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

Social Dialogue and the Governance of the Digital Platform Economy: ILO and the Role of Social Partners

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Contents page

1. Introduction 1

2. Understanding the Platform Economy and Digiwork 3

2.1. Classification and regulation 6

2.2. Mobilization and representation 9

3. Mastering Social Dialogue for Decent Digiwork 15

3.1. Decent digiwork and the role of social partners 19

3.2. Social partners and the platform economy..……...21

4. Concluding Remarks 25

References 26

1. Introduction

Over the past few years, the platform economy has been uppermost on academic and policy discussions, as digital platforms and mobile "apps" like Uber, Airbnb, and TaskRabbit - seeking to connect consumers, businesses and workers - have been rising. As emphasized by a number of international organizations and actors (e.g. OECD, 2019; Eurofound, 2017; European Parliament, 2017), although the share of this type of digital economy is currently low, it is growing fast, generating income for an increasing number of workers. Yet, alongside benefits, concerns remain about the conditions of work.

As the ILO Global Commission for the Future of Work states in its landmark report: *"Digital labour platforms provide new sources of income to many workers in different parts of the world, yet [...]The work is sometimes poorly paid, often below prevailing minimum wages and no official mechanisms are in place to address unfair treatment"* (2019a; p.44). Hence, as digital platforms are reshaping the business models of a wide range of industries, from transportation to domestic care, from finance and healthcare, a **human-centred approach** is needed to ensure what we could call "**decent *digiwork*"** *(referring to work digitally-enabled and algorithmically-managed in platform-based arrangements that are either locally-confined or cross-border).* Decent digiwork is about creating opportunities for all to participate fully in a future of digital work that affords self-respect and dignity, security and equal opportunity, representation and voice**.** It is also about fostering *inclusive platform-driven innovation,* while meeting the changing needs facing businesses and securing sustainable economic growth.

The purpose of this paper is to identify the main implications of **platform *digiwork***. In particular, to assess its challenges and opportunities, and the role of social dialogue as an effective governance tool for shaping a *decent digiwork agenda*. Can social dialogue promote decent and sustainable digiwork or, conversely, can it contribute to enabling policy-makers and social partners to consider balanced choices for responding to the more problematic facets of platform digiwork? If so, how? Though the roles and contributions of social dialogue in the traditional economy are well-tested and have been widely documented worldwide, its potential in contributing to addressing the challenges posed by the platform economy and digiwork is not sufficiently tapped-into. This is a paradox as the instrument of social dialogue has specific advantages to offer in terms of supporting governments, employers and workers to harness the platform economy for decent digiwork.

Through its attention for democratic participation, fairness and legitimacy (Papadakis, 2006; ILO, 2013a; Hermans et al, 2016), social dialogue can play a central role in addressing both the innovation potential of digital platforms but also the problems associated with platform digiwork. Concurrently, for social dialogue to have a positive effect on the realization of a decent digiwork agenda, an *enabling environment* is essential – one that is based on the will of social dialogue actors to engage in intensified and better organized dialogue and to adapt to the new realities of organizing and representing digiworkers[1] and platforms – both nationally and globally.

The next sections explore a number of key challenges and opportunities pertaining to the governance of the platform economy and digiwork. These are examined in the context of classification and regulation, mobilization, representation, and social dialogue. This analysis

[1] The term "digiworker" or digital platform worker is here used to refer to those that work via platforms, regardless of the contractual relations they have with the platform, see discussion on platform workers' misclassification below.

is accompanied by an exploration of how social partners are adjusting to the new challenges - looking particularly at the key role the social partners (workers' and employers' organizations) have to play within the governance of the platform economy - and in ensuring that countries devise balanced policies for achieving decent digiwork.

2. Understanding the Platform Economy and Digiwork

There is intense controversy as to whether platform digiwork is bringing about a utopian or dystopian world of work. On the **positive** side, the platform economy is enabling a global mobility of virtual labour (Aneesh, 2016), by enabling job seekers from low- and middle-income countries to enter new labour markets, often in wealthier economies, that were previously out of reach due to migration barriers (Graham et al, 2017; Heeks, 2017). On the **negative** side, the platform economy offers significant employment potential, but also raises the risk that a considerable portion of the world will lose out. According to global figures (TUAC, 2017), out of the global population of 7.4 billion people, 4.2 billion do not have access to internet. This population is mainly concentrated in developing and emerging (India, China and Nigeria - 80%, 55% and 61% of their populations respectively), but also present in advanced countries as in the United States, 51 million people do not have access to the internet or in some cases could have access but don't use it. **Access** to the technologies, and ensuring that workers possess the **education and skills** to use them, are the fundamental policies that countries need to consider in seeking to enhance the opportunities the platform economy can offer. On the positives, further, the platform economy offers businesses the opportunity to secure global talent as they need it and to workers greater autonomy and more flexible work. On the negatives, work on digital platforms may put employment relationships and labour standards into jeopardy, adding up to the already high levels of non-standard forms of employment where workers may not enjoy full coverage of labour legislation.

Whilst contested claims and debates about the labour market and legal implications of platform digiwork is underway, we argue that a more comprehensive and balanced understanding of their dimensions could be provided by delving more in-depth into what constitutes work in the platform economy and its different types. This has prompted scholars to work on competing terminologies and to build taxonomies. The reviewed literature [2] offers different conceptions and taxonomies of digiwork in the platform economy with various and different degrees of complexity and classificatory schemes. The present paper is focused on a less extensive classification, as its purpose is *heuristic* – to represent key, basic "archetypes" (rather than the plethora of empirical cases) that will enable the reader to comprehend the broader implications of platform digiwork in terms of classification and regulation, mobilization, representation, and social dialogue, as discussed in the next sections. We thus distinguish two types of platform digiwork (as figure 1 below shows), by using a two-fold criterion: the locus of performance of work and the labour process involved.

