a manager of a person (Barley & Kunda, 2006; Butterick & Charlwood, 2021; Kaufman, 2004). Hence, the person is secondary to the contractual outcome. Furthermore, Duggan et al. (2020) in their discussion of app-work cite HR's exclusion from the outset because designers and developers of algorithms produce platforms that mimic HR practices and processes.

There is also considerable legal ambiguity here. This concerns who is and is not an employee, worker, or 'other' and what rights and benefits they can and cannot have. This is a confusing nexus of employment, commercial, and tax law all of which have different objectives, classifications, and interpretations (Adams et al., 2018). On the one hand, there is an incentive to not be employers. Organisations can and have exploited this as the central plank of their strategy; challenge or reclassification would undermine their whole business model (Lee & Strauss, 2021; Warne, 2018). Yet, on the other hand with high profile and expensive cases (Barley & Kunda, 2006; Connelly & Gallagher, 2006; Powis, 2018) and legislation designed to reduce 'sham employment', there is perhaps a fear from HR practitioners of enforcement from authorities and a reluctance to get too closely involved hence an 'arm's length' relationship (Dundon & Rafferty, 2018). This ambiguity and fear may also be socio-cultural. IWs are 'strangers in the workplace' that are both insiders and outsiders; there is an unknown quality to them or even a suspicion and a natural reluctance to become entwined with individuals who might be 'here today and gone tomorrow'.

Finally, we see scholarly neglect (Leighton, 2014; McKeown & Cochrane, 2017). While IWs represent a significant proportion of the workforce, HRM theory and research are skewed towards full-time employees

(Delbridge & Keenoy, 2010; P. M. Wright & Essman, 2019). This may be the product of a normative focus on investor capitalism and providing performance and strategic answers to business leaders (Dundon & Rafferty, 2018). From personal experience, access to IWs is difficult; they are largely absent from email lists, organisational systems, and staff surveys and so harder to reach *en masse*.

The implications of this neglect, invisibility, and general absence of HR when it comes to IWs are profound. At an individual level, the inherent stress of independent work (Cross & Swart, 2020a; Spreitzer et al., 2017) which stems from being treated as a commodity rather than person exerts a human toll that is detrimental to wellbeing and health (Butterick & Charlwood, 2021). This has societal level impact when an absence of HRM means that many are excluded or denied rights and benefits which could contribute to an increase in inequality and poverty (Dundon & Rafferty, 2018). This is linked to wider concerns around bad jobs and precarity (Kalleberg, 2009).

We have thus far provided a bounded definition of IWs, shown their global prevalence and benefits, and have offered reasons why they have been excluded from HR theory and practice. In the following sections, we visit three key HRM assumptions and provoke current practice in these areas. We examine how it currently is, how it is challenged, and imagine how it could be.

3 | KEY AREAS OF HRM PRACTICE

HR proceeds in a relatively generalised way (Torrington et al., 2020). A need is identified, a role advertised, and an individual is recruited and selected. An employment contract is arranged, individuals are inducted, socialised and onboarded. They are trained and developed throughout, with performance reviews and appraisals, as required. They are compensated for their work with a regular salary and rewards package according to organisational and statutory obligations in exchange for their continued labour and commitment. If they are absent or ill, it is managed. If performance is unsatisfactory, it is corrected. When the time comes, they exit the organisation. All of this, and much more, is the 'bread and butter' of the HR profession, practice, and research; although, most of this is delivered by line managers (Boxall & Purcell, 2015).

There is not a single aspect of the previous paragraph that is not in some way challenged by independent work. Indeed, many of the practices are taken for granted and assumed seem totally irrelevant. IWs are rarely 'recruited' or reply to a job advert with a formal selection process but are instead brought in by individual managers based on their social capital embedded in relational networks and their own personal capacity (Cross & Swart, 2020a; Kinnie & Swart, 2020; O'Mahony & Bechky, 2006). Alternatively, they may join a platform with minimal screening or vetting (Meijerink & Keegan, 2019). Formal training is not truly available; indeed, it may be seen as a sign of employment by authorities and so development is left to the individual (Bak-Grabowska, 2014). There are no 'benefits' and a salary is replaced by an invoice or based on a project or piecework, with tax and social security contributions handled by individuals rather than 'Payroll'.

