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APP WORKERS UNITED

The struggle for rights in the gig economy



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THE LEFT

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*Going forward, you will see us more loudly advocate for new laws like Prop 22, which we believe strike the balance between preserving the flexibility that drivers value so much, **while** adding protections that all gig workers deserve It's a priority for us to work with governments across the U.S. and the world to make this a reality"*

Dara Khosrowshahi, Uber CEO, 5 November 2020.

"We have come here (in the European GA) to breathe new life into the sentiment of unity. Feeling like members of a community is what feeds into our strength, what allows us to stand up against this individualism that seems to be triumphing everywhere. It is the understanding that the root of all of our struggles is the same. This is why we have to fight together in the struggles we face, but also those facing all workers. It is only by standing shoulder to shoulder that we can feel part of this community",

IWGB Courier, at the beginning of the European GA, 25 October 2018.

"The more complex the world, the more essential solidarity becomes, the harder it is to live with".

Edgar Morin, *Penser l'Europe*, 1987.

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EXECUTIVE SUMMARY

INTRODUCTION

At the turn of the 2010s, a new wave of workers described as “atypical” began to appear, coinciding with the arrival of platform companies. These companies have taken the logic of standardisation and outsourcing of tasks to the extreme. Through them, work becomes very ambiguous, unstable and uncertain, much like that of temporary workers or subcontractors in the 1980s and 1990s. The platforms pose as mere technical or commercial intermediaries and thus free themselves from the obligations linked to their status as employers, even though most of them control the content, conditions and access to work.

In a communication dated 14 January 2020, the European Commission announced it would be holding a “platform work summit” during the third quarter of 2020 (postponed until early 2021 due to the health crisis). Germany, which took over the EU Council Presidency in July 2020 announced its intention to contribute towards the drafting of a European legal framework on platform work. From this perspective, Leila Chaibi (La France Insoumise) produced a proposal for a directive, the aim of which is for on-demand labour platform workers to be considered employees in all Member States. Events towards the end of 2020, however, were not heading in this direction; on 3 November, following the American elections, Proposition 22, an Uber offensive in the face of California’s pro-salaried labour law AB5, reaffirmed the model of a “digital independent contractor”; on 1 December in France, the Frouin report, the premise for a forthcoming ordinance, put forward the notion of guaranteeing platform workers’ rights via a third party (wage portage or employment cooperative). Amid this climate of legalising outlawed platform practices and the **urgency of the battle over platform workers’ future status**, this study highlights **the existing action being taken at different levels (local, national, European and international) to support the legal and political struggles of platform workers**. Who will act as interim relays, those involved in the struggle over the long term? And on a more fundamental level, isn’t the model of digitalising/platformising the economy serving to accentuate the neoliberal trends of outsourcing and exploiting labour that we are trying to fight against?

This study focuses primarily on on-demand workers in so-called “lean” platforms such as Uber (2009) or Deliveroo (2013). It analyses the current situation in Europe and provides concrete examples of the various strategies used to **combat the social model imposed on platform workers and the business model** of these new central players in the global economy. It shows how, in spite of real organisational difficulties, platform workers and their representatives are building **a new laboratory of social protest** mainly on the basis of two complementary strategies: collective action and legal action. Workers’ collectives are adapting their list of actions in line with their precarious status (and the different levels of action) and trade unions are putting together legal cases to have workers reclassified as salaried employees.

PART A:

CONTEXT AND CHALLENGES OF PLATFORM WORK

A SPECIFIC FORM OF EXPLOITATION

Platform workers are subject to specific exploitation based on three key elements:

- **Legal uncertainties and insecurity**

Platform workers are today operating in a grey area between self-employment and salaried work. This uncertainty about their status is linked to the nature of their work but also, and most importantly, to the platforms' deliberate attempts to evade the obligations incumbent on employers. This deprives the majority of platform workers of the rights, protections and guarantees normally linked to employee status. More often than not, they are “bogus self-employed”, which applies to under-employment (outside the employment contract), or hired under third status (between self-employed and employee), which is characteristic of sub-employment (subject to a degraded employment contract).

- **The extreme degradation of working conditions**

Platform work is poorly paid, with working hours that are too long and unstable, weak or non-existent social protection, largely fictitious “autonomy” and individualisation/fragmentation of labour relations that undermines the possibilities for organisation, representation and collective mobilisation. These characteristics are not unique to platform work, but their cumulative and extreme nature is specific to it. We define it as “naked labour”.

- **Submitting to new forms of “digital” dependence and exploitation**

Platform work is also largely digitised. As such, it relies on complex forms of algorithmic management that reinforce the asymmetry of power between platforms and their workers. It is also based on the large-scale collection and exploitation of data by the platforms, which are the only ones able to decide on and benefit from their use.

SOCIAL IRRESPONSIBILITY AND CONCENTRATION OF POWER

The disruption of entire sectors risks seeing the appearance of dumping (fiscal, social, regulatory) in the sectors platformised through this **downwards convergence**. Platforms are **irresponsible towards workers but also towards the communities in which they operate**. For example, Uber is undermining the traditional taxi sector, while at the same time creating additional vehicle congestion in major cities. More generally, with the development of the platforms, the social institutions of labour law and social security in all Member States are being put at risk.

- By accumulating and exploiting as much data as possible, the platforms are seeking to become **sectoral monopolies in digital intelligence**. To do so, they **privately appropriate** individual and collective data generated by their various users, which gives them **increasing economic and political power**, including vis-à-vis States.

PART B:

STRATEGIES TO TACKLE NAKED LABOUR

This study is a response to the question: how can we tackle platform labour that has been defined as “naked”? Platform workers and their representatives are creating a new laboratory of social protest on the basis of two strategies: collective action and legal action, which can be complementary.

1ST STRATEGY: TARGETING PLATFORMS: BUILDING A “GLOCAL” COLLECTIVE ACTOR

- **Forming new collectives**

In spite of real organisational difficulties (linked to fragmentation, turnover, and a heterogeneous population), platform workers start by **organising themselves into collectives** through social networks and mobilisation. Then they organise, with or alongside trade unions, depending on the country. While minority and internationalist unions are focused on direct action with collectives, most traditional trade union organisations are starting to take initiatives by including platform workers in their section for precarious workers, or the self-employed, or by opening a specific category for “digital workers”.

- **Mobilising on the internet or in the street**

Platform workers are resorting to **direct action and switch-off strikes** with demands for concrete improvements in terms of pay or work organisation. Between 2016 and 2017, following the impetus from London, Europe saw a wave of some 40 mobilisations in 15 countries in the bicycle meal delivery sector. **The trigger for the strikes was the drop in “rates”**. The collectives also have some new weapons in their arsenal, such as media coverage, to push the platforms to negotiate. They have also been developing new alliances with a wider front of precarious workers, where collective organisation can think in terms of supply chains, potentially paving the way for a new “**cybertariat**”. However, all these struggles only rarely produce the tangible results of collective bargaining.

- **Federating: obviousness of the transnational “leap”**

Faced with the limits that local struggles were coming up against, there was a clear **need for transnational action**. Collectives are active on several levels: they act at local, national but also international level as we saw with the organising of **the European Couriers’ Assembly** in October 2018 and the **international coordination** named Unidxs World Action (UWA) bringing together drivers and couriers, in October 2020. This created a new **“glocal” collective body**, meaning one that acts locally and thinks globally, with the aim of constructing a shared identity in the face of multinational delivery platforms, calling it a **“new internationalism”**. Just as in Europe, it was following the growing number of local mobilisations in many Latin American countries, and with the accelerating effect of the pandemic in March 2020, that the couriers organised four successive international strikes. Reclassifying the employment relationship as a salaried employee was one of the central demands of the global action days.

2ND STRATEGY: ACTING ON THE LAW: THE STATUS WAR

- **Judges facing platforms: the reclassification conquest**

Workers have been trying to have their status reclassified as employees by the courts, a move that **increasingly favourable case law** seems to favour, with 35 favourable decisions out of 59 over the last five years in the eight countries concerned. The judgements are based on the fact that, even if formally the platform claims to have only an intermediation role from one individual to another, the judge notes that it actually exercises control over the courier, with numerous indications of subordination. This points to a legal uncertainty which requires legislative clarification.

- **Inadequate professional relations systems**

These legal battles are also challenging trade unions to rethink how they perceive and practice representation and collective bargaining based on two approaches: the first consists of trying to integrate platform workers into the existing traditional models of representation at national level. Here, the Nordic countries differ from countries in the centre of Europe. Whilst the former focus on company-level collective bargaining and have already signed a number of “atypical” collective agreements with platforms, the latter are seeking to maintain sector-level collective bargaining. In this process, the German and Austrian platforms have been coming up against the platforms’ relentless refusal to act as speaking partners in collective bargaining which would

undermine the foundations of the position they claim to have as a simple intermediary. The second trade union approach, outside any system of industrial relations and especially present in the field of micro-work, seeks to rely on initiatives for ethical certification (labelling) of the platforms, which raises many questions in terms of effectiveness, but also legitimacy.

- **But what are the States doing? The Spanish model against the Uber Law and European third statutes**

To transform the accumulated social forces (on the basis of reclassification decisions and social mobilisations) into bargaining power or political victory and to halt the trend of generalised regression of social rights, collectives and trade unions will also have to win the battle that is being fought at State and EU level over legislation specifically governing platform work. Between American-style underemployment (digital self-employment), European-style sub-employment (third status) and Spanish-style unconditional employment (salaried work), it is difficult to predict which model will prevail. Nevertheless, it is clear that most European States today support platforms whose model pursues and prolongs their own labour law deregulation policies that have been in place for decades. The few recent political victories that have resulted in binding legislation in the United States and Spain appear to have been already defeated or remain fragile.

PART C:

KEY LESSONS AND CHALLENGES AHEAD

- **The status war: a difficult legislative transformation**

The study's first lesson is the **importance of the battle over status**, which largely determines everything else. After some disappointing early experiences, the case law on reclassification has moved towards recognising platform workers as fully-fledged employees (especially in Spain), which is a major challenge for platforms. This has given a boost to ongoing debates and legislative initiatives at State and European Union level to clarify the legal status of platform workers. Today, the future of the Spanish law that defends unconditional wage-earning is therefore important not only for Spanish workers, but will serve as a model in the political battle over the future directive set to take place in the European institutions in 2021. Indeed, there is a severe risk that the current legislative initiatives will finally lead to a levelling down of the rights of platform workers in relation to the guarantees and protections under traditional labour law, particularly through the invention of new “discounted” statuses.

- **Collective AND legal action**

The second lesson refers to the **eminently complementary nature of the two strategies being analysed**. Given the balance of power between workers, platforms and States, the aim of direct action is to influence the law. And in turn, legal developments largely condition and guide the possibilities and strategies for taking action. Today, it is indeed the struggle's gathering pace and the building of a powerful collective actor that will open up the opportunity for a workers' victory in the ongoing battle over status. And conversely, it is by building on the victories of favourable case law, by extending this fundamental conquest to include other possible future political victories that collective action can be strengthened.

- **The construction of a new “glocal” actor and new internationalism**

From this point of view, a third key lesson relates to the **genuine achievements of the first strategies in the study** directly targeting platforms: the **progressive construction of a new collective “glocal” player**. Whilst the immediate results of these mobilisations may seem fragile and limited, the fact that they even exist and are multiplying has above all enabled new collective

actors to invent and reinvent new ways of acting and mobilising, including on an international scale. At this level, the European Couriers' GA highlighted two main cross-cutting demands: **data transparency and a minimum hourly wage**. There is still the challenge of coordinating demands at the international level in order to identify a **common substratum of demands, supported by proposals for coordinated action**.

- **Reinventing trade union representation and new digital rights**

A fourth lesson refers to the need to **seriously reinvent trade union practices and demands** so as to adapt them to the new reality of platform work. Attempts to set up collective representation structures (company or sectoral bargaining, certification) remain largely insufficient and/or unsuitable. Another strategy (not covered in detail here) is the representation of platform workers through self-employed trade unions. As pragmatic as this approach appears, it could, however, contribute to weakening the position of platform workers in their struggle to be reclassified as an employee in their employment contract. Finally, the specifically digital nature of platform work must now be taken into account in the **demand for new "digital labour rights"**, with, firstly, the consequences of "**algorithmic management**" on working conditions and, secondly, the place and role of **data** in the business model of platforms.

- **A major oversight: the very contours of the digital economy**

One final lesson concerns the existence of a **major oversight** in the strategies currently being deployed to defend platform workers: the taking into account of **broader developments affecting the functioning of the digital economy** as a whole. These will largely condition future possibilities for improving working conditions on the platforms. Among these developments, probably one of the most decisive concerns the current WTO negotiations on "e-commerce", the content of which is likely to grant almost total freedom to platforms (including on-demand labour platforms) to carry out their activities on an international scale free from State or trade union interference.

- **Cooperatives to re-found platform work?**

Initiatives claiming to be "platform cooperativism" seek to defend another type of platformisation based on workers reappropriating their working tools and digital data. Coopcycle, the European Federation of Courier Cooperatives, shows the example of this type of alternative with its software perceived as "**a common good returning power to workers**". Nevertheless, at present, these initiatives still too often suffer from a macro-economic and legal

environment that is largely unfavourable to them. Not to mention the ambiguities that permeate the movement itself: while some do have an ambition for social transformation, others are more interested in developing an “ethical” niche within a platform economy that would remain mainly capitalist.

More broadly, there is also the question of the very possibility of another type of platformisation. In this field, as in that of “digitisation” in the wider sense, a preliminary reflection could focus on the limits that we wish to apply to these processes, which now come at an obvious social, political and above all environmental cost.

INTRODUCTION

Since the 1980s, the traditional post-war concept of salaried work has been gradually replaced by new forms of employment, with ever-worsening conditions. After fixed-term and temporary workers, platform workers have become the “new proletarians” (Abdelnour, Meda, 2019), the new wave of workers described as “atypical”. In their Uberised form, they find themselves subjected to the **extreme degradation of working conditions** which leads to what we shall call “**naked labour**”: platform work is poorly paid, with working hours that are too long and unstable, weak or non-existent social protection, largely fictitious “autonomy” and individualisation/fragmentation of labour relations that undermines the possibilities for organisation, representation and collective mobilisation. These characteristics are not unique to platform work, but their cumulative and extreme nature is specific to it, like workers being monitored by algorithm and the capture of their personal data. Naked labour is a large part of platform workers’ **legal status**: more often than not, they are “bogus self-employed”, which applies to **under-employment** (outside the employment contract), or hired under third status (between self-employed and employee), which is characteristic of **sub-employment** (subject to a degraded employment contract).

But first of all, what is platform work? Which sectors does it apply to? How many workers does it affect? After having outlined the contours of these new forms of work and workers, we will consider the specific exploitation they suffer. This is based on three key elements: the enormous **legal uncertainties and insecurity** around their status, despite decisions in favour of reclassification as salaried workers in many countries; the aforementioned **extreme degradation of working conditions** due, among other things, to their difficulties in organising and mobilising themselves due to turnover and a high level of fragmentation; and finally, being subjected to the **collection and exploitation of data** by platforms which derive increasing power from it with regard to the workers (management by algorithm) but also with regard to society in general (predictions and behavioural orientations).

This study analyses the current situation in Europe and provides concrete examples of the various strategies used to **combat the social model imposed on platform workers and the business model** of these new central players in the global economy. It shows how, in spite of real organisational difficulties, platform workers and their representatives are building a **new laboratory of social protest** mainly on the basis of two complementary strategies: collective action and legal action.

Targeting platforms: building a “glocal” collective actor

Collectives and trade unions act on multiple levels: mobilisations of platform workers (switch-off strikes, occupations...) take place at local and transnational level. After putting into perspective the wave of actions that swept through many European countries in 2017, we will take a detailed look at supranational action: the first European assembly leading to the Transnational Federation of Couriers as well as the international mobilisations launched by Latin American networks during the pandemic. Whilst transnational social mobilisation strategies between those involved in the struggle seem to us to be an essential challenge today, it must however be noted that, in their respective countries, the bogus self-employed platform workers still have no formal access either to trade union representation or to negotiation. We will consider in particular the redeployment of their structures and their demands for new “digital” labour rights.

Acting on the law: the status war

The second strategy to fight against the platform model which imposes bogus self-employed status consists of a wealth of case law. The latter has emerged as a result of legal actions supported by trade unions and includes numerous favourable court decisions on the legal reclassification of employment contracts between delivery platforms and service providers in eight EU countries. After having identified the premises of this case law brought about by collective action and its new actors, we will analyse how it might be extended, focusing on its difficult legislative transformation during these times of austerity regimes. Indeed, the few political victories that have recently resulted in binding legislation in the United States and Spain are already being widely contested. For the time being, collectives and trade unions have only experienced marginal success at **transforming** the accumulated social forces (on the basis of reclassification decisions and social mobilisations) **into bargaining power or political victory** and to halt the trend of generalised regression of social rights. However, the struggle for a salaried status as a minimum set of rights for all platform workers, or the establishment of an alternative production relationship through cooperatives are new strategies offering many prospects.

This account of the current situation of platform workers is all the more necessary and urgent as these issues are **at the heart of the political agenda**. In a communication dated 14 January 2020, the European Commission announced it would be holding a “platform work summit” during the third quarter of 2020 (postponed until early 2021 due to the health crisis). Germany, which took over the EU Council Presidency in July 2020 announced its intention to contribute towards the

drafting of a European legal framework on platform work. From this perspective, Leila Chaibi (La France Insoumise) produced a proposal for a directive, the aim of which is for on-demand labour platform workers to be considered employees in all Member States. Events towards the end of 2020, however, were not heading in this direction; on 3 November, following the American elections, Proposition 22, an Uber offensive in the face of California's pro-salaried labour law AB5, reaffirmed the model of a "digital independent contractor"; on 1 December in France, the Frouin report, the premise for a forthcoming ordinance, put forward the notion of guaranteeing platform workers' rights via a third party (wage portage or employment cooperative).

Before getting to the heart of the matter, let us set out **the limits of our study with regard to the countries and sectors covered**. In terms of geographical coverage, the study deals with the major regions of the EU (Scandinavian countries/Mediterranean countries/Central Europe) with the exception of the Eastern European countries and on the basis of a special focus on the countries involved in setting up the European Courier Assembly¹. It is also marginally interested in certain regions outside Europe: The United States because of recent events in California (AB5 Act and Proposition 22) and Latin America because of the mobilisations and international alliance.

Concerning the sectors, throughout the study we will **specifically address the on-demand labour platform sectors: hot meal delivery couriers and taxi drivers**. These sectors are certainly only the tip of the iceberg of platform capitalism, which includes many other types of platforms (see part A). However, they do raise questions about platform workers' ability to resist "naked" labour. Given their visibility, delivery workers and drivers are, in fact, part of the urban landscape and are spearheading a new wave of resistance which lends itself to forms of collective, union or cooperative organisation. They also see themselves more often than not as the spokespersons of the platform workers and precarious workers more generally.

As for the first part, on building a transnational collective, this time we will focus **more specifically on the case of hot meal delivery platforms** (Deliveroo, Ubereats, Glovo) in Europe, considered as emblematic of how the struggle very quickly became international, and we will visit the case of drivers on an ad hoc basis. We will be building on the field work that started with the setting up of the European Couriers' Assembly in October 2018 and continuing until present day with the setting up of international coordination.

¹ Germany, Austria, Belgium, Spain, Finland, France, Ireland, Italy, Norway, Netherlands, United Kingdom and Switzerland.

PART A:

**CONTEXT AND CHALLENGES
OF PLATFORM WORK**

1. “PLATFORM WORK”: WHAT ARE WE TALKING ABOUT?

1.1 THE RISE OF ON-DEMAND LABOUR PLATFORMS

Platform work denotes “an employment form in which organizations or individuals use an online platform to access other organizations or individuals to solve specific problems or to provide specific services in exchange for payment” (Eurofound, 2018). The rise in this type of work (and the platforms organizing it) dates back to the turn of the 2010s. It is, however, part of a broader movement of “platformization” of the economy which actually dates back to the beginning of the 2000s (Srniczek, 2017; Zuboff, 2019).

Platformisation of the economy and centrality of “data”

The first digital platforms appeared in the wake of widening access to IT and the internet to the public at large during the 1990s. Following the internet bubble crash in 2001, Google in particular would go on to play a key role in inventing a new business model based on exploiting and monetising its users’ data and passing it on to third party advertisers. We then began to talk about a “platform” to describe “digital infrastructures that enable two or more groups to interact” (Srniczek, 2017: 25). The strength of this model is twofold. Firstly, it positions platforms as key intermediaries in a whole series of interactions: between “customers, advertisers, service providers, producers, suppliers, and even physical objects” (idem) – in which they retain part of the value. Today it is difficult to access content on the internet without going through Google, for example, or sell products online without going through Amazon: the “gatekeeper” positions that these platforms hold come with a high price tag. Secondly, this model also allows platforms to harvest growing quantities of data which allows them to concentrate power and wealth exponentially by using the data to improve their services or products, to predict or influence consumer trends or even to feed into the development of “artificial intelligence” solutions (see Casilli (2019) or Zuboff (2019)), a process that is being reinforced by the “network effects” that are especially prevalent in the sector. The network effect describes the process in which the usefulness of a product or service increases along with the number of people using it. The more people use Google, for example, the more data the company harvests which allows it to offer a better-performing service... which in turn attracts even more users.

Platforms are dominating the 21st century economy

During the 2000s, this model began to gain influence as connectivity levels and computing power increased, especially with the proliferation of the first “smart phones” (in 2007), the development of mobile internet (3G then 4G) and even the progress made in the domain of artificial intelligence. So much that over the next ten years or so, digital platforms would progressively replace the energy companies that traditionally headed up international stock exchanges. At this moment in time, of the world’s top ten companies in terms of market capitalisation, over half of them (including the top four or five) are digital platforms². Among them are the often talked about American “GAFAMs” (Google (Alphabet), Amazon, Facebook, Apple and Microsoft), closely followed by their Chinese rivals “BAT” (Baidu, Alibaba, Tencent).

There are, however, different models of digital platforms. Srnicek (2017), for example, distinguishes between “advertising platforms” (e.g. Google, Facebook), “cloud platforms” (e.g. Amazon Web Service (AWS)), “industrial platforms” (e.g. General Electric, Siemens), “product platforms” (e.g. Zipcar, Spotify) and finally “lean platforms” (e.g. Uber, Deliveroo). Not all of them have enjoyed the same levels of success (see Annexes A and B), but what they have in common lies in the centrality of how they harvest and exploit data as part of their business model, which has led many commentators to consider digital data as the “new oil of the 21st century” (The Economist, 2017).

Crisis of 2008 and a new generation of platforms

In this context, the 2008 financial and economic crisis would serve as a catalyst for the emergence and proliferation of a new type of platform including Airbnb (2008), Uber (2009) or even Deliveroo (2013) which quickly became household names.

On the one hand, this crisis indeed served to confirm the failure of market self-regulation, without a return to the vertically integrated structures of the 1960-70s appearing desirable or even possible. The hybrid model of the platform therefore became even more appealing as it seemed to be in a position to bypass the traditional contradictions between market and enterprise, transaction costs and coordination costs, which had structured the economic debate up to that point, including (and in particular) concerning the labour market and management of human resources (Casilli, 2019).

² See Annex A for a detailed overview of some of the world’s largest digital platforms.

On the other hand, the massive injection of liquidity into the international financial system that followed the 2008 crisis would translate into an equally massive influx of speculative capital in search of better returns (Srnicek, 2017; Bauraind, 2018). Many investors then turned towards the “new technology” sector, and especially towards the new generation of “platforms”, with the hope that over time they would emerge as the big winners in this new wave of digitalising the economy.

ON-DEMAND LABOUR PLATFORMS IN EUROPE

As indicated by Eurofound (2018), it is difficult to have an exact idea of the number of active on-demand labour platforms in Europe, given the different definitions that exist about them. Fabo et al., for example, identifies 173 at the EU level, while the European Commission found 273 for the single group of countries comprising Belgium, France, Germany, Italy, the Netherlands, Poland, Spain, Sweden and the UK (cited in Eurofound, 2018: 11).

One thing is certain, however, again according to Eurofound, "The legacy of the US platforms is still evident in Europe today. In all countries surveyed, they remain among the best-known platforms and are among the largest in terms of user numbers" (11).

In terms of type of tasks performed, "in most countries, smaller tasks dominate platform work, though platforms offering clickwork remain less common in Europe in comparison to other regions of the world. Larger tasks are more prevalent in Bulgaria (notably ICT tasks) and in the Netherlands (notably online tasks)" (13). In terms of type of activities, this time, "Professional services are the most widespread type of platform work in the majority of the countries analysed; these services include, for example, software development, data analytics, design, writing, translation and consulting. Platform work as an employment form tends to start off with the delivery of professional services online; then when it has become more established, it broadens to encompass other tasks, such as those delivered on-location (...)" (id.).

The same statistical vagueness prevails with regard to the number of workers active on these platforms, particularly because many use platform work only episodically. Brancati et al (2019), for example, show that out of a selection of 14 European countries, an average of 10.5% of the workers surveyed had already used platform work once in their lives and 8% used it at least once a month. Among these regular workers, however, only 2.3% made it their main source of income (more than 50% of income), with notable regional differences between the United Kingdom (3.6%) and Finland (0.9%), for example.

In terms of profile, Brancati et al. show that platform workers tend to be rather young men and "significantly more educated than the comparable general population". Among those for whom it is a "significant" or main activity, about 40% are men under 35, while all women are under 30%. More than half of these regular platform workers also have a higher level of education, compared to an average of 36% among offline workers.

An uncertain future

For now, however, there is still a long way to go before the success and longevity of these new platforms looks certain. Indeed, the majority of them have not yet managed to be profitable, with losses running into the hundreds of millions of euros for the most prominent among them such as Deliveroo (-208m€), Foodora (-136m€) or Takeaway.com (-115m€) (see Annex B). Moreover, as various surveys and analyses have pointed out (Brancati et al., 2019; ETUI, 2019), the phenomenon of platform work remains largely marginal at the scale of European economies, even if important differences exist between countries (see Box 1). In general, the only way their survival is guaranteed is through investor support... and their use of multiple forms of exploitation (and unique forms, in some cases) of labour (see below). As Srnicek explains, “Just like the earlier dot-com boom, growth in the lean platform sector is premised on expectations of future profits rather than on actual profits. The hope is that the low margin business of taxis will eventually pay off once Uber has gained a monopoly position. Until these firms reach monopoly status (and possibly even then), their profitability appears to be generated solely by the removal of costs and the lowering of wages and not by anything substantial.” An observation which leads the author to affirm that, “Far from representing the future of work or that of the economy, these models seem likely to fall apart in the coming years.” (Srnicek, 2017: 44-45)

1.2 CHARACTERISTICS AND OPERATIONS

Like any digital platform, on-demand labour platforms are therefore “digital infrastructures that enable two or more groups to interact” (see above). In this case, they seek to bring together users, consumers and workers. To achieve this, and alongside the many existing platform models (see below), “all of them perform three specific functions: (1) matching workers with demand; (2) providing a common set of tools and services that enable the delivery of work in exchange for compensation; and (3) setting governance rules whereby good actors are rewarded and poor behaviour is discouraged” (ILO, 2018: 1).

“Lean” platforms

Unlike other types of digital platforms, however, these on-demand labour platforms generally do not own any of the assets associated with the services they offer. “Uber, the world’s largest taxi company, owns no vehicles [...] and Airbnb, the largest accommodation provider, owns no property” (Srnicek, 2017: 39). This is why Srnicek refers to them as “lean platforms”, to the extent that “they operate through a hyper-outsourced model, whereby workers are outsourced,

fixed capital is outsourced, maintenance costs are outsourced, and training is outsourced. All that remains is a bare extractive minimum – control over the platform that enables a monopoly rent to be gained.” (Idem)

Platform work can therefore be characterised by the following traits (Eurofound, 2018):

- “paid work is organized through online platforms
- three parties are involved: the online platform, the worker and the client
- work is contracted out
- jobs are broken down into tasks
- services are provided on demand.”

Standardisation and outsourcing of work taken to the extreme

In reality, what these platforms are doing is taking the logic of standardisation and outsourcing of work that has dominated since the 1980s to the extreme (Casilli, 2019; Srnicek, 2017). Thanks to them, any company or individual can be granted access to a growing directory of workers and/or services that can be called up on demand, using largely automated procedures designed to guarantee speed, flexibility, efficiency and reliability.

From the platforms’ point of view, in positioning themselves merely as technical intermediaries, they are released from all of the obligations that would traditionally be associated with the status of employer (see below). Uber claims it is not a transport company employing hundreds of thousands of drivers, but instead a digital platform which brings self-employed drivers together with potential clients. The result? It doesn’t have to bear the costs of maintaining the vehicles or the drivers whose services they are offering...

And yet at the same time, insofar as these platforms nevertheless determine the very architecture of the exchanges they are offering, they inevitably control the content, conditions and access to work thanks to automated systems and procedures which make them even more efficient whilst making them all the more difficult to challenge (see below).

Harvesting and monopolisation of data

Furthermore, like all digital platforms, they also use their strategic position to harvest all of the data resulting from the interactions which they host and facilitate, for their benefit. In the sense that these all-important data constitutes one (if not the main) source of profit for these platforms, some consider that their production amounts to a form of work but without being

recognised as such and this is what stops them granting specific rights, starting with the right to remuneration. As Casilli goes on to explain (2019), in addition to the exploitation of what is ostensibly work but poorly paid and devoid of even the minimum forms of traditional wage protection (see below), on-demand labour platforms are also (and perhaps especially) based on exploiting the invisible production and processing of data, this time produced by all of the platform's users, clients and suppliers (Casilli, 2019). This therefore creates a continuum between the tightly designed platform work and "digital labour" in the broader sense on which all digital platforms are based, regardless of their model.

1.3 QUICK CLASSIFICATION OF ON-DEMAND LABOUR PLATFORMS

So far, we have discussed "on-demand labour platforms" *in general*. As the International Labour Organisation (ILO) clearly explains, however, "Digital platforms differ in their architecture, with some offering the exchange of highly substitutable or standardized work (platforms such as Uber or CrowdFlower), while others provide a space for workers to develop more specialized services and build a network (see, for example, Toptal). As a result, the architecture of the platform has important implications for the workers' autonomy, as well as their working conditions and earnings. As the gatekeepers of demand, platforms may "commodify" workers to differing degrees" (ILO, 2018: 1).

It may therefore be useful to draw up a classification of the different on-demand labour platforms and ask questions about the consequences of these different models on working conditions and the well-being of the workers who use them.

Five distinguishing criteria

Eurofound undertook this exercise and identified ten different³ types of work among the platforms that have achieved a certain critical mass in Europe (both in terms of size and workers). The five criteria used to distinguish them are as follows:

- 1) **The scale of the tasks being performed:** these might be classified as "micro-tasks" (such as in the case of "clickwork" platforms); or routine tasks (e.g. delivering meals), or fully-fledged projects (e.g. freelance graphic design projects).

³ The different types are as follows: 1) on-location client-determined routine work ; 2) on-location platform-determined routine work ; 3) on-location client-determined moderately skilled work ; 4) on-location worker-initiated moderately skilled work ; 5) on-location client-determined higher-skilled work ; 6) on-location platform-determined higher-skilled work ; 7) online moderately skilled clickwork ; 8) online platform-determined higher-skilled work ; 9) online client-determined specialist work ; et 10) online contestant specialist work.

- 2) **The place where the services are being provided:** the work can be carried out either online (e.g. moderating content), or “on site” (e.g. taxi hire).
- 3) **The level of skills required:** the tasks on offer may require low level qualifications (e.g. annotating images), mid-level qualifications (e.g. personal assistance to individuals) or highly qualified (e.g. computer repair).
- 4) **The process by which workers are allocated to a client:** here we can distinguish between the platforms that work by generating competition among workers (e.g. “crowdsourcing” platforms) from those that work with the workers offering services themselves (e.g. the platforms which offer projects up to potential clients).
- 5) **The party that determines how work is allocated:** here we can distinguish between the platforms that decide for themselves which workers will perform the tasks (e.g. Deliveroo) from those that allow clients to make that decision (e.g. Upwork).

“Ethical” platforms?

This classification sheds light on some of the characteristics that make a particular contribution to platform work being difficult, precarious and undervalued. Indeed, the more the available work is, for example, piecemeal, poorly qualified and opened up to online competition all across the world (as is the case of “clickwork” uploaded to platforms such as Amazon Mechanical Turk), the more the working conditions (in terms of remuneration, content and even resolving potential conflicts) are likely to be poor (see below). We must be careful, however, not to see these poor working conditions as merely an automatic consequence of the technical characteristics of the work offered by platforms.

