

Giving rights to platform workers: are collective agreements the right tool?

Daniela Ceccon

WageIndicator Foundation and
University of Amsterdam

Amsterdam, 25th October 2019

COLBA

WageIndicator.org

You Share, We Compare

- Not-for-profit network founded in the Netherlands as **Loonwijzer** in year 2000
- 125 countries – 48 languages
- 6 offices
- 100 team members
- 30 million visitors every year (and growing)



COLBA



- Collects and provides information on

Salary +	Labour Law +	Career +
----------	--------------	----------
- Runs online/offline surveys on:
 - WAGES
 - COST OF LIVING (calculates LIVING WAGES)
 - LABOUR CONDITIONS (calculates COMPLIANCE)
- Collects and publishes information (through desk research) on:
 - MINIMUM WAGES
 - LABOUR LAW
 - COLLECTIVE AGREEMENTS

COLBA

WageIndicator.org

You Share, We Compare

Home

Salary +

Labour Law +

Career +

Collective Agreements Database

Garment Factories

- Established in 2012
- Over 1000 CBAs from 57 countries
- Agreements are collected, annotated (coding scheme with around 750 variables) and published in WageIndicator national websites
- 9 topics



Social security and pensions

Training / apprenticeship

Individual employment contracts / job security

Sickness and disability

Health and medical assistance

Work-life balance arrangements

Wages

- Established in 2012
- Over 750 companies from 57 countries
- Agreements are collected, analysed and published
- Working hours, schedules, holidays and days of leave
- Equality and/or violence in the workplace
- 9 topics

Working hours, schedules, holidays and days of leave

COLBAR-EUROPE ator.org

- EU-funded project

Supported by the European Commission, DG
Employment, Social Affairs and Inclusion,
VP/2018/004/0008



- Total duration: April 2019 – March 2021
- Scope: improve knowledge about the content of Collective Labour Agreements in EU28 plus 5 candidate countries and about the content of Transnational Company Agreements (TCAs). 600+ CBAs + 25 TCAs

Platform workers have entered collective agreements for the first time.

Three cases:

1. SPAIN
2. ITALY
3. DENMARK

1. SPAIN

In 2019, the Hospitality, catering and tourism sectoral agreement - ALEH (2015) was updated and now includes riders:

salones de té, «cibercafés», gastrobares, kebabs, ambigús, salas de baile o discotecas, cafés- teatro, tablaos, billares y salones recreativos, así como los servicios de comidas o bebidas en casinos de juego y bingos. Igualmente estará incluido el servicio de reparto de comidas elaboradas o preparadas y bebidas, a pie o en cualquier tipo de vehículo que no precise autorización administrativa establecida por la normativa de transporte, como prestación de servicio propio del establecimiento o por encargo de otra empresa, incluidas las plataformas digitales o a través de las mismas.

What do they get?

- Social security: pension fund, disability fund
- Trial period, training, apprenticeship
- Health and safety policy and training
- Maternity leave and related health and safety rights, paternity leave
- Gender equality provisions, clauses against sexual harassment and violence at the workplace
- Flexible hours

2. ITALY

In 2018, the Transport and logistics sectoral collective agreement (2017) was updated and now includes riders:

Al fine di disciplinare i rapporti di lavoro finalizzati allo svolgimento di tali attività le parti stipulanti convengono, per la distribuzione di merci con mezzi quali cicli, ciclomotori e motocicli (anche a 3 ruote) che avvengono in ambito urbano, anche attraverso l'utilizzo di tecnologie innovative (piattaforme, palmari etc.), le seguenti norme che fanno parte integrante del CCNL "Logistica, Trasporto Merci e Spedizione", in attuazione a quanto previsto nell'Accordo di rinnovo sottoscritto il 3.12.17.

What do they get? --> specific provisions

- Social security
- Health insurance
- Minimum collectively agreed wage
- Maximum working hours
- Option of part-time work and flexible work
- Protective equipment
- Insurance for their vehicle
- Possibility to do 2nd level bargaining (at company level)

All very nice BUT:

Multinational platforms don't want to hire the riders, so the trade union has to fight case by case.

In Italy, in July 2019, the delivery company Runner Pizza (based in Firenze) hired 200 riders with proper contracts under the new Transport and logistics sectoral agreement. Runner Pizza delivers using apps like Just Eat, so it is technically an agency and not a platform.

