

# STUDY

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No. 21 · July 2020 · Hans-Böckler-Stiftung

# WORKERS' VOICE IN PLATFORM LABOUR

## An Overview

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## ABSTRACT

This study documents various forms of worker representation and attempts to establish them in platform labour in Europe. Different types of fragmentation of platform workers are analysed, which lead to workers' silence and make representation unlikely. Against this background, a broad spectrum of workers' voice forms that are prevalent and emerging in platform labour is examined. The study thus provides an overview of the current state of research and presents challenges and perspectives for workers' voice. The project is part of the European research network "Hybridisation of Work", which is organized by the Economic and Social Science Institute (WSI) of the Hans-Böckler-Foundation.

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# 1 Introduction

Platform labour is a particularly vibrant facet of the working world of contemporary societies and 'an early glimpse of what capitalist societies might evolve into over the coming decades' (Sundararajan, 2016: 19). It fits into a general trend of steady growth in non-standard employment (ILO, 2016). This new form of work deviates from the standard employment relationship, in particular, through the digital mediation of workers on an online labour market. Based on this, the smallest tasks are distributed and reassembled around the globe or fragmented services are coordinated in urban centres. The digital mediation of labour by means of platforms allows the spatial, temporal, and social decoupling of individual labour processes.

With the fragmentation of labour processes, workers are decoupled from one another. The design of the platform is also a design of labour relations. In this regard, Marx (1962a: 130) stated,

'Social relations are closely bound up with product forces. In acquiring new productive forces men change their mode of production; and in changing their mode of production, in changing the way of earning their living, they change all their social relations. The hand-mill gives you society with the feudal lord; the steam-mill, society with the industrial capitalist.'

This raises the question of what kind of society is created by labour platforms that lack a balance of power. At least it is clear that employment relationships on platforms are mostly characterised by precarious working conditions and are accompanied by a great heteronomy of workers. It is also already apparent that platform labour restricts the workers' voice, i.e. the development, articulation, and implementation of workers' interests. On the other hand, there is the fact that 'platform work has rapidly emerged as one of the most vibrant and exciting areas of labour organising' (Joyce et al., 2020: 1).

This study focuses on workers' voice in platform labour, the obstacles it faces, and the representational practices that nevertheless exist. The aim is to look behind the apps and identify the resistance of the workers. Since it is clear that Western Europe is the hotspot of platform workers' voice (Joyce et al., 2020: 3), the focus is primarily on workers' voice in this area, without necessarily excluding voice practices in other regions or in location-independent contexts.

As Claude Levi-Strauss (1961) notes, science turns to social phenomena with a delay when social practice has already changed. This is particularly the case in the field of platform labour, which is spreading at a rapid pace. *Uber*, one of the first and an ideal type of a work mediating platform, started in the USA in 2009 and outside of it in 2011, and has since spread worldwide. The same is true of many other platforms. While the MIT (2018: 2) emphasises that '[e]verywhere there can be a platform, there will be a platform', it is difficult to get an overview of all the developments in the field of platform labour and, at the same time, the subsequent scientific studies. This study is not able to offer an exhaustive overview but tries to provide

orientation, trace the developments of the last years, and classify them analytically.

For this purpose, the study proceeds as follows. In a first step, the phenomenon of platform labour is introduced and defined, and its actual extent is examined more closely (2.). Subsequently, the concept of workers' voice will be explained in more detail and industrial relations will be conceived as a meeting of actors with diverging interests and unequal power resources (3.). The reasons for workers' silence in the field of platform labour are then analysed and different forms of its fragmentation are identified (4.). The main part of the study analyses communication structures and practices as a precondition for workers' voice, takes a closer look at platform-mediated courier work as a unique case, presents traditional and new forms of workers' voice in platform labour, compares the legal voice options of platform workers, considers references to the public sphere with the aim of improving working conditions, and examines alternative forms of workers' voice (5.). Finally, the findings of the study are summarised and concluded (6.).

## **2 Platform labour: Definition, multi-sided markets, advantages and disadvantages, extent, and the need for workers' voice**

In this section, the phenomenon of platform labour will be defined in more detail and its specifics examined. Subsequently, the multi-sidedness of platform markets will be considered separately, followed by considerations of the advantages and disadvantages of these new working conditions for workers, their spread, and the challenge of quantifying the extent of platform labour.

### **Definition and specific characteristics of platform work**

Platform labour is a form of 'logged labour' (Huws, 2016a) and is **'defined broadly as paid work managed via online platforms'** (Huws et al., 2016b: 1). An early definition of the phenomenon describes it as an 'act of a company or institution taking a function once performed by employees and outsourcing it to an undefined (and generally large) network of people in the form of an open call' (Howe, 2006: 1). The benefits of this type of working relationship for companies were highlighted by the CEO of CrowdFlower, one of the largest employment platforms, who said that 'before the Internet, it would be really difficult to find someone, sit them down for ten minutes and get them to work for you, and then fire them after those ten minutes; but with technology, you can actually find them, pay them the tiny amount of money, and then get rid of them when you do not need them anymore' (Marvit, 2014). When the CEO of Amazon, Jeff Bezos, presented his own platform of this kind in 2006, he promoted it with the words, 'You've heard of software-as-a-service. Now this is human-as-a-service' (Irani and Silberman, 2013: 612). Work, thus, becomes a 'computation service' (Irani, 2015: 227) which can be accessed at the touch of a button, and platform labour, which euphemistically is also attributed to the sharing economy, appears as a continuation of traditional outsourcing by other means in

which the platforms use 'the spectacle of innovation to conceal the worker' (Scholz, 2017: 21).

Since the first description of the phenomenon mentioned above, a lot of time has passed according to the quick-tempered rhythm of the new economy, and labour mediated by means of platforms has increased strongly and expanded to other areas. The subjects are no longer just simple online activities but also highly qualified labour and local and offline services. Platform labour is part of a trend of the 'fissuring of the workplace' (Weil, 2014), which is characterised by 'extreme flexibility, shifting of risks to workers and income instability' (Stefano, 2016: 480).

**The phenomenon is characterised by a high variance and constant evolution;** therefore, a multitude of different and contradictory definitions can be found in the discourse. The study follows the EU OSHA, which defines platform labour as

'all labour provided through, on, or mediated by platforms, and which features a wide array of standard and non-standard working arrangements/relationships, such as (versions of) casual work, dependent self-employment, informal work, piecework, home work and platform work, in a wide range of sectors. The actual work provided can be digital or manual, in-house or outsourced, high- or low-skilled, on or off-site, large- or small-scale, permanent or temporary, all depending on the specific situation' (EU-OSHA, 2017: 13).

Since this definition also covers a wide range of forms of labour, further differentiation is necessary. The variables of place and qualification are suitable for such a differentiation (Drahokoupil and Fabo, 2016; Eurofound, 2015, 2018a; Groen et al; Howcroft and Bergvall-Kåreborn, 2018; Pongratz, 2018; Schmidt, 2017; Stefano, 2016; Stewart and Stanford, 2017). There are fundamental differences in the nature and control of labour, the social structure of the workers, and their respective voice options — whether the labour is bound to a narrow local space or can be carried out from anywhere in the world and whether it involves simple, small-scale and unskilled tasks or whether it is aimed at a limited pool of people and can only be carried out by creative or highly skilled workers.

Four different types of platform work can, therefore, be distinguished:

|                      | Low-qualified  | High-qualified                                       |
|----------------------|--|--|
| Online Crowdwork     | Microwork<br>(e.g. <i>Amazon Mechanical Turk; Figure Eight</i> ) | Macrowork<br>(e.g. <i>99Design; Jovoto; UpWork</i> ) |
| Local Work on Demand | App-Labour<br>(e.g. <i>Uber; Deliveroo; Helpling</i> )           | Offline Macrowork<br>(e.g. <i>TakeLessons</i> )      |

1. **Microwork** includes small information tasks with short working time, for example, categorising images or filling out surveys. Tasks with a medium processing time, such as simple translation tasks, are also mediated using platforms. Common to this kind of labour is that it was 'born out of the failures of artificial intelligence to meet the needs of internet companies seeking to expand the domain of the data they could store, classify and serve up on line' (Irani, 2015: 225; see also Scholz, 2017: 20); therefore, it is also called 'artificial intelligence' (*Mechanical Turk*) or 'human-in-the-loop' (*Figure Eight*). Crowdwork started in the field of microtasks, which did not require any special qualifications (Bergvall-Kåreborn and Howcroft, 2014; Lehdonvirta and Ernkvist, 2011). It is estimated that microwork accounts for one-tenth of online crowdwork (Kässi and Lehdonvirta, 2018; Kuek et al., 2015).
2. **Macrowork**, on the other hand, comprises labour that can likewise be carried out from anywhere in the world but is more complex in content and, thus, requires specific qualifications on the part of the workers and usually requires a longer working time. This includes, for example, project or creative work such as a marketing campaign, logo design, or accounting. The platforms advertise their services either with the slogan 'hire freelancers, make things happen' (Upwork) or with the quality rather than the quantity of the talent pool and 'creative professionals' (Jovoto). Motivation for the workers is often not only the remuneration but also the hope of acquiring skills and building up a portfolio that also increases individual marketability outside the respective platforms (Schmidt, 2017: 17).
3. **App-Labour** refers to classical tasks (mostly services) such as cleaning, transport, or running errands, which are located in a narrow local area – usually in urban centres – and have to be carried out within a tight time frame. This type of platform labour is 'asset-based' (Howcroft and Bergvall-Kåreborn, 2018: 27), as workers usually use their own equipment (e.g. mobile phones, bicycles, tools, etc.) and must maintain it independently and at their own expense.
4. **Offline Macrowork** describes highly qualified and locally bound labour. This category is of little relevance and almost unoccupied. Such workers are often not dependent on mediation via platforms. If they do, they are usually mediated by individual providers, as is the case with software specialists who are engaged selectively or in emergencies.

Crowdwork and local labour on demand have more aspects that separate them than they have in common. What they have in common is the platform aspect and the mostly self-employed status of workers. In overviews of the field, this is often not taken into account and misleading generalisations are made sometimes. Since platform labour is fundamentally different due to the different space in which it is located and the workers' qualifications, especially with regard to the available voice options and strategies, the two phenomena will be considered as differentiated as possible.

## Platforms as multi-sided markets

Common to the multifaceted phenomenon of platform labour is the fact that the usually bilateral relationship between employers and employees is joined by the mediating platforms as another party. Such multilateral industrial relations are accompanied by new linkages and interdependencies between the various actors, which have an influence on their options for action and on industrial relations. What the platforms reduce in terms of complexity by outsourcing labour and transforming workers into an external factor with variable costs is reconstituted in terms of increasing complexity in the coordination and control of labour and the labour process itself. This is particularly the case as **platforms operate in multi-sided markets** (EU-OSHA, 2017; European Commission, 2016: 3; Heiland, 2020b).

In such multi-sided markets, the platforms do not offer the service or product itself but mediate between two or more different groups or sell them two different products (Rochet and Tirole, 2003). This way, a newspaper not only offers readers up-to-date information but also space for advertising. With regard to platform labour, workers who are interested in generating income by fulfilling orders (e.g. by transporting people or writing product descriptions) and, thus, the demand for corresponding customers, represent one side. This forms the basis for the other side, where actors demand the services offered, such as transport from A to B (see Figure 1).<sup>1</sup>

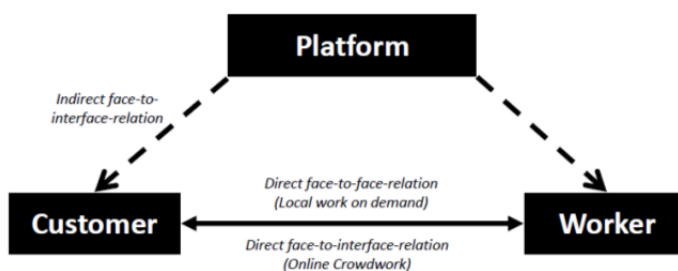


Figure 1: Indirect and direct interactions on labour platforms

The **platforms act as matchmakers**. According to economic theory, they act as intermediaries to reduce transaction costs and possible asymmetric information situations and, thus, enable interactions that would not occur directly (Evans and Schmalensee, 2017; Rochet and Tirole, 2004: 12).

The crucial point is that **the different groups are interdependent**. The more people use a social network such as Facebook, for example, the more valuable it becomes for other users. Moreover, the more companies offer jobs on a crowdwork platform, the more interesting it becomes for potential workers, and vice versa. There is a direct **network effect** in the first case and an indirect one in the second. Because of their interdependence, these effects have a self-reinforcing growth potential, 'which can defy the

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<sup>1</sup> In addition, a platform could enable advertising of further actors on their homepage or app and, thus, add another side to the market. Thus, for example, Facebook is a four-sided platform with senders, receivers, advertisers, and providers of software applications (Evans 2012: 1207). In food delivery platforms, three market sides are active with restaurants, customers, and drivers.

laws of physics' (Chase, 2015: 73), and which, according to Google's CEO Eric Schmidt, can only be compared to a virus. As a result of such effects, multi-sided markets tend towards oligopolistic or monopolistic structures (Cusumano and Goeldi, 2013). However, this hope for exponential growth and market dominance, which is also the core of high valuations of young start-ups, can be reversed. Network effects can have a negative impact. If, for example, a platform offers fewer orders, workers may withdraw from it and accelerate its decline. In digital times, there is a high volatility of users and, thus, also of monopolies (Dolata, 2015).

The induction of network effects is preceded by the **chicken and egg problem** (Caillaud and Jullien, 2003; Rochet and Tirole, 2003). According to this, it is necessary for both sides of the market to have demand. If only one side is present, or to a greater extent, there is a gap either in the supply of labour or in its demand. From an economic perspective, the price structure is both the problem and the answer, although it is particularly complex due to interdependencies (Hagemeister, 2009). Accordingly, prices based on marginal costs are not necessarily the optimal solution in such situations, as is usually the case. Instead, asymmetric pricing is recommended; as a result, the side of the market with more pronounced network effects is subsidised by the platform by means of higher prices on the 'weaker' side (Haucap and Wenzel, 2011). It even becomes possible that (negative) prices below marginal costs occur on one side. For example, a simple account on Facebook is free of charge which does not correspond to the costs per user incurred by the platform, but does correspond to the importance that users and their data have for the platform and its other users (e.g. advertisers).

The aforementioned chicken-egg problem also presents a challenge for labour-mediating platforms. The different sides of the market must be brought into balance with each other to avoid negative network effects and to create positive ones. In view of the fact that they operate in multi-sided markets, **platforms are faced with the challenge of achieving a competitive price for the services offered and, at the same time, ensuring the supply of labour for the provision of these services.** The interests of the various market players often contradict each other. Customers of food delivery platforms, for example, have an interest in low prices, restaurants in low commissions and large orders, and deliverers in high wages and tolerable work intensity. The platforms as intermediaries determine the overall parameters and, through prices and fees, the costs and profits of the actors. It appears that the platforms from the multi-sided markets have an incentive to cultivate relations with customers through quality control, whereas the seller or worker side can be neglected (Duch-Brown, 2017).

However, the balancing of the market sides through pricing is of limited effect, as there is little room for manoeuvre in the often price-sensitive sectors in which the labour platforms operate. Particularly as most platforms are equipped with venture capital and operate at a loss, subsidies are only possible in part or for a limited time. Moreover, economic theory based on the rationalist premises of the heuristics of homo-oeconomicus neglects questions of control and power. However, it is precisely these aspects that have a central influence on pricing and social processes. **Labour repre-**



**sents the most complex side of the market**, which cannot be coordinated and controlled solely by price and is structurally antagonistic to the other sides of the market. This triangular relationship between the various actors is a central specific feature of platform-mediated industrial relations. It constitutes the framework within which the actors involved interact with each other and, thus, determines their scope of action and voice options.

### **Advantages and disadvantages of platform labour for workers**

The **advantages of platform labour are its inclusiveness, anonymity, flexibility, and its role as a complementary source of income**. Crowdfork, in particular, allows people (primarily women) who are bound to their homes by care obligations, cultural barriers, or disabilities; or who for other reasons cannot participate in normal employment, to fill their free time spread over the day with paid work (Berg, 2016; Codagnone et al., 2016). Through its anonymity, Crowdfork is also able to provide access to either local or global labour markets for discriminated groups (Eurofound, 2015; Graham et al., 2017b: 146–147). Furthermore, crowdfork has a potential role 'for economic development in rural areas and places damaged by war or natural disasters' (Eurofound, 2015: 116; Raja et al., 2013; World Bank, 2013) since it requires little resources and 'give[s] people in poor countries access to buyers in rich countries' (Horton, 2011: 10). In addition, and as a consequence of the generally low entry barriers and often high unemployment among younger people, platform labour, in general, and online-based and higher-skilled macro work, in particular, serves as a first step into the labour market (Eurofound, 2015). Although often only bogus, many workers see the independence of platform labour as an advantage, as it allows for a freer determination of working hours and less direct contact with supervisors (Berg, 2016; Groen and Maselli, 2016; Taylor et al., 2017).

In contrast to these advantages, there are numerous **disadvantages**, which are not necessarily specific to platform labour but rather to the casualisation of labour and the growth of non-standard labour in general (ILO, 2016; Rubery et al., 2018; Stefano, 2016: 482). Thus, the European Commission states that

'the emergence of new digitalised work arrangements is not unrelated to the broader trend of work de-standardisation with the widespread diffusion of non-standard work and to job polarisation with the hollowing out of standard middle level jobs' (Codagnone et al., 2016: 52).