As Gray Mary & Siddharth in particular point out, “treating workers like ghostly figures is not a given or necessary element of on-demand services” (2020: 411). The authors are thus distinguishing the platforms which integrate workers’ interests into their very architecture and operations from those which neglect them or even set out to harm them deliberately. In the first category there are companies such as LeadGenius or CloudFactory which, as Gray Mary & Siddharth explain, work on the basis of a “double bottom line by design,”

“In the on-demand marketplace, B Corps like CloudFactory push back against the prevailing notion that people doing ghost work are expendable. They prioritize worker’s schedules, interests, and collaboration. Ultimately, these platforms show how worker-focused design can improve the quality of work produced and worker’s experiences of their jobs” (idem: 413).

In the second category, we find platforms such as Uber which instead adopt the dominant model of the “single bottom line”, “On-demand services that sell themselves as software companies typically maximise their bottom lines by cashing in on both sides of the ghost work market” (idem: 405). This applies to the users of their services of course, but also to the workers’ side, whom they also treat as mere users of their platform, with all of the ensuing problems. Taking workers’ interests into account in the very designing of platforms also, however, has its limitations, as Gray Mary & Siddhart themselves are also keen to recognise (2020: 440-450). These limits are ultimately those of the very process of the platformisation of work (where we may legitimately ask questions about its motivation and structural characteristics), beginning with the outsourcing and taskification of work. As Gray Mary & Siddhart explain, for example, on the subject of LeadGenius, one of the platforms which touts the interests of their workers as being an inherent part of their architecture, “LeadGenius can afford to treat full-time and part-time workers, regardless of where they live on the planet, as, effectively, the same. The company, however, can’t afford to offer them healthcare, paid leave, or social security benefits that would transfer globally” (idem: 441).

2. CONSEQUENCES OF PLATFORM WORK

2.1 LEGAL UNCERTAINTIES AND INSECURITY

From a legal point of view, the main consequence of platform work is the legal uncertainty surrounding it and which the workers find themselves having to grapple with. They operate in a grey area between self-employment and salaried work, with some even seeing themselves denied the quality of workers⁴. There are two main reasons for this state of affairs.

Work which inverts traditional concepts... of work

First and foremost, there are the very characteristics of platform work, many of which simply don't fit into the traditional definitions and distinctions that structure labour rights (Eurofound, 2018: 43-46; European Commission, 2020: 67-71). The notion of "subordination", in particular is central in establishing whether an employment relationship falls into the category of salaried work or self-employment. As explained by a memo drafted for the European Parliament, in the case of platforms, "The assessment of 'subordination' is difficult to apply (...) due to the flexibility and autonomy that platform workers have and the triangular relationship between the platform worker, the platform and the client" (IPOL, 2020). Furthermore, according to the same memo, this difficulty is further complicated in Europe by the heterogeneity of national legislation on labour relations:

"Concepts of 'worker'(employee), 'self-employed' and 'employer' are typically not defined in EU and national legislation and vary significantly between Member States. The EU and national judiciaries apply different assessment criteria to determine employment relationships and the status of workers. For the application of some EU labour legislation, the CJEU considers 'subordination' as the critical criterion, but not 'economic dependency', as is the case in some national jurisdictions." (Idem)

Platforms play the ambiguity card deliberately

The majority of platforms reinforce this ambiguity by attempting to shirk all of their employer obligations and treat their workers as self-employed, even when there is ample evidence to prove relations of subordination and dependence between them and their workers. From this

⁴ This is especially the case for workers performing "micro-tasks" on "clickwork" platforms. They are so fragmented and their remuneration so derisory that it is difficult to call it work at all, an ambiguity on which platforms play especially to avoid having to respect these workers' fundamental rights.

point of view, it is interesting to observe that when asked to state their employment status themselves, a large proportion of platform workers (over 40%) define themselves as "employees" (Brancati et al., 2019: 20), which, according to Brancati et al. "suggests that many of them probably consider their work via platforms as subordinate employment" (id.). Worse still, some platforms deliberately try to cover up this evidence by using vocabulary that is specifically designed to replace the terms that might suggest the existence of a "traditional" employment relationship. In 2017, The Guardian revealed a banned list of terms that the company Deliveroo had sent to their managers because the connotations with wages were considered too strong, along with a list of their preferred terms, whereas the number of reclassification lawsuits from couriers was on the rise. "Instead of hiring riders at a recruitment centre, for example, senior staff undertake "onboarding" at a "supply centre". They must also talk about riders' "availability" rather than refer to shifts. As an example, it tells staff they should not tell riders, "You did not attend a shift" and should instead say, "You were unavailable to accept orders at a previously agreed time." Riders' branded outfits must not be described as uniform, but only as "kit" or "equipment"." (The Guardian, 2017)

A triple negation of wage rights

The result is that at this point in time, an overwhelming majority of platform workers are falling outside the scope of the rights, protections and guarantees that would normally be associated with the status of salaried worker, and this is happening on three levels:

1) **at the level of individual labour law:** platform workers do not benefit, for example, from any guarantees in terms of remuneration, working hours, job stability or even protection from unfair dismissal, which salaried workers would normally be entitled to (Eurofound, 2018; European Commission, 2020; ILO, 2018a, 2018b).

2) **at the level of social security and health and safety at work measures:** platform workers are generally required to insure themselves against any risks of performing their job and, more broadly, from the risks normally covered by social security (e.g. sickness, unemployment, old age) (Eurofound, 2018; European Commission, 2020; ILO, 2018b).

3) **at the level of collective labour rights:** nor do platform workers benefit from the collective rights normally accessible to salaried workers, starting with the freedom of association, the right to collective bargaining or even the right to strike (ILO, 2016b). From a strictly legal point of view, the recourse to these collective rights by self-employed workers can in certain cases be considered infringements of competition law (IPOL, 2020).

Contractual asymmetry between workers and the platform

This situation is even more problematic as there is a deep asymmetry between the workers and platforms when setting the contractual terms of their exchange, as well as when it comes to ensuring they are respected (European Commission, 2020: 70-71; IPOL, 2020). Currently, these terms are set unilaterally by the platform on the basis of conditions that are largely disadvantageous for workers (e.g. use of complex and technical language, weak protection for certain basic contractual rights, weak protection in the event of the contract being suspended or terminated, and even weak conflict resolution mechanisms), which makes it even more difficult to have them contested in a court of law. Given the numerous ambiguities characterising their working relationship (ambiguities deliberately stoked up by the platforms themselves) platform workers generally are only left with the option of attempting to obtain clarification on their status via these same courts of law (Eurofound, 2018; IPOL, 2020).

2.2 DEGRADATION OF WORKING CONDITIONS

In terms of consequences on working conditions, several studies have underlined the problems posed by platform work in the areas listed below. We note, however, that many of these consequences are not unique to platform work. There is a general trend towards the worsening of working conditions, but platform work is still one of the most flagrant examples.

Weak and uncertain remuneration

Structurally, this is weak and uncertain in platform work (ILO, 2016c; European Commission, 2020: 72-75). This is linked to the 'payment per task' system which offers no guarantee of a minimum wage whilst at the same time not factoring into the wage the other tasks or working time which are necessary or linked to performing the job (e.g. generating and processing data is almost systematically rejected and therefore not included in the wage (Casilli, 2019); time spent looking for tasks or managing profiles isn't included in the wage either (Gray & Suri, 2020)). In a survey published in 2018, the ILO found that micro-workers earned an average of \$4.43 per hour in 2017 if only paid work is counted and \$3.31 per hour if total paid and unpaid hours are considered. There was, however, a significant difference between regions. Workers in North America (\$4.70 per hour) and Europe and Central Asia (\$3.00 per hour) earned more than workers in other regions, where pay ranged from \$1.33 (Africa) to \$2.22 (Asia and the Pacific) per hour of paid and unpaid work. Poor wages are also directly linked to the low levels of qualifications that are generally required for performing the tasks, which are often precisely

fragmented and disqualified in the extreme for this very purpose, also driving up competition between workers to the maximum, including internationally (in the case of online work) (ILO, 2016c; Gray & Suri, 2020).

Excessively long and unstable working hours

Due to the absence of a minimum wage for platform work as well as the sector's low wages, platform workers generally have to work especially long hours to ensure they have a decent minimum wage (Eurofound, 2018: 25-26; European Commission, 2020: 75-77). This is particularly the case for the minority of workers who depend entirely upon it for their survival. According to Pesole et al. (2018), for example, these workers regularly work over 60 hours per week. At the same time, however, there is nothing to guarantee that these workers will be offered sufficient work to achieve this minimum wage, which can force them to make themselves available at all times of day to ensure that they don't miss out on an opportunity, whilst running the risk of seeing the unpaid hours spent waiting amount to nothing. In addition to the question of excessively long hours, it is the unpredictable nature of these hours and the problems caused in terms of existential security and work-life balance that are the main working time issues when it comes to platform work.

Flouting of health and safety

There are multiple problems with platform work from this point of view (Eurofound, 2018: 25-27; European Commission, 2020: 60-64 ; ILO, 2018b). The health and safety of platform workers is directly compromised by the majority of platforms' refusal to address them explicitly, refusing to cover their workers for accidents at work or even denying them proper equipment in order for them to do their jobs safely. But workers' health and safety is also indirectly compromised due to the pressure they are under due to competition or even the pressure that they indirectly feel to work as quickly as possible and maximise their pay slip.

Lack of career prospects

Career prospects are notoriously lacking in platform work (Eurofound, 2018: 32-33; European Commission, 2020: 78-79), essentially for three reasons. The first is linked to poor and uncertain wages, as well as the fluctuating working hours which make it particularly difficult for workers to see themselves doing this kind of work on a lasting basis. The second is linked to the lack of qualifications and structural interchangeability of the tasks proposed which makes it more difficult to consolidate skills over time. Finally, platform workers generally have no access to

training programs which would allow them to move up through their company or any other, either because the programs do not exist in the first place or because they don't know about them or because their working hours wouldn't allow them to attend.

Alienation and bogus self-employment

Platform work is often presented by its supporters and by the platforms themselves as a form of work that promotes worker autonomy (European Commission, 2020: 75; WEF, 2020), especially because in theory workers are free to choose their own hours. This autonomy does exist in a certain number of platforms but, for the vast majority, it is largely a work of fiction. This is firstly because the low wages and payment by the task mean that for many workers they have to connect as often as possible with the hope of achieving a minimum level of remuneration which largely invalidates the argument about having control over their own time. Then it is because the scarcity of opportunities to work given the number of potential workers also means all too often that platform workers have to connect at times when they know or are hoping that tasks will indeed be available, even if these moments are not particularly convenient for them. The final reason is that many platforms directly intervene anyway when it comes to the times when workers can connect and/or the tasks they can access.

At the same time, reducing workers' autonomy to only allowing them (either genuinely or in appearances only) the choice of when to work is especially problematic. What this effectively does is overlook the capacity that the workers have or do not have to exert even a minimal level of control over the content of their work, its organization, its evaluation and even its remuneration (Eurofound, 2018: 21-22; European Commission, 2020: 55-57; Gray & Suri, 2020). Even though this capacity varies from one platform to another, one of the fundamental characteristics of platform work is still the heavy reliance on automatised procedures for managing labour relations, which some call "algorithmic management" (Mateescu & Nguyen, 2019) and which is almost entirely designed to rule out any possibility for workers to exert control over the various dimensions of their work (Eurofound, 2018: 21-22; European Commission, 2020: 55-59).

Difficulties with meaning and recognition

The extreme automation, standardisation and even fragmentation that characterise several types of platform work also raise the question of the meaning and recognition they afford (or do not, as the case may be) (Gray & Suri, 2020; ILO, 2018b). We know, for example, that the ability to attribute positive meaning to our work largely depends on our ability to see usefulness and

purpose in it, which becomes all the more difficult when performing isolated and unrelated tasks, meaning it is not always possible to know exactly what their purpose is. Similarly, it is difficult or even impossible to forge a meaningful professional identity with such random, unstable and ambiguous forms of work as the ones that prevail overwhelmingly in platform work.

At the same time, we might also raise the question of recognition (from the employer, clients or even other workers) which is undermined in platform work even though it is another key element in a person's ability to attribute positive meaning to their work (European Commission, 2020: 57-59; Gray & Suri, 2020). In platform work, this recognition suffers in particular from the ambiguity of the workers' status as it is not always clear for whom exactly they are working (see above), and therefore from whom they are entitled to expect a minimum level of recognition and in what form. It also suffers (perhaps even more so) from the automation of evaluation and control procedures for their work which results in radical dehumanisation (see above). Finally, it also suffers from the isolation and individualisation of platform workers which makes it far more difficult for these workers to develop forms of recognition among themselves, and more broadly, any lasting or somewhat consistent solidarity.

Individualisation and fragmentation of labour relations

This isolation and radical individualisation are one final problematic aspect of platform work (Eurofound, 2018: 28-31; European Commission, 2020: 84-92; ILO, 2016b). Once again, it stems from the unstable, ambiguous and random nature of this type of work which makes it particularly difficult, and in some cases impossible, to form any genuine labour collectives (Gray & Suri, 2020). This is either because the turnover of workers at any one platform is too high or because the way they work prevents them from forming any relationships with other workers. One other reason is that not all workers resort to using these platforms for the same reasons and in the same ways (e.g. for some it constitutes their main source of income, whereas others use it only intermittently or alongside other types of work). Lastly, it may be because the platforms themselves deliberately and actively try to prevent these types of relationships from being established or consolidated (e.g. by closing areas for socialising, shutting down chat groups).

The consequences therefore first emerge subjectively in the difficulties that platform workers have in being able to form a professional identity based on the existence of a stable and stabilising labour collective, with all that entails in terms of isolation and individual vulnerability. But this time, there are also political consequences arising from the difficulties that these workers feel in identifying, building and collectively defending their interests, with the

predictable consequences of collective vulnerability and power imbalances between employers and workers (ILO, 2016b).

This observation, however, must be qualified by the fact that despite all of these difficulties, platform workers are still managing to mobilise and fight collectively to improve their working conditions which in itself constitutes an achievement that we will revisit in greater detail (see below).

2.3 NEGATIVE EXTERNALITIES AND CONCENTRATION OF POWER

Finally, it is also important to underline the consequences that the development of platform work is having on societies as a whole. We can cite at least four.

Disruption of whole sectors

Firstly, the destabilisation that these platforms have caused to the operations of a whole series of sectors and structures, which now find themselves left to the mercy of their competitors (Bauraind, 2018; IPOL, 2020): commonly referred to as the “uberisation” of a given sector. The most prominent cases are of course the taxi industry, for example, in which drivers are subject to obligations and regulations which a company such as Uber largely manages to evade because it positions itself primarily as a “tech” company (see above), or even the tourism and hotel accommodation sector which finds itself competing with a platform such as Airbnb, which also largely evades the sector’s regulations under the guise of “technological innovation”. The risk posed by these “disruptions” is twofold. On the one hand, there is a risk of seeing a rise in various kinds of dumping (fiscal, social, regulatory) in sectors witnessing platformisation, with a race to the bottom driven by the often-questionable practices of these new ventures. On the other hand, there is a risk of seeing more social conflicts, including with the potential for violence, between representatives from traditional sectors and the new platforms as seen in the taxi sector (Abdelnour & Bernard, 2019; 2020) and even the accommodation sector.

More broadly, the disruption driven by these platforms, exemplified by famous slogans such as “ask for forgiveness, not permission” (Grace Hopper) or even “move fast and break things” (Facebook) also translates into the growing problematic consequences for which they generally refuse to assume even the slightest responsibility. This is what economists are calling “negative externalities”, a phenomenon which is not unique to on-demand labour platforms, but which in their case is reaching particularly worrying proportions because of how they are designed and run (the race for innovation and maximal outsourcing (Srnicek, 2017; Zuboff, 2019)). As we have

seen, by positioning themselves as simple intermediaries, these platforms refuse to assume even the slightest responsibility towards the people who work for them or even the economic sectors they are helping to destabilise but also, and more broadly, the communities surrounding them. This was the case, for example, when the development of Airbnb generated not only a crisis within the tourist accommodation sector, but also led to skyrocketing rents in many cities that were already suffering from a shortage of affordable housing (Wachsmuth & al., 2018). Or when the development of Uber undermined the traditional taxi sector, whilst leading to additional vehicle congestion in major cities (The Verge, 2019).

Weakening of labour rights and social security

Thirdly, we have also seen the extent to which the particular way these platforms are run constitutes a risk for their workers' individual and collective rights (see above). But this is also the case even at the level of fundamental social institutions such as labour law or social security. The consequence of the growth in platform work is therefore not only to deprive an increasing number of workers of these institutions. Another consequence is that it weakens the institutions themselves. Where labour law is concerned, the development of platform work has opened up a breach that has allowed a growing number of companies to circumvent some of the most fundamental provisions, with the risk of eventually seeing more and more calls to have them revised (downwards) supposedly so as to take into account these "new realities of work" (see below). Similarly, as far as social security is concerned, the increased use of platform work specifically translates into a loss of earnings linked to the absence (or low level) of contributions paid by workers and the platforms employing them⁵, whilst creating a growing proportion of workers who are excluded from protections linked to ageing, unemployment or even illness.

Monopolisation and appropriation of data

Finally, the last problem posed by the development of platform work at society level relates to the phenomenon of platformisation in general, and the problem it raises in terms of monopolies and more generally the concentration of economic and political power linked to controlling the all-important digital data (Casilli, 2019; Srnicek, 2017; Zuboff, 2019). As previously mentioned,

⁵ The exact amount of these lost earnings is, however, impossible to quantify given the statistical difficulties posed by the very definition of platform work, which make it impossible to have an exact vision of the scale of the phenomenon, especially at European Union level (see Eurofound, 2018).

what is at the heart of these platforms' models (and what the investors hoping to profit from them are banking on) is their capacity to be able to compile and exploit as much data as possible in order to become a sectoral monopoly in digital intelligence following the model used by Amazon in the mass distribution sector, for example, or Google in advertising (Gurumurthy & al.,2019). This is why Uber's ambition is to become the main player in the transport sector by developing artificial intelligence solutions capable of optimally managing "autonomous" fleets (Godin, 2015). And Deliveroo is seeking to mobilise the data it is collecting on its clients' consumption trends to feed back up the value chain in the food sector by developing artificial intelligence solutions that make it possible to determine what new meals or foods could be developed for which markets or take charge of restaurants' operational management in a "smart" way (Bell, 2019).

These perspectives raise at least two questions. Firstly, there is the question of the monopolistic position which by definition means that the platformisation strategy has already been successful within a sector (Gurumurthy & al.,2019; Zuboff, 2019). This question is already being asked, especially for the largest of the current digital platforms, starting with the GAFAs, which a recent enquiry by the US Congress showed in detail how their position was harmful to free competition, innovation and the democratic vitality of American society (US House of Representatives, 2020). In Europe, too, the discussions surrounding the *Digital Service Act* (DSA) are in a large part focused on ways of guarding against the risks of these digital monopolies, especially in a context in which the largest of them are based outside of Europe (Euronews, 2020). These same questions are therefore sure to arise for on-demand labour platforms if they ever reach a critical size and manage to stabilise their economic model (see above).

In the meantime, however, there is already the question of the economic and political power that these platforms are amassing where their workers are concerned (Casilli, 2019; Singh, 2020), their clients, their competitors and even where States are concerned thanks to the growing and varied quantities of data they are compiling and appropriating as their own (US House of Representatives, 2020). Privately appropriating data (individual and collective) that has been generated by others raises questions not only from an economic point of view (is it lawful for these platforms to monopolise data generated by their users, especially those who are not paid to do the work of producing it? (See Casilli, 2019), but also from a political point of view (is it lawful for these platforms to monopolise data that in some instances could be considered public goods, such as data on road traffic, for example? (JNC, 2019)).

B. STRATEGIES TO TACKLE NAKED LABOUR

A “naked” worker, paid very poorly by the task, not protected by social security, under threat; a fragmented worker, without an official representative or the possibility of having rights or negotiations because he works for an employer who doesn’t want to be one, and yet who has control through the app, capturing its data, the crucial resources from the world of business today. How can we fight against this new form of employment?

We set out here two strategies: the first is aimed at platforms directly. Workers unite, organise and mobilise, together with or on the fringes of trade unions, to get platforms to change their practices. In the process, a new collective “glocal” actor (one who acts locally and thinks globally) is being created, starting with the grassroots level and rising to transnational level. Here we will focus on the case study of the European Couriers’ Assembly.

The second, complementary, strategy consists of acting on the law, especially at the national level. Here, workers have sought to obtain favourable case law which has paved the way for many on-demand workers, riders or drivers to be reclassified as salaried workers, thus kindling the flame of claiming back salaried rights and protections.

Each of these strategies faces sizeable challenges. They include: reinventing collective structures for representing and mobilising workers and adapting them in line with the reality of on-demand labour platforms or even the need to challenge governments, often in cahoots with platforms and which more often than not are assisting current levels of deregulation. More broadly, there is also the question of the very contours of the digital economy in which on-demand labour platforms are just the tip of the iceberg.

1. TARGETING PLATFORMS: BUILDING A COLLECTIVE GLOCAL ACTOR

When taking on platform companies, the new actors in the struggle (platform workers) start by grouping together in collectives. Then they join forces with trade union structures so that they can organise, in different ways depending on the country. They organise direct action and strikes with demands that are promoted all over the globe. The collectives also use the media as arsenal and create convergences between precarious and uberised sectors, paving the way for a potential “cybertariat”⁶.

Collectives act on multiple levels: their mobilisations take place at local, national but also international level, as was seen by the organising of the European Couriers’ Assembly in October 2018 or even the international coordination named Alianza Unidxs World Action (UWA), bringing together drivers and riders, in October 2020.

Whilst, for now, the gains made by this first strategy may seem limited, its real success is to be found in its progressive creation of a new “glocal” actor. The main remaining challenges are, among others, coordinating demands at different levels (local, national and, especially, transnational) to extract a common substratum of demands, as well as taking into account the specific characteristics of platform work when demanding new digital labour rights.

This part is essentially based on our specific field of research: the hot meal delivery sector. We have also added more marginally and as a counterpoint some information concerning Uber drivers⁷. Through these examples, we gain an understanding of just how specific and fragile organising platform workers is.

1.1 FORMING NEW COLLECTIVES

Between 2016 and 2017, Europe formed the backdrop for a whole series of different actions, triggered by angry platform workers, mainly working in the bicycle meal delivery sector. The starting point for creating these new collectives was generally the unilateral and drastic slashing of wages. Workers then resorted to the virtual world of social media to join forces but they also

⁶ Ursula Huws (2014) uses the term “cybertariat” to denote jobs that assist production and are practiced on an interposed screen: the standardised tasks performed by individuals only allow them to develop generic skills, encouraging strong occupational mobility. For a classical Marxist analysis of the subject, see also (Dyer-Witthford, 2015).

⁷ The case of drivers, covered here only as a counterpoint, is based on the literature and in particular on (Abdelnour, Bernard, 2019a and b) and (Abdelnour, Bernard, 2020).

met in person and saw the need to mobilise. Then they began to organise either together with or alongside trade unions. These workers' collectives therefore emerged as the trailblazers in a new "cybertariat". This is why it is so important to understand the **new forms of collective identification and representation** at work in these various collectives and the role played by the trade unions.

Forming a community despite being separated in time and space

The on-demand labour platform sector primarily analysed here, hot meal delivery, is facing **three particular difficulties with regard to organising** (also see above, Part A).

The first obstacle is that the labour communities are **fragmented**. Only the platforms have access to contact details of all workers in a given area.

The second obstacle is that these communities are also **separated by time**. For couriers, this is linked to both the **discontinuity** of working periods and **working time**⁸: on average, a courier is active for two or three months and works 10 hours a week: this means that both the high levels of rotation (or turnover) of workers in the sector as well as the intermittent times worked pose genuine difficulties in their ability to organise. There is a different perception of this obstacle among drivers who see the issue somewhat differently. "They have to work thirteen to fourteen hours per day, seven days a week, to earn an amount slightly higher than the minimum wage" (Abdelnour, Bernard, 2020: 52). These long hours spent working alone are not conducive to organising, either.

Finally, the third obstacle is the **diversity of their sociological profiles**. This means that overlapping demands have to be sought out between workers with very different interests: indeed, what is the common link between the student only putting in a few hours a week to save up for a holiday; the artist who is self-employed on the side, who works to top up his greatly fluctuating income and the under-qualified worker, often belonging to a racialised group, who has no other choice than to work 40 to 50 hours a week because there are no other jobs on offer due to qualifications or legal status issues? Furthermore, it has been observed that over time, this diversity has changed. The couriers of the first platforms which appeared in 2013 (Take Eat Easy and Deliveroo⁹) did not come from the same social strata as those who are now delivering:

⁸ The following figures are provided by Smart (2017)

⁹ This last category presents another challenge, that of "identity borrowers". They are minors or undocumented who, without a national number allowing them to register on the platform's application, borrow credentials from anyone willing to lend them. These "sub-contractors" therefore only receive some (often a small amount) of the the order, depending on how willing their lender is. Revealed on France 2, a survey on the undeclared work of migrants in the sector caused a scandal in France: https://www.francetvinfo.fr/economie/autoentrepreneurs/travail-dissimule-de-sans-papiers-travail-illegal-de-mineur-dans-les-coulisses-d-uber-eats-et-deliveroo_2980647.html This issue also made the headlines of the New York Times, see Alderman (2019).

they have gone from “middle class couriers, mainly bike lovers, who were bored of their jobs and wanted to change their lives by doing some sport, to a relatively young population facing discrimination on the labour market or indeed students”^{10 11}.

Two French surveys¹² show that, within the space of two years, developments within the social composition of those surveyed point to a sharp increase in the presence of “professional” delivery workers, i.e. with no other activity (either paid or in the form of training), to the detriment of those engaging in this activity either to top up their income or finance their studies. “Professional” delivery workers increased from 25 to 48% in the space of two years among the population surveyed. The significant increase in full time workers with this activity being their sole livelihood makes it necessary to **think of these activities as an occupation and of these workers as requiring collective organisation in the face of these predatory platforms.**

If we look at the taxi drivers’ situation, the final obstacle to mobilisation linked to the heterogeneity of the working population contains less truth. There does indeed appear to be a certain homogeneity with relatively similar profiles: they are “young, male, in the main part from working class neighbourhoods on the outskirts of large cities (...) often with prior experience on the edges of the world of work but for many feeling far removed from trade unions” (Abdelnour, Bernard, 2020: 51).

Aggregate: thanks to social networks, leaflets and meeting places

However, despite all of the sector’s difficulties, self-organised collectives have been created wherever platforms are active. **The stages in their creation** are similar from one country to another. They generally start with **Facebook, WhatsApp or Telegram groups** which are used to organise the first groupings. The “virtual community” this creates is important in meeting the challenge of fragmentation. Then, the organised workers produce leaflets whenever some form of action is planned, and they distribute them to all couriers whilst sending the information around on social networks. All of these socialising stages, both virtual and real, raise **collective awareness** of a shared identity. So as to respond to the fragmentation referenced above, one other necessity “that unites all couriers is that of creating and sharing **common areas for breaks and resting periods.** These assembly areas can either be workshops where bicycles are repaired for free, which promotes self-organisation, or specific meeting points in the city. For the drivers, to “break through the isolation of independent workers working in an isolated manner, social

¹⁰ For detailed identity cards from the main platforms in the sector, see Annex A.

¹¹ Presentation meeting of Coopcycle, “les Economistes Atterrés”, ATTAC headquarters, 12

¹² Two surveys were each carried out on approximately a hundred delivery workers working in the area of East Paris, one during October-December 2016, and the other during January-March 2018 (Aguilera et al., 2018).

networks and other messaging applications represent an additional tool (along with the gatherings in front of Uber's headquarters) used by the leaders to mobilise and keep up drivers' commitment levels" (ibid, 58).

Social networks, flyers and meeting places are therefore three key elements in the first phase of forming a collective that aims to bring together as many workers as possible in each city, with a view to working on joint future actions. Then, three factors make it possible to consolidate and grow these groups so as to **move from aggregation to organisation**.

Firstly, **the change of geographical scale**. Local collectives need to meet each other, or even scale up to national level. For example, "*in April 2018, we held a coordination assembly at national level bringing together the couriers from all local platforms, and we launched a joint 1st May initiative in Bologna, Milan and Turin*" (Riders Union, Bologna, Italy¹³). Among the 38 collectives listed¹⁴, 14 have already achieved national representation, 6 at regional level and 18 at city level¹⁵. At transnational level, it is still in the making, whether at European or international level (see below).

Secondly, it is obviously **the taking part in collectives' mobilisations** that allows them to consolidate by progressively forming a collective identity. This is not a given, it is built *through* the ways of discussing work, expressing common demands and especially *through* mobilising... Experience has shown that solidarity and the feeling of belonging to a community are greatly activated in times of action. Similarly, for drivers: "the group leaders plan action which is sometimes aimed at keeping the group together. Social activities appear to be extremely important. Barbecues organised outside of Uber's headquarters, for example, create and bring to life solidarity among the strikers to avoid defections and maintain a collective effervescence" (ibid: 57).

And finally, reinforcing them also creates **links with certain trade union organisations**, even if these links may vary depending on the country and organisational trends in question.

Organising: together with or on the fringes of trade unions

In many respects, mobilising platform workers constitutes a renewal of trade unionism which may raise questions about the links and trends of "traditional" trade unions. A first trend, which seeks to extend the heritage of anarcho-trade unionism or revolutionary trade unionism and

¹³ All of the quotations from workers which appear in the text are taken from debates at the European Couriers' General Assembly which took place in October 2018 (see above).

¹⁴ Annex C: Collective and Unions in hot meal delivery sector.

¹⁵ Norway, the Netherlands, France, Germany (two collectives), the United Kingdom, Finland and Austria. See details in the table in Annex C.

favour self-organisation stands in opposition to a second trend in trade unionism known as “reformist” or “institutional”. This first trend considers that trade union action is aimed at both bringing about improvements in workers’ daily lives and at building strike movements with the objective of radically transforming society. For those backing this approach, the emancipation of salaried workers can only come from workers’ direct action, in other words, their capacity to shape the course of history by their struggles, outside of providential recourse to political parties or the State. The **English, Spanish, Italian** and one of the two **German** couriers’ collectives are some examples belonging to this trend¹⁶. They either have links or have been created by trade unions that are sensitive to the issue (see insert below).

EXAMPLES OF ACTION-ORIENTED TRADE UNIONS LINKED TO COURIERS’ COLLECTIVES

United Kingdom: IWGB (Independent Workers Union of Great Britain): The IWGB, a frontrunner, supports collectives (Riders Roovolt) in the meal delivery sector as well as the spontaneous strikes accompanied by demonstrations which were carried out in summer 2016 by the couriers of Deliveroo¹⁷. The IWGB is a small trade union, founded in 2013. It is the result of a split from the major British trade unions¹⁸ “during a number of struggles in which some groups of members judged their trade union to be insufficiently combative and too limited to legal action (...). It carries out grassroots mobilisations with strikes, occupying symbolic locations, manifestations on public highways and imaginative use of the media (Freyssinet, 2019: 40). It wishes to represent precarious salaried workers, often immigrants, especially working in sub-contracting (such as cleaners and security guards) and the platform economy. It should be pointed out that the IWGB has also attempted to take legal action against several platforms on a whole series of employment-related issues (see part B.2).

United Kingdom: IWW (Industrial Workers of the World)

The IWW has adopted the same trade unionism targets and the same combative strategy as the IWGB. The British section of the IWW has created a network called “Couriers Network”¹⁹. The IWW is an international trade union founded in the United States in 1905 with headquarters based in Chicago. In its heyday, in 1923, the organisation had approximately 100,000 active members. Today it has 4000. The IWW, advocates of self-management, sees workers’ unity within “One Big Union” as a fundamental principle and aim to abolish the notion of salaried work.

Germany: FAU (Freie Arbeiterinnen- und Arbeiter-Union, free workers’ trade union)

¹⁶ For a directory of all couriers’ collectives per country, see Annex C.

¹⁷ These activities are described in detail in the following part.

¹⁸ UNITE for the private sector and UNISON for public services.

¹⁹ This network has always benefited from a great deal of independence as far as the trade union IWW is concerned and represents workers whether they are members or not, so as to bring informal couriers’ networks together as one structure which is more flexible than a trade union working on the basis of individual membership.

