



Meeting Minutes Work Stream 1, Roundtable 1

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Topic 1: Mitigating health and safety risks

We opened the roundtable discussion by trying to find a common denominator as to what we understand as 'diverse forms of employment'. We established that there is a large diversity in the types of work and the types of engagement (e.g. primary versus secondary sources of income). What distinguishes this work from other types of flex work is that it is 'technology driven' and often 'on-demand'. However, as our discussion in Table 1 outlines, technology has revolutionized the ways in which workers can gain 'access' to work; in other words, the work itself is not fundamentally different. Therefore, we need to be mindful on how we can ensure that workers in the diverse forms of employment, who work through a platform, similar types of protection as those recruited through an agency (see Table 1 for an overview). A closer look at the definition of health and safety as well as how platforms can play a leading role herein is outlined in Table 2.

Table 1: What characteristics define diverse forms of employment?

Main point	Opportunities	Complexities	Regulatory barriers	Possible solutions
<p>What could be a common definition of 'diverse forms of employment' and what are the caveats in classifying work as such?</p> <p>Despite the diversity of jobs, the common feature that diverse types of employment have in common is that they are technology driven, often on-demand, absence of classical work environments, and generally more flexibility/ autonomy for workers.</p> <p>NOTE: Refrain from using the term 'non-standard work' (it implies that 'traditional work' is superior.</p>	<p>There is a different relationship between workers in diverse forms of employment and the entity they work through. Generally, they have more autonomy, but not always. When you look at a freelancer who does a certain task, then there might be more autonomy. But on the other hand, there are a lot of workers who have a more traditional employment relationship in which a supervisor or a manager who tells them what their task is.</p>	<p>1) Too much of an emphasis on "technology" implies that flex work is a new invention. In reality it has existed for decades. We should therefore not look only to startups, but also to organizations that have experience in safely aiding flex work.</p> <p>2a) Platforms hide behind "technology" to reclassify themselves as an "innovative new type of work" that allows them to shift the risks from the organization to the workers themselves.</p> <p>2b) How is a waiter that is hired through an app any different from a waiter that has been hired without a technology tool? According to platforms they are now "entrepreneurs" and should therefore carry all the work-related hazards. Is this fair?</p> <p>3)Alternatively, we could classify a digital platform as either an employer, temporal work agency, or an intermediary. And based on their classification, ensure that they are held accountable for the legislation that applies in these sectors.</p>	<p>Diverse forms of employment should be recognized as modern ways of conducting work, however, we must ensure that workers receive adequate level of protection.</p>	<p>1) Clear definition for what constitutes diverse forms of work 2) Clarification on what it means to work through a platform and what consequences it has for workers' autonomy</p>

Table 2: How can platforms ensure the health and safety of their workers?

Main point	Complexities	Regulatory barriers	Possible solutions
<p>1)Classifying worker protection as 'health and safety' may be too narrow.</p> <p>Suggestion for new classification: 'health, safety and worker fatigue'.</p>	<p>Classifying worker protection according to only health and safety is too narrow as it only looks at "worker conditions" on the actual work floor.</p> <p>However, realistically, worker fatigue is a serious concern, especially for flexible, shift workers that work irregular hours.</p> <p>Should the 'absence of a classical work environment' go into our definition? Many times workers still work in a physical place (e.g. task-rabbit, waiters in a restaurant). We have to consider the work environment to think about health and safety.</p>	<p>At the moment it is not clear what is the responsibility of workers, what of platforms and the governments.</p>	<p>Worker fatigue can be managed by platforms by setting a cap on how long a shift can last for, as well as by preventing workers from registering for consecutive (back to back) shifts on the platform.</p> <p>Platforms are moving slightly from being a fully independent platform to actually trying to take care of some those health and safety factors. For example, Temper takes control over the number of shifts users take.</p>
<p>2)Even though workers embrace the new ways of working, they are concerned about their financial security, which can result in mental health issues.</p>	<p>A large-scale study by Zürich Insurance across 17 countries and with 19,000 participants, found that whilst workers embrace technological change and are very optimistic about the new ways of work, it does provide financial insecurity, which is a great concern, also amongst millennials.</p>	<p>In the times of crisis such as covid-19 there is more leeway to implement self-regulations.</p>	<p>Create programs that monitor and track the mental wellbeing of workers (also those active on platforms). Provide solutions that pertain to 1 financial wellbeing, 2. social wellbeing, 3. mental wellbeing and 4. physical wellbeing. We need to extend the definition of health to encompass all these securities.</p>
<p>3)Ensuring physical health during the current Covid pandemic is a new challenge. Currently some platforms have taken steps to protect the health of their workers by offering '2</p>	<p>Workers in food delivery/ catering, transportation industry are both: more exposed to COVID and financially more vulnerable if they get ill.</p>		<p>Deliveroo has initiated a "contact free delivery process" to protect its workers as well as a compensation scheme if workers for when they need to "self-isolate". Such rules could be requested of all platforms whose workers are on the front lines.</p>

weeks sick leave' and a 'contact free delivery process'

4) Workers can be protected through insurance, communications and protective gear.

Workers run the risk of sustaining injuries whilst working for a platform.

Without cross-sector collaboration, workers can still opt to bypass caps on the number of hours and shifts they work by using another platform

Platforms can't force their workers to insure themselves. Fortunately, many clients are now requesting it.

Deliveroo provides 1) injury insurance for all its riders (not only during the duration in which the log into the app but also an hour more, to make sure that they are also insured when traveling home).
2) Deliveroo has made wearing fluorescent jackets mandatory.
3) Deliveroo provides loads of information on their work-community webpage, which includes tips on road safety, how to make their vehicles safe, and videos on how to approach people.

