Trade union strategies to support the working conditions of platform-mediated workers.

1. ETUC approach to the issue

The business model of the platform companies is based on the competitive advantage obtained by putting pressure on labour costs.

Companies that use digital tools such as apps and websites to serve potential customers, present themselves as a new and modern form of work, "platform", to which employment law would not apply. These companies are lobbying at all levels for a separate status that would legitimise foregoing employer risks.

Digital labour platforms (not digital marketplaces, search engines or social media) must be recognised as employers, with all the legal obligations that this entails in terms of payment of income tax, financing of social protection, responsibility for health and safety, due diligence and corporate social responsibility and their workers should be acknowledged as workers.

All workers [in this case: all non-standard workers and workers in platform companies (including the self-employed)] should be granted the rights to organise, to be represented by a trade union and to collective bargaining, access to minimum wages, social protection and respect for working conditions.

2. National experiences

In countries with a strong tradition of social partnership, trade unions have sought to reach agreement with employers' associations on digitisation. As far as collective bargaining is concerned, a number of problems are emerging, although from a historical perspective most of them are not new but require legislative adjustments. Firstly, competition regulations could hinder collective bargaining, as the introduction of minimum terms and conditions of employment can be interpreted as "price fixing". EU competition law and national competition rules must be interpreted in the light of fundamental rights, recognising the right to collective bargaining for all workers, atypical and platform workers (including the self-employed). Non-standard workers and workers in platform companies (including the self-employed) represented by a trade union when bargaining collectively must not be considered undertakings for the purpose of competition law.

Second, in countries where collective bargaining at the sectoral level prevails, this implies that digital work platforms should join existing employers' associations or set up their own associations. As most platforms see themselves only as a technology market and not as real employers, this is not currently happening.

Some initiatives are presented below:

- Code of Conduct on Crowdsourcing, launched in 2015 and promoted by IG Metall, the signatories of the code commit themselves to respect "local wage standards". Eight platforms based in Germany have signed the code.

- The Italian Union of Workers in Tourism, Commerce and Services (Unione Italiana Lavoratori Turismo Commercio e Servizi, UILTuCS) and the Italian Federation of Workers in Commerce, Hotels, Canteens and Services (Federazione Italiana Lavoratori Commercio, Albergo, Mensa e Servizi, Filcams) are promoting initiatives to raise awareness on working conditions in the platform sector. They are also actively involved in negotiations for platform workers.
- FairTube. FairTube is a campaign that demands fairness and transparency for people who create videos on YouTube. The FairTube campaign is a joint initiative of IG Metall and the Youtubers union. The campaign claims that YouTube has made it difficult for small content creators to make money on the platform, while favouring channels of big creators such as companies, celebrities or media companies. FairTube calls on YouTube to publish all categories and decision criteria that affect monetisation and video viewing, to provide clear explanations of individual decisions, to give YouTube a human contact person, to allow YouTube to challenge decisions that have negative consequences, to create an independent mediation board for dispute resolution and to establish formal YouTube participation in important decisions.

- Collective agreement for bicycle couriers in Austria. The Austrian social partners have agreed on the first collective agreement for bicycle couriers. The new collective agreement applies to all bicycle couriers, i.e. both those with an employment contract with a traditional company and those with an employment contract with a platform. From 2020, they will receive a gross monthly salary of €1,506 and extra pay for holidays and Christmas. The collective agreement provides for a 40-hour week and the possibility of working only four days a week. When couriers use their own bikes and equipment, they will receive extra compensation of €0.14 per kilometre.

- turespuestasindical.es The initiative was created by the Spanish trade union Unión General de Trabajadores (UGT), with the aim of supporting workers in the platform economy. The aim is to ensure that more platform workers have a standard employment contract, as they state that "autonomous" employment relationships are very risky for the employee in terms of social security and health insurance.

- Charter of Fundamental Rights of Digital Workers. On 31 May 2018 in Bologna, Italy, a "Charter of Fundamental Rights of Digital Workers in Urban Areas" was signed by the mayor of the city, the Bologna Running Union, CGIL, CISL, UIL and by two food delivery platforms, Sgnam and MyMenu, which together employ around a third of the food delivery workers in Bologna. The charter provides for a fixed hourly rate equal to or higher than the minimum wage in the sector concerned, compensation for overtime, public holidays, compensation for bad weather, insurance (covered by the platform) for accidents and occupational diseases, as well as coverage for accidents that may occur on the way to and from work, compensation for bicycle maintenance, and the guarantee of freedom of association and the right to strike.

- Collectif des Courrier-e-s. The Collective is self-organised and was born in Belgium in 2016 and is made up of bicycle couriers from several food delivery platforms, such as UberEats, Deliveroo and TakeAway. It is supported by the trade union confederation ACV-CSC. The Collective aims to negotiate better working conditions for cyclists. To this end, it has organised several strikes. In addition, it organises meetings, liaises with other initiatives throughout Europe and has set up a "strike bank" to collect money to support striking workers.

- Foodora works council, Austria. In March 2017, Foodora's bicycle couriers elected a works council in Vienna, which aims to negotiate an agreement with Foodora’s management on better working conditions, particularly during the winter period. The demands include guaranteed mileage allowance (10-15% of the overall salary), insurance for bicycles and smartphones in the event of damage or theft. In addition, the works council will negotiate for greater transparency in the monitoring of its couriers and in the application of disciplinary measures.

- Collective agreement for the Italian logistics sector. In December 2017 a collective agreement was concluded in the Italian logistics sector which, for the first time, includes food delivery endorsements in its contractual qualifications. The agreement covers working time, the obligation to give notice and compensation for changes in working hours and compensation in the event of illness.
- CGT (General Confederation of Labour). The CGT encourages the creation of local unions to defend the interests of the workers in the platform. The CGT strengthened its approach to organising the self-employed workers in the platform from its 2016 congress. In addition, in the south-western region of the Gironde (Bordeaux) the CGT bicycle couriers union has been set up. It represents around 700 food delivery workers for various platforms such as Foodora, Deliveroo and UberEats.

3. Conclusions

However, it is important to stress that when trade unions are successful in relation to platform workers, it is usually also thanks to a favourable context (good will from the platform, small scale of the business, more humane business-model...). Trade unions can do a lot, but regulation is needed