

# Online Platforms & Platform Work





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# Summary

This report identifies several areas within the platform landscape that require further attention from policymakers. Specifically, we highlight the importance of national registries to collect relevant information on platform companies, the use of automated systems in platform-mediated work and the importance of intersectionality in establishing a social dialogue culture and future policymaking.

To date, only a few EU Member States, e.g. Italy, France, Belgium, Germany and Denmark, have moved to introduce legally binding definitions of online platforms and taken court rulings on the employment status of platform workers into account. But, in some cases, where registries for platform companies exist at the national level, information on platforms and national data are still not publicly available. For the other European countries, it is still uncertain how many active platforms are in a country, how many people are working on them and with what employment status they work. This type of information is particularly important in addressing the legal responsibility of platform companies, not only in terms of the quality of services provided, but also with a view toward fair working conditions for workers employed by these platforms.

Furthermore, platform-mediated work remains only insufficiently understood. Tasks that are performed via platforms are not new in terms of the scale of tasks involved, the format of services being provided (whether the tasks are delivered locally or online), the level of skills required, the process by which a client is matched to a worker (offer of work versus competition) and the party that determines the allocation of work. However, platform work introduces new forms of subordination with the use of automated systems to match supply and demand for work that require further attention.

In terms of platform workers, new developments in assessing the impact on platform workers' quality of life need to look at ways of viewing the wider processes and consequences of the platform economy from the perspective of disadvantaged groups by focusing on intersectionality in establishing a social dialogue and future policymaking (Webster and Zhang, 2022). The initial step needed is a recognition that platform work is directly linked to gender and ethnic inequalities in the labour markets. This is particularly important not only in developing policy options to ensure fair working conditions for workers regardless of their race, ethnicity, and gender, but also equal collective representation by recognising workers' voices that come from different groups and backgrounds.

# Introduction

The platform economy has been developing and evolving rapidly in the last decade, not only in terms of creating new business models that operate outside traditional ones, but also when it comes to impacting the organisation of work and working conditions of millions of people. Extrapolations of current trends in employment suggest that 42.7 million people in the EU-27 will opt to work in the platform economy by 2030 (Barcevičius et al., 2021). However, the absence of legally binding definitions for platform activities and the provision of work is causing a deeper fragmentation to take place in the labour market in the EU, leading to various misinterpretations of labour law and creating regulative loopholes for deceptive practices.

In the light of the *EC proposal on a directive improving working conditions in platform work (Dec. 2021)* and multiple responses/initiatives by social partners, this policy report addresses a number of core issues and policy measures related to online platforms and platform work by highlighting grey areas that require further attention of policymakers. More precisely, this report focuses on three issues/policy areas:

First, a legally binding definition of online platforms will bring clarity, especially in relation to the employment status of platform employees who are currently in many cases misclassified as self-employed and independent contractors. However, in the attempt to clarify the relationship between the legal classification of platform workers and online platforms, more emphasis needs to also be paid to the understanding of platform ecosystems. To date, there are no registries at the national level that provide information on platforms that are active in the respective country and no national data on how many people are working via platforms and with what employment status.

Second, clarity regarding the practice of algorithmic management by platforms with an emphasis on the role of intermediate companies using technology to monitor people's performance is crucial. However, more debates in relation to the organisation of platform work is required on cross-platform variations in algorithmic management control for both types of workers: those who are considered employees and the self-employed.

Third, when it comes to the establishment of a social dialogue between online platforms and workers, there are many successful examples of initiatives, collective actions and court cases, mostly within the transport and food-delivery sectors, although the influence of collective bargaining systems remains limited within the EU countries (Mexi, 2019a). In addressing the precarity of platform work and building successful strategies to strengthen social dialogue, the interests and needs of women and/or migrants should be taken into account by looking at platform work using an intersectional approach.

# Methodology

This report is based on a revision of relevant secondary literature as well as on the data collected from secondary sources available at the national level from 22 EU member states: Austria, Belgium, Bulgaria, Czechia, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Latvia, Lithuania, Malta, Italy, Poland, Portugal, Romania, Slovakia, Sweden, Slovenia, Spain and 8 countries outside the EU: Moldova, Norway, Ukraine, Russia, Armenia, Georgia, Serbia and the US.

The methodology for collecting secondary data at the national level included an analysis of academic and policy research to capture the scope of the platform economy in each state based on different thematic pillars:

1. The regulatory landscape of the platform economy at national level;
2. Socio-demographic available data on platform workers and quantitative data on online platforms;
3. Collective bargaining and other initiatives to protect platform workers; and
4. Court cases.

The cross-national dimension of the analysis reveals existing patterns and specific national issues by shedding some light on the complexity of online platforms and platform work performed via platforms across Europe.

As a starting point in the research, an online platform was defined as »digital networks that coordinate labour service transactions in an algorithmic way« (Lehdonvirta, 2018). As a result, this methodological limitation of this research led us to prioritise online labour platforms rather than marketplace platforms that coordinate sellers and buyers, e.g., Booking.com, or which have a social media focus, such as Facebook.

In understanding what work could mean if it is performed through platforms, we adopted a definition by Eurofound (2018), according to which platform work is defined at the operational level as »an employment form in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment«.

Key features of platform work include the following:

- paid work is organised through online platforms;
- three parties are involved: the online platform, the worker and the client;
- work is contracted out;
- jobs are broken down into tasks;
- services are provided on demand.



## 1

# PLATFORM ECONOMY: EMERGING TRENDS

The ecosystem of online platforms is very heterogeneous, ranging from large international companies to small national or local start-ups. Many institutions and think-tanks have made an attempt to provide an overview of the existing platform ecosystem. It is difficult to collect comprehensive and comparable data on online platform companies, however. Due to the absence of a common legally binding definition of online platform as well as national registries for active platforms, current estimates of the size of the platform economy are limited to survey data and only partially reflect information available on revenues of the parties involved: including platforms, people working via platforms and third parties (Pesole et al., 2018; Brancati, Pesole and Fernández-Macías, 2020; Barcevičius et al., 2021). In many cases, the information that can be gathered is mostly from trade union work and thanks to close cooperation with existing work councils and European institutions.

