



Gig economy and its Implications for Social Dialogue and Workers' Protection

Final Report

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1. Abstract of the Executive Summary

The gig economy has received increasing public attention over the past few years. But how can workers in the gig economy have their interests represented and bargain for better pay and working conditions? Our project builds on the pressing need to enhance context-sensitive knowledge on how the gig economy can become a catalyst for decent, fulfilling work in the modern labour market. By looking at recent developments in four European countries – Switzerland, Germany, Greece and the United Kingdom - the project examines how governments and the social partners perceive the impact of gig work on the labour market and how they shape responses in this regard. In a nutshell, the project findings point to: (a) the relatively low use – with variation that is context- and sector-specific – of social dialogue in the gig economy field; (b) emerging evidence of low-to-moderate mobilization on the part of traditional social partners, and; (c) the lack of coherent full-fledged policy and legal responses. Looking ahead, the benefits of the potential growth of the gig economy will accrue to all involved, once social dialogue is promoted as an invaluable mechanism for bringing the gig economy into the scope of national policy and regulatory interventions and adaptations.

2. Executive Summary

2.1. The research plan (problem statement, general objective, hypotheses, research methods, schedule, etc.):

The gig economy has received enormous public attention over the past few years. But how can workers in the gig economy have their interests represented and bargain for better pay and working conditions? While for the pessimists, the gig economy brings more opportunities for generating income and accessing the labour market, gigging, the pessimists claim, disenfranchises workers and leads to an extreme form of commodification of human beings as crowd work practices give access to humans-as-a-service. A central standpoint taken by the project was that, while the public debate and part of the more scholarly literature is still polarized, a balanced and empirically informed perspective on what we know about the gig economy and work and what needs further investigation is required. Our project builds on the pressing need to enhance conceptual clarity and context-sensitive knowledge on how the gig economy can become a catalyst for fair, fulfilling work in the modern labour market. Thus, as it has been increasingly acknowledged, more research and analysis from the national level are needed to assess how governments, employers and trade unions face the challenging task of adapting their responses and institutions, especially social dialogue institutions, labour market regulation mechanisms, and governance. In response to a fast-evolving gig economy, there is a need to use social dialogue and public action in order to ensure that gig work creates valuable opportunities for all involved stakeholders. Against this background, a central question of the project was: How public policy actors and social partner organizations do transform and adapt their interventions in response to the opportunities and risks of gig work in different national contexts and sectors? This question is relevant from a theoretical, empirical, and policy viewpoint. By looking at recent developments in four European countries – Switzerland, Germany, Greece and the United Kingdom - the project examined how governments and the social partners perceive the impact of gig work on the labour market and how they shape responses in this regard.

Thus, the project was premised on a two-fold objective: (1). To provide an integrated picture of the implications of the gig economy for the role of employers, workers and public policy actors and how they respond to the challenges for social dialogue, forms of representation of the interests of gig workers and businesses, and employment relations and protections in the labour market; and (2). To identify concrete steps and policy options for public policy actors and social partners to meet the challenges of gig work, drawing on evidence and lessons learnt from specific sectors and from different European countries. The analysis was delivered over the period 2018-2019 through desk research, qualitative meta-analysis, and fieldwork (semi-structured interviews with social partners, experts and gig economy workers) in the four countries.

2.2. The results obtained and an analysis of them:

In a nutshell, the project findings point to: (a) the relatively low use – with variation that is context- and sector-specific – of social dialogue in the gig economy field, and (b) evidence of low-to-moderate mobilization on the part of traditional social partners, with some emergent collective action on behalf of gig workers themselves, and (c) lack of coherent full-fledged policy and legal responses (again, variations exist and they are context-specific). More specifically:

The *Swiss case study* has highlighted the difficulties in assessing the extent of the gig economy in Switzerland. Reports from public officials, think tanks or trade unions often address the topic of the gig economy using a very wide coverage of the phenomenon. They indiscriminately talk about “digitalisation”, “sharing economy”, “automation” or “industry 4.0”, making it often difficult to distinguish what could be considered as gig work or not. Given the Swiss federal system and the focus on the principle of subsidiarity (according to which labour market regulation should be left to social partners), such a topic seems however to be unsuited for generating general conclusions. Crucially, local legal specificities matter as well as variations between cantons and sectors. Key results of the analysis are the following: First, gig work entails an extreme isolation of workers. Because they are expected to log-in from home and are in competition amongst each other, gig workers have little opportunity or incentive to exchange about their working experience with each other. This gave rise to new, though still emerging, forms of mobilisation. Second, the gig economy relies on workers investing themselves into their working tools. This brings significant discrepancy between platforms that became obvious in the case studies when ride-hailing platforms and food-delivery platforms were compared. Third, financial dependence on the work that the platform provides proves crucial in explaining the outcome of the efforts towards social dialogue. Couriers proved much more devoted to reach an agreement with the platform, when many drivers proved reluctant to claim too much in fear of seeing the platform they work for leave the city as it already did in many cities around the world. Fourth, social dialogue is not necessarily led by gig workers. Depending on the sector, the more vociferous workers were employees working for established companies that saw platforms as a threat. Here again the distinction is most clear when ride-hailing drivers are compared to food-delivery couriers. The dialogue surrounding the ride-hailing platforms gave a sounding voice to the traditional taxi drivers, whereas the dialogue about the food-delivery platforms gave much more place to the gig workers. In one case, social dialogue was fragmented and opposed traditional taxi drivers to their gig counterparts; in the other case, social dialogue was more inclusive with the emergence of a coalition gathering traditional and gig food-delivery couriers. Overall, the Swiss case is remarkable and novel in that it shows that platform management is not inherently incompatible with an employment status. As proven by the case study devoted to food-delivery platforms, there are platforms which are employing their workers. A collective labour agreement which embraces the traditional food-delivery companies exists and has been created in the hope of regulating the whole sector.

The *German case study* has shed light on the importance and relevance of regulatory frameworks and labour regulations for the gig economy in Germany. A central finding is that – whenever social partners, think tanks, and the government engaged with topics under the headline “gig economy” (or related concepts e.g. “sharing” or “platform economy”) – they did so in connection with the major debate on “industry 4.0”. The German analysis also finds that the engagement of trade unions in the debates is of special interest, because the concept “industry 4.0” was originally not meant to include labour related aspects; thus, trade unions had to come forward with the argument that without adequate skills (labor 4.0) the digitalization process could not be successfully organized. Furthermore, the trade unions cope with the challenges of gig work by testing new organizing, mobilization, and awareness/informational campaigns. But these attempts, so far, seem not to result in any social partnership governance. Most prominently, Airbnb in accommodation and Uber in transport have sparked a high level of activity. Though, again, this has not translated into a *corporatist* or *social partnership* process, but a kind of *interest group based lobbying* to keep certain market restrictions protecting established business models from competition labeled as unfair. The federal government has engaged with gig economy through the “Ausschuss digitale Agenda” and the dialogue on “Digitale Plattformen” and “Arbeiten 4.0” that included

social partners. Regardless, so far, there is little new regulation being implemented. Most policy actors seem to put their focus on monitoring future developments closely but, as yet, do not see a pressing need to take action since gig work is perceived as a phenomenon of marginal albeit growing relevance for the employment market and employment relations.

The *UK case study* has highlighted a number of challenges that the gig economy brings about, challenges that may be also relevant in other contexts but are particularly acute in the United Kingdom. One such challenge concerns the very definition of the gig economy: although efforts have been made to pin down this concept (including by the UK Government) it still manages to evade definition. Nevertheless, the project team found that work in gig economy is frequently characterised by common features, including: work that is task-based, short-term and where the exchange of labour and wages between workers and employers is often mediated through a digital platform. Although offering a starting point, these elements do not fully capture the complexity of the gig economy and the difficulties that have emerged in defining who is a 'worker'. One of the main issues that emerged during the research was the status of the gig economy workers and the implications that the status they held had for their pay and security. One impact of the gig economy in the UK has been the blurring of the boundaries between those who have standard employment contracts and the growing number of people who are 'self-employed'. Although heralded by some policy-makers as indicative of a new wave of entrepreneurialism, some of the self-employment found in the gig economy has been described by other policy-makers and trade unions as 'bogus', with workers effectively employed by a company in all but name who as a result find themselves exposed to high levels of insecurity, fluctuating incomes, and an absence of the employment rights that shape the standard employment relationship in the UK labour market. Concerns regarding the issues generated or exacerbated by the gig economy have led to an increased awareness among policy-makers in different UK legislatures and policy initiatives such as the most recent Taylor Review which gathered evidence from a variety of stakeholders. Nevertheless, there is little evidence of a consensus being built among policy-makers and social partners to map a way forward and this is made more problematic in a context where the UK Government and the trade union movement view each other as opponents rather than partners. As the debate moves forward, the courts are proving to increasingly be a crucial arena for determining the direction of the working conditions in the gig economy in the UK and the status of those embedded within it.

The *Greek case study* has shed light on existing gig-economy developments in Greece against a background of economic crisis, highlighting key characteristics of the hospitality / accommodation / tourism and transport sectors, and various regulatory and policy responses. It particularly reviewed regulatory, policy and social partner responses that have taken place with two specific case studies i.e. Uber and Airbnb. Three findings of the analysis are especially noteworthy. First, faced with rising unemployment and shrinking incomes due to the intense economic crisis that hit the country in 2008, a considerable part of the Greek population turned into gigging through digital platforms, especially in the accommodation (Airbnb) and the transportation sector (Uber). Besides being an important source for income generation during hard economic times, Airbnb has become an example of a disruptive innovation in Greece in that it has considerably transformed the market for accommodations in several cities, rivalling traditional industries such as hotels and real estate agencies. This has triggered multiple domestic effects, such as: raising reactions on the part of the traditional social partner organizations in the hotel industry, forcing policy-makers to regulate the sector in light of growing tax avoidance by Airbnb hosts, and enabling the emergence of a new social partner entity mobilizing and representing Airbnb hosts as well as groups of people with similar interests. Second, a crucial finding for the analysis is that the very contested

labour issues surrounding the concept of the gig economy and the status of the gig workers have not been tackled so far by the social partners neither in policy dialogue nor in collective bargaining. Overall, it seems that social partner, policy and regulatory responses to what can be understood as "gig" or "sharing economy" in Greece tend to reproduce old rigid patterns of labour market polarization and insider-outsider cleavages (and divides between those in formal and those in informal atypical employment as most commonly found in digital platforms).

In addition to the country case studies, the analysis of the role of social dialogue at international level – i.e. as a core component of the European Social Model and the ILO Decent Work Agenda – has brought forward new evidence of gig economy businesses and workers resorting to social dialogue for dealing with several contested aspects pertaining to the gig economy. The recent collective bargaining agreement signed in Denmark between gig workers and a digital platform providing cleaning services as well as the work councils established within digital platform businesses in several European countries are a first significant step in the direction of forging social dialogue nationally and as a strong component of the future policy agendas of international organisations.

2.3.A summary indicating whether the results obtained correspond to those expected at the beginning of the research:

As we formed the main conclusions regarding our findings of the four country cases, we identified a set of results that to some extent corresponded to our initial expectations and also reflected key issues in the extant academic literature (e.g. worker status, precarity, challenges for worker representation and for the role of legal action). However there were also some findings that we did not foresee, e.g. the non-relevance of the financial (banking) sector to the gig economy (as described in section 2.2 above); the limited debate on gig work in all four countries under study, and its embeddedness in the broader digitalisation debate; the degree of *non*-contention around labour issues and gig work in Greece, which may be explained by past legacies pertaining to the specific model of social partnership; and the degree of high contention on the very definition of the ‘gig economy’, shaping future social dialogue opportunities in the UK. Moreover, it is important to point out that although we anticipated some of the overall issues which formed the focus of key findings, the actual nuances of these findings, which varied along sectors and local contexts, were sometimes unexpected.

2.4.Information regarding the practical application of results:

The project has given rise to a number of results that have relevance to key practical questions pertaining for instance to (a) common challenges and specificities across countries and sectors in terms of the impact of gig work on social dialogue, employment relations and protections, and forms of mobilization and representation; (b) type of countries and models of industrial relations and social dialogue performing better; (c) type of policy measures, institutions and actors playing a determinant role in balancing technological innovation with decent work, and (d) conditions and institutional settings within which measures are efficient and innovative. The numerous presentations of project results in international organisations and diverse academic arenas contributed to the debate around the gig economy and its implications for social protection and social dialogue. Due to our tight collaboration with the ILO, our research was an inspiration for the ILO centenary initiatives, more specifically those around the decent work agenda and the ways to promote it in the gig economy.

2.5. Questions that merit further exploration (scientific, practical, methodological):

This project has sought to understand how governments, employers and workers perceive, frame and understand the changes and impact of gig work, then progressively moving to explaining how and why they operationalize these meanings and understandings through national and sectoral strategies, policies and regulatory responses. Questions that merit further examination may include the need to understand from a more practical and concrete policy perspective how the immense possibilities provided by the gig economy can offer the workers of today and tomorrow not just tangible advantages like a job, a (better) remuneration or greater flexibility but a new more empowered relationship to work. In all countries investigated, the gig economy is still an emerging issue and is not (yet) centrestage on the policy or collective action agenda. This implies that, more than identifying best practices (that are yet to be imagined or tested), what is needed is to push such issues on the policy agenda and to inform the emergent debate with evidence-based scientific knowledge. In this respect, more research and more awareness-raising is needed to precisely identify the prerequisites for the implementation of the decent work agenda in the gig economy. This point is also emphasized in 2.6 below.

2.6. Practical and policy recommendations that follow from the results obtained:

The project has highlighted the challenges and opportunities pertaining to what we may call a "complex phenomenon" – the features and implications of the gig economy and work come in many shapes and across different levels. They are also constantly evolving, enabling and demanding new policy and regulatory adaptations as well as new frames and mindsets that capture a profound shift in the organization of interests, representation and the social dialogue landscape. In such a context, an active role of governments and social partners - combined with a set of policies striking the right balance between innovation and decent work - has the potential to unlock the most value from the as-yet-unrealized potential of the gig economy.

