



**SWIRL – Slash Workers and Industrial ReLations
PROJECT**

*DG Employment, Social Affairs and Inclusion
“Improving expertise in the field of industrial relations -
VP/2018/004”*

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT
PRACTICES IN INDUSTRIAL RELATIONS:**

CASE STUDIES’ REPORT

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1. INTRODUCTION

One of the SWIRL project aims is to identify and study the most relevant practices of protection and representation of contingent/slash workers, analysing in depth their needs and aspirations, if and how these needs and aspirations are represented and promoted, and barriers found. Within WP3, Task 3.2 centres on the detection and analysis of relevant practices in industrial relations in order to ascertain and assess their level of effectiveness and impact. In order to accomplish this goal, each of the five countries participating in the project had to select and develop three case studies.

The selection of the case studies had to meet at least one of the following criteria:

- a. innovative experience in terms of organization and engagement of the slash worker community;
- b. diversification of the methods of support, mobilization, advocacy and involvement of workers;
- c. extension and intensity of the voice and representation actions in terms of the number of workers involved, if limited to a company or within an entire industry context, whether local or national.

If a “failed experience” were to be selected, the analysis would include a reconstruction of the explanation of such failure, whether it was deemed to be linked to contingent or structural factors, and what critical elements should strategies have adopted or avoided in the experiences examined.

As agreed at the Paris 2020 project meeting, the UCA research team, leader of WP3, designed a content structure guideline to present each of the case study reports (see Annex 1.). The content structure proposed mainly included:

- an introduction with the justification of the selected case according to the criteria mentioned above and a brief description of the contingent/ slash-worker (SW) profile the organization represents (online/offline; tasks/projects; qualified/low qualifications, etc.);
- the general characteristics and the organizational and decisional structure of the organization created to represent and support contingent/SW and the characteristics of associate workers / members;
- the main actions of mobilization (collective resistances) regarding contingent/SW members’ needs, outcomes and effects;
- the relations with other industrial relations’ actors such as trade unions, associations and other relevant organizations (role of trade unions- outreaching workers, efforts to organize or self-organize, legal strategies, collective representation, negotiations and conflicts -if applicable) and the relations/connections with similar organizations in other territories;
- the future expectations / actions and the conclusions.

The case studies' analysis was based on literature reviews, news dossiers, websites information and, in some cases, on interviews to workers and/or members of the selected organisations or initiatives. The fieldwork was carried out between June 2020 and February 2021 within the Covid-19's pandemic context with restrictive health-related mobility measures and reduced social contact possibilities and recommendation. Therefore, most of the interviews were carried out online or by phone and digitally recorded.

Each partner presented three case studies except for the Bulgarian team that developed two and the Italian team that developed four cases. The UCA team collected and analyzed all the case studies (fifteen in total), trying to identify common patterns and divergences among them. Comparison analysis was not possible since not all of the chosen cases had a comparative common ground; some case studies could be comparable but others not. Moreover, some of the cases lacked some of the requested information due to different reasons (information not available, impossibility of interviewing key informants, etc.).

Consequently, this global report offers a general introduction to the fifteen case studies focusing on the common patterns they have such as the type of actors that promoted the initiative, if the initiative had a top-down or a bottom-up approach, the final type of organization that emerged, the objectives and the economic sector in which the organization operates, the trajectory the organization has and if it is a consolidated organization or a more recent / embryonic initiative. After this brief presentation, the case studies reports follow according to a country distribution. Finally, the report offers some final remarks.

2. SWIRL CASE STUDIES: A BRIEF PRESENTATION ON COMMON PATTERNS

We must begin our analysis of the different case studies presented in this report by stating what might at this point be considered a self-evident conclusion but that is, nevertheless, worth noting: while slash work is defined as the holding of two or more jobs normally in different sectors and has a clear and seemingly coherent identity when juxtaposed with normative or standard forms of employment, its reality is so multifaceted as far as motivations, situations and experiences are concerned that, so far, no initiatives have been found that specifically deal or try to answer the needs of protection and representation of contingent or slash workers as a category of workers. What we have found instead are very varied initiatives that try to give response to workers' aspirations or needs but as they pertain to specific sectors of activity or workforce management practices whose nature and characteristics result in contingent or slash work becoming an inherent condition. Thus, for example, we find initiatives that are designed to answer the needs of riders, IT freelancers or workers in the cultural/artistic sectors, whose workers happen to be slash/contingent, but the initiatives