Being a non-standard work, **platform labour is also associated with lower social protection and lower income and job security** – partly because it can rarely be performed full-time (Huws et al., 2017). Furthermore, platform workers, due to their usual self-employment, do not have access to the protection and representation rights of employed workers (Cherry, 2016; Prassl, 2018b; Prassl and Risak, 2016; Rogers, 2016; Stefano, 2016); therefore, they find themselves in a "digital wild west" (Huws, 2016b). Graham, Hjorth, and Lehdonvirta (2017b: 140) summarise that 'a key feature of digital work platforms is that they attempt to minimize the outside regulation of the relationship between employer and employee'. In

the case of geographically independent crowdwork, the platforms are usually registered in different locations than their workers; in addition, they can choose the labour markets that seem most appropriate for their purposes by means of "regime shopping" (Degryse, 2016; Groen and Maselli, 2016). Local work-on-demand platforms often make use of the pool of economically vulnerable and, thus, mostly migrant workers (Zwick, 2018: 683). In cases of conflict, many platforms retreat to the fact that they are only digital mediators of job offers.

**Personal risks** are generally psycho-social aspects, and in the case of crowdwork, they also include stress and ergonomic problems, among others (EU-OSHA, 2015). In the field of local on-demand labour, other risks are relevant. Traffic or work accidents, and theft of and damage to work equipment are more likely (Schmidt, 2017: 18). For example, almost half of the surveyed German platform-mediated food couriers reported that they have been involved in an accident at some time (Heiland, 2019a: 303). Since independent platform workers are responsible for insuring such cases themselves, many of them do not have accident insurance (Schmid-Drüner, 2016).

Specific negative aspects of platform labour are particularly related to the **extensive control** available to platforms through their undisputed sovereignty over apps and their central and inescapable function as digital production tools by means of which they decisively define the working conditions of workers. Although autonomy is a central promise of the platforms, the actual labour process is usually determined by tight digital barriers and algorithmic management (Heiland, 2019b; Heiland and Brinkmann, 2020; Lee et al., 2015; Rosenblat et al., 2016). In addition, the often centralised evaluation and associated ranking mechanisms lead to platform workers being in an 'endless probation period' (Aloisi, 2016: 671). Moreover, platform workers are often isolated from their colleagues and work irregularly and at unsocial hours (Heiland, 2019a; Wood et al., 2019a).<sup>2</sup>

### **Extent and quantification**

In order to assess the relevance of the phenomenon of platform labour, its actual size is of interest. However, **quantifying this new form of labour faces major challenges**, as it is a moving target that runs counter to established survey practices. This applies to all three sides of the market. Analyses of the quantity of existing platforms (Evans and Gawer, 2016; Fabo et al., 2017a; Vaughan and Daverio, 2016) are mostly vague estimates based on precarious data (Eurofound, 2018c). Data on the number of customers of these platforms are limited to a few and, primarily, crowdwork platforms (Kässi and Lehdonvirta, 2018). From the perspective of worker's voice, the number of platform workers is of particular interest for quantifying the phenomenon. Their measurement is characterised by particular challenges and inaccuracies and, as a consequence, by a 'statistical

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<sup>2</sup> With regard to local on-demand work, platform labour is said to restructure social inequalities, since reproductive work in families is no longer primarily performed by women or distributed along gender structures, but is instead performed as an outsourced service along class structures by lower classes for the middle and upper classes (Heiland 2019c).

void' (Schmid-Drüner, 2016: 19) and 'a quasi non-existence of administrative data' (Eurofound, 2018c: 12). Platform labour is characterised by the fact that it is carried out flexibly and sometimes spontaneously, and there are low-threshold entrances and exits. It is, thus, diametrically opposed to the long-term and contractually secured employment relationships that are (or were) the norm in Western societies. Surveys on the number of platform workers are disparate and diverse, and their results for Europe vary between 0.4 per cent and 19 per cent of the working age population (Eurofound, 2018c: 12; O'Farrell and Motagnier, 2019). This is partly due to the wide range of definitions used to define platform labour (European Parliament, 2017: 10). Each definition sets different parameters, thus focusing on different populations of platform workers and leading to only limited comparability of results: 'without a clearer and consensual definition, no reliable measurement of the phenomenon's dimensional relevance exists' (Codagnone et al., 2019: 36).

The platforms are not obliged to provide information on the number of workers. They face the challenge of determining who counts as a worker, because there are often numerous platform tourists among the accounts who, after a one-time registration, have not done any platform-mediated work. Kuek et al. (2015) show that only about 10 per cent of the accounts on a labour platform were actually active. According to Carmel et al. (2012), only 5 per cent of the workers on Chinese platforms actually earned money this way. In general, the fluctuation on labour platforms is high, and many once active accounts lie idle. Moreover, there are people who are registered and active on several platforms at the same time in the form of multi-homing. Studies on the scope of platform labour have shown that it is difficult to explain to respondents what exactly is meant by this; therefore, the results obtained may be distorted (Bonin and Rinne, 2017; Piasna and Drahoukoupil, 2019). Furthermore, the number of people who earn an income through platform labour is still rather small in relation to the total population; thus, statistical methods sometimes come close to the edge of being reliably measurable (Bonin and Rinne, 2017; O'Farrell and Motagnier, 2019: 2).<sup>3</sup>

As a result, **it is difficult to determine whether the actual figures are over- or underestimated** with the existing surveys. On the one hand, the established instruments for recording the type and scope of employment relationships were developed on the basis of standard employment relationships. They are mostly aimed at worker's main occupation and primary income sources and, thus, capture platform labour, which is often carried out as a side-job, only to a limited extent; resultantly, there is a risk of underestimation (Prassl, 2018a: 9). On the other hand, due to platform tourists, multi-homing, high fluctuations, and the low activity of many platform workers, there is a risk of overestimating platform labour.

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<sup>3</sup> Due to all these aspects, analyses of platform labour, which try to determine specifics of platform workers and possible correlations with various variables by means of quantitative methods, are challenged by the fact that they are not able to guarantee representativeness due to the lack of knowledge about the population for the samples they draw (Farrell et al. 2018; Griesbach et al. 2019; Heiland 2019a; Maffie 2020; Wood et al. 2019b).

The high variance of the phenomenon makes the quantification and possible regulation of platform labour more difficult. The numerous different definitions are also due to the comprehensive heterogeneity of the platforms, as shown above. As a consequence, **the differences between different types of platform labour are sometimes greater than their similarities.** In addition, the high variance of the possible working constellations must be taken into account. If sophisticated studies such as the COLLEEM survey (Pesole et al., 2018) use elaborate questionnaires that take into account different labour market statuses and mixed situations, among other factors, 45 differentiated variants emerge, which show the complexity of the phenomenon (Bellini and Lucciarini, 2019: 848–849).

### **Relevance of platform labour and its regulation**

Regardless of the challenge of measuring the extent of platform labour, the question arises whether the phenomenon deserves the attention it receives in the public and scientific debate. After all, this form of labour only accounts for a small part of the overall labour relations. Furthermore, with regard to the platform economy in the USA, it is being discussed whether its peak has already passed (Farrell and Greig, 2017).

In contrast, **the phenomenon and its analysis are more relevant than ever for three reasons.** First, platform labour joins the already large and growing field of non-standard employment and shares with it many policy challenges. Second, various studies assume a rapid and progressive growth of the platform economy (Agrawal et al., 2013; Ellmer et al., 2019: 20; European Commission, 2016: 2; European Parliament, 2017: 42; Kässi and Lehdonvirta, 2018; Standing, 2016). Third, the ‘relevance of the phenomenon is not (yet) its economic scope, but its role as organisational avant-garde’ (Heiland and Brinkmann, 2020), and it offers a glimpse into the future of work. This does not mean that all labour will be mediated by platforms in the future, but that platforms face specific challenges in the course of their new organisation of labour. They have to coordinate at least two, and sometimes more, actors (e.g. companies, restaurants, customers, etc.). In most cases, they do not have direct authority to give instructions to these actors. For example, both the requesters (those who place orders on crowdworking platforms) and restaurants on the one hand and the workers who usually are self-employed on the other hand can only be controlled indirectly. Consumers and workers can withdraw from the platforms at any time. This compels the platforms to apply new forms of organisation, coordination, and control; and their solutions to these challenges may be applied to other and more classical forms of labour in the future.<sup>4</sup>

This relevance underlines the need for action with regard to the regulation and protection of platform labour. However, some reject any intervention as over-regulation since ‘freely organised activity and free cooperation in the Internet ... cannot be captured in law’ (Bundesvereinigung der Deutschen Arbeitgeberverbände, 2015: 6), and others stress the self-regulation of plat-

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<sup>4</sup> Thus, the techniques of algorithmic management that are developed especially in platform labour are already applied in other fields (Mateescu and Nguyen 2019: 1).

form economies (Koopman et al., 2015) since ‘reputation replaces regulation’ (Sundararajan, 2016). In most cases, the response to platform labour by governments is a laissez-faire attitude, resembling the labour relations of the 19th century (Fabo et al., 2017b: 170). With regard to labour relations, platforms have a role ‘like that of a government’ as they set ‘policies to encourage efficient market outcomes without dictating trades’, ‘how often and in what context participants are exposed to each other, what information is collected by parties, and how this information is displayed’; they also ‘set policies about what trades are permissible, how entry is gained, what contracts and prices are allowed, and so on’ (Agrawal et al., 2013: 19). **The design of the platforms determines the design of the industrial relations.** The control over the structure of the platforms and apps is solely subject to the platforms. Subsequently, the question arises as to how this unilateralism can be opened up and how the interests of the workers can be taken into account. Historically, workers’ voice has been the central means and catalyst to improve adverse working conditions and to achieve regulation and thus a de-commodification of labour. The following section will discuss theoretically the broad spectrum of workers’ voice and analyse its variants in the field of platform labour.

### 3 Workers’ Voice

In Article three of the Treaty of the European Union, the EU commits itself to ‘promote social justice and protection’, and in Article nine of the Treaty on the Functioning of the European Union, the EU strives for ‘the guarantee of adequate social protection’ (European Parliament, 2017: 15). **The extent of social protection is the result of the participation of labour.** The term ‘voice’ is used here to describe such participation. Voice is a central concept in the field of research on industrial relations. The term was introduced by Albert Hirschmann, who defined voice as

‘any attempt at all to change, rather than to escape from, an objectionable state of affairs, whether through individual or collective petition to the management directly in charge, through appeal to a higher authority with the intention of forcing a change in management, or through various types of actions and protests, including those which are meant to mobilize public opinion’ (Hirschman, 1970: 30).

The term is closely related to the two alternative options ‘exit’ and ‘loyalty’, with which Hirschmann originally investigated the behaviour of customers. Wilkinson et al. (2014: 5–6) concretise the concept and describe it ‘as the ways and means through which employees attempt to have a say and potentially influence organisational affairs relating to issues that affect their work and the interests of managers and owners’.<sup>5</sup> Thus, **voice includes, but is not limited to, collective and trade union forms of interest artic-**

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<sup>5</sup> With this definition, the authors aim at ‘employee voice’. In the case of platform labour, classical employment is usually not the case (see chapter 2); so, the definition here is generally used for the voice of workers.

**ulation**, and can also include individual articulations and employer-implemented forms of representation.

The basic assumption of the analysis of industrial relations is that there is a conflict of contradictory interests between the labour and capital side. According to Edwards, this is a 'structured antagonism' in which each side 'depends on the other while also having divergent wants' (1986). Apart from situations in which workers have skills that are in high demand, they are structurally the weaker and subordinated side in this respect and struggle to assert themselves against the interests of employers. **The most powerful counter-strategy of workers are collective forms of voice aiming at balancing the power asymmetry and levelling of the playing field** on which labour and capital interact (Doellgast and Benassi, 2014). According to the ILO, the right to collective bargaining is a central labour standard and is regarded by the EU as a central aspect of good and sustainable corporate governance (European Economic and Social Committee, 2013: 1). The effects of collective bargaining and workers' voice in general have been shown to be positive for working conditions and occupational health and safety (Addison et al., 2000; Hübler and Jirjahn, 2003; OECD, 2016: 17; Purcell and Georgiadis, 2007; Zwick, 2004). Furthermore, workers' voice also affects the effectiveness of organisations and helps to overcome economic challenges (Galgóczi and Glassner, 2009).<sup>6</sup>

However, as defined above, voice not only refers to collective practices through which workers try to impose their interests but also to individual actions. As Hobsbawm (1952: 58) points out, in the past, workers often resorted to sabotage and direct action rather than collective forms of bargaining. The forms of voice used and the fields to which they belong follow both the institutional conditions; and the norms, practices, and routines established in industrial relations by the various actors involved, usually over long periods of time. According to the theory of regulation, specific production models emerge over time in which the organisation of the enterprise, control and coordination of the labour process, and the forms of competition, among other aspects, are combined into a coherent whole (Boyer and Durand, 1997).<sup>7</sup> Since platform economies are a heterogeneous, very young, and constantly-changing phenomenon – 80 per cent of the surveyed platforms emerged after 2010 (Fabo et al., 2017a) – such structural forms of industrial relations are not yet established in this field. Instead, **fluid, controversial, unfinished, and open-ended processes of possible institutionalisation prevail in platform labour** (Heiland and Brinkmann, 2020).

In other words, **platform workers have a low secondary and possibly increased primary power potential** (Heiland, 2020b; Vandaele, 2018). Primary power refers to the positions of power for individual employees or

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<sup>6</sup> See also the comprehensive review by Doellgast and Benassi (2014: 235–237) on the positive effects of collective bargaining.

<sup>7</sup> Such production models are closely linked to the respective form of the accumulation regime and the modes of regulation (Aglietta, 2000). The former denotes the characteristics of and the relationship between the material conditions of production and social consumption. The latter refers to the existing institutions, norms, and organisations that mediate the various social interests and coordinate them with a view to the valorisation of capital. This fit resembles the 'institutional complementarities' of the Varieties of Capitalism approach.

groups of employees arising from the 'relations of dependence between the social parties in the company' (Jürgens, 1984: 61); thus, workers at choke points in the economy (e.g. logistics) or with rare skills have a high primary power. This has historically been 'replaced, supplemented, superimposed by collectively won positions of power and influence' (Jürgens, 1984: 64), which constitute secondary power, for example, in the form of laws or collective agreements.

Taking into account all the limitations that a preliminary tracing of these processes entails, **the development of industrial relations can be modelled as a search process in which (at least) two different actors pursue their interests with different vigour and power, resembling two force vectors** (Fig. 2 (a)). With different strengths, they act in different directions without one actor/force vector being able to fully assert itself. The process thereby develops in a direction influenced by both, which is marked by the diagonal in the parallelogram of forces (b). This represents a non-intended expression of often contradictory and antagonistic perception of interests. This search process of the first-time shaping of industrial relations is a dispute that is conducted by both sides using a variety of means. Collinson and Ackroyd (2005: 320) state that 'the field of employee resistance remains far from coherent' (see also Marchington, 2008). As discussed above, on the one hand, this includes the continuum of individual voice, which is both formally and informally employed by workers (Lewin, 2014) and, on the other hand, includes silent forms of 'organizational misbehaviour' such as sabotage or fiddling (Ackroyd and Thompson, 1999). Similarly, workers and management can come together in joint consultation and solve conflicts together (Marchington et al., 1991) or workers can use the instruments of industrial action up to 'bargaining by riots' (Hobsbawm, 1952: 59). In addition, or simultaneously, collective bargaining practices are also available to them (Doellgast and Benassi, 2014; ILO Convention No. 154), and in many countries, works councils are complementary instruments of interest representation (Nienhüser, 2014). Besides these classical forms of organisation, both individual workers and their associations can use soft tools of organisation, which have grown especially with the spread of online social media and include chat groups and forums, blogs, petitions, and leaflets, among many others. Furthermore, the design and use of the facets of workers' voice vary according to national legal frameworks, different traditions, and different trade unions – as is clearly shown in the European Participation Index of the European Trade Union Institute. In addition, it is crucial for the analysis that workers' voice, industrial relations, and their regulations can be found and embedded in different spheres. Wright (2000) differentiates between the sphere of production with the individual companies, the exchange on the labour markets, and the politics in the respective state, whereby the different spheres are not of equal importance and are given different weight depending on the type of work, tradition of regulation, and theoretical perspective (Wright, 2000: 986).

It can, thus, be said that industrial relations are diverse and, especially without established routines and norms, are a contested field. In the graph, this field is largely identical to the inside of the parallelogram but may extend beyond the edges (c) – shown here as an ellipse.

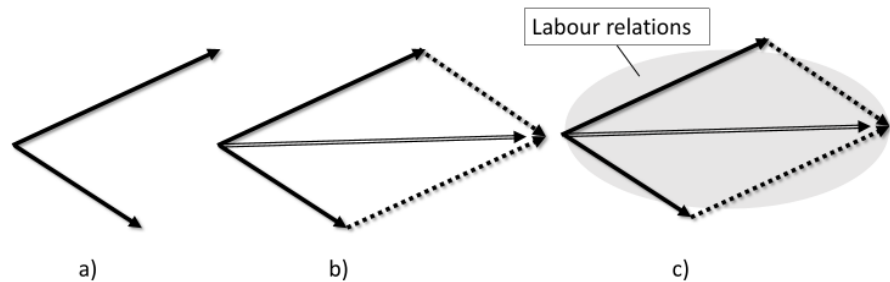


Figure 2: Labour relations as parallelogram of forces (Heiland/Brinkmann 2020)

The diagonal in the parallelogram of forces shown in the diagram as an ideal type is neither straight nor an angle bisector in practice but inclines to one of the sides depending on the playing field and the power resources available to and applied by the actors. The actual scope of social justice and social protection as the EU strives for is, thus, dependent on the strength of labour and, as a secondary variable, on the institutional framework in which the respective negotiation is located. The basic structure of the social relationship between workers and enterprises is, therefore, antagonistic. However, in everyday corporate practice, class compromise (Wright, 2000) and ‘a *mutual incorporation of capital and labor*’ (Streeck, 1992: 164 emphasis in original) is not uncommon. However, contrary to the advantages mentioned above, collective representation of workers is not an accepted fact, since it is associated with ‘considerable costs in managerial discretion and managerial prerogatives’ (Streeck, 1992: 165). As a consequence, the collective representation of workers in companies or even co-determination is not a standard feature of industrial relations and the result of often long disputes (Berger, 2019). At the same time, **these institutionalised achievements of workers are not set in stone, but are a lived practice with reversible enabling conditions.** Enterprises and structures of representation of workers developed in a co-evolutionary manner. Institutionalised industrial relations with codetermination, collective bargaining, and strong unions were the norm in Western countries in a specific time window after the Second World War (Hayter, 2015) – although, even in this system, large parts of the population such as women and migrants were left out.