Looking ahead, the benefits of the potential growth of the gig economy will accrue to all involved, once social dialogue is promoted as an invaluable mechanism for bringing the gig economy into the scope of national policy and regulatory interventions and adaptations. This requires that both workers' and employers' organizations effectively contribute to placing decent work higher on national agendas, and to ensuring that all parties have their voices heard in the policy debate, even in countries where the gig economy is not high on the government's agenda or where the government does not perceive employers' and workers' organizations as a relevant partner yet. Overall, social dialogue actors could take a proactive stance in seeking solutions, so as to ensure the coexistence of traditional forms and novel approaches of social dialogue. This could involve accompanying the efforts of existing unions and employers' organizations to expand their membership to gig economy workers, while also initiating collaboration channels with gig economy businesses from which both gig economy workers and businesses can derive mutual benefit. For all these reasons, we put special emphasis on disseminating initiatives of our research results as is shown in section 2.7.

2.7. Information regarding past and expected publications and other activities (articles, books, conferences, workshops, etc.).

No publications have been produced so far. Yet, the following collective activities have taken place or are being implemented at the time of writing:

- The project interim findings were presented at a high-level Research Workshop on "Gig economy and Social Dialogue" which was organised on 22 May 2019 in the ILO, with the participation of ILO experts. The full programme of this workshop can be found in **Appendix 1** to the present report.
- A specific panel was organized by the project within *the ILERA European Conference 2019* (Dusseldorf, 5-7 September 2019) and it was co-chaired by Maria Mexi and Johannes Kiess. The full programme of this panel can be found in **Appendix 2** to this report.
- The final conference of the SNIS project, where our results were presented to leading international experts, was organized at the University of Geneva on 13th December 2019. The full programme of this event can be found here: <https://www.unige.ch/sciences-societe/socio/fr/bienvenue/actualites1/gig-economy-workshop-keynote-13-december-2019/>
- A collective book is in preparation with Edward Elgar Publishing that will synthesize the main findings of the whole SNIS research project. The contract has been signed at the beginning of February 2020 and the manuscript is due at the beginning of 2021. All project teams will contribute to the book with country chapters and chapters of global relevance. The detailed book proposal can be found in **Appendix 3** to the present report.

The following activities have also been conducted:

- A teaching session entitled "Gig economy: une nouvelle forme d'exploitation des travailleurs?" has been dispensed by N. Cianferoni. It was targeted to trade-unionists and organized by the Swiss training institute Movendo (Yverdon-les-Bains, 16 May 2018).
- A paper entitled "How workers matter: the co-construction of platforms and workers" was presented by L. Perrig at the *Reshaping Work Conference* (Amsterdam, 25-26 October 2018).
- A paper entitled "The ILO's founding values and the development of international law" was presented by J.-M. Bonvin at the conference *ILO100 – Law for Social Justice*, Geneva, ILO Headquarters, 15-17 April 2019 (also published in the proceedings of the conference : « Les valeurs fondatrices de l'OIT et la promotion de la citoyenneté sociale – Jalons historiques et défis contemporains », in Politakis, G. et al. (2019), *ILO100 – Law for Social Justice*, Geneva, ILO, 31-47). Though not central to the paper, the issue of the gig economy was mentioned.
- A paper was presented at the *International Labour Process Conference 2019*, in Vienna, 24-26 April 2019. Its title was: "A Case Study on Fragmentations and Solidarities in the Gig Economy: How a Gig Workers' Mobilization shaped a Bike Deliverers' Online-Platform?" (J.-M. Bonvin, N. Cianferoni, L. Perrig).
- A paper was presented at the *6th Conference of the Regulating for Decent Work Network* organized by the International Labour Office (Geneva, 8–10 July 2019). Its title was: "Grass-Root or Institutionalized Organization for Gig Workers? The case of Food Deliveries in Switzerland" (J.-M. Bonvin, N. Cianferoni, L. Perrig).
- A paper was presented at the *14th Conference of the European Sociological Association* (Manchester, 20-23 August 2018). Its title was: "Recruitment Devices in the Gig Economy: How a Labour Supply Takes Shape in the Market for Food Deliveries" (L. Perrig)

- Two papers were presented at the *Swiss Sociological Association Conference* (Neuchâtel, 11-14 September). The first one, presented in a semi-plenary session, was entitled: “The gig economy and its challenges for social dialogue and social protection” (J.-M. Bonvin, N. Cianferoni, L. Perrig). The second, presented in a workshop session, was entitled: « Les implications de l’économie des plateformes pour le dialogue social » (J.-M. Bonvin, N. Cianferoni, L. Perrig).
- A series of conferences was organized, together with the ILO, on the topic “The Future of Work: Participatory Democracy in the Making” (1-3 October 2019). The second conference was specifically devoted to the topic “Social protection, social rights and the digital age”, and it allowed presenting some of the SNIS results in front of a large audience. The full programme of the series can be found here: https://www.ilo.org/global/meetings-and-events/events/WCMS_718401/lang--en/index.htm
- A session entitled “Social Dialogue for a Digital Society” was chaired by J.-M. Bonvin during the Future of Work Summit (Geneva, The Graduate Institute, 27 November 2019). The full programme can be found here: <https://graduateinstitute.ch/programmes/future-work-summit>
- A paper was presented at the conference “Disrupting Technology: Contextualising continuity and change in technology, work and employment” (Leeds, 16-17 January 2020). Its title was: “How can social dialogue address the issue of algorithmic management? Lessons from case studies in three sectors in Switzerland” (J.-M. Bonvin, N. Cianferoni).

3. Internal Report

3.1. Were the research plan and schedule followed?

In general terms the research plan and schedule were both followed as initially foreseen. More specifically, the Consortium conducted its research in accordance with the description of the research tasks included in the original research plan – as it has been submitted to the SNIS – and with few deviations. One deviation concerns the sectors that have been identified in the research plan as "case studies". In particular, the first stage of desk research conducted by all three-project teams at the beginning of the project revealed that the banking sector (initially identified in the research plan as a "case study") did not seem relevant for our study on the gig economy. Therefore, the project teams discussed and agreed on the necessity to enlarge the comprehension of a) the transportation sector in order to include *bike delivery platforms*; and b) the accommodation/household-related platforms by including *cleaning services platforms*, in countries which have relevance. It was also agreed that there is a necessity to examine "non-case-studies" (i.e. seeking to explain why nothing or very little happens in specific countries in terms of social dialogue and why the gig economy in the selected sectors was not considered as an important issue by social partners and policy actors alike). These changes have been communicated, and discussed with, the SNIS Project Manager.

Moreover, the project teams agreed that the WP1 and WP2 interview questionnaires prepared by the Geneva team at the project onset could be used as a baseline for the enlarged sectoral case and non-case studies, and be adapted as required. In addition to the issue of adapting the study of the sectoral case studies to the early findings of the desk research analysis in each country, the teams agreed to enrich the literature review (part of the desk research report of WP2 – task 2.1) by including also the findings of the qualitative meta-analysis of national sources as well as the general debates on digitalization. It was also decided to include into the desk research analyses the theoretical discussions about the gig economy and how these play out in the existing literature.

Moreover, due to the lack of sufficient human and financial resources (especially with regard to the budget available to cover fieldwork costs in each country), the project teams discussed their concerns about reaching the ultimate target of 60 interviews for WP1 and WP2 in toto, as stated in the original research plan. After internal discussions and relevant communications with the SNIS Project Manager it has been agreed to conduct at least 30 interviews in each country - at minimum - and to strive for more, wherever possible.

The interim report showed the necessity to reinforce the coordination within the consortium. A strategy was designed to that effect and was implemented during the second year of the project, i.e. a common analytical grid was adopted to allow for the analytical comparison of national case studies, 3 collective events were organized and a contract for a collective book was signed with Edward Elgar (see 2.7 above). Besides, regular skype meeting were held, and the collective events were used to hold in-depth working sessions with all members of the consortium. All in all, this strategy for consolidating coordination and facilitating comparability proved successful.

3.2. What activities took place during the research period in order to make the best possible use of the information gathered and what is planned for the future to communicate the results to target audiences?

During the two-year implementation of the project, Consortium partners sought to disseminate and communicate the project findings through participating in several academic

and policy conferences (see section 2.7 above). As next steps, a collective book is in preparation with Edward Elgar that will synthesize the main findings of the project. Moreover, the Consortium members will also seek to write (possibly joint) articles to be published in scholarly journals or other collective volumes. More specifically, in Switzerland J.-M. Bonvin is member of the Federal Committee for Work (an extra-parliamentary committee nominated by the Federal Council) where a presentation of the results is planned.

3.3. If time and resources had permitted, what further action could have been taken to achieve the maximum visibility or other potential benefits?

More face-to-face meeting with Consortium members could have been organized: although skype meetings are very useful, they cannot fully replace face-to-face meetings. The three opportunities we had to meet and work together for full days were decisive for deepening the analysis. Also, more workshops with external participants from both the academic and the policy communities would have been organised to communicate the project findings as well as larger conferences to create space for collaboration and foster ideas, connections and frameworks with the purpose of strengthening public engagement.

3.4. How would you describe the participation of the partners in the project?

The Consortium work was built upon an excellent collaboration between the partners. Roles and functions have been mutually respected and all the partners have been equally included into the implementation of the project WPs as per the project research plan. Good communication also facilitated the project skype meetings, decisions and interactions between partners. The Coordinating team at UNIGE played a two-way communication role, acting as the link points between the partners and boosting the partnership itself. Concurrently, there has been a fruitful exchange of suggestions and ideas in terms of the preparation of the project outputs, finding ways to connect different national experiences. To illustrate, the writing of the book proposal was the outcome of a fully collaborative effort. Finally, taking account of the available time and resources, the project has been characterized by a strong commitment from each partner.

3.5. Do you have advice to offer in view of future collaboration of a similar nature?

More time and money should be devoted to consolidate the collaboration between Consortium members. Although there was an excellent collaborative spirit, the lack of means and time had implications in terms of the analytical depth that could be reached. We would strongly advocate for a lump sum to be reserved, in each SNIS project, for organizing regular face-to-face meetings (at least once each 6 months), e.g. 12 to 15'000 CHF for the overall project.

We also think that the SNIS should develop an Open Access Policy, making funding available to that purpose. Publishing houses are keen to offer to the possibility of publishing Open Access, but this of course represents a cost for them, which needs to be covered. We think that a SNIS contribution of 10'000 CHF could guarantee a fully Open Access publication (i.e. available for free to anyone), which would contribute to make the SNIS efforts much better known among the scientific and policy community.

3.6. Where will the research results be stored?

The data collected are not “sensible data”. Every team will store the qualitative data collected (mostly expert interviews). The outputs are shared between all teams and will be disseminated as widely as possible.

3.7. Please provide additional information on publications and other activities if this was not sufficiently covered in the "Executive Summary"

See point 2.7 above. We also hope to publish joint papers in peer-reviewed journals. But our priority will be the preparation of the Edward Elgar book. Depending of the calls of the upcoming FP9 of the EU, a common bid could be prepared, associating the SNIS partners together with research teams from other Member-States.

3.8. What has the SNIS support allowed you to do, to conclude or to recommend that would not have been possible without its support?

The SNIS support has made possible the realisation of a truly comparative project drawing on a diversity of regulatory, policy and social partner responses. Overall, SNIS support has allowed our cross-national team of researchers to gain a better understanding of the responses of social partner organizations – both employers and workers, and both traditional organizations and new emerging ones representing gig workers and employers - to the implications associated with gig work in the four country cases and in the selected sectors. We have been able to gather information and assess what these social partner organizations understand as opportunities and challenges, how they frame their own role in relation to the gig economy, and how they shape their strategies and responses. Our key findings will be further explored in future research projects and collaborations. In our view, the SNIS project gave the necessary impetus and resources to envisage submitting more ambitious bids, e.g. for a European project (H2020 or the upcoming FP9).

3.9. How did the interdisciplinary nature of the project affect the results?

The project's interdisciplinary nature, with researchers coming from political science, sociology and international relations, has ensured that crucial competencies from different research fields were made available during the lifetime of the project to study a number of country- and sector- specific issues shaping the responses of the social partner organizations, e.g. common challenges and specificities across countries and sectors in terms of the impact of gig work on employment relations and protections, as well as forms of mobilization and representation of gig employers and workers. The links between those aspects have been found strong and reinforced by the interdisciplinary nature of the research, which has allowed for critically reflecting on what constitutes conditions and institutional settings within which responses can lead to meaningful social dialogue, and how the latter can be sustained within larger systems of social partnership models and frameworks of workers' mobilization. Interdisciplinarity was thus a clear and decisive asset of the project. Experience has shown, however, that such interdisciplinarity should be further extended to include also lawyers and economists who would have brought a very valuable contribution to our analyses.

3.10. What follow-up will you give to the project?

New opportunities for follow-up research projects will be sought in addition to the planned publication of the collective book which is premised on the project research work and

findings. As mentioned above (3.8), opportunities for submitting bids for European projects or for bilateral research projects (see the Lead Agencies programme in the SNF “catalogue”) or even for Norface projects. Collaboration in the consortium was much appreciated, despite the lack of resources, and there is a genuine will to pursue it.

3.11. Do you find it useful to maintain the network that was created? If so, how will you go about doing this?

The network of researchers that has been created throughout the project lifetime has meant that an important number of researchers acquired significant theoretical and hands-on research experience on the topic addressed by the project. This experience will be further consolidated in future cross-national specialized research projects, and also in future publications that will be actively pursued by the project network with a view to extensively disseminating the project findings. Efforts will be implemented to identify opportunities of wider EU-level collaboration or bilateral or trilateral collaboration where existing programmes allow for it (see 3.10 above).