The anarchist Germain trade union claims to be “closer to our IWGB and IWW British colleagues carrying out more direct action than to the German Trade union for the hotel, restaurant, café and hospitality sectors (NGG) which is more institutional”. Deliverunion is a campaign launched by the anarchic grassroots union FAU (Freie Arbeiterinnen- und Arbeiter-Union). The campaign is aimed at Berlin riders working for Foodora and Deliveroo. Deliverunion fights for 5 key demands: the covering by the company of equipment repair costs that are currently borne by riders; an increase in wages of 1 euro per hour or per delivery; a sufficient amount of shifts and work-hours to make a living; transparency about the worked hours; and payment for shift-planning activities for at least one hour per week. In order to achieve these objectives, Deliverunion organises monthly meetings and occasional strikes.

All of these small combative trade unions are particularly active in the delivery sector and have been waging long-fought mobilisation campaigns. They are “*on the other hand completely absent from other sectors of the on demand platform economy such as domestic services or occasional jobs*”²⁰ (Vandaele, 2018: 20).

In **France** and in **Belgium**, we are seeing the emergence of a category of “intermediary” collectives: they are informally linked to large trade unions, which make up the main actors in the trade union landscape and which combine institutional activities and combative practices. In Belgium, the General Labour Federation of Belgium (FGTB²¹) has had relatively marginal involvement in the issue initially, before developing links between the Flemish trade union section UBOT-ACVV and the couriers’ collective of Ghent²². The couriers’ collective in Brussels has been heavily supported both from a logistics and an argumentative point of view in particular by the national central employees’ organisation (CNE) and by Transcom from the Christian Trade Union Confederation side (CSC)²³. After having supported the collective in its actions, the CSC ultimately decided to set up a specific agency for self-employed workers called *United Freelancers*²⁴. This is also symptomatic of growing developments in an independent form of trade unionism, revived through the needs of the bogus self-employed²⁵.

²⁰ Domestic work platforms include, for example, Helping (<https://www.helping.fr/>) or Upwork for casual labour.

²¹ On the FGTB side, three professional central FGTB organisations are concerned by meal delivery: HORVAL, mainly responsible for the food sector, the Belgian Transport Union (UBT) and the Trade Union for Employees, Technicians and Managers (SETCa), as well as the FGTB-Youth.

²² For more details on the Ghent strike, see (Dufresne, Demeester, 2020).

²³ For a detailed analysis of how the Belgian collective was formed, see (Dufresne, Leterme, Vandewattyne, 2018); and for a survey on the relationships between Belgian couriers and the trade unions, see (Vandaele, Piasna, Drahokoupil, 2019).

²⁴ In 2019, ACV-CSC set up United Freelancers, a dedicated team for support of platform workers and all new forms of employment. The United Freelancers website [Quels services offrons-nous? – United Freelancers \(squarespace.com\)](https://www.unitedfreelancers.com/) provides information and services as well as possibilities to affiliate to the CSC union.

²⁵ For a precise theoretical framing of the right of self-employed workers to collective bargaining, see (Dumont, Lamine, Maisin, 2020).

In France, collectives are present in Paris with the well-known Autonomous Delivery Workers' Collective (CLAP). Since 2019, the CGT (General Confederation of Labour) has set up a central organisation for collectives together with the National Delivery Workers' Coordination (CNL-CGT) which at the moment covers four cities: Bordeaux, Dijon, Nantes and Lyon, whilst the collectives of Paris and Nantes are remaining independent. For the latter two categories of collectives, the trade unions are offering logistical and/or financial support, which would allow them to last into the long term and to grow. The collectives also have significant recourse to crowdfunding for their legal activities and other campaigns.

Platform workers' collectives, however, are not only associated with combative trade unions. We could mention here a second trend in trade unionism which could be described as "reformist" or "institutional". Indeed, in certain countries in Central and Northern Europe, the couriers' collectives are structurally linked to trade unions heavily involved in institutional action in particular sectors, from countries with a dominant tradition of social partnership: **Switzerland** (Unia²⁶ and Syndicom, media and logistics), **Norway** (transport trade union, Oslo), **Germany** (NGG, food), **Austria** (Vida, logistics), and the **Netherlands** (FNV, Federatie Nederlandse Vakbeweging, Netherlands' trade union confederation), as well as the Nordic countries. The strategy used by these organisations is aimed less at direct action and more at constructing collective structures to represent platform workers' interests. They are pushing for the creation of consultation committees (such as works councils) or sector-level collective bargaining with the idea of expanding existing rights (see below, 2.3). But as we will see in the following chapter, they are only achieving this very partially, with commercial platforms cultivating avoidance strategies. This is why, regardless of their trends and objectives, the first step for trade unions consists of supporting workers' collectives through various initiatives and, if possible, recruiting them as members.

Supporting or affiliating platform workers

The majority of traditional trade unions have been slow to undertake initiatives with regard to this new category of workers (see insert below). When they open a specific category for "digital workers", they are most often developing digital advice counters (UIL, UGT, FGTB) rather than trade union sections as such. The German and Austrian trade unions, for example, have developed specific exchange and advisory services for micro-workers. Finally, other organisations are incorporating platform workers into various sections that already exist in the

²⁶ Unia is the largest trade union in Switzerland with 200,000 members covering almost the whole private sector.

trade union, either by assimilating them as precarious workers (NidiL-CGIL, Italy) or the self-employed (UF, Belgium).

TRADITIONAL TRADE UNION INITIATIVES FOR SUPPORTING PLATFORM WORKERS

e-Helpdesk platform workers

Italy - Sindacato-Workers (UIL) is one of the first trade union platforms (born in October 2011) to be addressed to ICT professionals and employees in the services sector, and to gig-economy and platform workers. To these workers, Sindacato-Workers offers a series of services including individual online advice on work-related problems, such as advice and help with fiscal matters. In 2017, Sindacato-Workers launched a permanent observatory on data and information on platform work in Italy.

Spain: Tu respuesta sindical YA was created in September 2017 by affiliates of the Spanish Trade Union UGT to allow platform workers to find answers to their questions. The initiative consists of a website, which is seen as a multifunctional tool. Through a dedicated section, the website answers workers' – including platform workers - questions and doubts concerning their working condition. The website is also a tool to denounce the situation, to pass on information, and a place for organising. In 2019, Tu respuesta sindical YA received more than ninety requests per month, mainly by platform workers, and contacts increased exponentially in 2020 with the outbreak of the Covid 19 pandemic.

Belgium: <https://www.fgtbplateforme.be/> The initiative **FGTB plateforme** was launched in January 2020 to help FGTB better reach platform workers, inform them about their rights and duties and offer support, all in an online environment. The initiative consists of a website where platform workers can find informations on their rights, get in touch and share experiences with each other, and contact the trade union for legal advice. Through this initiative, FGTB aims at organising and protecting platform workers, as well as increasing their visibility and getting to know their profile and needs, finding out what they expect from a trade union, and creating a platform workers' network.

For crowdworkers specifically

Austria: In January 2019, GPA-djp, the Austrian union of private sector employees, printing, journalism and paper, decided to open its membership to crowdworkers; crowdwork is a particular type of platform work that aims to organise the outsourcing of tasks to a large, global pool of online workers. GPA-djp serves as a contact point for crowdworkers and offers them opportunities for networking and exchange, as well as legal and professional advice. In the execution of these tasks, GPA-djp also aims at understanding the size and dynamics of crowdwork.

Germany: YouTubers' Union led by a Berlin-based YouTuber has joined forces with IG Metall (Industrial Union of Metalworkers) to ask YouTube to improve transparency and communication around monetisation and views of videos.

Youtubers' Union and IG Metall launched the formal campaign "FairTube". They are collectively protesting YouTube's 2017 changes in its advertising rules, elaborating proposals for improved communication, fairness, and transparency, and establishing discussions with YouTube.

With atypical workers

Italy: La CGIL (Italian General Confederation of Labour) launched its **NidiL (Nuove Identità di Lavoro – New work identities)** section in 1998 to ensure representation and protection for atypical workers. It now represents several categories of atypical workers, such as temporary workers, collaborators, the self-employed and the unemployed. NidiL is engaged to prevent the abuse of self-employed work relations. Riders are also members of NidiL CGIL. During the Covid19 crisis, NidiL launched several campaigns in protection of platform economy workers. For example, in Piedmont it supported a **strike by Amazon** workers who denounced the unacceptable working conditions imposed by the company during the emergency. At national level, NidiL launched the **#dimenticatidaconte** action, denouncing the fact that measures taken by the Italian government were largely inadequate for riders. NidiL promotes the idea of a **Universal Charter of Labour Rights**, which calls for granting rights based on constitutional principles to all workers regardless of their status.

Self-employed and freelancers

Belgium: in 2019, ACV-CSC set up a new trade union for freelancers and self-employed workers, including bogus ones like platform workers, with a dedicated team for the support of platform workers and all new forms of employment. The United Freelancers' website provides information and services as well as possibilities to affiliate to the CSC union.

Source: <https://digitalplatformobservatory.org/initiative/youtubers-union-and-ig-metall-fairtube-campaign/>

1.2 MOBILISING ON THE INTERNET OR ON THE STREETS

Creating and organising new platform workers' collectives, however, is not an end in itself. Their goal is to mobilise directly against the platforms both to defend themselves against attacks targeting their working conditions, and also to demand genuine improvements in terms of remuneration, status and even work organisation. To do this, platform workers are having to reinvent a whole new set of trade union actions which are not always in line with the reality of their working conditions. They are also having to come up with new arsenal, such as use of the media, or even developing new alliances with a larger front of precarious workers which could foreshadow the creation of a new "cybertariat". In this section, we will illustrate these various points by essentially continuing to focus on the case of platform workers in the meal delivery sectors and, on a smaller scale, individual passenger transport.

Reinventing the strike and direct action

Whilst they have been organising since 2013, couriers have been mobilising since 2016. The year 2017 saw no fewer than 40 demonstrations by delivery platform workers take place in approximately fifteen European cities²⁷. The direct actions taken in the sector are most often characterised by two elements: heavy decentralisation within the platform worker movement and spontaneous demonstrations as a direct response to working conditions through aggressive use of social networks. We have identified the first mass strike in London in August 2016 (see insert below). This experience may be used as a sequencing yardstick for better understanding the stages of mobilisation which will be largely followed in other countries. **The mobilisation sequence comprises the detonator, the action, media coverage, geographic and sectoral extension, results and the ensuing reaction or repression from the employer.** It is important to understand this sequence of events so as to come up with more effective strategies in the struggles to come.

THE LONDON STRIKE AGAINST DELIVEROO, AUGUST 2016

In the British capital, in August 2016, what triggered the response was the shift from an hourly wage to a wage per delivery: Deliveroo workers went from £7 per hour (8.20€) and £1 (1.17€) per delivery to a flat rate of £3.75 (4.4€) per trip. This sudden and enforced drop triggered the first wave of strikes involving about a hundred couriers in the following week. Every evening, they gathered outside the company headquarters, based in London. The strikers used social networks to step up the fight. Solidarity was shown through crowdfunding.

The trade union IWW also used the bikers' ability to bring the entire city to a halt to amass their collective strength. The strike lasted seven days, before the strikers were vindicated. The action forced Deliveroo to return to the initial payment method in the form of a minimum hourly wage, and not a wage per order. "Even if the average hourly wage is still low, between 6 and 7 pounds²⁸, it is deemed satisfactory for 51% of respondents (against 19% of those unsatisfied), as it allows them to top up their income" (Freyssinet, 2019: 36).

After these first few victorious uprisings, two trade unions decided to organise couriers: The Independent Workers of Great Britain (IWGB) and the Industrial Workers of the World (IWW). Then, the level of workers' organisation and actions grew and expanded both geographically and in terms of sectors. Over

²⁷ This section, a panorama of the courier mobilisations, is based on the article by Dufresne Anne (2019a) which she herself based on the articles of Cant (2017), Cant (2018), enriched with first-hand accounts from trade union and collectives' spokespersons during the GA in Brussels in October 2018.

²⁸ By way of comparison, the National Living Wage (minimum wage for the over-25s) entered into force in April 2016 at a rate of 7.20 pounds.

the months, many UK cities signed up but also new sectors of precarious workers. The couriers in Brighton created a coalition with the latter, which culminated in the “**precarious Mayday**” demonstration on Labour Day, 1 May. These first British strikes worked so well that they inspired a **transnational couriers’ and precarious workers’ movement** to appear which expanded across Europe. Callum Cant²⁹ described the movement as a “*wave of transnational resistance*”.

The detonator: the reduction in “rates”

The first protest movement that grew all across Europe in 2017 gives us more insight into the conditions for collective action against platforms. **The trigger for strikes is most often a return to piecemeal work.** “These companies always act in the same way. They start by luring us in with pleasant working conditions and end up forcing us to work in appalling conditions. This is something we cannot accept” (Riders4derechos, Valencia, Spain). When in October 2016, shortly after the London movement, the **Italian** couriers’ collective Deliverance Project called a strike against Foodora in Turin, it was again the move from an hourly wage (5.40 euros) to a rate per order (2.70 per order) that was the prompt³⁰, like in the British capital. The same happened one year later, in October 2017, when Deliveroo announced to **Belgian** couriers that “as of 1 February 2018, all couriers will have to work under self-employed status and will move from an hourly payment to payment per delivery³¹”. This announcement spread through the different countries, at different paces, **with the change in salaried status to self-employed going hand in hand with the shift from an hourly wage to a rate per order**, which ultimately makes the average wage go down, but also makes it more uncertain, individual and linked to performance. This is why a shift towards work by the task systematically triggers demonstrations and reactions from collectives. The same applies to the Uber drivers. “In France, in October 2015, the platform dropped its journey rate by 20% on the UberX service run by professionals. One year later, it increased its commission from 20% to 25% and the premiums disappeared” (Abdelnour, Bernard, 2020: 53). This was when the drivers began to address the power balance in a bid to

²⁹ Cant Callum, Deliveroo rider in Brighton and member of the IWW trade union is a frontline observer. His work entitled “Riding for Deliveroo. Resistance in the new Economy”, Polity Press, 2020 recounts in detail the London movement in the context of burgeoning platform capitalism.

³⁰ The demands were broader because they also had to do with self-employed status, GPS control and the lack of insurance.

³¹ Before this date, Belgian couriers were working with the employment cooperative Smart as an intermediary with contracts of at least 3 hours, the legal minimum period of a salaried contract. See (Drahokoupil, Piasna, 2019).

improve their payment conditions³². They then decided to use methods of action which were really able to cause a disturbance, such as blocking major traffic arteries or central locations.

European couriers do not hesitate to move to direct action either. The most frequently used set of actions is the well-trodden path (except in Germany) of **the strikes associated with street demonstrations**, sometimes extended to include other precarious workers. After the London strike, others followed in Italy (Milan, Turin), in France (Marseille), as well as in **Spain, which had the best-supported movement seen up to that point** (150 couriers out of 230) with a national 3-hour strike for Deliveroo couriers in Barcelona, Valencia and Madrid. For **Germany**, on the other hand, no strikes were planned. Organisation began in April 2017 when the FAU, anarchist trade union, launched its own delivery platform by organising a campaign in Berlin. Eighty couriers demonstrated and demanded negotiations. In June, a demonstration took place outside the headquarters of Deliveroo and Foodora. In **Brussels**, Belgium, a strike took place in January 2018, followed by demonstrations³³ and a sit-in at Deliveroo's headquarters³⁴.

The switch-off strike

But, specifically, what does “going on strike” mean for couriers? “Disconnecting” from the app? European couriers have been pondering and considering the various ways of staging a “switch-off strike”: *“Is it just a matter of switching off and stopping work? Staying on the app but not accepting orders? Accepting orders and never picking them up? Picking up the orders and then sharing them out with other couriers to eat?”* (CLAP, France). **The new economic model of platforms means having to test out new forms of collective action.** Especially because the lack of employee status brings at least one advantage: couriers, self-employed, are not subject to traditional rules for salaried workers such as having to provide advance notice of strike action stating which groups of workers are involved.

In all cases, regardless of the type of strike planned, the idea is to prolong the waiting time or stopping clients' orders from going through to put pressure on the employers hiding behind the

³² “Private transport drivers are thus centrally demanding an increase in the minimum journey fare as well as a decrease in the commission deducted by the platforms. In early 2017, for example, the CFDT (French Democratic Confederation of Labour) demanded a return of the commission of 20% (instead of 25%) and a minimum fare of 8 € whereas drivers' associations Union of Private Drivers - Passenger vehicles with driver (SCP-VTC) and Union of Drivers, Capacities - Passenger vehicles with driver (Capa-VTC) demand a minimum fare of 12 € net for the drivers, but primarily they are asking for drivers to have the right to set their own rates. This means being paid more, by addressing both the platforms and also the State which could act as the guarantor of a regulated rate”. (Abdelnour, Bernard, 2019b: 71)

³³ A first demonstration had taken place on 24 November 2017, following Deliveroo's decision to break the agreement with Smart. See (Custers, Dufresne, 2017).

³⁴ For a detailed history of Belgian demonstrations, see (Dufresne, Leterme, Vandewattyne, 2018) and (Jehin, 2018).

algorithm. Whilst “switch-off strikes”, often accompanied by demonstrations are the couriers’ main mode of action, there are others too: the **obstruction of restaurants**, which can also take various forms, with greater or lesser degrees of peacefulness, the **picketing of Deliveroo’s “central kitchens”**, also known as *Dark kitchens*, hitting the British platform where it hurts, the place it centralises its profits, and finally **the occupation of company headquarters**: “In Paris, we storm the premises. 80 of us went in demanding a meeting and the possibility to negotiate. It is fundamental to demand and negotiate collectively, and not to deal with the platform alone” (CLAP, France). Whilst French law has recognised that since 2016 couriers have the right to “collectively switch-off”, meaning unionising and going on strike (see below) (which incidentally remains very theoretical), it does not grant them one essential thing: the right to be able to bargain (see below). In the case of drivers, the same question arises: “How can the platform be penalised so as to establish a balance of power and improve their payment conditions? The regularly recommended solution consists of taking concerted action: the mass switch-off of drivers”. But with this being difficult to put in place, the mobilised drivers are turning to other modes of action which do not require quite the same critical mass: descending upon squares or holding up major traffic arteries, demonstrations in front of Uber’s headquarters or even occupying drivers’ reception areas (Abdelnour, Bernard: 2019a).

Proper use of media coverage

At the same time, mobilisations that attract media coverage seem to be an important means of exerting pressure on platforms. The media loves new things! Couriers are benefiting from this in particular. Indeed, young couriers who have been exploited and are going on strike are, in their eyes, much more “sexy” than striking metalworkers or even Uber drivers protesting. This huge interest of the mainstream press and television stations is a **weapon for the “courier-strikers”**. The heavy media coverage of these struggles which affect the image of platforms, i.e. their “immaterial capital”, may become a means of pressurising them to **meet or even negotiate** with collectives and trade unions: in the United Kingdom, the first national strike (previously mentioned), blending couriers and workers from McDonald’s (see below) was a great success both from a mobilisation point of view as well as a media standpoint: “*The media are attacking the platform’s image which then feels obliged to meet with the representatives of the collective or trade union*” (IWW, United Kingdom). And the visibility of this fight was reinforced even more when, in London, the IWGB managed to occupy the premises of Uber Eats.

Convergence of struggles

Extending the couriers' struggle to other precarious sectors is another important stage in constructing a genuine balance of power. To better understand the challenge when it arises in the future we have detailed here one of the first and rare experiences of its kind which took place in London in August 2016, with the convergence of couriers and precarious workers from McDonald's from whom they were delivering.

CONVERGENCE OF STRUGGLES WITH THE PRECARIOUS WORKERS OF MCDONALD'S

Here we are presenting **the first national couriers' strike in the United Kingdom**. Everything started from **Glasgow**, where the British had got workers from the fast food sector involved, especially those working for McDonald's which is the biggest client of Uber Eats. Couriers from the Couriers Network (affiliated to the IWW) had learned that workers from three restaurants McDonald's, TGI Friday and Wetherspoons were organising a national strike. They were demanding a wage increase to reach 10 pounds per hour in all fast food companies. *"This was a golden opportunity to launch some form of converging national action between these workers and the couriers"* (Courier Network/IWW, United Kingdom). *"We then asked the IWW – represented in 15 cities in the country – to organise couriers' groups locally and quickly who wanted to join the national action"*. Joint activities (full or partial day strikes) were carried out in 8 of the 15 cities and expressions of solidarity were seen in the others. No Uber Eats courier worked on that afternoon. A trade unionist explained the convergence movement: *"We went with the couriers from restaurant to restaurant. We gave out a letter aimed at McDonald's workers, with whom we interact daily, by telling them that we were workers like them, under-employed and underpaid"* (IWW, United Kingdom). This made the ties stronger between the couriers' network and several grassroots trade union organisations focusing on fast food workers.

In the example presented below, the ambition of the two British trade unions IWW and IWGB is to organise the whole sector by working up the chain. In companies as fragmented as platforms, collective bargaining may also be thought about in supply chain terms. Starting with couriers, we can attempt to organise the platforms' IT specialists who deal with algorithms, cooks, the person in restaurants who uses the platform, etc.

This convergence is still a challenge as it does not seem to have been explored sufficiently in a large number of countries. It is, however, the subject of some in-depth considerations within several trade unions. The international service of CGT-France, for example, considers it essential to work on establishing links between the non-salaried platform workers and the few

employees that the platforms have. The link between protected employees and precarious workers, like the link between the various precarious sectors, is essential in organising effectively to defend the most precarious of precarious: uberised workers.

Real gains, but fragile and limited

When combined, these different strategies will often force meetings to take place between the workers and platform management, but often it is merely to appease the anger. The companies are not giving any ground. And even when negotiations do go ahead, there is always a fly in the ointment. In Italy, collective action led to a wage increase of 1.10 euros per delivery. But, in return, Foodora disconnected 15 active couriers and hired a large number of couriers to water down any possible future demands. In Belgium, as in the majority of countries, the various actions undertaken have not managed to reestablish salaried working contracts and payment by the hour. Negotiations with Deliveroo only led to the obtaining of civil liability and accident insurance for couriers (with very low coverage of risk). In Germany, it was repeated actions with broad media coverage that finally forced Foodora to negotiate with the FAU in Berlin. There has only been England where “*through the strike and media coverage we managed to get what we wanted*” (IWW, United Kingdom). As both the employer and the worker are difficult to apprehend, the struggles outlined here only rarely produce the tangible results of collective bargaining (see below).

1.3 FEDERATING: OBVIOUSNESS OF THE TRANSNATIONAL “LEAP”

Faced with the limits encountered through these struggles staged locally and then eventually nationally, collectives’ spokespersons will turn towards the need for transnational action. When dealing with multinational platforms, it is not enough to fight at national or local levels. On the basis of this evidence and following a large number of local mobilisations in Europe in 2017 and Latin America in 2020 respectively (see above) two levels of supranational mobilisation coordination were created to deal with platform companies: in October 2018, the first European Couriers’ GA gave rise to the Transnational Federation of Couriers (TFC); whereas in October 2020, following the epidemic, an international coordination body for couriers and drivers called Unidxs World Action (UWA) was set up.

The Transnational Federation of Couriers General Assembly

Brussels hosted the first European assembly of couriers on 25 and 26 October 2018. The title of the event neatly summed up its aims: “Riders4rights”. The aim was for all couriers present, all members of collectives and trade unions active in their respective countries, to consider their strategy in the face of FoodTech giants.

The initiative of the European couriers’ assembly was launched by Alter Summit (a European network of trade unionists and social movements from a dozen countries), with support from ReAct (a network for transnational collective action)³⁵. Starting in 2016, Alter Summit has been involved in debating new forms of work associated with digitalisation. It was a combination of these early discussions within Alter Summit and the increasing frequency of courier-led action all across Europe during 2017 that sowed the seeds of the idea of a first transnational meeting. The idea rapidly gained traction and the forming of a network between various collectives led to exceptional levels of support. Sixty riders, representatives from approximately twenty national collectives and/or trade unions from twelve countries³⁶, met over the two-day period, along with about twenty trade union representatives with observer status. Completing the line-up were five members of cooperatives³⁷, about fifteen journalists, researchers and organisers to total a hundred participants. This gathering of activists was inspiring and full of energy and hope, largely due to this powerful feeling of becoming a community. The collectives and trade unions present, with varying identities and interests, were seeking to construct a shared identity in the face of multinational delivery platforms.

The operating manual of the transnational struggle

The original idea behind the assembly was to ensure that as many couriers from as many different countries as possible could come face to face so that they could exchange information on the many forms of exploitation they were experiencing locally, the actions they were already working on in their respective cities and what their demands were. This gathering finally led to the creation of a formal network with a definition clarifying the precise criteria for belonging to the new structure: “The ‘Board’ of the TFC has the power to name the representatives for each collective or grassroots trade union organising couriers to be represented at the first European GA. Several members may join the federation individually, but the Board representatives must

³⁵ For more information about the two networks, see <http://www.altersummit.eu/?lang=fr> et <https://www.projet-react.org/en/>

³⁶ Germany, Austria, Belgium, Spain, Finland, France, Ireland, Italy, Norway, Netherlands, United Kingdom and Switzerland.

³⁷ With few of them present at the GA, the cooperatives were mainly represented by Coopcycle which currently brings together about forty of them. See above.

be members of an organised couriers' group". Concerning the nature of TFC representatives, the couriers decided: *"the level of the organisation being the most appropriate; the city level being too narrow and the country level being too vast"*. This would then mean having one representative per original organisation/ committee who is not systematically the same, but belongs to a delegation, as happened during this first GA. It was also agreed to draft a charter defining the TFC's approach which new arrivals will have to sign³⁸. "We are in the process of creating a federation of couriers who share the objective of speaking with one single voice to reveal our working conditions to the world and extracting ourselves from this situation" (SCVG Bordeaux, France). It was also stated that the TFC ought to be open to all couriers, in the broader sense (car, motorbike) and not just to those transporting hot meals, such as those represented at the first GA. After this clarification on the criteria defining the characteristics of the future organisation's members, the couriers also wanted to equip themselves with the means to act by thinking up transnational tools that would move towards action and shared demands (see below). These are essentially based on the types of **online communications** so as to keep the lines of communication between members open permanently and to become more visible. The first and the most important at the moment consists of a WhatsApp group entitled "PrecariousRiderUnite" which brings together 130 highly active administrators who use it to share news of action taken in the different countries as well as precise questions on legal matters.

TRANSNATIONAL AWARENESS-RAISING WEBVIDEO FOR THE CAMPAIGN: "PRECARIOUSNESS KILLS!"

In June 2019, a major campaign was launched in the wake of a series of fatal accidents involving couriers at work. The slogans: "Precariousness kills", "Glovo kills", "Uber kills" repeatedly decried the fatalities. To lead the campaign, the couriers created a "transnational awareness-raising webvideo" in which couriers from various countries announced "I am Pujan", "I am Karim" ... in homage to all couriers killed in recent months. Speaking out about the dangerous nature of the job, they set out some important demands about work being paid by the hour and not per order as well as abolishing the performance-based system that forces them to speed up delivery times so as to get the next order.

Creating a network for sharing information on direct action in real time is important: **"as soon as couriers mobilise in one country, it gives hope to others"**. Another idea for the long term is to produce a database: **systematic counter-information to companies' communications**. Even if it

³⁸ See international declaration of the TFC, Annex E.

takes a different approach, this work is partially carried out by *Faircrowdwork*, a trade union initiative from IG Metall specifically aimed at crowdwork, whereas the foundation Fairwork is extending the scope of its analysis to include on-demand work (see above). Finally, there was the suggestion to hold regular Skype meetings and transnational gatherings. Just six months after the first assembly on 25 and 26 April 2019, a second couriers' meeting took place in Barcelona. Organised by the collective Riders4Derechos, it was entitled "My boss is not an algorithm". It saw the participation of couriers from Spain, Italy, the UK, France and Germany (FAU), but also from Argentina and Chile! The TFC isn't just limited to Europe...

Strikes and international alliances following the pandemic³⁹

Just as in Europe, it was following the growing number of local mobilisations in many Latin American countries, and with the accelerating effect of the pandemic, that the couriers organised four successive international strikes. An international coordination of collectives and grassroots organisations was set up (see below).

Since the outbreak of the pandemic, the governments of affected countries have classified couriers as "essential workers" while exposing them to a serious threat to their health. On the other hand, recognising the essential nature of delivery services in allowing society to continue functioning has not gone hand in hand with any economic reward or increased social protection, let alone safety measures to protect couriers' health. On the contrary, while the pandemic exacerbated the vulnerability of these workers around the world, companies further arbitrarily reduced their pay.

Four international strikes have taken place since the beginning of the pandemic: on 29 May, 1 and 25 July and 8 October. Tens of thousands of motorcyclists paraded on their motorbikes and bicycles in front of the ministries of labour in Mexico, Guatemala, Costa Rica, Ecuador, Peru, Brazil, Chile and Argentina. From Brasilia to Buenos Aires, from Santiago to Mexico City, Latin American couriers have organised to demand greater social protection and access to labour rights guaranteed by national laws, as well as a series of measures to respond to the Coronavirus emergency. Some of the demands include personal protective equipment, sick leave, life insurance, compensation for the families of comrades and companions who have lost their lives at work, suspension of the grading system that sees them forced to work seven days a week, 12

³⁹ The following section is based on the article by Marinaro (2020).

hours a day, as well as increased payment per delivery and per kilometer during the period of the health emergency⁴⁰.

The international strike is a cry for help from couriers. A courier from Sao Paulo (Brazil) explains, “The risk we run every day working on bicycles or motorbikes in the traffic of large cities is now being aggravated by the pandemic. It is very important that we join the entire working class in other countries, including the customers who use the applications. It is a global struggle and it’s for everyone”. Maximiliano Martinez, or Massi, one of the leaders of the movement in Argentina states, “Our goal today is to **strengthen couriers’ international unity**. Since the outbreak of the pandemic, we have realised that precariousness is spreading all over the world. The low wages, very long working days, the number of accidents and the total lack of response from employers have prompted us to come up with a common program of demands with our comrades in Latin America, but also in the United States, Japan, India, England, Spain and several other countries. We want to build an international consensus around a clear policy position aimed at companies and governments that facilitate the exploitation of couriers in an emergency situation such as the Covid19 health crisis⁴¹”.

International strikes and global action days have been promoted by several Latin American⁴² grassroots collectives. The most important of the collectives that led the world days, called “Ni Un Repartidor Menos⁴³”, was born in Mexico. It was extended to members in six countries. One of its founders says, “*Our collective was born on 27 November 2018, when at two o'clock in the afternoon a rubbish truck ran over and killed our comrade Jose Manuel Matías. It was his first day working for UberEats and the company denied all responsibility*”. Since then, in Mexico alone, more than sixty young men and women have lost their lives while working for delivery platforms, with UberEats, Rappi, Glovo and the other platforms covering up hundreds of workplace deaths, always claiming a lack of legal responsibility towards the workers they employ as “bogus self-employed workers”. This allows them to provide no financial compensation to the families of the missing or injured. This is why **classifying the employment relationship as a salaried employee was again one of the central demands** of the global action days.

Alongside the European GA process which has already been described in detail, the wave of mobilisation on the American continent described above led to another form of coordination, a

⁴⁰ For the detailed demands, see the International Declaration from 8 October: <https://unidosworldaction.com/francais.html>

⁴¹ The interviews were carried out by Paolo Marinaro (2020).

⁴² #NiUnRepartidorMenos is a Mexican collective that started as a small group. It is now organised also in Peru, Ecuador, Colombia, Chile and Argentina. In Brazil, we find the Entregadores Antifascistas (Antifascist Couriers) and Treta No Trampo; Glovers en Ecuador, Darle Vuelta A Todo and Agrupación Trabajadores de Reparto, ATR in Argentina, Riders Unidos and Ya (United Couriers Now) in Chile.

⁴³ The name of this courier collective refers to the feminist collective “Ni una menos” which was born in June 2015, the slogan indicating how to condemn that it is unacceptable to continue counting the women killed because they are women and to underline what is the object of this violence.

global one this time, called UnidXs World Action (UWA). The alliance was formed in October of the same year and brings together collectives, associations, trade unions and activists. The sectors represented include couriers, but also organised drivers. The Alliance's very broad-ranging mission is to "improve the lives of couriers and drivers by improving their working conditions around the world"⁴⁴. Coordination is governed by the **direct participation of workers** through assemblies of collective representatives and democratic voting. Having begun during the pandemic, these assemblies are held by videoconference. Strategically, to promote its demands, the UWA chooses direct action through work stoppages, marches and other demonstrations such as those described above. As a first step, UWA would like to establish **collective bargaining protocols**, that guarantee that workers are involved in regulating the platform economy, and would also like to work with **independent lawyers to bring international legal action** against violations of labour rights and health and safety standards by digital platform companies.

