



► Realizing the opportunities of the platform economy through freedom of association and collective bargaining

Author / Felix Hadwiger





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ISBN: 9789220377352 (print)
ISBN: 9789220377369 (web-pdf)
ISBN: 9789220377376 (epub)
ISBN: 9789220377383 (mobi)
ISBN: 9789220377390 (html)
ISSN: 2708-3446

<https://doi.org/10.54394/VARD7939>

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Authorization for publication: Philippe Marcadent

ILO Working Papers can be found at: www.ilo.org/global/publications/working-papers

Suggested citation:

Hadwiger, F. 2022. *Realizing the opportunities of the platform economy through freedom of association and collective bargaining*, ILO Working Paper 80 (Geneva, ILO).

Abstract

This study provides empirical evidence from different regions of the world to identify avenues for platform economy workers to access freedom of association and collective bargaining. It shows that collective protests, the establishment of new organizations of workers and platforms, social dialogue and, to a limited extent, collective bargaining are taking place in the platform economy. The experiences from the ground described in this study indicate ways and a demand to create an even more enabling environment for freedom of association and collective bargaining in order to realize the opportunities of the platform economy for workers and employers.

About the author

Felix Hadwiger has more than ten years of experience in applied research in social dialogue and labour relations. He has worked for the ILO's Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) from 2019 to 2022 and has been an adviser to a Member of the German Parliament since 2022. He holds a PhD in Law from Hamburg University (Germany) and a Masters in Law and Economics from Hamburg University (Germany) and the University of Bologna (Italy).

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▶ Introduction

The study's focus: Freedom of association and collective bargaining in the platform economy

▶▶ *In recent years, the COVID-19 pandemic has further accelerated digital transformations that were already under way in the world of work. Therefore, realizing the opportunities of the platform economy for workers and businesses is currently on the political agenda of many ILO Member States.¹*

This study analyses access to freedom of association and the effective recognition of the right to collective bargaining in the emerging platform economy. The [ILO Declaration on Fundamental Principles and Rights at Work](#) of 1998 states that as fundamental principles and rights at work, freedom of association and the effective recognition of the right to collective bargaining are essential elements in “maintain[ing] the link between social progress and economic growth ... enabl[ing] the persons concerned, to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential”. The [ILO Centenary Declaration for the Future of Work](#) of 2019 reaffirms that freedom of association and the effective recognition of the right to collective bargaining are enabling rights and a key element for the attainment of inclusive and sustainable growth.² The guarantee of these rights can help to ensure that the opportunities of the platform economy are realized for both employers and workers.

Freedom of association and the effective recognition of the right to collective bargaining are fundamental principles and rights recognized in the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) and the [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#). These fundamental principles and rights apply to all employers and workers,³ with very limited and restricted exceptions.⁴

▶ Box 1: The rights to freedom of association and collective bargaining

- **Freedom of association:** “Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.” (Convention No. 87, Article 2)
- **Effective recognition of the right to collective bargaining:** “Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.” (Convention No. 98, Article 4)

¹ See, for example, the statements of several Member States in ILO, [Minutes of the 341st Session of the Governing Body of the International Labour Office](#), 2021 (GB.341/PV).

² Para. IIA.(vi); see also ILO, [ILO Declaration on Social Justice for a Fair Globalization](#), 2008.

³ The right to collective bargaining is included in the ILO Constitution (1919) and reaffirmed in the Declaration of Philadelphia (1944). More specifically, the Declaration of Philadelphia recognized “the solemn obligation of the International Labour Organization to further among the nations of the world programmes, which will achieve: ... the effective recognition of the right of collective bargaining” and noted that this principle is “fully applicable to all peoples everywhere”. For an overview of the observations and direct requests of the CEACR on the application of the right to collective bargaining, see also box 3.

⁴ As enshrined in Convention Nos 87 and 98, the exceptions with regard to the application of freedom of association and the effective recognition of the right to collective bargaining may concern armed forces and the police. In addition, Convention No. 98 also refers to the civil servants assigned to the administration of the state.

► **Box 2: Institutional background of the study**

In line with two International Labour Conference resolutions,⁵ the [revised plan of action on social dialogue and tripartism for the period 2019–23 to give effect to the conclusions adopted by the International Labour Conference in June 2018](#),⁶ which was approved by the Governing Body in 2019, and decisions by the Governing Body on the agenda of future sessions of the International Labour Conference,⁷ this study provides empirical evidence from different regions of the world to identify avenues for platform economy workers to access freedom of association and collective bargaining.

This study responds specifically to Appendix I, component 2(e) of the revised plan of action, which mandates the output to “continue research on access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers”. The study also responds specifically to para. 13.a.v of the ILO’s Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, under which the ILO will strengthen its support of Member States’ efforts to “harness the fullest potential of technological progress and digitalization, including platform work, to create decent jobs and sustainable enterprises ... including by reducing the digital divide between people and countries”. In addition, the study considers the guidance of the ILO Centenary Declaration, the Resolution concerning Inequalities and the World of Work⁸ and the Conclusions of the Meeting of Experts on Non-Standard Forms of Employment.⁹

Diversity of the emerging platform economy

►► *The exact size of the labour force in the platform economy is unknown as reliable data is still scarce (ILO 2022a). However, it is widely expected that the number of platform workers will rise in the coming years – potentially to about 90 million job opportunities in India alone (Augustinraj and Bajaj 2021).¹⁰*

The number of digital labour platforms is rising and the emerging platform economy is transforming parts of the world of work (ILO 2022a; ILO 2021a). It is changing how work is organized by allowing businesses and individuals to connect with workers,¹¹ for example to arrange a ride, order food or groceries, or find a freelancer for software development on digital labour platforms.

Work in the platform economy can take a multiplicity of forms. In general, digital labour platforms are classified into two broad categories: online web-based platforms and location-based platforms (De Stefano 2016b). Prominent sectors on location-based labour platforms include taxi, delivery and home services (such as plumbers and electricians); domestic work; and care work (such as childcare and caring for the ageing or people with disabilities) (ILO 2021a). On online web-based labour platforms, tasks include translation, writing, financial and patent services, design and software development or short-term tasks, such as annotating images, moderating content or transcribing videos (ILO 2021a). For an increasing number

⁵ ILO, [Resolution concerning the second recurrent discussion on fundamental principles and rights at work](#), International Labour Conference, 106th Session, 2017; and ILO, [Resolution and conclusions concerning the second recurrent discussion on social dialogue and tripartism](#), International Labour Conference, 107th Session, 2018.

⁶ GB.335/INS/3(Rev.).

⁷ GB.337/INS/2; [Agenda of the International Labour Conference: Agenda of future sessions of the Conference](#) and GB.341/INS/3/1(Rev.2).

⁸ International Labour Conference, 109th Session, 2021.

⁹ GB.323/POL/3.

¹⁰ In the European Union, the total number of people working more often than monthly through digital platforms was estimated at 28.3 million in 2021. It is projected that this number will rise to about 43 million people by 2025; see PPMi, [“Study to Support the Impact Assessment of an EU Initiative on Improving the Working Conditions of Platform Workers”](#) (European Commission, 2021).

¹¹ In order to simplify the text, the term “workers” is used to refer to all people in employment with the exception of employers, including employees, independent workers without employees, dependent contractors and contributing family workers.

of workers, accessing work through digital labour platforms creates a variety of new opportunities while sometimes also posing challenges to working conditions (ILO 2022a; ILO 2021a).

Digital labour platforms offer benefits for workers and businesses and more broadly for consumers and society at large. For workers, digital labour platforms can create new income-generating and employment opportunities, while increasing their ability to combine their working hours with their daily lives. In particular, the platform economy can provide employment opportunities for groups of workers who are traditionally disadvantaged and face barriers in obtaining access to the labour market, including women, people with disabilities, young people, refugees, migrants, and workers with minority racial and ethnic backgrounds (ILO 2022a; ILO 2021a; EC 2021; Berg 2016; De Stefano 2016a). For businesses, including small and medium-sized enterprises, the platform economy provides new opportunities for a wider market reach and to access a global workforce 24 hours a day, thereby improving efficiency, fostering innovation, reducing costs and enhancing productivity (ILO 2022a; ILO 2021a; IOE 2021).

▶▶ *In recent years, the growing popularity of the platform economy has increasingly been accompanied by coordinated group actions of platform workers including wildcat strikes, collective log-offs, and demonstrations in different parts of the world. Grievances are mainly related to pay, working conditions, employment classification and occupational safety and health (Bessa et al. 2022).*

While the platform economy creates income-generating opportunities by facilitating access to labour markets for workers around the world, there are warnings that access to decent work may sometimes be difficult. Among others, this may relate to challenges in the exercise of fundamental principles and rights at work, an insufficient amount of work to sustain a living, inadequate social protection, low remuneration, long working hours, occupational health and safety issues, discriminatory practices, unfair termination, lack of access to dispute settlement mechanisms and skills underutilization (ILO 2022a; ILO 2021a; ILO 2021d; Wood et al. 2019; Berg et al. 2018).

▶▶ *In the G20 countries, “about 90% of the respondents on taxi and delivery platforms reported that work through platforms was their main source of income and these proportions were quite similar across countries” (ILO 2021a).*

The large variety of opportunities and challenges also relates to the diverging characteristics, capabilities and needs of the workers active in the platform economy (ILO 2022a; ILO 2021a). A significant difference is the question whether a worker uses the platform economy as a permanent main source of income or as a supplementary income for a limited period (ILO 2021a).¹² In addition, the type and level of skills required for tasks and projects are diverging (ILO 2022a). While workers on online web-based platforms tend to be highly educated, the average education levels of workers on location-based taxi and delivery platforms tend to be lower (ILO 2021a).

Access to freedom of association and the effective recognition of the right to collective bargaining

Workers and employers have the right to establish and join organizations of their choice in order to promote and defend their respective interests, as well as the right to negotiate collectively with the other party. Many regulations in the labour market are based, among other things, on the assumption of the existence of an imbalance of bargaining power between individuals and their employers when negotiating pay and conditions of work (Freedland and Davies 1983). The rationale behind collective bargaining is to counter

¹² In online web-based platforms, about one third of the respondents to an ILO survey responded that platform work is their main source of income, particularly in developing countries (44 per cent) and especially for women. The proportion was particularly high for those engaged on freelance platforms (59 per cent) (ILO 2021a). The situation of workers on taxi and delivery platforms was quite different, as about 90 per cent of respondents reported that the work on platforms was their main source of income, which was similar across countries (ILO 2021a).

the lack of individual bargaining power and strengthen the unequal and therefore vulnerable position of an individual supplier of labour vis-à-vis the employer. The right to freedom of association is a precondition for collective bargaining to flourish.

During the emergence of the platform economy, there have been widespread assumptions that legal and practical difficulties would make it almost impossible for platform workers to participate in organizations of workers, coordinated group actions (such as protests, demonstrations or collectively logging out of the app) and collective bargaining (Johnston and Land-Kazlauskas 2018; Vandaele 2018). Some of these difficulties are especially acute for online web-based platforms because their workers are dispersed across different jurisdictions (ILO 2021a; Albrecht, Papadakis and Mexi 2021). Therefore, most of the practical examples identified and described in this study refer to the location-based platform economy.

Practical and legal challenges related to freedom of association and the effective recognition of the right to collective bargaining in the platform economy

The *practical obstacles* to organizing and bargaining collectively on behalf of workers in the platform economy that are cited in the literature include the geographic dispersion of these workers in disconnected workplace locations such as their own vehicles or their own or customers' private homes; the difficulties this creates for generating collective consciousness, compounded by the platforms' encouragement of an individualistic, entrepreneurial image of platform work; the frequent turnover among workers; and the prospect of retribution against those who attempt to unionize without effective protections (Rodríguez Fernández 2020; De Stefano and Aloisi 2018; Prassl 2018).

▼▼ *Most relevant international labour standards on freedom of association and collective bargaining:*

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Collective Bargaining Convention, 1981 (No. 154)
- Collective Bargaining Recommendation, 1981 (No. 163)

The *legal challenges* often relate to an incorrect classification of platform workers as self-employed or independent contractors (ILO 2022a; Aloisi and Gramano 2019; De Stefano 2016a). Certain platform companies have adopted a “contracting model” that classifies their platform workers as “self-employed” or “independent contractors” (De Groen et al. 2021; De Stefano et al. 2021a). However, in many labour law systems, self-employed workers do not enjoy the same rights as workers in an employment relationship (ILO 2016). In national regulatory frameworks, access to collective bargaining is often dependent on classification as an employee or a special category of self-employed person, such as “workers” in the United Kingdom (Forsyth 2022). The adoption of the contracting model means that, depending on the restrictions posed by the national legal framework, workers in various different categories in the platform economy may be precluded from the right to engage in collective bargaining and the ability to take lawful industrial action under national legal frameworks.¹³

At the ILO, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) (2020) recalled that “the full range of fundamental principles and rights at work are applicable to platform workers in the same way as to all other workers, irrespective of their employment classification”.¹⁴ Box 3

¹³ Also, in many countries collective bargaining for self-employed workers may be hampered by competition law restrictions (De Stefano and Aloisi 2019). In this regard, the EU's draft guidelines are a prominent regulatory initiative to ensure that competition law is harmonized with the right to collective bargaining for some groups of self-employed persons (see box 40).

¹⁴ ILO, *Promoting Employment and Decent Work in a Changing Landscape: Report of the Committee of Experts on the Application of Conventions and Recommendations*(articles 19, 22 and 35 of the Constitution)(articles 19, 22 and 35 of the Constitution), ILC109/III(B), 2020.

gives an overview of observations and direct requests by the CEACR and decisions of the Committee on Freedom of Association (CFA)¹⁵ on specific cases concerning the scope of application of the right to collective bargaining based on the ILO's international labour standards.

▶ **Box 3: Scope of application of the right to collective bargaining in the ILO's international labour standards**

- In 2019, in a direct request relating specifically to the platform economy the CEACR invited a Government “to hold consultations with the parties concerned with a view to ensuring that all platform workers covered by the Convention [No. 98], irrespective of their contractual status, are authorized to participate in free and voluntary collective bargaining. Considering that such consultations are intended to enable the Government and the social partners concerned to identify the appropriate adjustments to make to the collective bargaining mechanisms to facilitate their application to the various categories of platform workers, the Committee requests the Government to provide information on any progress achieved in this regard.”¹⁶
- In 2017, the CEACR recalled that Article 4 of Convention No. 98 “establishes the principle of free and voluntary collective bargaining and the autonomy of the bargaining parties with respect to all workers and employers covered by the Convention. As regards the self-employed, the Committee [recalled], in its 2012 General Survey on the fundamental Conventions, paragraph 209, that the right to collective bargaining should also cover organizations representing self-employed workers”.¹⁷
- In 2016, the CAS had a diverse and rich discussion on the collective bargaining rights of self-employed workers in the context of a case concerning Ireland under Convention No. 98. In its consensual conclusion, reflecting on the divergent views held by the ILO constituents, the “Committee noted that this case related to issues of EU and Irish competition law ... [and] suggested that the Government and the social partners identify the types of contractual arrangements that would have a bearing on collective bargaining mechanisms”.¹⁸
- In two cases, the CFA requested the Governments concerned “to hold consultations ... with all the parties involved with the aim of finding a mutually acceptable solution so as to ensure that workers who are self-employed could fully enjoy trade union rights for the purpose of furthering and defending their interest, including by the means of collective bargaining; and ... in consultation with the social partners concerned, to identify the particularities of self-employed workers that have a bearing on collective bargaining so as to develop specific collective bargaining mechanisms relevant to self-employed workers, if appropriate”.¹⁹

Research approach and main findings

This study provides empirical evidence from different regions of the world to identify avenues for platform economy workers to access freedom of association and collective bargaining. It shows that collective protests, the establishment of new organizations of workers and platforms, social dialogue and (to a limited extent) collective bargaining are taking place in the platform economy. The experiences from the ground described in this study indicate ways and a demand to create an even more enabling environment

¹⁵ For further information on the role, composition and juridical significance of CFA decisions, see ILO, [Compilation of Decisions of the Committee on Freedom of Association](#), Sixth edition, 2018.

¹⁶ ILO, “Direct Request (CEACR) – adopted 2019 published 109th ILC session (2021): [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) – Belgium \(Ratification: 1953\)](#)”.

¹⁷ ILO, “Observation (CEACR) – adopted 2017 published 107th ILC session (2018): [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) – Netherlands \(Ratification: 1993\)](#)”.

¹⁸ ILO, “Individual Case (CAS) – Discussion: 2016 Publication: 105th ILC session (2016): [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\) – Ireland \(Ratification: 1955\)](#)”.

¹⁹ See ILO, [376th Report of the Committee on Freedom of Association](#), GB.325/INS/12, 2015, para. 351 (b); and ILO, [Report of the Committee on Freedom of Association](#), GB.313/INS/9, 2012, para. 467 (e).

for freedom of association and collective bargaining in order to realize the opportunities of the platform economy for employers and workers.

In the preparatory phase of this research project, initial interviews with about 15 experts, such as representatives of employers' and workers' organizations and experts from academia, were conducted to identify important developments and potential case studies in different regions of the world (initial interviews were conducted between February and April 2021). It is important to note that the case studies in this working paper are limited to describing developments regarding access to freedom of association and the effective recognition of the right to collective bargaining; they do not analyse in depth the working conditions of platform workers.

Chapter 1 provides a quantitative analysis of country surveys that were conducted among app-based and traditional taxi drivers and delivery workers. The surveys were conducted in Argentina, Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine, with a total of 6,739 respondents who were app-based or traditional taxi drivers or delivery workers. This chapter shows the motivation of location-based platform workers to engage with each other and join different types of groups for the exchange of experience on issues of common interest or to collectively improve their working conditions. Most of the surveyed app-based delivery workers and taxi drivers were not aware of a trade union organization of which they could become a member. Instead, they mostly organized in informal groups of workers, for example on Facebook or WhatsApp or in other social media groups.

Chapter 2 calls attention to the situation "on the ground" by documenting concrete examples of organizing and bargaining collectively in the platform economy. Case studies were commissioned in Australia, Chile, India, Nigeria, Ukraine and Spain. The case studies were developed by local experts, who conducted about 20 interviews with national informants (ranging from workers and representatives of employers' and workers' organizations to academic researchers). The country examples describe efforts by employers' and workers' organizations to reach out to workers on digital labour platforms and how these workers self-organize with a view to influencing their terms and conditions of work. It also shows the potential contributions that social dialogue and collective bargaining can make to resolving labour conflicts in the platform economy.

Chapter 3 provides a content analysis of a "first group of collective agreements" covering digital labour platforms. It benefited from a commissioned preparatory background study and reviews by academic researchers. In total, 11 collective agreements have been identified covering digital labour platforms in Austria, Chile, Denmark, Italy, Norway, the Republic of Korea, Spain and Sweden. For the majority of the collective agreements identified, the original texts were collected, translated and analysed for this study. All collective bargaining agreements (CBAs) regulate working time and include provisions on hourly wages and incentive-based payment structures. All identified CBAs apply to platform workers in an employment relationship, who often work in the food delivery sector in Europe.

The Conclusion provides a number of remarks based on the experiences described and analysed in Chapters 1 to 3.

▶ 1 For what reasons and in which forms do platform workers engage collectively? An empirical snapshot

Key findings

Empirical snapshot: Analysis of survey data from workers on digital labour platforms

- ▶ The analysed survey data includes observations from 6,739 respondents from ten different countries (Argentina, Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine).
- ▶ The country surveys were commissioned for the *World Economic and Social Outlook 2021* (ILO 2021a) and conducted between April 2019 and February 2020 in the form of in-person interviews using computer-assisted personal interviews (CAPIs).

Trade union membership of app-based taxi drivers and delivery workers is low

- ▶ Most surveyed app-based taxi and delivery workers were not aware of a trade union of which they could become a member.
- ▶ Platform workers reported mostly that they organized on Facebook or WhatsApp or in other social media groups, while traditional taxi drivers and delivery workers were more likely to associate in trade unions.

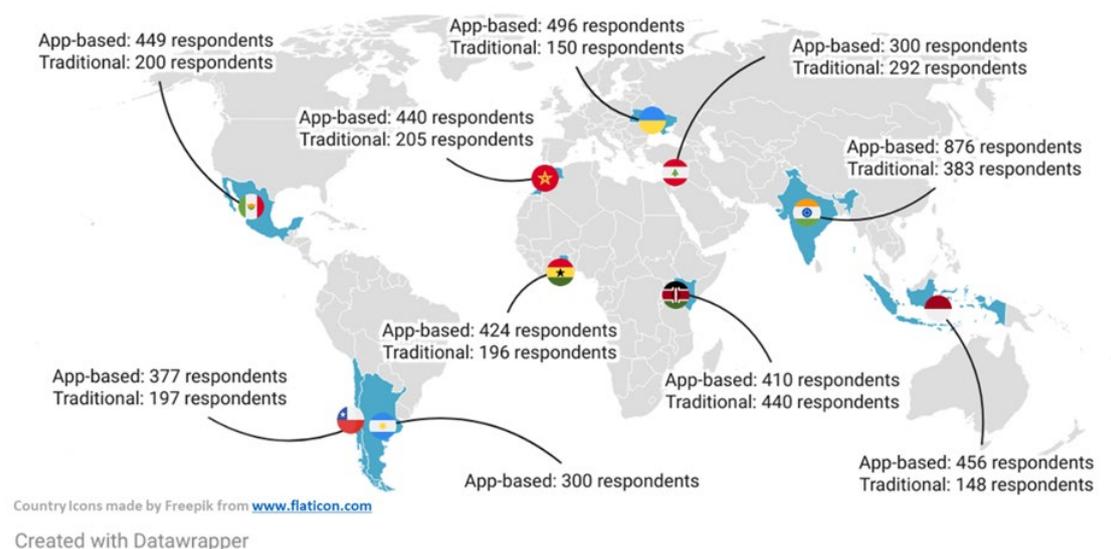
App-based taxi drivers and delivery workers join different types of social media groups to improve working conditions

- ▶ Across the ten countries, about 30 per cent of surveyed app-based taxi drivers and delivery workers are members of a Facebook, WhatsApp or other social media group that relates to their platform work.
- ▶ Indeed, 47.2 per cent of app-based taxi drivers and 34 per cent of app-based delivery workers reported that membership in social media groups translated into real improvements of their working conditions.
- ▶ Some 62.7 per cent of surveyed app-based taxi drivers and 45.9 per cent of app-based delivery workers joined these groups with the intent to improve their working conditions.
- ▶ Workers reported that among other things social media groups helped them by allowing them to collect grievances and appeal together to the management of platform companies.

Some app-based taxi and delivery drivers engage in coordinated group actions

- ▶ Some 8.9 per cent of surveyed app-based taxi drivers and 3.4 per cent of app-based delivery workers have participated in coordinated group actions, such as protests, demonstrations or collectively logging out of the app.
- ▶ About one third of app-based taxi drivers and delivery workers who engaged in protests reported that they were at least partially successful in achieving their demands.
- ▶ About half of these coordinated group actions aimed to achieve a pay increase.
- ▶ About 2.3 per cent of surveyed app-based taxi drivers and 3.6 per cent of app-based delivery workers report being or having been discouraged from participating in coordinated group actions or joining worker associations.

► **Figure 1: Number of survey respondents (n=6,739) of app-based and traditional delivery workers and taxi drivers, by country**



Overall, the analysed observations in the country surveys indicate the existence of the need for and motivation of location-based platform workers to come together and engage with each other in some form to improve their working conditions – irrespective of the alleged individualistic character of the digital labour market and uncertainties about their employment classification and corresponding labour rights in many countries.

This chapter provides an empirical snapshot of the ways and forms in which platform workers engage with each other. In addition, the analysed data shed light on their motivations to join different types of groups and the effects of such membership. The chapter analyses data on workplace solidarities compiled through country surveys commissioned by the ILO. Most of the findings are limited to location-based platform workers. The last section of the chapter sheds some light on the workplace solidarities of online web-based platform workers.

The analysed survey data includes observations from 6,739 respondents from ten different countries, with a focus on developing and emerging economies (Argentina, Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine).²⁰ The country surveys were conducted between April 2019 and February 2020 in the form of in-person interviews using CAPIs. While the majority of questions in the survey were quantitative, some were qualitative and allowed for open-ended textual answers.

There are no comprehensive official statistics on platform workers, including their number and characteristics. Hence, there was no base from which a random sample could be drawn. In this context, the primary objective of the survey was to achieve a sample that would be as representative as possible of the target population of platform workers. The target population consisted of any worker aged 18 years or older who had been working in the taxi or delivery sector for at least three months. The criterion of working in the sector for three months was used to ensure that the worker could provide meaningful responses.²¹

²⁰ The survey was conducted by the ILO Research Department and data includes observations from 2,077 respondents for app-based taxi workers (Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine); 1,864 respondents for traditional taxi workers (Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine); 2,451 respondents for app-based delivery workers (Argentina, Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine); and 347 respondents for traditional delivery workers (Chile, India, Kenya and Lebanon).

²¹ For more details on the analysed survey data, see ILO, “World Employment and Social Outlook 2021 – Appendices”.

The respondents to the surveys were grouped into four categories: (1) app-based delivery workers, (2) app-based taxi drivers, (3) traditional delivery workers and (4) traditional taxi drivers. The survey design allows for comparisons of findings between app-based and traditional taxi drivers and delivery workers.²²

Motivations for engaging with other workers and joining different types of groups to improve working conditions on location-based digital labour platforms

In general, common interests and a shared identity are regarded as prerequisites of an effective collective representation of workers (Hyman and Gumbrell-McCormick 2020; Rodríguez Fernández 2020). However, platform work is often characterized by the lack of a common workplace in which workers can get to know each other and communicate with each other and with their representatives, in particular with a view to defending their interests in relation to the employer. Therefore, it is often argued that the dispersed labour market on digital labour platforms makes it very challenging for platform workers to become aware of their collective interests and develop a shared identity (Johnston and Land-Kazlauskas 2018; Vandaele 2018).

However, a general finding from the data collected through the country surveys is that across the ten countries, a significant proportion of surveyed app-based taxi drivers and delivery workers engage with each other in some form. This happens despite the alleged individualistic and dispersed character of the digital labour market, in which workers are isolated from each other. The interaction and engagement may happen on a non-regular basis through unplanned day-to-day encounters. In this regard, about 82 per cent of surveyed app-based delivery workers and 66 per cent of app-based taxi drivers reported that they speak with other drivers about their work experiences at least multiple times a week. These exchanges may happen in person at taxi stands, parking lots, tea stands or eating places, or may occur digitally via cell phones and social media.

In addition, a significant share of app-based taxi drivers and delivery workers joined different types of social media groups with the motivation to improve their terms and conditions of work. The organization of platform workers in different types of groups and associations²³ is the focus of this chapter. The following sections summarize the information on workplace solidarities gathered from the above-mentioned ILO country surveys under four main findings.

Finding 1: Location-based platform workers are often not aware of trade union organizations

- **A large majority of surveyed app-based taxi drivers and delivery workers were not aware of a trade union organization of which they could become a member. Even if location-based platform workers were aware of the respective organizations, they seldom decided to become a member. This reveals a major difference from surveyed traditional taxi drivers and delivery workers, who were much more likely to be a member of a trade union. For example, in Ghana and Indonesia traditional taxi drivers were 7 times and in India as much as 26 times more likely to be a trade union member than their app-based counterparts in the surveys.²⁴**

²² The interpretation of the findings presented from the country surveys is subject to some limitations. First, the sample of respondents varies across countries; and second, the institutional mechanisms across these countries are varied. For some of the questions, these two factors lead to substantial variations among countries in the findings. This indicates the importance of country-specific circumstances, which cannot always be presented in the scope of this report.

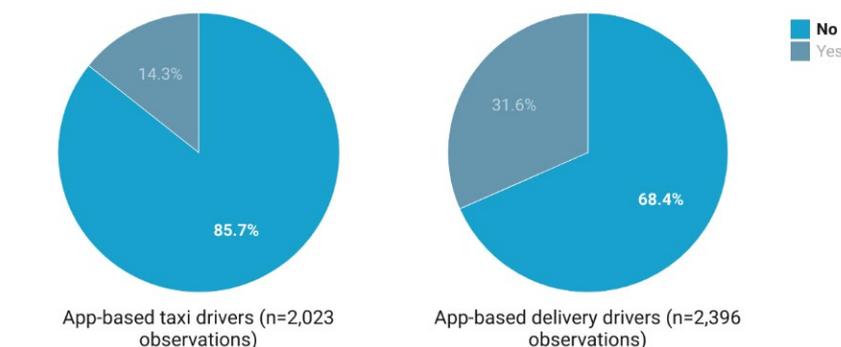
²³ The term "association" is used in this report to describe groups of workers in any kind of group, with or without formal status as a trade union.

