

# Digital Labour Platforms

## Representing Workers in Europe

**EDITED BY**

António B. Moniz, Nuno Boavida, Csaba Makó,  
Bettina-Johanna Krings and Pablo Sanz de Miguel

**PREFACE BY**

Ursula Huws

**António Brandão Moniz**  
Nova School of Sciences  
and Technology of NOVA  
University Lisbon, Portugal

**Bettina-Johanna Krings**  
Institute of Technology  
Assessment and Systems  
Analysis (ITAS)-Karlsruhe  
Institute of Technology,  
Karlsruhe, Germany

**Csaba Makó**  
Institute of the Information  
Society, University of  
Public Service, Budapest,  
Hungary

**Isabel Roque**  
Centre for Social Studies of  
the University of Coimbra,  
Portugal

**Juan Arasanz Díaz**  
Notus-asr, Barcelona,  
Spain

**József Pap**  
Széchenyi István University,  
Győr, Hungary

**Linda Nierling**  
Institute of Technology  
Assessment and Systems  
Analysis (ITAS)-Karlsruhe  
Institute of Technology  
(KIT), Karlsruhe, Germany

**Malte Neuwinger**  
Bielefeld University,  
Germany

**Miklós Illéssy**  
Centre for Social Sciences  
of the Hungarian Academy  
of Sciences, Budapest,  
Hungary

**Nuno Boavida**  
CICS.NOVA-Observatory  
of Technology Assessment,  
NOVA University Lisbon,  
Portugal

**Pablo Sanz de Miguel**  
Notus-asr, Barcelona,  
Spain

**Reinhard Naumann**  
DINÂMIA'CET-Iscte, Centre  
for Socioeconomic and  
Territorial Studies, Lisbon,  
Portugal

**Raquel Azevedo**  
Association of Labour and  
Trade Unionism – Praxis,  
Porto, Portugal

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*Rui Santos*, NOVA University Lisbon

## **CONTACTS**

Colégio Almada Negreiros, Campus de Campolide – 1099-085 Lisbon, Portugal

Tel.: +351 918 832 000

E-mail: [cicsnova.edições@fcsh.unl.pt](mailto:cicsnova.edições@fcsh.unl.pt)

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E-mail: [humus@humus.com.pt](mailto:humus@humus.com.pt)

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## CONTRIBUTORS

**António Brandão Moniz** holds a degree in Sociology from the University Institute of Lisbon (Iscte-IUL, 1980), and a PhD (1992) and habilitation (2001) in Sociology from NOVA University Lisbon (NOVA). He was a Visiting Researcher at the Fraunhofer Institut für Systemtechnik und Innovationsforschung (ISI-FhG, 2002–2004) and the Forschungszentrum Karlsruhe (2007–2008), and a Visiting Scholar at the Brown University in Providence, USA (1999) and McMaster University in Hamilton, Canada (2017). He is a Professor of Sociology at the NOVA School of Sciences and Technology (NOVA FCT), where he has coordinated the PhD Programme on Technology Assessment since 2009. He is an integrated researcher at the CICS.NOVA research centre and was elected to the Faculty Scientific Board of NOVA FCT in 2020. He is also a member of the International Sociological Association board for the Sociology of Science and Technology (RC23).

**Bettina-Johanna Krings** studied Political Science, Sociology and Anthropology (MA) at the University of Heidelberg and holds a PhD in Sociology from Goethe University of Frankfurt (2015). Since 1995 she has been a member of the scientific staff at the Institute of Technology Assessment and Systems Analysis (ITAS) – Karlsruhe Institute of Technology (KIT), where she was head of the research area of ‘Knowledge Society and Knowledge Policy’ until 2019 and is deputy speaker of the Work and Technology topic within the ‘Humans and Technology’ area of KIT. She is a research collaborator at CICS.NOVA at NOVA University Lisbon and a Scientific Advisor to the Portuguese collaborative lab COLABOR.

**Csaba Makó** is a specialist in organisational change and innovation within learning organisations, and in their institutional contexts from an international

perspective – namely labour relations systems, educational and training systems, and national innovation systems, among other topics. He is a Scientific Advisor to the Institute of Sociology, Centre for Social Sciences at the Hungarian Academy of Sciences, and Prof. Dr. at the University of Public Service in Budapest, where he coordinates the Institute of the Information Society's research group 'Future of Work and Employment in the 21st Century'. He is also a coordinator for numerous national and international projects.

**Isabel Roque** holds a degree in Sociology and a Master's in Sociology: Labour Relations, Social Inequalities and Trade Unionism, from the Faculty of Economics at the University of Coimbra, where she is currently completing her PhD thesis on call centres, unionism, digital work, and suffering at work. She is a researcher at the Centre for Social Studies at the University of Coimbra. She is also a social activist and a member of the Union of Call Centre Workers in Portugal. She is a member of the editorial team of the *Journal of Labor and Society* and the *Journal of Working-Class Studies*. Her research interests focus on call centres, digital work, precarity, psychosocial risks, unionism, social classes and social protest movements.

**Juan Arasanz Díaz** holds a degree in Sociology from Universidad de Barcelona (2001) and a Master's in Public Policy from Universidad Pompeu Fabra, in Barcelona. He has been a lecturer at Universidad Pompeu Fabra since 2013, and a researcher at notus-asr in Barcelona since 2017, studying the impact of digitalisation on working conditions and industrial relations.

**József Pap** is a PhD student in the SzEEDSM programme within the Doctoral School of Regional and Economic Sciences at Széchenyi István University in Győr, Hungary. He holds a Master's in Economics from Széchenyi István University and he is an MIT SLOAN School of Management alumnus. He is a member of the 'Future of Work and Employment in the 21st Century' research group at the Institute of the Information Society at the University of Public Service, in Budapest. He conducts transdisciplinary research on platform economy, artificial intelligence, and algorithmic management. Besides his studies, he has 20 years' experience in global supply chain senior leadership roles. He currently heads the Global Strategic Procurement of Warehousing and Packaging at Nokia Solutions and Networks.

**Linda Nierling** holds a PhD in Sociology from Goethe University of Frankfurt am Main and has been a member of the scientific staff at the Institute of Technology Assessment and Systems Analysis (ITAS) – Karlsruhe Institute of Technology (KIT) since 2005, where she is currently Head of the Research Group on Digital Technologies and Societal Change. She is a member of the editorial boards of the journals *TATuP* and *Societies*.

**Malte Neuwinger** is a Doctoral Researcher in the Research Training Group ‘World Politics’, Bielefeld University and a Research Assistant in the Crowdwork Project at the Institute for Technology Assessment and Systems Analysis (ITAS) – Karlsruhe Institute of Technology (KIT). He has a BA in Social Sciences from the University of Göttingen (2016) and a Master’s degree in Sociology from Bielefeld University (2019).

**Miklós Illéssy** holds a PhD in Management and Business Administration and specialises in innovation, social impacts of technological change, organisational changes and learning organisations. In 2003, he started his career as a research associate at the Institute of Sociology in the Hungarian Academy of Sciences. He has been involved in several EU-funded research projects that have allowed him to acquire experience in both qualitative and quantitative international comparative research. Currently, he is a senior research fellow at the Centre for Social Sciences and co-head of the Innovation and Society Research Centre within the Hungarian Academy of Sciences.

**Nuno Boavida** is a specialist working on the intersection of technology and labour. He holds a degree in Engineering, a Master’s in Labour Relations from the London School of Economics and Political Science, and a PhD in Technology Assessment from NOVA University Lisbon (NOVA). He is a research fellow of CICS.NOVA and Deputy Director of the Observatory of Technology Assessment since 2016, and he led the European project *Crowdwork – Finding new strategies to organise workers of digital platforms in the Gig Economy* (2019–2021). He received the Santander/NOVA Collaborative Research Award for the project *INTELIART*, to study the penetration of Artificial Intelligence and its effects on labour in the next decade (2020–2022). He was involved in the European project *DEEP VIEW*, which studied the social dialogue and collective bargaining practices that address the various effects of teleworking, digital work, virtual work and/or telecommuting (2018–2020), and has been involved in several other research projects related to innovation indicators, technology assessment and labour studies (2009–2015).

**Pablo Sanz de Miguel** holds a PhD in Sociology from the Autonomous University of Barcelona, where he lectures in the Department of Sociology. His areas of interest are European governance of employment, industrial relations, employment and working conditions and employment policies. He has been a researcher at notus-asr in Barcelona since 2013. He has also worked on European projects analysing the impact of digitalisation on working conditions and industrial relations.

**Reinhard Naumann** holds a degree in Political Science from the Philipps University of Marburg (1988). He has been conducting research on Portuguese employment policies and industrial relations since 1991. He is the Portuguese correspondent to the European Observatory of Working Life (EURWORK) and a correspondent to the European Centre of Expertise (ECE) in the field of labour law, employment and labour market policies. He was the German Friedrich Ebert Foundation's representative to Portugal from 1996 to 2021. He has researched industrial relations (for example, *Extending Labour Protection*, ILO, 2014–2015) and political consultancy (for example, *Mutual Learning Programme* under the European Employment Strategy), and has evaluated several European programmes (*Globalisation Fund*, *Equality*, *Social Fund*). His areas of expertise are wage-setting mechanisms (collective bargaining and mandatory minimum wage), structures and strategies of organised interest (employers' associations and trade unions).

**Raquel Azevedo** holds a technical training degree in cinema production and direction. She became a trade union leader in 2015, initially in the footwear sector. Since 2017, she has been a union leader in the sector of call centres (Cesminho Union) and started collaborating with the SINTAV union, also in the call centres sector. She is currently a member of the Association of Labour and Trade Unionism – Praxis.

# PREFACE

Ursula Huws

The advent of digital labour platforms in Europe appeared as part of the restructuring following the 2007–2008 financial crisis and represented a major shock for labour markets across Europe.

Around 2012, US-based platforms such as Uber, Airbnb and Taskrabbit began to make their appearance, followed a few years later by European-based platforms such as Bolt, Deliveroo and Helpling. Their growth was rapid. Between 2016 and 2019 in the UK, for example, the number of people working for online platforms at least once a week doubled from 4.7% of the adult population to 9.6%. Furthermore, the digital management practices associated with platforms began to spread into other sectors. In 2016, one person in ten in the UK reported using an app or website to be informed of new tasks but by 2019 this had more than doubled to 21% of the adult working-age population. Using apps or websites to record work done rose over the same period from 14.2% to 24.6% of whom the majority were not platform workers. Nearly a quarter (24%) of adults surveyed also reported having their work rated by customers, of whom nearly half (11.7%) were not platform workers (Huws et al, 2019).

Taken together, these trends represent a double challenge for trade unions. First, how should platform workers be represented? Second, how can the challenges of digital management be addressed on behalf of all workers, whether working for platforms or not?

This book represents an important contribution to addressing the first of these questions, in the process also shedding some light on how the second might be approached. Drawing on in-depth research in Germany, Hungary, Portugal and Spain, it reveals how platform workers are actually organising and being represented in contrasting national settings in Europe.

Digital platforms cut across traditional divisions in labour markets. In some cases, such as taxi services, they enter fields in which work has historically been highly regulated, with recognised forms of representation. In others, such as household cleaning or care work, they represent part of a formalisation process for services which have in the past often been characterised as informal, with recruitment by word of mouth and payment in cash. In other cases, such as delivery work, platformisation represents a convergence of different forms of employment in a hybrid process that gathered pace during the COVID-19 pandemic.

It is therefore not surprising that new initiatives are arising both among traditional trade unions and in new types of organisations and, in the process, innovative new demands are being raised and placed on the negotiating agenda. These are documented in this timely publication, which adds indispensably to our knowledge about labour responses to platformisation in Europe.

# INTRODUCTION

António B. Moniz | Nuno Boavida | Csaba Makó |  
Bettina-Johanna Krings | Pablo Sanz de Miguel

Workers and organised labour are being challenged by the increasing expansion of digital labour platforms in most countries worldwide. Within the growing landscape of digital platforms across different sectors of the economy, the distinctive feature of digital *labour* platforms is that they match the demand and supply of labour and are ‘the predominant form of platform connecting workers with businesses and clients’ in the provision of a wide variety of services (ILO, 2021, p. 43). Such digital platforms and their algorithms create controversial forms of work relationships and undermine traditional labour organisation, leading to extensive public and scientific debate. A key dimension of these debates is the business model of digital labour platforms, which can limit workers’ access to labour rights and collective organisation, as well as erode national social models. Most platform workers use strategies without collective representation, which means using individual unmediated labour relations to solve work-related problems. At the same time, a lack of collective worker recognition hinders workers’ access to labour protection.

This book is one key outcome of our research project *Crowdwork – Finding New Strategies to Organise in Europe* (2019–2021).<sup>1</sup> Our objectives were to analyse the profiles of platform workers, and their collective representation strategies enacted through trade unions and alternative forms of worker organisation (alternative associations/movements,

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1. Funded by the Directorate General Employment and Social Affairs of the European Commission. In the book, our research project is also referred to as the *Crowdwork project* (and similar). Project website: <https://crowd-work.eu>

grassroots unions, etc.).<sup>2</sup> The research focused on three economic sectors (passenger transport, food delivery and professional digital services) in four European Union member states (Spain, Portugal, Hungary and Germany). Through our empirical fieldwork and cross-country analysis, we hope to bring new insights and uncover new ground in this emerging field of study. Our original research is presented in the chapters of this book, each authored by researchers who formed part of the project team.<sup>3</sup>

We present a range of pathways for workers to collectively articulate their voice, strengthen their position and harness any potentially positive effects of the platform economy and platform-based work. Our empirical research highlights the diversity of political, institutional and organisational forms across the different countries studied. We have observed new and adapted business models and forms of work organisation in different sectors of the platform economy. Due to the diverse contextual and institutional frameworks, the impacts of these platform working models differ significantly across the countries. However, there have also been common trends that challenge platform workers across all countries in recent years, such as algorithmic control, the prevalence of insecure working conditions and increasing direct competition between individual workers. In response to these working conditions, the collective needs of workers and public debates on platform work, the authors also explored a range of policy options for improving labour rights and social protection.

Our research into workers' conditions has been timely and has supported policymakers and stakeholders. Overall, the contrasts drawn between the four countries and the three sectors studied enabled us to share insights into the diversity of approaches within Europe. Among this diversity, we found creative, inspiring and new forms of resistance against the degradation of work. Unsurprisingly, the strength of institutions influences the extent to which trade union and social movement strategies are successful in securing fair and

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**2.** Note from the Language Editors: For the purpose of describing worker profiles in this book, sets of working terminology were established. First, 'women' and 'men' are the gender identities specified in the book. There is an awareness that other identities exist on the gender spectrum although they are not explicitly referred to (such as LGBTQI+; see Sandhu, 2021, and Social Protection and Human Rights, 2021). Second, in relation to migration, the book understands a repertoire of terms (such as person of migrant status, person without the legal right to work, migrant worker, digital nomad, asylum seeker, migrant association and diaspora) that reflect the different criteria, frameworks and intersections which influence how 'people who cross frontiers' self-identify and are categorised by others (ILO, 1975; Kuptsch and Mieres, 2021; Walia, 2021).

**3.** The editors wish to especially thank the language edition work done by Chris Hotz and the Media Doula team, and the publication edition by Professor Rui Santos and his team at CICS.NOVA FCSH.

transparent working conditions. To date, there has been a lack of European policy on platform work and as this book was being finalised, European and national legislation was being developed and informed by several of its authors.

## Research landscape

In this field of research, there is a multitude of concepts used to describe digital labour platforms. Schüssler et al. (2021) argue that the lack of a single concept for platform work can be explained by platforms being highly diverse, hybrid and malleable. A clear example of the changing terminology is the move away from the term ‘crowdwork’ towards the term ‘digital platform work’ – the latter more accurately describing the vast types of work and tasks carried out online. We have witnessed this shift in terminology in international debates and within developments in the *Crowdwork project* – noting that some authors still prefer to use the term ‘crowdwork’ due to the specificities of their academic context.

We use the Eurofound definition of ‘digital platform work’, specified as ‘the matching of supply and demand for paid work through an online platform’, with six further characteristics: paid work organised through an online platform; three parties are involved (the online platform, the client and the worker); the aim is to carry out specific tasks or solve specific problems; the work is outsourced or contracted out; jobs are broken down into tasks; and services are provided on demand (de Groen et al., 2018, p. 3, p. 9). Digital labour platforms organising this kind of work are classified into two main types: ‘*online web-based platforms*, where tasks are performed online and remotely by workers [...] and *location-based platforms*, where tasks are performed at a specified physical location by individuals such as taxi drivers and delivery workers’ (ILO, 2021, p. 31).

In the platform work literature, the employment status of platform workers is one of the most contested topics (de Groen et al., 2018; Pesole et al., 2018; Vandaele, 2018; Huws, Spencer and Coates, 2019; Johnston and Land-Kazlauskas, 2019). The point of contention is that, in most countries, the platforms do not consider themselves to be the employers of the platform workers. This labour status conflict becomes one of the main legal problems to be solved through negotiation and regulation. The policy debate on the rights of platform workers has focused on the differences between ‘location-based’ (such as Uber) and highly skilled ‘online web-based’ (such as Upwork) platform workers. The latter are generally content with their entrepreneur status, as evidenced by their high

levels of satisfaction with their income and autonomy. However, many workers, particularly those on the location-based platforms, complain of employment status misclassification and report several work-related problems on organisational, technical and individual levels. The most frequently reported problems include long working hours, the ‘uncontactability’ of platform personnel and barriers to collective representation. Furthermore, the existence of so many different types of platform workers creates fragmentations and tensions that compromise efforts to find common solutions.

To date, there are few quantitative sources regarding digital platform work. However, a significant study by Brancati et al. (2020) estimates that in 2018 the percentage of working-age internet users who had ever gained income by working via these types of platforms was highest in Spain (18%), Portugal (13%) and Germany (12%); in contrast, in Hungary the estimate is much lower at 6.9%. In terms of those in the same population who had platform work as their main occupation, the figures were much lower. In Spain, 2.6% were engaged mainly in platform work, followed by Germany and Portugal (1.5%), and Hungary (1.4%).<sup>4</sup> Therefore, Brancati et al.’s study shows similarities between Spain, Portugal and Germany, and to a lesser extent, Hungary.

### **Our methodology: Combining the ‘single’ and ‘multi’ case study approaches**

Alongside a comprehensive review of both the academic and grey literature focusing on platform labour and their collective representation, the four country research teams carried out more than one hundred interviews with platform workers, platform operators and managers, and trade union leaders and experts. In analysing interview data, researchers adopted an interpretative inductive approach, drawing on ‘grounded theory’ (Miles, et. al. 2013; Glaser and Strauss, 1967). The core research ambition was not to test hypotheses using quantitative data analysis collected from large-scale surveys but to identify the concepts and interpretations deployed by platform workers regarding their work, working and employment conditions, worker profiles and collective organisation. Based on literature reviews by each country team, we developed a comparative framework along the key dimensions of institutional context, employment status and work-related problems, worker profiles and collective

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4. The actual surveyed population was ‘internet users aged between 16 and 74 years old’ (Brancati et al., 2020, p. 10).

strategies, and designed four semi-structured interview templates tailored to platform workers, representatives of trade unions, freelancer/owner movements and alternative associations or movements (Crowdwork project, 2019). Data from interviews and collected document sources were analysed within each national research team and the resulting descriptive inferences were discussed and compared among teams, leading to interpretive conclusions along the above-mentioned dimensions.

The research combined ‘single’ and ‘multi’-case study methods (Tomory, 2014). In the case of the location-based platforms (such as Uber, Bolt, Glovo, Wolt and Deliveroo), each national team carried out single national case studies. However, in the case of the web-based global platform Upwork, a comparative multi-case study analysis – covering Hungarian, German, Portugal and Spanish experiences – was conducted and is presented in the book. Regarding care services mediated by digital labour platforms, a discursive comparative chapter is also presented drawing on fieldwork in Germany and Spain. The concluding chapter also presents a discussion of initial comparisons between the different fieldwork case studies. The ‘multi-case study’ and comparative sections offer a starting point and platform for a more comprehensive understanding of the institutional contexts, regulations, worker profiles and collective strategies across the countries studied in our research project.

## **Our results**

The book is structured in three parts. In the first part, we outline the contexts of digital labour platforms in Germany, Hungary, Portugal and Spain. The second part comprises three sets of chapters analysing different digital platform sectors: passenger transport, also known as ride-hailing (including Uber and Bolt platforms); food delivery (where workers are known as ‘riders’, ‘couriers’ and ‘food deliverers’); and professional digital services (Upwork freelancers and care workers; as well as the boundary cases of call-centre workers placed in platform-managed ‘telework’ at home and accommodation hosts on the Airbnb platform – even though these are not strictly speaking digital labour platforms, we deemed these cases relevant because they evidence the pervasiveness of platform-work processes and logics across different areas in the platform economy and the economy at large). In the third part, we present recommendations from each country’s team of researchers, and the book closes with a concluding chapter

drawing together research findings, discussing comparisons, and setting out European and future research recommendations developed by the editors.

In terms of future strategies for collective worker organisation and policy, the authors highlight three urgent priorities: improving the employment status of platform workers, understanding and enhancing the interplay between traditional and emergent forms of labour organisation, and addressing the complex impacts of the algorithmisation of work. The outbreak of the coronavirus disease 2019 (COVID-19) accelerated the search for and implementation of new models of work and employment. To guarantee decent and fair working and employment conditions in the changing practice of work, we recommend paying more attention to the national, institutional and cultural differences shaping platform work. The outcomes of this European research project may help to identify the diverse frameworks and dynamics which shape the range of institutions, collective actors, and strategies for worker organisation and policymaking. Through this book, we hope to share our research with wider publics, supporting and enriching both discussion and action.

PART ONE  
**NATIONAL  
CONTEXTS**



# 1. NATIONAL CONTEXT: GERMANY

Linda Nierling | Bettina-Johanna Krings

In recent years, a variety of online platforms have emerged that are often considered to disrupt the sectors in which they operate. Passenger transport platforms like Uber have brought innovation to the taxi business in many cities worldwide. Upwork allows companies to hire information technologies (IT) freelancers from the global market on demand. Lieferando customers can conveniently order food while getting live updates on their order status. Plus, in the healthcare sector, flexible workforces are provided by platforms like Pflegix. On the one hand, these platforms provide innovative customer experiences. On the other hand, they are also establishing new digital labour markets as intermediaries between clients and workers. Although some authors use the term 'digital labour platform', in Germany, the term 'crowdwork' is still the most widespread for describing this new phenomenon. Crowdwork has become the subject of controversy and debate in recent years: some claim that it facilitates poor working conditions, whilst others emphasise the benefits of flexibility and efficient digital matching for workers (Brancati et al., 2019). Since the 1990s, an overall increase in the flexibility of employment at national and international levels can be observed (Flecker, 2000). Due to significant restructuring processes impacting value chains on a global scale, there were strong tendencies 'to shift demands for flexibility down the value chain, to lower-cost regions, labour segments or employee groups' (Flecker et al., 2009, p. 94). There is agreement in the scientific literature, policy reports and public debate that these forms of flexibility have been shaping the way towards an 'on-demand economy' (The Economist, 2014).

## Crowdworking in Germany

In Germany, a lively academic, public and political debate has taken place (Nierling et al., 2020). As early as 2014, German labour unions identified crowdwork as an emerging topic requiring their action and developed different types of support towards the representation of crowdworkers (Schröder and Urban, 2014; Benner, 2015). Since 2018, public interest in crowdwork has been increasing, when workers in the food-delivery sector started protesting visibly in German cities, which in turn attracted strong media and public attention to crowdwork. As a result, the risks and uncertainties of crowdwork were highlighted, particularly in terms of the potentially severe impact of digital platforms on employment relationships in the future. This outlook is shared by the trade unions and taken up in sociological debates. Poor data on crowdwork in Germany, together with open questions about its emerging features, have led to a boom in new empirical studies in the country over the last four years (Leimeister et al., 2016; Schmidt, 2016; Bonin and Rinne, 2017; Serfling, 2018).

A synthesis of current empirical evidence on crowdwork in Germany follows, based on five pre-existing empirical reports (Huws et al., 2016; Bonin and Rinne, 2017; Pesole et al., 2018; Serfling, 2018, 2019). All studies start from common reference points, which provide clearly defined criteria regarding which forms of online and offline activities are identified as crowdwork. First, all include only remunerated crowdwork. Second, all five studies refer to all three categories of crowdwork as presented by Vandaele (2018), namely 'online micro crowdwork', 'online macro crowdwork' and 'time-and-place-dependent on-demand work'. Third, all five studies rely on a population concept for the empirical evidence of crowdwork, which is broader than strictly the labour force.

### Gender and age

All studies confirm that men are slightly more represented than women among crowdworkers in Germany. Depending on the type of work and the particular platform selected (where each platform also tends to reflect a certain area of work), some tasks in particular seem to be carried out more by men than women. These tasks mainly relate to consulting, testing and programming. In terms of writing tasks and 'click work', the percentage of women is much higher. As summarised by Serfling (2018, p. 19), 'thus, we differentiated gender by the type of tasks implemented' (also see Huws and Joyce, 2016).

Regarding age, there is an ‘inverse linear trend of attitudes towards crowdworking and age: the younger the age group, the higher the share of crowdworking affinity and active crowdwork compared to its population share’ (Serfling, 2018, p. 18). According to Huws et al. (2016), a fifth of all crowdworkers are aged between 16 and 24, and Leimeister et al. (2016) estimate the average crowdworker’s age at 37 years old, which represents a very young population. The high proportion of young people correlates with the increasing technical expertise of the younger generation regarding digital technologies. However, in terms of the more highly qualified platform tasks (for example, design, multimedia and innovation platforms), age becomes less important (Leimeister et al., 2016).

### Employment status

Empirical evidence in Germany shows that crowdworkers are not necessarily part of the labour force. On the contrary, crowdworking activities in Germany are widely observed as a side job and are mainly used by freelancers, students, part-time workers, unemployed people and pensioners. The size of the crowdwork phenomenon in Germany is strongly connected to the employment status of crowdworkers. According to Serfling (2018, p. 24), ‘the majority (32%) of active crowdworkers declare themselves as being self-employed [...]. Additionally, there are slightly more students (9% of the active crowdworkers) and unemployed (8% of the active crowdworkers) and fewer pensioners amongst crowdworkers’.

### Earning possibilities and task duration

The relation between task duration and earnings is a significant issue. Serfling concludes that ‘it was found that 47% of crowdworkers do not rely on crowdworking as a primary source of income (previously 56%), while 28% (previously 22%) state that crowdworking is definitely their main source of income’ (2019, p. 2). The results from the COLLEEM survey and Huws’ study show a similar trend (Huws et al., 2016; Pesole et al., 2018). In the study by Bonin and Rinne (2017), the results are slightly different because the focus lies on the regularity of income. Here, the sample shows that 31% of all crowdworkers indicate that they make regular money, whereas 68% have an irregular income.

Apart from earning possibilities, further aspects related to task duration and complexity are crucial. According to a qualitative study on working experiences (Pongratz and Bormann, 2017), the level of satisfaction with task fulfilment is not very high. This study reports a variety of time-consuming problems, which lead

to a rather unfavourable relationship between task duration and earnings, since payment is typically calculated according to the number of accomplished tasks and not the duration of task fulfilment. Since the quality control is standardised and completed work can be automatically rejected if specific criteria are not met, this often leads to high complexity in ensuring that completed work passes quality control. This complexity results in time-consuming problem-solving in terms of technical procedures and formatting, as well as substantively carrying out the task itself. These manifold problems with organisational structures and working processes, combined with the generally low salaries, undermine crowdworkers' capacity to earn an adequate income. As Huws and Joyce (2016) state, these factors will further flexibilise work, which will have a significant impact on the working conditions of crowdworkers. In addition, there will be a (negative) impact on other parts of the labour market in terms of social dumping, thereby lowering the price of human work.

### **Stakeholders and initiatives**

In Germany, there are vibrant networks of stakeholders, initiatives and political actions engaged in shaping and governing labour relations in crowdwork. Discussions, political proposals and actions for crowdworkers are not only anchored in union strategies, but they are also addressed by the main political actors in the field of crowdwork, such as the Federal Ministry of Labour and Social Affairs and the Hans Böckler Foundation.

Regarding unions, it seems that a certain 'division of labour' has been developed. In this respect, the Industrial Union of Metalworkers (IG Metall, *Industriegewerkschaft Metall*) can be regarded as a prominent player in societal discourse. In cooperation with platforms, IG Metall has institutionalised structures to deal with crowdwork, such as the Ombuds Office. IG Metall also reaches out to new kinds of crowdworkers (with collaborative initiatives such as the Fairtube campaign) and has started international cooperation efforts (like the Fair Crowd Work Website). IG Metall mainly takes care of 'online micro crowdwork' and has recently widened its portfolio to creative digital workers, such as YouTubers. Another trade union, the Food and Catering Union (NGG, *Gewerkschaft Nahrung-Genuss-Gaststätten*), takes care of the food-delivery sector (understood as 'time-and-place-dependent on-demand work'), which is by far the most dynamic sector and where many actions have taken place, such as

protests by riders and the establishment of works councils. As a result, the food-delivery sector has received most of the public attention in Germany in recent years. The United Services Union (ver.di, Vereinte Dienstleistungsgewerkschaft) supports specific kinds of workers 'as required' through their online consultation service for the self-employed (for example, creative workers) and through staging actions or protests to support workers in specific sectors, such as food-delivery services. The independent, democratic grassroots Free Workers' Union (FAU, Freie Arbeiterinnen-und Arbeiter Union), a small association of 'alternative' trade unions, was particularly present when the protests about crowdwork started in Germany. However, they are not a major player in this field today.

Besides the unions, there are also other significant initiatives in the organisation of protests. The highest impact is the *Liefern am Limit* (Delivery at the Limit) initiative, which only started in 2018 and later joined the NGG. In other sectors, protest is also voiced by grassroots organisations and branch associations, the latter being the case in passenger transport services.

In terms of the different types of crowdwork (Vandaele, 2018), it was 'time-and-place-dependent on-demand work' that gave rise to the vast majority of worker protests, as well as other actions supported by the unions. In contrast, in 'online micro crowdwork', a general agreement appears to have been reached between workers, platforms and trade unions. The agreement has been established through instruments such as the Ombuds Office and the Code of Conduct, both initiated by IG Metall. Although the final type of crowdwork, 'online macro crowdwork', is in principle covered by IG Metall or ver.di, there have been no prominent actions or initiatives. For example, although creative workers are covered by ver.di (particularly highly qualified IT specialists), initiatives or actions to support workers are absent. This gap could indicate a space for future actions, although experience has shown that highly qualified and creative labour is very difficult to organise. In addition, new types of work are developing within different sectors, such as in the passenger transport (for example, e-scooters) or health care (for example, the GigWork platform). Unions and other forms of collective organisation will have to be constantly aware of these new forms of work in order to act in time.



## **2. PLATFORM WORK IN SPAIN: AN OVERVIEW OF THE MAIN POLICY AND TRADE UNION RESPONSES**

Pablo Sanz de Miguel | Juan Arasanz Díaz

Within the European Union (EU), Spain has one of the highest shares of platform workers as a proportion of the total national workforce. According to the second COLLEEM survey developed by the European Joint Research Centre, in 2018 18% of the working-age population of internet users in Spain had worked on digital platforms at least once (Brancati et al., 2020). This rate is well above the average for the 16 EU countries (11%) covered in the survey (Brancati et al., 2020). When comparing the first (2017) and second (2018) COLLEEM surveys, platform work increased from 12% to 18%. However, the COLLEEM survey results also show, in line with other studies, that platform work is a secondary or marginal source of income for most of the platform workers surveyed in Spain (CCOO Catalunya, 2018; Fernández Avilés, 2018; Huws et al., 2019). Indeed, only 3% of the Spanish working-age population relied on this form of employment as their main job in 2018 (Brancati et al., 2020).

Even though the workers who rely on platform work as their main job are a low proportion of the total national workforce, the role that labour platforms play in the labour market has become a central topic in policy and social partner debates. In a country where precarious employment is a source of great concern, platform work has largely been represented in public debates as a key driving force in the ongoing erosion of labour standards and social protection. Recent social dialogue and policy discussions have addressed two main risks and legal challenges. First, attention has been drawn to the problem of employment status misclassification. This problem has been discussed in relation to different food-delivery platforms that were classifying their workers as independent contractors rather than employees, despite these same platforms determining work organisation and unilaterally regulating working conditions for these workers

in the manner of an employer. Second, increasing attention has been paid to the challenges brought by algorithmic management in terms of the detrimental effects on working conditions and, in particular, obstacles to the effective exercise of trade unions and work councils' rights to information and consultation (Fernández Avilés, 2018; De Stefano and Taes, 2021).

At an academic level, the topic has also attracted much attention. The number of research projects and scientific publications (such as special issues and papers in national congresses) devoted to the topic has increased substantially since 2019. This body of work has three main features. First, the majority of academic literature has been produced from the perspective of labour law. Research in this area has been particularly concerned with the (mis)classification of platform workers' employment status (Todolí-Signes, 2015, 2019; Beltrán de Heredia, 2019; Mella Méndez, 2019); and, more recently, with collective rights and lawful subcontracting practices (Todolí-Signes, 2021). Second, sociological research has mainly analysed labour platform management practices (such as algorithmic control mechanisms) and their detrimental impact on workers' conditions (Alvárez-Hernández and Pérez-Zapata, 2021; Revilla and Blásquez Martín, 2021), as well as recently defined topics including the role played by consumer demand (Alonso and Fernández Rodríguez, 2021). Third, industrial relations research has addressed worker and trade union collective actions and strategies for organising and mobilising platform workers (Martín Artilés et al., 2020).

This chapter aims to provide an overview of the main policies and trade union responses regarding platform work, which are contextualised within broader labour market trends and trade union strategies concerning non-standard or precarious workers. Following these introductory remarks, which highlight the apparent inconsistency between the low incidence of platform work and its high profile in public debate, the chapter is developed in three sections. The first section discusses the expansion of platform work within the highly precarious context of the Spanish labour market. The second section addresses the regulatory framework of platform work. The third section compares recent trade union strategies regarding platform work with previous strategies and actions developed to protect different types of non-standard workers. The chapter finishes with some conclusions.

## **Platform work under the Spanish labour market: Exacerbation of long-term trends**

Labour platforms have expanded in Spain in a context of high unemployment, a highly segmented labour market and increased weakness in workers' structural power. This context reflects the aftermath of the 2008 economic crisis and the (de)regulatory responses to that crisis (García Calavia and Rigby, 2016, 2019).

Although the standard employment relationship still represents the most common form of work in Spain, non-standard employment relationships have become more numerous and diverse in the last decade (Riesco-Sanz, 2020a). Alongside temporary employment, which has accounted for more than 25% of the Spanish workforce since the 1990s, other atypical forms of employment such as internships, dependent self-employment or multi-service company work have expanded. Moreover, research has documented widespread fraudulent practices, which reveal an institutional crisis in enforcing labour standards (Sanz de Miguel, 2021). Fraud, such as bogus internships and self-employment, has become a major problem in the country (García de Madariaga and Arasanz Esteban, 2019; Sanz de Miguel, 2019; Lahera et al., 2020; Riesco-Sanz, 2020a, 2020b). The crisis of labour standards enforcement must be understood in the context of weakening trade unions and a lack of resources in the Labour Inspectorate (Martínez Lucio, 2016; Sanz de Miguel, 2019). In addition, new employment statuses and categories have fragmented employment relationships, which in turn has also challenged enforcement policies and even served to legalise fraudulent practices (Rodríguez-Piñero Royo, 2019).

Considering the state of the labour market, we suggest that labour platform business models have tended to exacerbate existing trends towards the commodification and informalisation of employment relationships. Moreover, the detrimental impact of labour platform business models on employment and working conditions may have been aggravated in the specific context of Spain. This is because labour platforms have become present in services and occupations with pre-existing issues: for example, controversies about employment status in the transport sector; and the widespread irregular employment and undeclared work modalities experienced in home-care services (Nieto Rojas, 2019).

## **Policy responses: Legislation stimulated by social dialogue and case law**

Up until 2021, there was no regulation specifically covering platform work. However, in 2021, the left-wing coalition government enacted new legislation specifically targeting platform work (Real Decreto-ley, 2021). This legislation results from a social partner agreement reached in May 2021 between the most representative trade unions and employer organisations at the national and cross-sectoral levels. Legislation has also been stimulated by case law.

This new legislation has addressed two of the most critical elements of labour platform business models – the risk of misclassification of employment status and the challenges brought by algorithmic management to the effective exercise of information and consultation rights for trade unions and work councils. While the problem around employment misclassification has only been regulated for one specific sector (delivery platforms), the regulation of algorithmic management applies to all types of sectors.

Regarding the misclassification of employment in the field of delivery platforms, this new ‘Riders’ Law’ recognises the ‘presumption of employment’, whereby the responsibility for demonstrating that platform riders meet the criteria for being classified as self-employed lies with the platform company. The regulation states that the requirement of legal dependence, which is key to understanding whether there is an employment relationship between the work provider and the company, will still be met if an algorithm exercises the employer’s rights of organisation, management and control. It also states that this exercise of managerial prerogatives may be ‘direct, indirect or implicit’. Thus, whenever the algorithm determines service and working conditions, it shall be understood that the requirement of legal dependence is met. It is worth highlighting that several Court decisions have stimulated regulation in this field. In particular, it followed the Supreme Court’s decision of September 2020, which recognised the employment status of food-delivery platforms (Tribunal Supremo, 2020). Crucially, the Supreme Court decision acknowledged the need to adapt the notions of *dependencia* (dependence) and *ajenidad* (work for another person), which in Spain define an employment relationship, to technological innovation and the introduction of algorithmic management and control.

The second provision of the law is an amendment to Article 64 of the Workers Statute related to the right of workers’ legal representatives to information. The amendment introduced a requirement for companies to inform

workers' representatives about the parameters and rules on which algorithmic management is based, whenever those parameters and rules impact decision-making influencing working conditions and access to work.

### **Trade union strategies: Path-dependency and revitalisation**

The Spanish trade union system has been described as one of the most powerful in terms of collective bargaining influence, despite having one of the lowest density rates in the EU (Hamann, 2012). Because of support from state mechanisms (such as mandatory extension mechanisms), collective bargaining coverage in Spain is much higher than the EU average. However, this influence cannot always be exercised by enforcing collective agreements because trade union membership is low (García Calavia and Rigby, 2016). Spanish trade unions have also had a significant influence on regulation and policymaking. However, this influence is largely determined by the 'political opportunity structure' due to the politicised character of social dialogue and its lack of autonomy (Martínez Lucio, 2016).

In this context, trade union strategies to protect different types of non-standard workers (such as temporary workers, bogus self-employed and internships) have mainly focused on the political, legal and sectoral collective bargaining levels. In response to their weak bargaining position at company level, as well as their limited organisational and associative power resources, they have tended to act according to their specific power resources, which are mainly institutional (García Calavia and Rigby, 2016; Pulignano et al., 2016; Sanz de Miguel, 2019; Riesco-Sanz, 2020b).

Platform workers have evident similarities with several types of non-standard workers in terms of socio-demographic characteristics (such as being younger than traditional workers or having a migrant background), trade union affiliation rate and working conditions. They are also exposed to fraudulent practices, particularly in relation to the misclassification of their employment status and illegal subcontracting.

As might be expected, trade union strategies to improve working conditions for platform workers have resembled those addressing other forms of non-standard employment. They have promoted legislative changes through lobbying and social dialogue, supported labour inspectorates and litigated against fraudulent practices of labour platforms. These strategies have focused on the fight against the contractual misclassification of platform workers in the platform delivery

sector, and more recently, on the fraudulent subcontracting strategies developed in the delivery and ride-hailing platform sectors. At the same time, the trade union movement in those two sectors (delivery platforms in particular) has also shown an unexpected vitality in labour militancy, mobilisation, and new forms of coalitions between mainstream trade unions and emerging forms of grassroots unions. In contrast, trade union initiatives among high-skilled professionals providing online services have been rather absent, despite evidence suggesting that this is the most prevalent form of platform work (Rodríguez-Piñero, 2019). Similarly, actions focused on platform workers by quasi-unions or organisations for the self-employed have been negligible. This lack of action could be explained by the relatively minor importance of platform work within self-employed professional associations. It could also be a reflection of the main motivations and demands expressed by highly qualified solo self-employed professionals to their professional associations, which are mostly related to getting access to consultancy and advisory services, training opportunities and, eventually, promoting changes in the regulation of social protection (Martín Artiles et al., 2020).

## **Concluding remarks**

This chapter has shown that the topic of labour platforms has become very prominent in both labour and broader social debates, despite the currently low incidence of this form of work in the labour market.

Compared to other EU countries, platform work has expanded in Spain within a very critical labour market context defined by high unemployment, an increase and diversification in non-standard forms of employment, and an increase in fraudulent practices. Considering this context, it has been argued that platform work can exacerbate ongoing trends towards the commodification and informalisation of employment relationships.

Policy responses to platform work have addressed two key problems with labour platform business models: their tendency to misclassify workers as self-employed (noting that policy has only focused on delivery platforms), and the obstacles posed by algorithmic management to maintaining the information and consultation rights of trade unions. Currently, the main issue at stake is how these platform delivery companies will adapt their staff numbers and business models to comply with the new regulation that came into force in August 2021. Furthermore, it is important to analyse how new regulations will be enforced.

Finally, the chapter has discussed the main trade union actions addressing platform work. Our main argument is that there is a high degree of continuity in trade unions' main strategies and actions. Trade unions' actions have been conditioned by the power resources they are able to mobilise in order to amplify workers' collective voice and attain bargaining power, mainly operating on an institutional level within the Spanish labour market and industrial relations model. At the same time, some revitalisation can be observed in terms of worker militancy, mobilisation, and coalitions between new grassroots unions and mainstream unions – although this is mainly limited to the delivery platforms sector.



### 3. NATIONAL CONTEXT: HUNGARY

Csaba Makó | Miklós Illéssy | József Pap

In this chapter, we outline platform work in Hungary within a broader international, historical and conceptual context. In comparison with other countries studied in the *Crowdwork project*, Hungary has significantly eroded trade union and collective representation structures, due to the country's experience with the former Soviet Union's state-socialist political and economic regime. Therefore, trade unions and large-scale collective representation are less visible in the Hungarian fieldwork. Consequently, our chapters will attend more to the initial formation of collective voice and representation, rather than fully articulated collective representation strategies. In this chapter, after describing the broader context and the selection of case studies, we outline the key points which will be detailed in our case study chapters on Bolt, Wolt and Upwork platform workers – emerging forms of collective organisation in Hungary, debates and organisation amongst different actors, legal challenges and COVID-19 impacts.

#### **Platform work: A fast-growing, diverse and still marginal labour market segment**

In recent decades, the platformisation of economies has accelerated as the digitalisation of the world increases. At the end of the 20th century, the total number of platforms (online web-based, location-based platforms and their combined or hybrid versions) was less than 50, but within two decades their number has increased over fifteen-fold to 772. In 2020, the composition of these global platforms was 383 online web-based platforms (49.6%), 283 location-based platforms (36.7%) and 106 hybrid platforms (13.7%) (ILO, 2021). In

terms of data comparability and transparency, it should be noted that diverse definitions and terminology are employed in the platform literature (Huws et al., 2019; Piasna and Drahokoupil, 2019). Even in the United States (US), which was the birthplace of the platform economy, the statistics on platform workers vary according to whether ‘broad’ or ‘narrow’ definitions of platforms are used. Depending on the types of definition used, in Europe, the US and Canada, between 2015 and 2019, the estimated share of platform workers ranged between 0.2% and 22% of the labour force (ILO, 2021, p. 3). A recent study from Schüssler et al. (2021) goes deeper and suggests that the lack of a single concept or terminology for platform work can be explained by three factors: the diversity, the hybridity and the malleability of platforms. Elaborating on this further, we share Schüssler et al.’s view that the lack of consensus on terminology can be addressed in the following way:

This diversity, hybridity and malleability calls for an understanding of platforms that moves away from the idea that they simply combine multiple governance modes in novel ways [...] we advance an understanding of platforms as a multi-faceted relational structure in which three social forces operate simultaneously – those of mutuality, autonomy and domination. (Schüssler et al., 2021, p. 5)

According to the first comprehensive European COLLEEM 2017 survey covering 14 European Union (EU) Member States, the adjusted estimates of platform workers as a percentage of the total adult population of internet users are as follows for the *Crowdwork project* countries: Spain 11.6%, Portugal 10.6%, Germany 10.4% and Hungary 6.7%, against an EU average of 9.7% (Pesole et al., 2019, p. 15). However, according to the recent survey by the European Trade Union Institute (ETUI) covering Central European Countries (CEE), Hungary had a leading position in terms of the share of platform workers in each national workforce, with Hungary at 7.8%, followed by Slovakia (7.1%), Bulgaria (4.4%), Latvia (4.0%) and Poland (1.9%) (Piasna and Drahokoupil, 2019, p. 10).

The selection of cases to describe individual and collective voice formation in relation to Hungarian platforms was based on experiences from the limited empirical research already carried out in CEEs (Meszmann, 2018; Kahancová et al., 2020). In addition, due to the previous empirical research on platform work focusing exclusively on the location-based platforms in Hungary (Micro-work, Airbnb, Uber) and following the agreed selection of platform types by the *Crowdwork project* consortium members, the Hungarian team selected both

online web-based platforms (such as Upwork) and location-based platforms (such as Bolt and Wolt). (For more detail, see Table 1.)

**Table 1** Interviews in case studies in Hungary

| Names of platforms<br>(grouped by type)                         | Actor Types              |                                |                                                |
|-----------------------------------------------------------------|--------------------------|--------------------------------|------------------------------------------------|
|                                                                 | Worker /<br>Entrepreneur | Manager /<br>Owner of platform | Trade union officials /<br>Trade union experts |
| <b>I. Location-based platforms (Mobile Labour Market – MLM)</b> |                          |                                |                                                |
| 1. Wolt                                                         | 6                        | 2                              | --                                             |
| 2. Bolt                                                         | 6                        | --                             | --                                             |
| <b>II. Online-based platform (Online Labour Market – OLM)</b>   |                          |                                |                                                |
| 3. Upwork                                                       | 6                        | --                             | --                                             |
| <b>Total</b>                                                    | <b>18</b>                | <b>2</b>                       | <b>8</b>                                       |

In surveying the three platforms, a ‘multi-case study’ approach was adopted. The case study is an appropriate research tool to build theory from an inductively analysed social phenomenon and enables us to address ‘how-or-why’ questions. Data were collected and analysed on three platforms, amounting to multi-case or multi-site case studies. The multi-case method contains ‘two stages of analysis, those within the case analysis and those in cross-case analysis. For within-case analysis, each case will be treated as a comprehensive case itself. Once the analysis of each case is completed, a cross-case analysis is conducted’ (Tomory, 2014, p. 61).

### **First signs of collective representation in Hungary: A context of eroded traditional trade unions and uneven public debate**

Following the failure of the state-socialist political and economic regime, the structure of Hungarian trade unions shifted from monolithic to pluralistic, and from a relatively strong bargaining position to an extremely weak one. A fragmented and divided trade union structure emerged with unions competing at both the workplace and national levels, and losing the majority of their members within a few years of the economic restructuring and mass privatisation of

the early 1990s. In comparison, under the state-socialist political and economic system, union membership was compulsory in practice and take-up was virtually 100% (Borbély and Neumann, 2019). By 2018, overall trade union density had plummeted to 7.9% (Neumann, 2018). According to the Hungarian National Statistical Office (Központi Statisztikai Hivatal), the highest level of union density is present in the electric energy sector, followed by the majority of state-owned sectors, including public services such as transport, education, health and social care. However, even among the state-owned sectors, the decline in trade union membership has been significant, with the share of union membership varying between 15% and 22% in 2018 (Neumann, 2018). Research has shown that Hungarian social partners engaged in collective negotiation are also reluctant to broaden their bargaining scope (Borbély and Neumann, 2019; Borbély et al., 2021).

