

UNVEILING THE SUBORDINATION IN THE PLATFORM ECONOMY

LABOUR RIGHTS & THE DIGITAL TRANSITION, ETUI-ELW

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"Before the Internet, it would be really difficult to find someone, sit them down for ten minutes and get them to work for you, and then fire them after those ten minutes. But with technology, you can actually find them, pay them the tiny amount of money, and then get rid of them when you don't need them anymore"
(Lukas Biewald, Crowdfunder).



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Crowdsourcing

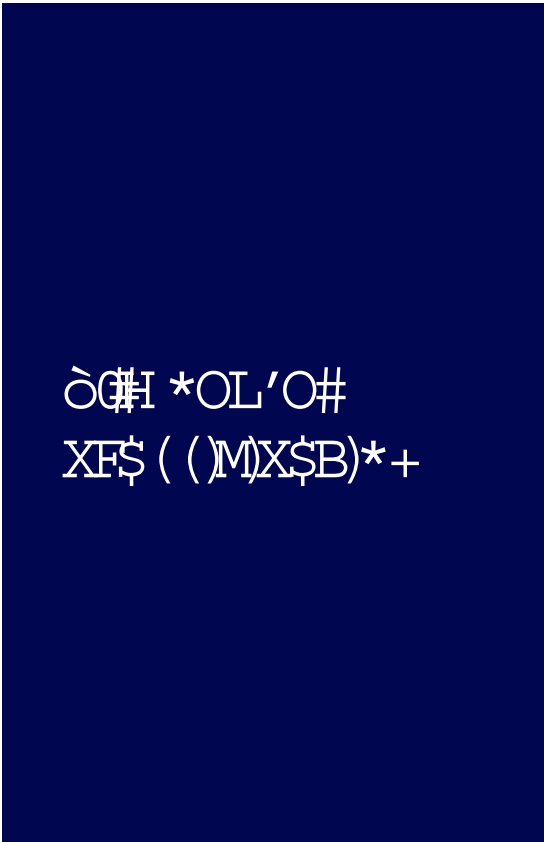


Contratación on-demand



Trabajadores autónomos





Important legal and social conflict



Labor relationship

(Spanish Supreme Court, German Federal Labour Court, French Cour de Cassation, Italian Courte di Cassazione, Supreme Court UK)



Independent contractor

(Courts of Munich, Madrid, Paris, Torino, Milano...)



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1. New elements of flexibility
 - Freedom to work
 - Capacity to reject work

2. New and sophisticated narrative

3. Regulatory arbitrage



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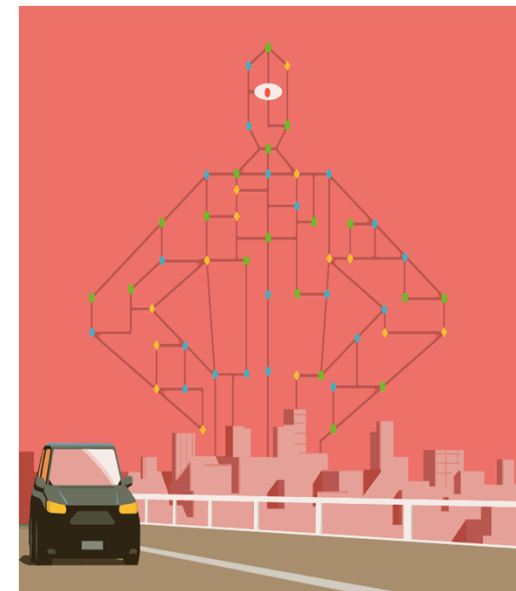
1. Reality of platform work reveals the existence of subordination
2. Essential role of technology in unveiling the subordination



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1. Algorithms as subordination:

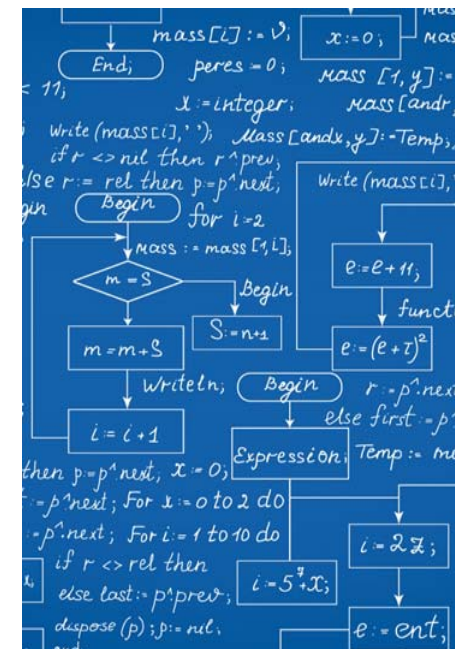
- Algorithmic management
- Geolocation systems generate access to massive data
- Effective form of management
- Organizational metrics
- The Spanish "solution"



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2. Technology as relevant productive infrastructure

- Platform, App and algorithm as nuclear and essential to the intermediation activity
- Decisions ECJ 20.12.2017 (Élite Taxi v. Uber): “the company provides an application without which (i) those drivers would not be led to provide transport services and (ii) persons who wish to make an urban journey would not use the services provided by those drivers”.



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3. Absence of entrepreneurial opportunities

- Importance of algorithms in matching supply and demand
- Prohibition to pursue business opportunities outside the platform's marketplace
- Adoption of business, economic and strategic decisions by the platform
- Platform's brand



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- Importance of technology in unveiling the subordination in platform work:
 - Algorithmic management
 - Technology as essential infrastructure
 - Absence entrepreneurial opportunities
- Labor relationship in platforms that intervene in match-making
- Importance of the labor relationship to protect workers' rights in the digital transition



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