



Meeting Minutes Work Stream 2, Roundtable 1 October 7, 2020

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EU Policy update – Key policy areas:

1. How can we address the employment status of platform workers?
2. How can we improve the working conditions and access to social protection of platform workers?
3. How can we deal with algorithmic management and cross-border aspects of platform work?
4. How can we address challenges related to social dialogue, workers' organization, and collective bargaining?

Topic 1: Social dialogue, worker's organization and collective bargaining

In addressing the social dialogue and the organization of workers, the first question to ask is who should represent them? Labor unions have had this role for over a century, but we are witnessing such a deep transformation of the labor market that new relationships are about to be formed, or is there still a role (albeit a new one) for unions?

Secondly, having a multitude of stakeholders at the table (workers, employers, authorities, but also platforms and other institutions), suggests that a debate/social dialogue and any form of representation should take a multi-stakeholder approach.

Thirdly, if alternative forms of unifying workers are needed, what could they be? Could coops be a form of representation, for instance?

Table 1: Who should represent workers and what is the role of unions herein?

Main point	Opportunities	Complexities	Regulatory barriers	Possible solutions
<p>1) The principle of organizing workers (such as in unions) is still valid and more so: much needed as labor relationships are still unbalanced.</p> <p>2) It is in the interest of everyone, including platforms to ensure workers have voices, however, it's important to find a right medium to do that and a right form for workers' representation to take place</p>	<p>1) Representatives of labor unions argue that It gives workers a voice and protection, by collectivities, by law etc. Unions have proven to adapt to different work situations/trends</p> <p>2) Companies explain that workers never get kicked out from platforms and rarely get banned (only in safety or risk matters) and platforms are already taking measures/doing research to understand the experience of their workers (as they are also users on their platform), so the relationship with a union (who does the same to an extent) can be very fruitful</p>	<p>1) Labor relationships are more unstructured and complicated and labor unions were already struggling with dissatisfaction from workers before platforms rose.</p> <p>2) The system that has been in place for over a century should not be in the way of any effort to create a new system of representation</p>	<p>1)The nature of the relationship of worker-employee is different: no exclusivity for instance, meaning workers can work for different platforms, and often no unity of location and thus jurisdiction</p> <p>2) Self-employed workers often cannot collectively bargain like traditional employees represented by unions can do (due to regulations against price setting/cartel forming)</p>	<p>1)The solution should not be to copy paste the system of traditional unions but push representation to evolve as the sector matures.</p> <p>2) Next to unions, we should also look at the huge role platforms themselves can have in creating a new system; they are in a place to do so (facilitate dialogue) and are already committed as satisfaction of workers ,as the deliverers of their services/ products, is aligned with their interests.</p>

Table 2: Is a multi stakeholder approach the future of the social dialogue?

Main point	Complexities	Opportunities	Regulatory barriers	Possible solutions
1)The classic employer-employee social dialogue is obsolete in the platform context, as there are in fact more stakeholders: a multi-stakeholder approach is therefore essential	1)Common policy is lacking; it is country specific. At the same time, markets are common goods that need to be governed (not so much regulated) and shaped by dialogue between all stakeholders, as argued by a union representative.	1)Unions are perhaps well equipped/ positioned to organize a social dialogue in a multi-stakeholder setting because they have a tradition of collecting points of interest from their constituents and forming a dialogue around them. The only difference would be more stakeholders.	1) Unions in some cases and countries might (because of regulations in certain markets and certain types of work) contest that platform workers are self-employed hence negating the existence of any other relation than the classic employer-employee one.	1)Point discussed only very briefly, deserves more attention in forthcoming sessions as no possible solutions as to how a multiple stakeholder approach may be initiated

Table 3: What could alternative forms of representation look like?

