

CONCLUSION: WHERE IS WORKER REPRESENTATION GOING? DIVERSE PATHWAYS FOR PLATFORM WORKERS' COLLECTIVE STRATEGIES

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In the last decade, digitalisation has fundamentally changed the world of work globally, and digital technologies have had complex implications for working life and organised labour. These implications are particularly concentrated in the emerging area of digital platform work, where conflicting dynamics are felt acutely by workers – it is here that our *Crowdwork project* aims to contribute to the literature, emphasising the perspectives of platform workers and organised labour. On the one hand, digital platforms allow access to labour markets as well as provide limited autonomy and flexibility, which have been beneficial for some workers around the world. On the other hand, these new business models have created threats for platform workers and organised labour, including risks associated with insecure flexible working. That is, the so-called flexible features of platform work are neither simply 'good' nor 'bad' and are one of the complex implications of digitalisation which workers have to navigate. Along these lines, platforms 'have become a reference point in discussions on industry transformation, labour market innovations and the future of work' (Johnston et al., 2020, p. 7).

Existing literature argues that it is not possible to find one single working model that underpins all platform work due to the high variety of platforms and their different organisational patterns (Schüssler et al., 2021). In particular, our original fieldwork found diverse and polarised worker profiles, as well as different forms of collective representation within and external to traditional unions. This diversity, polarity and fragmentation complicate the definition of singular worker profiles and collective organisation, which has contributed to a lack of labour market policies for platform work in most countries.

Dynamic tensions between diversity and common ground

Our assessment of platform work and its impacts in different European countries shows a labour reality in movement, with diverse, active and changing dynamics in worker profiles, worker engagement, collective organisation and regulatory approaches. In the countries studied there is a mixed and shifting picture. In Germany, despite effective and relatively stable regulatory instruments, there have been important debates and regulatory proposals published by the Ministry of Employment which have not been transformed into legislation yet. In Spain, there is an ongoing dynamic whereby as new legislation is introduced, platform companies simply adapt and find ways around the legislation. In Hungary and Portugal, regulations are simply not designed yet or are in the process of being approved. In most of these countries, negotiation pathways are being established, and new labour associations and movements are being shaped. In terms of worker profiles, there is not only diversity but also polarity in some cases. For example, on the one hand, amongst the Upworkers, we can find highly paid workers enjoying the career and geographical mobility that digital platform labour can theoretically afford. Whilst on the other hand, amongst other platform work sectors studied (care services, food delivery, ride-hailing), we have encountered precarity, lack of professional dignity and even life-threatening working conditions.

At the same time, due to the networked and global character of platform work, our fieldwork also shows similar threads connecting workers across countries and platforms. At the European level, common denominators are needed to connect the different national approaches towards a coherent European framework for working conditions and policies – a challenge which also has the potential to constructively manage the complex interactions between common threads, diversity and polarity. As this book was going to print, EU-level regulatory efforts on platform work yielded a draft directive aimed at covering those workers who are full-time online platform workers. As described by De Stefano and Aloisi (2021), ‘The new instrument addresses three main concerns: worker status misclassification, fairness, transparency and accountability in algorithmic management, and enforcement of the applicable rules’. These concerns surface in our fieldwork results and research recommendations, thus allowing us to explore them in a grounded way in the context of our new empirical material.

Common threads

One important contribution of our research is identifying the common dynamics and narrative threads that make sense of this complex picture. A set of initial findings are explored in the following two sub-sections on employment status and working conditions, and trade union strategies and emerging forms of collective organisation. Then a set of recommendations are outlined in the next main section – addressing algorithmic management, workers' collective strategies, employment status and transparency – building further on the *Crowdwork project's* empirical findings, analysis and comparative discussions.

Employment status and working conditions

Our research started with organised labour, acknowledging the challenges and difficulties that trade unions face to represent and organise platform workers. In this context, employment status is a key challenge highlighted by the literature and corroborated by our fieldwork. The majority of digital labour platforms operating in the EU classify platform workers as self-employed (de Groen et al., 2021). Consequently, because such workers are deemed 'independent', they do not receive the same labour protections as contracted employees. This creates a problem for those who are formally self-employed, yet who are actually dependent platform workers unable to access social security measures to support them.