With the reorganisation of companies as platforms towards a ‘post-corporate society’ (Davis, 2017), **the concept, power resources, and legal framework of co-determined labour relations are in a state of transition.** Especially in such new economies with young companies, established representative structures for workers are rare. However, this fits in with a trend that has already been going on for some time, in the course of which employment relations are individualised and de-collectivised (Bacon, Nicolas, Storey, John, 1993) and collective action is undermined by the growth of non-standard work and new low-skilled jobs which made it ‘difficult for unions to recruit such workers, while the growing numbers of employees in private services with low-paid and insecure jobs’ tended to ‘lack the resources and cohesion to undertake collective action’ (Bean, 1994: 49; see also Hyman and Gumbrell-McCormick, 2017). Non-standard work is not new, and workers in such employment relationships have struggled for forms of representation in the past (Cobble and Vosko, 2000). However,



with the increasing prevalence of atypical work, established achievements in other economic fields and general workers' rights and protective mechanisms are being challenged, and old certainties and structures are eroding. With such a changed social reality within which 'much of the world's working population are now well beyond the reach of joint regulation' (Ackers and Wilkinson, 2008: 53), the question arises as to what extent research on industrial relations must extend its focus beyond the islands of co-determined labour relations (Ackers and Wilkinson, 2008; Kaufman, 2008). The question of workers' rights and workers' representation in platform economies goes beyond the still limited phenomenon and 'should be of interest for anyone concerned with the present and future of democracy' (Silberman, 2017: 16). After all, low worker power is accompanied by rising economic inequality, which in turn undermines the functionality of democracies (Silberman and Harmon, 2017: 2).

This raises the question of what opportunities and practices of voice are available to workers and on what playing fields they are applied. Do platform workers organise themselves, and if so, what tools do they use and where and how do they use them? Do they become active within the framework of individual platforms, on the street, or online; do they go to court; or do they apply new strategies of organising? In order to remain in the previously outlined picture, it is of interest how the workers influence the diagonal in their favour, and in which places and in which way the fluid forms of workers' voice develop into institutionalised and structural forms that lock the diagonal and determine the path of future corridors of action.

#### **4 Workers' silence: Fragmentation as an obstacle to the representation of platform workers**

As mentioned before, platform workers have limited power resources. Moreover, unlike in the case of regular employment, their power resources are not primarily based on established and institutionalised secondary power potentials; thus, there is a pronounced heteronomy of platform workers. However, at the same time, they have a specific primary power potential. This is because, as explained above, multi-sided markets emerge in platform economies, whose specific characteristics confront the platforms with new challenges with regard to the management and control of workers. What leads to cost reductions and limited co-determination for the platforms through the outsourcing of workers is reconstituted in the form of increasing complexity with regard to the coordination and control of workers and the labour process. **Platforms, thus, have a far-reaching influence on the workers and yet are directly dependent on them.** Network effects can have negative consequences and pose a fundamental threat to platform economies. As a result, platform workers have a pronounced potential for primary power. Work stoppages are possible at the push of a button. Through strikes, workers can control their side of the market and, as a result of the interdependencies, can affect the other actors. If, for example, contrary to expectations, workers are not available for customers, i.e. an order is not executed or a delivery is not transported, this can lead to cus-

tomers migration and, thus, trigger a negative network effect. What prevents this potential from being realised?

As reasons, various forms of fragmentation of platform workers by the platforms or institutional and social framework conditions will be identified and examined in more detail below. Fragmentation here means the active isolation or the prevention of collectivisation. Specifically, **legal, spatial, organisational, technological, and social fragmentation** will be analysed.

### Legal fragmentation

At the beginning, there is the legal framework in which the platform workers act. Usually, the **platform workers are legally understood as self-employed** – although it is doubtful whether this category is appropriate (Aloisi, 2016; Cherry, 2016; Crouch, 2019; Howcroft and Bergvall-Kåreborn, 2018; Prassl and Risak, 2016; Stefano, 2016). Self-employment is by definition exercised by individuals who enter into an individual relationship with clients. In contrast, employees have both individual relationships with employers through a personal employment contract and collective relationships. This is particularly important since the status of an employee is a ‘*gateway to social protection*’ (European Parliament, 2017: 67, emphasis in original). This also means that the self-employed have no access to occupational health and safety measures (since the responsibility for these lies with the self-employed themselves) and no right to representation: ‘Work, in short, is legally protected; entrepreneurship is not’ (Prassl, 2018a: 10).

Platform labour is based on workers’ self-employment, which was openly formulated by *Uber* in the prospectus for their IPO in April 2019: ‘Our business would be adversely affected if drivers were classified as employees instead of independent contractors’ (Uber, 2019: 13). Thereafter, the authors specify,

‘If, as a result of legislation or judicial decisions, we are required to classify Drivers as employees ..., we would incur significant additional expenses for compensating Drivers, potentially including expenses associated with the application of wage and hour laws (including minimum wage, overtime, and meal and rest period requirements), employee benefits, social security contributions, taxes, and penalties. Further, any such reclassification would require us to fundamentally change our business model and consequently have an adverse effect on our business and financial condition’ (Uber, 2019: 28).

How workers are actually to be classified and treated legally is usually not examined by the platforms when they enter the market. Rather, they choose the most cost-effective and least responsible arrangement, resulting in ‘organised irresponsibility’ (Löschnigg, 2019: 39), and following a general **trend of escape from employment law**. The usual strategy of the platforms, thus, follows the credo ‘don’t ask permission, ask forgiveness’ (Kenney and Zysman, 2016: 67), according to which the platforms, often based on their success and the ‘normative power of the factual’, create facts that are difficult to reverse and to which policymakers and workers can only react.

Furthermore, the question of whether platform workers are self-employed or employed is not only crucial for their access to social security but also a central criterion for access to participation rights. Although both collective bargaining and freedom of association are human rights (Stefano, 2017; Stefano and Aloisi, 2019) and as such have been included in the EU Charter of Fundamental Rights (Article 28; Aloisi, 2019: 7–8; Veneziani, 2006), it is the common legal situation in the EU countries that **collective bargaining is only available to workers who are employed**. Only some countries (e.g. Denmark, Germany, Italy and Spain) have individual exceptional situations in which self-employed persons can also be part of collective agreements (European Parliament, 2017: 79–80).

**Antitrust law represents another legal obstacle to collective representation of interests**, consolidating the existing legal fragmentation. Antitrust law was not originally intended to legally restrict workers' voice (Sanjukta, 2016), but historically it has been a commonly used legal tool to prevent worker organisation. Due to the status of most platform workers as self-employed, it is questionable to what extent European (and similarly American) law allows them to join forces to promote their own interests. This would be comparable to a cartel in which several individual companies (in this case the self-employed) join forces and try to influence the market in their favour (Aloisi, 2019: 8–10; Lao, 2018; OECD, 2019: 20; Rubiano, 2013; Schiek and Gideon, 2018; Stefano, 2017; Syrpis and McCrystal, 2014). This not only denies the traditional institutionalised options of worker representation to platform workers, but also the possibility of joining employer associations. This 'leaves self-employed workers "free" to (individually) defend themselves in the market and not (collectively) from the market' (Biasi, 2018: 372; quoted after Doherty and Franca, 2019: 5). The collective capacity of independent platform workers to act is, thus, legally limited, since institutionalised secondary power potentials are not available, or only to a limited extent, to them due to legal restrictions. However, it should be mentioned that the European Court of Justice, in its past decisions, has emphasised that only genuinely independent companies are covered by the provisions of EU competition law (Donini et al., 2017: 213; Prassl, 2018a: 26–27) – although contradictory and unclear court decisions concerning platform workers have been made in the past (Degner and Kocher, 2018: 262–263; Schiek and Gideon, 2018: 278–280). This once again underlines the question of pseudo-self-employment and dependence of platform workers. At the same time, while there are promising prospects that the fragmentation of platform workers by antitrust laws will not stand up to legal challenge in individual cases, there is no clear legal certainty that guarantees freedom of association to the self-employed workers.<sup>8</sup>

Furthermore, **platforms make use of legal fragmentation according to national borders and in the digital space**. Crowdfork platforms locate their field of activity far away from the regulated spheres of national jurisdictions. The ILO (2019: 44), for example, states that 'the dispersed nature of

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<sup>8</sup> At the end of June 2020, the EU Commission launched a process to enable self-employed people to organise themselves in the future. The scope and concrete results of this development are not yet in sight at the time of writing.

the work across international jurisdictions makes it difficult to monitor compliance with applicable labour laws' and, therefore, calls for an 'international governance system for digital labour platforms'. If platforms are threatened with regulation, they will still be able to relocate their activities by means of 'regime shopping' (Zwick, 2018), which is already known in connection with outsourcing and global value chains, but is particularly easy in the case of purely digital crowdwork. Moreover, local work-on-demand platforms also use the legal fragmentation by 'linking themselves to the local to concentrating reward, and retreat to their ephemeral digital dualisms when abdicating responsibility' (Graham, 2020a: 2), arguing, for example, that they only act as digital intermediary platforms and not as employers.

In summary, it can be said that as a result of legal fragmentation, **platform workers are legally individualised monads and not a social group with collective capacity to act**. As self-employed workers they have no rights of representation, and their freedom of association is not secure due to unclear legal practices in connection with antitrust law. In addition, crowdwork platforms can use the global legal fragmentation into national units to their advantage and local work-on-demand platforms evade accountability to workers by withdrawing legally into the digital field.

### **Spatial fragmentation**

The legal fragmentation of global and digital space shows the relevance of spatial fragmentation. The 'dispersed geography is used against workers', which 'makes it hard to both organise place-based struggles for worker rights (e.g. picket lines) and enact solidarity with fellow workers on the other side of the planet' (Graham et al., 2017b: 153). Platform labour is still placed somewhere and is bound to specific spaces (Anwar and Graham, 2018). However, the singular spaces of factories or offices, where most of the working conditions were once located, have been replaced by platforms as factories without walls, which can encompass either entire cities or even the entire global space. Work is, thus, no longer (crowdwork) or only limitedly (on-demand work) bound to spaces and does not 'have to go home every night', as David Harvey (1989: 19) noted for traditional working conditions, but is available on demand and around the clock, in the case of crowdwork.

**Platform labour is delocalised** in the sense that the unified working space is broken up and multiplied according to the number of workers; as a result, as many individual and fragmented working spaces exist as there are workers active on the platforms. With the dissolution of the factory and office by the platforms, solidarity and collective action of the workers are simultaneously made more difficult. This is because these do not automatically result from an objective class structure, but must be produced in practice and in continuous acts of communication. If workers are without central meeting places and, thus, without places for communication among themselves, common social identities and 'cultures of solidarity' (Fantasia, 1989) can only emerge to a limited extent. These are the connecting link between an objective and shared interest of a social group and its collective resistance and, thus, the precondition for the latter (Fantasia, 1989; Jarley, 2006). As a consequence, the emergence of platform workers' voice be-

comes less likely (Heiland and Schaupp, 2020a; Lehdonvirta, 2016: 74; Lehdonvirta and Mezier, 2013).<sup>9</sup>

'The work process is globally integrated, but labour tends to be locally fragmented', wrote Castells (2000: 18) at the turn of the millennium. Such delocalisation of labour applies to varying degrees to crowdwork and work on demand. As a locally unbound platform labour, **crowdwork** is particularly spatially fragmented. Random analogue contacts with 'colleagues' are just as unlikely as intentional meetings. As a result, crowdworkers feel particularly isolated from other workers (Wood et al., 2018). Online communities must be targeted by platform workers, and it is questionable to what extent they are an adequate equivalent for analogue and everyday contacts. It seems certain, however, that 'organising those who work online is a much more difficult challenge as these workers are harder to identify, reach and unite' (Lenaerts et al., 2018). Furthermore, in the case of crowdwork, the spatial fragmentation also affects the possibility of accessing the institutions and structures of collective bargaining, analogous to the difficult legal regulation of locally unbound employment relationships described above. These are usually organised along national borders; transnational organisation is rare and faces great challenges. Furthermore, platforms are not easily accountable, as they are usually registered in different countries than the workers (Degryse, 2016; Groen and Maselli, 2016).

**On-demand platform workers**, on the other hand, do not operate in same locations either, but in a more limited space. It is, therefore, easier to meet and organise collective gatherings. However, although they are travelling in a confined urban space, they are not necessarily recognisable as such (Johnston, 2019: 5–6) – an exception is those who are dressed in a distinctive uniform in the colours of the platforms (e.g. food couriers). In addition, local platform workers are very mobile and constantly on the move, because bridging space is usually part of their work (delivery and transport activities) or they perform their services directly at the spatially dispersed customers at home (e.g. cleaning work).

### **Organisational Fragmentation**

Labour in modern societies is cooperative due to the high degree of differentiation and interdependence (Marx, 1962b: 407). The necessary cooperation creates social relations among the workers and is, thus, able to promote the workers' voice, for '[t]o work is to work with another and for another. Both aspects bring us into the semantic domain of solidarity' (Smith, 2015: 168). However, by using new technological possibilities (see the following section), platforms reorganise the labour process. The **pre-condition for their business models is standardisation, modularisation, and codification**. Complex activities and larger projects have to be broken down into individual subtasks (Malone et al., 2011): '[B]reaking labour into little units, or modules, is one of the hallmarks of crowdsourcing' (Howe, 2008: 49).

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<sup>9</sup> The same has already been pointed out for information work in the new economy, which is usually carried out in equally isolated areas (Huws and Dahlmann, 2010).

This not only changes the organisation of labour, but consequently affects the social relations of workers. If cooperation among workers is no longer necessary, this source of their communitisation also disappears. **Platform labour, thus, appears as a contemporary reminiscence of the Taylorism** established one hundred years earlier. The planning and coordination of labour is strictly separated from its execution, and the workers are restricted to their own labour. This ‘drastically increase[s] the number of individuals and thus the degree of diffusion on the worker side’ (Lehdonvirta, 2016: 68). However, this is less true of higher-skilled macrowork. Due to its specificity and complexity as creative work, it is less fragmented (Shao et al., 2012). Despite this, such crowdworkers are usually just as fragmented and without contact with one another.

In addition, **platform workers are not only separated from each other in the labour process, but are increasingly put in direct competition with each other by the platforms.** The allocation of orders or working shifts is organised by the platforms by means of internal markets (Heiland, 2019b, 2020a). The currency in these markets is the platform's internal status, which is determined by the workers' individual performance. This is determined by either customer ratings or performance indicators from the platforms, creating ‘reputation economies’ (Arvidsson and Peitersen, 2013). As a result, workers are required to conform to the requirements of the platforms. Collective action is hampered by the competitive situation, and work stoppages and the like are inhibited as they have a negative impact on the individual status. It can be concluded that ‘[r]eputational systems are the most effective mechanisms of control in this environment marked by non-proximate low-trust labour relations’ (Wood et al., 2019b: 939; see also Schörpf et al., 2017; Stanford, 2017: 394).

A prerequisite for competition among workers and, thus, the controlling effect of reputational systems is that the interest in labour exceeds the actual volume of work. Thus, **the market power of the individual actors and the constitution of the relevant labour market play a decisive role**, particularly since the platforms no longer have sovereignty over the amount of working time contributed as a result of labour outsourcing. According to the Eurostat database, the EU countries reached an employment rate of 73.1 per cent in 2019 – the highest since 2005.<sup>10</sup> One of the key factors behind this development is the expansion of precarious employment relationships. In this regard, the term ‘precarious full-time employment society’ is used (Brinkmann and Nachtwey, 2014), where workers pursue hybrid employment strategies (Bührmann et al., 2018; OECD, 2019). As a result, the dissolution of normal employment relationships and the increasing inclusion of groups that were previously inactive in the labour market offer platforms the possibility of being able to draw flexibly on a sufficiently large pool of labour – what is known as the ‘reserve army mechanism’ (Marx, 1962b: 664). Here, too, the differentiation between the various forms of platform labour according to local ties and qualifications, as mentioned

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<sup>10</sup> At the time of writing, the COVID-19 pandemic is at the beginning and its effects on the labour market and platform economies are not yet evident; this is even less the case for long-term economic consequences.

above, takes effect. This is because the local supply of labour is available only in limited local areas, and moreover, this type of platform labour is often subject to strong temporal fluctuations (e.g. the demand for passenger transport is greater in the evening and at weekends than in the morning). Higher qualification is also a distinguishing criterion on platforms. Low-skilled crowdworkers, on the other hand, compete with each other not only locally but often globally and are, therefore, particularly interchangeable. For example, the supply of labour on some platforms sometimes exceeds the demand by a factor of ten (Graham et al., 2017b).

