
WORK STREAM 2: WORKERS' REPRESENTATION ROUNDTABLE 2 | MINUTES

DATE & TIME: November 24, 2021 | 15:30 - 17.00 CET

PRESENT: *(alphabetically listed)*

Hannes Hoollebecq, Cera Coop
Jelena Sapic, Reshaping Work
Jovana Karanovic, Reshaping Work
Lukas Pilgram, Delivery Hero
Wiggert de Haan, Roamlar

Mark Griffiths, Collective Benefits
Olivia Blanchard, Digital Future Society
Roos Wouters, De Werkvereniging
Thanos Moysiadis, Uber

ABSENT:

Alessio Bertolini, Fairwork Foundation
Benjamin Hay, Collective Benefits
David Espinosa/ Dimitris Theodorakis, UNI
Europa
Denisa Avram/ Miguel Ferrer/ Ionut-Aurelian
Lacusta, Glovo

Florian Jager, FNV Zelfstandigen
Ignacio Doreste, ETUC
Kurt Vandaele, ETUI
Natalia Walczak, European Transport Workers
Federation
Niels Arntz, Temper

AGENDA:

▶ **Project Updates:**

- [November edition](#) of tailor-made monthly policy briefing sent on November 8, 2021
- The expert lecture by Valeria Pulignano (KU Leuven) is posted in the Member Library (on the project website), while her recent publication on the topics discussed is available [here](#). Check out the Member Library for work-stream related resources & relevant documents. You can also upload your organization's reports and white papers.
- If you would like to share your vision on the future of work and motivation to join the Multistakeholder Dialogue Project, get in touch with Jelena Sapic (jelena@reshapingwork.net) for more information. This would greatly help us with the next stage of the project.

➤ **DISCUSSION TOPIC: PROMOTING COLLECTIVE REPRESENTATION AND SOCIAL DIALOGUE**

Workers in diverse forms of work face important challenges compared to more 'traditional' workers when it comes to collective representation and bargaining. Many of these challenges stem from the nature of the jobs but also by legal and regulatory barriers in different member states. At the same time, industrial relations and collective bargaining still happen predominantly at the national level, following different industrial relations and employee representations systems and traditions. The EU has been committed to fostering social dialogue at the EU level, promoting tripartite and bipartite discussions between, on the one hand, unions and workers' associations, and, on the other hand, employers and business organisations. Nevertheless, much more still has to be done to promote effective social dialogue to make sure that common European challenges are dealt with at the European level.

- Main challenges in promoting collective bargaining among workers in diverse (non-standard) forms of work are:
 - Self-employed as subjects to competition law,
 - Representativeness (self-employed and other workers in non-standard forms of work cannot be members of established unions, whereas platforms are not a part of employers' associations). Recent Riders' Law in Spain was passed without having platforms nor workers' representatives at the table, pointed Uber.
 - Motivation of diverse workers to engage in collective bargaining as some workers join platform economy to make secondary income or make the ends meet, which does not leave them time to engage in collective bargaining.
 - Geographical dispersion and atomization of the workforce, which makes it difficult to organize workers in one physical space. When it comes to online work, language and culture represent barriers that need creative approaches.
 - Subcontracting/subletting of accounts (e.g., how to represent voices of those who are not officially working as riders, but in reality, they are riders). Platforms have implemented technical check-ups to assure that worker and account owner are the same person but more can be done as a joint effort of companies and workers' representatives.
- Platform representatives pointed that legal certainty around the status is a prerequisite for platforms to engage more actively in the dialogue. Platforms do regular surveys and roundtables with workers providing a space for couriers and drivers to participate and voice their concerns. There is a basis to develop more structured framework if clarity around the status is granted.
 - Ongoing reforms in France and Greece are mentioned as good practice examples. French authorities are preparing the social dialogue reform in order to create mechanisms for platform work (e.g., elections for platform workers' representatives in a broader sector of mobility), while Greece has already determined clear criteria for reclassification of when a worker is self-employed, while also giving them the right to collective bargaining (Delivery Hero suggests this outline as a blueprint for the EU).
- Collective representation landscape varies across the member states:
 - French CFDT union has a gig-work task force which encourages gig workers to participate
 - UGL, a right-wing union, and delivery platforms operating in Italy achieved a collective bargaining agreement.

- One of the main Spanish unions created two new positions - direct contact point for platform workers (that is occupied by a former rider) across sectors, and position overseeing the digitalization of the workforce and workplace in general (e.g., algorithmic management in different contexts, platform economy, etc.).
- In Spain, discussion about changes in regards to collective representation and social dialogue precede the emergence of platform work since the country has been recording many workers outside of standard employment. Unions are still advocating for diverse workers to be recognized as employees thus freelancers cannot, in theory, join unions and thus be represented by them. This had led to freelancers taking their own initiatives and creating professional associations.
 - Current debate between different stakeholders is about voicing and representing online freelancers from Spain as their work is highly invisible and transnational in its nature.
- De Werkvereniging said that emerging workforce does not feel represented by the unions. Unlike unions, which have membership fees, associations of the so-called modern workers help voice workers' concerns and represent their interest without institutional support. Roamler agrees to De Werkvereniging's point and adds that the worker engages in union-related work during their worktime whereas for platform work this structure is not existent.
- It cannot be up to the market to regulate itself because it may cause many inefficiencies as shown in [recent case](#) in Belgium (spread of subcontracting accounts, minors' involvement), said Cera Coop.
- While there is a lot of potential in organizing platform workers in cooperatives, coops remain enterprises which limits their potential engagement in social dialogue. In other words, cooperatives are companies and thus not responsible for enabling social dialogue, though some collaboration with for-profit organizations could be envisioned, as coops are generally closer to workers due to their legal structure (where workers can also be co-owners). Another limitation for cooperatives is scaling, as pointed by Uber and Cera Coop. A good example of coops' network and presence in different markets is [CoopCycle](#) that has 58 coop members across the European Union.
- **POTENTIAL SOLUTIONS AND POLICY RECOMMENDATIONS SUMMARY:**
- Platforms may consider compensating workers for dedicating time towards workers' organizing. This would ensure that workers don't forego income and have time at hand to engage in meaningful dialogue.
- Based on the poll results, all the stakeholders agree that all workers, regardless of their employment status, should have access to collective bargaining and representation, as well as that modernization of existing employment categories is needed.
- Results show that access to social protection and earnings should be central to collective bargaining in diverse forms of work, followed by health and safety risks.

NEXT STEPS & ROUNDTABLE:

- The comments on this roundtable minutes can be sent by December 3.
- The next monthly policy briefing will be sent in the week 13-17 December.
- The first draft on the report chapter on workers' representation will be shared and available for comments in the week 15-22 December 2021. The prefinal draft and report will be available for

the comments from 3-7 January 2022.

- The project report will be published by the end of January 2022.

ADJOURNMENT:

- Minutes submitted by: Jelena Sagic.
- Minutes approved on: TBA