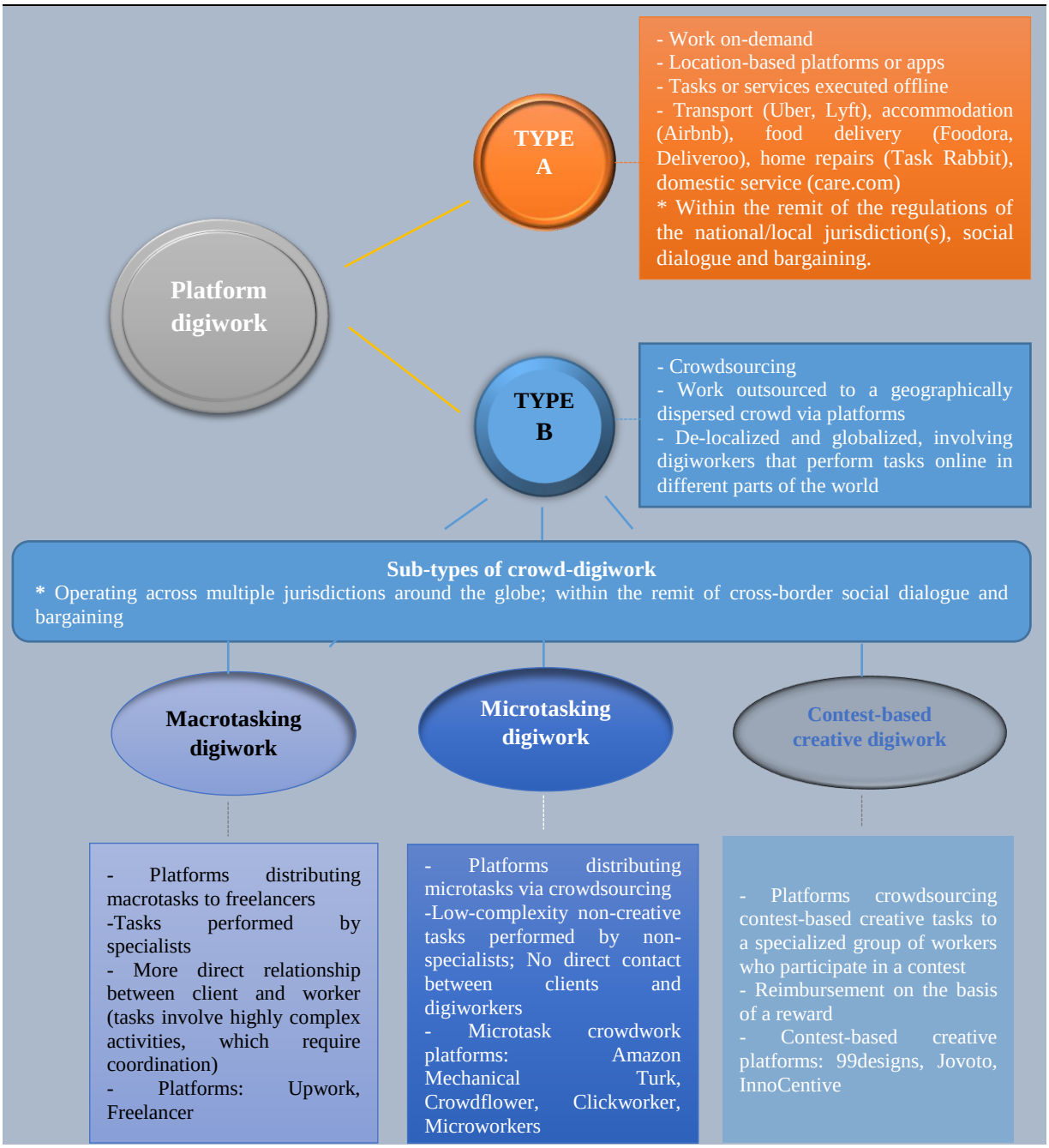
The **first type** concerns (as widely discussed in the literature) work on demand via location-based platforms or applications (apps), which allocate tasks or services (to be executed *offline*) to individuals (with few given to the crowd e.g. local microtasking, e.g. Streetspotr) in a specific geographical area [**TYPE A-digiwork**]. Examples of platforms in TYPE A-digiwork (platforms that direct workers to deliver local services) are found in transport (Uber, Lyft), accommodation (Airbnb), food delivery (Foodora, Deliveroo), home repairs (Task Rabbit) and in domestic service (care.com). The **second type** involves crowd-sourcing that is - work outsourced to a geographically dispersed crowd or to selected individuals (freelancers) via platforms [**TYPE B-digiwork**]. Crowd-sourcing involves – as Howe (2006; p.1) notes - the "act of a company or institution taking a function once performed by employees and outsourcing it to an undefined (and generally large) network of people in the form of an open call". TYPE B-digiwork has been studied extensively in the

[2] E.g. Horton (2010); Felstiner (2011); Agrawal et al (2013); Lehdonvirta et al (2014); Eurofound (2015); Codagnone et al (2016); Degryse (2016); Drahokoupil and Fabo (2016, 2017); Durward et al (2016); Heeks (2016, 2017); Huws et al (2016); Leimeister et al (2016); Margaryan (2016); Flecker et al (2017); Graham et al (2017); Schmidt (2017); Kenney and Zysman (2018).

literature, as it is part of broader digitalization trends enabling decoupling of time and place from work. Most classificatory schemes (found in the literature) breakdown TYPE B into **subtypes of digiwork,** involving:

B-a) platforms distributing *microtasks* (non-creative small and quick, often repetitive tasks) via crowdsourcing that require non-specialists or a relatively similar level of skill and no direct contact between clients and digiworkers (examples of platforms in the specific subtype include Amazon Mechanical Turk or Crowdflower, Clickworker, and Microworkers); **B-b**) platforms distributing *macrotasks* (such as data analytics and mobile app programming) to freelancers; these require more specific skills and a more direct relationship between client and worker (examples of freelance platforms in this subtype include Upwork or Freelancer), and; **B-c**) platforms crowdsourcing contest-based creative tasks to a specialized group of workers who participate in a contest, e.g. to design a logo or to solve a challenging scientific problem (examples of contest-based creative platforms include 99designs, Jovoto, InnoCentive) (Graham and Woodcock, 2018; Berg et al 2018). Most recent studies have focused on work and labour and their (adverse) implications in microtask crowdwork platforms (TYPE B-a).

Figure 1 – Types of platform digiwork



To identify commonalities and differences between (sub-)types of platform digiwork, one caveat needs to be borne in mind: while *TYPE A-digiwork* is geographically bounded, *TYPE B-digiwork* is largely *de-localized;* and it is becoming *more and more globalized*, involving digiworkers that perform outsourced tasks online in different parts of the world. This, in effect, is triggering an increasing *deterritorialization* of states' regulatory and enforcement capacity, adding multiple levels of complexity. In particular, while the operations of platform businesses falling under TYPE A fall within the remit of the regulations of the national/local jurisdiction(s), the global nature of work outsourced via TYPE B-platforms raises a number of complex questions for both national and international regulatory systems. Distinguishing between the different types of platform digiwork is crucial since it has important implications for workers' protection and scope of regulation and, as examined in Section 3, for workers' organization, social dialogue and collective bargaining.

2.1. Classification and regulation

One commonality across the different types of digiwork in the platform economy is that they often rely on self-employed as a workforce, rather than on employees (Berg, 2016). Drivers working for Uber, couriers working for Foodora, or crowdworkers working on Amazon Mechanical Turk will be considered a freelancer, self-employed or independent contractor, and the platform company itself more of a neutral *intermediary* than an *employer stricto sensu*. This has certain implications for **labour rights and social protection** as independent contractor status in many jurisdictions does not confer those rights and protections [3] (Aloisi, 2015; De Stefano, 2015; Goudin, 2016; Eurofound and ILO, 2017; Spasova et al, 2017). There are also certain implications in the area of **collective bargaining**. The right to collective bargaining for self-employed workers is the object of legal discussion, as it is often considered in breach of competition law by national antitrust authorities, given that this is considered "price fixing" harming consumer welfare (Aloisi, 2019; Johnston and Land-Kazlauskas, 2018). Platforms invoke anti-trust law to counter workers' organizing and to mount a legal challenge. As stressed by OECD (2019; p.20): *"Workers usually classified as self-employed are generally excluded due to competition laws prohibiting cartels, which tend to regard them as business undertakings. This may be fine for many self-employed workers who earn good incomes or are in a position to bargain with their clients over their rates. However, it 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 digiworkers may pose major challenges to organizing representation of digiworkers as well as businesses in the platform economy through workers' or employers' organizations or within social dialogue institutions (see section 2.2).

The uncertain employment landscape is also evident in the legal terrain. Though case law is fast evolving in this area, in several jurisdictions, courts "have found platform workers not to be engaged as independent contractors, despite clear contractual documentation to that effect" (Prassl, 2018; p. 11). It has also been highlighted that for those using the platforms as the primary income source, classification is still uncertain but leans more towards the employee classification, given their financial and work sourcing dependence on the platform (Cherry and Poster, 2016). National courts decisions in several countries [4] – Argentina, Australia, Brazil, Chile, France, Nederland, Italy, United Kingdom, United States and Spain – have *reclassified* platform workers as employees of the platform. Concurrently, in other circumstances – e.g. in Australia, Brazil, Chile, Spain, France, Italy, United Kingdom and United States – platform workers are classified as self-employed.

[3] The European Parliament (2017; pp.11-12) in a briefing note states that: "Up to 70 per cent of workers in the platform economy reported that they could not access basic schemes like pregnancy, childcare and housing benefits. Such an effect was especially pronounced among Platform Dependent Workers. The key legal issue affecting the provision (or otherwise) of social protections for workers in the platform economy is a longstanding problem that also affects "atypical" workers more generally; namely, that they are more likely to be categorised as self-employed contractors rather than employees or workers […] Furthermore, where platform workers are theoretically entitled to forms of social protection in individual countries, in many cases, relatively low levels of hours or income mean that in practice they may not reach the necessary income or hours thresholds to access social protection."

[4] For an overview of the court decisions, refer to: https://ignasibeltran.com/2018/12/09/employment-status-of-platform-workers-national-courts-decisions-overview-australia-brazil-chile-france-italy-united-kingdom-united-states-spain/

Current reform proposals and debates: digital problems, (still) analogue solutions?

