

COLLECTIVE VOICE AND INDIVIDUALISED WORK

Emerging patterns of social dialogue in the platform economy

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The global platform economy is expanding fast both in terms of business volume and the number of platform workers¹, and it covers a wide range of activities. On the one hand, we can distinguish between platforms that are about mediating physical services requiring personal presence (e.g. passenger transport, babysitting, accommodation, food delivery, etc.) or are the intermediary between digital services fulfilled without the personal presence of the worker (e.g. translation, design, coding, ghostwriting, accountancy, transcribing texts, etc.) To put it in a more formalised way, Pajarinen et al. (2018) classified 2 different types of platform workers: “(a) Online Labour Markets (OLMs), in which an outcome of a job task is electronically transmittable; and (b) Mobile Labour Markets (MLMs), in which the delivery of a service requires personal presence.” (Pajarinen et al., 2018:5). We can further add that platform work of both OLM and MLM may include ‘low-skilled & low-paid’ as well as ‘high-skilled & high-paid’ jobs.

The disruptive character of the platform economy poses regulatory challenges on different levels. First and foremost, as platform companies claim that they are not service delivery companies just intermediary actors matching the demand and supply sides of the market, they do not take any responsibility for the quality of the services and do not have to comply with the specific regulation of the sector. The best documented case for this is Uber (Thelen, 2018; Mako et al., 2020). Uber created a competitive advantage in Hungary by refusing to be acknowledged as a taxi company and by claiming that they are only IT developers: Uber did not pay the obligatory deposit to government regulators that every other taxi company had to pay; it did not have to comply with strict environmental requirements by claiming they did not operate a car fleet; the company claimed it did not have any obligations towards their quasi-employees; and the taxi drivers did not have to take the same exams and tests every other taxi driver had to. All these allowed the company to offer same services on much lower prices. Similar things happened all over the world and the strength and weaknesses of the national regulatory frameworks played a crucial role in how different governments tackled these issues (Thelen, 2018).

Another – perhaps even more serious – consequence of this intermediary or match-making role of platform companies is that they also refuse to be acknowledged as employers of the platform workers. In a recently completed project¹, an international research consortium investigated the old and new forms of collective voice on labour platforms in Germany, Spain, Portugal, and Hungary.

The aim of the research was to investigate the impact of this essential feature of platform companies on the quality of platform work, with a special focus on the new and old forms of collective voice formation. The main problem here is the fact that if the platform companies are not employers of the platform workers, they are forced to get into contractual relationship on an individual basis with platforms and their clients. This also means that the terms and conditions are

regulated by the civil code instead of the labour code. It is clear, however, that under such circumstances it is harder to enforce minimum standards of job quality.

Our international research revealed some questions and dilemmas raised by this special quasi-employment status of platform workers about how to regulate these contracts and the basic working conditions for the work done through the platforms. The first question is related to forms and means of regulation, that is whether we need legal regulation, whether we have to strengthen interest representation organisations, or whether we have to focus on the enforcement of existing global labour standards. All of these options have their advantages and disadvantages.

For example, legal regulation is compulsory, which is a clear benefit but at the same time it seems to be too rigid to regulate the varieties of working conditions of such a heterogeneous group of people as platform workers. On the other hand, if we rely exclusively on interest representation organisations in defending the interests of platform workers, this would leave platform workers in countries with weak labour relations systems (LRS) in a sort of 'institutional vacuum'. The International Labour Organisation (ILO) argues (ILO, 2021) that international recommendations and principles such as the ILO Constitution and other ILO instruments are fully applicable to platform work irrespective of the legal employment status of the workers.

However, the question remains who will stand up for the enforcement of these rights and standards in countries with relatively weak LRS? It seems, therefore, that we need a rightly balanced mix of soft and hard regulation in order to ensure the individual and collective rights of the platform workers. It is also worth noting that according to our research experiences local platforms are usually more willing to negotiate with local trade unions than global platforms (Nierling et al., 2021, 50. o.).

As concerning the trade unions, they may differ significantly in terms of membership, negotiation power, financial, and human resources from country to country. For example, it is not surprising that German trade unions were the most powerful compared to their counterparts operating in other countries investigated in the abovementioned international research project. In contrast, Hungarian trade unions, operating in a relatively hostile environment, are less able to satisfy the special needs of platform workers, while Portuguese and Spanish trade unions can be located in between the two extremes. New, bottom-up organised grass-root organisations are another viable option to represent the interests of platform workers, where traditional trade unions are weaker. However, as platform work is a relatively new form of employment, it takes time for these grass-root organisations to organise themselves and the platform workers.

Be it the trade unions or newly established grass-root organisations who engage in the interest representation of platform workers, they have to carefully elaborate their strategies on how to approach platform workers, mainly because this highly individualised group of workers have special needs and usually do not trust much in such organisations. Therefore the more traditional forms of organising strategies may not work as efficiently as other strategies based on some kind of advocacy activities: "During counselling, advising services could function as an organisational or collective learning process for both trade union staff and their new future 'clients' (various categories of the

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platform workers), while also creating mutual trust and engagement between trade unions and platform workers. Once mutual trust and engagement are created, it will be much easier to develop a shared vision and mutually reinforcing activities between workers and union organisers” (Borbély et al., 2020:26).

Last but not least, one of the most important lessons we learnt is that the needs of platform workers may differ significantly. Food couriers, for example, often lack the most basic working conditions standards (in terms of working time, predictability of wages, occupational health and safety, etc.) and are much more defenceless compared to other platform workers. In contrast, Upwork is a platform where medium- and highly-skilled workforce can compete in a global labour market, and they are in a much more favourable bargaining position than platform workers engaged in food delivery or in the passenger transportation sector. The majority of Upworkers consider themselves entrepreneurs and they need not so much the traditional trade unionist services but much more professional career-building counselling activities on how to become independent from the platform.

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