²⁴ The reported numbers for trade union memberships of app-based taxi drivers and delivery workers are low and the cross-country averages are driven by outlier countries. At the cross-country level, this limits the possibilities for providing percentages for comparisons between the trade union memberships of app-based taxi drivers and delivery workers and those of traditional taxi drivers and delivery workers. Therefore, the analysis is limited to comparisons between individual countries.

About 85.7 per cent of surveyed app-based delivery workers and 68.4 per cent of app-based taxi drivers reported that they were not aware of a trade union organization of which they could become a member (see figure 2). This implies that some surveyed app-based taxi drivers and delivery workers were aware of a trade union organization of which they could become a member. However, it also appears that the majority of them decided not to join the organization.²⁵

► **Figure 2: Awareness of a trade union organization**

Are app-based taxi and delivery drivers aware of trade union organizations of which they could become a member?



Created with Datawrapper

Trade union membership of app-based taxi drivers and delivery workers is low

Overall, the reported level of trade union membership of app-based taxi drivers and delivery workers was low in the country surveys. Where respondents reported being a union member, this mostly involved membership of newly established trade union organizations that primarily organize app-based workers, such as the “Online Drivers Union” or the “Uber Drivers Association”. A majority of union members reported that they actively participate in the union’s activities multiple times a week. Surveyed app-based taxi drivers are also more likely to be a member of a trade union than app-based delivery workers – while the unionization rates for both categories were low among those surveyed.²⁶

Surveyed app-based taxi drivers and delivery workers who had joined a trade union organization were also more likely to report improved working conditions in comparison to those who had joined a social media group.²⁷ Regarding the benefits of trade union membership, app-based workers indicated that the information and grievances they voiced were forwarded by the union to the platform company. Respondents also valued the exchange with other workers in order to receive advice on basic labour rights, organize protests, receive information about governmental regulations on the platform economy and receive financial support in difficult times (for example, obtaining access to insurance schemes through the trade union).

²⁵ The country surveys did not ask about the reasons for not joining a trade union, although respondents reported knowing about the existence of a particular organization.

²⁶ This observation is true for all countries in the analysed sample, with the exception of Mexico. In Mexico, more app-based delivery workers than app-based taxi drivers reported being a member of a union. However, overall the reported trade union membership rates for app-based workers must be considered very low in the country.

²⁷ This general finding excludes observations from Lebanon, where almost all drivers who maintain their legal registration are de facto members of a union and union membership is a prerequisite for certain official procedures that is almost always requested during traffic stops. However, only a minority of workers reported an improvement in their working conditions after they joined a trade union and unionization has yet to prove a driving force towards an improvement in working conditions (Yassin and Rani forthcoming).

Comparisons show that traditional taxi drivers and delivery workers are more likely to be trade union members

Overall, surveyed traditional taxi drivers and delivery workers were much more likely to be trade union members than their app-based counterparts. However, the cross-country average of trade union membership hides important differences among the ten countries in the sample. Reported membership rates for traditional taxi drivers ranged from 0 per cent in Kenya and Mexico to 40.9 per cent in India.²⁸ Country differences range from Lebanon, where traditional taxi drivers were 1.2 times more likely than app-based taxi drivers to be trade union members, to India, where traditional taxi drivers were 26 times more likely than app-based taxi drivers to be a member of a trade union. Only very few surveyed traditional taxi drivers and delivery workers reported membership of a trade union organization that also had app-based workers among its members.

Finding 2: App-based taxi drivers and delivery workers are using different types of social media groups to come together with the motivation to improve their terms and conditions of work

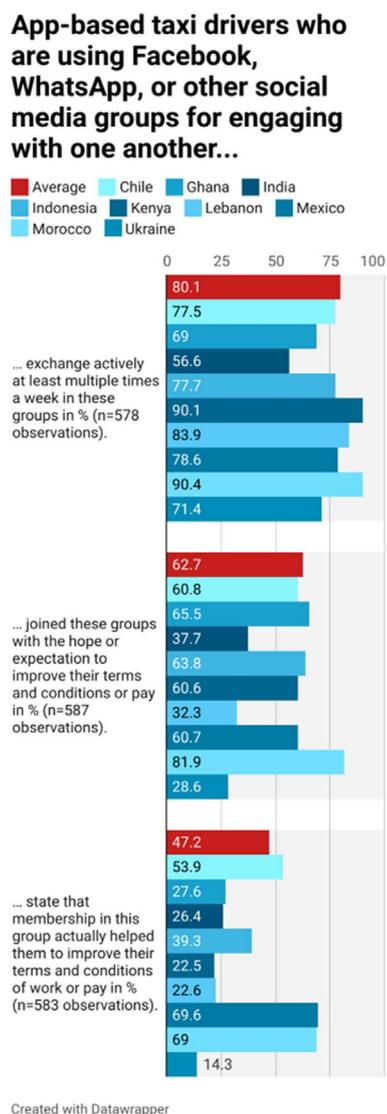
- **Among those surveyed, about 28.4 per cent of app-based taxi drivers and 33.3 per cent of app-based delivery workers reported membership of a “Facebook, WhatsApp, or other social media group”. A large proportion of app-based taxi drivers (80.1 per cent) and app-based delivery workers (76.8 per cent) who are members exchange actively at least multiple times a week in these groups. Of these workers, a large share of app-based taxi drivers and delivery workers joined these groups with the hope or expectation to improve their working conditions. A sizeable proportion of them reported that membership in these groups translated into real improvements of their working conditions (see figures 3 and 4).**

Facebook, WhatsApp or other social media groups provide a platform for almost one third of the workers to discuss problems and support one another

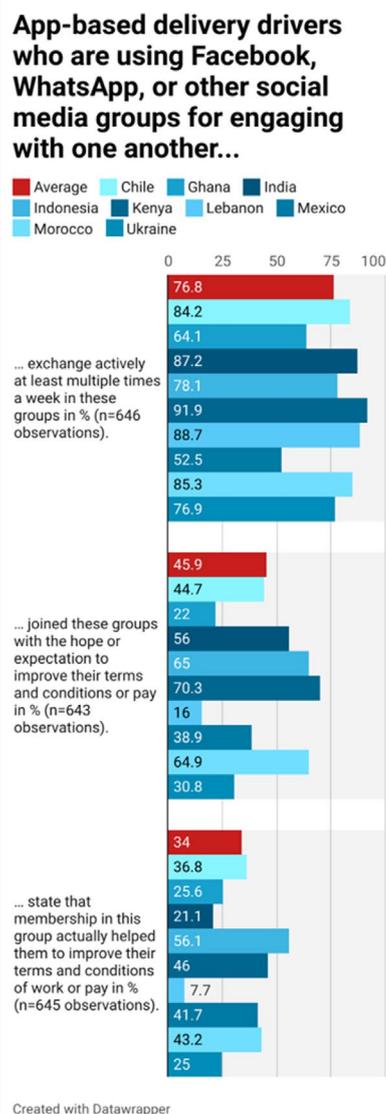
Among those surveyed, app-based taxi drivers and delivery workers who are members of a Facebook, WhatsApp or other social media group reported that such groups mostly provide a platform to discuss the problems they face and to support and help each other. This often includes information on traffic and road security or controls by the authorities. The groups also provide support in cases of emergencies or accidents or for car/bike repairs, sales and rentals. In social media groups for bicycle delivery workers, information is also exchanged on weather conditions.

²⁸ The underlying reasons for the diverging trade union membership rates of traditional taxi drivers and delivery workers in different countries go beyond the scope of this report. However, different rates may be driven by country-specific factors, such as limitations of freedom of association or mandatory registration requirements for taxi drivers and delivery workers.

► **Figure 3. Engagement of app-based taxi drivers in social media groups, by country**



► **Figure 4. Engagement of app-based delivery workers in social media groups, by country**



In several groups, information is exchanged on how to improve earnings (e.g. information on high-demand areas, best routes, fares and bonus schemes in the apps). Some groups also provide information on fraudulent orders or customers and technical problems encountered with the app. The groups provide forums in which drivers can get advice from (more senior) peers on these issues. In addition, respondents reported that several groups provide platforms for socializing (jokes, memes) and moral support among app-based workers.²⁹

²⁹ The respondents reported that the groups also provide other types of information, such as information on physical health related to delivery workers on bicycles, immigration documents or status, robberies and assaults, or fuel prices.

Some of these groups were characterized by respondents as providing information on political lobbying activities of workers and their organizations in order to defend their interests; demonstrations and strikes; cooperation and solidarity between members; charity collections; how to defend the rights of app-based taxi drivers and delivery workers; and discussions of new regulations in digital platform work in their respective countries.

Motivations and reasons differ among workers for engaging with each other through Facebook, WhatsApp or other social media groups

Respondents were also asked about their motivations and reasons for engaging with each other through Facebook, WhatsApp or other social media groups. At the cross-country level, about 62.7 per cent of app-based taxi drivers and 45.9 per cent of app-based delivery workers who joined these groups did so with the hope or expectation to improve their terms and conditions of work.

However, large variations may be observed between different countries. For example, in Lebanon about 16 per cent³⁰ and in Kenya about 70.3 per cent of app-based delivery workers joined a Facebook, WhatsApp or other social media group with the expectation to improve their working conditions (see figure 4). Such variations between countries can also be observed for app-based taxi drivers (see figure 3).

Participation in Facebook, WhatsApp or other social media groups: Impacts on terms and conditions of work

About 47.2 per cent of surveyed app-based taxi drivers and 34 per cent of app-based delivery workers reported that participating in Facebook, WhatsApp or other social media groups helped them to improve their conditions of work. There are considerable variations among the ten countries (see figures 3 and 4).

Many of the surveyed app-based taxi drivers and delivery workers reported that social media groups provided them with helpful advice on how to improve earnings when starting to work on the applications. This included learning which hours and areas it was best to work in and further tips about how to earn more money and how to get more orders. Some workers also reported that the groups helped them to collectively achieve better conditions, such as lower highway tolls or better payment modalities for the use of highways in some countries.

Of those who joined these groups, several of the surveyed app-based taxi drivers and delivery workers reported that participating in Facebook, WhatsApp or other social media groups helped them to receive support from other drivers in cases of emergencies (such as car accidents or being robbed). For example, one respondent reported that when he had an accident other members of the group came to help and called his family. In addition, the drivers value social media groups for helping them to learn more about work processes, dangerous areas and situations or how to deal with problematic customers. The responses varied depending upon the country.

In addition, few workers reported that social media groups helped them to improve working conditions by collecting grievances and appealing together to the management of the platform companies. Grievances are collected by the “group admin” or a “chairperson”, who sends them to the platform company or sets up meetings and discussions with the management of the platform company. It was also reported that such groups helped workers to improve working conditions by learning about their rights, organizing protests and marches, raising awareness of precarious working conditions among the wider public and collectively lobbying at the political level for improved regulations and working conditions.

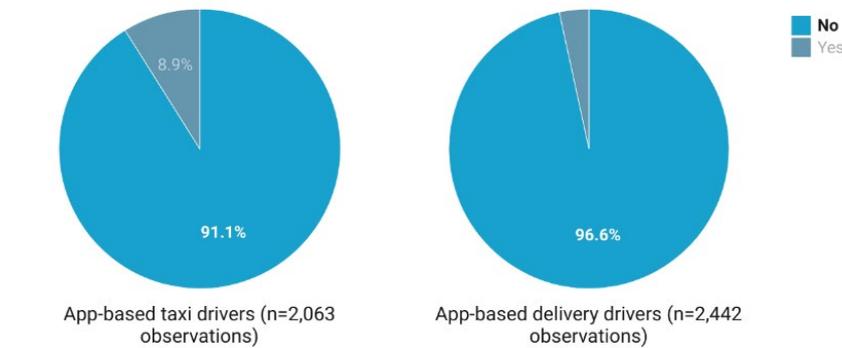
³⁰ In Lebanon, many app-based delivery workers reported that Facebook, WhatsApp or other social media groups were used to receive instructions from team leaders or to coordinate work.

Finding 3: App-based taxi drivers and delivery workers engage less frequently in coordinated group actions than traditional taxi drivers and delivery workers

- While a significant number of surveyed app-based taxi drivers and delivery workers organize on Facebook or WhatsApp or in other social media groups with the motivation to improve their conditions of work, they rarely participate in collective actions such as protests, demonstrations or collectively logging out of the app to effectively represent their interests. This finding relates to the question of how membership in social media groups translates into improvements of working conditions for location-based platform workers.

► Figure 5: Engagement in coordinated group actions

Do app-based taxi and delivery drivers engage in coordinated group actions (protests, memorials, logging out of the app)?



Created with Datawrapper

At the cross-country level, about 8.9 per cent of surveyed app-based taxi drivers and 3.4 per cent of app-based delivery workers reported that they had participated in coordinated group actions, such as a protest, a demonstration or collectively logging out of the app. Again, there are substantial variations between different countries. In Chile (28.6 per cent), India (13.9 per cent) and Morocco (33.3 per cent), a significant fraction of surveyed app-based taxi drivers have participated in coordinated group actions such as a protest, a demonstration or collectively logging out of the app. In other countries, such as Indonesia (2.7 per cent), Lebanon (1 per cent) and Mexico (0.5 per cent), almost none of the surveyed app-based taxi drivers have participated in coordinated group actions. This indicates again the importance of country-specific circumstances and industrial relations systems.

How did app-based workers find out about coordinated group actions?

Most app-based workers reported that they found out about coordinated group actions through Facebook, WhatsApp, Telegram or other social media groups. It should be noted here that this explicitly also includes social media groups operated by trade unions. A substantial proportion of app-based workers learned about coordinated group actions through colleagues. Few app-based workers found out about such actions in the newspapers or on TV.

What were they trying to achieve?

About half of the coordinated group actions by app-based workers aimed to achieve a pay increase. The demands included increased fares, a reduction of the commission fees deducted by the platform companies, or redefining bonus and incentive pay structure. Some coordinated group actions related to the legal rights of platform workers. Several of them also sought to achieve recognition for app-based workers' organizations or union status. In addition, app-based workers used coordinated group actions to protest for greater job security; against account blockings; to help and support the cases of individual workers; to raise awareness of their working conditions after severe accidents of app-based workers on bicycles; or to protest that some workers on bicycles did not have suitable equipment to be protected against injuries and adverse weather conditions.

Were they successful?

On being asked whether coordinated group actions were successful, about one third of the app-based workers who participated in one reported that they had been (partially) successful in achieving their demands. Achievements included increased fares; media recognition such as on TV, in print media or the radio; or the establishment and registration of trade unions for app-based taxi drivers and delivery workers.

About two thirds of the app-based workers who participated in a coordinated group action reported such actions to have been unsuccessful or that results still remained to be seen. App-based taxi drivers and delivery workers often noted that there had been no response from the platform company or that nothing had happened at all. In addition, workers also reported some challenges in organizing as often an insufficient number of app-based workers had participated in a coordinated group action, such as collectively disconnecting from the app at a specific time. Few app-based workers reported threats, such as deactivation of accounts, if they participated in a coordinated group action.

Traditional taxi drivers and delivery workers are more likely to participate in coordinated group actions than their app-based counterparts

About 17.3 per cent of surveyed traditional taxi drivers and 9.3 per cent of delivery workers reported having participated in a coordinated group action, such as a protest or a demonstration. Also, for traditional taxi drivers and delivery workers there are large variations among countries. In Chile (28.6 per cent), India (42.4 per cent) and Morocco (28.2 per cent), a significant percentage of traditional taxi drivers reported that they had participated in coordinated group actions. In other countries, such as Ukraine (2.7 per cent), Indonesia (2.7 per cent) and Lebanon (0.0 per cent), only very few traditional taxi drivers reported such participation. Also, for traditional taxi drivers and delivery workers the variations in the level of their engagement in such actions indicates the importance of country-specific legal and practical circumstances and industrial relations systems.

Finding 4: Some app-based and traditional taxi drivers and delivery workers reported being or having been discouraged from participating in coordinated group actions or joining worker associations or groups that represent the interests of workers

- **The country surveys show that some app-based workers feel discouraged from participating in coordinated group actions or engaging in worker associations. Often workers who reported feeling discouraged indicate that they intend to only work temporarily as an app-based worker and a lack of concrete impact of collective actions on working conditions. Few surveyed app-based workers reported feeling discouraged by the management of platform companies from participating in coordinated group actions or engaging in worker associations.**

About 2.3 per cent of surveyed app-based taxi drivers and 3.6 per cent of app-based delivery workers reported being discouraged or having been discouraged from participating in collective action or joining any worker association or groups that represent their interests. These numbers need to be seen in the broader

context of low unionization rates and the low rates of engaging in coordinated group actions. In a subsample of app-based workers who actually participated in coordinated group actions, about 8.8 per cent of app-based taxi drivers and 18.8 per cent of app-based delivery workers reported being discouraged or having been discouraged from participating.

The reasons for being discouraged from participating in group actions varied. It was either because the discussions in social media groups were time-consuming, often without any concrete actions; or they were discouraged by colleagues to participate; or they regarded their app-based work as something temporary and they just wanted to work and earn money. Individual app-based workers reported being discouraged to join in group action by circumstances that might be related to their migration status.

Few of the surveyed app-based workers reported that they were discouraged from participating in coordinated group actions through group messages by the management of platform companies and feared the threat of the deactivation of their accounts. Some of them reported that they were explicitly warned not to create or join any social media groups relating to the platform company.

Comparison to traditional taxi drivers and delivery workers

In comparison, 7.6 per cent of surveyed traditional taxi drivers and 3.5 per cent of traditional delivery workers reported being or having been discouraged from participating in collective actions or joining any worker association or groups that represent their interests. In a subsample of surveyed traditional workers who actually participated in coordinated group actions, about 16.5 per cent of traditional taxi drivers and 3.1 per cent of traditional delivery workers reported being discouraged or having been discouraged from participating. It needs to be taken into consideration that traditional taxi drivers and delivery workers are also more likely to engage in coordinated group actions and much more frequently join trade unions in comparison to their app-based counterparts. This might partly explain why they also more frequently report being or having been discouraged from participating in collective actions or joining worker associations or groups that represent their interests.

Motivations for exchanging with other workers on online web-based digital labour platforms

Workers on online web-based platforms perform tasks on microtask, freelance and competitive programming platforms. Challenges for the organization of workers are amplified in the online web-based platform economy in comparison to the location-based platform economy. Workers on online web-based platforms are not necessarily located in the same geographical space with their requesters and directly compete with other platform workers to access the tasks offered by the platform, while often suffering from a lack of shared professional identity among themselves (ILO 2021d; Berg et al. 2018; Wood, Lehdonvirta and Graham 2018; Rodríguez Fernández 2018; Lehdonvirta 2016). Associational efforts mostly focus on forums and groups in social networks or on alternative formulas for action, such as the development of platform rankings to alert the workers themselves about the working conditions on particular platforms (LaPlante and Silberman 2016).

Since 2017, several surveys have been undertaken by the ILO to better understand working conditions on online web-based platforms. This includes a global survey of crowdworkers on five major microtask platforms (2017); a global survey of workers on freelance and competitive programming platforms (2019–2020); and country-level surveys of platform workers in China and Ukraine (2019).³¹ Based on the survey responses, the following sections analyse how workers on online web-based platforms engage with each other and whether trade union organizations play a role in this regard.

³¹ For more details on the analysed survey data, see ILO, “World Employment and Social Outlook 2021 – Appendices”.

A substantial number of crowdworkers on microtask platforms turn to online forums for mutual support

The majority of crowdworkers (58 per cent) reported in the surveys that they turn neither to unions, solidarity groups, online forums or any other groups as a place to discuss problems or consult for advice related to crowdwork or to receive some form of protection.

Still, about one third of the surveyed crowdworkers turn to online forums to discuss problems or consult for advice related to crowdwork. Many of these online forums, such as Turkopticon, TurkNation and TurkerHub, are connected to specific platforms, such as Amazon Mechanical Turk (MTurk). In addition, several crowdworkers reported using Facebook or Reddit groups to discuss problems or consult for advice. Some of the forums referenced by crowdworkers have a regional focus, such as the “Indonesian Online Worker Forum” or the “Online Microworkers Nepal”. However, most of the forums seem to attract an international audience of crowdworkers. Crowdworkers reported that they use online forums for mutual support, including to discuss available work and problems with tasks and to give general support. The exchanges in online forums included questions about companies and individuals who offer work on web-based online platforms and their reliability. Overall, crowdworkers used online forums mostly to support and help each other and not for discussing working conditions or organizing (online) protests.

Only few crowdworkers on microtask platforms turn to trade unions for support

A small number of crowdworkers reported that they had turned to trade unions to discuss problems, consult for advice or receive some form of protection related to crowdwork. The trade unions mentioned by respondents operate in different regions of the world and included the Sindicato de Empleados de Comercio (Argentina); the Canadian Freelancer Union and Alberta Union of Provincial Employees (Canada); IG Metal and ver.di (Germany); the National Joint Council of Action of the National Defence Workers’ Federation (India); the Unión General de Trabajadores (UGT) (Spain); Unite (United Kingdom); and the Freelancers Union (United States).

Freelance workers on online web-based platforms seldom engage with trade unions and professional associations

Workers on surveyed freelance platforms reported that they routinely use a number of online resources when engaging in platform work, including YouTube (60.4 per cent), blogs (36.1 per cent), online courses or universities (43 per cent), forums or other online communities (48.3 per cent) and platforms that provided help and support on a specific topic (38.5 per cent).

However, a large majority of workers (82.6 per cent) reported that they did not turn to labour unions, trade unions, professional associations or organizations or other organizations for their work on labour platforms. About 12.9 per cent of workers reported that they turn to professional associations or organizations to discuss their freelance work. This mostly included groups on Facebook and LinkedIn, as well as professional organizations such as the Online Professional Workers Association (OPWAK) formed in 2019 in Kenya. Only very few freelancers on online freelance platforms reported that they had turned to labour unions as additional resources when performing their tasks.

▶ 2 Initiatives of employers' and workers' organizations and self-organization of workers in the platform economy

Key findings

Various initiatives to improve working conditions in the location-based platform economy

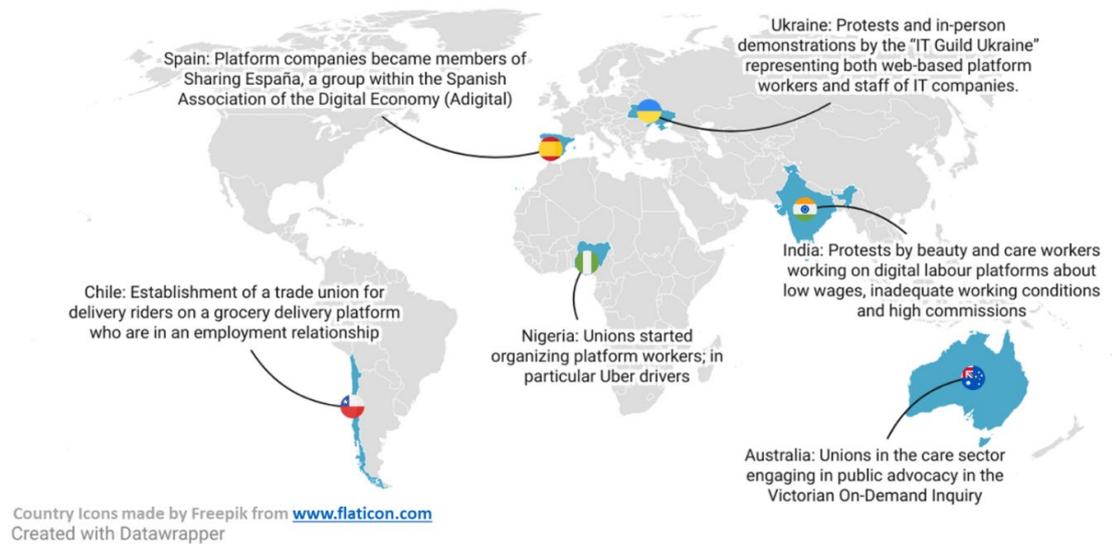
- ▶ Informal groups of workers, newly established trade unions and already existing trade unions engage in initiatives in the platform economy (see Figure 6).
- ▶ The self-organization of workers has mainly emerged in the ride-share and food-delivery sectors, including among migrant workers.
- ▶ Fewer examples of successful organization on online web-based digital labour platforms.
- ▶ Newly established unions or informal groups of workers in the platform economy might provide opportunities for workers' organizations to strengthen their role in the platform economy.

Initiatives of trade unions and platform workers' organizations mainly take three avenues

- ▶ (1) Engaging in coordinated group actions, such as demonstrations, strikes and collective log-offs.
- ▶ (2) Using strategic or test case litigation, particularly in North America and Europe.
- ▶ (3) Engaging in public advocacy in the media and in regulatory processes.
- ▶ Regional variations between the global North and South: in Africa, Asia and the Pacific, and Latin America, platform workers seem to mainly rely on demonstrations and strikes to make their voices heard.

Initiatives of employers' organizations and pledges by platform companies

- ▶ The advocacy role of employers' organizations often includes the public defence of the platforms' contracting model, highlighting the advantages of flexibility and income-generation opportunities.
- ▶ Some platform companies decided to join national employers' organizations.
- ▶ Some companies unilaterally pledged to improve working conditions or engage with workers' representatives.
- ▶ Few examples of independent contractors or self-employed workers joining employers' organizations or other entrepreneurial associations.

► **Figure 6: Country case studies commissioned by the ILO**

►► *In Ghana, it was the non-payment of bonuses that first motivated app-based drivers to organize – “the bonuses weren’t coming and we realized that it was because nobody was speaking for the drivers”. In addition, drivers felt that the non-transparent deactivation of drivers by platform companies was frustrating (Akorsu et al. forthcoming).*

Chapter 1 showed through country surveys that location-based platform workers are generally motivated to come together and engage with each other in some forms to improve their working conditions. Building on that general finding, the purpose of this chapter is to identify and document in more detail concrete examples “on the ground” from different regions of the world. The examples describe the efforts of employers’ and workers’ organizations to reach out to workers in the platform economy and how these workers self-organize with a view to influencing their terms and conditions of work.

Country examples are taken from case studies commissioned by the ILO in Australia³², Chile³³, India³⁴, Nigeria³⁵, Ukraine³⁶ and Spain³⁷. In the preparatory phase of the research project (February to April 2021), interviews with representatives of employers’ and workers’ organizations and experts from academia and civil society were conducted. These helped to identify important developments and case studies in different regions of the world. Based on those initial interviews, countries were selected for analysis based on their innovative legislative and judicial developments, while ensuring regional balance.

Overall, for the country case studies, interviews with about national 20 informants – who ranged from platform workers and representatives of employers’ and workers’ organizations to academic researchers – were conducted by the contributors to this chapter. In addition, it draws on existing case studies in the academic and grey literature and in news reports.

³² Case study conducted by Anthony Forsyth (RMIT University) during September-October 2021.

³³ Case study conducted by Pablo Zenteno Munoz and Felipe Labra (independent researchers) during July-October 2021.

³⁴ Information provided by Uma Rani, ILO RESEARCH Department, who led a case study on the country’s platform economy during 2021-22.

³⁵ Information provided by Uma Rani, ILO RESEARCH Department, who led a case study on the country’s platform economy during 2021-22.

³⁶ Case study conducted by Iryna Sakharuk (Shevchenko National University) during July-October 2021.

³⁷ Case study conducted by Henar Alvarez (University of León) June-August 2021.

▶ **Box 4: Realizing the opportunities of the platform economy for businesses and workers**

This chapter shows that coordinated group actions (including demonstrations, strikes and collective log-offs) have emerged in all regions of the world, indicating the potential value of dialogue and collective bargaining for social peace in the platform economy. In general, dialogue and collective bargaining in the platform economy is more likely to produce concrete results where it is supported by solid legal and regulatory frameworks and is engrained in countries' industrial relations traditions. This general consideration may help to explain the notable regional variations that can be observed between the country examples from the global North and South that are presented in this chapter.

Initiatives of workers' organizations in the platform economy

Informal groups of workers, newly established trade unions and already existing trade unions are active in the platform economy. They engage in coordinated group actions (demonstrations, strikes and collective log-offs); use strategic or test-case litigation; and engage in public advocacy in the media and regulatory processes. The examples also show trade union activism in the platform economy on behalf of traditionally disadvantaged groups of workers, such as migrant workers. Overall, the country examples show that location-based platform workers have adopted a greater variety of strategies than online web-based workers. The notable differences in the organizational efforts between countries in the global North and South are also discussed below.

Establishing workers' organization in the platform economy

ILO surveys in ten countries found that the reported numbers for trade union membership of workers in the platform economy are low overall (see Ch. 1). However, in some instances platform workers have established new organizations and sometimes they have joined existing unions (ILO 2022a; ILO 2021a; ILO 2021d). In some countries, existing unions have been very active in reaching out to workers in the platform economy supporting organizing efforts.