3. DENMARK

In August 2018, the app Hilfr – providing cleaning services – signed a company collective agreement with the trade union 3F Private Service, Hotel and Restaurant. The CBA covers employees only, but – after 100 hours of work via the platform – freelancers get a ‘premium account’ as Super Hilfr and are employed (if they want, otherwise they can continue as freelancers - CRITICISM).

What do they get?

- Social security: pension fund, unemployment fund
- Paid leave
- Sickness benefit
- Health insurance
- Basic / minimum wage including allowances

COUNTRY	TYPE OF WORK	SOLUTION AND CONTRACT	CONDITIONS	LIMITATIONS
Spain	Rider	Inclusion in existing hospitality <u>sectoral</u> CBA	Needs to be hired. Can be hired only if working for one employer (restaurant or platform)	Platforms don't want to hire because they claim they are only intermediaries. Trade union fights case by case
Italy	Rider	Inclusion in the existing transport/logistics <u>sectoral</u> CBA	Needs to be hired. Can be hired only if working for one employer (restaurant or platform)	Platforms don't want to hire. The only example is a local case where the employer is not the platform, but an agency.
Denmark	Cleaner (Hilfr)	Hired by the platform under the <u>company</u> CBA	Works at least 100 hours through Hilfr app	It's a company decision

COUNTRY	TYPE OF WORK	SOLUTION AND CONTRACT	CONDITIONS	LIMITATIONS
Spain	Rider	Inclusion in existing hospitality sectoral CBA	Needs to be hired. Can be hired only if working	Platforms don't want to hire because they claim
Italy	Rider	Inclusion in existing transport sectoral CBA		platform, but an agency.
Denmark	Cleaner (Hilfr)	Hired by the platform under the <u>company</u> CBA	Works at least 100 hours through Hilfr app	It's a company decision

Riders are included in existing collective agreements - When hired, they get all rights others get (lots of rights) → difficult for platforms to agree (FIGHT)

COUNTRY	TYPE OF WORK	SOLUTION AND CONTRACT	CONDITIONS	LIMITATIONS
Spain	Rider	Inclusion in existing hospitality <u>sectoral</u> CBA	Needs to be hired. Can be hired only if working for one employer	Platforms don't want to hire because they claim they are only
Italy	Rider	Incl tra sec	<p>It's country specific (no obligation to fall under a sectoral CBA, the company can bargain a CBA to give rights, in Denmark cleaning agencies with hired cleaners are common, no self-employed cleaners)</p>	
Denmark	Cleaner (Hilfr)	under the <u>company</u> CBA		

Are collective agreements a good tool to give rights to platform workers? **THEY CAN BE, but:**

- Trade unions need to organize platform workers --> hard but possible
- ‘Old’ sectoral agreements: difficult to apply because it is difficult to identify if the platforms are a ‘tool’ or an ‘employer’, and they don’t accept to hire and to give these many rights to platform workers anyway -- > fight
- Company CBAs: could be a solution (Hilfr proves it’s possible), but only in those countries where there is no obligation to fall under a sectoral agreement (and where the platform wants to hire).
- Brand new collective agreements for all platform workers OR inclusion of all free-lancers in collective agreements → we don’t have existing examples¹⁸

UPCOMING PROJECT: Research about wages and working conditions in the platform economy

Aim

Transparency about legal issues and earned income in platform economy across 6 countries: Netherlands, Argentina, India, Spain, South Africa, United Kingdom

Survey

3600 face-to-face/web interviews with workers and self-employed in 10 platforms in 6 countries

Overview of Labour Law clauses relevant for platform workers in 6 countries

Resulting in pages on national WageIndicator websites in the 6 countries

With information about the relevant Labour Law clauses and content of contracts

Salary Check for most common job titles in platform economy

Funder and Timeline

Stichting Instituut GAK, Netherlands

October 2019 – April 2021

Partners

WageIndicator Foundation, University of Amsterdam/AIAS-HIS, UVA Arbeidsmarkt Research BV

Requests to the conference audience

If you would like your platform or your workers to be involved in the project, please contact us: office@wageindicator.org

We know CBAs for riders have been signed in Austria and Norway – we don't have access to the texts yet ^_^

This is a work in progress, so please send your CBAs !

→ WageIndicator CBA Database:

<https://wageindicator.org/cbadatabase>

THANK YOU!

danielaceccon@wageindicator.org