The traditional organisational tools to recruit new trade union members appear to be rather ineffective (Borbély et al., 2021). There is an urgent need to identify the particular requirements of platform workers. In addition to inventing new forms of recruitment techniques, there is the challenge of focusing more on advocacy strategies, which are distinct from more traditional forms of organising strategies. Advocacy services could also function as an organising or collective learning process for both trade union staff and their new future 'clients' (covering the full range of categories of platform workers). Once mutual trust and engagement are created, it will be much easier to develop a shared vision and mutually reinforcing activities between workers and union organisers.

There is uneven public and scientific debate on platforms. The social science community has generally paid little attention to the social and economic dimensions of platform work in Hungary, and the same is true of the public arena, including online media. There is an evident division between the mainstream media (which essentially ignores the platform topic) and some specialised blogs that largely focus on platform work, particularly digital freelancers operating on online web-based platforms such as Upwork.

In terms of professional initiatives, an important space for debates and organisation has been created in the annual 'Freelancer Festival', which addresses issues related to freelancers' working experiences, mutual learning, development of brand and client base, and identification of new global trends (such as studio-type project work). Surprisingly, employment conditions and financial matters were rather peripheral issues in the annual Freelancer Festivals organised between 2017 and 2020 (Benedek et al., 2021). From the side of the platforms, the Hungarian Sharing Economy Association (HSEA, Magyar Közösségi

Gazdaság Szövetség) was established in March 2017, which promotes cooperation between platform owners and operators. Their members strongly believe that highlighting the potential of sharing helps all stakeholders in the fast-growing platform economy. Currently, the HSEA represents the interests of 14 platform owners and operates outside the traditional employer associations in Hungary.

### **Legal regulation: A binary model**

Hungarian labour law follows the classic binary model where workers are either employees or self-employed, with no intermediary category between the two. Hungarian labour law has no clear, established definition of self-employment as such. In practice, self-employed persons are independent contractors who work under civil law contracts (Kiss, 2013; Gyulavári, 2014; Kun et al., 2020). Irrespective of the nature of the contract (employment contract or civil contract), all workers are entitled to certain minimum rights: free movement, social security and equal treatment protection, and health and safety at work. However, only employees are entitled to a further set of important rights, such as protection against termination of employment, employers' liability and collective rights, including the right to enter into collective agreements. Furthermore, Hungarian case law shows that although the self-employed have the rights indicated above, these are rarely enforced or applied in practice (Gyulavári, 2014; Makó et al., 2021, p. 8).

### **COVID-19: A variety of impacts**

The impacts of the pandemic are unprecedentedly large. However, it is important not to overestimate them. We share the view that the worldwide crisis triggered by COVID-19 'has no parallel in modern history [...]. However, broad and radical pronouncements (like "everything will change") and an all-or-nothing, black-and-white analysis should be deployed with great care' (Schwab and Malleret, 2020, p. 1). When mapping the impacts of the COVID-19 pandemic on platform workers, we should emphasise that they are rather varied. The different outcomes can be identified not only between online web-based and location-based platforms but also within the same platforms operating in different regions.

In relation to the Hungarian platforms studied in this research project, we found the impacts of COVID-19 to be different depending on whether

location-based platforms (Wolt and Bolt) or online web-based platforms (Upwork) are being considered. Based on physical proximity scores,<sup>1</sup> the location-based platforms (Bolt taxi drivers and Wolt food couriers) requiring on-site presence would face higher health risks. In the cases of personal taxi transport and caring work, there would also be heavier financial harm, while in contrast, food-courier services experienced a high-growth cycle (such as Wolt and Bolt Food). Platform workers participating in the food-delivery economy (including those operating with other goods besides food, such as groceries and household goods) have experienced overall benefits despite the negative pandemic impacts. In terms of online web-based platforms and the demand for their services, there were both slight decreases (for example, in sales and translation) and increases (for example, in software development and IT consulting). In these online web-based platform cases, no direct health effects from COVID-19 were registered due to the remote nature of work.

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1. By using the data of the O\*NET OnLine survey (2020) covering 800 occupations and more than 2,000 tasks, experts from the McKinsey Global Institute measured the degree of physical proximity in ten work arenas: (1) medical care, (2) personal care, (3) on-site customer interaction, (4) leisure and travel, (5) home support, (6) indoor production and warehousing, (7) computer-based office work, (8) classroom and training, (9) transportation of goods, (10) outdoor production and maintenance. In measuring the degree of the 'overall physical proximity', the following human interactions and work environment metrics were used: physical closeness, frequency of interactions, exposure to strangers, indoor work and site-dependent work (Lund et al., 2021).

## 4. NATIONAL CONTEXT: PORTUGAL

Nuno Boavida | António B. Moniz

The emergence of the so-called ‘gig economy’ is one of the most important transformations in the world of work since the beginning of the 21st century. These transformations can be seen in the Portuguese economy through the highly significant proliferation of the gig economy over the last decade. We use the somewhat fuzzy concept of the gig economy to mean an economy where work is performed on a task basis by notionally independent contractors (‘gig work’) rather than by workers in a steady employment relationship and where – today – contracts and other work arrangements are mediated by digital platforms. However, key dimensions of the gig economy transcend this strictly-defined scope and may have wider ramifications (Koutsimpogiorgos et al., 2020). Gig work as such has nothing new to it, rather it is a historic constant in capitalist economies, which was incompletely countervailed by the regulation of employment relationships and social protection, mostly in the course of the 20th century. The changes brought about by technology have built upon and further enabled wider trends towards the ‘resurgence of gig work’ – as witnessed in the neoliberal erosion of the 20th-century standard employment relationship through the increasing precarity and fragmentation of work (Stanford, 2017).

Traditionally, trade unions and large-scale collective representation have carried significant weight in the social dialogue process in Portugal. Only very recently have precarious employment groups been included in trade unions’ public actions, and this has been a defining feature of platform workers’ collective voice and representation formation. In this chapter, we present the main concepts to be used in the case studies, the broader context and the main platforms active in Portugal.

## Conceptual definitions

The gig economy is usually understood to include two forms of digital platform-mediated work. First, work mediated through online web-based platforms: working activities that involve completing a series of tasks through online platforms, as we explored in the case study on Upwork. Second, work mediated by location-based platforms, a form of work in which the execution of traditional activities, such as transport, cleaning and running shops, is channelled through apps managed by firms that also intervene in setting minimum quality standards of service, as well as selecting and managing the workforce. This is the case in our case studies on Glovo and Uber. Such platforms facilitate contact between an indefinite number of organisations and individuals through the internet, with the potential to connect clients and workers on a global basis. Both clients and workers are often excluded from labour law, although they are sometimes regulated by civil or common law (Páramo and Vega, 2017). In Portugal, it was only very recently that some instances of this form of work became somewhat more regulated.

‘Digital labour platform’ is a term used to describe companies that generally use cloud-based technologies to match workers with consumers and mediate between them more generally, whether these are people hailing rides, restaurant customers, or homeowners seeking repairs or housekeeping (Vallas, 2019). We have used the ‘digital labour platform’ concept to study the Portuguese cases. The use of such technologies masks the ways in which these companies operate in the economies of Portugal and other countries. While platforms are presented as successful cases of technological innovation, they are also economic actors within the capitalist mode of production, seeking new markets and new means for generating surplus value (Srnicek, 2017). This has clearly been the case in Portugal, as the emergence of digital platform work ran in parallel with increasingly export-oriented national economic policies and an ongoing integration in global value chain processes.

Digital labour platforms thus create a marketplace for the mediation of both: tasks which are digitally managed and mediated (often via a digital application) but carried out physically offline; and digital services and tasks carried out online for completion and evaluation (Howcroft and Bergvall-Kåreborn, 2019). Crowdsourcing has brought new ways of externalising work to an indeterminate and depersonalised mass of workers who are available and work according to a logic of ‘just-in-time’ demand (Abílio, 2020) and ‘just-in-place’ location (Wells et al., 2020).

The labour in digital platforms is outsourced in two ways. First, platforms such as Upwork or Freelancer outsource labour through web-based technologies that can host and recruit workers from a geographically dispersed pool of workers (hence the term ‘online web-based platforms’). Second, platforms such as Uber Eats and Glovo recruit through location-based applications that allocate work to individuals in a specific geographical area (hence the term ‘location-based platforms’). Digital platform work is an employment form that uses a digital platform to enable and access organisations or individuals who can problem-solve or provide specific services in exchange for payment (Valenduc and Vendramin, 2016). Many alternative terms related to digital platform work are used in European Member States, such as: crowdwork, crowdsourcing, crowd employment, sharing economy, platform economy, gig economy, on-demand economy, collaborative economy and peer-to-peer economy (de Groen et al., 2018).

## **Global context**

Following the 2007–2008 financial crisis, the high availability of skilled labour enabled platform companies to increase their business profits through precarious new forms of employment which had not been regulated yet. Platform work has functioned as an alternative source of income in the context of high unemployment rates (Chicchi et al., 2020). This process was bolstered by international labour flows, with workers from Brazil, Pakistan and Bangladesh, in particular, being recruited largely for food delivery, ride-hailing and call centres – some workers having migrated to higher-income countries, whilst other workers remain in their home countries and work remotely from there (Berg et al., 2018).

These forms of online intermediation started with creative and high-skilled professional activities that had become more virtualised as a result of digitalisation processes. They then expanded to a variety of other services and activities that had been traditionally delivered by self-employed individuals in the areas of maintenance or repair of material goods, or in-person services (such as cleaning, gardening, household maintenance and transport) (Huws et al., 2017; Meil and Kirov, 2017). As such, digital platform workers’ profiles vary from highly skilled information technology and creative professionals to workers who possess skills that are not highly valued in the labour market; in addition, there are also young people looking for extra income, students, the unemployed and carers (Valenduc and Vendramin, 2016). At the same time, digital platforms also carry

multiple risks, which are closely related to the type of employment relationship defining the platform workers' status. The employment relationship type has consequences for workers' income guarantees, the (in)stability of employment and life prospects, as well as access to social protection or other rights such as vocational training, and occupational safety and health.

## **Platforms in Portugal**

As mentioned, digital platform work has grown considerably in the aftermath of the 2007–2008 financial crisis in countries such as Portugal. This could be observed in a variety of sectors, including food delivery, creative work, tourism and passenger transport. Digital labour platforms can generate new opportunities in terms of job creation, the facilitation of flexible working arrangements, the expansion of income sources for workers and extended access to employment – all of which are important to those groups encountering entry barriers to the Portuguese job market. In 2017, Portugal had the third largest estimated proportion of working-age internet users who had ever performed platform work in a monitored set of 14 European countries. Putting that into context alongside the other countries in the set, this proportion of working-age internet users who had ever performed platform work was: highest in the UK, Spain, Germany and Portugal (slightly above 10%); lowest in France, Sweden, Hungary, Slovakia and Finland (around 7% or lower); with the percentages for the other surveyed Member States falling in between those two groups (Pesole et al., 2018, p. 15). Furthermore, the Online Labour Index reports that the top online occupations in Portugal are creative and multimedia, software development and technology, and writing and translation (Kässi and Lehdonvirta, 2018).<sup>1</sup> The ratio between women and men varied from 0.18 in Finland, to 0.91 in Portugal where nearly as many women as men spent at least 10 hours working on platforms per week or earned at least 25% of their income through platform work (Pesole et al., 2018, p. 22). Moreover, Portugal was the country with the largest share of workers in 'on location' services (such as transport and goods delivery) and was among the 'top 5' countries in digital services (such as Upwork and Freelancer) (Pesole et al., 2018, p. 35).

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1. Further information and data on the Online Labour Index (OLI) in Oxford Internet Institute (2022).

A striking feature of platforms in Portugal is their connection with the Uber passenger transport platform in public discourse and perception. This amounts to a symbolism around Uber and the modality it represents which has been named ‘*Uberização*’ (Uberisation). Uberisation became synonymous with the ‘new precariat’, understood as the socially problematic dimension of these platform technologies and an attack on organised labour in the country. Arriving in 2009, the Airbnb platform (and similar) is also central to platform debates in Portugal. Although lodging platforms are not primarily categorised as digital labour platforms, they nonetheless involve labour under a variety of working conditions and employment relationships. Airbnb hosts provide a service distinct from the ownership of the property – indeed not all Airbnb hosts are the property owners. In addition, there is a wide range of work related to managing lodgings, from infrastructure maintenance to cleaning, which may be performed by the hosts themselves or other third parties.

The controversial arrival of these platforms more than a decade ago triggered fierce debates and responses from several groups concerning limits and regulations, yielding results such as the so-called ‘Uber Law’ in 2018 (AR, 2018). Regulations were also approved for lodging platforms (such as Airbnb) to limit the number of these lodgings in areas where tourist activities were very intense – at state, regional and municipal levels. However, the enacted regulations for lodging platforms are mainly concerned with urban and housing issues and do not address work. In general, the other digital platforms are not covered by any specific regulations or legal limits.

Existing research conducted on digital platforms in Portugal has particularly examined their impacts on value chains and relationships between companies, in addition to how they contribute to economies of scale (Gonçalves, 2016; Brochado et al., 2017; Simões, 2017). However, the literature mainly draws on studies of the Uber and Airbnb platforms (Pugliese, 2016; Estanque et al., 2018; Gouveia, 2018; Teles and Caldas, 2019; Chicchi et al., 2020; Leonardi and Pirina, 2020; Alegretti et al., 2021; Tomassoni and Allegretti, 2021). Reinforcing this pattern, both public institutions and public debates have also centred their attention on the Uber and Airbnb platforms (Expresso, 2015, 2021; Gonçalves, 2016; Diário de Notícias, 2019; Dinheiro Vivo, 2021a).<sup>2</sup> The extensive focus on these two platforms alone led to a situation where little is known about digital platform

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2. Public institutions included the Ministry of Labour (Gabinete de Estratégia e Planeamento, 2017); CGTP (2020); and the Instituto da Mobilidade e dos Transportes (2020).

workers, who often compete with each other, have little or no access to labour rights, and encounter barriers to accessing social benefits such as unemployment, healthcare, accident insurance and pension schemes.

In terms of regulating digital platforms in Portugal, we have found two main regulatory interventions. The first legislative intervention in digital platform work was the 2018 ‘Uber Law’ that legally defined the figure of ‘operators’ – national companies acting as intermediary figures between platforms and workers, that provide rides-on-demand and employ drivers. This law is due to be revised soon. The second main intervention was seen in the regulation of Airbnb and similar lodging platforms. Legislation was introduced at state, regional and municipal levels to limit the number of lodgings in certain areas where tourist activities were very intense. This legislation, however, does not concern work. For other digital platforms in the country, there have not yet been any legislative actions. The employment relationship between the platform companies and their workers is key. Therefore, legislative interventions should carry specifications regarding these employment relationships and the different modalities at play. In 2021, the government stated its intention to create a presumption of employment (*laboralidade*) for platform workers, without specifying whether this means that they would be considered as dependent workers (Ministério do Trabalho, 2021).

## PART TWO

# **CASE STUDIES**

### 1. PASSENGER TRANSPORT



## **5. MOBILISATION OF A PORTUGUESE TRADE UNION TO ORGANISE AND REPRESENT RIDE-HAILING DRIVERS IN PORTUGAL**

Nuno Boavida | Isabel Roque

One of the most striking features of the conversation around digital labour platforms in Portugal has been the generalised use of the expression '*Uberização*' ('Uberisation'). It provided a central notion around which public debate and research emerged and, after several years, the Portuguese parliament eventually approved the so-called 'Uber Law' (AR, 2018). Before this, in July 2014, the Uber platform had arrived in Portugal with the Uber Black service, which transported passengers in high-end cars. However, the platform became known throughout the country in December of that year with the generalised UberX service, which attracted strong opposition from taxi employers and drivers for its lack of regulation under Portuguese law.

At the end of 2017, Uber opened a 'tech-centre' in Lisbon, which hired 400 employees to test new services and enhance dialogue with policymakers (Leonardi and Pirina, 2020). This centre provided support for Uber rides in Europe, and served users, drivers and restaurants through the Uber Eats food-delivery application. It also contributed to the improvement of Uber's services, policies and internal processes. According to the company, this centre is a source of innovation in the Uber service. For example, in February 2019, Lisbon was the first European city to have the Jump electric bicycle-sharing service (Tunnel Time, undated), starting with 750 electric bicycles. By the end of 2019, there were 1,750 Jump bicycles circulating in Lisbon, hundreds of which were manufactured in the Portuguese city of Águeda. The company claims that before that, in March 2016, Lisbon and Porto were the first two cities to have electric cars in passenger transport through the Uber Green service. This service ended up being extended to other cities inside and outside Europe. According to the company, there have been more than 2.5 million downloads of the application since the

arrival of the Uber platform in Portugal and the latest company numbers state that there are 8,000 Uber partner drivers in total. In November 2017, the Uber Eats meal-delivery service arrived, starting with 90 ‘partner’ restaurants in Lisbon. Currently, there are more than 2,000 participating restaurants across 19 cities (dn\_insider, 2019).

As ride-hailing platforms expanded in Portugal in the wake of Uber’s success, so did discontent among ride-hailing workers about a number of issues concerning labour and social rights, opening up a new arena in the field of industrial relations in Portugal. This chapter will analyse the unfolding of this ongoing process according to the perceptions of both new and traditional actors in the field, showing how a traditional trade union was able to mobilise and organise ride-hailing drivers to countervail the digital labour platforms’ dominant position.

### **The expanding sector of ride-hailing platforms in Portugal**

Uber is not only the largest ride-hailing platform in Portugal (IMT, 2020a) but also a significant actor in the development of the wider platform economy in the country. Besides providing the word *Uberização* (Uberization) and the working model that became symbolic of the gig economy as a whole, Uber also gave the 2018 regulatory law its nickname that translates as ‘Uber Law’, which took years to be approved by the Portuguese parliament (AR, 2018). The ‘Uber Law’ does not allow the direct recruitment of drivers by digital platforms. Therefore, a category of ride-hailing companies was created to mediate between the platforms and the ride-hailing drivers – namely, the Individual and Paid Transport of Passengers in Uncharacterised Vehicles from an Electronic Platform (TVDE, Transporte Individual e Remunerado de Passageiros em Veículos Descaracterizados a partir de Plataforma Eletrónica) (Amado and Moreira, 2019; IIMT, 2020a, 2020b, 2020c). ‘Uber drivers’ became a term often used to mean all drivers working under all ride-hailing platforms.

Ride-hailing platform services in Portugal started with passenger cars, and then also moved into heavy goods vehicles (a sector with about 70,000 workers) and heavy passenger vehicles (with their own digital platforms for rentals, both for casual use and tourism). Currently, two main passenger transport platforms are operating in Portugal besides Uber: Bolt and FreeNow. In 2021, registration figures show approximately 8,200 TVDE-operating companies, nine registered platforms and 29,543 licensed TVDE drivers performing Uber-like activities

in Portugal. Pre-pandemic numbers indicated that there were more taxi drivers (25,677) than licensed TVDE drivers (23,167) at the national level (IMT, 2020a, 2020b, 2020c). However, this distribution was reversed in large cities. The districts of Lisbon and Porto now have more licensed TVDE drivers than taxi drivers: in 2020, more than half of the former were concentrated in the Lisbon district, where their number (12,436) exceeded that of taxi drivers (9,427) by 32%, and in the Porto district, with 16% more licensed TVDE drivers (3,927) than taxi drivers (3,322) (TSF, 2020).

This case study was carried out from May 2019 to January 2021, and included extensive online searches through the academic literature, both traditional and new media articles, reports, legislation, statutes, trade union documents and eight exploratory interviews (Boavida and Moniz, 2019). This period coincided with the COVID-19 pandemic, which made fieldwork significantly more difficult as many workers were unemployed, and organisations and associations had pressing matters to resolve. We made countless attempts to reach potential interviewees via email and telephone. In the end, personal contacts proved the most effective, as the team has maintained good relationships with the main actors in the sector. We conducted semi-structured interviews in 2020 with three Uber drivers, two trade union leaders, one self-perceived employee and activist in an online movement, one leader of an alternative movement, and one specialist in labour relations.

### **Central labour issues raised in the interviews**

In general, and according to our interviewees, the profiles of Uber drivers present certain characteristics: mostly are men within a wide age range, including older workers up to 60 years of age, and they can be described as 'low-skilled'. Regarding assets, some drivers had micro to small and medium-sized companies, but most of them did not own the car and paid a commission to the car owner. The interviewees perceived themselves as either entrepreneurs or workers. The majority stated that the remuneration was acceptable, but there were significant complaints regarding the commission that they paid the car owner, which could reach as much as 55% of their gross income. The working conditions were also a source of discontent, with long working hours, loss of weekends and the experience of working within opaque algorithmic management mechanisms.

According to our interviewees, the COVID-19 pandemic generated a significant crisis in the sector, leading many workers to call on the traditional Trade

Union of Road and Urban Transport Workers of Portugal for help (STRUP, Sindicato dos Trabalhadores de Transportes Rodoviários e Urbanos de Portugal), as employers sacked them suddenly ahead of mergers and acquisitions among the big platform companies, as well as the expansion of many companies into the rent-a-car business. Nevertheless, the main difficulties reported related to the cost of insurance required to operate a TVDE and the payment of their car loans. Uber's 'uncontactability' was also mentioned, as workers preferred to solve issues directly with the car owner or the operator.

### **Main related unions and associations**

The sector has been facing significant turbulence in recent years, following the arrival of several digital platforms, the enactment of regulation in the TVDE sector, fierce competition and the COVID-19 pandemic. Consequently, any description of the situation can quickly become outdated due to unfolding events. Up until now, there have been two active trade unions in the ride-hailing sector. One of them is much more active – STRUP, which is affiliated with the General Confederation of Portuguese Workers (CGTP, Confederação Geral dos Trabalhadores Portugueses) and the Federation of Trade Unions of Transport and Communication, the main federation of transport trade unions in Portugal (FECTTRANS, Federação dos Sindicatos dos Transportes e Comunicação). The second is the non-affiliated Trade Union of TVDE Drivers (SMTVDE, Sindicato de Motoristas TVDE Portugal). SMTVDE is more recently established and little is known about it. One member of SMTVDE reported that it took many months just for his membership to be approved and that the leaders had neither the time nor the resources to develop the union. Furthermore, an interviewed trade union leader of the confederation General Union of Workers (UGT, União Geral dos Trabalhadores) mentioned that the SMTVDE resulted from an attempt to form a union by a group of drivers who requested help from UGT, a rival to CGTP. At the time, UGT suggested the foundation of a socio-professional association, but the activists decided to create the SMTVDE instead. According to the union leader, the process was similar to the formation of the controversial National Trade Union of Dangerous Materials Drivers (SNMMP, Sindicato Nacional de Motoristas de Materiais Perigosos), which was recently closed down by court order after paralysing the country with controversial strikes in 2018 before the Easter and summer vacations.

Besides the trade unions, there are two business associations concerned with the TVDE sector: the Business Association of Operators of TVDE (AEO-TVDE, Associação Empresarial de Operadores TVDE), which aims to represent the interests of ride-hailing operators with bigger fleets; and the Socio-Professional Association of Partners and Transport Drivers in Uncharacterised Vehicles (APMVD, Associação Sócio-Profissional de Parceiros e Motoristas de Transportes em Veículos Descaracterizados), which represents operators with fewer cars, including drivers using their own vehicles. According to APMVD, the association was formed by drivers and operators in the TVDE sector, following a ‘slow demonstration’ through the streets of Lisbon in January 2020,<sup>1</sup> which led to a decrease in the commission charged by platforms. However, the most visible action of this business association was a list of demands presented to three political parties in parliament – the Greens (PEV, Partido Ecologista Os Verdes), the Communist Party (PCP, Partido Comunista Português) and the Left Block (BE, Bloco de Esquerda). This list of demands laid out APMVD’s main complaints: COVID-19 impacts, driving limitations related to polluting car emissions in some areas, commissions charged by the companies, new legislation and the increase in service costs. According to the APMVD website, drivers and operators have made efforts on social, political and legal fronts to restructure the operation of the TVDE sector, taking into account:

The list of costs associated with the supply chain/provision of product services; the relationship between the minimum value of the drivers’ working hours, the maximum allowed working hours, and the tariff imposed by the platforms; and the harmful effects of the chaos in the TVDE sector, both for the operation and for the metropolitan areas. (APMVD, 2020)

### **Building collective voice: Trade union stances and dynamics**

The roles of the main workers’ confederations are also significant and their different stances should be emphasised. The trade union confederation CGTP has opposed the TVDE sector for a long time, with public expressions of support for

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1. A ‘slow demonstration’ is the driving of cars as slowly as possible without breaking the law, creating slow traffic jams and wider congestion, thereby drawing public attention to the cause.

taxi drivers (Lusa, 2018).<sup>2</sup> According to a trade unionist, only a small proportion of taxi drivers pay union membership fees and they are harder to unionise, as the vast majority are precarious informal workers who drive taxis as ‘gigs’; where ‘gigs’ are understood as income-earning work activities outside of traditional, long-term employer-employee relationships. Therefore, CGTP’s decision to support taxi drivers is based upon its ideological stance opposing digital platforms and the ‘Uberisation’ of the economy, rather than reflecting any significant number of taxi drivers among its membership. CGTP lobbied on behalf of taxi professionals because the government had conflicting positions regarding the passenger transport sector and supported the interests of large multinationals at the forefront of digital platforms in the sector. The confederation’s leader stated that CGTP has nothing against these platforms but maintains that the same laws must apply to TVDE and taxi drivers alike (Lusa, 2018).

According to the interviewed expert in labour relations, the other confederation (UGT) is waiting for a change to the Labour Code, which – regardless of the platforms’ preferences – would grant digital platform workers an employee status. The UGT leader also mentioned that the Trade Union of Transport Workers (SITRA, Sindicato dos Trabalhadores dos Transportes), the Democratic Union of Postal, Telecommunications, Media and Services Workers, (Sindetelco, Sindicato Democrático dos Trabalhadores dos Correios, Telecomunicações, Media e Serviços) and the National Trade Union of Industry and Energy (Sindiel, Sindicato Nacional da Indústria e da Energia) – all affiliated with UGT – are not interested in doing systematic work with digital platform workers. According to this trade unionist, UGT is hoping for a central government decision that would strengthen social dialogue.

Overall, STRUP is the one main traditional trade union in the transport sector and, as we have said, it is the most active in defending TVDE drivers. There is no evidence of collective activities from the independent trade union SMTVDE, and the business association APMVD also had few activities in the period of analysis. During the first interview conducted with STRUP’s leader in June 2020, he reported that the union had no TVDE members yet, only a few taxi drivers who worked for cooperatives and private companies. Despite STRUP being interested in TVDE workers, he said it is very difficult to unionise them because they are

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2. The taxi sector fiercely opposes the TVDE service. Taxis are in direct competition with the TVDE service and their associations are significant actors in this field. Taxi drivers and companies have two associations: FPT (Portuguese Taxi Federation, Federação Portuguesa do Táxi), which represents professional taxi-owners, and the employer association ANTRAL (National Association of Light Car Carriers, Associação Nacional dos Transportadores Rodoviários em Automóveis Ligeiros), which represents bigger taxi companies. However, an analysis of taxi associations lies beyond the scope of this study.

categorised as independent workers or entrepreneurs; besides, many do not come from the transport sector and have very diverse origins. As the leader of STRUP mentioned in a fieldwork interview:

We are waiting for the pandemic to have the same effect that it had on the classic taxi workers. We had an immense demand to help taxi drivers here, which led to an increase in union membership. As a result, we have many litigation processes to claim compensation from businesses that dismissed taxi drivers without respecting their labour rights.

According to the STRUP leader, digital platform workers needed organising. When ride-hailing workers had labour problems, he said, they tried to solve them individually with the platform companies instead of using collective bargaining. However, as mentioned, this position changed due to STRUP's engagement with TVDE drivers shortly after our interview. In fact, STRUP engaged in a campaign to mobilise rank-and-file TVDE drivers later in that same summer of 2020. STRUP assembled a working group including TVDE drivers to articulate the main problems and demands of ride-hailing workers, and that working group was very active by traditional union standards. The issues to be addressed were outlined as follows (STRUP, 2020c):

1. A Collective Labour Contract (CCT, Contrato Coletivo de Trabalho) for the sector to be applied to all drivers.
2. Regulation of fees and prices.
3. Limitation of the total number of licences for ride-hailing TVDE vehicles.
4. Review of the age limit for vehicles.
5. Professional training.
6. An end to workers being permanently deleted from the platform if certain criteria are met or rules are broken.
7. Mandatory presence of a platform representative to deal with drivers/operators.
8. Review of the system for evaluation by the users.
9. Review of the dimensions of the vehicle identification badge.
10. Guarantee of conditions for the safe transportation of children.
11. Creation of parking spaces.
12. Elimination of the monopoly held by insurance companies.
13. Ensuring effective enforcement of the law and contractual working hours.
14. Review of the tax deduction for VAT paid on diesel.

According to the STRUP leader, STRUP had sent a dossier to CGTP and FECTRANS, laying out three possible strategies. First, extending the existing taxi drivers' CCT to include ride-hailing drivers. Second, designing a specific CCT for ride-hailing drivers (which was considered an unlikely option, given the power relations in the sector). Third, producing a letter of demands to present to ride-hailing drivers, asking for their support and offering to organise them under the existing taxi drivers' CCT. In addition, STRUP proposed to the government that all ride-hailing drivers should have the same collective labour rights and regulations as taxi drivers.

In November 2020, STRUP delivered the trade union's resulting letter of demands to the relevant governmental entities in person, on the route of a street protest with a high turnout (FECTRANS, 2020a), as well as to several journalists (such as Guedes, 2020). The union went on to support the drivers' demands, by promoting their mobilisation and participating in protests (STRUP, 2020a, 2020b, 2020c, 2020d, 2020e, 2020f, 2020g, 2020h). As a result, STRUP unionists were able to gather support from FECTRANS (2020a), CGTP (2020) and the Portuguese Communist Party (Avante!, 2020).

STRUP has thus made significant steps towards building up and presenting a collective voice. They had a meeting with Uber's representative in Portugal on 22 December 2020 to present their demands. The Socialist Party has been the most active political party on the issue of 'Uberisation', and STRUP made a presentation to the Member of Parliament who was involved in drafting the 2018 'Uber Law'. STRUP also acknowledged that new union members are being recruited from amongst ride-hailing drivers and the platforms' so-called 'partner drivers', albeit at a slow pace as this is a difficult sector for recruitment. It can thus be argued that there is an increasing trend in favour of extending the taxi drivers' Collective Labour Contract to ride-hailing drivers, which would afford the latter more rights.

## **Complaints and challenges**

According to our interviewees, ride-hailing drivers face difficulties regarding inadequate legislation, payments, long working hours, buying and maintaining a ride-hailing car, and, before 2020, difficulties in finding a collective voice due to the diverse self-perceptions among drivers. A unionised ride-hailing driver mentioned that organising a meeting to find common interests is very hard in this sector: 'It is more difficult than for Glovo workers, who meet and speak

regularly. We only meet by chance'. Two other drivers stated that the solution to engaging in collective action would be to go through an independent union. However, the existing independent union has a reputation for weak activity and capacity, which affords it low credibility.

All interviewed drivers also revealed significant discontent with the outcomes of the 2018 'Uber Law'. For example, a driver and a mainstream trade unionist, the UGT leader, both stated that the 'Uber Law' was made in a rush and that it should be revised. In another interview, a former car owner and currently a part-time car renter (paying a daily 55% commission to the car owner) commented that the more regulations policymakers create, the less revenue drivers will retain, limiting their capacity to organise. In this sense, many drivers and commentators argue that there is a societal urgency to review the current 'Uber Law' because ride-hailing activities were not properly understood and accounted for in the original drafting of the legislation. The 'Uber Law' also contributed significantly to a lower volume of registered drivers, as drivers need a licence to register.

## Concluding remarks

Cooperative industrial relations are not yet established in the sector. However, progress is being made regarding collective voice. Representatives from FECTRANS spoke in a parliamentary hearing in May 2021, marking an important recognition of its representativeness in this transport sector. Furthermore, the public presentation of the government's preliminary version of a *Green Book on the future of work* included both Uber and STRUP representatives (MTSS, 2021).<sup>3</sup> Thus, in a short period, the activities of FECTRANS (in particular, its affiliate STRUP) have demonstrated that traditional trade unionism can establish a significant position in a new digital activity dominated by the bargaining power of digital labour platforms. STRUP also presented their letter of demands to the legislators. From the perspective of governance in the sectoral industrial relations system, there is a widely shared perception that either the existing Collective Labour Contracts for taxi drivers could be extended to TVDE drivers, or that a new specific contract could be created just for ride-hailing, given that it implies different operating requirements.

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3. 'Green Book' is the term used for expert reports commissioned by the Portuguese government to assist policy formulation and build consensus among stakeholders.

Addressing a Portuguese parliament hearing to explain the need to change the ‘Uber Law’, the Secretary of State for Mobility gave the example of price-setting for ride-hailing fares, which was enshrined in the law as a free market regime on the assumption that the market would be able to adjust the tariff. However, he is quoted as saying, ‘we have seen a recent pricing strategy that promoted a war of discounts between drivers which sometimes results in tariff-setting practices which may be inconsistent with the service rendered’. Therefore, he went on to say the law should be assessed ‘to ensure that it provides the best answer to the regulatory and inspection challenges that this economic activity requires’ and that ‘present and future control and inspection from the competent entities is efficient, agile and effective’ (Lusa, 2021).

## **6. BOLT DIVERSIFICATION DRIVEN BY THE PANDEMIC: EXPANDING FROM BOLT TAXI TO BOLT FOOD IN BUDAPEST**

József Pap | Csaba Makó | Miklós Illéssy

Bolt was founded in 2013 by a 19-year-old Latvian college student who, with the financial support of €5,000 from his parents, integrated all the taxis in Tallinn and Riga onto one platform. In the beginning, the company's name was Taxify, which was changed to Bolt in 2019. Currently, Bolt is registered in 40 countries, including Hungary.<sup>1</sup> It began operating in the Hungarian capital just after Uber's departure in 2016, and Bolt now provides taxi and food-delivery services throughout the country (Makó et al., forthcoming).

### **Profiles of interviewed Bolt platform workers**

To better understand motivations and issues in this newly emerging labour sector, we interviewed several Hungarian Bolt workers from both Bolt Taxi and Bolt Food. Their main characteristics are summarised in Table 2. All are men, which is typical of the sector.

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<sup>1</sup> It is worth distinguishing between registration and actual operation. For example, Bolt is registered in the neighbouring Serbian capital, Belgrade, but it does not operate there.

**Table 2** Profile of interviewed Bolt platform workers in Hungary

| Platform worker | Highest educational attainment | Age   | Gender | Self-ascribed status | Duration of Work |
|-----------------|--------------------------------|-------|--------|----------------------|------------------|
| Bolt Taxi-1     | Tertiary                       | 27    | Man    | Freelancer           | Full time        |
| Bolt Taxi-2     | Tertiary                       | 28    | Man    | Entrepreneur         | Full time        |
| Bolt Taxi-3     | Secondary                      | n. d. | Man    | Self-employed        | On weekends      |
| Bolt Food-1     | Tertiary                       | 29    | Man    | Entrepreneur         | Full time        |
| Bolt Food-2     | Tertiary                       | 43    | Man    | Freelancer           | Full time        |
| Bolt Food-3     | Secondary                      | n. d. | Man    | Self-employed        | Part time        |

Source: authors' fieldwork interviews in the *Crowdwork project*

## Quality of working life

Motivation and earnings: Autonomy and the prospect of higher wages

The interviewed Bolt Taxi drivers stated that they preferred the algorithmic allocation of trips, as they believed it to be fairer than a potentially biased dispatcher in a traditional taxi company; they saw this as a competitive advantage and a source of efficiency compared to the traditional taxi system. It is important to note that engaging with the Bolt platform as a driver requires a proper taxi vehicle that meets Hungarian legislative requirements (such as being less than five years old, air-conditioned, of a special colour, and possessing a special number plate and taximeter), as well as the correct licence to drive a taxi and entrepreneur status with the corresponding taxation scheme. The one-time investment needed to buy a vehicle in the required condition and obtain the licence and entrepreneur status starts from about HUF 5,250,000 (about €15,000). The monthly rental cost of a similar vehicle is typically around HUF 350,000 (about €1,000).<sup>2</sup>

Platform worker motivations, for both taxi drivers and food couriers, are primarily higher income and flexibility. In addition, freedom, autonomy and the lack of a 'boss' were also often mentioned during the interviews:

2. All values in Euros in this chapter are approximate conversions from HUF (Hungarian Forint) at the 1 July 2021 exchange rate.

It was a necessity, and also freedom and flexibility, no stupid bosses, are important factors. I saw many people working for Wolt. So, I decided to go. I applied for all – Wolt, NetpincérGO, and Bolt. I was accepted for NetpincérGO and Bolt, and lately, for Wolt. Started in the summer of 2020. (Bolt Food-5)

Family members and friends were the main sources of information for finding the Bolt platform:

My father was a mathematician, and alongside that, he was a taxi and Uber driver. I like independence, flexibility and the extra income. I like to drive and go around in the city. Therefore, I try to make money out of my passion. (Bolt Taxi-1)

I work for Bolt as a taxi driver. My friend started the taxi licence process and informed me about the earnings and possibilities. I liked the idea, so I started as well. I work in Budapest. (Bolt Taxi-2)

Before COVID-19, Bolt drivers earned four to five times the minimum hourly wage in Hungary – the equivalent of HUF 965 (about €2.75). In 2020, however, under the severe impact of COVID-19, taxi drivers lost more than 80% of their income. In this context, Bolt launched its food-delivery service under severe competition from WOLT and NetpincérGO. Therefore, COVID-19 triggered shifts between various types of platform work, for example, from the app-based taxi service (Bolt) to food delivery (Bolt Food). In the case of Bolt Food, the financial incentives and the lack of alternative employment opportunities were primary motivations:

I started in 2020. Due to the outbreak of the pandemic, my business went down very quickly, so I looked for an alternative. I had a photoshoot business for events. Since November 2020, I also work for Wolt. I thought that I could reach a better salary at Wolt (which was actually true); therefore, I started to work for them as well. Wolt is a more mature business. But I work for Bolt as well, since I think it is worth keeping both platforms in my portfolio. (Bolt Food-1)

I saw the food couriers of NetpincérGO and their ads on the internet. I was a tram driver before, but by changing to platform work, I could make a much higher income as a platform worker. Besides, platform work is much more flexible. At BKK [Centre for Budapest Transport, Budapesti Közlekedési Központ], it was really difficult to ask

for holidays, for example. I perform food courier tasks for NetpincérGO, Wolt and Bolt as well. Due to changes in the new tax regulation, I had to start working for all three of them. It is also better in terms of [client] balance.<sup>3</sup> (Bolt Taxi-3)

My monthly income is above HUF 370,000 [about €1,055] and I'm working most days of the week. (Bolt Food-2)

### Work and working conditions: Work-life balance

According to one of the most reliable and comprehensive analyses on platform employment in Europe, 'food-delivery platform workers said that they often feel left to deal with issues on their own, with minimal local support from the platform' (de Groen et al., 2018, p. 28). This was confirmed by our interviewees. Flexibility and high income help to compensate for the high stress of dealing with traffic congestion, but Bolt taxi drivers expressed frustration about the lack of customer service corporate support:

I enjoy the flexibility and independence which come with working on a platform. The main disadvantages are the unprofessional management of Bolt Hungary and missing corporate functionalities such as customer service. I'm working part-time (20 to 25 hours per week) and am self-employed. The platform treats me as if I were an entrepreneur. (Bolt Taxi-1)

In the case of food delivery, food couriers prefer the more relaxed work of Bolt Food in comparison with the rival Wolt food delivery. Moreover, there is a Bolt customer service for food couriers:

Lunch and dinner times are intense. At Bolt, there is not much stress. At Wolt, it is much more intense and more stressful. (Bolt Food-2)

I prefer to work for Bolt compared to Wolt. At Wolt I have 15 seconds to respond to a delivery, and at Bolt I have much more time to respond. I can call Bolt customer

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3. This refers to changes in the Taxation Scheme for Small Enterprises (KATA, Kisadozo Vallalkozások Teteles Adója). A new 2021 legislation, aiming to avoid hidden employment and the misuse of KATA for tax avoidance, stated that if the freelancer under the KATA scheme receives more than HUF 3,000,000 (about €8,500) in revenue from the same Hungarian client in one year, the client must declare this and pay a 40% tax on the part exceeding HUF 3,000,000. That is, in this case, the client will be charged, not the freelancer. Therefore, if platform workers work for three different platforms (Wolt, Bolt Food, and NetpincérGO), they can earn a maximum of 3xHUF 3,000,000 without the platforms incurring this 40% tax.

service by phone, while I need to use the chat to contact Wolt customer service. With Wolt I need to go short distances, it is very intense, while with Bolt one delivery takes around 30 minutes. On Bolt, customers cannot give tips online, but at Wolt they tip online (Bolt Food-2).

In the context of rising unemployment and the health risks associated with COVID-19, food-delivery service work – according to the opinion of some food couriers – does not harm their work-life balance:

50 hours is not that much. I worked 72 hours a week when I was a tram driver. If there was more work, I would work more. At Bolt, there is a weekly payment, while at the others there are biweekly payments. I define a target for one week or two weeks, and I try to achieve the target in a flexible way. This is perfect for our private life. (Bolt Taxi-3)

**Low skills: Stepping-stone jobs dominate**

In addition to certain key digital skills, on-location based platform work requires social skills and local knowledge:

I'm overqualified in terms of education. However, driving skills and knowing the city are the most important things. (Bolt Taxi-1)

In the case of food-delivery services for Bolt Food, physical capacity, fitness and stamina are crucial in performing the tasks.

The job skills mismatch with the workers' qualifications and the lack of upward career opportunities is often related to a 'stepping-stone' strategy that perceives the job as a temporary step towards a different career path:

In this job, there is no way upwards in terms of career. I don't plan to work for too long. Probably within one or two years, I will move to the countryside, I will get back to my original profession [photoshoots], and maybe also start something else. During the hiring process, there is basic training, but nothing beyond that. Apart from this, I participate in an adult education training programme about agriculture. (Bolt Food-1)

**Heterogeneity of employment statuses and its decisive impact on social protection**  
In Hungary, platform workers pay taxes according to a special taxation scheme called KATA, designed for the self-employed. From a financial regulation

perspective, platform workers are ‘entrepreneurs’. KATA is a flat-rate tax; therefore, the accounting and deduction of costs are not possible. If you are self-employed full-time, your KATA tax is HUF 50,000 (about €140) or HUF 75,000 (about €210) per month. The rules governing KATA were modified in January 2021, with the government creating a new 40% tax rate for KATA income over HUF 3,000,000 (about € 8,500) if the KATA taxpayer is invoicing a single client for that amount.

Table 3 illustrates the difference between workers’ self-ascribed employment status and the status they perceive the platform ascribes to them.

**Table 3** Employment status at Bolt in Hungary: Workers’ perception of platform-ascribed status versus workers’ self-ascribed status

|             | Workers’ perception of platform-ascribed status |        |                          | Workers’ self-ascribed status |              |            |
|-------------|-------------------------------------------------|--------|--------------------------|-------------------------------|--------------|------------|
|             | Entrepreneur                                    | Worker | Clickworker <sup>4</sup> | Self-employed                 | Entrepreneur | Freelancer |
| BoltTaxi-1  | X                                               |        |                          | X                             |              |            |
| BoltTaxi-2  |                                                 | X      |                          |                               | X            |            |
| BoltTaxi-3  |                                                 |        | X                        |                               | X            |            |
| Bolt Food-1 |                                                 | X      |                          |                               | X            |            |
| Bolt Food-2 |                                                 | X      |                          |                               |              | X          |
| Bolt Food-3 | X                                               |        |                          | X                             |              |            |

Source: authors’ fieldwork interviews in the *Crowdwork project*

As one platform worker noticed, they have ‘transactional relationships’ instead of a ‘Standard Employment Relationship’ (SER). In the case of a SER, Warhurst and Knox (2020) state: ‘statutory minimum standards include both substantive conditions and procedural rights’ (p. 9). Substantive conditions include wages, hours of work, and occupational safety and health standards. Procedural rights include worker rights to collectively organise, bargain and take industrial action. It must be noted that statutory minimum standards are not without limitations, as often ‘deficient, eroding and poorly enforced regulation may fail to

4. A clickworker is a digital worker who performs work through a digital platform. Platforms and clients perceive workers to be available by a ‘click’ through a digital platform. This was a term provided in the fieldwork interview template for the *Crowdwork project*.

address significant changes in work arrangements, including work intensification associated with outsourcing' (Sheldon and Quinlan, 2011, in Warhurst and Knox, 2020, p. 9). Interviewed workers' perception of the platform's role in this respect is synthesised in the following interview quotes:

I like to do it, because of the flexible working time and I can work whenever I want to. However, these companies only provide the platform, compared to normal employers – in fact, they are not employers. There are no benefits, such as a cafeteria, legal protection or language courses. Normally the drivers are self-employed, and thus the biggest risks are taken by them (taxes, costs of having the vehicles). (Bolt Taxi-1)

I believe it would be important if Bolt valued its courier partners' loyalty. For instance, if someone works for a long period on the platform, they could be honoured. Plus, job security and health benefits would be necessary. (Bolt Food-1)

### **Algorithmic management and ratings: Need for transparency and building trust relationships**

In the trust-building process between clients and platform workers, user-generated content (UGC) tools are widely used (Szabó, 2020). However, there is an imbalance between the clients and the platform workers in terms of the influence of their ratings. According to the recent global review of platform rating practices, clients rate 50% of their interactions, while workers only rate 21% of theirs (ILO, undated, p. 93).

In the case of Bolt Taxi and Bolt Food, ratings have crucial impacts on the activity of platform workers since they determine whether a driver or a food courier may remain active on the platform or they will be disconnected and thereby effectively fired from their job. Often the courier cannot challenge an unfair rating from a client, even when that rating is a consequence of a factor outside the worker's control, such as a problem with the app or a delay in service. The passenger rates the driver on a one-to-five scale:

Rating is another issue. I raised the question with the platform, asking to receive a 'reason code' behind the lower than five-star ratings, in order to improve, but there was no result from this. If a driver's rating falls below 4.76 based on 40 or 50 trips, he or she will be terminated from the platform. (Bolt Taxi-1)

Platform workers need the platform to mediate an interactive transaction with clients which allows for reciprocal communication. This is well illustrated by the request from taxi drivers for the opportunity to have a voice, for example, through text messages, in the case of problematic ratings from clients:

When the passenger orders me as a driver, they can see my rating, I can also see the passenger's rating, but the riders cannot see their own rating. I'd not take a trip with a one-star passenger. For the drivers, if their rating goes under 4.65, then the driver is automatically suspended from the platform for 24 hours. If the rating remains there, further sanctions will follow. It would be better if passengers would also write a text message when they give a low rating. (Bolt Taxi-2)

If I get a wrong rating from one or two clients, I might be fired immediately, which is quite problematic. (Bolt Food-2)

There is some lack of clarity about the threshold for suspension from the platform, as may be seen by the differing information conveyed by the platform workers interviewed above. For this reason, combined with the crucial role of algorithmic management and the digital monitoring of work (including ratings, reputation systems and UGC), Bolt platform workers have complained about the lack of transparency and fairness of the various managerial control systems:

We have talked about it... it was interesting that [a certain nationality of] workers did work much more than we did in the beginning, and we did not understand. I don't really recall if there was any rating system when I ordered through the Bolt application, but we are not told in any of the platforms if there is a rating system. (Bolt Taxi-3)

The client can give a 'plus' or 'minus' rating. The rating is between zero and one for each courier. But I don't know of anything else that the platform might possess. (Bolt Food-1)

Algorithm issues and communication from local management are problematic. [Local management] do not take action. Customer service towards the drivers [as customers] is a missing corporate functionality; therefore, the operation of the company does not seem to be sustainable. As in other platform companies, here it's also true that local managers and maybe also international leaders are not experts in the taxi industry but rather developers of an IT platform. (Bolt Taxi-1)

## **Collective representation: Individual voice and silence, instead of collective voice**

COVID-19 has weakened the individual and collective bargaining positions of both platform-based and traditional taxi drivers, due to the massive market decrease in passenger transport. Trade unions persistently focus on organising workers in SERs – that is, full-time workers with permanent contracts (Neumann, 2018).