Performance reviews for IWs are 'almost unrecognisable' (Cappelli & Keller, 2013, p. 591); indeed, most IWs are absent from performance appraisal systems. Similarly, once the work has started, the 'client' technically has no legal say in how the end is achieved. This can affect the route a delivery driver takes or the place in which an independent consultant works, the systems that they use, and indeed who else they work with. If a contractor falls ill, injures themselves, takes holiday or is otherwise absent, then the organisation as a client is not obliged to pay them. Given the legal nature of the transaction—an exchange of money for a service (Leighton & Wynn, 2011)—when the contract ends, there is no mutuality of obligation for further contact or work to take place. Indeed, given the on-demand motivation and nature of much independent work, continuation may not be desired. As such there is no 'employee retention' (Cappelli & Keller, 2013) or 'turnover' and no expectation of a long-term relationship, even if they are core to value creation (Camuffo & De Stefano, 2019).

Given these challenges, it is understandable that independent work has found itself low down the list of priorities for HR practice and study, and therefore theory and practice are not aligned. However, despite what first

appears to a total irrelevance of HR practice in the domain of IWs, we now show that much of this simply looks different and then how HR is or could be applicable. Indeed, we argue that HR can be pivotal in shaping how change can be brought about; a current look and future imagining.

First, we see the importance of relational rather than transactional approaches that are idiosyncratic and tailored; a move towards partnership and collaboration rather than control or total irrelevance. For recruitment and selection, this process still exists and there are incentives for firms to do this well, especially for location dependent work (Kuhn & Maleki, 2017). Furthermore, expectations about fit and culture are still being set (Duggan et al., 2020) hence the need for honest conversations around reward, and what is required from IWs as well as what they can provide. The need for the brightest and best does not change with the absence of an employment relationship. The whole process may require quick response from HR for it to be successful, with a change from months and weeks, to days or hours to match supply with demand and ensure that the agility of using IWs is realised (Cross & Swart, 2020b). Similarly, onboarding and socialisation need not be different; meeting with a real person and representative of the organisation to discuss aims and objectives on both sides should still be standard practice.

Training and development are aspects that certainly look different. For organisations, there is the danger that the human capital of IWs may disappear at the end of each day; a reluctance to train and develop is understandable. However, it is worth remembering that a contract or piece of work is often a development opportunity in itself (Bak-Grabowska, 2014), offering access to new environments, experiences, and stretch-work (Ashford et al., 2018; Barley & Kunda, 2006; O'Mahony & Bechky, 2006). Moreover, if IWs are engaged on a long-term contract, or return for future engagements, then resources used may pay dividends in the future given shorter socialisation and speedier access to knowledge resources (Cross & Swart, 2020b). Nevertheless, this training can also be outsourced or paid for at an individual expense (Meijerink & Keegan, 2019).

As with employees, performance management is one area that can still significantly anchor and affect others. Despite 'formal' performance review being difficult or even prohibited, it is evident in service level agreements, contracts, or customer rating systems (Meijerink & Keegan, 2019). Generally, we see that performance management can be more iterative and informal for IWs through honest conversations that are a chance for two-way feedback. As outsiders and cross-pollinators of knowledge, IWs can be importers of alternative practice (Matusik & Hill, 1998), provide useful benchmarking and unique insight that employees cannot. Finally, when the time comes for the engagement to end there can be honesty as to what went well and what could work better, including a discussion of possible future engagements (Connelly & Gallagher, 2006).

Hence, we see that many of the traditional practices of HR are still incredibly relevant for independent work; they just look different or require a different approach. Concepts such as psychological contracts and fit, commitment, and engagement are still relevant (McKeown & Cochrane, 2017; van Rossenberg et al., 2018), because ultimately we are dealing with humans who naturally want positive relationships, to learn, to be involved in communities and feel part of something (Barley & Kunda, 2006). To achieve this requires a direct role across HR practice as well as guiding and training those who work and contract with IWs. Most importantly, it needs a network view of the wider HR ecosystem and for HR to look outside of organisational boundaries.