1.4 CHALLENGES: TOWARDS TRANSNATIONAL COLLECTIVE ACTION AND NEW DIGITAL RIGHTS

What conclusions can be drawn from the first strategic axis outlined here, which consists of platform workers organising and mobilising directly against platforms to defend their interests? It appears to us that there are four lessons that can be drawn from this first part. The first concerns the progress made in the process of transnational collective action. Although they certainly appear mixed when it comes to real negotiations taking place, the results mainly, in our opinion, are to be found in the progressive creation of a new collective player: a new actor whose primary challenge is indeed the coordination of trade union demands. The other three lessons relate to persistent challenges, namely the challenge of internationalism, the challenge of linking to other precarious sectors of work and finally the demand for new digital trade union rights.

One major achievement: the construction of a "glocal" collective actor

The first lesson concerns the results obtained. As we have seen, the gains made by platform workers through the different mobilisations analysed may appear (for the time being) both fragile and limited. Nevertheless, they should not distract from one major achievement, which is probably the main result of the organisational and mobilisation efforts made thus far, namely the progressive creation of a new collective "glocal" actor. This can be seen, in particular, in the

⁴⁴ Charter of UnidXs World Action.

progress made by the TFC in **building a substratum of common demands** between workers and member collectives at European level. During the European GA, the aim of the sub-group workshops was to explore the areas of convergence in the demands on the basis of the many national grievances. Participants were pleasantly surprised to see that their demands were often being made in other countries too. This meant that it was possible during the final plenary session to produce a common list to act as a charter (see box below). We classified the disparate transversal demands into six broad categories and in order of importance⁴⁵: **data transparency and a minimum hourly wage** for all couriers appeared to be the main demands expressed by the majority of collectives present. Aside from these two flagship themes, four other categories of demands emerged: those relating to employment status, collective representation, working conditions in the stricter sense of the term, as well as more “political” issues such as broadening the reach to include other sectors and categories of workers (see below).

LIST OF DEMANDS TAKEN FROM THE TFC CHARTER

Data

- Transparency of data and apps

Wages/working time

- Guaranteed minimum hourly wage
- A just definition of working time

Status

- Freedom for workers to decide between being salaried or self-employed
- Job security

Collective representation

- Freedom of association
- Participation for all couriers
- Regular negotiations held by cities and municipal councils
- Recognition of platforms as employers

Working conditions

- Common areas for couriers
- Insurance
- Removal of performance-based evaluations
- Respect

Outreach to other sectors and categories of workers

⁴⁵ The importance of the claim category to the FTC is assessed by the number of times it is mentioned as feedback from the four working groups in plenary session.

- Actions to express solidarity with other precarious workers and platform workers
- Protection and legal status for all non-EU migrant platform workers (who may not have work permits)

Source: This charter was produced during the plenary session of the European couriers' assembly on 26 October 2018. It has been broken down into subject areas by the author.

All these proposals appear to us as essential demands to be debated within the trade union movement and within international bodies in order to make progress towards the definition of a **common substratum of demands** concerning on-demand platform workers as a first step. The prioritisation of demands is an essential step forwards in the process of taking transnational collective action.

It should be noted that the UWA's international coordination for the moment is initially based on a charter including the demands that are frequently repeated in local mobilisations, notably: recognition of the work of digital workers, accident and life insurance, a “decent” wage, the elimination of the classification system, an end to arbitrary deactivation, and universal social insurance. It also upholds certain principles, including: gender equality, international solidarity and solidarity between workers in different sectors, justice for fellow workers killed or injured on the job, and full rights for migrant workers.

The overlaps between the two charters, European and international, suggest that the common theme is precisely that of **abolishing performance appraisals**, which in fact reveals the intensification of work that is very specific to platform work. This demand is included as part of a more general demand: that of the transparency of applications and the reappropriation of the algorithm, essential claims which are dealt with in detail below.

Through these examples, we believe it is possible to speak about “**a new internationalism**”. The platform worker movement with couriers as its spearheads is indeed a real “class laboratory” which promotes important strategic innovations for the future of the labour movement. Indeed, while it has traditionally been trade unions, NGOs and other international organisations that have played a central role in the politics of transnational workers' alliances, here, in the case of the couriers, it is **the workers themselves, in an autonomous and self-managed way, who are building a global response to the multinationals of the platform economy**.

The centrality of grassroots organisations and collectives in creating networks for international activism and promoting communication strategies to overcome national borders and language barriers is a significant innovation for global workers' activism.

The shift from a “European” federation to a “transnational” federation is not merely a question of semantics when it comes to the different levels and how they interact. It reveals the immediate transnational character of the new TFC structure coordinating, for the main part, collectives and trade unions fighting back at local level, city by city. More than “transnational”, these non-institutional actors are in fact “glocals”. **They think globally and are organised locally.** They are **not rooted in the national sphere as they plan action outside of the State’s recourse.** The various couriers’ collectives, even with different levels of formality in their relations with trade unions all claim to be internationalists. They will therefore progress much more directly to the transnational scale in terms of mobilisation and to form new collective identities⁴⁶ than traditional trade union organisations.

An internationalism still largely to be built

Beyond these very real achievements, however, the organisation and mobilisation of platform workers still faces a number of challenges. The first of these is precisely the relationship with internationalism. In the case of courier collectives, for example, despite the transnational integration efforts mentioned above, as they have been developing since 2016, local collectives often try to find sources of funding at different levels: municipal, regional, national, with different livelihoods depending on trade union cultures and relations with the State. In France, for example, the state is highly centralised. The CGT has set up a centralisation of collectives with the Coordination Nationale des Livreurs (CNL-CGT), which for the moment covers four cities, while the collectives in Paris and Nantes remain autonomous. In Spain, a kingdom of regional autonomies, Riders for Derechos collectives can be found in 6 regions and 2 cities (Barcelona and Madrid), most often linked to an autonomous trade union in that region. A question then arises: would the impetus given to the collectives, linked to the trade unions at national level, not undermine the prospect of transnational action given the divisions between trade union and/or institutional structures at national level?

In any case, we can only observe a clear asymmetry between collectives and trade unions organising at local, regional or national level and platform companies operating throughout the world. Platforms, which are multinational in nature, act on pay and working conditions, among

⁴⁶ It should be noted that the German FAU co-founded the ILC (International Labour Confederation) in May 2008, with combative trade unions in seven other countries (Argentina, Canada, Greece, Italy, Spain, Poland and the United States) to strengthen links in the same companies and sectors at transnational level, starting with the food, logistics and transport sectors.

other things, with different rhythms and agendas in different cities and countries. This makes it difficult to form any joint and simultaneous response.

Furthermore, whilst the Assembly's working groups have submitted numerous proposals for coordinated action, with a view to supporting the demands of the common charter, this remains an essential challenge because although international strikes have been taking place on the American continent (see above), this is not the case at European level. **Proposals for coordinated action have yet to be strategically thought out** and implemented by European and international coordination. Whilst the international action and strikes proposed above are to push demands on wages and working conditions, three other types of action were also considered regarding the newest demand on data transparency (see below). Firstly, there must be legal motions to request information from companies about the data collected and used on apps. Secondly, the couriers wish to make a simultaneous demand for data from platforms, on a precise date, by preparing this action in conjunction with consumers with the help of a “*standardised document to facilitate GDPR requests*”. Lastly, there is still work to be done on raising awareness around the issue: this works by alerting the public through organising self-training sessions on the data economy, but also by “*distributing flyers at the same time as delivering meals, for example. Clients need to be bombarded with information so that they can become aware and it helps to construct a positive image of our job whilst attacking that of the platforms who exploit us*”.

Organising precarious workers beyond uberisation: towards cybertariat?

Alongside the issue of internationalising the struggle, extending it to other areas of precarious work is also a major challenge for platform workers, as well as them gaining any potential support from trade unions. The emergence of new workers' collectives and their possible convergences indeed allow us to rethink the notion of proletariat when applied to platform workers, as well as that of the owners of the means of production. Even though Andre Gorz believed as early as 1980 that automation had given way to the “non-class of post-industrial proletarians”, the concept of proletariat is today being revisited by a number of researchers, militant collectives and political decision-makers. It is creating a number of neologisms. Nick Dyer-Witford introduces the notion of “virtual proletariat” to describe the situation of underpayment, insecurity, and de-skilling of workers in the high value-added service sector based on information and communication technologies. Ursula Huws opts for the term “cybertariat” to refer to production assistance jobs practised through an interposed screen; the standardised tasks performed by individuals only allow them to develop generic skills, encouraging a high level

of occupational mobility. Finally, Guy Standing describes internet workers as “precarious” to underline their vulnerability and hyperflexibility. These different concepts are different facets of the same phenomenon. The digital proletariat, whatever we choose to call it, is coming up against what some have termed the “vectorialist class”. The class of platform architects and data managers is so called because its power extends less to the means of production than to the control of information flows (in other words: vectors,). By appropriating knowledge and know-how through patents and data capture software tools, vectorialists are at the heart of contemporary mechanisms of capitalist accumulation. They are distinct from the social groups that have dominated corporate and market capitalism. They establish their empires using means other than material assets. For example, Amazon became the world's largest bookstore without owning so much as a bookshelf and Uber turned the transport sector upside down without owning a fleet of taxis. However, the vectorialist class has one thing in common with the old industrial bourgeoisie: it subjects workers to the imperatives of flexibility and adaptability in real time to the constantly changing pace of change. Vectorialism thus appears as a real class enemy opposing a cybertariat also under construction on an international scale. However, this construction is still largely embryonic, even if it has been able to notch up several feats, such as the successful alliance between Deliveroo couriers and McDonald's workers in England (see above).

Demanding new “digital” labour rights

Finally, one last challenge is platform workers’ ability to integrate the specifically digital aspect of their working conditions into their demands and strategies. We have seen how platform work is characterised by new forms of exploitation and domination due to the digital technology it is based on (see above). What firstly springs to mind here are the consequences of “algorithmic management” on working conditions and, secondly, the importance and role of data in platforms’ business models. These two elements will be explored successively.

What trade union strategy for “algorithmic management”?

The increasingly automated processes of recruitment, surveillance, remuneration and even assessment of workers is not a trend that is unique to platform work (De Stefano, 2018; Parent-Rocheleau & Arnaud, 2020), but in this sector it is taking on particularly worrying dimensions (Lee et al., 2015; Duggan et al., 2019). Specifically, “algorithmic management” poses at least

three problems that platform workers' collectives or trade unions have not yet quite managed to incorporate into their strategies and demands.

Firstly, there is a problem of **transparency**. As a bare minimum, workers ought to be informed about the criteria used to make decisions that affect them, if only to ensure that the criteria conform with the law (e.g. in the area of discrimination). At present, not only do the vast majority of platform workers have no idea about the exact criteria being used by the algorithms and yet which govern some crucial aspects of their labour relations (Lee et al., 2015), but nor do they have any legal means (or almost) of knowing about them. Algorithms and their source code are jealously guarded by the platforms under the guise of commercial secrecy, and there are even several international initiatives supported by these same platforms aiming to tighten up their access even more (ITUC, 2019). Inversely, the challenge of "algorithm transparency" is also gaining traction in the public debate and we are seeing several (inter)governmental⁴⁷, trade union⁴⁸ and even civil society⁴⁹ initiatives that are seeking to advance the debate on this point, whereas a significant number of platform worker demonstrations are also making this issue one of their key demands (see above).

The second problem is one of **concertation**. Given that several key processes in the employment relationship are automated, workers ought to have a say on the subject of automation to ensure that their interests are being taken into account and respected, including, when required, setting limits on the automation process itself. This is the point that De Stefano raises, for example, when he insists upon the importance of "negotiating the algorithm", a challenge which he believes must become "a crucial objective of social dialogue and action for employers' and workers' organisation" (De Stefano, 2018). In an opinion focusing on developments in artificial intelligence, in which it advocates a "human-in-command"-based approach, the European Economic and Social Committee has stressed that "workers must be involved in developing these kinds of complementary AI systems, to ensure that the systems are useable and that the worker still has sufficient autonomy and control (human-in-command), fulfilment and job satisfaction" (EESC, 2017).

Finally, the third problem has to do with **control and reversibility**. Given that crucial decisions concerning workers are made automatically by machines with completely unscrutinised criteria, opportunities to contest these decisions (as well as the criteria underpinning them) are almost

⁴⁷ Especially at European Union level as part of discussions on the "Digital Service Act", see: <https://ec.europa.eu/digital-single-market/en/algorithmic-awareness-building>.

⁴⁸ Similar to the image of these recommendations published by the NGO "Algorithm Watch": <https://algorithmwatch.org/en/governing-platforms-final-recommendations/>.

⁴⁹ Refer in particular to this position adopted in 2017 by Uni Global Union: <https://uniglobalunion.org/news/global-union-sets-new-rules-next-frontier-work-ethical-ai-and-employee-data-protection>.

non-existent. This means that the fundamental right of workers to protect themselves against the whim of employers and to be able to seek redress in the event of abuse is under threat, even in its very possibility. This, too, is where the “human-in-command” approach defended by the European Economic and Social Committee opinion on Artificial Intelligence could prove useful: “the precondition that the development of AI be responsible, safe and useful, where machines remain machines and people retain control over these machines at all times” (EESC, 2017). As De Stefano emphatically points out, in practice this would mean that “any managerial decision suggested by artificial intelligence be subject to review by human beings who remain legally accountable, together with their organisation, for the decision and its outcomes” (De Stefano, 2018).

What trade union strategy can be applied to data exploitation?

The second sizeable challenge concerns the role played by data in platforms’ business models. This is where their main source of economic and political power lies, including over their workers (see above). This data (with a crucial part of it being generated, or concerning, workers themselves) is currently appropriated unilaterally and exclusively by these platforms, without any counterbalance or legal framework to regulate how they are used.

In practice this means that platforms can use for their own benefit the data generated by (or relating to) their workers, and this is happening on at least three levels. Firstly, by appropriating all of the economic value that the data generates. Then, by using the data to tighten their grip on the production process, as well as the workers themselves. Finally, by using the data to develop artificial intelligence solutions and more broadly to automate work so that, sooner or later, the tasks performed by these workers can be replaced (for more information on this and other points, refer to Casilli, 2019).

Here too, this situation has driven a growing number of actors to attempt to identify the new trade union and/or wage-related rights that could offer solutions to this particular problem (Casilli, 2019; Gurumurthy and Chami, 2020; Singh, 2020). In doing so, however, they are coming up against at least three problems. Firstly, there is the matter of who is **subject** to these new rights. In a report commissioned by the Friedrich Ebert Stiftung and the international trade union federation PSI (Public Service Union), Singh, for example, considers that collective digital labour rights should be favoured over individual ones in the sense that a) the majority of data only has value and significance once it has been aggregated and b) individual rights can be more easily circumvented by the platforms as seen from the limits on personal data protection regulations (Singh, 2020). The researcher advocates for what he terms “community data rights”

linked to data generated by specific labour collectives (data source) or more broadly to all data concerning them (data subject).

Secondly, there is the question of the **content** of these rights. The first aspect that springs to mind is the general right to remuneration in line with the value that the data generated in the workplace creates (Casilli, 2019). Once again, however, Singh advises caution on the subject of solutions based on defending individual rights to remuneration in the sense that it is practically impossible to determine the value of an isolated item of data, not to mention that this value could be far lower than the value that the platforms derive from prolonged and aggregated use of the data (Singh, 2020). Instead, for the researcher, “Community or group data ownership can be invoked by Uber drivers in a city, for instance, to claim a collective stake in the vast data-based value of the Uber company. They can thereby possibly seek co-determination rights to the business in the form of adequate representation in the management” (idem).

More broadly, Colclough (2020) identifies four stages in the data life cycle that she believes workers should claim their rights for in each instance:

Data collection phase: this is mainly about defending the right to information (and potential blocking) about the types of data compiled or even the tools used to compile them.

Data analyses phase: this phase is about defending workers’ right to access, correct, block or even delete inferences (e.g. statistical probabilities) based on their data and which may influence their working hours or wages, for example.

Data storage: this is about defending workers’ rights to have access to the place where data is being held on them.

Data off-boarding phase: this is about defending workers’ rights to be informed and able to act regarding the potential use of their data by third parties.

Finally, there is the question of the potential **use** of these new digital trade union rights. Colclough, for example, envisages the possibility for workers to convert these rights into the creation of a “workers’ data collective”, an institution that would allow workers to compile and use the data generated in their workplace by and for themselves (Colclough, 2020). She references in particular the cooperative “Driver’s seat⁵⁰”, which partially works based on this model. It works by providing drivers on demand with tools to capture and share their data with

⁵⁰ <https://www.driversseat.co/>.

the cooperative so as to help them improve their working conditions, but also to help transport agencies or municipal authorities to base their decisions on data analysis.

As we can see, there is no shortage of thoughts and proposals on the challenges of “algorithmic management” or data rights. These thoughts and proposals, however, are still struggling to translate into tangible demands and strategies by the workers’ organisations directly affected by these developments, starting with platform workers, even if things are changing, as seen through the example of the importance attached to these challenges by the TFC as part of its list of priority demands (see above).

2. ACTING ON THE LAW: THE STATUS WAR

The second major strategy pursued by platform workers is to try to act on the law. Faced with the lack of legal clarity surrounding their status (which platforms deliberately try to perpetuate) the workers will first and foremost try individually and collectively to have their status reclassified as employees by the courts, a move that increasingly favourable case law seems to favour.

However, in order to convert the attempt, they will also have to win another battle at State and EU level over legislation specifically governing platform work. Between under-employment, sub-employment and unconditional wage-labour, it is difficult to predict which model will prevail, even if it is clear that most European States today support platforms whose model pursues and prolongs their own labour law deregulation policies that have been in place for decades...

At the same time, these legal battles are also challenging trade unions to rethink how they perceive and practice representation and collective bargaining, seeking either to integrate platform workers into existing national frameworks or to develop alternative forms such as certification, especially for micro-work.

However, one fundamental unaddressed concern remains: that which concerns the very contours of the digital economy which international initiatives such as the WTO negotiations on e-commerce or those concerning the European Digital Services Act are helping to redraw, sometimes amid deafening silence. From this point of view, platform cooperatives experiences offer some interesting perspectives, even if they are still largely at a nascent stage and are sometimes ambiguous.

2.1 JUDGES FACING PLATFORMS: THE RECLASSIFICATION CONQUEST

As Marie-Laure Dufresne Castets reminds us, “we cannot forget that the power of judges is a weapon in the political struggle and participates in public debate” (Dufresne-Castets, 2017: 23). Today, in the battle we are dealing with here, we will see that judges do indeed appear to be the first bulwark against the weakening of the social protection of couriers, drivers and platform workers more generally. Nevertheless, judicial guerrilla warfare is also a strategy assumed by the platforms which play on this terrain with considerable means compared to those on the workers’ bench, as the Californian example in particular reveals.

But, before we come to the decisions themselves, we must remember firstly that the challenge here is to **define the nature of the relationship between digital platforms and the “providers”** they use to offer their services, such as private transport or meal delivery. Social legislation provides recognition of a large number of rights (minimum wage, maximum number of hours worked, regime favourable to social security) when there is an employment contract signed between both parties. The *business model* of platforms depends on having a large number of “workers” available who are paid per task and who are prepared not to be paid between tasks allocated to them by the platform. This intermittence is a first source of precariousness. Furthermore, the economic model of platforms only holds up if these workers provide their services on a self-employed basis and not as part of a salaried arrangement. It is only by using the services of the self-employed, far less costly, that allows them to keep their costs very low and explains why they have been so successful with a very large clientele. To fight against this business model, the couriers have been asking the courts for their self-employed contract to be turned into an employee contract⁵¹. They often have very solid arguments to draw on, too: the situation of platform workers, geolocalised, unable to set the price of their services, forced to respect working time restrictions, carry pre-determined equipment, likely to be “disconnected” by the platforms... This situation looks very different from that of real self-employed workers.

While these “bodies of evidence” of subordination may vary between platforms and their respective practices, they can be found as the main argument in case law decisions⁵². The legal action undertaken by the couriers with a view to obtaining jurisprudence that is favourable to workers has been supported by the trade unions in each one of their countries. They are legally well armed and often have previous experience from other sectors, as the problem of bogus self-employment arose long before the platform economy. In the face of these growing demands, we are looking at how the legal strategies have been changing.

Overview of the most recent court decisions

We have listed here the recent court decisions about the legal status of the employment contract linking platforms to their “providers”. The table in the annex F1 allows us to identify 59 legal

⁵¹ Another case law, which we will not deal with here, raises the question of whether these platforms are simple intermediaries or professional operators (taxis in particular). It has important repercussions because, while States may prohibit certain platforms from providing their services if they do not comply with local regulations, they will obviously not be able to exert their detrimental effect on workers’ rights. Decisions to ban Uber from operating have been taken at EU level. In May 2017, the prosecutor of the European Court of Justice (ECJ) decided: “The Uber electronic platform, while being an innovative concept, falls within the field of transport, so that Uber may be required to possess the licences and approvals required by national law” (May 2017). In December 2017, the ECJ recognised Uber as a transport company. Further such decisions were taken in Norway in 2017 (although since revoked), and in Germany in December 2019.

⁵² See the arguments set out for each decision in the last column of Annex F.

decisions made between 2016 and 2020 in Europe⁵³. We note that the countries where workers have initiated the most legal proceedings for a requalification application are Spain which breaks the record with 29 decisions, followed by France (12 decisions), the United Kingdom (6 decisions), Italy (4 decisions) and finally Germany, Belgium, the Netherlands and Switzerland with, respectively, one or two decisions. It should be noted that in the last four countries mentioned where collectives are linked to so-called “institutional” unions, very little use has been made of the judicial arena, with the unions seeking instead to enter into the sphere of social consultation (through works councils, among others). In Germany, many platforms most often employ platform workers under salaried employment contracts, even if they are ultra-precarious (Mini Lohn). And in Austria they make use of the advanced protection (including unemployment) for the self-employed. Outside Europe, the countries of workers who have initiated legal proceedings are Argentina, Brazil, Chile, Uruguay, Panama, as well as Australia, Canada and the United States.

On the employer side, the platforms that have been prosecuted are Spain’s Glovo which has the most proceedings against it (23), followed by the British Deliveroo (12), the American Uber (8) and the German Foodora (2). And Take Eat Easy, the small Belgian platform, although its appearance was fleeting (2013-2016), still had time to find itself on the wrong side of the law⁵⁴ (with six decisions). More generally, we now see what the inflection points have been in recent jurisprudence in Europe.

The “freedom” to switch on the app and to switch off labour law⁵⁵

Until June 2018, judges in Europe and elsewhere had mainly ruled against the couriers, with court cases systematically ending with **the impossibility of reclassifying self-employed status as salaried work status** (see table). These rulings were justified in particular by the platforms’ failure to exercise prerogatives of control and management that would normally befall an employer, especially that of giving instructions about working time. Meeting this condition turned out to be particularly complex for the employment relations in question, characterised by a high degree of precariousness. The central point in the judges’ reasoning for ruling out an employee relationship came at that time from the (so-called) freedom of platform workers

⁵³ See detailed Annex F with decisions on eight countries and the EU. We do not list US decisions here. And for a constantly updated chronicle, we refer to the excellent work of Professor Ignaci Beltran de Heredia Ruz on his blog <https://ignasibeltran.com/2018/12/09/employment-status-of-platform-workers-national-courts-decisions-overview-australia-brazil-chile-france-italy-united-kingdom-united-states-spain/>

⁵⁴ Take Eat Easy declared bankruptcy in 2016, after two years of being in business. Over two years later, between November 2018 and March 2019, the former delivery platform was to be sentenced three times following reclassification attempts for having organised “undeclared labour”.

⁵⁵ Rocca, M. (2020) “International Perspectives: Judges versus Platforms. The freedom to switch on the app and that of switching off labour rights”, in Lamine, A. Wattecamps, C., What social rights for platform workers? Arthémis, Brussels, p. 85-97.

(couriers or Uber drivers) to switch on the app, in other words to be able to choose freely whether to work or not, as well as the times and places of providing their services. It should be noted that, well before this jurisprudence existed, there was already a grey area, **halfway between salaried worker and self-employed worker** (see IC, Intermediate Category in the annex F), in which more and more workers are finding themselves. In some countries, a specific category, called Third Status, has been established by the legislator.

Justice to the couriers' rescue: beacons of hope for salaried workers

It was in June 2018 that the tide started to turn. For the first time in Europe, the Juzgado de lo Social (employment tribunal) of Valencia delivered a verdict reclassifying relations with the platform Deliveroo as a salaried working relationship. The verdict was based on new criteria estimating that “the reality of executing the contract takes precedence over the form decided upon by the parties”. In other words, even if formally the platform claims only to play the role of intermediary between one individual and another, the judge held that it was in reality exerting control over the courier, with various points indicating subordination: GPS tracking, price setting, time slots and delivery zones, propriety of means of production identified on the website and on the app, wearing of the company logo.

This decision was then confirmed by a new victory in France in November of the same year. The Court of Cassation, the highest level of French jurisdiction, delivered a verdict on the contractual relations existing between couriers and the platform Take Eat Easy. It stated there were essentially two criteria characterising the subordination link: 1) the app comes equipped with a geotracking system making it possible to track the courier in real time and add up the total number of kilometers covered. There is therefore no simple forming of a relationship; 2) the company has the power to impose sanctions upon the courier: any delays in deliveries cause the courier to lose his/her bonus and could even lead to the courier's account being deactivated once several delays have been incurred.

These important decisions paved the way for a series of other decisions similar to those of other disputes with similar platforms. Indeed, in the three months following this verdict, three other verdicts followed, ruling along the same lines. Again, judges pointed out the indications of a subordination link and proved the power that the platform has to control and sanction the couriers. This applied to Deliveroo on the couriers of Amsterdam and for Take Eat Easy prosecuted by the prud'hommes councils in Nice and Paris (see details in the annex F).

This turbulent jurisprudence depends on the various national legislations. In France, in any case, it appears that the trend is towards reclassification as employees, since the decision of the Court

of Cassation on the Take Eat Easy platform, cited by the *Conseil des Prud'hommes de Paris* in a decision of **6 February 2020** condemning Deliveroo for “undeclared work”.

“**In Italy**, developments seem favourable as well. By its decision of 11 January 2019, the Turin Court of Appeal had created legal uncertainty: without reclassifying the Foodora delivery worker as an employee, it had recognised certain labour rights, but not all of them. The situation became clearer after the Court of Cassation's decision of **24 January 2020**: since then, all work organised by others (*lavoro etero-organizzato*) has benefited from all labour law, unless there is a specific collective agreement”⁵⁶. **In Spain**, we will also see that favourable case law has played an important role in the legislative proposal now on the table (see below).

Judges appear to be the first line of defence in the weakening of couriers’ and drivers’ social protection and platform workers more generally.

2.2. BUT WHAT ARE THE STATES DOING?

THE SPANISH MODEL AGAINST THE UBER LAW AND EUROPEAN THIRD STATUSES

In recent years, therefore, there have been a large number of court cases alleging that platform workers have been wrongly classified as “independent subcontractors” rather than “employees” throughout the European Union, both in national courts and in the EU’s Court of Justice. “This signals a legal uncertainty that calls for legislative clarification”. In this context, however, a majority of governments support the “uberisation” of society and are thus participating in the unravelling of labour law. So how can we fight on the legal front in a context of progressive legalisation by money or by the law of hitherto outlawed companies? In the United States, Uber's Proposition 22, which carries the status of the digital self-employed, was imposed by referendum and thanks to the funds injected into the campaign by the transport multinationals, contradicting the government of the state of California, which had succeeded in imposing wage-labour. In Europe, third statuses with the disadvantages of the subordination of wage-earners and the non-protection of the self-employed are the norm in many Member States. Only the Spanish model seems to be holding fast against this strong trend and defending unconditional employment against any form of precarious status. This is also what Leila Chabi, a member of parliament from the political party La France Insoumise, is advocating by bringing forward a draft directive that defends the idea that platform workers are salaried workers as such.

⁵⁶ <https://legrandcontinent.eu/fr/2020/02/19/geopolitique-des-plateformes/>

American-style under-employment: the “digital self-employed”.

In California, the employment law called AB5 (Assembly Bill 5), signed in September 2019, came into effect on 1 January 2020. It was the unions that persuaded the California legislature to pass this law. The groundbreaking legislation codified and expanded a 2018 Federal Supreme Court ruling⁵⁷ to classify platform workers as employees rather than independent contractors. As reasons for the extension, the legislative text cited “harm to misclassified workers who lose significant workplace protections”, loss of revenue for the state and unfairness to companies that compete with companies that misclassify workers. The law also extended the scope of the Dynamex decision beyond its original scope of application, namely wage standards⁵⁸. Under the provisions of the new AB5 Act, employees would benefit from all aspects of the California Labour Code, including unemployment, collective bargaining and anti-discrimination law.

However, Uber and Lyft continued to operate regardless of the new law. In August 2020, when the courts required the companies to reclassify drivers as full-time employees, the platforms threatened to cease operations in the state of California.

Even though it had signed AB5, Gavin Newsom's government then encouraged Uber, Lyft and the unions to negotiate a compromise encouraging the platforms to treat their workers as self-employed and giving the trade unions some capacity to organise them. But this agreement never materialised and the platforms then turned to voting and held a referendum⁵⁹. The propaganda for Proposal 22 was full of threats: threats that drivers would lose the possibility of determining their own schedules, threats that prices would become higher for customers and that the service would be limited to a certain perimeter.

On 3 November, thanks to an election campaign totaling over \$200 million to exempt themselves from AB5 and to keep their workers classified as independent contractors⁶⁰, Californians rallied for Proposition 22 led by Uber and Lyft. “This fight was one of the most closely watched referendums in the country and one of the most expensive in the state's history⁶¹”. The “Yes to Proposition 22” won with 58% of the vote, against nearly 42%. With the

⁵⁷ Supreme Court of California, “Dynamex Operations West, Inc. v. The Superior Court of Los Angeles County” <https://www.courts.ca.gov/opinions/archive/S222732.PDF>

⁵⁸ In English “wage orders”. These are the Industrial Welfare Commission Wage Orders, in force in California, which, among other things, set standards for wages and working hours by sector.

⁵⁹ In California, voters may trigger a referendum if the initiative is supported by over 5% of active voters.

⁶⁰ Contributions to the campaign come from five platforms that support the measure: Uber, Lyft, but also DoorDash, Postmates and Instacart's parent company.

⁶¹ Los Angeles Times, California voters approve Prop 22. allowing Uber and Lyft drivers to remain independent contractors, 3 November 2020.

adoption of this law, drivers will remain independent while having access to new benefits such as a guaranteed minimum wage and health care.

The hourly wage for time spent driving must be 120% of the local or national minimum wage. Drivers receive an allowance for the purchase of health insurance coverage when the average driving time is at least 15 hours per week, which increases if the average driving time increases to 25 hours per week. However, working hours include only the time spent driving, picking up and transporting a driver or delivery to a destination, not the time spent waiting between two journeys. Platform workers will receive lower social benefits than they would have received under Act AB5, which was approved the previous year. Companies have spent a considerable amount of money on protecting their business model.

For example, under Proposition 22, these benefits and protections include a healthcare contribution consistent with the average contributions required under the Affordable Care Act (ACA), a minimum income guarantee for time worked while actively providing transportation services, compensation for certain vehicle expenses, and workers' compensation insurance to cover workplace injuries. Proposition 22 also prohibits employment discrimination by platforms and gives workers the right to take legal action under California's anti-discrimination laws. They will now enjoy many more benefits and protections than independent contractors would normally receive. This has even led some to refer to Proposal 22 as a "third way" for on-demand workers. But without employee status, drivers do not have the right to organise or bargain collectively, and some of the other rights are less than a Californian employee would receive.

Uber's own law: Proposition 22 and counter-democracy

This political victory of the platform companies deals a double whammy to democracy. On the one hand, we have seen these companies bypass the government and spend large sums of money on influencing voters with advertising and direct marketing to Uber customers. And on the other hand, the adoption of this measure delivers a blow to the powerful Californian trade unions, whose countervailing powers have been flouted and who were unable to resist Uber's campaign because of their meagre financial resources (20 million). Indeed, while referendum initiatives are supposed to be a form of direct democracy allowing the average voter to make his or her voice heard, when they are dominated by large platform companies, the very purpose of the process becomes subverted.

Uber chief Dara Khosrowshahi wants to take advantage of the victory momentum to impose the Uber business model further: "Going forward, you will see us more loudly advocate for new laws like Prop 22, which we believe strike the balance between preserving the flexibility that drivers

value so much, while adding protections that all gig workers deserve," Khosrowshahi said, adding that "it's a priority for us to work with governments across the U.S. and the world to make this a reality⁶²".