Platform workers establish new workers' organizations

In different parts of the world, the establishment of new workers' organizations can be observed. However, the self-organization of platform workers going beyond social media groups has mainly emerged in the ride-share and food-delivery sectors (ILO 2022a).

The types of organizations in which workers in the platform economy organize are very diverse. The newly established organizations take different legal forms and have different levels of organizational maturity. For example, in Chile some newly established organizations collect union dues, have established statutes or bylaws, have quota systems and are represented by elected representatives.³⁸ Other organizations do not yet have statutes or guiding principles and membership registers and resemble more informal groups (see Box 5 for the names of newly established organizations and their organizational scope in Chile).

Particularly in countries with a conducive regulatory environment, formally registered trade union organizations and works councils have emerged in the platform economy.³⁹ The interactions between already existing trade unions and these newly established workers' organizations can be shaped by competition and conflict or by cooperation and mutual support. Box 5 illustrates with concrete examples the establishment

³⁸ Case study commissioned by the ILO in Chile.

³⁹ Article 5 of the [Workers' Representatives Convention, 1971 \(No. 135\)](#) clarifies that measures should be taken to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage cooperation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

of workers' organizations and in some cases indicates how those new organizations engage with existing trade unions.⁴⁰

▶ **Box 5: Examples of newly established workers' organizations in location-based platforms**

- **In Australia**, the Rideshare Driver Network started as a private Facebook group in 2018 and is now an incorporated not-for-profit organization aimed at improving the working conditions and pay of Australian rideshare drivers.⁴¹ It is a founding member of the International Alliance of App-based Transport Workers and has run campaigns jointly with the Transport Workers' Union.
- **In Brazil**, the Sindicato dos Motoristas de Transporte Individual por Aplicativo organizes drivers in the platform economy. The organization is active in different states of the country (such as Rio Grande do Sul⁴² in the south and Rondonia in the north-west⁴³). In some states, the newly established organization has collaborated with the Central Única dos Trabalhadores and organized strikes in several cities together with that trade union.
- **In Chile**,⁴⁴ the following workers' organizations of workers in the platform economy have been established: Riders United Now (established in January 2020 and organizing workers from Order Now and Rappi); Penquista Delivery Drivers (established in January 2018 and organizing workers from PedidosYa and Cornershop); Cornershop Union (established in July 2016 and organizing workers from Cornershop); Asociación Gremial de Conductores de Aplicación (ACUA) (organizing workers from Uber and DiDi); UBER Independent Workers Union (established in 2018 and organizing workers from Uber); and Shopper freelancer (established in 2020 and organizing workers from Cornershop).
- **In Ecuador**⁴⁵ and **Peru**,⁴⁶ different groups on social networks create collaborative spaces for platform workers, which may constitute the start of the continuous formalization of newly emerging workers' organizations in the platform economy in these countries.
- **In Georgia**, self-organization efforts led to a demonstration, after which workers announced the formation of a trade union for workers for the food delivery apps Glovo, Wolt, Bolt Food and Elvis, as well as the Yandex and Bolt taxi services.⁴⁷ The main goals of the trade union are to secure employment contracts for couriers, including health insurance coverage, overtime and bad weather compensation, as well as paid holidays.
- **In Ghana**, several app-based drivers' associations have been identified, including Ghana Online Drivers Union; Ghana Online Drivers Association; Online Drivers' Union of Ghana; Smart Drivers Union (SMART); Online Family Drivers Union; Online Drivers' Partners Association; Ride Share Online Drivers Union; and Super Car Owners (Akorsu forthcoming). These associations have different organizational structures. While some have statutes and a system for dues collection, others are currently drafting constitutions and collect membership contributions only when the need arises. Some are affiliated to the Trades Union Congress of Ghana. Members of two of the associations pay a weekly subscription through mobile money transfers.
- **In Indonesia**, it is reported there has in recent years been an "astonishing" capacity for self-organizing, mutual-aid and grass-roots community participation of app-based transport drivers (Ford and Honan 2019). In 2022, it was reported that there are hundreds of informal food-delivery driver communities, in which workers check in with each other daily for advice for anything from the best routes for a delivery to strategies for improving their earnings.⁴⁸

⁴⁰ The examples in box 5 focus on the emergence of new workers' organizations, while those in box 6 focus on the actions of already existing trade unions. However, some of the country examples might include elements that overlap between the boxes.

⁴¹ <https://rdn.org.au/>.

⁴² <https://www.cut.org.br/noticias/motoristas-de-aplicativos-do-rs-paralisam-e-cobram-reajuste-das-tarifas-cdd3>.

⁴³ <https://ro.cut.org.br/noticias/criacao-do-sindicato-dos-motorista-de-aplicativos-ae91>.

⁴⁴ Case study in Chile; information from expert interviews.

⁴⁵ Observatorio de Plataformas Ecuador and FrenApp Ecuador.

⁴⁶ Observatorio de Plataformas Peru.

⁴⁷ Tata Shoshiashvili, "Georgian Couriers Vow to Create 'Gig Economy Union' following Glovo Strike", *OC Media*, 18 May 2021.

⁴⁸ Karen Hao and Nadine Freischlad, "The Gig Workers Fighting Back against the Algorithms", *MIT Technology Review*, 21 April 2022.

- **In Nigeria**, the Drivers and Private Owners Association (PEDPA)⁴⁹ was formed in 2019 and is affiliated with the Trade Union Congress.
- **In Spain**, organizations of platform workers began to emerge, such as RidersxDerechos in July 2017⁵⁰ or FreeRiders. These new associations collaborate with existing associations, such as Intersindical Valenciana⁵¹ or Intersindical Alternativa Catalana⁵² or with the biggest trade unions in Spain – the UGT and Comisiones Obreras (CCOO). RidersxDerechos is not a trade union but has been constituted as an association and registered its name and logo. This association cooperates with already established trade unions for legal issues. In addition, associations of economically dependent autonomous workers have started to emerge, defending the classification of workers as self-employed from 2018 onwards. This includes the Spanish Association of Messenger Riders, the Professional Association of Autonomous Riders and the Association of Autonomous Riders. In 2020, Repartidores Unidos or Riders United was founded, which defends collaborative work rather than being a riders' association.⁵³
- **In Uruguay**, the workers' organization Sindicato Único de Repartidores, made up exclusively of delivery workers, was founded in 2019.⁵⁴ The establishment of the organization was supported by the Federación Uruguaya de Empleados de Comercio y Servicios. In addition, the ACUA, an association of drivers in the platform economy, was established.⁵⁵
- **In the United States**, workers' organizations in the platform economy might take the form of union-affiliated guilds such as the Independent Drivers Guild representing Uber drivers (Johnston and Land-Kazlauskas 2018).

Existing trade unions reaching out to workers and their organizations in the platform economy

Box 5 showed that many newly established unions of platform workers are in regular contact or are supported by already existing trade unions. In several country examples, it may be observed that already existing and well-established trade unions provide support and access to institutional power for the emerging organizations of platform workers (see also Webster et al. 2021). Box 6 highlights some concrete examples of how existing trade unions reached out to workers in the platform economy and their organizations.

► Box 6: Trade unions reaching out to workers and their organizations in the platform economy

- **In Georgia**, following protests by platform workers the Georgian Trade Union Confederation expressed solidarity and support and discussed potential methods of assistance for existing unions.⁵⁶ In addition, civil society organizations supported the couriers' demands and their readiness to provide legal assistance if needed.⁵⁷
- **In Kenya**, the Transport and Allied Workers' Union of Kenya (TAWU-K) is a registered union affiliated to the Central Organization of Trade Unions and the International Transport Federation (ITF). TAWU-K developed a new organizing and recruitment strategy designed specifically for platform workers. Based on this new organizing strategy, the union reported that it had recruited more than 2,000 app-based drivers and expanded its activities from Nairobi to Mombasa, Nakwu, Kisumu, Edoret and Mt Ken (Webster and Mesikane 2021).

⁴⁹ <https://pedpa.org/aims-and-objectives/>.

⁵⁰ <https://www.ridersxderechos.org/>.

⁵¹ <https://intersindical.org/>.

⁵² <https://iac.cat/>.

⁵³ <https://repartidoresunidos.org/>.

⁵⁴ Pía Mesa, "Repartidores de Pedidos Ya reclamaron por 'malas' condiciones de trabajo y llegaron a un acuerdo", *El País*, 29 November 2019.

⁵⁵ Pía Mesa, "Fallo inédito en Uruguay: Justicia considera trabajador dependiente a chofer de Uber", *El País*, 13 November 2019.

⁵⁶ <https://www.facebook.com/gtuc.ge/photos/a.10151844602183073/10158400475413073/>

⁵⁷ Social Justice Center, "Fair Labor Platform Supports Demands of Striking Glovo Workers", 5 February 2021.

- **In Nigeria**, the Road Transport Union started organizing platform workers, in particular Uber drivers.⁵⁸
- **In Spain**, interviewed trade union leaders observed that the distance that existed between the newly established workers' organizations in the platform economy and already existing unions has narrowed, establishing a trend towards harmonization, convergence of positions and collaboration. When it comes to contacting workers, who provide services on platform companies, the already existing trade unions have collaborated not only with these new organizations but also with other more established organizations, such as immigrant women's associations, in order to reach out to persons who provide housekeeping services via platforms.⁵⁹
- **In Switzerland**, in the canton of Geneva platform delivery workers turned to the unions SIT and Unia to defend and represent them in a dispute with a platform company. Through social dialogue and the involvement of existing trade unions, the number of eventual lay-offs were considerably reduced in the end.⁶⁰
- **In Ukraine**, the Federation of Trade unions of Ukraine (FPU), the largest union federation in Ukraine, has expressed deep concerns about the platform economy. The FPU Strategy for 2021–2026 includes the objective of formalizing the labour of platform workers and granting them the right of collective bargaining.⁶¹

Box 7 describes in detail how an already existing trade union supported the establishment and functioning of newly established trade unions for workers in the platform economy in India. The example illustrates how trade unions and newly established unions for platform workers can collaborate.

► **Box 7: A closer look: Trade unions reaching out to platform workers in India**

In India, the Centre of Indian Trade Unions (CITU) has supported a number of initiatives for platform workers to organize, including the All-India Gig Workers Union (AIGWU), which is undertaking cross-sectoral efforts to organize platform workers. CITU supports AIGWU's organizing activities, playing an advisory role in framing worker demands and strategies. CITU has also supported its state-level unions of transport workers through the strategic inclusion of platform workers as members under separate councils or subcommittees.⁶²

Apart from affiliations with existing unions, the formation of purpose-specific workers's organizations has been viewed as a way to strengthen collective bargaining and coordination efforts among platform workers. The Indian Federation of App-based Transport Workers (IFAT) is one such organization, which functions as a national-level federation of state-level affiliate unions for app-based transport and delivery workers across ten cities in India.⁶³ IFAT has engaged directly with various stakeholders through various techniques, including by large-scale public demonstrations⁶⁴, direct negotiations with companies and the Government, filing public interest litigation,⁶⁵ producing research⁶⁶ and engaging on public and semi-public forums.⁶⁷ While IFAT and AIGWU have been able to secure formal trade union registration, the registration process was reportedly not straightforward.

⁵⁸ Case study commissioned by the ILO in Nigeria.

⁵⁹ Case study commissioned by the ILO in Spain.

⁶⁰ SIT Syndicat, "Livraison de repas à domicile. Feu vert pour sauver les emplois!", press release, 25 June 2021.

⁶¹ Federation of Trade Unions of Ukraine, "About the Strategy of the Federation of Trade Unions of Ukraine for 2021–2026: Time for Action and Qualitative Changes, 25 May 2021.

⁶² Case study commissioned by the ILO in India.

⁶³ ITF, "Indian Federation of App-based Transport Workers Launched in Mumbai", press release, 23 December 2019.

⁶⁴ *The Times of India*, "Cab Drivers, Delivery Workers to Protest on Wednesday in Delhi", 5 August 2020.

⁶⁵ *The Leaflet*, "Petition in SC Seeking Social Security Benefits for Uber, Ola, Swiggy, Zomato Employees"

⁶⁶ CIS, "IFAT and ITF - Protecting Workers in the Digital Platform Economy: Investigating Ola and Uber Drivers' Occupational Health and Safety", press release, 25 August 2020.

⁶⁷ <https://twitter.com/moneycontrolcom/status/145109844044472361>.

Most of the newly established workers' organizations are found in the app-based transportation and delivery sector. Box 8 describes how workers' organizations explore the possibilities for organizing workers in another sector.

▶ **Box 8: Workers' organizations reaching out to care and beauty workers in the platform economy in India**

In **Northern India**, according to a grass-roots organizer of platform workers women careworkers are very difficult to organize, but there is huge interest from the CITU, which has a coordination committee of working women that reviews gender questions. In Noida, there are many platform company start-ups, with 300–400 workers doing massage, beauty work and other related services. The All India Domestic Workers Association surveyed them to see what issues they are facing in the pandemic. Work on organizing women platform workers is very new, not yet formal and currently at the stage of doing small interventions to see which organizing strategies may be successful.

Box 9 describes in more depth the establishment of a trade union for workers in a grocery delivery platform who are in an employment relationship and describes the relationship with existing unions in Chile. In this regard, it is noteworthy that the president of the newly established trade union was elected as leader of the national organization of trade unions, the Central Unitaria de Trabajadores de Chile (CUT) in 2021. Moreover, the example illustrates the differences arising from the classification of workers when establishing an organization.⁶⁸

▶ **Box 9: A closer look: Cornershop union of platform economy workers in Chile**

In Chile, the Cornershop trade union was established in December 2016. The establishment of the union was enabled by the fact that in the beginning of Cornershop's operations, all staff who worked in the different functions at the platform company were in formal employment relationship in Chile. The union members organized themselves in accordance with the powers granted to them by the Labour Code as a company union, developing internal activities to strengthen and protect members, participating in discussions to improve working conditions, occupational safety and other matters.

The establishment of the organization was similar those of unions in other industries. It started with discussing common problems that afflicted the workers. Discussions began to increase in scope and came to public light first with the formal constitution of the union and secondly with the presentation of a petition to conclude a collective agreement presented to the company. The trade union and Cornershop concluded collective agreements in 2017 and 2019 that apply to the employed shoppers of the platform company (see Ch. 3).

Relationship with already existing trade unions: The union has established permanent relations with other organizations, including the Lider-Walmart hypermarket workers' network, with whom they share office spaces. Building on this relationship, the union's participation in the Trade and Financial Services Unions Coordinating Committee is maintained to this day. The president of the Cornershop union ran for a leadership position in the CUT and was elected as national leader of the organization for the period 2021–2024.⁶⁹ This is one of the first times that the leader of a newly established union in the platform economy has held an elected leadership position in an existing union.

⁶⁸ Case study commissioned by the ILO in Chile.

⁶⁹ The "National leader" within the Central Unitaria de Trabajadores de Chile represents a group of 45 people elected by ballot to form the National Council of the CUT. Among the members of the Council, the Executive Committee is elected, composed of nine positions, including that of President.

Differences arising from the classification of workers: Cornershop started to hire delivery drivers as independent contractors. The change in the contracting system with the shoppers generated a second organization on the platform called Shoppers Unidos, which is not registered and worked “clandestinely” for fear of possible reprisals against its members.⁷⁰

The example from Chile in Box 9 described the successful establishment of a trade union. However, the establishment of new workers’ organizations in the platform economy faces several challenges, including a high membership volatility due to the often temporary nature of this type of work and the registration processes for public recognition as a trade union (Johnston and Land-Kazlauskas 2018).⁷¹ Box 10 describes the attempt to form a trade union for platform workers in Ukraine and describes the related obstacles that are common in many countries around the world.

▶ **Box 10: Challenges for creating a trade union for platform workers in Ukraine**

In Ukraine,⁷² after workers’ protests (predominantly from Glovo, UberEats and Dominos Pizza) about 30 riders decided to create a union called the Independent Couriers Union. They adopted a charter, but the organization was not approved by the state registration process. Eventually, because of the high turnover among platform workers, courier-members of the union quit their job and ceased union activities.

Establishment of works councils in the platform economy

In some countries, workers in the platform economy have started to create works councils. Depending on the country, works councils may enjoy a wide variety of rights, from information, consultation and participation to co-determination of rights. However, when establishing a works council platform workers are reported to sometimes face obstacles related to the measures taken by platform companies, while the temporary character of platform work may reduce incentives for workers to engage.⁷³ Box 11 illustrates the election of works councils and health and safety representatives in location-based platform companies in Australia, Austria, Germany and Norway and the establishment of the Riders Forum in Belgium.

▶ **Box 11: Establishment of works councils and health and safety representatives**

- **In Australia,**⁷⁴ unions organizing food delivery riders utilize the provisions of work health and safety (WHS) legislation to obtain the election of worker representatives. The WHS Act sets down a process for worker health and safety representatives to be elected by “workers” in a “work group”. In early 2021, seven Deliveroo safety representatives were elected – an event heralded by the union as “a milestone for the platform economy in Australia” as it would enable riders to help co-workers enforce their rights and counter safety risks such as accidents, falls and heat stress.⁷⁵ The elected representatives have important powers under the WHS Act, including to investigate safety risks and worker complaints in relation to safety issues, to direct that unsafe work cease, to notify SafeWork New South Wales of safety incidents and to initiate the process for forming workplace health and safety committees.

⁷⁰ Later, another change in the work organizational structure of the platform company led to a large reduction in the number of shoppers and the dissolution of the organization Shoppers Unidos; case study commissioned by the ILO in Chile.

⁷¹ Employers’ and workers’ organizations have the right to establish organizations without previous authorization. While some registration formalities may be compatible with this principle, it must be ensured that these do not undermine the right to freedom of association; for more details, see ILO (forthcoming).

⁷² Case study commissioned by the ILO in Ukraine.

⁷³ See, for example, Fairwork, “Fairwork Germany Ratings 2021: Labour Standards in the Platform Economy”, 2021.

⁷⁴ Case study commissioned by the ILO in Australia.

⁷⁵ TWU, “Deliveroo Health and Safety Reps Elected in Industry First”, 27 January 2021.

- **In Austria**, the Transport and Services Union (VIDA) established a works council for Foodora cyclists. Among the objectives of the works council are better working conditions, additional premiums for work at night or in winter and permanent employment contracts for riders.⁷⁶
- **In Belgium**, the platform company Deliveroo announced the creation of the Riders Forum, which will meet every three months and is supposed to be used for consultation and discussion between management and representatives of delivery riders. The company announced that 20 Belgian couriers will be elected and act as spokespersons for the 3,000 couriers who work for Deliveroo in the country. However, they will not constitute a traditional works council. Therefore, the to-be-elected spokespersons of the delivery drivers will not enjoy the same protections against dismissal as union representatives.⁷⁷
- **In Germany**, riders for the platform company Lieferando (Just Eat Takeaway.com) established works councils in Cologne, Stuttgart, Nurnberg and Frankfurt/Offenbach and a works council responsible for Kiel, Hamburg, Hanover and Braunschweig.⁷⁸ However, news articles in the media report about obstructions of works council elections from the side of the company in some instances.⁷⁹

In 2018, an agreement was signed to establish a European Work Council at the platform company Delivery Hero, including a provision to include employee representatives on the supervisory board (IOE 2019). The agreement was signed with the Food, Beverages and Catering Union, the Italian Federation of Workers of Commerce, Hotels, Canteens and Services and the European Federation of Food, Agriculture and Tourism. In 2021, the grocery delivery platform Gorillaz appealed to labour courts to stop the election of a works council in Berlin. However, a labour court ruled that workers may go forward with the election of a works council.⁸⁰

- **In Norway**, the food delivery platform Foodora and the trade union Fellesforbundet have signed a collective agreement (see Ch. 3). The collective agreement sets the framework for setting up shop stewards in the company. The shop stewards' working committee holds monthly meetings with the management, at which matters are raised by both parties. Foodora has a duty to inform workers about upcoming changes and to listen to the views of the shop stewards.⁸¹

Initiatives on online web-based platforms in the platform economy

In comparison to the situation in the location-based platforms, the legal and practical obstacles to organize and establish formal workers' organizations are even more pronounced for workers on online web-based labour platforms that span different jurisdictions (ILO 2021a). These workers may also be less willing to organize. This observation was confirmed by the present study, which finds that groups of workers on online web-based labour platforms often take the form of online groups in which workers discuss their tasks and grievances. One example are groups of microtask workers on Amazon MechanicalTurk (LaPlante and Silberman 2016). Names of the forums include forums like Turkopticon, TurkNation and TurkerHub. Very often these groups seem to be limited to being mutual-aid mechanisms (see Ch. 1).

Box 12 illustrates initiatives on online web-based labour platforms that address content creators on platforms such as YouTube, Twitch or Instagram and workers on platforms such as Mechanical Turk, Upwork or Clickworker. In addition, it provides a good example of how protests against the adoption of a new law translated into in-person demonstrations by IT workers and online web-based platform workers in Ukraine.

⁷⁶ www.vida.at/cms/S03/S03_0.a/1342577497037/home/artikel/betriebsrat-fuer-fahrradzustell-dienst-foodora

⁷⁷ Maxime Samain, "Deliveroo Belgique organise sa propre concertation sociale", *L'Echo*, 28 September 2021.

⁷⁸ *Netzpolitik.org*, "Lieferando und seine Betriebsräte", 2 August 2021.

⁷⁹ *Taz*, "Ausgelieferte Mitarbeiter", 17 April 2020.

⁸⁰ *Tagesspiegel*, Court Decision in Berlin: Works Council Elections at Gorillas Can Take Place, 17 November 2021.

⁸¹ <http://foodoraklubben.com/about-us/>.

▶ **Box 12: Initiatives on online web-based platforms**

- **The YouTubers Union** is an association of YouTubers and was founded in 2018. The aim of the YouTubers Union is to improve working conditions of video creators on YouTube.⁸² Since July 2019, the YouTubers Union has been cooperating with the German trade union IG Metall in the “FairTube” project. Their demands include, among other things, clear and comprehensible rules for advertising and deletions of videos, the establishment of an independent arbitration body, and the establishment of a co-determination body for YouTubers vis-à-vis the Group. The FairTube project addresses content creators who share their content on a platform such as YouTube, Twitch or Instagram and workers who do work on platforms like Mechanical Turk, Upwork or Clickworker, as well as workers who complete tasks in the physical world, such as mystery shopping⁸³ and promotion checks.⁸⁴
- **In Ukraine**, associations of online web-based platform workers are generally formed through chats on Telegram or in groups on social networks. In 2021, a group of about 300 IT workers created the first independent association in the IT sector in Ukraine, the IT Guild Ukraine,⁸⁵ in protest against the Law of Ukraine on Stimulating the Development of the Digital Economy in Ukraine. The IT Guild Ukraine represents both platform workers and staff of IT companies.⁸⁶ In July 2021, they organized protests in Kyiv, Kharkiv and Dnipro against the adoption of the above-mentioned law.⁸⁷ The Facebook group “beFree – freelance for Ukrainians on Facebook”⁸⁸ has almost 32,000 members. It unites freelancers, including those working on web platforms. Participants share experience in performing tasks on various web platforms, provide advice on registration as entrepreneurs and pay taxes, and have the opportunity to get advice from accountants, lawyers and others.
- **In Spain**, the trade union UGT promotes a network of creators and influencers to demand decent working conditions from digital platforms – such as YouTube, Instagram and Tik Tok. The digital workers associated with UGT denounce “the lack of transparency and protection of creators and consumers against arbitrary algorithms ...”.⁸⁹

Organizing migrant workers in the platform economy

In several countries, labour platforms are an important source of employment and income for migrant workers. It is estimated that about 17 per cent of platform workers are migrants and that proportion is higher in developed countries (38 per cent) than in developing countries (7 per cent) (ILO 2022a).

For example, in Argentina migrants represent about 74 per cent of the workers surveyed in the delivery sector (ILO 2021a). In Australia, there is considerable evidence indicating a high concentration of migrant workers in the platform economy, particularly in the ride-share and food-delivery sectors. A 2019 survey by the Delivery Riders Alliance found that 75 per cent of food delivery workers who responded were temporary visa-holders, including international students and those on working holiday visas or bridging visas.⁹⁰ A study of the working experiences of Uber drivers in the state of Queensland concluded that:

“In contrast to non-migrants, migrant drivers are more likely to rely on the income from Uber to support themselves and their families. More importantly, these migrant drivers appear to have fewer alternative work options available to them, and thus find themselves more precariously positioned, and reliant on the Uber platform

⁸² <https://youtubersunion.org/content/goals>.

⁸³ Mystery shoppers visit shops, hotels and so on incognito and assess the quality of the service offered.

⁸⁴ <https://fairtube.info/en/seite/for-platform-operators-and-clients/>

⁸⁵ Cherniivaskyi, Viktor, “Report of the Guild of IT Specialists”, 2021.

⁸⁶ https://t.me/itguildukraine?fbclid=IwAR0p0l0tqRzcV1JKXlvr_e_6E_aMeZKvwbMYVOhA6yDoeWETwM8q1ymQtnM.

⁸⁷ Case study commissioned by the ILO in Ukraine.

⁸⁸ <https://www.facebook.com/groups/be.free.ua>

⁸⁹ M.A. Ruiz Coll, “GT crea un sindicato de 'influencers' para exigir a YouTube 'condiciones dignas de trabajo'”, *El Espanol*, 24 November 2021.

⁹⁰ Delivery Riders Alliance, “Snapshot: On-Demand Food Delivery Riders”.

and its flawed star-rating managerial system. 'Flexible' working hours allow these precarious migrants to accrue enough work to make the money necessary to survive, whereas more secure workers – who are often non-migrants – can access flexible shifts when it is convenient for them to do so” (Holtum et al. 2021, p. 16).⁹¹

A high share of migrant workers can constitute another hurdle for the successful unionization of workers in the platform economy. This may be due to language barriers, the temporary character of the work relationship or unclear immigration status. Box 13 illustrates with concrete examples the challenges identified and how trade unions reached out to migrant workers in the platform economy.

▶ **Box 13: Workers' organizations and migrant workers**

- **In Australia**, many of the union efforts in the platform economy have been undertaken on behalf of migrant workers (e.g., several of the TWU's test cases and its advocacy in response to food delivery rider deaths in 2020). In addition, union campaigns and actions in the platform economy have been coordinated with the Migrant Workers Centre (MWC),⁹² which is located at Victorian Trades Hall Council in Melbourne. As part of its activism to counter migrant worker exploitation, the MWC has lobbied federal and state governments to enhance protections for platform workers, including the provision of work information in their own languages.⁹³
- **In Chile**, in Riders United Now was founded in 2020, mainly to organize PedidosYa workers. The majority of delivery drivers who identify themselves with Riders United Now are Venezuelan nationals and almost all of them are in a regular migratory situation.⁹⁴
- **In Spain**, migrants make up a large proportion of platform workers, in particular delivery workers: two out of three (64 per cent) riders come from Latin America (Adigital 2020). In interviews, trade union organizers expressed the view that the vulnerability of people without a work permit forces migrants to provide services without any guarantees regarding pay or working conditions. And this is also one of the difficulties when it comes to trade union action or affiliating riders.⁹⁵
- **In Ukraine**, among workers in the platform economy there is generally a low awareness of trade union activities and the fact that worker interests can be represented by organizations. This is particularly true of young workers, who are heavily represented on some labour platforms, as well as for migrant workers, who are often either unaware of their rights or do not speak the local language, or are only interested in working temporarily.⁹⁶

Demonstrations, strikes and collective log-offs by workers in the platform economy

In recent years, the growth of the platform economy has increasingly been accompanied by coordinated group actions of platform workers, including wildcat strikes, collective log-offs and demonstrations. Chapter 1 found that about 8.9 per cent of app-based taxi workers and 3.4 per cent of app-based delivery workers reported in the surveys that they had participated in coordinated group actions such as a protest, memorial, demonstration or collectively logging out of the app, with notable differences between countries. A large share of coordinated group actions of platform workers aimed to achieve a pay increase. Some of the coordinated group actions also sought to achieve the recognition of union status for platform workers' organizations (see Chapter 1).

⁹¹ See also James (2020), which summarizes submissions to the Victorian On-Demand Inquiry relating to the position of migrant platform workers.

⁹² <https://www.migrantworkers.org.au/>.

⁹³ Occhiuzzi, Tys (2021): "Migrant Employees are Stuck in a 'Race to the Bottom' When it Comes to Precarious Contract Work", *SBS News*, 13 April 2021.

⁹⁴ Case study commissioned by the ILO in Chile.

⁹⁵ Case study commissioned by the ILO in Spain; expert interviews.

⁹⁶ Case study commissioned by the ILO in Ukraine; see also Aleksynska (2021).