4 | BOUNDARIES OF THESE PRACTICES AND STRATEGIC CONTROL

We now consider the boundaries of these HR practices, who are the agents and how we identify strategic control. Traditionally, HR practices are located within organisational boundaries and aligned with strategy to enable competitive advantage (Boxall & Purcell, 2015). Indeed the very notion of strategic control is grounded in the assumption that the organisation can attract, access and develop human capital that is valuable and unique and which generates value (Kinnie & Swart, 2020; Raffiee & Coff, 2016). Even when organisations work closely with clients, suppliers and governing bodies which may all influence HRM practices, the organisation maintains strategic control over the management of 'employees' (Marchington et al., 2011).

However, independent work challenges this approach; if the focus shifts from the organisation to workers spanning the boundaries of the organisation, then so does the very locus of control of HRM practices—which may involve some resistance to the control of HRM practices from IWs. This means that the boundaries of ‘whom HRM practices apply to’ are stretched. Key practices become situated at the intersection between actors at the level of the network (Swart & Kinnie, 2014) rather than being controlled by a single organisation. This influences the overall strategic control of individual, work, and performance. Moreover, by definition, these become blurred at both an operational and strategic levels when a contract of employment is replaced by one of service and actors outside the boundaries of the firm begin to influence how knowledge and skills are developed. The focus of HR practices shifts from the organisational to a transorganisational way of working where human capital across a network contributes to valuable outputs but is not controlled by a single organisation (Cross & Swart, 2020b). The question is, do organisations still have control over how they manage people to generate competitive advantage?

Given that the emphasis shifts from an organisationally controlled set of HRM practices to the strategic control being situated within a nexus of contracts and service level agreements between a varieties of stakeholders (Bratton, 1989; Raffee & Coff, 2016), it is how the contracts are negotiated and enacted that is key. Those who ‘practice HRM’ are therefore situated across a network, ranging from project managers, contract integrators and relationship guardians. We see that social capital becomes paramount here; and that it is coordination across IWs that can generate advantage through a relational rather than transactional approach based on commitment rather than compliance or a hybrid of the two (McKeown & Cochrane, 2017). Treating them in purely transactional terms is not only to see these individuals in purely monetary or economic theory terms (P. M. Wright & Essman, 2019) but is also a risk; when they leave, they take their knowledge of organisations and practices with them, sometimes to competitors.

The challenge, or opportunity, for HR is to identify the skills and knowledge needed and specifically the collaborations that will work and the ways in which these can be mobilised. This links to our section on individual practices especially those of onboarding, training and development, and retention through social capital. The identification of ‘collaborative specificity’ becomes more important; that is, how IWs complement each other, and the knowledge and the skills within organisations and indeed, how they can be combined to create bundles of human capital resources (Camuffo & De Stefano, 2019). The building of social capital at a cognitive, relational and structural levels with IWs is an area for development here.

5 | EMPLOYMENT AND COLLECTIVE RIGHTS

Our third area that we provoke is that of employment and collective rights, specifically the increasingly blurred line between employee and ‘other’; not always in a positive way. As workers have gradually accumulated rights, and employers have realised the value of human capital, these have become enshrined in employment legislation. This standard employment relationship is a kind of social contract between business and labour that provides relative certainty and security (Fudge, 2017; Kalleberg, 2009; McKeown, 2003). With this comes the need for HRM (Ulrich & Dulebohn, 2015).

Although there is a large amount of international variation, employment rights and a contract of employment infer important obligations and rights onto employees that are not available to others (Torrington et al., 2020). Employers in many countries are legally required to provide, amongst other things, a minimum wage, statutory sick pay, maternity or parental leave, minimum notice periods, protection from unfair dismissal, and statutory redundancy pay (Fleming, 2017; NELP, 2019). Slightly different to employees are ‘workers’, an intermediary category in some systems which also covers those on ‘zero-hour’ contracts, who get basic health and safety rights, minimum wage, are subject to working time regulations and some maternity rights (Torrington et al., 2020). Much of this compliance with employment law is managed by HR.

Independent work challenges this because simply there is no employment relationship; they are not legally classified as employees or workers, and therefore not subject to these entitlements (Adams et al., 2018; Meijerink & Keegan, 2019; Warne, 2018). In the perhaps outdated legal dichotomy of employee/non-employee (McKeown & Cochrane, 2017), they fall firmly outside of the 'web of rules' that underpin the standard employment relationship (C. Wright et al., 2019) despite many appearing to be employees in all but name. Here, legal tests come to the fore and, as Rogers (2016) argues in the context of Uber drivers, many appear to be neither employees nor independent contractors; in March 2021, this was confirmed in the UK Supreme Court (Lee & Strauss, 2021).