According to a new CEPS study (2021), total online platforms operating in the EU are estimated at around 516 active labour platforms, from 2014 to the present day. The total revenue of these companies in 2020 has been estimated as high as € 13.7 billion (de Groen and Kilhoffer, 2021). The large share of platform companies is concentrated in transportation, food delivery and micro-work activities. The majority of workers are to be found at the online platform companies, with data collected by CEPS even showing that the main areas where platform services are offered are on-location (54%), followed by online (36%) and both online and on-location (10%) (Barcevičius et al., 2021: 41).

The business models for online labour platforms differ according to the available services delivered via the platforms or the skills level required for the work. Secondary data reveals that platform companies »mostly identify themselves as information society service providers rather than employers or providers in specific sectors (even though national courts or regulators sometimes rule otherwise)« (Barcevičius et al., 2021:37). Moreover, country-based evidence points to differences in approaches to identifying a clear typology of online platforms. In line with findings from previous policy reports (Kilhoffer et al., 2020; Barcevičius et al., 2021; Piasna, Zwysen and Drohokoupil, 2022), platform companies operate with standardised terms and conditions with specific tasks and obligations for workers.

Here is a typology of the business model terms and conditions used by digital platforms: (1) *a primary revenue source calculated through digital algorithms when using the platform*; (2) *additional activities that operate along the digital platform, such as the marketplace*; (3) *a diversity of employment status for people working via the platform, from private companies that intermediate the work, self-employed, employed people, etc.* (4) *clients and third parties involved in the functioning of the platform as service providers; restaurants; private companies; work agencies, etc.* (Barcevičius et al., 2021: 37).

The absence of legal definitions is still adding to the ambiguities related to the functioning of online platforms at national level, with global companies being able to use standard conditions for workers and provide similar working conditions across labour markets within the EU states (Hauben, Kahancová and Manoudi, 2021: 16). Online platforms can operate across countries without formal registration, and specific tax obligations, are usually transferred to the individual contracts of workers that performs activities via platforms.

The ecosystem is dynamic, as many platform companies emerge as start-ups, then expand, get taken over by other companies or change their physical location by moving their headquarters to another country. Little is known even about big multinational/international companies themselves, however, except the limited information available on the private-company data Crunchbase website, company reports and blogs or in the form of case studies in policy reports based on primary and secondary data (Brancati, Pesole and Fernández-Macías, 2020; Piasna, Zwysen and Drohokoupil, 2022).

For example, Foodora, which operates in Norway, Sweden and Finland, was founded in Germany and has its headquarters in Berlin. In 2015 the company was acquired by Delivery Hero. Similarly, Spanish Glovo was acquired by Delivery Hero in 2020. At the same time, Delivery Hero, which was founded in Germany in 2010, was recently acquired by a Dutch-based company, Just Eat Takeaway. Another food delivery platform, BOLT Food, has emerged from an Estonian ride-hailing platform, BOLT. The analogy can be drawn to UBER and UBER Eats. This compares with a Ukrainian food delivery company, Racketa, that rebranded itself, adopting

an English name – Rocket – in 2020. Until the early 2022, the platform had its headquarters in Amsterdam and operated in the Netherlands, Cyprus, Greece, France, Portugal, Spain and Hungary.

The growth of platforms reflects the increased digitalisation of labour markets and globalisation of national economies. Parallel to the digitalisation of companies and new trends in developing platform business models, the growth of platforms was particularly influenced by the COVID-19 crisis (Cano, Espelt and Morell, 2021; Polkowska, 2020; Badoi, 2020). In addition, many industries are following the food and delivery sectors by replacing standard employment with more flexible arrangements for self-employed and freelance labour, along with the flexible contracts for ›occasional work‹.

It is difficult to generalise, but there are basically three emerging trends that can be observed from an analysis of secondary data from the national level:

Firstly, the COVID 19 crisis has accelerated the digitalisation of work and increased the need for labour supply for people working via platforms. Empirical evidence from Cedefop (2020) relating to the COVID 19 impact on labour markets shows that companies are reevaluating their business potential by moving from traditional ›face to face‹ activities to digital working conditions. In the delivery sector and with online micro-work activities, platforms have been expanding rapidly in many countries, especially in Central and Eastern Europe, in the latter in countries such as Romania, Poland, Hungary (Badoi, 2020; Polkowska, 2020).

According to recent secondary research, one of the largest sectors in the platform economy is represented by the food delivery sector (Piasna, Zwysen and Drohokoupil, 2022). In the case of Romania, for instance, while businesses in many sectors have been strongly affected by the introduction of emergency measures and have had to stop or temporarily suspend their activities, the rollout of the platform economy has provided new business opportunities and jobs within the food delivery sector (Badoi, 2020: 7). During the COVID-19 pandemic, food-delivery platforms have expanded in around 33 cities, with job offers being made via digital delivery platforms.

For Romania, work opportunities arising within the food delivery sector have become a strong alternative for traditional economic activities affected by the economic crisis. Similarly, in Poland, studies conducted within the food delivery sector have suggested that platform work has become an opportunity to ›replace‹ unemployment during the COVID-19 crisis, but has also led to more precarious jobs and a lack of job stability (Polkowska 2020: 3).

Secondly, some countries that saw major waves of unemployment in past economic crises, for example Spain, Greece and Portugal, witnessed a rollout of the platform economy before the COVID-19 pandemic. Neoliberal policies aimed at a greater labour market mobility and flexibility and weakening of collective bargaining systems created favourable

conditions there for atypical, short-term and micro-work freelancing jobs. In the case of Greece, the negative effects particularly of the 2008 economic crisis have contributed considerably to the growth of services provided by platforms in the hospitality/tourist food delivery sectors, opening opportunities for new forms of employment and sources of income (Mexi, 2019b). In the case of Portugal, online platforms grew considerably in the aftermath of the financial crisis, as many people started looking for alternative sources of income due to high unemployment rates (Allegretti et al., 2020).