circumscribe to the specific sectors, not to the general condition of slash work. This is, in fact, coherent with several of the main conclusions of the global report 3.1 from this same work package, the analysis of slash workers' labour identities, working and living conditions, social protection and collective representation: *“none of our interviewees has expressed specific requirements for social protection or collective representation as slash workers. The protection gaps described and the types of organizations they feel represented by are related to the particular situations or conditions of each of their work activities or employment situations”* (p.76) and, furthermore, despite their overall limited involvement in collective representation or mobilization, when slash workers do engage in forms of collective action or organization these tend to be exclusively related to a single job, usually what they consider to be their primary activity (p.77).

Along general lines, we find four distinct types of initiatives: cooperative enterprises, initiatives promoted by traditional trade unions, grassroots initiatives to represent specific groups of workers, and innovative or socially conscious business models. We include the following table as a quick reference to guide this section. It presents a summary of the case studies analysed, the country and year of founding of the initiative and a brief description of the type of organization or initiative it entails, as well as the main objectives the initiative aims to achieve.

TABLE 1: CASE STUDIES ANALYZED.

CASE STUDY	COUNTRY	TYPE OF ORGANIZATION / INITIATIVE	MAIN OBJECTIVES
	YEAR OF FUNDING		
CITUB App	Bulgaria	Confederation of Independent Trade Unions of Bulgaria (KNSB/CITUB). It is the largest trade union confederation in Bulgaria.	The mobile App named VOPX KNSB was created to report irregularities in the workplace in order to: -Fight the informal economy and reduce undeclared work. -Increase public awareness of the problem and encourage citizen participation.
	2019		
Coopcycle https://coopcycle.org/fr/federation/	France	Federation of cooperatives of food delivery cooperatives with a strong anarcho-syndicalist/hacker ethic.	To foster the emerge of new coops by providing legal and entrepreneurial help.
	2016		
Consegne Etiche https://consegnetiche.it/	Italy	Cooperative platform for food home delivery. Grassroots movement, synergy between municipalities and informal unions.	-To set up an alternative model of home delivery platform: a courier cooperative within the framework of the social and solidarity economy, as an alternative model to the "big multinationals".
	2020 during first COVID-19 lockdown		
Doc Servizi	Italy	Self-management cooperative company that manages the labor and professional	The cooperative acts as direct employer of the workers: directly employing musicians and technicians as

https://docserv.izi.retedoc.net/	1990	activity of artists and technicians in the music industry. Bottom-up experience launched by a group of workers.	subordinate workers by applying the job-on-call employment contract.
Fairbnb https://fairbnb.coop/	Italy	Tourist housing platform cooperative as an ethical and innovative alternative.	-Promoting an alternative approach to tourism and the development of the tourist housing market. It is a cooperative that functions as a platform and whose owners are interested in redistributing value to the local community: profits are redistributed to finance local projects in the cities where the platform is active.
	2018 (although the Project started in 2016)		
HappyDev https://happy-dev.fr/en/	France	Cooperative for self-employed ICT professionals covering several sectors.	- To promote self-employment rights and to foster a new philosophy of freelancing among self-employed workers in the IT sector in France. - To organize cooperation and dialogue between freelancers.
	2015		
Humus www.humusjob.it	Italy	Innovative start-up with a social mission, operating as a labor intermediation platform committed to the promotion of regular hiring in the agricultural sector.	- To match labor supply and demand. - To encourage the creation of the so-called network contract (contratto di rete) between companies. - To give visibility to companies that hire their workforce on a regular basis by means of a certified "ethical seal".
	2019		
IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work https://ombudstelle.crowdwork-igmetall.de/en.html	Germany	Trade union initiative. IG Metall is the leading metalworkers' union in Germany. It has established the "Code of Conduct" for platform work in cooperation with the Crowdfunding content.de platform and with the participation of other European trade unions. It has also set up a mediation office to deal with disputes arising between workers and platform signatories to the Code of Conduct.	- To propose labor regulation to ensure fair working and employment conditions for platform workers.
	2015 (Code of Conduct) 2017 (Mediation Forum)		
Les Sons Fédérés https://sons-federes.org/	France	A collective of sound engineers and "sound craftsmen" who work mainly as freelancers.	- To give visibility to radio workers in the political arena - To counter precarization due to technological/industry changes and cuts in government funding
	2020		
Liefern am Limit https://www.facebook.com/liefernamlimit/	Germany	Grassroots movement. It was founded as a Facebook Group in February 2018, then became an official section of the NGG Union in November 2018. Supported by the German Trade Union Association (DGB) and the trade union for workers in the food and restaurant sectors.	- To raise awareness among the general public, but also among the government, of the precarious working conditions of many delivery drivers. - To set up an alternative model of home delivery platform. - To encourage the organization of a works council and to reduce the precariousness of working conditions.
	2018		