The platform workers we interviewed prefer to use individual voice and even silence instead of being involved in any actions reflecting a collective voice:

There is a clear need to improve working conditions for platform workers, but we have no experience with unions as such. Not sure if a trade union is an adequate solution for these problems or if just a general voice for workers can do it. Not with strikes, but to represent workers' interests collaboratively. (Bolt Taxi-1)

There are multiple initiatives to start an emergency communication channel, so that in case of trouble some of the 4,000 Bolt drivers could come to help, but I don't see that it would work. There is an SOS button in the application, but I don't know how it works. (Bolt Taxi-2)

No. I was a member of the BKK trade union. I only know the BKK trade union. In my opinion, it is not a trade union if the company pays them. I have a negative opinion about them. They clearly failed to strongly represent worker interests or protect workers with legal support. There are many cases with BKK where the trade union is completely useless, also in the case of salary negotiations. (Bolt Taxi-3)

## **Mitigating COVID-19 impacts: The shift from ride-hailing to food delivery**

As mentioned above, the COVID-19 pandemic triggered the diversification of the Bolt service with the launch of a food-delivery service. The pandemic substantially impacted Bolt's ride-hailing services – an impact which can be understood through ride-hailing platforms' high score on the 'overall physical proximity' scale measured by the following dimensions (McKinsey and Company, 2021):

1. Human interactions
  - 1.1 Physical closeness

### 1.2 Frequency of interactions

### 1.3 Exposure to strangers

## 2. Work environment

### 2.1 Indoor work

### 2.2 Site-dependent work

On the physical proximity scale, taxi services have a score of 75 out of 100 in terms of the risk of virus contamination for both drivers and passengers.

According to our interviewees, the platform operator's reaction to the pandemic has been a 'fire-fighting' type of adaptation, rather than a carefully considered preventive measure:

The platform operator's information on the pandemic was equal to zero: it was only a repetition of the position of the Hungarian authorities. Even then, we couldn't respect the official guidelines on social distancing: it was impossible to respect the officially advised one-and-a-half to two-metre distance, due to the size and structure of the taxi. (Bolt Taxi-1)

Personally, I did expect more than the possibility of receiving a bonus from Bolt. I did expect the ride-hailing platform to make a contract with a car-disinfecting company and supply masks, etc. (Bolt Taxi-2)

Furthermore, COVID-19 accelerated inter-platform transition and advancement:

My case is special. I did a career step moving from NetpincérGO to Bolt. I became a taxi driver from being a food courier. Inside a platform, there is no opportunity. But across platforms, it is possible. Of course, COVID-19 has changed things and many taxi drivers went on to be food couriers. But in general, there is a cross-platform career opportunity. (Bolt Taxi-2)

Lessons from the pandemic included the need for having one's own financial resources and more of a focus on the health and safety issues of driving:

Due to the risks of contamination, I ceased my work like many other Bolt taxi drivers, although I do not know the exact numbers. After the COVID-19 period, I will clean the car more often and install an isolating wall between me and the passenger. To be a taxi driver in the future, either full-time or half-time, I plan to form a

financial reserve to overcome the existential difficulties created by unpredictable crises. (Bolt Taxi-1)

Taxi drivers represent one of the collectively best organised occupational groups in Hungary (Makó et al., 2020). However, none of the relevant labour market actors (such as employers, trade unions and the government) initiated any special intervention to defend taxi-driver platform workers from health risks in the context of COVID-19.

### **Concluding remarks**

The core motivations for being a platform-based taxi driver are higher income, freedom and flexibility. However, the drivers complained of ‘unprofessional’ platform management and a lack of corporate functionalities. These complaints sometimes clashed with the positive satisfaction gained from working in a ‘boss-free’ environment. Another frequently criticised feature of the labour process was the lack of interaction and/or ratings balance between clients and workers.

The work in location-based platforms for taxi drivers and food couriers is often a ‘stepping-stone job’, which lacks the potential for traditional advancement or a career. However, according to some platform workers, there is an opportunity to follow a horizontal career path across platforms, for instance, by shifting from the Wolt delivery platform onto Bolt Food or being present on several platforms simultaneously.

Another crucial issue is that of traditional employment versus platform work. Traditional employment uses a conventional employment contract with mutual obligations and benefits for employer and employee, such as a fixed working time and a defined place of work, predefined conditions of contract termination, paid holiday, paid sick leave and insurance; while platform work has no protection and no employee rights, but it has higher flexibility. The worker’s dilemma between traditional employment and platform work comes down to the perceived trade-off between the benefits of employment versus the benefits of flexibility. This has overwhelming impacts on working conditions, particularly in terms of employment and social protection.

During the pandemic, Bolt Taxi tried to ease financial hardship, for example, by substantially cutting commission and subscription fees. However, the most significant financial support for Bolt platform workers was the new opportunity

opened up by Bolt's diversification into food delivery alongside its existing taxi service. Although Bolt Food did bring benefits for workers, those benefits were delayed because Bolt initiated the food-delivery service rather late.

The COVID-19 pandemic created fear of an invisible enemy and has shed light on the weak collective coordination capacity of actors in the Hungarian Industrial Relations System. In this context, it is unsurprising that when platform workers are faced with work and employment-related problems, individual voice – or more often silence – is dominant.

## **7. TRADE UNION STRATEGIES IN RIDE-HAILING PLATFORMS IN SPAIN: ENFORCING LABOUR RIGHTS IN A FISSURED WORKPLACE**

Juan Arasanz Díaz | Pablo Sanz de Miguel

Ride-hailing platforms in Spain employed around 17,000 drivers in 2020 – this is a rough estimate based on the number of licences that car rental companies (working for platforms) have been granted to provide their services. The ride-hailing market is concentrated around two main operators, Uber and Cabify, which accounted for 90% of total services mediated through digital applications in 2019 (CNMC, 2020). Uber entered the Spanish market in 2014, although it could not start operating until 2016. Cabify has been working in some cities, such as Madrid, since 2011. Other platforms such as Bolt have only recently been established in the city of Madrid. The way in which ride-hailing platforms operate in Spain has been largely conditioned by the ‘taxi war’ conflicts with taxi driver professional associations (henceforth ‘taxi driver associations’) and the subsequent amendments to the regulatory framework.

### **Regulatory framework for the ride-hailing platform sector in Spain: Legal responses to the ‘taxi war’**

The conflicts with the taxi driver sector started early in 2014 following the beginning of Uber’s operations in the cities of Madrid and Barcelona, where non-professional drivers worked via Uber using their own cars. Local taxi driver associations took legal action against the platform, alleging unfair competition – this resulted in the Courts issuing an interim injunction order requiring Uber to cease operations in Spain. The case was referred to the Court of Justice of the European Union, which found that Uber’s mediation service falls within the field of transport and is therefore subject to each Member State’s regulatory framework (de Elizalde and Pastor-Merchant, 2021).

Since 2016, both main ride-hailing platforms in Spain have operated through licensed car rental companies with drivers (known as VTCs, Vehículos de Transporte con Conductor) within the scope of the Law on Road Transport dating from 1990; noting that Cabify had already been operating in this way since 2011. These VTC companies hold licences and own cars which are operated by hired drivers, where those drivers may be hired either directly by the VTC company or – as is mainly the case – through temporary work agencies. Platforms have tried to present the new set-up as VTC companies being one set of ‘platform users’ which the platform matches with another set of ‘platform users’ seeking rides. However, the Catalan Labour Inspection fined a platform and VTC companies based on these being illegal subcontracting practices, which remains under appeal. This (potentially illegal) relationship is examined in this chapter.

Unlike licences held by professional taxi drivers, VTC licences only allow licence holders to provide pre-arranged ride services, and they cannot be contracted or hailed in the streets or at taxi ranks. The Law on Road Transport places additional restrictions on the number of VTC licences to limit further their ability to compete with the taxi sector as a public service. This is reflected in the 1:30 ratio standard, meaning only one VTC licence is granted for every 30 taxi licences within each region where the applications are issued. Initially, these limitations were not problematic, as the incidence of VTC services in the passenger transport sector was relatively marginal and limited to corporate, custom tour and limousine services.

Quantitative restrictions for VTC licences under the Law on Road Transport were removed in 2009 but were re-established in 2015 for new applications. During this less restrictive period (2009–2015), large numbers of VTC licence applications were submitted by several actors: the platforms (Uber and Cabify), large investors driven by increased return expectations, and some taxi driver representatives seeking to benefit from this opportunity to establish their own transport companies or sell them to other operators. Most of these applications were finally granted by the Courts after years of being rejected by public authorities. This explains the rapid growth in VTC licences recorded in recent years, while the total number of taxi licences has remained stable since the mid-1990s. These developments have drastically altered the ratio of VTCs to taxis. In 2009, there were only 1.14 VTCs for every 30 taxi licences. However, in 2020, there were 7.7 VTCs for every 30 taxi licences, albeit with significant differences across regions (de Elizalde and Pastor-Merchante, 2021).

The regulation of VTC licences also establishes territorial limitations to the operation of VTC services in terms of the region where the licence is issued and where the services are normally provided. These restrictions were further extended by a new legal amendment aimed at tackling the ‘taxi war’. Taxi protests made a substantial leap in July 2018, when hundreds of taxi drivers blocked one of the main avenues in the city of Barcelona for weeks. The conflict spread to other cities, including Madrid, Valencia and others in Andalucía, leading to the first general strike in the taxi sector at the national level. In response to this conflict, the newly elected Socialist Government adopted a legal reform in 2018, which only allowed VTC licences to provide ‘inter-urban’ rides, thus excluding the services from large cities, where most VTC business took place. The reform included a clause that allowed current VTC holders to continue providing ‘intra-urban’ services for four years as compensation for the expected loss in their licences’ value. These measures have raised controversies about their proportionality and the respective powers of central and regional governments regarding passenger transport (Domenech, 2019; de Elizalde and Pastor-Merchante, 2021). These issues were brought to appeal in Regional Courts by the companies concerned and will presumably reach the Constitutional Court.

Regional and local authorities hold important powers for setting the conditions of VTC services in their respective territories, notably concerning the minimum time permitted for pre-contracting the service in advance of a ride and the use of geolocation systems. The evolution of the sector has resulted in a strong geographical concentration in those regions (Comunidades Autónomas) with higher service demand and where the regional regulation has been more favourable to these companies. Significantly, the Madrid region accounts for more than 50% of total VTC licences at the national level. This region reacted to the Law on Road Transport by enacting measures more favourable to the platforms, such as the suppression of pre-contracting requirements, alongside other measures aimed at liberalising taxi services.

Whenever confronted with adverse regulation, platforms have threatened the responsible public authorities with ‘exit options’ and the consequent massive loss of employment from the VTC sector. This was the case with Uber and Cabify withdrawing from Barcelona in February 2019, following the regional and local authorities’ plans for tightening restrictions on VTC services that put an end to the six-day strike by taxi driver associations. In turn, VTC companies and employer associations resorted to a form of ‘employer lock-out’ (Rodríguez-Piñero, 2019) to pressure regulators in their respective territories. These actions

were supported by street demonstrations from platform workers concerned with potential employment losses, which placed additional tensions on class unions' representation strategies in addressing these conflicts.

### **Trade union strategies in the VTC sector: Litigation rather than mobilisation**

The development of trade union collective representation strategies in the VTC sector has been conditioned by these conflicts arising from the emergence of digital platforms in the highly regulated taxi-service sector. The most representative trade unions at the national level – those affiliated with the sectoral federations of either of the union confederations, the General Workers' Union (UGT, Unión General de Trabajadores) and the Workers Commissions (CCOO Comisiones Obreras) – are barely representative of the taxi driver sector, as most taxi drivers are affiliated with professional organisations representing self-employed taxi drivers. Workers' actions and mobilisations in the taxi sector were therefore led by taxi driver associations with no links to the main trade unions.

In this context, trade unions at the national level (affiliated with CCOO and UGT) did not always have a unified position among themselves or with taxi driver associations on how to respond to the challenges brought by the platforms. In particular, these trade unions were confronted with dilemmas arising from their parallel defence of VTC workers' interests, who were at risk of losing their jobs depending on how the conflict was resolved. This led, for instance, to the sectoral federation of the trade union confederation UGT taking a position alongside the leading employers' association in the VTC sector, the National Association of Car Rental Companies with Drivers (UNAUTO-VTC, Asociación de Vehículos con Conductor) and the Cabify platform itself through the conclusion of a joint statement. In this statement, the parties committed to developing a stable industrial relations framework. They also shared concerns on regulatory uncertainty and its possible impacts on employment levels in a sector that 'benefited people at risk of social and labour market exclusion and the long-term unemployed, as is the case of the unemployed over 50 years old, migrants or women returning to work' (UNAUTO-VTC et al., 2019, p. 2). This joint statement was concluded just a few days before the law's expected publication date, which brought further restrictions to the operation of VTC companies at the national level. This was perceived to break a common front of class unions and was also used as a strategy to gain a competitive advantage in the upcoming

elections for workers' representatives in the sector. However, in the course of the conflict, there were also examples of coalition strategies between union organisations and taxi driver associations focused on litigation against the irregular practices of labour platforms. For instance, in 2016, CCOO and the Spanish Taxi Federation (Fedetaxi, Federación Española del Táxi) filed a joint complaint before the Labour Inspectorate alleging social dumping practices by Cabify (EFE., 2016).

Trade union organisation and mobilisation of VTC workers have been particularly challenging. First, the VTC sector has traditionally experienced low levels of unionisation and independent union organisations – such as the Free Transport Union (SLT, Sindicato Libre de Transporte) who have a significant presence among unionised workers in the sector – have different orientations, ideologies and values compared to the most important Spanish trade unions in CCOO or UGT. Second, the composition and background of this workforce posed a challenge for the introduction of trade union organisations. The ride-hailing sector has become the last chance for employment for many workers in vulnerable positions with a low propensity to seek trade union affiliation. Most drivers are senior workers with family responsibilities and migrant backgrounds that joined the sector after long periods of unemployment from sectors and occupations severely affected by the 2008 recession. Moreover, they work in companies with high regulatory uncertainty and are heavily dependent on digital platforms, both financially and operationally. Last, VTC workers are employed in an increasingly 'fissured workplace' (Weil, 2014). Although VTC drivers' work organisation and working conditions are determined and conditioned by the labour platforms, they are employed by different VTC companies which in turn may use temporary work agencies to employ drivers. While some VTC workers in large companies may have access to trade union representation structures at the workplace level, workplace trade union representation appears rather inaccessible for VTC workers employed through temporary work agencies.

In this challenging context, there are different trade union views and strategies regarding critical aspects of the working and employment conditions in the sector and how they should be addressed through collective regulation. Some independent unions exclusively supporting transport workers accept the most controversial company practices on the basis that it is necessary to preserve employment. However, the intervention of national trade unions (UGT and CCOO) has generally aimed to enforce labour rights through litigation and complaints through Labour Authorities and the Courts. Alternative trade unions have followed similar strategies with little representation in the sector,

as for example, Basque Workers' Solidarity (ELA, Eusko Langileen Alkartasuna). These forms of union intervention focused on the enforcement of labour rights have developed around two crucial aspects of regulations for sectoral working conditions: the definition of effective working time and the role of platforms as the actual employer.

### Controversies around working time

In contrast to other regulatory aspects in the sector, the working conditions of VTC drivers have not received much attention in academic debates. Union representatives and workers interviewed agree that the most prevalent issue in the sector concerns the regulation of working time, particularly in relation to long working hours – an issue which has also been extensively reported in the press. VTC drivers are often hired through temporary employment agencies and placed with companies under formal 40 hours per week temporary contracts in exchange for fixed pay rates close to the minimum statutory wage (approximately €1,000 per month). However, most drivers are compelled to work 12 hours per day, six days a week to meet the minimum turnover targets (ranging from €3,500 to €4,500 per month), above which variable pay supplements are established by companies. Even at the expense of their own and others' safety, drivers are exposed to increased pressure to meet these targets under the threat of being penalised or dismissed if their performance is 'too low'.

The most critical issue for regulating working conditions in the sector is whether all these hours are to be considered 'effective working time'. Companies have continued to allege that working time records cover all the time that drivers are logged in to the application, including time not 'on service'. However, several investigations and court rulings have found this not to be the case – drivers are not paid for all the time they are logged in as available on the platforms. The Courts found that platforms' working time records breach legal provisions on working time, showing that abusive working conditions are widespread in the sector, although most drivers are reluctant to take legal action against companies for fear of losing their jobs.

In December 2019, a coalition of different class union organisations and taxi driver associations simultaneously filed multiple complaints with regional Labour Inspectorate offices across Spain in the different regions where Uber and Cabify were operating. The aim was to bring public attention to the poor working conditions in the sector and the platforms' irregular subcontracting practices. The action was coordinated by Taxi Project – an innovative pressure

group that has been exploring alternative paths for confronting platforms beyond street mobilisations, mostly through investigation and reporting on different aspects of platforms' business practices that have fiscal, labour and privacy implications. This initiative involved a wide range of local taxi driver associations in coalition with different alternative union organisations (such as nationalist unions and radical left-wing unions) at the regional level (APTP2.O, 2021). The complaints state that VTC companies' practices are incompatible with the provisions of the European Union Directive 2003/88/EC in certain aspects relating to the organisation of working time, and the standard that all the time drivers are logged in to the platforms' applications as 'available' should be considered as effective working time and remunerated as such. This provision had already been confirmed by the so-called 'Matzak ruling' of the European Union's Court of Justice in February 2018, which established that standby time while out of the normal workplace with the obligation to respond to employer's calls within a short timeframe must be regarded as effective working time.

Other union organisations with representative status in the sector show more acquiescence to the platforms' work organisation practices. In particular, the position of the 'independent' transport union SLT aims to bring the existing working time regulation in the road transport sector to the bargaining table for the VTC sectoral collective agreement. This regulation, which draws on the 1995 Royal decree on 'special working days', provides for an 'on-call hours pool', understood as the number of hours in idle time between two rides during which drivers are at their employer's disposal without being considered as effective work hours or as overtime. Such 'on-call hours' are paid at a lower rate than normal, often through a fixed pay supplement, and their total number in a given period can be limited either by law or collective bargaining. This proposal contrasts with the position of the sectoral union federations in UGT and CCOO. In the view of the CCOO representative interviewed, this formula has meant the extension of working hours in the transport sector, as these 'on-call hours' often turn into normal working hours, which in addition are poorly compensated (that is, at a lower rate than overtime).

Extensive overtime was also one of the main issues cited by one of the few strikes recorded in a VTC company. At the end of 2019, the local branch of the CCOO union called for a 13-day strike involving nearly 300 drivers at one of the largest companies working for Uber in the province of Sevilla. The strike followed the failure of a long bargaining process with company representatives.

Workers argued against unjustified sanctions imposed on drivers and working days adding up to over 60 hours per week. Significantly, the strike ended without an agreement and union representatives reported these company's practices to the Labour Inspectorate.

#### Subcontracting and the role of platforms as actual employers

A second crucial issue that these conflicts highlighted is the role of platforms as employers. According to the union representatives interviewed, the factors determining working conditions in the sector are the subcontracting system (by which VTC companies assume the risks of the business) and the pressure to make a profit from investments in the acquisition of licences. On the initiative of the main trade union organisations (UGT and CCOO) and taxi driver associations (such as Taxi Project), both Cabify and Uber have been sued, on separate occasions, before the Labour Inspectorate for the illegal assignment of workers. The legal arguments pointed to the fact that the activity of VTC companies is essential to the transport service managed through the platforms' applications, as illustrated by the fact that in some cases the platform itself bears the cost of the licences, even though these are held by the VTC companies. The form of work organisation in VTC companies is fully determined and conditioned by the platforms, as it is not the company that assigns rides among their drivers but rather the algorithm running the application based on the drivers' average ratings and their proximity to the pickup point. Regarding the services that the VTC companies provide to the platforms, it is also the latter that sets the fees paid to the VTC companies, not the VTC companies themselves.

Indeed, these business models have been under increasing scrutiny from Spanish labour enforcement agencies, as such practices breach established case law from the Supreme Court on subcontracting. In March 2021, the Cabify platform and two VTC companies in Barcelona were fined by the Catalan Labour Inspectorate agency for the illegal assignment of workers (AFTP2.0, 2021). The Labour Authority decision, currently under appeal, was grounded in the fact that the platform is acting as the actual employer; therefore, platforms should not be allowed to subcontract to the VTC companies the service it is providing through its own application. Cabify is recognised as the company that provides the digital infrastructure to manage the service. The drivers' cars and mobile phones are not the real means for carrying out the activity but rather the algorithm in the hands of the platform. The algorithm allocates services to drivers along with specific instructions and the road map to follow. The platform also

exerts control through reputation systems. Cabify bills the client, and the VTC company works on a commission basis for Cabify. The commercial brand is that of Cabify, whereas the VTC company is found to be a mere provider of labour. In the view of a prominent scholar in the field (Todolí, 2021), this decision can be applied to different platforms whose work organisation practices are based on reputation systems and make use of their own commercial branding to reach potential clients, and so should not be allowed to outsource their underlying activity to third parties. In fact, a recent legal amendment introduced by the so-called 'Riders Law' of 21 July 2021 has addressed these business models in the wider platform economy, albeit limited to the last-mile delivery services.

### **Collective bargaining: Failed attempts for joint regulation**

Beyond the actions focused on litigation and enforcement of labour law, trade unions have also attempted to conclude collective bargaining in the VTC sector. Unlike other labour platform activities, collective bargaining is legally possible in the ride-hailing sector because drivers are not independent contractors but employees, even though the labour platforms do not directly hire them.

The collective bargaining structure in the VTC sector is highly fragmented and of limited scope. While some companies apply different transport or car rental sectoral collective agreements, many lack any form of collective regulation of working conditions beyond statutory legal standards. Two sectoral bargaining rounds were agreed upon by social partners in December 2019 to overcome the fragmentation of working conditions in the sector – one with a national scope and the other focused on the Madrid region. Participation in these sectoral bargaining rounds is limited to those union organisations that have attained 'representative status' in workplace elections at the respective territorial levels. Three main union organisations meet these criteria. On the one hand, the SLT is an independent union organisation long established in the sector with a strong presence in the Madrid region. On the other hand, the sectoral federations of the UGT and CCOO are the two main union organisations at the national level that hold 'representative status' at the national sectoral bargaining table.

The development of the two bargaining rounds initiated in 2019 at national and regional levels has been affected by the economic impacts of the COVID-19 pandemic. This has added to the existing financial difficulties of most VTC companies and has put additional strain on relationships on both sides of the

bargaining table. The largest companies in the sector resorted to temporary layoff schemes enabled by the government. These measures have been supplemented by the agreement of additional cost-reduction measures at the company level with SLT and UGT representatives to ensure the viability of the companies in the medium term (Business Insider, 2020b, c). In some cases, the same platforms have become directly involved in the financial rescue of VTC companies by increased shareholding and the financing of accumulated debt held by these companies.

Existing divisions between and within the parties have prevented agreement in the two sectoral bargaining forums. On the employer side, the representativeness of sectoral employer associations at the national level has been undermined by the withdrawal of Uber and Cabify from UNAUTO-VTC, along with three of their largest partner companies holding thousands of VTC licences (Business Insider, 2020a). On the union side, the divisions between independent and mainstream union organisations' bargaining goals and strategies have resulted in the breakdown of negotiations at the Madrid regional sectoral bargaining table. Social partners decided to withdraw after the annulment of the agreement concluded in February 2021 between UNAUTO-VTC and SLT representatives by regional labour authorities. The agreement was annulled on the grounds that it lacked the necessary union representativeness required for the conclusion of a collective agreement that could be applied to the whole sector. The February 2021 collective agreement was presented by signatory parties as establishing a wage increase of close to 9%. However, both UGT and CCOO representatives strongly criticised the terms of the agreement, as it established a fixed 'availability' pay supplement in exchange for 20 hours of overtime. This practice was deemed illegal because it failed to recognise the time logged into the application as effective working time, thereby contravening national and European case law (Merca2.es, 2021; Molina Navarrete, 2021).

## **Concluding remarks**

The competitive tensions generated by the emergence of ride-hailing platforms in on-demand transport services have been a great challenge for collective organisation and representation strategies based on the mobilisation of class solidarity. The most representative unions at the national level (affiliated with CCOO and UGT) have been confronted with dilemmas arising from the need to balance the

interests of two groups of workers in which they have traditionally had a very low presence: self-employed taxi drivers and VTC workers. Self-employed taxi drivers oppose unfair competition from labour platforms. VTC workers – either employed directly by the companies or through temporary work agencies but working under the umbrella of Uber and Cabify – experience adverse working conditions due to unclear and potentially unlawful subcontracting practices.

Despite some tensions and disagreements regarding specific strategic choices, CCOO and UGT share a critical diagnosis of the impact of ride-hailing labour platforms on employment and working conditions. They have also relied on a similar strategy to improve the working conditions of VTC workers. These trade unions have sought to offset the structural weakness of these workers' positions by relying on institutional resources enabled by labour law and labour enforcement agencies to make platforms responsible for the infringement of working conditions in the sector. This strategy contrasts with that adopted by independent transport sector unions, which have instead supported the granting of legal status to the most controversial work organisation practices of both VTC and platform companies.

The recent experience of collective bargaining in the ride-hailing sector in the Madrid region clearly illustrates the fragmentation of worker representation between the transport sectoral federations in CCOO and UGT, and the independent transport sector union organisation (SLT). This fragmentation appears to be the main obstacle to the conclusion of what might otherwise have been the first sectoral collective agreement covering companies in the platform economy in Spain. As a result, most VTC companies working for Uber and Cabify lack a collective agreement that can be used as a standard for determining working conditions beyond the minimum guaranteed in labour law.



## **8. NO CROWDWORK: THE PASSENGER TRANSPORT ACT AND THE TAXI ASSOCIATIONS' SUCCESSFUL LEGAL ACTION AGAINST UBER IN GERMANY**

Linda Nierling | Malte Neuwinger

The popular perception of the platform economy on a global level is intricately connected with passenger transport. The use of online platforms in new economic sectors is often referred to as an 'Uber for X' (Webb, 2016);<sup>1</sup> the ongoing process of platforms spreading to ever more sectors is widely called 'Uberisation' (Trojansky, 2020). The business model of the ride-hailing company Uber – connecting private car owners and potential customers through a mobile phone app – is thus seen as the epitome of the platform economy.

Therefore, it may seem surprising that crowdwork in the context of passenger transport is virtually non-existent in Germany. Indeed, while Uber and other ride-hailing companies have attempted to gain a foothold in the market for years, German taxi associations have successfully defended their sector's passenger transport monopoly in various legal trials. In its current form, the Passenger Transport Act (*Personenbeförderungsgesetz*) is so restrictive that crowdwork in the sector is legally impossible (Knie and Ruhrort, 2019). However, the federal government is currently taking steps to reform the Passenger Transport Act to liberalise German passenger transport. While the development of crowdwork in passenger transport has so far been held back through legal means in Germany, it remains to be seen whether this will change to some extent in the future.

Because of the situation outlined above, this case study cannot focus on the working conditions, labour conflicts, or protests of crowdworkers in the

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1. The term 'Uber for X' means a user-friendly app that provides fast and convenient digital communication for an on-demand market. The X stands for the new market, while the 'brand' Uber is used to describe the platform business model promising high revenues.

passenger transport sector. Instead, it focuses on the German system of transportation, to uncover the different positions of stakeholders, explaining why it has so far not been possible for companies like Uber to enter the German market. This approach is in line with Vallas and Schor (2020, p. 281), who stated that in Germany, among other cases, ‘Uber posed a threat not to employment status but to the long-established systems for urban transportation’.

In order to explain this rather complex ‘threat’, we interviewed trade union representatives of the United Services Trade Union (ver.di, Vereinte Dienstleistungsgewerkschaft) and Industrial Union of Metalworkers (IG Metall, Industriegewerkschaft Metall), the taxi association Bundesverband Taxi und Mietwagen, as well as the digitisation association Bitkom which represents the interests of large ride-hailing companies. The five interviews were conducted between May and July 2020. With ver.di, we conducted two interviews with two separate representatives, one to provide a general overview of the union’s activities and the other to gain more specific insights into the passenger transport sector. As we explain below in detail, even when drivers do transport people on behalf of ride-hailing companies, this has very little to do with a crowdworking model and would therefore not add much to our argumentation. Additionally, because ride-hailing companies like Uber were strongly opposed by organised interest groups upon market entry, no significant bottom-up movements formed. While some opposition regarding Uber can be observed on social media, it is neither very active nor large enough to be considered significant.

There is no crowdwork in the German passenger transport sector. This may seem surprising, since ride-hailing apps from firms like Uber or Daimler’s sub-company FreeNow (along with ride-pooling companies like Volkswagen’s Moia or the Deutsche Bahn affiliate Clevershuttle) are available for booking rides in several German cities. However, these platforms’ functions are restricted to providing formally employed drivers with information on where to pick up their next customers and mediating payments. In 2015, Uber was legally forced to discontinue its service of connecting private drivers with potential customers (‘Uber Pop’) because drivers had neither the adequate qualification and insurance nor the necessary passenger transport licence.<sup>2</sup> Additionally, the alternative model many platform companies diverted to – collaborating with

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2. To transport people commercially, the Passenger Transport Act requires every driver to pass a professional examination (Personenbeförderungsschein). Additionally, taxi drivers must prove in another examination that they know their way around without electronic route guidance (Ortskundeprüfung). The latter rule will likely be relaxed in the amended version of the Act.

rental car companies who then commission their formally employed drivers with the transportation of customers – has been overruled in various lawsuits (Thelen, 2018; Potor, 2018).

### **Existing forms of collective representation**

While legal regulations apply to all ride-hailing models (and often ride-pooling models as well), it was Uber's attempt to enter the German market that sparked particular public controversy. Similar discussions were reported in other European countries such as Finland, Sweden, Italy, Hungary and Spain (Adam et al., 2016). While Uber has consistently answered legal restrictions by slightly altering its business model, German taxi associations have successfully used legal means to, in turn, challenge these models as well. In the most recent court decision in December 2019, the District Court in Frankfurt ruled that Uber's services were illegal because the company lacked a rental car concession. Even though Uber outsourced the actual passenger transport service to rental car companies, the court argued it appeared to customers that the service was provided by Uber itself. Therefore, the court decision made Uber a passenger transport provider bound by the Passenger Transport Act, which strictly differentiates between official taxis and rental cars with drivers. The Act strongly privileges official taxis while applying strong regulations to rental vehicles.

The fact that crowdwork does not exist in the German passenger transport sector may be seen as a combination of two crucial components. On the one hand, interest groups like trade unions and taxi associations launched successful legal campaigns against what they perceived as dangers to workers' rights in the transportation sector. On the other hand, however, these efforts could only be successful because German passenger transport law was more restrictive toward new business models than in other countries and legal domains.

The preceding paragraphs suggest that collective action is an important reason why violations of workers' rights associated with crowdwork models do not exist in the German passenger transport sector. The advocacy group Taxi Deutschland won several high-profile lawsuits against Uber. Trade unions have backed taxi associations' pleas for workers' rights. In contrast, ride-hailing companies have argued that the Passenger Transport Act provides an outdated legal foundation, thus preventing the development of passenger transport concepts that make full use of new developments in digitisation. While all these actions

and arguments can be traced back to the various actors' overt economic interests, it is too simple to regard them as entirely self-serving. The following paragraphs and quotes summarise different positions that a range of actors take in the discussion, broken down into two broad topics: workers' rights and regulation.

## **Workers' rights**

Trade unions have long criticised ride-hailing services like 'Uber Pop' for avoiding social insurance contributions and delegating the risk of traffic accidents to the individual driver and/or vehicle owner. However, it is clear that the rental car model adopted by Uber or FreeNow in Germany does neither of these things. To some extent, existing regulations have tamed the US ride-hailing model to fit into the German welfare state system. Nevertheless, even taking the concessions made by ride-hailing companies into account, the issue of workers' rights is a clear dividing line between different actors. The problem is that the standard pay rate per ride for official taxis and the number of taxi concessions set by the local city administration do not apply to rental car drivers. As a result, rental car drivers can offer slightly cheaper rides, making them more attractive to customers than official taxis. At the same time, the legal distinction between rental cars and official taxis produces vertical stratification based on formal qualifications and skills. As the taxi association representative explains:

The entry conditions for driving taxis are kind of tough, I would say. First of all, there obviously has to be a passenger transport licence. Also, the Ortskundeprüfung [knowledge of surroundings examination] is not easy. And also, the other conditions for entry, which also apply to the technical specifications of your vehicle, have to be taken care of by drivers. And therefore, it is an easy thing to say, 'I'll just go into the rental car sector based on the Uber model, where I don't face all these regulations.' It's much easier to work in the rental car sector. Yet, it is simultaneously kind of difficult to explain [why many people work in the rental car sector], because it is well-known that the circumstances are not the best, I would say. But this is how things happen to be. (Bundesverband Taxi)

As the taxi association representative sees it, rental car drivers take the 'easy' route by side-lining required examinations while still working in the same job as those drivers who made the effort to acquire the necessary skills. In this

interpretation, rental car drivers harm both themselves (by working outside the protected taxi market and accepting lower pay) and others (by competing with the protected taxi market and taking away customers) – a dynamic that is difficult to explain. Of course, an alternative interpretation would be that current entry levels into the German taxi business are unreasonably high. One may argue that current regulations do not reward the ability to transport customers but rather the skill to pass examinations (like the Ortskundeprüfung) that arbitrarily favour knowledge that could be dealt with through modern technology like a route navigation system.

In any case, several interviewees worried that the rental car model supported by ride-hailing companies leads to economic disadvantages for rental car drivers. The ver.di representative points out:

There's just the question of whether that is lucrative. And if so, under what circumstances. If you have employees, you have to ask how many customers you need to transport per hour at what price, so that people can make enough money that it actually makes sense for them to work. Because people need and expect more than the minimum wage. (ver.di)

The taxi association representative makes a similar point, arguing that legal reform (discussed in more detail below) could potentially solve the problem by applying the same pay rate to rental cars:

Social standards play an important role because we have this conflict between taxis and rental cars in Germany. There are these standards for taxis which are ultimately designed to guarantee fair pay, which also means that taxi prices must be fixed at a higher rate. But in the rental car sector, we don't have these social standards at all. And now, our idea for the planned amendment of the Passenger Transport Act is to regulate that slightly more, so that we develop a level playing field and guarantee social standards in all areas. (Bundesverband Taxi)

While for both trade unions and taxi associations, drivers' wages and rights are of utmost importance, the representative of the digitisation organisation Bitkom, an employers' association representing the interests of companies like Uber or FreeNow as well as smaller start-ups, interprets the situation differently:

Workers' rights in digitised passenger transport services are mostly unchallenged, at least currently. That is, everyone agrees that certain social standards must be

adhered to. Well, this is currently the case, at least as far as I'm concerned. Often, Uber is seen as a company that promotes things like price dumping. But while that may be true for the United States, I don't see how it applies to Germany. (Bitkom)

As could be expected, workers' rights are the area in which interviewed organisations' representatives disagree the most. While trade unions and taxi associations argue that rental car drivers potentially face a strong economic disadvantage that must be fixed through further regulation, the digitisation lobby argues that current regulations succeed in ensuring drivers' economic welfare through providing them with relatively easier access into the labour market in the first place.

### **Regulation: A multi-stakeholder debate on the Passenger Transport Act**

Most current discussions in the German passenger transport sector are in some way related to the planned amendment of the Passenger Transport Act. Predictably, the actors in the field do not agree on many substantive issues. There are more and much more varied problems and considerations regarding the Act than in the discussion of workers' rights. Most contentious is the question of whether the legal distinction between official taxis and rental cars should exist in the first place. As the taxi association representative argues:

Uber is essentially taking over the taxi business without adhering to existing social standards. It's a ride-hailing model that offers a service akin to taxis. So, the distinction between the different forms of transportation gets blurred, and that's a huge problem because it may lead to a situation in which the distinction may effectively disappear. And that will make existing social standards deteriorate, as we see with Uber. And this also has implications for the Rückkehrpflicht [duty of return], which is a crucial part of existing law. We have sued Uber several times on the basis of this regulation. We noticed that drivers did not return to the rental car company's permanent establishment, and that's how we won every single lawsuit. (Bundesverband Taxi)

Thus, according to the taxi association representative, the distinction between rental cars and official taxis is a crucial reason why Taxi Deutschland (a cooperative of taxi companies) could keep companies like Uber at bay. Taxi Deutschland proved that drivers of rental cars often did not return to the rental

car company's permanent establishment after completing a job, thus violating the *Rückkehrpflicht* and providing Taxi Deutschland with a strong legal case against Uber. In contrast, the Bitkom representative argues that the *Rückkehrpflicht* does more harm than good, especially because it contributes to a higher traffic load on the streets.

It is not clear what to make of these arguments. On the one hand, the *Rückkehrpflicht* served as a crucial tool for Taxi Deutschland's legal strategy against Uber. On the other hand, both the strict distinction between rental cars and taxis, and the *Rückkehrpflicht* may be seen as imposing arbitrary regulations on drivers who do essentially the same job as 'real' taxi drivers. The *Rückkehrpflicht*, according to the digitisation association representative, is little more than a protectionist tool that exempts taxi drivers from fair competition. We are not in a position to judge the validity of these arguments, but it should be clear that neither point of view can be rejected out of hand.

The division between worker and employer perspectives described so far may lead to concerns that trade unions and taxi associations are pushing for regulation that benefits drivers while being detrimental to consumers. This worry is arguably justified to some extent, as the insistence on fixed prices, combined with the difference between rental cars and official taxis, and the *Rückkehrpflicht*, clearly discourages innovative solutions to affordable passenger transport by preventing competition. The Bitkom representative advocates for the wider distribution of mobility data and the model of 'mobility as a service' to improve the status quo. Yet, even if one is sympathetic to more data-driven and consumer-oriented passenger transport, there is a case to be made for strong regulations. Overly strong market liberalisation, the ver.di unionist argues, may also have detrimental effects for consumers:

For instance, discrimination would occur if someone is not transported because the driver doesn't like that person or because the ride is too short or something. And this also applies to the question of service: What happens if prices are not regulated where consumer demand is low? In these places, affordable transportation will not be available. (ver.di)

Evidently, all these arguments are known on both sides and so are the counter-arguments. For instance, Uber's explanation of its business model for the German market points to pilot projects designed to discover how Uber's matching service can also be offered outside of metropolitan regions. Additionally, in terms of security,

Uber argues in public that, prior to every ride, customers can see their driver's profile, including a picture, ratings, type of car and licence number. Using 'share my ride', customers can share their current position in real-time with friends, colleagues, or family members. This way, the latter can know where customers are and see whether they safely arrive at their destination (Uber Deutschland, 2020). Thus, while problems of high prices in non-urban areas and the issue of discrimination seem difficult to tackle in a less regulated market, one could argue that data-driven 'mobility as a service' has a rather convincing answer to the question of security.

Whatever one may think of the merits of the arguments presented above, it is important to note that the question of regulation is more complex than a mere division between the interests of employers and employees, or service providers and consumers. In fact, the taxi association representative also points out that current regulations may be harmful, especially to self-employed taxi drivers. Instead, there are three key points to be made. First, many issues concerning regulation can reasonably be argued both ways. Second, even taxi associations admit that current regulations sometimes work to workers' detriment. Third, the overall situation cannot be regarded as a simple conflict of interest between employers and employees. In particular, self-employed drivers, either of official taxis or rental cars, are in a difficult situation, arguably both because and in spite of current regulations. While these may prevent price dumping in cities and high transportation costs in rural areas, they also uphold an arbitrary hierarchy between official taxis and rental cars, thus working against innovative concepts of passenger transport. Thus, while current regulations have successfully prevented crowdworking models and a possible deterioration of social safety standards in German passenger transport, the overall outcome may be seen as mixed. The rights of taxi drivers are well-protected, but this may disadvantage rental car drivers and slow down the development of innovative mobility concepts.

## **Concluding remarks**

Crowdwork currently does not exist in the German passenger transport sector. Ride-hailing companies like Uber and FreeNow keep trying to gain a foothold in the market. However, trade unions and taxi associations have successfully used the restrictive Passenger Transport Act to defend their affiliates' monopoly until now. When Uber attempted to establish its 'Uber Pop' business model in 2013, it was easy for established interest groups to take them to

court on various legal grounds. This situation has not changed significantly; for instance, the courts continue to rule against Uber due to their violation of the Passenger Transport Act, the most recent ruling taking place in late 2019. In August 2021, amendments to the Passenger Transport Act came into force (BMVI, 2021). There have been cautious opening steps regarding new suppliers in the mobility market, such as new mobility providers like Uber or other pooling services now being allowed to accept orders previously placed by phone or in-app. However, they still have the duty to return to the company's permanent establishment after completing a job. At the same time, taxis keep privileges since they are the only ones who are allowed to pick up passengers without previous orders (the 'waving and waiting market'). Furthermore, counties and municipalities have steering power at their own levels to organise local and regional public transport, for example, by imposing pooling quotas. Overall, with the new amendment, pooling services now have a legal basis and are framed as an addition to the current transport market, bringing the innovations that digital communications can provide. Nevertheless, we do not anticipate that these steps towards market opening and further inclusion of digital technologies will lead to a significant entry of crowdwork working models in the German passenger transport sector.



## 2. FOOD DELIVERY



# 9. PORTUGUESE FOOD COURIERS: SEARCHING FOR REPRESENTATION

Raquel Azevedo | Reinhard Naumann

In Portugal, Uber Eats and Glovo are the largest operators of intermediary platforms in the sale of goods and the provision of restaurant and similar services. They have been operating there since the autumn of 2017, growing continuously and substantially. In the period 2017–2018, the number of companies in the NACE subclass 53200 – which encompasses ‘home deliveries’, along with ‘other postal and courier activities’ that are ‘outside the scope of a universal service obligation’ (Eurostat, 2008, p. 242) – increased by a factor of 2.6, and employment and profits grew by approximately 30%.<sup>1</sup>

**Table 4** Firms in ‘Other postal and courier activities’(CAE Rev. 3, subclass 53200) in Portugal, 2016–2018

| Year | Firms | Persons employed | Turnover | Gross value added | Gross operating surplus | Gross fixed capital formation |
|------|-------|------------------|----------|-------------------|-------------------------|-------------------------------|
|      | No.   | No.              | M€       | M€                | M€                      | M€                            |
| 2016 | 404   | 3,688            | 400.5    | 96.1              | 31.1                    | 8.4                           |
| 2017 | 530   | 3,812            | 421.9    | 90.1              | 23.9                    | 7.6                           |
| 2018 | 1,392 | 4,943            | 441.3    | 101.9             | 30.8                    | 7.4                           |

Abbreviations: No.: number; M€: million Euros  
Source: INE Database on Enterprises by Economic Activity (Subclass – CAE Rev. 3); data are drawn from different tables available at the INE platform [www.ine.pt](http://www.ine.pt)

1. Authors’ calculations based on the figures from the Portuguese National Statistics Institute (INE, Instituto Nacional de Estatística) presented in Table 4. Subclass 53200 in the Statistical Classification of Economic Activities in the European Community (NACE) and the corresponding Portuguese Classification of Economic Activities (CAE Rev. 3, Classificação Portuguesa das Atividades Económicas) (INE, 2007, p. 64; EUROSTAT, 2008, p. 242).

The online food-delivery business in Portugal was forecasted to reach a volume of USD 170 million in 2021 (an increase of 13.5% from 2020) with 2.3 million users (an increase of 10.3% from 2020). The largest segment of the sector would be Restaurant-to-Consumer Delivery, with a projected turnover of USD 88 million in 2021. Uber Eats was estimated to be the largest company in the sector (with a 30% market share), followed by Glovo and Telepizza (each with 20%) (statista, 2021).

## **Method and participants**

This case study focuses on the metropolitan areas of Lisbon and Porto and is based on a combination of desk research and 18 semi-structured interviews. The interviews were carried out with 13 couriers, four trade union leaders, and one association of precarious workers (Table 5). The interviews were either face-to-face or through videoconference and mobile phone; and some interviews were complemented with observation on the ground where the couriers worked. The interviews were conducted between September and December 2020.

Eleven of the 13 interviews with couriers were done at meeting points on the street where they waited for jobs and/or goods. Two other interviewees were identified with the support of an experienced activist with multiple contacts in Portugal's most relevant migrants' associations; these conversations took place in a café. The selection of the eleven interviewees we met on the street was by convenience and depended essentially on the couriers' willingness to be interviewed. Eight of them were men and three were women. Six out of the 11 were Brazilian citizens, four were Portuguese nationals and one was a citizen from Bangladesh. The two male couriers identified by the migrants' association were also from Bangladesh. The age of the 13 couriers ranged between 22 and 60 years, the average age was 35, and the median was 33. Most of them worked for Glovo and/or Uber Eats, at least two worked for Bolt Food as well, and one worked for the Portuguese food-delivery platform Scuver. Nine out of 13 interviewees indicated their level of education: four of them had a university degree, one was a current university student, two had completed upper secondary education and another two had completed lower secondary education. Eight interviewees stated that they were married and six that they had children.

**Table 5** Interviews with representatives from trade unions and an association in Portugal

| Type of organisation              | Domain                              | Acronym  | No. of interviews | No. of persons |
|-----------------------------------|-------------------------------------|----------|-------------------|----------------|
| Trade Union                       | National cross-sector confederation | CGTP     | 1                 | 1              |
| Trade Union                       | National sector federation          | FESAHT   | 0                 | 0              |
| Trade Union                       | Regional sector unions              | STIHTRSN | 2                 | 2              |
|                                   |                                     | STIHTRSS | 1                 | 1              |
| Association of precarious workers | National cross-sector association   | PI       | 1                 | 4              |

For this case study, the most relevant collective actors were the General Confederation of Portuguese Workers' trade unions (CGTP, Confederação Geral dos Trabalhadores Portugueses), the Federation of Trade Unions of Food, Beverage, Hospitality and Tourism of Portugal (FESAHT, Federação dos Sindicatos da Alimentação, Bebidas, Hotelaria e Turismo de Portugal, affiliated with CGTP), the regional sector unions Trade Union of Hotel, Tourism, Restaurant and Similar Industry of the North (STIHTRSN, Sindicato dos Trabalhadores da Indústria de Hotelaria, Turismo, Restaurantes e Similares) and Trade Union of Hotel, Tourism, Restaurant and Similar Industries of the South (STIHTRSS, Sindicato dos Trabalhadores da Indústria de Hotelaria, Turismo, Restaurantes e Similares do Sul) – both affiliated to CGTP and FESAHT – and the cross-sector association of precarious workers *Precários Inflexíveis* (PI, Inflexible Precarious). We were able to interview representatives from all these organisations except FESAHT (Table 5).

## The platforms' business model

The Uber Eats business model is similar to those of other companies in the sector, such as Glovo, Bolt Food and Scuver. It is based on multilateral digital platforms that allow for tight control of the entire operation between three main parties: end consumers, 'delivery partners' (the couriers) and restaurants. Restaurants present their menus on the app, and consumers check the menu and place their order, after which a courier collects the food from the restaurant and proceeds with the delivery to the consumer. At the end of each service, consumers are

encouraged to rate their experience of the delivery, the food and restaurant, and the courier. Uber Eats' income streams are composed of the commission paid by the restaurant (15–40% of the total order cost) and 25% of the delivery fee paid by consumers for the couriers' service. In turn, the delivery fee is composed of three elements: a pick-up fee, a drop-off fee and a distance charge (per kilometre). A further component may be added of 'surge pricing' at peak times (a dynamic fare set by an algorithm, based on the relation between the number of orders and the availability of couriers at a specific location).