The rules concerning whether or not one is an employee sometimes appear straightforward yet are often based on accumulated case law hence the ambiguity and confusion (Adams et al., 2018). Criteria rest upon principles of control, the method of task completion and working hours, organisational integration, payment methods, provision of tools and equipment, and the ability to work for multiple clients simultaneously (Cappelli & Keller, 2013; Connelly & Gallagher, 2006; Stewart & Stanford, 2017). This often leads some to collect signals of autonomy, independence and outsidership such as different bank accounts, 'Visitor' passes, and their own equipment (CRSE, 2017), as well as avoiding social occasions (M. Bidwell, 2009). Not complying can have legal and financial consequences.

This distinction between employee and contractor is damaging and the ambiguity could be exploited by organisations and managers under a wider shift to individualisation (Dundon & Rafferty, 2018). Furthermore, whole business strategies are founded upon firms and platforms vigorously avoiding these legal obligations (Healy et al., 2020; Meijerink & Keegan, 2019). Yet incorrect classification is a risk for organisations, not only to business models but also the possible legal ramifications and reputational damage (Healy et al., 2020; Lee & Strauss, 2020; Powis, 2018) through 'corporate carelessness that is bordering on illegality' (Bingham & Druker, 2016, p. 1). For society, the circumvention of these categories can cost government's revenue and social security funds (NELP, 2019).

The challenges here for HRM are multiple. First, this misclassification threatens HR's role as the employment law specialist and source of managerial advice. Second, and more importantly, it sustains the bypassing of HR; assuming that IWs are not subject to certain rights perpetuates the belief that they are outside of the HR remit. This is evident in the UK, where the Independent Workers Union (IWGB) has been seen to replace many of the functions of HR for those who are, contractually if not in practice, independent contractors. Finally, this may exclude HR from discussions at a strategic level. The classification of these individuals is a strategic issue given business models and competitive advantage.

Despite international variation and legislative restrictions, we believe that HR has a role to play here in supporting and meeting the needs of individuals and organisations (Jeffrey, 2015). We aim to question and challenge the mindset of 'cannot'. For HR directly, there are implications for involvement in the decision to contract with IWs as opposed to employment (M. J. Bidwell, 2012; Camuffo & De Stefano, 2019). This includes ensuring that individuals are correctly classified. Moreover, there are possibilities for what HR can do for these individuals to support them (Brîone, 2018) through our aforementioned idiosyncratic and negotiated aspects of HR practices for IWs. Finally, there is a case for HR being more proactive in making work more predictable. Employment rights centre on security and predictability, albeit with a flexibility trade-off (McKeown, 2003). One option could be more retained work that guarantees a base level of income and work, but which ensures flexibility for all. These actions and more could form part of the patchwork and rules of responses to independent work that have emerged (C. Wright et al., 2019).

Of course, much of this debate over rights takes place at a legislative and policy levels, and there is an appetite for working practices, legislation, and guidelines to be brought into line with the disruption of the employee/non-employee dichotomy (McKeown & Cochrane, 2017; Warne, 2018). Professional bodies, academics and others are vital in making the case at these levels, shaping the laws and guidelines, and ensuring that these and other advice are incorporated into guidelines and practice. Naturally, given recent calls for relevance and impactful academic research, there is a potential synergy here. We will return to these ideas in our final section.

6 | DISCUSSION AND IMPLICATIONS

Following our problematisation of the relationship between HR and independent work, in this paper, we have first provided a clear conceptualisation of IWs and identified specific reasons why this important group have been neglected or excluded from HRM theory and practice. Second, in order to develop the HRM field, we provided clear areas that need to be challenged in order to include IWs; that is, core HR practices control of these which extends beyond the boundaries of the firm to the ecosystem. That is to say, HR needs to include humans both inside and outside the firm. This means that the reliance on social capital; that is, relationships of HR practitioners across a network, becomes of paramount importance. We also highlight the need for collective and employment rights to change and embrace independent work. We argue that employment law can apply beyond the boundaries of the firm and that the value generation of IWs should not only be governed by contract law. We present a summary of these arguments and the implications for HR theory and practice in Table 1.