A further question explored by the present paper is the extent to which the challenges arising from platform digiwork is currently the subject of national reform debates and regulations, including social dialogue. 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 digiwork is performed locally as well as globally.[5] Our review has identified[6] four main approaches, as described in Box 1 below.

Box 1 – Current regulatory reforms	
*A **first approach** – most commonly found in Belgium, Denmark, Ireland, Sweden, the Netherland, and the United Kingdom - is to apply the current legal provisions to platform work*	This has come to involve a case-by-case assessment (by courts) of whether the platform worker falls within the category of a self-employed (leaving most employment law inapplicable, see e.g. Belgium, Denmark), or in a category of employee, or in some countries falls in a third category in between (i.e. an intermediate category). The latter would seem to be the case in Ireland, the Netherlands, Sweden and the United Kingdom.
*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*	The Act of 8 August 2016 on work, modernization of social dialogue and securing of career paths (*Loi n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels*) in France foresees the provision of minimum social rights to independent workers in an economically and technically dependent relationship with an online platform along with, *inter alia*, the right to continuing professional training and validation of working experience on the platform by the platform company, and the right to join trade unions and to exert collective action as well as social security contributions in some limited cases. The law did not address the right to collective bargaining of these workers. It is however worth noting that the French Court of Cassation, in its judgement no. 1737 of 28 November 2018, *reclassified* the drivers of a food delivery platform as employees,[7] contrary to the lower courts. After this judgement, on 11 January 2019, the Court of Appeal in Paris accepted the claim of an Uber driver to be reclassified as an employee.

[5] For further similar arguments, refer to De Groen et al. (2017), Lenaerts et al. (2017); Countouris and De Stefano (2019).

[6] This part is not intended to provide a full-scale presentation of regulatory approaches and responses. For deeper-reaching studies in this area refer to, e.g.: Cohen and Sundararajan (2015); European Commission Communication (2016); Frenken et al (2015); Gobble (2015); Greenhouse (2015); Hall and Krueger (2015); Jenk (2015); Kenney and Zysman (2015); Koopman et al (2015); Miller (2015); Ranchordas (2015); Rauch and Schleicher (2015); Sprague (2015); Grossman and Woyke (2016); Kennedy (2016); Garben (2017); Countouris and De Stefano (2019).

[7] The Court highlighted that the platform had put in place a complicated disciplinary which, together with the fact that the application used by the workers "was equipped with a geo-localisation system allowing the company to monitor the position of the rider[s] in real time and to record the total number of kilometers traveled by [them]", amounted to a level of direction and control sufficient to establish the employment status of the workers.

*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 Recommendation" (Countouris and de Stefano, 2019; p.16)*	Along this approach, we find the new Directive on *Transparent and Predictable Working Conditions* in the European Union. The stated objective of the new Directive is "to provide protection for the widest categories of workers and in particular the most vulnerable workers". The key merit of the Directive is that it introduces a nuanced approach towards the mandatory information obligation regime for every employment relationship, regardless of its form. Platform workers can fall under the scope of the Directive and be protected against unpredictable work patterns which may eventually contribute to enhancing the transparency of their jobs. Yet, as Bednarowicz (2019) notes: *"the biggest pitfall is that the Directive has a different target group which is certainly not all platform workers. For them to enjoy the rights, they need to be first reclassified from bogus (false) self-employment and that might be an easier case for on-demand work (e.g. Uber, Deliveroo), but definitely not for crowdworkers who perform their tasks solely online (e.g. Amazon Mechanical Turk, Upwork, Clickworker). This will not be done automatically by virtue of the Directive, which nonetheless mentions in the recitals that false classification of a self-employed person under national law does not preclude the person from being a worker under EU law (Case C-413/13 FNV)".*
*A **fourth (more inclusive) approach** concerns the extension of the 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) (Gavidov, 2014; Grosheide and Barenberg, 2016)*	The EU's Access to Social Security Initiative reflects this approach which aims, particularly, at ensuring the protection of people in non-standard employment and those experiencing frequent transitions between, and combinations of, forms of dependent employment and self-employment, leaving them without sufficient access to (and transferability of) labour and social protection benefits (European Commission, 2017). Another example can be found in the broad and universalistic aspirations implicit to the scope advocated in art 1 of CGIL's, Carta dei diritti universali del lavoro – Nuovo statuto di tutte le lavoratrici e di tutti i lavoratori (2016) providing that "The provisions of Title I of this law apply to all workers who hold contracts of employment and self-employment". Significantly, the Report of the ILO Global Commission on the Future of Work proposes a breakthrough in this direction: basic labour rights for all workers ("regardless of their contractual arrangement or employment status"), including the self-employed. The includes the call to adopt a Universal Labour Guarantee for all workers, drawing on the ILO fundamental principles and rights at work, namely: (i) a set of basic working conditions: (ii) "adequate living wage", (iii) limits on hours of work, and (iv) safe and healthy workplaces as well as (v) "freedom of association and the effective recognition of the right to collective bargaining and freedom from forced labour, child labour and discrimination". It should be mentioned that the Preamble of the ILO Constitution already calls for advancing working conditions in these areas without making any distinction between employees and self-employed workers. Moreover, the ILO Global Commission on the Future of Work expressly provides that the Universal Labour Guarantee is aimed at supplementing, and not replacing, current legal protections of those who already are in an employment relationship.

The reviewed evidence regarding the legal classification of workers in the platform economy suggests that, whereas the challenges to the traditional binary employment relationship are not unique to the platform economy, regulatory responses must address more dynamically these challenges within the context of the platform economy (Taylor and Amir 2015). Slowness in modernising laws to become more fit-for-purpose, catching up to changing realities of platform digiwork and labour rights, may not only impede recognition of the urgency and importance of adaptation but also detract from economic and social well-being. **Institutional and policy efficacy** becomes here not only a *purpose*, but also a *cause* of concerted action in both national and international spaces of concertation.

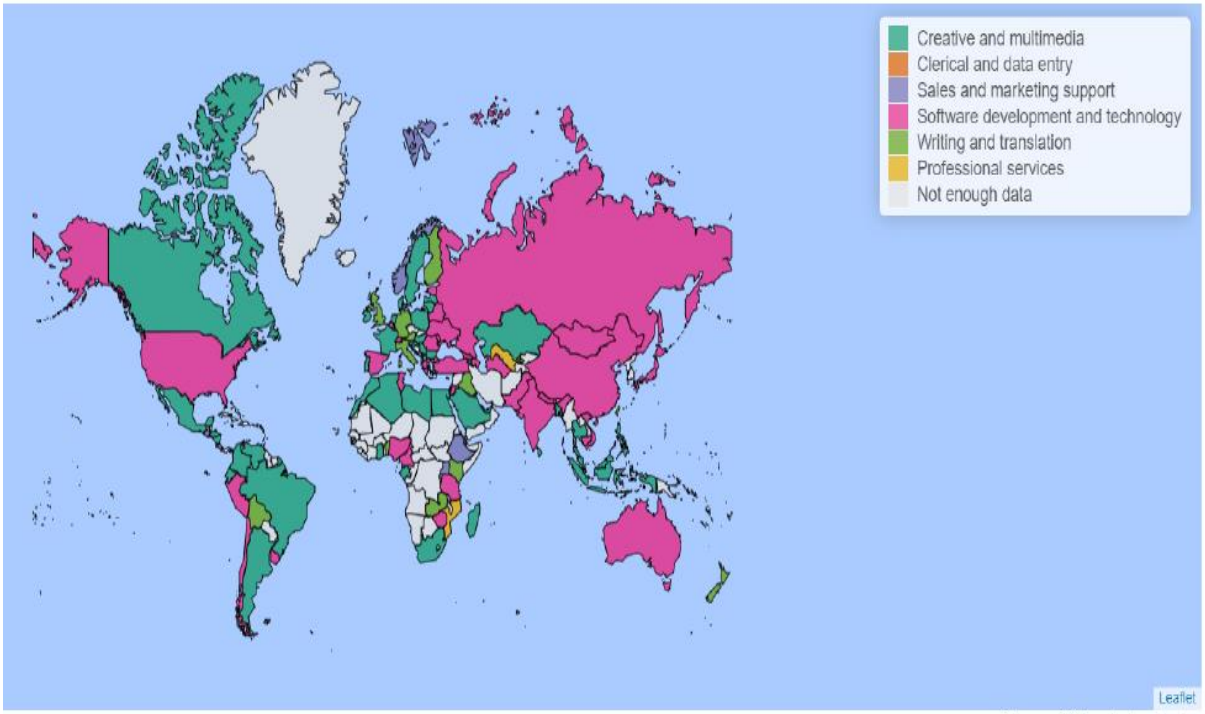
2.2. Mobilization and representation

Mobilizing and organizing collectively when work is digital, sporadic, discontinuous, agile and globally dispersed poses certain challenges to building representation and voice. Generally, platform digiworkers face four serious obstacles in effectively exercising their collective voice, which are tightly entwined. First, their **misclassification** may trap platform digiworkers 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 (Cherry, 2016a; 2016b; Eurofound and the ILO, 2017;OECD, 2019).

