

Lessons from an anarchist perspective to the platform economy

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«LABOUR LAW AND THE DIGITAL TRANSITION»

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Premises

- Digital economy/capitalism brings about a re-configuration of the two traditional authorities on the labour market, i.e. the State and the employer;
 - Platform companies promotes a (false) narratives of freedom and autonomy in the socio-economic and employment context;
- *Why not looking at the ideas of those who claimed the abolition of authoritarianism from society as a way to achieve individual freedom, i.e. the anarchists?*

Ambition



- How to re-define labour law in a more democratic, equalitarian, inclusive, less hierarchical and authoritarian way?



Employer's authority and labour law

- Employers' authority is the cornerstone of labour law:
 - The factory as «*an absolute monarchy*» and the contract of employment as «*a command under the guise of an agreement*»;
 - The employment relationship as «*exercise of power in which there is control not only over what but also over how and when work must be done*»;
 - Labour law recognizes and codifies it by ensuring protection *within* subordination;
- The neo-liberal state and the flexibilisation of the labour market → less protection and new forms of employer's authority;

Anarchism and authority

- Questioning the legitimacy of social and legal rules constraining individual freedom and of hierarchical and inegalitarian social structures that make freedom impossible;
- Ultimate of anarchism value is freedom of the individual;
- Recognition of authority «from below» → legitimacy from voluntary and collective association of individuals.



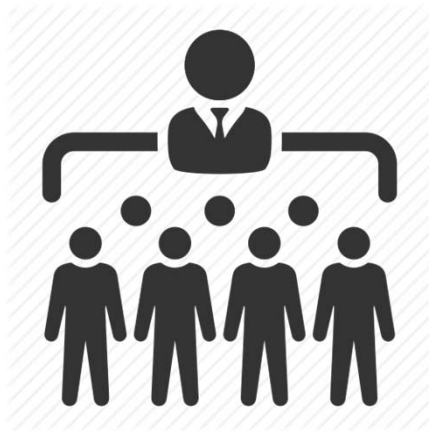
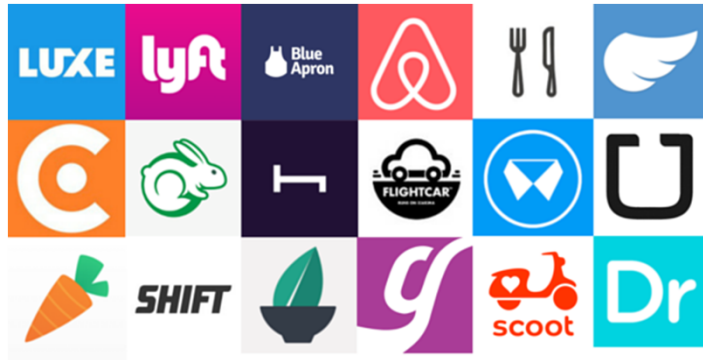
- *«The freedom of individuals is by no means an individual matter. It is a collective matter, a collective product. No individual can be free outside of human society or without its cooperation» (Mikhail Bakunin)*

An anarchist prophecy

«Statistically, through the shift of manufacture from Europe and North America to the countries of the Pacific Rim or Latin America, where labour costs are cheaper, the owners of capital have shifted production, while automation and a change in the materials used, have made the factory itself obsolete. Capital has achieved its object which was to eliminate labour...»

Colin Ward, «The Factory We Never Had» (1995)





Employer's authority and digital economy

- From «craftman knowledge» to «Taylorism» and «Fordism» to «micro-tasks» of digital labour;
- Re-configuration of employer's authority:
 - Shifting managerial tasks (and risks) to workers;
 - «Just-in-time» micro-labour;
 - From «employer» to «consumer» of labour;
 - No contractual obligations;
 - Management through algorithms → digital monitoring and control.
- Platform companies' rhetoric vs Employer's authority augmented!

Anarchism and (labour) law

- Rejection of any metaphysical origin of the law (State ≠ government);
- Horizontal and decentralised forms of socio-political organising;
- Voluntary and collective association of individuals based on mutual contracts between peers;
- Federalism and mutualism.



«The anarchists conceive a society in which all the mutual relations of its members are regulated, not by laws, not by authorities, whether self-imposed or elected, but by mutual agreements between the members of that society and by a sum of social customs and habits – not petrified by law, routine, or superstition, but continually developing and continually readjusted in accordance with the ever-growing requirements of a free life stimulated by the progress of science, invention, and the steady growth of higher ideals»
(Pyotr Kropotkin)

Anarchism and the workplace

- Replacing the hierarchical organisation of the capitalist company with horizontal and democratic structures;
- Self-organised collectivity of workers;
- Different means and views:
 - *Workers' Cooperatives;*
 - *Collectivisation of ownership;*
 - *Abolition of labour division;*
 - *Workers' control and self-management;*
 - *Decentralising production and decision-making.*
- Socio-economic organising based on mutualism and reciprocity, i.e. solidarity.



What contribution for the labour law debate in the digital economy?



Radical critique of labour law → Questioning the idea of protecting workers within a relationship of subordination;



Challenging the bilateral understanding of the employment relationship → Horizontal and collective organising of production;



Providing conceptual grounds for «re-inventing» labour law «from below» → Informing democratic views of labour relations;



Questioning the «nation-state» as regulatory power and space → Re-scaling labour law.

Where to look?



- (Ephemeral) Historical experiences of workers' self-management;
- Small and less small workers' cooperatives;
- *Empresas recuperadas* in Argentina and other post-crisis contexts;
- Platform cooperativism;
- Self-organising «gig workers».

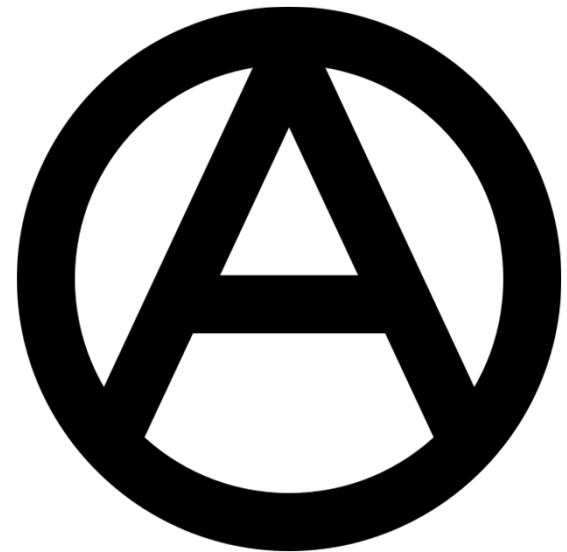
Workers' cooperatives – a way forward for labour law in the digital economy?

- Existing practices and variety of experiences → difficult categorisation;
- Blurring key dichotomies in labour law and work relations:
 - *Worker / producer*
 - *Employee / self-employed;*
 - *Employer / employees*
- Tackling company structures rather than workers' status;
 - *Alternative organisation of production and of economy;*
 - *Social values and aims;*
 - *Collective decision-making processes and mechanisms.*
- Question of representation and role of trade unions?



To conclude...

- Promoting progressive and emancipatory views on labour regulation and work relations;
- Radical ideas for coping with radical changes;
- Responding to the «*analytical problem*» of labour law, i.e. that «*a specific form of regulation at a particular moment in time has come to be seen as the form, rather than a form, of labour law*».



Thanks for your attention!

COMMENTS? REMARKS?