3.12. What is the potential for application of the research results?

From our project perspective, the path to the future of work and the gig economy is not a straightforward task in Europe due to the heterogeneity apparent across national institutional set-ups, labour markets, social protection systems, national models of social partnership and varieties of industrial relations. These differences are affecting not only how national policy-makers, employers and workers are embarking or not on social dialogue to address threats, opportunities and challenges, but also the pace of their (non-) responses. This understanding emerging from the different national cases examined in the project can be useful to all key actors (governments and social partners) entrusted with putting forward practical solutions (laws and policies) that take into account context-specific effects and differences in the pathway each country should be forging to address the implications of the gig economy and work. Ultimately, we must recognise that there cannot be dialogue without proper definition. Therefore, our findings which indicate disagreement surrounding the shape of the gig economy in several country cases suggest the need for policy-makers, employers and the trade union movement to work towards building a consensus on what precisely is being referred to when social partners are deliberating collective agreements and policy instruments. To be sure, the gig economy will certainly be more and more centrestage in the years to come, and more accurate scientific knowledge will be needed to make appropriate decisions. Our project took preliminary steps in this direction, but the effort definitely needs to be pursued.

3.13. In hindsight, what would you do differently (organisation, method)?

We would organize face-to-face meetings from the very beginning of the project, but under the present conditions, this would unfortunately mean that we would have to reduce the opportunities for such meetings in the second phase of the project. There is a kind of trade-off here, unless the available budget is increased. We think that an additional 10 to 15'000 CHF would have allowed organizing such meetings on a regular basis, with significant implications on the quality and quantity of the research output.

3.14. Other comments or suggestions

Nothing to be added, except that we are readily available for further discussion or comment on this report if this is relevant.

4. Budgetary Report

4.1.Final financial report

The complete financial report is available in **Appendix 4** to this report.

4.2.Balance excel sheet

The balance excel sheet is available in **Appendix 5** to this report.

4.3.Declaration

The figures provided in Appendixes 4 and 5 show that there is presently a negative balance of CHF 49'239.50. We therefore request the transfer of the amount of 49'239.50 CHF (difference between amount received until now and effective spending) as the final instalment for this SNIS Project.

We hereby declare that these figures reflect truthfully the budgetary situation of our project.

5. Working Paper

Introduction

In just a few years, digital platforms have become key actors in several marketplaces. They act as digital intermediaries and create new market orders built on powerful socio-technical infrastructures with effects on both market and employment relations. Traditional market participants have to cope with the challenges of the platform business model. Though the gig economy represents an emerging phenomenon, it has the potential of disrupting the social contract in our society since it changes terms of exchange on the labor market, in terms of increasing competition between workers and weakening their status. Indeed, the status of the so-called ‘gig workers’ – those employed by the platforms without being considered as dependent workers in most cases – particularly matters in this new configuration since it enables companies to have staff that are not recognized as ‘employees’ and thus are contracted to undertake work without appropriate social protection (De Stefano, 2016). This takes place, at least partly, because there is a lack of consensus on whether the definition of the employment relationship applies to platforms: on the one hand, within some platforms using digital devices to manage their workforce at a distance, workers are not always free to contract for different competitors simultaneously, thus establishing a relationship based on subordination; on the other hand, on-demand tasks mediated by digital platforms do not always lead to a personal and economical subordination of the gig worker. Thus, there is a variety of employment relations within the gig economy and the issues are not the same between the well-known case of Uber (Hall and Krueger, 2016; Rogers, 2015) and those platforms where people exchange their products and services without entering in a logic of professionalisation (Beauvisage et al, 2018). This issue also has certain implications in the area of social dialogue and collective bargaining, as some platforms invoke anti-trust law to counter workers' organising.

The following country case studies provide concrete evidence to two key questions: 1) What are the implications of the gig economy for the role of employers, workers and public policy actors? and 2) How do the social partners respond to the challenges for social dialogue, forms of representation of the interests of gig workers and businesses, and employment relations and protections in the labour market? The findings derive from a cross-national comparative design studying Switzerland, Germany, Greece and the United Kingdom.

The National Case Studies – Main Findings and Implications

a) Switzerland¹

The gig economy is now well-established in Switzerland even though its development is not stabilised. The country has platforms devoted mainly to ride-hailing, food-deliveries, and cleaning services for the moment. Most labour performed is location-specific, and micro-tasking platforms seem to be the exception. While most policies implemented with regard to the gig economy concern the ride-hailing sector, our research identifies emerging forms of social dialogue in the delivery sector. This is not surprising since the business model of platforms is fairly recent (Srnicsek, 2017; Woodcock & Graham, 2020). It took a few years for the gig workers to start reaching their colleagues and organising themselves. In our study, we explore both the legislation being implemented and the forms of social dialogue that are

¹ The full Swiss report is available in **Appendix 6** to this report.

emerging from the gig workers themselves and how these connect with “traditional” trade unions.

More specifically, our inquiry of social protection and social dialogue in the gig economy follows a twofold line of analysis. First, we seek to provide an overview of the legal and political debate surrounding the gig economy in general and in the whole country. This allows evaluating as precisely as available data makes it possible the extent of the gig economy in Switzerland, the concerns it raises among stakeholders, and its compliance with Swiss labour law. Second, we focus on three case studies, which illustrate the (non-)emergence of social dialogue in three different sectors in three cantons of Switzerland, including both the French and German speaking parts of the country. With this data, we are able to take into account the concerns of gig workers themselves and whether (and how) they resort to social dialogue (Johnstone & Ackers, 2015).

The literature review we conducted has drawn from three sources. First, national reports that address the issue in very broad terms, covering at the same time the sharing economy, automation of labour and digitalisation. The reports produced by the Swiss government agencies seem to provide the most encompassing information about this reality in the country. This could be interpreted as a sign of the willingness to know more about the gig economy and to monitor its emergence and check its possible disruptions. Such reports often constitute a reaction to MPs’ postulates submitted to the Swiss parliament. Some private consulting institutions issued reports as well, that were taken into account in our desk research. More specifically, our research draws from the output of an observatory of the tourism industry in the canton of Wallis, which provides rich information about the state of the gig economy in the accommodation sector. Second, there are the numerous articles written by legal scholars that stress the juridical challenges raised by the gig economy for the labour law (e.g. Kahil-Wolff, 2017; Pärli, 2016a, 2016b; Portmann & Nedi, 2015; Riemer-Kafka & Studer, 2017). Third, there are the national and local media, including the written press and the public broadcasting agencies (TV and radio). The articles and the audiovisual material mostly focus on the situation of gig workers in the transportation sector. This literature review has been complemented with interviews conducted with 15 major stakeholders: five policy-makers, five academics and five high-level social partner representatives (representing trade-unions, employer’s associations, as well as a tenant’s association).

Our analysis of the legal and political debate in Switzerland shows that it mainly focuses on the issue of the worker status, which is considered by most interviewed policy-makers and social partners as the key to settle the most pressing issues surrounding the gig economy. Gig workers are not envisaged as “conventional” employees insofar that they control at least part of their work; besides, platform managers are not conceived as “traditional” employers, since it is claimed that the digital platform plays the role of an intermediary between the gig worker and the client. Thus, gig work offers strong similarities with the “putting-out” system that existed before the rise of capitalism as far as the following characteristics are taken into account: piece-basis salary, no promise of re-engagement, triangular relationship, etc. (Stanford, 2017). In this context, a debate is taking place between lawyers to decide whether gig workers should be considered as employees, self-employed or along an intermediary status situated in-between, while court decisions are still pending.

All interviewed people are aware that the gig economy represents both opportunities and risks. On the one hand, its potential for creating new jobs for people having difficulties to find an employment is emphasized, while employers and right-wing politicians also insist on the benefits of flexibility for both employers (who can adjust workforce management to the company needs) and workers (who enjoy more autonomy in the way they organize their time).

On the other hand, trade unionist and left-wing politicians underline that those new jobs coincide with increased precariousness in the labour market and reduced access to social rights. In this context, the Swiss federal administration is called to devise win-win solutions that allow reaping the benefits of digitalization and the gig economy in terms of job creation while preventing the rise of social precariousness. With regard to social protection, the objective is to ensure equal access to social rights for gig workers who are most often considered as self-employed (which implies, in the present state of affairs, a reduced access and a lesser coverage in terms of benefit level and duration) and whose employment relationship is more precarious, thus putting them at risk of not fulfilling the eligibility conditions required to open entitlement to welfare benefits.

Swiss MPs have been dealing with gig economy issues since 2014. At that time, some of them started to urge the federal government to take action, worried about the social consequences of this emerging reality. The government's first position was to stick to the *status quo*. However, the growing importance of the gig economy, the increasingly vivid public debate around this issue and the pressure of MPs and social partners led the Swiss government to revise its initial position and examine two alternative ways of dealing with the gig economy. The first one consists in giving each gig worker the choice to be considered as a dependent or an independent worker. The second suggests the creation of a new status for gig workers that is situated between the dependent and independent ones. The proposal of a third status for gig workers was advanced by a liberal MP, who argued that such a status would allow taking into account the interests of all stakeholders, namely, the platforms, the gig workers and the customers. In his view, although this would imply that gig workers would have fewer social protections than other employees, it would still guarantee access to minimal and appropriate social rights that would allow avoiding precariousness and poverty. This new status would also allow gig workers, so its defenders claimed, to keep the advantages linked to flexibility, while companies would not have to bear financial costs and a subsequent reduction of competitiveness. The debate about the worker status of gig workers is still ongoing.

Case studies

Three case studies constitute the core of the second part of our research. Based on our desk research, we identified transportation, delivery and cleanings as the most suitable sectors for empirical analysis. In the transportation sector, there has been an important conflict in the canton of Geneva a year ago between Uber and the traditional taxi drivers. Uber was operating illegally and the conflict ended with the promulgation of a law that allowed Uber drivers to work under similar, but more flexible conditions than traditional taxis. Thus, we interviewed 7 drivers, as well as 5 interlocutors involved in the debate surrounding the arrival of Uber in Geneva, namely two trade-unionists, one representative of a traditional taxi drivers' association, Uber's attorney, and the founder of a local platform that presents itself as an ethical alternative to Uber. In the delivery sector, social dialogue is an ongoing process. To better grasp it, we conducted interviews with 6 bike couriers, 3 platform managers and 3 trade-unionists, in parallel with participant observations as a bike courier on four different platforms and with the regular follow-up of local trade-union activity in Geneva. We also focused on a platform based in Bern, where a conflict took place at firm level and was led by the gig workers themselves while supported by a trade union. In this case too, documentary analysis and interviews were conducted with the main interlocutors involved in the conflict. In the cleaning sector, we interviewed one manager and 4 cleaners working for a platform located in the canton of Vaud. The situation in this sector seems to be more complex since the platform provides basic social protection and considers the gig workers as dependent, but

without assuming the role of the traditional employer. Actually this latter case concerns a situation of absence of social dialogue, i.e. a kind of “non-case-study”.

Our empirical research made very quickly clear that social dialogue in the gig economy is still in its infancy and barely reaches the sectoral level of collective bargaining or the level of policy-making. Indeed, the most interesting evolutions proved to lie at the grass-roots level. Our three case studies allowed identifying the following main features with regard to the organisation of gig workers.

(i). Platform work entails a high isolation of workers. Because they are expected to log-in from home and are in competition amongst each other, gig workers have little opportunity or incentive to exchange about their working experience with each other. This gave rise to new forms of mobilization (Tassinari & Maccarrone, 2017, 2019). Gig workers relied extensively on instant messaging groups. At first, these groups are typically dedicated to sharing tips. They will then share information about traffic as well as forecasts about incoming demand for gigs. Those groups then occasionally develop into means of political discussion and emerging collective action.

(ii). The gig economy relies on workers’ own investment into their working tools. This brings significant discrepancy between platforms that became obvious in our case studies when we compared ride-hailing platforms and food-delivery platforms. On the one hand, drivers will invest significantly into acquiring a car, be it upfront or for a lease. On the other hand, couriers invest relatively little money into their job. They will use a bike they already own, sometimes spend money into accessories such as a portable charger and in rare cases they would invest in an electric bike or a motorcycle. This makes for a different relationship to one’s job, which obviously coincides with a different degree of concern with social protection or social dialogue issues.

(iii). The degree of financial dependence on the work that the platform provides proves crucial in explaining the outcome of the efforts towards social dialogue. Couriers proved much more willing to negotiate and reach an agreement with the platform, when many drivers proved reluctant to claim too much in fear of seeing the platform they work for leave the city as it already did in many cities around the world. This also points to the diversity of the gig economy and its implications.

(iv). Social dialogue was not necessarily led by gig workers. Depending on the sector, the most vociferous workers were employees working for established companies that saw platforms as a threat. Here again the distinction is most clear when we compare ride-hailing drivers to food-delivery couriers. On the one hand, ride-hailing platforms were launched at a time where well-established taxi companies were already operating. They were making available an alternative option for the service that taxi companies provided. On the other hand, food-delivery platforms were making available a complement to the traditional food-deliveries, such as pizza or sushi deliveries. Indeed, platforms brought a new business model, where the meals they delivered were dishes from restaurants that did not deliver beforehand. This distinction had a major impact on the unfolding social dialogue. The dialogue surrounding the ride-hailing platforms gave a sounding voice to the traditional taxi drivers, whereas the dialogue about the food-delivery platforms gave much more place to the gig workers. The existence of a threatened profession also had a major impact on the timeline of events. In the case of ride-hailing platforms, the reaction of traditional drivers was swift, and measures were taken as soon as the platform launched its operations. This led to a law that essentially addressed the concerns of traditional drivers, with little space for the claims of platform drivers. The platform couriers did not have to confront such a competing voice in the

social dialogue they engaged in, and the agreement they reached was between them and the platform employers, which allowed them to address their concerns in more detail.

(v). Social dialogue takes a multilevel form in bike delivery. At local level we observed an industrial dispute inside a platform and the attempt to introduce new regulation through state-imposed labour contracts that have to provide minimal conditions. At national level we identified an attempt from a trade-union to regulate the sector through a collective labour agreement, the application of which was meant to include both traditional companies and platforms active in the sector. The Syndicom trade-union was thus engaged during five years in negotiations in order to reach a collective labour agreement with the employers' association SwissMessengerLogistics. Its aim was to regulate the market for bike couriers at the national level. An agreement was reached at the end of 2018 and is operative since May 2019. It provides a minimum wage and fixes the working time duration to 42.5 hours per week, 4 weeks holiday per year and the right to take days off in case of particular situations. The bike couriers are considered employees and this recognition could benefit for gig workers that claim such status. It is important to underline that this collective labor agreement does not apply yet to self-employed workers and thus leaves out most couriers riding for platforms.