We situate our arguments within a wider concern that HR is becoming too embroiled in strategic issues at the expense of the human and indeed, the long-term moral sustainability of organisations and businesses (Bingham & Druker, 2016; Bolton & Houlihan, 2007; Cleveland et al., 2015; Marchington, 2015). Yet, we do not see this as a mutually exclusive or binary choice of moral versus strategic. We argue that the balance between the 'moral case' and the 'business case' therefore exists at both the philosophical (valuing the human) and the network (generating value) levels. A more relational approach to IWs ensures that they are more likely to return for future work which should lower transaction costs, can build and use their tacit knowledge, and less likely to take this elsewhere. The parallels with employees and loyalty should be obvious here. Indeed, Barney (2018) argues that long-term success and sustainable performance depend on assembling co-specialised bundles of resources including those provided outside of the organisation (including IWs) and treating them as residual claimants to value. Yet, specific high-profile examples show that the use of workforces consisting almost entirely of IWs with their reduced rights, access to benefits, and claims to residual value is the key value proposition and source of competitive advantage for many organisations (Meijerink & Keegan, 2019), and this is often at the expense of HR input and influence. HR, and managers in general, are often consumers of independent work (C. Wright et al., 2019). We see that they must be ethical consumers; they are part of the ecosystem (Snell & Morris, 2019) and key to how IWs experience their lives (Healy et al., 2020). This ecosystem includes suppliers and values of 'well-being, fairness, and equality which should be embedded in HRM' (Dundon & Rafferty, 2018, p. 380) and naturally, we feel, independent work. HR cannot afford to turn a blind eye to IWs who are a growing, resurgent, and essential aspect of the current and future of work organisation.

Given the heterogeneity of IWs and their work contexts, we call for a focus on principles rather than prescriptive approaches. Of paramount importance, here is the principle to treat all individuals as humans *regardless* of their employment status. In particular, we note that it may have been the norm to 'appropriate value' from IWs, yet we call for a moral philosophy to guide people management practices across a network. Furthermore, the contractual nature of the relationship leads to a level of dehumanisation or ignorance of the human, ethical, and moral aspects. To change, this requires a move away from the employment/non-employment dichotomy (Kinnie & Swart, 2020; McKeown & Cochrane, 2017) and the focus on strategic aspects at what some might see as the expense of this human and people focus (Butterick & Charlwood, 2021).

A natural extension to this is a deeper assumption that we want to provoke and challenge; *what is covered by HR and what is not?* Currently, an employment relationship is different to that of independent work that is contractually bounded; but does this need to be the case? Is HR purely concerned with, defined, and bounded by the employment relationship (Cleveland et al., 2015; Kaufman, 2004)? Or, if it incorporates all work and labour done in and around organisations, as the definition of Boxall and Purcell (2015) in our reading suggests, then we need to address how this happens and fundamentally re-examine the role and function of HR. This goes to the heart of who is an employee (Rogers, 2016; Stewart & Stanford, 2017). As we have shown, the legal definition can sometimes be unclear or perhaps seen to be literal by some when everyday life and economic reality may be different

TABLE 1 Summary

Area of assumption	How it is now	How independent work challenge these or appears irrelevant	How it looks different or could look different	Implications and how this could be achieved?
1. Key areas of HRM practice	HR identifies a need, attracts, recruits, managers, retains, and sheds employees.	No 'recruitment' or job adverts. Often ad-hoc, based on social networks, minimal screening.	Move towards relational rather than transactional relationships.	Greater integration of HR in contracting decisions.
	Often delivered by line managers.	Many practices avoided. Possibly because they are seen as a sign of employment. Could also be a neglect by the HR ecosystem.	For individuals – 'stretch work' rather than formal training and development. Individual agency in development.	
		Individuals administered and paid as transactional purchase of a product or service.	Building of firm-specific HC. Formal end of contract or regular reviews. More visibility on future work.	
2. Boundaries of these practices and strategic control	HR practices sit within the organisation.	HR practices appear irrelevant because of no employment.	Changes to the network level. No single organisation controls it for all actors.	HR to be the central repository of information on contractors – for future work.
	Practices are aligned with organisational strategy.	Those not 'within' the boundaries of the organisation (i.e., employed) are not covered.	Much more complex picture.	A focus on the network and ecosystem that HR is involved in rather than purely the focal organisation. HR as the co-ordinator of the network.
	Contractors assumed to have 'low' strategic value.	Co-ordination is difficult.	A wider scope to include those outside of the organisation yet who are still are stakeholders and provide for the organisation. HR as the network co-ordinator/central hub for all.	A change in mindset over what exactly 'the organisation' is and who is included or excluded.
3. Employment and collective rights	Standard employment relationship which provides some certainty and security.	No employment law and a perceived lack of certainty and security.	For classification situations, HR can play a greater role in correct classification and sourcing decisions.	Training, guidance and support for line managers, procurement, and finance/accounts.