### **Legal framework**

In contrast with ride-hailing platforms, which received the first legal regime for platforms in Portugal when the so-called 'Uber Law' was approved in 2018 (see chapter 5), until very recently there was no specific regulation in Portugal for intermediary platforms in the sale of goods or the provision of restaurant and similar services. It was only in the framework of the government's 'Regulation of the State of Emergency' (decreed by the President of the Republic on 13 January 2021) that rules were enacted pertaining to the 'fees and commissions charged by intermediary platforms in the sector of restaurants and similar services' (PCM, 2021, Article 24). A Resolution by the Portuguese parliament one month later stated that 'Service fees and commissions charged to economic operators and consumers by intermediary home delivery platforms for the sale of goods or the provision of services may be limited' (AR, 2021, Article 4).

### **The couriers' profiles and working conditions**

We found no statistical data or empirical studies regarding couriers who are in the service of intermediary platforms in the sale of goods or the provision of catering and similar services. There is no official data for courier numbers in Portugal in 2021. However, based on the aforementioned data published by the INE, we estimate that there were approximately 1,000 couriers in the first year of activity of the large operators (2018), increasing to a few thousand by 2021, most of them working in the metropolitan areas of Lisbon and Porto. Face-to-face interviews with couriers detected considerable variation in terms of age, qualifications, nationalities and other characteristics. That being said, a large proportion of the

interviewed couriers were observed to be young men of diverse nationalities, with a high share of the workers having migrated from South America and South Asia.

Food-delivery platforms offer easy access to employment. Candidates can register online on one or several platforms, and shape their courier activity according to their capacity and needs. Couriers are paid for each service, and choose where and when to work, as well as their means of transportation (car, motorbike, bicycle), which can be owned or rented. In this model, food couriers are formally independent workers and are therefore not part of the traditional trade union clientele (Pereira, 2020). Workers without a European Union nationality seem to be more vulnerable to over-exploitation because they are often ‘undocumented’, that is, they do not have residence status and the legal right to work in Portugal. This impression from the field was confirmed in the interviews conducted with *Precários Inflexíveis* and CGTP representatives. Interviews conducted in Porto also indicated that a considerable proportion of couriers were undocumented workers who lacked a residence permit and the right to work in Portugal. Due to the lack of documentation required for registering directly with the platforms, these couriers become vulnerable to exploitation by other platform workers who have their own registered accounts and rent them out for an illicit commission (more details on this below). An activist in a migrants’ association stated that it is likely that similar situations exist in the Lisbon region as well.<sup>2</sup>

**Table 6** Earnings components of an Uber Eats courier in Portugal <sup>3</sup>

| Type                                                                                                              |                       | Values in € |
|-------------------------------------------------------------------------------------------------------------------|-----------------------|-------------|
| PICK UP FEE                                                                                                       | Fixed                 | 1.40        |
| DROP OFF FEE                                                                                                      | Fixed                 | 0.53        |
| FEE PER KM                                                                                                        | Fee per km (× 2.8 km) | 2.47        |
| SUB-TOTAL                                                                                                         |                       | 4.40        |
| The service fee retained by the platform                                                                          |                       | Tariff: 25% |
|                                                                                                                   |                       | - 1.10      |
| TOTAL earnings before taxes, social security contribution and other work-related costs (to be paid by the worker) |                       | 3.30        |

Source: Receipt for payment of a service provided by a food courier in March 2021

2. Drawing on an informal conversation between Reinhard Naumann and an existing contact who has long-standing experience in political, cultural and migrant organisations in the Greater Lisbon Area.

3. This breakdown is broadly confirmed by an analysis of a food-delivery receipt in the US, presented by Kataria (2019), in which, however, the service fee was considerably lower (17%).

The components of a courier's income are the flat fee per pick-up at the restaurant, the flat fee per drop-off at the customer, and the fee per km (Table 6). From the sum of these values, Uber Eats retains a percentage for itself.

The promise of flexible working for couriers can be achieved, to some extent, but in practice the activity limits 'freedom of choice', primarily because of the unilateral power of the platform over the allocation of tasks. Any 'freedom' is conditioned by the platform's algorithm that distributes work among couriers and determines the quantity of work offered to each courier. The couriers do not have freedom of choice over the income and profitability of their work, as they cannot choose which jobs they are offered. Each job has a different level of profitability, influenced by factors such as the distance of travel and the ease of access to the delivery destination. Therefore, the income that workers earn is limited by the range of jobs they are offered. Regarding flexible working hours and working time organisation, freedom of choice is also limited by factors outside of the workers' control. For example, working during hours of low demand in relation to the supply of logged-on workers implies longer periods of waiting and therefore less income per logged-on hour. As a result, if workers need to earn a certain level of income, they are not completely free to choose the hours they work. These limits on any apparent freedom of platform workers comprise a priority area for negotiations between the company and couriers' collective representation (union or otherwise).

In terms of the main reasons for taking up this job, many interviewed couriers mentioned the flexible working hours and easy access to the labour market, the latter likely referring to the process of online registration with the platforms, and the absence of requirements regarding qualifications and educational attainment. A considerable proportion also showed awareness of their vulnerability, particularly regarding job insecurity, lack of protection in the event of unemployment and accidents, and income. They were also aware of the poor relationship between working hours and gross income, the variability of gross income, and the factors which reduce net income. The main factors which can reduce couriers' net income are: VAT (value-added tax); hiring their means of transport; bookkeeping costs; and social security contributions, even though some of the interviewees had started their self-employment activity less than a year before and were not yet obliged to pay social security contributions. Interestingly, most of the interviewees discussed the problem of income from the perspective of a redistribution of earnings between platforms and couriers.

If there were an obligation to make employment contracts with couriers, the platforms would need to radically change the management of their human resources.

The present business model of the platforms allows them to freely dispose of the workforce without any obligation beyond commercial law. If they were forced to grant employment contracts to their workers, platforms would be obliged to concede substantial rights to their employees regarding wages, working hours, job security and other aspects regulated by labour law. This would imply considerable costs and constraints for the platforms, particularly in relation to the national minimum wage (€665 per month in 2021), as well as social security contributions. From our fieldwork interviews, literature review and following public debates, we came to understand that there is a narrative in policy debates that the granting of employment contracts could impact negatively on the admission of workers onto the platform, including fears that some ease of access to employment and ‘flexibility’ of working hours might be lost (European Commission, 2016). Such impacts could stem from the costs to the employer of entering employer-employee relationships, such as paying the pre-determined number of working hours even if there were no activity. However, at this stage, the net cost-benefit impact on platforms is still a matter of debate and research.

### **Attempts at interest representation: Aims and hindrances**

Our research identified two active unions in the field, both affiliated to CGTP and FESAHT: STIHTRSS in southern Portugal and STIHTRSN in northern Portugal (FESAHT, 2016). These two regional unions are based in the metropolitan areas of Lisbon and Porto and have approximately 9,000 and 5,000 members, respectively.<sup>4</sup> We estimate union density to be below 10%. Furthermore, in 2007, the *Precários Inflexíveis* association was created in Portugal aiming to represent all precarious workers (Soeiro, 2015). *Precários Inflexíveis* hold internal debates and regular dialogues with trade unions and political partners about the possible approaches for organising workers on digital platforms.

The strategies of both trade unions and *Precários Inflexíveis* centre on the demand for the recognition of couriers as dependent workers.<sup>5</sup> According to a fieldwork interview with *Precários Inflexíveis* (5/11/2020), they expect that the defence of couriers’ collective interests may find new impetus from within

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4. The figures are the authors’ estimates based on data from internal elections at both unions (in the case of STIHTRSS from the 1980s until 2011, in the case of STIHTRSN from the 1980s until 2016).

5. The ‘dependent worker’ employment relationship correlates with the employment status of ‘employee’.

their association, since their distinct perspective as a civic association of precarious workers is closer to the couriers' mindset than the traditional ways of trade unions, whose members are basically employees with regular contracts.

Between 2018 and 2019, STIHTRSN formulated a set of demands based on protests, a complaint to the labour inspection agency Authority for Working Conditions (ACT, Autoridade para as Condições de Trabalho), and held a plenary meeting with couriers and meetings with representatives of Uber eats and Glovo at the Ministry of Labour. Their demands were in line with the general strategy of the CGTP in its fight for stable labour relations with rights guaranteed by law and for specific regulations based on collective agreements. The recognition of couriers as employees implies the guarantee of rights inherent to a dependent employment relationship: insurance against accidents at work, minimum wage plus the daily meal subsidy, the wages paid for the '13th and 14th months' (summer holidays and Christmas bonuses), sick leave and unemployment benefits.<sup>6</sup> Complementary regulation based on collective agreements aims to provide more favourable working conditions beyond those guaranteed by law. Such additional conditions would address wages, working hours, and occupational safety and health. The interview with the member of the board of STIHTRSS (18/11/2020) confirmed that this strategy is centred on the employment relationship issue and adds a crucial element to the collective bargaining strategy – namely, a compensation bonus for the number of orders distributed.

Besides the high job turnover, the food couriers' self-employed status and their physical dispersion are major obstacles to their unionisation, reducing unions' inclination to invest in their organisation. However, since bogus self-employment deprives affected platform workers of access to labour rights and collective interest representation, this affront to workers may motivate unions to invest their resources. CGTP defines precarity as part of a 'policy of social and civilisational regression', which must be fought to guarantee that 'a permanent job must be matched by a permanent employment contract' (CGTP, 2020, p. 9–10). CGTP considers precarity a 'scourge' that creates a 'climate of vulnerability' among workers, 'hindering the capacity to organise, unionise, resist and struggle' (CGTP, 2020, p. 33). CGTP identifies two main threats within 'new forms for mischaracterising labour relations': first, 'work in or through

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6. See legal arguments in the FESAHT (2019) communiqué following the meeting with Uber Eats and Glovo at the Ministry of Labour.

digital platforms' as a particularly harmful factor for workers' health and safety (CGTP, 2020, p. 46); and second, precarity as a major barrier to the pursuit of its goals, as well as a key threat to its organisation. The CGTP representative stated in his interview (22/12/2020) that 'if we look at the definition of "employee" in the Labour Code, it is easy to see that these platform workers are employees' and argued that there is a situation of subordination similar to that between employees and employers, as workers such as food couriers depend on the platform to carry out their function. He also mentioned that CGTP stands for the legal regulation of work through digital platforms at the national (not European Union) level, and that legislative regulation should be complemented by specific collective agreements for different types of workers, such as ride-hailing drivers and couriers. CGTP's strategy has two main aims: first, to put pressure on the government and the parliament to regulate platform work (towards dependent worker status); second, to raise awareness through their website in order to reach out to platform workers and evidence how they are victims of illicit forms of over-exploitation.

Based on our fieldwork interviews, it appears that due to platform workers' specific working conditions, trade unions find it more difficult to organise and mobilise these workers than employees in regular employer-employee relationships. These difficulties are particularly serious in the case of platform workers who do not have the legal right to work in Portugal. According to STIHTRSN, union action among couriers started in 2016, after an accident that involved a Glovo worker. In an informal conversation with a researcher (25/1/2021), the president of this union noted that repeated attempts to establish a dialogue with the couriers did not yield the desired results. He explained this failure as a result of the precarious employment conditions on digital platforms and the particularly vulnerable position of the many couriers who do not have the legal right to work in Portugal; and who are, therefore, less willing to organise and mobilise because they are afraid of possible negative consequences. The interview with another leader of the same trade union (8/12/2020) mentioned an alleged network of account holders on the platforms who 'subcontract' their accounts to undocumented workers who were unable to register on the platforms. According to fieldwork interviews with couriers (2/12/2020), there is an understanding that some of these 'subcontractors' also provide substandard accommodation for the undocumented workers, and that they are often 'undocumented' themselves. Both interviewed union leaders stated that this subcontracting scheme has created a significant level of dependency, conducive

to over-exploitation and intimidation. Interestingly, a third member of the STIHTRSN board emphasised the latter aspect and said that ‘subcontractors’ systematically repress any attempt at union organisation by threatening to denounce undocumented workers to public authorities and withdraw their access to the platform (8/12/2020).

A representative of STIHTRSS reported that they had been able to organise some small meetings with the participation of approximately ten couriers (18/11/2020). Representatives from both North and South unions understand that the use of social networks, such as Facebook and WhatsApp, is of great importance for couriers, but unions have not yet been able to access the relevant social media or messaging groups. The obstacles encountered by trade unions on the ground seem to confirm the assessment of the interviewed CGTP representative, who stated that the legal attribution of employee status and the inherent rights of couriers represent a precondition for their unionisation.

The limited data available on the evolution of the intermediary platform economy in Portugal indicated growth in business in the context of the COVID-19 pandemic. Observations from trade unionists also confirmed a strong increase in the number of couriers. As one trade unionist put it: ‘This sector is growing in front of everyone’s eyes. Thousands of full-time and part-time workers, without basic conditions and rights’ (18/11/2020). During the pandemic, the couriers’ visibility in urban areas gained them public recognition as frontline workers, resulting in an understanding that couriers’ health played a significant role in public health, both in terms of enabling people to self-isolate at home and couriers themselves being possible vectors for COVID-19 transmission. This deeper understanding of couriers’ work created a framework that has allowed relevant actors to put pressure on the government and the legislature to improve the couriers’ legal situation. The same CGTP trade unionist pointed out that: ‘With the first phase of the pandemic, this sector grew by 30% in the second weekend alone. They are also on the frontline helping to fight this pandemic’. (18/11/2020). This acknowledgement of the importance of couriers’ work also has the potential to increase their self-esteem and willingness to demand better working conditions, which may facilitate their unionisation. All these factors increase the prospect of success for trade unions and their potential allies in this legislative field (such as *Precários Inflexíveis* and relevant migrant associations); where success would be understood as achieving their aims of effective sectoral regulation. Indeed, *Precários Inflexíveis* may work as a ‘catalyst’ for matching couriers’ specific interests and traditional

union demands. However, despite all *Precários Inflexíveis*' distinct areas of strength and achievements, the association lacks organisational resources and has limited capacity to sustainably organise and mobilise workers on a large scale. Therefore, in terms of improving couriers' collective organisation and mobilisation for better working conditions, couriers remain largely dependent on the trade unions, whilst *Precários Inflexíveis* may play a crucial role as a 'catalyst' increasing the capacity for collective action.



## **10. WOLT: A HIGH-GROWTH PLATFORM IN THE DELIVERY ECONOMY IN HUNGARY**

József Pap | Csaba Makó | Miklós Illéssy

In 2014, the founders of Wolt realised that access to meals was going mobile. Mobile device technology coupled with the general penetration of smartphone usage in society clearly indicated an opportunity. The fundamental problem that Wolt attempted to solve was how to make the delivery process and the availability of food easier for consumers, and manageable for restaurants and couriers. Wolt delivered its first meal in 2015, in Helsinki. The countries that are active today on the platform are Azerbaijan, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Israel, Japan, Kazakhstan, Latvia, Lithuania, Malta, Norway, Poland, Serbia, Slovakia, Slovenia and Sweden.

Wolt started its Hungarian operation in 2018. Their network reached 500 restaurants before the first wave of COVID-19, and during the first wave another 500 signed up. By the end of 2020, around 2,000 restaurants were registered. The number of food couriers dramatically increased during the COVID-19 pandemic, to over 4,000 in 2021. COVID-19 has led to an accelerated digital transformation on an unprecedented scale. The general manager of Wolt Hungary observed that during the three months of the first wave of the COVID-19 pandemic (March–May 2020), the market grew as much as during the previous two years (Wolt-7).

Wolt rests on three pillars: customers, couriers and restaurants. In terms of the first pillar, customer acquisition is demand-driven and the value proposition of Wolt is premium food delivery within 30 minutes. Customers are asked to rate both the restaurant and the food courier after each delivery on a scale of one to five, with any result less than five being investigated by the company's customer services team. Ratings lower than five may carry consequences for both the restaurants and the food couriers.

The second pillar of the platform is the food couriers. In the beginning, the selection process was not complex. However, since the number of candidates increased due to the popularity of platform work and the effects of COVID-19, the Hungarian Wolt team developed a new and complex questionnaire designed to measure the applicants' skills and mindset to determine whether they will fit the company culture (Agoston, 2020).

Restaurants represent the third pillar of the business model. The value proposition offered to restaurants is that Wolt will bring in additional market demand and provide a full solution for their food-delivery service, including hardware, software and merchandise. Wolt charges a 25–30% commission fee on sales coming through the Wolt application.

Wolt Hungary began in 2018 in a flat-like office. By 2020, around 2,000 restaurants and 4,000 couriers were registered with the platform, primarily in Budapest but also in several other Hungarian cities. It is the Wolt platform's general policy to not legally recognise couriers as employees. However – as explored later in a dedicated section on managers' perspectives – an interviewed Wolt Hungary general manager claimed that he treats the courier partners in the same way as he treats his employees, that is, with 'kindness as well as demanding standards' (Wolt-7). Given that Wolt couriers are not recognised as employees, working for the platform in Hungary requires either a freelancer status registered with KATA (Taxation Scheme for Small Enterprises, *Kisadozo Vallalkozasok Teteles Adoja*) or student status.

## Method and participants

To recruit couriers willing to be interviewed about their experience, we offered a relatively high remuneration of around €28 per subject for a one-hour to 90-minute interview.<sup>1</sup> A semi-structured interview script (including questions) was augmented with additional topics relevant to the work context.

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1. All values in Euros in this chapter are approximate conversions from HUF (Hungarian Forint) at the 1 July 2021 exchange rate.

**Table 7** Characteristics of the Wolt platform workers interviewed in Hungary

| Interview                 | Frequency    | Income dependence | Vehicle   | Occupational status                                          |
|---------------------------|--------------|-------------------|-----------|--------------------------------------------------------------|
| Wolt-1 (philosopher)      | Daily        | Strong            | Car       | Manual worker                                                |
| Wolt-2 (economist)        | Daily        | Strong            | Motorbike | Entrepreneur                                                 |
| Wolt-3 (economist)        | Daily        | Strong            | Bicycle   | Platform worker                                              |
| Wolt-4 (law student)      | Almost daily | Partial           | Car       | Student worker –<br>Student union                            |
| Wolt-5 (art student)      | Almost daily | Partial           | Bicycle   | Micro-worker (with<br>prior Uber experience<br>in Amsterdam) |
| Wolt-6 (student/musician) | Almost daily | Partial           | Scooter   | Freelancer                                                   |

Source: Interview data.

Tables 7 and 8 show consolidated summaries of the information gathered from the interviewees. This set of interviewees is not representative of the wider Hungarian population. It is dominated by young men – one of the interviewees suggested this may partly be explained by food delivery being a physically demanding job (Wolt-1). Importantly, our interviewees either have higher education degrees or are currently enrolled at a university. Three of our interviewees carry out food delivery as a full-time job. The two Wolt Hungary managers who were interviewed were part of the initial group of people who established the Hungarian branch in 2018. One of them has a background in international management in large multinational companies and the other is a former food courier from another platform.

**Table 8** Demography of interviewed Wolt platform workers and managers in Hungary

| Interview no. | Gender | Age   | Status  | Date of the interview |
|---------------|--------|-------|---------|-----------------------|
| Wolt-1        | Man    | 45    | Courier | 19.02.2020            |
| Wolt-2        | Man    | 28    | Courier | 28.09.2020            |
| Wolt-3        | Man    | 30    | Courier | 01.10.2020            |
| Wolt-4        | Man    | 19    | Courier | 29.09.2020            |
| Wolt-5        | Woman  | 23    | Courier | 08.10.2020            |
| Wolt-6        | Man    | 22    | Courier | 21.10.2020            |
| Wolt-7        | Man    | n. d. | Manager | 29.01.2021            |
| Wolt-8        | Man    | n. d. | Manager | 29.01.2021            |

Source: Interview data.

### **Motivation: ‘Boss-free’ environment and relatively good money**

The full-time workers usually have had enough bad working experiences in the past to appreciate the independence and flexibility of platform work:

I was working in the Avis budget group, as a facility specialist for the shared service centre of this global multinational company. It was a traditional employment contract at a multinational company. I spent three years there, and I felt a lack of respect from the company. I was also planning to have more freedom and flexibility like an entrepreneur. At Wolt, it was an entirely different world. I could earn quite good money and also have time to think of my own business. I could start some of my own business initiatives. (Wolt-3)

University students have different motivations for working on Wolt – platform work provides them with an interim opportunity during career turning points and periods of skill development:

I applied since I had just gained my driving licence at that time. I started in 2018, and did quite some work during the summer of 2019, then stopped it for a while, and restarted during COVID-19. I worked in a theatre, but that was closed, so I lost my job. Also, the university where I studied wasn’t that strict, so I saw an opportunity to restart. It was a great choice, I reckon. (Wolt-4)

The working hours fit perfectly with my family and social commitments. I think I have to give up fewer things than in an ordinary workplace. However, if someone is a workaholic like me, that person can work a lot. (Wolt-6)

### **Workers’ satisfaction with platform work: Every coin has two sides**

As shown in Table 9, the platform workers mentioned flexibility, independence and having no bosses as the main advantages. The disadvantages vary: the most often cited points are the uncertainty and instability of workload and potential income, followed by poor working conditions, lack of protection (such as social insurance and costs of repairing their vehicle), asymmetric power relations and social isolation.

**Table 9** Advantages and disadvantages of platform work, according to interviewed Wolt workers in Hungary

| Worker | Advantages                                                                                                                                                                               | Disadvantages                                                                                                                                                                                                                                                                                                                                                               |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wolt-1 | 'Flexibility in terms of time and place, easy to get in (no hiring process), opportunities to work.'                                                                                     | 'Inhuman, exploitative, algorithm does not work properly, poor communication, low-paid, unfair, no paid leave, no job security, everything is dictated by the platform except the working time schedule.'                                                                                                                                                                   |
| Wolt-2 | 'Flexibility, no bosses, wage, I motivate myself; Wolt also tries to motivate the workers all the time. Flexible holiday, before I had no paid holiday while working in the restaurant.' | 'No pension can be expected. Small things, I can't reach customer service by phone. The job is lonely. If my bike broke down, I wouldn't get another one, I'd have to manage myself.'                                                                                                                                                                                       |
| Wolt-3 | 'Flexibility, and being my own boss, ability to manage work schedule.'                                                                                                                   | 'There is no protection. We are only a "point" in the application, we can be easily replaced. No coverage for sick leave or absence. Anything can happen to me as a worker. Wolt can make any changes by itself. We are not involved. Uncertainty and ambiguity. Changing the bonus system in an autocratic way. Overall [, though], I'm satisfied.'                        |
| Wolt-4 | 'Flexible working hours, being my own boss.'                                                                                                                                             | 'Uncertain, ambiguous level of income.'                                                                                                                                                                                                                                                                                                                                     |
| Wolt-5 | 'Flexibility, no boss, independence, I don't need to stand people who are not my type. Salary level.'                                                                                    | 'Uncertainty, ambiguity.'                                                                                                                                                                                                                                                                                                                                                   |
| Wolt-6 | 'Independent and flexible. You can make as much money as you want.'                                                                                                                      | 'Socially, it is not really fulfilling. People communicate more in traditional workplaces with colleagues in a collegial way, but we are more open with each other, that is, talking to random people more easily. Plus, winter is coming, Wolt hired a lot of new couriers; therefore, the number of deliveries is less than before. I can see a declining level of work.' |

Source: Interview data.

**Earnings: The best-paid unskilled job in the country**

Regardless of bonuses, couriers get the equivalent of about €1.50 per address, an additional €0.60 per 500 metres for distances over 1.5 km, plus tips from customers.

**Table 10** Income of interviewed Wolt workers in Hungary

| Worker | Hours worked / month                                            | Monthly earnings (€) | Hourly rate (€) |
|--------|-----------------------------------------------------------------|----------------------|-----------------|
| Wolt-1 | 120–140                                                         | 300–450              | 2.50–3.20       |
| Wolt-2 | 200–220                                                         | 1,000                | 4.50–5.00       |
| Wolt-3 | 60–120                                                          | 500–1,000            | 8.30            |
| Wolt-4 | Not applicable, due to high seasonal variation in working time. |                      | 4.20–5.60       |
| Wolt-5 | 64–80                                                           | 100–200              | 1.60–2.50       |
| Wolt-6 | 80                                                              | 700                  | 8.75            |

Source: Interview data.

We compared our interviewees' earnings in Table 10 with the average wages for unskilled jobs in Hungary in 2019. A platform freelancer can earn a 16% higher net hourly wage even with the same gross hourly wage, due to different taxation schemes for employees and freelancers. Additionally, an employee has limitations on overtime and working days, while the platform workers can work unlimited hours.

During the initial COVID-19 lockdown, Wolt started to recruit couriers in greater numbers. This initially reduced the available income opportunities, especially after the cautious re-opening in the summer of 2020:

I can feel that COVID-19 caused a little demand increase, but Wolt hired a lot of couriers. The first one to two months were good, [but] unfortunately there were some articles in the news about how good money can be earned at Wolt, so a lot of people applied. Now there are too many couriers. (Wolt-2)

It is worth noting that in the Hungarian capital, the pandemic increased the competition between Wolt and NetpincérGO – a rival food-delivery platform that was launched by a Hungarian start-up and is currently owned by a German company.

**Working conditions:** High stress, risk of accidents and highly volatile work intensity  
The traffic in Budapest makes food delivery quite stressful. Stress also comes from delays in delivery resulting from restaurant delays and therefore outside the courier's control. Further sources of stress emanate from malfunctions in the application and the algorithm that drives it. The navigation software

of the application is also far from perfect. Additionally, one interviewee was dissatisfied with how management communicates with the couriers. However, for some workers, Wolt was less stressful than other jobs they had had. 'Compared to Wolt, it was worse working for the restaurant' (Wolt-2), one courier indicated, while another courier said 'actually, this type of job is less exploitative since it has great flexibility' (Wolt-5). Health dangers come from the risk of accidents:

I need to highlight that the risk of possible accidents is relatively high for us. We ride long hours in heavy traffic and according to the other couriers I talk to, lots of us already encountered accidents. (Wolt-1)

The skills required for this job represent different types of knowledge to those attainable through formal training. Physical and emotional skills are the most important in the case of Wolt couriers. In terms of working hours and work-life balance, all interviewees were satisfied with the flexibility of the system. The oldest interviewee (a 45-year-old man) described his working schedule strategy as follows: 'I work on every second or third day, my weekly total working hours range between 30 and 35' (Wolt-1). His 30-year-old counterpart seemed to be much more determined, working 10 to 11 hours each day, five days a week. This requires careful planning and a daily routine: 'I wake up at 9:00, start at 10:30, between 10:30 and 13:30 it is a busy time for lunch, and so is 18:00 to 21:00 for dinner' (Wolt-2).

#### Algorithmic management: No room for dispute

One of the most widely criticised points of the system was the algorithm and how it is applied:

The quality control system, including the ratings and the incentive system, is by and large invisible to the workers, except for the push messages they receive from the app. I suspect that there is a rating system that may be used to distribute the opportunities among couriers, but the company says that there isn't. (Wolt-1)

The algorithm does not consider traffic rules and working time out of the vehicle (such as climbing up and down to a 4th floor). An algorithm provides the addresses to the couriers, the algorithm looks at how fast you are, and if you are fast enough, you get more deliveries, which means more money as well. (Wolt-3)

## The managers' views

The two interviewees from the Hungarian management team were among the first managers at Wolt in Hungary. They experienced this high-growth initial period together: 'Eight of us started Wolt Hungary in 2018 in a flat-like office' (Wolt-7) and 'The entire industry has received extensive capital injections over the last 5 to 10 years' (Wolt-8). Most platforms realised that they need to scale up to have a lucrative value proposition on the market for investors, customers, restaurants, and couriers.

During March and April 2020, they had 6,000 potential couriers on a waiting list who wanted to enrol with Wolt. According to the managers, a lot of people applied for a courier role in 2020 to maintain income security, as by this time, people knew somebody who knew somebody who worked for Wolt and this was a real opportunity to make money. In the beginning, it took Wolt a lot of time to explain the model to the couriers and to make them believe they could really earn a fair amount of money with Wolt, that they would have no supervisors and only need to check their phones; it took significant effort to convince people of the benefits and flexibility. Even though Wolt enrolled a lot of people onto their system in 2020, not all started working; most people likely applied to ensure income security as a 'plan B' in case their regular job was lost. They looked at it as an opportunity – it was a safety net for them (Wolt-8).

One of the managers interviewed believed that society's economic mechanisms and lifestyle hold on to centuries-old traditions with a 'firm grip', which can either be reinforced by the legal environment or slowly changed through the adoption of new technologies and practices by older generations (Wolt-7). Further to this, the other interviewed manager stated:

However, based on macro and microeconomics, we believe society can improve by being financially more efficient. We can improve the usage of resources, while appealing to people who also want to achieve a higher level of income. (Wolt-8)

This may be the grounds for change towards a platform economy, as in the long-term, the managers interviewed believe that the platform economy will bring benefits to all parties. Today's legal environment does not fit this model everywhere, but in Hungary, a platform worker registered with the KATA tax scheme can have much the same status and protections as an employee (Wolt-8).

If I look at what is needed for a worker – 1) health insurance, 2) pension, 3) being respected, 4) treated as a human being, 5) flexibility – these should be considered as important things for a worker by the employer as well, and by the government as a service provider from the legislation point of view. The government should create a legal environment that fits the expectations of a person who lives in 2021. That is why, for example, healthcare is the very same for the KATA freelancer and the Wolt Operations Manager. (Wolt-7)

As mentioned previously, this same Wolt general manager claimed that he treats courier partners in the same way as he treats his employees – with ‘kindness as well as demanding standards’ (Wolt-7). Wolt Hungary management is careful not to treat couriers as legal employees, but they still try to take care of them. For example, they think it is important for couriers to have insurance, which Wolt covers. Wolt also aims to communicate with the couriers frequently about their job and tasks, and how to fulfil them. At the same time, they see couriers as adults who need to act independently and perform without direct supervision, so they can work and make as much money as they want. As in an ordinary workplace, good performers climb up the career ladder and can achieve a higher wage level eventually. At Wolt, the managers argue, this process is accelerated because it is up to the couriers how much they work and earn, as well as because of the unbiased efficiency of algorithmic decisions as compared to purely human management:

I was a bicycle courier during my university studies. Whenever I finished school, I called in to my dispatcher to start work. So, I had a flexible work arrangement already. Of course, it was a human whom I had to contact, it was not a smartphone but a biased person. The dispatchers liked some couriers better than others, their decisions were not as efficient as a machine or algorithm. (Wolt-8)

Wolt Hungary managers believe that while platform work does not fit well into the existing legal environment, couriers get the same treatment as an employee. The managers find that the system can be fine-tuned in terms of social and labour protections, but working in the gig economy under KATA in Hungary is no worse than working as an ordinary employee. Moreover, it is more flexible and the performance is rewarded immediately (Wolt-7).

In practice, in the Hungarian courier market, the couriers working for a restaurant, for example, are normally not employed at all, thus there is no social protection. [...]

However, working for a platform requires a freelancer status with KATA registration. The platform economy turns illegal labour practices into legal practices. Platforms allow you to work in multiple markets and with multiple clients. You are allowed to create your own portfolio of work. (Wolt-8)

Besides, they stress that at the end of the day, Wolt is much better in terms of workers' income than any other unskilled blue-collar job. The courier labour market is competitive, so the platform needs to make an appropriate value proposition and good working conditions to encourage them to work for Wolt, otherwise it would simply not work (Wolt-8). Wolt doesn't consider the couriers as their employees because it may be the case that they don't see them for a month or they simply log in to another application such as NetpincérGO or Bolt Food.

Managing the balance of demand and supply is a critical process. This is not easy, as the platform has to have a proper demand forecast for delivery services and act appropriately on the weather changes – for instance, Wolt has to be able to plan the ratio of the different types of vehicles on the platform, have proper settings for the logistics of the city and communicate this properly to the couriers, making informed suggestions about when it makes more sense for couriers to work (Wolt-8). According to these two managers, while one core algorithm manages every city and every country in Wolt, this algorithm is also modified with a local customisation procedure. For example, in Hungary, the Wolt operations management team prohibited bicycle couriers from the Budapest Citadel high plateau, as well as scooter couriers from the hills and mountains in winter; these settings are managed locally based on city infrastructures (Wolt-8). Wolt uses machine learning as well as expert knowledge for balancing the demand and supply of couriers. Algorithms and expert knowledge are not worth anything without each other.

### **Collective representation and dispute resolution: A collective bargaining opportunity that nobody is interested in**

Currently, there are no trade unions or grassroots organisations present among Wolt platform workers in Hungary. This is because the position of traditional trade unions has been weakening since the socio-economic and political transformations of the early 1990s in Central and Eastern Europe; a tendency that has further accelerated in the past decade. In this context, the traditional trade

unions do not have the necessary financial and organisational means to attract new members among platform workers, and they tend to focus on how to retain members in the traditional sectors instead.

The lack of grassroots organisation reflects a more complex situation. The primary inhibiting factor is the lack of time that platform workers have had to organise themselves. This has two facets. Firstly, the platform economy is a relatively new phenomenon and thus it would be unrealistic to expect bottom-up organisations to have emerged in such a short time span. Secondly, as we have seen, there are two distinct groups of workers – full-time and part-time. Full-time couriers usually have no time to spend on collective interest representation. Some of them work over 50 hours per week, whilst others have a lower work intensity on the platform but put significant efforts into their own businesses. Part-time workers (such as students) are less engaged in platform work in general; as a result, there is less at stake for them, and they are less interested in collective actions and organisations.

Nevertheless, based on the experiences of the fieldwork interviewees, one can see there is a clear need for a platform worker collective voice. Four out of our six respondents showed positive attitudes towards the potential collective organisation of platform workers. One interviewee stated no opinion and only one respondent expressed a negative opinion about this issue, saying that there is no need for a collective voice in the platform economy. When we asked the workers what they needed the most from collective organisation, be it a traditional trade union or a grassroots organisation, they identified four key areas where they saw potential room for action. Firstly, helping workers' organisation. Secondly, raising awareness regarding the reality of platform work. Thirdly, identifying 'employers' and making them more visible. Lastly, pressuring the platform company to ensure proper working conditions. One of the platform workers expressed this in the following way:

What I would expect from trade unions is help organising the platform economy. To form statements about the reality of our work and to identify the platform organisations better because at the moment it's pretty unclear for the workers who are our 'employers'. We only know the platform chat or maybe one manager above us. I would also expect them to put pressure on the platform company to ensure proper working conditions, in terms of the vehicles, resting zones, proper handover and drop-off points, realistic demands when it comes to timings, improvement of the algorithm to reflect reality, fairness between couriers, wage discussions, and a radical improvement on the benefits and wages. (Wolt-1)

Another platform worker also expressed positive opinions about unionisation:

I am not a member of any trade union, but I would be if there were any. I see the Union of Teachers. They go every year to protest, just as the trade union of Budapest public transport does. I can see that they can have power and reach some better conditions. I'd be an active part of that. (Wolt-2)

Yet another, who worked as a musician as well, brought in some of his experiences from the music sector:

I don't see anything about trade unions, but I would like to talk to a representative, for sure. I saw that collective action can really work. During the pandemic, the musicians' collective representation made sure that we had some state benefits which supported us for our lost incomes. (Wolt-6)

The lack of time and the transitional character of platform work within individual career paths not only inhibit unionisation in this sector but also make it difficult for grassroots organisations to emerge. Other factors driving the lack of collective representation include the weak tradition of collective action and organisation in Hungary – particularly in comparison with individual bargaining, which was the main labour dispute modality even when the unionisation rate was substantially higher than it is now:

My experiences related to collective action are negative in Hungary as of now. Entropy, hopeless, grim battle. I initiated some actions to organise platform workers. I need around 15 people to have a statutory meeting. The situation is worse in the platform economy as we are in an even more undefended position compared to other economic sectors. I feel that we are some kind of outlaws. (Wolt-1)

When asked to describe this 'undefended position', the courier continued:

I think that if I would demand rights for workers, the management of the platform would not tolerate this attitude. They could terminate my contract easily, without any official reasoning or communication, just by blocking me or any other users in the app. (Wolt-1)

Therefore, it seems that any bottom-up initiative would become a high-risk, low-reward situation in which the participants could easily lose their jobs, with little hope for success in organising colleagues. Due to the lack of institutionalised collective bargaining, platform workers are forced to use individual bargaining channels to resolve everyday problems, which is not easy either. Problems occur daily:

Every day there is a problem, like I cannot find the customer. There are system issues and breakdowns. There were two or three cases of complete system meltdown. There are no phone numbers, it really is a disaster, we need to use a chat application. It would be much faster to have a phone number. If I don't have internet, I can do nothing. There are problems with customer services as well. There is no expertise and resources for customer services. Sometimes it takes [customer services] five to ten minutes to respond to the request, which is simply too much time if I have 30 minutes to deliver the food. (Wolt-2)

At the same time, the shared lack of channels for collective and individual voice makes the collective of Wolt couriers a community. Despite their fierce competition and a performance-based payment system, the couriers help each other regularly. This includes short but useful in-person discussions while waiting for food at restaurants. However, the main channel of communication is their Facebook groups:

We cooperate using Facebook groups. We also help each other in case of need, like a flat tyre, and there is also a 'blacklist' of restaurants that are regularly delayed with the food. (Wolt-3)

Before the COVID-19 pandemic, Wolt management arranged 'Couriers' Breakfasts' every Friday to meet with the couriers face-to-face. Obviously, these regular in-person meetings ended with the onset of the pandemic and had not resumed as of mid-2021. There is an understanding that Wolt management were already in the Wolt courier Facebook groups before the pandemic. However, when the in-person meetings ended, Wolt management relied on the Facebook groups more to observe courier activity and understand the atmosphere among them.

## Concluding remarks

The COVID-19 pandemic boosted digital development in an unprecedented way. Food-delivery platforms both disrupted and helped the restaurant industry throughout the events of 2020 and 2021. Unsurprisingly, manager and courier interviews give totally different pictures of couriers' working conditions. Management argues that couriers are 'adults' who need to be responsible for their own business issues (including benefits, salary, working time, free time and vehicles) and that when there is a technical issue or a conflict, Wolt supports them through the customer support system. However, the couriers' evidence suggests that the system was not designed with their needs in mind. When it comes to the six platform workers we interviewed, some of them were senior platform workers and some were just starting. One of them had been working abroad in similar jobs. All of them had graduated from college or university. Their primary motivations were largely the same, with the flexible working hours and working without bosses ranking high in their priorities. The disadvantages experienced were also similar, with common themes being uncertainty and instability, particularly in terms of income, as well as the possible risk of accidents while performing this type of platform work (Wolt-1).

Five out of the six interviewees were mostly satisfied with the platform, primarily due to the relatively high amount of money that they can earn. The biggest discrepancy identified between management and courier interviews concerns communication. According to management, Wolt communicates with couriers frequently through different channels: in person, on the phone and by using the application. For Wolt, evidently the couriers are vital, and management recognises that to fulfil their premium food-delivery service they need a high number of motivated couriers. The customer service team is providing a Human Resources function for some platform worker issues. In contrast, couriers reported slow and poor communication when experiencing problems. As they have only 30 minutes to deliver the food, a five to ten minutes waiting time for an answer is unacceptable for couriers. As a result, the customer service office workers are faced with unrealistic demands to quickly resolve issues.

All of the platform workers interviewed feel the challenge of being a freelancer and miss some of the advantages that come with traditional employment. However, most of them accept this situation as a worthwhile trade-off given the flexibility and relatively high level of income they gain. Most of the workers interviewed are not very familiar with collective representation organisations,

such as trade unions. There are also underlying barriers to organisation, such as the transitional labour market character of this work plus the high work intensity. As a result, organising couriers is difficult for both trade unions and other supportive forms of worker organisation, such as alternative associations/movements and grassroots unions.

Despite these barriers, most interviewed platform workers stated that they would engage with collective organisation if there were a possibility, although interest representation was not always at the heart of their aims. This was subsequently seen after the end of our fieldwork when, by the end of 2021, two independent grassroots unions organised around very practical issues, such as faulty delivery packaging and difficult interactions with restaurants. These independent grassroots unions were FÉSZ (Courier Advocacy Organisation, Futárok Érdekvédelmi Szervezete) and MOFK (Hungarian National Courier Representation, Magyar Országos Futár Képviselő), and they were registered by couriers, who felt that collective representation was crucial in the industry (FÉSZ, 2021; MOFK, 2021).



## 11. FOOD DELIVERY IN GERMANY: FROM CROWDWORK TO REGULAR EMPLOYMENT?

Linda Nierling

In the field of food delivery, crowdwork refers to courier work mediated by a platform. This represents a major sector of crowdwork in Germany. In terms of the number of workers affected, as well as public attention and media, it is also the most significant crowdwork sector in Germany.<sup>1</sup> During the period of the empirical study (July to October 2020), Lieferando was the only active platform in the German market. In 2021, Lieferando was active in 218 cities and worked with 20,000 restaurants (Lieferando, undated), having grown by 38% during the COVID-19 pandemic (Mumme and Voss, 2020). The platform places around 10 million orders per month with restaurants. The current Lieferando fleet consists of about 5,000 riders, and it has planned to hire a further 1,000 riders to deal with increased market demand and/or high fluctuations in the number of riders in the field (Ciesielski et al., 2021). For restaurants, Lieferando not only offers a delivery service but also acts as an intermediary for those who manage their own deliveries but use the Lieferando website as an online shop to access customers.

The German food-delivery market has faced a lot of changes in the last seven years. In 2014, Foodora was launched in Germany. In the years that followed, several brands and companies emerged which offered a near-identical service but with different working models behind the scenes. For example, Lieferando and Foodora offered marginal employment based on temporary contracts, whereas Deliveroo built its model around self-employed riders. In 2018 and 2019, there were significant movements and mergers, starting in December 2018, when Lieferando's parent company Takeaway purchased the German brands Foodora, Pizza.de and Lieferheld. Its only remaining competitor, the UK

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1. Figures and behaviour described for Lieferando only apply for Germany, unless stated otherwise.

company Deliveroo, left the German market in August 2019. Thus, Lieferando is the biggest actor in the sector with a strong, monopoly-like market position in Germany. In December 2020, Wolt also expanded into Germany and now has hubs in five major German cities (Berlin, Cologne, Frankfurt, Hannover and Munich); similar to Lieferando, Wolt also gives workers a contract. Although Wolt remains a significantly smaller competitor, its presence shows that there are still shifts in the market.

For this case study, we interviewed two representatives of the Food and Catering Trade Union (NGG, Gewerkschaft Nahrung-Genuss-Gaststätten), one representative of the bottom-up organisation *Liefern am Limit* (Delivery at the Limit), and one courier employed at Lieferando. In total, we conducted four interviews between May and September 2020.

### **Working conditions and conflicts**

Lieferando riders are clearly visible on German streets and have strongly shaped both public and political views on the platform economy. After initially turbulent times in this sector, with company mergers and a change of business models, a stable situation has now been reached. According to the Chief Executive Officer (CEO) of Lieferando, this stable situation consists of fair payment, regular employment, and guarantees according to German labour law such as social protections, pension rights and accidents-at-work insurance. Therefore, according to both the CEO and one NGG representative, Lieferando no longer belongs to the platform economy: 'We are proud that we do not form part of the so-called gig economy', the CEO declared to a newspaper (Mumme and Voss, 2020).

Benefits from employment contracts indeed apply – sickness benefits are paid and riders can take paid holidays (Lieferando, undated). Usually, the riders receive a fixed hourly base wage of €10.50, on average across Germany. If variable components are included, riders earn about €12 per hour on average. Including digitally paid tips, their earnings can add up to €16.50 per hour. Furthermore, according to the employment contract, riders are provided with: occupational accident insurance covering the consequences of accidents (at work and on their way to work) and occupational diseases; and health insurance that provides compensation for loss of wages. The negative side is that all contracts are fixed-term, thus hindering workers' resistance and engagement in collective action, such as participation in works councils.

The entrance barriers to the job are low, so it is attractive as a short-term employment option (for students, for example) and also for workers of migrant status, since the app is offered in several languages thereby overcoming language barriers. There are essentially two types of riders: short-term riders who work at Lieferando ‘in passing’ for 2 to 6 months and ‘passionate cyclists’ (NGG) who enjoy cycling 100km a day and being paid for it. Either traditional or electric bicycles are provided to the riders, or compensation is paid to those using their own bicycles. Riders are also compensated for using their own mobile phones. However, there are still conflicts and areas of dissatisfaction, mainly in relation to the means of production (bicycles and mobile phones) and working time (which time is or is not included), among other issues. We address all of these below in more detail.

### Means of production

#### Bicycles

In terms of the provided bicycles, there are complaints by riders that they are sometimes ‘apparently really lousy’ (Rider) – handlebars are not screwed tight, front wheels are poorly fixed, brakes are defective. Therefore, it seems that serious safety issues are sometimes overlooked. Some riders prefer to use their own bikes, since they ride a lot and want to have ‘reliable tools’ (NGG). After a long time with no compensation, 10 cents per km is now paid to riders using their own bikes. However, there is a limit of €44 per month and this is awarded as Amazon vouchers instead of a cash payment.

#### Mobile phones

Even though the mobile phone is an essential working tool, the Lieferando-app is installed on the riders’ private mobile phones. This rule has not yet changed despite frequent requests for official mobile phones to be provided. While there is financial compensation for the riders’ use of their private mobile phones and data volume, it is insufficient to cover all the costs since this kind of compensation is capped by German legislation. Other issues frequently cited as causing conflicts are transparency and impacts on the riders’ privacy and autonomy in relation to the data tracked by the app. Large amounts of data collection and surveillance continuously take place through the app, which can be used for personalised performance and behaviour profiling, and stored for many years. Sometimes, this data is only provided to the Lieferando management and the riders cannot access, evaluate or delete the data themselves. There are frequent

lawsuits from NGG against Lieferando regarding the introduction, use and rules of software since, according to works councils' representatives, the company will only change under threat of legal action (Ecker, 2021).

### Working time

As the interviewed worker stated:

According to the bikers, there is a lack of a clear framework about what kind of activities are part of the official working time and what are not. For example, when does a shift start and end? Uniform start and end times for shifts are only organised for riders starting from the Lieferando hub. For those who start from home, the end of the working time is the last customer and not their arrival back home. Furthermore, sometimes orders are awarded after the official end of the shift; however, these orders still have to be actively rejected by the riders. Finally, the time needed to clean the bag pack is not included in the official working time and has to be carried out in the riders' free time. (Rider)

### Further issues

According to one NGG representative, laundry money is not provided. Also, the fact that riders advertise the company through their visible bag pack and jacket is not compensated for with money or by other means. Furthermore, it was management who used to decide when weather conditions were too bad to ride, which also caused dissatisfaction.

Of particular consequence at the beginning of the COVID-19 pandemic, hygiene equipment (disinfecting materials, masks) was provided late and sometimes not to a satisfactory standard, according to the worker interviewed. Furthermore, the use of restaurant premises (shelter, toilets) often caused conflicts between riders and restaurants, and Lieferando did not offer any support to their riders in this respect.

## **A hybrid model of collective representation: Unions and bottom-up initiatives**

The model of collective representation currently in place is a joint venture of NGG (a trade union) and Liefern am Limit (a bottom-up initiative) (Z2X, undated). Both sides are satisfied with this type of collaboration and its results, as the close interaction with Liefern am Limit's social media communication and bottom-up

creative mobilisation strategies strengthened the traditional union structure and vice versa. NGG profits from the high levels of publicity and political visibility of the bottom-up movement, and its capacity and power to activate riders through personal engagement and social media groups. Experiences gained in food delivery are also transferred to other sub-sectors at NGG. In turn, Liefern am Limit benefits from NGG's organisation and representation structures and knowledge regarding works councils, collective agreements, laws and regulations. Liefern am Limit also has received financial support for its activities from NGG, such as travel costs and organisational costs for meetings. Furthermore, a trade union secretary position was created and a leading figure from Liefern am Limit was selected for this role.