Professional and Freelance Services FB Group https://www.facebook.com/groups/greelance.bg/	Bulgaria	It is the largest and oldest freelancer-oriented Facebook group in Bulgaria. It acts as an (experimental) form of collective action for contingent/slash workers and other atypical workers, organized in a horizontal P2P scheme.	-To foster collaboration and networks of workers and employers and share information on labor regulation and social protection.
	2010		
Riders x Derechos https://www.ridersderechos.org/	Spain	Grassroots movement created by home delivery workers engaged by different on-demand digital work platforms. Self-organization and self-management movement.	- To defend their labor rights and demand the regularization of their fraudulent status as "false self-employed". - To inform the general public, but also the government, of the precarious working conditions of many delivery drivers. -To promote home delivery cooperatives based on an ethical and ecological model within the framework of the social and solidarity economy, as an alternative model to the "big multinationals" (non-profit cooperative).
	2017		
Smart De https://smart-de.de/	Germany	Self-management and business promotion cooperative where members can become employees of the cooperative by paying a fee and thus enjoy the benefits of being employees (health insurance, unemployment insurance, retirement contributions) while still retaining the benefits of being self-employed (negotiating their own contracts, finding their own clients and projects, having autonomy in how, when and what they do).	-To provide an organizational infrastructure that ensures the continuity of work and income in case of intermittent work (initially aimed at artists but now extended to other types of freelancers). -To offer collective services (administrative and legal support) to professional workers who can continue to develop their professional activity in an individual and autonomous way, but minimizing the risks linked to individual business activities.
	2015		
Smart Ibérica https://smart-ib.coop/	Spain	Self-management and business promotion cooperative that provides legal coverage to professionals in the arts and culture sector. It is a non-profit cooperative that channels the entrepreneurial activity of its members through mutualized services in order to minimize the risks and difficulties involved in individual entrepreneurship in a sector characterized by intermittent and precarious employment.	-To mentor the management of members' creative and cultural projects, provide advice on how to launch their business ideas, train them to improve their skills and offer collective services to develop their professional activity within an appropriate legal framework. -To serve as a platform for networking in the creative sector and promote the development of shared projects among its members.
	2013		

Tu Respuesta Sindical Ya (TRS)- UGT http://www.tur-espuestasindical.es/	Spain	The Unión General de Trabajadores (UGT) is one of the two largest unions in Spain.	In order to offset the lack of a physical work center, UGT created an Internet-based union section (TRS) to meet the demands of platform workers. The TRS was set up to: -Collect information and demands from platform workers. -Provide legal advice to platform workers. -Organize and mobilize platform workers.
	2017		

Criteria for the selection of the case studies.

As we mentioned in the introduction, the guidelines for the selection of the case studies specified that initiatives were to be chosen on the basis of three main criteria: they should represent innovative experiences in the organization of slash workers, imply the diversification of traditional methods of support, mobilization, advocacy and involvement or, thirdly be significant in terms of extension or intensity of representation actions as far as the number of workers involved. What we find when looking at the case studies selected is a general overlapping of motives, which are in fact not mutually exclusive: most cases respond to at least two of the afore-mentioned criteria, some of them have been chosen because it is deemed that they represent examples of the three.

TABLE 2. CRITERIA FOR THE SELECTION OF THE CASE STUDIES.