(vi). Gig workers' grievances do not lead automatically to mobilisation and social dialogue. This is for instance the case in the cleaning sector. In the platform we studied, it appears that the lack of an appropriate labour and social protection raises three main problems for the cleaners. First, the workers have to behave carefully for not becoming ill. Second, most of them consider leaving the country once retired. Indeed, a lot of cleaners are foreign workers and the cost of living in Switzerland is too high compared to their countries of origin. They therefore intend to go back to their homeland after retirement. Third, the provisions of the labour law in terms of working time do not apply to the cleaners. The managers of the platform do not impose any weekly working time or schedules. Every cleaner is responsible for his or her own working schedule, independently of the boundaries prescribed by the law. In other words, they could theoretically work very long working days for seven days a week. The interviews provide interesting information on the strategies cleaners develop to deal with the lack of labour and social protection. Some workers say that their pension plan is not a concern because they plan to leave Switzerland and establish themselves in countries where the cost of living is much less high. On the other hand, a full-time employment rate – which is by far not the majority of cases since working for the cleaning platform often represents a complementary income for the worker's household – is estimated between 42 and 55 hours. The travel time between cleaning shifts is not included in those hours since it is not considered working time.

The empirical results provided by our three case studies unambiguously show that there is some discrepancy between the way gig workers experience their situation and how they identify the main stakes related to the gig economy, and the way this same issue is framed in the political and legal debate. Because of the ongoing development of platforms, a large number of gig workers depend heavily on the provision of gigs by platforms. This is especially the case for platform drivers, who invest a considerable amount of money in their activity. This leads to a paradoxical situation where these gig workers are advocating in favour of platforms (more specifically: they support the platforms' position in favour of a self-employed status for themselves) out of fear that the platform will leave the city or the region. Beyond this perceived trade-off (between the guarantees to be provided by the worker status and the threat of losing one's job), gig workers also insist that the issue of the worker status misses the point in many important respects. For them, whether or not they are considered as self-employed will not fundamentally change the precariousness of their situation. Indeed, platform management entails working conditions that significantly depart

from those of traditional work and that are properly addressed neither by the existing Swiss labour law (or collective labour agreements) nor by the reforms suggested within the political and legal debate. This new form of management is referred to in the literature as algorithmic and data-driven management (Rosenblat, 2018). Gig workers are subjected to management devices such as customer ratings, dynamic prices, or matching algorithms, which create precarious working conditions. These issues are not related to the worker status, but rather to data transparency – namely, knowing and understanding what lies behind algorithms, how they work, according to what logic or purpose, etc. – and possibility to discuss or context algorithmic management. Hence, in the delivery sector, the couriers demanded that their rankings and evaluations be made more transparent. This requirement is not provided for by the current labour law or by its envisaged reforms; all the same, it is a central feature of platform management, and it is therefore a key issue for promoting decent digital work.

The initial purpose of our research was to provide a comprehensive overview of the political and legal debates around the gig economy and the policies addressing gig work in Switzerland. Given the under-specification of such debates – esp. about the very definition of the “gig economy” and the identification of the challenges it raised – we considered it was essential to address the gap between the debates at the policy-level and the actual phenomenon of the gig economy and how it was experienced and lived at the grass-roots-level. While the policy debates revolved around the status of gig workers, those very workers were facing the precariousness induced by the pressure of algorithmic management. Our study paves the way for further research to address more thoroughly the issue of algorithmic management and algorithmic transparency, which seems to be a prerequisite for the implementation of decent work in the gig economy. How can legislation both guarantee social protection and enforce transparency? Are machine learning and algorithmic governance really adequate and legitimate tools for managing the workplace? How can social dialogue include such issues in the collective bargaining process? Can the technology provide new ways for gig workers to express their voices and make them count? These are questions that will inevitably become of growing relevance with the advent of algorithmic management, whether gig workers are considered as employees or self-employed workers.

Besides, our observations show that the gig economy develops into two different paths depending on the specificities of the economic sector. On the one hand, there are sectors where employed, or “traditional”, workers push for the adoption of legislation in order to ban or mitigate the platforms that threaten their livelihood. In these cases, the resulting legislation is not the outcome of a social dialogue with gig workers, but a compromise between policy-makers and traditional workers. This has the effect of establishing clear boundaries to the platforms’ activities, making competition fairer. However, this kind of compromise leaves out the concerns of gig workers themselves, which are difficult to anticipate without their involvement. On the other hand, there are sectors where traditional workers are less organised and the gig economy is less of a challenge to existing collective interest representations. In some cases, though quite rare for the time being, gig workers themselves can then start organising and take action at platform level. In these cases, however, social dialogue is difficult to implement since there is currently no legal provision promoting the collective organisation of self-employed workers. They thus have to rely on wildcat strikes or demonstrations. We observed one case where such negotiation ultimately occurred. It seems that such an outcome might favour the position of gig workers in the sense that it leads to a firm-level agreement that more appropriately addresses their specific needs. However, this form of negotiation also has the potential effect of legitimising the presence of algorithmic and data-driven management.

The Swiss case is remarkable and novel in that it shows that platform management is not inherently incompatible with an employee status. As illustrated by our case study in food-delivery platforms, there are platforms that are employing their workers. A collective labour agreement which embraces the traditional food-delivery companies exists and has been created in the hope of regulating the whole sector. However, digital platforms are still allowed to use platform management, such as automated dispatching and incentives. Indeed, Swiss labour law authorizes on-demand employees to receive a piece rate wage while being entitled to welfare benefits like any other employee. Employees are then expected to accept every gig that is proposed and to follow preestablished schedules. This allows platforms to benefit from the flexibility permitted by platform management, while being able to exert significant authority over its workforce.

The gig economy relies on a new form of management, which is hardly addressed when a top-down form of social dialogue prevails. Such questions related to the matching algorithm, the automation of schedules, dynamic pricing or customer ratings are nonetheless crucial, for at least two reasons. First, they are central indicators when it comes to assessing the dependency (degree of subordination) of gig workers and addressing the question of their status. Second, they are crucial in order to properly tackle the working conditions and establish a regulatory framework for the gig economy. Our first practical and policy recommendation is thus to promote scientific research on the gig economy with a focus on new forms of work and management. The production of accurate empirical data should be considered a priority for policy makers. The availability of such data should be a prerequisite before implementing any policy. The risk otherwise is of unknowingly promoting a business model that carries with it precarious working conditions.

Our second recommendation is to set up favourable conditions for social dialogue, esp. where its implementation faces difficulties despite the existence of gig workers' grievances. In the past few years, novel forms of social dialogue started to be identified in the gig economy despite conditions that did not facilitate its emergence (as a matter of fact, jobs provided by platforms are individualized, dispersed and considered as independent activities). Unsurprisingly, social dialogue in the gig economy increases gig workers' welfare to a larger extent when they are included in the negotiation than when the regulation is imposed on them in a top-down way. In this sense, the legislation should allow self-employed gig workers to organise collectively, providing them with rights similar to other employees (e.g. rights to be consulted and to take part into collective bargaining). Where social dialogue faces difficulties, the State should promote conditions that are favourable for both trade-union and business freedom.

Including algorithmic and data-driven management in the political and collective debate is our third recommendation, since at present social partners and policy makers tackle the gig economy mainly by debating the worker status. Social dialogue cannot suffice *per se* for negotiating such issues. Relying on gig workers and platforms' managers alone raises the risk of legitimizing the establishment of the gig economy, which should instead be considered as a societal issue to be discussed at the political level. Policy-makers still have three options to tackle the gig economy: status quo, regulation, or an outright ban. A public debate should consider all options and include all involved actors in the deliberation process. The gig economy carries with it a high risk of labour commodification, it thus seems appropriate that the ways to regulate it should be the object of a wide-ranging collective debate.

b) Germany²

The German case study inquired whether the gig economy brings about a “disruption” of the German model of social partnership and, consequently, leads to modifications in the institutional set-up, a version 4.0 of what the literature describes as the German model of capitalism. To answer this question, our study was conducted in three steps: First, desk research resulted in a report thoroughly describing the field for the German case and identifying key aspects in the published policy debate. Second, interviews were conducted with social partners, i.e. trade unions and employers’ organisations but also think tanks and business organisations playing a more hybrid role within the German social partnership. Third, interviews with public actors were conducted. Our team realized a total of 33 interviews providing a substantial number of first-hand accounts. In addition, we attended two conferences organised by trade unions and focusing on gig and crowd work in order to get a sense of the debate within the trade union movement (business and state representatives were present at the second conference).

Attention towards the gig economy in Germany started to develop only from 2014 onwards – rather late, compared to the debate in the United States (cf. Greef and Schroeder 2017). Explicit references in the political arena are still scarce and scattered across a range of statements, policy fields, and legislative proposals. Moreover, the concept itself (often used synonymously with other buzzwords) covers very different labour market phenomena; its boundaries are nebulous and future prospects uncertain. Many issues could be studied focusing on precarious employment (Crouch 2019) instead of a specific form of labour contract (the “gig”) unclear in scope (isn’t classic freelancing already “gigging”?). Some of our interview partners emphasized “platform-brokered work” as a solution to these definition problems, but still described the phenomenon and its size as opaque. While all actors believe that digitalization is changing the labour market (but at what pace?), the debate on the gig economy remains difficult to separate from the sharing economy (including more than paid labour), cloud work (non-stationary but principally including regular employment), and freelancing or solo-self-employment (not as new and fancy as the gig economy).

Moreover, researching the implications of the gig economy for social partnership in Germany needs to be contextualized within a much broader debate, especially given the general dominance of the industrial sector within corporatist arrangements (e.g. Marsden 2015): digitalization and “industry 4.0” (Botthof and Hartmann 2015; Pfeiffer 2017) may currently be the most dynamic debate in German economic and labour policy (Pfeiffer and Huchler 2018). While government intervention has been limited so far, federal ministries have initiated research programs and consultation processes that mostly focus on this wider debate. Accompanying these initiatives, we observe familiar patterns of social partnership including contestations along classic ideological lines about how to organize digital change and the economy in general (state vs. social partners vs. the market, cf. Kinderman 2014; Kiess 2019a; 2019b). While employer associations see technological change as mostly an entrepreneurial challenge, trade unions are eager to participate and even initiate educational and transformational programs to stay on top of things. However, trade unions are faced with basically no counterpart, as platform businesses have been reluctant to join existing organizations and institutional arrangements, claiming that they are in fact not employing gig workers. Hence, under the pressure of digitalization and subsequent phenomena like gig work, German social partnership might indeed be facing substantial challenges.

In addition, we follow Kirchner and Beyer (2016) who have emphasized that one needs to understand the platform logic as a challenge to existing market organisation. The central point

² The full German report is available in **Appendix 7** to this report.

of this argument is that, usually, platform businesses like eBay, Amazon, or Uber do not simply enter a market but fundamentally restructure and often monopolize it. This dimension is indeed present in most interviews we conducted as well as in many public statements we collected. However, the evaluation of such development differs widely as do expectations of how this affects work, and, consequently, social partnership. Against this backdrop, our case study investigates actors' understandings of challenges that digitalization (and particularly the gig economy) poses, herewith carving out actors' different stories of the gig economy. Moreover, actors see three main issue fields affected by gig work: a) the regulation of work and defining employer/employee statuses; b) access to and adequacy of social protection; and c) prospects of social dialogue and collective action.

As a result of the limited debate on gig work in Germany, which at the same time is embedded in the broader digitalization debate, we refocused the case study in several minor aspects. We excluded financial services as a focus since this sector is not relevant for social partnership. Furthermore, two local cases were selected for fieldwork in addition to the general national level public debate and actors that were covered extensively. Both local cases were located in Cologne and concerned with food delivery riders and AirBnB/housing, respectively. Moreover, Uber and other transport service platforms were considered in our research as especially the international literature focuses on this aspect and German courts repeatedly restrict Uber's attempts to establish its business model in Germany. For some of these aspects, however, our findings remained scarce as Uber and AirBnB are not dealt with in the arenas of social partnership. Rather, these are handled as regulatory issues: AirBnB mostly on the local level, therefore social partners give only general statements of which the position of the hotel industry association claiming a "level playing field" of low regulation is the most pronounced. Beyond market regulatory conflicts, Uber and AirBnB are used as tropes to describe the phenomena of gig economy more generally. Because courts ban Uber time and again (mainly based on the regulations in the *Personenbeförderungsgesetz*) following lawsuits filed by traditional taxi businesses, for social partners it remains a hypothetical case. Food delivery riders, however, are one of the most visible (in big cities) and most discussed gig work phenomena. While the number of people working on such platforms remains rather small, the case is important in the general debate and repeatedly appears as a trope in our empirical material.

Overall, the German case study focused on how German actors define, demarcate, and operationalise the seminal notion "gig economy" in their strategic activities and how they describe the future of social partnership in the light of such phenomena. Focusing on collective bargaining and social partnership, this analysis adds an important perspective to the quickly growing literature on gig work (Ilsøe 2017; Lenaerts, Kilhoffer, and Akgüç 2018; Davidson and Curran 2019). Moreover, it contributes to the debate about the future of the German model of capitalism (Baccaro and Howell 2011; Holst and Dörre 2013; Marsden 2015; Unger 2015; Baccaro and Benassi 2017; Kiess 2019b; Schulten 2019; Anderson, Baethge, and Sadowski 2015) interested in processes of erosion and revitalization. Following Streeck and Thelen (2005), we can expect that institutional change in modern political economies occurs as incremental change (rather than disruptive), due to what has been described as the "stickiness" of institutions (Boettke, Coyne, and Leeson 2008). We argue that actors operate and negotiate within institutional boundaries and contribute to this stickiness by supporting institutions as long as they see fit, but also renegotiate such settings if deemed possible or necessary (Crouch 1982; Fehmel 2010; 2014; Kiess 2019a; 2019b).