Main point	Complexities	Opportunities	Regulatory barriers	Possible solutions
1)The platform and its workers share a mutual interest (serving the client), so they could work together in a cooperative structure	1)Unions group workers together of the same type, not of the same work engagement. Therefore, the extent of the expertise of Unions diverges from the reality of representation in a platform context.	1)Platforms could in fact be unions, as they function as representatives of a group of workers towards a group of clients (the clients on the platform), as a union representative interestingly puts forward.	1)Regulators might interpret this as price setting (and thus cartel forming), as the workers are independent entrepreneurs and the platforms collectively represent them to their clients and more importantly: set a price.	1)A platform itself may be viewed as an automated intermediary system representing the interests of a pool of self-employed workers, against individual clients.
2) <i>Workers find each other and organize themselves on the scale of individual platforms, to solve issues in relation to the specific platform, but they can perhaps also create a larger social dialogue around better working conditions on the platform level.</i>	2)In cases they are truly independent, workers are actually not peers, but competitors, which might make it challenging to organize any collective effort	2)There is plenty opportunity for platform workers to find a platform (such as a social media platform) to have an open, unmoderated dialogue. This is often encouraged and even facilitated by platforms as it offers them insights on how to improve the product/service	2) With regards to workers organizing themselves, the same argument as above can be made (albeit only if the relationship is not interpreted by regulation as worker/employee)	2)The aim should be to create better working conditions, but what these constitute and what the relationship is between worker-platform and worker-worker (competition?), varies greatly per platform so a solution cannot be once size fits all. <i>Organizing a social dialogue on a small (platform) scale might therefore be sensible, but they need to be acknowledged and empowered (with</i>

Topic 2: Algorithmic Management

The second topic that we addressed related to algorithmic management. Algorithms have revolutionized the way in which management functions are performed and labor is distributed. However, there is a lack of transparency and control let alone control, over its functioning. Cases of algorithmic discrimination and nudging have been reported, thus it is crucial to address how can we improve workings of algorithms to ensure transparency and fair treatment of workers.

Table 4: How should algorithms be managed?

Main point	Opportunities	Complexities	Regulatory barriers	Possible solutions
1)Algorithms should be made transparent and kept in check by policy regulations and third party monitoring, argued from an academic point of view.	1) Digital regulations (such as GDPR) do not provide adequate protection to platform workers yet, so policy could protect them, as they have little individual bargaining power themselves, by making algorithms transparent and more democratic. 2) Algorithmic nudging causes mental health problems, which can be solved if policies are in place to limit the use of algorithms 3) Regulation could reduce or even prevent systematic discrimination	1)Platforms and their algorithms greatly differ, there is no one size fits all approach therefore. Moreover, algorithms may contain trade secrets 2) People are able to manage the way they interact with their app, but lack awareness of these options. Moreover, mental health issues are found in any type of work environment. Addressing them is a matter of well-being programs at the platform level. Policy intervention is not as effective as platforms themselves taking responsibility, argue platform representatives 3)Algorithms depend on data and there is no data to directly measure people’s ability to do a job, therefore data will always measure indirect variables and thus be inherently flawed, explains...?	1)EU policy regards AI applications in HR as ‘high risk’, meaning extra scrutiny, however this halts the development of AI which is not necessarily favourable as AI also has many useful operational applications in HR 2)Working time limits, which exist for truck drivers, are not easily implemented for platform work as there is much less overview of their total amount of activities: workers can for instance be active on multiple platforms and there is no central place where this work is recorded. Creating such a central place might be valuable for certain types of work, but it would probably require a massive cross platform collaboration, including collaboration from OS builders (Apple, Google). Regulation seems the only way to accomplish that in any reasonable timeframe. 3) Regulations based on algorithms can only have an impact on the	1) Perhaps EN or ISO standards should be created for algorithms, to create a space where algorithms can be discussed and evaluated without having to spill trade secrets 2) Any platform that employs algorithmic nudging and thereby controls workers, breaks the self-employment relationship and turns it into an employee-employer relationship, which creates an immediate violation of employment law out of the nudging. Platforms that don’t nudge should make sure their competitors who do, are held accountable by law, as the nudging creates an unfair competitive advantage, argues...? 3) Algorithms tend to be less biased than humans, and becoming ever so, therefore, they should be stimulated however we need to make sure that

population level. But
reducing any
discriminatory effect at
scale, does not mean
people are protected
from discrimination at an
individual level