Building on the general findings of Chapter 1, the following sections describe concrete examples of coordinated group actions in more detail by giving, for example, information on the organization of protests, the number of platform workers involved and their demands (see Box 15). Important findings from the Leeds Index of Platform Labour Protest⁹⁷ are also summarized.

Findings from the Leeds Index of Platform Labour Protest

The Leeds Index of Platform Labour Protest uses data drawn from a combination of online resources, including news media databases. It documents a general increase in the volume of protest events for the period January 2017 to July 2020 and reports the number of protest incidents related to working conditions on digital labour platforms (Bessa et al. 2022).⁹⁸ It has been found that pay was by far the most prominent cause of dispute actions prior to the pandemic (64 per cent), followed by employment status (20 per cent), health and safety conditions (19 per cent) and regulatory issues (17 per cent). Protests about health and safety conditions have constituted more than half of the disputes since the pandemic started (up to 65 per cent of all protests in the second quarter of 2020), with Latin America being particularly affected. Grievances connected to union recognition motivated 6 per cent of all protests by platform workers worldwide. Labour protests on digital labour platforms are mostly driven by workers themselves and ad hoc constituted informal groups of workers, but increasingly protest actions receive support from newly established and already existing trade unions (see Box 14).

► Box 14: The involvement of trade unions in protests

The Leeds Index of Platform Labour Protest reports that trade unions were involved in 18.3 per cent (existing unions) or 31.4 per cent (new and existing unions) of the identified protest events (Bessa et al. (2022)). These numbers have to be seen in the context of low trade union membership rates (see Ch. 1) in the platform economy. The involvement of existing unions in protests may indicate the increasing efforts of already existing trade unions in some regions of the world to reach out to workers in the platform economy. Also, 6.4 per cent of protests were organized by existing unions alone, without any other groups, despite very low membership rates. The finding also indicates that a self-organization of workers in the form of “new trade unions” or joining “existing unions” is conducive to allow for an articulation of workers’ interests in the form of protests. Trade unions – both existing and new ones – are most likely to get involved in protests that seek to secure pay and union recognition compared to other grievances motivating workers’ protests.

Protest actions have emerged in all regions of the world and are most prominent in ride-hailing and delivery services. However, there are major regional differences observable. In Africa, Asia and the Pacific, Latin America and the Arab States, workers are reported to mainly rely on demonstrations and strikes to make their voices heard. Protests in these regions are most likely to be led by newly established unions or ad hoc established temporarily informal groups of workers. For Europe, a higher level of involvement of already existing trade unions in workers’ protests in the platform economy is reported. For other regions, the involvement of “existing trade unions” in demonstrations and strikes of platform workers is reported to be low – with notable exceptions some of which will be covered in this chapter.

⁹⁷ Centre for Employment Relations, Innovation and Change of the Leeds University Business School, “Leeds Index of Platform Labour Protest”, 2019.

⁹⁸ Overall, the Leeds Index of Platform Labour Protest identified 1,271 instances of worker protest in the period January 2017 to July 2020 (Bessa et al. 2022).

Concrete examples of coordinated group actions on transport and delivery platforms

Box 15 illustrates with concrete country examples from different parts of the world how workers on transport and delivery platforms engaged in protests such as demonstrations, strikes and collective log-offs. It does not give an exhaustive overview of instances of workers' protests on transport and delivery platforms and is limited to providing examples from different regions of the world. Also, many workers' protests did not result in concrete improvements of working conditions but featured in media coverage and influenced public opinion.

► Box 15: Examples of workers' protests on transport and delivery platforms

- **In Australia**, the organization RideShare Drivers United (RSDU) is an online drivers' forum, with approximately 7,000 members.⁹⁹ Established in 2016, RSDU was particularly active in organizing a series of rideshare driver log-off protests between 2017 and 2019 in major Australian cities.¹⁰⁰
- **In Argentina** in 2018, the Asociación de Personal de Plataformas initiated what was called in the media the "first digital strike" in the city of Buenos Aires. Workers began to organize in WhatsApp groups to exchange and discuss with one another in reaction to a delivery platform's allegedly unilateral decision to change its order allocation algorithm. In July 2018, platform workers decided not to fulfil orders accepted over the application (Audibert 2020).
- **In China, platform-based** workers in the food delivery industry are reported to have engaged in small-scale and WeChat-mediated strikes that target the subcontractors who are their direct employers (Liu and Friedman 2021).
- **In France** in November 2021, the Intersyndicale Nationale VTC announced a protest outside the offices of the French Government's National Commission of Computing and Liberties. The union demanded that drivers should have access to the data that the platforms kept on them.¹⁰¹
- **In Georgia** in January 2021, more than 100 Glovo workers organized a rally at the company office in Tbilisi.¹⁰² In March 2021, several dozen couriers for Bolt Food demanded increased pay as well as changes in the remuneration algorithm. Some also called on the company to reinstate couriers that had allegedly been suspended for speaking out against their work conditions.¹⁰³
- **In Greece** in September 2021, strikes and consumer boycotts were reported that led to the decision of Greece's largest food delivery platform E-Food to continue employing its riders and accepting the demand of workers for unlimited contracts.¹⁰⁴
- **In Hong Kong, China** in November 2021, several hundred of Foodpanda's couriers took part in a strike protesting cuts in delivery fees and expanded delivery zones.¹⁰⁵
- **In India** in April 2021, about 3,000 cab drivers, including those working on ride-hailing platforms, organized a protest in Karnataka against unfair price competition from the platform companies Ola and Uber in the aftermath of the death by suicide of a cab driver engaged with the KSTDC (a state-level public sector organization).¹⁰⁶
- **In Mexico**, the workers' collective #NiUnRepartidorMenos (delivery workers for Uber Eats, DiDi Food and Rappi) announced through Twitter a work stoppage and demonstration calling for higher salaries and additional premiums for night work and work in adverse weather conditions.¹⁰⁷

⁹⁹ <https://www.facebook.com/groups/rsdu.au/>; and <http://ridesharedriversunited.com>.

¹⁰⁰ ABC New, Daniel Ziffer and Dona Malaish, "Uber Drivers Stage Global Protest Over Pay and Conditions", 8 May 2019.

¹⁰¹ <https://twitter.com/InvSyndicat>.

¹⁰² *Agenda. Ge*, "Delivery Company Glovo Couriers Hold Rally Demanding Better Working Conditions", 29 January 2021.

¹⁰³ Shota Kincha, Bolt Food Couriers on Strike in Tbilisi. OC Media, 24 March 2021.

¹⁰⁴ Brave New Europe, *Gig Economy Project - Greece: E-food Concedes to Riders Demands in "Huge Victory"*, 24 September 2021.

¹⁰⁵ Laura Westbrook, "What Caused Hong Kong's Foodpanda Riders to Go on Strike? Long Waiting times, Pay Cuts and Order System Among Grievances", *South China Morning Post*, 16 November 2021; Rachel Yeo, "Foodpanda Accuses Striking Hong Kong Workers of Interfering in Others' Deliveries, as Riders Protest against Pay Cuts", *South China Morning Post*, 14 November 2021.

¹⁰⁶ Sangeetha Chengappa and Mamuni Das, "Karnataka Cab Driver's Suicide Puts Ola, Uber Pricing Under", *Business Line*, 2 April 2021.

¹⁰⁷ *El Financiero*, "¿Adiós comida a domicilio? Repartidores de Rappi, Uber y DiDi convocan a paro", 20 October 2021.

- **In Nigeria** in 2021, Uber and Bolt drivers engaged in protests against low pay, which were organized by the Professional E-hailing Drivers and Partners Association, while later in the year protests were organized by the National Coalition of Ride-Sharing Partners about safety concerns.¹⁰⁸
- **In the Russian Federation**, platform workers at Delivery Club¹⁰⁹ held a protest and organized a union called Courier¹¹⁰ in the beginning of June 2020. The messenger application Telegram¹¹¹ and the group Vkontakte played a crucial role in connecting all interested workers. Among other workers' demands were the abolition of the fine system, the reinstatement of previously dismissed couriers and obtaining employment classifications for all couriers.
- **In Spain**, protest movements were initiated by groups such as RidersxDerechos in July 2017¹¹² and FreeRiders. These new associations collaborate with existing unions, such as Intersindical Valenciana¹¹³ or Intersindical Alternativa Catalana,¹¹⁴ or the largest trade unions in Spain, the UGT and Comisiones Obreras. In March 2021 and prior to the enactment of the Riders Law, demonstrations were also organized by the Professional Association of Autonomous Riders and Repartidores Unidos to demand that the option to remain self-employed should be included in the new law.¹¹⁵ These self-employed riders' organizations advocated for self-employment of platform workers in order to give workers greater autonomy in organizing their work.¹¹⁶ After the enactment of the Riders Law and alleged non-compliance of some platform companies, demonstrations and strikes were called by the CCOO for riders to request their employment contracts.¹¹⁷
- **In South Africa** in 2021, Uber and Bolt drivers protested over pay and safety concerns, among other issues. The Private Public Transport Association reported that about 500 drivers participated in the protests.¹¹⁸ In December 2020 in response to a fare decrease, roughly 2,000 app-based delivery riders across Johannesburg collectively logged off the Uber Eats platform. In the end, the workers' demands were not met but the wide media coverage of the strike was seen as a success for workers (Webster and Mesikane 2021).

Box 16 analyses in more depth a concrete example from Ukraine with some typical characteristics of protests actions of delivery platform workers. In Ukraine, the first protests emerged in response to a reported reduction in pay and a deadly accident of a food courier driver in Kharkiv. Workers' protests were initially led by an ad hoc established temporarily informal group of workers and involved demonstrations in front of the premises of the platform company and collective log-offs by workers from the app. The organization of workers mainly took place online via messenger services.

► **Box 16: A closer look: Protests of delivery platform workers in Ukraine**

In Ukraine, a first large courier protests occurred in July 2019. A group of Glovo delivery workers organized a rally in front of the Glovo office in Kyiv, denouncing the precariousness of their labour and demanding the reversal of a recent shift in Glovo's bonus system that had led to a decrease of pay for the number of hours worked.¹¹⁹ More than 300 delivery workers were members of the online initiative group that emerged after the change in Glovo's policies in 2019.

¹⁰⁸ Business and Human Rights Resource Centre, "Nigeria: Uber & Bolt Drivers Protest Low Pay & Killings", 23 September 2021.

¹⁰⁹ Jointly owned by the Russian Federation's largest state bank, Sberbank, and one of its biggest internet companies, Mail.Ru.

¹¹⁰ Fred Weir, "As Food Delivery Booms in Russia, Couriers Try a Soviet-era Tactic: A Union", *Christian Science Monitor*, 26 January 2021.

¹¹¹ https://t.me/courier_fight.

¹¹² <https://www.ridersxderechos.org/>.

¹¹³ <https://intersindical.org/>.

¹¹⁴ <https://iac.cat/>.

¹¹⁵ Case study commissioned by the ILO in Spain.

¹¹⁶ NIUS, "Más de 2.000 'riders' reclaman al Gobierno poder elegir ser asalariado o autónomo", 3 March 2021.

¹¹⁷ Josep Catà Figuls, "Los repartidores en supermercados de Glovo van a la huelga para pedir contrataciones", 27 August 2021.

¹¹⁸ Ntando Thukwana, "Some Uber and Bolt Drivers Continue to Strike", *Business Insider South Africa*, 10 March 2021.

¹¹⁹ Bohdan Tytski, 2019. "Why Glovo Couriers Protest in Kyiv", 20 August 2019.

In addition to the reduction of the bonus system, the death of a 20-year-old Glovo courier in Kharkiv became one of the triggers for courier protests in 2019. The courier had an accident, which led to his death during working hours.¹²⁰ Couriers of Uber Eats and Glovo delivery services held a memorial action in Kyiv on 31 July 2019.¹²¹

Couriers' demands included: (a) revision of the bonus system; (b) insurance for each courier in case of a road accident or other accident during working time; (c) to stop blocking from the mobile app those couriers who protested against working conditions. The demand for employment relationships, the proper protection of delivery workers by the labour inspectorate (the State Labour Service in Ukraine) and tax services were on the protest agenda.¹²²

In 2020, several dozen delivery workers from the platform companies Glovo and Rocket held a rally in the centre of Odessa because of the "tightening of the screws" by the management – the wages of couriers were reported to have fallen by at least one third.¹²³

In October 2021, about 70 delivery riders for the platform company Bolt logged off their apps, protesting an alleged 50 per cent pay cut.¹²⁴ It is reported that platform workers turned off their apps at 2 p.m. on several days, making it difficult for the company to fulfil food orders. However, concrete improvements of working conditions as a result of the collective log-offs were not reported.¹²⁵

Protests beyond the ride-hailing and delivery sector

The majority of demonstrations, strikes and collective log-offs by workers are reported for app-based taxi drivers and delivery drivers in the platform economy. However, also beyond these sectors, workers have used protest actions to express grievances about wages and working conditions. Box 17 gives an example of protests by beauty workers on digital labour platforms in India.

▶ Box 17: Protests by beauty workers working on digital labour platforms in India

In India on 8 October 2021, more than 100 women beauty workers gathered outside the Urban Company head office in Gurgaon to protest against the exploitative conditions of work.¹²⁶ This may perhaps be the first widely-reported instance of beauty workers working on digital labour platforms organizing to take collective action in India. The workers complained about low wages, inadequate working conditions and the high commissions charged by the company.¹²⁷

Reportedly, Twitter has also been leveraged to display cross-sectoral solidarity among unions, organizers and activists, as was most recently witnessed when these actors were instrumental in amplifying the protest held by unaffiliated women beauty workers of the personal services platform Urban Company.¹²⁸

¹²⁰ ETF, "New Forms of Employment in the Eastern Partnership: Platform Work - Moldova", 2021.

¹²¹ <https://rev.org.ua/glovo-protest-globalizuyetsya-i-shukaye-novix-form/>

¹²² <https://www.facebook.com/VitaliyBear3/videos/2390841790954671/>

¹²³ <https://dumskaya.net/news/v-odesse-bastuyut-kurery-sluzhb-dostavki-glovo-i-125815/?setua=1>

¹²⁴ <https://twitter.com/TowardsFairWork/status/1443894739791753217>

¹²⁵ Case study commissioned by the ILO in Ukraine.

¹²⁶ Soumyarendra Barik, "Exclusive: Urban Company's Women Workers Strike against Alleged Exploitation", *Entrackr*, 8 October 2021.

¹²⁷ John Sarkar, *Women Workers Go on Strike at Urban Co*, *The Times of India*, 11 October 2021.

¹²⁸ Himanshi Dhawan, "How Workers Are Taking on Gig Giants, One Tweet at a Time", *The Times of India*, 17 October 2021.

The role of technology in protest actions

Several studies have shown the importance of social media groups and technology for the self-organization of workers or as a mean of already existing trade unions to reach out to workers in the platform economy (Aslam and Woodcock 2020; Maffie 2020; Rodríguez Fernández 2020). In many instances, newly established workers' organizations, already existing trade unions and workers themselves use messenger services such as WhatsApp and Telegram to organize and get in contact with a larger number of platform workers.

In interviews with trade union organizers and representatives of workers' associations, WhatsApp and Telegram groups were considered to be essential for uniting workers from platforms in the same area and to exchange information, concerns and hopes.¹²⁹ However, in addition to technological tools, interviewed trade union representatives considered that specific strategies for each sector were needed, such as going to a public square where tour guides work and waiting for them to finish work. This example shows the importance of traditional and basic trades union tasks and strategies for organizing workers in the platform economy.¹³⁰ As illustrated above, technology often plays a major role in organizing protest actions. However, protests are often not entirely conducted online but use traditional methods, such as in-person strikes and demonstrations.¹³¹

Box 18 illustrates the role of technology for protest actions, with concrete examples from different parts of the world.

► Box 18: Examples of the role of technology for protest actions

- **In Colombia** in 2020, platform workers established a union called Unidapp, which seeks to reach platform workers through an app that they plan to make available in online app stores. The trade union reports that it uses technology as an ally to grow its membership and better defend the rights of platform workers.¹³²
- **In India**, social media platforms have been used by workers to amplify in-person demonstrations. For example, while protesting against the amendments to the Motor Vehicles Act, workers in Tamil Nadu utilized techniques such as live-streaming of demonstrations.¹³³
- **In Ghana**, social media, specifically WhatsApp group platforms, were identified as the most critical resource used for organizing dispersed platform drivers (Akorsu forthcoming).
- **In Spain**, delivery drivers in Madrid and Barcelona have carried out spontaneous protests and demonstrations to achieve higher pay rates.¹³⁴ These protests were organized spontaneously by workers and not by trade unions or delivery drivers' associations. In response to the protests, Glovo agreed to meet with the Instagram account administrators, who helped spread the protests and removed negative rate multipliers and the penalty for incorrect facial recognition, in order to prevent accounts from being rented to another driver.¹³⁵
- **In the United Kingdom**, the United Private Hire Drivers, a branch of the Independent Workers Union of Great Britain, urged Uber customers not to cross a "digital picket line" as British drivers with the app-based service staged a coordinated national strike.¹³⁶

¹²⁹ For example, in the case study commissioned by the ILO in Spain.

¹³⁰ Case study commissioned by the ILO in Spain.

¹³¹ In addition, challenges stemming from technology and the use of algorithms in the management of labour may motivate protests by platform economy workers. These could involve automated account deactivations, non-transparent decision-making and pressure created by rating systems (Amorim and Moda 2020; Anwar and Graham 2020). However, the Leeds Index of Platform Labour Protest reports that issues around the operation of algorithms do not take the centre stage in most protests of workers in the platform economy (Bessa et al. 2022).

¹³² AIL, "Nace Unidapp, el Sindicato de los Trabajadores de Plataformas en Colombia", 8 October 2020.

¹³³ Case study commissioned by the ILO in India.

¹³⁴ Gessani Forner, "Riders de Glovo de Barcelona se plantan contra el algoritmo de subasta a la baja", *El Salto Twitch*, 18 August 2021.

¹³⁵ Case study commissioned by the ILO in Spain; interview with a member of RidersxDerechos.

¹³⁶ Ben Quinn, "Uber UK Strike: Users Urged Not to Cross 'Digital Picket Line'", *The Guardian*, 9 October 2018.

- **In the United States** in September 2021, the organization Gig Workers' Collective called upon customers who shop on the platform to boycott the grocery delivery app and apply pressure to improve conditions for workers. Using the hashtag #DeleteInstacart, workers attempted to pressure the company.¹³⁷

Challenges to organize workers' protests

The organization of workers' protests in the platform economy is subject to several challenges. Often the challenges stem from the dispersed labour market on labour platforms in which workers do not know each other personally (Johnston and Land-Kazlauskas 2018). Other challenges stemming from their classification as self-employed workers or independent contractors relate to the protection of workers when participating in protests (ILO 2021a). In some instances, platform companies are reported to have responded to workers' protests by penalizing workers by deactivating their accounts, denying the significance of protests and sending notices to workers to continue working during log-out periods, among others. In these cases, a lack of effective legal protections against the actions of platform companies' can be a deterrent against collective actions by workers in the platform economy (ILO 2021a).

Box 19 illustrates the challenges to organize protests due to the dispersion of workers and reported opposition and measures from platform companies in response to workers' protests, with examples from different regions of the world.

► Box 19: Challenges for organizing coordinated group actions in the platform economy

- **In Chile** in April 2020 in the city of Santiago, the group Riders United Now denounced the dismissal of about 50 workers after a public demonstration against a change in the income system and against anti-union dismissals due to demonstrations carried out in the middle of the COVID-19 pandemic.¹³⁸
- **In Germany** in October 2021, the Gorillas Workers Collective, a group of delivery workers, stated that almost the entire workforce of three striking warehouses had been terminated and alleged that this was supposed to create a chilling effect among workers.¹³⁹ The platform company confirmed that workers had been terminated for attending "unannounced" strikes as under German labour law, unannounced, non-unionized, spontaneous strikes were not permitted.
- **In Ghana**, platform workers interviewed expressed that due to their high workload they did not have time to go to additional meetings of workers' organizations and get involved in protests, even though they welcomed the associations in general (Akorsu forthcoming).
- **In Spain**, delivery drivers in Madrid and Barcelona have carried out spontaneous.
- **In Nigeria**, some Uber drivers interviewed said they did not know about strike actions. Others claimed they did not know the purported leaders and therefore could not have been expected to comply.¹⁴⁰
- **In Spain** in 2019, Glovo riders carried out several strikes demanding to be classified as employees, which led to the collapse of the service and apps in large cities. The platform responded by offering riders a bonus so that they would not support the strike and, in the most extreme cases, disconnected protesting riders from the application (Cordero Gordillo 2021).

¹³⁷ Lauren Kaori Gurley, "Instacart Workers Are Asking Users to #DeleteInstacart", *Vice.com*, 20 September 2021.

¹³⁸ Case study commissioned by the ILO in Chile.

¹³⁹ Gabriel Geiger, "Gorillas Delivery App Fires Workers for Striking", *Vice.com*, 5 October 2021.

¹⁴⁰ Case study commissioned by the ILO in Nigeria.

- **In Ukraine**, some interviewed platform workers noted that the sense of solidarity among platform workers is suppressed by the competition inherent in the business model of the platform economy.¹⁴¹

Litigation and public advocacy

The examples above illustrated demonstrations, strikes and collective log-offs by workers in the platform economy. In general, it was found that litigation is more frequent with regard to location-based platforms and less on online web-based platforms. In addition, trade unions and workers' organizations often pursue a multi-faceted strategy, including strategic or test case litigation and lobbying federal and state governments for increased regulation of the platform economy.

Litigation by trade unions and platform workers

In many countries, legal protections are linked to the legal question of "independent contractors vs. employees" and therefore strategic litigation by trade unions sometime focuses on the classification of workers. Also, already existing trade unions often provide legal advice or support the litigation efforts of platform workers' initiatives to organize in trade unions or works councils. The existing literature provides several comparative analyses of litigation taking place around the world involving digital labour platforms (Hiefl forthcoming; ILAW Network 2021; De Stefano et al. 2021a).

For example, the International Lawyers Assisting Workers (ILAW) Network (2021) provides a digest of key judicial decisions concerning digital platform, showing that trade unions were often directly or indirectly involved in litigation efforts (ILAW Network 2021). The support of trade unions in litigation efforts is often crucial as these may involve high costs and court proceedings about the classification of workers can take a long time in several countries.

It is not possible in the scope of this study to present an exhaustive overview of judicial decisions classifying workers in the platform economy (see also ILO 2022a). Moreover, as mentioned above, it is important to note that litigation is not a cost-neutral activity, nor is it quick and easy, which has led to diverging union strategies across countries. Particularly well institutionalized trade unions use the legal avenue to provide protections for workers in the platform economy in Europe and North America. In several countries this has resulted in a large number of court cases, while in other countries grass-root workers' organizations seemed to rely more on protest actions instead of legal actions.¹⁴² Moreover, all well-known cases on the classification of platform workers relate to the location-based platform economy and not to the online web-based platform economy. There is no unanimity of court decisions when it comes to classifying platform workers as either dependent workers or self-employed (ILO 2022a).

Box 20 gives examples of litigation efforts. It briefly summarizes well-known rulings from the United Kingdom and Brazil, and uses the examples of Spain and Ukraine to illustrate one of the general findings noted above – namely that in some countries there are large numbers of litigation efforts (e.g. Spain), while in other countries trade unions rely much less on court cases to access freedom of association and collective bargaining (e.g. Ukraine).

▶ **Box 20: Judicial decisions on the classification of workers in the platform economy in Spain and Ukraine**

- **In the United Kingdom**, the Supreme Court ruling on Uber drivers on 19 February 2021 found that app-based drivers are in a dependent relationship with Uber because Uber determines the payment they receive for their work, imposes the terms of the contract, penalizes refusal of services and restricts communication between customers and drivers (ILO 2022a).

¹⁴¹ Case study commissioned by the ILO in Ukraine; interviews with workers and experts.

¹⁴² See also Bessa et al. 2022.

- **In Brazil**, the High Court of Justice ruled the app-based drivers are self-employed because they provide their services on a casual basis, without a fixed schedule and do not receive a fixed wage¹⁴³
- **In Spain** as part of the union strategy, multiple lawsuits were filed against contract terminations (disconnections from the application by the company) requesting riders to be considered as direct employees and the terminations of the contracts to be deemed unfair dismissals. For their part, the platform companies challenged in the courts the reports of the Inspectorate¹⁴⁴ or the Treasury's report on riders' classification as employees. The majority of rulings were in favour of riders' being considered direct employees,¹⁴⁵ although some endorsed their consideration as economically dependent autonomous workers¹⁴⁶.
- By contrast **in Ukraine**, a case study commissioned by the ILO did not identify any relevant cases in the platform economy concerning the classification of workers in the country (September 2021).

The Leeds Index of Platform Labour Protest reports that a significant number of protest actions (15.3 per cent of all reported protests) involve litigation by trade unions and platform workers (Bessa et al. 2022). In particular, trade unions in North America, Europe and Central Asia support workers litigating against platform companies, challenging the classification of self-employed platform workers or seeking formal recognition of trade unions, and they protect other forms of protest (Bessa et al. 2022). However, also in other regions of the world, trade unions and workers' organizations have started to use litigation to defend their interests and protect unionization efforts (see Box 21).

► **Box 21: Litigation by trade unions in Chile and Uruguay**

- **In Chile**, the workers' organization Riders Unidos Ya sued the platform with the support of the CUT¹⁴⁷ and filed for the first time in the country a complaint about alleged anti-unionism when organizing app-based delivery workers. Two class action lawsuits were filed. One ended in conciliation and the second in the Court of Appeal after having been rejected by the labour court.
- **In Uruguay** in 2018, the ACUA sued the platform company Uber for recognition of the employment relationship.¹⁴⁸

¹⁴³ Judgment of the High Court of Justice of Brazil concerning Uber drivers, 28 August 2019.

¹⁴⁴ Records of the Inspecció de Treball de València of 19 December 2017 (Reference No. 462017008125108), of Madrid of 25 January 2018 (Debt Settlement Record No. 282017008267948) or of Barcelona of 2 July 2018.

¹⁴⁵ Among others, rulings from Labour Chamber No. 6 of Valencia of 1 June 2018 (Roj2892/2019) and 10 June 2019 (Roj2892/2019); ruling from Labour Chamber No. 11 of Barcelona of 29 May 2018 (Roj 2390/2018); ruling from Labour Chamber No. 1 of Gijón 20 February 2019 (Roj280/2019); ruling from Labour Chamber No. 31 of Barcelona of 11 June 2019 (Roj 2253/2019); ruling from Labour Chamber No. 31 of Barcelona of 18 November 2020 (Roj 5102/2020); ruling from Labour Chamber No. 24 of Barcelona of 18 November 2020 (Roj 5102/2020); ruling from Labour Chamber of Barcelona of 18 November 2020 (Roj 5102/2020); ruling from Labour Chamber No. 31 of Barcelona of 11 June 2019 (Roj2253/2019); ruling from Labour Chamber No. 24 of Barcelona of 18 November 2020 (Roj5102/2020); ruling from Labour Chamber No. 33 of Madrid of 11 February 2019 (Roj279/2019); ruling from Labour Chamber No. 2 of Zaragoza of 27 April 2020 (Roj 279/2019); ruling from Labour Chamber No. 2 of Zaragoza 27 April 2020 (5102/2020); Judgment of the Labour Chamber No. 1 of Gijón 20 February 2019 (Roj 280/2019). ruling from Labour Chamber No. 2 of Zaragoza of 27 April 2020 (Roj 31/2020); ruling from the High Court of Justice of Asturias of 25 July 2019 (Appeal No. 0001143/201); ruling from the High Court of Justice of Madrid of 27 November and 18 December 2019 (Appeal No. 588/2019 and 714/2019) and 17 January 2020 (Appeal No. 1323/2019); ruling from the High Court of Justice of Madrid of 27 November and 18 December 2019 (Appeal No. 588/2019 and 714/2019) and 17 January 2020 (Appeal No.1323/2019); ruling from the High Court of Justice of Catalonia of 7 and 12 May, 11 June and 22 September 2020 (Appeal Nos. 5647/2019, 6774/2019, 599/2020, 899/2020); and ruling from the High Court of Justice of Castilla y León/Valladolid of 17 February 2020 (Appeal No. 2253/2019).

¹⁴⁶ Among others, ruling from Labour Chamber No. 39 of Madrid of 3 September 2018 (Roj3042/2018); ruling from Labour Chamber No. 17 of Madrid of 11 January 2019 (Roj 269/2019); ruling from Labour Chamber No. 24 of Barcelona of 21 May 2019 (Roj 2931/2019); ruling from Labour Chamber No. 1 of Salamanca of 14 June 2019 (Roj 2893/2019); and ruling from the High Court of Justice of Madrid of 19 September 2019 (Appeal No. 715/2019).