Second, another important factor complicating the capacity for organizing is the **disparity of work** performed by different segments of the platform economy workforce across various platforms. Digiworkers are often tied to a multitude of platforms (whether in the same digiwork-TYPE and industry or different type and even sectors) which translates into starkly heterogeneous worker motivations, experiences and claims that constrain capacity to leverage effective collective action and representation of interests. Moreover, the fact that platforms do not generally want to be viewed as "employers" further complicates the picture, since it raises questions as to who is to be bargained with. Overall, the disparity of platform digiwork combined with the inability of individuals to be able to influence their working environment, and the absence of organizational infrastructure, erodes digiworkers' sense of institutional connectedness (Fitzgerald et al., 2012).

Another challenge to effective mobilization and representation of platform digiworkers is related to the peculiar nature of **''platform topology''** and particularly to the **geographical dispersion of workforce** (see Online Labour Index below). While traditional organizing has been taking place in or close to local communities or workplaces, organizing in the platform economy is likely to become more complicated and *loose* especially whenever digiwork is arranged and performed across *borders* and different national jurisdictions, as it can be the case with *TYPE B-crowdworkforce.*

Online Labour Index – Global dispersion and top occupation by country



Source: Online Labour Index

The literature investigates the difficulties involved in transnational unionization, yet at the same time highlighting successful initiatives that demonstrate that none of these obstacles are in fact insurmountable. Noteworthy examples of *transnational unionization and cooperation* include:

- the Transnational Federation of Couriers which was founded in 2018, with the aim to represent platform digiworkers across Europe;
- the "Fair Crowd Work" website (with the aim to evaluate the platforms' employment terms and conditions based on workers' surveys), which is a joint project of IG Metall (the German Metalworkers' Union), the Austrian Chamber of Labour, the Austrian Trade Union Confederation, and the Swedish white collar union Unionen in association with research and development partners;
- first tentative steps to forge transnational collaboration for an EU-level dialogue on platformization of labour taken by the European Trade Union Confederation (ETUC) via the "sharers and workers" conference organized in January 2018 (Weber, 2018).
- Another significant initiative is the "Frankfurt Declaration on Platform-Based Work" in 2016, endorsed by trade unions across Europe and the United States. The key merit of the Declaration (Box 2) is that of clearly strengthening a number of fundamental principles related to platform work that may need to be fueled down to national contexts.

Box 2 - Frankfurt Declaration', endorsed by Trade Unions across Europe and the United States

- **Calls on the diverse stakeholders to "platform-based work" to jointly seek to:**

• Ensure that platform businesses comply with relevant national laws and international conventions, rather than using technology to work around them;
• Clarify the employment status of platform-based workers;
• Ensure that platform-based workers who are not truly self-employed have the right to organize and negotiate collective agreements with platform operators and/or clients;
• Seek to ensure that all platform-based workers, regardless of employment status, receive at least minimum wage in their jurisdiction (or, in jurisdictions with no minimum wage, the wage specified in the relevant collective agreement) for their work;
• Ensure that platform-based workers have access to social protection – such as unemployment insurance, disability insurance, health insurance, pension, and compensation in the event of work-related illness or injury – regardless of employment status;
• Develop transparent, accountable methods for resolving disputes between clients and workers – and, as needed, between workers – in cases, for example, of client non-payment or unclear allocation of intellectual property rights; and
• Increase transparency in the world of platform-based work.

Source: http://faircrowd.work/unions-for-crowdworkers/frankfurt-declaration/

New ways and structures of worker representation and participation

As the platform economy evolves, attempts to develop union-inspired structures and activities are beginning to surface (Johnston and Land-Kazlauskas, 2017), with these initiatives predominating in both *digiwork-TYPES*. The cases of self-organization of these digiworkers via virtual spaces qua fora are still in its infancy, and with limited effect (Irani and Silberman, 2013; Lehdonvirta, 2016). The following examples are highlighted in the literature:[8] In the United States, the team behind Turkopticon, an online community of Mechanical Turk platform digiworkers, created a web platform called "Dynamo" that focuses specifically on building collective action (Bergvall- Kåreborn and Howcroft, 2014). The Dynamo platform set forward a campaign of sustained collective action around the publication of guidelines for academic requesters using MTurk, addressing matters such as fair pay (Salehi et al., 2015). Also, workers with traditional employer–employee relationships as well as platform digiworkers are using platforms like Coworker.org to test early forms of digital employee network-building via user-generated petition campaigns. Many platform digiworkers also assemble on Facebook and WhatsApp groups, sub-Reddits, and other digital points of assembly to share experiences, chat, complain, and exchange information, building solidarities in hyper-local contexts (Forlivesi, 2018). Alternative digitally-enabled mobilizations have included the organization of strikes and boycotts in the delivery sector involving delivery digiworkers logging out en masse from apps that allocate work shifts (Forsyth, 2019). Hence, 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) (Der Standard, 2017). Also, we have seen emerging in the United

[8] By now, the literature has documented multiple initiatives implemented in relation to mobilization, representation and collective bargaining in the platform economy. An exhaustive discussion is beyond the scope of this part. The examples presented herein are intended to highlight associational forms that are gaining prominence for representing platform economy digiworkers. More information on similar cases and initiatives can be found in the Eurofound web repository, https://www.eurofound.europa.eu/da/data/platform-economy/initiatives#organisingplatforms; also, refer to Prassl (2018), Vandaele (2018) and Aloisi (2019).

States the Seattle App-Based Drivers Association (SADA), the California App-Based Drivers Association (CADA), and the "Independent Workers Union of Great Britain (IWGB)".[9] There is, in addition, the New York-based "Freelancers Union" (though not exclusively working with platform digiworkers). 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. Overall, worker organization and social partner activity (see below in this regard) seem to have been less pronounced in *TYPE-B digiwork* (where digiworkers work online and in isolation) and more prevalent in *TYPE-A digiwork*, especially in food delivery and transportation where platform digiworkers can easily spot each other, interact and speak with one another in offline contexts.

Crucially, furthermore, as Table 1 below[10] demonstrates, we have some concrete examples of digiworkers' participation in the context of works councils, indicating that certain patterns of representation in the platform economy are emerging.