Finally, ›platformisation‹ of the transport and food delivery sector is far from being unique. It is indeed more advanced than in other sectors. Other sectors, however, such as care, cleaning and domestic work as well as routine office tasks have been increasingly moving to platforms by providing more agile and automated processes compared to traditional placement agencies. Analysis of data available at national level suggests that on-location sectors, such as paid care, home-care services, cleaning and domestic work are becoming more visible with the expansion of such platforms as Care.com in Spain and Austria, Helping platform or expat.com in Germany, the Netherlands, Hungary or Lithuania, or the cleaning platform Hilfr and Happy Helper in Denmark (Molitor, 2019). Ticona and Mateescu (2018) note in their study that care platforms are reframing care and domestic work in terms of ›cultural entrepreneurs‹ through digitally mediated platform work. In the care and cleaning sectors, temporary agencies have been gradually replaced by online platforms that operate as an intermediary for services.

For micro-work platforms that facilitate digital work in other sectors, such as translations, graphic design, legal services, software, etc., some examples from the national platform include Click worker in Belgium, Austria, Hungary, Upwork in Bulgaria, Denmark, the Netherlands or Freelancer in Romania, Poland and the Netherlands.

While the ecosystem of online platforms is very heterogeneous, emerging trends suggest that the platform economy will continue to expand, creating an unprecedented demand for labour in the future. In order to meet ever-changing expectations from their clients, many businesses in various sectors will continue transforming their employment strategies by moving towards more flexible and automated work processes. This in return can further expose disadvantaged groups to precariousness and unfair working conditions along with insufficient income and low levels of social protection.

## 2

## ROLE OF SOCIAL PARTNERS

There has been significant progress in establishing a social dialogue for platform workers, as many trade unions have become actively involved in the representation of platform workers. The geography of the trade union initiative, workers' protests and strikes is, however, broad and very fragmented.

A summary of all the information collected on attempts and existing initiatives to support platform workers demonstrates that various social actors such as trade unions, non-governmental organisations, informal groups and public authorities have undertaken many important initiatives in order to protect the rights of platform workers and to counteract deceptive and non-transparent practices by online platforms (Haipeter et al. 2020). Nevertheless, misclassification of the employment status of people working via platforms still remains one of the most important issues, as self-employed people have limited access to collective bargaining.

In the majority of countries, the collective actions of platform workers are still limited and platform workers in the transport and food delivery sectors are the best organised and represented. Particularly in such countries like Belgium, France, Denmark, Spain, Italy or Sweden, trade unions have made a great progress in defending the social rights of platform workers.

In some countries, collective agreements have been reached with employed and self-employed platform workers. Our findings also reveal that these different initiatives have included advisory services and counselling, info lines, web-pages, online portals and training programmes. Several agreements have been identified between trade unions and digital labour platforms partially covering sectors such as delivery and transport in Denmark, Germany and Italy (Barcevičius et al., 2021).

In the past few years, many unions have been involved in court cases concerning the employment status of platform workers and access to social protection schemes. Court cases initiated to have workers recognised as employees have proven to very effective in the cases of Italy and Spain. Trade unions in Spain, Belgium or the United Kingdom have successfully increased membership of platform workers and won court rulings upholding rights to minimum wages, paid leaves and recognised employee status.

Negotiations between workers and platforms is often subject to unbalanced power relations (Muldoon and Raekstad, 2022). This becomes even more problematic in countries where trade union membership is very low. In Central and Eastern European countries like the Czechia, Romania, Slovakia, Poland, Hungary or Lithuania, there has been no progress in regulating the employment status of workers and defending their rights (Barcevičius et al., 2021). In other countries, such as the Baltic States, issues relating to an employment status for platform workers have not yet entered into the public discourse. Overall, in countries where platform work constitutes a novelty, the media discourse captures public attention with positive reports on the business model development of the platform economy and entrepreneurial opportunities for people working via platforms (Kilhoffer et al., 2020).

### 2.1 NATIONAL EXAMPLES OF INITIATIVES AND COLLECTIVE AGREEMENTS

In Austria, there have been several important initiatives in the last few years. In 2017, the ÖGB (Austrian Trade Union Federation), IG Metall (Germany), Chamber of Labour Vienna (AK Wien), Unionen (Sweden) in cooperation with Encountering Tech and M&L Communication Marketing started a crowd-work initiative to collect information about crowd-, app- and platform-based work. The initiative has its own home page, where it is possible to find information about existing online platforms and the conditions they offer. A rating has been performed regarding payment, fairness, transparency and other factors, with these then being collected and clustered in groups that represent platform workers.

RidersCollective ([www.riderscollective.at](http://www.riderscollective.at)) is another important initiative of the ÖGB to cover platform workers in the bike delivery sector. Both work councils at Mjam (Delivery Hero) and Lieferando (Just Eat) have been involved. The initiative aims at informing riders about their rights as employees and differences compared to a common independent contract (Freier Dienstvertrag).

The Austrian trade union GPA (Gewerkschaft der Privatangestellten) offers membership for platform workers providing advice, consulting, information and legal support (GPA, 2021). Similarly, the Austrian chamber of labour (Arbeiter-



kammer) offers consulting and legal support for platform workers, regardless of their employment status.

In Belgium, supported by the trade unions, the Belgian Couriers Collective has organised a range of protests, strikes and other collective actions. Along with trade unions and workers' representative bodies, the social partners have expressed a strong interest in a range of topics related to the digitalisation of the labour market and protection for workers in Belgium (Lenaerts, 2018). Social partners have identified the platform economy as one of the current societal challenges and they are discussing further involvement along with the National Labour Council (NAR/CNT) and the Central Economic Council (CRB/CCE) on how the platform economy could lead to a more secure employment and sustainable social security system (ETUI, 2016; Lenaerts, 2018: 22).

In Bulgaria, trade unions have been trying to initiate debates and forward proposals for amendments to labour law regarding job protection for dependent self-employed workers, including those working via online/digital platforms (CITUB, 2020).

In Croatia, the Digital Platform Workers Trade Union (SRDP) has been established to address the issue of platform work in the debate leading up to planned amendment of the Labour Act.

In Denmark, wage and working conditions are not subject to labour law, but are instead laid down through collective bargaining between unions and employers' associations. A few digital labour platforms like Hilfr and Just Eat have negotiated collective agreements that cover some of their platform workers (Ilsøe and Larsen, 2021; Ilsøe and Söderqvist, 2021). These platforms are registered as employers and some of their workers have a specific employment status. Other platforms like Meploy and Chabber have created temp agency models, where workers are hired as subordinate employees with flexible contracts (Ilsøe and Larsen, 2021).