Although trade unions in several EU member states have recruited and organised self-employed workers in recent decades (Pulignano et al., 2016), our empirical evidence shows that self-employment status in platform work limits workers' access to many important collective labour rights in almost every legal system. This includes access to collective bargaining, as well as to information and consultation. In many countries, the labour contracts are not formalised and work is mainly regulated through algorithms. The chapters by each country research team present key findings in this respect.

Trade union strategies and emerging forms of collective organisation

Substantial work has already been done by some trade unions to analyse platform work, set up different modes of social dialogue, and develop codes of conduct and certificates (Johnston et al., 2020). Despite many pessimistic expectations regarding trade union engagement with platform workers, we find that some trade unions are developing a variety of effective actions in terms of online-offline forms of mobilisation and coalitions by engaging with new

actors and grassroots movements, which are strengthening workers' collective voice and improving working conditions.

Regarding political and institutional frameworks, in line with previous studies (Cini et al., forthcoming; Vandaele, 2021), the empirical evidence in this book from Germany, Spain, Portugal and Hungary shows that external factors related to industrial relations institutions are shaping unions' strategies and actions. Overall, trade unions in Spain and Germany have, in comparative terms, more encompassing industrial relations institutional resources (Rigby and García Calavia, 2018; Sanz de Miguel et al., 2020) and consequently, they have relied more prominently on traditional forms of regulation such as social dialogue (Spain) or works councils (Germany). In Portugal, the most important trade unions were formally consulted on a new regulation on platform work. However, in contrast to Spain, consensus between left-wing political parties and unions was not achieved, showing strong ideological divides among these institutional actors. In Hungary, trade unions are still 'exploring' the platform work landscape, constrained by a particular complex institutional environment with very low trade union density.

Recommendations for worker strategy, trade unions and policy

Working with the findings outlined in the previous section, our research has identified a set of worker strategies to deal with algorithms, policy challenges and recommendations for trade union capacity building. Reflecting the aforementioned tensions between diversity and common ground, we should start by pointing out that our main findings reveal national distinctions in the ways that supranational patterns impact the actual working lives, workers' rights and forms of representation. That is, even though the technology is similar, the cultural and political environments and the related legislation differ across countries. Therefore, any general recommendations on this topic should not be taken rigidly, rather they should be adaptive so they can be configured according to national conditions and structures.

Worker strategies regarding algorithmic management

The literature has already described how platform business models have created new organisational patterns based on 'algorithmic management' (Lee et al., 2015; Zuboff, 2019; Kellogg et al., 2020). Meaning that algorithmic systems

replace some organisational functions traditionally performed by managers and labour relations face new managerial frameworks where algorithms play a key role. One of the most distinctive features of this new form of labour force management is its application on a mass scale, mediated through automated and digitalised processes which enable labour platforms to direct, evaluate and exercise disciplinary power over large numbers of platform workers (Kellogg et al., 2020; Wood, 2021).

Threats to platform workers' autonomy and representation

Algorithms were not overtly part of the original research objectives, however, they emerged as a significant theme in the fieldwork. In many cases, algorithms were found to dehumanise human resource management and remove the need for in-person and face-to-face interaction. This undermines both solutions to non-standardised problems and collective worker efforts, and possibly amplifies discriminatory and unfair policies. Algorithmic technologies appear more opaque than previous technological systems. Based on our fieldwork, it appears not only that these algorithms are adjusted by human programmers to the specificities of each national context, but also that the algorithms adjust and fine-tune themselves to local markets.

As a result, algorithmic management undermines workers' capacity to understand and manage their own workflow, working conditions and income. For example, without a full explanation from the platform, an Uber driver may receive different payments for the same journey, within the same day or the same week, and the drivers do not know in advance how many hours they must work to maintain a steady income. We have found as much in the case of food couriers in Portugal, who – despite all their alleged autonomy – are not completely free to manage their working hours to meet an intended income target. Algorithmic management also limits trade unions' capacity to counteract management control and influence work organisation through traditional forms of collective regulation (De Stefano and Taes, 2021).