As an organisation, Liefern am Limit developed independently from the NGG and made several attempts to collaborate with unions. To begin with, they made contact with the Free Worker Union (FAU, Freie Arbeiterinnen-und Arbeiter Union), which is part of left-wing and anarchist movements. FAU was the first active union that organised crowdworkers from food-delivery platforms. They launched the campaign Deliverunion in 2017, which aimed to raise awareness of the riders' working conditions, with a strong focus on supporting people with migrant status working as crowdworkers in Germany. Several demands for better working conditions were published on the campaign's website (FAU Deliverunion, undated). These included compensation for all work-related bicycle repairs and an additional €1 per hour pay. At the beginning of the riders' protests, the union FAU was used as a form of representation and organisation by employees of the gig economy, including employees of online food-delivery services. In June 2017, FAU-organised demonstrators unloaded bicycle scrap in front of the Deliveroo headquarters in Berlin to protest against the company's policy of requiring riders to use their own bikes. Yet, while FAU was actively involved in the first public protest of crowdworkers in Germany and continues to work with riders, it has not received the same amount of public and political attention as Liefern am Limit. This may be because of FAU's far-left orientation, which makes Liefern am Limit more compatible with mainstream labour unions such as NGG and political stakeholders like the Federal Labour Ministry.

The rise of the riders' bottom-up organisation Liefern am Limit started via WhatsApp chat groups in several German cities, especially in Cologne. At the core of this movement was a social media campaign launched in early 2018 to raise awareness about working conditions in food-delivery platforms. The campaign's social media content deals with problems specific to delivery platforms and calls for collective action, addressing critical perspectives on labour conditions

for platform workers and the general development of the labour market from the employees' perspective. It has more than 3,200 likes on Facebook and has received significant attention in the German media.

As *Liefern am Limit* was steadily growing, they looked for institutional backing. The initiative garnered support at the highest political levels (for instance, its patrons included Hubertus Heil, the Federal Minister of Labour), and they were invited to the 'Work' committee of the German parliament, having received strong support from the political parties *Die Linke* (The Left) and *SPD* (Social Democratic Party, *Sozialdemokratische Partei Deutschland*). There are currently approximately 5,000 riders in Germany, and the joint activities of the NGG and *Liefern am Limit* managed to organise a number of them within the NGG. *Liefern am Limit* can be regarded as the most prominent and successful bottom-up movement in the context of crowdwork in Germany. The *Liefern am Limit* movement fully realised that, for further growth, cooperating with existing structures can prove a fruitful approach.

NGG and *Liefern am Limit* had to deal with several company mergers since *Lieferando* achieved its current monopoly-like position. Particularly in 2018 and 2019, there were major shifts in the sector as *Foodora* left the German market. These market developments heavily affected the success of the NGG in setting up works councils at *Foodora*, noting that works councils had turned out to be the most successful collective strategy in Germany. Following the company mergers, the NGG had to develop strategies either to transfer these local works councils to *Lieferando* or to set up entirely new works councils. Finally, following the strategy which had worked at *Foodora*, the first *Lieferando* works council was elected in April 2020 in Cologne. *Foodora* works councils ended up being transferred to *Lieferando*. However, this meant that the two parallel works council structures (ex-*Foodora* works councils and new *Lieferando* works councils) were both operating within the *Lieferando* workforce; consequently, there were complicated and sometimes disadvantageous conditions for workers that contributed to separating the two groups of workers to some extent. Therefore, a process of unification still requires action and engagement from the union side.

The collective action strategy in place is summarised effectively by the activist from *Liefern am Limit*: 'Organising workforces, forming works councils, negotiating collective agreements' (Activist). While the actions to organise the workforce and the formation of works councils have now been completed relatively successfully, the negotiation of collective agreements is still absent. There are two current obstacles to this. First, *Lieferando* does not yet belong to any employers' organisation; therefore, the union has to negotiate directly with *Lieferando* to

achieve a company-based tariff agreement. In contrast, because NGG has negotiated successfully with the 'Federal Association of System Catering', delivery drivers in catering firms are expected to get higher wages than riders. Second, according to internal NGG rules, negotiating collective agreements requires 50% of the workforce to be organised in the union, which is not yet the case. Besides, a critical mass of riders is needed for strikes to cause tangible and visible impacts on the companies, and create effective bargaining power as a result. Since Lieferando knows that the degree of organisation is not high enough, there are limited options for negotiating tariff agreements. Despite successful examples of such agreements having been achieved in Austria and Switzerland, in Germany, this negotiation 'will be a marathon, not a sprint' (NGG), and the main immediate future target is to get 'ready to strike' (Activist). The possible content for such tariff agreements is already planned and extends from the means of production (such as official mobile phones) to the ending of fixed-term contracts.

In light of these developments, setting up works councils and actions from the general works council (Gesamtbetriebsrat) remain the central strategies. The works councils are very active and through their involvement in working time negotiations, some issues were actually improved: there are no more short two-hour shifts nor long breaks between shifts (the maximum break is set at one-hour); and management can no longer expect riders to be on the road in bad weather conditions, such as hail or severely icy roads. In terms of bad weather, the interviewed worker explained that 'operations are now also being discontinued on a more frequent basis' (Rider). In this context, a new organisational model is being planned for the future, namely a 'Working Time Arbitration Board'. Further issues include payroll accounting that may be incorrect or flawed, such as if supplements are not counted. An important task of the works councils also seems to be watching, evaluating and initiating litigation against Lieferando regarding the software applications. At the time of the case study, five interim injunctions against software programs were pending (Rider).

A central problem for works councils is the fixed-term contracts, which are likely to be unrenewed if a worker is active in a works council. The problem is described succinctly by an interviewed NGG representative:

A works council or a candidate has special protection against dismissal. A fixed-term employment contract does not require termination. It simply expires. Thus, the protection mechanism of the Dismissal Protection Act for works council members does not apply here. (NGG)

This remains a big challenge for the effectiveness of works councils and has already been raised with the Ministry of Labour as a 'regulatory gap for employee participation' (NGG), which is exacerbated by the high labour turnover – workers tend to remain in the platform for less than two years.

Approximately 30% to 40% of the riders participate in workers' plenary sessions organised by the works councils. Additionally, riders are also approached individually. In-person meetings (either official works council meetings or informal meetings like chats at the site of the hub or after-hours barbeques) are, according to the interviewees, the most influential ways of reaching out to riders. The official meetings take place during working time, and a room, drinks and food are provided. Often there is little knowledge among riders about the functioning of works councils or unions. Furthermore, the cultural and language inclusion of riders is an important issue, which is addressed in a variety of ways. For example, works councils' meetings can have translators for up to eight languages, and there are detailed explanations of the German-language employment contract for riders with limited knowledge of the German language.

The most important instrument of communication remains the chat groups. This is where the main communication occurs between NGG, Liefern am Limit and the riders. The riders who have only worked for Lieferando for a short period are not very active, whilst those with longer work experience with the platform are more engaged; the short-term perspective of many workers hampers the collective mobilisation strategies of the NGG. The chat groups are organised by city. Activists from Liefern am Limit are in every group, being provided with 'real-time opinion' so they know what the current 'worries and fears' are and 'where there might be a fire to put out' (Activist). In such chat groups, the interviewed activist scans 'a few hundred messages per day' to keep informed about the current situation. The chat groups are a safe space, from which no information is passed on to Lieferando, and where a quasi 'bike radio' emerges, communicating the full range of issues that riders experience, such as reports of bad weather conditions, their problems and anger at not being paid, a bicycle being broken, or receiving an order from the other side of the city.

## Concluding remarks

The German food-delivery case study shows that it is possible to achieve better working conditions in crowdwork. Compared with other cases in Germany, a framework to address workers' rights could be built up in a relatively short time via works councils.

However, due to the current business model and the monopoly-like position of Lieferando, whether this positive outlook will last remains an open question. Currently, there are ongoing experiments with new business models, namely in the delivery of groceries. In addition, Lieferando may well expand its profile further towards logistics, such as parcel delivery. Since August 2020, the new competitor Wolt has been active in Germany. Since January 2021, Wolt has expanded its activities to three German cities: Berlin, Frankfurt and Munich (Berger, 2021). In the near future, it is very possible that employment models and collective agreement strategies in food delivery may change again.

The central questions continuously raised in this case study were those regarding the boundaries of work and the general impact of the platform economy. Both management and trade unions have stated that Lieferando is a company that does not belong to the platform economy anymore. However, the actual situation seems far less clear. The blurring of formal work and informal spaces, which seems characteristic of the platform economy, still remains. Even the boundaries of working space and time may be reconsidered, so it is crucial to ask questions regarding where and when work begins and ends. These are central questions for other forms of work as well, especially in the current climate of working from home connected by digital devices.



## 12. TO BE OR NOT TO BE AN EMPLOYEE: TRADE UNIONS VERSUS FRAGMENTATION OF WORKER INTERESTS IN THE SPANISH DELIVERY SECTOR

Juan Arasanz Díaz | Pablo Sanz de Miguel

The case of delivery platforms, of which food delivery makes up a large part, accounts for the most notable experiences of self-organisation of platform workers in Spain.<sup>1</sup> Workers' collective organisation strategies have succeeded in bringing digital labour platforms operating in delivery services into the scope of the labour law. A coalition of grassroots movements and union organisations built up an intense level of political pressure regarding the misclassification of riders' employment status. This led to the enactment of the so-called 'Riders Law' which established the presumption of employment in all platform-mediated delivery services in May 2021 (Real Decreto-ley 9/2021), the first law of its kind in the European Union (EU). This chapter builds on the recent experience of Glovo, a leading digital labour platform in the food-delivery sector, which has become the focus of these conflicts. The chapter has two analytical sections based on a case study which combined desk research and semi-structured interviews with worker activists and trade unions. The first section focuses on the labour platform's key business model and its impact on working conditions. The second revises the changing strategies of the main collective actors throughout the conflict, and discusses the prospects for collective regulation in the sector following the enactment of the new framework and the recent responses from the labour platforms.

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1. Whilst the case study is focused on food-delivery and originally the vast majority of riders were delivering food, the social movements and associations, as well as the legal innovations and disputes addressed in this chapter refer to the 'delivery platforms' at large and the riders working for them. Besides that, food-delivery platforms such as Glovo have expanded into delivering groceries and other goods as well.

## **Delivery platforms' business model and its implications for working conditions**

Collective action and representation strategies regarding platform-mediated delivery services have developed in a context marked by increased competition among companies. This competition is driven by the goal of gaining a dominant position in an expanding market. The resulting competitive dynamics have translated into a general downward pressure on riders' working conditions, resulting in an exacerbation of precarious working conditions that seem intrinsic to platform work, such as the absence of minimum guaranteed pay and working time (Ginés i Fabrellas, 2021).

Glovo has become the main operator in the food-delivery market in Spain after overtaking the company Just Eat in 2019. These two leading platforms display clear differences in their business models, with different implications for the employment status of workers. Most of the restaurants working through Just Eat deliver their orders by themselves, while only a small share of the service is provided by the platform through its own or subcontracted fleets of riders hired as employees. This formula contrasts with Glovo's management strategies, where riders are engaged as self-employed workers and Glovo provides their service in exchange for a commission from the restaurants and final customers. Making profits under this model requires a critical mass size of operation that is difficult to achieve in many cities, whilst also being contingent on the conditions accepted by restaurants and on the costs of delivery (Álvarez-Palau et al., 2021). The platforms' competition strategies work by constantly reducing order prices to take an increased share of the food-delivery market. This is the main reason why most of these platforms still operate at a loss and rely on successive financing rounds from external investors to remain in business and expand into new activities like fast delivery for supermarket products (El País, 2021).

Ultimately, these financial constraints and competitive tensions explain the adoption of work organisation practices to adapt riders' supply to demand fluctuations cost-effectively (Van Doorn and Chen, 2021). In the case of Glovo, these practices have fostered competition for the allocation of working shifts among a constantly increasing pool of riders. Unlike the delivery platforms that early on introduced a 'free login' system whereby riders can connect to the application at any time without booking in advance, the allocation of riders' time slots in Glovo depends on their rating and reputation; this forms the basis of work organisation on the platform. Those with higher ratings and longer tenure have priority for booking weekly working slots. Additionally, more last-minute working slots

are made available by the platform to cover peaks in demand and slots freed by other couriers' cancellations. Many couriers, particularly newcomers with low ratings, spend most of their time logged in to the application 'chasing' these last-minute available working slots and the placement of an order which would, in turn, increase their rating and, therefore, their chances of getting more orders.

Beyond the use of rating and reputation systems, the platform work organisation model also relies on a progressively larger number of riders in the application (UGT, 2020a). This works as an effective strategy for improving service efficiency by reducing delivery distances and times whilst entailing no additional costs for the company – since riders are only paid according to the orders they deliver and Glovo does not incur a cost for every rider in the application (such as employee social contributions). Moreover, Glovo's reward strategy for riders has aimed to reduce the fixed baseline in exchange for an increased variable rate bonus that is updated constantly according to special circumstances or service demand.

Most riders, especially those with more experience in the sector, agree that income insecurity has been rising because of the increased competition among the constantly growing number of riders. Confronted with reduced income levels, some riders take advantage of new Glovo riders by renting out their accounts for a commission that can represent up to 40% of total earnings. These 'account renters' are mostly workers without the legal rights and documents to work in Spain who would otherwise encounter serious difficulties finding a regular job. Other couriers in need of work pay brokers to obtain slots, as hacking applications capture slots even before the slots are displayed in the app.

Riders' associations have become increasingly concerned by the spread of fraudulent practices such as the renting of accounts or the 'selling of hours', particularly after the occurrence of fatal road accidents involving riders working under such practices.<sup>2</sup> Accordingly, they have urged platforms to tackle fraudulent practices and reduce the oversupply of riders, which are the principal causes of reduced rider earnings. However, both grassroots and mainstream unions point out that Glovo has no interest in reversing those practices which, beyond contributing to cost-saving, also serve to hinder workers' organisation and collective actions (UGT, 2020).

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2. According to official records, the catering industry has become the sector with the highest incidence of road accidents at work, ahead of the transport sector, which is largely attributed to the growth of food-delivery services (EFE, 2019).

## Collective responses in delivery platforms

The collective representation of this group of platform workers has become highly contested terrain after the first riders' strikes in 2017. Compared to other sectors and activities, the work organisation landscape within delivery platforms has become very plural. Several organisations claiming to represent riders' interests have been set up with different ideological orientations and aims in recent years. These organisations are mainly divided according to their differing positions on the legal classification of riders' employment status. The existence of such divisions between riders' collective organisations became much more evident following the government's initial steps to address bogus self-employment in the platform economy through legislation.

### From mobilisation to litigation: Building coalition power

The delivery platform employment model has been subject to multiple judicial disputes in Spain, with nearly fifty rulings on the misclassification of riders' employment status. Indeed, Spain is the top EU country in terms of court rulings and decisions on this issue (European Commission, 2021; Hiessl, 2021).

These legal controversies were ended by the Supreme Court decision in September 2020, which recognised a former Glovo rider as an employee. The ruling was subsequently translated into a legal amendment of the Workers' Statute following a social dialogue agreement in May 2021. The Supreme Court decision can be seen as the final achievement of a long-term strategy led by grassroots unions in cooperation with mainstream unions which focused on establishing legally binding regulations for this type of delivery-platform employment model.

This litigation strategy followed the failure of the first wave of protests over changes in the payment system and contractual conditions in the Deliveroo platform; noting that the first wave of Spanish protests took place in parallel with other protests in European cities at the same time (Pérez-Chirinos, 2017; Tassinari and Maccarrone, 2020; Woodcock, 2020). During this conflict, the grassroots union Riders for Rights (RxR, Riders por Derechos) grew and became the main expression of worker self-organisation in the platform economy. However, at that time, none of their demands were addressed and most of the activists were immediately disconnected from the application in retaliation. This has been acknowledged by a Supreme Court decision that ordered the platform to reinstate and compensate the riders concerned as there were clear violations of the right to freedom of association and the right to strike (elDiario.es, 2021a).

Confronted with the lack of recognition from platforms and the consequent obstacles to autonomous joint regulation, the focus of the RxR movement shifted to the judicial arena – in particular, the filing of collective lawsuits in cooperation with trade union organisations, aimed at challenging riders' misclassification as self-employed. The development of these actions has contributed to the progressive alignment of RxR with the mainstream and most representative unions at the national level, those affiliated with the confederations Workers Commissions (CCOO, Comisiones Obreras) and the General Workers' Union (UGT, Unión General de Trabajadores) – towards a common strategic goal. Moreover, this coalition has also led to the greater involvement of the grassroots union's leaders in mainstream union structures, which in turn has provided protection against platforms' union-busting practices (Díez and Ranz, 2020; UGT, 2021).

RxR mobilisation actions were not recognised by the delivery platforms. However, the mobilisations were successful in attaining a degree of institutional recognition with the government. In June 2020, at the initiative of the Labour Ministry, the Spanish government formally consulted RxR regarding the regulation of platform work. The regulation of platform work had been one of the commitments agreed by a coalition of 'progressive parties' that entered government in 2019. However, the Labour Ministry's plans to submit a draft bill to parliament before the expected Supreme Court decision led to criticism from social partners. The trade unions' main objections were concerned with the possibility that the legislative procedure would result in undesirable outcomes that were closer to the platforms' interests (Adigital, 2019); therefore, they argued for the establishment of a formal Social Dialogue process with representative social partner organisations. In the end, on 11 March 2021, the Social Dialogue process concluded with an agreement regarding the regulation of the employment status of food-delivery riders. This agreement was only negotiated and concluded with the most representative trade unions (CCOO and UGT) and employer organisations, the Spanish Confederation of Employers Organisations (CEOE, Confederación Española de Organizaciones Empresariales) and the Spanish Confederation of Small and Medium Companies (CEPYME, Confederación Española de Pequeñas y Medianas Empresas). More recently, RxR's focus has been primarily geared towards seeking the involvement of civil society organisations and other groups of workers concerned with the so-called 'uberisation of employment relations' (such as taxi drivers). RxR is seeking their support for the enactment of a draft bill that would bring all forms of platform work within the scope of the Labour Law.

RxR is adopting this new strategy of seeking coalitions with civil society organisations in a context where it seems to be losing the capacity for mobilising and coordinating protests. Most conflicts in the sector have arisen over reduced income levels or changes in the bonus system and have been informally organised at a local level by groups of workers without any organisational affiliation. In addition, social recognition of RxR as the expression of the riders' voice has been compromised by the emergence of another riders' movement against the government's plans to regulate the platforms' employment model, which is dealt with below. This newest emerging movement has capitalised on riders' fears about the potential employment losses that could result from their reclassification as employees; some estimates have placed potential employment losses at more than three-quarters of total employment in the sector (Adigital, 2020b).

Most riders do not even venture into collective action because of the risk of being penalised in their ratings or losing their job. Collective action is also challenged by economic incentives and disincentives: the platforms' legally dubious 'strike-breaking' strategies, such as increasing bonuses whenever a strike is called; and the more general risk of losing income as a result of pausing work to participate in collective action. According to estimates, two-thirds of couriers working for platforms are from Latin American countries (Adigital, 2020a). As found in the fieldwork, some diaspora communities have found fast-track access to employment through delivery platforms and appear to be difficult to mobilise for fear of losing their jobs. Furthermore, the Venezuelan diaspora includes large numbers of people who left Venezuela due to the political situation, and have negative views on the role of trade unions and left-wing political parties. Given these constraints to collective mobilisation and organisation, it is not surprising that the RxR movement has become more focused on the judicial and legislative arenas.

**The rise of riders' professional associations: The controversial legitimisation of the labour platforms' business model**

The inclusion of RxR representatives in the consultation process launched by the Ministry of Labour triggered a concerted reaction from other riders' professional associations that recognise their members as self-employed. The main professional associations at national level are the Riders' Autonomous Association (AAR, Asociación Autónoma de Riders), the Self-employed Riders' Professional Association (APRA, Asociación Profesional de Riders Autónomos) and the Spanish Courier Riders' Associations (Asoriders, Asociación Española

de Riders Mensajeros). These associations were established in the aftermath of the first wave of protests in 2017 in response to the increasing legal pressure and public questioning of the platform's employment model. It should be noted that they are often deemed by union organisations to be close to the platforms' interests, if not directly acting on their behalf, and contribute to legitimising the platforms' employment models (UGT, 2021).

Riders' professional associations have become increasingly present in public debates by following a twofold strategy. On the one hand, by adopting a more coordinated movement-like strategy under the umbrella of a new riders' platform, the United Riders (RU, Repartidores Unidos), which covers the main riders' professional associations in the delivery sector. This movement has shown an important capacity for mobilising hundreds of riders in street demonstrations in different Spanish cities against plans to regulate the sector. On the other hand, these associations have sought to reinforce their representative status as the single valid interlocutor for negotiating worker conditions with the labour platforms. They have attempted to cement their status by concluding a non-binding sectoral agreement on 'good practices' in July 2020, covering the four main platforms that have relied on self-employed riders (Glovo, Deliveroo, Uber Eats and Stuart). The non-binding agreement makes an explicit commitment to establish effective control mechanisms against fraudulent practices, such as the selling of working slots and the renting of accounts. These control mechanisms would include, for example, facial recognition systems to verify the identity of the rider allocated to an order.

The non-binding agreement also provides for the establishment of 'permanent dialogue' institutions through the organisation of regular meetings between the associations' representatives and the operational teams of each of the signatory platforms (Glovo, Deliveroo, Stuart and Uber Eats). These meetings are the principal dialogue forums in which the associations' representatives bring their main proposals and complaints gathered from their associates with a view to obtaining commitments from the companies on issues related to the operation of the systems. The reports shared by these associations in meetings with Glovo representatives show that a major source of complaints is the increasing shortage of time slots due to competition from 'bots' (the aforementioned hacking applications) and the high number of riders using rented accounts which prevent many riders with higher ratings from benefiting from peak demand hours. In this regard, the sectoral agreement might be understood as a concession to the main demands of the riders' professional associations for reducing the oversupply of riders and preserving adequate income levels in the sector.

Most of the proposals advanced by RU were aligned with those raised by the same delivery platforms in the course of the social dialogue process. These pointed to a change in the regulation that would allow riders to be recognised with an ad-hoc status close to the ‘economically dependent self-employed’ (TRADE, *trabajador autónomo económicamente dependiente*). TRADE is a so-called intermediate legal category defined in regulation in 2007, which confers a higher level of protection on the self-employed when at least 75% of their total income comes from a single client. According to RU, using this status would preserve the alleged flexibility of the platforms’ employment model whilst also extending social protection and income security through the agreement of minimum pay rates and bonuses (APS, 2020). The delivery platforms’ positions raised divisions on the employers’ side, which resulted in Glovo’s withdrawal from the CEOE, the main employers’ organisation at the national level, following the organisation’s agreement in March 2021 on what later became the ‘Riders Law’. Logistics and transport employers’ organisations were concerned about unfair competition practices from platforms in last-mile delivery services and were therefore opposed to platforms’ proposals for tailor-made regulation (elDiario.es, 2021b).

Nevertheless, most of the RU demands have been pushed to the background, and its actions have been focused on the defence of the delivery platforms’ collaborative employment model. Their arguments indicate that the flexibility and autonomy afforded by self-employed status provide for better opportunities than the prevalent working conditions in most subcontracting companies; the latter being perceived by many as the most feasible scenario resulting from the platforms’ adaptation to the new law, given that subcontracting practices would allow platforms to circumvent their responsibilities as employers (Vieira, forthcoming). Indeed, these associations have been singled out by union organisations as responsible for generating a general anti-union climate in the sector and for acting on behalf of the platform when intervening in local conflicts (UGT, 2021).

#### Labour platforms’ responses to new regulation: A new phase of the conflict

The coming into force of the ‘Riders Law’ in August 2021 unleashed an unprecedented wave of mobilisations from Glovo riders concerned with the changes implemented by the platform to meet the new legal requirements. In contrast with the rest of its direct competitors, who opted to subcontract fleets of riders from third companies, Glovo announced the adoption of an ‘unparalleled’ model

that would allow them to keep most of their riders contracted as self-employed (Business Insider, 2021). Mainstream unions had anticipated these platform strategies for challenging the application of the new law and had already lodged different complaints against labour platforms, targeting Glovo and its peers for their illegal assignment of workers. Similar subcontracting strategies in ride-hailing platforms were found in breach of the Labour Law and the new legal provisions providing grounds for the direct contracting of riders as employees.

The new terms and conditions that apply to Glovo riders who agree to keep on providing their services on a self-employed basis aim to challenge the new presumption of employment introduced by the 'Riders' Law'. They aim to do this by reinforcing elements of autonomy in two key aspects of work organisation. First, the new system has introduced the aforementioned 'free login' system formerly in place on other platforms, allowing riders to be logged in to the application without limitations. Second, and most notably, the new model allows riders to decide on the price of their services by establishing a multiplier factor ranging from 0.7 to 1.3 of the basic rates per order. In practice, the new model has meant a downward bidding process for prices by which only those riders opting to charge orders at the cheapest rates will get the orders. These changes triggered spontaneous protests on the streets of Barcelona that evolved into a coordinated action through social networks, which called on riders to set their multipliers at 1.3 and organised picket lines to prevent other riders from picking up their orders in some restaurants. Glovo quickly reacted to the protests by suppressing multiplier factors below 1. Glovo's action followed the intervention of RU and other riders' professional associations that were in opposition to the protests. The platform's reaction did not prevent the eruption of similar conflicts in other cities the following week, albeit with more limited impacts.

The conflict initiated by self-employed riders regarding basic rates reached those working at Glovo's 'dark stores', the warehouses where goods and groceries sold online are picked up for delivery to final clients. Unlike food-delivery riders, these dark-store riders are employees hired through third-party companies, mostly job-placement agencies. These workers raised demands concerning their working conditions, such as wage improvements and access to the stores' facilities (toilets, cafeterias and restrooms). Crucially, they also asked to be directly hired by the platform. These worker demands turned into a call for a six-day strike in August 2021 involving more than 300 riders working at the six Glovo dark stores in Barcelona. The strike had the support of the CCOO Catalan trade union confederation, which was already in talks with Glovo representatives and

had urged the company to contract these riders in compliance with the ‘Riders Law’, as their activity is inherent to the service provided through the platform. However, these talks did not see any progress. The strike was initiated on 27 August 2021, and the self-employed riders on the picket line were also joined by further trade union members in solidarity. The strike led to the halt of the Glovo service over the first weekend, after which Glovo committed to directly hiring riders on a permanent basis and the union suspended the strike for the remaining days.

### **Concluding remarks**

The case of the recent strike of Barcelona riders has been recognised as the ‘first official strike in an app-based food-delivery platform in Spain’ (Brave New Europe, 2021b). This is because it was the first strike directly called by mainstream unions that have legally defined representative status. Compared to previous conflicts, the mainstream trade union confederation CCOO has also exercised clear leadership in the mobilisations. Arguably, the enactment of the ‘Riders Law’ has created new opportunities for the direct representation of this group of platform workers through trade union structures and collective bargaining. The issues with working conditions in Glovo ‘dark stores’ were brought to light due to the two major union confederations (UGT and CCOO) negotiating a collective agreement with Just Eat. One month before the strike in Barcelona, an agreement to include riders in the hospitality framework agreement in the Basque country was made public (Brave New Europe, 2021a).

Trade unions’ strategies for collective representation in the delivery sector have been largely dependent on the institutional resources enabled by the Labour Law. This is not substantially different from prior trade union representation strategies adopted in response to the progressive weakening of their membership base over the last decades, particularly among precarious workers (Calabia and Rigby, 2016; Pulignano et al., 2016). Litigation strategies have played a pivotal role in the alignment of grassroots movements and mainstream unions, and it is in the courts that the RxR movement attained its biggest victories and social recognition. The social dialogue agreement establishing a ‘presumption of employment’ in delivery platforms points to unions’ capacity to leverage their institutional power resources towards extending social protection and collective rights to a group of workers in which they have so far had minimal presence.

Nevertheless, the case of delivery platforms shows the difficulties faced by trade unions' representation strategies based on the mobilisation of inclusive identity built on class solidarity (Meardi et al., 2019). The focus on the misclassification of riders' employment status has been contested by the emergence of a movement of riders' professional associations that oppose union representatives who claim to speak on behalf of riders. Collective representation strategies struggle to effectively sustain themselves in a context marked by work organisation practices that create competition and fragmentation in workers' interests and prey on them. There is great diversity in platform workers' interests and experiences in terms of their working patterns and the 'opportunity costs' associated with this way of working in a highly segmented labour market (Vieira, forthcoming). This diversity needs to be considered a crucial factor in understanding most riders' reluctance towards union representation. Most riders have taken the side of the companies when confronted with the argument of potential employment losses, as in the case of the mobilisation of the riders' professional associations against the 'Riders Law' plans, which was obviously encouraged by some platform representatives.

It remains an open question whether the recognition of platform workers as employees will translate into improved working conditions through collective bargaining. Trade union strategies are also conditioned by the platforms' adaptations to new legal requirements, which are likely to result in a higher fragmentation of employment and working conditions given that, in order to avoid compliance with sectoral collective agreements, most platforms resort to subcontracting companies rather than directly hiring their riders. In addition, there are still some differences between unions on the corresponding sectoral agreement that should apply to the sector. These differences result from some judicial rulings on riders' employment status, which established their recognition as employees under the terms and conditions of the logistics and goods' transport agreement, which fits better with the real activity of these platforms and provides better working conditions. Therefore, it can be expected that legal disputes around delivery platforms' employment models are far from over. Glovo is still failing to comply with the provisions of the 'Riders Law' since a large proportion of their riders work on a self-employed basis. As a result, it can be argued that the focus of the next set of conflicts will be on the status of the Glovo platform and its responsibilities as the actual employer.



### 3. PROFESSIONAL DIGITAL SERVICES



### **13. SKILLED UPWORKERS: A COMPARATIVE ANALYSIS OF COLLECTIVE VOICE FORMATION**

Miklós Illéssy | Csaba Makó | József Pap

Upwork is the world's leading company in online labour market intermediation. Its predecessor was established in 2013 by the merger of oDesk (founded in 2003) and Elance (founded in 1998). The new company was rebranded as Upwork two years later and is now the world's largest freelancing website. Today, Upwork's gross turnover is approximately USD 2.5 billion, millions of tasks are posted and completed through the platform, and it provides access to over 10,000 skill sets in 90 different categories of work (Upwork, 2021). To assess the existing and potential strategies of both traditional trade unions and new grassroots organisations, it is worth highlighting some basic characteristics of platform work and non-standard employment relationships (NSERs) in the countries researched in the *Crowdwork project*. First, we shall start by describing some contextual factors shaping the ways platform workers organise, such as the incidence of NSERs and general employment protection. Following that, we will proceed to set out the specific characteristics of Upwork and the interviewed 'Upworkers'.

#### **Basic characteristics of Upwork in the context of different national labour relations systems**

In general, Upworkers consider themselves as freelancers, self-employed, or entrepreneurs. This is particularly true in the case of those who are involved in more complex, high-skilled tasks. The number of workers who are engaged in NSERs through platform work is rising in the European Union (EU), although with significant differences among the Member States. From the countries researched in the *Crowdwork project* (hereafter referred to as the *Crowdwork countries*), the

highest share of workers employed in NSER working arrangements are found in Spain and Germany (43–45% of all employees), followed by Portugal (37%), while standard employment is much more dominant in Hungary with only 20% of employees being employed in NSERs (Mandl, 2020b, p. 10). Furthermore, the incidence of NSERs shows significant gender bias in some countries. This is particularly clear in Germany, where the incidence of standard employment relationships among employees who are men is approximately 70%, whilst it is only around 40% among employees who are women. There are also relatively more employees who are men in standard employment relationships in Spain, but there is no such gender bias in Hungary and in Portugal, where the share of women employees in traditional forms of employment is slightly higher than men (Welz et al., 2020).

This might be relevant for collective voice formation among Upworkers because, in countries where NSERs are more prevalent, both regulations and trade union strategies could be more tailored towards handling non-standard employment dynamics. For example, ver.di (United Services Union, Vereinte Dienstleistungsgewerkschaft), Germany's biggest service sector union, has approximately 30,000 members who are self-employed workers. In contrast, Hungarian trade unions have been constantly losing ground in the past three decades, a process that has accelerated during the last decade.

The countries surveyed also show significant differences in a second important characteristic: the general level of employment protection. Here we presume that in countries where employment protection is strong, workers are less willing to accept working in NSERs as these offer significantly less favourable employment conditions, compared to countries in which the differences in standard and non-standard employment relations are smaller. To measure the level of employment protection in the *Crowdwork* countries, we used the Employment Protection Index created by the OECD (Organisation for Economic Co-operation and Development) (2020), which assesses labour market regulation according to two dimensions. Firstly, individual and collective dismissal practices from regular employment, such as procedural requirements before notice is given, notice period and severance pay, the regulatory framework for unfair dismissals, and enforcement of unfair dismissal regulation. Secondly, hiring practices for temporary employment, such as regulation vis-à-vis fixed-term contracts and temporary work agency contracts. Table 11 presents the overall index values for Germany, Hungary, Portugal and Spain. The range of indicator scores is 0–6, where the lower values represent less regulatory protection.

**Table 11** OECD Employment Protection Legislation scores in the *Crowdwork* countries

| Country  | Score |
|----------|-------|
| Germany  | 2.2   |
| Hungary  | 1.8   |
| Portugal | 2.9   |
| Spain    | 2.4   |

Source: OECD Employment Protection Legislation Database, <http://oecd/epl>

Employment protection is the weakest in Hungary, and it is worth noting that their score of 1.8 is the second lowest among the EU Member States. Germany (2.2) is also in the bottom third, while Spain (2.4) shows average values. Employment protection is the strongest in Portugal with a score of 2.9, which is the second highest among the EU Member States, following the Czech Republic (3.0). However, such employment protection indices can be misleading as they only measure ‘hard’ types of regulation, such as labour legislation. There are also ‘soft’ tools within regulatory frameworks, such as collective bargaining processes, and these hard and soft regulations in combination shape a country’s model of labour relations. For example, in many Scandinavian countries the state rarely intervenes in the field of social dialogue to promote bipartite collective bargaining between trade unions and firms at both sectoral and company levels. In Sweden, the absence of a national statutory minimum wage and the lack of extension of collective agreements by the state cannot be interpreted the same way as in other countries, such as Hungary, where the trade unions are not as strong and the culture of bipartite social dialogue is less developed.

Therefore, it is worth citing Eurofound’s classification system for industrial democracies (Welz et al., 2020) which identifies six clusters: Corporatist-framed governance, Voluntary associational governance, State-framed governance, Statutory company-based governance, Voluntary company-based governance and Market-oriented governance. These clusters are based on 18 indicators in 4 areas – namely, associational governance, representation and participation rights at company level, social dialogue at company level, and trade union strength and government intervention in industrial relations. Of the *Crowdwork* countries, Germany belongs to the second cluster of ‘Voluntary associational governance’ characterised by a strong tradition of centralised and coordinated collective bargaining at the sectoral level and consequently

high collective bargaining coverage. This cluster is a ‘combination of collective autonomy and high associational governance’ (Welz et al., 2020, p. 38). The two Mediterranean countries, Portugal and Spain, belong to the third cluster named ‘State-framed governance’ which is characterised by:

Centralised but fairly uncoordinated collective bargaining institutions and processes, and with a stronger dependence on state regulation. This cluster has one of the highest scores for state intervention in collective bargaining at the expense of industrial democracy, combined with low trade union density. (Welz et al., 2020, p. 38)

Another characteristic of this cluster is the weak performance of social dialogue at company level, particularly in Portugal and Spain.

In contrast, in the fourth cluster ‘Statutory company-based governance’, which includes Hungary, company-level social dialogue dominates, and state intervention in social dialogue is residual and restricted to setting the national minimum wage and the extended rights for work councils at company level. However, the intensity of social dialogue, in general, is weak. This system is characterised by low union density, uncoordinated decentralised wage bargaining, and low coverage rates of collective agreements. However, due to this general weakness of social dialogue, although in theory, the works councils have legal rights to co-determination at board level, the actual impact is questionable: ‘in practice social dialogue at company level is not substantially better developed than in the other two clusters mixing liberal market economy and central and eastern European countries’ (Welz et al., 2020, p. 39). The different national labour relations contexts play a dominant role in shaping four key areas. Firstly, the types of actors that are willing to step up and intervene in the interest representation of the platform workers – such as trade unions, grassroots organisations, civil organisations and chambers of commerce. Secondly, whether or not there are actors on the employers’ side to negotiate with. Thirdly, the types of issues that emerge as the most important. Lastly, how and when the state intervenes in this process.

Besides such country-specific mediating factors, there are platform-specific characteristics that impact how the actors and their problems are articulated in different country-specific institutional settings. The platform economy is heterogeneous and Upwork represents a unique case within this category. To illustrate this heterogeneity, we will focus on one of the most important aspects of this type of online work – namely, the knowledge intensity of jobs performed through Upwork. But first, we will briefly describe the business model of the firm.

At first sight, the business model seems to be very simple: clients can register for free on the Upwork website, where those clients are from both the ‘supply-side’ (Upworkers) and the ‘demand-side’ (businesses posting advertisements for services). Upworkers apply to deliver these services and the clients can choose the most appropriate candidate from the ‘crowd’. They can rate each other, which deeply affects the success rate of further bids for services and workers, which can have complex impacts. Aside from the simple scores, the clients have the opportunity to evaluate the workers via a short, written evaluation. What is more, Upwork itself calculates a success rate for each Upworker. As a recent ILO (International Labour Organisation) publication remarks:

The platform specifies that the job success score is calculated as the difference between successful and negative contract outcomes, divided by total outcomes. However, an ILO interview with a manager from Upwork revealed that the job success score is actually calculated using more complicated metrics. (ILO, 2021, p. 97)

Therefore, there are serious and legitimate concerns about the transparency of these metrics, which is an even more important issue because the score, the evaluation and the success rate all serve as input for the algorithmic management of the Upworkers. If a worker gets a negative or even just a neutral score or evaluation, this has a direct impact on their career opportunities, visibility to the clients and further chances to get invited to bid.

Another problematic element of this business model is the source of revenue for Upwork. The firm charges both clients and workers for its intermediation services. The clients have to pay a 3% transaction fee for each project, while the rate of commission for workers depends on the overall earnings made via Upwork – the fee for the first USD 500 is 20%, then it decreases to 10%, and once the Upworker earns USD 10,000, it further decreases to 5% (Nierling et al., 2021, p. 7). Upwork has other sources of revenue, such as transaction fees, and extra services to enhance the visibility of Upworkers and to provide better matching with clients. The fee per extra transaction or service can go up to USD 50 for clients and USD 15 for Upworkers. Overall, the primary source of income for Upwork comes from the workers, not the clients, as shown by ILO’s analysis of the 2019 Upwork Annual Report:

For instance, about 90 per cent of Upwork’s revenue for 2019 came from the ‘marketplace’, and it earned 62 per cent of its [USD] 300 million revenue from different

types of fees charged to workers, compared to 38 per cent from the clients. This is despite the fact that Upwork provides ‘payroll services’ via a third party, and customized services for 30 per cent of Fortune 500 companies. (ILO, 2021, p. 82)

This ILO report – entitled *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work* – rightly stresses that this practice is a violation of international labour standards which do not allow workers to be charged fees by any agencies, employers or intermediaries.

This model clearly favours clients over workers. However, it does not automatically lead to discontent among Upworkers. For example, the results of a survey carried out among Finnish Upworkers show that the rating system does not cause excessive stress among them – the mean response value was 40 on a scale from 0 (no stress at all) to 100 (maximum stress). It is also interesting to note that, while the majority of these respondents gave a relatively high score in terms of the intensity of the competition (71 on the same scale), they are still able to set their own prices when it comes to the potential for ‘wage bargaining’ with the clients (with a mean response value for this wage bargaining question of 53). It is not by chance that highly educated Upworkers see the rating system as more problematic, as they fulfil more complex jobs that are harder to evaluate accurately with these rather simplistic evaluation tools (Pajarinen et al., 2018, p. 12). This leads us to the most important source of Upworkers’ bargaining power – the specialised and high-value areas of knowledge required to carry out the work.

**Table 12** Upwork platform workers by professional profile in the *Crowdwork* countries (2019)

| Country  | Total no. | In Software development and Web design | In Writing | In Translation |
|----------|-----------|----------------------------------------|------------|----------------|
| Hungary  | 4,891     | 1,235                                  | 493        | 1,304          |
| Germany  | 13,489    | 3,206                                  | 2,214      | 4,307          |
| Portugal | 7,565     | 1,518                                  | 1,266      | 3,000          |
| Spain    | 12,200    | 2,150                                  | 2,075      | 4,447          |

Source: Calculation based on Upwork.com as of April 4 (Makó et al., 2019, p. 9).

Upwork covers a lot of activities, including high-skilled roles such as software development, design and data science, and medium-skilled tasks such as translation, management assistance, writing and legal assistance services. There are

slight differences between the *Crowdwork* countries in terms of the availability of high and medium-skilled work activities on Upwork – while roles involving some of the most knowledge-intensive expertise (such as software development) were highly available in Germany and Hungary, medium-skilled work activities such as writing and translation were the most highly available work activities among Spanish and Portuguese Upworkers (Table 12).

The skill intensity has a direct impact on labour conflicts, as those with high-level qualifications generally undertake more complex jobs, obtain longer projects and have a better bargaining position than those with lower qualifications. The client companies are equally heterogeneous in character, ranging from micro and small companies to the world's largest enterprises. According to the 2020 annual report, 30% of Fortune 500 companies are already using Upwork (Upwork, 2021, p. 4).

The analysis of the case studies on Upwork showed four key issues were raised in each national report: motivation, employment status, algorithmic management and rating, and individual and collective voice formation. The remainder of this chapter will follow this thematic outline, beginning with the different motivations behind why workers choose Upwork in their careers, moving on to discuss the dilemmas between employee and self-employed status, followed by some important problems and reflections regarding Upwork's algorithmic management and rating system, and finally discussing the barriers and facilitators in individual and collective voice formation. In the last section, we shall draw out the most significant conclusions and highlight some future research questions.

### **Motivation: Flexibility and job variety**

The results of this section are based on the first and second national reports of the *Crowdwork* project teams (Arasanz and Sanz, 2021; Boavida et al., 2021; Makó et al., 2021; Nierling et al., 2021). In total, 16 Upworkers were interviewed during fieldwork in Germany, Hungary, Portugal and Spain. Aside from these interviews, dozens of other types of interviews were carried out with trade unionists, social scientists and other experts to get a clear view of the subject. Some basic characteristics of the Upworkers are presented in Table 13.

The majority of the interviewees (10 out of 16) were engaged in activities related to ICT (Information and Communication Technology), such as programming, software development and game design, while the work of the others is facilitated by

ICT. These occupations differ from each other according to the knowledge intensity of the job, although the overwhelming majority are highly skilled professionals. This is an important factor in their motivations, together with geographical location or mobility and desire for career advancement. For example, the two German game designers who worked as freelancers had other projects outside the platform as well. Their work intensity varied, but the average proportion of their revenue which derived from Upwork was about 50%. They used the platform to extend their reach into the global labour market for this sector.

**Table 13** Number and characteristics of interviewed Upworkers

| Name        | Country  | Occupation                                                    |
|-------------|----------|---------------------------------------------------------------|
| Upworker 1  | Germany  | Game designer                                                 |
| Upworker 2  | Germany  | Game designer                                                 |
| Upworker 3  | Germany  | Programming                                                   |
| Upworker 4  | Germany  | Programming                                                   |
| Upworker 5  | Hungary  | Ghostwriting in medical field                                 |
| Upworker 6  | Hungary  | Software developer                                            |
| Upworker 7  | Hungary  | Administration-management services                            |
| Upworker 8  | Hungary  | Automotive engineer (CAD, Computer-Aided Design)              |
| Upworker 9  | Hungary  | Web programmer, cybersecurity                                 |
| Upworker 10 | Hungary  | Translator                                                    |
| Upworker 11 | Portugal | A pair of digital nomads undertaking blogging and photography |
| Upworker 12 | Portugal |                                                               |
| Upworker 13 | Portugal | Web designer                                                  |
| Upworker 14 | Portugal | Translator                                                    |
| Upworker 15 | Spain    | Web developer                                                 |
| Upworker 16 | Spain    | Graphic designer                                              |

In contrast, a Hungarian woman provided administration, management and simple financial services for firms. She had selected Upwork to improve her English language skills and experienced significant success. About 75% of the work she performed was for fixed clients, which means that the same firms were hiring her through Upwork every month. Those were small firms that could not hire a full-time employee, so they hired her as a part-time contractor. A similar

example is the case of a professional translator who lived with her family in a remote village. She became an Upworker because she had a young child of pre-school age and limited access to good quality childcare; in that context, Upwork afforded her a means of finding part-time work. In Portugal, we found two ‘digital nomads’ who travelled around the world, earning enough money through blogging and photography to pursue this lifestyle.<sup>1</sup> It is also a common pattern that university students find jobs and extra earning possibilities on Upwork. The case of the Hungarian automotive CAD engineer illustrates this situation – he began seeking opportunities in Upwork in March 2020 because his student work at the firm where he was previously employed was terminated. We also found a similar case with a student in Germany (Upworker 4).

In a sense, each case is different. What they all have in common is that Upwork provides a working opportunity that matches their individual needs more closely than a regular job would. This is very important because it explains why the majority of Upworkers prefer to be self-employed rather than regularly employed, which is a notable difference between Upworkers and other platform workers, such as food couriers. This result is reinforced by other sources of quantitative data – the Finnish Upworker survey, for example, found that 69% of Upworkers would prefer self-employment over regular employment (Pajarinen et al., 2021, p. 19).

Upwork also provides excellent income opportunities for highly skilled workers who had migrated from other countries. This was the case, for example, of Upworker 3, who had moved to Germany from a low-income country and saw Upwork as an interim solution providing additional income alongside his regular job, since his medium-term aim was to start his own business. Upworker 4 also came from another country to study at a German research university. While studying, he had a student-employee position at a German IT company. However, he lost this job soon after graduation due to the COVID-19 pandemic and he started working full-time through Upwork. He too considered projects gained through Upwork as an interim solution and planned to go back to his home country someday.

Yet another source of motivation to work on Upwork is the variety of tasks and possibility for continuous training, as compared to regular employment in one single company. As a Hungarian programmer put it:

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1. ‘Digital nomads’ are people who work entirely online without a fixed business location, often while travelling around the world.

While my main motivation to work on the platform was to earn extra money, when I started to work with the Python programming language, there was not an extensive demand in Hungary for this type of work, and therefore I tried to find an appropriate market to develop these skills. (Upworker 9)

A similar case was found in Germany, where the national market in the gaming industry was not big enough to provide sufficient full-time jobs. In a different line of work, a middle-skilled Hungarian Upworker providing management-assistant services also found extra training opportunities, both on and off the job:

I understand that the career opportunity I can have is one of constant development and learning. I can select what kind of work I perform by working on Upwork. The wide variety of work is really helpful from this perspective. Besides on-the-job learning, there are other opportunities as well: [...] for instance, one of my fixed clients provided me with a really good English course. He supported a subscription to develop my English skills. (Upworker 7)

Summing up, five main motivations for working on Upwork were identified. Firstly, reaching a global market, Secondly, finding more interesting and diverse work tasks than in normal jobs. Thirdly, additional earning opportunities. Fourthly, learning new things and gaining experiences – although due to the strict rating system, this can be a stressful process which is far from the ideal learning environment. Lastly, meeting specific individual needs that cannot be satisfied in any other way, for example, students seeking first jobs and people living in rural areas. Thus, Upwork addresses two key aspects of the labour market. First, it fulfils an important role in the employment of those who are marginalised in the labour market in some respect, thus helping to increase inclusivity. Second, it provides a global labour marketplace for talented, highly skilled experts from countries where the domestic market is not necessarily big enough – or well-paid enough – for all of them to earn a living in their fields. This is true from the perspective of the clients as well. Upwork provides a global talent pool for the biggest multinational companies, and it also provides flexibility and cost-efficiency for smaller firms.

There are, nonetheless, some drawbacks to this new type of employment relationship. First and foremost, it eliminates traditional forms of employment and leaves workers with substantially less legal and social protection compared with the protection provided by regular employment. In the next section, we shall briefly summarise the regulatory dilemmas of this form of employment.