¹⁴⁷ The Central Unitaria de Trabajadores is the most representative trade union confederation in the country.

¹⁴⁸ Mesa, 13 November 2019.

Trade unions may also support individual platform workers in legal matters beyond the classification of workers. Box 22 gives examples relating to claims against insurances, the entitlement to work equipment, and the use and functioning of digital tools on the apps.

▶ **Box 22: Examples of union litigation beyond the employment classification**

- **In Australia**, the TWU supported the family of a deceased Uber Eats rider to pursue a claim against Uber and the New South Wales workers' compensation insurer iCare.¹⁴⁹
- **In Germany**, the trade union NGG supported the litigation of two delivery platform workers. The court found the delivery workers were entitled to receive a mobile phone and a bicycle paid for by the company. The platform company has appealed the ruling.¹⁵⁰
- **In India** in September 2021, the IFAT filed a public interest litigation in the Supreme Court of India seeking social security benefits for app-based transport and delivery workers.¹⁵¹
- **In Italy** in December 2020, a court in Bologna ruled that the algorithm used by a digital labour platform was discriminatory since it generates disadvantageous effects without taking due account of the differences among diverse cases (ILO 2022a). Upon returning from a period of absence for various reasons (health problems, commitments related to the care of family members or collective action), workers would be automatically downgraded by the algorithm. The case was promoted by the most representative Italian labour union CGIL.
- **In the United Kingdom**, the App Drivers & Couriers Union (ADCU) and Worker Info Exchange have launched legal action against Uber over the unfair dismissal of a driver and a courier after the company's facial recognition system failed to identify them. Research found that facial recognition software does not work as well for people of colour and could fail to recognize them. The Independent Workers' Union of Great Britain claims that at least 35 other drivers had their registration with Uber terminated as a result of alleged mistakes with the software.¹⁵²

Advocacy by trade unions and platform workers to achieve regulatory change

In addition to strategic and test case litigation, trade unions and workers' organizations often pursue public advocacy strategies, for example by engaging with the media or in regulatory initiatives. Workers' organizations may lobby governments on different levels to adopt new regulatory initiatives (ILO 2021a). Box 23 illustrates the advocacy efforts of workers' organizations, with concrete country examples.

▶ **Box 23: Advocacy by trade unions and platform workers to achieve regulatory change**

- **In Australia**, the RSDAA¹⁵³ is an online, membership-based advocacy group for ride-share drivers that focuses mostly on lobbying and making submissions to government bodies and providing various forms of advice and assistance to drivers.¹⁵⁴
- **In Costa Rica**, an app-based drivers' association proposed to install an independent administrative body for dispute settlement between app companies and drivers. The association was attempting to incorporate this proposition into Costa Rican legislation (ILO 2021a).
- **In Chile**, interviewed representatives of regulators report that during the ongoing legislative process to enact a bill regulating work on digital platforms that originated in the Senate, they have

¹⁴⁹ Stephanie Palmer-Derrien, "Family of Killed Uber Eats Rider Files Workers' Comp Claim, in What Could Be a Landmark Test Case for the Gig Economy", *Smart Company*, 10 December 2020.

¹⁵⁰ *Hessisches Landesarbeitsgericht*, 14 Sa 306/20 und 14 Sa 1158/20.

¹⁵¹ Yatti Soni, "Indian Federation of App-based Transport Workers files PIL seeking social security benefits", *Business Line*, 22 September 2021.

¹⁵² Robert Booth, "Ex-Uber Driver Takes Legal Action Over 'Racist' Face-Recognition Software", *The Guardian*, 5 October 2021.

¹⁵³ <https://rsdaa.org.au/>

¹⁵⁴ Case study commissioned by the ILO in Australia.

been in contact with some associations of platform workers in order to hear their requirements and proposals for improvement to the regulation. For example, this includes the Guild of Drivers of APP Concepción and Chillan (Grecco), the Cornershop Union and ACUA Chile.¹⁵⁵

- **In Ghana**, the National Alliance of Digital Drivers Union–Ghana tries to give a voice to platform workers and called on the Government and parliament to revise Ghana’s labour laws to cover the new forms of work in the digital platform economy.¹⁵⁶
- **In the Republic of Korea**, the Economic, Social and Labour Council provides a forum for representatives of workers, employers and the Government to engage in dialogue. The Council has set up multiple committees dealing with issues regarding digital platforms, including the Committee on the Digital Transformation and Future of Work (ILO 2021 a).
- **In the United States**, platform workers formed in reaction to the pandemic Los Deliveristas Unidos, which is said to be made up of thousands of food delivery drivers who have staged rallies and lobbied the New York City council for greater rights and protections.¹⁵⁷

Public advocacy of workers’ organizations often highlights the working conditions of the transport and food delivery sectors of the platform economy. However, several advocacy initiatives also go beyond these sectors. Digital platform enterprises are increasingly gaining importance in the provision of domestic and care work (ILO 2021 b). Worldwide, the number of such enterprises active in the domestic and care sector grew from 28 platforms in 2010 to 224 platforms in 2020 (ILO 2021 b). In response, for example in Australia, trade unions have used the Victorian On-Demand Inquiry for advocacy and made submissions on the impact of digital platforms on the wages and conditions of workers in the caring industries (see Box 24).

► **Box 24: A closer look: Unions in the care sector engaging in the Victorian On-Demand Inquiry in Australia**¹⁵⁸

In Australia, the Victorian On-Demand Inquiry focused closely on, and compared, two personal care service platforms – HireUp, a registered National Disability Insurance Scheme (NDIS) provider (meaning it can offer any services to all NDIS participants); and Mable, a non-registered provider (which can offer services to self-managed and plan-managed participants in the NDIS). Mable facilitates the engagement of care workers as independent contractors by the client, whereas HireUp directly employs workers as casual employees under the Social, Community, Home Care and Disability Services Industry Award 2010 (James 2020; the Senate, Select Committee on Job Security 2021). Platforms operating in the care sector typically adopt many technological systems for monitoring workers’ performance and service quality of a kind that are ubiquitous in ride-share and food-delivery systems, including customer ratings, reviews, rankings and even financial penalties (Flanagan 2019; Macdonald 2021).

Four unions – Australian Nursing and Midwifery Federation (ANMF), Australian Services Union (ASU), Health and Community Services Union (HACSU) and United Workers Union (UWU) – have coverage of personal care workers; all of them have engaged in advocacy and made submissions to government inquiries on the impact of digital platforms on the wages and conditions of workers in the caring industries. HACSU told the Victorian On-Demand Inquiry that the pay rates of Mable workers, factoring in the non-payment of superannuation or casual loading for these independent contractors, are below the legal minimum rates for personal care or nursing work (James 2020). The Inquiry identified health and safety risks for workers engaged through care platforms that are not employment-based, including risks arising from entering private homes in circumstances in which workers

¹⁵⁵ Case study commissioned by the ILO in Chile; expert interviews.

¹⁵⁶ *Cedi Dollar*, “Gig Economy Platforms’ Create about 100,000 Jobs – Report”, 6 December 2021.

¹⁵⁷ David J. Pryzbyski, “Giggity Giggity: Gig Economy Workers Launch Unionization Effort”, 6 August 2021, *btlaw.com*.

¹⁵⁸ There has been an emergence in recent years of digital platforms matching workers to households, such as UberCare and Better Caring, which specialize in personal care of the ageing; Mynder and Find-A-Babysitter, which focus on babysitting and nannying; and Care.com, a US-based global platform operating in over 20 countries that brokers a range of domestic and care services in Australia (Flanagan 2019).

are responsible for their own safety (James 2020; the Senate, Select Committee on Job Security 2021, examining Mable's attempt through its contractual documentation to displace responsibility under WHS regulations). Both ANMF and UJU indicated in evidence to the Senate Inquiry into Job Security that engagement via platforms (and labour hire firms) in the personal care sector resulted in workers routinely working excessive hours, often at multiple sites (the Senate, Select Committee on Job Security 2021). UJU also maintains that "[a] long history of undervaluing feminized industries has ... contributed to platform economy encroachment" in the fast-growing personal care services sector in Australia (UJU 2020, p. 54).

ASU, HACSU and UJU are engaged in ongoing processes in the Fair Work Commission (FWC) relating to adjustments of the Social, Community, Home Care and Disability Services Industry Award (including resisting efforts by business groups representing for-profit providers to erode working conditions, such as provisions in the award regulating working time) (Macdonald 2021). However, unions have not engaged in collective bargaining on behalf of platform-based workers in the caring industries, reflecting lower levels of formalized enterprise bargaining in the social and community services sector generally as well as the dispersed nature of the workforce (Macdonald 2021).

Initiatives by digital labour platforms, self-employed platform workers creating entrepreneurial organizations and advocacy by employers' organizations

This section describes how employers' organizations give a voice to platform companies and reach out to employees, freelance workers and independent contractors. Some independent contractors in the platform economy have also self-organized in entrepreneurial associations. The case studies commissioned for this working paper surveyed the selected countries for initiatives by employers' organizations relating to the platform economy. The identified country examples are included in this section and are supplemented by initiatives of employers' organizations and digital labour platforms that were identified in a literature review.

In general, platform companies tend to regulate unilaterally through the terms and conditions that they apply to their self-employed workers or independent contractors (ILO 2021a). However, some individual platform companies pledge to engage in dialogue with workers' organizations and informal groups of workers or to unilaterally improve working conditions (see Box 30). Other platform companies have decided to join national employers' organizations (Hauben, Kahancova and Manoudi 2021) or create new employers' organizations (ILO 2022a). Independent contractors or self-employed workers may also decide to join entrepreneurial associations or employers' organizations (IOE 2019).

Box 25 gives examples of self-employed platform workers and platform companies joining or creating associations.

► Box 25: Self-employed platform workers and platform companies joining employers' organizations or creating associations

- **In Chile**, the ACUA has characteristics close to micro-entrepreneurship or self-employment.¹⁵⁹
- **In Germany**, the Deutscher CrowdSourcing Verband¹⁶⁰ serves as an example of the creation of platform-specific business organizations to defend "employer" interests (ILO 2022a).
- **In Italy** in 2018, a group of food-delivery platform companies established a new employers' organization, AssoDelivery,¹⁶¹ to negotiate with the Government and workers' organizations (IOE 2019).

¹⁵⁹ <https://de-de.facebook.com/groups/188425622032569/about/>

¹⁶⁰ <https://www.crowdsourcingverband.de>

¹⁶¹ <https://assodelivery.it/>

- **In Kenya** in 2019, the OPWAK was founded.¹⁶² It is reported that its members identify themselves mostly as small businesses or freelancers.
- **In Slovakia**, Uber has become a member of the National Union of Employers and the professional association of information technology companies (IOE 2019).
- **In Spain**, many platform companies became members of Sharing España, a group created within the Spanish Association of the Digital Economy (Adigital)¹⁶³ that brings together different companies from the collaborative, on-demand and access economy, with the aim of analysing and disseminating the impact that these new economies and platform-based models have on socio-economic development and sustainability.

Also, some other organizations are not specific to platform work but are relevant to freelance workers in general. This includes, for example, UNIZO¹⁶⁴ in Belgium, FNAE¹⁶⁵ in France, IPSE¹⁶⁶ in the United Kingdom and the Freelancers Union¹⁶⁷ in the United States. Freelancers on digital labour platforms may decide to join these or similar organizations in order to organize and benefit from their membership services.

The action roles of employers' organizations often include the public defence of the platforms' contracting model. Some platform companies may resort to courts for ensuring the independent contractor classification of platform economy workers. In Spain, several platform companies voiced their preference of classifying workers as self-employed in the field of digital delivery platforms in response to the regulatory reform of Law 12/2021, which introduced a rebuttable presumption of an employment relationship for delivery riders (Box 26).

► **Box 26: Reactions of employers' organizations and individual platforms to the Riders Law in Spain**

In Spain, the employers' organizations CEOE and CEPYME participated in a social dialogue round table in which they agreed on the content of Law 12/2021 that includes a presumption of an employment relationship in the field of digital delivery platforms (see Ch. 3 for more details). In response, one of the Spanish delivery companies (Glovo) announced its exit from the Spanish employers' organization CEOE because that agreement was reached through social dialogue. Also, the Asociación de Plataformas de Servicios bajo demanda, an association of the main food delivery platforms in Spain, issued a statement regretting the approval of the regulation.¹⁶⁸

In the location-based platform economy, the majority of platform companies express a strict preference for self-employed and independent delivery drivers, but at the same time some companies engage in dialogue with workers' organizations and informal groups of workers. Box 27 presents the opinions voiced in interviews with representatives of platform companies based on an analysis of the publicly available statements of platforms in Chile.

► **Box 27: Expert interviews and opinions voiced publicly by representatives of platform companies in Chile**

In Chile,¹⁶⁹ interviews with representatives of platform companies showed that some of them were aware of workers' organizations or social media groups in the platform economy in general or even

¹⁶² <https://www.opwak.or.ke/>

¹⁶³ <https://www.adigital.org/>.

¹⁶⁴ <https://www.unizo.be/>

¹⁶⁵ <https://www.federation-auto-entrepreneur.fr/fondamentaux-priorites-fnae>

¹⁶⁶ <https://www.ipse.co.uk/>

¹⁶⁷ <https://www.freelancersunion.org/>

¹⁶⁸ <https://www.indisa.es/al-dia/comunicado-asociacion-plataformas-servicios-bajo-demanda-aps-ley>

¹⁶⁹ Case study commissioned by the ILO in Chile; interviews with representatives of platform companies and analysis of publicly available statements.

of groups relating specifically to their platform company. Most representatives of platform companies expressed a strict preference for self-employed and independent delivery drivers. At the same time, some platform representatives reported that they had approached workers' organizations and had a permanent informal relationship with them, for example in order to collaboratively improve working conditions by establishing accident insurance schemes. Other representatives of platform companies reported that they had no knowledge of relevant workers' organizations or social media groups relating to their platform.

In addition, employers' organizations and platform companies often stress the advantages of flexibility and income-generation opportunities through platform work.¹⁷⁰

► **Box 28: Advocacy by employers' organizations**

In Australia, major employer/business groups (e.g., Australian Industry Group, Australian Chamber of Commerce and Industry) have consistently argued against any regulation of the platform economy, emphasizing its flexibility and opportunities for entrepreneurial endeavour (AiGroup Workforce Development 2016; James 2020). They also point out that platform work provides opportunities to participate in the labour market for certain groups that might not otherwise be able to do so, such as younger workers seeking to balance work and study commitments (James 2020). The AiGroup offers representative services to platform operators, including advocacy on policy issues,¹⁷¹ and in 2021 coordinated the development of the National Safety Principles for Food Delivery Platforms, which was signed by Deliveroo, DoorDash, Hungry Panda, Menulog and Uber Eats.¹⁷²

Platform companies have maintained similar positions to those of the key business organizations in public debates, supported by the view of the Australian Minister for Industrial Relations that regulatory intervention in the platform economy would stifle innovation.¹⁷³ Deliveroo has contended that if its riders were reclassified as employees, the demand for food delivery work would fall as it would no longer be as flexible and therefore attractive to workers (Deliveroo n.d.).

Platform companies engaged in improving working conditions or pledging decent pay

Some individual platform companies reached out to trade unions and engaged to improve working conditions. In Australia, one form of employer-union dialogue has occurred in the context of an application by the food delivery platform Menulog for the creation of a new modern award by the Fair Work Commission (for a discussion of the role of the platform company Just Eat Takeaway.com of which Menulog is a subsidiary, see Ch. 3).

Box 29 describes in detail the process and the statements made by the platform company Menulog during the award application at the Fair Work Commission in Australia (October 2021).

¹⁷⁰ See, for example, <https://www.adigital.org/adigital/plataformas-digitales-delivery-708-millones-euros-pib-espanol/>

¹⁷¹ <https://www.aigroup.com.au/sectors-and-advocacy/gig-platform/>

¹⁷² A self-regulatory response to the increasing incidence of rider deaths, the Principles concluded with the following statement, clearly intended to ensure that any measures taken by the platforms to enhance rider safety would not imperil the platforms' contracting model: "In committing to these principles it is acknowledged that food delivery workers greatly value the flexibility of operating in the food delivery sector, including the freedom to choose when and where they work, how long they work, or to not work when it doesn't suit their personal circumstances. When working, they can log onto multiple food delivery platforms at any one time and can choose to accept or reject orders at any stage of the delivery process, including unassigning themselves from an order if they feel unsafe. In some circumstances they can delegate their account to others and enter into commercial arrangements for this purpose. It is not intended that the implementation of these Principles will compromise the benefits food delivery workers derive from these flexible arrangements."

¹⁷³ Marion Rae, "Insecure Work Doesn't Exist For Lawmakers In Australia", *Zenger*, 1 June 2021.

► **Box 29: The platform company Menulog (Just Eat Takeaway.com) applied to the Fair Work Commission seeking the creation of a new on-demand delivery services industry award in Australia**

In Australia, Menulog commenced a trial of the direct employment of some of its riders in June 2021 under the terms of the Miscellaneous Award¹⁷⁴ 2020, which applies to employers and employees covered by the Fair Work Act who are not covered by any other modern award.¹⁷⁵ The trial commenced with about 10 Sydney-based riders; Menulog is aiming to increase this to 100, working mostly four-hour shifts, supplying their own e-bikes (with a maintenance allowance) and equipped with Menulog-provided high visibility uniforms (Workplace Express 2021a; Bonyhady 2021).¹⁷⁶ The platform's Managing Director explained that this shift in approach was grounded in the need to align its position with that of its new European parent company, Just Eat Takeaway.com. He stated that the company complies with workplace laws but could go further:

"We are committed to the safety of our couriers, providing them with insurance cover and a fair income. We owe it to our couriers to help enhance their life standards and as such, we have begun looking at how we can improve the way we operate and, as part of this, how we can roll out an employee model in Australia. ... [W]e intend to investigate avenues for employment by making an application for a new modern award with the Fair Work Commission and consulting with key stakeholders." (Workplace Express 2021b)¹⁷⁷

Menulog has engaged in consultation over the proposed award with the TWU, "which it recognizes as the employee organization representing the interests of couriers working in the On-Demand Industry" (Workplace Express 2021b, para. 11). The TWU welcomed Menulog's initiative, calling it "a watershed moment for the platform economy in Australia" and pledging to work with the platform "on this important trial which will challenge the myth that flexibility and fairness are at odds".¹⁷⁸ In late June 2021, as its direct employment trial began, Menulog formally applied to the FWC, seeking the creation of a new On-Demand Delivery Services Industry Award.¹⁷⁹ The creation of new modern awards under the Fair Work Act is quite exceptional. Among other factors, the FWC must be satisfied that creating an award would further the "modern awards objective" (section 134) including the provision of fair and relevant minimum employment conditions based on the needs of the low-paid, social inclusion through workforce participation, flexible work practices, the efficiency and productivity of businesses and national economic performance. Section 163 is also relevant, in particular the stipulation in section 163(2) that "[t]he FWC must not make a modern award covering certain employers or employees unless the FWC has considered whether it should, instead, make a determination varying an existing modern award to cover them".

¹⁷⁴ Awards (modern awards) are legal documents that outline the minimum pay rates and conditions of employment and cover most people who work in Australia. For the full list of 122 modern awards that apply to employers and employees based on industry or occupational delineations, see Australia, Fair Work Commission, "Find an Award". Unions and employers' organizations do not have a formal status as co-determinants of the industry awards; they can make submissions stating their views but have no direct role in their determination."

¹⁷⁵ Unions and employers' organizations do not have a formal status as co-determinants of the industry awards; they can make submissions stating their views but have no direct role in their determination.

¹⁷⁶ Other examples of platforms utilizing a direct employment model include Sidekicker, which places casual staff in the hospitality sector, and Hireup in the disability care sector; see James (2020).

¹⁷⁷ See also Mr Belling's evidence to the the Senate, Select Committee on Job Security 2021, pp. 150–151 (including his statements that Menulog wishes "to go for what we believe is the highest moral standard, which is employment" and that it hopes to have *all* of its workers employed "in a few years' time").

¹⁷⁸ TWU, "TWU Welcomes Menulog Trial to Reclassify Riders and Give Them Rights", 12 April 2021.

¹⁷⁹ The application and all other documents relating to this case, including submissions from interested parties and Menulog's draft On-Demand Delivery Services Industry Award, are accessible at: <https://www.fwc.gov.au/cases-decisions-orders/major-cases/proposed-demand-delivery-services-award>. The "on-demand delivery services industry" as defined by Menulog is "the collection and delivery of food, beverages, goods or any other item ... ordered by a consumer from third party businesses" offering those goods etc. "for immediate collection and delivery on an online or application-based platform, provided that: (a) the collection and delivery is not of the employer's own food, beverages, goods or other items offered by it for sale; and (b) the employer is not in the primary business of providing general transport or delivery services at large of food, beverages, goods or any other item that has not been purchased on its online platform" (draft award, clause 4.2). This definition, if included in an on-demand delivery services industry award by the FWC as a result of this case, would mean that all on-demand delivery platforms would be covered by the modern award, although platforms other than Menulog would dispute its application to their operations on the basis of their position that they are not "employers" and do not have any drivers/riders engaged as "employees".

The FWC Full Bench has since received written submissions from Menulog, the TWU, employer/industry associations, the Victorian Government and academics. In its submission, the TWU argued that the work performed by transport workers in on-demand delivery services is the collection, transport and delivery of consumable products; the nature of this task is not altered by the fact that an online system or platform is used in this process; the performance of this work is covered by the Road Transport and Distribution Award; therefore, the FWC will need to be satisfied that the award does not meet the modern awards objective (including by not setting appropriate standards for the on-demand delivery sector) before creating any new award.

The Menulog case will be a significant test of the capacity of the award system to be used to address, through tailored regulation, the particular circumstances of the platform economy/platform work (although the application of any resulting award will still have to overcome the hurdle imposed by the assumption of a contractor classification imposed by the vast majority of platforms). Menulog's application is also important in demonstrating an example of platform willingness to engage with unions about the regulation of platform work. However, Menulog's relationship with the TWU will be tested as the case proceeds, given the union's position that Menulog has not yet clearly demonstrated the need for a new award specifically designed for on-demand delivery services.

On 28 January 2022, the FWC ruled against the creation of the new award and held that the Road Transport Award, which governs many truck drivers, applies to app-based food delivery drivers. However, Menulog may still try to convince the FWC that a new industry award would work better than Road Transport Award. Alternatively, the platform company may negotiate with the TWU on other changes.¹⁸⁰

Other platform companies have made pledges to engage with workers' representatives or to pay a living wage or to guarantee reasonable pay and fees for their workers (see Box 30).

▶ **Box 30: Platform companies' pledges for a living wage, reasonable pay or to engage in collective bargaining**

- **In Georgia and Morocco**, the delivery platform Glovo will start rolling out the Couriers Pledge¹⁸¹ in collaboration with the FairWork Foundation.¹⁸² The company has announced that it will pay all workers a living wage, as well as other policies to improve working conditions that were suggested by the FairWork Foundation. Glovo intends to eventually implement its pledge in all countries where it is active.¹⁸³
- **In South Africa**, the domestic service platform SweepSouth has made a commitment to recognize and negotiate with a collective body of its workers. The FairWork Foundation calls this a significant step by an important industry player in recognizing platform workers' fundamental right to freedom of association and bargaining, irrespective of their classification.¹⁸⁴
- **The World Economic Forum Charter of Principles for Good Platform Work** was signed by prominent digital labour platforms, including Cabify, Uber, Deliveroo and Grab.¹⁸⁵ The Charter of Principles commits the platforms to diversity and inclusion; safety and well-being; flexibility and fair conditions; reasonable pay and fees; social protection; learning and development; voice and participation; and ensuring that fairness and non-discrimination are a priority in the design of algorithms.

¹⁸⁰ Stevens & Associates, "New Modern Award Not on the MENU for Menulog", blog.

¹⁸¹ <https://www.thecourierspledge.com/>

¹⁸² The FairWork Foundation is based at the Oxford Internet Institute and the WZB Berlin Social Science Centre. Through its global network of researchers, it evaluates and ranks the working conditions of digital platforms.

¹⁸³ *Fairwork Newsletter*, November 2021.

¹⁸⁴ Fairwork, "SweepSouth (South Africa)"; and *Fairwork Newsletter*, November 2021.

¹⁸⁵ See World Economic Forum, "Charter of Principles for Good Platform Work", 17 January 2020.

▶ 3 Collective bargaining in the platform economy¹⁸⁶

Key findings

First group of CBAs in the platform economy

- ▶ While the number of CBAs remains limited, a trend can be observed towards the increased conclusion of CBAs in the platform economy.
- ▶ Overall, 11 CBAs have been identified in eight countries in a literature review and the national case studies (see Figure 7).
- ▶ All identified CBAs apply to workers in an employment relationship and most CBAs were concluded in the food-delivery sector in Europe.
- ▶ All identified collective agreements address location-based platform work.

Most CBAs are very recent and were concluded on the enterprise level with specific platforms

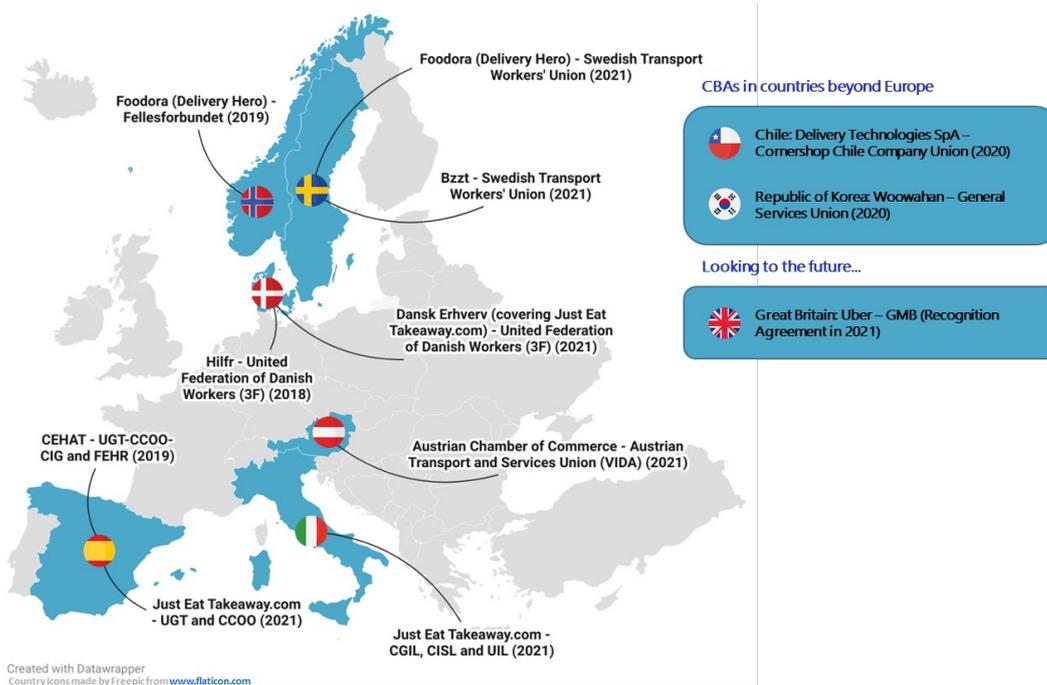
- ▶ Many of the agreements are of an experimental nature, seeking to address the specificities of the platform economy, and are still in the process of implementation.
- ▶ Most collective agreements are at the enterprise level and signed by individual digital labour platforms. In addition, first sectoral agreements are being negotiated.

For the majority of identified CBAs, the original texts were collected and analysed for this study

- ▶ All CBAs regulate working time and include provisions on hourly wages and incentive-based payment structures.
- ▶ Most CBAs entitle employees to receive adequate work equipment, such as bicycle helmets and rain jackets.
- ▶ Most CBAs address trade union rights and responsibilities and establish grievance mechanisms.
- ▶ Few agreements include specific provisions addressing the utilization of algorithms in the management of activities and labour.

¹⁸⁶ This chapter builds on a background study by Anna Ilsøe (University of Copenhagen), who also reviewed the full draft of the chapter.

► **Figure 7: Collective agreements in the platform and gig economy (January 2022)**



►► *Table 1 gives an overview of the agreements, indicating the contracting parties, the level of negotiations (enterprise or sectoral level) and the status of the agreement (duration and implementation status).*

One of the first collective agreements (CBAs) negotiated between a digital labour platform and a trade union was the so-called “Hilfr agreement” concluded between the United Federation of Danish Workers (3F) and the Danish platform Hilfr in 2018 (Ilsøe and Larsen 2021). While the overall number of CBAs was at a low level as of September 2021, a trend can be observed towards the increased conclusion of CBAs in the platform economy in recent years. Research for this study identified 11 CBAs in the platform economy that are currently in force in eight countries (in Austria, Chile, Denmark, Italy, Norway, the Republic of Korea, Spain and Sweden).