Challenges and recommendations

The German study highlights that the major future challenge for unions should be to replace algorithmic control with transparency and trustworthiness, in order to channel the knowledge and experiences of crowdworkers towards improving working tools and working conditions. Along similar lines, the Spanish study reveals that recent legal amendments introduced as a result of collective action

should be seen as a constructive learning experience. The 2021 ‘Riders Law’ has introduced an innovative provision related to ‘algorithmic transparency’, which creates new possibilities for union representation in digital platforms, as well as in traditional companies relying on algorithmic management.

In terms of targets for worker strategies, the Portuguese study concluded that the rating system for platform workers – where the client determines the rating, sometimes in an unfair way – should also be reviewed to protect workers not only from getting disconnected from platforms but also from being dismissed entirely. The parameters established by the algorithm should be clearer, more transparent, prevent discrimination and be less precarious. The algorithm should not be a decisive mediator between the worker and the platform. It seems that there is room for intervention through labour inspections, tax incentives for platforms and workers and, possibly, a revision of labour laws.

The Hungarian recommendations also indicate that algorithmic management should be more transparent, as was underlined by discussions in worker forums observed in the Hungarian fieldwork. Following from that, supporting more online and offline forums for workers could further contribute to reducing information and power asymmetries between platforms and workers. Overall, the Hungarian study highlights the need for social dialogue on platform work involving all relevant actors.

Algorithms were found to be significant across many parts of the analysis. Here we have discussed them in terms of worker strategies, we will also touch upon them again in terms of policy recommendations, and in the final concluding paragraphs of our book, we reflect further on the challenges ahead for collective worker strategies faced with the digitalised economy more generally.

Capacity building for trade unions

One of the objectives of this project was to support trade union strategies regarding platform work in Europe. To that effect, we would like to share a note regarding the importance of skills development among social actors in labour and industrial relations systems. This need was particularly visible in the skills gaps that our fieldwork found in many trade unions in Portugal and Hungary, where younger workers and some shop-stewards struggled to explain to older trade unionists why and how digital tools were needed to organise collectively.

From a trade union’s perspective, reaching, organising and mobilising platform workers requires not just basic digital competence, but also a deeper ‘digital literacy’ in terms of understanding how social and digital media can be harnessed to develop collective organisation and connect with alternative forms

of worker organisation (such as associations and movements, grassroots unions, etc.). Therefore, we recommend that traditional trade unionists be supported to improve both their digital and related broader skills in order to renew and activate effective labour relations.

Policy recommendations without borders

The outcomes of this research project enabled the elaboration of policy recommendations in four fields: employment status, social protection and working conditions, improvement of transparency and reporting of labour platforms, and algorithmic management in platform work. These four fields are elaborated on in the following paragraphs.

Employment status

The definition of employment status has recently been clarified in Spain by Royal-decree law 9/2021, which introduces the legal presumption that delivery platform riders are workers, placing the burden on the platform to show that they are not. This key question is also under discussion in Germany, Portugal and Hungary. In Germany, the Federal Ministry of Labour and Social Affairs has proposed reversing the burden of proof to facilitate the enforcement of platform worker rights. In Portugal, policy debates are considering whether and how a so-called third category between employee and self-employment might clarify platform workers' employment status. Such a third category status has also been discussed in Hungary before.

Employment status could be clarified through the enactment of a legal definition of worker at the European level, as has been suggested by a recent study commissioned by the Workers group of the European Economic and Social Committee (Sanz de Miguel et al., 2021). More recently, the European Commission has elaborated a proposal for a new Directive on improving working conditions in platform work, which would grant the legal employment status that corresponds to their actual work arrangement (European Commission, 2021).

Social protection and working conditions

Trade unions and alternative associations or movements have made proposals and declarations on social protection and working conditions for platform workers (including those deemed self-employed). Depending on the country, such proposals have taken different forms. In Germany, they focus on pensions

and accident insurance, minimum working conditions and the potential to organise collectively. In Portugal, a recent proposal that protects platform workers by recognising these digital professions and their working conditions could lead to changes to the 2009 Labour Code – if an agreement is reached among political parties.