We first of all need to highlight that gig economy only plays a limited role in public statements by German social partner organizations and government bodies alike and if the topic comes up, it appears mostly as a detail of an overarching discourse on digitalization.

Thus, we opted to broaden our research accordingly to catch the driving arguments, frames, positions, and policies. As a result, the report describes also the German discourse around digitalization and industry 4.0. The traditionally strong and well organized trade unions (IG Metall/metal workers union, DGB/trade union congress, ver.di/services union) are eager to amend the debate by formulating claims around the catchword “labor 4.0”, including, among others, the need to invest in employees, ensure that flexibility benefits both sides, and using digitalization to make work places worker friendly. Employers and the federal government have to some degree answered to this by also addressing labor 4.0 issues. “Industry 4.0” is also synonymous with consultation processes (mainly of Federal Ministries of Research and Education (BMBF), Labour and Social Affairs (BMAS), and Economy and Energy (BMWi)), and subsequently “labour 4.0” is synonymous with a similar, although smaller consultation process (initiated by the BMAS).

While our study finds that perceptions and positions concerning digitalization are complex, the traditional cleavage between trade unions and employers (and conservative/liberal and social-democratic/left parties) is also clearly visible: for example, we observe conflicts between different business models (Uber vs. taxis, hotels vs. Airbnb) as well as varying positions between labour representatives regarding certain issue fields and also between different groups of workers. Regarding gig work, the debate is even more fragmented since actors often struggle to position themselves in light of (perceived) uncertainties – for example, interests of self-employed are much more up for interpretation than of those regularly employed in the industry. However, at least for the central and most powerful organizations the underlying cleavage is straightforward: trade unions criticize emerging forms of (gig) employment as “exploitation 4.0”, while employers warn against quick shots in regulation driven by emotions and negative framing that would hamper economic opportunities.

German trade unions are especially careful not to generally criticize digitalization – in fact, they emphasize the potentials for workers e.g. in terms of autonomy, less physical strain, and more interesting jobs. The explicit goal for the trade unions is to ensure that “digitalization serves society” and that the new jobs generated via the gig economy provide a decent living. In this sense, also at this general level, they advocate for taking regulatory action in order to control the direction of development. More fundamentally, labour is seen as more than a commodity, and, consequently, the claim is made for rigorous and thorough state regulation (which then actually constructs and institutionalizes markets). As one representative put it, it is important to be perceived as modern, rational and forward-thinking. And indeed, the employers acknowledge that the trade unions are well-informed and important dialogue partners.

While trade union representatives warned against the erosion of the labour market already under way, on the contrary, employers and employer associations point at the limited impact of the gig economy on the labour market so far as well as on the potentials of digitalization, that should not be choked off by hasty regulation. While there is agreement between social partners across the board that morally unacceptable work must be out-ruled, there is a long way to go to agreeing on actually re-regulating work. Moreover, all employers, too, emphasized the self-employers’ interest in independent work which, for some and based on ideas of individual freedom, seems to be an equally important argument against regulation as employers’ interests in low prices. Compared to the trade unions’ positions, these perceptions are rooted in the belief of the potentials of technological progress, economic freedom, and in the market. Some business interview partners did condemn exploitative practices, which they regarded as exceptional, though. Especially those platform businesses we interviewed were eager to appear responsible (like the trade unions were eager to appear open for change), while there are obviously other companies not reachable for interviews and aggressively

pushing for liberalization (e.g. Uber) that seem to be less open for discussing solutions with social partners.

In particular the policy debate concerned with gig economy is so far inconclusive and remains rather scattered. For one, established stakeholders strategically invest resources in the topic by commissioning research, setting up positions or even units to cover digitalization more broadly and sometimes gig work in particular, but they do so in a) a wider context of the debates on industry 4.0, labour 4.0, and digitalization, and b) mostly as representatives of existing sectors and interests. The presumably also existing lobby influence of platform businesses like Uber, Facebook, etc. on policy-making in Berlin but also in Brussels, in contrast, is not covered by this study on social partnership in Germany. And it was not mentioned by our interview partners. These global players were rather cited in order to describe the phenomenon discussed, not as actors. Secondly, especially the government is reluctant, or for political reasons unable, to establish a clear position on whether and how to act in terms of regulation. But in the view of trade unions and employers, too, and on this most actors can actually agree, the topic is diverse and needs a careful debate.

Overall, we found that social partners and public officials alike see the challenges of the gig economy to the German Model as being limited by and large by existing institutions and regulations. Thus, they describe no disruption of the German model caused by the gig economy, although respective future expectations diverge and align with the cleavage between labour and capital: trade unions fear further precarisation, employers disagree. Nevertheless, debates about reforming, inter alia, social partnership, trade unions' strategies, the concepts employer and employee, as well as the scope of labour law are gaining traction. In this sense, market-liberal economic ideas including platform-based business models continue to impact the on-going transformation of the coordinated German model. Thus, the gig economy debate feeds into already existing general debates and the gig economy exacerbates the situation of workers in the service sectors. The already existing dualization of the labour market (Palier and Thelen 2010; Palier 2012) as well as open questions of how to develop the welfare state are on top of the agenda of policy makers as well as stakeholders who address them not least as choice between models of capitalism. For future research we therefore emphasize the role of the gig economy as a narrative in the repertoires of stakeholders.

Moreover, we identified three specific issue fields that warrant further research and can also be expected to draw further attention by social partners and policy makers alike:

- 1) While the concepts of firm, employer, employee, and, related to that, self-employed or freelancer and attached responsibilities are defined in German (labour) law, the proper classification of gig workers is still debated (Childers 2017; Todolí-Signes 2017). The term gig worker, and here most stakeholders agree, includes very different individuals in terms of education, income, work conditions, job autonomy, social security, etc. Moreover, every platform would pose a different case for which policy-makers perceive one-fits-all regulation as insufficient. The already outlined cleavage between employers' associations and trade unions clearly structures the field of opinions on this: On the one hand, trade unionists are concerned not least because of the experiences made with deregulation of the labour market in the early 2000s that led to higher precarious employment especially among so-called solo-self-employed (as summarized in a study commissioned by the trade unions' research foundation Bäcker and Schmitz 2016). On the other hand, and for all actors, these questions of definition are related to social security dues and, consequently, eligibility (most of all pensions, see next point). Also related to status definitions are the applicability of (existing) worker's protection regulation, antidiscrimination laws, parental leave, and other social policies which are less favourable or not applicable for self-employed.

2) The second major issue raised by stakeholders was social security, most importantly contributions by, and, consequently, the eligibility of gig workers (and self-employed more generally) to receive a pension. Germany's social welfare system has continuously been characterized as "conservative" (Esping-Andersen 1990; Arts and Gelissen 2002; Kiess et al. 2017; but critical Seeleib-Kaiser 2016): the contribution-based social security schemes favour those in standard employment, for labour-market insiders it provides relatively high benefits, and labour market outsiders are partially excluded. While most interviewed partners agreed that the system should be adjusted to the modern world of work, this partial agreement does not affect the diverging positions on how to conduct reform. Employers stuck to market-radical positions arguing for lower labour costs and taxes in the face of global competition and keeping up private insurance (instead of a universal system). On the contrary, labour representatives and left-wing politicians favoured universal coverage and making platforms responsible for social security payments.

3) The participative inclusion of stakeholders and interest groups in politics is characteristic for the German model of capitalism. Moreover, diversified quality production (Sorge and Streeck 2018) and the importance of manufacturing explain the prominence of the notion "industry 4.0" under which we continue to observe cooperation. In the emerging gig economy, however, new and old actors encounter each other in distinct and changing conflict constellations. This and the wide variety of platform business models make regulation across platforms, but also coordination more generally, increasingly difficult. Moreover, while in core industries (e.g. car and machine manufacturing, chemical industry) German trade unions and consequently industrial relations remain strong, the service industries are already weakly organized.

As a generalized conclusion and against the talk of "disruptions", we can hold that the German model is slowly adapting to the challenges of digitalization. Social and labour policy changes follow the principle of incremental institutional change (Streeck and Thelen, 2005) instead of translating the "disruptive" business models of some platforms into "disruptive" institutional change. We observe that the consultation processes have led to the initiation of policy-making processes in different areas of labour law and, more importantly, social policy. For some actors such incremental change does not go far enough in terms of social protection and has not yet fully answered to the manifold challenges posed to the welfare state. For other actors, however, any further regulation would put Germany even more behind the (supposed) Chinese and American digital success stories. Employers (and platforms), however, will find it difficult to unilaterally push for a level playing field on the "low road", given political and trade union resistance.

In sum, while there are some important reforms considered or already implemented – like the lowering of health insurance fees for freelancers and discussions about including self-employed into the pension system – in the interviews with state actors, these issue fields were only cautiously brought up. Again, this needs to be seen in the light of the rather conflictuous grand coalition, but it also exemplifies the government's approach towards regulating gig work: not too much not too soon. In theoretical terms, we can confirm our expectation that any changes of the established welfare system will occur, if at all, in the form of incremental and small steps. And change will occur most likely where social partners can align their interests. In this sense, the debate on gig work may play into incremental steps towards a more universal system of social security. Fundamental and especially fast changes are not being expected by stakeholders. In practical terms, loose ends in labour protection, however, warrant regulatory action.

While future effects of the gig economy on the German labour market remain unclear, in the short-term, at least, demographic change, shortage of labour, digitalization more generally,

climate policy, and migration seem to pose more crucial problems to policy-makers and stakeholders. However, the gig economy has opened up a new segment of the labour market, not least for people who were previously partially excluded, i.e. students, solo parents, care-takers, disabled people, etc., while at the same time it raised new attention for precarious employment relations and regarding the financing of the welfare state (and here especially the pension system). Gig workers, but also other precarious workers will likely draw continuous attention from trade unions that search for new mobilizing strategies but also want and need to stay on top of labour market developments. However, given the incremental nature of policy change they will continue to face tough working conditions in the low wage service sectors as well as often fruitless conflicts with platforms not interested in establishing formal relationships as employers. Trade unions will have to look out for this segment of the labour market to limit further erosion.

Last but not least, trade unions are faced with a number of challenges usually associated with the gig economy: postmaterialist priorities of workers, spatial dissolution of work, anonymity of social media, resource re-allocation from traditional to new sectors, legal restrictions for freelancers to form coalitions, etc. Some of these challenges are perceived to ask for new strategies by trade unions, others however lead trade unionists to point at contextual circumstances and the role of the state. In problematic cases, the NGG (Nahrung-Genuss-Gaststätten) for example regularly turns to labour courts and follows the same strategies like in cases of union busting in traditional sectors. Social partnership here is not well-established. Accordingly, while regulation could start with a code of conduct that sets certain transparency and communication rules, such rules would eventually need to be enforced by the state in order to limit precarious employment and enforce general minimum standards also for self-employed. Since employers are reluctant to engage in social partnership in the gig economy (be it because associations do not represent platforms or because platforms don't consider themselves employers), only successful union organizing and consequent pressure could lead to fully developed social partnership in the gig economy.

c) Greece³

The *Greek case* seeks to add to the literature on the intersection of the gig economy and social partner responses at national level. It particularly examines the impact of the Greek model of social partnership on actors' responses to the rise of the gig economy, and the role of employers and trade unions in Greece. It thus assesses the role of policy legacies and the extent to which they affect social partner responses and changes, and in what ways. Applying a modified version of the classification used by Hall (1993), we provide evidence on two types of impact: (i) First-level (ideational/cognitive) change, which leads to an alteration of public policy discourses. In this regard, we identify how social partners perceive risks and opportunities in relation to gig economy and work, and whether and how they have modified their language in discussing and analysing issues. This also involves identifying impacts in terms of knowledge diffusion and the broadening of the social partners' policy agenda, strategies and tactics of mobilisation and representation; (ii) Second-level (institutional/policy) change, which opens up space for reforms in social partners' preferences and organisational resources. At this level of analysis, we have sought to identify whether and how social partners become actively involved in policy reforms to address growing problems related to the gig economy and labour, triggering institutional change through a change in their sets of preferences. It should be stressed that first- and second-level changes do not work in silos but they are interwoven, as ideas reinforce the drive towards the adoption of policies.

³ The full Greek report is available in **Appendix 8** to this report.

Hence, we argue that prevalent ideas should be examined before we attempt to deduce the empirical and/or transformative element of a policy response taken to address the consequences of the gig economy.

The research method employed in our research is the triangulation of qualitative research methods, namely, a review of relevant policy and regulatory documents, an archival search of trade unions' and employers organisations' announcements, press releases and other printed and online material; and 28 in-depth semi-structured interviews conducted between mid-2018 and mid-2019 in Greece with policy-makers, members of trade unions and employers' organisations, owners of digital platforms in the transport sector, policy experts, academics, journalists, and workers engaged in activities provided by or through digital platforms such as Uber and Airbnb.

In Greece, the recent economic crisis has been a tremendous help to the growth of services provided by platforms such as Airbnb and, more broadly, to the expansion of the gig economy or "sharing economy" - as mostly referred to by Greek policy actors and stakeholders in public discourses. As one of our interviewees (representative of an employers' organisation) stated, "in a country with one of the highest unemployment rates in the European Union, digital platforms especially in the hospitality and tourism industry are creating jobs and new revenue opportunities". Yet, even though the gig economy in Greece is increasingly growing, there is limited attention in the public discourses to what exactly these processes entail and what the most relevant multifaceted drivers and effects are. Contrary to what seems to be happening in other European countries, gig economy and work are poorly understood, particularly in the realm of labour issues. For instance, unlike the policy debate and focus in other European countries, fundamental questions such as whether a gig worker can rightfully be classified as an independent contractor have remained largely untackled in Greece. As emphatically pointed out by an interviewed trade unionist referring to the phenomenon of the gig economy: "This new sector is still uncharted waters for us". Greek policy-makers and regulators have become interested in the gig economy primarily from the perspective of tax avoidance by digital platforms and loss of public revenues.