[9] Their aim is to "represent mainly low paid migrant workers, such as outsourced cleaners and security guards, workers in the so-called gig economy, such as bicycle couriers and Uber drivers, and foster care workers" (refer to https://iwgb.org.uk). IWGB has successfully protested alongside Deliveroo digiworkers opposing reductions in pay rates; IWGB's practices involve ground-up organizing and rank-and-file engagement, which diverge from the more conventional strategies of longstanding unions. https://iwgb.org.uk

[10] Refer to the Internet of Ownership website which includes a directory of the platform co-ops; https://ioo.coop/directory/

Table 1: Works Councils - examples	Country	Year
• **SE (*Societas Europaea, European Company)* Works Council Delivery Hero** On 16 April 2018, an agreement establishing an SE Works Council in Delivery Hero (which owns Foodora) was signed in Berlin with the German Food, Beverages and Catering Union (*Gewerkschaft Nahrung-Genuss-Gaststätten*, NGG), the Italian Federation of Workers of Commerce, Hotels, Canteens and Services (*Federazione Italiana Lavoratori Commercio, Albergo, Mensa e Servizi, FILMCAMS –CGIL)* and the European EFFAT, (European Federation of Food, Agriculture and Tourism). The agreement specifies that each country in which the company is active must have at least one employee representative in the 'European Company' (SE) works council and the council must be provided with detailed information on the company's strategies, on any investment or divestment plans and on plans which may impact the work organization and employee interests. Also, the agreement specifies that employee representatives can participate in the supervisory board, where they should be represented in equal numbers as the stakeholders and will hold the same voting rights. Consequently, when the new Delivery Hero SE was created in July 2018, employee representatives joined the supervisory board.	Austria, Finland, France, Germany, Italy, Netherlands, Norway, Sweden	2018
• **Works council Foodora, Austria** In March 2017, Foodora bike couriers elected a works council in Vienna, with the aim to negotiate an agreement with the Foodora management concerning better working conditions, particularly during the winter period. Demands include a guarantee of the mileage allowance (10 to 15% of overall pay), insurance for bicycles and the smartphones in case of damage or theft, and more transparency in tracking of the company's couriers and its implementation of disciplinary measures.	Austria	2017
• **Works Councils Foodora, Germany** In 2017, Foodora riders, supported by the German Food, Beverages and Catering Union (Gewerkschaft Nahrung-Genuss-Gaststätten, NGG) elected a works council in Cologne. Following, on 1 June 2018, Foodora riders founded a second works council in Hamburg. Furthermore, the riders have fought Foodora's parent company Delivery Hero for the right to instate a company-wide works council across all locations in Germany. A court in Berlin has ordered Delivery Hero to install employees on its advisory board, as German law mandates that companies employing 2,000 people and over must have equal numbers of shareholders and employees on its supervisory board. Source: Eurofound web repository on the platform economy	Germany	2017, 2018

Existing structures of worker and employer representation adapting to new realities

Furthermore, several unions have made significant efforts and adaptations to include those in newer forms of work relying on different approaches in terms of extending their member-base, internal organization or targets (Keune, 2015; OECD, 2015). Adaptations have included, for instance, reaching out to platform workers such as the cases of: GMB, a general British trade union (Osborne, 2016) and the Independent Drivers Guild of New York (Scheiber, 2017) that have partnered with platform drivers. Also, there are the examples of the German metalworkers' union - IG Metall, the Inter-Sectoral Self-Organised Workers' Union in Italy - Si-Cobas, and (as of January 2019) the example of the Austrian union of private sector employees, GPA-DJP. Further, IG Metall in Germany and Unionen in Sweden have set up a site for users to rate the working conditions of different platforms and are putting pressure on platform companies for respect for local minimum wages, data transparency and

better dispute resolution procedures (Maxwell, 2018). Moreover, IG Metall has initiated Fair Crowd Work, which seeks to connect platform workers with appropriate unions. Unionen has funded research on labour issues pertaining to the platform economy and has actively advocated social dialogue and collective bargaining (Nordic Council of Ministers, 2017). In Austria, ÖGB, the Austrian federation of trade unions has actively collaborated with unions inside and outside of Austria to support the interests of labour suppliers. In Germany again, Ver.di, the union supporting and representing the interests of self-employed persons has now opened up to platform workers focused on couriers offering counselling. Alongside workers' efforts, initiatives to organize business in the platform economy have also taken place, though to a lesser extent than workers. Traditional employers' organizations will be put to the test by the platform economy, as they have an interest in guaranteeing a level playing field for their members vis-à-vis competing platform businesses, who (as recent experience shows) may bypass existing labour regulations and distort competition. Examples of platform business organizing include: the German Crowdsourcing Association (Deutscher Crowdsourcing Verband, DCV), the Estonian Sharing Economy Association (Eesti Jagamismajanduse Liit), SEUK in the United Kingdom, Sharing Economy Ireland, SharingEspaña (SHES), and SODIA in Greece (Mexi, 2019).

Emerging platform cooperative models

On top of these, there is evidence of platform digiworkers resorting to cooperative models. The recent emergence of digiworker-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 (Scholz, 2014; Esim and Katajamaki, 2017). For example, there is *Fairmondo* - a cooperative alternative to Amazon and Ebay - that originated from Germany and has expanded to the United Kingdom; *Fairbnb*, a cooperative alternative to Airbnb; *Green Taxi Cooperative* in Denver, cooperative alternative to Uber; and the US-based *Loconomics*, a cooperative alternative (where each worker is also a shareholder) to Amazon Turk. These cooperative forms aim to build a sense of solidarity between digiworkers, yet there is clearly a need for new evidence on their strategies and their outcomes especially in terms of digiworkers' negotiating power and working conditions.

3. Mastering Social Dialogue for Decent Digiwork

In the literature social dialogue is described as an instrument for providing voice to key stakeholders by opening venues and levels for participation in decision-making processes (Papadakis, 2006; Didry and Jobert, 2011; de Munck et al, 2012; ILO, 2013a; ILO, 2013b). As part of this attribute, social dialogue is especially competent in shaping new win-win solutions and tackling collective action problems. By promoting consensus-building on substantive norms and ownership of policies, it neutralizes and rectifies imbalances in a faster and more flexible and tailored way than through regulatory interventions and individual litigation. Social dialogue thus can function as an effective *regulatory alternative.* In a similar spirit, the ILO Global Commission's report states: *"The strength of viable social contracts lies in the ongoing process of social dialogue that occurs among the main actors in the world of work. When it functions as it should, social dialogue promotes participation, fairness and legitimacy. It produces equitable and enduring solutions to the most vexing problems in the world of work, which are widely accepted by those who had a part in framing them"* (2019; p.23).

As the need to bring the platform economy into the scope of social dialogue is becoming more and more pertinent, there are visible signs, as Table 2 shows, 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" (OECD Employment Outlook, 2019).

Table 2: Cases of social dialogue and collective bargaining in the platform economy	Country	Year
• **Collective agreement 3F and Hilfr** In April 2018, the Danish trade union 3F and platform for cleaning services Hilfr signed the first collective agreement on platform work in Denmark. The agreement entered into force on 1 August 2018 and run as a pilot for 12 months. The collective agreement introduces a new category of worker – the so-called Super Hilfrs – in parallel with the existing freelance workers. Super Hilfrs are workers that opt for the status of employee rather than freelancer after meeting the eligibility criteria and will thus be covered by the company collective agreement. After working 100 hours, a worker automatically becomes a Super Hilfr (unless he or she objects). Super Hilfrs receive a minimum hourly wage of DKK 141. 21 (€ 19) and accrue rights to pensions, holiday entitlements and sick pay. Freelance workers' hourly wage is DKK 130 (€ 17) and they also receive a so-called "welfare supplement" of DKK 20 (€ 3) per hour. Both freelance workers and Super Hilfrs can set their hourly wage higher than the minimum wage on their individual profile on the platform. They are also covered by an insurance via the private insurance company Tryg. Tryg offers insurance solutions to six Danish-owned labour platforms, which include coverage for liability and accidents.	Denmark	2018
• **Collective agreement Italian logistics sector** In December 2017, a collective agreement was concluded in the Italian logistics sector which now for the first time includes food delivery riders in its contractual qualifications. The agreement was signed by the unions Confetra, Anita, Conftrasporo, Can-Fita, Transport Confartigianato, Sna-Casartigiani, and by employer organizations such as Claai and Filt Cgil. The agreement covers working time, the requirement for notice and compensation for changes in working schedules and compensation in case of illness. Following this collective bargaining agreement, the union Cgil has proposed to start negotiating the algorithms of food delivery platforms that manage task allocation and	Italy	2017