CRITERIA CASE STUDY	INNOVATIVE EXPERIENCE	DIVERSIFICATION OF METHODS	EXTENSION AND INTENSITY
CITUB App		X	X
Consigne Etiche	X		X
Coopcycle	X		X
Doc Servizi	X		X
Fairbnb	X		
HappyDev	X		
Humus	X		
IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work		X	X
Les sons fédérés	X		X
Liefern am limit	X	X	X
Professional and Freelance Services FB Group		X	X
Riders x Derechos	X	X	X
Smart De	X	X	X
Smart Ibérica	X	X	X
Tu Respuesta Sindical Ya (TRS)- UGT		X	X

Examining the motives for selection, we find that initiatives associated with traditional trade unions (CITUB App, IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work and Tu Respuesta Sindical Ya (TRS)- UGT) were selected because they represented a diversification of traditional methods and could imply (because of the relevance of the trade unions that fostered the initiatives) an extension of the workers they could theoretically reach. These were also the motives for which grassroots movements to collectively organize riders (Liefern am limit and Riders x Derechos) were selected, but in both these cases, they also represent innovative experiences of organizing workers. The case of business models is divided among those which represent “just” innovative socially conscious business models, such as Humus or Fairbnb, chosen precisely because of the innovation they represent, or the cooperative business model, which also imply a diversification of the methods of advocacy and are also relevant because of the sectorial (e.g., Doc Servizi) or cross-sectorial (e.g., Smart DE) extension capacity.

Promoters or founders of the initiatives.

Along general lines, the case studies selected responded to initiatives promoted by three types of actors: unions, workers and governmental institutions or a combination of them.

TABLE 3. INITIATIVES ACCORDING TO TYPE OF PROMOTERS/FOUNDERS.

Majority trade unions	Workers as entrepreneurs/self-employed	Workers as activists	Governmental institutions/agencies
<ul style="list-style-type: none"> IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work Tu Respuesta Sindical Ya (TRS) CITUB App 	<ul style="list-style-type: none"> Smart Ibérica Smart De Professional and Freelance Services HappyDev 	<ul style="list-style-type: none"> Riders x Derechos Liefern am Limit Les sons fédérés 	<p>+ Informal unions:</p> <ul style="list-style-type: none"> Consegne Etiche
			<p>+ Entrepreneurs:</p> <ul style="list-style-type: none"> Fairbnb
	<ul style="list-style-type: none"> Doc Servizi Coopcycle Humus 		

“IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work” and “Tu Respuesta Sindical Ya (TRS)” are initiatives promoted by majority trade unions IG Metall (Germany) and UGT (Spain) and benefit from the support of organizations with long trajectories as social dialogue partners with strong structures and resources. However, this is not always a guarantee of success: the Bulgarian initiative for the creation of an app to denounce undeclared work “CITUB App” was promoted by Bulgaria’s largest trade union (the Confederation of Independent Trade Unions) within the framework of a larger project to combat informal work, yet it constitutes the only clear example of a failed initiative.

“Consegne Etiche”, a cooperative platform for home delivery services is the result of joint efforts from the grassroots Riders Union Bologna (RUB) and the municipality of Bologna in order to promote an alternative (and more ethical) model to multinational food delivery platforms. Likewise, the cooperative “Fairbnb”, created to promote an ethical and sustainable vacation rentals business model was promoted by a consortium for research and technology transfer from the Emilia Romagna Region and local home owners and activists.

By far, most cases responded to initiatives promoted by the workers themselves, giving rise to three very different types of organizations: grassroots defense movements, cooperatives and professional interest groups. In the cases of “Riders x Derechos” and “Liefern am Limit”, workers self-organized to defend their rights and lobby for the regulation of workers in digital platforms gaining a high degree of visibility and attracting the attention and support of consolidated trade unions. While “Riders x Derechos” maintains its independence while collaborating with various unions, “Liefern am Limit” became an official subunit of the Food, Beverages and Catering Union (Gewerkschaft Nahrung-Genuss-Gaststätten, NGG). The French “Les sons fédérés” is also a bottom-up collective formed by sound and radio technicians to fight against the increase of precarious jobs in that sector due to State funding cutbacks. They have not formally established connections with consolidated unions, perhaps because they aspire to act as a union in the future.

“Doc Servizi” and “Smart Ibérica” are self-management and business promotion cooperatives formed by professionals in the artistic, cultural and creative industries. In the case of “Smart De” membership is also open to the self-employed of other productive sectors. Their aim is to provide employment and income continuity in sectors where intermittence and instability are the norm, either by acting as direct employers or by ensuring payments for jobs performed, thus minimizing risks associated with individual entrepreneurial activities and ensuring access to social protections for their members.