To this day, therefore, the gig economy has not constituted a particular topic of high contention between Greek workers and employers and, unlike what seems to be the case in other European countries, it has not given rise to a new framework for facilitating intense discussion, collaboration or social dialogue between the parties involved. There are several factors accounting for this result. One may be the relatively small size of the gig economy workforce vis-a-vis the general workforce, though the growing gig economy activities especially in the hospitality and tourism industries have the potential to rapidly change the quality of jobs and to completely reshape the business activities pertaining to those particular industries. Moreover, looking deeper, we have sought to assess how the nature and evolution of Greek social partnership have affected social partners' responses to the gig economy and their capacity to instigate substantial policy reforms. Our empirical findings show an overall strong link between social partnership and social partners' responses. We show that this link is mediated by certain historical legacies and inherent weaknesses (or idiosyncrasies) of the Greek model of social partnership and trade unionism that have proved difficult to reverse. In particular, Greece is a representative case of a Southern European country characterised by crony capitalism and weak labour market institutions, strong clientelism and low levels of policy concertation, a guild-oriented social structure and a history of adversarial industrial relations, trade union fragmentation and low institutionalisation of bargaining procedures (Zambarloukou, 2006).

As our research has found, Airbnb's growing commercialisation and popularity has triggered both first and second-level changes. These include: hostile rhetoric on the part of the

traditional social partner organisations in the hotel industry, new laws to regulate the sector in light of growing tax avoidance by Airbnb hosts, and new opportunities for mobilisation and interest representation among Airbnb hosts as well as professional groups of people with similar interests.

Media reports, as well as lively debates at hotel, travel and tourism conferences, have kept the spotlight on Airbnb's growth and success in Athens and several Greek cities in parallel with accusations of tax evasion being leveled at both Airbnb (the platform) and property owners. Concerning first-level impacts, media and policy discourses in Greece have particularly focused on the unequal tax treatment between hotels and residential properties rented for the short-term and how this distorts competition notably in terms of prices (similar discourses are raised in other countries see, e.g., Horn and Merante, 2017). During our research, no particular public (including media) and social partner attention was detected on the labour issues pertaining to the operation of the big Airbnb ecosystem in Greece. Thus, the fact that a considerable number of people seem to work in the rental economy of Airbnb under conditions of informal employment and undeclared work, has gone largely unnoticed.

So far, tax evasion and the provision of services by unlicensed operators has been the primary aspect tackled by policy-makers and regulators - an aspect also largely raised by hotel owners. As argued by an interviewed representative of a social partner organisation: "Neither the social dialogue includes the Airbnb's phenomenon nor the new law reforms about sharing economy's accommodation sector, since it mainly regulates the taxes, without touching neither the issues of labour nor home and neighborhood protection". The growth of Airbnb accommodation has led to Greek hotels losing €12 million over-night stays, which translates into €554 million less in revenue - accounting for 15,000 job losses per year from the hotel sector and a reduction in taxes of up to €350 million per year from the Greek economy. As representatives from social partner organisations in the hotel industry have stated, the sharing economy need not be considered anymore as an alternative minor activity, but as a large economic activity generating high turnover and working in parallel with the licensed sector. In seeking to address this development, from early June 2016, the Greek Tourism Ministry, following similar legislation imposed in Germany, introduced a cash tax on Airbnb-style rentals and it has also threatened to fine those owners who do not register the properties they advertise on Airbnb as businesses.

In 2016, a regulative framework regarding short-term leases through online platforms was introduced by virtue of article 111 of Law 4446/2016 (Government Gazette Bulletin A' 240/22.12.2016). Article 111 of said law is titled "Arrangements for short-term rental of properties in the context of the sharing economy". Greece thus became among the first countries to regulate short-term home rentals (Povich, 2014). The new law requires that property owners who use digital platforms to lease accommodation to tourists for short periods pay up to 45 per cent in tax on their income, with the purpose of boosting state funds. Though some analysts have warned that the measure might end up discouraging potential visitors from visiting Greece and increasing the appeal of rival destinations, representatives of social partner organisations in the real estate sector have supported the new law arguing that it can potentially bring "order and balance in a situation which until recently was totally anarchic". Yet, grievances have been expressed concerning the absence of a social dialogue framework to guide the legislative changes brought forward; as one of our interviewees stressed (representative of a Greek tourist organisation): "Social dialogue has not been used effectively overall in the process of enacting reforms in the sharing economy's accommodation sector, since only a small part of the social partners who are involved with Airbnb actually collaborated with the government in devising these reforms", a point also

shared by an interviewed trade unionist in the sector of tourism who also remarked that "shadow economy-activities in the platform-type business have created in Greece an unfair competition context."

In the transport sector, Uber has given rise to much media attention. Uber in Greece was launched in Athens in 2014 and until recently it ran two services i.e. UberX (launched in 2015) with private drivers and UberTAXI with professional taxi drivers. In April 2018, Uber announced that it would suspend its licensed service UberX (with private drivers) after the approval of new legislation which imposes stricter regulation on Uber and Uber-like platforms. The new Law 4530/2018, titled "Arrangements for transportation issues and other provisions" foresees among others that e-platforms and apps, offering taxi services as 'intermediaries' operate as transport companies, requiring them to enter three-year contracts with licensed taxi drivers and outlining the "exact terms of use of the brokerage service as applicable, the data of owners or drivers of the vehicles, vehicle registration certificates and special driving licenses for vehicle drivers". The new law foresees harsh fines and obliges companies active in the sector to move forward issuing a license if the electronic or telephone brokerage service is the main activity of the company. As with Airbnb, and contrary to what seems to have been happening in other European countries, no particular attention (policy or otherwise) was given to issues of employment rights, working conditions and social protection faced by Uber drivers. The quasi-non-contention observed around critical labour questions pertaining to gig workers in Greece and how to regulate them – but also on the potential of new job opportunities that could be generated with the growth of the gig economy (a considerable aspect to look at especially for a country with one of the highest unemployment rates in Europe) – is difficult to decipher unless one looks *inter alia* more closely at the historical roots and evolution of the Greek model of social partnership and trade unionism; and more particularly at the persistence of strong legacies that seem to have remained salient even after the emergence of digital platforms in Greece.

To capture the salience of variables or factors mediating Greek unions' and employers' low-to-moderate responses (*vis-à-vis* the social partners' more active responses in other European countries e.g. the United Kingdom, Switzerland, or even Germany to some extent) especially to the new realities of gig work, a more in-depth understanding of certain national peculiarities pertaining to the Greek model of social partnership is needed, as explained in more detail below. In particular, three key issues were mentioned during the interviews: (i). The type of the Greek model of social partnership and its connection with the state prior to the rise of the gig economy. A historical look at the nature and evolution of the Greek model of social partnership helps to understand the difficulty of adapting to the concept and realities of the gig economy and work, while also hinting at potential solutions. In the literature, it is generally maintained that an excessive reliance on party links, the domination of civil society by political parties, and networks of clientelism have contributed to the formation of "disjointed corporatism" (Lavdas, 1997; 2005) as the main form of interest representation. These specific challenges and shortcomings have also been associated with social dialogue regression over the crisis years (ILO, 2013; Kretsos and Vogiatzoglou, 2015) and particularly with the observed weakness of mainstream trade unions to adequately address the austerity challenge and its adverse implications on workers (Greer and Doellgast, 2013).

(ii). Trade unions' tendency to prefer "business as usual" and the lack of a social dialogue framework to address emerging problems. Trade unions seem to continue to operate in a more traditional framework when it comes to labour issues associated with the gig economy. During the timeframe of our research we did not detect any evidence of trade unions opening up to workers in the gig economy. Overall, the result of that practice has been, as one interviewee working in the Airbnb business said, "an emerging group of gig workers, most of

them working informally in the booming Airbnb business, that are left alone, vulnerable and unprotected". This "inclusiveness deficit" could be seen through different perspectives. To begin with, trade union responses vis-a-vis gig workers may be understood against a wider context of trade union limited interest and capacity to adequately reach out to precarious workers, as past experience shows. *Mutatis mutandis*, the case of migrant and young workers bears certain similarities with the case of gig workers, a point brought forward by an interviewed journalist. As argued, migrant workers from Africa and Asia were overrepresented during the 1990s and mid 2000s in the booming industries of construction and agriculture. Nevertheless, this new reserve army of labour remained without union representation, which, in turn, resulted in the development of direct employer control leading to exploitation at work.

Another explanation may relate to the perceived (on the part of trade unions) costly allocation of resources to address the needs of gig workers. That is to say that the low numbers of gig workers as part of the general Greek workforce (though figures to estimate concrete numbers are still lacking) could explain the low interest on the part of trade unions to commit resources to gig workers' organisation and protection. Moreover, the lack of interest on the part of trade unions to mobilise and protect the precarious workforce in the gig economy may also be seen as part of a wider disillusionment that emerged after the onset of the economic crisis and the 2010 bail-out agreement with Greece's creditors. Lastly, an interviewed expert critically assessing the role of social partners more broadly, while noting the stance of trade unions in particular, referred to the lack of an efficient social dialogue framework to address the issues at stake: "New topics are not discussed or debated in a social dialogue's context, although they should be in order to provide a way out of the economic crisis for young people and other vulnerable people... There is also the issue of power resources of the unprotected flexible labour force in the gig economy in Greece, or rather, the lack of them". The latter point seems to relate to Rainnie and Ellem's (2006) argument, namely, that the reorientation of trade union identities, approaches and strategies is strongly connected with certain political realities and changes in the political balance of power in Greece. This observation is essential for a country with a heavily politicized social partnership environment.

(iii). Fragmentation and the traditional absence of a genuine and intense consensus-seeking culture. Another factor behind the low-level responses of social partner organisations in Greece in terms of addressing the contentious labour issues associated with the rise of the gig economy may be related to their traditionally fragmented nature. A plethora of associations and groups has divided employers and employees into interest groups lacking coherence and strong organisational resources, preventing in several instances their effective emancipation from state structures and clientelistic politics. The effects of fragmentation on policy-making become more complicated if one considers that the Greek political culture – under which the evolution of social partnership is subsumed - has traditionally been characterized by the lack of broad-based consensus and conciliatory mechanisms to facilitate substantial policy reform. The reasons for such an absence need to be traced back to the historical evolution of the Greek polity characterised by major cleavages along political lines, economic instability, and political radicalism. Civil war during the 20th century and a lack of consensual political culture deprived the country's social partners from a critically important platform on which they could base their partnership once formal institutional changes had been introduced. Reforms to institutionalise collective bargaining and structures conducive to social dialogue in the 1980s and 1990s have undoubtedly had some positive impact on Greek industrial relations, facilitating ad hoc instances of consensus. Yet, radical shifts and departures from the past cannot be fully discerned if one looks at recent responses to the gig economy

developments. Currently a broad-based consensus on a joint strategy for a socially inclusive economic growth approach to preparing for and managing the gig economy is lacking.

Overall, our study corroborates an emerging argument in the literature that digital labour platforms are not only a matter of technological innovation and change. Context matters. Responses to gig-economy developments in Greece are shaped to a considerable extent by the historical legacies of the social and political framework in place. In particular, our findings indicate that, as the country grappled with economic crisis and disillusionment, past legacies have persisted and they possibly constitute one key factor hindering the introduction of major reforms to address both job growth and innovation opportunities, as well as the labour challenges pertaining to the gig economy and work. Yet, despite the persistence of past legacies, possibilities to discontinue from old ways of doing things do exist for Greek social partners. As the literature on historical institutionalism (Beckert, 1999) indicates, the rise of norm entrepreneurs can effectively interrupt legacies and lead to transformative discontinuities in their path, thereby transcending adverse institutional histories on the ground. In a country emerging from the crisis with a highly traumatised economy and society, policy-makers, employers and workers need to understand the importance of leveraging the opportunities of the gig economy into innovation combined with socially inclusive growth. Only in this way, they will not allow continuities with the past becoming the wrong blueprints of the future.

d) United Kingdom⁴

Our analysis focuses on the UK context where seminal scholarship bridging the economy and society has revealed the disciplinary forces of work and time (Thompson, 1967) and the disruptive societal impact of market driven change (Polanyi, 2001). More recently, the UK is a context where the advance of deregulation and deindustrialisation (Jessop, 1994) has been charted concurrently with a growing awareness of inequalities in the labour market (Pollert and Charlwood, 2009; Shildrick et al, 2012) and across local geographies (Beatty and Fothergill, 2018). Therefore, the UK provides a relevant context for understanding whether or not the concept of the gig economy is gaining traction and contains enough meaning to differentiate it from longer established ones such as precarious work.

We undertook an analysis of the wider UK policy context by examining a range of literature that included policy documents from the UK Government, Scottish Government, the Welsh Government and Northern Ireland. These documents were not primarily sourced because of any explicit reference to the gig economy (which is still nascent) but instead encompassed related issues such as insecure employment, low pay and fair work which connect to the development of the gig economy. Furthermore, we also examined those submissions made by employers, trade unions and other stakeholders to the Taylor Review of Modern Working Practices which represents recent policy efforts in the UK to address some of the challenges posed by the gig economy (see also Bales et al, 2018).

Building on this foundational knowledge, we conducted a thematic analysis of interview data drawn from a range of actors (n=29) including policy-makers (e.g., parliamentarians from across central and devolved government), trade unions (e.g. national level officials, regional level organisers) and labour organisations (e.g., social economy organisations engaging in supporting gig economy and precarious workers) as well as gig economy workers (e.g. self-employed delivery drivers whose work depends on online platforms), using a maximum variation sampling strategy across the UK. Most of our interviews were conducted either face

⁴ The full UK report is available in **Appendix 9** to this report.

to face or over the phone (Bryman, 2016) with two participants electing to respond to our questions via email (Burns, 2010). We focused on issues of social partners' and workers' understanding of the impact of the gig economy, of workers' rights and working conditions, but we also explored how the gig economy offered challenges and opportunities for social partners.