Looking ahead, Uber enabled potential future collective negotiations by signing a recognition agreement in Great Britain in 2021, in which it recognized the trade union GMB as the representative organization for Uber drivers in the country.¹⁸⁷ In Germany in 2021, the delivery platform company Lieferando and the trade union NGG were reported to discuss negotiating a collective agreement (Fairwork 2021). These examples indicate a continuous trend towards an increased conclusion of CBAs in the platform economy in the coming years.

¹⁸⁷ GMB, “Uber and GMB Strike Historic Union Deal for 70,000 UK Drivers”, 26 May 2021.

▶ **Table 1: CBAs in the location-based platform economy (January 2022)**

Country	Year	Parties	Sector	Level	Status
 Denmark	2018	Hilfr - United Federation of Danish Workers (3F)	Cleaning	Company	Under re-negotiations
 Spain	2019	CEHAT-FEHR - UGT-CCOO-CIG	Hotel and catering (food delivery)	Sectoral	extended to 2021
 Norway	2019	Foodora (Delivery Hero) - Fellesforbundet	Food delivery	Company & Sectoral	2020-22
 Chile	2020	Delivery Technologies SpA - Cornershop Chile Company Union	Food delivery (supermarkets)	Company	2020-22
 Republic of Korea	2020	Woowahan - General Services Union	Food delivery	Company	2020-22
 Austria	2021	Austrian Chamber of Commerce - Austrian Transport and Services Union (vida)	Food delivery	Sectoral	2021-
 Sweden	2021	Foodora (Delivery Hero) - Swedish Transport Workers' Union	Food delivery	Company & Sectoral	2021-2023 (implementation during 2021)
 Italy	2021	Just Eat Takeaway.com - CGIL, CISL and UIL	Food delivery	Company & Sectoral	2021-2024 (implementation during 2021)
 Sweden	2021	Bzzt - Swedish Transport Workers' Union	Taxi transport	Company & Sectoral	2021-23
 Denmark	2021	Dansk Erhverv (covering Just Eat Takeaway.com) - United Federation of Danish Workers (3F)	Food delivery	Sectoral	2021-23 (implementation during 2021)
 Spain	2021	Just Eat Takeaway.com and UGT & CCOO	Food delivery	Company	2021-

Created with Datawrapper

A first group of collective agreements in the platform economy

This chapter presents the basic characteristics of the CBAs identified in the location-based platform economy (see Box 31). It is important to note that all the CBAs identified apply to workers on digital labour platforms with an employment relationship and not to self-employed workers. The CBAs identified also address geographically localized work (on-demand work via apps) and do not address work on online web-based platforms (which could span geographies and legal jurisdictions). Most of the collective agreements were concluded between trade unions and individual platforms in Europe, mostly in the food-delivery sector. In some instances, existing sectoral agreements have been extended to cover some groups of platform workers (for example in Spain) or sectoral agreements were negotiated for delivery platform workers (for example in Austria and Denmark). For most of the identified CBAs, the original texts were collected, translated and analysed for this study.

► **Box 31: Characteristics of CBAs in the location-based platform economy**

Scope of application: The CBAs identified apply to employees and not to self-employed workers in the location-based platform economy. However, it is important to note that the majority of platform workers do not work as employees but as independent contractors. Therefore, most platform workers do not fall under the scope of application of the CBAs identified. A few of them were intended to apply to self-employed workers in the platform economy, but those have either been retracted or their application has been contested in labour courts (for more details, see the section below entitled “Collective agreements for self-employed workers in the platform economy?”). In addition, a union recognition agreement was concluded on behalf of workers who represent a subset of self-employed persons in the United Kingdom.

Content analysis of CBAs: All the CBAs identified regulate working time (for example, daily and weekly working hours, advance notice periods and rest periods) and include provisions on hourly wages or incentive-based payment structures. In addition, most agreements entitle employees to receive adequate work clothing and some agreements include specific provisions addressing the monitoring or tracking of smartphones or other digital devices. Most of the CBAs identified also address the rights and responsibilities of trade unions and workers’ representatives and establish grievance mechanisms. This may include provisions on the election of trade union representatives, training courses for elected trade union representatives and the rights of posting and assembly, which may also be exercised in digital mode.

Characteristics of CBAs covering location-based digital labour platforms

Experimental nature of CBAs

The CBAs analysed belong to a “first group of CBAs”¹⁸⁸ covering digital labour platforms. Most of these agreements are rather new and some are still in the process of implementation. Many of them are of an experimental nature, seeking to address the specificities of the platform economy. They address the classic features of a work relationship, such as wages and working time. However, the CBAs differ substantially in length, detail and scope. In several agreements, the social partners expressively state their intention to “pilot” the first agreement and gather experiences for establishing permanent collective bargaining relations in the platform economy.

► **Box 32: Experimental nature of the CBAs**

- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “This agreement is of an *experimental nature* and shall be effective until 31 March 2024; until its renewal, if any, the agreement shall remain effective” (unofficial translation; italics added).
- **Hilfr – 3F (Denmark):** “The parties hereby jointly declare that *this trial collective agreement is an attempt to build a bridge between digital platforms and the Danish labour market model*. The aim of the trial collective agreement is, in part, to gather experiences with a view to establishing permanent collective bargaining relations” (unofficial translation; italics added).

¹⁸⁸ The term “first group of collective agreements” is used to describe the 11 CBAs identified that had been signed in the platform economy since 2018. The term is intended to indicate that several of the agreements have an explorative character and provisions that address specific characteristics of the platform economy (for example, data protection and algorithmic management) which may be further developed and detailed in the future.

The Annex to this study presents an overview of agreements that do not represent collective agreements but codes of conduct or social pacts negotiated between workers' organizations and platform companies or employers' organizations, including within the online-based platform economy.

A focus on food delivery and Europe

▶▶ *Several of the collective agreements in food delivery were concluded by the platform company Just Eat Takeaway.com or its subsidiaries with national trade union organizations in Denmark, Italy and Spain. In addition, a sectoral agreement in Austria mainly applies to delivery drivers employed by Lieferando (Just Eat Takeaway.com).*

All identified collective agreements address geographically localized work and the majority of CBAs were concluded in European countries (Austria, Denmark, Italy, Norway, Spain, Sweden). The CBAs analysed include nine agreements from the food delivery sector (from Austria, Chile, Denmark, Italy, Norway, Spain, Republic of Korea and Sweden).¹⁸⁹ One of the CBAs identified is in passenger transport in Sweden.¹⁹⁰ The agreement signed by the platform Hilfr operates in the cleaning sector in Denmark.

One of the reasons for this uneven distribution across regions, countries and industry sectors may be the diverging traditions in social dialogue among countries and industry sectors. Also, app-based transport and delivery drivers in the platform economy may meet and exchange more often on street corners and waiting at restaurants than workers in other sectors (e.g., cleaning and care work in the platform economy), which may facilitate collective bargaining. In addition, app-based transport and delivery drivers may be more likely to work only for one specific platform company, which may make it easier to develop a shared identity among workers. Overall, the physical proximity and shared identity of app-based transport and delivery workers may make them easier to mobilize and organize for unions than workers in other location-based sectors and the online web-based platform economy (Tassinari and Maccarrone 2020).

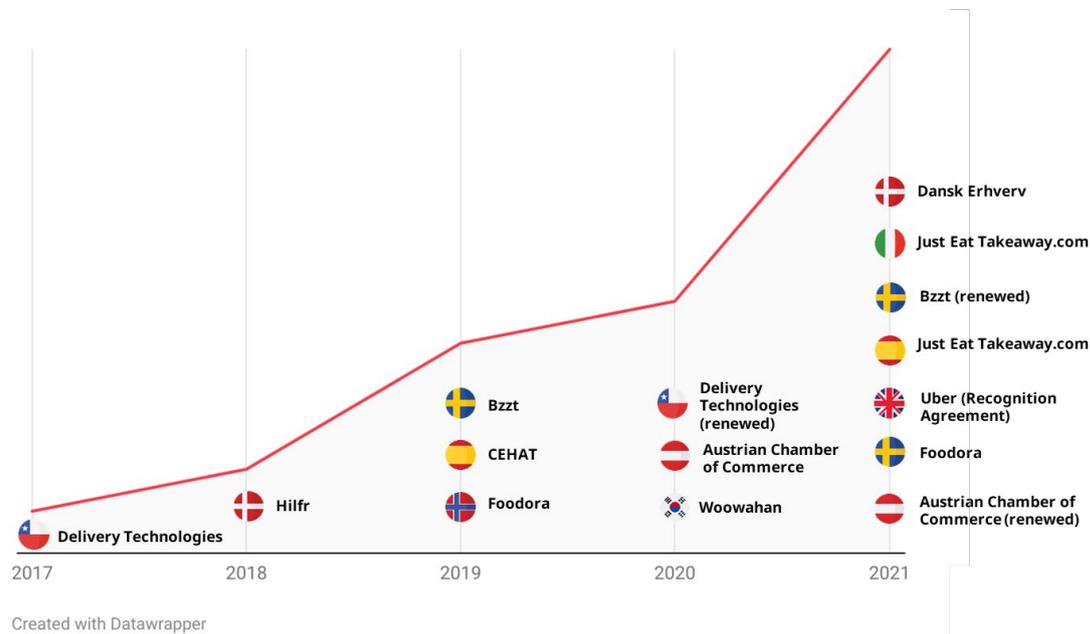
Most CBAs in the platform economy are very recent

Figure 8 describes the development of CBAs in the platform economy during the period 2017–2021. Several of the CBAs identified were concluded for a fixed time period and those agreements will need to be prolonged or renegotiated when they expire (see Table 1). Figure 8 also indicates whether agreements were prolonged and renewed during the observed period. Renewed CBAs include the agreement signed by Delivery Technologies (Cornershop), which was first signed in 2017 and renewed in 2020 for the period 2020–2022. Similarly, the CBAs signed by the platform company Bzst and the sectoral agreement signed by the Austrian Chamber of Commerce were renewed in 2021.

Figure 8 shows a trend towards the increased conclusion of CBAs in the location-based platform economy. It also shows that more than half of the CBAs identified (including renewed agreements) were concluded in 2021.

¹⁸⁹ In addition, the pending negotiations of a new modern award also relate to the food delivery sector in Australia.

¹⁹⁰ The platform company Bzst is reported to currently have no employees to which the agreement would be applicable in Sweden as of July 2021.

► **Figure 8: Development of CBAs in the platform economy, including renewed agreements (January 2022)**

CBAs are predominately concluded at the enterprise level by individual platform companies

The majority of the CBAs identified were concluded at the enterprise level with individual platform companies (in Chile, Denmark, Italy, Norway, the Republic of Korea, Spain and Sweden). This includes the CBAs signed by the platform companies Bzzt, Delivery Technologies, Foodora (Just Eat Takeaway.com), Hilfr, Just Eat Takeaway.com and Woowahan. To some degree, this focus at the enterprise level may reflect that platform companies are not members of national employers' organizations or other sectoral organizations (Ilsøe and Larsen 2021). Also, some multinational platform companies and their trade unions may prefer to negotiate at enterprise level rather than to be bound by higher-level (sectoral, national) CBAs. Finally, where sector-level agreements already exist in related industries (transportation, cleaning etc.), this may impact the bargaining pattern of platform companies (Ilsøe and Larsen 2021).

Complementarity and linkages between company and sectoral-level collective agreements in the platform economy

In some countries, a complementarity of agreements at the sectoral and enterprise levels can be observed. For example, in Italy the platform company Just Eat Takeaway.com and the trade unions CGIL/CISL/UIL agreed to apply the sectoral agreement "Logistics, Transport, Goods and Shipping" to delivery riders, and also to establish a specific company collective agreement. In Sweden, the terms of the CBAs signed between Foodora (Just Eat Takeaway.com) and the Swedish Transport Workers Union are complementary to the sectoral collective agreement for heavy trucks (Transport Agreement). The Swedish Transport Workers Union also signed a CBA with the platform company Bzzt that resembles the regular agreement for the taxi sector in Sweden. In Denmark, the sectoral agreement between the Danish Chamber of Commerce/Just Eat and the union 3F was inspired by the sectoral agreement in logistics.

CBAs at the sectoral level in the platform economy

In Austria, the VIDA and the Association for Freight Transport in the Austrian Chamber of Commerce concluded a sector-level agreement for food delivery in 2021 (the collective agreement was concluded for the

first time in 2019 and renewed in 2021).¹⁹¹ In October 2021, the Austrian food delivery market was mainly shared between two major platform companies, Mjam (formerly Foodora and a subsidiary of Delivery Hero) and Lieferando (Just Eat Takeaway.com). Lieferando concludes employment contracts with its food delivery riders and Mjam offers freelance service contracts to its riders.¹⁹² The above-mentioned sectoral collective agreement concluded between the Austrian Chamber of Commerce and VIDA is applicable to employed delivery drivers. Therefore, in practice, the sectoral agreement currently mainly covers app-based food-delivery drivers for Lieferando in Austria.¹⁹³

In Spain, a sectoral agreement in the hotel and catering sector between CEHAT-FEHR and UGT-CCOO-CIG has been extended with the purpose of including platform workers who enjoy employee classification.¹⁹⁴ The extension of the functional scope of the national agreement could also imply the application of the regional and provincial collective agreements for the hotel and catering industry, in which the working conditions relating to working hours and wages are set. For example, the provincial collective agreement for the hospitality sector in Córdoba (Spain) has the same personal scope as the national agreement for the sector.¹⁹⁵ Therefore, it includes platform workers in its scope of application in the sector. However, in July 2021 national experts estimated that collective agreements in the hotel and catering sector only apply to a small number of employed app-based delivery riders in Spain.¹⁹⁶

In Denmark, the Danish Chamber of Commerce (DE), on behalf of Just Eat Takeaway.com, negotiated with the trade union 3F a sector-level agreement for food delivery from 2021–2023 (Ilsøe and Söderqvist 2022). This new sectoral CBA in the platform economy is a long and elaborate agreement and seeks inspiration from the existing sector-level agreement for logistics between 3F and DE. The agreement has the objective to cover multiple platforms in the future. Companies in the scope of the agreement, which at the time of their admission to the Confederation of Danish Employers do not have a collective agreement or local agreement with the 3F Transport Group or one of the union's branches, will be covered by the food-delivery agreement from the time of their admission.

Content analysis of CBAs in the platform economy

The following section presents a content analysis of the text of CBAs, showing how the bargaining partners seek to balance the needs of platform companies for flexibility while providing protection for workers. The agreements address the personal scope of application (employment relationship), daily and weekly working hours, minimum hours and advance notice periods. Within food delivery, provisions on hourly wages are often combined with a bonus structure that relies on the number of deliveries. Most of the CBAs identified include provisions that entitle employees to receive adequate work equipment (such as bicycle helmets, rain jackets and gloves) and in some of the agreements, the social partner agreed on specific provisions to address the monitoring or tracking of smartphones or other digital devices used by delivery drivers. Also, most of the CBAs identified address the rights and responsibilities of the parties, thereby ensuring productive labour relations and establishing grievance mechanisms.

Scope of application: CBAs in the platform economy apply to employees

The CBAs identified apply to workers in the platform economy with an employment relationship. According to the collective agreement concluded between Just Eat Takeaway.com – CGIL/CISL/UJIL, “open-ended subordinate employment contracts are the common form of employment relationship under which the worker performs his or her work for the company” (unofficial translation). The CBA negotiated between the platform company Hilfr and the Danish trade union 3F uses an optional model in which workers become employees by default after 100 hours of work via the platform and are subsequently covered by the collective

¹⁹¹ [kollektivvertrag.at](https://www.kollektivvertrag.at)

¹⁹² Martin Gruber-Risak, “Arbeitsrecht für Essenszusteller:innen – warum eigentlich nicht?”, *A&W blog* (blog), 1 October 2021.

¹⁹³ For an overview, see Gruber-Risak.

¹⁹⁴ See Spain, *BOE*, No. 76 (March 2019), section III, p. 32702.

¹⁹⁵ Spain, *BOP Córdoba*, No. 181 (22 September 2021), p. 1.

¹⁹⁶ Case study commissioned by the ILO in Spain.

agreement. In addition, some of the identified CBAs address the use of fixed-term employment contracts and the transition from fixed-term employment contracts to permanent employment contracts.

Box 33 presents examples of the wording of the scope of application of the CBAs identified in the platform economy.

▶ **Box 33: Provisions on the employment relationship**

- **Dansk Erhverv – 3F (Denmark):** “This *collective agreement applies to employees of companies that supply ready-made food*, including foodstuffs suitable for consumption after minor processing, and drinks ... Deliveries can be made, for example, by bicycle, scooter, motorcycle, car under 2,000 kg and similar vehicles.” (unofficial translation; italics added)
- **FEHR-CEHAT – UGT-CCOO-CIG (Spain):** “This Agreement applies to ... *workers who provide their services by means of an employment contract* ... Also included is the delivery service of processed or prepared meals and beverages, on foot or in any type of vehicle ... on behalf of another company, including digital platforms.” (unofficial translation; italics added)
- **Hilfr – 3F (Denmark):** “*Freelancers automatically obtain employee status after 100 hours of work via the platform and are subsequently covered by this collective agreement* ... *Freelancers who wish to remain freelancers after 100 hours of work facilitated by the platform must inform Hilfr of this decision well in advance of the expiry of the 100 hours.*” (unofficial translation; italics added).
- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “The Company undertakes to offer the opportunity to sign an *open-ended employment contract* to all cooperating Riders.” (unofficial translation; italics added)

Provisions on hourly wages (or payment by results)

Many of the identified agreements in food delivery combine an hourly wage with a bonus structure that relies on the number of deliveries. Moreover, often a bonus structure is agreed upon for incentivizing night work, work on weekends, public holidays or work during adverse weather conditions. Many agreements define the maximum standard working time, defining hours above this threshold as overtime and stipulate additional premiums. At the same time, agreements refer to safety concerns and risk mitigation as reasons for limiting maximum bonus payments to workers. Some agreements provide holiday pay or other additional allowances. As noted above, many of the agreements are of an experimental nature and the social partners agreed in some agreements to review the bonus structures and their effects on working conditions after a trial period (for example, Just Eat Takeaway.com – CGIL/CISL/UIIL).

Box 34 shows examples how provisions on hourly wages (or payment by results) and additional allowances are worded in the CBAs identified.

▶ **Box 34: Provisions on hourly wages (or payment-by-results)**

- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “... the *hourly remuneration* of the Rider – in accordance with the specific table agreed upon by the Parties – is fixed at the gross amount of €8.50 ... *Enhancement Premium* aimed at enabling Riders to work efficiently and in compliance with safety and traffic rules calculated on the basis of orders delivered during a month, based on the following amounts *for each delivery* up to a total of 250 in one month: €0.25; for each delivery exceeding 250: €0.50.” (unofficial translation; italics added).
- **Dansk Erhverv – 3F (Denmark):** “The guaranteed *normal hourly rate* is: 1 March 2021–1 March 2022: Dkr124,20. (...) For the first three hours of *overtime* per day, a *premium* of 50 per cent of the normal hourly rate is paid. For all other hours, a supplement of 100 per cent of the normal hourly rate shall be paid. (...) The following supplements to the normal hourly rate shall be paid

for both part-time and full-time staff: All week from 18.00 to 23.00: Dkr10. All week from 23.00 to 06.00: Dkr20. On *public holidays* from 00.00 to 24.00: Dkr20.” (unofficial translation; italics added)

- **Austrian Federal Economic Chamber – VIDA (Austria):** “If work is performed *between 10:00 p.m. and 5:00 a.m.*, a surcharge of 100% shall be paid... Employees who have been with the company for one year on 1 July shall receive a *vacation allowance* payable on 1 July. The vacation allowance amounts to 100% of a gross KV minimum monthly wage.” (unofficial translation; italics added)
- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “In order to *minimise the risk to the health and safety of Riders*, no more than four deliveries within one hour will be taken into account in determining this Award. Therefore, deliveries made beyond the threshold within the same hour will not count towards the Award” (unofficial translation; italics added).
- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “This Bilateral Commission, after 180 days from the signing of this agreement, at the request of one or more of its members, shall carry out a *review of the performance and impact of the Valuation Bonus*, or of the future Result Bonus, and may propose any changes to its operation, including, among others, the hypothesis of its partial consolidation, taking into account the average achievement of the target of two orders per hour” (unofficial translation; italics added).

Provisions on working time and negotiated flexibility

The provisions on working time in the CBAs identified seek to balance the needs of platform companies for flexibility while providing protections for workers. The agreements address daily and weekly working hours, minimum hours and advance notice periods, minimum length of shifts, daily rest periods and weekly rest days, annual leave and night work.

For example, the agreement between Dansk Erhverv – 3F stipulates that the normal weekly working time comprises at least 8 hours and up to 37 hours. Shifts for both full-time and part-time employees must be at least 4 hours and employees must be aware of their rota four weeks in advance. However, the same agreement provides additional flexibility by accepting that varying weekly working hours can be agreed upon and that extra shifts may be established.

According to the agreement between Just Eat Takeaway.com – CGIL/CISL/UIIL, employees are entitled to an unpaid break if shifts exceed a certain hourly threshold. The agreement provides additional flexibility by stipulating that due to the specific features of the service, the riders’ employment contracts include an elastic clause, which allows changes (without additional charge) to the weekly timetable defined by the company, with a minimum of two days’ notice. In addition, it introduces a concept of “time banking” or keeping track of hours worked in “accounts” for individual workers, thereby increasing the flexibility of working hours.¹⁹⁷ It is stipulated that overtime hours worked by part-time riders shall be accumulated in a time bank. Workers are then entitled to compensatory time off or overtime payments.

Box 35 presents examples of how provisions on working time and flexibility are worded in the CBAs identified.

► Box 35: Provisions on working time and flexibility

- **Dansk Erhverv – 3F (Denmark):** “The normal effective weekly working time *is at least 8 hours and up to 37 hours ... Working hours can be set with varying weekly working hours*. The variable weekly working time shall not exceed 44 normal hours per week. Extra shifts shall be included in the calculation of normal hours ... *Shifts* for both full-time and part-time employees *must be at least 4 hours*.” (unofficial translation; italics added)

¹⁹⁷ The introduction of the time bank is subject to the enterprise providing the technical and IT tools required for its proper management. In the event of the launch of the time bank, the enterprise will carry out a prior joint examination with the contracting parties.

- **Just Eat Takeaway.com – CGIL/CISL/UIL (Italy):** “... into three working time regimes (from 10 hours to 20 hours or 30 hours minimum per week) spread over up to 6 working days, even in *discontinuous form during the course of a single day*, according to the weekly schedule ... For shifts exceeding 6 hours, riders are entitled to an *unpaid break* of 30 minutes ... Overtime hours worked by part-time riders shall be accumulated in a *time bank* at a value equal to half of the hours worked in the month and shall entitle them to compensatory time off.” (unofficial translation; italics added)
- **Just Eat Takeaway.com – CGIL/CISL/UIL (Italy):** “Due to the specific features of the service, the Rider employment contract includes an *elastic clause*, which allows (without additional charge) *changes to the weekly timetable* defined by the Company, with a minimum of 2 days' notice” (unofficial translation; italics added)
- **Delivery Technologies SpA and Cornershop Chile Company Union (Chile):** “On 30 April, 17 September and 24 and 31 December, the time worked from 17:00 to 21:00 shall be paid with a *surcharge of 50%*. ... The Company shall ensure that *no employee is left with orders pending delivery after 21:00 on the days indicated.*” (unofficial translation; italics added)
- **Austrian Federal Economic Chamber – VIDA (Austria):** “The *daily rest break shall be 30 minutes*. No assignments will be given to the employee during the reported rest breaks ... The employee is entitled to an *uninterrupted rest period of 36 hours* in each calendar week. The employee is entitled to one work-free Sunday in each calendar month.” (unofficial translation; italics added)
- **Hilfr – 3F (Denmark):** “The rules on *working time, rest periods* and 24-hour rest periods in force at any time constitute an agreement in accordance with this collective agreement.” (unofficial translation; italics added)

Provisions on access to work equipment

Most of the CBAs identified include provisions on adequate work clothing (such as bicycle helmets, rain jackets, rain pants, gloves and overshoes) that has to be provided by the platform company. If employees use private equipment for their work, then most agreements stipulate the duty of the platform company to reimburse workers for the use of their own equipment. The amount to be reimbursed can be calculated on the basis of the number of working hours or mileages for cars and motorcycles. The agreement signed by the Austrian Federal Economic Chamber – VIDA address the reimbursement of the use of private cell phones used for deliveries. In Spain, the agreement signed by Just Eat Takeaway.com stipulates that the mobile phone is always provided by the platform company.¹⁹⁸ In Chile, the agreement signed by the platform company Cornershop stipulates that workers should receive an allowance to support the cost of a data plan for the use of their smartphones as work tools.

The details of the provided equipment differs between the agreements. For more details, see Box 36.

► Box 36: Provisions on access to work equipment

- **Just Eat Takeaway.com – CGIL/CISL/UIL (Italy):** “By way of example, the Company provides Riders with *all the personal protective equipment (PPE) provided for by current legislation (by way of example, helmet, rain suit, high-visibility jacket, and any other appropriate tool)* ... The Company recognises an allowance by way of *mileage reimbursement for riders who - at the request of the company - use their own vehicle.*” (unofficial translation; italics added)
- **Dansk Erhverv – 3F (Denmark):** “The company provides the vehicle and transport boxes ... The company provides suitable work clothing, a bicycle helmet and other personal protective equipment, in accordance with the Working Environment Act ... If the company does not provide vehicles, it must pay the employee the following *allowances for using his or her own vehicle:* For cars and

¹⁹⁸ María Luz Rodríguez Fernández, “En España los trabajadores de plataformas ya tienen convenio colectivo”, *The Conversation*, 7 December 2021.

motorcycles, *mileage* is paid according to government tariffs. For mopeds, scooters and bicycles, scooters, etc., a surcharge of DKK 10.00 *per hour* is applied.” (unofficial translation; italics added)

- **Delivery Technologies SpA and Cornershop Chile Company Union (Chile):** “The company will pay all workers a monthly allowance, the purpose of which is to *support the cost of a data plan for the use of their smartphones as work tools.*” (unofficial translation; italics added)
- **Austrian Federal Economic Chamber – VIDA (Austria):** “*Work clothing* such as bicycle helmets, rain jackets, rain pants, gloves, overshoes are to be *provided by the employer in suitable quality ...* If a *private cell phone* is used for the professionally necessary activity, the bicycle messenger is to be compensated for costs in the amount of €20.00 per month.” (unofficial translation; italics added)

Provisions on the utilization of algorithms in the management of labour and data security and privacy

A few of the agreements include specific provisions addressing the monitoring or tracking of smartphones or other digital devices used by delivery workers. The Hilfr – 3F agreement refers to the right of employees to request that derogatory and false comments are removed from their online profiles on the platform. Most of the identified agreements do not explicitly address the permitted or non-permitted use of collected smartphone data in relation to disciplinary procedures against workers.

In Spain, the agreement negotiated between Just Eat Takeaway.com and the trade unions UGT and CCOO covers new ground by including provisions on data protection and digital disconnection and on informing workers’ representatives about the algorithms used for work management (ILO 2022a).¹⁹⁹ The agreement addresses the transparency of algorithmic decision-making and ensures that the used algorithms and/or artificial intelligence systems are subject to human supervision. To this end, it has been agreed to create a joint commission, of representatives of workers and the platform company, called the “Algorithm Commission”.²⁰⁰

► Box 37: Provisions on data security and privacy

- **Dansk Erhverv – 3F (Denmark):** “The company must ensure that the *smartphone or device in question is not monitored or tracked during leisure time.*” (unofficial translation; italics added)

If the platform company provides the delivery worker with a car then the company may reserve in the standardized employment contract “*the right to obtain data from the GPS and logistics system* in order to verify that the vehicle is being used solely for the Company’s purposes and that the terms of this contract are being complied with.” (unofficial translation; italics added)

- **Hilfr – 3F (Denmark):** “The parties have agreed that the employee may, at any time, *request that derogatory, false and offensive comments, pictures or characters be removed from his/her profile* and other places on the platform that can be associated- and clearly attributed to the employee. This cannot adversely affect the employee’s conditions of employment.” (unofficial translation; italics added)
- **Just Eat Takeaway.com – UGT and CCOO (Spain):** Includes a chapter on digital environment, privacy and rights, including disconnection, right to information in the face of algorithms and artificial intelligence systems according to article 64.4.d) of the Worker’s Statute, including the creation of a joint commission, the “Algorithm Commission”, with specific competences (unofficial summary)

¹⁹⁹ Rodríguez Fernández; see also [https://www.ccoo-servicios.es/archivos/Acuerdo%20Sindicatos%20JUST%20EAT\(1\).pdf](https://www.ccoo-servicios.es/archivos/Acuerdo%20Sindicatos%20JUST%20EAT(1).pdf).