They also provide their members with administrative and legal support. In the case of “Doc Servizi”, the cooperative also carries out lobbying actions and mobilizations to advocate for better and safer working conditions first in the music industry, later in all work connected to professionals in the cultural and creative sectors. The French “Coopcycle” is a federation of cooperatives which seek to empower their members to develop projects and reduce costs. “Coopcycle” is a federation of bike delivery cooperatives that provides technical tools and infrastructure to reduce costs thanks to service pooling. It also advocated for couriers’ rights. “HappyDev” is both, an umbrella cooperative and a brand name used by various cooperatives that specialize in the IT and communications sectors which describes itself as a “network of independent workers” to collectively bid for contracts. It does not carry out advocacy actions to improve working conditions for its members.

Finally, the Facebook group “Professional and Freelance Services” created by Bulgarian freelancers, seeks to enable them to exchange experiences and giving them visibility to foster a horizontal P2P scheme.

Evidently, there is a direct correlation between the type of promoters of the initiative and the type of objectives or goals these initiatives intend to reach. Logically, trade union promoters center on initiatives that aim toward organization and advocacy, but when examining initiatives arising from the workers themselves, it is much less clear: some initiatives adopt goals exclusively connected to their collective representations and right, others geared towards business-related objectives, and, finally, others related to a combination of both.

Workers profile, objectives and strategies.

As we stated earlier, none of the selected case studies are oriented towards slash workers as a specific category of workers, but rather focus on specific activities or sectors characterized by intermittence and contingency or slash work. Obviously, all initiatives seek to improve the working and living conditions of its members: some of them by carrying out actions of advocacy, organization and collective representation (what we could call mostly political objectives), some by minimizing the risks associated with intermittence/self-employment/precarious work (what we could call mostly entrepreneurial/business objectives), and some by a combination of both. In trying to find common patterns, several questions emerge: first, what is the profile of slash workers the initiatives are aimed at? Secondly, is there a connection between the type of slash worker the initiative is aimed at and the type of initiative? Thirdly, how are these related with the founders of the promoters of the initiative?

TABLE 4. PROFILES OF SLASH WORKERS TARGETED, OBJECTIVES AND PROMOTERS.

CASE STUDY	TYPE OF SLASH/CONTINGENT WORKER TARGETED online/offline; tasks/projects; qualified/low qualifications	OBJECTIVES	PROMOTERS
Doc Servizi	Freelancers, offline, qualified	COMBINATION	WORKERS
HappyDev	Freelancers, on/offline, projects, qualified	ENTREPRENEURIAL	WORKERS
Les sons fédérés	Freelancers, on/offline, projects, qualified	POLITICAL	WORKERS
Professional and Freelance Services FB Group	Freelancers, on/offline, projects, qualified	ENTREPRENEURIAL	WORKERS
Smart De	Freelancers, on/offline, projects, qualified	ENTREPRENEURIAL	WORKERS
Smart Ibérica	Freelancers, on/offline, projects, qualified	ENTREPRENEURIAL	WORKERS

Coopcycle	Riders: offline, tasks, low qualifications	COMBINATION	WORKERS + INFORMAL UNION (CLAP)
Consegne Etiche	Riders: offline, tasks, low qualifications	COMBINATION	GOVERNMENT AGENCIES + INFORMAL UNION (RUB)
Liefern am Limit	Riders: offline, tasks, low qualifications	POLITICAL	WORKERS
Riders x Derechos	Riders: offline, tasks, low qualifications	POLITICAL	WORKERS
IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work	All platform workers	POLITICAL	UNIONS
Tu Respuesta Sindical Ya (TRS)- UGT	All platform workers, but specially focused on: offline, tasks, low qualifications	POLITICAL	UNIONS
Humus	Agricultural workers: offline, tasks, low qualifications	ENTREPRENEURIAL	WORKERS
Fairbnb	Home owners	COMBINATION	GOVERNMENT AGENCIES + WORKERS

Two dominant profiles of slash workers represented: on the one hand, six of the initiatives target qualified freelancers, who work either online or offline on projects or independently. These are: “Doc Servizi”, a cooperative for artists and technicians in the music industry and with strong advocacy strategies; “HappyDev”, a cooperative for IT professionals in various sectors but which is not involved in collective activities of representation; “Les sons fédérés” a French collective which lobby the government to fight against precarious working conditions arising from funding cutbacks and technological or industry transformations; “Professional and Freelance Services FB Group” which seeks to give Bulgarian freelancers visibility and business contacts; “Smart De” and “Smart Ibérica”, business promotion cooperatives for professionals in the artistic, cultural and creative industries which seek to minimize the risks and lack of social protection associated to intermittent self-employment but which do not carry out collective representation activities. All of these initiatives have workers as promoters, and with the exception of “Les sons fédérés” are initiatives designed as cooperative models.