A further factor complicating the situation for workers' voice is that **labour relations in platforms have a tripartite character** as a result of the multi-sided markets described above. Thus, platform workers are subject to a complementary 'management by consumers' (Fuller and Smith, 1991) and, thus, to two or more bosses; as a result, they have to do additional emotional labour for the benefit of their platform internal reputation (Chan, 2019b; Gandini, 2019: 1047; Heiland and Brinkmann, 2020; Ticona et al., 2018: 40).<sup>11</sup> Moreover, the multi-sidedness of relations in platform labour makes collective bargaining more difficult. In these multi-sided markets, conflicts have to be negotiated not only with platforms but also with customers, requesters, and other actors.

### **Technological fragmentation**

Another obstacle for platform workers' voice is the fragmentation of the labour process and workers through digital technologies. Increasing global 'mass connectivity and cheap technology' (Woodcock, 2019: 25), such as GPS-based smartphones and reliable, fast, and mobile internet connections, enable the aforementioned reorganisation, granularisation, and efficient coordination of the platform labour process. The basic form of this process is not new. Marx already noted that with the spread of 'machine-like production', the labour process is increasingly coordinated 'by technical application of mechanics, chemistry, etc.' (Marx, 1962b: 401). The same applies to later innovations such as the assembly line or the computer. Digitisation essentially means a formalisation of information. **Informal knowledge and practices of workers become transparent and influential for companies through digitisation and can be appropriated.** This also affects workers' options for action, and the forms and scope of workers' voice in general.

The composition of the individual project parts or microtasks in the field of crowdwork and the coordination of the labour process of the local work-on-demand are not done by the workers themselves, but by digital systems that make algorithm-based, automated, and most efficient decisions in seconds. This way, 'human jobs are assigned, optimized, and evaluated through algorithms and tracked data' (Lee et al., 2015: 1603). Such algorithmic management is defined as 'a system of control where self-learning algorithms are given the responsibility for making and executing decisions

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<sup>11</sup> It is worth noting that evaluation systems based on the evaluations of customers are not common on all platforms.

affecting labour, thereby limiting human involvement and oversight of the labour process' (Duggan et al., 2019: 6). As a result, for example, 63 per cent of food couriers in Germany stated that they very often or often feel at the mercy of technology – only 10 per cent said they had not had this experience. In contrast, only 39 per cent of German workers in general experienced this feeling (Heiland, 2019a: 302). In addition to a reduced self-efficacy, **algorithmic management minimises human-to-human communication, and workers' voice becomes unlikely** due to quasi non-existent contacts between workers.

Moreover, **algorithmic management** not only undermines the conditions under which workers' voice is created, but also **undermines resistance practices and possible representation**. Even if forms of workers' voice or active unions exist, they 'cannot collectively bargain with an algorithm, they can't appeal to a platform, and they can't negotiate with an equation' (Gearhart, 2017: 13). There is usually only a technologically mediated relationship with the clients and platforms. Especially in the case of microwork, the contact between platforms and workers is minimised and automated. As one platform employee explains, 'The time you spent looking at the e-mail costs more than what you paid [the workers]. This has to be on autopilot as an algorithmic system' (Irani, 2015: 229–230). The 'infrastructures of participation' (Beer, 2013: 53) on the various platforms become non-transparent 'digital black boxes' (Pasquale, 2015; Scholz, 2017), over whose design the platforms have sole sovereignty. They create information asymmetries in their favour, can use digital technologies to control the labour process and individual workers in great detail, and suppress any resistant movements and activism within the framework of the platform or deny access to the platform to its actors at the push of a button (e.g. Choudary, 2018: 10–11; Rosenblat et al., 2016).

### **Social fragmentation: heterogeneity and fluctuation of workers**

A growing diversification of the workforce is a general trend relevant to social dialogue actors (Eurofound, 2016). Such social fragmentation is particularly prevalent in platform labour and is another aspect that makes the emergence and establishment of workers' voice challenging. The **social fragmentation of platform workers is caused by their high heterogeneity, the pronounced fluctuation, and the often predominant part-time character of this type of labour**. Common interests are necessary but not sufficient for the emergence and success of workers' voice. In addition, workers need to identify strongly with their social group (Kelly and Kelly, 1994). However, it turns out that, for many platform workers of all kinds, the earnings generated this way are not their primary source of income (Berg, 2016; Bertscheck et al., 2016; Eurofound, 2019; Eurostat, 2016; Groen et al.; Hall and Krueger, 2018; Heiland, 2019a; Herr, 2018; Huws et al., 2017; Leimeister et al., 2016; Lapanjuuri et al., 2018; Pesole et al., 2018;



Pongratz and Bormann, 2017);<sup>12</sup> therefore, the articulation of possible dissatisfactions with these jobs is not their top priority. Nevertheless, many of the workers express frustration about the working conditions (Berg, 2016: 18). However, the use of the voice option is countered by the low-threshold exit option as ‘voting with the feet’, which leads to a high turnover of workers on the platforms.

While the initiation of platform labour usually requires only a registration on one of the platforms, a termination is possible at any time and often only via logout. The low threshold regarding the entry into platform labour allows an easy exit. As a consequence, **the exit option in case of dissatisfaction and bad working conditions is the more obvious strategy for workers than voice** (Freeman and Medoff, 1984; Hirschman, 1970). The resulting high turnover is a challenge for the platforms<sup>13</sup> and for any organising efforts of the workers. For example, 86 per cent of the couriers interviewed in Germany saw their work situation as a reason for workers’ voice. However, at the same time, only 31 per cent of the same sample could imagine doing the same job in five years’ time and 51 per cent were already actively looking for another job (Heiland, 2019a: 302). In addition, managers of the respective platforms reported that the average length of stay of couriers was sometimes only several weeks. The result is a high fluctuation of workers. Moreover, especially those workers who have a higher economic dependency on this source of income remain on the platforms for a longer period of time, resulting in decreased willingness to use voice. The proportion of people with a migration background is also often particularly high. However, they have limited knowledge of their rights (Stewart and Stanford, 2017: 428), which is also observed for creative workers (Hesmondhalgh and Baker, 2008), and, thus, also affects some macroworkers.

Furthermore, and as explained above (see chapter 2), there is a **very high diversity of platforms and their workers**. Thus, macroworkers who use platforms not only as a source of income, but also for personal development and for gathering experience (Schmidt, 2017), are fundamentally different from dispersed microworkers who compete with each other globally, who in turn are different from locally located workers. Moreover, the individual groups and workers on individual platforms are equally diverse (e.g. Hua and Ray, 2018; Pongratz and Bormann, 2017). Such heterogeneity is not new in the field of atypical work (Hyman, 1995), but is nevertheless challenging for the formation of common identities and interests. If platform workers choose the voice option instead of the exit option, the social heterogeneity is also reflected in the diversity of their demands. Thus, younger occasional workers have an interest in short-term improvements such as health and safety at work or support in the maintenance of their work equipment, whereas workers with an interest in a full-time job and longer perspectives are more likely to advocate ‘longer-term benefits such as holi-

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<sup>12</sup> It is usually not possible to make a living this way, especially with location-specific platform labour. Due to its co-presence and synchronicity, the demand for these services is tied to specific times and rhythms of the day; food deliveries, for example, are in particular demand at lunchtime and in the evening.

<sup>13</sup> For this reason, various platforms have recently reintegrated workers into the company and offered them employment instead of self-employment (e.g. *Instacart*, *Munchery*, *Alfred*, *Book A Tiger*).

day pay, pension contribution, and income protection in case of illness' (Prassl, 2018a: 17).

As a result of the heterogeneity, fluctuation, and the widespread part-time nature of platform labour, **workers themselves are often not interested in representation** – partly because they already see their interests safeguarded in their other employment relationships and show no interest in supplementary representation (Eurofound, 2018a: 33, 2019; Wang et al., 2017: 2215). Moreover, many of the platform activities are at odds with the usual categories in which trade unions organise themselves and assign workers according to their skills, economic segments, or employers; therefore, representation within these established structures is inhibited and collective bargaining is difficult, as it is usually only possible, if at all, to negotiate with individual platforms and not entire industries (Lehdonvirta, 2016: 75–76).

## Conclusion

**Workers' voice in platform labour faces significant challenges.** Legal, spatial, organisational, technological, and social fragmentation are specific features of platform labour and hinder the effective representation of workers' interests in many cases. Instead of legal protection, occupational health and safety, and representation rights, platform workers are responsible for social protection themselves as they are self-employed and the legal status of their collective action is uncertain. Instead of a common workplace, platform workers work in large urban or global areas. Instead of being integrated into a common labour process and being actively and cooperatively involved in shaping it, they carry out granular jobs assigned to them by non-transparent algorithms, have to build up a platform internal reputation, and compete with each other for orders or work shifts. And instead of a homogeneous social group, they are heterogeneous in their social composition, equipped with different interests and use the exit rather than the voice option. Many aspects of this fragmentation are already known from other forms of non-standard work (Bonner and Spooner, 2011; Wills, 2005). In the case of platform labour, they present themselves in a new digital and intensified form.

As stated above, platform workers have a distinct potential for primary power. This is distributed very differently according to the qualification level and the spatial link of the platform labour. In contrast to the globally distributed crowd, highly qualified, location-based and often time-critical platform labour is difficult to replace. However, while secondary power is reduced due to the legal fragmentation and the low age and institutionalisation of platform labour, the potential for primary power of platform workers is more pronounced, but its collective use is demanding due to the varieties of fragmentation. In general, it can be said that **platform workers are a very heterogeneous social group with little legal protection, who, as a result of the specific platform labour process, carry out their work in isolation and have little opportunity to interact with each other.**

In addition to these various forms of fragmentation, it must be taken into account **that workers' voice is sometimes actively hindered or pre-**

**vented by the platforms.** Most platforms 'are unsurprisingly hostile to any efforts at organizing genuinely independent worker representation' (Prassl, 2018b: 65). Some platforms have a 'deaf-ear syndrome' (Harlos, 2001) and ignore any attempts by workers to enter into dialogue or collective negotiations with them. Others do not recognise trade union organisations as legitimate bargaining partners, or they take direct countermeasures, such as deactivating the accounts of resistant workers.

Given the obstacles to workers' voice outlined above, it is not surprising that 'digital workers have been unable to build any large-scale or effective digital labor movements' (Graham et al., 2017b: 21). At the same time, however, platform labour is repeatedly present in the media with various forms of protest. The following section presents an outlook on the current and empirical status of workers' voice in platform labour.

## 5 Workers' voice in platform labour

**Platform labour is not only a testing ground for new forms of organisation and control of digitally mediated labour processes, but also for testing old forms and developing new forms of workers' voice.** After analysing the obstacles to workers' voice, focus will be put on worker representational practices used in the field of platform labour. For this purpose, communication in platform labour will be presented first (5.1). Subsequently, platform mediated food delivery is analysed as a special case, which is characterised by pronounced protests (5.2). Traditional trade union and new alt-labour forms of workers' voice in platform labour are then presented (5.3). Next, the focus is put on the legal voice of platform workers (5.4), the reference to the public sphere (5.5), and finally, alternative forms of workers' voice, ranging from mutualism to cooperatives (5.6).

### 5.1 Communication in platform labour

Despite the extensive fragmentation, platform workers are in contact with each other, sometimes quite actively. Digitalisation, which makes platform labour and its fragmentation possible in the first place, simultaneously offers new ways of communication through which workers can exchange their experiences. Marx and Engels describe something similar in the Communist Manifesto:

'Now and then the workers are victorious, but only for a time. The real fruit of their battles lies, not in the immediate result, but in the ever expanding union of the workers. This union is helped on by the improved means of communication that are created by modern industry, and that place the workers of different localities in contact with one another' (Marx and Engels, 1962: 471).

**Digital technologies not only reduce transaction costs but also communication barriers.** Even before the rise of platform labour, for example, social networks were used by workers to organise placeless communities (Beyer, 2014; Cohen and Richards, 2015; Lee, 2007; Milkman, 2006; Pas-

quier and Wood, 2018; Wood, 2015). However, for fragmented platform workers, who have high digital affinity and literacy, online communication is a particularly obvious way of establishing and maintaining contact. The interactive structures of 'Web 2.0' are particularly suitable for creating digital communities (Tufekci, 2017). These enable platform workers to make their individual voice audible, establish employee-led discourses from below, and join with like-minded people.

It is, therefore, not surprising that both on-demand platform workers and **crowdworkers**, contrary to the fragmentation described above, maintain a high degree of contact with each other; in this regard, Pongratz (2018) argues that the term 'crowd' is inappropriate because it is assumed to refer to an anonymous mass. For example, the use of Internet forums by microworkers is very common (Brawley and Pury, 2016; Gray et al., 2016; Hanrahan et al., 2014; Kittur et al., 2013; Lehdonvirta, 2016; Ma et al., 2018; Wang et al., 2017; Yang et al., 2018; Yin et al., 2016). According to Yin et al. (2016), 90 per cent of workers' communication is organised through forums. There are numerous websites and threads in which different groups of workers exchange information on different topics. However, it turns out that although the various forums are differentiated according to the common themes and problems of workers, they are primarily oriented towards the nationality of the microworkers (Lehdonvirta, 2016, 2018; Wood et al., 2018; Yin et al., 2016). This fragmentation along national borders makes it difficult to develop a transnational workers' voice. Moreover, although 28 to 60 per cent of microworkers across different platforms communicate actively via online forums, 58 per cent of them are not aware of this possibility of mutual exchange and support (Berg et al., 2018: 80).

In the case of **macrowork**, online forums also play an important role. For example, 78 per cent of the macroworkers surveyed in a study stated that 'they rarely or never communicated face-to-face with other people who used online work platforms', and if analogue contacts existed, they were based on previously existing social ties or subcontracting (Wood et al., 2018: 100). Internet-based communication with other platform workers, in contrast, was used at least weekly by 58 per cent of respondents in the same study (Wood et al., 2018: 100–101).

A similar picture emerges with **on-demand platform labour**. Contrary to the fragmented labour process, only 7 per cent of food couriers in Germany, for example, stated that they had no social contact with their colleagues. Sixty-one per cent stated that they have very frequent or frequent contact with other couriers and the same number of respondents maintain contact with each other outside of their actual work (Heiland, 2019a: 301; Heiland and Schaupp, 2020a). Since 70 per cent of respondents in the same survey stated that the platforms do not inform them in time or sufficiently about the regular innovations of the app, the exchange of information between riders in unofficial chat groups and forums is an elementary self-help tool for a smooth labour process (Heiland, 2019a: 301). As a result of its local ties, on-demand platform labour also allows offline communication and thus direct community building between the platform workers. However, the actual possibility of this depends on whether the workers are able to recognise each other through common branding and meet at

shared meeting points. This is especially true for ride hail drivers, who sometimes meet in central locations such as airports, and food delivery riders, who usually carry identical backpacks and meet in the centres of their delivery zones or in restaurants (Cant, 2019; Heiland and Schaupp, 2020a, 2020b; Tassinari and Maccarrone, 2019: 11; Waters and Woodcock, 2017). While ride hail drivers and food couriers in particular prove to be less isolated than assumed and sometimes well networked, knowledge about less focused forms of on-demand platform labour has so far been limited. Hence, no firm assumptions can be made about it.

The **reasons for establishing and using internet communities** are similar for all forms of platform labour. Faced with the anonymous and automated coordinated labour process, workers turn to "colleagues" to understand the platform-specific rules of the game (Chan, 2019a; Chen, 2018; Heiland and Schaupp, 2020a; LaPlante and Silberman, 2016; Lee et al., 2015; Lehdonvirta, 2016; Maffie, 2020; Möhlmann and Zalmanson, 2017; Rosenblat et al., 2016; Wood et al., 2018). Through this sense-making of the platforms' algorithms and structures, workers seek to maximise their individual earnings and reduce their search and workload. The primary purpose of workers to engage in these forums with unpaid advice is the 'joys of producing a commons' (Bauwens, 2005: 34) and not the organisation of collective action. In contrast to the communication structures in the platform labour process, such online networks are based on a de-monopolisation of power in which their members achieve an influential position only on the basis of previously acquired reputation and not through structural power. An exception is macrowork. In addition to community building and exchange of advice, the forums are used by established workers to re-externalise parts of the jobs assigned to them; subcontracting creates new power structures and dependencies that undermine collective action (Wood et al., 2018: 101; Wood et al., 2019b: 940-942).

However, if these platform-independent digital communication structures exist and are successful in enabling shared experiences of grievances, collective identity, and imagined solidarities (Hyman, 1999), they can serve as a **nucleus of collective action** for the organisation of workers' voice that goes beyond virtual spaces. Strategies are discussed online, colleagues are convinced, and collective action is planned (Chen, 2018; Chetty et al., 2019: 834–835; Heiland and Schaupp, 2020a, 2020b; Lehdonvirta, 2016; Marrone and Finotto, 2019: 700–701). Concrete manifestations of such organised forms of workers' voice are discussed below.

At this point, however, central **limits of online mediated collective action** should be pointed out. Here, the question arises as to whether digital technologies only enable communication among platform workers in general and increase its quantity, or whether this is also accompanied by a quality that equals analogue communication. Communication via social networks seems at least to be able to create social connectedness among the participants (Grieve et al., 2013) and enable collective action (Shirky, 2011). However, it also appears that in online communities it is more difficult to generate trust and commitment; as a result, workers' voices based on this alone are often of limited success (Beyer, 2014; Saundry et al., 2007). Furthermore, face-to-face communication is considered to be the

most effective way of organising collective action. Online communities only generate weak ties, which are good for ad hoc problem solving, but are not able to address structural challenges (Ticona et al., 2018: 3).