In France, there is no collective agreement existing at sectoral, regional or company level involving platforms. The ordinance of 21 April 2021 lays down the terms and conditions for the representation of self-employed workers using platforms for their activities and the conditions for exercising this representation (Eurofound, 2021). The first negotiations will not take place before the end of 2022 or the beginning of 2023, but only platform workers from the delivery and transport sectors have been included. Nevertheless, no link-up with sectoral collective agreements is planned.

In Finland, any attempts to provide a specific employment status to platform workers is evidently an attempt to cover workers by collective agreements. Since 2018, an informal group of food couriers has been organised under the label ›Justice4couriers‹. The campaign is set to improve the working conditions of couriers and drivers working for platform companies in Finland (Justice4Couriers, 2018). The national Service Union United PAM has been the most active on this issue, filing a lawsuit on a food courier's employment status

in the summer of 2021. Both PAM and the Central Organisation of Finnish Trade Unions SAK have taken the stance that bogus freelancing should be prevented by legislation and that platform workers should be regarded as employees when necessary and thus covered by generally binding collective agreements (PAM 2019; SAK 2019).

In Germany, one of the best-known initiatives that emerged from the founding of a workers' council in Cologne at Foodora at the time was ›Liefer am Limit‹ (Deliver at the Limit), whose long-term goal is to fight for a collective agreement for bicycle couriers (NGG 2022). Disputes with the platform companies revolved around fixed-term contracts, equipment for the drivers and the establishment of works councils. Through public relations work on social media, the initiative is gaining nationwide recognition. All material provided by the initiative is published in German and English. The initiative was started by drivers, but was also supported by the NGG trade union (Haipeter et al., 2021:152).

Another important example is the public campaigns organised by Gorillas' workers in Berlin in 2021. The workers organised themselves in the Gorillas Worker Collective to protest against back wage payments (Gorillas Workers Collective 2022). The labour dispute lasted an entire year and addressed different problems surrounding platform work: the poor equipment of the riders, short delivery times and also workplace co-determination. The company tried to prevent the formation of a workers' council and fired striking workers. The workers went to court and were able to hold elections for a workers' council (Netzpolitik, 2021).

In Greece, a strike was organised by E-food delivery workers in 2021. The E-food platform refused to renew the workers' contracts unless they accepted freelance contracts. The strike was met with a huge outpouring of public support, with thousands of customers uninstalling the company's app during the strike. Following public pressure and strikes organised by delivery workers, E-food eventually moved to upgrade all delivery employees' employment contracts to unlimited contracts (Keptalkinggreece, 2021; Doherty, 2021).

In Italy, the first workers' initiatives were organised by informal unions active at the local level, such as Deliverance Milan, Deliverance Turin, and Riders Union Bologna. These groups have been operating outside traditional unions, using unconventional approaches such as mutual aid activities and information points providing both periodical training or emergency support, and the use of whatsapp groups and facebook pages for both internal and external communication (Marrone, 2021). In 2020, AssoDelivery, an employers' organisation in the Italian food delivery industry, and the General Labour Union (Unione Generale del Lavoro, UGL) signed the National Collective Agreement of Work, which aims to increase the protection of riders who operate as self-employed workers in the Italian food delivery sector (Eurofound, 2021).

In Latvia, only recently, trade unions have placed the issue of platform workers on their agenda. In 2020, LBAS (Free

Trade Union Confederation of Latvia) published an invitation to protect workers in atypical forms of employment, such as platform work, zero hours' work, occasional work and portfolio work (LBAS, 2020).

In Lithuania, the trade unions have been supporting platform workers' demands to provide them with more social guarantees. The G1PS union defends the rights of delivery couriers in Lithuania. In 2021, partners of the platforms operating in Lithuania set up the Courier and Driver Association (CDA) to help better represent the interests of platform partners. So far, only Bolt ride-hail drivers and food delivery couriers have become members of the association, but it is expected that more members will join (15min.lt, 2021).

In Poland, platform workers have recently captured the attention of trade unions. There have only been a few strikes by platform workers so far. All of these have been called by Glovo couriers. The first one took place in Białystok and the next three in Gdańsk. In all cases, the reasons were related to the unfavourable changes introduced overnight by Glovo governing the work of couriers - which negatively affected their level of remuneration. (Wiśniowska, 2021).

In Portugal, the trade union for urban transport has been responsible for the most active moves to protect platform workers. The North and South trade unions in the sectors of restaurants and food have made the first attempts to inform people through campaigns in the area of food delivery, but mobilisation has been very difficult to organise.

In Romania, bargaining power in platform workers' organisations has been limited to a few key attempts that appeared frequently in the media during the pandemic time (HotNews, 2020). Because platform workers are not able to be organised and negotiate collective agreements due to restrictive social dialogue legislation, they have carried out smaller informal protests to improve their working conditions. In April 2020, an initiative by a group of couriers from Glovo took spontaneous action against the CEO of Glovo Romania due to the lack of transparency regarding information on algorithms and how the score of excellence functions, fair payment according to weather algorithms, waiting time and flexibility in choosing working hours as well as fair access to information from the assistance provided by Glovo Romania.

In Slovakia, there is some evidence to suggest that platform workers are expressing an interest in organising and having their interests represented collectively. However, lack of organisational efforts results from the fact that platform workers do not have access to their colleagues Sedláková (2018). In the future, social media may play an important role in supporting informal groups of platform workers.

In Spain, trade unions have focused on trying to organise workers and have advised them to take legal action. So far, around 50 rulings have been handed down by the courts (two from the Supreme Court) denouncing the fraud inherent in the delivery platform business model. In 2017, the UGT union has launched the 'Tu Respuesta Sindical' project, which

is dedicated to advising workers on all types of platforms. As part of the project, the UGT has been gathering information, conducting studies, organising workers and creating union structures at each company to promote collective bargaining systems (UGT, 2017; Diez and Ranz, 2020).

In Sweden, a collective agreement was signed between social partners in the transport sector and Foodora in 2021 (Hauben et al., 2021). Many trade unions have been active in publishing policy reports or have carried out investigations concerning gig and platform work. Since 2019, an informal group called GigWatch has been active in dispelling the myths surrounding the platform economy. The group is not affiliated to any trade union or political party, and mostly consists of young activists, some of whom are platform workers.