## **Employment status: Dilemmas of national versus international and hard versus soft regulation**

The employment status of platform workers has been one of the hottest topics in the literature since the emergence of this type of work. The most important source of concern relates to the fact that neither the platforms nor the companies using the platforms consider themselves to be employers of the platform workers. This causes problems from at least two perspectives. Firstly, it raises questions about the social protection of these workers, as neither party pays as much in social security contributions as a regular employer would. Secondly, it threatens platform workers' access to employment protection because workers have significantly less labour law protection as independent contractors than regular employees do. There are serious academic and political debates on these questions and on how to regulate the employment relationships of platform work: do we have to contend with a situation where most platform workers engage in contracts regulated by the civil code or competition laws? Will we have to regulate these non-standard employment relationships according to the rules of standard employment relationships? Or should we find a special way of regulating the platform-work employment relationship by creating a separate legal status altogether, such as that of the 'economically dependent employee'?

Whilst we will not reconstruct and discuss this theoretical debate in detail, it is important to note that this is an issue in practically every European country. In terms of the *Crowdwork project* countries, *Precários Inflexíveis* (PI, Inflexible Precarious) – a Portuguese grassroots organisation of precarious workers – demanded the recognition of platform work as a standard employment relationship because 'everything is determined by the companies that run the platforms: when, where and in what form the work is provided, as well as their remuneration' (interview with a leader of PI, in Boavida et al., 2021, p. 44). In Spain, the law recognises the status of economically dependent self-employed workers (TRADE, *trabajadores autónomos económicamente dependientes*). The criterion for this status is that at least 75% of the income of the self-employed must come from one single client. Currently, there are only 10,000 workers in Spain who are officially registered as TRADE, which is less than 0.5% of all self-employed workers in the country. Additionally, the Spanish Supreme Court recently decided to recognise the employment status of delivery couriers. This decision adopted in 2020 has been incorporated into labour legislation since then in the 'Riders Law', allowing employees to classify themselves as 'economically dependent

self-employed' under certain circumstances (Arasanz and Sanz, 2021, p. 4). However, sometimes this type of legal regulation leads to unintended results. As the 2nd Spanish National Report noted:

However, many workers get dismissed when they inform the company of their intention to be classified as 'economically dependent self-employed', as long as it involves the recognition of the corresponding employment protection and collective bargaining rights. This is the main reason behind the low numbers of economically dependent self-employed in official records, but the real figures [for these] work arrangements may be well beyond 300,000 according to UPTA estimates. (Arasanz and Sanz, 2021, p. 43)

In Hungary, there is also a lively debate among labour law experts on the issue of how to regulate the employment status of platform workers. The 2nd German National Report makes a relevant distinction between national and international platforms:

Both representatives from labour unions and from professional organisations confirmed that, while especially German but also some European platforms are open to a social dialogue about fair working conditions, major US platforms seem to be uncooperative. [...] This points to one major pitfall of self-regulation. In the absence of political or economic pressure, there is little incentive for a platform like Upwork to react to nationally restricted labour unions. (Nierling et al., 2021, p. 50)

This leads us to the question of supranational regulation of platform work. Significant efforts are already underway to find ways of soft supranational regulation of platform work, for example, through the 'Charter of principles for good platform work' which was signed by the CEOs of global platforms such as Deliveroo, Uber, Cabify, Grab and Postmates. This charter defines principles of good platform work along eight dimensions: (1) diversity and inclusion, (2) safety and wellbeing, (3) flexibility and fair conditions, (4) reasonable pay and fees, (5) social protection, (6) learning and development, (7) voice and participation, and (8) data management. However, the impact of such soft regulation is limited in scope, as rules are hard to enforce even in those companies that signed up to them, let alone the ones that did not. Another attempt to regulate platform work is via international organisations such as ILO. Their approach is quite different from those attempting to find a hard regulatory solution. In their

aforementioned recent study, the ILO (2021) argues that international recommendations and principles such as the ILO Constitution and other ILO instruments are fully applicable to platform work as they aim to regulate any kind of work irrespective of the legal employment status of the worker:

To cite a recent statement by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): ‘the full range of fundamental principles and rights at work are applicable to platform workers in the same way as to all other workers, irrespective of their employment status’. (ILO 2021, p. 203, citing ILO 2020a, para. 327)

According to the ILO, the fundamental principles and rights at work are: (1) freedom of association and effective recognition of the right to collective bargaining, (2) non-discrimination and equal remuneration, (3) elimination of forced labour, and (4) elimination of child labour. In addition to these basic rights and principles, there are international labour standards in four main areas: (1) occupational health and safety, (2) social security, (3) employment and job creation policy, and (4) labour inspection (ILO, 2021, pp. 204–205). Theoretically, these rights and standards apply not only to workers in standard employment relationships but to the self-employed as well. In practice, it is questionable how to enforce an equal payment principle on a platform where global competition often leads to a price-dumping mechanism.

We have to note that the problem of misclassification of platform workers as self-employed arises because platform work often means bogus self-employment, which is cheaper and more flexible for the quasi-employer. This is important because while this may be true for most platform workers in the food-delivery sector, the majority of Upworkers are a completely different type of worker with a strong professional and entrepreneurial identity. This is reflected in the results of the aforementioned Finnish Upworker survey, according to which 83% of respondents regarded online platform work as an opportunity rather than a necessity and 69% preferred self-employment over regular employment. One possible reason for this inclination towards self-employment might be that Upworkers are medium to high-skilled workers who have a genuine opportunity to build a relatively highly paid career through the rating system while enjoying a level of autonomy and flexibility that no job in regular employment could provide.

### **Algorithmic management and the rating system: Power asymmetry as a roadblock in building a reputation**

As we outlined earlier, the career of Upworkers is built through the rating system, which is a cornerstone of the Upwork platform. As mentioned in the first section, there are several elements which make up the rating system. The clients and the Upworkers rate each other on a zero-to-five points scale, and they can add a short written assessment. The platform also shows the number of hours that each Upworker has worked, as well as their total earnings. The responsiveness of the Upworker is also an important factor in the rating system, which is crucial because the global labour market works across time zones. As a German Upworker noted:

If I receive an invitation, when it takes longer than five hours for me to respond, it will affect my statistics. I am a bit annoyed by this. When I get a request at night, [I need to respond] early in the morning. (Nierling et al., 2021, p. 54)

All these elements add up to give a quantitative and qualitative measure of the Upworkers' work. Furthermore, the platform also calculates a job success score, the metrics of which are not fully transparent to either the Upworkers themselves or the social scientists active in the field. However, the algorithm which recommends some workers to bid is based on these ratings, so it would be vital to understand how this works.

Having said that, it is ultimately the client, not the platform, who chooses the worker, which is another substantial difference from location-based services such as food delivery and passenger transport platforms. However, as the 2nd Spanish National Report rightly stressed:

this does not mean that the platforms are not involved in the intermediation process, as there is a similar digital reputation system whereby the worker is rated by the client [and that reputation system] performs various functions of regulating the exchanges within the platform. On the one hand, these reputation systems provide the client with information that allows them to choose the worker that suits their needs. On the other hand, the reputation system serves to ensure compliance with the contract by penalising those workers who do not meet the client's expectations. (Arasanz and Sanz, 2021, p. 42)

Besides the lack of transparency, there are many other problems with the actual functioning of the rating system. The most important one is the problem of a 'cold start'. To be able to win projects on Upwork, you have to show strong rating numbers. However, if you are a beginner, you don't have any evaluations and our interviewees found it very hard to break this vicious cycle. For example, a German game designer reported that it took one and a half years to win the first project on Upwork, and similar experiences were reported from other countries as well. One obvious strategy to accelerate the process of building a reputation is to compete on prices – to offer services below the normal hourly rates in order to win jobs and get a high enough rating to eventually be able to raise their prices. However, this is a dangerous strategy, as there is increasing competition from the global South (Asia, Africa and South America), and it is almost impossible to win this race to the bottom in wages and earnings.

Therefore, many Upworkers follow a different path and don't aim to compete on prices. The disadvantages of this strategy are evident – it may take a long time to build up their reputation, while they have to spend significant time seeking jobs on the platform. A 'top rated' Hungarian software developer ('top rated' being a label given by the platform to recognise excellence) stated in the interview that it had taken ten hours a week for 18 months searching the platform to get the first job in Upwork five years before; '[...] I spent ten hours on the platform looking for a job five years ago, I spent five hours on that three years ago, while last year it took only one hour' (Upworker 6). Based on this self-estimation, we can calculate that the aggregate time invested for free in 'project mining' can amount to as high as 720 hours (90 working days) for a low-reputation worker unwilling to compete on price. A third strategy is to apply for less highly-skilled jobs than the applicant is qualified for. For example, even though Upworker 2 is an IT specialist, he applied for transcription projects to get rated as quickly as possible:

No, I'm not really interested in transcription. And even with that work, I wrote a script which did half the work for me. The whole idea was to get towards software development and use everything that I could get to build a profile. (Nierling et al., 2021, p. 52)

This proved to be a rewarding strategy, as the interviewee managed to climb up the reputation ladder and move on to IT-related projects with a roughly doubled hourly rate.

Another problem with the rating system is that one negative opinion can seriously damage the reputation of the platform workers. As platforms are usually demand-driven, this creates power asymmetry between client firms and platform workers; in other words, the clients' ratings of the workers are far more consequential for the workers than workers' ratings are for the clients (Rosenblat and Stark, 2016). One possible solution to this problem would be to create the opportunity for Upworkers to delete the least successful project from their portfolio. However, this was not possible on Upwork at the time of writing the case studies. This problem was formulated in the following way in the 2nd German national report:

Not being able to delete less successful projects from the job history creates a strong pressure to deliver perfect results, even if this means working for a bad client or accepting low-paid jobs to increase the rating. But it can also work the other way around. Upworker 1 reported that he supports Upwork making it harder to apply for projects because it has stopped Upworkers [...] overwhelm[ing] clients with random job proposals so that they do not have the time to pick the most qualified one. Therefore, it becomes clear that influencing the design of platforms is a powerful way to impact crowdworkers' daily experiences. (Nierling et al., 2021, p. 50)

This means that the current design of the Upwork platform favours not only clients but also the more experienced platform workers.

However, this is not equally relevant for all skills available on the platform. One Hungarian translator did not see this power asymmetry as much as IT-related professionals. According to her experiences, there is a high demand for translation services on Upwork and there were not really times when she had to spend much time finding jobs. In her view, there are only five to ten professional translators on Upwork with similar skills, so while there is some competition, the demand exceeds their overall capacity. When it comes to stress, she states that this comes from her need to finish the job quickly and move on.

Lastly, there is a more general problem with service work when the client does not really know what the work requires in terms of expertise and technical specifications. This is a serious problem in IT-related projects where the knowledge gap between the clients and the service providers seems to be greater than in other types of projects. This usually translates into poor job descriptions, which lead to further labour disputes between the client and the Upworker. Such disputes may seriously damage the reputation of both the Upworker and

the client, and often it requires the intervention of the platform to arbitrate the situation. This indicates that Upwork has a functioning mediation procedure in place, which mostly leads to satisfactory results for the Upworkers in our sample, but certainly warrants further research on how it works.

### **Collective voice formation: How to overcome individual entrepreneurial identity and the lack of collective working experiences**

Concerning the formation of collective voice, we have to first describe the attitudes of trade unions and grassroots organisations towards freelancers in general, after which we will discuss the case of Upworkers more specifically. The first striking difference between the four countries investigated can be found in the institutional density of interest representation organisations. Germany and Hungary represent the two ends of this scale. In Germany, strong trade unions are actively engaged in representing platform workers. However, in Hungary, trade unions' bargaining positions are not comparable to their German counterparts, such as the Industrial Union of Metalworkers (IG Metall, Industriegewerkschaft Metall) or ver.di. Collective bargaining has been in constant decline in Hungary since the early 1990s, a process that has been accelerated by the Orbán government over the past 10 years. Portugal and Spain can be located in between these two extremes. In Portugal and Spain, trade unions and other organisations are more active in the interest representation of platform workers, but they do not have as much effective influence as in Germany, despite Portugal and Spain scoring higher in formal legal employment protection, according to OCDE's Index (Table 11). As we saw in the first section, the four countries stand for three different models of labour relations. The German system is characterised by strong collective bargaining at the sector level and by a high collective bargaining coverage rate. The state is much more active in this field in Portugal and Spain, which is reflected in their high scores on the Employment Protection Index. In contrast, Hungary's labour relations system is based on company-level collective bargaining. The state once played a key role in organising tripartite collective bargaining at the national level, but this institution has been cut back in the past decade.

These differences in the institutional environment have a direct impact on how traditional trade unions and newly emerged grassroots organisations organise. Hungarian trade unions generally lack the necessary organisational, financial,

human and knowledge resources to engage in the organisation of platform workers. As one case study on the attitudes of Hungarian trade unions notes:

Until now, Hungarian trade unions have not succeeded in systematically collecting empirical experiences on working and employment conditions, and the identification and amplification of collective voice formation among platform workers or digital labour in general. (Borbély et al., 2020, p. 24, slightly rephrased with the authors' permission)

In contrast, the biggest German trade union, IG Metall, started to expand its strategy on how to organise platform workers as early as 2012, while ver.di started to focus on the topic three years later. These two trade unions follow different strategies when it comes to representing the interests of platform workers. The approach of IG Metall can be described as a sectoral one, in that they regard platform workers as a unique group of workers with special needs to be satisfied. In pursuing this approach, IG Metall launched different initiatives targeting platform workers. First, they created a website ([faircrowdwork.org](https://faircrowdwork.org)) where platform workers could evaluate the main platforms active in Germany in terms of dimensions such as pay, communication, evaluation, tasks and technology. The [faircrowdwork.org](https://faircrowdwork.org) website currently includes evaluations on 12 platforms, and Upwork received a rating of 3.5 out of 5 stars. The website was created as part of an international collaboration with the Austrian Chamber of Labour, the Austrian Trade Union Confederation, and the Swedish Union. The aim was to even out the power asymmetry of the rating system. In parallel, they also got involved in strengthening the soft regulation of platform work:

The second major IG Metall initiative has been the Code of Conduct, which is a self-obligation for fair working conditions. Originally developed by the three German platforms Streetpotr, Clickworker and Testbirds, IG Metall has joined the initiatives to 'extend and deepen' the Code of Conduct. In [the] process of negotiating the second version, IG Metall succeeded in extending the paragraphs on fair wages in such a way that it now includes not only the transparency of wages but also an orientation [regarding] local wage levels according to IG Metall. Further [on], four other German platforms signed the Code of Conduct. (Nierling et al., 2021, p. 47)

As a third initiative, the trade union created a special kind of labour law tribunal, the so-called Ombuds Office, which is:

chaired by an independent labour judge and comprises a member from the German trade union association (DGB), one member from the IG Metall, one platform official, one crowdworker and one representative of the German crowdsourcing association. In the process of developing the statutes of the Ombuds Office, three workshops were organised to which 60 crowd workers were invited. These participants were also consulted to comment on later versions of the draft. (Nierling et al., 2021, pp. 47–48)

Furthermore, IG Metall was active in organising the ‘Frankfurt Declaration of Platform-Based Work’ in cooperation with different trade unions and experts from other countries, including Austria, Denmark, Sweden and the US. They also placed a tool similar to Turkopticon on the designer platform ‘99 Design’, where the designers could evaluate the clients as well. The influence of IG Metall is demonstrated by the fact that the platform wanted to sue the trade union, but it soon changed its mind after consulting with IG Metall representatives. Indeed, the trade union has the financial resources to hire internationally renowned experts like Lily Irani or Six Silbermann.

As we said earlier, ver.di, the biggest union in the German service sector, applied a different approach to IG Metall, which was described by one of its representatives as follows:

We do it differently than, for example, IG Metall. We see crowdwork workers who work as self-employed workers, not as a unique group. We want no special social legislation [...] in the context of crowdwork, but we see them as self-employed, who – like many other self-employed that we represent – have to be approachable. (Nierling et al., 2021, p. 48)

Ver.di also launched a website ([selbststaendigen.info](http://selbststaendigen.info)), where the self-employed can get advice on whether they are platform workers or not, and it also offers an overview of the average wages by profession. There is also a telephone advisory service which is free for the trade union’s members. Ver.di has also tried to build an offline community among self-employed people based in Germany by organising meetups in some of their largest cities on a regular basis. Although these efforts are significant and incomparable to the wait-and-see approach of the Hungarian trade unions, there are two major problems with these initiatives. First, the visibility of these online tools and websites, which seem unable to reach a significant number of platform workers. Second, the aforementioned unwillingness of US-based platforms, such as Upwork, to cooperate with the trade unions.

The institutional density is relatively high in Spain as well, and there are organised self-employed workers even if at a much lower rate than regular employees – the unionisation rate of self-employed workers was 6.9% in 2010 compared to the national average for regular employees of 16.4%. Two distinct organisations are dealing with the self-employed – the Self-employed Workers' Association (ATA, Asociación de Trabajadores Autónomos) and the Union of Professional and Self-employed Workers (UPTA, Unión de Profesionales y Trabajadores Autónomos). ATA is well-rooted in the main Spanish Confederation of Employers' Organisations (CEOE, Confederación Española de Organizaciones Empresariales), as the president of the former is one of the vice-presidents of the latter. UPTA, on the other hand, is rooted in the trade union movement and is linked to the trade union confederation UGT (General Workers' Union, Unión General de Trabajadores), which is the most active union on the issue of self-employment. In addition, the platforms themselves organised and created Adigital, the employers' association representing online platforms in Spain. Adigital strongly favoured 'a reform of the Self-employed Workers' Statute Law enabling the recognition of the status of economically dependent self-employed for the riders in delivery platforms' (Arasan and Sanz, 2021, p. 43).

Aside from these organisations and their initiatives, platform workers are engaged in activities that may promote their collective voice formation:

Freelancers and professionals in creative and cultural activities [...] are developing their own supportive environments in the form of co-working spaces, digital cooperatives, or online communities as an alternative to traditional forms of interest representation for the self-employed. Some authors have pointed to the emergence of 'new mutualist' groups in which freelancers benefit from reduced social isolation [and] wider networking opportunities [which] contribute to [reducing] their operational costs. (Arasan and Sanz, 2021, p. 44)

These initiatives also help to form communities of practice for freelancers, which is a first step in the organisation of bottom-up movements. Of course, creating a strong and effective professional organisation requires more time.

The situation in Portugal is somewhat similar to that in Hungary; that is, traditional trade unions are not particularly interested in platform work. New grassroots organisations are lacking, with the exception of *Precários Inflexíveis*, who almost exclusively target the couriers in the food-delivery sector. The Portuguese case study on Upwork was particularly interesting because it shed

light on the individual paths leading to the formation of alternative movements and organisations including firms, mainly, but not exclusively, online. One of the interviewees, for example, was working for Upwork as a communication and marketing manager, and then went on to launch a website and a Facebook group where she gives advice to aspiring digital nomads. Another activist is a marketing manager who founded a non-profit association of remote workers in Portugal called Grow Remote Portugal, which is part of a larger European movement called Grow Remote, originally founded in Ireland. They regularly organise meetups where they invite researchers, owners of digital platform companies, IT developers and human resource managers to gather. They also have a Facebook group. In addition, this activist is a partner in a firm called Work Remote, specialising in the recruitment and training of those who are willing to work online. This latter firm is active online and helps new Upworkers overcome the so-called ‘cold-start problem’. Firms such as Work Remote can be a useful instrument because they combine the digital and traditional ways of doing business, something that Upwork is neither able nor willing to do. As the interviewee noted:

We now receive our new clients through recruiting on Upwork – where we maintain our presence and our personal networks. [...] In the beginning, we personally knew the freelancers we had worked with previously. Now we are contracting through digital job posts. We use groups on Facebook and Indeed. We hired three freelancers through analysis of portfolios and online interviews. Two of them come through Facebook groups. They are two Portuguese freelancers who were also recommended by personal connections, but we did the process until the end to avoid biases and a failed hiring. [...] We used both the online and traditional ways of hiring: Facebook advertising and through friends. We still use Upwork for administration and financial processes. We use Grow Remote also as a hiring agency to recruit freelancers, as it has a big community of professionals. (Upworker 13)

Openness to new and non-traditional forms of interest representation is particularly important in the case of Upwork, because this group of workers has certain distinctive features as compared to other platform workers. A basic difference is that they can build a personal reputation and a career on the platform, and vertical and horizontal mobility are real options – in contrast to the situation of food couriers or drivers in the passenger transportation sector. This is possible on Upwork because the most important source of success is Upworkers’ individual knowledge – the clients are the ones who choose between

candidates provided by the platform and the algorithm, so the platform only has an intermediary role, and there is a multifaceted rating system providing a more detailed, informative and individualised evaluation of the platform workers. Therefore, while Upworkers experience unfavourable power asymmetries vis-a-vis the clients and the platform due to the way the rating system operates, they still are in a better position than platform workers in other sectors such as transport or delivery.

Those are the main reasons why trade unions face serious challenges when they want to organise Upworkers. Unionisation is traditionally low in high-tech sectors and among young professionals, but in this case it is further aggravated by the fact that Upworkers work on an individual basis – they jump from project to project without a stable network of co-workers. Their success is highly dependent on their individual knowledge and skills, on the one hand, and on the labour process of online labour markets on the other hand – this makes collective knowledge and voice formation extremely difficult. They have to face uncertainty, but at the same time they are far from belonging to the digital precariat. Instead, the vast majority of interviewed cases displayed a strong entrepreneurial identity. The question for them is not so much about choosing between standard and non-standard employment relations but rather how to make an individual career that makes it possible to eventually leave the platform and to succeed without it. Therefore, the majority of our interviewees were not interested in traditional trade unions. Trade unions themselves have to carefully elaborate their strategies on how to approach platform workers in general and Upworkers in particular:

In addition to inventing new forms of recruiting techniques, there is a need to focus more on the strategy of advocacy, in contrast to the more traditional forms of organising strategies. During counselling, advising services could function as an organisational or collective learning process for both trade union staff and their new future ‘clients’ (various categories of platform workers), while also creating mutual trust and engagement between trade unions and platform workers. Once mutual trust and engagement are created, it will be much easier to develop a shared vision and mutually reinforcing activities between workers and union organizers. (Borbély et al., 2020, p. 26)

In this context, online forums and social media are important tools for coordination, together with some offline community and cooperative building events such as meetups.

## Concluding remarks

One of the most important lessons of this synthesis of Upwork case studies is that Upworkers represent a unique group of platform workers in terms of their socio-economic characteristics, motivations and identity. Upworkers are medium to high-skilled professionals who build their careers on Upwork. The platform provides many flexible opportunities that a regular job could not. The main sources of motivation identified were to: reach a global market, have more interesting and diverse work tasks than in normal jobs, access additional earning opportunities, learn new things, gain new experiences, and meet specific individual needs that cannot be satisfied any other way.

Upwork fulfils important roles in various segments of the labour market. It provides opportunities for highly talented experts by extending their market reach beyond national markets. Upwork can also allow access to the labour market for other highly talented workers who are in marginalised situations, such as those living in rural areas, or parents and carers with young children who do not have access to good quality affordable childcare (where the latter has disproportionately high and gendered impacts on women's capacity to work).

The employment status of platform workers is probably the most widely discussed topic in both academic and political labour-relations debates. We found attempts to regulate this issue: in Spain, there is a specific legal category for the economically dependent self-employed, whereas in Germany soft forms of regulation dominate. Both approaches have their advantages and disadvantages. Soft forms of self-regulation (charters and principles on 'fair digital platform labour') are not mandatory, and US-based platforms seem to be much less cooperative than European ones. The hard (legal) forms of regulation may have unintended results, as is the case in Spain, where many workers declaring their intention to be classified as economically dependent self-employed were dismissed by the companies who did not want to recognise their corresponding employment protection and collective bargaining rights. One major future challenge in this regard is to not create a one-size-fits-all solution requiring variation from country to country but rather to find a way to enforce existing international labour standards such as the ILO's fundamental principles and rights at work. Upworkers also have distinctive features in terms of their employment status. While bogus self-employment is a real issue in the case of most platform workers, Upworkers have a relatively strong entrepreneurial identity and usually favour their self-employment status over regular employment. Therefore, a major advancement

in their career is not to go back to a regular job but to become self-employed without relying on the platform. In this sense, Upwork represents a useful tool to gain clients and build trust-based relationships with them for future work.

The second crucial element of being an Upworker is how to deal with the rating system. Firstly, the system is not fully transparent and it is controlled exclusively by the platform. Secondly, it clearly favours client firms over platform workers. Thirdly, it makes it extremely difficult to find the first job for those who are new to the platform and do not have any history of ratings and evaluation. And lastly, even if a platform worker manages to build up a good reputation, it can be relatively easily damaged by one problematic client, as the Upworkers do not have the option to delete any of their previous ratings. The problems emanating from these shortcomings often lead to labour disputes in which the platform plays a decisive role. The majority of our interviewees were satisfied with this, but one of the most interesting future research questions is how these dispute resolution mechanisms work and how they could be improved in terms of fairness.

In terms of collective voice formation, Upworkers are in a unique situation among platform workers, as they do not show much interest in traditional trade unions. This calls attention to the fact that new forms and actors of collective voice are taking up important roles in this field – for example, the various meetups and other initiatives aimed at creating online and offline forums for building communities of practice among the highly individualised Upworkers. Similarly, newly emerging movements and organisations, including associations and firms, can also be regarded as new actors of interest representation. These act as additional broker agents within the intermediation of the platform work, taking over some functions (such as recruitment, job allocation and advocacy services) that Upwork does not want or is not able to provide. Therefore, it is an important research challenge to investigate how these new actors function and their impacts on the working lives of Upworkers.

## **14. CALL CENTRES IN PORTUGAL: THE TRANSITION TO TELEWORKING AND COMPETING FORMS OF TRADE UNIONISM**

Nuno Boavida | Isabel Roque

Since the beginning of the 21st century, Portugal has become an attractive country in which to install call centres, resulting from its qualified, unemployed and low-paid workforce, suitable digital infrastructure and geographical location (Roque, 2018b; CGTP, 2020). The growing number of multinationals, national companies and outsourcers providing this service in Portugal is significant. Recent accounts reveal that the phenomenon spread from big to medium-sized and small cities across the country, attracted by lower municipal taxes, lower labour costs and local monopsonies. As the call-centre sector has grown, it has also become a battleground for collective representation, with long-standing trade unions seeing the emergence of other forms of worker organisation from alternative movements.

The case of call-centre workers placed in telework is a boundary situation in which key features associated with digital labour platforms became applied to changed working conditions. Call-centre workers form a mixed set regarding their employment status. While some hold a regular employment contract with the firm where they work, many are hired through temporary work agencies and often they are formally self-employed working for the firms without any kind of employment contract. Thus, many call-centre workers are subject to the neoliberal 'erosion of the standard working relationship' of which the rise of platform-mediated gig work is part and parcel (Stanford, 2017, pp. 391–392). Moreover, worker performance is under continuous electronic surveillance and assessment through the call-centre digital platforms. Due to the outbreak of COVID-19, call-centre workers from the non-essential services in Portugal moved from large on-site open-plan offices under direct supervision to working from home. These 'teleworkers' went on providing services through digital platforms

installed on their computers at home, without, however, having been formally placed under a teleworking regime with its associated rights.

According to articles 165 and 166 of the Labour Code (AR, 2009), teleworking is the provision of work carried out from home or elsewhere by written agreement between employer and employee, using information and communication technologies such as computers and the internet. The work platforms were coupled with standard communication platforms to implement remote labour supervision and management, in a context of growing pressure on workers' performance. Besides the usual platforms that these workers use to conduct their tasks, they were forced to use other platforms, such as Meets, Skype, Slack, and WhatsApp, to be monitored and surveilled while performing their tasks. In some cases, companies installed webcams without having obtained workers' permission. In theory, these workers were transitioned under the teleworking regime, but in practice most of them were not compensated for the extra home expenditure they incurred, or provided with the adequate equipment to perform their work. In this respect, the labour regime for some call-centre workers during the COVID-19 pandemic came to resemble that of digital platform workers to a large extent. This case illustrates both how some key features of the logic of digital labour platforms are pervasive across different labour contexts, and how features of the digital labour platform concept can depart from the idea of 'crowdwork' where 'crowds' of clients and providers are matched via a website platform.

## Method

The onset of the pandemic brought an opportunity to study this sector because call-centre workers needed a digital platform to work from their homes. However, the pandemic has also created significant difficulties for developing fieldwork. The sector was in turmoil, with most call-centre workers transitioning to the telework regime and others being dismissed immediately or going through a longer process of layoffs (Roque, 2020d).

The case study was carried out between May 2019 and January 2021. It included extensive online searches of literature and exploratory interviews developed in the previous phase of the *Crowdwork project* (Boavida and Moniz, 2019). From June 2020 to February 2021, we conducted seven more semi-structured interviews, of which one was with a digital platform worker from a translation services multinational, four were with trade unionists, and two were with

specialists in labour relations and call centres. We made several unsuccessful attempts to contact potential interviewees through email and telephone calls. During both phases, we made personal contacts in the field, especially since one of the authors is a trade unionist and worked in several call centres, which afforded us access to key informant workers and social actors in the field.

### **Workers' profiles and working conditions**

Call-centre workers are mostly young adults who may hold other skills or qualifications but rarely use them. Call-centre workers do not privately own the equipment and other assets required to do their job. Their precarious working condition, especially in terms of their contractual status, varies from being an independent worker using the so-called 'green receipts'<sup>1</sup> to being hired through a temporary work agency (Roque, 2010). In general, most interviewees stated that the remuneration is slightly above the national minimum wage (€665 per month in 2021), noting that remuneration includes bonuses according to the companies' reward policy. They also noted that competition and cooperation coexist among both workers and unions. Call-centre workers perceive themselves as members of a class and/or profession in need of legal protection and recognition. According to our interviewees, while there is a collective agreement that covers the call-centre sector and its companies, one main barrier is the lack of a professional category around which salary differentiation could be negotiated (Roque, 2019).

Most workers complain about the poor working conditions of the call-centre environment: precarious and flexible contracts; low wages; lack of ergonomic, safe and healthy working conditions; pervasive control and surveillance; frenetic pace of work; and the shortness of breaks (Paul and Huws, 2002; Roque 2010, 2019). Working conditions are worsened by the type of technology used to communicate. For example, pressure, stress and work intensity increase significantly when a video call is used, rather than a phone call or online chat system, and they are reduced if email is used instead. As one former call-centre worker mentioned in the interview, 'the worst is the billing, technical support and then the sale of the product'. Some interviewees reported that workers would like to

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1. 'Green receipts' refers to the documents that self-employed workers are required to use for declaring to the tax authorities the amount they have received for a provision of services or the sale of a product. By extension, the term became the nickname for the tax regime for self-employed workers.

be acknowledged as high-risk professionals, not only due to the exhausting pace of work but also their lack of protection during the pandemic. Working in large numbers in open-plant call-centre offices presented a clear risk to their health and ultimately their life during the COVID-19 pandemic. However, telework from home was not always a guaranteed option from the beginning, and some employers even used the denial of telework as a threat.

High levels of staff turnover – a significant characteristic of the service industry – are particularly acute in call centres. Call-centre workers are often subcontracted through temporary-work agencies that offer them short-term and flexible contracts, allowing for easy dismissal or seasonal replacement with others more profitable to the companies, thereby hindering unionisation (Roque, 2010, 2017, 2018b). As a result, the call-centre workers' struggle demands the eradication of temporary-work agencies and their full integration as employees in service-providing companies, to achieve coverage by collective bargaining, access to a wider range of labour and social rights, and better working conditions (CGTP, 2020).

At a societal level, there are also significant problems related to precarity, social security contributions for temporary workers, arbitrary dismissals and retaliation against unions. Enforcing the legislation would require stricter labour inspection, particularly among small new companies that do not comply with minimum labour standards. Given the relative size and importance of the sector in the Portuguese economy, regulation could also improve recognition for the profession, especially through it being acknowledged in the National Classification of Professions.

### **Struggling for representation: The main actors**

Our fieldwork revealed a sector characterised by high turnover, division of workers, lack of bargaining power, low levels of unionisation, and one far from having cooperative industrial relations. Call-centre workers appear to be more submissive and less engaged in trade unionism than the traditional industrial workforce; they are in a professional activity that they perceive as temporary but which becomes permanent with the passing of time, despite high staff turnover (Roque, 2010, 2018a). High staff turnover poses a significant obstacle to organisation, as even though workers build networks, these rapidly fall apart when their members drop out (Roque, 2010, 2018b).

Nevertheless, the call-centre sector has been one main battleground for collective representation during the last decade in Portugal, especially since the creation of the Call-Centre Workers Trade Union (STCC, Sindicato dos Trabalhadores de Call Centre), which differentiated itself from traditional trade unionism (Roque, 2008, 2016a, 2016b, 2017, 2018a, 2018b, 2019, 2020b). STCC resulted from new social protest movements that emerged in Portuguese society during the financial crisis (2007–2008) and the economic crisis (2007–2013) and in its aftermath. In recent years, STCC has been experimenting with ‘new forms of anti-bureaucratic and anti-capitalistic trade unionism, council communist, and autonomist worker representation’ (Roque, 2018b, p. 95), organised from the shop floor as opposed to the vertical, political and bureaucratic arrangements that regular unions present (Roque, 2018b, 2020b). Some members believe that these forms of collective organisation are characteristic of the birth of a new independent unionist movement, under the strong influence of the main existing labour structures, significant levels of job insecurity and poor labour conditions.

Except for this sector-specific independent union – which is not affiliated to any confederation and frequently promotes recruitment actions, protests and strikes, albeit with less effective victories – the most prevalent organisational strategies for collective representation are still carried out through traditional mainstream unions. Nevertheless, it is also noticeable that STCC has influenced mainstream trade unionism into more aggressive and combative action in terms of street demonstrations and other approaches such as cyberactivism (Huws, 2003; Antunes, 2015; Dyer-Whiteford, 2015; Roque, 2018b).

Apart from STCC, there are five other trade unions active in this sector, all of which are affiliated with the General Confederation of Portuguese Workers (CGTP, Confederação Geral dos Trabalhadores Portugueses): the National Union of Telecommunications and Audiovisual Workers (SINTTAV, Sindicato Nacional dos Trabalhadores das Telecomunicações e Audio-visual), the Union of Electric Industries in the South and Islands (SIESI, Sindicato das Indústrias Elétricas do Sul e Ilhas), the Trade Union of Workers, Offices and Services in Portugal (CESP, Sindicato dos Trabalhadores do Comércio, Escritórios e Serviços de Portugal), the Unions of Workers in Manufacturing, Energy and Environmental Activities in the Centre North (CITE-CN, Sindicato dos Trabalhadores das Indústrias Transformadoras, Energia e Actividades do Ambiente do Centro Norte) and in the Centre South and the Autonomous Regions (CITE-CSRA, Sindicato dos Trabalhadores das Indústrias Transformadoras, Energia e Actividades do Ambiente do Centro Sul e Regiões Autónomas), and the National Union

of Postal and Telecommunications Workers (SNTCT, Sindicato Nacional dos Trabalhadores dos Correios e Telecomunicações).

According to two interviewed trade unionists from STCC and SINTTAV, these are the two most representative unions, even though SIESI and CESP have also been responsible for several industrial actions. The same trade unionists considered that membership is complex to assert and is divided by regions of influence. There is also an association – Precários Inflexíveis (Inflexible Precarious) – dedicated to advocating for those who are experiencing precarity, false temporary contracts and bogus self-employment. Throughout the years, this social movement has been deeply connected with the call-centre workers' struggle, especially in 2013 in the wake of a mass layoff of nurses from the Saúde 24 national healthcare call-centre service (Roque, 2017). However, their capacity to represent collectives is very limited, and they have been dependent on the influence of one or two minority parties to make their collective voice heard by decision-makers.

### **Recent trends in industrial action and union strategies**

In recent years, labour relations in the call-centre sector have been in permanent turmoil, especially since 2019. During that year, SIESI promoted a strike in support of higher salaries, holiday increases and the direct hiring of outsourced workers without the intermediation of temporary work agencies. According to SIESI, 90% of the Randstad call-centre workers joined this strike. Their workers in corporate call centres also had a national strike day in late October 2019. SINTTAV went on strike on 22 and 31 December 2019 because temporary work and outsourcing companies in the sector would not cooperate with the unions (Público, 2019; O Minho, 2019).

The number of trade union strikes in the call-centre sector has been growing during the COVID-19 pandemic, brought about partly by worsening work conditions due to the pandemic itself (Table 14).

**Table 14** Strikes in the call-centre sector during the COVID-19 pandemic in Portugal

| Union calling strike | Date or period of strike                                      | Reasons for strike                                                                               |
|----------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| STCC                 | 24 March 2020                                                 | Transition to telework regime of call centres providing non-essential services                   |
| SNTCT                | 28 March 2020                                                 | Pay rise, working conditions                                                                     |
| STCC                 | 28–30 December 2020                                           | Pay rise, meal subsidies, precarity, working pauses                                              |
| SIESI                | 24, 25 and 31 December 2020, 1 January 2021                   | Pay rise, working conditions, non-discrimination                                                 |
| SITE-CN              | 24, 25 and 31 December 2020, 1 January 2021, 16 February 2021 | Precarity, pay rise, work-life balance                                                           |
| STCC                 | 24, 25 and 31 December 2020, 1 January 2021                   | Subsidy for telework costs, pay rise                                                             |
| SNTCT                | 24, 25 and 31 December 2020, 1 January 2021                   | Working time, pay rise, working conditions, precarity and hiring through temporary work agencies |
| SIESI                | All weekends in 2021                                          | Working time, pay rise, pauses, against temporary work agency Randstad                           |

Source: Interview data (2021).

In 2020, STCC went on strike twice for the right to telework during the COVID-19 pandemic. Further reasons for the conflict include the demand for integration of workers within the permanent staff of the companies for which they provide permanent services, so that they would be covered by collective bargaining, have more rights and enjoy better working conditions (CGTP, 2020).

The COVID-19 pandemic represented a significant challenge for these workers in terms of finding good and effective collective representation. During the pandemic, the public seemed to realise that many tasks and services were done through call centres, which changed the public perception regarding call-centre working conditions. According to STCC's leader:

The pandemic never stopped the call-centre sector. We noticed that COVID-19 changed clients. They now have more patience, are less aggressive towards the operators and understand that their problems are with the company.

A critical turn occurred when a strike called by STCC shed light on the behaviour of many companies in this sector:

Our strike in late March 2020 called attention to the fact that most call centres refused to allow their workers to move into telework and were forcing their workers to continue working together.

Call-centre workers were also on strike during the period of Christmas and New Year 2020, after the major strike they had led during the beginning of the COVID-19 pandemic in March 2020 (Roque, 2020a). In calling for a telework strike on these specific days and during the pandemic, STCC had several aims, including direct hiring, the end of false temporary work and improved social recognition for the call-centre worker profession. According to STCC's leader:

Our strikes during Christmas and New Year intended to demand the same regulations for telework that exist in the labour code, demanding the creation of a profession with regulations, dignity for our work (as some of us still feel ashamed due to the sector's lower status and poor working conditions) and demanding a subsidy for telework. We also want to say to the parliament that we are still waiting for the study on our working conditions in call centres, which was approved last year.

During the first wave of COVID-19, the call centre Teleperformance forced all of its close to 10,500 operators to work during weekends as if they were normal working days and regardless of whether or not they had been off work during weekdays – the call centre enforced this by threatening to remove the possibility of transitioning to a telework regime (CGTP, 2020). STCC's leader reported that some companies created unsafe and precarious working conditions, for example, allowing workers who had tested positive for COVID-19 to enter the workplace without informing the whole community of workers (Roque, 2020d). Still according to the STCC's leader:

We feel now that social perceptions about our work have changed, and [public] debate is now more aware of the brutal conditions under which call centres operate and the control that managers exert over their workers.

Building on this, in March 2020, STCC called for strikes against in-person work during the pandemic, which resulted in further mobilisation (Roque, 2020c). The leader of STCC stated:

Workers are starting to believe that it is worth doing something because now they can see something happening. Most people didn't want to go back to the offices

under COVID-19, and we won that right by mobilising workers. Many multinationals in Portugal did not engage in telework in their branches in eastern Asia.

Nevertheless, the success of this strike led by STCC, as well as SINTTAV's strategies for dealing with digital challenges, did not solve all the problems raised during the process of collective action. There continues to be permanent pressure from the managers towards these teleworkers, as STCC's leader mentioned:

We still face many cases of abuse and tighter managerial controls for those in telework. Teleworkers are still being called by controllers because there are faults in the internet service or the system is too slow. We even have cases of three controllers sending WhatsApp messages [to teleworkers] at the same time.

The relentless conflict continues, even though most workers have tended to avoid confrontation during the COVID-19 pandemic. In some cases, trade union management failed in their strategy. According to STCC's leader:

To avoid confrontation, many workers paid for an increase in their internet service and even bought computers out of their own pockets. The labour code states that companies should supply the hardware and software to teleworkers. Some companies tried to remove the meal subsidy but have since withdrawn that demand. Abuse and pressure are brutal. Trade union organisers now prefer not to take the time to do union work to avoid confrontation. There were cases where companies did not inform their workers that colleagues had contracted COVID-19. Furthermore, we received reports that managers are warning that those who do not meet targets will have to go to work in person in the office. To avoid this, workers are working longer hours to meet these targets.

According to the trade unionist of SINTTAV interviewed, the union was also concerned with the transition to telework because companies had drafted regulations with the consent of the works councils alone, without consulting with trade unions. Supervision was intensified in the context of telework, with some call-centre managers prone to using social media and messaging applications (especially Skype and WhatsApp) to control workers in a more pervasive way. Due to the increase in the number of calls, the so-called 'five-minute tolerance' was lowered to one minute. That is, if workers did not answer a call within one minute, they would receive a communication from their supervisor asking them

what was happening, often in an aggressive manner. However, the 10 minutes stipulated for a bathroom break remained in place.

STCC accused most companies in the sector of maximising exploitation and increasing profits by taking advantage of teleworking to transfer operating costs (electricity, water, internet) to call-centre workers who were working from home (Lusa, 2020). Along similar lines, transportation and meal subsidies also came under discussion, with companies proposing their removal. Furthermore, according to a trade unionist and SINTTAV shop stewardess, during the pandemic there were several digital strategies utilising WhatsApp and Facebook to deal with telework which placed workers under additional pressure. In some companies, each team created a WhatsApp group to not only exchange information but also exert public pressure on workers. For example, when a worker was late for work, the supervisor would announce it to the entire WhatsApp group and the minutes of delay would be discounted from that worker's monthly salary. However, this proved a double-edged tool, as the WhatsApp and Facebook interfaces also allowed all workers to have access to the same information simultaneously, increasing transparency and impartiality, as well as affording unions and their delegates a means to present their work to the call-centre workers.

At the same time, there were also other more informal WhatsApp groups which primarily served social and conversational purposes, although some of these groups also shared information about work in the company. These groups could have up to 12 or 15 members and were based on the trust established between colleagues. In one of these WhatsApp groups, the interviewed trade unionist from SINTTAV gave support and transmitted information regarding workers' rights. She also had a WhatsApp group specifically for six trusted colleagues – all of whom were unionised and two were very class-conscious.

There were more communication groups across different digital media with different trust levels. During the first wave of the COVID-19 pandemic, the management of one call-centre company created a WhatsApp group – including union members, the works council, supervisors and production directors – among whom no trust relationships existed, leading to distrust regarding the information shared in the group. In terms of different media, a SINTTAV leader in northern Portugal asked one trade union delegate in the company to create a Facebook group to inform union members in the company, but workers did not feel safe participating and did not trust the page. As many call-centre workers in teleworking do not live in Porto, SINTTAV also engaged in their first plenary

session online. STCC is already engaging in cyberactivism since 2014, adopting online and social media strategies and holding virtual plenaries before the pandemic (Roque, 2020c).

## **Concluding remarks**

This case study has identified a vast repertoire of union strategies, including rank-and-file activities, media protests, the use of digital media to counter divisions between workers, and strategies to avoid management control of communications, despite intense managerial opposition. Nevertheless, the large number of competing trade unions present in the call-centre sector may hinder the ability of workers to obtain concessions in terms of income and working conditions. The strategic repertoire of the independent union STCC allowed for swift reactions, as they know how to use digital tools, social media and the mainstream media in their conflicts. Other unions were slower, as it took time for older generations of unionists to understand and adopt the systematic use of digital repertoires; these older generations struggle to understand the needs of such collectives of 'digital precarious' workers with a growing sense of their socio-economic class.

Furthermore, it is not difficult to see that even strong trade unions such as STCC will face difficulties with the transition to teleworking, as traditional trade union methods of industrial action may cease to be effective with the wide use of telework. Trade unions will be forced to improve their digital repertoire to reach more atomized workers and, eventually, competition will increase for new workers. Also, during the COVID-19 pandemic, we detected an increase in new contracts for self-employed workers who were required to own their means of production, such as a computer, internet connection and smartphone. Owning their means of production probably will further increase the difficulty to recruit and organize new workers arriving in a sector with so many unions. Thus, we would recommend legislative action to define the profession of call-centre operators within the Portuguese Classification of Professions, thereby allowing the establishment of collective agreements in the sector as well as more cooperative industrial relations.



## **15. CARE SERVICES ORGANISED BY DIGITAL PLATFORMS IN GERMANY AND SPAIN**

Juan Arasanz | Bettina-Johanna Krings

For decades, and throughout the COVID-19 pandemic, ‘care’ as an umbrella concept for a broad range of activities has been intensively debated in the context of social development. Ageing societies have led to a widespread need for care services to maintain and support the daily lives of families and elderly people in most highly industrialised countries (Mol et al., 2010). ‘Care work’ encompasses a range of activities for the provision of assistance and support to individuals with some degree of long-term dependency. These include some medical and personal care services as well as assistance with daily living tasks, such as cooking or shopping (OECD et al., 2017, p. 150). Gender imbalances are persistent, with a disproportionately large share of caring responsibilities falling upon women; career planning for women has broadened, whilst participation in caring responsibilities by men has not increased at the same rate.

Across the European Union (EU), the coverage of care needs is organised differently. This chapter will discuss the impact of digital platforms in the home-care sector through our case studies in Germany and Spain. When assessing the impact of digital platforms in care work, it is important to consider the social and institutional contexts in which care work is carried out in both countries. On the one hand, Germany is one of the European countries with the majority of care recipients at home. Based on a well-developed public-private ‘care market’, it has traditionally prioritised this arrangement over institutional care facilities. In Spain, on the other hand, home-care services have been poorly developed. Despite attempts to expand public provision and professionalisation of long-term care, the demand has been largely covered by ‘domestic workers’ with a high share of irregular work.

Recently, care work based on digital platforms has also been discussed under the label ‘Uberisation of care work’ (Trojanski, 2020). The following analysis will show that the implications of digital platforms in the field of care work are different depending on the institutional embedding of care work into home-care services. These case studies clearly show how the national context determines the impact digital platforms have in the field of care work. After presenting the main trends and contextual factors in which care platforms are developing in the two countries, the chapter analyses the main characteristics of these platforms and the main problems associated with this form of labour intermediation. The chapter concludes with some remarks about the risks and opportunities of digital platforms in a quickly expanding sector dominated by high levels of informal work and poor working conditions.

This chapter builds on fieldwork research conducted in the framework of the *Crowdwork project*. The interviews carried out by the authors form the basis of this chapter, and the views shared by workers and trade union representatives are outlined below. However, it is worth noting that the authors found particular difficulties in getting access to potential interviewees, which is indicative of an absence of collective organisation and representation of this group of platform workers compared to those in other sectors or platform-mediated activities.

### **The national contexts of crowdwork in the field of care in Germany and Spain**

In Germany, the need for care services has been rising for decades, and the challenge to meet this need has been exacerbated by the COVID-19 pandemic. The experiences of carers during the pandemic have also highlighted the poor working conditions of those working in the healthcare sector and the social care sector. In general, there is a recognition that the real problems in the German care labour market are the result of a fundamental transformation in the country’s healthcare sector in recent decades. There has been a shift from a public service to a private domain ‘healthcare market’ (Manzei et al., 2014), resulting in various permutations of fully private and public-private partnership models, significantly reducing the quality of working conditions for the employees. This shift is due to competition-oriented regulations according to the principles of a free-market economy. Instruments like the introduction of a flat rate of pay plus reimbursement of expenditures for each individual in care and budgets for specific tasks have increased competition in the sector. Through the privatisation of costs and

the outsourcing of public benefits to the private sector, both financial and moral aspects of responsibility have been clearly transferred to patients (Manzei et al., 2014). As a result of this fundamental transformation, the German healthcare sector has become more organised according to free-market principles, which has created social difficulties on many levels in recent decades (Manzei and Schmiede, 2014). The COVID-19 pandemic has raised public awareness of these problems, and the country has entered into an intense debate about ‘essential’ services and professions to be recognised.