Transparency and reporting of labour platforms

This issue has been highlighted in all countries. For example, in Germany, the Ministry of Labour and Social Affairs focused on improving transparency and reporting through the development of a public register of labour digital platforms. In Spain, the two main confederations of trade unions, UGT and CCOO, proposed a similar public register of digital labour platforms which would also have included the algorithms used by these platforms (UGT, 2020b) – however, this register was not enacted. In Portugal, the proposal under discussion aims to make all labour platforms responsible for transparency and reporting.

Algorithmic management in platform work

As outlined above regarding worker strategies, in general, countries are discussing this concept in relation to the need for transparency of information and information rights. This aspect has recently been enacted in Spain by the Royal-decree law 9/2021. In Portugal, a recent proposal under public discussion would require algorithmic management to be transparent to workers and potentially other key stakeholders.

To better understand both the short-term and especially the long-term effects of platform work, it is necessary to collect systematic knowledge about those responsible for the creation, management and maintenance of business models and digital infrastructures for labour platforms. Research focusing solely on the users misses both traditional and newly emerging labour relations actors – it also risks failing to understand the potential for proactive worker strategies and collective representation.

Looking forward: Endings and beginnings

The *Crowdwork project* ended in 2021. By focusing on up-to-date, broad and deep fieldwork, we hope to have widened existing research with new empirical findings. In particular, we carried out fieldwork in a wide set of platforms and

sectors. That is, whilst our fieldwork included the most studied cases of Uber and food-delivery services, we also went further to investigate Upwork, care work, and the boundary cases of Airbnb and call centre workers operating from home, which point to wider dynamics linking digital labour platforms with different areas of the platform economy and the economy at large.

The research objectives were to analyse the profiles of platform workers and their collective representation strategies. Our research suggests that platform worker profiles are so diverse that potentially it is not useful to search for one single template linking worker profiles with collective strategies. Unpacking the relationships between worker profiles and collective strategies with more precision, we have situated the employment status of workers in relation to collective worker strategies, and the diversity of worker profiles could be analysed further in terms of other characteristics identified (such as migrant status, gender, age and their intersections) as outlined in some key considerations at the end of this chapter.

Our research has shown that effective collective representation strategies were linked to two main drivers. First, modes and determinants of representation, including platform workers' access to legal employment status, trade unions, and alternative associations and movements, as well as platform workers' self-recognition and collective consciousness. Second, the kinds and levels of encompassing industrial relations. Our empirical findings indicate that, in comparative terms, some platform workers can rely on more effective industrial relations systems to support their representation – for example, through social dialogue in Spain and works councils in Germany – than platform workers in other countries.

Going forward, we recommend deepening reflection on five key dimensions of platform work. First, the interplay between traditional forms of labour market regulation and organisation (such as collective bargaining, social dialogue and works councils), and emergent forms of platform workers' representation (external to trade unions). Second, new repertoires of action and forms of mobilisation. Third, self- and co-regulation of online platforms. Fourth, the legal, ethical, political and organisational challenges of the digitalised economy, recognising algorithmic management to be a major part of this. Fifth and last, the foundational work to be done in terms of a conceptual and theoretical framework for analysing diverse workers' profiles and characteristics, and their intersections, and how that influences and inter-relates with collective worker strategy and representation. These dimensions are elaborated further below. Our research

suggests that these pathways may be the most meaningful next steps towards building strategic resources in this field.

The interplay between traditional and emergent forms of labour organisation As we have seen, traditional forms of regulation related to collective bargaining, social dialogue or works councils are encountering emergent forms of platform workers' representation. This is especially the case for recent self-organised worker associations that are external to trade unions and seem to appeal more to this heterogeneous set of workers than the traditional union structures. Mainstream trade unions have faced difficulties in representing precarious workers, as well as workers who have different social and cultural backgrounds compared to the trade unions' existing core groups of affiliation. An additional factor can be competing priorities between social dialogue and collective bargaining on the one hand, and 'mobilising strategies' on the other hand.