schedules.		
• **Agreement between Swedish Transport Workers' Union and Platform *Bzzt*** An agreement between Bzzt, which offers an Uber-like service with electric mopeds, and the Swedish Transport Workers' Union allows Bzzt drivers to be covered by the Taxi Agreement, which gives the workers access to the same standards as traditional taxi drivers. Unlike many platform companies, the drivers in Bzzt are offered marginal part-time contracts.	Sweden	
• **Charter of fundamental digital workers' rights** On 31 May 2018 in Bologna, Italy, a "Charter of fundamental digital workers' rights within an urban setting" was signed by the city's mayor, the Riders Union Bologna, the Italian General Confederation of Labour (*Confederazione Generale Italiana del Lavoro*, CGIL), the Italian Confederation of Workers' Trade Unions (*Confederazione Italiana Sindacati Lavoratori*, CISL), the Italian Labour Union (*Unione Italiana del Lavoro*, UIL), and by two food delivery platforms, Sgnam and MyMenu, which together employ about a third of food delivery riders in Bologna. The Charter sets out a fix hourly rate that equals or exceeds the minimum wage in the respective sector, compensation for overtime, public holidays, bad weather compensation, and insurance (covered by the platform) for accidents and illness at work. Also, coverage for accidents that may occur on the way to and returning from work, compensation for bicycle maintenance, and the guarantee of freedom of association and the right to strike.	Italy	2018
• **Agreement to collaborate between UK Union – GMB and Platform *Hermes*** In February 2019, the British courier company *Hermes* negotiated a new agreement with the GMB union, offering drivers guaranteed minimum wages and holiday pay in a deal to provide trade union recognition.	United Kingdom	2019
• **Agreement to collaborate between Dutch Union - FNV and Platform *Temper*** In 2018 in the Netherlands, the platform Temper, which matches demand and supply for staff in hotels, restaurants and cafés, approached the hospitality division of the largest Dutch union FNV (Federation National Unions, FNV-Horeca). This division of FNV and the platform have signed a "cooperation pact" as a pilot scheme that will last one year to provide (legally self-employed) Temper workers with training, pensions and insurance. The cooperation between Temper and FNV-Horeca was broadened later in 2018 after a positive experience in the first months, adding further elements such as the removal of a software fee that Temper workers had to pay and improved training offerings.	Netherlands	2018
• **Agreement to collaborate between UK Association - IPSE and Platform *Uber*** In 2017, Uber partnered with the UK association IPSE (Independent Professionals and the Self-Employed) to provide discounted illness and injury insurance for Uber drivers. Drivers can avail of this for £2 (about €2.20) per week, instead of at the "market rate" of about £8 (€8.80) per week and are insured in case of illness and injury for up to £2,000 (€2,200) if they are unable to drive for two or more weeks.	United Kingdom	2017

• **Agreement to collaborate between Australian Unions NSW and Platform *Airtasker*** An agreement between Unions NSW and Airtasker specifies several basic practices and protections for workers, including measures around recommended rates of pay, injury insurance, safety and dispute resolution. Indicatively: *Minimum rates of pay* - as of March 2017, Airtasker no longer posts any recommended pay rates below the 2016–17 National Minimum Wage for casual workers of $22.13 per hour (a rate which includes a 25% casual loading factor); *Dispute settlement* - Unions NSW, Airtasker and the Fair Work Commission have agreed to develop an appropriate dispute resolution system which would be overseen by the Commission, which would also act as the ultimate arbitrator. This is an important step in acknowledging the dependent nature of workers on the platform and the importance of an independent and transparent arbitration system in the case of disputes.	Australia	2017
• **Seattle Ordinance giving drivers right to collectively bargain** In Seattle, the Teamsters Union (drivers of app-based transportation companies, such as Uber and Lyft) joined with local unions to press for a city Ordinance promoting collective bargaining between platform workers (despite their independent contractor status) and the transportation network company for whom they work (*Drivers' Collective Bargaining ordinance*). The Seattle Ordinance does not take a position on whether the drivers are independent contractors or employees. Rather, the stated goal of the Ordinance is to "level the bargaining power between for-hire drivers and the entities that control many aspects of their working conditions". The law has been challenged repeatedly by platform-based companies as well as the US Chamber of Commerce.	USA	2015
• **Agreement to collaborate between Danish HK PRIVAT and Platform *Voocali*** Voocali (a tech start-up, operating with freelancers, that has built an interpreter platform that can handle both video remote interpreting and on-site interpretation) has signed the HK Agreement for Salaried Employees and a special agreement that covers work performed via the platform by those that are not employees. The parties have agreed that freelancers (in the main categories of assignments provided through the Voocali network) are not paid below the bottom quartile for salary including all employee costs in DA's salary statistics. They have also discussed how to set aside funds for freelancers' further education through HK Privat's skills fund for freelancers. They are now working on reaching a pension agreement, so that the freelancers can choose to have Voocali pay pension contributions to their pension savings.	Denmark	2018

- **Agreements involving platform companies registered as Temporary Employment Agencies**

The platform workers in such cases are covered by collective regulations on temporary agency work. Examples include: *Gigstr* (platform for low-skilled gigs) and *Instajob*s (platform for students, different categories of highly skilled gigs) in Sweden, and *Chabber* (platform for waiters, bartenders and kitchen assistants) in Denmark.

Social dialogue as part of government's engagement with platforms and self-regulation initiatives involving platforms and their workers and/or their representative unions

- In France, a legal provision encouraging platforms to publish "social responsibility charters" online and as appendixes to workers' contract is under discussion. Such charters would state the platforms' policy on a variety of issues including the prevention of occupational risks, professional development, measures to guarantee a "decent income" to workers, as well as rules framing the communication of changes to working conditions.
- On the initiative of the Deutscher Crowdsourcing Verband (a crowdworking platform in Germany) a code of conduct has been established and signed in 2017 by eight Germany-based platforms in collaboration with the German union IG Metall. The platforms united in the Verband also collaborated with IG Metall in the establishment of an Ombudman's Office that serves as a dispute settlement

mechanism.

The aforementioned cases of social dialogue and agreements in the platform economy have been taking place within the broader context of national responses addressing the transition to a digital economy and society

Evidence from a number of countries reveals that governments have launched dialogue on digitalization issues and challenges. Social partners have been involved, to differing degrees.

Since 2016, **Germany** has published the white paper entitled "Work 4.0" which was the result of an 18-month dialogue process involving a wide range of stakeholders such as academia, trade unions and employer organizations, and also the general public. A green paper on digital platforms has also been presented, which has incorporated feedback from a wide range of different stakeholders. In addition, Plattform Industrie 4.0 was established comprising more than 300 stakeholders from across 160 different organizations which is one of the world's largest networks to support the digital transformation of manufacturing firms.

In **Korea**, the tripartite representatives chose "The Future of Work for Digital Transformation" as an agenda for social dialogue and established "The Committee on Digital Transformation and the Future of Work" to prepare the country for the digital era.

In **France,** a National Digital Council (*CNNum*, an independent advisory commission addressing digital transition issues) has been set up, while the social partners were involved in drafting the "Mettling Report" which was published in 2015. Similar initiatives, involving the development of national digital strategies, action plans, and/or updating industrial policies and related legislation, have also been rolled out in different degrees in countries such as: **Australia, Austria, the Czech Republic, Denmark, Finland, Hungary, Indonesia, Italy, Kenya, Malaysia, Mauritius, Morocco, Nigeria, Philippines, Portugal, Rwanda, Singapore, South Africa, Spain, Sweden, Thailand, Tunisia, and Viet Nam.**

In some other countries, such as **Brazil and Bulgaria** the Economic and Social Committees have been calling on their national governments to put forward long-term strategies for transitioning to the digital era.

At European level, the **European social partners** (BusinessEurope, UNI Europa, CEEP and UEAPME) have issued a joint statement on digitalization in 2016. In several opinions, the **European Economic and Social Committee** has reiterated the key part played by social dialogue in introducing digitalization into the changing world of work in a spirit of trust (OJ C 125, 21.4.2017, p. 10; OJ C 303, 19.8.2016, p. 54).

Source: a compilation of sources i.e. Eurofound web repository on the platform economy (https://www.eurofound.europa.eu/data/platform-economy); Iglitzin and Robins (2017); Steward and Stanford (2017); Vandaele (2018); Aloisi (2019); Countouris and De Stefano (2019); Jesnes (2019); Jesnes et al (2019); OECD Employment Outlook (2019).