## 5.2 Platform mediated food delivery

With the emergence of app-labour, *Uber* became a subject of numerous emblematic protests. At least in Western Europe, this 'arch-enemy' has been replaced, and platform mediated food delivery now appears as the epicentre of workers' voice in platform labour (Joyce et al., 2020: 3). For this reason, it will be treated separately. It is questionable how representative this type of work and its forms of protest and representation are for platform labour in general and whether there is rather a specific situation that favours workers' voice. This section will present the protests of food riders in Europe and subsequently analyse the reasons and conditions behind such protests.

Food delivery platforms emerged in 2013 and are one of the most important forms of platform-mediated and location-specific app-labour. These platforms are not only responsible for digital mediation, but also for the analogue delivery of food orders. In the **UK**, the country where platform labour originated, the Border Agency carried out checks in restaurants and the recruitment office of the platform *Deliveroo* in summer 2016. In response, the riders organised themselves and boycotted the restaurants that had cooperated with the Border Agency. The resulting networks were used in August 2016 when *Deliveroo* announced its intention to switch from hourly wage to piecework payment (Cant, 2017, 2018b, 2019; Tassinari and Maccarrone, 2019; Waters and Woodcock, 2017). During a six-day landmark strike, around 150 riders gathered in front of the platform's office and blocked the labour process by logging out from their accounts collectively. In addition, flying pickets were organised throughout the city. The actions received a large public attention. A crowdfunding campaign raised £13,000 to compensate for the riders' lack of wages. On the sixth day, *Deliveroo* announced that the change in the payment system would only be carried out voluntarily in a pilot zone. The strikes were supported by the *Independent Workers Union of Great Britain* (IWGB), a rank-and-file independent union. Subsequently, the *IWGB* launched a wider campaign to increase unionisation in this field and improve working conditions. In early 2017, riders in Leeds and Brighton and in many other cities in the UK also raised awareness with protests on other platforms. In October 2018, there were joint nationwide strikes by riders and fast food workers (Cant, 2018a). The protests that started in the field of the platforms spread to the equally precarious but employed workers of the fast food franchises *McDonalds* and *TGI Fridays*. In general, the platforms reacted to protests in a hostile manner and used their sovereignty over the technically coordinated labour process to punish resistant riders with fewer shifts, or increased the number of riders and the bonuses paid at times of protests to keep their operation running (Tassinari and Maccarrone, 2019: 14).

In **Italy**, the platform *Foodora* started its operation in 2015, and in October of the following year, there were protests from riders of the platform in Turin (Animento et al., 2017; Chesta et al., 2019; Iudicone and Faioli, 2019; Marrone and Finotto, 2019; Tassinari and Maccarrone, 2017a, 2017b, 2019; Zamponi, 2018b). The first protests concerning the improvement of working conditions took place even before that. However, here too, the introduction of a new piecework payment system was the trigger for broader resistance. Again, support came not from traditional trade unions, but from a grassroots union from the logistics sector, with *SI-COBAS* (Tassinari and Maccarrone, 2019: 9). The reason for this is not so much the opposition to traditional unionism; rather, the riders, due to their legal fragmentation, have no access to representation rights and have to apply strategies similar to those of informal workers (Marrone and Finotto, 2019: 698–699). After the union communicated the riders' demands to the platform and these were left unanswered, protests started. Similar to the protests in the UK, joint logging out of the riders, flying pickets around the city, and an online campaign with calls for boycott were used, using other social movement experiences of rider mobilisation rather than trade union experiences (Tassinari and Maccarrone, 2017a: 354–355). The protest campaign attracted broad media attention. *Foodora* slightly improved the pay, but dismissed 15 riders who were particularly active in the protests and retained the new payment system. After the first protests in Turin, riders in other Italian cities and on other platforms followed. In the summer of 2017, *Deliveroo* drivers in Milan went on strike; in the autumn of the same year and in January of the following year, riders from different platforms in Bologna and later in Rome also went on strike. In November 2018, *Foodora* riders protested in Florence against their dismissal after the acquisition of the company by *Glovo*. The self-organised and interlinked groups *Rider Union Bologna*, *Deliverance Milano*, and *Deliveroo Strike Raiders* were founded, which continued the protests and made demands to the platforms and politicians (IRES, 2019; Zamponi, 2018b). In Italy, too, the platforms reacted with bonuses at strike times and additional adjustments; as a result, some strikes were averted or limited in their effectiveness (Marrone and Finotto, 2019: 705–708), and the masking of some riders during the protests testifies the fear of the platforms' retaliation. It should be noted that despite the protests and a 'Bill of Rights of Digital Workers in Urban Context' in Bologna, which has not yet been implemented and is only supported by a few of the platforms, there is a lack of 'any significant improvement in working conditions' (Chesta et al., 2019: 839) in the field of platform mediated food delivery in Italy.

In **Germany**, a special situation prevailed (Heiland and Brinkmann, 2020; Heiland and Schaupp, 2020a). The market leaders *Deliveroo* and *Foodora* operated with different employment models. While *Foodora* employed its drivers, *Deliveroo's* workers could choose to work as either self-employed or salaried employees. This gave the employed drivers the opportunity to use their right of co-determination enshrined in the German *Works Constitution Act*. Taking advantage of this, *Foodora* drivers in Cologne, supported by the traditional union for *Food, Beverages and Catering Union* (NGG), elected the first works council in the summer of 2017. As such, it has extensive information rights and supports the workers. In addition, it has various co-determination rights and thus prevented the introduction of a system

of working shift allocation, which grants different privileges to the riders based on their work performance – Cologne is, thus, the only city in which the platforms could not introduce the system. Soon thereafter, riders in other cities also elected works councils, allowing workers to elect a nationwide works council. With more than 2,000 workers, they had the right to an equal number of seats on the supervisory board as the management, according to German Co-determination Law. In 2018, *Foodora* tried to circumvent this clause by converting into a *Societas Europaea* (SE) and thus using European corporate law (Nagel, 2018). A decision of the European Court of Justice obliged the company to follow the German co-determination law; thus, three of the six board members are provided by the works councils. In other German cities, especially in Berlin, the traditional trade unions reacted reluctantly to initial organising efforts by the riders. In 2017, the latter turned to the independent rank-and-file union *Freie Arbeiterinnen und Arbeiter Union* (FAU). This small anarcho-syndicalist union took direct action, organising various protests in the form of flying pickets and in front of the company's offices, where they communicated their demands for improved working conditions. This led to negotiations with the company. *Foodora* introduced a small payment for the workers' worn-out bicycles and rejected the other demands, resulting in the *FAU* declaring the negotiations as failed in autumn 2017. At the end of 2018, *Foodora* was taken over by the competing company *take away* with its delivery platform *Lieferando*. Before the two were formally merged, the riders elected works councils in several cities, requiring them to be incorporated into the new corporate structure, which is currently being contested by the management. At *Deliveroo*, the attempt to establish co-determination was less successful. In response to the riders' first attempts to organise themselves in Cologne, the company censored and deactivated the riders' internal communication options. Since the successful election of a works council for the employed *Deliveroo* riders in Cologne in February 2018, the platform has changed the employment model and worked only with self-employed riders. The contracts of the works council members were not renewed; thus, the council only existed for several months. In an online vote, *Deliveroo* was voted Germany's worst employer, and protests were held in numerous cities as a result. *Deliveroo* withdrew from the German market in 2019, and the platform *Lieferando* got a monopoly. This platform works with employed drivers and also provides them with bicycles. In April 2020, works council elections were held at this platform, which was obstructed by union busting, legal disputes, and a competing management voting list. The workers narrowly won the election and got a majority of six votes in the works council against the five votes of members who were close to the management.

In **Austria**, too, employed food couriers from the platform *Foodora*, who make up about one third of the workforce, used their right to elect works councils as early as March 2017, ahead of their German counterparts, with the support of the transport and services union *VIDA* (Eurofound, 2017: 31; Herr, 2018; Kuba, 2017). Again, the representation is limited to employed drivers. Drivers on other platforms such as *Uber Eats* who operate solely with self-employed drivers cannot make use of this option. Protests by riders on various platforms have also been a regular event in other countries. In **France**, there were regular protests by food couriers, mostly due to



changes in the payment system (Chagny, 2019: 27–28). As early as December 2016, *Deliveroo* riders protested in Bordeaux (Saint-Sernin, 2016), where the union *CGT* was founded, representing riders from various platforms. The *Collectif Livreurs Autonomes de Paris* (CLAP) organised a strike during the Football World Cup final to affect the platforms in one of its most profitable weeks (Young 2018). In the **Netherlands**, riders went on strike in late 2017 and 2018 with the support of the union *FNV jong* when *Deliveroo* did not renew their contracts and only wanted to keep them as self-employed (Eurofound, 2018a: 56). In **Belgium**, workers founded the *Collectif des coursier-e-s/KoeriersKollectief* and tried to organise riders of different platforms, set up a strike pot, and held several protests in 2017 and 2018 with the support of traditional trade unions (Eurofound, 2018a: 56). In **Spain**, *Deliveroo* riders went on strike in Barcelona and Madrid in July 2017 (Caballero and Hernandez, 2017; Eurofound, 2018a: 56), and after further disputes, some of the protesters set up an alternative cooperative delivery platform (see chapter 5.6). In April 2020, there were protests in Madrid by riders of the platform *Glovo* due to a reduction in the base pay rate (La Fuente, 2020). In August 2019, negotiations for a collective agreement with *Foodora* in **Norway** were unsuccessful. As a result, 102 riders went on strike and the platform threatened to move from employing riders to a self-employed model (Vissgren, 2019).

Almost all of the protests and strike action in the different countries were **organised by grassroots rider collectives**. In many cases, they were supported less by traditional unions and more by rank-and-file unions and networks from the radical left. Furthermore, it is striking that the workers' voice of food couriers is often cross-company and transnational (Zamponi, 2018a). With their protests, the riders usually not only focus on one platform, but form solidarity networks with the riders of other platforms and address the working conditions of this kind of platform labour as such – as is also reflected in the names of the various self-organised collectives of the riders. Furthermore, the various national initiatives have contact with each other, and sometimes they support each other or cooperate in coordinated protest actions. There are online forums in which riders from different countries exchange ideas. At the 2016 conference of international grassroots unions in Bilbao, the 'Deliverunion' campaign was founded by riders and unions from eight countries. In July 2017, an exchange of riders from different countries took place at a conference in Berlin; in September of the same year, a meeting took place in Turin in the context of the protests against the G7 summit. Moreover, food couriers from 12 different countries and 34 organisations met in Brussels in October 2018 and founded the '*Transnational Federation of Couriers*'. Central reasons for this pronounced networking and cooperation of workers from different platforms are the standardised labour process, the mostly similar organisational structure of the platforms, almost identical structure of the apps of the different platforms, and the use of identical apps by the platforms in different cities and countries; thus, a heterogeneous group of riders is confronted with homogeneous problems and challenges. Couriers from Italy are subject to a similar control regime as those from Finland, making it easy for them to exchange information and share their concerns.

The trigger and catalyst for most of the protests were changes in the payment system. The reasons for the high level of protest activity in this field of platform labour are the riders' local ties, visibility in the public space, and specific social structure. Platform mediated food deliveries take place in a narrow urban space. Even though the riders act independently in the actual labour process and no contact between the riders is intended by the platforms, they meet regularly – either while waiting for orders from frequented restaurants or while waiting for orders in the centres of the delivery zones (the riders are usually instructed by the platforms to stay in the zone centres when there are no orders). The spatial fragmentation of the platform workers is, thus, limited. These very places were used for the mobilisation of the riders (Heiland, 2020c; Woodcock, 2016). Furthermore, the locality allows mutualism and the emergence of cultures of solidarity that go beyond advice and enable concrete mutual help among the platform workers (Heiland and Schaupp, 2020a, 2020b; Marrone and Finotto, 2019: 701). In particular, through meetings during work, people were invited to the chat groups and online forums (see chapter 5.1) and new members were recruited to the protest groups. A key factor is that the riders recognise each other through their striking backpacks and clothing in the colours of the platforms. At the same time, this makes the otherwise invisible platform labour immediately visible to the general public. Thus, this kind of platform labour becomes the focus of the media, for whom it appears as a glimpse into a potential future of precarious digital labour. In the past, this attention allowed the riders to influence the public discourse in their favour and to launch symbolic struggles that challenged the self-image of the platforms, which was shaped by large advertising campaigns. Such public thematisation and scandalisation of working conditions is, as a discursive power in view of the limited 'hard' power resources of the couriers, a possibility to initiate or influence political processes (Vandaele, 2018: 16). In addition, the riders are less socially fragmented. It is true that there is often a high proportion of migrants even among the couriers. However, an equally large proportion of workers is young and highly educated – especially those who initiated and supported the protests (Chesta et al., 2019: 827; Heiland, 2019a). Furthermore, there are platforms in this field that employ their workers so that these riders are less affected by legal fragmentation and use their legal representational opportunities, as in Austria and Germany, for example.

In summary, it can be stated that **platform mediated food delivery labour is a special case of platform labour**. As shown, the various fragmentations that characterise other forms of platform labour (see chapter 4) only partially apply in this case. Nevertheless, workers' voice is not without challenges in this field either, and the broad willingness to protest is often counteracted by the easier exit option (Heiland, 2019a: 302). Even though platform mediated food delivery labour is often analysed and portrayed as a poster child of resistant platform labour, it must be noted that the actual success of the various protests is limited. The achievements are most concrete where the riders were able to make use of secondary power potentials such as the right to representation, thus balancing the power asymmetry in favour of the workers. However, these structures can only be

claimed by employees, and it is precisely this kind of industrial relations that is challenged and undermined by the platform model.

### 5.3 Traditional and new forms of workers' voice

Apart from the platform-mediated food delivery labour, there are organisations, protests, and even collective agreements in other forms of platform labour. In addition to the traditional trade unions and their established and institutionalised strategies, alternative groups of alt-labour activists, sometimes with new forms of protest, also organise the field of platform labour in equal parts (Joyce et al. 2020, pp. 5-6). This section discusses the distribution and relevance of collective agreements, the strategies and reactions of traditional trade unions to platform-mediated labour relations, and alternative organisations and protest forms.

#### Collective agreements

For the support and representation of non-standard workers, the ILO (2016: ch. 6) highlights four different measures: a) 'legislative responses', b) 'collective bargaining and worker voice', c) adaptation of social protection systems, and d) 'employment and social policies to manage social risks and accommodate transitions'. While three of the measures are policy responses, 'collective bargaining and worker voice' directly addresses workers and their institutions. Collective bargaining is a traditional form of workers' voice around which various organisations and practices of social dialogue have developed since the beginnings of capitalism. After such addressing of the contradiction between capital and labour reached its peak in the 'trente glorieuses' after the Second World War, a decline in the collective bargaining coverage rate can currently be observed throughout the EU (Eurofound, 2016: 20). Platform labour represents a further step in this development. Although the freedom of association is a fundamental right, it is unclear whether collective action of self-employed platform workers violates competition law (see chapter 4). Moreover, self-employed, especially the bogus self-employed, are traditionally underrepresented (Buschoff and Schmidt, 2009). This is particularly true in the still young and diverse field of platform labour, where Eurofound (2018a: 53) states that the 'uncertainty around employment status and the intermediary role of platforms imply that existing industrial relations and social dialogue structures are often not a good fit with platform work'. If one focuses on individual platforms and looks at their working conditions, a high variance becomes apparent. The reason for this is that the development of employment relationships is located in different geographical and institutional contexts. The result is a variety of arrangements that vary according to sector and different scales (regional, national, transnational) (Bechter et al., 2012; Crouch, 1994; Esping-Andersen, 1990; Soskice and Hall, 2001; Visser, 2009).

Consistent with this, the highest level of social dialogue, collective bargaining, and union density can be found in the coordinated market economies of **Scandinavia**. Here the labour markets are often regulated less by law than by collective agreement. Most prominent is the first company agree-

ment between the Danish platform *Hilfr* for domestic workers and the *United Federation of Danish Workers (3F)* signed in April 2018 (Hilfr, 2018). The agreement includes a minimum hourly wage, sick pay, a provision for a pension and healthcare, holiday entitlements, and compensation for work orders cancelled at short notice. The platform workers can decide after working for 100 hours whether they want to continue working as employees under the agreement or as self-employed (Jesnes et al., 2019b: 2). This freedom of choice allows a solution to the social fragmentation (see chapter 4) in such a way that the differing interests of the platform workers can be satisfied and they are not played off against each other. Furthermore, it alleviates legal fragmentation and avoids the antagonism between labour and antitrust law. In Denmark, there is also an agreement with *Voocali*, a platform for translation services, and in Sweden, an agreement between the Swedish Transport *Workers' Union* and the transport platform *Bzzt*, which sets the working conditions of the platform workers at the same level as those of taxi drivers (Jesnes et al., 2019b). Furthermore, some platforms in the Nordic countries are covered by the existing regulations and collective agreements on temporary agency work, as they are registered as temporary employment agencies – *Instajobs* and *Gigstr* in Sweden and *Chabber* in Denmark (Jesnes et al., 2019b: 2). These collective agreements were signed by the platforms without any prior industrial action by the workers, some even right at the beginning of their operation, partly to present themselves as a 'fair option' (Söderqvist and Bernhardt, 2019: 4–5). In the case of *Foodora* in Norway, however, negotiations on a collective agreement have failed (see chapter 5.2). Obviously, in the Nordic countries, where the collective bargaining coverage rate is very high (Eurofound, 2016: 20), more institutionalised and classical forms of workers' voice in platform labour can be found (Jesnes, 2019a). It is not surprising that the first collective agreement in the field of platform labour is in Denmark, where 80 per cent of employed workers are covered by collective agreements (Ilsøe and Madsen, 2018: 15). In Sweden, where various collective agreements with platforms exist, the figure is 90 per cent (Söderqvist, 2017).