(Continues)

TABLE 1 (Continued)

Area of assumption	How it is now	How independent work challenge these or appears irrelevant	How it looks different or could look different	Implications and how this could be achieved?
	Important obligations and rights are given to employees.	Fall outside of the 'web of rules'.	Proactivity in making work more predictable – retainers and repeat work for valued independents.	Greater proactive engagement and search for visibility of IWs in research. Requires unpicking and further network analysis.
	Compliance with employment law.	Construction of 'outsiderness'.		Greater interaction with wider social and legislative stakeholders – government, trades union, think tanks, and charities.

(Meijerink & Keegan, 2019; Warne, 2018). If employment status is seen as the trigger for HR involvement, then important people, and just *people*, are being excluded. Is this right? Does it have to be the case? *Should* it be the case? We invite readers to reflect on these questions.

6.1 | For future research and theory

The key to our argument here is a holistic approach and movement of HRM to looking at the network level rather than purely inside the organisation. This change in mindset is fundamental to theoretical development and future research and we hope to see an increased presence of IWs in future research and theory. Building on previous work (Ashford et al., 2018; Duggan et al., 2020; Kinnie & Swart, 2020; Spreitzer et al., 2017), we now examine three key implications and directions for future theory and research.

First, many theories and fields of study could be fundamentally challenged. The exclusion or underrepresentation of IWs means that our understanding of the reality of work is impoverished. There may be important and unknown boundary conditions accompanying an incomplete picture of the full nomological network (Bergman & Jean, 2016). Important caveats may exist and new ways of seeing possible yet, because of the assumption of organisational employment, we look in the wrong places (Okhuysen et al., 2015; Shaw et al., 2017). We therefore challenge scholars to move away from the 'organisational' or 'employee' conceptual prefix (van Rossenberg et al., 2018) across areas such as commitment, engagement, support, and psychological contracts as well as the practices, bundles, and HR architecture within firms and networks (Duggan et al., 2020; McKeown & Cochrane, 2017). In summary, we challenge scholars to examine theory in light of those who are excluded or invisible from many fields (Delbridge & Keenoy, 2010). We need to actively look for them, especially in case studies of organisations. Doing so should be highly beneficial to theory development.

Specifically, we call for a fine-grained approach to studying HR and individuals within an ecosystem in order to generate a more nuanced discussion and analysis of different workers that deploy their labour, knowledge, skills and abilities. A self-employed marketing consultant is very different from a bookkeeper, freelance designer, or plumber, yet all are situated under the IW label. However, there needs to be greater clarity in differentiating them

and the finer details of their work. This requires an 'unpicking' that is sensitive to the level of analysis and context and therefore able to incorporate independent work. It also needs future work to differentiate between the management of IWs based on factors including task characteristics, the specificity of human capital, remuneration, time and temporality including repeat work and continuation, the role of technology (see Duggan et al., 2020), as well as the physical and spatial aspects including comparative geographical location. This would then enable a more nuanced and fuller understanding of how HR impacts IWs and what can be done to manage them. This future research would lead to a fresh perspective on what it is 'to manage IWs' and extend the remit of HRM practices (Delbridge & Keenoy, 2010).