Another challenge posed by Prop 22 has been drawing a line in the sand and creating a precedent for labour struggles around the country. The battle over AB 5 and the subsequent Prop 22 campaign functioned as a proxy fight in a larger, ongoing struggle over the nature of work. In the United States, organised labour and democratic allies saw the law as a critical backstop for stable jobs. Uber and its allies advocate for an employment model that straddles the employee-contractor dichotomy by letting workers set their own hours but offering them portable benefits that independent contractors do not usually receive (see above).

Given the importance of these issues, the struggle spread beyond the sole state of California in the context of the presidential election. Joe Biden, then a Democratic presidential candidate, had been weighing in on AB 5. The Democrats in the House had passed a labour law, the PRO Act, which would have enshrined an AB 5 type test at national level. Republicans made AB 5 a campaign issue, castigating the Democrats for the job losses they had suffered, to the benefit of workers who, they said, preferred flexible work to fringe benefits. Joe Biden's White House victory since then could, however, change the national dynamic if he made it a marker of his policy.

After the resounding victory of Prop. 22, it is to be expected that the platforms will redouble their efforts (both in the legislatures and in Congress) in favour of this hybrid model. Elected officials in some states like New York, which are considering similar moves to California, may back down after seeing the power of Uber.

The political battle over employment will certainly cross the Atlantic and affect EU Member States which are inventing another type of hybrid model. In Europe, it is not so much an improved self-employed status that is being advocated and more that of an employee with degraded rights, even if they are two sides of the same coin. Indeed, under the pressure of some eventful case law since 2018 obliging platforms to reclassify workers as employees (see part X), many legislators in the Member States want to stabilise the model by "legalising" a sub-status of employee, called third status, still to be (re)specified in each country. Would this category of sub-employee with reduced rights, sub-employment, which is in the process of being invented in Europe, not be even more dangerous than that of the improved "digital self-employed", sub-employment, insofar as

⁶² California ballot initiative as a model for other states, 11/05/2020
<https://www.politico.com/states/california/story/2020/11/05/uber-ceo-sees-california-ballot-initiative-as-a-model-for-other-states-9424660>

it could eventually be extended to all employees, deconstructing labour law, which is already struggling?

European-style sub-employment: third statuses

The issues at stake in terms of labour law and the right to social security are similar in most Member States, even if their legal systems are different. Wherever on-demand labour platforms are present, the question arises as to workers' "real" status: independent service provider or employee? This debate existed long before the creation of Uber or Deliveroo, questioning the criteria that determines a worker's status: economic dependence, legal subordination, autonomy in the organisation of work, ... Finally, today the bogus self-employed platform workers are "twice deprived of protection: not being employees, they have no claim to the legal protection offered by the Labour Code; not being real self-employed workers, they are not benefiting from the economic protection provided by multiple customers where the effect of any one customer cancelling an order has only a limited effect⁶³".

Complicit States: existing national third statuses

Some European governments are already supporting the platform business model which imposes sub-statuses on their workers and thus are playing an active role in the unravelling of a labour law that has already been severely degraded by the wave of "labour laws" in Europe⁶⁴. Many governments (United Kingdom, Italy, Spain, Germany) have set up a **third status grey zone**, halfway between employee and self-employed. These specific forms of employment, now used for platform workers, were not reserved for them at the time they were developed. They are *workers* in the United Kingdom, only having access to a reduced set of rights (minimum wage, paid holidays, statutory sick pay, protection against discrimination⁶⁵), or workers with *parasubordinate* status in Italy, classified as "protected self-employed".

Finally, there is also Spain's TRADE⁶⁶ regime. These "third statuses" which appear to be offering certain guarantees, are not actually a real solution, because when the associated guarantees are relatively strong, as they are for *workers* in the UK, then the platforms try to evade this status.

⁶³ Antonmattei and Sciberras (2008) thus presented the economically dependent self-employed worker, the subcontractor, the franchisee and the commercial agent as of 2008. We can now add the long list of bogus self-employed platform workers to this list.

⁶⁴ See Dufresne Anne, "Loi travail. Attention danger", *Gresea Échos*, n° 88, December, 2016 for a full overview of labour laws in Europe: Hartz Laws in Germany from 2003, Labour Law in Spain (2012), Jobs Act in Italy (2016), Labour Law in France (2016) and Peeters' Act in Belgium (2016).

⁶⁵ In the United Kingdom, the whole point of the current legal disputes is to have people classified as workers. working for platforms when the platforms consider them as self-employed. In addition, as the status of workers remains precarious, the TUC is also calling for the removal of the distinction between workers and employees, the latter category being entitled to all the protections enshrined in labour legislation and collective agreements.

⁶⁶ For a comparative legal analysis of the different third-party statuses of economically dependent self-employed workers, see Gomes (2017).

And when they are weak, as in Italy, the very existence of this sub-status prevents any request for self-employed workers to be classified as real employees.

France and Belgium: special platform exception laws

Some States, such as France and Belgium, have opted not to recycle existing hybrid statuses such as the countries mentioned above, but rather are seeking to make use of the recent phenomenon of hybrid platforms to organise exemption zones and encourage the deregulation of working conditions. **In France**, following an initial proposal within the framework of the “law on the freedom to choose one's professional future⁶⁷”, it is Article 44 of the Law on the Orientation of Mobility (LOM)⁶⁸ that offers platforms the possibility of adopting a charter setting out their rights and obligations where workers are concerned. The principle of adopting such a charter means the relationship that links workers to their platform(s) is included in commercial law and not in labour law, which allows platforms to **decide unilaterally on working conditions and remuneration**, as well as social protection for workers. However, this paragraph, which provides for the adoption of a charter, which would then protect the platforms against courts reclassifying workers as employees, was rejected by the Constitutional Council in its decision of 20 December 2019. The situation is therefore still being judged on a case-by-case basis by the various courts of law.

This decision, which redefines the scope of labour law, coupled with an ongoing investigation into Deliveroo that risks putting a stop to the platform, has prompted the government to propose a strategy. This is why, on 14 January 2020, the Prime Minister entrusted Jean-Yves Frouin, the former president of the Social Chamber of the Court of Cassation, with a mission to define possible scenarios for building a framework for the representation of platform employees. This mission is responsible for preparing the ordinance, provided for in article 48 of the LOM law, which must determine the arrangements for such representation. It will also set out the government's strategy after the failure of the charters. On the occasion of the second lockdown, on 28 October 2020, E. Macron once again stressed the importance of supporting the platforms, “*The economy must neither stop nor collapse! I therefore invite you, as far as everyone is able, to take part in this effort by working, by supporting companies that, close to you, have innovated*”

⁶⁷ Law No. 2018-771 of 5 September 2018 “on the freedom to choose one's professional future”, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037367660?r=Q6amDBIZ8j>

⁶⁸ Law No. 2019-1428 of 24 December 2019 on mobility guidance: <https://www.legifrance.gouv.fr/dossierlegislatif/JORFDOLE000037646678/>

through distance ordering, take-away sales or home delivery. The Government will support VSE/SMEs as well as craftsmen and women who will undertake digitisation initiatives⁶⁹.⁷⁰

In **Belgium**, two successive “exceptional” laws have been passed moving in this direction: the De Croo law which promotes self-employed status with tax relief measures in force since January 2017 and the economic recovery and social cohesion law which grants platforms the possibility of using, for their workers, “voluntary” status since July 2018 (see the insert below for details). The latter was also thrown out by the Belgian Constitutional Council.

EVOLUTION OF THE REGIMES AND STATUSES APPLIED TO COURIERS IN BELGIUM

Three elements are related to the schemes and statuses offered to the platforms' “partners” in Belgium: the tax rate applied to their income; the social security scheme and the corresponding rate of social contributions; and the applicability of labour law.

A commercial agreement was signed in May 2016 between the Mutual Society for Artists (SMart)⁷¹ on the one hand and Deliveroo and Take Eat Easy on the other. It allowed couriers to obtain the status of employee with a minimum of three hours of employment (and payment for three hours of work⁷²), and to acquire social security benefit rights and be covered by labour law (occupational accident coverage, access to collective bargaining, etc.). They also agreed to pay for the use of personal telephones, to cover 50% of the costs of technical repairs and technical inspection carried out on the courier's bicycle, as well as providing road safety training for each new courier.

At the end of January 2018, Deliveroo unilaterally terminated this agreement. The company then announced that, as of 1 February, it was to adopt the system of the program law of 1 July 2016 (known as the De Croo law⁷³), after being approved as a collaborative economy company on 18 January 2018. This law introduced a tax rate of 10% (instead of the previous 33%) and an exemption from social security contributions on the first €5100 per year (with no monthly ceiling). As regards the applicability of labour law, this law maintained a legal vacuum by not giving the worker any social status. In order to be protected, the worker could choose from three solutions: being an employee, being self-employed but registered to a different activity, or to have derived rights. The programme law of 1 July 2016 was then amended by the

⁶⁹ <https://www.elysee.fr/emmanuel-macron/2020/10/28/adresse-aux-francais-28-octobre>

⁷⁰ Vicente, Matthieu, Classification of Platform Workers in France, 30 August 2020, Le grand continent, Classification of Platform Workers in France: <https://legrandcontinent.eu/fr/2020/08/30/la-qualification-des-travailleurs-de-plateformes-en-france/>

⁷¹ Created in 1998 in the form of a non-profit organisation, the SMart cooperative was initially intended to offer artists whose work is by definition intermittent and precarious the opportunity to pool part of their fees within a structure which, in return, would act as an employer for them, thus giving them access to a minimum of social protection and salary stability. Faced with the multiplication of forms of work and “atypical” employment, a growing number of workers outside the arts sector, among which the platform workers, and in particular couriers, have begun to use its services. From 2016, it became “SMartCoop”, a limited liability cooperative company with a social purpose. It has today ten offices in Belgium and is present in nine other European countries.

⁷² Minimum wages in Belgium are set by collective labour agreements (CLAs) concluded within the National Labour Council (CNT) or joint committees. The amount depends on the function, age and seniority of the worker. The gross monthly amount of the general interprofessional minimum wage is EUR 1,593.81 for workers aged 22 and over with 12 months' seniority. It varies between 1,051 and 1,411 euros gross monthly from 16 to 20 years old.

⁷³ Belgian Monitor, 4 July 2016. See. M. LAMBRECHT, “L'économie des plateformes collaboratives”, Courier hebdomadaire, CRISP, No. 2311-2312, 2016.

law of 18 July 2018 on economic recovery and strengthening social cohesion⁷⁴. From then onwards, the tax rate was 0% and exemption from social security contributions was granted up to 6,130 euros per year (2018 amount). In addition, a derogation from labour law was granted: there is no protection at work, including welfare at work (no provision for accidents at work, occupational illnesses, etc.; no system of rights and duties in relations with the user; no need for written agreements between the parties)⁷⁵. This exceptional regime was then annulled by the Constitutional Court on 23 April 2020 (Ruling No. 53/2020), after trade unions and several self-employed organisations and industry employers' federations appealed against it. Following this decision, couriers working in P2P were to return to the regime established by the "De Croo" law.

To contradict these developments in employment status, in April 2018, Belgium's Administrative Committee for Regulating Labour Relations (SPF Social Security) adopted an opinion regarding a request to reclassify the labour relationship of a courier concluding that there was indeed subordination in the relationship and contradicting Deliveroo's proposal to classify the work as self-employment.

This shows us how the Belgian, French and other legal systems that apply to couriers and which promote "status-free" employment or self-employed work, are being increasingly called into question by certain structures at national level. It is therefore in order to avoid these clashes and under the mounting pressure of case law favouring reclassification, that France and Belgium would like to quickly stabilise their model of sub-salaried employment by enacting in turn a new intermediate status, this time irrevocable. This is all the more pressing for France, since the Constitutional Court in its latest ruling has imposed salaried employment upon it.

Third status and platformisation

There is nothing stopping platform work extending its reach to "traditional" companies in the future. If this were the case, it is likely that it too would benefit from a less protective status than employee status. At a time when precariousness and atypical work are growing phenomena, it does not seem appropriate to **create a new niche** to stimulate them by further segmenting the labour market and promoting a new way out of labour law. Indeed, if the breaking down of tasks

⁷⁴ Belgian Monitor, 26 July 2018. Cf. P. LEDECQ, 16 December 2019; text on econospheres, www.econospheres.be/Loi-sur-les-plateformes-collaboratives-un-manuel-pour-organiser-le-travail-au

⁷⁵ At the above-mentioned meeting in mid-October 2019, the FPS Finance clarified some of the specificities of the P2P regime: it is forbidden to simultaneously have a P2P activity and work under the status of employee, student or self-employed (which therefore means that it is not possible to have a derived status through this other activity giving access to social rights); it is forbidden to be replaced; if the income received by the courier in the collaborative economy is more than EUR 4 000, his parents can no longer declare him as a dependant for the purpose of receiving family allowances.

and outsourcing to multiple suppliers via a technological platform could devalue the notion of subordinate labour, this would encourage traditional sectors to reconvert their business model towards this new environment with the sole aim of obtaining a competitive advantage (Beltran de Heredia Ruiz, 2019). For this reason, it seems entirely preferable for platform workers to acquire **the rights offered by salaried work**, including minimum wage, organisation of working and rest time, privacy, portability of assessments, work-life balance, prevention of occupational risks, collective rights, training, protection of equality and non-discrimination, as already advocated in the France Unbowed (LFI) Directive.

Unconditional employment, Spanish-style: salaried work

Spain seems, for the moment, to be the furthest along in improving the lot of platform workers. Indeed, there has been a lot of action in defense of platform workers there and on several fronts since 2017⁷⁶. The UGT in coordination with the CCOO (Workers' Commissions) and CNT unions, the Riders x Derechos collective movements present in eight regions and other delivery groups have achieved some significant victories, the most important of which are a series of court rulings that have reclassified the employment relationship of many platform workers (see below). Let us quickly retrace a few recent events that have served to promote the current bill, which is very promising and unique in Europe.

In 2019, Deliveroo was found guilty of committing social security fraud following a complaint from the labour inspectorate, which considered that the delivery workers were unduly being declared as “*autonomes*” and demanded unpaid social security contributions from the employer⁷⁷. A first judgment, handed down in Valencia in June, had ruled in favour of the administration, which had reported the case of 97 couriers. A month later, in Madrid, the court issued a similar ruling in the case of 532 delivery drivers and again found the platform guilty, demanding payment of 1.2 million euros of contributions.

In September 2020, it was the decision of the Spanish Supreme Court recognising the existence of a “working relationship” between a delivery worker and the Spanish company Glovo that prompted the government to “clarify” the legal status of platform delivery workers. This High Court ruling is all the more important as it serves as the basis for the regulation that the Ministry intends to approve in the future law and which has inspired a number of questions addressed in the draft bill. One of them emphasises the central role of digital technology (see above).

⁷⁶ See details of direct actions and legal action in Annex D.

⁷⁷ <https://www.lesechos.fr/economie-france/social/deliveroo-dans-le-collimateur-de-la-justice-espagnole-1122616>

On 30 October 2020, somewhat delayed by the pandemic, a first draft was published on the **future regulation of labour on digital platforms** to fight against bogus self-employment, the result of a three-year struggle. The social dialogue committee between the Ministry of Labour, trade unions and employers negotiated a text to try to strengthen the employment status of platform workers. The document refers to the organisation and management that is “implicitly” carried out by these companies, as well as the role of the application and technology of these companies as the “main agent” in the activity to force the companies to hire their workers as employees. One of the central proposals made by the UGT is that the **Labour Ministry should create a register of platforms that is open to the public** and which all companies have to be listed on, as well as stating which algorithm they use.

The project also includes the amendment of a law on minimum health and safety measures at work and the revision of two articles of the Workers' Statutes. But how far should the regulation of platforms go? There are very different types of companies and in very different sectors of activity. Glovo, Deliveroo and Uber Eats, for example, have more recently been joined by e-commerce giant Amazon, with the registration of some 4,000 delivery workers in Madrid and Barcelona. For the time being, the project includes two types of platforms to which the regulation would apply: **mass retail and home services**. The trade unions are exerting pressure to ensure that the legislation is as wide-ranging as possible.

The legislation is intended to bind the platforms as employers. It also envisages the possibility for workers to provide their services with the “freedom to choose their hours”. The idea would be to let workers know their “actual weekly time slots” at least 48 hours in advance. Finally, the draft considers that the regular use of any equipment and tools belonging to the worker during the working day “should be specifically remunerated”. Negotiations on the legislative text are ongoing.

One of the spokespersons of the Riders4derechos collectives explains, “For this law to pass, we need more than ever the strength of the different political parties, social movements and trade unions and, above all, of society in general. This is the only way that we will be granted the labour rights that we have been demanding for years”. It is important to note that in his speech, the courier forgot “neither the undocumented migrant workers who ‘are in the most vulnerable situation and for whom R4D is asking for regularisation nor the cooperatives that respect the law and are in competition with platforms that compete unfairly against them.”

The future of this Spanish law is important not only for Spanish workers, but also to serve as a model in the forthcoming political struggle not only in the courts, but also in a very specific arena where contestation is not often the order of the day: that of the European institutions.

Which European Directive?

This is why it is so important to understand the changing debate at European level and the role of the directive proposed by La France Insoumise (LFI)⁷⁸ in this process.

In her Political Guidelines for the European Commission 2019-2024, Ursula von der Leyen stated that she wanted to look at ways of *'improving the labour conditions of platform workers'*. The Commission had announced it was to hold a Social Summit on this issue during the third half of 2020⁷⁹. The Covid19 pandemic saw this event cancelled and replaced by multiple consultations of the "social partners" and other actors. The EU executive also published a study on the working conditions of platform workers (Kilhoffer et al., 2019). At the same time, the European Parliament began drafting an own-initiative report on the subject⁸⁰. The aim of this process is to rapidly produce a potentially legislative text, presented by the Commission, presenting a minimum social floor for platform workers.

In view of national legislative developments, LFI decided to propose an alternative directive even before the Commission's draft was released with the main objective of **"ensuring the protection of digital platform workers** by aligning their labour and social rights with those of all other workers." Whilst its ambition is to be a communication tool for the long debate that is set to take place on the current European draft law, it does allow us to specify what would legally enable us to achieve a widespread reclassification of platform workers. We briefly summarise it here.

The objectives mentioned above "are fundamental in promoting the fight against forms of unfair competition" with companies that provide similar services through business models that comply with regulatory standards. "An increase in precarious work also leads to losses for traditional entrepreneurs, to a loss of expertise and to a loss of earnings for social security systems."

The directive defines its scope as follows:

- 'Digital platform' means "a service company organised offline, operative in particular in the licensed-driver passenger transport and meal-delivery sectors, whose purpose is to offer its customers a workforce, electronically and by means of algorithms, which it organises with a view

⁷⁸ Directive of the European Parliament and of the Council on digital platform workers, Proposed Directive from Ms Leila Chaibi, Member of employment and social affairs committee, 21.09.2020, <https://leilachaibi.fr/wp-content/uploads/2020/11/Directive-travailleurs-des-plateformes-ENG-WEB.pdf>

⁷⁹ The Commissioner for Employment and Social Affairs Nicolas Schmit (S&D - Luxembourg), in charge of this dossier, was invited to the GUE-NGL group to discuss the communication. Leila Chabi took advantage of the occasion to challenge him on the issue of platform workers: <https://twitter.com/leilachaibi/status/1217508907842723840>

⁸⁰ In the EP, Sylvie Brunet from LREM will be the rapporteur, following intense lobbying from the Elysée.

to performing the service which it offers them. It establishes or influences to a significant degree the conditions and remuneration for the exchange.

- 'worker' means any person who enters into a contract with a digital platform concerning the hiring of his or her labour, whether of an intellectual or manual nature, with a view to rendering a service offered and organised by the platform, in return for remuneration" (p. 11, article 2).

The LFI directive takes the view that: "The platform economy gives rise to questions concerning the application of existing legal frameworks, in that it blurs the boundaries between professional and non- professional service provision, and between employed and self-employed workers. Accordingly, it gives rise to a degree of uncertainty as to the applicable rules, in particular when taken together with the regulatory fragmentation resulting from divergent approaches at national or local level in that respect. Digital platforms argue that individuals are seeking autonomy at work and freedom in choosing their working hours and days to justify offering them only commercial contracts as opposed to employment contracts. Without employment contracts, platform workers cannot avail of the rights and benefits enshrined in employment law. ... neither do they benefit from access to the traditional types of social protection enjoyed by salaried employees."

Moreover, platform workers are faced with problems specific to their work tool, based on orders generated by algorithms, which is both arbitrary on a daily basis and poses risks for the protection of their personal data and respect for their right to a work-life balance.

In response to these observations, the directive specifies the obligations that are owed to workers by the platforms, particularly in terms of how the employment contract is drawn up, termination of the contract, remuneration, working time, access to collective representation and social protection.

POTENTIAL FIELDS FOR COLLECTIVE AGREEMENTS, CONTRACTS OR ARBITRATION AWARDS WHICH HAVE BEEN DECLARED TO BE UNIVERSALLY APPLICABLE ARTICLE 3 OF LFI DIRECTIVE

- a) maximum periods of work, minimum rest periods, and minimum period of paid annual leave;
- b) remuneration, including overtime rates;
- c) conditions for the hiring-out of workers, in particular by temporary-work
- d) agencies;
- e) the functioning of algorithms, the processing of personal data and
- f) guarantees of the right to disconnect;
- g) the health, safety and well-being of workers at work;
- h) arrangements for representation, negotiation and collective action; i) arrangements for access to social protection.

More specifically regarding the work tool, article 4 of the directive states that it is incumbent upon the platform “to make the **workings of their algorithms** intelligible for workers and their representatives.” “Platforms shall indicate the main parameters which, either individually or collectively, are the most important for determining the allocation of teams, the distribution of job offers and places of work, the assessment of work carried out, the arrangements for waiting time and for determining remuneration, as well as the relative importance of these main parameters, by providing a description which is easily and publicly accessible and set out in clear and comprehensible language. Platforms shall keep this description up to date”. And finally, “the *acquis communautaire* in the area of anti-discrimination shall apply to algorithms”.

It also strengthens platform workers’ **personal data protection** (article 5). They shall be processed in accordance with General Data Protection Regulation (GDPR)⁸¹. “Any form of data processing seeking to establish mechanisms to rate workers and any planned changes to an algorithm shall be made subject to collective bargaining between digital platforms and workers’ representatives”.

⁸¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016.

In order to establish a harmonised framework for the protection of platform workers at Community level, the directive seeks to introduce minimum requirements applicable throughout the EU.

In the process leading up to the future directive on platform workers, the European Trade Union Confederation (ETUC) has also been consulted by the Commission. It adopted a resolution on 29 October⁸² which contains the following main points: a clear position against the idea of a third status; the intention to cover all atypical online or offline workers; a presumption of salaried employment; access to collective bargaining and social protection; and recognition of platforms as employers.

The legal battle may run for a long time. However, the legal victories so far and the debate that is just getting underway at European level testify to the accuracy and perseverance of the historical struggles in winning (back) the right to have rights. In order to bring these rights to life and build up the actors who will be entitled to them, collective structures will have to be reinvented, as platform workers today are struggling to achieve collective representation and trade unions are often struggling to adapt to the turn that the platform economy has taken.

2.3. UNSUITABLE INDUSTRIAL RELATIONS SYSTEMS⁸³

Faced with the legal challenges presented by the implications of platform work, the strategies of trade union organisations in Europe explore two approaches: firstly, the inclusion of platform workers in existing information/consultation and collective bargaining regimes. These regimes differ across regions in Europe. A distinction is made here between the Nordic countries which focus, according to their tradition of industrial relations, on company-level collective bargaining, and the countries of Central Europe, which seek to maintain sector-level bargaining. The second type of approach, specific to platform work, consists of establishing and operating independent certification schemes, through which trade unions could engage with platform workers to ensure that basic working conditions are consistently applied (Prassl, 2018).

⁸² ETUC Resolution on the protection of the rights of non-standard workers and workers in platform companies (including the self-employed), Adopted at the Executive Committee Meeting of 28-29 October 2020.

⁸³ Filip Dorssemont and Auriane Lamine look at the legal conditions of the evolution of the collective right of platform workers in an excellent article. See (Dorssemont, Lamine, 2020).

The Nordic model: negotiating with platforms

The first difficulty platform workers have in setting themselves up as negotiating partners is that one of the characteristics of the platform model is precisely that of the company shirking its responsibility as interlocutor/employer by hiring platform workers as bogus self-employed.

However, in the Nordic countries, trade unions have been recognised by platform companies as speaking partners in collective bargaining⁸⁴. A Nordic model is gradually developing. Indeed, in these countries, collective bargaining plays a crucial role in regulating the labour markets, and about 70% or more of the workers are covered by collective agreements. The collective agreements for platform workers emerging in the Nordic platform economy are of a different nature (see insert below).

COLLECTIVE AGREEMENTS IN THE NORDIC PLATFORM ECONOMY

Platform	Status & nature of the agreement
Hilfr (cleaning), Denmark	Cleaning platform Hilfr and 3F Private Service, Hotel and Restaurant signed an agreement in April 2018. ¹⁵ This is a trial agreement whereby the providers of work can decide themselves, when they have worked more than 100 hours, if they want to be employees or self-employed.
Chabber (waiters, bartenders and kitchen assistants), Denmark	Chabber operates as a temporary employment agency covered by the Act on Temporary Agency Work.
Voocali (translation services), Denmark	Voocali has signed the HK Agreement for Salaried Employees and a special agreement that covers work performed via the platform by those that are not employees. ¹⁶
Bzzt (personal transport by moped), Sweden	The agreement between Bzzt and the Swedish Transport Workers' Union allows Bzzt drivers to be covered by the Taxi Agreement, which gives the workers access to the same standards as traditional taxi drivers. Unlike many platform companies, the drivers in Bzzt are offered marginal part-time contracts.
Instajobs (platform for students, different categories of highly skilled), Sweden	Agreement with the white-collar trade union Unionen for the workers to be covered by the collective agreement for temporary agency workers.

⁸⁴ All this section is based on (Jesnes, et al., 2019).

Gigstr (low-skilled gigs), Sweden	Agreement with the white-collar trade union Unionen for the workers to be covered by the collective agreement for temporary agency workers.
Foodora (food delivery company), currently operates in Austria, Canada, Finland, Germany, Norway and Sweden.	The Norwegian Transport Workers' Union and Foodora are currently in negotiation about entering a collective agreement.

Source: (Jesnes, et al., 2019: 2)

Some platform companies hire workers on marginal part-time employment contracts, which makes it possible for the workers to be covered by existing collective agreements. The case of Bzzt in Sweden and of Foodora in Norway are examples of this. Therefore, platform companies that hire workers on marginal part-time contracts seem more likely than other platforms to negotiate collective agreements. Second, some platform companies register as temporary employment agencies, and the workers are then covered by collective regulations on temporary agency work. The cases of Chabber in Denmark and Instajobs and Gigstr in Sweden are examples of this.

Thirdly, the agreement between Hilfr and 3F in Denmark stands out as it allows platform workers that have worked more than 100 hours to decide themselves if they want to be self-employed or employees covered by the terms of the agreement (see box below). This can be regarded as a novelty in Nordic collective bargaining, as individual workers traditionally cannot choose between these two tracks. Another interesting development in a Nordic context is that the German food delivery company Foodora and the Norwegian couriers, organised in the Norwegian Transport Workers' Union, are currently negotiating for a collective agreement (see insert below). So far, this is the only example of collective bargaining in the Norwegian platform economy, and it is particularly interesting as it is a foreign-owned company with no collective agreements in the other countries where it operates.

TWO ATYPICAL AGREEMENTS WITH PLATFORMS IN THE NORDIC COUNTRIES

Denmark: Agreement between Hilfr and 3F

In April 2018, Hilfr, a Danish platform offering house cleaning services. At the signing of the agreement (August), Hilfr counted about 450 workers and 1,700 customers.

The trial agreement covered pensions and sickness benefits, holiday pay and collectively agreed wages. When starting their cooperation with the platform, domestic cleaners (or “Hilfrs” in the platform language) invariably have a self-employed status. Under the agreement, after 100 hours of work for the platform, they automatically acquire an employee status - and become Super-Hilfrs - unless they explicitly request to opt out.

Following the end of the trial period, the agreement has been constantly renewed month by month. At the same time, 3F carried out a research on a focus group of Hilfr employees. The study provided interesting results on the dynamics of platform work, which in turn led to launch the negotiation of a new, improved agreement. In 2020, the Danish Competition Council (DCC) assessed that the minimum hourly fee constitutes a concerted practice for the services mediated through Hilfr which might limit the competition. As a result, Hilfr offered to remove the minimum hourly fee for their so-called Freelance Hilfrs (not covered by the collective agreement) and committed to consider the so-called Super Hilfrs as employees in relation to competition law by ensuring a legal subordination relationship and bearing the financial risk of the cleaning work.

Foodora couriers in Norway negotiating for a collective agreement

Since September 2019, there is a collective agreement between Foodora (mediating bicycle food delivery) and Fellesforbundet (United Federation of Trade Unions). Foodora couriers in Norway negotiating for a collective agreement

Foodora is a German-based food delivery company established in 2014 and owned by DeliveryHero.

The couriers are organised in the Norwegian Transport Workers' Union in Oslo, Trondheim and Bergen (about 100 out of 400 couriers), and they are currently negotiating with Foodora for a collective agreement.¹⁹ Important to note in this context is that in Norway Foodora has accepted that the couriers are employees.

The couriers in Norway have marginal part-time employment contracts (10 hours per week), but with a possibility of working extra hours. Section 14-3-1 of the Norwegian Working Environment Act states that, when working part-time with extra hours, workers can demand extra hours in the contract if they work more over a longer period of time than what is stated in the contract. Some of the couriers have used this regulation to claim extra hours in their contract. Further, the couriers have an hourly pay rate with extra payment per order.

In the negotiations for a collective agreement, the workers' main demands include reimbursement for equipment (repair of bike, clothing, winter tyres²⁰ etc.) and getting paid for actual working time. The couriers are eagerly awaiting conclusion of the collective agreement, which they hope will improve their working conditions.

Source: Synthesis of (Jesnes, et al., 2019: 3)

The difficult sectoral negotiations

While the Nordic model is fully focused on company-level bargaining, in the centre of Europe, particularly in **Austria** and **Switzerland**, the unions aim for collective bargaining at sector level⁸⁵. **Switzerland was the first country in Europe to sign a collective agreement for bicycle couriers**⁸⁶. Binding upon the whole sector, its aim is to continue to prevent platforms from setting up in the country. Indeed, up to now, no commercial delivery platform has entered the market given the conditions introduced by the **law on postal services** which existed long before the appearance of Deliveroo on the global market and which encompasses the whole delivery sector: parcels and hot food. *"Swiss couriers have always therefore all been salaried workers and benefit from social protection coverage"* (UNIA, Switzerland). The objective of signing the recent agreement is so that *"all of the sector's workers enjoy the same rights and are treated in an equal manner"*.

Several months after Switzerland, Austria also signed a sector-level collective agreement. The collective agreement for bicycle couriers and food delivery operators was negotiated between the Union Vida and the Association for freight transport with the Austrian Chamber of Commerce. The agreement, finalised in September 2019 and entered into force on 1 January 2020⁸⁷ regulates some aspects and sets a minimum standard for employed riders⁸⁸.

⁸⁵ For more information about collective agreements and works councils, see annex D.

⁸⁶ The collective agreement was signed on 4 February 2019 and guarantees minimum standards from 1 May 2019.

⁸⁷ <https://www.wko.at/service/kollektivvertrag/kollektivvertrag-fahrradboten-2020.html>

⁸⁸ A new collective agreement was signed in 2020. It grants a 1,506 € salary per month for 40-hour weeks, the customary additional 13th and 14th months' pay and compensation to riders for the use of private bicycles and mobile phones which are necessary to carry out the deliveries. For the agreement itself, see: https://lohnspiegel.org/osterreich/arbeitsrecht/datenbank-der-tarifvertrage/kv_vida-wk-2020

COLLECTIVE AGREEMENT FOR COURIERS AND FOOD DELIVERY OPERATORS IN AUSTRIA,
SEPTEMBER 2019

4 workdays a week (36 hours off in between weeks)
10 workhours a day (11 hours off work in between workdays)
No work during holidays
8,71 minimum wage
Bonus for own bikes (0,14 € per Km), for OWN mobiles (20 euro per month, when fulltime) for overtime
when taking vacation, at the end of the year
100% BONUS for Sundays and for NIGHT shifts (from 10pm to 5am)

In the two countries where sectoral collective agreements have been ratified, the trade unions and couriers' collectives associated with them have also set up works councils (WC) – in Hamburg and Cologne in Germany with the NGG (food)⁸⁹; in Vienna, Austria, with Vida (logistics).