In **Germany**, the union *IG BAU* negotiated a sectoral collective agreement for 600,000 cleaners in 2017 to affect at least the workers employed on individual platforms, although the platforms did not participate in the negotiations. Negotiations with the food delivery platform *Foodora* were cancelled without result. Apart from that, Germany has no collective agreements with platforms so far, but there are first signs of a social dialogue at least between individual companies based in Germany and the trade unions (see chapter 5.5; Haipeter and Hoose, 2019: 13). In **Spain**, attempts to collectively bargain with the platform *Deliveroo* were unsuccessful because the platform did not recognise the group *RiderXDerechos* as representatives of the couriers, which resulted in strikes and public campaigns (Royo, 2019: 101–103; see chapter 5.2). In **Italy**, three trade unions, the city council, and a local food delivery platform signed a voluntary agreement in May 2018 on insurance coverage, minimum pay, and working time in Bologna (Eurofound, 2018b, 2018a: 54). Moreover, in July 2018, the category 'rider' was introduced into the collective agreement of the logistics sector by the three unions involved. However, since the agreement is not signed by the main

platforms, they are not obliged to it (Borelli, 2019: 71). In the **UK**, the union *GMB* and the courier company *Hermes* signed an agreement in February 2019, which introduced the drivers' holiday pay and a guaranteed minimum wage (GMB, 2019). *Hermes* is not a platform in the strict sense of the word, but a company that makes intensive use of a work scheme with self-employed drivers in which workers are only assigned individual 'gigs'. The attempt of the IWGB to be recognised as representative for *Deliveroo's* couriers was not accepted by the courts in November 2017 (Eurofound, 2018c: 100).

Apart from in the field of platform-mediated courier work in Austria and Germany (see chapter 5.2), **works councils** are not common on other platforms. A special case is the cross-border works council in the case of the company *Delivery Hero*, which was secured by an agreement with the *European Federation of Food, Agriculture and Tourism Trade* (EFFAT) in April 2018. Its former subsidiary *Foodora*<sup>14</sup> transformed itself into an SE and fell under co-determination rules; thus, its supervisory board is composed of an equal number of workers and stakeholders. Thus, from every country where the company operates, at least one worker is a member of the works council.

There is little collective action on the part of the **platforms**. Apart from individual associations such as the *German Crowdsourcing Association*, *SEUK in the UK*, *Sharing Economy Ireland*, *Sharing España*, and *SODIA* in Greece (Mexi and IHEID, 2019: 13–14), large-scale and influential collective business organisations of platforms are rare so far – unless membership of such organisations is mandatory, as is the case with the Austrian Chamber of Commerce. The reason for the rare alliance of platforms is the status quo, which is advantageous for them and does not require collective action. Rather, the impossibility of jointly addressing the platforms of a sector together within a social dialogue makes its chances of success more difficult; as a result, the labour side is forced to deal with the platforms individually, which in turn is met by the platforms with 'ignorance, unwillingness and resistance' (Vandaele, 2018: 23). **Tripartite dialogues** between workers, platforms, and government are unusual and occurred alone at the end of 2016 and the beginning of 2017 in Paris in the form of negotiations for *Uber* drivers' compensation (Kilhoffer et al., 2017: 34–36).

With regard to **crowdwork**, collective agreements and social dialogue are practically non-existent. Platforms are generally hostile to this. Moreover, due to their spatial autonomy, they are able to evade not only national regulations but also collective agreements by means of 'regime shopping' (see chapter 4). It is not new that companies are able to withdraw their production and relocate to places with less resistance when opposition arises (Silver, 2003). Due to the purely digital nature of labour, however, crowdwork platforms allow this to be done with a single click.

It can be stated that traditional forms of industrial relations in platform labour are applied depending on the national framework in which they are

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<sup>14</sup> Since then, *Delivery Hero* has sold its German food delivery business to its competitor *take away*.

located. The more established and common structured industrial relations are in the general economy, or in other words, the more coordinated the respective economy is, the more likely it is that new forms of platform labour will adopt these structures. The trend towards non-standard work and the challenges in terms of its regulation, which platform labour brings with it, are taking hold in all national economies. However, the extent of this varies. While the Nordic countries have equally precarious and only loosely coupled industrial relations between platforms and workers, there are also classic industrial relations in platform labour. In the corporate European market economies, there are isolated examples of institutionalised workers' voice, while in liberal market economies there are no such examples.

### **Strategies and reactions of traditional trade unions**

Trade unions were and are central actors involved in the struggle to improve working conditions of workers in general. Non-unionised workers are more vulnerable (Pollert and Charlwood, 2009) and often lack the resources and organisations to support their cause (Wynn, 2015). Trade unions, therefore, have an important role to play in organising and mobilising workers' voice in platform labour. Historically, trade unions have been a reaction to the corporate forms of organisation of capital and their subsequent effects. Thus, they co-evolved with companies in such a way that self-employed workers outside of this organisational unit are not a traditional target group whose needs are taken care of by trade unions or health and safety legislation. Hence, there are large national variations in the access of self-employed platform workers to trade union representation, and 'unions have difficulties in adapting their representation model to the specific needs of self-employed workers' (Lodovici, 2018: 12). For example, Poland has separate trade unions for self-employed workers, Slovenia has trade unions for precarious workers, Germany and Sweden have opened up trade unions to self-employed and platform workers in recent years, Italy has three trade unions which have set up sections for self-employed and precarious workers, and Denmark prohibits them from joining trade unions by law (Eurofound, 2018a: 53–54). A survey of **Belgian** food delivery drivers shows that only 6 per cent of them were union members (Vandaele et al., 2019a: 17). In January 2019, the Belgian union *CNE* started an attempt to recruit self-employed platform workers as members (Wattecamps, 2019: 49). Moreover, in the **Nordic trade unions**, various efforts are being made to reach out to non-standard workers and especially platform workers, such as new specific services in Finland, a special section for self-employed workers in Norway, and training of trade union staff to be able to answer specific questions about platform labour (Dølvik and Jesnes, 2017: 47). Furthermore, the Danish trade union *HK* has developed an insurance scheme that is open to platform workers in general, in addition to self-employed workers, and is not tied to *HK* membership (Eurofound, 2018a: 54). In the **UK**, several unions<sup>15</sup> supported platform workers both in litiga-

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<sup>15</sup> Especially *Independent Workers Union of Great Britain (IWGB)*, *Unite*, the *GMB*, the *Industrial Workers of the World Union (IWW)*, and the *United Voices of the World (UVW)*.

tion and in organising and conducting protests and strikes. In **Spain**, the union *UGT* has set up an online portal to inform, advise, and organise platform workers and to collect their experiences (Royo, 2019: 103). In **Germany**, the service trade union *Ver.di* has created a specific counselling service not only for the self-employed but also for platform workers, and with the initiative *Fair Crowd Work* and the *Frankfurt Declaration on Platform-based Work* (see chapter 5.5), the trade union *IG Metall* is particularly active in the field of platform labour. The food delivery platforms are supported by the *Food, Beverages and Catering Union*. In **France**, the *General Confederation of Labour* (CGT), a separate union for couriers in the Gironde region, and the *National Union of Autonomous Trade Unions* (UNSA) created a separate section for *Uber* drivers (Eurofound, 2018a: 54). Furthermore, in December 2016, the *French Democratic Confederation of Labour* (CFDT) set up a platform where self-employed workers can obtain legal advice on different insurances of accounting services for a fee of 1 per cent of their turnover (IRES, 2019).

Apart from organising platform workers and the social dialogue in which trade unions try to negotiate on equal terms with the platforms, they also try to use ‘**political power**’ (Wright, 2000: 983) to persuade state actors to improve working conditions in platform labour. The *European Trade Union Confederation* (ETUC), for example, specifically states that ‘trade unions cannot solve the problems of digital labour platforms on their own. Policies, both European and national, are clearly needed to solve the overarching and outstanding question of European regulation and legislation’ (Scherrer and Kowalsky, 2018). The realisation of this goal includes the support of research projects, the publication of policy papers, the organisation of conferences and public relations, and the concrete demands for an extension of the concept of worker to platform workers. To date, the visible successes are limited and ‘none of the member states hold industrial relations and social dialogue in the platform economy high on the agenda. In most countries, there was no real discussion on the topic, no government initiatives, no court cases and no legislative or regulatory responses’ (Lenaerts et al., 2017: 10). Only in isolated cases is platform labour at the political level specifically addressed (see chapter 5.4).

The often rather fragile trade union initiatives to organise platform workers can be explained both by the organisational and substantive inertia of traditional trade unions and their limited resources. In the face of diminishing trade union strongholds and thus diminishing membership fees, **trade unions find themselves in a dilemma** of having to win and support their traditional fields and target groups while at the same time devoting themselves to new forms of labour. This raises the question of the effectiveness and efficiency of trade unions’ efforts to attract platform workers, especially in view of the fact that far fewer people engage in platform labour than the media discourse suggests (Haipeter and Hoose, 2019: 12–13). In the course of this, various alternatives are discussed. For example, sometimes a ‘digital organizing’ is attempted (Avogaro, 2019: 342–343) or a ‘digital trade union movement’ and the establishment of entirely new trade unions for platform workers are discussed (Juntunen, 2017). In addition, the repre-

sentational void is also filled by alternative actors, forms of protest, and organisation, as analysed below.

### **Alt-Labour: Alternative practices and actors**

‘[E]xisting industrial relations and social dialogue structures are often not a good fit with platform work’ (Eurofound, 2018a: 53). Platform labour is a challenge for the established institutions of workers’ voice. Already confronted with various issues, trade unions are obliged to respond to the volatile phenomenon of platform labour and its workers, who are difficult to reach, organise, and mobilise, at a time when the resources are decreasing, which is like rebuilding the ship at sea with limited construction materials. Moreover, as large organisations with extensive bureaucracies and rigid organisational structures, trade unions resemble heavy tankers, whose departure from the waters they have entered must be planned well in advance and against resistance. Since the ‘union-only form of voice has all but disappeared in countries where unions once dominated the space of representing worker concerns’ (Wilkinson et al., 2014: 6) and in the light of new and precarious forms of labour in general, which are beyond the foci of traditional trade unions, windows of opportunity for new forms of workers’ voice organisation are emerging and new actors and movements are appearing on the scene: ‘[T]he platform economy thus represents a unique regulatory laboratory for developing new models of worker representation and engagement, with rich potential for translation into other non-standard models of work’ (Prassl, 2018a: 9).

Such new movements have been called ‘alt-labour’ (Duff, 2014; Eidelson, 2013) or ‘social movement unionism’ (Vandenberg, 2006) or, as they are often associated with explicitly leftist political positions, ‘radical political unionism’ (Denis, 2012; Gordon and Upchurch, 2012). They are a form of ‘improvisational unionism’ (Oswalt, 2016) and ‘typically modest in size, with few staff and limited financial resources’ (Milkman, 2013: 656). They include both grassroots unions far from or even in opposition to mainstream trade unions and their sectoral differentiations, initiatives, and movements. In contrast to the focus of traditional trade unions on long-standing economic sectors and institutionalised social dialogue, alt-labour initiatives focus primarily on direct industrial action. They often make intensive use of social media and also virtual mobilisation, which makes them particularly suitable for the contexts of platform labour and their digitally inclined workers. In addition to new forms of protest, traditional industrial action and even the support of platform workers in litigation against platforms are also on their agenda. Furthermore, such initiatives often form broad alliances with other civil society actors at the local level. Examples of existing unions that began organising platform workers early on are the IWGB in Britain, *Intersindical Alternativa de Catalunya* in Spain, and *Freie Arbeiterinnen- und Arbeiter Union* (FAU) in Germany. All of them were particularly active in the field of platform-mediated food couriers, in which many different alt-labour initiatives have appeared in recent years. Another active campaign in this field is ‘*Lieferrn am Limit*’, which was founded by a group of German food riders in early 2018. Its starting point is a Facebook page, which has currently over 3,000 followers. The site serves as a voice and contact portal for riders and



is very successful in maintaining media attention to this form of platform labour. In addition, several protests and meetings of riders have already been organised via the site. Meanwhile the site is being continued as a project of the traditional trade union for NGG. Similarly, the *Uber London Drivers Network* operates in social media to support the interests of platform workers. The *IWGB* has also organised strikes and protests for platform-mediated cleaners and brought various cases to court. Another example is the *YouTubers Union*. In March 2018, a German content creator called ‘all YouTubers to arms’ and started organising for better working conditions and more transparency via a Facebook page, and received the support of the German trade union *IG Metall* in the following year (Niebler, 2020: 37–38). Other initiatives are also exemplary, such as the *Syndicat des chauffeurs privés VTC*, founded in France by *Uber drivers* in 2016, which organised various strikes and actions (Chazan, 2016). Other initiatives include the Spanish *Asociación Nacional de Ciclomensajería*, *broodfons* in the Netherlands, and French *Coursiers bordelaise*.<sup>16</sup> Contrary to the usual local radius of action of alt-labour initiatives, those riders are often active across different cities and even transnationally (see chapter 5.2).

Besides their agility and the use of numerous innovative methods to strengthen workers’ voice, alt-labour initiatives have some **shortcomings**. For example, they do not have collective bargaining rights, they may not be representative, they have limited financial resources as they rarely charge membership fees, and their work is usually supported by only a few people (Eidelson, 2013). As a result, alt-labour initiatives often have limited stability and efficiency, as a German court has also attested to the alternative trade union FAU, denying it the ability to conclude collective agreements (Degner and Kocher, 2018: 259–260).

The impact of alt-labour on platform work is still unclear and varies according to context and initiative. What is striking, however, is that they have so far been particularly active in the field of location-based platform labour. It should also be noted that alt-labour is not the gravedigger of traditional unions, **but a new form of unionism that stands alongside the longstanding unions**, sometimes acting in collaboration with them and exerting a revitalising influence on them (Vandaele, 2018: 7). ‘[W]hile institutional trade unions have not been able to radically renovate their repertoire of action and organisational formats in order to address challenges of precarity, the more innovative efforts undertaken by emerging entities lack the necessary influence and critical mass required to have a broader societal impact’ (Chesta et al., 2019: 839). As a consequence, alt-labour initiatives ‘can complement rather than substitute for traditional actors’ (OECD, 2019: 215). Furthermore, they can lead to a revitalisation of traditional trade unions, present them with new fields and forms of action, and enable cooperation.

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<sup>16</sup> Eurofound maintains a database listing many of the initiatives: <https://www.eurofound.europa.eu/data/platformeconomy/initiatives>

## 5.4 Legal Voice

The law is the framework that defines the scope of action of workers' voice. It is, therefore, itself a field of conflict in which the various actors attempt to expand and consolidate their scope of action by influencing legislation or by clarifying disputes in court. Labour law itself 'is ... deeply political' since it concerns the 'redistribution of power and wealth' (Fudge, 2017: 15). In this context, law is also subject to change. Law is conservative in its structure and lags behind social reality in the sense of a 'cultural lag' (Ogburn, 1966). As a consequence, continuous adaptation is required to bring the two into accordance: 'Every legal development is therefore based on social development, and all social development involves people and their circumstances changing over time' (Ehrlich, 1989: 319). Thus, law is 'always a form of the domination of the dead over the living' (Ehrlich, 1989: 323). In other words, law is not able to learn on its own (Luhmann, 1999: 19) and the selection of legal norms is reactive, costly, and slow to develop through the respective political process.

In the case of platform labour, it is rather the case that the dominance of the dead law tends to miss the living and only slightly affects it: 'These virtual sourcing platforms have somehow developed "in the wild," at least from a legal standpoint: entering a market first, taking advantage of its dominant position, exercising a significant degree of control over workers, evading regulations and only then dealing with legal compliance' (Maselli et al., 2016). As a recent phenomenon, **platform labour frequently contradicts and sometimes even challenges the legal categories**. The central question is whether platform workers are self-employed or employees. A judge faced with this challenge said that the jury would be 'handed a square peg and asked to choose between two round holes' (quoted in Rogers, 2016: 481). The European Commission (2016: 2) also warns of 'regulatory grey zones', which arise in connection with platform economies. It is crucial that there is no single definition of a worker in EU law. What a worker is depends on the respective national regulations. What constitutes an employment relationship is usually not subject to collective bargaining, but defined by law – the only exception is Denmark (European Parliament, 2017: 79). This question is crucial since, as shown above (see chapter 4), only the category of employee is usually associated with extended occupational health and safety regulations and access to established rights and institutions of collective bargaining. Following is a brief overview of both the discussions and disputes about general legal frameworks for platform labour and individual cases where workers (usually with the support of trade unions) have got clarifications regarding their status by the courts.

As explained above, '[l]abor laws have not kept up' (Kennedy, 2016) and subsequently '[t]here is a strong case for legal reform' (European Parliament, 2017: 13). In Europe, however, there is 'no common understanding or approach to establish the status of those working in the platform economy' (Lenaerts et al., 2017: 5); thus, **individual national regulations predominate**. Employers have advocated maintaining the status quo: *BusinessEurope* (2018) argues 'strongly against introducing a broad EU definition of a "worker". (...) It must remain a political decision in Member States to define in national legislation who is an employee and who is self-employed'. At the EU level, Directive 2019/1152 of June 2019 is one initiative to improve the working conditions of platform workers, although it only includes a limited number of those affected due to the exclusion of the self-employed (Bednarowicz, 2019; Lücking, 2019: 13). In addition, the EU Commissioner for Competition, Margrethe Vestager, is seeking to remove antitrust restrictions on workers' voice (see chapter 4): 'We need to make sure that there is nothing in the competition rules to stop those platform workers from forming a union, to negotiate proper wages as you would do in any other business' (Espinoza, 2019).