²⁰⁰ In Spain, Law 12/2021 attributes a new competence to workers’ representatives in the company, regardless of whether it is a platform company or not: “To be informed by the company of the parameters, rules and instructions on which algorithms or artificial intelligence systems are based which affect decision-making that may have an impact on working conditions, access to and maintenance of employment, including profiling”.

Provisions on industrial relations and dispute resolution

Most of the CBAs identified address the rights and responsibilities of the parties, thereby ensuring sound industrial relations and effective dispute resolution mechanisms. However, provisions vary widely among the agreements and sometimes essential provisions, such as those on shop stewards or the deduction of trade union membership fees, were postponed until a renegotiation of the collective agreement (Hilfr – 3F).

The agreement between Just Eat Takeaway.com – CGIL/CISL/UIIL guarantees the exercise of trade union rights, in the forms provided for by law and by the CCNL (sectoral transport agreement). Also, the agreements address, for example, the election of trade union representatives, training courses for elected trade union representatives and the rights of posting and assembly, which may also be exercised in digital mode. Similarly, the agreement between Just Eat Takeaway.com – UGT/CCOO includes the rights to use virtual notice boards and other digital tools by trade union representatives. Some of the agreements regulate the remuneration of union representatives for the exercise of their functions.

Several agreements refer disputes arising from the interpretation of the text of the agreements to a committee composed of equal numbers of representatives of the contracting parties. Agreements also include references to general frameworks or protocols used for stipulating standards for handling industrial disputes in countries. In addition, the agreement between Dansk Erhverv – 3F includes a protocol on access to payroll data for discouraging wage dumping.

► Box 38: Provisions on labour relations and dispute resolution

- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “The Company guarantees the *exercise of trade union rights*, in the forms provided for by law and by the CCNL, to all employees.” (unofficial translation; italics added)
- **Austrian Federal Economic Chamber – VIDA (Austria):** “Disputes arising from the interpretation of the collective agreement shall be settled by a *committee composed of equal numbers of two representatives of each of the contracting bodies and a chairman*. The representatives of the contracting bodies shall be appointed from among the participants in the negotiations on this collective agreement.” (unofficial translation; italics added)
- **Dansk Erhverv – 3F (Denmark):** “In every undertaking - or in the case of larger undertakings, in every section thereof - with five or more workers, the workers employed therein shall *elect one of their members to be the trade union representative to the management* or its representative ... The 3F Transport Group undertakes that workers elected as trade union representatives who have not undergone *a course for trade union representatives* prior to the election will undergo such training as soon as possible after the election. The Confederation of Danish Industry and Employers undertakes to help ensure that the newly elected trade union representative is given the necessary freedom to attend the course.” (unofficial translation; italics added)
- **Dansk Erhverv – 3F (Denmark):** “*Protocol on access to payroll data*. This provision is intended to discourage wage dumping. The provision may *not be used* to require the disclosure of information on wages *for the purpose of a general investigation into the wage situation in the undertaking*, including a general investigation into the possibility of bringing collective actions against the undertaking. The trade union representative must have tried unsuccessfully to obtain the salary information himself before making the claim. The 3F Transport Group can request the salary information under the same conditions as the union representative.” (unofficial translation; italics added)
- **Dansk Erhverv – 3F (Denmark):** “It is a prerequisite for the *payment of remuneration* that the union representative has completed the 3F Transport Group's basic training, which currently lasts 4 weeks ... The *remuneration amounts to*: for a constituency up to and including 49 persons Dkr9,000 per year; for an electoral base between 50 and 99 persons Dkr16,500 per year; for an electoral base of 100 persons or more Dkr33,000 per year.” (unofficial translation; italics added)
- **Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy):** “The *right of posting* is exercised limited to its registered office and/or through *digital notice boards*; the *right of assembly is exercised in digital mode*,

or at company premises suitable for the purpose, made available by the Company or by the trade unions that are signatories to this agreement.” (unofficial translation; italics added)

- **Hilfr – 3F (Denmark):** “Agreement on *deduction of trade union membership fees*, local union club fees etc. will be negotiated as an optional element during any *renegotiation of the collective agreement* and before 1 January 2019.” (unofficial translation; italics added)
- **UGT-CCOO-CIG and FEHR-CEHAT (Spain):** “A *Joint Committee* of the parties to the Agreement is appointed, composed of representatives of the Employers’ Organizations and representatives of the Trade Unions. The powers of the Joint Committee shall be those set out below and all other matters established by law and any others assigned to it: (a) *Interpretation of the text of this Agreement*. b) *Monitoring of its implementation*.” (unofficial translation; italics added)

Further thematic areas identified in CBAs

In addition, the CBAs identified include further thematic areas and provisions. For example, in the Republic of Korea, the CBA identified provides access to unemployment benefits and pension contributions and also provides for a Skills Development Fund for employees (ILO 2022b).

Collective agreements can improve the content as well as the scope for persons eligible for social protection measures. Several of the CBAs identified include provisions relating to social protection, such as pension schemes, sick leave benefits, insurances against work related injuries or damages to third parties. Often the entitlement to social protection schemes is dependent on a minimum duration of the employment relationship with the platform company. In addition, several of the identified agreements include references to legislative provisions for determining entitlements to social security schemes.

Most agreements stipulate an obligation for the platform company to provide the employees with adequate safety protections for their work. During the COVID-19 pandemic, this may have been interpreted as an obligation to provide additional PPE to workers. However, the agreement between Just Eat Takeaway.com and CGIL/CISL/UIIL is the only agreement in which a specific reference to the COVID-19 crisis could be identified.

▶ Box 39: COVID-19 pandemic and safety protocols

Just Eat Takeaway.com – CGIL/CISL/UIIL (Italy): “For as long as the state of emergency related to COVID-19 remains, the *Company applies the Safety Protocols defined by the social partners* at national level” (unofficial translation; italics added).

In Denmark and Sweden, platform companies apply CBAs negotiated for temporary agency work

In some countries, in addition to the above-mentioned agreements between trade unions and employers’ organizations and platform companies, another trend of regulating work in the platform economy can be observed. In Denmark and Sweden, some platforms have created a “temporary agency model”, whereby they draw on existing regulations to hire platform workers as temporary workers. This can take place with and without union involvement.

In Sweden, the trade union Unionen has negotiated with the platform companies Gigstr²⁰¹ and Instajobs²⁰² and these platforms are covered by the general collective agreement for temporary agency workers (Söderqvist and Bernhardt 2019). In Denmark, the platforms Chabber²⁰³ and Meploy²⁰⁴ have utilized the legislation on temporary agency work companies to hire platform workers as temps and draw on contents from relevant sector-level agreements (Ilsøe and Larsen 2021). In the Danish case, this practice means that platform workers are hired on zero-hour contracts and that their wage levels match existing wage levels at the user company. In cases where the user company is covered by sector-level agreements, platform workers receive wages as regulated in the sector-level agreement (Ilsøe and Larsen, 2021).

Collective agreements for self-employed workers in the platform economy?

The ILO Declaration on Fundamental Principles and Rights at Work recognizes freedom of association and the effective recognition of the right to collective bargaining as one of the four categories of fundamental rights. These rights apply to platform workers, irrespective of their classification (ILO 2022a).²⁰⁵ In addition, the ILO Centenary Declaration reaffirms that all workers should enjoy adequate protection and respect for their fundamental rights. As mentioned above, in its 2012 General Survey, the CEACR understands that "the recognition of the right to collective bargaining has a general scope and should be enjoyed by [self-employed] workers".²⁰⁶ This is reiterated in its 2020 General Survey, which states that "the full range of fundamental principles and rights at work [including the right to collective bargaining] are applicable to platform workers ... irrespective of their employment status".²⁰⁷

Collective bargaining for self-employed workers and competition laws

Competition law may create a barrier for collective bargaining for self-employed workers in the platform economy. If platform workers are classified as employees, it is evident that the conclusion of a collective agreement does not challenge the rules of free competition (Rodríguez Fernández 2021). However, the "collaborative model", whereby unions and platform companies seek to preserve freelancing options, can collide with national competition or anti-trust laws (IOE 2019). Therefore, in some countries the classification of platform workers may still be relevant when it comes to exercising their right to collective bargaining (ILO 2022a).

The questions surrounding the conclusion of collective agreements for self-employed workers has been the subject of debate in some countries.²⁰⁸ The discussions often focus on self-employed workers who do not have sufficient bargaining power to be able to influence their working conditions, either because they are in a situation comparable to that of dependent workers, or because the companies for which they provide services exercise monopsony power. In such cases, there is some consensus that collective bargaining for the self-employed, especially in the case of platform workers, is compatible with the rules of free competition (ILO 2022a).

²⁰¹ Gigstr describes itself as a staffing service that helps companies hire and recruit talent and teams in marketing, sales, service and tech; see <https://www.gigstr.com/>

²⁰² Instajobs describes itself on LinkedIn as a staffing service that helps companies to quickly hire extra staff during peaks, illnesses, events in the office or for projects.

²⁰³ Chabber describes itself as a staffing service for waiting and kitchen freelancers and as a platform that employs its freelancers; see <https://www.chabber.com/>

²⁰⁴ Meploy describes itself as a staffing service for production, warehouse and retail; see <https://meploy.me/>

²⁰⁵ See also ILO (2022b), in particular p. 51, box 2.6.

²⁰⁶ ILO, *Giving Globalization a Human Face: General Survey on the Fundamental Conventions concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, ILC.101/III/1B, 2012, para. 209.

²⁰⁷ ILO, *Promoting Employment and Decent Work in a Changing Landscape*, para. 327.

²⁰⁸ Despite the barriers created by competition law in some countries, the right to collective bargaining goes beyond employees and covers self-employed workers (or at least some groups of self-employed workers). For example, in Spain, Law 20/2007 of 11/07/2007 allows the economically dependent self-employed to negotiate "agreements of professional interest" (<https://www.boe.es/buscar/act.php?id=BOE-A-2007-13409>); in France, Law No. 2022-139 of 21/04/2021 regulates collective bargaining for independent platform workers (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045133768>); and in Australia, bargaining between independent contractors and their counterparties is possible. Other countries that could be mentioned in this context include Italy, Poland and Mongolia.

In recent years, some platform companies and trade unions have attempted to conclude collective agreements and other forms of written forms of collaboration in which platform workers are classified as self-employed workers. However, at the time of preparation of this study all identified collective agreements intended to apply to self-employed workers in the platform economy have either been declared unrepresentative by national labour courts or have been withdrawn by the bargaining parties themselves. To date, although collective bargaining for self-employed workers in the platform economy has been attempted it has not yet been successful (Rodríguez Fernández 2021).

Looking ahead, for countries in the European Union the recently published draft guidelines describe how the European Commission plans to apply EU competition law to collective agreements that regulate the working conditions of certain categories of solo self-employed.²⁰⁹ The guidelines state that collective agreements between some groups of solo self-employed persons²¹⁰ and digital labour platforms fall outside the scope of Article 101 TFEU and therefore do not infringe EU competition law.²¹¹

► **Box 40: EU initiative to harmonize competition law with collective bargaining**

The EC's draft guidelines explain how the Commission plans to apply EU competition law to collective agreements regarding the working conditions of certain categories of solo self-employed persons.²¹² It states that collective agreements between solo self-employed persons in a weak position and digital labour platforms fall outside the scope of Article 101 TFEU and therefore do not infringe EU competition law. This also applies if the self-employed persons in question have not been reclassified as workers by national authorities/courts.

However, for this exemption to apply it is necessary that (1) platform work is provided, at least in part, at a distance through electronic means, such as a website or a mobile application; (2) it is provided at the request of a recipient of the service; and (3) it involves, as an essential component, the organization of work performed by individuals, irrespective of whether that work is performed online or in a certain location. The exemption from EU competition law does not apply to platforms that do not organize the work of individuals but simply provide a means through which the solo self-employed persons can reach end-users.

The following paragraphs briefly describe identified agreements between platform companies and trade unions that relate to self-employed workers in the platform economy. In addition to the conclusion of collective agreements, platform companies and trade unions have also concluded a number of mostly non-binding agreements, declarations or codes of conduct that seek to promote minimum working standards for self-employed workers in the platform economy (see Annex).

Collective agreements for self-employed workers

In Denmark in 2018, the freelance platform Voocali²¹³ concluded an agreement with the trade union HK. However, HK later chose to withdraw the agreement due to other platforms' experiences with the country's competition laws.²¹⁴ Also, as noted above the platform Hilfr and the Danish trade union 3F agreed on a hybrid model in which workers become employees by default after 100 hours of work via the platform and are subsequently covered by the collective agreement. Initially in 2018, the agreement also included a

²⁰⁹ European Commission, "Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons", C(2021) 8838 final, 9 December 2021.

²¹⁰ The draft guidelines cover self-employed people who have little influence over their working conditions either because (a) they are in a situation comparable to workers; or (b) they are in an imbalanced negotiating position towards their counterparty.

²¹¹ See also ILO (2021a and 2022a); and Countouris, De Stefano and Lianos (2021).

²¹² European Commission, "Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons".

²¹³ The platform company connects organizations with professional interpreters.

²¹⁴ See HK, "HK Privat and the Interpretation Platform Voocali.com Enter into a Collective Agreement and Freelance Agreement".

released late in 2016, included a refinement of the “fair payment” principle to indicate that platform operators should seek to orient payment toward “local wage standards”.

► In 2017, IG Metall, the signatory platforms and the German Crowdsourcing Association established an “Ombuds Office” to effectively implement the code of conduct and resolve disputes between workers and signatory platforms. During 2019, the Ombuds Office of the Crowdsourcing Code of Conduct received about 14 cases, submitted by workers via its online form.²²¹

A code of conduct between the Mila AG and the trade union Syndicom refers to “crowdworkers” and some of the offered tasks may resemble online web-based platform work, while other tasks are location-based, such as technical support or repair works at the client’s premises (see Annex).²²²

Transparency of algorithms used for the management of activities and labour: the role of trade unions and workers’ representatives

Information asymmetries between platform companies and workers about the functioning of algorithms can lead to grievances and conflicts. Transparency about the assumptions and criteria used by algorithms can be a first step towards reducing information asymmetries. However, individual workers may face challenges when individually assessing algorithms and their functioning (ILO 2022a). A second step after establishing data transparency is ensuring that the effects of algorithms and ratings on working conditions and pay are well understood. In this regard, there may be a new role for trade unions and workers’ representatives, which in the future may play a role in levelling the playing field when negotiating the use of algorithms or managing worker data (see also De Stefano 2019).

The first regulatory initiatives started to address the algorithms used in the management of activities and labour. Some initiatives created or proposed to create new informational and consultative rights for workers’ representatives and trade unions relating to the use of algorithms in the management of labour. With regard to collective bargaining, ensuring an understanding of how automated monitoring and decision-making systems affect working conditions and pay may also be a prerequisite of effective negotiations and consultations in the platform economy.

Information rights for workers’ representatives on the use of algorithms in the management of labour in Spain

In Spain, Law 9/2021 attributes a new competence for workers’ representatives to be informed by the company about the parameters, rules and instructions on which algorithms base their decisions (see Box 41). The new statutory information right for workers’ representatives on the use of algorithms in the management of labour was substantiated and operationalized in a collective agreement in 2021. In the agreement signed between Just Eat Takeaway.com and the trade unions CCOO and UGT, it was agreed to create a joint commission, the Algorithm Commission (Rodríguez Fernández 2022) (for more details on the collective agreement, see the subsection above entitled “Provisions on the utilization of algorithms in the management of labour and data security and privacy” and Box 37).

► Box 41: Transparency of algorithms for workers’ representatives in Spain

In **Spain**, Law 12/2021 attributes a new competence to workers’ representatives in the company, regardless of whether it is a platform company or not: “To be informed by the company of the parameters, rules and instructions on which algorithms or artificial intelligence systems are based that

²²¹ See Ombuds Office of the Code of Conduct for Paid Crowdsourcing, *Annual Report 2019, 2020*.

²²² Mila, “Code of Conduct: Principles to Ensure Fair Cooperation between Crowdsourcing Platforms and Crowdworkers”; see also Eurofound, “Syndicom and Mila Code of Conduct”, 9 April 2021.

affect decision-making that may have an impact on working conditions, access to and maintenance of employment, including profiling”.

The law does not include a definition of which parameters, rules and instructions need to be made transparent by the employer. However, it is expected that the information provided can be used to understand how the algorithm works and its impact on working conditions. The law is limited to an informational right and does not include a right for consultation or workplace co-determination.

This new competence is intended for workers’ representatives at enterprise level, not for trade unions at sectoral level, and is incorporated into the Workers’ Statute. Therefore, non-compliance will be sanctioned by the Law on Infringements and Sanctions. The Labour and Social Security Inspectorate is in charge of monitoring it and complaints can be made. In addition, the Spanish Data Protection Agency can sanction data protection infringements.

Information and consultation right in the directive proposal of the European Commission

In December 2021, The European Commission proposed a set of measures to improve the working conditions in platform work. Articles 6 and 9 of the proposed directive aim at fostering social dialogue on the use of algorithms in the management of labour by introducing collective rights regarding information and consultation on substantial changes related to the use of automated monitoring and decision-making systems (see Box 42). Moreover, article 15 of the proposed directive would require digital labour platforms to create digital communication channels on which platform workers can contact each other (see Box 42).

▶ **Box 42: Transparency when using algorithms in the management of labour and information, consultation and access rights in a proposal for a new EU Directive**²²³

- Article 6 of the European Commission’s proposal asks digital labour platforms to inform platform workers of the use and key features of automated monitoring systems.²²⁴ This information should also be made available to platform workers’ representatives upon request.
- Article 9 (1) requires digital labour platforms to inform and consult platform workers’ representatives or, if there are no representatives, the platform workers themselves, on decisions concerning the use of algorithms in the management of labour – for instance, if labour platforms intend to introduce new automated monitoring or decision-making systems or make substantial changes to those systems.
- Given the complexity of the subject matter, the representatives or platform workers concerned can be assisted by an expert of their choice insofar as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. If a digital labour platform has more than 500 platform workers in a Member State, the expenses for the expert shall be borne by the digital labour platform (art. 9 (3)).
- Article 10 ensures that the provisions on transparency, human monitoring and review of articles 6, 7 and 8 – which relate to the processing of personal data by automated systems – also apply to persons performing platform work who do not have an employment contract or employment relationship, i.e. genuinely self-employed workers on digital labour platforms (art. 10).
- Article 15 of the proposed directive would require digital labour platforms to create digital communication channels on which platform workers can contact each other and be contacted by their representatives. Digital labour platforms should create such communication channels within their digital infrastructure or through similarly effective means, while refraining from accessing

²²³ It should be noted that digital labour platforms should not be required to disclose the detailed functioning of their automated monitoring and decision-making systems, including algorithms, or other detailed data that contains commercial secrets or is protected by intellectual property rights.

²²⁴ European Commission (2021).

or monitoring those communications. The aim is to ensure the possibility for platform workers to get to know and communicate with each other, also in view of defending their interests, despite the lack of a common place of work.

► **Table 2: First observations and trends**

<p>1. Regulatory and judicial changes and market conditions may trigger the conclusion of collective agreements</p>		<p>The introduction of a legal presumption of an employment relationship (Spain) or judicially granting worker classification (United Kingdom) may reduce legal obstacles to collective bargaining in the platform economy.</p>
<p>2. Trend towards more elaborated and detailed agreements and experiments with sectoral agreements</p>		<p>The protection of platform workers is extended by law and set in part by the most representative national collective agreement (Italy). While the law primarily aims to extend labour protections to platform workers, it may also incentivize negotiations of more specific collective agreements.</p> <p>Welfare states' regulations and business partners may require or favour the application of a CBA. Platform companies may choose to apply a CBA to improve market access and ensure business growth (Denmark).</p>
<p>3. Trade unions or platform companies may drive the conclusion of CBAs</p>		<p>Existing sectoral or thematic protocols and agreements were integrated into CBAs concluded in the platform economy (e.g., Denmark and Sweden) and innovative regulatory subjects were introduced by stipulating a duty to inform workers' representatives about the algorithms used for work organization (Spain).</p> <p>Sector-level CBAs were concluded in Austria and Denmark; an existing national sectoral agreement to cover some groups of platform workers was extended in Spain; and enterprise-level CBAs were made complementary to sectoral level CBAs in Italy and Sweden.</p>
<p>4. Tendency among international platforms to export bargaining practices from one country to another</p>		<p>Negotiations of CBAs in the platform economy have mainly been union-led. For example, in Norway, the Foodora-Fellesforbundet agreement was concluded after a strike by couriers.</p> <p>Interestingly, negotiations of the Hilfr-3F agreement began on the initiative of the platform, which was experiencing difficulties both in the market and in relation to the Danish welfare state.</p> <p>There is a tendency among international platform companies to learn from experiences with collective bargaining and to subsequently engage in collective bargaining in other countries as well. For example, Foodora (Delivery Hero) concluded agreements in Norway and Sweden and Just Eat Takeaway.com did so in Denmark, Italy and Spain.</p> <p>The described export of bargaining practices may indicate the value of gathering experiences and learning from the concluded CBAs for establishing collective bargaining relations in other countries.</p>

Trends regarding collective bargaining in the location-based platform economy

This section presents the first observations and trends derived from the analysis of the CBAs identified in the platform economy. First, it is observed that regulatory and judicial changes and conditions may trigger the conclusion of collective agreements in the platform economy. Second, a trend may be observed to conclude more elaborated and detailed agreements. Also, platform companies and trade unions have started to experiment with the conclusion of sectoral-level agreements. Third, it is not only trade unions that push for the conclusion of CBAs in the platform economy. In at least one country, a platform company is reported to have approached union organizations to conclude a collective agreement. Fourth, a tendency among international platforms to export bargaining practices from one country to another may be observed. Table 2 gives an overview of these first trends and observations and indicates countries in which they may be observed.

Observation 1: Regulatory and judicial changes and market conditions can trigger the conclusion of collective agreements

Collective bargaining does not happen in isolation but is influenced and can be incentivized by regulatory and judicial conditions and developments. In the platform economy, this is most explicit in discussions on the classification of workers in the platform economy and the corresponding national rights to collective bargaining. Legally introducing a presumption of an employment relationship (in Spain) or judicially granting worker classification (in the United Kingdom) may reduce legal obstacles to collective bargaining in the platform economy. In addition, collective bargaining can be supported by further regulatory initiatives. In Italy, the legislator included food delivery drivers in the category *lavoro etero-organizzato*. Welfare state regulations and business partners may also favour the application of a CBA in some countries. In Denmark, this is reported to have triggered the conclusion or application of collective agreements in the platform economy to improve market access (Ilsøe and Larsen, 2021).

Box 43 describes in more details examples from Denmark, Italy, Spain and the United Kingdom that illustrate how important regulatory conditions can be for initiating and supporting collective bargaining in the platform economy.

► Box 43: Regulatory and judicial changes and market conditions may trigger the conclusion of collective agreements

- **In Spain**, in response to a Supreme Court ruling on the employment status of delivery workers,²²⁵ the social partners (on the trade union side, UGT and CCOO; on the business side, CEOE and CEPYME) initiated on 28 October 2020 a social dialogue round table that ended in March 2021, in which they agreed on the content of Law 12/2021, which establishes a rebuttable presumption of employment in the field of digital delivery platforms. After a transitional phase, the law came into force on 12 August 2021.²²⁶ Since app-based delivery drivers are considered direct employees, they will be included either in the industry collective agreement for their activity or in those negotiated at enterprise level. Delivery workers, who will be formally classified as employees, will have all the rights of freedom of association and collective bargaining.
- **In the United Kingdom** in 2021, the United Kingdom Supreme Court decided that all Uber drivers in the United Kingdom will be reclassified as workers (the third possible classification in this country) entitling them to receive holiday pay and the right to national minimum wage for all logged-on hours and the corresponding collective labour rights.²²⁷ The lead claimants were also

²²⁵ Spain, ruling of the Supreme Court of 25 September 2020 (Appeal No.4746/2019).

²²⁶ <https://www.boe.es/buscar/act.php?id=BOE-A-2021-7840>

²²⁷ United Kingdom Supreme Court of 19 February 2021.

the founders of the ADCU. After the ruling, Uber negotiated a recognition agreement in which it recognized GMB as the sole independent trade union for Uber drivers.

- **In Italy** in 2019, a statutory amendment clarified that the Jobs Act extends to those self-employed workers who are dependent on the client for the organization of their work, including through a platform (*lavoro etero-organizzato*).²²⁸ Employment and labour protection would apply to *lavoratori etero-organizzati*, also in the platform economy, except in situations where a collective agreement stipulates otherwise. The regulatory change included a transitional phase to allow the social partners to negotiate more specific collective agreements for app-based delivery drivers (Aloisi 2020). In November 2020, the trade unions CGIL, CISL, UIL and numerous employers' organizations (except AssoDelivery) signed a memorandum of understanding that for app-based delivery drivers means that the sectoral agreement Logistics, Transport, Goods and Shipping (CCNL) would be applicable if workers are not covered by a more specific collective agreement.²²⁹ As a consequence of the new legislation adopted in 2019, platform companies may be incentivized to negotiate collective agreements to avoid the application of some employment and labour laws (Aloisi and De Stefano 2020).

As a response to the 2019 law amendment, the employers' organization AssoDelivery concluded a collective agreement with the UGL. However, the Italian Ministry of Labour and the courts of Bologna, Florence and Palermo rejected the claim that this collective agreement could derogate from employment and labour legislation on the basis of the 2019 law, because the signatory union lacks sufficient representativeness among platform workers.²³⁰ In addition, after Just Eat Takeaway.com left the employers' organization AssoDelivery, the company concluded a collective agreement with CGIL/CISL/UIL. It was agreed to apply the sectoral agreement Logistics, Transport, Goods and Shipping (CCNL) to delivery riders, and to additionally establish a specific company collective agreement applicable to employed riders of Just Eat Takeaway.com.

- **In Denmark**, some large companies may favour the application of a CBA by their business partners. It is reported that the platform company Chabber (which has private companies as customers) found it difficult to attract larger companies as clients if wage and working conditions were not in line with the applicable sector-level agreement. That is why Chabber adopted a temporary agency model that allowed the platform company to draw indirectly on the sector-level agreement (Ilsøe and Larsen 2021).

Observation 2: Trend towards more elaborated and detailed agreements and experiments at the sectoral level

The more recently concluded collective agreements tend to include more comprehensive and elaborated regulation and have a wider thematic scope than the very first negotiated CBAs in the platform economy. This is often achieved by integrating existing thematic protocols and agreements between the social partners into the newly concluded CBAs in the platform economy. For example, the Dansk Erhverv–3F agreement annexes general protocols on "Night work and health surveillance" and "Skills development and training" and the Foodora (Delivery Hero)–Swedish Transport Union agreement includes a detailed sectoral annex on "Occupational health and safety management for companies in the transport sector".

►► *The trend towards more detailed and elaborated agreements can be illustrated by simply looking at the length of the agreements: while the Hilfr–3F agreement (concluded in 2018) had 11 pages,*

²²⁸ Italy, Law No. 128 of 2 November 2019, amending legislative Decree No. 81 of 15 June 2015. This law also reinforces the presumption of the existence of an employment contract for platform workers, but adds a second option. Even if platform workers are self-employed, the law mandates that the collective agreement of the sector of activity applies to them. In the absence of such a collective agreement, the law provides for a "minimum level of protection", which consists of granting self-employed platform workers certain rights, including the payment of insurance against accidents at work and occupational diseases (ILO 2022a).

²²⁹ Italy, *Protocollo attuativo dell'art 47bis ss. D.lgs. 81/2015 CCNL Logistica, Trasporto Merci, Spedizione*, 2 November 2020.

²³⁰ Italy, Court of Palermo, ordinance of 12 April 2021; Italy, Court of Bologna, decree of 30 June 2021; and Italy, Court of Florence, ruling No. 781/2021.

the sectoral agreement between Dansk Erhverv–3F (concluded in 2021) has 89 pages and regulates working conditions and pay in much more detail and with a wider thematic scope.

In Spain, a CBA concluded in late 2021 contains detailed provisions on the role of workers' representatives (workers' councils) in the company regarding the algorithms used for work management. It may also be observed that the social partners have started to experiment with sector-level agreements that tend to include more elaborate regulations that cover working conditions with more specific rules. In Austria, Denmark and Spain, sectoral collective agreements were concluded that apply to employees in the app-based food-delivery sector. In addition, in Italy and Sweden the concluded enterprise-level agreements are complementary to existing sectoral collective agreements, which are likely to include more elaborate and detailed regulations of working conditions.