Even if the creation of works councils and the signing of sectoral agreements are important steps for the signatory unions, it is nonetheless difficult to enforce them, as the platforms systematically try to evade “institutional constraints”. The Austrian representative of Vida (Austria) explained that after having signed a collective agreement, platforms often try to get out of it: “the real danger is with the collective agreement only applying to employees, the platform letting them go only to hire self-employed workers. This is why, today in Vienna, there are only 60 couriers out of 600 at Foodora who have remained salaried employees and are therefore covered by the collective agreement⁹⁰”.

It should be noted that in all of these countries, these structures have most often been created around the German platform **Foodora**. This platform has taken the market in countries with strong traditions of collective representation and where the couriers are salaried workers⁹¹. Over time, however, and looking to the model of its competitor Deliveroo, Foodora has driven down working conditions and been seeking to avoid all types of worker representation as much

⁸⁹ Since Deliveroo has left the German market, works councils are now established at the platform Lieferando in Stuttgart, Nurnberg, Frankfurt, and Nord (Hamburg, Bremen and Kiel).

⁹⁰ Debates in the European General Assembly of the couriers, October 2018.

⁹¹ It has since disappeared in Germany, for example, like Deliveroo.

as possible⁹². With each new WC created, Foodora has decreased the wages of permanent staff in favour of self-employed workers, so as to reduce the number of worker representatives in the company.

In the same way, Delivery Hero, the parent company of Foodora, which has been seen demanding the presence of staff representatives on a works council, quickly set up a European public limited liability company (SE) and a European works council (EWC) to avoid having stricter German laws applied to it. This strategy allows it (amongst other things) to have only one information meeting per year with the worker representatives.

These examples are good illustrations of how the trade unions from Northern and Central Europe seek to get into platform companies as part of the professional relations they know. Although negotiations with platform companies seem to be catching on in the Nordic countries, Austrians and Germans are, for the time being, however, dealing with their “partner’s” robust capacity to avoid actually having to apply the sectoral agreements.

Wanting to negotiate applicable agreements at sectoral level requires the platform to be a member of a sector-level employers’ organisation or to create a platform employers’ organisation. This is unlikely given that platforms are cultivating their role as sole intermediary and getting out of being a sectoral social speaking partner and are **resisting all forms of institutions and social legislation**. For this reason, in the same way as the countries where professional relations structures are being put in place, future efforts will have to focus on the self-employed working for platforms.

If sectoral negotiation therefore seems difficult to achieve for workers in on-demand platforms, it will be all the more difficult for micro-workers, because their atomisation and the fragmentation of their tasks are even greater⁹³. Let us take a look at how micro-workers, also known as crowdworkers and even further away from a negotiation or representation process, seek to engage their clients called “requesters” to provide them with “fair work” with the help of certain unions or foundations engaged in the process of certifying the platforms’ “ethics”.

⁹² Thomas Schnee, “Les coursiers de Deliveroo et Foodora se lancent dans la construction d’un “front” européen”, Mediapart, 6 May 2018, <https://www.mediapart.fr/journal/international/060518/les-coursiers-de-deliveroo-et-foodora-lancent-la-construction-d-un-front-europeen?onglet=full>

⁹³ For more details on the specific working conditions of micro-workers, see Part A. “Ethical platforms?”

Certifying the ethics of micro-worker platforms

The vast majority of micro-tasking platforms classify their workers as self-employed. As with other workers in on-demand platforms, this deprives them of the protections afforded by labour and social security law.

Concerning “crowdwork”, several initiatives (mostly German and American) have emerged to encourage platforms and “requesters” to improve the working conditions of micro-workers, who are particularly precarious. The idea is to encourage clickworkers to join forces, reducing the asymmetry of information they experience vis-à-vis platforms and clients (Irani & Silberman, 2013).

FairCrowdWork: a trade union counter platform

In Germany, the IG Metall union, the most powerful in Europe, both strategically and financially, has launched a **crowdsourcing code of conduct**, the result of a voluntary commitment with the country's largest platforms. The **Frankfurt Declaration** argues that “platform operators, workers, worker organisations, clients, researchers, and regulators must work together to bring democracy to these new digital workplaces” (FairCrowdWork, 2016). From the declaration, this has involved rating crowdwork platforms, including both assessments based on the terms of service offered to workers, but also workers own reviews of the platforms (FairCrowdWork, 2017). As Heeks (2017, 23) has argued, this is the only “existing code or standard of specific relevance to the digital gig economy.” (cited in Graham, Woodcock, 2018). For example, the signatory platforms, in cooperation with the union IG Metall, have set up a mediation office through which employees can report disputes with platform operators.

The website **FairCrowdWork.org** for platform workers, set up in 2016, is a trade union initiative of IG Metall, but also includes the Austrian Chamber of Labour, the Austrian Confederation of Trade Unions (OGB) and the Swedish white-collar union Unionen⁹⁴. FairCrowdWork collects and disseminates information on working conditions for a dozen *crowdwork* platforms, including the giant Amazon Mechanical Turk (AMT). Finally, IG Metall has also worked with the inventors of **TurkOpticon**, an alternative platform bringing together the workers of AMT⁹⁵. It allows workers to evaluate applicants who post tasks to be performed. This is a “*place for workers to help one another with information and their experiences about employers*” (Turkopticon, 2017). This was

⁹⁴ Trade unions are collaborating on this project with R&D partners Encountering Tech and M&L Communication Marketing.

⁹⁵ Amazon Mechanical Turk (AMT or Mturk), launched in 2005, is a micro-tasking 'market' based in the United States and managed by Amazon.com, Inc. It is the oldest micro-tasking market and one of the three largest in the world in the English language in terms of market volume and number of workers, with CrowdFlower (US) and Clickworker (Germany). AMT charges its clients a fee of 20 to 45% in addition to the remuneration that applicants pay workers for their work.

achieved by developing a browser plugin to allow workers to review the work tasks, attempting to reverse the Panopticon-like surveillance of the platform (hence the name). In addition to this, there is a forum for workers to communicate. The project itself began from surveys of workers on the platform, and sought to build upon this, involving workers and their views in the strategy. This intervention provides one way to overcome the barriers between workers created by the platform organisation (Graham, Woodcock, 2018: 247).

The Fairwork Foundation and the ILO: Towards “Decent” Platform Work

It is in this context that the Fairwork Foundation was born, launched in autumn 2017 in partnership with the International Labour Organisation (ILO). It brings together the expertise of several universities on platforms’ working practices and conditions. Fairwork’s objectives are to imagine and help to achieve a “fairer” platform economy offering better conditions to its workers. To this end, Fairwork highlights the best and worst practices of this new economy. The Foundation brings together platforms, workers, trade unions, regulators and academics. It has set up a rating system based on certifications, certificates, guidelines, and “schemes that are able to carefully distinguish between platforms that offer workers a fair deal and those that do not. The initial set of criteria for fair digital work build directly on the fifteen criteria established for crowdwork by IG Metall (see detailed list in Annex G)”, and which concerns in particular remuneration, working conditions, the employment contract, algorithmic management and employee representation. These criteria are used to evaluate the platforms. They are intended as a starting point and will be refined and improved in a regular multi-party dialogue with workers, unions, platforms, and scholars. In October 2019, Fairwork published its first annual report, including analyses and ratings from 22 platforms active in Germany, India and South Africa⁹⁶.

The Fairwork Foundation is part of the “decent work” framework proposed by the ILO (2013), which it considers to be a good platform for analysing working conditions. This concept is based on the conviction “that core transparent production networks can lead to better working conditions for digital workers around the world. For digital workers, it addresses the twofold structural weakness that they face: first, the lack of ability to collectively bargain due to the fragmentation of the work process; and second, the asymmetry of information between workers and platforms. The certification process provides an important means to address these two

⁹⁶It should be noted that Uber is the least rated platform in its ability to promote so-called “work of the highest quality”. The “fair trade” approach, which does not meet any of the proposed quality criteria except to “make available the conditions of service”.

challenges, along with building and developing connections between workers and institutions like trade unions and regulatory bodies.” (Graham, Woodcock, 2018: 251).

These certification processes maintain the illusion that it ought to be enough to “encourage” the platforms to improve the working conditions of micro-workers. But beyond this, wouldn't the issue at stake be rather to question the very concept of micro-work? Despite the disastrous working conditions revealed by the surveys (2018b), neither the foundation linked to the ILO nor the trade union network are questioning this concept, believing that it is possible to reconfigure the modalities of this type of work in order to improve workers' conditions. What they are in fact doing is proposing to adapt labour law and social protection systems to meet the platforms' demands (Annex G), and not the other way around. From a “social dialogue” perspective and in line with the logic of “Fair trade”, they greatly underestimate the need for workers, firstly to achieve a balance of power and then force the platforms to regulate the work done on the platforms scattered across the globe. Indeed, while the certification stage can be interesting for a better understanding of the working conditions at stake and therefore what the demands ought to be, if micro-work has to exist at all, the building of a power relationship with the trade union movement remains necessary not to “encourage” but rather to “force” the platforms to improve the conditions of micro-work.

2.4. BATTLE FOR THE VERY CONTOURS OF THE DIGITAL ECONOMY

Legal battles are currently raging over the status and rights of platform workers, as unions seek to renew their representation and collective bargaining practices. At the same time, there is another battle going on: this time about the very contours of the digital economy. At international level it is being fought mainly under the misleading name of “e-commerce” negotiations. At European Union level, one of the main clashes has been over the Digital Services Act currently being drawn up.

Global offensive on “e-commerce”

In January 2019, on the fringes of the Davos Economic Forum, 76 states committed themselves to launching plurilateral trade negotiations on e-commerce within the World Trade Organisation (WTO) (Leterme, 2019; James, 2020). “I've said for quite some time it was unacceptable that by 2018 ... the WTO won't have a deeper, more effective conversation about a phenomenon that is driving the global economy today,” WTO Director-General Roberto Azevêdo said at the time (Reuters, 2019).

This initiative is part of a broader offensive that has been led since the early 2010s by the major digital multinationals and their state-level support, starting with the United States, to lock in the advantages they have gradually accumulated thanks to their “first comer” status. The GAFAMs, in particular, have developed in a relative international legal vacuum concerning key aspects of their economic model, starting with their freedom to accumulate, exploit and dispose of their users’ data (see above). A situation which they now intend to perpetuate through a series of binding rules designed to prevent States from interfering in their operations, in particular for reasons of protection or development of their own national digital industry.

This is why, under pressure from digital lobbies, during the 2010s we started to see new kinds of “electronic commerce” chapters appearing in so-called “new generation” free trade agreements: TiSA, TTIP, USMCA, ... However, this name actually conceals issues that extend far beyond the simple questions related to trading goods or services on the internet. As Kelsey points out, “Electronic commerce, or digital trade, is the newest and most far-reaching of the 21st century ‘new issues’ in international trade negotiations. The ‘disciplines’ being developed extend far beyond any legitimate notions of trade. They seek to impose global rules on governance of the digital domain – perhaps the most complex, multi-dimensional and hence controversial subject confronting states and societies this century, alongside climate change” (Kelsey, 2017).

Considerable threats to workers' rights

Among the most critical issues from the point of view of defending workers’ rights are clauses such as the free flow of data across borders, the prohibition of data localisation or commercial presence obligations of digital companies, or the protection of algorithms and source codes. Taken together, these clauses give the platforms almost complete freedom to operate as they see fit, exempting them from any possibility of control by States or workers. Under these conditions, for example, it would be difficult, if not impossible, for platform workers to claim any control over their data since this would amount to contradicting the principle of free flow of data across borders. It would also be difficult or even impossible to ensure at least the right to access this data and find out what it is being used for, since it could be stored anywhere without the platforms being required to store it where the individuals or collectives from which they originate reside. Finally, it would be difficult or impossible to be able to act on (or at least challenge) the functioning of the algorithms that largely condition the content and organisation

of the platform's work (see above), since the forced disclosure of the source code⁹⁷, and in some cases of the algorithms themselves, would be specifically prohibited...

The controversial role of the WTO

In 2016, faced with the limits of the strategy of defending such clauses through regional or sectoral agreements (abandonment of the TiSA, withdrawal of the United States from TTIP), those backing them decided to turn to the WTO. The United States and the European Union, in particular, insisted that the possibility of launching new negotiations on the issue be discussed at the 11th WTO Ministerial Conference in Buenos Aires in December 2017. However, this was met with refusal from many countries in the South, starting with India and the vast majority of the African continent, which rightly considered that they had little to gain and much to lose from the negotiations being launched. The backers therefore had to work around this hindrance by announcing, at the end of the conference, the launch of plurilateral negotiations which would then be confirmed one year later, at the Davos Forum in 2019.

At present, these negotiations involve more than 80 States, including the world's major digital powers, including China and Russia, but with the notable exception of India and a large majority of African countries (although several of them have joined the initiative in the meantime). Their very existence thus poses a considerable threat to strategies aimed at improving the lot of platform workers, and more broadly at ending the abuses that characterise the way the digital economy currently functions.

In this context, a broad coalition of trade unions and civil society organisations is trying to raise awareness and mobilise as broadly as possible to block these negotiations⁹⁸. Unfortunately, however, the subject is still a long way from receiving the attention it deserves in the media and in public opinion, but also among many trade union and political actors who are committed to defending the interests of workers in general, and platform workers in particular.

⁹⁷ On these aspects, read in particular the reports from the ITUC (2019) or from the Rosa Luxembourg Stiftung (James, 2020).

⁹⁸ Read, for example, this open letter sent by the anti-globalist network Our World is not for Sale (Our World is not for Sale - OWINFS) to members of the WTO in 2019 and signed by over 300 trade unions, environmental organisations and human rights' organisations all over the planet: https://ourworldisnotforsale.net/2019/Digital_trade_2019-04-01-en.pdf.

The European "Digital Services Act»: regulate or transform the digital economy ?

At the same time, discussions are also evolving within the EU on adopting a legislative and normative framework in line with the latest developments in the digitisation of the economy. As the Commission states on its website, "The legal framework for digital services has been unchanged since the adoption of the e-Commerce Directive in the year 2000⁹⁹". However, according to the Commission, "the online world and the daily use of digital means are changing every day", with, in particular, the emergence of new risks for consumers, but also for businesses and societies as a whole: "Although new services, technologies and business models have brought many opportunities in the daily life of European citizens, they have also created new risks to citizens and society at large, exposing them to a new range of illegal goods, activities or content. Furthermore, many online businesses have struggled with systematic problems familiar to the platform economy regarding contestability, fairness and the possibility of market entry. Large online platforms are able to control increasingly important platform ecosystems in the digital economy."

In this context, the Commission announced its intention to revise the internal market rules for digital services as early as 2019 as part of the new European Digital Strategy. Following this, its 2020 work program would provide for the adoption of a Digital Service Act by the end of the year.

A two-pillar strategy

The objectives pursued by the Commission in this area are twofold. On the one hand, to clarify and harmonise the rules relating to the functioning of the internal market in digital services. On the other hand, to address the specific problems posed by the largest digital platforms whose size gives them a "gatekeeper" status. The Digital Services Act should therefore be based on two pillars: "First, the Commission would propose clear rules framing the responsibilities of digital services to address the risks faced by their users and to protect their rights. The legal obligations would ensure a modern system of cooperation for the supervision of platforms and guarantee effective enforcement. Second, the Digital Services Act package would propose ex ante rules covering large online platforms acting as gatekeepers, which now set the rules of the game for their users and their competitors. The initiative should ensure that those platforms behave fairly and can be challenged by new entrants and existing competitors, so that consumers have the widest choice and the Single Market remains competitive and open to innovations."

⁹⁹ <https://ec.europa.eu/digital-single-market/en/digital-services-act-package>

At the same time, the Commission also announced the launch of five complementary initiatives to the Digital Service Act, including: A 'look at ways of improving the labour conditions of platform workers by launching a broader debate on working conditions in the context of the platform economy' (quoted in Del Castillo, 2020)¹⁰⁰.

The labour issue is postponed to a later date

The question of platform work is therefore postponed, as is the broader issue of "working conditions in the context of the platform economy". For ETUI researcher Del Castillo, this situation is disappointing: "Given the negative impact of platform work on labour conditions, security and worker protection, the DSA should not remain blind to the responsibilities platforms have towards the people they employ and leave this issue for later" (Del Castillo, 2020). On the other hand, it can be reassuring to see that the European Commission does not include this particularly sensitive issue in a vast legislative initiative whose fundamental perspective is problematic. A point which Del Castillo also emphasizes:

"The narrative and language used by the Commission revolves around 'trading practices', 'market competition', 'fragmentation' and 'asymmetries' in the single market. This is also evidenced by the simultaneous launch of the DSA package and the New Competition Tool consultation."

Consequently, although, as Del Castillo asserts, "The DSA package has the potential to reshape the internet, affect how individuals' rights online are respected, and in so doing profoundly transform the way the European Union - and possibly the world - communicates, buys, works and lives online", for the time being the perspective adopted aims above all to ensure that the digital economy respects the canons of competition as defended by the European Commission, rather than aiming at a radical transformation of the very foundations of the digital economy.

Two key issues for the digital future: data and the status of platforms

Among the key issues for the current and future functioning of the digital economy that the DSA largely overlooks are the issue of data and the status of platforms. On the first point, the European Commission's approach tends to be limited to protecting personal data from a privacy perspective (with the GDPR being by far the most successful legislative instrument in this area), even if the issue of data as an economic resource is also increasingly present, particularly

¹⁰⁰ The other initiatives are: A possible New Competition Tool; A REFIT of the General Product Safety Directive (GPSD); A review of the Code of Practice on Disinformation; The Platform-to-Business Regulation 2019/11501 (Del Castillo, 2020)

through concepts such as “data sharing”, “open data”, etc. However, we are still far from an ambitious reflection on individual and collective economic and social rights, which should be linked to the growing importance of data in the lives of individuals and communities, including labour collectives (see above).

On the second point, this time the Commission is thinking mainly in terms of free and undistorted competition, which leads it to wonder how to limit the problems linked to the monopolistic positions that the functioning of the platform economy is almost designed to favour. From this perspective, the proposals may go as far as envisaging the dismantling of some of the largest digital platforms today to ensure a structural separation between activities which they concentrate in an extremely problematic way¹⁰¹.

However, it could also be argued that many of these platforms are nowadays key infrastructures for our economic, social, political and cultural exchanges and interactions, and as such should be treated as public utilities. This is the exact position adopted by the Just Net Coalition, an international network of digital justice organisations, in a manifesto published in 2019: “In the physical world, non-personal, social and economic spaces and structures are divided between being public and belonging to private businesses. Infrastructure is normally public, or quasi-public, over and around which businesses may undertake their private activities. Digital spaces and structures require a similar arrangement. Key monopolistic digital infrastructures should be governed as transport applications, are analogous to what in the offline world are public spaces and structures, such as public streets, libraries and infrastructural services. Digital techno-structures’ personalness and publicness, as applicable, must be reclaimed from the existing state of their complete, end-to-end, corporate ownership and control.” (JNC, 2019)

Cooperatives to re-found platform work?

Faced with the rise of on-demand labour platforms and, more broadly, with problems related to the platformisation of the economy in general, another alternative, however, quickly became to advocate the creation of “platform cooperatives”. A platform cooperative is an enterprise “that uses a website, mobile app, or protocol to sell goods or services. They rely on democratic decision-making and shared ownership of the platform by workers and users¹⁰²”. Today there are hundreds of such platforms, bringing together workers and/or consumers in a wide variety

¹⁰¹In the United States, moreover, these are the conclusions reached by the committee of enquiry of the House of Representatives that we have already discussed in Part 1 (USHR, 2020).

¹⁰²<https://platform.coop/>

of fields¹⁰³. In addition, “traditional” cooperatives are also thinking about ways to integrate digital technologies and the platform model into their operations (Martinelli et al., 2017).

Defending another model in the face of platform capitalism

In 2014, Scholz popularised the notion of “platform cooperativism” by placing it in stark contrast against the “sharing economy” that the then booming platforms such as Uber or Deliveroo claimed to be part of (Scholz, 2014). After the publication of various books and the organisation of events on the subject, notably bringing together actors of this “new economy”, he founded with others the “Platform cooperativism consortium”, “a hub for research, community building, and advocacy for co-ops that make the digital transition”. Other initiatives also exist, at regional and/or sectoral levels, which also aim to structure and help the development of these new forms of cooperatives, such as Coopcycle, a federation of bicycle delivery cooperatives that first started in France and which today has more than forty members, mainly in Europe¹⁰⁴.

¹⁰³ In particular, see the list compiled here: <https://i100.coop/directory/>

¹⁰⁴ See annex I: Cooperatives, members of Coopcycle.

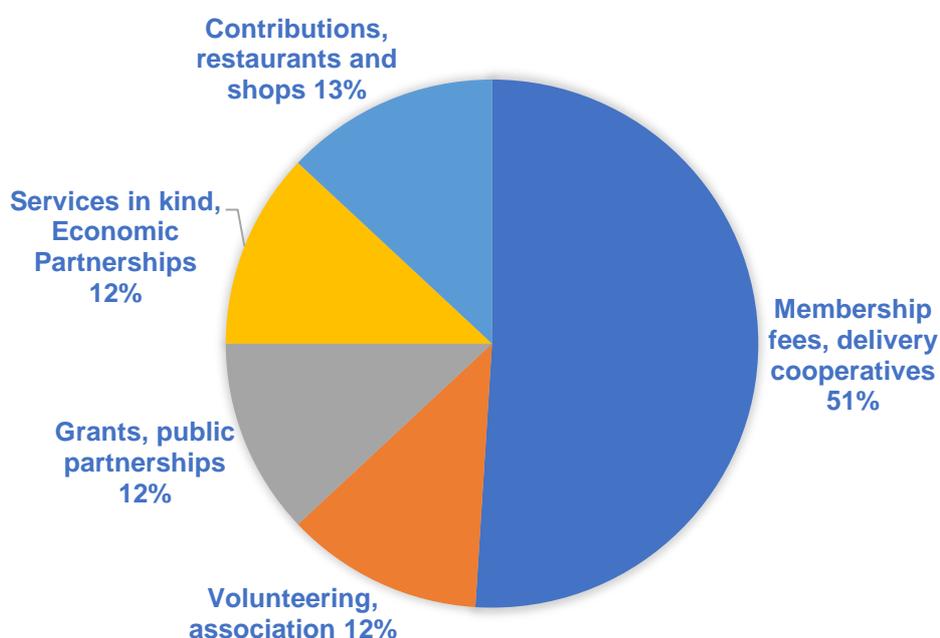
COOPCYCLE: A EUROPEAN COOPERATIVES' FEDERATION

CoopCycle is a **European federation** of local bicycle delivery **cooperatives**. Launched in January 2018, the association has rapidly expanded throughout Europe, growing from 26 member collectives in September 2019 to more than 42 today, spreading over 9 countries, mostly in Europe (see Annex I): Germany (4), Belgium (4), Denmark (1), Spain (6), France (17), Poland (1), United Kingdom (3) and Sweden (1), but also Canada (2), and requests are coming in from collectives in South America.

Most of the deliveries offered concern parcels or goods and, to a lesser extent, meals or food. However, very few collectives specialise solely in meal deliveries.

Quality jobs and pooling of services

Many of these collectives have been created by former couriers working for multinational platforms with the aim of having and promoting **better working conditions**. The specific functioning of the network is thus based on solidarity between cooperatives and enables them to reduce their costs by **pooling their services**. The services pooled are varied: support for business development, training, exchanges of skills or the provision of funds for fledgling projects. At the same time, various solidarity mechanisms have also been set up: an aid fund in case of difficulty, payment guarantees, joint insurance for delivery personnel and transported goods. The services are co-financed by fees paid by the federation's members (see diagram below).



Software: “a common good returning power to workers”

Coopcycle is the name of the federation but also of the software, a complete cyclo-logistics tool using open code. It allows cooperatives to manage their journeys, and shopkeepers, restaurant owners and customers to access the service. It is protected by a reciprocal licence (Copyleft), with usage restricted to delivery cooperatives alone. In doing so, the association is therefore also developing a very specific political vision: the creation of an anti-capitalist economic model, based on the principle of the Common. Coopcycle also aims to spread the use of the licence to platforms operating in other sectors or to develop agreements with town halls to develop new forms of public services. For some, however, these political objectives remain a “commercial argument”, primarily aimed at attracting clients, as in the case of the mention of an environmental concern by the majority of collectives (see Annex I), while for others they are steadfast principles. Although the commitments vary according to the collectives, few of them are openly militant against the platforms and/or linked to trade unions.

The objectives of cooperative platforms can be multiple. In the case of worker cooperatives, the first objective is to improve workers’ working conditions. As Casilli explains, for example, “in his 2016 manifesto book, Trebor Scholz sets out principles of cooperativism that are broadly consistent with trade union action in favour of integrating digital labour into the framework of protected subordination (...). Platform cooperatives must provide their members with decent pay and job security, a protective legal framework, portability of health and welfare guarantees, and the right to disconnect. These principles are complemented by collective ownership of the platforms in the hands of “the people who generate the majority of the value” and the involvement of workers in their programming and in the management of their production flows, in order to establish a regime of “co-determined work” (Casilli, 2019: 311).

In doing so, however, many platform cooperatives are showing that they are willing to contribute to the wider development of a platform economy that is no longer solely focused on the race for profit, but also integrates strong social, environmental and democratic considerations: “platform cooperativism is built on the reframing of concepts like innovation and efficiency with an eye on benefiting all, not just sucking up profits for the few” (Scholz, 2016: 14).

Finally, others go even further and consider the creation of platform cooperatives as the prefiguration of a post-capitalist economy based on sharing and the notion of the “common”. This is the case of Bauwens and Kostakis, in particular, who list different strategies “for post-corporate coalitions and a mode of value creation that is autonomous, fair, and sustainable. The aim is to go beyond the classical corporate paradigm, and its extractive profit-maximising practices, toward the establishment of open cooperatives that cultivate a commons-oriented,

ethical economy” (Bauwens & Kostakis, 2016: 369). Similarly, for the cooperative federation Coopcycle, creating cooperative platforms also aims to “embody an alternative to the operating platform model, [and to] defend an anti-capitalist and ethical model”.

Between challenges and ambiguities

Regardless of the nature of the objectives pursued by platform cooperatives, the first problem they face is competition from traditional capitalist platforms. Firstly, because the latter have access to sources of financing which are largely lacking for platform cooperatives (see above). Secondly, because even with models that tend to reduce or outsource a maximum of operating costs (starting with labour costs), large capitalist platforms already struggle to be profitable (see above). So it is difficult, under these conditions, to find a business model for cooperatives which is both respectful of workers... and profitable. In the area of bicycle deliveries, for example, most of the existing cooperatives specialise in niche segments (e.g. business-to-business deliveries, grouped deliveries) where margins are sufficient, leaving the markets for individual meal deliveries and more broadly “foodtech” to the multinationals in the sector.

A second limitation of the platform cooperative movement concerns its ambiguity vis-à-vis the current functioning of the platform economy, and more broadly of the economy as a whole. For a majority trend, better working conditions and more ethical functioning can indeed be achieved within the current economic, institutional and legal framework: “Cooperatives, however small, can function as ethical, self-managed counterparts that provide a model for businesses that don't have to rely on the exploitation of their workers.” (Scholz, 2016: 13). In doing so, however, as Casilli points out, “the risk is that they may limit themselves to introducing some diversity into the digital labour landscape, without overturning the system currently in place” (Casilli, 2019: 13). The difficulty that cooperatives experience when competing with the main platforms on their own ground is thus a first indicator of this risk. A second, more insidious risk is that many of these platforms take for granted the increasing platformisation of labour, simply seeking to correct its most extreme consequences by grouping together in the form of cooperatives. Prominent experiments such as Smart (Belgium), Coopaname (France) or Doc Servizi (Italy), for example, all bring precarious workers together in various ways in cooperative structures that provide them with pooled services and access to salaried status (Martinelli et al., 2017). While the benefits for these workers are very real, it is nevertheless legitimate to ask whether we should not start by questioning the causes of their precariousness rather than taking it as a given against which the cooperative model can provide “effective solutions¹⁰⁵”.

¹⁰⁵ An approach also largely found at the ILO. Read, for example: ILO (2019).

On the other hand, as we have said, there is, however, a minority trend of actors in platform cooperativism who are turning it into a real social and political transformation project at society level. For them, it is not only a question of correcting certain excesses of platform capitalism, or even of simply providing an alternative, but rather of fighting against the dominant model with the ambition of eventually supplanting it by a post-capitalist (digital) economy of which cooperative platforms would be only one of the pillars. From this point of view, these platforms therefore constitute a crucial laboratory of a digital economy which promotes respect for workers, society and the environment, but whose full potential could only be exploited in the framework of much broader social, institutional and legal transformations, starting with those governing the status of data or the digital infrastructures of the platforms, in particular (see above). According to Bauwens (2014), for example, platform cooperatives can only truly serve as a project of social transformation if they respect the following principles, which go beyond the mere issue of worker control:

1. That coops need to be statutorily (internally) oriented towards the common good
2. That coops need to have governance models including all actors
3. That coops need to actively co-produce the creation of immaterial and material commons
4. That coops need to be organised socially and politically on a global basis, even as they produce locally.”

For their part, as mentioned above, Coopcycle members are reflecting on how to redress the power balance so that local public services support and promote their alternative to platform capitalism (see insert above). This could be achieved through an “anti-Uber city” campaign, or by advocating for a change in practices at the local level that would prevent cooperatives from betting their survival on higher prices and consumer awareness, for example through the payment of public subsidies.

CONCLUSIONS:

PERSPECTIVES AND CHALLENGES TO COME

In response to the question raised by this study of how to fight effectively against the degraded status imposed upon workers by the platforms and the business model they are propagating, we have provided an answer based on the strategies used by the workers themselves and their representatives.

Platforms such as Uber (2009) or Deliveroo (2013) are now found in all major cities across Europe and all around the world. With all of the arrogance of multinationals operating outside of the law, they have flouted national social rights, plundered social security funds, and stolen data from those they refer to as their “collaborators”, who are essentially performing ‘naked’ labour, deprived of any rights whatsoever. We define platform work as “**naked labour**”: it means **poorly paid**, with working hours that are **too long and unstable**, weak or non-existent social protection, largely fictitious “autonomy” and **individualisation/fragmentation of labour relations** that undermines the possibilities for organisation, representation and collective mobilisation. These characteristics are not unique to platform work, but their **cumulative and extreme** nature is specific to it. As is the **large-scale collection and exploitation of data** by the platforms, which are the only ones to be able to decide on and benefit from their use.

This social upheaval and large-scale data abuse occurs with the application posing as the sole commercial intermediary, shirking the role and responsibility of employer-platforms and which have become socially and societally irresponsible. Yet governments are allowing these predatory platforms to set themselves up. Illegality is becoming enshrined in law, informal work is becoming commonplace. Amid this climate of legalising outlawed platform practices and the **urgency of the battle over platform workers’ future status**, this study considered it important to study two strategies being used in the struggle: collective action and legal action which turn out to be complementary.

In conclusion, for each of these two strategies, we extract the essential lessons and challenges, before opening up another, broader challenge: the need to redefine the very contours of the digital economy.

Towards transnational collective action and new digital employment rights

A first key lesson relates to the **genuine achievements of the first strategy in the study** directly targeting platforms: the **progressive construction of a new collective “glocal” player**. Whilst the immediate results of the numerous mobilisations described may seem fragile and limited, the fact that they even exist and are multiplying has above all enabled new collective actors to invent and reinvent new ways of acting and mobilising at different levels.

We have seen how, at local level, platform workers are resorting to **direct action and switch-off strikes** with demands for concrete improvements in terms of pay or work organisation. **The trigger for the strikes is mostly the drop in “rates”**. The collectives and unions also have some new weapons in their arsenal, such as media coverage, to try to push the platforms to negotiate. They have also been developing new alliances with a wider front of precarious workers, where collective organisation can think in terms of supply chains (with IT technicians, or the permanent staff working in customer service, for instance), potentially paving the way for a **new “cybertariat”**.