Temper, offers insurance for both accidents and disability at very favorable tariffs.

Topic 2: Fair working conditions

The discussion on 'worker conditions and wages' opened with a general discussion as to what we consider to be a 1) fair wage and 2) regulatory/ policy/ competitor barriers that infringe on achieving a fair standard (see table 3 for an overview).

Table 3: *What constitutes fair wages? What opportunities/ barriers do platforms face?*

Main point	Opportunities	Complexities	Regulatory barriers	Possible solutions
1) Earnings can be substantially greater on platforms, when there are low barriers to entry and a minimum price is set.	Platforms are more efficient, as a result the average Uber driver earns 200€ more net	Setting a fair earning is not only country but also location specific (e.g. a fair earning in London is not the same as a fair wage elsewhere in the UK)	High legislative entry barriers can 'distort the market'. Example, Brussels where a taxi driver needs to own a car with a net worth of at least 35,000 euros. This financial burden drives longer work hours, which creates an artificial imbalance between supply and demand.	More research is needed to find out consequences of workers setting their own prices. If this proves to lead to the race to the bottom, a minimum wage cap could be set.
2) To ensure workers earn fair wages Temper sets a minimum tariff which is at		Increasing the minimum tariff further would require setting a standard across	No cooperation/ standard agreement between platforms. As a result, Temper has limited capacity to	Rebuttal Setting a threshold like 130% of min wage might be counterproductive.



least 130% higher than comparable offline wage. However, unless there is cooperation across platforms, there will be a cap on how much an individual platform can deviate from its competitors

platforms. Without consensus; deviating prices would cause clients to opt for the "cheaper" option irrespective of fairness

increase minimum wages, if they set the price too high, this would harm their position in the market

Given the lack of exclusivity in the platform work field, for example, platforms have the interest to maximise earning opportunities to attract people that wish to work.

3) Collective bargaining and higher minimum wages set by the EU contribute to a fair wage according to unions.

Collective bargaining is an extremely flexible tool, with which to engage employers and workers, and come to fair solutions.

Platform companies are less regulated, so they too should take their responsibility and abide by sector / national and EU agreements.

Not all platforms/ sectors engage in collective bargaining. The minimum wage in EU countries are often too low.

4)The agency model can fill in the void for workers who are currently flagged as "empowered mini-entrepreneurs", but who in reality are too "vulnerable" to be actually considered self-empowered entrepreneurs. This group of 'vulnerable' flex workers would benefit from a "reclassification" that would grant them legislative protection from exploitation

For example, Adia hires 'gig workers as employees. These workers fall under the new classification of "W-2 employee of Adia". Adia provides the same flexibility as 'on-demand platforms' based on an app that links skills, interests and availability on a job to job basis.

In some countries, like the Netherlands, the legislative framework is such that an 'agency model' is a poor fit as it does not incorporate platform workers. E.g., Under an agency model, platform workers would automatically pay for unemployment benefits, whilst >95% would have a right to them.

Adia is currently active in the US and Switzerland. Both countries have a hyperflexible labour law, which does not (as Temper, illustrated in 'complexities' applies to the Netherlands.

This raises the question: how can EU policy ensure that business models such as Adia, that grant 'vulnerable flex workers' employee rights also be adopted in EU member states?

Related comment CECOP:

In practice "high skilled workers" such as free-lance lawyers and architects are already complaining that their social benefits are not properly addressed. This problem is even larger for more vulnerable groups of workers

TOPIC 3: GUARANTEEING SUFFICIENT WORK

Another discussion point that was flagged under ‘fair working conditions’ related to the ***unpredictability or lack of assurances regarding securing work***. Questions related to how much workers can actually work and what they can expect, once they join an “on demand” platform are serious concerns, for both workers as well as policy makers. To quote Thomas Blondeel (SMART): “the critics that we (Smart) often get from unions for instance is that it is a wrong understatement if we say that people make the deliberate choice of when and how to work. What they mean: the freedom we put up front on behalf of the worker is a fake understatement and it opens doors for precarious situations.”

In Table 4 we summarized discussion points related to how platforms can aid their “independent flex workers” to 1) ***secure*** “sufficient work”, as well as 2) the main “barriers” that prevent platforms to take a more active role herein.

Table 4: How can platforms make work hour expectations more transparent and what factors inhibit their actions herein?

Main point	Opportunities	Complexities	Regulatory barriers
<p>Platforms play an important role in educating workers on how to optimize their time on the basis of algorithms.</p> <p>However, on the basis of our discussions it becomes clear that signaling availability may not be enough.</p> <p>Platforms should firstly, increase their transparency by also communicating the size of a job beforehand (see barriers).</p> <p>Secondly, platforms can benefit from collaborating with their competitors or outside parties such as Cachet, to understand how many hours workers actually “clock in” through multi-platform apps.</p>	<p>By equipping worker with information regarding the most “lucrative times” to work, platforms may aid their workers in predicting the amount of work they can expect.</p> <p>Uber, for instance, provides an earnings’ estimate to their drivers via their ‘green light hub’, which is contingent in time, place and date.</p>	<p>Regulating the working time is complicated without the common agreement between platforms to exchange the data about it.. Cachet, for instance, is currently working on that. They’ve already built that kind of data-aggregation for in the field of insurance.</p>	<p>Other participants flagged problems to the transparency of algorithms.</p> <p>Whilst they may signal the most opportune times to be active on the platform, they don’t actually communicate (are transparent) on the yield/ earnings of a special gig</p> <p>Drivers and couriers point out that they can’t see the route until they accept it. As a result the size of the gig and thus the potential earnings are not clear.</p>