# 3

## ONLINE PLATFORMS

Online platforms operate under an unclear legal framework, which is subject to minimum standards established at the national level. Existing national laws and regulations are in need of revision and update. Many platform companies that dominate industries in which they operate, for example such sectors as transport (taxi), delivery, domestic and home services or other location-based services, remain completely invisible from national authorities, by-passing not only labour regulations, but also violating established principles governing competition, workers' rights and the public good (Frenken et al., 2019). National authorities in most EU Member States such as labour inspectorates, social protection institutions and tax authorities are often not aware of the heterogeneity of online platforms' business models, how many people are working based on these and with what employment status work is being performed by workers.

### 3.1 WHAT IS A PLATFORM?

Defining online platforms across national legislations is an important starting point in any discussion about the ambiguities of platform economy in the EU. The source of definitions can be linked to different legal domains, such as competition law, corporate income tax and/or labour relationship between the platform and the worker (Barcevičius et al., 2021). So far, only a few European countries have made an attempt to introduce a regulatory framework for online platforms, e.g., France, Belgium, Italy, Greece, Spain, Portugal, Germany, Austria, Luxembourg and the Netherlands, addressing specific needs of the provision of services or relating to the working conditions of people working through platforms (Brancati, Pesole and Fernández-Macías, 2020). In many countries such as Hungary, Lithuania, Croatia, Malta, Czechia, Poland or Slovakia, labour relations between the platform and workers have not even been a subject of public discourse, and platforms continue to be characterised as »successful business models« that can provide »entrepreneurial orientation« for independent contractors (Kilhoffer et al., 2020).

Platforms generally can be defined with reference to competition law and e-commerce as private Internet-based companies with an intermediate function for a broad range of on-demand services. As can be observed in the case of Germany, one definition comes from the German »Act against Restraints of Competition« (GWB), which is explicitly

aimed at digital companies (Bundeskartellamt, 2021). These companies are defined as »companies with outstanding cross-market significance for the competition« (GWB § 19a, 2021) and »access to competition-relevant data« (GWB § 18 3a, 2021). It also introduces the legal notion of »intermediation power« to capture platform particularities. In addition, the German »Network Enforcement Act« (NetzDG) defines platforms and in particular social media platforms as »*telemedia service providers who operate platforms on the Internet for profit*« (NetzDG § 1 (1), 2017).

In the case of Greece, the definition of platform is linked to labour relations between the platform and workers. On 19 June 2021, Greece's new labour law 4808/2021 came into force. Article 68 of L.4808 defines a digital platform under Greek employment law, establishing that digital platforms »*are businesses that operate either directly or as intermediaries by connecting, through an online platform, service providers or businesses or third parties with users or customers or consumers to either facilitate transactions between them or to directly trade with them*«.

In the case of Belgium, the definition of platforms is linked to the legal framework governing taxation. The Royal Decree of 12 January 2017 lays down the conditions for platforms to receive official accreditation. Royal Decree Article 90 (second item) of the Income Tax Code (1992) relates to the specific conditions required for recognition of digital platforms in the Belgian platform economy. This definition subjects revenues as defined in Article 90 (first item) of the Income Tax Code (1992) to withholding tax on the payroll. This legal framework is linked to the Programme Law (1 July 2016), which established a favourable new tax regime for incomes derived through platform work and it applies only to platforms that have received official accreditation from the said regulation.

In this respect, the case of France is unique in the EU, as it makes reference to both: taxes and the labour relationship. First, the General Tax Code defines platform as a means/structure to put people in contact with each other at a distance, by electronic means, with a view to the sale of a good, the provision of a service or the exchange or sharing of a good or a service. (Article 242 bis of the General Tax Code). Second, the Labour Code distinguishes more specifically the platforms that determine the characteristics of the service provided or of goods sold, and fix the price of the service

(Articles L. 7342-1 et seq. of the Labour Code). In the Labour Code, these platforms are defined in Article L7341-1 as a subset of those defined in the General Tax Code. Since 2016, the Labour Code delimits a more restricted field, relating to the social responsibility of the platform vis-à-vis workers.

Moreover, Article 60 of Law no. 2016-1088 of 8 August 2016 confers specific rights to platform workers: protection against accidents at work, the right to training and the right to strike. These three rights constitute the social responsibility of the online platforms for their workers. However, this provision does not apply to all platforms, but only to those that determine the characteristics of the service provided or of the goods sold, and that fix the price of the service – mostly on-location platforms (Iudicone et al., 2019).

Even if in the case of France and Belgium, where national registries have been introduced, platform companies do not comply with the legal requirements. In France, since the 2016 Finance Act, which was strengthened by the Law against Tax Fraud of 23 October 2018, platforms have to report some information to tax authorities (DGFiP), detailed in Article 242 bis of the Tax Code. This information covers: identification details of the platform operator concerned, identification details of the user, user's status (private or professional), and the total gross number of transactions carried out by the user during the previous calendar year. Many platforms have not complied with the legal requirement, however, and the quality of the information collected by the administration is considered to be of poor quality (Mission relative à la protection sociale des travailleurs de plateformes, 2021).

In Belgium, online platforms must be accredited to apply income tax to their workers. In a few cases, however, accreditation is not mandatory to operate in Belgium: *»several international platforms that are active in Belgium either have never applied for accreditation as a large ride-hailing company) or did so only after some years (large food delivery company)«* (Hauben, Kahancová and Manoudi, 2021: 2).

### 3.2 SPECIFIC CASE: LEGAL DEFINITIONS OF TRANSPORT PLATFORMS

An important development has been observed at the sectoral level. Especially in the case of Portugal, Italy and Spain, in the attempt to recognise obligations that platforms have toward workers who use vehicles to perform their work through platforms, newly adopted legislation has introduced definitions of platforms and their activities that fall within the regulatory framework of traditional labour relations.

In Portugal, Law 45/2018, popularly known as the 'Uber' Law, defines an electronic platform as an entity that *»organises and makes available to interested parties the individual and remunerated mode of transport of passengers in unmarked vehicles.«* The law does not apply to electronic platforms that are only aggregators of services and that do not define the terms and conditions of their own business model. Non-profit vehicle-sharing activities (carpooling) and short-term driverless vehicle rental with sharing char-

acteristics (carsharing), organised or not organised through electronic platforms, are also excluded from the scope of application of the law.