The second dominant profile is that of initiatives geared towards workers in digital platforms. There are six cases in total: four of them directed to the specific situation of riders who perform offline tasks and require low qualifications (Coopcycle, Consegne Etiche, Liefern am Limit and Riders x Derechos) and two of them (IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work and Tu Respuesta Sindical Ya

(TRS)) to all platform workers, although this last one also tends to specially focus on riders. Interestingly all these six initiatives respond to union or para-union organizations and focus on the collective representation of workers, trying to address the lack of protection and precarious working conditions of platform workers, although they do so in different ways.

Liefers am Limit and Riders x Derechos are grassroots organizations started by riders that have managed to give a high degree of visibility and place the issues of regulation and protection of riders in the public and political debate. They have also managed to somehow spur the initiatives promoted by majority trade unions: IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work and Tu Respuesta Sindical Ya (TRS) in their respective countries (Germany and Spain) to address the situation of these workers, extending it to all platform workers and centering their strategies on organizing, lobbying and offering legal support in court cases. Coopcycle and Consegne Etiche also develop collective action strategies but they have adopted the form of cooperatives that represent an alternative model of platforms of home delivery within the framework of the social and solidarity-oriented economy.

Humus and Fairbnb represent alternative business and organizational models that provide infrastructure and/or services to empower workers.

Trajectories of the organizations or initiatives.

Although most of the case studies deal with organizations or initiatives that are fairly recent (eight of the fifteen have a trajectory that is inferior to five years) dating from 2017 onwards, there are also some initiatives that date as far back as 1990. Curiously, with the exception of “IG Metall Ombudstelle (Mediation Office) for Fair Crowd Work”, the older initiatives all respond to cooperative organizations.

The initiatives that have resulted in the formation of cooperatives targeting either qualified professionals or riders have been very successful in achieving greater stability in income and access to social protection for its members or workers, but economic sustainability (especially for those cooperatives that operate in a market dominated by big transnational companies) remains a possible threat for the continuity of the initiatives.

Initiatives founded by traditional unions enjoy the support of strong union apparatuses but often encounter other types of difficulties associated to the business nature and practices of digital platforms: difficulties to reach and organize platform workers, union structures and collective representation still being based on work centres when now there are none, lengthy and costly legal procedures and lack of personnel or financial resources.



3. Bulgaria

3.1. CITUB app

3.2. Professional and freelance services FB group

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DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Bulgaria

Case study: CITUB App

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Sofia, March 2021

1. Introduction

The main trade union confederation in Bulgaria, the Confederation of Independent Trade unions in Bulgaria - CITUB, has been combatting the informal economy for a long time, because it undermines collective regulation of wages and working conditions. As platform and slash work exercised in the country is often related to informal employment practices, those actions of CITUB are relevant for the project SIWRL. The specific case examined here is an app, developed by the trade union in the framework of a larger project, called “Grey Kills” (“*Sivoto ubiva*”). This app allows alarming the union and through it the institutions in case of labour rights violations.

2. General characteristics of the organisation - CITUB

CITUB is the largest trade union confederation in Bulgaria with a total number of 275 762 members¹. CITUB includes 35 branch trade unions, which are its main members, as well as a number of associate members. The organization was formed in 1945 and used to serve as an official trade union during the communist regime (Kirov 2005, Kirov 2019) In February 1990 CITUB was formed out of the Central Council of Trade Unions. Since then, CITUB has been an important actor of the socio-political life of Bulgarians, as well as among the European and International trade union community. Being the main actor in collective bargaining from the trade union side, CITUB aims at “Europeanizing” the labour and social relations in Bulgaria. CITUB represents and protects the interests of workers by striving to provide higher salaries. CITUB provides legal assistance and consults employees about the different types of welfare benefits and mediates and negotiates for resolving collective labour conflicts.

The trade union has been “fighting” against the informal economy for years. During the past years the confederation makes efforts to defend the so-called slash-workers. These people have been increasingly diversifying their income sources. They have often tried different professions, have has two or more jobs and/or work as freelancers. Being a slash-worker, you have a smaller risk of unemployment. Mostly one of these two or more jobs is not as legal as it could be, and many employers have noncompliant behaviour with an institutional set of rules. They do not treat their employees fairly. To prevent such situations, CITUB has launched a campaign called “Illegal kills”.