At European level, the European Couriers’ GA highlighted two main cross-cutting demands: **data transparency and a minimum hourly wage**. Aside from the two flagship themes mentioned above, four other categories of demands emerged: those relating to employment status, collective representation, working conditions in the stricter sense of the term, as well as more “political” issues such as broadening the reach to include other sectors and categories of workers. On his side, the international coordination *Allianza UnidXs Charter* includes the following demands: recognition of the work of digital workers, accident and life insurance, a “decent” wage, the elimination of the classification system, an end to arbitrary deactivation, and universal social insurance. The overlaps between the two charters, European and international, suggest that the common theme is precisely that of **abolishing performance appraisals**, which in fact reveals the intensification of work that is very specific to platform work. This demand is included as part of a more general demand: that of the transparency of applications and the reappropriation of the algorithm, essential claims today. There is still the big challenge of coordinating demands between countries in order to identify a real **common substratum of demands, supported by proposals for coordinated action**.

In addition to the coordination of demands, it is also the specifically digital nature of platform work which must now be taken into account in the **demand for new “digital labour rights”**, with, firstly, the consequences of **“algorithmic management”** on working conditions and, secondly, the place and role of **data** in the business model of platforms.

Acting on the law: Towards new statuses for platform workers?

The second strategy highlighted in the study is “Acting on the Law”. It shows just how topical and **important the battle over status** is: a long-term process which largely conditions everything else. After a disappointing start, the case law on reclassification has increasingly moved towards recognising platform workers as fully-fledged employees, with a lot of favourable decisions (specially in Spain) over the last five years in the eight countries concerned in Europe¹⁰⁶. The judgements are based on the fact that, even if formally the platform claims to have only an intermediation role from one individual to another, the judge notes that it actually exercises control over the courier, with numerous indications of subordination: the situation of platform workers, geolocalised, unable to set the price of their services, forced to respect working time restrictions, carry pre-determined equipment, likely to be “disconnected” by the platforms... This situation looks very different from that of real self-employed workers.

The legal action undertaken by the couriers with a view to obtaining jurisprudence that is favourable to workers has been supported by the trade unions in each one of their countries. They are legally well armed and often have previous experience from other sectors, as the problem of bogus self-employment arose long before the platform economy.

This favourable case law, together with the media’s lens being shone on collective actions by couriers or drivers, has given a boost to the ongoing debates and legislative initiatives at State- and EU level around legislations specifically framing the legal status of platform workers.

In this context, a majority of governments support the “uberisation” of society and are participating in the unravelling of labour law. So how can we fight on the legal front in a context of progressive legalisation by money or by the law of hitherto outlawed companies? In the United States, Uber’s Proposition 22, which carries the status of the digital self-employed, was imposed by referendum and thanks to the funds injected into the campaign by the transport multinationals, contradicting the government of the state of California, which had succeeded in imposing wage-labour (salarial). In Europe, third statuses with both disadvantages: the subordination of wage-earners and the non-protection of the self-employed are the norm in many Member States. Only the Spanish model seems to be holding fast against this strong trend and defending unconditional employment against any form of precarious status. This is also what Leila Chabi, a member of parliament from the political party La France Insoumise, is advocating

¹⁰⁶ For the details per country, per company and per year since 2016, see Annex F2.

by bringing forward a draft directive that defends the idea that platform workers are salaried workers as such.

Collective AND legal action

In order to transform these accumulating social forces (on the basis of favourable reclassification decisions and social mobilisation) into **bargaining power or political victories**, collectives, trade unions and their allies will have to continue the battle.

This study reveals the **eminently complementary nature of the two strategies being analysed: collective AND legal action**. The existing mobilisations being taken at different levels (local, national, European and international) support indeed the legal and political struggles favourable to platform workers. Today, it is indeed the struggle's gathering pace and the building of a powerful collective actor that will open up the opportunity for a workers' victory in the ongoing battle over status. And conversely, it is by building on the victories of favourable case law, by extending this fundamental conquest to other possible future political victories that collective action can be strengthened.

In this difficult context, the future of the Spanish law that defends unconditional wage-earning is therefore important not only for Spanish workers, but also because it can serve as a model in the political battle over the future directive set to take place in the European institutions in 2021. The legal battle may run for a long time. However, the legal victories so far and the debate that is just getting underway at European level testify to the accuracy and perseverance of the historical struggles in winning (back) the right to have rights.

Vigilance towards the contours of the digital economy

Last but not least, a final challenge relates to a **major oversight** in the strategies currently being deployed to defend platform workers: the taking into account of **broader developments affecting the functioning of the digital economy** as a whole.

As we have seen, **platform work is part of broader changes taking place with the platformisation of economies and societies**. Starting around the beginning of the 2000s, platformisation has progressively led to the forming of **vast digital monopolies** with their power largely being derived from a relative legal and regulatory vacuum on a whole series of key issues, beginning with the question of data.

Against this backdrop, the main digital lobbies and their State-level backing are seeking to **lock down their advantages and their business model** through international trade negotiations on

“e-commerce” (Leterme, 2019). The most recent example of this offensive was at the WTO, with its eighty or so members launching controversial negotiations on this subject in 2019. **The outcome of these negotiations may have a lasting effect on the possibilities to resist the growing power of digital platforms**, through clauses such as the free flow of data across borders, a ban on data localisation measures or even the protection of source code and algorithms. If they came to pass, these clauses would render futile the platform workers’ efforts to achieve better control of their data or to improve the transparency of algorithms, for example (ITUC, 2019). At the same time, **the European Union has also begun its own efforts on reforming the digital economy with its Digital Services Act**. The overall prospects for the text, which is essentially aimed at the competitive functioning of the digital economy, does not bode well for the EU’s capacity to tackle the crucial challenges for platform workers, and workers in general, such as the socioeconomic rights linked to data or the legal status of platforms (Just Net Coalition, 2019).

As we can see, whilst these international and European developments do not directly concern platform workers’ working conditions, they are still **laden with potential consequences for their current and future strategies**. This requires far more vigilance on these issues, but also (and most of all) the forming of alliances with other actors and/or sectors (which are multiplying all the time) that are mobilising to change the current course of the “digital transition” (JNC, 2019).

Cooperatives to re-found platform work?

Among these initiatives, those claiming to be part of “platform cooperativism” seek to defend **another type of platformisation based on workers reappropriating their working tools and digital data** (Scholz, 2016). Coopcycle, the European Federation of Courier Cooperatives, shows the example of this type of alternative with its software perceived as “**a common good returning power to workers**”.

At international level, the “platform cooperatives consortium” attests to a real willingness to make these cooperatives 2.0 the spearheads of a different kind of platformisation which is more respectful of the rights of workers, users, society at large and also the environment. Nevertheless, at present, these initiatives still too often suffer **from a macro-economic and legal environment that is largely unfavourable to them**.

Whether in terms of sources of financing or business models, it is extremely difficult at present to play these major capitalist platforms at their own game. Or, at least, it is without pleading at the same time for a **deep-seated institutional and legal overhaul** which would at least allow for some rebalancing of the relationship between cooperatives and capitalist platforms or, in the

ideal scenario, give the cooperatives the definitive upper hand. This possibility, however, keeps coming up against **constant ambiguity within the platform cooperative movement**. Whilst some of them (the majority in fact) are prepared to settle for a movement which essentially would act as an “ethical” niche within a platform economy remaining largely capitalist, others (in the minority) are more determined to turn it into a political tool for radical social and economic transformation.

There is one question that is missing from all of these debates though. It is the question that must be asked first about **the limits we wish to apply to the very process of platformisation and, more broadly, the digitalisation of the economy**. All of the strategies and actors that have been analysed in this study, from the most radical or fervently anticapitalist, generally share the same conviction about **the inevitability and desirability of the “digital transition”**. It therefore then becomes about fighting for a *different kind* of platformisation or a *different kind* of digital economy, but without ever (or too rarely) **pausing to ask questions about its very legitimacy**. Yet the harmful consequences of these developments are now starting to be widely documented, from a working conditions point of view, as we have seen, as well as for democratic debate and (and perhaps most importantly) in terms of their consequences for the environment (The Shift Project, 2018). Taken together, these consequences point towards the need to ask questions about **what we want and can afford** in terms of digitalising and platformising the economy. This is an essential question which urgently needs answering.

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Annex A. Large platform companies in figures

	Amazon	Alphabet (Google)	Alibaba	Facebook	Twitter	Airbnb	Uber
Year first appeared	1994	1998 (Google) 2015 (Alphabet)	1999	2004	2006	2008	2009
Headquarters	USA	USA	China	USA	USA	USA	USA
Major activity	E-commerce	Internet-related services	E-commerce	Social networking service	Social networking service	Lodging	Vehicle for hire, Food delivery, Courier
Shareholders	15,1% Jeff Bezos, 6,4% Vanguard Group, 5,4% BlackRock	26,1% Larry Page, 25,1% Sergey Brin, 5,2% Eric Schmidt, 3% Vanguard Group, 2,6% BlackRock	24,9% SoftBank (Japan), 4,8% Jack Ma (founder)	57,9% Mark Zuckerberg, 6,8% Eduardo Saverin, 4,8% Dustin Moskovitz, 2,7% Vanguard Group, 2,3% BlackRock, 2,1% FMR (Fidelity)	10,3% Vanguard Group, 6,6% BlackRock, 5,9% Morgan Stanley, 2,3% Jack Dorsey	Brian Chesky, Joe Gebbia & Nathan Blecharczyk (the founders)	12,7% SB Investment Advisers, 8,6% Benchmark Capital Management, 4,4% FMR (Fidelity), 4,2% Public Investment Fund, 4,1% GV Management, 3,8% Expa Capital, 3,0% Vanguard Group
Geographical presence	Storefronts in 17 countries of which 6 in EU (with UK)	Worldwide	worldwide	worldwide	worldwide	worldwide	69 countries, over 900 metropolitan areas
Employment	798,000	118,899	117,600	44,942	4,900	6,300	26,900
Turnover	250,600 m €	144,593 m €	64,307 m €	63,156 m €	3,090 m €	2,323 m €*	12,638 m €
Net profit	10,352 m €	30,680 m €	18,853 m €	16,513 m €	1,309 m €	83 m €*	-7,599 m €
Profit margin	4,1%	21,2%	29,3%	26,1%	42,4%	3,6%	-60,1%
Rate of profit	18,7%	17,1%	19,8%	18,3%	16,9%		
Estimated value	813 b €	826 b €	497 b €	522 b €	22 b €	343 b €	57,370 m €**

Source: Annual reports of the platforms, 2018.

* at end 2017 (Airbnb don't publish any results).

** latest data,

All data has been converted into euros and into millions.

Estimated value is market capitalisation.

Annex B. Hot meal delivery platforms in figures

	Foodora	Delivery Hero	Takeaway.com	Glovo	Deliveroo	Uber Eats
Year first appeared	2014	2011	1999	2014	2013	2015
Headquarters	Germany	Germany	Netherlands	Spain	UK	USA
Parent company	Delivery Hero Take Away (since 2/2018)	Delivery Hero	Just Eat Takeaway.com	Glovoapp	Roofoods Limited	Uber Technologies Inc.
Shareholders	Takeaway.com	22.5% Naspers 6.95% Insight Venture	29.63% Gribhold 7.09% Capital Research 18% Delivery Hero	Oscar Pierre and Sacha Michaud 15.95% Deliveroo	Will Shu, founder	Uber Technologies
Geographical presence	25 countries of which 10 EU countries*	41 countries	12 countries	24 countries of which 6 EU 75 cities	14 countries of which 8 EU 500 cities	57 countries of which 9 EU 580 cities
Number of restaurants	36,000	290,000	43,763	15,000	80,000	220,000
Number of couriers	22,000		4,200	40,000	60,000	3 m (of which 750,000 in the US)
Employment		22,515***	5,423***			
Turnover	n.d.	1,238 m €***	427 m €***	350 m €*	313 m €	1,236 m €
Net profit	-136 m €	230 m €***	-115 m €***	-90 m €	-208 m €	n.d.
Estimated value	n.d.	13,866 m €***	12,226 m €***	250 m €	3,618 m €	16,925 m €**

Sources: Roofoods Ltd, Annual Report and Financial Statements 2017 (there is no more recent report); Uber Technologies, Amsterdam n°1 to form S-1 Registration Statement under the Securities Act of 1933; Delivery Hero, Annual report 2018; Takeaway.com, Annual report 2018.

**Estimate produced by the banks Goldman Sachs and Morgan Stanley in October 2018.

* Foodora has left 3 countries: Austria, Germany and the Netherlands since 2018.

***figures at end 2019.

All data has been converted into euros and into millions.

Estimated value is market capitalisation.

Annex C. Collectives and unions in the hot meal delivery sector

Country	Platforms	Couriers' collectives date of creation	Trade unions date of creation
Norway	Foodora	<u>Riders Club Norway</u> (03/2018)	<u>Oslo Transportarbeiderforening</u> Transport trade union Member of the <u>Fellesforbundet</u>
Switzerland	Uber Eats Notime	<u>Couriers' collective (Geneva)/ UNIA</u> (01/2018)	<u>Unia</u> <u>Syndicom</u> Media and logistics trade union
Austria	Mjam (Delivery Hero) Lieferservice.at	<u>Couriers' collective/Vida</u> (2018)	<u>Vida</u> Transport and Services Union
Netherlands	Deliveroo Uber Eats	<u>Riders Union/FNV</u> (10/2017)	<u>FNV Federatie Nederlandse Vakbeweging</u> Trade union confederation of the Netherlands
Germany	Deliveroo Lieferando (TakeAway.com) /Foodora	<u>Deliverunion/FAU</u> (01/2017) <u>Liefiern am Limit/NGG</u> (02/2018)	<u>FAU Freie Arbeiterinnen- und Arbeiter-Union</u> Free workers' trade union <u>NGG. Gewerkschaft Nahrung-Genuss-Gaststätten</u> Trade union for the hotel, restaurant, café and hospitality sectors
France	Deliveroo Uber Eats Glovo Stuart	<u>CLAP (Paris), Collectif des Livreurs Autonomes de Paris</u> (01/2017) <u>Bikers Nantais (Nantes)</u> <u>Collectif des Coursiers de Lille Métropole (Lille)</u> (disappeared in 2018)	<u>Syndicat des Coursiers à Vélo de la Gironde</u> (Bordeaux, CGT) (02/2017) <u>Syndicat CGT des coursiers unis dijonnais (SCCUD)</u> (08/2019) <u>Syndicat des Coursiers Autonomes de Loire-Atlantique</u> (<u>SCALA CGT</u>) (12/2019) <u>CGT UBER EATS/DELIVEROO LYON</u> (10/2020) <u>SUD COMMERCE (Solidaires)</u>
Belgium	Deliveroo Uber Eats TakeAway	<u>Collectifs des Coursiers (Brussels)</u> (04/2016) <u>Deliveroo Riders Ghent</u> (2019, closed in 2020)	<u>United Freelancers (ACV-CSC)</u> set up in 2019 a dedicated team for support of platform workers and, more broadly, all new forms of employment (embedded self-employed, etc.). <u>FGTB Plateforme</u> The initiative was launched to help FGTB better reach platform workers, inform them about their rights and duties and offer support, all in a completely online environment.
UK	Deliveroo Uber Eats Glovo Just Eat	<u>Riders Roovolt (IWGB)</u> (09/2019) <u>Couriers Network Glasgow (IWW)</u> (03/2018) <u>IWW Couriers Network Cymru</u> (<u>Wales</u>) (01/2018) <u>Leeds Couriers Network</u> (01/2019)	<u>IWGB, Independent Workers Union of Great Britain</u> (<u>Couriers & logistics Branch</u>) (2015) <u>IWW, Industrial Workers of the World (Couriers Network)</u> (01/2018) <u>ACORN The Union</u> (2014)
Spain	Deliveroo Uber Eats Glovo	<u>RidersXDerechos (Valencia)</u> (07/2017) <u>RidersXDerechos (Barcelona)</u> (06/2017) <u>RidersXDerechos (Euskadi)</u> (03/2018) <u>La Pajara Ciclomensajería</u>	<u>Intersindical Valenciana</u> <u>Intersindical Alternativa Catalunya</u> <u>LAB, Langile Abertzaleen Batzordeak</u> Nationalist workers' committees, Basque Country <u>UGT (Union General de Trabajadores)</u>

		<u>Cooperative representing RidersXDerechos in Madrid (2018)</u> <u>RidersXDerechos (Cantabria) (12/2019)</u> <u>RidersXDerechos (Castilla y Leon) (12/2019)</u> <u>RidersXDerechos (Pamplona) (05/2019)</u> <u>RidersXDerechos (Vitoria-Gasteiz) (04/2020)</u>	<u>Confederacion General del Trabajo (CGT)</u> <u>Central Unitaria de Trabajadores (CUT, Galicia)</u> <u>Sindicato de Ciclomensajeros Free Riders</u>
Italy	Deliveroo Uber Eats Foodora Glovo Just Eat	<u>Deliverance (Milano) (12/2016)</u> <u>Strike Raiders Milano (06/2018)</u> <u>Riders Union Roma (04/2018)</u> <u>Delivery Riders Roma (04/2018)</u> <u>Riders on the Storm Padova (02/2019)</u> <u>Deliverance Project (Turin) (10/2016)</u> <u>Riders Union (Bologna) (2017)</u> <u>Riders Strike Bari (12/2018)</u>	<u>UGL (Unione Generale del Lavoro)</u> <u>CGIL (NIdiL, Nuove Identita di Lavoro)</u> <u>UILTUCS (Unione Italiana Lavoratori – Turismo, Commercio, Servizi)</u> <u>USB (Unione Sindacale di Base)</u>
Ireland	Uber Eats Deliveroo	<u>Boycott Deliveroo Campaign in support of riders (2016)</u>	<u>Couriers Network/IWW</u>
Finland	Foodora Wolt	<u>#justice4couriers campaign (09/2018)</u> <u>Finish Courier Collective (2018)</u>	<u>Vapaa Syndikaati</u>
Danemark	Wolt	<u>Wolt Workers Group (12/2019)</u>	<u>3F (Fagligt Fælles Forbund, Copenhagen)</u>
Greece	Efood (Delivery Hero) Wolt		<u>Bicycle Driver Employees Base Assembly (SVEOD) Website (2007)</u>
Portugal	Uber Eats Glovo No Menu Send Eat	<u>Glovo Estafetas – Uber Eats em Portugal (2020)</u> <u>Estafetas da Uber Eats, Glovo e Bolt Food (10/2019)</u> <u>Estafetas Glovo e Uber Eats – Ponta Delgada (11/2020)</u>	<u>Sindicato dos Trabalhadores da Industria de Hotelaria, Turismo, Restaurantes e Similares del Norte</u>
TOTAL		38 = 28 city-level collectives (1 is a cooperative) + 10 collectives at national level	34 = of which 5 sector-level federations (4 transport/logistics, 2 Commerce, 3 Tourism/Food, 1 Self-employed workers, 7 specialized in delivery), 13 at confederation level and 4 regional TU.

Source: A. Dufresne, Table produced for the European couriers' assembly "Riders4Rights", 25/26 October 2018, Brussels, updated by S. Franco. With the help of Digital Platform Observatory: <https://digitalplatformobservatory.org/>

Annex D. Collective action, collective bargaining, legal action in lean platform sectors

Country	Direct actions (strikes...),	Collective bargaining, Works council	Juridical actions	Others
Norway	<p>08/2019: Demonstration and strike of Foodora riders for a collective bargaining agreement (six weeks of action) LINK</p>	<p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden. (See Austria)</p> <p>09/2019: Collective agreement signed between Foodora and the Fellesforbundet. The agreement includes a wage increase, reimbursement for equipment, extra pay in winter time and collectively agreed early retirement pensions for the workers (employee status) LINK</p>	<p>UBER (2017-2020): Norwegian courts reacted quickly to Uber's operations, giving few space for the new business model (LINK).</p> <p>In consequence, in 2017, UBER left partially the country. After a modification of the law, the company is planning its comeback (LINK).</p>	
Switzerland	<p>11/2019 : Suspended from the application, about twenty drivers went as a delegation to complain on November 6 in the Lausanne offices of Uber LINK</p>	<p>02/2019 : Swiss bicycle couriers have signed a 'Europe-first' collective agreement deal aimed at protecting them from cheaper rivals, such as the food delivery service Uber Eats. The courier employer's association Swissmessengerlogistics (SML) negotiated the contract with the trade union Syndicom. LINK</p> <p>02/2019 : Syndicom and Mila, a platform providing repair and tech services, signed a "code of conduct" LINK</p> <p>01/10/2020 : notime employees will be employed in a collective agreement. This creates improved working conditions for the around 580 notime employees, the majority of whom work in same-day delivery for food and e-commerce products. LINK LINK</p>	<p>09/2020 : The judgment of the Administrative Court of Geneva confirms that Uber Eats is a service tenant. As a result, the company must hire and insure its couriers (in Geneva), insure them (old-age pension, accident insurance, daily sicknessbenefit insurance) and comply with the minimum wages of the Collective Agreement. The couriers of Uber Eats in the canton of Geneva will now work as employees LINK</p>	

Austria		<p>03/2017: Foodora bike couriers elected a works council in Vienna, which aims to negotiate an agreement with the Foodora management concerning better working conditions. LINK</p> <p>04/2018: Agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union (<i>Gewerkschaft Nahrung-Genuss-Gaststätten</i>, NGG), the Italian Federation of Workers of Commerce, Hotels, Canteens and Services (<i>Federazione Italiana Lavoratori Commercio, Albergo, Mensa e Servizi, FILMCAMS - CGIL</i>) and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information on the company's strategies, on any investment or divestment plans and on plans which may impact the work organisation and employee interests.</p> <p>09/2019 The collective agreement for bicycle couriers and food delivery operators was negotiated between the Union Vida and the Association for freight transport with the Austrian Chamber of Commerce. The agreement, finalized in September 2019 and entered into force on 1st January 2020, was the first collective agreement for bicycle couriers in the world. It doesn't apply to self-employed couriers without employment contract. LINK</p>		<p>01/2019: The Austrian union of private sector employees, printing, journalism and paper, decided to open its membership to crowdworkers. LINK</p> <p>11/2020: The union Vida criticize the change in the law on occasional traffic because it will favour social dumping and low wages. LINK</p> <p>FairCrowdWork is a joint project of IG Metall, the Austrian Chamber of Labor, the Austrian Trade Union Confederation, and the Swedish white collar union Unionen in association with research and development partners Encountering Tech and M&L Communication Marketing. It collects information about crowd work, app-based work, and other "platform-based work" from the perspective of workers and unions. LINK</p>
Netherlands	01/2018 : actions/strike against working conditions deterioration at	04/2018 : Agreement establishing a European Work Council at Delivery Hero	UBER: 07/2020: Two British taxi drivers are suing Uber for more	

	<p>Deliveroo. Led to the government launching an investigation into the platform economy. LINK</p>	<p>(Foodora) in Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden. (See Austria)</p> <p>11/2018, the platform Temper, which matches demand and supply for staff in hotels, signed a “cooperation pact” with FNV-Horeca. It will last one year and will provide training, pensions and insurance to Temper’s legally self-employed. The cooperation between Temper and FNV-Horeca was broadened later in 2018, adding further elements such as the removal of a software fee that Temper workers had to pay, and improved training offerings LINK</p>	<p>clarity on the algorithms the Uber app uses. They want to know what decisions the algorithms make about them, so that they can prove Uber is their employer. The lawsuit was filed in the Netherlands, because Uber's European headquarters are located in Amsterdam. LINK</p>	
Germany	<p>2017: Deliverunion is a campaign launched by the anarchic grassroot union FAU. Deliverunion fights for key demands like an increase in wages of 1 euro per hour or per delivery; a sufficient amount of shifts and work-hours to make a living; transparency about the worked hours. In order to achieve these objectives, Deliverunion organises monthly meetings and occasional strikes. LINK</p>	<p>01/2018: Liefern am Limit. In January 2018, Deliveroo riders in Cologne announced that they would hold works council elections in February. Despite Deliveroo’s resistance to this initiative, including the dismissal of permanent staff and erasing the internal chat allowing workers to organise shifts, elections led to the setting up of the first Deliveroo works council in Germany. Since Deliveroo has left the German market, works councils are now established at the platform Lieferando in Stuttgart, Nurnberg, Frankfurt, and Nord (Hamburg, Bremen and Kiel). The ultimate goal of Liefern am Limit is to improve couriers’ working conditions and strengthen workers voice in platforms. LINK</p> <p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France,</p>	<p>12/2019 A German court on Thursday banned Uber ride-hailing services in Germany, arguing the U.S. company lacks a necessary licence to offer passenger transport services using rental cars. LINK</p>	<p>07/2019-: YouTubers Union has joined forces with IG Metall to ask YouTube to improve transparency and communication around monetization and views of videos. They are collectively protesting YouTube’s 2017 changes in its advertising rules, elaborating proposals for improved communication, fairness, and transparency, and establishing discussions with YouTube. LINK</p> <p>FairCrowdWork is a joint project of IG Metall, the Austrian Chamber of Labor, the Austrian Trade Union Confederation, and the Swedish white collar union Unionen. (See Austria)</p>

		Germany, Italy, Netherlands, Norway, Sweden. (See Austria)		
France	<p>08/2017 – CLAP : strike against the unilateral decision by Deliveroo to change the working conditions. Actions in Paris, Lyon, Bordeaux. LINK</p> <p>02/2018 - UBER/VTC FO Capa VTC, SCP/VTC (UNSA), CFDT-VTC : action in Paris and elsewhere for a minimal ride price and encounter with the minister of work. LINK</p> <p>07/2018 – CLAP : strike for better working conditions : minimum hour wage, take in account arduousness, guaranteed schedules and activity.</p> <p>08/2019 – CLAP : actions against the new tariff grid imposed by Deliveroo.</p> <p>11/2019-03/2020 - UBER: Action of the Intersyndicale Nationale VTC (INV, new union) with blockades of UBER centers against the possibility to suspend a worker if he/she refuses a ride. LINK</p> <p>06/2020 : Strike and demonstration of undocumented migrants working for the platform Frichti fired some weeks before. Supported by Clap, CGT and SUD Commerce. LINK</p>	<p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden. (See Austria)</p>		<p>Indépendant.co is a (neo) trade union for self-employed workers aiming to gather self-employees and collectives to defend their voice.</p> <p>UNION (initiative of CFDT) is an independent association whose aim is to listen to, bring together and defend self-employed workers with multiple statutes, including micro-entrepreneur, slashers, auto-entrepreneur, and others.</p>
Belgium	<p>01/2018 : Strikes and actions in Brussels, Ghent, Antwerp and Liège</p>			<p>SMart is a member-owned cooperative for freelancers (which</p>

	<p>against the transition from employee to self-employed status <u>LINK</u></p>			<p>may include platform workers) active in nine EU countries. Membership is based on a fee which is invested in unemployment insurance and social security contributions for its members. For a short period in 2016, SMart represented all Deliveroo riders in Belgium, however, since then Deliveroo has terminated the agreement.</p> <p><u>United Freelancers (ACV-CSC)</u> set up in 2019 a dedicated team for support of platform workers and, more broadly, all new forms of employment (embedded self-employed, etc.).</p> <p><u>FGTB Plateforme</u> The initiative was launched to help FGTB better reach platform workers, inform them about their rights and duties and offer support, all in a completely online environment.</p>
UK	<p>08/2016 : IWGB assisted a group of Deliveroo riders during their strikes and protests against changes to pay (announced reduction of the hourly pay during quieter periods for some of the riders) in the UK. Similar strike action took place in early 2019, demanding, amongst others, a minimum pay for each delivery, paid waiting times and a minimum notice period for contract termination. <u>LINK</u></p> <p>09-10/2018 : Strikes and actions in England, Wales, Scotland and Ireland against the new pay system of UBER EATS. <u>LINK</u></p>	<p>Early 2019, <u>GMB</u> (a union affiliated to the <u>Trades Union Congress</u>) and the delivery company Hermes signed the first-ever collective bargaining agreement in the UK for self-employed couriers in the platform economy. The agreement aims to protect the rights of self-employed worker who provide courier services to Hermes. <u>LINK</u></p>	<p>03/2020 : IWGB to sue UK government over its failure to protect precarious workers <u>LINK</u></p> <p>07/2020 - UBER: Two British taxi drivers are suing Uber for more clarity on the algorithms the Uber app uses. They want to know what decisions the algorithms make about them, so that they can prove Uber is their employer. The lawsuit was filed in the Netherlands, because Uber's European headquarters are located in Amsterdam. <u>LINK</u></p>	<p>The Fairwork foundation was launched in the Autumn of 2017. It operates in partnership with the International Labour Organisation (ILO) and gathers the expertise of several European and international universities in the fields of work practices and working conditions on digital labour platforms.<u>LINK</u></p> <p>2017 - UBER partnered with the UK association IPSE (Independent Professionals and the Self-Employed) to provide discounted illness and injury insurance for Uber drivers.</p> <p>UBER has also partnered with the online investment provider</p>

	<u>LINK</u>		<p>10/2020 - IWGB judicial review demands better health and safety for workers in High Court</p> <p><u>LINK</u></p>	<p>Moneyfarm to provide discounts for Uber drivers on financial products such as pensions, individual savings allowances (ISA) and a new pension product SIPP (self-invested pension plan).</p> <p>11/2019: Unions divided as London takes away UBER licence for security reasons</p> <p><u>LINK</u></p> <p>08/2020: Just Eat announces it will staff all its employees from 2021</p> <p><u>LINK</u></p>
Spain	<p>11/2018: First national meeting of riders x derechos from the different autonomous regions, particularly Madrid, Barcelona and Valencia</p> <p><u>LINK</u></p> <p>06/2019 The riders obtained a first victory: they sued the platform and the Social Court recognised the official status of worker, forcing companies to pay social security contributions since 2017, totalling €160,000.</p> <p>04/2020: Glovo riders demonstrate in Madrid, Sevilla, Malaga, Cartagena against a drop in the price of the basic ride.</p> <p><u>LINK</u></p> <p>10/2020: Strike of UBER drivers called by the trade union Comisiones Obreras (CC.OO.) against the bad working conditions in the firm.</p> <p><u>LINK</u></p>		<p>09/2020: The Spanish Supreme Court rules against Glovo and establishes that the 'riders' are false freelancers.</p> <p><u>LINK</u></p>	<p>09/2017-Tu respuesta sindical YA was created by affiliates of the Spanish Trade Union UGT to allow platform workers to find answers to their questions. The initiative consists in a website, which is seen as a multifunctional tool. The website is also a tool to denounce situations, to pass information, and a place for organising.</p> <p><u>LINK</u></p> <p>10/2018: The Sindicato Libre de Transporte (SLT) has joined the UGT and has asked all parliamentary groups in Congress to reject the validation of the royal decree law that will regulate vehicles for hire with a driver (VTC).</p> <p><u>LINK</u></p>

<p>Italy</p>	<p>2016- 2017 : Many actions for better working conditions and against a change of contractual forms. <u>LINK</u></p> <p>05/2018 : First national action involving three cities, Milan, Turin and Bologna. <u>LINK</u></p> <p>10-11/2020 : Strike and demonstrations in Milano, Torino, Roma, Bologna, Palermo against the agreement between UGL and Assodelivery, strengthening the statute of autonomy of riders. <u>LINK</u> <u>LINK</u></p>	<p>12/2017: A collective agreement was concluded in the Italian logistics sector which now for the first time includes food delivery riders in its contractual qualifications. The agreement was signed by the unions Confetra, Anita, Conftrasporo, Can-Fita, Transport Confartigianato, Sna-Casartigiani, and by employer organisations such as Clai and Filt Cgil. <u>LINK</u></p> <p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden. (See Austria)</p> <p>05/2018 : “Charter of fundamental rights of digital labour in the urban context “ signed by Riders Union Bologna, the Italian Trade Unions CGIL, CISL and UIL, the Municipality of Bologna, and the platforms Mymenu and Sgnam, later followed by Domino’s pizza. <u>LINK</u></p> <p>09/2020 : Controversial agreement between the trade union UGL and Assodelivery <u>LINK</u></p>	<p>2017: trial between UBER and Taxi Associations on ride-hailing service. Victory for UBER in appeal <u>LINK</u></p>	<p>1998: Italian General Confederation of Labour (<i>Confederazione Generale Italiana del Lavoro</i>, CGIL) launched its New job identities (<u>Nuove Identità di Lavoro</u>, NIdiL) section in 1998 to ensure representation and protection for atypical workers. Workers of the platform economy, including riders, are also members of NIdiL CGIL. The organisation is articulated on both national and territorial level.</p> <p>10/2011 - <u>Sindacato-Workers</u> (UIL) is one of the first trade union platforms to be addressed to ICT professionals and employees in the services sector, and to gig-economy and platform workers. To these workers, Sindacato-Workers offers a series of services including individual online advice on work-related problems, such as advice and help with fiscal matters. In 2017, Sindacato-Workers launched a permanent observatory on data and information on platform work in Italy.</p>
<p>Ireland</p>	<p>09-10/2018 : Strikes and actions in England, Wales, Scotland and Ireland against the new pay system of UBER EATS. <u>LINK</u> <u>LINK</u></p>			

<p>Finland</p>	<p>2018 campaign by couriers launched in 2018, to improve the working conditions of couriers and drivers working for platform companies in Finland, formed after Foodora had unilaterally cut the pay of the couriers. Since then, also Wolt couriers joined the campaign. <u>LINK</u></p>	<p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden. (See Austria) <u>LINK</u></p>	<p>2016/2017 : Uber was taken to court in Finland too. Drivers were forced to pay back income considered to have been earned illegally. Here too a debate led to deregulation. Uber is now running a relatively small operation in Finland, with 500 drivers linked to the company. <u>LINK</u></p>	
<p>Danemark</p>	<p>2020 : WWG is organizing the riders with the help of the union 3F, pushing pressure for a collective agreement with the finish firm Wolt. This is the first time in Denmark that so-called platform employees themselves take the initiative to organize themselves and demand an agreement. The workers are self-employed but are looking for more protections, particularly concerning sickleave and hollydays. <u>LINK</u></p>	<p>08/2018 : CLEANING : Agreement between the Danish Union 3F and Hilfr, a Danish platform offering house cleaning services. At the signing of the agreement, Hilfr counted about 450 workers and 1,700 customers. <u>LINK</u></p>		<p>04/2017 : For UBER, Denmark has not deregulated enough its taxi market. Both drivers and cars would still have to be licensed. As a result, Uber pulled out of the Danish market in April 2017. <u>LINK</u></p> <p>02/2018 : Danish government digital strategy presented. <u>LINK</u></p>
<p>Sweden</p>		<p>2018: The agreement between the transportation (by small, electric, three-wheeled moped) start-up Bzzt and the <u>Swedish Transport Workers' Union</u> allows Bzzt drivers to be covered by the Taxi Agreement, which gives the workers access to the same standards as traditional taxi drivers. Drivers affiliated to Bzzt are offered marginal part-time contracts. The start-up Bzzt was launched in 2017, the agreement was signed in 2018.</p> <p>04/2018 : Agreement establishing a European Work Council at Delivery Hero (Foodora) in Austria, Finland, France,</p>		<p>FairCrowdWork is a joint project of IG Metall, the Austrian Chamber of Labor, the Austrian Trade Union Confederation, and the Swedish white collar union Unionen (See Austria)</p>

		Germany, Italy, Netherlands, Norway, Sweden. (See Austria)		
Greece	<p>05/2017 : Delivery boys, couriers and other workers on motorbikes launch a 24-hours strike counter Efood (Delivery Hero) and Wolt, demanding corporate motorbikes, protection equipment, a collective bargain that will secure payments incl overtime as wells as social security stamps for ‘unhealthy professions’ and the introduction of their professional description as “Motorbike Driver-Courier. <u>LINK</u></p> <p>04/2018 : Taxi drivers strike against UBER. After a modification of the law, the firm decided to scale back its operations in Greece. <u>LINK</u></p> <p>04/2019 : Demonstration and strike in Athens and Thessaloniki. The Assembly want a classification of this profession as hazardous, which will allow legislation for higher wages and a lower age of retirement for these drivers. The rest of their demands, i.e. claiming a bike, protective clothing, better health insurance, and higher salaries. <u>LINK</u></p>			
Portugal	<p>01/2020 : Strike of UBER drivers against lower prices of ride fees <u>LINK</u></p> <p>02/2020 : Strike of Glovo workers against salary delays and lack of communication with the company <u>LINK</u></p>			

TOTAL	28	15	9	18

Source: S. Franco, update of the table produced for the European couriers' assembly "Riders4Rights", 25/26 October 2018, Brussels.