In the last decade, there have been two strong trends in addressing societal problems of care in Germany. The first trend is the use of technology and digitisation as important strategies to support, assist and replace human work time in the healthcare sector, with a strong focus on elderly care (Hülksen-Giesler and Krings, 2015; Dominguez-Rue and Nierling, 2016). The second trend is the reorganisation of the sector through new forms of organisation of care work – for example, partial or full privatisation or outsourcing of processes. Crowdfwork as such is implicated in both strategies. On the one hand, most start-ups are developed as independent enterprises in the care market, with new business and organisation models. On the other hand, digital platforms are established as the main instruments to distribute and coordinate care work (Krings and Weinberger, 2018).

In Spain, as in many other European countries, the progressive ageing of the population and the scarce availability of affordable long-term care services are the main driving forces behind the extension of care platforms (Trojanski, 2020). The demand for in-home care services, either through platforms or placement agencies, increased during the pandemic, mostly due to the dramatic situations experienced in Spanish nursing homes (Costa i Font et al., 2021). These developments have contributed to increasing public awareness of the poor working and living conditions of most care workers in household environments (Diego-Cordero et al., 2021).

A determining factor of working conditions in the home-care sector in Spain is the regulation of ‘domestic work’ as a ‘special employment regime’ and the role this work arrangement has historically played in the social organisation of care. The ‘special regime for household workers’ (*regimen especial de empleados del hogar*) dates back to the late 1960s as an employment status established to legally recognise informal care work in the household. Despite legal amendments that aimed to progressively extend standard employee rights, the regulation of domestic work still does not guarantee the same employment and social protection

rights as those of workers under the Standard Employment Relationship (SER). Domestic workers lack protection against unfair dismissal, as the contract can be terminated at the employer's request without a cause, and they are also excluded from unemployment benefits. Notably, Spain has not ratified the 189 ILO Convention on Domestic Workers, which is seen as a crucial step towards fully realising employment social protection rights for domestic workers and the enforcement of their collective rights (Sanz and Saez, 2021).

In recent years, the surge in demand for household work in Spain has been covered by increasing flows of women with migrant status, mostly from Latin American countries (León, 2010). According to estimates, Spain accounts for almost one-third of Europe's total domestic workers, with only Italy accounting for a higher share. However, the real extent of domestic work may be underestimated, as about one-third of total paid domestic work is thought to be undeclared (Digital Future Society, 2021). The widespread practice of informally employing migrant workers under the special regime for domestic work has been long denounced by trade unions and care workers' associations as a pivotal element of the low-cost home-care model in Spain. According to estimates for 2019, the average wage of domestic workers was only a third of the national average, which is partly explained by the high prevalence of part-time work in the sector (UGT, 2021b).

Summing up, care work as a broad range of assistive and domestic work is considered a significant societal challenge, which has been organised according to various social and individual needs. This seems to hold true in Germany and Spain: in both countries, the institutional conditions of the care labour market are crucial for the introduction of digital platforms to reorganise care work. Digital platforms appear to be a more affordable alternative work arrangement for families in need of a care professional, albeit at the expense of social and employment protection rights, compared to those care professionals who provide their services under the terms and conditions of the public system. That being said, new trends in platform care work are still being explored further in Germany, so the evaluation of these dynamics is preliminary.

### **Examples of care work organised by platforms in Germany and Spain**

The number of digital platforms in care work in Germany has risen steadily in recent years. However, the number of start-ups has reduced again because larger successful start-ups like *Pflegetiger* in Berlin have acquired smaller ones.

Nowadays, Pflegetiger is part of the Stephanus Foundation with a broad range of services (Stephanus Foundation, 2021). Traditionally, the foundation specialised in medical-based care work, but more recently, it has widened its portfolio to include domestic care work and personal home support for the elderly. Another interesting example is Careship, which was founded in 2015 by a brother and sister after they tried to find individual care support for their grandmother. Today the enterprise offers activities like assistance and support, daily errands, household help and basic care. Currently, Careship has accounts for around 1,000 registered caregivers, mainly students, retired people, volunteers and people already caring for older people in their neighbourhood.

Yet another start-up is the platform Pflégix, founded in 2016. The intention here was the same as at Careship – to develop new working models to address the need for care work in Germany. The goal is to connect people seeking care-related assistance at home with helpers living nearby. Pflégix is growing steadily, both geographically within Germany and through its comprehensive portfolio of activities ranging from cleaning and household help to highly skilled nursing activities (Pflégix, 2021). It seems to be today's most important platform for care services nationally, encompassing ambulant care; household activities like cleaning, shopping, gardening and cooking; assistance and (technical) support at home; and family support. Pflégix currently has more than 11,000 'Helfer' (support staff). The platform's main focus on skilled healthcare at home, rather than mere domestic care like cleaning or cooking, has become its unique selling point within the platform economy. It matches help seekers with potential caregivers; both parties can set up a profile on the platform, which functions through a mobile app that provides the infrastructure for communication, documentation and payment, where they provide information about their desired type of assistance or their relevant qualifications and work experience.

Furthermore, Pflégix promotes its service through an internal system that certifies its caregivers, for which the care workers are asked to pass a four-step process. This 'certified caregiver' status is the precondition to being accepted and registered as a platform worker. Pflégix claims to check the accuracy of the data provided before caregivers' profiles appear on the platform while stressing that verifying relevant skills can only occur within the care relationship itself. If help-seekers are interested in a caregiver's profile (and vice versa), contact can be made through the platform and employment negotiations can begin. Pflégix stresses that it is not an employer and that caregivers are personally responsible for managing taxation and social security contributions; it does not offer

working contracts but rather access to advertised opportunities for care work. Caregivers, therefore, have to manage their work within the legal frameworks of self-employment and commercial work. Typically, these procedures are embedded into the ‘450 Euros rule’, which allows workers in Germany to earn up to €450 per month without the employer having to pay social security contributions (Bundesagentur für Arbeit, undated). Because Plegflix is not itself a party to the employment contract, it is not responsible for any misconduct, even though conflicts can be resolved through the platform. It also provides liability insurance for all platform-related activities.

In Spain, digital platforms have found their way into a sector that was already encountering difficulties in drawing boundaries between care and household services – boundaries which are significant due to the consequences for workers’ employment status classification and associated social protections. Furthermore, the regulation of the domestic work employment relationship fits with the terms and conditions of the services provided by digital platforms, which do not bear responsibility for any employment relationship emerging between platform users.

As already mentioned, Spain is among the EU countries with the highest number of domestic workers employed directly by families. Digital platforms in the field of home care and household services act as placement agencies between the client and care workers. Two distinct business models can be identified according to the type of services provided and the platforms’ role in the intermediation process (Digital Future Society, 2021). On the one hand, a group of platforms, such as Cuideo, Qida and Cuidum, specialise in long-term care and pre-arranged regular services. On average, about half of their demand is for live-in carers. These platforms operate in a similar way to traditional placement agencies and carry out the selection of carer profiles according to client demands and needs. Platforms charge clients monthly fees for these services, which in some cases include support to formalise the employment relationship between the client and worker, and the registration of the contract under the ‘special regime of household workers’ on behalf of the clients; however, the terms and conditions of the service are agreed between the client and the professional. On the other hand, platforms such as Cronoshare and Clintu are acting as multi-service companies to provide a wide range of domestic and personal services on an on-demand basis by facilitating contact with professionals for house cleaning and maintenance, caregiving, and even psychologists and private language tutors. Such on-demand apps specialise in short-term services and charge the workers a commission for the service. Workers set their rates and get paid through the app.

There are also significant differences in the profiles of carers between these two types of platforms (Digital Future Society, 2021). Platforms specialised in the provision of long-term home care services are more demanding in terms of qualification and previous experience requirements. These platforms tend to emphasise their role in selecting carers, matching carers' profiles with users' needs, and consequently building trust with families, all of which are crucial aspects of care work. In this way, these platforms seek to differentiate their business model from that of the on-demand household services, which are often identified with low qualification requirements and short-term jobs. However, the business models of care platforms have come under increasing scrutiny by labour enforcement agencies, as some of these companies have been found in non-compliance with the labour law.

### **Problems and opportunities for crowdworkers in the care sector**

In general, there is no information available demonstrating collective action from crowdworkers in the field of care activities in Germany. During the COVID-19 pandemic, public and political debates recognised the healthcare sector as essential to the national healthcare system. Based on experiences with digital platforms in the field of care work, one may identify different problems according to key aspects of care activities in Germany, which are explored below. Similarly to crowdwork activities in other sectors, the root problem lies in the legal status of employment. In the following paragraphs, three kinds of structural problems in this field are described, all of which impact the sector as a whole.

Firstly, there is the problem of 'self-employed worker' status, which is well known within different models of platform work. As experiences show, some qualified personnel appreciate platform work for the opportunity of increased earnings, more flexibility in time scheduling, and less shift work. Given the generally poor working conditions of care personnel in Germany, and despite the negative aspects of platform work detailed in this chapter, these new forms of organisation may still offer relatively favourable options for the mostly younger professionals who can make the most of the potential for flexibility, autonomy in shaping working schedules, higher earnings and individual recognition. Interestingly, young nurses are very keen on participating as platform workers because of the high flexibility of work hours and caseload, which is impossible in institutionalised settings. The low threshold for joining Pflegix, for example,

enables many people to earn money while carrying out an activity that they regard as virtuous and meaningful, so at first glance, it seems to be a win-win situation for all participants. However, there is insufficient data to prove that these accounts prevail on a larger scale.

Secondly, the ‘spread of non-standard employment and the increased tertiarisation of the economy, combined with increased migration from within and beyond the EU’ seem typical of care work in Germany (Fairwork, 2020, p. 7). This problem is specifically true in the ‘health care sector where outsourcing and subcontracting practices have been widespread in the last two decades’ (Fairwork, 2020, p. 7). In Germany, care work as a household-related service (for example, cleaning and cooking) belongs partly to low-wage and non-standard employment. According to the case study interviews, organising these activities via digital platforms has two impacts. These impacts involve contradictory dynamics: on the one hand, most platforms, including Pflegix, support the minimum wage. Moreover, in some cases platform-organised work makes otherwise hidden employment visible, potentially supporting clandestine care work to be legalised, which could consequently improve working conditions. On the other hand, platform work usually does not provide standardised working conditions with social protection. The net impact of these conflicting dynamics is ambiguous from an individualistic perspective. However, what is clear is that these platform workers still do not have the same employment rights, working conditions and social protections as ‘regular’ employees. Significant numbers of platform workers are not covered by labour protection and health and safety regulations, and therefore platform work remains largely insecure. Following that, it seems crucial to link these assessments with the broader public debates in order to enable policies to support ‘migrant labour’ and ‘fair’ standards for crowdworkers (Fairwork, 2020).

Lastly, the impact of ‘additional work’ as a status of employment seems typical for the representation of crowdwork in Germany and specifically for care work activities (Nierling et al., 2020). As the heterogeneity of crowdworkers in care services shows, many diverse motivations drive those who carry out this type of work. The platform organisers often promote their platforms to potential care workers through the narrative of workers strengthening their empathy by engaging with older people. Studying these platforms’ website homepages, the concept of ‘volunteer work’ becomes a normative bias within the descriptions of the benefits of the platforms. Here, ‘volunteer work’ is strongly connected with aspects of the meaningful activities of care work and mutual social aid, which is

urgently needed all over the country. In this context, it would be worth analysing the ongoing experiences of these platform workers in further studies with this type of regular work. Another advantage is the low entry barriers set for care workers. Since there is no need for specific occupational licences, for many people, these platforms provide a ‘fast route to earning income and are frequently a lifeline for those who face barriers to standard employment’ (Fairwork, 2020, p. 7). Fairwork’s study also strengthens this argument, specifically for workers with migrant status. Because of the barriers to gaining any type of employment – ranging from stay permits and work visas required from non-EU nationals to language proficiency and formal job-training requirements that hold even for EU nationals –, many workers with migrant status have little to no chance of finding formal work in Germany.

Besides structural problems – such as the legal status of work, lack of continued remuneration in the case of illness and the security of minimum wage – platform workers face other problems in their everyday work. In the literature, these problems are described in the frame of coordination and communication processes (documented processes and transparent decision-making), control and conflicts (role of organiser, the liability of clients and use of algorithms), and workers’ training and formation. As experiences from the sector of care activities show, however, most platforms offer the ‘additional work’ model, which defines the payment per hour and offers personal liability insurance in the workplace (where that workplace may be private households).

In Spain, under the framework of the aforementioned ‘special regime for household workers’, the client is responsible for registering the employment contract and enforcing the corresponding employment standards (minimum breaks, statutory wages, and health and safety). However, it is widely acknowledged that many employers fail to meet these obligations, as shown by the extent of informal employment in the sector. In this regard, it has been argued that the emergence of care platforms contributed to renewed attempts to formalise and professionalise the sector, which were pursued through the adoption of the Dependency Act in 2007. However, these views are challenged by the information that workers and trade union representatives shared with the authors during fieldwork. Despite the rhetoric displayed by care platforms on their potential contribution to the formalisation and the professionalisation of the care sector in Spain, most of the problems reported by workers are related to the platforms’ lack of accountability concerning service intermediation. Some workers complain that platforms do not control the quality, reliability or even legality of the jobs offered through their

applications. During our fieldwork, we interviewed a union representative who stated that many job offers are 'simply offensive' and do not meet minimum legal requirements, such as statutory minimum wage and compulsory breaks. Union and domestic workers' association representatives are particularly concerned with the working conditions of live-in care workers, which are often likened to modern slavery, and these representatives have complained about the advertisement of this type of job on digital platforms. Platforms tend to emphasise their role in mediating conflicts that may arise between the client-household and the worker; however, they stress that it is ultimately the client's responsibility (as the employer) to register care workers and ensure compliance with labour standards. The platform's lack of 'organisational' support is particularly acute in the context of home care services in the event of a conflict with the client or the family – workers and unions' representatives interviewed reported that live-in carers are often exposed to sexual harassment and can have difficulty establishing liability in case of an accident at work. Occasionally, both the client and the worker agree not to draw up an employment contract in exchange for increased hourly rates, particularly in the case of one-off services.

Furthermore, some of the platforms providing intermediation services in the sector of care and domestic work have become the focus of interventions by the Spanish Labour Inspectorate (labour law enforcement agency). This is because some companies misclassified their workers as self-employed (Beltrán de Heredia Ruiz, 2018) and may have been operating as placement agencies in the long-term care sector without the appropriate authorisation. The law clearly identifies different types of employment relationships that are explicitly excluded from the regulation on 'domestic employees', notably those controlled by temporary employment agencies (the 'domestic special employment relationship' only applying between individuals) and those of care providers (whether professional or informal carers under the terms of the Dependency Act). Recipients of care allowances in the framework of the Dependency Act are only allowed to contract care professionals from certified home-care companies (El Economista, 2019).

The core issue is the lack of clear boundaries between household work and care work, because household workers have been historically filling the gap in the provision of care services by the Spanish welfare system. Specialised care platforms providing long-term services take advantage of this traditional lack of differentiation. The main reason for the expansion of non-certified care platforms over recent years is that they provide more affordable long-term home care for

clients who do not receive public allowances under the Dependency Act – at the expense of the care workers' social protection. Furthermore, there are clear indications that the multi-service platforms that intermediate short-term and on-demand domestic, personal and care services act as employers. However, the very existence of the special regime for household workers allows these platforms to present themselves as only intermediaries between the clients and formally self-employed household workers.

Another problem relates to the absence of collective organisation and representation of domestic workers. The legal framework for household work in Spain states that domestic workers are entitled to the same collective rights as general employees – namely, freedom of association, collective bargaining and the right to strike. Regardless of the formal recognition of these rights, it is worth stressing that some of the features enabled by the regulation – notably the possibility of dismissal at the employer's discretion and the lack of social protection in the event of unemployment or sick leave – clearly undermine domestic workers' bargaining power to enforce their rights. In addition, employment relationships in the household are usually characterised by isolation and invisibility. These, along with the migrant status of most domestic workers, increase the risk of abuse and exploitation, which is particularly acute in the case of live-in household workers, and hamper union intervention. These features explain the total absence of collective bargaining in the sector in Spain, in contrast to the experience of other European countries where collective bargaining agreements are in place in the sector (Nieto-Rojas, 2019).

Trade union intervention for this group of platform workers focuses on providing legal advice and support at the individual level and within the framework of wider representation strategies targeting 'atypical' workers in low-unionised sectors. This is the case in the establishment within CCOO (Workers' Commissions, Comisiones Obreras) of a union structure called New Realities of Work, which was involved in the organisation and mobilisation of platform riders. Another form of union support for household and care workers is the Foreign Workers Information Centre (CITE Centro de Información de Trabajadores Extranjeros) hosted by the same union organisation. According to the union representative interviewed, most of the platform care workers assisted by these services are women with migrant status who primarily work in nursing homes and other care facilities, and the income earned through digital platforms supplements this primary work. The unions have no further evidence on the actual extent of their work through the platform in the care and domestic work sector.

On the other hand, the role and public presence of self-organised domestic workers' associations have been rising recently. Some of these associations have a long history of fighting for the social recognition of domestic and care work. In October 2020, the first national trade union organisation in this sector was established, the Care and Household Workers Trade Union (SINTRAHOCU, Sindicato de Trabajadoras del Hogar y del Cuidado), comprising several local, self-organised collectives. However, from a legal perspective, the scope for collective representation of these associations is limited because, strictly speaking, they are not entitled to engage in collective bargaining. The role of these associations may be similar to that of a 'proto' trade union organisation based on 'circumscribed solidarity', which is mostly defined along the lines of gender, class, ethnicity, country of origin and migrant status, and which often diverges from mainstream trade union representation strategies (Martín Artiles, 2020).

## **Concluding remarks**

The implications of digital platforms for worker conditions in the home-care sector are ambivalent. Examples from both Spain and Germany show that any evaluation of the introduction of digital platforms should be comprehensive, and include the policy context in which care work is carried out and organised. Thus, it seems important to ask: in what ways can digital platforms provide innovative solutions to problems and policy debates in the sector?

Another important question relates to the debate on the working conditions associated with platform work. The wide variety of services being intermediated and the low entry barriers to platform work may result in further blurring of the boundary between household and care-service work, and the subsequent de-professionalisation of qualified workers in the care sector. However, it has been argued that platform intermediation can improve working conditions for care workers, both through the formalisation of their employment relationship with clients and by increasing their visibility.

In Germany, these points have been raised in the context of ongoing debates: the growing need for care work, precarious working conditions and the clandestine economy. As described above, there is a significant societal need for care work in Germany, which has been exacerbated by the COVID-19 pandemic. The working conditions of nurses and care workers have also been the focus of recent debates, as they experience precarity in terms of time pressure, the density of

work, payment and social recognition. In addition, care work, similar to home service work like cleaning, is still partly clandestine work in Germany.

In terms of addressing these issues, new forms of work organisation can seem interesting at first, as they have the potential to set changes in motion. However, experiences of crowdwork in the care sector show that new motivations and possible improvements for individual care workers are mixed with a worsening of specific working structures, which are insecure, underpaid and less recognised. On the one hand, at first glance, the available platforms for care work may seem successful and a good match for the current situation in care work. Firstly, platforms offer a comparatively affordable way of extending the informal family and neighbours care network that is necessary for effective home care. Secondly, its local focus allows caregivers to work close to home and choose clients that best fit their skills. On the other hand, however, the majority of the home care sector is made up of women and part-time workers, which may lead to new versions of old problems. Furthermore, as described above in the explanation of the ‘450 Euros rule’ exempting employers from social security contributions for wages below that threshold, the central question is: to what extent can and should the self-employed benefit from certain social protection rights? It is also important to note here that care activities should be ‘formally institutionalised’ by implementing the minimum wage and relevant protection standards, both of which would be facilitated by professional recognition.

In Spain, the extension of platform work in the field of home-care services takes place in the context of limited long-term home care provision within the public sector. Digital placement agencies have focused on their potential role in modernising and formalising a sector that has traditionally been characterised by high levels of irregular employment and, most importantly, the absence of clear differentiation between care and household activities. However, the persistence of the regulation of domestic work as a ‘special regime’ appears as the main obstacle to the professionalisation of the home-care sector, as it enables families to employ carers at a lower cost than professional carers who would be employees under the general social protection schemes.

Furthermore, in Spain, while it is still unclear whether the regulation of labour market intermediation services applies to these platforms (Capponi, 2020), the special regulation of domestic work allows platforms to avoid any responsibility for their service intermediation, as responsibility for any infringement of labour law rests with the client household. This marks a substantial difference to the relationship established between digital platforms in other sectors and

their respective workers or collaborators. This gives rise to further difficulties for care and household workers attempting to initiate collective litigation to enforce labour rights, as food-delivery riders working through platforms have done. The special regulation of household work does not allow for the classification of domestic workers as self-employed – they must be hired either by the platform (as an employee) or by the client household (under the ‘special regime of domestic work’). Unless evidence is provided that the platform is acting as an employer and not as a mere intermediary, it can be argued that an employment relationship is established, but it is the sole responsibility of household clients and not of the platforms themselves.

Platforms take advantage of regulatory gaps to find ways into sectors in which there were pre-existing difficulties in drawing boundaries concerning workers’ employment status. In Spain, the introduction of care platforms benefited from the traditional lack of professional status of care workers, and the subsequent lack of differentiation between long-term care and household activities. This is reflected in their reliance on the domestic special employment relationship, which allows platforms to shirk their responsibilities as employers and to offer services at a lower cost than certified care companies operating under the Dependency Act. This has sparked controversy over their acting illegally as placement agencies and over employment status misclassification. Contrary to this, in Germany the irruption of digital platforms in the homecare sector has not raised debates on the role of the platform or the misclassification of carers’ employment status. Platforms have gained acceptance by professional caregivers for their flexibility. However, the growing number of platforms providing both household and care services has also contributed to blurring the boundary between professional and non-professional care work, since most of the services mediated through these platforms are being performed by workers without formal care experience and qualifications. Whether the introduction of platform work in the care sector is having an impact on working conditions in the German public care sector or on the informal sector of care work cannot yet be assessed conclusively.

## 16. SHORT-TERM RENTAL PLATFORMS: THE PORTUGUESE AIRBNB CASE

Isabel Roque

Portuguese short-term rental platforms are unique at the European level due to Portugal's tourism regulations for 'local lodging'. Portugal was a pioneer in the regulation of short-term rental accommodation and is one of the few countries with national legislation regarding this activity. The concept of 'local lodging' (*alojamento local*) was created in 2008 by the Decree-Law no. 39/2008, allowing the provision of temporary accommodation services in private lodgings and small collective establishments that do not meet the same requirements as purpose-built tourist accommodations. However, the increase in demand for new types of tourist accommodation and the emergence of peer-to-peer online platforms made local lodging very significant in the tourism and economic sectors, resulting in the creation of a specific legal diploma for this activity (Decree-Law no. 128/2014, amended by Decree-Law no. 63/2015, of 23 April).

Since 2014, Portugal has seen a tourism boom, mainly driven by the lower cost of flights and accommodation that followed the financial crisis of 2007-2008 (Boavida and Moniz, 2019). Tourism is extremely significant for the internationalisation of Portugal's economy, including the international promotion of the 'destination Portugal' brand. A series of public policies known as the National Strategic Tourism Plans brought international exposure to the Portuguese tourism industry through external promotion campaigns, which ran on a scale unheard of in the history of tourism in Portugal (Santos, 2018). In 2019, Portugal was the twelfth most desirable tourist destination in the world (WEF, 2019).

Airbnb is an online platform for people to advertise and book accommodation. In the same way that Uber is symbolic of the ride-hailing sector as a whole, Airbnb is symbolic of the wider short-term accommodation sector. It was launched during the aftermath of the 2007-2008 financial crisis, within a wider

boom in low-cost tourism, and it has played a significant role in the expansion of the Portuguese tourism sector. As recently argued by Bosma (2021, p. 10), 'Airbnb is no longer only a home rental platform; it also becomes a platform for managing the labor required to rent out these homes.'

In 2020, following the outbreak of COVID-19, the land borders and the airports were closed, leading to a decline in the number of 'occupied bed nights' from 70.2 million in 2019 to 26.0 million in 2020 (INE, 2020). During the first lockdown, the Portuguese government decided to close all tourist accommodation units and the number of overnight stays shrank by 96% between February and April 2020. Employment in the Portuguese tourism sector was dramatically impacted, particularly given that temporary contracts were not renewed for those working in businesses forced to close, as well as the sudden drop in national average disposable income (Santos et al., 2020).

## Method

To understand how Airbnb arranges itself and how workers are organised, 15 semi-structured interviews were conducted with activists, managers, freelancers and workers (drawing on a network of 25 contacts), between November 2020 and January 2021 in mainland Portugal, Azores and Madeira.

The mainly qualitative analysis used relevant sources, such as national statistics, media coverage, legal information regarding the sectors' legislation, and documentation of existing queries made to Airbnb at regional and national levels. Given the context of the COVID-19 pandemic, interviews were adapted to be COVID-safe – primarily using digital platforms, digital media (Skype, Facebook, Zoom) and telephone communication. Non-participant observation was also carried out in Facebook groups. As the interviews were conducted, non-probabilistic snowball sampling was also used to obtain further significant contacts for the study. Table 15 displays the interviewee profiles.

**Table 15** Airbnb interviewees in Portugal (November 2020)

| Interview             | Age         | Gender         | City                                  | Education                                                          | Status           |
|-----------------------|-------------|----------------|---------------------------------------|--------------------------------------------------------------------|------------------|
| 1                     | 39          | Woman          | Lisbon                                | Degree in Environmental Engineering; Master in Veterinary Medicine | Entrepreneur     |
| 2                     | 45          | Man            | Lisbon                                | Degree in Computer Engineering                                     | Entrepreneur     |
| 3                     | 40          | Woman          | Lisbon                                | Degree in Social Sciences and Humanities                           | Entrepreneur     |
| 4                     | 43          | Man            | Porto                                 | Upper secondary                                                    | Worker           |
| 5                     | 49          | Man            | Porto                                 | Bachelor of Accounting                                             | Entrepreneur     |
| 6                     | 40          | Woman          | Lisbon                                | Degree in Communication; Master in Multimedia                      | Entrepreneur     |
| 7                     | 46          | Man            | Azores                                | Degree in Computer Engineering                                     | Entrepreneur     |
| 8                     | 48          | Woman          | Porto                                 | Law Degree                                                         | Managing Partner |
| 9                     | 56          | Man            | Algarve                               | Civil Engineering Degree                                           | Entrepreneur     |
| 10                    | 49          | Woman          | Azores                                | Upper secondary                                                    | Worker           |
| 11                    | 52          | Man            | Lisbon                                | Degree in Management                                               | Entrepreneur     |
| 12                    | 40          | Man            | Porto                                 | Degree in Architecture                                             | Entrepreneur     |
| 13                    | 42          | Woman          | Azores                                | Upper secondary                                                    | Entrepreneur     |
| 14                    | 40          | Man            | Algarve                               | Degree in Management and Computer Systems                          | Entrepreneur     |
| 15                    | 30          | Man            | Madeira                               | Civil Engineering Degree                                           | Managing Partner |
| Main features overall | Average: 44 | 40% W<br>60% M | 33% Lisbon<br>27% Porto<br>27% Azores | 80% with a degree                                                  | 73% Entrepreneur |

Source: Data from interviews.

## The Airbnb business model in Portugal

Regarding the origins of the Airbnb platform in Portugal, according to the interview with the President of the Association of Local Lodging in Portugal (ALEP, Associação de Alojamento Local em Portugal), this service was originally connected with the use of owners' holiday homes. In urban centres, Airbnb hosting is often a person's main profession, not just a complementary source of income. In other regions such as the Algarve, the opposite is observed – Airbnb hosting is generally a complementary source of income. The President of ALEP also explained that there are companies exclusively dedicated to renting out properties

through Airbnb, as well as private individuals working as Airbnb hosts (either as property owners or as managers). As shown in the ownership distribution of local lodging listings: close to 80% are individual entrepreneurs owning two or three lodgings; about 20% are micro-enterprises, whose employees are managing partners; and only 2 to 3% are employers with more than 100 units and 15 to 30 employees. As two interviewees pointed out:

My universe and my issues related to workers are very small, most of them have no employees, they do not have this logic and they are very small structures with three, four, five, or six people – therefore, it is almost a family logic. And even in our case, the hiring of employees is essentially for cleaning, and then check-in and check-out, but essentially for cleaning. Check-in and check-out is typically an area for freelancers as well, and that is not a hidden [labour] contract. (Interviewee 11)

80% of the people who were on Airbnb had two houses. But up to 82%, to be more precise, were micro-entrepreneurs and that dropped to 60% in 2019 because of a growing market for big investors. To make a livelihood, often what [micro-entrepreneurs] do is complementary to some other occupation they already have. (Interviewee 3)

Accommodation establishments, lodging apartments and houses are all considered ‘establishments’ according to a 2008 Ordinance (PCM and ME, 2008). Airbnb utilises an aggregator business model and it offers a wide variety of spaces, ranging from shared rooms to private islands.

In Portugal, there are three types of properties: apartments (the majority), villas or detached houses, and small collective lodging establishments (hostels/dormitories). The ‘Airbnb economy’ comprises not only the real estate rental business itself but also the whole surrounding local economy and aspects of the entire neighbourhood. Whilst noting the broader and complex picture of advantages and disadvantages, this case study has identified positive impacts, including strong bonds of interdependence and job opportunities. As a form of alternative tourism, Airbnb has helped to enhance city dynamism and revitalise the economy following the Troika crisis.<sup>1</sup> In city centres, some workers left

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1. The Portuguese ‘Troika crisis’ relates to the effects of a government programme to prevent insolvency in the sovereign debt crisis (April 2011). The bail-out funding was negotiated with the International Monetary Fund, the European Financial Stabilisation Mechanism and the European Financial Stability Facility – the so-called ‘Troika’. Portugal exited the bail-out in May 2014, the first year of positive economic growth following a three-year recession.

their previous fields of work due to redundancy and, having run out of alternatives, decided to invest their redundancy payment and savings to establish an Airbnb business.

**Table 16** Share in total tourism accommodation by type of establishment in Portugal (2010–2019)

| Year | Tourism Accommodation (%) |                  |                      |               |                           |
|------|---------------------------|------------------|----------------------|---------------|---------------------------|
|      | Hotels                    | Hotel apartments | Touristic apartments | Local lodging | Housing and rural tourism |
| 2010 | 38.3                      | 6.8              | 9.1                  | --            | --                        |
| 2011 | 43.2                      | 7.1              | 9.1                  | --            | --                        |
| 2012 | 48.7                      | 7.4              | 9.6                  | --            | --                        |
| 2013 | 31.1                      | 4.3              | 5.7                  | 31.4          | 24.9                      |
| 2014 | 31.3                      | 4.1              | 5.4                  | 32.0          | 24.7                      |
| 2015 | 26.8                      | 3.2              | 4.5                  | 33.4          | 29.9                      |
| 2016 | 25.7                      | 3.0              | 4.0                  | 38.1          | 27.2                      |
| 2017 | 22.4                      | 2.5              | 3.5                  | 45.6          | 24.3                      |
| 2018 | 20.4                      | 2.2              | 3.1                  | 51.5          | 21.4                      |
| 2019 | 21.2                      | 2.3              | 3.1                  | 47.2          | 24.7                      |

Source: INE, PORDATA. Last updated: 08.07.2021.

Table 16 provides a comprehensive overview of the evolution of the tourist accommodation capacity rate in Portugal between 2010 and 2019. During the Troika crisis, traditional accommodation suffered a decrease in its share, while local lodging, including Airbnb accommodation, experienced fast growth up until 2018.

Table 17 shows the number of companies operating in the tourism accommodation sector by economic activity and legal structure. The number of companies in the holiday home and other short-term accommodation categories has been growing steadily since 2010, surpassing the number of hotel establishments since 2014. This phenomenon included a period of accelerated growth, particularly from 2015 onwards, through the emergence of a considerable number of small and medium-sized enterprises (SMEs) that employed 10 or more people. Up until 2014, only companies with less than 10 employees were registered in this activity, according to data from INE. This is a sector in the Portuguese economy where micro-companies and freelancers are prevalent.

**Table 17** Number of companies in the tourism accommodation sector by economic activity and legal structure in Portugal (2010–2019)

| Year        | Hotel establishments |                      |           | Holiday homes and other short-term accommodation |                      |           |
|-------------|----------------------|----------------------|-----------|--------------------------------------------------|----------------------|-----------|
|             | Legal structure      |                      |           | Legal structure                                  |                      |           |
|             | Total                | Individual companies | Societies | Total                                            | Individual companies | Societies |
| <b>2010</b> | 4,052                | 1,057                | 2,995     | 2,578                                            | 1,262                | 1,316     |
| <b>2011</b> | 4,311                | 1,283                | 3,028     | 2,784                                            | 1,325                | 1,459     |
| <b>2012</b> | 4,300                | 1,247                | 3,053     | 2,990                                            | 1,373                | 1,617     |
| <b>2013</b> | 4,295                | 1,168                | 3,127     | 3,333                                            | 1,592                | 1,741     |
| <b>2014</b> | 4,190                | 1,136                | 3,054     | 5,228                                            | 2,901                | 2,327     |
| <b>2015</b> | 4,180                | 1,046                | 3,134     | 11,917                                           | 9,007                | 2,910     |
| <b>2016</b> | 4,334                | 1,083                | 3,251     | 17,196                                           | 13,676               | 3,520     |
| <b>2017</b> | 4,405                | 1,059                | 3,346     | 24,048                                           | 19,350               | 4,698     |
| <b>2018</b> | 4,511                | 1,046                | 3,465     | 32,488                                           | 26,555               | 5,933     |
| <b>2019</b> | 4,677                | 1,032                | 3,645     | 36,978                                           | 30,108               | 6,870     |

Source: INE, PORDATA. Companies' integrated accounts system. Last updated: 30.10.2020.

Table 18 presents the number of beds in local lodging – largely made available through Airbnb – and the aggregate supply of tourist accommodation in Portugal. Since 2014, the local lodging growth rate has consistently been higher than that of the overall tourist accommodation sector, reaching its maximum rate of 19% in 2017, compared to 6% for the tourist accommodation sector as a whole.

**Table 18** Availability of beds in total tourist accommodation and local lodging in Portugal (2010–2019)

| Year | Total tourist accommodation |             | Local lodging |             |
|------|-----------------------------|-------------|---------------|-------------|
|      | No. of beds                 | Growth rate | No. of beds   | Growth rate |
| 2010 | 279,506                     | --          | --            | --          |
| 2011 | 289,107                     | 3%          | --            | --          |
| 2012 | 296,321                     | 2%          | --            | --          |
| 2013 | 326,187                     | 10%         | 41,243        | --          |
| 2014 | 342,497                     | 5%          | 43,840        | 6%          |
| 2015 | 362,005                     | 6%          | 49,443        | 13%         |
| 2016 | 380,818                     | 5%          | 55,796        | 13%         |
| 2017 | 402,832                     | 6%          | 66,640        | 19%         |
| 2018 | 432,152                     | 7%          | 78,155        | 17%         |
| 2019 | 443,157                     | 3%          | 87,997        | 13%         |

Source: INE, PORDATA. Last updated: 08.07.2021.

## Status of Airbnb hosts

Airbnb's business model is based on hosts who are often property owners, with non-proprietary workers also taking on tasks such as management, administration and cleaning activities. The interviewees fall predominantly in the first group – hosts who are property owners. Airbnb workers tend to be highly skilled with an academic degree, but without any prior training in the tourism sector. As such, there is a mismatch between the qualifications of these workers and their job roles in Airbnb. Many of them perform multiple interrelated tasks such as management, administration, check-in and check-out, cleaning, laundry, technical maintenance and ancillary activities – altogether requiring workers' total availability. However, it should also be noted that among these, there is a group of intermediate and invisible workers, mostly subcontractors and small companies, sometimes family-run, who carry out tasks such as cleaning, laundry, electrical maintenance, plumbing, gardening and food supply. These workers are generally either subcontracted through temporary work agencies or working under an internship programme set up by the job centre.

In mainland Portugal, where workers in this field are typically self-employed, around 49% are independent workers, 31% are individual entrepreneurs, 14%

are companies and only 3% exercise property management functions. In contrast, in the Azores, the average Airbnb listing is operated by a small number of subcontracted workers dedicated exclusively to Airbnb property maintenance. Furthermore, in the interview with the President of the Azores Local Accommodation Association (ALA, Associação de Alojamento Local dos Açores), he stated that in the Azores some retirees list houses they own in addition to their main residence to gain additional income; most of these retirees manage the properties themselves and do not engage in subcontracting.<sup>2</sup> This contrasts with the typical Airbnb listing in mainland Portugal.

Our interviewees ranged between 39 and 56 years of age. Their relationship to property and their socio-economic status differ greatly from other digital platform workers, such as Uber drivers, and Uber Eats and Glovo food-delivery riders. Most Airbnb workers manage their working hours and own their means of production – including the accommodation property. Airbnb workers do not perceive themselves as traditional digital platform workers, but as independent self-employed entrepreneurs, sole proprietors and people with a management contract ('managing partners') under the regime of so-called 'green receipts'.<sup>3</sup> They use the digital platform as a marketplace to boost their business. As ALEP's president pointed out during our interview:

When I speak on behalf of the sector, I am speaking on behalf of businesspeople, and therefore, we cannot and do not have to form a union. We are representatives of a business sector that happens to have the characteristic of being made up of individual entrepreneurs or private individuals. Even though they are private individuals, they are not to be confused with employees. (Interviewee 11)

Therefore, Airbnb comprises a sector of workers who do not consider themselves precarious and who stand out for their independence, that is, for the freedom to be able to organise their own agenda, as the coordinator of the group 'Local Lodging – Clarifications' (ALESC, Alojamento Local – Esclarecimentos, 2021) pointed out:

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2. More information and data from surveys carried out by ALA in the Azores during the first waves of the COVID-19 pandemic are available at ALA (2020).

3. 'Green receipts' refer to the document that self-employed workers are required to use for declaring to the tax authorities the amount they have received for a provision of services or the sale of a product. By extension, the term became the nickname for the tax regime for self-employed workers.

We have the opportunity to decide [for ourselves]. That is why I think that we are different from everything else that is 'digital economy', because we are micro-businesses, and each apartment reflects the ways of its owner. [...] Yes, we don't disconnect [from work] [...] it satisfies us, and although it takes a lot of time, it brings us personal fulfilment, the opportunity for us to be able to define the direction of our business, the way we practice our activity. We have a finger in everything in our business, in a way that we would not be able to do in a bigger company. (Interviewee 3)

### **Collective voice**

Airbnb, Booking, VRBO (formerly HomeAway) and TripAdvisor platforms operate on a semi-exclusive basis. Airbnb penalises those who advertise the same property simultaneously on other platforms by not promoting them. There are also those who prefer to use a Channel Manager to operate all platforms simultaneously. According to the interviewees, Booking attracts the greatest number of customers. It charges a 15% commission on the total accommodation fee, plus 1.1% as a payment processing fee. Since December 2020, Airbnb has charged the host the aforementioned 15% commission, while the guest only pays for the lodgings, allowing guests to have full clarity over the final price, thus increasing customer satisfaction and competitiveness (Portugal News, 2020).

Finding one collective voice from this diversity is difficult. There are neither employers' organisations nor specific trade unions in this sector, the core business of which is characterised by a high rate of self-employed and freelance workers (both owners and managers) who are not in a dependent employment relationship. According to the interview conducted with ALEP's President, the employers' associations in the hotel sector sometimes claim that they also represent the Airbnb sector; however, their focus is centred on traditional hotels, with no significant efforts to recruit hosts from short-term rental platforms.

Airbnb workers are not the target recruitment base of trade unions in the hotel sector, as the vast majority have a self-perception of being managers and independent workers. Delegated tasks can be performed by other informal workers whose members could be unionised, even though these tasks do not constitute their core work. Alternatively, these tasks can be subcontracted to specialised companies belonging to employers' associations. The low turnover of Airbnb hosts and property owners is linked to the investment of time and

money they have put into their property, their cultivation of a well-established commercial activity, and often being unemployed or underemployed. This longevity of hosts and property owners on Airbnb offers an explanation both for the new collective organisation actors, such as the business and workers' organisations taking place in the sector, and for the low levels of unionisation.

Nevertheless, there is a very significant change occurring in the sector's business associations, which have never before been involved in any social dialogue process or collective agreement. ALESC was created in 2014 to promote discussion and clarification of topics related to Airbnb. It arose from a growing need for information on the part of managers and owners in the sector, namely in terms of legal and tax frameworks. ALESC operates through a website and Facebook page with 70,000 members, acting as an association of small entrepreneurs and workers, disengaged from political involvement and operating as ALEP's right arm.

ALEP was created in 2015 (ALEP, undated), following a process of changes to the autonomous legal regulations that started on 27 November 2014 (AT, 2021). Its creation coincided with Airbnb becoming a topic of controversial public debate. According to the interview conducted with ALEP's President, the association provides support to anyone who joins or is linked to Airbnb; but for more specific legal information or issues, membership is required with an annual fee of €80 which includes public liability insurance (which is mandatory for short-term rentals in mainland Portugal). In terms of representativeness, ALEP's President claims that the association represents approximately two-thirds of the members who own between one and three properties. ALEP provides support for operators and members to engage at the national level with government authorities, city councils and tourism entities. It has delegations in mainland Portugal and the Autonomous Region of Madeira.

According to the interview conducted with the president of ALA, this association has 173 associates, representing 3,000 beds and 10% of owners in the Airbnb sector in the Azores. Short-term rental platforms acted as a major driver for the energisation of the entire local and regional economy, especially in the post-Troika period. It served as a route out of the economic downturn and created a new dynamising economy in several sectors, particularly tourism. It also helped expand the number of beds available in the tourism sector, which was necessary following the increase in tourism that resulted from the 'liberalisation' of Portuguese airspace. In Madeira, the Airbnb sector does not have its own employer's association yet, only the presence of ALEP.

No representation of Airbnb hosts and workers by traditional employers' associations or trade unions was apparent in our interviews. Our research suggests that these traditional organisations are only interested in claiming broad representation to further their lobbying activities with governments and other institutions in the tourism sector. One interviewed expert in trade unionism mentioned that unions are not interested in short-term rental platforms because most of these platform workers are managers, entrepreneurs, and small or large business owners, who are not in a dependent employment relationship.

Workers in Airbnb do not consider themselves to be represented by unions either because self-perceived employers or entrepreneurs do not fit into the schemes of traditional trade union work. As such, these workers felt the need to create their own structures as employers' associations. The traditional hotel sector dominates the sectoral agenda through its own employers' associations and unions. As a result, Airbnb workers believe that these traditional tourism organisations cannot speak for the sector as a whole, so they focus on the interests and representative structures that relate to the short-term rental sub-sector alone. As ALEP's president mentioned:

I felt an atmosphere of competition, that is, the unions did not view Airbnb with good eyes. Airbnb is made of, essentially, individual entrepreneurs and private individuals that clearly would not be unionised because they are not employees [...] unions, in some way, see any movement in the labour market, especially the digital one [...] as a threat to their existence and they tend to label [...] I am an entrepreneur, I am not a precarious worker at all. But, as they are not unionised, [trade unions] saw it as a threat, and I think that this has more to do with the difficulty of seeing this change in the times [...] there is also a structural change for a certain independent life, for a less corporate life, and that is an option for many. Unions have a hard time seeing this, because, in a way, it threatens their *raison d'être*, doesn't it? Trade unions sometimes defend professions that have a high public profile and are in the hands of their employers. We are businesspeople, so I cannot say that I will go on strike [...] a businessperson who goes on strike will be laughed at. Nobody will care about a businessperson's strike. (Interviewee 11)

## COVID-19 impacts

At the onset of the COVID-19 pandemic, booking platforms reduced their range of customer support channels and proceeded with the unilateral cancellation of bookings without compensating hosts for loss of income. The response of booking platforms to the COVID-19 pandemic also showed a lack of social protection, in particular for those self-employed workers who only worked through Airbnb rental contracts and did not have organised accounting.

The first survey conducted by ALA in 2020 found that 78% of Airbnb hosts in the Azores had forecast an annual occupancy rate of over 50%. However, at the beginning of the COVID-19 pandemic, a cancellation rate of more than 50% was expected, with 43% of those surveyed forecasting cancellation rates above 75% (ALA, 2021). It should be noted that all cancellations included the total return of the reservation fee to the guest, with no compensation for the owners and managers.

## Concluding remarks

This chapter intended to portray the reality of Airbnb activity in Portugal. Even though we are dealing with platform workers who may own significant means of production such as the accommodation property, they are still under the control of algorithmic management and are subject to uncertain and potentially low earnings, the threat of job disqualification, insecurity and a lack of access to social benefits. The narrative of the 'autonomous worker' hinders unionisation, turning these workers into a mass of self-exploitative 'entrepreneurs'. Platform workers imagine they 'own themselves', that is, they perceive themselves as their own employers, while in reality they become 'proletarians to themselves' (Filgueiras and Antunes, 2020, p. 77; Perocco et al., 2020).

Airbnb workers became hostages to precarity and the possibility of unemployment, especially during the pandemic – they appeared to feel powerless in the face of platform capitalism and thus compelled to engage in games of acceptance and consent. Although there is some dissatisfaction with the operation of Airbnb and similar platforms, Portugal has a high dependence on them, especially to boost business from international tourism. Despite the precarity for individual actors in this sector, some checks and balances are in place. For example, there is sector-level civil liability insurance with a certification

system for property owners, which provides assistance and protection for guests in case of an accident – this is compulsory for short-term rentals in mainland Portugal. In addition, during the pandemic, an optional ‘clean and safe certification’ was created to show when health and safety measures were being followed on a property. However, there is a lack of protection for people working via short-term rental platforms, particularly in terms of their labour conditions, and access to social protection during periods of employment and unemployment. Therefore, it is crucial to legislate for the social protection of people working in this economic activity.



PART THREE  
**CONCLUSIONS AND  
RECOMMENDATIONS**



## 17. NATIONAL RECOMMENDATIONS: GERMANY

Linda Nierling | Bettina-Johanna Krings

The empirical case studies from Germany for the *Crowdwork project* offer insights into specific platforms in four sectors of the platform economy in Germany: Upwork in IT (Information Technology) services; the non-entry of Uber in passenger transport; Lieferando in food delivery; and Pflegix in health care services. Since the four cases refer to specific platforms, attention must also be given to the sectoral circumstances under which each type of work is performed: the legal framework, working conditions, and work quality for each sector. Furthermore, the four case studies also highlighted general developments in the German labour market, such as the complex integration of workers with migrant status into the German labour market, the increase in the German low-wage sector, and the creation of intermediary labour markets for atypical workers like students, people of migrant status and pensioners. Last but not least, the four case studies are highly diverse, not only in terms of work content but also in terms of levels of crowdworker qualifications and skills, income and type of employment. In order to improve working conditions in crowdwork, strategies are in place for collective actions. Interestingly, collective bargaining processes, and therefore the responses by unions and other stakeholders, differ considerably. It was possible to use existing regulation to prevent the introduction of crowdwork at all in the passenger transport sector. Furthermore, ‘traditional instruments’ of the collective workforce such as works councils were set up in food delivery. In contrast, unions and bottom-up organisations have had relatively low influence in care and IT services.

