

# ETUI

## Labour Rights & the digital Transition

### Presentation CSC United Freelancers (Belgium)

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# Lessons from the field - 1

- A lot of workers no longer have an employment contract, even in traditional activities
  - Chosen or not, or both
- There is more aspiration for autonomy from the workers, and unions should value this (sign of empowerment/emancipation of the workers)
  - We want bread, roses and freedom from bosses too.
- Platforms are an accelerator/flagship of a more general evolution

# Lessons from the field - 2

1. Platforms spreading in a lot of different sectors
  - *Delivery, Retail, Care, Teaching, Services (cleaning, gardening, guarding, ...)*
2. « Incumbent » economy/company turning more and more to use platform technologies and organization
  - *Ex : taxi companies developing Uber-style customer application and organization*
3. Even platforms acting as pure « meeting place » tend in most cases to evolve into prescriptive platforms
  - *As more and more customers and service providers are joining, the platform tend to measure/control/rank/run the services providers, turning into an « organized service » rather than a pure directory.*
  - *To be more profitable, collect and increase their margin, platforms have to monopolize customer interactions, control the money flow and pressure downwards service providers earnings.*
4. A huge majority of the platform workers are de facto **subordinate** to the platform, and should be considered as employees. Not because unions wants to put workers in boxes, but because of the working conditions the platforms impose.

# Challenges when organizing platform/self-employed workers

- Workers difficult to reach
  - Scattered workers
  - Isolated workers - Work organised to avoid cooperation between workers
- Workers' Turnover
- Informal work
- Reluctant employer
  - Platforms purposely by-passing labour laws
  - As workers are not declared/recognized as workers, no traditional unionization tool is available (social elections, union delegations, collective bargaining institutions at company, sector or national level, ...)
  - Difficult to address the platform (avoidance strategies, no seat in working country, ...)
  - Algorithmic management
- Cultural gap
  - *Language, culture, young workers ....*
  - Widespread feeling that unions are not for them, but for « traditional » workers -> need to demonstrate union relevance to these workers

# What do the platform workers want ?

- Most of the workers don't seek for a specific working status. They want :
  - Flexibility ? Sure. But flexibility to work AND earn money when they want. Not the flexibility to wait (unpaid) for orders when they want.
  - Guaranteed minimum hourly revenue when they are connecting to the platform and are available to take orders (including waiting and travel time)
  - No arbitrary disconnection / transparency on the algorithm choices
  - Insurances/social security (revenue when unable to work, work accident protection, ...)
  - Specific demands and possibility to address the platform -> typically the social dialogue and collective bargaining is the answer
- Some workers would like to be self-employed. But they soon realize that working through platforms makes it most often impossible to really be independent.

Most platforms decides who can work, under what conditions, specify the service, select the service provider, control any interaction with the customers, ...

# ACV-CSC union answer

- Overcome traditional views
  - Aspiration to more autonomy doesn't involve the worker will refuse unionization or collective solidarity schemes
- Adapt organizing methods to reach and be relevant to those workers
  - United Freelancers : being linked by a work contract is no longer the condition to unionize. UF is organizing platform workers and self-employed workers. Whatever their legal status, workers have to defend their working conditions. And unionize is the most effective way to reach this.
  - Develop new tools/entry points, e.g.
    - Dedicated access point (United Freelancers)
    - Smartphone-based application to seek union advice, compare and report on working conditions, get in touch with colleagues, etc.



# Our demands

1. Following the judicial route will not solve the issue of widespread bogus self-employment when working for platforms
  - A legislative intervention is needed
  - NOT to make new laws, tailor-made for the platforms, BUT to clarify the concepts of subordination, self-employed vs employee, in the modern world and with today's technologies
    - E.g. : the algorithm IS a manager
    - E.g : the platform application IS a working place
    - E.g. : checking a button « I accept » on a web page is not a meaningful proof of the genuine will of the worker
2. We refuse any third status or « framed self-employed » status (as proposed by Prop22 in California)
3. Rebuttable presumption of employee for platform workers
  - The 2 statuses should be possible, according to the real autonomy the platform leaves to the worker, but the default status should fit to the current situation of the majority of platform workers.
4. As far as algorithms are managing workers (hiring, dismissals, allocation of work, ...), they should be open for scrutiny by social inspection, workers and unions, to check e.g. no criteria/automatic procedure are discriminatory, harassing or violent.
5. Make right of collective bargaining effective also for genuine self-employed workers