& Digital Platform Observatory: <https://digitalplatformobservatory.org/>;

<https://www.eurofound.europa.eu/data/platform-economy/initiatives#negotiation>

NB: This overview presents a list of actions and does not by any means claim to be exhaustive. Furthermore, the following does not constitute any assessment of actions either by including them or absentsing them from the list. The descriptions of the actions use the terms denoted by the initiatives themselves to describe their area of operation, for example 'sharing economy', the 'collaborative economy', the 'platform economy' or otherwise.

Annex E. International couriers' declaration

Following the Assembly of couriers

In Brussels the 26th of October 2018

Transnational Federation of Couriers

We, Couriers

from **12 European countries:** Austria, Belgium, Finland, France, Germany, Italy, Netherlands, Norway, Spain, Switzerland, United Kingdom, Ireland

fake free lancers or employees,

but all under-employed, under-paid, under-protected

by **Foodora, Deliveroo, Ubereats, Stuart, Glovo,**

have met in Brussels for a first assembly the 25th and 26th October 2018

We have decided to unite our numerous struggles in one international rider struggle.

We demand:

- Hourly guaranteed minimum wage
- Data and App Transparency
- Job Security
- Insurance
- Freedom of association
- Recognition of platforms as employers
- Participation for all riders
- Regular negotiations mediated by city and municipal councils
- Protection for undocumented workers (non EU migrants)
- Legalisation of all platform workers (who may not have resident permits)
- Respect
- Common space for riders
- Abolish internal ranking

To get it, we will **organize** many transnational actions for the end of 2018 and 2019

Annex F. Court decisions regarding the legal reclassification of employment contracts linking delivery platforms and service providers

In the following cases, the judge had to rule on a request to reclassify the self-entrepreneur contract (self-employed) as a salaried employment contract.

Date	Country	Platform prosecuted	Decision			Argument(s)
			Refused	Granted	IC*	
2016						
7/1/2016	France	LeCab	x			No employment relationship.
28/10/2016	UK	Uber		x	x	Impossible for the courier to create his/her own client base. Control exerted by Uber (setting of prices and journeys, scoring system). Confirmation in Appeal in the 10 January 2020 (see below).
20/12/2016	France	Voxtur		x		Employment relationship: driver has no chance to find his own clients; driver has no chance to work for others than Voxtur.
2017						
5/1/2017	UK	Citysprint		x		Employment relationship.
10/1/2017	UK	Uber		X	x	Impossible for the courier to create his/her own client base. Control exerted by Uber (setting of prices and journeys, scoring system).
20/4/2017	France	Take Eat Easy	x			There is no subordination link because: rider has wide freedom to choose when he wants to work; although at first sight the existence of warnings ('strikes') depending on the rendering of the service could suggest the existence of a disciplinary power, this is not sufficient to characterize the relationship as subordination. Nevertheless, these Criteria have been reviewed by the Cour de Cassation decision 28 November 2018 (see below).
12/10/2017	France	Take Eat Easy	x			There's no subordination relationship because: rider has total freedom to work or not and is no subject to any duration of work or to any fixed or daily schedule.
9/11/2017	France	Deliveroo	x			Deliveroo is not alone in determining the terms and conditions of carrying out the contract. Freedom for the courier to decide whether to work or not, to choose his/her hours and places of work.

14/11/2017	UK	Deliveroo	x			No employment relationship because the power of riders' substitution establishes a central and insurmountable difficulty to recognizing the condition of worker.
13/12/2017	France	LeCab		x		Employment relationship: driver is subject to a single employer; driver have no influence or power of decision over the rate policy imposed on him', and therefore he must work 'only with the technical means that had been provided to him (...); driver have no control over the timing of the activity and was an integral part of a service organized.
2018						
29/1/2018	France	Uber	x			No control exerted by Uber (no minimum connection period, freedom with working hours).
7/5/2018	Italy	Foodora	x			Lack of mutual obligations between the platform and the courier. The courier is not subject to any disciplinary powers, direction or organisation of the platform.
29/5/2018	Spain (Barcelona)	Take Eat Easy		x		Employment relationship: subjected to a workday; planning annual leave and perceiving some amounts that can only be classified as salary; using backpacks and mobile terminals given by the company.
1/6/2018	Spain	Deliveroo		x		The reality of carrying out the contract takes precedence over the form decided on by the parties. Platform's control over the courier (GPS tracking, price setting, schedule gaps and delivery zones, propriety over means of production, wearing of the company logo).
13/6/2018	UK	Pimlico Plumbers Ltd		x		Employment relationship.
3/9/2018	Spain (Madrid)	Glovo	x			Rider is not a worker because he has the full control of his activity (he chooses orders he's interested in, schedules, route to destination).
10/9/2018	Italy	Foodinho	x			Freedom for the courier to decide whether to work or not and he used his own vehicle for deliveries and did not receive a fixed and predetermined monthly rate.
28/11/2018	France	Take Eat Easy		x		Subordination link characterised in the real execution of the contract Take Eat Easy has the power to give orders, directions, control how the contract is performed (geotracking system, accounting system for the number of kilometres covered), power to sanction infractions.
5/12/2018	UK	Deliveroo	x			No employment relationship.

19/12/2018	UK	Uber		x		The Court of Appeal, by a majority, upholds the decisions of the Employment Tribunal and the Employment Appeal Tribunal. Drivers were providing services to Uber (specifically to ULL), not the other way round. The drivers provide the skilled labour through which the organisation delivers its services and earns its profits.
2019						
10/1/2019	France	Uber		x		Characterised subordination link. Platform's powers to impose restrictions and sanctions.
11/1/2019	Italy	Foodora	x		X*	Lack of subordination link. "Protected" self-employed Couriers are subject to the collective agreement for workers in logistics and transporting goods and therefore benefit from annual leave, a 13th month bonus payment and paid sick leave.
11/1/2019	Spain (Madrid)	Glovo	x		X	The rider is not considered as a worker but «economically dependent self-employed». Rider is not obliged to do a minimum number of hours work a week, is free to accept the service and has full control over the way he wants to provide the service, he assumes the risk (and is the owner of the vehicle). This decision has not been upheld by the Tribunal Superior de Justicia de Madrid (Sala de lo Social) in the 27 November 2019 decision (see below).
15/1/2019	Nederland	Deliveroo		x		The platform uses employers' methods (standardise hiring, wearing of the company logo). Couriers are subject to the collective agreement for professional goods transporters.
19/1/2019	Belgium	Uber	x			Uber drivers are self-employed. There is no concrete evidence to support that the service contract concluded between Uber B.V. and the LCV corporations should be reclassified as an employment contract.
22/1/2019	France	Take Eat easy		x ¹⁰⁷		Subordination link (power to control and impose sanctions). Some couriers have been paid with cycling equipment.
25/1/2019	Nederland	Deliveroo		x		Riders are not independent contractors and Deliveroo falls under the scope of the professional goods transport collective bargaining agreement.
11/2/2019	Spain (Madrid)	Glovo		x		The platform has a full control over the rider activity, and also fixes how to develop the service and certain behaviour patterns. This activity is evaluated after through profiles, which determines future assignation of new services and also eventually enables dismissals. The rider will never be able to

¹⁰⁷. Offence of concealed work with deliberate intention

						carry the service by his own without the platform he belongs to. If he decided to undertake this kind of activity on his own as an authentic independent contractor, he would be doomed to failure. This decision has been confirmed by Tribunal Superior de Justicia de Madrid (Sala de lo Social) on 3 February 2020 (see below).
20/2/2019	Spain (Gijón)	Glovo		X		Subordination link: there are work orders and standardized processes to carry out the service; rider is forced to comply with business requirements if he wants to set up a working time that is profitable for him; there is a control on the execution of the service done by the riders, not direct, but through the application itself and location systems; the company may end the relationship based on disciplinary grounds.
25/2/2019	Spain (Oviedo)	Glovo	x		X	The economically dependent self-employed is free to organize the provision of services and the schedule is set by him; there is no exclusivity and the professional has total freedom to collaborate with other platforms.
4/3/2019	France	Take Eat easy		x		Subordination link.
4/4/2019	Spain (Madrid)	Glovo		x		Employment relationship (follow the same arguments as the 11 February 2019). The platform has a full control over the rider activity, and also fixes how to develop the service and certain behaviour patterns. This activity is evaluated after through profiles, which determines future assignation of new services and also eventually enables dismissals. The rider will never be able to carry the service by his own without the platform he belongs to. If he decided to undertake this kind of activity on his own as an authentic independent contractor, he would be doomed to failure. The decision has been upheld by Tribunal Superior de Justicia de Madrid (Sala de lo Social) on 18 December 2019 (see below).
5/5/2019	Switzerland	Uberpop		x		Driver is not an independent contractor.
21/5/2019	Spain (Catalonia)	Glovo	x			There's no employment relationship: riders chose the itinerary and the modes of transport and they assume the expenses; riders chose area and days and working times; riders may reject an order and they don't have to communicate their annual leave to the company. Decision has not been upheld by the Tribunal Superior de Justicia de Cataluña (Sala de lo Social) in the 7 and 12 May 2020 decisions (see below).
29/5/2019	Spain (Catalonia)	Glovo	x			There's no employment relationship: riders chose the itinerary and the modes of transport and they assume the expenses; riders chose area and days and working times; riders may reject an order and they don't have to communicate their annual leave to the company. Decision has not been upheld by the Tribunal Superior de Justicia de Cataluña (Sala de lo Social) in the 7 and 12 May 2020 decisions (see below).

10/6/2019	Spain (Valencia)	Deliveroo		x		Subordinate relationship.
11/6/2019	Spain (Barcelona)	Glovo		x		Employment relationship.
14/6/2019	Spain (Salamanca)	Glovo	x		X	It is an «economically dependent self-employed» relationship. (This decision has not been upheld by the Tribunal Superior de Justicia de Castilla y León\Valladolid (Sala de lo Social) in the 17 February 2020 decision).
22/7/2019	Spain (Madrid)	Deliveroo		x		More than 500 riders have an employment relationship.
25/7/2019	Spain (Asturias)	Glovo		x		The Court upholds the ruling of the Juzgado de lo Social núm. 1 Gijón, dated on 20 February 2019 (see above). Subordination link: there are work orders and standardized processes to carry out the service; rider is forced to comply with business requirements if he wants to set up a working time that is profitable for him; there is a control on the execution of the service done by the riders, not direct, but through the application itself and location systems; the company may end the relationship based on disciplinary grounds.
30/7/2019	Spain (Barcelona)	Glovo		x		Employment relationship: services rendered through the platform describe a subordinate relationship.
19/9/2019	Spain (Madrid)	Glovo	x			The court upholds the decision of the Juzgado de lo Social núm. 39 de Madrid, 3 September 2018. Rider is not a worker because he has the full control of his activity (he chooses orders he's interested in, timetables, route to destination).
12/11/2019	Spain (Vigo)	Glovo	x			No subordinate relationship mainly because de rider provides his own vehicle (a car).
18/11/2019	Spain (Catalonia)	Glovo		x		Employment relationship: the work of the rider is integrated into the Glovo's business and not an independent operation; the means provided by the rider are residual.
27/11/2019	Spain (Madrid)	Glovo		x		There is a subordinated relationship mainly for the following reasons: written documentation may not reflect the reality of the relationship; the platform establishes unilaterally the rates; the parts initially formalized an independent contractor relationship and changed to a «economically dependent self-employed» one without any substantial change in the fact situation; there is a subordinated relationship because the work of the rider is integrated into the Glovo's business and not an independent operation; it's obvious that the app has a fundamental economical relevance (especially if it is compared to the residual means provided by the rider).

4/12/2019	Deutschland		x			The court held «that a platform worker was not an employee of the platform operator, but left open the possibility of a time-limited employment relationship with the platform end user». (judgment not published yet)
18/12/2019	Spain (Madrid)	Glovo		x		The Court upholds the ruling of the Juzgado de lo Social núm. 33 Madrid, dated on 11 February 2019 (see above). The platform has a full control over the rider activity, and also fixes how to develop the service and certain behaviour patterns. This activity is evaluated after through profiles, which determines future assignation of new services and also eventually enables dismissals. The rider will never be able to carry the service by his own without the platform he belongs to. If he decided to undertake this kind of activity on his own as an authentic independent contractor, he would be doomed to failure.
2020						
17/1/2020	Spain (Madrid)	Deliveroo		x		The Court upholds the ruling of the Juzgado de lo Social núm. 19 Madrid, dated on 22 July 2019, declaring that more than 500 riders have an employment relationship.
30/1/2020	Italy			x		The Court decided to apply a 2015 legislation that extends employment and labour protection to all workers whose work is organized by someone else, which in Italy is called lavoro etero-organizzato».
3/2/2020	Spain (Madrid)	Glovo		x		The rider has an employment relationship.
17/2/2020	Spain (Castile and León)	Glovo		x		The Court does not uphold the decision of 14th June 2019 (see above). There is a subordinate relationship because, among other arguments used in other Courts, the platform is in contact with the clients and fixes the price of the service.
21/2/2020	Spain (Catalonia)	Glovo		x		The Court rejects the ruling of the Juzgado de lo Social núm. 24 Barcelona, dated on 29 May 2019 (see above). The rider has an employment relationship, especially because it is clear that there is a subordinate relationship and the rider does not work for himself but under the standards and the terms and conditions of Glovo.
4/3/2020	France	Uber		x		Fictitious status as an independent worker. Uber BV sent instructions, supervised performance and exercised the power to sanction, without distorting the terms and conditions of the agreement.
22/4/2020	European Union	Deliveroo	x			Rider is a self-employed independent because he's afforded to: use subcontractors or substitutes to perform the service which he has undertaken to provide; accept or not accept the various tasks offered by his putative employer, or unilaterally set the maximum number of those tasks; fix his own hours of 'work' within certain parameters and to tailor his time to suit his personal convenience rather than solely the interests of the putative employer,

					provided that, first, the independence of that person does not appear to be fictitious and, second, it is not possible to establish the existence of a relationship of subordination between that person and his putative employer.
27/4/2020	Spain (Zaragoza)	Deliveroo		x	A rider is not an independent contractor.
7/5/2020	Spain (Catalonia)	Glovo		x	The courts don't uphold the decision of the Juzgado de lo Social núm. 24 Barcelona, dated on 21 May 2019 (see above), and declares that one rider has an employment relationship (see above).
12/5/2020	Spain (Catalonia)	Glovo		x	Subordination link.
16/6/2020	Spain (Catalonia)	Deliveroo		x	The Court upholds the decision of the Juzgado de lo Social núm. 31, dated on 11 June 2019. 10 riders have an employment relationship.
20/11/2020	Italy (Palermo)	Glovo		X	the service was managed and organized by the platform (organized solely by the employer and in his sole interest) in the sense that only by accessing and subjecting to its rules could perform the employment duties.

Source: <https://ignasibeltran.com/2018/12/09/employment-status-of-platform-workers-national-courts-decisions-overview-australia-brazil-chile-france-italy-united-kingdom-united-states-spain/>

Annex F.1 Number of decisions per year and per country

	2016	2017	2018	2019	2020	Total	Granted	IC
Belgium				1		1	0	0
Deutschland				1		1	0	0
European Union					1	1	0	0
France	2	4	2	3	1	12	7	0
Italy			2	1	2	5	2	1
Nederland				2		2	2	0
Spain			3	18	8	29	21	3
Switzerland				1		1	1	0
United Kingdom	1	3	3			7	4	2
8 countries + EU	3	6	10	27	13	59	35	6

Annex F.2 Number of decisions per year and per platform

	2016	2017	2018	2019	2020	Total
Deliveroo	0	2	2	4	4	12
Foodora	0	0	1	1	0	2
Glovo	0	0	1	16	6	23
Take Eat Easy	0	2	2	2	0	6
Uber	1	1	2	3	1	8
Others	2	2	2	0	0	6

Annex G. ILO's criteria to ensure decent work on digital labour platforms

1. Addressing employment misclassification.
2. Allowing crowdworkers to exercise their freedom of association and collective bargaining rights.
3. Applying the prevailing minimum wage of the workers' location.
4. Ensuring transparency in payments and fees assessed by the platform.
5. Ensuring that independent workers on the platform have the flexibility to decline tasks.
6. Covering costs of lost work in case of technical problems with the task or platform.
7. Establishing strict and fair rules to govern non-payment.
8. Ensuring that terms of service agreements are presented in human-readable format that is clear and concise.
9. Informing workers on why they receive unfavourable ratings.
10. Establishing and enforcing clear codes of conduct for all users of the platform.
11. Ensuring that workers have the ability to contest non-payment, negative evaluations, qualification test outcomes, accusations of code of conduct violations and account closures.
12. Establishing a system of client review that is as comprehensive as the worker review system.
13. Ensuring that task instructions are clear and validated prior to the posting of any work.
14. Enabling workers to be able to view and export a complete human- and machine-readable work and reputation history at any time.
15. Allowing workers to continue a work relationship with a client off the platform without paying a disproportionately large fee.
16. Ensuring that customers and platform operators respond to worker communications promptly, politely and substantively.
17. Informing workers of the identity of their customers and the purpose of the work.
18. Ensuring that tasks that may be psychologically stressful and damaging are clearly marked by platform operators in a standard way.

Three criteria for adapting social protection systems so that crowdworkers have access to social protection coverage:

1. Adapting social insurance mechanisms to cover workers in all forms of employment, independently of the type of contract.
2. Using technology to simplify contribution and benefit payments.
3. Instituting and strengthening universal, tax-financed mechanisms of social protection

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_645934.pdf

Annex H. The criteria for the Fairwork Foundation

1. *Minimum wage.* The platform ensures that workers are paid at least minimum wage in their location, regardless of employment classification.
2. *Non-payment.* The platform does not allow non-payment for completed work.
3. *Compliance with relevant laws.* The platform abides by all relevant laws in the worker's location.
4. *Pay terms.* For crowdwork and freelance platforms, the time in which clients agree to review and pay for submitted work is stated up front, and is clear to the worker before accepting the task.
5. *Non-competition agreements.* The platform does not require workers to sign non-competition agreements.
6. *Non-disclosure agreements.* If the platform requires workers to sign non-disclosure agreements, the agreement prohibits disclosure only of data submitted by customers, not pay, work processes, or working conditions.
7. *Access to collected data.* The platform allows each worker access to all data collected about them by the platform at any time, including work history data and work evaluations or ratings.
8. *Contestation of work evaluations or qualifications.* The platform allows workers to contest work evaluations and qualification test outcomes. Such contestations are reviewed by a human employee of the platform.
9. *Communication.* The platform ensures that customers and platform operators respond promptly, respectfully, and substantively to work-related worker communications.
10. *Information about client and purpose of work.* The platform gives workers information about the client and use or purpose of their work.
11. *Psychologically stressful or damaging tasks.* Tasks that may be psychologically stressful or damaging (e.g., review of social media content for hate speech, violence, or pornography) are clearly marked. Workers completing such tasks have access to counselling or support paid for by the customer and/or platform.
12. *Account deactivation.* Worker account deactivations are reviewed by a human platform employee.
13. *The right to collective representation and bargaining.* Regardless of employment status, workers have a legally protected way of voicing their desires for improved working conditions to platform management.

Annex I. Cooperatives, members of Coopcycle

Cooperatives	Countries	Cities	Date of creation	Date of entering the federation	Contact	Number of Couriers	Number of FTEs	Number of salaried workers	Reference to ecology (Yes/No)
Crow	Germany	Berlin	2018	August 2018	info@crowberlin.de http://www.crowberlin.de/ https://www.facebook.com/crowcyclecouriercollective	<u>14</u>	<u>7</u>	<u>0</u>	<u>Yes</u>
Tricargo	Germany	Hambourg	<u>2016</u>	<u>August 2018</u>	info@tricargo.de https://tricargo.de/	<u>18</u>	<u>10</u>	<u>not communicated (n.c.)</u>	<u>Yes</u>
Kolyma 2	Germany	Berlin	<u>August 2019</u>	<u>September 2019</u>	hello@kolyma2.de http://kolyma2.com/ https://www.facebook.com/kolyma2	<u>7</u>	<u>18</u>	<u>7 (FTEs in wage portage via SMart)</u>	<u>Yes</u>
Fulmo	Germany	Leipzig	<u>May 2019</u>	<u>May 2019</u>	kurier@fulmo.cc https://fulmo.cc/	<u>n.c.</u>	<u>n.c.</u>	<u>n.c.</u>	<u>Yes</u>
Molenbike	Belgium	Brussels	<u>2017</u>	<u>August 2018</u>	info@molenbike.be http://www.molenbike.be/	<u>15</u>	<u>2</u>	<u>2 (FTEs in wage portage via SMart)</u>	<u>Yes</u>
RAYON9	Belgium	Liège	<u>April 2016</u>	<u>August 2018</u>	info@rayon9.be http://www.rayon9.be/societe-cooperative/	<u>3</u>	<u>3</u>	<u>3</u>	<u>Yes</u>
Urbike	Belgium	Bruxelles	<u>March 2018</u>	<u>October 2019</u>	info@urbike.be https://urbike.be/	<u>6</u>	<u>9</u>	<u>9 (directly or in wage portage via SMart)</u>	<u>No</u>
Shift.coop	Canada	Vancouver	<u>August 2011</u>	<u>September 2019</u>	info@shiftdelivery.ca	<u>17</u>	<u>n.c.</u>	<u>17</u>	<u>Yes</u>
La roue libre	Canada	Montreal	<u>n.c.</u>	<u>October 2018</u>	info@larouelibre.org http://www.larouelibre.org/	<u>n.c.</u>		<u>n.c.</u>	<u>Yes</u>

Olvo	France	Paris	December 2015	August 2018	contact@olvo.fr http://olvo.fr/		25	14	Yes
La Poit' à Vélo	France	Poitiers	2018	August 2018	contact@lapoitavelo.fr http://www.lapoitavelo.fr/	3	1	2	Yes
Coursiers Bordelais	France	Bordeaux	2017	2017	coursiersbordelais@gmail.com http://www.coursiersbordelais.fr/	5	5	5	Yes
Lille.bike	France	Lille	2015 as a self-entrepreneur and 2017 at the Optéos Activity and Employment Cooperative	August 2018	contact@lille.bike http://lille.bike/	2	2	n.c.	Yes
Régie de quartier de Stains	France	Stains	n.c.	August 2018	velos.rqstains@gmail.com https://www.facebook.com/rqstains	n.c.	n.c.	n.c.	No
Feel à Vélo	France	Lorient	n.c.	August 2018	contact@feelavelo.fr http://www.feelavelo.fr/	3	n.c.	n.c.	Yes
Coursiers Nantais	France	Nantes	August 2017	August 2018	contact@lescoursiersnantais.fr https://www.lescoursiersnantais.fr/	11	5.5	11	Yes
Naofood	France	Nantes	January 2019	August 2020	contact@naofood.fr https://naofood.fr/	2 employees - 8 self-entrepreneurs	8	2	No
Sicklo	France	Grenoble	April 2019	May 2019	contact@sicklo.fr http://www.sicklo.fr/	10	4	10	Yes
ToutEnVélo Grenoble	France	Grenoble	2016	March 2019	grenoble@toutenvelo.fr http://www.toutenvelogrenoble.fr/	3	2.8	3	No
Colis Cyclette	France	Carpentras	January 2019	February 2019	contact@coliscyclette.fr http://Coliscyclette.fr/	3	2.5	2	Yes

Coursiers Montpelliérains	France	Montpellier	2019	2019	contact@coursiers-montpellier.fr https://coursiers-montpellier.fr/	5	3	n.c.	Yes
Riders Social Club By Coïncide	France	Saint-Denis	2019	2019	contact@riders-socialclub.com https://www.riders-socialclub.com/	1	n.c.	1	Yes
Coursiers Stéphanois	France	Saint-Etienne	2020	2020	contact@coursiers-stephanois.fr https://www.coursiers-stephanois.fr/	3	0	n.c.	Yes
Tout en vélo Marseille	France	Marseille	2019	2020	marseille@toutenvelo.fr http://www.toutenvelo.fr/toutenvelo-marseille	2	n.c.	n.c.	Yes
Tours'N messenger	France	Tours	April 2019	September 2019	tours.mes@gmail.com	3	n.c.	1	Yes
Tout en vélo Caen	France	Caen	November 2017	May 2020	caen@toutenvelo.fr	8	5.93	8	Yes
La Pajara Ciclomensajería	Spain	Madrid	January 2018	August 2018	info@lapajaraenbici.com	4	3	n.c.	Yes
Velo Sevilla	Spain	Séville	n.c.	2020	antoniof05@hotmail.com	n.c.	n.c.	n.c.	
Coop de pedal	Spain	Maresme	2018	n.c.	coopdepedal@gmail.com http://coopmaresme.cat/coop-de-pedal/	n.c.	n.c.	n.c.	Yes
Zámpate	Spain	Zaragoza	2020	2020	luca.bilotto.pons@gmail.com https://zampatezaragoza.com/	n.c.	n.c.	n.c.	Yes
Eraman Koop	Spain	Vitoria-Gasteiz	2 may 2020	2020	eraman.cargo@gmail.com	5	3	3	No
Botxo Riders	Spain	Bilbao	July 2020	September 2020	info@botxoriders.com https://botxoriders.com/	2	0 (start-up project)	0 (start-up project)	Yes
Alternativa Kuriren	Sweden	Malmo	August 2018	February 2020	info@alternativakuriren.se http://www.alternativakuriren.se/	5	2	5	Yes
YCC	United Kingdom	York	2018	August 2018	hello@yorkcollective.co.uk https://yorkcollective.co.uk/	4	2	n.c.	Yes
Coopbrum	United Kingdom	Birmingham	2020	2020	coopcycle@cooperationbirmingham.org.uk	n.c.	n.c.	n.c.	No

Chorlton Bike Deliveries	United Kingdom	Manchester	22 April 2020	2020	rosahibbert@outlook.com https://mailchi.mp/db762a1bacb3/chorltonbikedeliveries	6	n.c.	0 (volunteers)	Yes
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Source: Coopcycle's Annual Report, 2020.

Annex J. List of acronyms

Acronym	English	Source language
ACA	Affordable Care Act	
AMT	Amazon Mechanical Turk	
ATR	Delivery Workers' Group	Agrupación de Trabajadores de Reparto
AWS	Amazon Web Service	
BAT	Baidu, Alibaba, Tencent	
Capa-VTC	Union of Drivers, Capacities - Passenger vehicles with driver	Union Des Chauffeurs, Capacitaires - véhicules de tourisme avec chauffeur
CCOO	Workers' Commissions	Comisiones Obreras
CFDT	French Democratic Confederation of Labour	Confédération française démocratique du travail
CGIL	General Confederation of Labour	Confederazione Generale Italiana del Lavoro
CGT	General Confederation of Labour	Confédération Générale du Travail
CLAP	Parisian Autonomous Delivery Workers' Collective	Collectif des livreurs autonomes de Paris
CLAs	Collective Labour Agreements	
CNE	National central employees' organisation	Centrale nationale des employés
CNL	French National Delivery Workers' Coordination	Coordination nationale des livreurs
CNT	National Labour Council	Confederación Nacional del Trabajo
CSC	Belgian Christian Trade Union Confederation	Confédération des syndicats chrétiens
DSA	Digital Services Act	
ETUC	European Trade Union Confederation	
EWC	European works council	
FAU	Free workers' trade union	Freie Arbeiterinnen- und Arbeiter
FGTB	General Labour Federation of Belgium	Fédération générale du travail de Belgique
FNV	Netherlands' trade union confederation	Federatie Nederlandse Vakbeweging
GAFAM	Google (Alphabet), Amazon, Facebook, Apple and Microsoft	
GDPR	General Data Protection Regulation	
GPA-djp	Austrian union of private sector employees, printing, journalism and paper	Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier
IG Metall	Industrial Union of Metalworkers	Industriegewerkschaft Metall
ILO	International Labour Organisation	
IWGB	Independent Workers Union of Great Britain	
IWW	Industrial Workers of the World	
LFI	France Unbowed	La France Insoumise
LOM	Law on the Orientation of Mobility	
NGG	Trade union for the hotel, restaurant, café and hospitality sectors	Gewerkschaft Nahrung-Genuss-Gaststätten
NidiL	New work identities	Nuove Identità di Lavoro
OGB	Austrian Confederation of Trade Union	Österreichische Gewerkschaftsbund
OWINFS	Our World is not for Sale	
SE	European public limited liability company	

SCP-VTC	Union of Private Drivers- Passenger vehicles with driver	Syndicat des Chauffeurs Privés- Véhicules de tourisme avec chauffeur
Smart	Mutual Society for Artists	Société mutuelle pour artistes
SPF Social Security	Belgium's Administrative Committee for Regulating Labour Relations	Service Public Fédéral Sécurité sociale
TFC	Transnational Federation of Couriers	
UF	United Freelancers	
UGT	Spanish Trade Union	Unión General de Trabajadores
UIL	Italian Trade Union	Unione Italiana del Lavoro
UWA	United world action	Unidxs World Action
VSE/SME	Very Small Enterprise/Small and Medium Enterprise	
WC	Works Councils	

THE AUTHORS

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