### Three defining characteristics

Overall, the German crowdwork landscape has three defining characteristics. First, from the very beginning crowdwork has received significant attention from social actors and was also taken up early on in scientific debate. Since 2005, debates in Germany developed a critical attitude towards ‘new forms of work’ organised and mediated by digital platforms. The negative tone intensified when ongoing flexibilisation processes were highlighted in scientific and public debates, and that flexibilisation formed part of worsening working conditions in terms of work contracts, wages, and protection standards. Concerns were amplified due to the expectation that this new organisational model of platform work would influence and negatively affect more areas of work, thereby contributing to a broader emergence of new outsourcing processes.

Empirical evidence regarding these considerations was initially based on micro and macro IT crowdwork, and then also on food-delivery services made prominently visible by their riders – a very noticeable group of crowdworkers within urban settings. That critical attitude had a strong impact on national strategies, which have been partly successfully developed by unions and other interest organisations, as well as by the German Ministry of Labour and Social Affairs. The German Ministry strengthens new opportunities and options for crowdwork in different sectors; however, at the same time, it tries to develop strategies to protect crowdworkers. Particularly in comparison with other European countries, the debate and strategies followed in Germany have been considered exemplary. This seems particularly true in food delivery, where riders were mobilised through a collaboration between a bottom-up organisation and a union; together, they developed the strategy of setting up works councils which finally improved working conditions in the sector. In passenger transport, up until now social actors have successfully prevented platforms from entering the German market by effectively using existing regulatory boundaries to protect traditional forms of work. Further union actors have set up organisational models where, in principle, problems occurring in crowdwork could be addressed and resolved, for example, the Ombuds Office for the Industrial Union of Metalworkers (IG Metall, *Industriegewerkschaft Metall*).

The second defining characteristic of the German crowdwork landscape is the strong containment of platform work through national protection mechanisms. This containment can be evaluated as an effective way to prevent the rapid introduction of disadvantages for workers and the reorganisation of

further sectors. Institutional arrangements, like employment contracts, minimum wage and works councils, positively affect the quality of crowdwork, just as they do in the majority of formal work settings. However, in other sectors, a strong division between being inside and outside the formal labour market still exists, which seems relevant for sectors like food or care, where work models are on the fringes of institutional frameworks. Both advantages and disadvantages have been observed for groups working on these fringes. However, the search for 'new' instruments to adequately protect crowdworkers in different sectors still goes on with some success. As the case of Upwork shows, current union strategies are not sufficient to reach IT workers; rather, creativity is required of the unions to design adequate measures that may reach this group of knowledge workers. Therefore, a steady adaptation of strategies on technical, organisational and social levels is needed. As the case of Lieferando shows, setting up works councils proved to be a successful strategy. However, due to fixed-term contracts and a highly fluctuating rider workforce, collective actors are striving to find strategies that go beyond works councils, such as collective wage agreements, which may ensure adequate tools for the support of workers are in place. Summing up, improvements in working conditions have already been achieved, but at the same time, there are still deficits in terms of fair and socially acceptable conditions in everyday crowdwork.

The third characteristic is that working conditions and worker actions in crowdwork are very much dependent on the overall working conditions in the sector where crowdwork is taking place. However, the cases show that in some sectors, crowdworkers enjoy better working conditions than non-crowdworkers in the same sector. This is especially visible in care services, where formal working conditions are traditionally bad for care personnel. The introduction of platforms in this sector had a certain level of success, because (qualified) care workers were interested in checking out new forms of work organisation. The work available through platforms may, at first glance, offer them a higher level of self-determination in work, particularly in terms of individual planning, and also better wages for highly qualified care work. Furthermore, platform work in personal services is on the rise, due to the high demand for individual caring activities such as personal support with household tasks, gardening and administration; as a result, there are rather favourable conditions in personal assistant services. However, future developments in this sector should be carefully observed from scientific, public and trade union perspectives. In the 1990s, 'self-employed work' became popular for qualified IT workers, as there was an immense demand for

IT expertise and many IT workers who became self-employed were able to earn a lot of money. These benefits can still be partly observed in IT crowdwork, even though IT labour markets are divided internally into low and high-paid jobs. A different pattern can be observed in passenger transport and food delivery. Here, work takes place within formal labour contracts; however, it seems to be precarious in terms of working conditions, payment and workplace security. These examples show that each sector's institutional and cultural context has to be taken into consideration when evaluating crowdwork in Germany.

## **Recommendations**

Comparing the German cases reveals that different sectors and types of crowdwork have different problems in work organisation and working conditions. These problems range from precarious working conditions (passenger transport and food delivery), to the pressure from influential reputation systems (Upwork), issues with payments, and so on. Under the following headings, we propose cross-cutting recommendations addressing sectors as well as overarching perspectives.

### **Regulatory matters**

The German case of passenger transport clearly shows that existing regulation can be a powerful tool to protect workers' rights within current frameworks. By using the existing Passenger Transport Act as a framework, employee organisations could keep passenger transport within its established frameworks for taxis and rental cars. Furthermore, it can be observed that supportive measures for working conditions (such as the minimum wage) come into play and are beneficial for workers. For example, food-delivery workers are employed within fixed-term contracts and are usually paid the minimum wage. Since unions are active in this sector, the Works Constitution Act and its instruments are anchored here, which contributes to improving working conditions in crowdwork, for instance, through the setting up of works councils.

Therefore, regulating the framework conditions for workers still seems the most powerful tool for protecting crowdworkers' rights, noting that the minimum wage and professional standards (qualification levels) are particularly important. While these may be considered 'traditional instruments' of work bargaining, they nonetheless are crucial elements in improving working conditions for crowdworkers; taking into consideration, of course, the diversity

of sectors and their institutional settings. Moreover, labour unions should include crowdwork more assertively in their routine bargaining processes for sectors where it is not yet sufficiently integrated – such as passenger transport, care or IT freelancers – as well as add crowdwork-specific bargaining content in working models and demands.

Union action is key: A lot has been achieved, but further measures and strategies are needed

In some cases, either existing regulation cannot be used to protect workers' rights or no regulation is available that would address the specific situations in hand. This could be observed, for instance, in the sectors of IT services and care, whose workers showed little interest in union activities, since they seemed to be either satisfied with their working conditions or unaware of union activities concerning their sector. This relates to the long-standing problem of highly qualified self-employed IT professionals having little interest in collective action and being difficult to unionise. In the case of care, unions do not yet seem prepared to cover crowdwork; rather, they still just manage the corresponding occupational groups in their traditional work surroundings (such as nursing homes and hospitals). In turn, IT freelancers are perceived to be a significant target group for German unions and some powerful tools were put in place to support them, such as the Ombuds Office and Faircrowdwork.net. Nevertheless, traditional labour unions have still not succeeded in obtaining crowdworkers' attention and interest.

In all such cases, unions should develop new formats and communication channels that reflect both the problems and the work realities of the workers. Innovative ideas and action are needed to this effect. Particularly in relation to IT work, future union action should be much more connected to workers' everyday experiences. For example, platforms' community forums (where workers share feedback) could be analysed by unions in order to understand current working realities, conflicts and possible avenues for mobilisation.

The proportion of care workers organised in unions is historically relatively low in the healthcare sector. Furthermore, care work has many facets and ranges from medical-based care work to individual care support for older people. Because of ageing trends in Germany, the need for individual care and housekeeping support is steadily increasing. The market for care work is currently unbalanced in Germany, with demand trending much higher than supply. Crowdwork offers a new concept in this market, specifically for time-limited periods of care work, thereby offering new options for both supply and demand – that is, the care

workers and the people needing care. Therefore, it seems important to observe the dynamics of this steadily growing sector in Germany.

#### Approaches towards the algorithmic control of work

In the future, platform apps will have a high and increasing control component embedded in their range of functions. In particular, food-delivery and professional digital services apps have shown how crowdwork is mediated, controlled and rated via apps and algorithms. In the food-delivery sector, this causes a manifold set of problematic developments, such as the blurring of boundaries between private and professional devices, data protection, and the non-accessibility of saved data about riders' performance. In the case of Upwork, the strong control mechanism of the platform algorithm is significant as well. For example, it is very difficult for new crowdworkers to get their first projects, as they do not yet have sufficient work history and platform reputation. This is because the key ratings are only based on projects done via the platform and clients use these ratings as filter categories. Therefore, developing a fair practice for managing online references could help make workers less dependent on clients and the platform itself. Along those lines, labour unions and regulators could support the crowdworker community in demanding further development of a fair referencing system.

The precondition for developing such a practice would be that all three groups (workers, clients and platforms) could trust cross-platform reputations. Empirical evidence shows that the credibility of crowdworkers' references correlates with their success on the platform; and that references verified by the platform are much more useful for the worker than unverified references. Such a process would most likely require a third-party provider to ensure the trustworthiness of references, which could also be supported and accelerated by European Union (EU) policymakers. As part of this process, references, ratings and reputation arithmetics should be made transparent. Furthermore, with the support of EU bodies, a system to support the verifiable and trustworthy transfer of references across the internet should be initiated. Such a system should enable cross-platform verifiable referencing, integrated into platforms' key scores and filter systems, which in turn would improve the negotiating position of new members to any given platform.

Therefore, a major future challenge for unions is to replace algorithmic control with transparency and trustworthiness in order to channel the knowledge and experience of crowdworkers towards improving working tools and working conditions. These aims should be valued and requested by platforms in order to increase the quality of work content in both low and highly qualified crowdwork settings.

### Focus on migration and international crowdworkers

Because of the significant formal barriers to accessing employment in Germany, many people of migrant status have few opportunities to find appropriate work and insert themselves into labour markets for the longer term. In contrast, platforms often seem to offer them an easy way to start working in Germany. Platforms have low entry barriers and provide an opportunity to earn money without speaking the German language or having certified professional training and education. In some sectors of crowdwork that we have analysed in the case-studies in this volume – namely, passenger transport, food delivery and healthcare – workers with migrant status are an important share of the labour force. In the case of food delivery, dealing with the intercultural context of riders is a crucial precondition to organising workers. In IT freelancing, international work biographies were prevalent, linking this to other new critical work phenomena in IT, such as global ghost work, which should be empirically addressed in further research (Royer, 2021). According to our observations, the roles of migration and international workers in crowdwork could be further focused on by German unions, and systematically analysed per sector to uncover specific problems related to the labour force with migrant status in crowdwork.

As a minimum condition, all content and advice related to crowdwork should be available in English as well as in German. In addition, German employment relations should be clearly explained, particularly the role of trade unions. These actions are essential in order to overcome cultural barriers since, in some national contexts, unions are perceived as corrupt or even a threat to personal security.

### Concluding remarks

To sum up, developments in the crowdwork sector seem to be on a favourable track in Germany, compared with the other EU countries in our project. While disadvantageous and dangerous working conditions have been found in delivery sectors in other countries, in Germany, the threat of such working conditions was addressed by collective actors at the very beginning as these crowdwork services started to emerge in the country. Conservative strategies and measures, as well as creative ideas, have led to improved working conditions in both food delivery and Upwork. Crowdwork became an issue at governmental level, and legal frameworks and a normative policy orientation were designed earlier than in the other countries. One exemplary result is the Crowdsourcing Code

of Conduct – a self-regulatory agreement in which online labour platforms voluntarily committed to comply with minimum standards for working conditions and relations between workers, clients and platforms – noting that these commitments were also designed to be compatible with existing standards in the overall German labour market. Although this Code of Conduct is not legally enforceable, it seems highly influential in setting a positive example and navigating new areas of labour governance. At the same time, actions at EU level have become important in coordinating a common body of rules and regulations in relation to crowdwork, which is strongly supported by German authorities. However, there is still a lot of work to do, particularly in terms of collective action strategies in crowdwork – at the EU level, internationally and also in Germany.

## 18. NATIONAL RECOMMENDATIONS: HUNGARY

Csaba Makó | Miklós Illéssy | József Pap

This chapter briefly summarises our main findings regarding the research objectives to analyse platform worker profiles and collective representation strategies. We conclude by drawing some policy-oriented conclusions and making concrete recommendations for action concerning all involved parties – platform workers, platform companies, trade unions, alternative associations and movements, grassroots organisations, governments and the academic community.

### **Heterogeneous platform worker profiles, motivations and demands, both between and within platforms**

In keeping with the *Crowdwork project* guidelines, we have focused on two main clusters of digital labour platforms: ‘location-based platforms’, which manage tasks carried out personally by the workers in specified physical locations, such as passenger transport and last-mile delivery services (Bolt taxi service and Wolt food-delivery service, respectively); and ‘online web-based platforms’, in which services or tasks are received and performed by the workers online, as in the case of Upwork (ILO, 2021). As we assess our fieldwork experiences with digital labour platforms, we aim to call attention both to similarities and differences in the features of the platform categories described above, which we begin by outlining in the following paragraphs according to two main areas: workers’ motivations; and their complaints and demands regarding work and working conditions.

### Motivations

Across both platform categories, the primary motivations for being a platform worker are flexible time arrangements, autonomy ('boss-free working environment') and earning an extra or higher income. However, while earnings were the main attraction for working with Wolt food-delivery and Bolt taxi-service platforms, further motivating factors were stated in the case of Upwork, namely knowledge improvement, as well as demonstrating high-level creativity globally and gaining approval for that. Another source of differing motivations between platform workers is the role platform work plays in their individual careers. For example, for a large proportion of highly skilled Upworkers, platform work provides an opportunity to develop and improve their reputation, thereby opening new avenues for horizontal and vertical mobility. Such mobility does not exist in the case of the food-delivery and personal transportation sectors – a good reputation may lead to extra money, but the knowledge of a courier or a taxi driver will not extend to new areas or deepen existing ones.

Furthermore, we also found significant differences between platform workers active on the same platform. In the case of Wolt, there were examples where platform work was a so-called 'stepping-stone job' – for instance, providing an opportunity for some extra money and a first job for university students. Another typical career path is that of young, educated people who are not satisfied with their working lives in multinational companies and start a side career in food delivery until they find out how to start their own businesses in their professional fields. These differences directly influence their willingness and need to get organised in terms of collective representation.

### Work and working conditions

Concerning work and working conditions, all platform workers stressed the need for several improvements. One of their demands was for more transparency regarding the rating systems, to correct the asymmetry of clients' and workers' assessments of each other in the platform ratings. Such was the case of Upwork, whose rating system was said to be biased to favour clients over workers, causing dissatisfaction with the platform among the latter. Upworkers dissatisfied with the unbalanced rating procedures are planning to leave the platform, and either continue to work directly with their clients or work via a fairer platform. A second demand was to have more room in price setting. The third demand was the creation of trust-based relationships among the social actors, namely platform operators, clients and platform workers – on the understanding that

trust relationships are an essential condition for fair and decent work, and the sustainability of platform work more generally. These demands are interrelated because trust could grow as a result of reciprocity in price-setting and rating systems, and conflict-resolution support by the platforms. For instance, workers in the ‘delivery economy’, such as food couriers working on Wolt and Bolt Food platforms, could not set prices with their clients; and the customer service of Upwork does not work satisfactorily in settling conflicts between Upworkers and their clients.

Employment status differs noticeably between ‘location-based’ and ‘online web-based’ platforms. In order to discuss this further, we must begin by emphasising that there is no consensus on the terminology regarding employment status and that lack of consensus results – among other things – in further difficulties in identifying the individual and collective interests of platform workers. For example, among Bolt taxi drivers, a phenomenon was discovered of ‘multi-status identification’. They simultaneously labelled their employment status as ‘worker’, ‘gig worker’, ‘self-employed’, ‘entrepreneur’ or ‘freelancer’. All Upworkers identified themselves as ‘freelancers’ or ‘entrepreneurs’. However, in the Hungarian case, national financial regulation homogenises the above variety of self-perceived employment status. Independently of the types of digital labour platforms surveyed, all platform workers were using the KATA taxation system (Itemised Tax for Small Businesses, *Kisadózó Vállalkozások Tételes Adója*). The KATA system is designed for the self-employed, as the National Taxation Office (NAV, *Nemzeti Adó és Vámhivatal*) treats all types of platform workers as ‘entrepreneurs’ or ‘self-employed’.

From a regulatory perspective on platform work, one of the most important legal issues is whether the Labour Law would recognise platform workers under the ‘Standard Employment Relationship’ (SER) that applies to regular employees or a special ‘Employment Platform Relationship’ (EPR). The SER would guarantee statutory minimum standards covering both substantive conditions and procedural rights, like the minimum wage, fair working conditions, and rights to collectively organise, bargain and take industrial action (Warhurst and Knox, 2020).

## **Strategies for the formation of collective voice towards collective representation**

The Hungarian platform workers' experiences with collective interest representation and collective voice are still in an early phase of development. Using behavioural cycle concepts such as 'Exit', 'Loyalty', 'Voice' and 'Silence' in both their individual and collective forms (Gleeson, 2016), we have to conclude that the majority of Hungarian platform workers are in the 'silence' or 'individual voice' point of their behavioural cycles, and are holding a 'wait-and-see' position. Even so, when we mapped the perceptions and attitudes of platform workers and asked them what they needed most from collective interest representation – whether through a traditional trade union structure or a grassroots association – they identified four key areas where they saw potential room for collective interest representation. First, helping workers to organise. Second, demonstrating interest in platform workers' working and employment conditions, for instance, by organising specific conferences and actions. Third, identifying the 'employers' and improving transparency of platform operators. Finally, raising awareness regarding decent working conditions, such as vehicle provision and standards, resting zones and algorithm transparency, and fair employment relations, including social protections.

To strengthen the 'weak collective voice' of Hungarian platform workers, it is worth emphasising three leveraging factors. The first is that employment status seems to play a central role in collective voice formation. Despite their neutral or critical attitudes towards traditional trade unions, the majority of 'location-based' platform workers expressed positive attitudes towards the future of collective action, as noted above. This contrasts with the freelancers working for 'online web-based' platforms such as Upwork, who identify themselves as 'entrepreneurs' or 'self-employed' and do not feel in need of a specialised organisation for collective interest representation (Csákné et al., 2021). Their competitors are not from the Hungarian digital labour market but rather from the global one, and they are mainly based on the Asian continent (India, Pakistan, etc.). Asian English-speaking 'online web-based' professionals are relatively highly skilled, and most importantly, their extremely low prices create a sort of 'social dumping' that causes high frustration among Hungarian Upworkers. A new 'global governance' initiative would be a crucial future step towards filling the current regulatory vacuum in the global digital labour market, for example, following up on the initiative of the World Economic Forum (WEF, 2020). In 2017, Hungarian

Upworkers launched a grassroots movement to identify and assess the global trends in their professions, and they keep developing collective learning based on their individual experiences in freelancing and contest-based platforms (Benedek et al., 2021).

As a second factor, we should emphasise the ‘social time’ needed to reach a ‘critical mass’ of collective learning amongst the social actors, for them to identify the need and relevant form of collective interest representation (Sabel, 1993). All platforms have short operation histories in Hungary. Wolt has been operating in the country for three years and Bolt entered the Hungarian market five years ago. Such short periods of operation are not enough to translate individual experiences into collective ones. The difficulties in recruiting new groups of workers to trade unions in Hungary can be illustrated with the following example. In the mid-2010s, around 200,000 unemployed people participated in public works programmes initiated by the Hungarian government. The next year, the ‘Trade Union of Workers in Public Works’ was established to represent their collective interests. However, this initiative ended with dismaying results: the new union had only 200–300 members in the following years (Broughton and Welz, 2016). In the absence of ‘shared experiences’ of working and employment conflicts, it seems impossible to build an overall collective strategy for interest representation. Having said that, collective learning could be speeded up by proactive strategies from Hungarian trade unions and other interest representation organisations, such as the Shared Economy Association.

Finally, a forward-looking trade union recruitment strategy should focus more on ‘advocacy’ instead of the traditional short-term oriented aim of ‘increasing membership’ (Johnston and Land-Kazlauskas, 2019). Counselling and advice services could function as a collective learning process, benefiting both trade union staff and their future clients/members (Borbély et al., 2020). At the same time, advocacy activities might foster the necessary trust relationships between trade unions and platform workers.

### **Policy recommendations: How to find the right policy mix to regulate platform work and support collective representation**

Regulating platform work is a difficult challenge for two main reasons. First, new communication technologies provide opportunities for tech companies to avoid local regulations. This is the case of online web-based platforms in particular,

whereas in the case of location-based platforms, personal presence is required during the service delivery, and it is somewhat easier to enforce local and national regulations. Second, the aforementioned heterogeneity in motivation, working conditions, earnings and individual needs of platform workers calls for differentiated approaches to any kind of policy intervention. For example, creating a new employment status for dependent self-entrepreneurs might be appealing to food couriers; however, this certainly is not a solution for highly skilled Upworkers. The situation is even more complex because of the differences in existing national regulatory frameworks. For example, the KATA taxation scheme in Hungary is very generous for self-employed persons who are invoicing multiple clients. If these self-employed persons were given a new employment status, this might force them to pay much higher taxes.

Based on the case studies, the following areas were identified that need policy actions: making algorithmic management more transparent; reducing power asymmetry between platforms and workers; creating online and offline fora for workers; launching a social dialogue on platform work involving all relevant actors; investigating international best practices; balancing hard and soft forms of regulation at both national and European Union (EU) levels; and strengthening the inclusive dimensions of platform work which favour marginalised groups of workers (such as young and older people, countryside dwellers, and those with migrant status).

In developing new strategies to organise labour, it would be necessary to carry out more cross-country research to understand better the development and enforcement of 'hard' regulations (such as labour law) and 'soft' regulations (such as charters of principles for good platform work) at national, EU and global governance levels. National and EU-level efforts to renew governance in Europe can only produce limited impacts on the networked global platform economy. In this respect, the International Labour Organisation's Centenary Declaration for the Future of Work was a forward-looking initiative. From this declaration, we emphasise the following: 'harnessing the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfilment and a just sharing of the benefits for all' (ILO, 2019, p. 3).

## 19. NATIONAL RECOMMENDATIONS: PORTUGAL

Nuno Boavida | António Moniz | Reinhard Naumann |  
Isabel Roque | Raquel Azevedo

Our case studies captured a broad overview of the public debates on digital labour platforms. We can regard the decade preceding the pandemic as the first period of the gig economy in Portugal, starting in 2009 with the arrival of Airbnb. From the point of view of investors in digital labour platforms, it appears that unfolding events in Portugal represent an experiment that will mark the future of ‘digital capitalism’ nationally and, perhaps, at the European Union (EU) level as well.

Since the beginning of the pandemic, there has been significant pushback against digital labour platforms from several areas of society, including the government and governmental agencies, new and traditional industrial relations organisations, media and trade unions. All of these organisations started to pay more attention to the emerging platform phenomena in general and in their respective sectors. Media interest in platform workers propelled debates and deepened questions around the gig economy, and there have been new developments regarding the digital labour platforms operating in Portugal. The government has announced that new regulations will be introduced; in particular, it is preparing a revision of the ‘Uber Law’ because Uber’s response to the original law did not meet the initial legislative expectations (Expresso, 2021).

### **Government, legislation and the *Green Book***

In a parliamentary hearing on the ‘Uber Law’, the Secretary of State for Mobility reportedly gave tariff-setting in ride-hailing platforms as an example of the law’s unexpected consequences – market-based tariff-setting had promoted a war of discounts among drivers that had resulted in prices inconsistent with the services

rendered (Lusa, 2021). Another factor was added by the ‘Uber Law’ creating the legal figure of TVDE companies to mediate as the legal employers between these ride-hailing platforms and the drivers – in creating this intermediary figure, the legislator inadvertently obscured the subordinate relationship that the worker has with the platform and artificially attributed all related costs to the intermediary TVDE firms (Individual and Paid Transport of Passengers in Uncharacterised Vehicles from an Electronic Platform, Transporte Individual e Remunerado de Passageiros em Veículos Descaracterizados a partir de Plataforma Eletrónica). This awkward twist should be corrected to establish a worker-employer relationship between the digital platform and its workers.

A preliminary version of the *Green Book on the Future of Work* (henceforward *Green Book*) was published by the Ministry of Labour in June 2021 for public discussion, and debated in both the parliament, and the National Economic and Social Council (MTSS, 2021).<sup>1</sup> Although the *Green Book* makes recommendations for some digital platform workers, the scope is limited to the ‘Uberisation’ debates and digital nomads. There are many other forms of digital platform work which are not considered. Research on platform work and political discussion about its regulation remain very centred on passenger transport (like Uber), disregarding the specificities of food delivery and other professional services (such as Upwork, care work, Airbnb and, under certain circumstances, call centres).

Most gig economy companies operate labour platforms and – behind their technological veils and intermediary subcontracting chains – they also hire platform workers. The International Labour Organisation acknowledges that this practice of casual work on a regular basis to develop activities that form part of the company’s core business constitutes a concealed employment relationship and contributes to the precarity of this type of work (ILO, 2020b). Thus, companies like Uber or Glovo could and should assume the legal position of the employer. Still, new regulations on digital platform work will need to consider the differences between workers that operate in different (sub) sectors. For example, the differences between Uber drivers and food-delivery workers, many of whom wish to hold a contract as an employee; and freelancers in the Upwork and Airbnb platforms, who mostly seem to prefer to remain independent and manage their own working time. In addition, regulatory

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1. ‘Green Book’ is the term used for expert reports commissioned by the Portuguese government to assist policy formulation and build consensus among stakeholders.

agencies need to enforce long-standing labour and financial standards in new digital platforms to avoid undermining traditional companies.

At time of writing, it is unclear what impact the *Green Book* will have on Portuguese legislation. The different interpretations and conclusions stemming from the *Green Book* create a fragmented and somewhat confusing picture. Some press coverage interpreted the *Green Book* as indicating a government's intention to abolish the TVDE intermediary figure and regulate digital labour rights, because it upholds a principle of employment (*laboralidade*) (Jornal de Negócios, 2021; Observador, 2021). The *Green Book* does make a statement to this effect, but it also presents TVDE as one step already taken towards settling the 'key issue' of the 'legal subordination and/or autonomy in the performance of the activities' (MTSS, 2021, p. 56). In terms of concrete steps to implement digital labour rights, in July 2021, the Minister of Labour did announce to the press the government's 'proposal to create a presumption of employment contract regarding platform workers'. However, the Minister went on, 'naturally safeguarding special regimes which already have specific rules, such as the TVDE' (Dinheiro Vivo, 2021b). The possible ramifications of such safeguarding are unclear. However, in August 2021, the legal expert João Leal Amado stated in an interview that he feared the government may end up extending a TVDE-type intermediary regime to platform work in other sectors (Martins, 2021).

In this uncertain landscape, it is worth considering some lessons from the 'Uber Law' experience. In particular, such lessons could apply to other types of digital platforms, such as delivery platforms and the riders that work through them. Along those lines, Leal Amado argues in the aforementioned interview that it would make sense to construct a new presumption of employment that could be adapted to the diverse realities of work and workers across the full range of digital platforms (Martins, 2021; also see Amado and Moreira, 2019).

The Inflexible Precarious association (Precários Inflexíveis) does not agree with the presumption of employment as outlined in the *Green Book* (Precários Inflexíveis, 2021). They argue that it makes an incorrect structural analysis regarding the phenomenon of precarity that has taken hold and evolved in recent decades. Inflexible Precarious' position is that the *Green Book's* analysis does not acknowledge the struggle against precarity that has taken place and is still underway. They are also critical of the only proposed compliance mechanism being a vague suggestion of formal recourse (including financial compensation) in cases of excessively precarious contracts.

Along those lines, one of the most important omissions in the *Green Book* is the absence of guidance and concrete proposals to deal with precarity. For example, ideas have not been developed for the expected main challenges in designing the future of work: defining regulatory and compliance measures; deepening existing mechanisms to combat the normalisation of precarious employment; an ongoing proactive engagement with the evolving specificities of platform work. Despite recognising the risks associated with the ongoing labour transformation, the *Green Book* goes no further than advocating for significant recourse in cases of illegal precarious hiring (without defining how the recourse should work) and offering limited measures to mitigate abuse in precarious work.

More broadly, while recognising the need to incorporate digital platforms into the existing legal framework, the government admits that existing problems with labour relations have highlighted the inadequacy of regulation; begging the question of whether applying the regulation would have any positive impacts for platform workers (Expresso, 2021). The Portuguese legal framework acknowledges two employment statuses: independent work and subordinate work (also described as 'dependent'), where the latter is so far without practical recognition in platform work. As outlined above, the 'Uber Law' created the controversial figure of intermediate TVDE companies that hire the drivers for ride-hailing platforms, the drivers thus becoming formally subordinate employees to TVDE companies. However, in most cases – namely, those in which the TVDE company is a one-person or a small family firm (Amado and Moreira, 2019) – the drivers are actually self-employed workers who don't see themselves as entrepreneurs because they are subordinated to platform rules. Such small intermediary TVDE firms do not establish conditions for any level of recognised subordinate work, and consequently, for the social protections that stem from contractual employment conditions. This points to the kind of concealed employment problem highlighted in the aforementioned ILO publication (2020b). Thus, as stated in the *Green Book*, the presumption of employment status should be adapted to reflect all platform labour modalities (MTSS, 2021) – namely, when workers use their own assets, or where there is an absence of fixed schedules and multiple platforms are used – the latter not ruling out the existence of employment contract –, thereby providing a distinct path to the subordinate work modality, even if some characteristics similar to other modalities were present. According to Inflexible Precarious association, however, the *Green Book* thus risks opening a door for the creation of a third employment status that could establish unfavourable fiscal and social protection regimes for these workers (Precários Inflexíveis, 2021).

Looking forward, the Minister of Labour has declared that the government has two significant plans. First, the creation of a contributory and fiscal system adapted to the needs of workers in the digital platform economy (Expresso, 2021). Second, the adaptation of the social protection system to incorporate new forms of work, promoting the expansion of social coverage to all workers regardless of their legal employment status. To implement these plans, it will be necessary to establish further legislation in the area of social protection. Drafting such legislation will require the collaboration of both employers and workers, and trade unions will be needed in social dialogue. The input of trade unions will be especially important to protect those workers who do not own their assets. In addition to these two plans announced by the government, it will be necessary to have effective inspection mechanisms checking the contractual status of non-proprietary workers, as in the case of the lodging sector. Additionally, more protective action by digital platforms is needed regarding unreimbursed cancellations to lodgers.

## **Research and collective representation**

There is insufficient research on the platform economy to properly inform policymaking and widen debates in Portugal. In that sense, our research is an important contribution towards enriching scholarship on digital platform labour; not only in terms of the ride-hailing sector (Uber taxi service), but also food-delivery (Glovo and Uber Eats), call centres, lodgings and accommodation (Airbnb), professional digital services (Upwork), and boundary cases pointing to the link with the wider gig economy (call centres and Airbnb). Our fieldwork demonstrated that the present institutional power of digital platform workers in Portugal is practically non-existent, especially in the Upwork and Airbnb sub-sectors. In terms of collective representation, a few alternative movements and business associations have emerged in the platform economy; however, their influence is still limited.

Trade unions consider work standards in these platforms to be a threat to their collective labour agreements. The perception of threat is particularly influenced by trade unions' ongoing relationships with workers in the hotel sector. That is, within the tourism sector, hotels are in a competitive relationship with platforms, particularly Airbnb. Therefore, weak labour standards in platforms could have a knock-on negative impact on labour conditions in the hotel sector.

However, in the passenger transport sector, the presence of an active trade union has led to Uber drivers having a collective voice, and thus the potential for better work and employment conditions. A Collective Labour Contract (CCT, Contrato Coletivo de Trabalho) needs to be encouraged by the state, given the state's significance in the Portuguese system of labour relations. In addition, we have two further recommendations regarding delivery platforms. First, investigate bogus self-employment with the appropriate monitoring and enforcement mechanisms. Second, impose the same labour standards for both traditional companies and digital platforms operating in Portugal.

In our *Crowdwork project* conferences held in Budapest in March 2021 and in Lisbon in July 2021,<sup>2</sup> we discussed the post-pandemic economy, and how the rights and working conditions of digital platform workers may be improved. The difficulties faced during the pandemic period may have mobilised collective approaches to solving work-related problems; and at the same time, may have indirectly weakened more individualist approaches. Those discussions and the comparative case studies shared in this book indicate that national institutions have struggled to maintain an institutional boundary against the penetrating influence of multinationals working through the modality of online digital platforms. A regular labour contract for all platform workers would provide access to the mandatory legal minimum wage in platforms such as Uber, food delivery and even Airbnb. This would guarantee socially responsible work and employment conditions, helping workers maintain a work-life balance and ensuring preventative action against work-related accidents resulting from burnout and long working hours. However, based on experiences in call centres, it should be noted that these contracts must not be established through intermediate companies, nor should they be formulated as short-term or zero-hour contracts. In call centres, contracts can be renewed on a daily or weekly basis according to the targets established by the company, thereby hindering workers' access to social benefits.

The work-life balance issue prompted further discussion at the 2021 Lisbon *Crowdwork project* conference. It was asked whether – even with contracts which provided them with more rights and protections – workers would still work unhealthily long hours to increase their chances of more income. The literature also asks this question, with particular emphasis on the risk of workers

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2. Both these conferences of the *Crowdwork project* may be viewed at:

[https://www.youtube.com/playlist?list=PLZMmYL4SowgPw3NZV\\_4qcRP9rQhjpNVza](https://www.youtube.com/playlist?list=PLZMmYL4SowgPw3NZV_4qcRP9rQhjpNVza)

being drawn in by the gamification strategies of algorithmic management (Ginés i Fabrellas, 2021; Van Doorn and Chen, 2021; Woodcock and Johnson, 2017). In the conference, this question was challenged, and unpicking the issue clearly opens up other framings and further questions. For example, is ‘gamification’ an accurate framing of the dynamics at play here? Moreover, in dignified work, who should decide what is a healthy level of working hours for the workers?

## **Work to be done**

### **Recognising digital occupations**

According to the government, new categories of workers covered by collective bargaining should be created (platform workers, outsourced workers and economically dependent self-employed workers), with an emphasis on collective bargaining being extended to ways of providing work that have been outside collective bargaining to date (Expresso, 2021). The recognition of a ‘digital profession’ could provide these workers with more bargaining power, as it would enable their employment status to be established with the consequent formalisation of their position in terms of fiscal and social security rights and responsibilities. This would be a significant improvement on their current status where they have no access to social benefits and where there is a lack of recognition for the specificities of these sectors. For example, formal professional recognition gives trade unions a basis from which they can mobilise and argue collective negotiations towards more cooperative labour relations and wider sectoral transformation. New regulations would need to consider the differences between digital platform workers that operate under diverse specific terms, such as the distinctions between dependent and independent workers, and the preferences of the workers themselves. As highlighted in this chapter, some platform workers prefer to have a contract as an employee (as seen amongst Uber drivers and food-delivery riders), whilst others prefer to remain independent workers and manage their own working time (such as Upwork freelancers and certain people working via Airbnb). More generally, the need also remains for regulatory agencies to enforce Portuguese labour and financial standards, including those pertaining to conditions of fair competition across both traditional and platform-based companies.

The recommendation to introduce a new category of digital worker to the Portuguese Classification of Professions is particularly significant for call-centre workers and their need to be recognised as belonging to a high-risk profession

due to the health and safety issues they face. During the pandemic, some call-centre workers moved to working from home. However, they were not officially moved to a teleworking regime with its associated rights and benefits, and their home-working costs were not covered by the companies. More recently, some call-centre workers have also been harassed to return to their companies without any prior mutual agreement.

#### Making platform ratings fairer

The platforms' rating systems are partially controlled by the client during the evaluation of the workers' task and performance – both the clients' level of control and the rating they give can be unfair on the platform worker. The rating system, including the role of the client, should be reviewed to protect workers from being unfairly disconnected (where disconnection means being refused access to the platform until pending issues are resolved) and also unfairly dismissed from the platform. The parameters established by the order-allocation algorithm should also be clearer, more transparent and less precarious – the algorithm should not be the mediator between the worker and the platform.

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Thus, there is room for intervention through labour inspections, tax incentives for platforms and workers, and possibly a revision of the Labour Code. A solution should be found that enables platform work to continue to exist and, at the same time, allows for an effective collective voice to negotiate and establish labour relations. The organisations representing digital platform workers might be able to push for new legislation in parliament, leveraging the unusual current equilibrium of political forces in parliament and building alliances with other civil organisations.<sup>3</sup>

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3. More information about the composition of the 14th Legislature of the Third Portuguese Republic (elected 6 October 2019) can be found in AR (undated).

## Achieving collective strategies

Our results also emphasise the significant alignments that have taken place between the interests of digital platform workers and their possible representatives, noting the potential for further beneficial alignments to be made. However, if platform workers' aims diverge from the aims of unions and/or employers' associations, it will be difficult to achieve a collective voice. For example, the food-delivery case showed that platform workers benefited from the relatively easy access to the labour market and time flexibility, whereas trade unions were focused primarily on promoting stable contracts. Misalignments were also seen, albeit to a lesser extent, when the Uber case revealed that the mobilisation and recruitment of ride-hailing platform drivers initiated by the Trade Union of Road and Urban Transport Workers of Portugal (STRUP, Sindicato dos Trabalhadores de Transportes Rodoviários e Urbanos de Portugal) was at odds with the position on the 'non-contractualisation' of employment of the General Confederation of Portuguese Workers (CGTP, Confederação Geral dos Trabalhadores Portugueses) – even though STRUP is affiliated with CGTP. From another perspective, Airbnb owners needed collective organisation such as business associations, rather than trade unions, to engage with a range of threats: the established tourism industry's interests articulated through traditional business associations, trade unions opposing the threat of lower working standards spilling over to workers in the traditional tourism economy, and social debates concerning allegations of anti-social phenomena stemming from excessive tourism.

## Final remark

To develop dignified workplaces and a socially just economy, the recommendations stemming from our case studies and the rest of the *Crowdwork project* should be acted upon in the near future. In Portugal, given the state-led industrial relations system and the current political composition of parliament, digital platform workers may find the right political context in which to improve their working conditions – if regulatory, organisational and collective efforts are made towards securing their rights.



## 20. NATIONAL RECOMMENDATIONS: SPAIN

Pablo Sanz de Miguel | Juan Arasanz

### Trade union policies for platform workers: Sectoral divergence and common trends

The Spanish research developed within the framework of the *Crowdwork project* has shown the uneven development of collective organisation and representation strategies across the different sectors and occupations of the Spanish platform economy. As seen in other European countries (Vandaele, 2018, 2021), the most significant trade union experiences have been identified in ‘on-demand platform activities’ carried out in public spaces (delivery and ride-hailing platforms).

The strategies followed by Spanish trade union organisations in ride-hailing and delivery platforms are not substantially different from their general strategic repertoires supporting precarious workers, which have been developed over the last decades (Pulignano et al., 2016; Sanz de Miguel, 2019, 2021; García Calavia and Rigby, 2016, 2019; Riesco-Sanz, 2020a). Confronted with a low membership rate among these platform workers, Spanish trade unions have become increasingly reliant on their institutional power resources. They have tried to improve platform workers’ conditions through litigation and cooperation with the Labour Inspectorate. In the delivery platform sector, they have also been involved in a social dialogue process, which resulted in new legislation addressing the problem of employment misclassification.

At the same time, the trade union movement in the delivery platform sector has also shown an unexpected vitality in labour militancy, mobilisation and coalition strategies fostered by the emergence of new actors. The so-called ‘Riders for Rights’ (RxR, Riders x Derechos) movement was relatively successful

in organising and mobilising riders through several unofficial strikes. While this grassroots union was set up claiming to be a genuine and direct expression of riders' interests, supposedly neglected by mainstream unions, it has tended to collaborate with mainstream unions from which it has received institutional support. Coalition power has been set up around a common objective: the fight against the self-employment classification. Moreover, litigation strategies have played a pivotal role in aligning grassroots movements and mainstream union organisations. However, those strategies and goals have not been fully successful in countering the fragmentation of workers' interests. There have been struggles against recent legislation (the 2021 'Riders Law'), which established the presumption that delivery platform riders are employees. These struggles were led by different associations arguing in favour of preserving the self-employed status – Riders United, (RU, Repartidores Unidos), the Professional Association of Self-employed Riders (APRA, Asociación Profesional de Riders Autónomos) and the Self-employed Riders' Association (AAR, Asociación Autónoma de Riders). This is an example of the challenges facing the formation of inclusive identities among different groups of workers based on class solidarity.

In addition, in the taxi-driver sector, self-employed organisations were able to mobilise associational power to organise different strikes at the national and local levels, arguing against unfair competition from ride-hailing platforms. Moreover, there were examples of coalition strategies between union organisations and taxi-driver organisations focused on litigation against labour platforms' irregular practices. However, class-oriented trade unions – namely those affiliated with the two main confederations, the General Workers Union (UGT, Unión General de Trabajadores) and the Workers' Commissions (CCOO, Comisiones Obreras) – have encountered problems when balancing the interests of two groups of workers in which they traditionally have a very low presence. The first group of workers consists of self-employed taxi drivers opposing unfair competition brought by labour platforms. The second group comprises ride-hailing platform workers employed by companies and temporary work agencies, working under the umbrellas of Uber and Cabify through unclear and potentially unlawful subcontracting practices. Moreover, in the ride-hailing platform sector, there is a fragmented trade-union landscape where class-oriented trade unions (CCOO and UGT) and market-oriented trade unions (such as the Free Transport Union, SLT, Sindicato Libre del Transporte) are fighting for influence among these workers and hold different views and proposals; all of which factors have hindered the conclusion of sectoral collective bargaining.

However, the cases of ride-hailing and delivery platforms are not representative of the whole platform economy. In the case of on-demand platform activities developed in private settings (such as cleaning or home care), workers' actions relying on self-organisation and associational power face more obstacles due to the geographical dispersion of workplaces. Moreover, in the cleaning sector, labour platforms rely on the regulation for domestic workers' special employment relationship. This relationship exempts the platform from any responsibility regarding the workers' employment and working conditions (Nieto Rojas, 2019).

Trade unions also face important obstacles in reaching online platform workers since they are a highly heterogeneous group (in terms of skills, employment status, etc.), and their work is spatially fragmented and carried out remotely. Research carried out in the *Crowdwork project* attempted to analyse trade unions' strategies targeting highly qualified freelancers working for web-based labour platforms (Upwork or Fiverr). Although these categories of workers account for the highest share of workers in the Spanish platform economy (Alvárez-Hernández and Pérez-Zapata, 2021), trade unions in Spain have not yet deployed specific representation strategies or initiatives targeting this group of workers. Indeed, this worker profile tends to be under-represented in all self-employed associations or 'quasi unions' (Martín Artiles et al., 2020).

### **Recommendations: The future of collective action in the platform economy within the Spanish context**

Developing strategies to organise and represent platform workers is very challenging for trade unions. Platform work is internally heterogeneous in terms of the workplace where the tasks are executed, the content of the tasks, the skills level and even the employment status (Huws et al., 2019). Different types of platform workers face different challenges which have to be recognised and addressed by trade unions. Moreover, the success of trade unions' strategies depends on the power resources they can mobilise, which also tend to differ across platform sectors (Vandaele, 2018, 2021).

In light of this evidence, we recommend that trade unions adapt their strategies to each sector's specificities, considering the particular power resources they can mobilise in each sector. In those sectors where trade unions are weaker and have very low membership rates, they can rely on their institutional resources (such as social dialogue) to improve working conditions and social protection.

As seen in the ride-hailing and delivery platform sectors, when trade unions can rely on associational power, they can utilise a 'social partnership path' relying on negotiation and social dialogue, as opposed to a 'conflict-based path' based on strikes and protests (Carver and Doellgast, 2021). Research in the food-delivery sector has also shown that in a context where different 'representative claims' (Meardi et al., 2021) are made on behalf of platform workers by unions and new actors such as grassroots movements, cooperation and coalition-building strategies between different actors can contribute to reducing precarity.

Trade unions should also develop specific agendas for different types of platform workers, which can meet their particular demands. Thus far, the main trade union fight has focused on the problem of the misclassification of employment status. However, there are other types of platform workers who, although genuinely self-employed and not in a comparable position to an employee, find themselves in a weak bargaining position. For them, trade unions could develop new agendas to recognise specific rights or provide minimum social standards.

At the same time, it is also important that trade unions embrace a new set of issues to create a common agenda for all different types of platform workers, as well as digital workers under traditional employment relationships. These can include initiatives around regulatory changes regarding new digital rights, such as the right to disconnect or the management of online reputation systems. In this regard, recent legal amendments introduced by the 'Riders Law' should be seen as good practice. The law has introduced an innovative provision related to 'algorithmic transparency', which creates new possibilities for union representation in digital platforms and traditional companies relying on algorithmic management. This has required a modification of Article 64 of the Workers Statute on worker representatives' rights to information. The modified article sets out the requirement that companies inform workers' representatives of the rules and parameters on which algorithms or artificial intelligence systems are based, where there is an impact on working conditions, and the access to and maintenance of employment, including profile building (Todolí Signes, 2021).

Finally, all different types of platform workers should be covered by collective bargaining. Trade unions should ensure that collective agreements are negotiated and concluded for those platform workers who currently have or should have an employment status, as is particularly the case for the ride-hailing and delivery platform sectors. However, the recent experience of collective bargaining in the ride-hailing sector in the Madrid region shows the divisiveness between class unions and independent union organisations. It highlights

this divisiveness as one of the main obstacles to the conclusion of what would have been the first sectoral collective agreement concerning platform-economy companies in Spain. For the time being, most of the subcontracting companies working for the Uber and Cabify ride-hailing platforms lack a reference collective agreement that could be used as a benchmark or standard for determining working conditions beyond the minimum guaranteed in the Workers' Statute. In the case of delivery platforms, social partners have made significant attempts to include this activity into the scope of collective bargaining. Early in 2019, social partners agreed to the inclusion of food-delivery riders into the National Framework of the Hotel and Restaurants sector, and more recently, there has been an agreement for their inclusion in the hospitality collective agreement in the Basque Country (Brave New Europe, 2021a). At this time, there are still some differences between unions on the corresponding sectoral agreement that should apply. Moreover, recent digital platform policies have created new types of self-employment status that should be adapted to existing regulations. Therefore, it is anticipated that the conclusion of collective bargaining will be more challenging than initially expected.

The situation is even more challenging for those platform workers who are genuinely self-employed because Spanish legislation stipulates that only employees are entitled to collective bargaining. Nevertheless, some self-employed platform workers could be recognised as 'economically dependent self-employed' (TRADE, *trabajador autónomo económicamente dependiente*). In this case, the law recognised a specific form of collective agreement particularly and exclusively for TRADE – the so-called 'professional interest agreements'. This could be a partial solution towards providing collective rights for those self-employed platform workers.



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

António B. Moniz | Nuno Boavida | Csaba Makó |  
Bettina-Johanna Krings | Pablo Sanz de Miguel

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

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

### **Dynamic tensions between diversity and common ground**

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

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

## Common threads

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

### Employment status and working conditions

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

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

### Trade union strategies and emerging forms of collective organisation

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

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

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

### **Recommendations for worker strategy, trade unions and policy**

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

#### **Worker strategies regarding algorithmic management**

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

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

#### Threats to platform workers' autonomy and representation

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

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

#### Challenges and recommendations

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

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

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

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

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

### Capacity building for trade unions

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

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

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

### **Policy recommendations without borders**

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

#### **Employment status**

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

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

#### **Social protection and working conditions**

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

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

#### Transparency and reporting of labour platforms

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

#### Algorithmic management in platform work

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

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

### **Looking forward: Endings and beginnings**

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

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

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

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

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

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

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

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

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

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

### New repertoires of action and forms of mobilisation

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

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

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

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

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

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

#### Challenges of the digitalised economy and algorithmic management

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

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

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

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

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

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

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

## **Final remarks**

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

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

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‘Workers and organised labour are being challenged by the increasing expansion of digital labour platforms in most countries worldwide. Such digital platforms and their algorithms create controversial forms of work relationships and undermine traditional labour organisation, leading to extensive public and scientific debate. [...] Through our empirical fieldwork and cross-country analysis, we hope to bring new insights and uncover new ground in this emerging field of study.’

(from the Introduction)

‘[...] new initiatives are arising both among traditional trade unions and in new types of organisation and, in the process, innovative new demands are being raised and placed on the negotiating agenda. These are documented in this timely publication, which adds indispensably to our knowledge about labour responses to platformisation in Europe.’

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