Observation 3: Trade unions or platform companies can drive the conclusion of CBAs

Negotiations of CBAs in the platform economy have mainly been union-led. Most notably in Norway, the agreement between the food-delivery platform Foodora and the trade union Fellesforbundet was concluded after a strike by the couriers working via Foodora (Ilsøe and Jesnes 2020). However, in one country a platform company is reported to have taken the initiative to negotiate a collective agreement. Interestingly, negotiations for the Hilfr–3F agreement began on the initiative of the platform. Currently, the union and the platform are renegotiating the agreement in the attempt to create a sector-level agreement for cleaning platforms (Ilsøe 2020).

► Box 44: The platform company Hilfr initiated negotiations for a collective agreement

Hilfr is a platform facilitating cleaning in private households, which was founded in 2017. The company started with a freelancing business model, but quickly experienced difficulties both in the market and in relation to the Danish welfare state, which favoured the application of a CBA (Ilsøe and Larsen, 2021). Accordingly, they approached the union with the intent to engage in negotiating a company agreement, but the union was hesitant at first. However, the fact that there was no competing sector-level agreement in the market paved the way for 3F's participation in negotiations (Ilsøe and Larsen, 2021).

Observation 4: Tendency among international platforms to “export experiences with collective bargaining” from one country to another

There is a tendency among international platform companies to learn from experiences with collective bargaining and to subsequently engage in collective bargaining in other countries as well. For instance, Foodora (subsidiary of Delivery Hero) concluded its first agreement in Norway (2019) and its second agreement in Sweden (2021), while Just Eat Takeaway.com participated in sector-level bargaining in Denmark and shortly thereafter in enterprise-level negotiations in Italy and Spain (both processes took place in 2021). From 2021 to 2022, Just Eat Takeaway.com and its subsidiaries were in negotiations with trade union organizations in Australia.

For Just Eat Takeaway.com and its subsidiaries, the export of bargaining practices may indicate the value of gathering experiences and learning from concluded CBAs for establishing collective bargaining relations in other countries.

Effects of collective agreements covering digital labour platforms

What are the effects of the identified collective agreements on working conditions and pay?

Given that most CBAs are very recent and that some are not yet fully implemented, it is difficult to evaluate the effects of the agreements in practice. Only a few of the identified agreements have a history of several years. Therefore, current reports on the effects of CBAs are largely based on early anecdotal evidence. In the coming years and after the implementation of the identified CBAs, additional research and case studies will be needed to analyse in more detail the effects of collective agreements on working conditions and pay in the platform economy.

► Box 45: Effects of CBAs on working conditions and pay

In Denmark, the Hilfr-agreement quite quickly had an effect on the wage and working conditions on the platform. By early 2019, more than one third of the cleaning gigs on the platform were done by Super Hilfrs (Ilsøe 2020) and by 2021 this share had increased to two thirds of all jobs (Ilsøe and Larsen, 2021). Also, many Super Hilfrs set their hourly price higher than the minimum threshold of Dkr141 (about €19), which indicates that the agreement has had a positive effect on wages (Ilsøe 2020).

In Austria, some app-based delivery drivers face a choice between an employment contract with the platform company Lieferando (Just Eat Takeaway.com) and the application of a CBA or a freelance service contract with the platform company Mjam (Delivery Hero). The collective agreement is reported to only constitute a minimum floor that is improved upon by the platform companies. Lieferando, for example, is reported to have offered higher hourly wages than stipulated in the CBA and the platform Mjam offers a revocable mileage allowance above the rate set in the collective agreement if riders use their own equipment (bicycles). It is reported that riders are aware of the differences between an employment contract and a freelance service contract and the analysis of the reasons why app-based drivers choose one of these two options needs to be further developed.²³¹

How many workers are covered by collective agreements in the platform economy?

Collective bargaining is taking place in the location-based platform economy and a first group of CBAs has been concluded in different regions of the world. However, on the whole such collective agreements currently apply to only a limited number of workers in the location-based platform economy.

A total of 11 CBAs have been identified in eight countries that apply to platform workers that are employees. However, most platform workers are classified as independent contractors and not as employees and are therefore not covered by the CBAs identified. From a global perspective, the growing but still very small number of CBAs and the limitation of workers in their employment relationships indicate the currently limited role of collective bargaining for regulating working conditions and pay in the platform economy.

► Box 46: Number of platform workers covered by collective agreements

Delivery Hero (its subsidiary Foodora concluded CBAs in Sweden and Norway) reports that approximately 6 per cent (about 2,000 employees) of its workforce are covered by collective agreements.²³²

²³¹ For an overview, see Gruber-Risak.

²³² Delivery Hero, "Financial Reports and Presentations: 2020".

However, this number also includes employees in administration and product development for Delivery Hero and not only app-based delivery drivers.

Just Eat Takeaway.com reports that is continuing to roll out an employed courier model (Scoober) through which services will be provided by couriers employed by the platform company or hired through agencies. The employed courier model will be rolled out in several countries and the platform company expects to hire more than 50,000 couriers annually on a continuous basis, providing diverse employment opportunities – from flexible and part-time to full-time work.²³³ Just Eat Takeaway.com has not concluded CBAs in all countries in which it operates. But in Austria, Italy and Denmark, the CBAs identified would apply to an increasing number of employed couriers of the company. Indeed, courier costs, which include salary and staff expenses of employed couriers for Just Eat Takeaway.com, increased worldwide from €181 million (first six months of 2020) to €1,022 million for the same period in 2021, indicating the expansion of the employed courier model (“Scoober”).²³⁴

Looking to the future of collective bargaining in the platform economy

Employers’ and workers’ organizations have reached out with various initiatives to workers in different sectors in the platform economy (see Ch. 2). These developments and the first group of CBAs described in this study show the great potential that social dialogue holds for regulating working conditions and pay in the heterogeneous sectors of the platform economy. It is important to note that collective bargaining is a form of regulation that interacts with and complements other types of regulation, such as statutory labour laws, which may give more or less space for rule-making through collective bargaining. In some countries, regulatory and judicial developments have facilitated access to collective bargaining for workers in the platform economy and even supported collective bargaining. As a consequence, in some countries this has led in the location-based platform economy to a move away from the contractor model towards the employment model and the corresponding conclusion of initial CBAs in the platform economy.

²³³ Just Eat Takeaway.com, “Annual Report 2020”.

²³⁴ Just Eat Takeaway.com, “Just Eat Takeaway.com Half Year 2021 Results”. However, this increase in courier costs includes a one-time effect, as it was partly driven by the full six months in 2021 being reported in combination with Just Eat as compared to only 2.5 months in 2020 (merger between the two platform companies Just Eat and Takeaway.com in 2020).

▶ Conclusion

In a nutshell, the study shows that coordinated group actions (demonstrations, strikes and collective log-offs), the establishment of new organizations of workers and platform companies, and even collective bargaining are taking place in the location-based platform economy. The examples presented “from the ground” originate from various countries and show the need for and motivation of location-based platform workers to come together and engage with each other in some form to exchange their work experiences and improve their working conditions. However, several of the initiatives identified in the platform economy have an informal or experimental character and have to a large extent taken place outside the existing industrial relation frameworks of the countries concerned.

Looking to the future, the experiences from the ground described in this study show that there are ways, including through regulatory initiatives, to improve the enabling environment for the freedom of association and collective bargaining in order to realize the opportunities of the platform economy. National legislative frameworks should ensure that platform workers have the right to organize and collective bargaining in line with ILO standards. These rights are recognized, among others, in the ILO fundamental Conventions Nos 87 and 98, and are regarded by the ILO Centenary Declaration as enabling rights for the attainment of inclusive and sustainable growth.

All in all, digital labour platforms are part of the growing diversity of work arrangements with substantial opportunities for businesses and workers. While diverse work arrangements may help to increase access to the labour market, this growing diversity can heighten inequality. Access to freedom of association and the effective recognition of the right to collective bargaining can further help ensure that the opportunities of the platform economy are fully realized for both workers and businesses.

Workers’ organizations, collective bargaining and other social dialogue endeavours are emerging in the platform economy

The previous chapters have described how platform workers joined social media groups, among others, with the motivation to improve their working conditions (Ch. 1). In some countries, platform workers have engaged in coordinated group actions, such as demonstrations and collective log-offs and strategic litigation, to express their grievances, while some platform workers have created new associations or joined already existing trade unions (Ch. 2). Also, in the location-based platform economy a first group of collective agreements have been concluded (Ch. 3).

- ▶▶ *About 85.7 per cent of app-based delivery workers and 68.4 per cent of app-based taxi drivers are not aware of a trade union organization of which they could become a member.*
- ▶▶ *Instead, the examples identified in this study show that for various reasons, platform workers are more likely to organize in informal groups of workers, such as on Facebook or WhatsApp or in other social media groups.*
- ▶▶ *However, without effective organizational structures and sufficient legal recognition, there remain questions about the effectiveness of these groups to achieve lasting and meaningful improvements of working conditions.*

Informal groups of workers, newly established trade unions, already existing trade unions and employers’ organizations have engaged in initiatives to improve working conditions in the platform economy. Self-organizations of workers have mainly emerged in the ride-share and food delivery sectors, including among migrant workers. There are fewer examples of successful organization in the online web-based platforms. Particularly in the global South, many of the initiatives described involve the establishment of informal groups of workers and platform workers seem to mainly rely on demonstrations and strikes to make

their voices heard. Some platform companies have unilaterally pledged to improve working conditions or to engage with workers' representatives.

Particularly in the global North, a number of collective agreements has been concluded by already existing trade unions that mostly apply to employees within the food-delivery sector in Europe. Many of these agreements are of an experimental nature, seeking to address the specificities of the platforms, and are still in the process of implementation. Therefore, for most agreements it is too early to assess their implementation and effects. In addition to the conclusion of collective agreements, already existing trade unions and newly established workers' organizations of platform workers have concluded a number of non-binding agreements, such as declarations or codes of conduct with platform companies (see Annex).

Diversity of the platform economy: The contributions of social dialogue and collective bargaining

The observed heterogeneity of digital labour platforms, performed tasks, concerned industry sectors and workers' needs indicates that there cannot be a "one-size-fits-all" regulatory response for all the types of work that is conducted on and through digitally mediated labour platforms. This increases the potential contributions of social dialogue and collective bargaining for developing responsive and practice-oriented solutions that take into account the diversity and specific needs of the platform economy.

Collective bargaining has some characteristics that seem to respond well to the fast growth of the platform economy, the continuous evolution of its technical and organizational conditions and its expansion into new industry sectors, resulting in a wide range of opportunities and challenges. First, *legitimacy* is increased, as regulation through collective bargaining is always based on the joint participation of employers or employers' organizations on the one side and workers' organizations on the other side in the negotiation of collective agreements. This is particularly important in newly emerging parts of the labour markets, as regulation may be of an experimental nature that seeks to address the specificities of the platform economy. Second, the *adaptability* of regulation through collective bargaining allows for rapid establishment or renegotiation in case of technological, economic or work organizational changes in the newly emerging business models. Third, the *customization* or *practice-orientation* of collective bargaining reflects the particular conditions of an industry or occupation in the platform economy.²³⁵ However, as a tool of flexible and practice-oriented, bottom-up regulation, collective bargaining can only flourish in an enabling legal and institutional environment.

Creating an enabling regulatory environment for realizing the opportunities of digital labour platforms

During the emergence of the platform economy, it was often assumed that because of the practical obstacles and legal challenges involved, the organization of workers, coordinated group actions and collective bargaining would be almost impossible. The country examples described in this study have shown that these initial concerns may have been partly overstated and the motivation of platform workers has the potential to overcome these barriers and allow them to engage collectively. However, several of the initiatives identified have to a large extent taken place outside the traditional industrial relations frameworks in the countries concerned or are limited in their scope to employees in the platform economy. In this regard, it is important to recall that most platform companies classify their workers as independent contractors and not as employees (De Groen et al. 2021; De Stefano et al. 2021a). In many countries, the legal classification of platform workers determines whether they have access to certain trade union rights, such as to engage in collective bargaining.

²³⁵ On the arguments in this paragraph generally, see also Hayter and Visser (2018) and ILO (2022b).

Regulatory initiatives mostly address location-based platforms and are often very recent and still ongoing

▶▶ *The ILO Centenary Declaration calls on all Members, with the support of the ILO, to “respond to challenges and opportunities in the world of work relating to the digital transformation of work, including platform work” and to develop “policies and measures that ensure appropriate privacy and personal data protection.”²³⁶*

In a number of countries, the regulation of the emerging platform economy is surrounded by legal uncertainty, which expresses itself in various consultative and legislative initiatives and also in a large number of court decisions. Several regulatory initiatives address working conditions and social protection in the location-based platforms, in particular with respect to workers on delivery and transportation platforms. Any regulations concerning online web-based platforms face the additional challenge that workers are dispersed across different jurisdictions. Even if national regulatory initiatives do not directly refer to freedom of association and collective bargaining, they have effects on these rights when they affect the classification of workers, which often determines who has access to these rights. However, the stages of implementation of national regulatory initiatives vary. Most regulatory initiatives are very recent and there is not yet a clear trend to be observed; developments are not finished and very much in flux.²³⁷

Current legislative initiatives address a number of regulatory areas to improve working conditions and create an enabling environment for freedom of association and collective bargaining on digital labour platforms. For example, in December 2021 the European Commission proposed a set of measures to improve working conditions on digital labour platforms.²³⁸ The regulatory package includes a proposal to correctly determine the employment status of workers on location-based and web-based platforms in light of their actual relationship with the digital labour platform;²³⁹ draft guidelines clarifying the application of EU competition law to collective agreements of solo self-employed workers (see Box 40); and digital access rights for platform workers and their organizations (see Box 42). Through these measures, the European Commission aims to improve the working conditions and social protection of platform workers and to create an enabling environment for improved representation and to support the negotiation of collective agreements.

Looking to the future: the growing importance of digital labour platforms

The number of digital labour platforms has been steadily increasing for years and it is widely assumed that the platform economy is likely to expand in the future. The experiences obtained during the COVID-19 pandemic are expected to further accelerate digitalization and the growth of digital labour platforms in the long run. Moreover, the importance of digital platforms lies not only in its scale but also in the fact that it is an experimental field for technological innovations and the utilization of algorithms in the management of activities and labour, which stretches beyond digital platforms and is penetrating several traditional sectors of the economy.

Looking to the future, it is important to ensure that opportunities on digital labour platforms are realized for both workers and businesses. The examples identified in different regions of the world, as presented in this study, show that collective bargaining and other forms of social dialogue may have an added value

²³⁶ Para. III C(v).

²³⁷ The findings in this paragraph build on a background study to this report prepared by Martin Gruber-Risak and Sophie Schwertner (both Vienna University). The background study analysed recent regulatory and judicial developments by taking a closer look at ten countries (Argentina, Australia, Canada, China, Italy, Nigeria, Republic of Korea, Spain, the United Kingdom and the United States) and the European Union (EU). The findings and developments described reflect the situation in the analysed countries and should not be regarded as representative for the entire world. The analysed countries were deliberately selected based on their innovative legislative and judicial developments, while ensuring regional balance.

²³⁸ European Commission, “Commission Proposals to Improve the Working Conditions of People Working through Digital Labour Platforms”, press release, 9 December 2021.

²³⁹ European Commission (2021).

for negotiating responsive and practice-oriented solutions that take into account the heterogeneity of the platforms. These examples also illustrate possible avenues for employers' and workers' organizations to strengthen representation, develop collective bargaining and foster an inclusive social dialogue in the platform economy. However, as a tool of flexible and practice-oriented, bottom-up regulation, collective bargaining and social dialogue can only flourish in an enabling legal and institutional environment.

Annex

A number of mostly non-binding agreements were concluded in the platform economy²⁴⁰

In addition to the conclusion of CBAs, platform companies and trade unions have also concluded a number of mostly non-binding agreements, declarations or codes of conduct that seek to promote minimum working standards in the platform economy. Some of the most significant agreements are listed below.

► Box 47: Social dialogue agreements and initiatives in the platform economy

- **In Australia** in 2017, the job-posting platform Airtasker concluded an agreement with Unions NSW, under which the platform company committed to informing customers of award minimum pay rates. The agreement was lauded in the media as “a world first for the gig economy” (Taylor 2017), although Unions NSW itself acknowledged that there was no mechanism to enforce the recommended wage scales and the deal fell short of formalized protections of labour standards (Minter 2017; Johnston and Land-Kazlauskas 2018).
- **In Italy** in 2018, the “Charter of fundamental digital workers’ rights within an urban setting” was signed by two local food delivery platforms, Sgnam and MyMenu, the city’s mayor, the newly established Riders Union Bologna and Italian trade unions.²⁴¹ The Charter contains minimum standards on working conditions, like remuneration and working time provisions, health and safety and the right to be informed, and the protection of personal data. The Charter is not binding: only platform companies who sign it on a voluntary basis are committed to observe it.
- **In Kenya** in 2018, a memorandum of understanding was signed by ride-hailing companies, various groups representing workers and the Ministry of Transport. The agreement was signed after a strike over fares by workers on Uber, Bolt (then Taxify), Little Cabs and others in the taxi industry. The agreement is reported to have provided a foundation for further engagement and negotiation on pay and workers’ welfare.²⁴²
- **In the Netherlands**, a collaborative agreement was signed between the platform company Temper and the union FNV in 2018.²⁴³ The agreement is not a traditional collective agreement as it only addresses training, pensions and insurance and is often referred to in the context of collective bargaining for self-employed workers in the platform economy. Dutch regulations allow for certain exemptions from competition law, when it comes to collective bargaining for self-employed. This might have facilitated the negotiations of the collaborative agreement between Temper and FNV.
- **In Spain**, platform workers who are classified as economically dependent autonomous workers are able to negotiate professional interest agreements or codes of good practice. Thus, platforms and self-employed associations have concluded various non-binding agreements. This includes a professional interest agreement between Deliveroo and the workers’ organization Spanish Association of Messenger Riders (Asoriders) signed in 2018.²⁴⁴ In relation to trade unions’ rights, it recognizes the right to meet in assembly at the request of economically dependent autonomous worker representatives and to carry out the full range of tasks of affiliation and associative information. Article 25 creates a joint Monitoring Committee for the agreement, with the

²⁴⁰ This section benefited from preparatory work by Charalampos Stylogiannis, whose research is part of the Odysseus research and funding.

²⁴¹ See Eurofound, “Platform Economy Repository”.

²⁴² FairWork, “Fairwork Kenya Ratings 2021: Labour Standards in the Gig Economy”, 2021.

²⁴³ See Eurofound, Platform Economy Repository”.

²⁴⁴ Full text of the agreement: [Acuerdo de interés profesional papa los trades que realizan servivios para Roofoods Spain \(Deliveroo\)](#) (accessed on 6.10.2021).

functions of interpreting the agreement and mediating in individual or collective disputes (art. 25 and ff.). Also, Sharing España, a group created within the Spanish Association of the Digital Economy (Adigital), brings together different companies from the collaborative and on-demand economy with the aim of analysing and disseminating the impact that platform-based models have on socio-economic development and sustainability. In 2018, a code of good practices aimed at promoting the collaborative economy was published and signed by member companies.

- **In Switzerland** in 2019, Mila AG (a repair and technology services platform) and Syndicom (a trade union for the media and communication sectors) negotiated a non-binding code of conduct,²⁴⁵ which states that tasks must be clearly and precisely defined. The platform company promises to take account of the time scales and deadlines required by the customer to ensure that orders are planned realistically and that the gig and platform workers have sufficient time to complete the tasks. Mila AG and Syndicom will meet regularly, at least once a year, to exchange positions and opinions. As the code of conduct constitutes a voluntary commitment of MILA AG only, it does not apply outside this platform.
- **In the Republic of Korea** in 2020, an agreement was signed on platform economic development and guarantee of rights and interests of platform workers (unofficial translation), focusing on the delivery sector.²⁴⁶ The agreement addresses working conditions and compensation of delivery drivers, as well as various issues surrounding the delivery industry, such as safety and health and the right to form trade unions.²⁴⁷ Signatory companies and trade unions shall observe the agreement on the basis of the principles of goodwill and strive to achieve common goals. Also, it was agreed that participating platform companies and trade unions shall operate a permanent consultation body to maintain, practice and develop the purposes and principles of the agreement.

Further agreements addressing domestic work, COVID-19 and workers helping influencers on YouTube

Several of the CBAs identified were concluded in the transport and food-delivery sectors. However, social dialogue is not limited to these sectors in the platform economy. Box 48 highlights an example of an agreement applying to workers on a labour platform for domestic services.

► Box 48: Agreement for workers on a domestic work platform in the United States

- **In the United States of America**, the NDWA Gig Worker Advocates (affiliated to the National Domestic Workers Organization) was founded in 2020.²⁴⁸ In 2021, NDWA reached a pilot agreement with the cleaning platform Handy (Stylogiannis 2021). Handy is an online platform that helps connect cleaners with people who need services in their homes. Many domestic workers, including many of those who work through the Handy platform, are not classified as “employees” under either federal or state law.²⁴⁹
- The pilot programme of the agreement is being run in Florida, Kentucky and Indiana over an initial two-year period. The agreement’s structure does not amount to collective bargaining; however, it contains significant provisions, including hourly minimum wage, paid time off and occupational accident insurance.²⁵⁰ In addition, an advisory committee will meet with representatives of the platform company on a regular basis to offer expertise on job quality and worker

²⁴⁵ Mila; see also Eurofound, “Syndicom and Mila Code of Conduct”.

²⁴⁶ *Labour Plus*, “Platform Industry Social Dialogue: How Was It Possible?”.

²⁴⁷ *The JoongAng*, “Stop the Pressure of ‘Quickly and Quickly’ Delivery... Platform Labor Voluntary Agreement to Protect 70,000 Articles”, 6 October 2020.

²⁴⁸ <https://www.gigworkeradvocates.org/what-we-do>.

²⁴⁹ Kate Andrias, “NDWA-Handy Pilot: Major Gains for Workers Long Excluded from Labor Law’s Protections”, *OnLabor*, 17 September 2022.

²⁵⁰ <https://www.gigworkeradvocates.org/handy>

experience. It is reported that the pilot programme is established by a private agreement and enforceable by contract law.²⁵¹

The COVID-19 crisis highlighted the vulnerability of some platform workers. In response, the social partners concluded agreements about the provision of PPE and some platform companies committed to hardship funds. Box 49 gives two examples of COVID-19 agreements resulting from social dialogue in Australia and Spain.

▶ **Box 49: Unregistered agreements and negotiated codes of conduct during the COVID-19 crisis**

- **In Australia** in 2020, the TWU signed an agreement with the platform company Door Dash on virus protections for delivery workers. It is an unregistered agreement mostly relating to COVID-19 protections for drivers. DoorDash is to provide masks, hand sanitiser and gloves, as well as financial assistance for those who have tested positive for the COVID-19 or those that need to self-isolate. The TWU-DoorDash COVID-19 Response also included commitments from the platform to ongoing engagement with TWU based on its “recog[nition] that collective representation from workers through regular dialogue and engagement with the TWU is valuable to identify, discuss and resolve issues of general and specific concern and enhance food delivery work in the emerging gig economy ... As part of this ongoing dialogue and engagement, DoorDash and the TWU commit to address the emerging risks and challenges facing delivery workers during the pandemic and into the future.”²⁵²
- **In Spain** in 2020, the Code of Principles and Good Practices for Collaborative Platforms was signed by delivery platforms (Glovo, Deliveroo, Uber Eats and Stuart) and delivery workers’ associations (Asoriders, Professional Association of Autonomous Riders, Association of Autonomous Riders). The agreement is based on the following pillars: health and safety during the COVID-19 crisis, meteorological emergencies, transparency and ongoing dialogue.²⁵³

There are a number of other agreements that do not target platform economy workers per se but rather the ecosystem around digital work (see Box 50).

▶ **Box 50: Extending collective agreements to workers helping influencers on YouTube**

In Sweden, the talent management company United Screens (now Era), which is a YouTube network and delivers services to influencers, negotiated with the trade union Unionen to apply the sectoral agreement for media companies (ILO 2021 e). The agreement covers the people helping influencers, but not the influencers themselves as these are typically self-employed.

²⁵¹ Al-Jen Poo and Dawn Gearhart, “Domestic Workers Have Long Been Underpaid and Unappreciated. It’s Time We Give Them What They Deserve”, *CNN.com*, 17 June 2021.

²⁵² TWU, “TWU-DoorDash COVID-19 Response”.

²⁵³ Glovo et al., “Acuerdo sectorial de buenas practicas”, September 2020.

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Acknowledgements

This study was prepared by the Collective Bargaining and Labour Relations Group in the Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) of the ILO. Felix Hadwiger prepared the study, with the guidance of María Luz Rodríguez Fernández and Christopher Land-Kazlauskas under the responsibility of Philippe Marcadent, Chief of INWORK.

In the preparatory phase of the research project, initial interviews with representatives of employers' and workers' organizations and experts from academia and civil society were conducted. These helped to identify important developments and potential case studies in different regions of the world and to guide the overall research. We would like to thank Bama Athreya (Open Society Foundations), Shawna Bader-Blau (Solidarity Center), Thomas Costa (Unions NSW), Michele Ford (University of Sydney), Mary Gray (Microsoft Research), Mirko Herberg (Friedrich Ebert Foundation), Hannah Johnston (Northeastern University), Baker Khundakji (ITF), Luis Rodrigo Morales (IOE), Melisa Serrano (University of the Philippines), Valerio De Stefano (Osgoode Hall Law School), Roberto Suarez-Santos (IOE), Ruwan Subasinghe (ITF), Mac Urata (ITF), Jeffrey Vogt (Solidarity Center), Edlira Xhafa (University of Kassel) and Rita Yip (IOE) for their inputs and advice.

Contributions to different parts of the study were provided by ILO specialists and external collaborators. We want to acknowledge Uma Rani and Nora Gobel (both of ILO RESEARCH) for providing the data analysis of the sections on workplace solidarities in Chapter 1, which were compiled through country surveys by the ILO, and for their invaluable advice on the interpretation of the findings. The analysis of regulatory and judicial developments benefited from a background study by Martin Gruber-Risak and Sophie Schwertner (both of Vienna University). The description and analysis of a first group of collective agreements in the platform economy provided in Chapter 3 benefited from a background study and review by Anna Ilsøe (University of Copenhagen).

Case studies commissioned by the ILO describe how employers' and workers' organizations reached out to workers in the platform economy and how these workers self-organized with a view to influencing their terms and conditions of work. The case studies inform various chapters in this working paper and were developed by local experts. Case studies were conducted in Australia by Anthony Forsyth (RMIT University); in Chile by Pablo Zenteno Munoz and Felipe Labra (independent researchers); in India and Nigeria (information provided by Uma Rani (ILO RESEARCH)); in Ukraine by Iryna Sakharuk (Shevchenko National University); and in Spain by Henar Alvarez (University of León). Overall, interviews with about 20 national informants, ranging from platform workers and representatives of employers' and workers' organizations to academic researchers, were conducted in different countries by the contributors to this study.

We would also like to acknowledge ILO colleagues and other experts for their valuable inputs to different parts of the study. We want to thank Xavier Beaudonnet (ILO LIBSYND); Magdalena Bober (ILO ACT/EMP); Ariel Castro (ILO ACTRAV); Naome Chakanya (ILO ACTRAV-Turin); Karen Curtis (ILO LIBSYND); Sean Cooney (Melbourne Law School); Diletta Gambaccini (independent consultant); Tess Hardy (Melbourne Law School); Susan Hayter (ILO GOVERNANCE); Martine Humblet (ILO INWORK); Mélanie Jeanroy (ILO ACTRAV); Ambra Migliore (ILO INWORK); Karol Muszyński (KU Leuven); Shae McCrystal (University of Sydney); Mélanie Jeanroy (ILO ACTRAV); Konstantinos Papadakis (ILO DIALOGUE); Rafael Peels (ILO ACTRAV); Verena Schmidt (ILO INWORK); Maria Sedlakova (ILO GOVERNANCE); and Harry Stylogiannis (KU Leuven). Angélique Flores-Girod, Claire Piper and Kimberley Muller (ILO INWORK) are acknowledged for providing excellent secretarial support.

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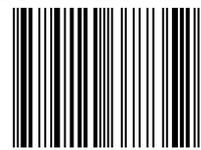
Conditions of Work and Equality Department (WORKQUALITY)

Inclusive Labour Markets, Labour Relations and
Working Conditions Branch (INWORK)

International Labour Organization
Route des Morillons 4
1211 Geneva 22
Switzerland



ISBN 9789220377352



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