In Italy, the digital platforms are considered to be the computer programs and procedures of companies that, regardless of the place of establishment, organise the activities of delivery of goods, setting the price and determining the mode of execution of the service (Disposizioni urgenti per la tutela del lavoro e per la risoluzione di crisi aziendali, 2019).

In Spain, the Rider Law (2021), which focuses exclusively on delivery platforms, stipulates that *»the notes of dependence and alienation can be translated into reality in different ways from the classic ones when the employer assumes the risks of the operation and is the beneficiary of its fruits, (...) and this even if its prerogatives are manifested indirectly or implicitly, through algorithmic management, working conditions or the service provided«* (BOE 113, 2021: 2). Unlike in other national cases, Spanish legislation introduces the notion of algorithmic management, which is a crucial legal development stipulating the disclosure of algorithms used by platforms to workers' representatives.

In other countries, such as Poland and Romania, definitions of platforms have also been introduced, although this has been accompanied by an attempt to regulate taxation. In Poland, the Road Transport Act (Lex Uber/2021) has introduced a platform obligation to contract out passenger transport only to self-employed drivers (or drivers with fleet partners) who possess relevant individual passenger transport licences. The law provides for fines for both the intermediary operating without a licence, and the driver accepting orders from such an intermediary. Consequently, all platforms intermediating in passenger transport will have to pay CIT and VAT on intermediation services in Poland. Furthermore, the intermediary will be obliged to keep track of all orders (Koziarek, 2019).

In Romania, the OUG 49/2019 (adopted in February 2020) regulates the national and international sector of ridesharing platforms and platforms related to alternative transport activities (e.g., Uber, Bolt or Free Now). To operate in Romania, the OUG 49/2019 stipulates that the online platforms for ridesharing have to be registered at the National Trade Register Office. These legal measures concern online platforms involved in transport such as Uber or Bolt, local ridesharing companies and self-employed engaging in ridesharing activities. This law was adopted to prevent tax evasion by ridesharing-related activities. The income of online platforms registered in Romania is subject to taxation under the Romanian Fiscal Code 227/2015.

Similarly, In Czechia, the issue of tax obligations has also become prominent in the policy debate. Previous analysis by the government have identified corporate income tax avoidance as a problem, using Uber as an example of a company that has sophisticated corporate structures and employs tax-shifting techniques through licence fees to avoid paying taxes in the countries where it actually provides services and uses public infrastructure (Úřad vlády České republiky,

2017: 66). The analysis also identified as a problem that the platform does not share data with authorities to ensure that the workers declare their income from platform work to the tax authorities.

Even if some countries have revised existing national laws and regulations, in the majority of cases, absence of a cohesive legal framework at the cross-national level allows platform companies to operate across countries without formal registration and specific tax obligations. The lack of national registries represents a major challenge in evidence-informed policy-making, as little is known about the number of platform companies, their turnover as well as the number of people being employed through these platforms.



## 4

## PLATFORM WORK

The understanding of platform work is predominantly influenced by legal discourses. Especially the misclassification of employment status is associated with the precarisation of working conditions, with poor access to social protection schemes and inadequate access to social security (Piasna, Zwysen and Drahokoupil, 2021: 6). Even if recognition of the employment status of platform workers is an important step in improving working conditions of workers, the way in which the platform work is performed remains insufficiently understood.

Looking just at the tasks performed through platforms, regardless of whether they are performed online or on-location, there is not much novelty in the work itself. In most of the cases, the work that is performed through platforms is not new, in terms of the scale of tasks, the format of service provision (whether the tasks are delivered locally or online), the level of skills required, the process by which the client is matched to the worker (offer of work versus competition) and the party that is in charge of assigning the work.

However, one of the grey areas of platform work as well as the »platformisation« of different sectors lies predominantly in the introduction of forms of subordination both physical and digital that as a result contributes further to the deregulation of the employment and labour relationship. While the use of intermediate companies mirrors the development observed in other standard precarious low-paid jobs across different sectors in Europe, the use of algorithmic management creates a totally new field for contestation, as the use of algorithmic management will continue to grow once digitalisation spreads to all sectors of the labour market (Barcevičius et al., 2021: 43).

### 4.1 INTERMEDIATE COMPANIES

In many cases, platform work is mediated by intermediate companies. In this chain of subordination, platform workers do not directly work for platforms, but for intermediate companies which provide services to the platforms. In several states as Austria, Poland, Czechia, Portugal or Romania, intermediate companies operate as the main representatives of the platform. These sub-contractor companies can employ or collaborate with platform workers regardless of their employment status as employees or independent contractors (Hauben, Kahancová and Manoudi, 2021: 44). In many

cases, these companies tend to have a rather small-scale fleet operated by self-employed persons that is not directly paid by them.

The use of intermediate companies is not only unique for platform workers, but also can be found in many already deregulated sectors, such as hospitality and catering or the care sector, across many non-standard, precarious and low-paid jobs, where companies use, for example, temporary employment agencies to avoid employer responsibilities and social protection obligations. The intermediation of work through third parties dilutes platforms' direct obligations as employers and makes it more difficult for workers to claim their rights (Bertolini et al, 2021). Furthermore, it serves as a purposeful way of alienating workers from each other that can reduce the practicality of trade union representation. In this way, platform companies not only disconnect from the recruitment process, but also taxation.

Nevertheless, looking at the development of the »platformisation« of different sectors, it is evident that subcontracting intermediaries by online platforms will become a common feature as more platforms are forced to reclassify workers. Since more platform workers are claiming their employment status as »employees« in court cases (Bertolini et al., 2022), online platforms have an interest in having contractual arrangements with workers and intermediaries »to avoid employment-related costs and shift economic risks onto workers« (Cherry, 2016; Barratt, Goods and Veen, 2020).