Possible enabling factors shaping propensity to social dialogue and collective bargaining in the platform economy

Upon closer inspection of the above 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 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 recent broader moves towards making crowdwork fairer - as the above 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 (Campbell, 2017); 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.

Besides these three factors there is, further, one context-specific peculiarity worth mentioning: some platform companies in the Nordic countries have registered as temporary employment agencies (e.g. "Chabber" in Denmark, "Instajobs" and "Gigstr" in Sweden); hence, their workers are covered by collective regulations on temporary agency work (Jesnes et al, 2019). This might therefore be another way for improving working conditions for platform digiworkers and their opportunities for bargaining that deserves further exploration.

3.1. Decent digiwork and the role of social partners

In the context of the broad discussion on the future of digital work, it is also frequently emphasized that, along with difficult readjustments and transition, new possibilities are discovered and deployed that can have a transformative impact. Certainly, the case for institutional and policy adaptation as a response to the constantly changing conditions of digital platforms and digiwork will not come without its challenges. In the face of the evolution of platform digiwork, innovations in decision-making and organizing techniques are required.

It can be argued that the **involvement of social partners in strategic policy planning** is imperative when striving for **balanced economic and labour market outcomes in the platform economy.** The creation of *formal forums for discussions, collective agreements,* and the facilitation and promotion of the organization and collective *representation of platform businesses and platform digiworkers* are crucial in paving the way towards decent digiwork.

As the examples of collective agreements, co-regulation (with the establishment of work-councils) and self-regulation (codes of conduct, etc.) in table 2 above illustrate, social partners' strong willingness to adapt to the changing circumstances and to actively engage with platform digiworkers and with platforms is a decisive factor for effectively dealing with contested aspects of digiwork. As discussed earlier, contested aspects of platform digiwork 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 (ILO 2013b). Such action may be needed in the case of the platform economy to enable the social partners to **connect with representatives of platform digiworkers 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 digiworkers** across the board. As frequently discussed, 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.[11] They translate into other pre-existed non-standard models of work. Even the challenge of algorithmic techniques deployed for tracking and evaluating a crowd of casual digiworkers is mirroring Taylor's early 20th century "scientific management", albeit in its hardest form. Equally important to note that not all the effects of platform digiwork are negative or synonymous with worse working conditions[12]. 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 (Fanggidae, Sagala and Ningrum, 2016). **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.**

First and foremost, enhancing good governance of the platform economy may require that social partners, platform digiworkers and businesses identify and define a set of **balanced policies** for attaining **a sustainable model of the platform economy and digiwork** - one that is both innovative *and* socially inclusive. Considering national circumstances, this may relate, as appropriate, to designing measures for **striking the right balance between platforms' drive for digital innovation and decent digiwork.** Also, **finding an optimal equilibrium between measures to support platform growth and policies intended to mitigate the possible negative impacts of technological disruption on labour markets and society**. There are empirical and normative aspects to these understanding, both of which may need to be incorporated into the design of policies aimed at enhancing decent digitwork.

While recognizing the opportunities and challenges arising from platform digiwork, it is critical that platform companies and platform digiworkers work together to demonstrate - *through social dialogue* - that the platform-based innovation of tomorrow is not potentially disruptive, but **fair and inclusive**. This may involve effectively addressing cases where power imbalances between platforms and platform digiworkers are likely to arise by: enforcing the correct classification of workers and fighting misclassification; promoting transparency and fair treatment in working conditions; enabling access to social protection, training opportunities and collective bargaining, and; by tackling the problems of algorithmic

[11] Several scholars and experts (Felstiner, 2011; Huws, 2014; Aloisi, 2015; Dyer-Witheford, 2015; Hill, 2015; Berg, 2016; Blanpain et al, 2016; Donovan et al, 2016; Valenduc and Vendramin, 2016; Fabo et al., 2017; Healy et al., 2017; Prassl and Risak, 2016, 2017; Prassl, 2018) have argued that platform digiwork is not novel but part of other pre-existing and largely unaddressed demands that have been evolving for a number of decades now and relate to how decent working conditions for precarious, non-standard, and atypical workers with little security or stability are ensured (Finkin, 2016; ILO, 2016; Schoukens and Barrio, 2017; Eurofound, 2017; OECD, 2018; Roubery et al, 2018). In line with this analytical perspective, there is nothing genuinely novel in breaking jobs into small individual gigs, or in piecework compensation, or even in combining contingent work within global and regional value chains (practices already pursued by multinational companies, see Katz and Darbishire, 1999; Sisson and Marginson, 2002).

[12] See e.g. the positive experiences of Indian freelancers working via Upwork which were documented via an empirical study by D'Cruz, P. and Noronha (2016).

discrimination and data transparency (which are more than ever contested) (European Parliament, 2017; ILO, 2019a; OECD, 2019). Concurrently, promoting labour and social protections for platform digiworkers - without stifling platform innovation - may require a double process of institutional *reform-and-refit* to manage change. It may be necessary to **reform and adapt policy and regulatory frameworks,** so as to effectively address the more problematic aspects related to platform digiwork in combination with the conditions of market competition in the platform economy.

Yet, even if new regulation is essential in this respect, it is unlikely that it will keep abreast of technological change in the digital platform economy; and it might struggle to respond to unforeseen impacts of a potential expansion of digital platforms across industries and sectors. **Social dialogue**, on the other hand, can provide a considerable opportunity to ensure both **productive employment** and **inclusiveness for all workers** in the platform economy. From an ILO perspective social dialogue is both: a tool for ensuring sustainable enterprises (ILO, 2018), constituting a privileged lever, to be further developed, as well as a critical element for achieving decent digiwork.

How social dialogue can contribute to attaining decent digiwork and a sustainable model of the platform economy

Due to its deliberative and reconciliation-building attributes (Papadakis, 2006; Hermans et al, 2016; Baccaro and Papadakis, 2019), social dialogue can play a positive role especially in **suggesting venues** for tackling the more problematic aspects of platform digiwork in mutually beneficial (for both platforms and digiworkers) – and therefore sustainable – ways. Social dialogue - as a mechanism for participation and reflexive interaction -can effectively contribute to opening up space for **cooperation**, **sharing of information**, and **collective learning**. 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 digiworkers; 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.

Overall, a trusting relationship between platform companies and platform digiworkers - reinforced through social dialogue - may prove to be crucial for digiworkers' well-being, while it has the potential to serve as a productive input into platform businesses. Ultimately, establishing conditions to enable trust between platform stakeholders are especially significant in terms of providing an *enabling environment for social dialogue in the platform economy.*

3.2. Social partners and the platform economy

Shared and sustainability-driven solutions on key economic and social challenges - with tangible benefits for workers, businesses and societies alike - need to be at the core of a constructive and continuous social dialogue.

Sound responses can only come from a clear understanding of the challenges and the opportunities that the platform economy and digiwork entails.

In this context, social partners would need to introduce in their agendas three key questions:

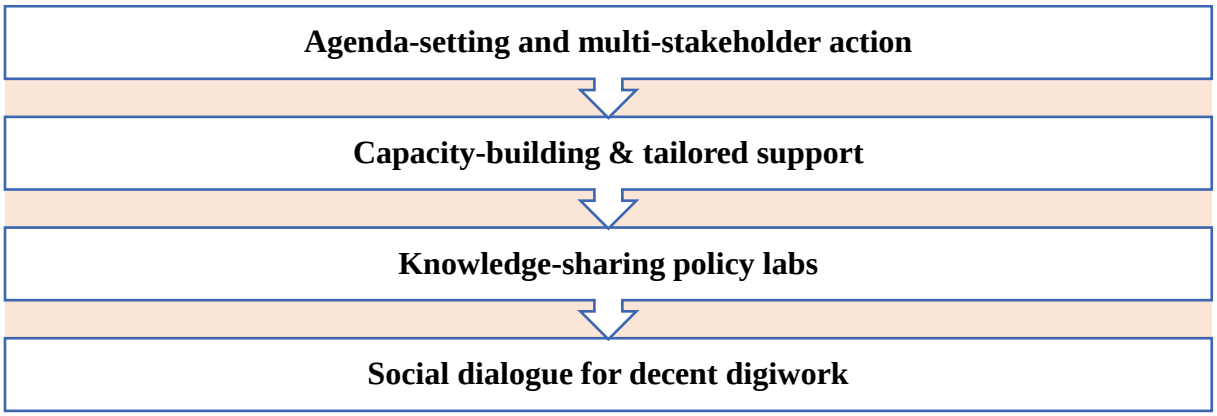
- Will platform digiwork remain a niche form of employment or is it a precursor to wider trends?
- How can businesses and digiworkers in the platform economy have their interests well represented in social dialogue processes?
- And, how can social dialogue be a complementary and flexible tool to labour market regulation in order to foster an inclusive future of platform digiwork?