Our interview data was triangulated by observation of a gig economy strike, specifically the gig economy strike which took place in the UK on 4th October 2018 and which a member of our team attended and took field notes. The gig economy strike (the first of its kind in the UK) brought together Uber drivers, workers from the food delivery arm of Uber, UberEats, Deliveroo, McDonalds, TGI Fridays and workers from the pub chain Wetherspoons in campaigning for better pay and conditions. This involved coordinated campaign planning between IWGB, GMB and the International Workers of the World (IWW) which has an active couriers' network and the Bakers Food and Allied Workers Union (BFAWU) trade union that has taken inspiration from the fast food workers' strike in the United States. The findings of our study are therefore built upon a foundation of different sources and enabled a rich insight into the issues generated by the gig economy for the prospects of social dialogue in the UK, a context where social partnership needs to be understood as taking place in a liberal market economy where bargaining takes place primarily at the level of the firm (Hall and Soskice, 2001). In other words our study takes place against a backdrop where social dialogue is scarce and the emergent issues surrounding the gig economy have been marked by contention rather than consensus.

As well as reviewing the extant academic literature in the UK alongside policy documents relating to the issues surrounding the gig economy, we also explored the extent to which the very concept of the gig economy has proliferated through public discourse by examining google trends, the reporting of the gig economy across the UK media landscape and its debate in parliament. Consequently, although we acknowledged the relative novelty of the term, we presumed a degree of consensus over its meaning. However, what we found was that on the one hand some participants were reluctant to frame an all too critical perspective of the gig economy, explaining that they recognised that some people were searching for flexibility in the hours they worked. While other interviewees on the other hand, particularly trade unionists and some policy-makers, were reluctant to embrace the concept of the gig economy and were keen to connect it to broader experiences of precarity in UK labour markets. Thus, *the historical precedence and contested nature of the gig economy* was a finding built upon concerns that a narrow conceptualisation of the gig economy and the employment practices associated with it, risked unduly disconnecting it from already existing expertise on precarious work. As such, for any future social dialogue to develop in a meaningful way in the UK, we have to recognise the need for consensus around the definition of the gig economy.

A consistent issue which we elicited from our interview data was the malleability of the term 'gig economy' and how it presents a significant definitional problem, one that not only generates confusion regarding the sectors and occupations to which it applies but also fails to capture the risks associated with some of the employment forms that have become a more frequent experience for many in the UK labour market.

Although we found a lack of consensus regarding the utility of the concept of the gig economy in the UK, further exploration of our empirical findings revealed that the gig economy had a particular relevance for understanding the *potential of the gig economy to reshape self-employment* in this context. Concerns connecting the rise of the gig economy and the growing risks of self-employment were a consistent theme to be elicited from our interviews. Part of this concern can be related to the growth in employment in the UK being

mirrored by a growth in self-employment by individuals (i.e., companies with no employees other than the self-employed individual) (Office for National Statistics, 2018). Indeed, a number of participants expressed concerns that the self-employment being experienced by a number of workers in the gig economy was simply not consistent with what had been traditionally thought of in the UK as self-employment. The interviews we conducted with delivery drivers working in the gig economy explained that they had initially been attracted by the prospect of becoming ‘self-employed’ drivers with the potential to earn a higher income while enjoying flexibility in their hours of work. However, the reality of this work was in contrast to what they had envisioned and there was a sense among these workers that they had been ‘mis-sold’ these forms of self-employment as opportunities for flexibility and control. In fact, the drivers had very little control over their daily schedules. In reality, most of the delivery drivers were now being guided by a ‘rota system’ that outlined their ‘shifts’ in much the same way as they would had they been employed directly, which runs counter to the rhetoric surrounding the opportunities for flexibility that the gig economy offers those opting for self-employment.

Remedying this situation has in the UK and beyond involved a focus upon the issue of worker status and the accurate classification of who is ‘self-employed’ and who is directly employed, an issue broached to some extent by the Taylor Review and its proposal for a third category of worker known as a ‘dependent contractor’ (Taylor et al, 2017). Moreover, the issue of worker status was also raised by our research participants and the importance of recognising and tackling the phenomenon of ‘bogus self-employment’. However, there was a degree of scepticism among trade unionists and some policy-makers that simply moving workers from self-employed to employed status could be an easy solution. As such what our findings revealed was that *although worker status is important it is not a silver bullet for tackling issues generated by the gig economy in the UK*. Instead a number of interviewees spoke of the need to focus on how to organise workers in a context of a long term pattern of declining trade union density (Department for Business, Energy & Industrial Strategy, 2019). This included one senior trade union official who explained that although he could understand the need to secure workers’ rights via worker status, it was not wholly effective. He reflected on there being a mode of thinking among some in the trade union movement that if people could simply be recognised as workers and gain worker status then their working conditions would improve. However, the danger he could see from such an approach was that: *‘It sort of gets you off the hook from organising’*. Instead the crucial element that would address issues of security and pay was the building of a collective voice among workers that could be translated into power, as stated by another trade union interviewee, this time a national level organiser. The same interviewee said he wanted to separate the issues of recruiting gig economy workers into trade unions on the one hand and organising them into a body of workers that could seek recognition from an employer for collective bargaining purposes on the other hand. He added that organising posed much more significant challenges than recruitment.

The focus on organising by some of our interviewees also raised the question of how workers’ voices can be expressed in the context of the development of the gig economy. What our findings provide an insight into was the nature of *the challenges and opportunities for organising and representing workers in the UK gig economy*. Despite the challenges presented by organising gig economy workers, what our participants revealed was a growing awareness that it was in fact possible to do so. Nevertheless, there was an acknowledgement that organising in the gig economy did not come without its challenges. For example, one trade union officer we interviewed in the north of England lamented the fact that the sheer insecurity that was evident in the gig economy meant that workers were switching employers

(and employment status) so frequently that it was making it incredibly difficult to organise them in comparison to other sections of the workforce.

Nevertheless, although organising gig economy workers into trade unions is challenging, our interviews revealed that it was far from impossible. Given the deterioration of many of their working conditions, the drivers we interviewed and a growing circle of their colleagues had joined a trade union to organise their demands for improved security and conditions. This had however come at a cost. A planned walkout by the drivers during a peak period as part of a move to demand better rights had been met by threats of legal action from their ‘employer’ for the loss of profits the company may sustain as a consequence of the ‘strike’. This had impacted morale among the workers, which was detrimental enough, but compounding this issue was the feeling among the workforce that those who had been active in recruiting colleagues to the trade union were now finding themselves in a precarious position going forward. This was exemplified by one worker who explained that when he and his colleagues joined the trade union they emailed the company management to instruct them that they were seeking union representation, but doing so had come at a cost: *‘To be honest I’ve not hidden the fact. The managers know and I think that’s part of the reason...it’s going to cost me my job at the end of the day because they don’t want the union members there, they don’t want the union involved’*.

Although a range of challenges including that exemplified by the extract above can be identified in organising workers in the gig economy, one that was consistently elicited from interviews with policymakers and trade unionists and other labour organisations was the fact that workers themselves were often not spatially bounded in these forms of work as they were in previous times where a worker would often have a secure contract in the same workspace. Therefore, the insecurity that was impacting upon the workers was also proving to be an obstacle for those trade union officials on the ground, who were trying to recruit workers and organise them in a way that ensured they had some form of collective voice. Nevertheless innovative approaches were being developed to address this problem: *‘Instead of going into a factory where you’ve got 300 members, we’re having to go into 10 different places where we’ve got members...What we’re looking to do here is to build hubs where people that work in pubs and fast food restaurants, places where we maybe have one or two members. In the past they wouldn’t have had anywhere to go, to air their grievances or to find out if they even have grievances’*.

In spite of these challenges, trade unions were making clear efforts to find new ways to engage those who were working in the gig economy and to build a collective voice not only between workers in the same company but also between workers across other companies as well as sectors. This was somewhat exemplified by the example of the gig economy strike which took place in the UK on 4th October 2018 and which our team undertook non-participant observation. What this event illustrated was something of a marriage between old style trade union organising – via the method of staging a demonstration in the city centre as well as picketing those companies associated with gig economy work – and recognition among those involved of the power of technology, as reflected by one trade unionist involved: *‘We went out every night before it, hitting restaurants, cafes, bars, speaking to them, speaking to the Uber drivers, speaking to the Deliveroo drivers, and we had about a third of the city’s small businesses turn off the app for a whole day ...that will have sent a message’*.

Although the above extract perhaps alludes to the opportunity that engaging with technology can bring for organising in the gig economy there was an evident concern among participants in our study of a growing ‘data deficit’ in regulating and organising in the gig economy. One interviewee from the trade union movement highlighted the information asymmetry between workers and employers and raised a concern that part of the gap in information was caused by

the trade unions falling behind in terms of understanding the technological changes taking place. Technology in platform businesses had radically transformed some of the basics of work organisation. In the past the organisation of shift rotas would be done in the workplace and was clear for all workers to see and was thus more transparent but now, as stated by an interviewee, *'you get it through your company app which tells you you're going to be here today and there tomorrow, there's no instance where you can see what everybody else is doing, but also your manager isn't as in charge of that as much as they would have been before. So actually, we need to argue with the algorithm and our arguing with the algorithm means understanding algorithms'*. The interviewee added that these algorithms, coded by the employers, needed to be better understood by the trade union movement.

The prospect of a *growing data deficit* in terms of comprehending the nature of the impact and the scale of change the gig economy is generating has also been found as a prominent key finding in our study. This may have profound implications for the development of any future meaningful social dialogue between social partners in the UK if the gig economy is to expand and work connected to online platforms is to become a new normal for the next generation of workers. Such potential gaps may hinder the identification of existing unintended consequences from the growth of the gig economy as well as the ability of policy-makers to forecast potential future challenges.

Finally our findings identified that *the courts are a crucial arena for resolving disputes regarding working conditions in the gig economy in the UK*, including the status of those embedded within it and the strategies of social partners such as trade unions. Indeed, in the course of undertaking our interviews, reference was made by a number of our participants to the pursuit of legal action as one potentially fruitful route of enforcing the rights of workers.

Crucially, our findings raise fundamental questions about our understanding of what we mean by the 'gig economy'. It's clear that there is a growing concern among different actors that the way in which we currently conceptualise the gig economy may be too narrow and thus fail to capture various groups of workers who share precisely the same challenges. Future research conducted in the UK therefore should be situated within the context of a longer historical development of precarious work as well as the more recent growth of zero hours contracts (Pyper and McGuinness, 2018).

We have also found that as in other contexts, the role of the gig economy in the UK is closely bound up with the debate concerning the 'status' of these workers, either as 'self-employed' or as traditionally employed 'workers' with all the rights and protections that such status confers upon the individual and responsibilities that it can place on the employer. As such future research agendas around self-employment in the UK need to factor in the impact of the types of work that have emerged in the gig economy in terms of how we understand entrepreneurship. Scholars embedded in the fields of small business and enterprise as well as critical management studies can draw upon our findings to realise new potential areas of research.

We have also found that the gig economy is throwing up particular challenges for UK policy-makers, who on the one hand are keen to herald big picture figures in terms of the total number of people in employment, but who are struggling to assimilate some of these gig economy workers effectively into the existing tax and benefits system. These issues carry a double impact, with workers struggling to access the support they need to maintain a decent living standard. As such those social policy researchers whose focus is on the developments of the future of the welfare state must take into consideration the disruptive potential of gig work both for the labour market and the capacity for policy-makers to effectively plan future policies around taxation, welfare support and pensions.

Our findings also require consideration by scholars in the field of industrial relations. What we have revealed in the UK context is a challenge for trade unions to organise workers who ostensibly see themselves (at least initially) as self-employed, and thus industrial relations researchers should reflect on the self-employed as a key group in the development of future trade union strategies and the development of social dialogue in the UK. Moreover, the strategies we have uncovered regarding the trade union movement meeting the challenges of organising gig workers will also require industrial relations scholars to recognise the value in understanding how trade unions seek to connect extant organising experience with innovative efforts to organise workers in the gig economy. In doing so, given the nature of the online platforms which have been driving a great deal of change, it may be incumbent upon such researchers to appreciate the need for realising opportunities for interdisciplinary research agendas with colleagues in data science focused disciplines.

Finally our findings have implications for legal scholars who are embedded in issues of labour law and industrial relations and cognate fields. What our findings point to is that the UK, a context where social dialogue is scarce and bargaining is predominantly conducted at firm level (Hall and Soskice, 2001), has been a litigious context in relation to the issues of the gig economy with the trade unionists and individual workers we interviewed pointing to this course of action in order to resolve employment issues. Thus avenues of research are open not only in terms of the implications of specific court judgements but also around legal strategies for social partners and questions around access to justice for individual workers, some of whom, particularly in the gig economy, may not be members of a trade union.

When we consider the practical and policy recommendations stemming from our findings, we can observe that there are clear implications for the potential development of a social dialogue around the gig economy.

First, the findings from our study in the UK speak to concerns regarding the legal status of workers. The debate thus far in the UK have echoed that in other contexts where workers find themselves to be acting effectively as employees but without the status of being directly contracted as an ordinary employee along with the protections and benefits that accompany that status. In the UK this has led to calls for a new status of ‘dependent contractor’ as a way to accommodate new forms of work in the gig economy with existing policy architecture. However, we find that social partners and policy-makers in particular should pay attention to the fact that some workers are attracted to the autonomy promised by the prospect of self-employment but that the experience in the gig economy can be in sharp contrast to that which has been promised. As such, the implications for the future of self-employment in the UK need to be considered more carefully when discussing the impact of the gig economy.

A related point is the potential implications that developments in the gig economy may have for policymaking going forward in the UK. The fluctuation of incomes such as those uncovered by our findings is one area that will pose particular challenges in the design and delivery of welfare support. Moreover, the responsibility for ensuring adherence to health and safety legislation in the blurred boundaries between being directly employed and self-employment may have implications for worker safety going forward. Given that, in the absence of social dialogue, taking legal action has been a tactic deployed by workers and trade unions to resolve disputes, issues regarding access to justice may need to be considered by policy-makers, all the more so because some workers in the gig economy may not only be non-unionised but also unable to bear the financial strain of enforcing their rights in court.