### 4.2 THE USE OF ALGORITHMIC MANAGEMENT

Platform work introduces new forms of subordination with the use of automated systems that are aimed at creating »oversight, governance and control practices over remote workers« (Muldoon and Raekstad, 2022:6). The platforms are operated via their mobile apps, which perform automated or semi-automated decision-making functions in the organisation of labour and its replacement (Altenried, 2021). The use of these functions reduces the costs for platform companies incurred to match supply and demand for services and to instruct and supervise workers. In this way, from a business perspective, very little training is necessary, although a high level of control is achieved over labour (Altenried, 2021: 6).

While business models of online platforms will continue to rely on algorithmic management to assign tasks and evaluate the work of people, the emerging literature recognises that many platforms do not use algorithms to efficiently ›match‹ clients with their services; instead they mostly seek to monitor and control the behaviour of workers (Lee et al., 2015; Rosenblat, 2018). Previous studies have highlighted how reducing human-to-human supervision may lead to platform companies adopting a more intrusive way of control in measuring the performance of workers.

To fully understand the architecture of algorithmic management technique, however, cross-platform comparisons and evaluations are required.

Instacart, a delivery platform in the US, very strictly regulates the time schedule and activities of their platform workers. Recent qualitative studies (Griesbach et al, 2019) describe how the platform has implemented an algorithmic system for pricing and payments based on techniques that are confidential vis-à-vis their delivery workers. In the wake of media attention, Instacart was at the centre of controversies over its algorithmic pricing to incorporate customer tips into workers' wages, ultimately with the effect of paying workers less (Griesbach et al, 2019: 6).

Similar to other delivery platforms that assign priority in the allocation of orders to those workers with the highest acceptance rates and high work-performance level (Veen et al. 2019), for example, the platform DoorDash has an algorithmic system based on rates of bonus pay during peak demand times to increase the labour supply. »The system promotes a promo pay on orders that workers have repeatedly declined, which increases until the order is accepted« (Griesbach et al, 2019: 7).

According to Deliveroo platform blog information provided to their website, the introduction of the free login system algorithm ›Frank‹ has the potential ›to reduce delivery times and maximise the number of deliveries per hour and to bring the best overall delivery solution«. »Frank' Deliveroo's order machine learning offers orders to riders based on their current location and the estimated travel time to the restaurant« (Deliveroo, 2022; Cano, Espelt and Morell, 2021: 60). Based on previous sociological studies, it has been determined that Deliveroo's algorithmic management increases the amount of non-paid time. Under the new free login system, for platform couriers to gain access to tasks, they have to be as close as possible to the pick-up point in terms of both time and distance for each delivery (Cano, Espelt and Morell, 2021: 62).

Similar studies on the Deliveroo and Foodora platforms in Germany have found that their metric systems function once the workers have logged on to the platforms' apps. Workers receive instructions to go to waiting points, restaurants and delivery addresses (Ivanova et al. 2018): »Deliveroo platform workers receive notifications if the GPS on their smartphone indicates they are not moving, while Foodora workers are automatically notified by the app to end the order and con-

tact a dispatcher if it takes longer than the calculated time« (Wood, 2021: 6).

Both Deliveroo and Foodora workers are evaluated by algorithmic evaluation systems and they are ranked and profiled in accordance with some categories called ›badges‹. For instance, Foodora allows top workers with a good ranking to book time slots in the best match badges: first on Mondays, second badge workers on Tuesdays and third badge workers on Wednesdays. Workers with low rankings and poor performance ›might not have the chance to work when and where they prefer« (Wood, 2021: 8).

The UberEats platform uses geospatial GPS data for matching riders with restaurants and their customers. At the same time, the app uses algorithms to monitor workers in ›real time‹ during the delivery process and checks the individual performance metrics of workers. UberEats uses three key performance criteria: acceptance ratings based on the proportion of orders accepted or rejected, cancellation ratings capturing the number of orders cancelled and a customer satisfaction rating produced upon completion of delivery (Veen et al. 2019).

Wolt delivery platform in the United Kingdom uses a system of ›task algorithm‹ for delivery requests based only on their proximity to the pick-up location, the vehicle type, and their current activity status. According to the Wolt report (2022), the platform uses delivery tasks such as the ›single task mode‹ – delivering one order or the ›bundled tasks mode‹ – while combined orders are free of any competition policy. The information available on the pick-up location and drop-off location is offered only to one courier ›who accepts a task first or fastest«. At the same time, the platform does not use any kind of ranking or rating to determine which courier is offered a delivery task and ›no adverse consequences for the courier for rejecting tasks or for asking to be unassigned from a task« (Wolt, 2022). The performance of the worker is not measured through rates of rejection or acceptance of an order. In this regard, the platform assumes a non-discrimination policy that protects workers' identity and offers no competition in delivering tasks and no further disciplinary measures are taken into consideration (Wolt, 2022).

In many cases, people working through platforms are not well informed about the control and surveillance of algorithms, and that ›through the strategic use of information asymmetry, the surveillance of workers through customer ratings and other performance measures, and behavioural nudges, like surge pricing, platform companies manage and monitor the activities of those who work for them« (Griesbach, Reich, Elliott-Negri and Milkman, 2019: 3).

Platform workers are more likely to experience negative consequences for the quality of life, poor work-life balance and fragmented income with no future prospects for job continuity. The literature points to issues related to algorithmic management that could impact people working through platforms: › (1) it may intentionally discriminate; (2) an individual's recorded errors may unfairly deprive someone of a

*job opportunity or equal pay; (3) a statistically biased data model may systemically disfavour a particular group because of the way it was created; and (4) a model may systematically operate to the detriment of members of a particular group, even if the model itself is not biased* (Kulmann, 2018: 7–8).

From the perspective of a worker, the use of algorithmic technique leads to further alienation from the organisation of work and other fellow workers. Furthermore, the practices of measuring work performance through algorithms may apply to decisions ›as negative or positive rankings‹ in relation to demographic characteristics of gender and ethnicity, and this could lead to a potential source of discrimination and impact men and women differently (Griesbach, Reich, Elliott-Negri and Milkman, 2019).

## 5

## PLATFORM WORKERS

As we emphasised earlier in the report, there are many successful examples of initiatives and collective actions within the transport and food delivery sectors. In order to establish a balanced and effective social dialogue between workers and platform companies, it is important to understand the complexities of platform work as a highly gendered and racialised field by moving away from the normative notion of a platform worker being male, able-bodied and flexible. Since precarious working conditions have different effects on various societal groups, intersectionality places the emphasis on the intertwined relationship between class, race, ethnicity and gender in seeking to understand the economic and labour market inequalities of a diverse population.