New collective actors, such as Riders for Rights in Spain and *Liefern am Limit* in Germany, stemmed from grassroots social movements and are based on offline-online social networks, where traditional forms of representation can be virtually absent and/or questioned. We have found evidence of successful exchange and cooperation between these new actors and mainstream unions. For example, in Spain, mainstream unions learned to engage with the recently self-organised worker association Riders for Rights, and went on to form a coalition with them. Riders for Rights initially focused on mobilising strategies – however, they met with resistance from the platforms and positive changes to working conditions were not forthcoming. Therefore, the movement diversified its approach, collaborating with a range of actors and forming coalitions with mainstream and alternative trade unions. In particular, the coalition with trade unions was mainly based on litigation strategies against bogus self-employment, which led to a positive result in the Supreme Court in 2020 that gave trade unions the bargaining power to achieve the new regulation granting the presumption of employment to food-delivery platform workers (Tribunal Supremo, 2020).

These trends beg further research on the initiation, formation and recruitment patterns of such movements and their interplay with trade unions. For example, on the ways that hybrid and multiple forms of representation, affiliation and organisation can develop, drawing on sociological and political science literature about networks, social movements and organisations, organisational learning and hybridity (Podolny and Page, 1998; Diani and McAdams, 2003;

Boreham and Morgan, 2007; Chadwick, 2007; Moral-Martin and Brunet, 2021; Brandl et al., forthcoming).

New repertoires of action and forms of mobilisation

Closely intertwined with the emergence of these new actors, new actions and online-offline forms of mobilisation were found in various sectors (such as self-organised, networked and viral forms of worker expression) and have been noticed in several cities around the globe. Some platform workers have connected through online-offline social networks, combining the digital literacy and tools required for their work with the face-to-face interaction and community built through working in the same public spaces at similar times. As this trend seems to continue, in particular, in passenger transportation and food distribution, more needs to be learnt about the workings and contents of these online-offline forms of activism and mobilisation. In this way, insights can be gained into how these forms succeed or fail in building common narratives, group identities and collective action repertoires among the diverse worker profiles. Including if and how these may develop into lasting and effective forms of common interest representation, where established trade unions are vital but not the only form of collective representation (Van Laer and Van Aelst, 2010; Peterson et al., 2012; della Porta and Pavan, 2017; Pilati and Perra, 2019).

Communities of practice for self- or co-regulation in online platforms?

Self-regulation or co-regulation of online platforms can become one of the paths towards platform workers' representation – as seen in Upwork, the German Crowdsourcing Code of Conduct and responses to litigation in Spain – on the condition that such regulatory approaches acknowledge platform workers as a collective of stakeholders. This condition is essential because it establishes a negotiation space for existing or emergent organised forms of representation, where the European Union may also contribute with a common set of standards and guidelines – particularly in the wake of the European Commission's commitment to 'further encourage coordinated EU-wide self-regulatory efforts by online platforms' (2016, p. 9), as discussed in recent literature (Cantero Gamito, M, 2017; Fink, 2018; Busch, 2019). The creation of new negotiation institutions requires collective learning by the actors involved in the work and employment-related conflicts. The results of these shared experiences may result in 'communities of practice', which are a key social ingredient in the self-regulation of the power relations and interests active in platform work.

In the case of both location-based transportation (such as Uber and Bolt) and food-delivery services (like Uber.Eats, Wolt and Lieferando), it will be necessary to survey whether the driver or the food courier apps comply with the European General Data Protection Regulation (GDPR). In this respect, we share the opinion of a recent German report, according to which:

Traceability is to a certain extent necessary for the operational process. However, according to many experts, it is not in line with GDPR anymore, when the data of the drivers is processed on a massive scale, transmitted to third parties, or when the data collected is used to monitor the performance of the employees (Schewior, 2021).

Finally, one of the most important challenges for future platform-oriented research is to identify the interplay between the micro-dimension of platform work, such as control and transparency issues, and the macro-dimension. Analysis concerning the macro-dimension requires a political-economy approach. In other words, it would be necessary to move from carrying out surveys focused on labour processes towards political-coalition-oriented analysis, namely on political coalition formation among platform owners, consumers, various associations and the state to better understand and contribute to the complex and dynamic nature of platform work regulation (Rahman and Thelen, 2019; Stark and Pais, 2020; Makó, Illesy, Pap and Nostratabadi, forthcoming).