In addressing these questions, social partners can serve as important guides and "wayfinders". They have a key role to play within the governance of the platform economy, so ensuring that countries devise **balanced policies** for a **sustainable model of the platform economy** - one that ensures technology-driven innovation while also being economically and socially inclusive. In managing this process, social partners can potentially contribute to **expanding social dialogue**, bringing together governments, workers, employers and platform economy stakeholders, **bridging different demands,** and eventually **building consensus**.

Active engagement will clearly provide the social partners with opportunities to shape policies and regulations, influence public perceptions, and achieve greater prominence and credibility.

Below is presented a set of **possible actionable pointers** (also summarized in figure 2), pertaining to what could constitute a **pro-active strategy** that can potentially enable social partners to seize the benefits offered by the platform economy and leverage support for social dialogue and decent digiwork.

Figure 2 - Platform Economy: possible actionable pointers of a proactive strategy for social partners



Possible actionable pointers

- *Accelerate Agenda-setting and Multi-stakeholder Action*

While each country's situation and traditions are different, a well-functioning system of labour relations can contribute to shaping a more inclusive future of platform digiwork. In this respect, a firm grasp of the needs and interests of the platform businesses and digiworkers is required. Their concerns may need to be properly analyzed and heard.

Accelerating multi-stakeholder action would mean that the social partners bring out the different perspectives from a more diverse range of stakeholders in the platform economy - such as platform businesses, platform digiworkers as well as actors from the emerging

platform cooperative field and the online activists of platform digiwork. It would also mean allowing issues to be discussed in a reflexive manner while highlighting *consensus spaces* for aligned action.

Moreover, accelerating action would mean that the social partners are able to **promote multi-stakeholder consultations and discussions** on the future of the platform economy and digiwork. This will enable them to establish **a joint diagnosis** about opportunities and challenges and also to understand and **share best practices**.

In terms of their potential role, social partners can **identify priorities for initial action** - starting with **focusing on priority issues** and **progressively expanding** the agenda in line with emerging national and global concerns. In so doing, the key is to build initial action around a specific focus and expand incrementally as technical knowledge of issues grows. This can be accompanied by **enhancing awareness and research**, seeking **partnerships with expert institutions and academia**; undertaking **awareness campaigns**, and **other communications activities**.

- *Increase Knowledge to deal with Technical Complexity*

The complex and technical character of the regulatory issues surrounding the platform economy and digiwork can hinder a stronger role for the social partners. Understanding the complexities and the scope for policy and regulatory implications need to be in line with international labour standards and national needs and circumstances.

Such a task requires **strengthening institutional capacity** as well as the **technical knowledge and skills** of the members of social partners and particularly their knowledge base about emerging and country-specific challenges, opportunities and (potential) solutions in the platform economy. One way to accomplish this is to **carry out studies** and facilitate the **provision of tailored technical advice and capacity-building**, allowing for a learning process of the social partners. Social partners can also specialize internally by **creating committees or working groups** that comprise those members with greatest interest and experience.

They can also seek **bilateral and multilateral capacity-building arrangements** with other social partners so as to share knowledge and national experience, recommendations and effective practices in monitoring government action and in **experimenting with innovative regulatory and other policy tools**. Such a tool could be sandboxes. *Regulatory sandboxes on platform-mediated jobs* – designed following the model of fintech regulatory sandboxes - can help to address some of the issues related to compliance with the current labour market regulations and the opportunity to develop new ones. The **acquisition of new capacities** will enable the social partners to engage on this issue and *other similar innovative tools*, while profitable multi-stakeholder synergies could be built in that respect.

- *Create Policy Labs for testing new Ideas and Sharing Experiences*

Through horizontal collaboration among social partners facilitated through the ILO and other relevant institutions, social partners could create **policy labs** – dedicated teams or networks for sharing experiences on a range of issues pertaining to the platform economy and digiwork.

Policy labs could take the form of **bilateral structures** - e.g. involving collaboration and cross-country exchange of experience, policy approaches and good practice between social partners; or, larger multilateral structures/networks that could serve as a tool to encourage

peer learning and **knowledge-sharing** among a wide range of stakeholders i.e. social partners and governments, trade unions, international organizations, business, platform companies and platform digiworkers.

Multilateral policy labs, involving multiple stakeholders from and across fields and countries, could be facilitated through the ILO.

- *Promote Social Dialogue as a means to achieve Decent Digiwork*

Social partners may have a key role to play in both stressing the importance of social dialogue as an invaluable mechanism for the design of balanced policies to promote a sustainable model of the platform economy and placing that goal higher on national agendas.

Social partners can effectively assume an important proactive role in promoting social dialogue to introduce the concept of a *"platform economy that is both innovative and socially inclusive"* and to ensure that all parties have their voices heard in the policy debate, even in countries where the platform economy is not high on the government's agenda.

This could entail **promoting both digital innovation and decent digiwork** and calling upon the social partners to embed **a sustainable model of the platform economy into the scope of national policy and regulatory interventions and adaptations**. Moreover, **monitoring its development** vis-a-vis trends of platform expansion and digitalization as well as their impact on industrial relations, working conditions and social dialogue.

Building advocacy could also entail accompanying the efforts of unions and employers' organizations to **expand their membership** to *platform digiworkers* and *new forms of platform business* without discouraging the emergence of other forms of mobilization and organization (as examined in section 2.2 of this paper).

Quite crucially, social partners could take a **proactive stance in seeking solutions,** so as to ensure the coexistence of **traditional forms and novel approaches of social dialogue**. By taking the lead in incentivising governments, trade unions, business and platform economy stakeholders to place social dialogue squarely on the "decent digiwork agenda", social partners can both **push for future action** and **demonstrate their own relevance**.

4. Concluding Remarks

In June this year, the ILO adopted its Centenary Declaration for the Future of Work. The 2019 Declaration is an acknowledgement by governments and social partners of the significance of *"strong, influential and inclusive mechanisms of social dialogue"* (ILO, 2019c; p.6) in addressing the challenges and opportunities relating to the digital transformation of work, including platform work. The Declaration reaffirms the ILO Global Commission's recommendations for a *human-centred vision* to ensure that the future world of work becomes *more equitable* and *inclusive*. In this respect, core ILO principles, such as labour standards and tripartite social dialogue, are increasingly recognized as part of the solution to current issues disrupting the platform economy and digiwork.

Against this background, the present analysis has highlighted the challenges and opportunities pertaining to what we may call a "polyvalent phenomenon" – the features and implications of the platform economy and digiwork 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 platform innovation and decent digitwork* - has the potential to unlock the most value from the as-yet-unrealized potential of the platform economy; a potential from which both platform digiworkers and businesses can derive mutual benefit.

Looking ahead, the benefits of the potential growth of the platform economy will accrue to all involved, once the state of institutional and policy adaptation attains a *sustainable* scale. That is, once platform digiworkers are able to enjoy *flexible ways of working without the risk of precarity*; and once digital platforms are able to *harness technological innovation,* while drawing on the skills and knowledge of a dedicated workforce that benefits from *a decent digiwork environment*. Today, that state of development of the digital platform economy is within our reach, but not yet – and not entirely - within our grasp. That will perhaps be the greatest challenge ahead, shared by today's policy and platform innovators who learn how to adapt and successfully navigate through change.

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