Previous research demonstrates that precarious working conditions have always been associated with disadvantaged groups. As Altenried (2021: 3) notices, »low pay and precarity are nothing new or exclusive to digital platforms, but have been the characterising conditions for migrant and racialised labour for centuries and the history of flexible and contingent labour are closely entwined with this history – and present situation – of mobile labour. Instead of addressing platforms only as innovative disruptors of standard employment, it becomes necessary to discuss how digital platforms are able to renew and reconfigure forms of contingent labour«. Therefore, in addressing the precarity of platform work and building successful strategies to strengthen social dialogue, the interests and needs of women and/or migrants should be addressed at the policy level by looking at platform work through an intersectionality-based approach.

### 5.1 MIGRANT BACKGROUND

Many sectors of the growing platform economy are highly dependent on cheap labour of migrants and minorities (Webster and Zhang, 2022). As Altenried (2021: 3) notes, »without migrant labour, there would be no gig economy as we know it«. In the Nordic and other Western European countries such as Austria, Germany, Spain, France, Italy or Ireland, platform work, especially in the food delivery sector, is often performed by migrants. For example, the share of migrants working for platforms amounts to nearly 50% in Ireland, 36% in Finland and 26% in Sweden (Brancati, Pesole, Fernandez-Macias, 2020: 27). In the case of Austria, research shows that a third status for on-location platform work is applied to asylum-seekers who have no work permit

yet. They are mostly banned from the labour market, but allowed to start their own business as self-employed persons (Refugees.wien, 2021).

The issue of migration in relation to platform work is inevitably linked to debates over migrant integration into host societies. Because many migrants have difficulties in finding permanent jobs in the labour market, so they are inevitably drawn to atypical form of employment, such as platform work, which offers easy access to earnings with limited command of the language of the host country.

Even if many workers look at platform work as a temporary opportunity, in many cases it becomes a long-term solution. A large proportion of riders and couriers, for example, work full-time and they are dependent on platforms for their income. At the same time, evidence from different qualitative studies suggests that migrant workers earn less than their native colleagues and are employed with temporary contracts characterised by instability and low payment.

In this regard, it is necessary to have a clear understanding of how migrants transition in and out of platform work and examine whether the available legal framework can assist these transitions (Lam and Triandafyllidou, 2021). While the home-delivery and transport sectors of platform economy expanded in the largest cities in Europe due to high demand from consumers during »stay-at-home« policies during the COVID-19 pandemic, platform workers are dependent on their income and need to continue their work to avoid losing their income.

As platform companies provide an entry point for many migrants »struggling with stratified labour markets requiring language skills, documents, formal qualifications« (Altenried, 2021: 3), trade union representation for migrant platform workers become essential in acquiring knowledge about their labour rights and legal options to secure social protection in the long run, regardless in some cases an ambivalent position of trade unions towards migrant workers (Afonso & Devitt, 2016).

### 5.2 GENDER EQUALITY

While men make up a greater share of the platform workforce, women's participation in platform work has been



increasing since the early 2000s, with significantly more growth among women than men (Palagashvili and Suarez, 2021). Nevertheless, women's participation in the platform economy remains invisible to the public. Unlike the work performed by delivery and ridesharing workers, who tend to be men and publicly visible on the streets of any large city, women are usually involved in doing on-location jobs that require physical work, especially in such low-skilled sectors as cleaning or caregiving platforms (Lloyd and Gauret, 2021; ILO, 2021a; Pesole et al., 2019).

Considering that sectoral and occupational segregation based on gender are already an emerging reality of the platform economy, unequal pay between women and men is now becoming more evident. Emerging evidence further suggests that the platform economy may even increase the gender exclusion and inequality existing in the traditional economy, reproducing gender, race and class hierarchies (Fuster Morell, 2016). Therefore, in addressing platform work as a gendered field of employment, there is an urgent need to have more evidence-based knowledge on the persistent wage gap, job precarity, and workplace discrimination experienced by women working through platforms.

Gender plays an important part in social dialogue (ILO, 2021b). However, women also remain underrepresented in the trade union movement. While overall women's membership rates have increased significantly in many trade unions worldwide, their representation in union leadership remains low. An intersectional approach can strengthen inclusiveness, not only in policy making but also with regard to social dialogue, by providing an analytical tool with which to better identify the consequences of digitalisation of work for different workers and the way different societal groups use different channels for communication, sharing their workers experiences and organising.



## CONCLUSION

This report has sought to highlight grey areas of policy that require further attention in the discussion as well as policy responses. While the platform economy has been expanding, especially in the last few years, online platforms and platform work remain insufficiently understood and regulated.

Future policy responses should include a strategy to bring about a stable income, social insurance coverage and safety measures for all workers, including those who are prone to more vulnerabilities such as migrants and/or women.

Due to the absence of a legally binding definition of online platform, platform companies can operate across countries without formal registration and specific tax obligations, as in many cases platforms work only as intermediaries between platform users - both clients and workers. As a result, a major challenge remains to be the need to quantify and make information public such as total turnover and the number of workers or customers.

Registries for active platforms at the national level can partially solve these issues by collecting the relevant data on the terms and conditions used by platforms, revenue and the number of people working through them, including demographic data.

Considering that platform work is here to stay and will even expand, subordination to a form of algorithmic management requires better understanding, especially regarding the way different algorithmic management techniques or ranking and monitoring impact everyday working conditions and might have long-term negative effects leading to an increased level of stress, poor work-life balance and income. To develop policy options for transparent monitoring and fair decision-making systems, as an initial step it is important to develop a clear understanding of cross-platform variations in algorithmic management control for both types of workers: those who are considered employees and the self-employed.

As the number of platform workers is expected to grow in the near future, future policy options need to focus on migrant and women's experiences in the platform economy in order to generate a better understanding of how platform work offers certain opportunities and challenges to different groups in society. By providing an analytical tool with which to better position the consequences of the digitalisation of work for different workers, an intersectional approach can strengthen inclusiveness in policy-making and social dialogue.

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