Challenges of the digitalised economy and algorithmic management

Concerning collective strategies for engaging effectively with the digitalised economy and algorithmic management, we would like to foreground several factors. We would like to underline the significant time required for workers' individual and collective learning processes to understand and organise in relation to new technologies. Authors have observed long timescales in trade unions' historical reactions to technological change and the challenges faced to develop strategies for intervening in the design process of technological innovations (Sabel, 1993). Despite important historical examples where trade unions have been part of technological design processes (Hammarström and Lansbury, 1991), it appears that trade union strategies have predominantly aimed to counterbalance or diminish the harmful effects of technological changes on working and employment conditions (Kun et al., 2020). These strategic limitations are felt particularly acutely now, due to the opaque and invisible functioning of labour platforms on such a mass scale.

Researchers and academia should play a role in widening the knowledge base available to trade unions in the future, as there is currently knowledge asymmetry with disproportionately more research on platform users (such as platform workers and clients), as compared with research on platform designers, builders and technologists (Vallas and Schor, 2020). There is a lack of research on certain actors, in particular, owners, managers and importantly platform designers and builders (such as programmers, user-experience architects and technologists). Our research has made an initial contribution in this area through the Hungarian research teams' fieldwork with Wolt platform managers. Research focusing solely on the users misses both traditional and newly emerging labour relations actors, and risks failing to access proactive strategies for workers and their collective representation.

Worker profiles: Employment status, migrant status, gender, age and their intersections

Finally, regarding workers' profiles, our research touched on a range of identified characteristics (such as employment status, migrant status, gender, age and, to some extent, their intersections) and how they relate to collective representation. Our fieldwork noted correlations between employment status, different types of platform work and collective strategy. In particular, it was noted that trade unions find it harder to organise platform workers carrying out online work (such as Upworkers), whereas in Spain, Germany and Portugal, trade unions have had some success with organising in relation to 'on-demand' platform workers – particularly through coalitions between mainstream trade unions and couriers' grassroots movements.

We have noted that modes of representation go beyond employment status and trade unions to also include alternative associations and movements, self-recognition and collective consciousness. This can provide a platform for a fully calibrated conception of worker profiles that can articulate the range of profiles and characteristics, correlative patterns of (intersecting) discriminations and how that inter-relates with collective worker strategy. For instance, in the case of food-delivery couriers in Spain, it was noted that some couriers were from the Venezuelan diaspora and had had experiences in Venezuela resulting in negative views on trade unions and left-wing political parties, which in turn limited the potential for certain organisations to collectively mobilise and organise. Intersections also appeared in some case studies. For example, gender and migration status stood out as intersecting factors in the

care-related platform work. Another set of intersections involved age and the stage in the workers' biographies, along with the possession of economic capital in the lodging platform sector and cultural capital in highly-skilled jobs – these intersections seem to play a role in worker's self-perception and aims concerning occupational and employment status in the case studies.

Researchers can draw on a strong set of literature to establish and analyse a fuller picture of people, collectives and organisations, and the collective strategies they employ – for example, taking into account class, ethnicity, religion, culture, disability, gender, LGBTQI+, political- and social-organising backgrounds, and self-identification versus categorisation (Crenshaw, 2017; Kuptsch and Charest, 2021). Such work will be vital to ensure that different worker profiles are not inadvertently placed in apparent equivalence, as though all were facing one single set of 'digital platform advantages and disadvantages'. There are very different intersecting power dynamics in play when considering a 'digital nomad Upworker' alongside care workers, riders or ride-hailing drivers; and further research can and should counter dynamics which erase these distinct features of workers' profiles, experiences and lives.

Final remarks

Digital platforms are managing millions of workers around the world, reconfiguring their lives, work and collective organisation. We have written this book intending to shed a light on the digitalisation of labour – particularly in terms of the impacts on workers' conditions and experiences of employment, life and collective organisation which, as the boundary cases we have studied demonstrate, go beyond the strictly-defined realm of digital labour platforms. The chapters have analysed different trade union strategies and emerging forms of collective organisation in the platform economy and have also identified future research lines.

The challenge for researchers and practitioners is to continue deepening collective understanding of the interactions between workers, trade unions, alternative associations/movements and the development of new technologies. We hope that this area of research and practice remains crucial so that workers and their organisations can develop more proactive and innovative strategies regarding the design and operation of technology, and its influence on working lives.