This can only happen with a change in approaches to research and theory development. Methods such as staff and general cross-sectional surveys mean that most if not all IWs are excluded. Indeed, many organisations cannot 'give access' to IWs for researchers due to data protection. Bergman and Jean (2016) identify qualitative work to circumvent these issues. This is vital to understand networks and actors and may be part of multi-faceted research designs that incorporate mixed-methods and longitudinal designs to understand the rhythms of independent work and their interaction with management and HR. Furthermore, this requires researchers to, as Kinnie and Swart (2020) argue, focus on activities to illuminate networks and various actors, rather than status and hierarchies. Underpinning this could be more abductive approaches that engage with mystery and surprise (Alvesson & Kärreman, 2007).

6.2 | For practice and policy

Expanding upon our opening quote (Jefferey, 2015), we should not be too technologically determinist; the outcomes and effects of the myriad changes and developments concerning independent work rest heavily with HR functions and HR professionals (Butterick & Charlwood, 2021). Disruption by platforms and technology is not the relentless march of non-human entities but created by humans. Hence, we see HR practitioners as key to how IWs experience their work and lives. There are two main levels to this. First, at an operational level, there is an approach guided by principles rather than policies based on employee/non-employee or insider/outsider. As such we encourage policy and practice to (i) embrace the human side of IWs, (ii) engage with the importance of networked level HR practices, and finally, (iii) continually evolve HRM practices as humans and knowledge enable networks to compete. This demands an idiosyncratic and flexible approach to individuals which can specifically be in the form of charters, agreements and guidance and training for those who are working with IWs (see Briône, 2018; C. Wright et al., 2019). This is at the heart of much of what HR does for managers and employees. Yet, this overall approach centres on looking after *people* rather than purely *employees*; from 'HR Officers' and 'employee advocate' to 'People Relations' and 'people advocates' (Marchington, 2015; Ulrich & Brockbank, 2005). An ethos of a positive human relationship, regardless of employment status.

Second, at a wider level, this enables HR to work across the HR ecosystem (Snell & Morris, 2019) and various stakeholders such as government agencies, think tanks, charities, platforms, organisations, and trade unions in order to implement and adapt practices (Briône, 2018; Warne, 2018). HRM practices can therefore be positioned at the hub of the network or ecosystem that extends beyond the firm and ensures that the human aspect of work is paramount. This approach trickles down to better individual outcomes and organisational benefits and flows up to wider society through better health and mental well-being and the alleviation of pressure on state and welfare systems (Cleveland et al., 2015).

Finally, we offer practical actions that could be taken. Possible next steps could be to audit and 'map-out' the web of intra-, inter-, and trans-organisational relationships (Kinnie & Swart, 2020) that your HR function has. This could include tracing the interfaces between the organisation and IWs to actually see who and where this valuable human capital pool are. This might reveal more relationships than are currently known about centrally. A further step might be to examine the existing practices and guidance for frontline managers as to the contracting,

treatment, and managing of IWs; if there are none, then these could be developed to improve processes and experiences for all (see Bri one, 2018). In the long-term, there could be scope here for development of a ‘charter’ of best practice and principles that organisations agree to and which can signify to IWs those organisations that are welcoming and that truly value relationships with IWs.

7 | CONCLUDING REMARKS

In this paper, we have outlined the importance of IWs in the evolution of HRM beyond the boundaries of the firm. We stipulated *who* IWs are and *how* they have been excluded from individually and organisationally impactful HRM practices. Second, we have illustrated key areas of HR practice and theory that are challenged in order to include independent work. These arguments are put forward to provoke and invite both scholars and practitioners to develop new theoretical models and to adopt ‘human’ practices which include exciting new talent pools that are situated beyond the traditional notions of employment. We argue that HR is and must be relevant to independent work whether that is from a strategic, operational, moral, ethical or just *human* standpoint. In particular, we highlight that the human aspect of IWs need to exist at the level of the network, or the ecosystem; that is, an integration of HRM practices, rather than at purely the organisational level. Although there are no doubt variations across nations, organisations and sectors, we hope that readers can take the ideas here further and apply them to their own areas of practice and research.

DATA AVAILABILITY STATEMENT

Data sharing not applicable to this article as no datasets were generated or analysed during the current study.

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How to cite this article: Cross, D., & Swart, J. (2022). The (ir)relevance of human resource management in independent work: Challenging assumptions. *Human Resource Management Journal*, 32(1), 232–246. <https://doi.org/10.1111/1748-8583.12389>