Such issues of worker protections and health and safety are often the remit of trade unions. However, our findings indicate some of the challenges that trade unions are experiencing when organising workers in the gig economy. A key challenge is that of ensuring workers

have opportunities to share experiences when their working time fluctuates and where they are dispersed across geographical areas. Although technology offers obvious opportunities to do so, the ability to meet others can be vital and pursuing strategies such as those uncovered in our research by creating geographically specific hubs is one that may be fruitful for other trade unions in the UK to consider.

Another challenge that the gig economy poses in terms of social dialogue relates to the technology that has come to characterise some of those online platforms that generate these new forms of work. One challenge we have identified for the trade union movement is to better understand the data and algorithms that shape these platforms and thus an investment by the trade union movement in the data science necessary to understand the impact on workers' experiences and opportunities going forward. Understanding the data shaping developments in the gig economy requires access to data in the first place and this poses a challenge for policy-makers to legislate and build an environment where data is accessible, which will require dialogue across all social partners, especially employers who may require reassurances regarding commercial sensitivity.

Social dialogue within the digital economy: an international perspective⁵

Our study on social dialogue explores a number of key challenges and opportunities pertaining to the governance of the platform or gig economy. These are examined in the context of classification and regulation, mobilization, representation, and social dialogue. This analysis is accompanied by an exploration of how social partners are adjusting to the new challenges – looking particularly at the key role social partners (workers' and employers' organizations) have to play within the governance of the platform economy – and ensuring that countries devise balanced policies for addressing decent work deficits.

As the research shows platform workers usually classified as self-employed are generally excluded from social dialogue, due to competition laws prohibiting cartels, which tend to regard them as business undertakings. This poses efficiency and fairness problems in the case of self-employed workers who share some characteristics and vulnerabilities with dependent employees and therefore face a power imbalance vis-à-vis their employer or client. More broadly, this uncertainty in the employment status of platform workers may pose major challenges to organizing representation of platform workers as well as businesses in the platform economy through workers' or employers' organizations or within social dialogue institutions. The uncertain employment landscape is also evident in the legal terrain. Our comparative enquiry has evidenced: i) the presence of variations across national systems, and ii) the absence of a comprehensive strategic approach towards *refitting existing labour law systems* - one that takes into account the sheer heterogeneity of platforms and the modalities in which platform work is performed locally as well as globally. Our literature review has identified four main approaches: A first approach – most commonly found in Belgium, Denmark, Ireland, Sweden, the Netherlands, and the United Kingdom – is to apply the current legal provisions to platform work; a second approach – preferred by the French regulators – concerns the application of specific employment, social and other protections to platform workers, irrespective of their employment status; a third approach is the one currently being pursued by the EU institutions, and it amounts to gradually strengthening and clarifying (without necessarily expanding) the EU 'worker' definition, including by means of judicial interpretation and through the adoption of new regulatory instruments, such as Directives and Recommendations, and; a fourth (more inclusive) approach concerns the extension of the

⁵ The full report on social dialogue is available in **Appendix 10** to this report.

application of labour, social and other benefits and protections to all workers, not only in employment but also in self-employment (e.g. there are arguments for the introduction of minimum pay standards in the form of minimum fees for the self-employed).

Concurrently, mobilizing and organizing collectively when work is digital, sporadic, discontinuous, agile and globally dispersed poses certain challenges to building representation and voice. Generally, platform workers face serious obstacles in effectively exercising their collective voice, which are tightly entwined. Their misclassification may trap platform workers who find themselves in the grey zone between dependent and self-employment into specific structural disadvantages in terms of freedom of association, the right to strike, bargain and access to information and consultation machinery. As the platform economy evolves, attempts to develop union-inspired structures and activities are beginning to surface. New forms of virtual mobilization are emerging, but it remains an open question what their impact will be. Concurrently, new unions and organizations have been appearing, such as Betriebsrat in Austria created by Foodora couriers with the assistance of "Vida" (an Austrian union for service and transit workers). Also, we have seen emerging in the United States the Seattle App-Based Drivers Association (SADA), the California App-Based Drivers Association (CADA), and the Independent Workers' Union of Great Britain (IWGB). There is, in addition, the New York-based "Freelancers Union" (though not exclusively working with platform workers). New guilds are also emerging in Europe, such as the Collectif Livreurs Autonomes de Paris, the German Deliverunion, the Italian Deliverance Milano, and the Dutch Riders Union with the aim to mobilize food couriers and Uber drivers, while also seeking to establish collective bargaining and social dialogue in the platform economy. Furthermore, our study has found some concrete examples of platform workers' participation in the context of works councils, indicating that certain patterns of representation in the platform economy are emerging. On top of these, there is evidence of platform workers resorting to cooperative models. The recent emergence of worker-led "platform cooperatives" (digital platforms that are collectively owned and governed by the people who depend on and participate in them) is a first significant step in this direction. Worker-owners of these cooperatives share risks and benefits and negotiate better contracts, while being in a position to impact decision-making on how the platform is organized and managed. Moreover, as the need to bring the platform economy into the scope of social dialogue is becoming more and more pertinent, there are visible signs that platform economy actors are (hesitantly) beginning to engage in tripartite and other forms of dialogue. If anything this experience is informative in the sense that it illustrates that systems are able to adjust to cover different and new forms of work. Our study has identified several cases of social dialogue and collective bargaining in the platform economy occurring in countries such as Denmark, Sweden, United Kingdom, Italy, Austria, United States, and the Netherlands.

Upon closer inspection of these cases, we find that what determines propensity for social dialogue and collective bargaining is predominantly platform- and context (country)-specific. Concurrently, we can notice three kinds of possible enabling factors that are worth exploring and assessing further: (1) The existence of highly organized markets: platform companies and workers' advocates will have more "incentives" to directly engage and bargain in markets that are highly organized and can put pressure especially on platform companies to come to the negotiating table (as the example of the Nordic countries show); (2) Sectors where platforms are active and degree of worker representation: whether a platform company will decide to negotiate or not (and to what extent) is more likely to depend on whether the platform operates in sectors and industries where workers are already highly organized and unionized, as the examples of the cleaning and transportation industries in several countries show; (3) The tendency of some platforms to become more socially responsible: the rationale for the

voluntary agreements (e.g. codes of conduct) that have been signed in the platform economy stems from the platform's desire to present itself as a "fair option". In some instances, this has come as a response to broader moves towards making crowdwork fairer - as the examples from Germany (platforms' code of conduct) and France (platforms' "social responsibility charters") show, and as transnational initiatives such as the Frankfurt Declaration illustrate. In some other cases, the shift to a more socially responsible profile may be mediated by country-specific institutionalized norms regarding appropriate corporate behaviour; it can also stem from the platform's set of strategic considerations such as attracting socially-sensitive customers or skilled workers in tight employment markets.

As the examples of collective agreements, co-regulation (with the establishment of work-councils) and self-regulation (codes of conduct, etc.) illustrate, social partners' strong willingness to adapt to the changing circumstances and to actively engage with platform workers and with platforms is a decisive factor for effectively dealing with contested aspects of platform work. Contested aspects of platform work extend to people beyond the reach of traditional labour relations and collective bargaining coverage. The ILO's 2002 Resolution on Social Dialogue and Tripartism recognizes that, in order to gain a wider perspective and consensus on specific issues beyond the world of work, tripartite constituents may choose to open social dialogue to other groups of civil society that share the same values and objectives. Such action may be needed in the case of the platform economy to enable the social partners to connect with representatives of platform workers who do not benefit from traditional forms of collective organization and representation.

From an overall labour market perspective, in order for the social partners to engage positively, the most promising strategy is one of gaining a deep understanding of the changes afoot. Comprehensive knowledge of how platform businesses are (re-) shaping the economy and work is necessary within governments, employers and workers in order to unlock creative opportunity and strike a balance between the interests of platforms and platform workers across the board. It is crucial to keep in mind that the labour market challenges brought to the fore by the emergence of the platform economy are in no way entirely novel or confined to the world of digital platforms. They translate into other pre-existing non-standard models of work. Even the challenge of algorithmic techniques deployed for tracking and evaluating a crowd of casual platform workers is to some extent mirroring Taylor's early 20th century "scientific management", albeit in its hardest form. Equally important to note is that not all the effects of platform work are negative or synonymous with worse working conditions. Studies in emerging economies have provided evidence on the positive role played by the platforms in facilitating access to social protection for workers. For instance, the Indonesia-based ride-hailing platform "GoJek" offers help to its drivers to subscribe to the government health insurance program. Moreover, at another ride-hailing platform - "Grab Bike" - workers are automatically enrolled in the government's professional insurance programme. Ultimately, social partner coordination and collaboration in maximizing positive and minimizing negative impacts can play an important role for effective governance of the platform economy and "decent digiwork" (Mexi 2019). Social dialogue can provide a considerable opportunity to ensure both productive employment and inclusiveness for all workers in the platform economy.

From both an EU and an ILO perspective social dialogue is a tool for ensuring sustainable enterprises, constituting a privileged lever, to be further developed, as well as a critical element for achieving "decent digiwork". Due to its deliberative and reconciliation-building attributes (Papadakis, 2006; Hermans et al, 2016; Baccaro and Papadakis, 2009), social dialogue can play a positive role especially in suggesting venues for tackling the more problematic aspects of platform work in mutually beneficial (for both platforms and workers)

– and therefore sustainable – ways. Social dialogue – as a mechanism for participation and reflexive interaction – can effectively contribute to opening up spaces for cooperation, sharing of information, and collective learning (ILO, 2019). Hence, it can enable platform economy stakeholders to act by providing certainties in their ability to initiate necessary policy and institutional adaptations in the platform economy. This is mostly illustrated in the groundbreaking collective agreement in Denmark, which bridges the interests of a digital company and platform workers; thereby, introducing the institution of collective bargaining into the new era. In this way, social dialogue can become a significant precondition for good governance that is necessary for moving towards a more sustainable model of the platform economy and "decent digiwork".

Conclusion

The gig economy has received increasing public attention over the past few years. But how can workers in the gig economy have their interests represented and bargain for better pay and working conditions? Our research project has built on the pressing need to enhance context-sensitive knowledge on how the gig economy can become a catalyst for decent, fulfilling work in the modern labour market. By looking at recent developments in four European countries – Switzerland, Germany, Greece and the United Kingdom - the project has examined how governments and the social partners perceive the impact of gig work on the labour market and how they shape responses in this regard. In a nutshell, the project main findings point to:

(a) The variety of situations covered by the notion of the “gig economy” as it (mis-)used in the public debate, some pertaining to the sharing or collaborative economy or to crowd work, others to the platform economy. This lack of conceptual clarity constitutes a major obstacle impeding the definition of adequate policies. Besides, the sectoral diversity of the gig economy also points to the irrelevance of one-size-fits-all solutions – in this sense solutions inspired by local or sectoral social dialogue seem more in line both with the needs of gig workers and with the competitiveness requirements of platform businesses. Under such circumstances, it is no wonder that our national case studies show a frequent discrepancy between policy-makers and social partners’ views about the issues raised by the gig economy (mostly focusing on the worker status or on issues related to tax avoidance or unfair competition), and the actual practices and experiences by gig workers themselves. In such a context, additional scientific knowledge is urgently needed to get a more accurate picture of the gig economy and the challenges it raises in both economic and social terms.

(b) The relatively low use – with variation that is context- and sector-specific – of social dialogue within the gig economy field. Our case studies allowed identifying three main situations in this respect: first, a situation of absent social dialogue where gig work is not framed as a social problem, and individual workers have to devise their own solutions to improve their situation; second, a situation of fragmented social dialogue, where platforms are perceived as “enemies” by conventional trade unions while the livelihood of gig workers depends on their very existence – the mobilisation of gig workers, when it takes place under such circumstances, stands in (possibly sharp) contrast with existing trade unions defending their own interests that they perceive as threatened by the platforms’ business model; third, a situation of joint or unified social dialogue, where all workers, be they members of conventional trade unions or gig workers, transcend the boundaries of the insider-outsider dilemma to implement an inclusive view of collective bargaining. Also worth mentioning with regard to social dialogue in the gig economy is the emergence of new forms of mobilisation such as the use of instant messaging groups or the gig strike that took place in

the UK. These evolutions point to a renewal of social dialogue forms in order to adjust them to the specific circumstances of gig workers, although such forms are the exception rather than the rule.

(c) Evidence of low-to-moderate mobilization on the part of traditional social partners. This suggests that the first two forms of social dialogue mentioned in the previous point tend to prevail in the countries and sectors under investigation. This also points to the existence of a discrepancy between traditional employees' interests and gig workers' claims, as well as between existing trade unionists' competencies and those technological abilities that would be needed to tackle algorithmic and data-driven management. Such discrepancies in interests and competencies tend to reinforce insider-outsider dilemmas and their undesired implications. The promotion of decent digital work requires dissolving such boundaries.

(d) The lack of coherent full-fledged policy and legal responses. This is above all an issue of framing: in all investigated countries and sectors, the gig economy is framed mainly as a problem of worker status, or tax avoidance and unfair competition. When investigating the gig economy from a grass-roots perspective, other issues such as algorithmic management, but also health and safety, minimum pay, etc. come to the fore. To close the gap and come to a more adequate and complete framing of the issues raised by the gig economy, in-depth scientific analyses are needed. This calls for a wide-ranging collaboration within interdisciplinary teams, including lawyers, social policy scholars, industrial relations scholars, occupational health experts, etc. Besides, our study has also shown that policy-makers' action, although important, will not be able to tackle all issues through the adoption of legislation; social dialogue is a necessary complement to public policy, and public policy needs to support such dialogue by providing adequate procedural rights – i.e. the right to effectively take part in collective bargaining, to express one's voice and make it count – to all workers, including gig workers. As emphasized by the ILO, the promotion and implementation of decent work is all stakeholders' business and responsibility.

Looking ahead, the benefits of the potential growth of the gig economy will accrue to all involved, once social dialogue is promoted and implemented as an invaluable mechanism for bringing the gig economy into the scope of national policy and regulatory interventions and adaptations. This is the core conviction that inspired our study and was reinforced throughout the whole research process.

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