In 2015, there were not yet any laws in Europe that specifically regulated platform labour (Eurofound, 2015: 109); in 2016, the ILO stated that 'platforms are not regulated by governments, but this does not mean that they are not regulated, or that it is a free exchange of services between independent parties. Rather, the platforms regulate the market' (Berg, 2016: 18). Various actors called for governments to regulate platform labour and to level the playing field, both to protect workers and the traditional companies competing with platforms (Lenaerts et al., 2017: 1). In general, **governments are reluctant to act and 'to avoid regulating platforms "too early"**, while promoting socially responsible practices' (Chagny, 2019: 22). In 2017, the Nordic Council of Ministers stated that 'all the actors ... [are] cautiously avoiding taking steps that might obstruct the development of the sharing economy' (Dølvik and Jesnes, 2017: 35). According to this, there are only few national legislative initiatives that explicitly aim at platform labour. France, in particular, entered uncharted territory in 2016 with a reform of its labour law explicitly targeting self-employed platform workers. They may be entitled to a social security contribution, and they can join trade unions and exert collective action, but collective bargaining is not part of the law (Daugareilh, 2019a: 55–56; Eurofound, 2018a: 11; Mexi and IHEID, 2019: 7). Furthermore, the 'Law on Mobility Orientations' was adopted in December 2019. This aims at platforms in the field of new forms of mobility and obliges them to communicate to workers the distance of an assignment and the guaranteed minimum price, and to give them insight into the duration and generated revenue (Danesi and Li, 2020). In addition, the French Transport Code allows workers to refuse a transportation service without sanctions. In Belgium in 2016, only tax issues related to platform labour were regulated without affecting social rights (Kilhoffer and Lenaerts, 2017: 2).

Apart from such isolated and timid regulations, **a case-by-case approach is predominant** wherein the existing legal frameworks are applied. Discussions about the appropriate classification of platform labour as either self-

employment or traditional employment are legion and not always consistent in their assessment (Aloisi, 2016; Cherry, 2016; Daugareilh et al., 2019b; EU-OSHA, 2017; Felstiner, 2011; Hatzopoulos and Roma, 2017; ILO, 2016; Jenny Kassan and Janelle Orsi, 2012; Megan Carboni, 2016; Prassl, 2018b; Prassl and Risak, 2016; Risak, 2016; Rogers, 2016; Stefano, 2017; Taylor et al., 2017; Waas et al., 2017). However, social reality is determined by the terms and conditions of the platforms, or else, the question of the status of platform workers is transferred to the courts. Such ‘judicialisation’ is sometimes a deliberate strategy chosen by workers and trade unions to influence dubious and unfavourable legal frameworks for workers’ voice (López, 2019). In addition, judicialisation can also have a mobilising and catalysing function for further protests. The disadvantage of litigation in individual cases is that the outcome is often individual and cannot necessarily be generalised. This can lead to cases where different courts reach different conclusions for different workers on the same platforms (Eurofound, 2018a: 45). Furthermore, many cases are not even brought to court, as platforms often offer economic agreements to workers and, thus, prevent the legal relation from being clarified (Tippett and Schaaff, 2018). The following is not an exhaustive list of court decisions concerning platform labour, but an overview of this broad and constantly developing field.

As early as 2012, the **crowdwork** platform *CrowdFlower* was criticised for not paying a minimum wage, whereas the platform argued that workers were not entitled to it as self-employed persons (Cherry, 2016: 591–593). Without decision, the suit was settled and *CrowdFlower* agreed to pay the difference between the workers earnings and minimum wage plus the costs of the proceedings. However, this was not accompanied by a substantial disqualification of the crowdwork concept of *CrowdFlower* as such.

In 2017, the **European Court of Justice** ruled that *Uber* is not an ‘information society service’, as the platform put it, but a transport company, since its platform organises more than intermediation; this was also argued in the cases by France, Ireland, Netherlands, and Spain (Bednarowicz, 2018: 17–18).

In 2016, a court in the **UK**, following a complaint by the *GMB* trade union, argued that *Uber* has such extensive control over drivers that the latter should not be regarded as self-employed but as employees (*GMB*, 2016). However, a similar case brought by *Deliveroo* riders was decided in the opposite direction in 2017, and the couriers were classified as self-employed (Faragher, 2017).

In **France**, the Paris Labour Court decided in June 2018 that an *Uber* driver is not to be classified as an employee because of the work freedom they have. This decision was reversed by the Court of Cassation in January 2019, and *Uber* had to classify the driver as an employee retroactively for his period of employment in 2016 and 2017 (Chagny, 2019: 28–29). Nine food couriers of the platform *Take Eat Easy* were classified as employees and not self-employed in November 2018 as a result of the platform’s extensive control over the labour process (Chagny, 2019: 28).

In **Spain**, in June 2018, a *Deliveroo* rider was classified as an employee by the Social Court of Valencia, the termination of his contract was rejected,

and he was awarded compensation. In the same year, the Labour Court of Madrid argued that the relationship between a rider and the platform *Glovo* differed considerably from a classic employment relationship (Hermoso, 2019: 73).

In **Italy**, two courts ruled on claims by riders of the platforms *Foodora* and *Foodinho* in 2018. The couriers were not classified as employees but as self-employed (Iudicone and Faioli, 2019: 46). One of the decisions was challenged by the riders, and they achieved by court order an hourly-based remuneration in accordance with the minimum wage levels in the logistics sector.

In December 2019, a court in **Germany** ruled that a locally linked platform worker does not become an employee by accepting orders through an app. However, the question of whether the rider is integrated into the work organisation of the platform or whether the customer qualifies the worker for the specific assignment as an employee remained explicitly unresolved in this case (Klimburg, 2020).

It is evident that the **central issue in the various court cases is the platform worker's status**. The question of bogus self-employment is not a new one (Muller, 2014), but it gains current relevance with platform labour. Furthermore, it becomes clear that the legal voice's option for action is open especially to locally linked platform workers. Even if this path is not always rewarded with success and is also usually limited in its generalisability, the platform workers' side can occasionally achieve individual success, influence public discourse in their favour, and generate mobilisation effects.

In order to circumvent the central point of conflict and to gain new regulatory and creative room for manoeuvre for platform labour, **the introduction of a third middle category has been discussed** from various sides, which would expand the dichotomous differentiation between self-employed and employees (Harris and Krueger, 2015; Weber, 2015). In some countries, such categories already exist. However, in general, such a proposal is not without problems. It would not prevent legal disputes, as new borderline cases are likely to test the boundaries of the legal definition. Moreover, such an intermediate category could not only lead to extended protection and rights for otherwise self-employed workers, but also to the erosion of employed labour relations, which could then be assigned to the new category (Huws et al., 2018: 158; Stefano, 2016).

## 5.5 Public Sphere: Voluntary Agreements and Declarations

Another way to improve working conditions for platform workers is through collective declarations and commitments signed by the platforms. One example of this is the **Code of Conduct** established in **Germany**, which was initiated in 2015 by *Testbirds*, a platform for software testing, and has since been signed by eight German and one British crowdwork platforms. Its goal 'is to create general guidelines about how to act in regards to crowdwork and thereby create a basis for a trusting and fair cooperation between ser-

vice providers, clients and crowdworkers, supplementary to current legislation'.<sup>17</sup> The intention of the signing platforms is to improve their bad public reputation and to distinguish them from the competition. The trade union *IG Metall* is currently trying to get more platforms to sign the Code of Conduct. In 2017, an ombuds office was set up jointly by employee and employer organisations and the signing platforms in order to implement the Code of Conduct and resolve labour disputes. In 2019, the ombuds office dealt with 14 cases submitted by crowdworkers through an online form.<sup>18</sup> In this context, there is also the '**Frankfurt Declaration on platform-based work**' (2016; Silberman and Harmon, 2017: 4).<sup>19</sup> It is the result of a meeting of nine trade unions from Austria, Sweden, Denmark, USA, and Canada, initiated by the German trade union *IG Metall* in 2016. It focuses in particular on the need to comply with the local minimum wage in platform employment relationships and to ensure transparency and access to social security. Following a dialogue with some platforms and their rather negative attitude, the Code of Conduct was revised in 2017. In addition, *IG Metall* is discussing a voluntary wage pledge in which platforms commit themselves to 'at least the minimum wage in the worker's location' (Berg et al., 2018: 100).

Similarly, in France the Law on Mobility Orientations (see chapter 5.4) has created the possibility of implementing social responsibility charters (Danesi and Li, 2020). By means of these, platforms in the area of new forms of mobility can specify their modalities and the rights and obligations of workers. Such charters and the compliance of the actors involved can then be verified by the labour administration. This way, an incentive for platforms to improve working conditions without imposing legal risks will be created.

Another example is the platform '**Dynamo**', 'a platform for the creation of [Amazon Mechanical] Turker publics that aim for action and change' (Salehi et al., 2015: 1630). Two campaigns have targeted the public in the past. In 2014, in response to an increasing number of scientific studies that recruited their subjects via crowdwork platforms and their widely varying quality and payment, a group of crowdworkers and researchers developed 'guidelines for academic requesters' on the platform Mechanical Turk (Berg et al., 2018: 97–98; Salehi et al., 2015: 1627–1628).<sup>20</sup> The guidelines explain how to create good microtasks and what an ethical pay for academic research is. Another campaign on Dynamo approached Jeff Bezos, CEO of Amazon and head of the Mechanical Turk platform, directly through the public sphere. Workers were asked to write a personal letter 'to let Jeff Bezos ... and the rest of the world know ... that Turkers are not only actual human beings, but people who deserve respect, fair treatment and open communication' (Salehi et al., 2015: 1628). The campaign was widely reported in various media.

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<sup>17</sup> The Code of Conduct can be found at the following address: <https://crowdsourcing-code.de/>

<sup>18</sup> See <https://ombudsstelle.crowdwork-igmetall.de>, where the annual reports can also be found. See Johnston (2019: 13–15) for an analysis of its range and effectiveness.

<sup>19</sup> The declaration can be found here: <http://faircrowd.work/unions-for-crowdworkers/frankfurt-declaration/>

<sup>20</sup> The guidelines can be found at [https://wearedynamo.fandom.com/wiki/Guidelines\\_for\\_Academic\\_Requesters/](https://wearedynamo.fandom.com/wiki/Guidelines_for_Academic_Requesters/)

The initiatives, declarations, and campaigns presented here are primarily aimed at the public sphere to exert pressure on the platforms, appeal to their corporate social responsibility, and achieve an improvement in working conditions. According to Jürgen Habermas (1989), the public sphere plays a central role in the development and process of democratic societies and has a critical and emancipatory function. Nancy Fraser (1992) subsequently distinguishes between weak public spheres of civil society, which generate norms and social pressure, and strong public spheres, which can set binding laws. **In the absence of other power resources and without access to strong public spheres, platform workers and trade unions turn to the public sphere in its weak form.** The results are declarations and voluntary agreements which lack effective enforcement. Thus, the *Frankfurt Declaration* is a unilateral proposal by trade unions to which platforms have reacted sceptically, if at all. The French ‘social responsibility charters’ are praised as a less drastic alternative to laws and judgments that recategorise platform workers as employees (Danesi and Li, 2020), but it is precisely for this reason that they consolidate the status quo, which is favourable to the platforms. The ‘guidelines for academic requesters’ have been signed by only a few actors, and the letters to Jeff Bezos have been forgotten without lasting effect. Thus, the question arises as to whether such actions are merely symbolic politics in which platforms participate, either because they already have better working conditions than those usually found in the industry or because they do not have to fear negative sanctions. The institutionalised ombuds office in Germany is a first initiative to establish a strong rule-making public. However, it is based on national borders and its effectiveness is limited to the nine platforms that have voluntarily signed the Code of Conduct.

In summary, the reference to the public sphere can be a surrogate for state regulations and controls, but it is limited in its enforcement power and depends on the willingness of the platforms to participate. This strategy is an expression of the power relations of the actors. Despite this, voluntary declarations at least establish visible norms with the character of an appeal, which are referred to in the following section, and their establishment serves the self-understanding and cohesion of the actors on the labour side. Finally, however, they represent a weak and non-binding form of the public sphere.

## **5.6 Alternative forms of workers’ voice: Counter Evaluation, Mutualism, & Cooperatives**

In addition to the traditional paths of workers’ voice and their revitalisation through new movements and technologies, alternative forms can be found in the field of platform labour. These will be considered below and range from counter evaluation to mutualism and platform cooperatives.

### **Counter evaluation**

As shown, platform labour is characterised by information asymmetries. Platforms not only withhold information or gradually provide it in the labour

process, but also generate new information by means of evaluation mechanisms, which are particularly relevant in the case of crowdwork for the distribution of orders. Crucial here is that these mechanisms are one-sided; usually only the customers are able to evaluate the workers and not the other way around.

Balancing this information and power asymmetry is the goal of **Turkopticon** (Irani and Silberman, 2013, 2014, 2016), which acts as an ‘information equalizer’ (Avins et al., 2018: 22). *Turkopticon* is a website and a browser extension for the *Amazon Mechanical Turk* platform. It exists since 2009 and reacts to Amazon’s limited reaction to unfair requesters. The tool offers a counter review system which allows crowdworkers to rate the requesters. The workers can quantitatively evaluate pay, the speed of payment, fairness of the work review, and communication via *Turkopticon*, and can add a free-form text. The ratings are displayed with *Turkopticon* directly on the platform next to the requester, and bad ratings are highlighted so that it ‘augments workers’ view’ (Irani and Silberman, 2013: 616) and provides ‘a place for workers to help one another with information and their experiences about employers’ (<https://turkopticon.info/>). This way, workers can avoid requesters with bad reputation, and eventually, the design and execution of future human intelligence tasks (HIT) can be positively influenced. ‘The system allows workers to make their relationships with employers visible and call those employers to account’ (Irani and Silberman, 2013: 616). As it turns out, this is also to the advantage of requesters with a good reputation, who thereby reliably find workers for their HIT, which are also completed faster and in better quality (Benson et al., 2019). *Turkopticon*, therefore, creates an internal and specific voice opportunity for the workers and, at the same time, improves the efficiency and quality of the labour process – at least for the well-intentioned worker and requester. The challenge is that *Turkopticon* ‘is a volunteer-operated system with no revenue and, as a result, has struggled to sustainably address issues such as onsite harassment and deceptive reviews’ (Berg et al., 2018: 96). Furthermore, effectiveness depends on a high level of participation. Even if ‘[c]ollective rating on *Turkopticon* is an act of citizenship in the digital world’ (Matias, 2015), this has so far only been used by a fraction of the platform’s crowdworkers. There are 35,000 installations of the plugin and about half a million workers on *Amazon Mechanical Turk* (Wood et al., 2018: 98).

*Turkopticon* was also the inspiration for the website **FairCrowdWork.org**, which was initiated in 2015 by the German Metalworkers’ Union (*IG Metall*) in cooperation with the Swedish Unionen, *Austrian Chamber of Labour*, and *Austrian Trade Union Federation* (Berg et al., 2018: 98–99; Silberman and Harmon, 2017). It reviews the working conditions on crowdwork platforms based on workers’ assessments. The focus is not on one platform, but on many different ones. The dimensions for the evaluation of platforms are similar to *Turkopticon*, but are more differentiated in *FairCrowdWork*. The ratings were collected through surveys, which ask about the experiences of the platform workers in different dimensions. The respondents were recruited directly on the respective platforms. In addition, general information about the platforms is presented and their terms and conditions are evaluated by legal experts.



A wider range of platforms is taken into account by the **Fair Work Foundation**, which ‘is committed to highlighting best and worst practices in the emerging platform economy’ (<https://fair.work>; see also Graham et al., 2020b; Graham and Woodcock, 2018). It follows ‘the same way that the Fairtrade Foundation highlights successes and makes lead firms concerned about unethical practices in their supply chains’, and it aims to ‘have a similar impact in the realm of digital work’ (Graham, 2017a: 30). To achieve this, different stakeholders of the platform economy in different countries have been brought together, who worked out a set of principles that are within reach and can improve the conditions for platform workers. The five principles include fair pay, conditions, contracts, governance, and representation (Graham et al., 2019: 5). In the next step, the working conditions and processes of different platforms are assessed with the help of a rating scheme. The evaluation is based on interviews with platforms, interviews with platform workers, and desk research. Each platform is assigned a score out of ten. The first rankings were published in March 2019 and are to be updated annually. So far, the focus is on South Africa and India (Fairwork, 2019, 2020). The project is expanding its scope and looks into platforms in Chile, Ecuador, Germany, Indonesia, and the UK to ‘give meaningful incentives to platforms to bring their practices into compliance’ (Graham et al., 2019: 4).

### New mutualism

In biology, mutualism refers to the coexistence of different species without one of the parties being disadvantaged. In Pierre-Joseph Proudhon’s economic theory, mutualism refers to a reciprocal form of economy based on markets focusing on the utility values rather than the exchange values of goods and labour, thus laying the foundation for anarchic socialism.<sup>21</sup> New Mutualism, on the other hand, is the renewal of the old concept of benefit or mutual aid societies. It aims voluntary cooperation of individuals for the purpose of insurance or mutual aid (Avogaro, 2019).

A concrete example in the field of platform labour is the Belgian organisation *Société Mutuelle pour les Artistes (SMart)* and its support of food couriers (Bellini and Lucciarini, 2019: 855–856; Daugareilh et al., 2019b: 52; Drahokoupil and Piasna, 2019: 9–12; Kilhoffer and Lenaerts, 2017; Lücking, 2019: 14–15; Vandaele et al., 2019a: 8–9, 2019b: 2). *SMart* is a Belgian cooperative that provides social security and support for its 80,000 artist members from eight European countries in exchange for a share of their revenues (Xhaufclair et al., 2018). As many of its members took a second job in the platform economy, *SMart* expanded its service in 2016 to include riders on the platforms *Deliveroo* and *Take Eat Easy*. The couriers had the option to either work as self-employed or pay 6.5 per cent of their income and become employees of *SMart* and benefit from social security of employment, guaranteed minimum wages, tax advantages, and support from *SMart* – including specific services such as insurance, safety training,

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<sup>21</sup> A detailed critique of Proudhon’s theory, which he outlined in ‘The Philosophy of Poverty’, was laid down in Marx’s treatise ‘The Poverty of Philosophy’ Marx (1962a).

financial support for the use and consumption of their own mobile phone and bicycle, and a guaranteed minimum shift duration of three hours (Kilhoffer and Lenaerts, 2017: 3; Vandaele et al., 2019b: 2). As *Take Eat Easy* went bankrupt in July 2016, *SMart* paid compensation to their members and former riders of this platform. The cooperation with *Deliveroo* continued and in October 2017, *SMart* had 3,828 member-riders, covering 90 per cent of *Deliveroo* riders (Drahokoupil and Piasna, 2019: 9). In the same month, *Deliveroo* terminated the collaboration, which left the riders with nothing but self-employment without the benefits of *SMart*. According to the Managing Director of *SMart*, one of the key reasons for *Deliveroo*'s decision was an emerging collective agreement for *SMart* workers, negotiated with various unions (Kilhoffer and Lenaerts, 2017: 3). This unilateral decision by *Deliveroo* sparked a political debate in Belgium on the categorisation of platform labour and, moreover, fuelled dissatisfaction among riders and their efforts to organise, although this did not change the dissolution of the *SMart* model (Drahokoupil and Piasna, 2019: 12; Vandaele et al., 2019b: 2).

Another example is the *Freelancers Union* in the United States, which offers health insurance and advocacy for its more than 490,000 members. It is currently not specifically targeted at platform workers, but at freelancers in general. In 2016, *Uber* chose the organisation to advise them 'on strategies for building a nationwide portable benefits platform for drivers, bringing safety net protections to tens of thousands of hardworking men and women' (Murphy, 2016). It is here that the **criticism** of new mutualism sets in, for both *SMart* and the *Freelancers Union* foster precarious self-employment. They are criticised for legitimising bad jobs. The concern is that such organisations may be able to organise practical support for precarious platform workers, but may also simultaneously secure the existence of precarious work structures, and thus promote the erosion of normal working conditions (Daugareilh et al., 2019b: 52; Drahokoupil and Piasna, 2019: 7; Paul, 2014). New mutualism is, thus, caught between the conflicting priorities of acting as a modern social security system on the one hand and increasing the necessity of such supplementary protection systems on the other. Such organisations are also not trade unions and do not offer representation for the workers. They offer compensation for the lack of social security, but do not replace or even address the rights associated with traditional employment or even industrial citizenship.

### **Platform Cooperativism**

A more extensive form of mutualism is platform cooperativism. In this context, a lack of realistic alternatives is identified as the main problem in the context of working conditions in the 21st century (Scholz, 2016: 2). Such an alternative is a new platform-based cooperativism. While the previously presented forms of workers' voice are a reaction to the power asymmetries and poor working conditions in platform labour and an attempt to achieve incremental improvements, platform cooperativism aims at a fundamentally different structure in the form of a 'People's Internet' (Scholz, 2016: 10), which originates from Silicon Alley and not Silicon Valley. Cooperatives are an old form of organisation and, according to UNESCO, an 'intangible cul-

tural heritage'. Their focus is not on the generation of profit, but on the social, cultural, or economic well-being of those involved. The latter are not only workers in a cooperative, but also partners and 'managers from below', since they decide together democratically on its further path. Cooperatives are, thus, 'collectively owned and governed by the workers who depend on, participate in, and derive livelihoods from them' (Esim and Katajamaki, 2017: 6; see also Cheney et al., 2014; Conaty et al.; Dufays et al., 2020; Pazaitis et al., 2017).

By means of 'platform cooperativism', an attempt is made to reproduce the labour and services offered by the established platforms in a self-determined and fair way. According to Trebor Scholz (2016: 14; Scholz, 2017), it is necessary to clone the common technology of the platforms and to apply it in a solidary framework of cooperatives such that innovation and efficiency serve all of the participants. Since software plays a crucial role in platforms and its development and maintenance are costly, the *Platform Cooperativism Consortium* is committed to developing free software for cooperatives, thus improving their starting conditions.

Platform cooperativism is a very young movement; therefore, there are only a few examples of work mediating cooperatives. While several cooperatives are already active as platforms in the USA, there are only a few in Europe. In general, these are often limited to individual cities. A few examples are mentioned here: There is *Cotabo* in Bologna, a platform-based taxi cooperative. In Barcelona, a protest movement ('*RidersXDerechos*') in 2018 gave rise to the food delivery platform *Mensakas*. Supported by a crowdfunding campaign, it is explicitly directed against precarious working conditions and employs its riders. In Belgium, a similar cooperative, '*Collectif des coursiers-e-s*', was founded. After Deliveroo's retreat from Germany in August 2019, two cooperatives of former couriers were founded in Berlin. One of them, *Kolyma 2*, only existed for a short time and the other, *Food-Fairies Berlin*, started operations with a partner restaurant in April 2020. In the UK, *SignCo* is a platform to 'request, contract and deliver interpreting services for Deaf people'.

The small number of platform cooperatives can be attributed to the **challenges** faced by cooperatives in general (Dickstein, 1991) and platform cooperatives in particular. According to their vision, their economic democracy and alternative ownership model not only shifts the asymmetry of power in platform labour in favour of the workers, but also makes exploitation by individuals impossible. In 1899, Rosa Luxemburg identified cooperatives as less revolutionary than rather a reformist 'hybrid thing'. She meant that these 'alternative companies remain part of the general market economy ... and are subject to the coercive laws of competition'. Thus, she regarded the danger of cooperatives as an exchange of exploitation by others in return for self-exploitation: 'In the cooperative, this gives rise to the contradictory need for workers to govern themselves with all the necessary

absolutism, to take towards themselves the role of capitalist entrepreneurs' (Luxemburg, 1970: 417; see also Sandovai, 2019).<sup>22</sup>

This is particularly the case as resistance from the already established and hierarchically organised competing platforms can be expected. These platforms will not give the cooperatives their market shares without a struggle. It is difficult for cooperatives to stand up to the venture-capital-backed platforms that have used their first mover advantage and are usually in a more advantageous position due to the network effects of multi-sided markets (Srnicek, 2017: 127). Furthermore, the funding of cooperatives is a challenge, as they are not start-ups that promise substantial profits if successful (Borkin, 2019). Moreover, cooperatives run the risk of slower decision-making processes than competing platforms due to democratic and non-hierarchical processes. In many countries, there is also a lack of legal frameworks, or they are not up-to-date, for recognising cooperatives. As a result, platform cooperativism is an interesting and promising alternative to the traditional labour-mediating platforms with their often poor working conditions. However, such cooperatives face great challenges, which make the large-scale establishment of the concept seem unlikely. At the same time, knowledge about platform cooperatives and established implementations of the concept are rare. In summary, platform cooperatives are 'still at early stages of development, with a number of interrelated legal, financial and organizational challenges to overcome' (Esim and Katajamaki, 2017: 6–7). Thus, platform cooperatives are likely to remain as local niche markets or appeal to customers with an interest in moral consumption.

## 6 Conclusion

Platform labour has come to stay. The location-specific forms are increasingly becoming part of the consumption styles of urban citizens, the use of high-skilled macrowork is already established in many companies, and low-skilled crowdwork will 'remain in business, simply because they draw upon hyper-exploited workers in low-income countries' (Srnicek, 2017: 118). The crucial question is whether the precarious working conditions have also come to stay. In the current situation, platform labour resembles a 'back to the future' scenario in the course of which early industrial forms of the putting-out system are revitalised with modern technologies. This is accompanied by a striking asymmetry of power, which is also similar to early capitalist labour relations. While a number of institutions and laws exist today to protect and de-commodify work, platform labour has located itself far from these regulated spheres and can access labour almost limitlessly and as needed, without much opposition from the workers.

As explained, platform labour is a field in which **various forms of fragmentation** oppose the development of workers' voice. Workers' voice in platform labour is legally restricted by the workers' self-employment and exist-

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<sup>22</sup> An ironic example is a cooperative founded by former couriers in Berlin after the withdrawal of the food delivery platform Deliveroo from Germany, which with the name 'Kolyma 2' recalls a notorious Soviet gulag. The cooperative was only active for a few weeks.

ing competition law; in the case of spatial unbound work, it is complicated by incongruent national legal frameworks, which platforms exploit through regime shopping. In addition, there is the spatial fragmentation that hinders collective action. Platform workers are also organisationally fragmented; therefore, they do not come into contact with each other in the labour process and are often put in competition with each other. In addition, technological fragmentation prevails in platform labour, which isolates workers, makes collectivity more difficult, and transfers responsibility to algorithms, thus obscuring it. Finally, workers' voice in platform labour is obstructed by the workers' social fragmentation, which results from their high heterogeneity, pronounced fluctuation, and the often predominant part-time character.

Nevertheless, **different forms of workers' voice in platform labour can be observed**. Communication networks are emerging, which can be the nucleus of collective action. There are collective agreements, especially in the Nordic countries. Trade unions are constantly searching for new strategies to organise platform workers; alt-labour initiatives are emerging, which complement traditional voice forms with their new protest strategies. Although there are only a few legal initiatives supporting workers in platform economies, there are numerous court decisions that apply existing legal frameworks to these new forms of labour and, thus, strengthen workers' rights. In addition, various initiatives use the public sphere to increase pressure on the platforms and encourage them to improve working conditions, and there are various forms of counter evaluation that give workers a voice. There are also mutualist initiatives and cooperatives that occasionally use the platform concept in an emancipatory way.

Platform labour exists because it is not (yet) substitutable by machines and is carried out by real workers whose 'work is still being done in real places'; they 'still have the power to ... if needed, disrupt the production of digital work' (Graham, 2015). However, **the spatial organisation of platform labour determines the forms and characteristics of the workers' voice**. Place-based platform workers can articulate their protests in local spaces, overcoming spatial fragmentation and finding better conditions to organise and mobilise themselves and others. In their case, online communication is a feature to connect with each other away from the supervision of the platforms. In contrast, crowdworkers are more vulnerable and replaceable than their location-specific colleagues. Besides, they are bound to digital space for both their organisation and protests; thus, digital networking is not a complementary feature but the only way out. Moreover, they have no access to institutionalised forms of workers' voice. In summary, workers' voice is mostly limited to locally linked forms of platform labour. Only those crowdwork platforms which, despite the independence of their labour, have a clear national reference or ethical claim are sometimes open for social dialogue. For the large number of workers on the other crowdwork platforms, the opportunities for workers' voice look much worse.

Even if workers' voice exists, platforms show a '**deaf-ear syndrome**' (Harlos, 2001). Since the status quo with its inequality of power is in the interest of platforms which do not want any changes, protests are usually ignored and remain without consequences, especially in sectors where the market

power of the often low-skilled workers is low and subversive workers can easily be replaced. Thus, while low-skilled labour platforms can easily replace the workers who are constantly leaving, high turnover is only a problem for high-skilled labour platforms (van Doorn, 2017).

The need for workers' voice in platform labour to level the playing field is, thus, significant. The **potential for collective action** is significant too. While socio-institutional frameworks are slow to adapt to new forms of labour, workers' voice can act as a corrective that can be activated immediately. Furthermore, collective bargaining is able to react directly to technological change and new forms of labour by means of its 'inherent flexibility and reflexivity' (Prassl, 2018a: 19) and, thus, to regulate the 'moving target' platform labour individually and in a flexible manner. Therefore, 'the primary and most promising strategy for ensuring fair work in the platform economy should be an embedding of platform work in existing collective structure, across the entire spectrum' (Prassl, 2018a: 20).

The goal of workers' voice is not merely the incremental improvements in working conditions on individual platforms. These are undoubtedly necessary, but **basic political regulation is needed**. According to Nancy Fraser, the achievement of social justice goes beyond 'dismantling institutionalized obstacles that prevent some people from participating on a par with others, as full partners in social interaction' (Fraser, 2005: 73). In order to develop the potential of workers' voice, there is also a need to change the socio-institutional framework which levels the playing field. For example, the adaptation of antitrust laws is a precondition for the effective use of collective bargaining in platform labour to allow self-employed workers to exercise their fundamental right to collective action, as is also demanded by the European Parliament (2017: 103). Furthermore, it is necessary to clearly define the status of platform workers and to close bogus self-employment loopholes. Uncertainties regarding the status of platform workers make regulation difficult, and lack of regulation maintains the status quo: 'This may result further in a catch-22 type of situation, in which a lack of response reinforces the lack of understanding and vice versa' (Lenaerts et al., 2017: 13).

However, a 'new concept of work' is not a favourable goal for platform workers. A new intermediate category of workers within social law as quasi-self-employed workers would put the discourse and the social reality on a slippery slope, undermining existing and established occupational safety and health regulations and strengthening the trend towards atypical employment.

The **time for regulative action is now**, because the multi-sided markets created by platforms especially can lead to positive network effects and thus to path dependencies that make later intervention more difficult. Furthermore, it is necessary to break through the 'fait accompli strategy' of the platforms, according to which the platforms start and grow their business without official permission and rely on the normative power of the factual reality of the labour market they have created, making later regulation more difficult.

In addition to these regulatory requirements in the sphere of politics, trade unions and trade union-like initiatives are the central actors in improving working conditions. Collective forms of workers' voice do not emerge naturally, but must be initiated and built up (Gumbrell-McCormick and Hyman, 2013: 34). Trade unions and alt-labour initiatives can be decisive in establishing connections between platform workers, their direct work experiences, and social processes in order to demonstrate shared interests and to lay the foundation for workers' voice. The dilemma that trade unions face is how to address the diverse and fragmented platform workers, doing justice both to those who are interested in a flexible supplementary job and those who are dependent on this type of precarious work without access to better alternatives.

In doing so, it is necessary to consider that trade unions have limited resources, and aim to use them efficiently and effectively. In addition to path dependencies and institutional inertia, trade unions are reluctant to turn to platform workers because of the limited return on investment that may be generated by the membership fees of marginalised workers. However, long-term effects have to be included in this equation. **Organising platform labour brings many workers into contact with trade unions for the first time**, socialises them with industrial action, and provides self-efficacy. Platform workers are composed of social groups that otherwise rarely come into contact with trade unions: young, migrants, students, and precarious. Moreover, it turns out that atypical and platform workers have few negative attitudes towards trade unions (Heiland, 2019a; Kretsos, 2011; Vandaele et al., 2019b) and that the reasons for their lower union density are primarily structural (Pulignano et al., 2016). Trade unions should, therefore, devote themselves to platform work, because 'there is a platform world to win' (Vandaele, 2018: 28).

There is no universal strategy to strengthen workers' voice in platform labour, and there will not be one. The various platforms, labour markets, national legal and social dialogue frameworks, and unions are too diverse. In general, however, **trade unions should adopt a variety of strategies**: a) boycott some of the developments and practices of the platforms, identify them as illegitimate, and work towards regulation, b) despite this, take an active lead and address the phenomenon and platform workers; and support, advise, and claim representation also for the (bogus) self-employed, and in the course of this c) approach platforms actively.

**In hard times, new opportunities for shaping things open up** (Gumbrell-McCormick and Hyman, 2013; Hyman and Gumbrell-McCormick, 2017). If the established strategies appear inappropriate, windows of opportunity for innovative forms of workers' voice emerge, which start as an experiment, develop model character at best, and are transferred to other sectors. Thus, for example, concepts of organising did not emerge in the core field of the institutionalised labour movement, but on its fringes. A similar situation can be found in the field of platform labour. Here, new forms of workers' voice are emerging, such as communities that either exist exclusively in the virtual world or are simultaneously active in analogue form, protesting and coordinating in both spheres. There are also various alt-labour movements that organise workers' voice directly at the local level or

'soft union' initiatives such as *SMart*, *FairCrowdWork*, or *FairWorkFoundation*, which do not act as trade unions as such, but rather as intermediaries between platform workers and unions (Kilhoffer et al., 2017: 29). It is too early to evaluate their effectiveness, but alternative movements do not undermine traditional trade unionism; they 'can complement rather than substitute for traditional actors' (OECD, 2019: 215).

In conclusion, **workers' voice in platform labour is as vibrant and diverse as platform labour itself**. Even if the structural conditions are unfavourable, both the existence and diversity of protest forms are remarkable. Moreover, even if their effectiveness is limited in many cases, platform labour stands out from other forms of non-standard work where only occasional protests occur under equally harsh conditions. Workers' voice in platform labour, thus, remains an equally important and interesting phenomenon.



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#### Imprint

Publisher: Hans-Böckler-Stiftung  
Georg-Glock-Str. 18, 40474 Düsseldorf, Germany

WSI Study is an online publication series available at: <https://www.wsi.de/de/15341.htm>

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Layout:  
Daniela Buschke

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Study (Internet) ISSN 2367-0827