3. Characteristics of the targeted informal employees and employees involved in informal employment practices

The informal economy includes a diversified set of jobs, economic activities, workers and enterprises that are not regulated or covered by the country legislation. In Bulgaria there is no formal definition, but “undeclared work is broadly considered as a significant part of the informal (shadow) economy, which comprises lawful economic

¹ <https://www.knsb-bg.org/index.php/za-nas-2> , last visited on 12.07.2020

activities for the production and exchange of goods and services, but which avoids state regulation, taxation, social security contributions and control”².

According to the Factsheet on Undeclared Work – Bulgaria, the main types of undeclared work in Bulgaria, are summarized, according to the annual reports of:

- The National Revenue Agency (NRA) at the Ministry of Finance (MF): working without a labour contract, with a contract with a lower official wage than the real wage; recruitment under, or at the minimum insurance threshold for the respective job; or declaring labour contracts as part-time work instead of the real full-time employment; and
- The General Labour Inspectorate Executive Agency (GLI EA) at the Ministry of Labour and Social Policy (MLSP): an employment relationship without a written labour contract; labour contracts not registered in the NRA; undeclared work based on false calculation of working time that does not account for night, holiday and extra hours work; ‘envelope wages’.

The negative consequences of undeclared work are multiple: undermined social security and tax system, marginalization of many people in active age, increasing the socio-economic problems by draining funds from the public sector and so on. There are different estimations of the scope of undeclared work in the country. According to an analysis of NRA, the average annual loss amounted to approximately BGN 440 million (about 220 million Euro), and involved on average approximately 35,000 employers, representing about 47% of the risky employers.”³. Bulgaria is one of the countries with the highest spread of undeclared employment in the European Union. In 2017, Bulgaria’s coefficient of undeclared work has been 17,8, as the country with highest coefficient is Poland - 20,8, and the country with the lowest coefficient of 4,4 is Germany. (European Commission, 2017). Within the undeclared employment, from 2014 to 2018, the most common infringements are about unregistered employment contacts – 1052 infringements, and about incorrect payment – 1238 infringements. (Ivanov and Mitreva 2019).

² European Commission, Factsheet on Undeclared Work -BULGARIA

³ 2017. Factsheet on Undeclared Work – BULGARIA, op. cit.

Table 1 - Estimated size of the shadow economy and undeclared work (UDW) in the EU

Country	UDW (% in terms of labour input. LIM estimates for 2013)	Shadow economy (in % of GDP). 2013 ¹	UDW (% of GDP). 1992-2006 ²	UDW, country data or estimations ³ (% of GDP)	Informal work ⁴ (% of extended labour force)	Demand of UDW ⁵ (% of respondents to Eurobarometer Survey (EBS) 2013)	Supply of UDW ⁶ (% of respondents to Eurobarometer Survey 2013)	Envelope wages ⁷ (% of employees receiving envelope wages EBS 2013)/% of gross salary received as envelope wage
Austria	8,7	8.2	1.5 (1995)	No data	19.7	14	5	2/10
Belgium	11,9	16.2	6-20	No data	10.5	15	4	4/5
Bulgaria	17,8	30.6	22-30 (2002)	20 (2011)	13.2	16	5	6/30
Cyprus	13,8	24.8	10 (2007)	19.1 (2012)	53.0	16	2	2/50
Croatia	14,2	27.7	No data	No data	No data	17	7	8/35
Czech Republic	7,7	15.1	9-10 (1998)	No data	12.5	19	4	5/25
Denmark	9,6	12.0	3 (2005)	No data	11.5	23	9	2/1
Estonia	14,8	26.2	7-8 (2007)	8 (2011)	9.8	12	11	5/40
Finland	9,3	12.4	4.2 (1992)	No data	11.2	11	3	%
France	8,8	12.3	4-6.5 (1998)	No data	10.3	9	5	1/6
Germany	4,4	12.2	7 (2007)	No data	11.9	7	2	1/30
Greece	12,4	22.4	24-30 (2007)	36.3 (2012)	46.7	30	3	7/10
Hungary	17,3	21.9	18 (1998)	16-17 (2006)	9.4	11	4	6/20
Ireland	8,6	11.3	8 (2002)	No data	33.0	10	2	2/8
Italy	12,9	20.6	6.4 (2006)	12.1 (2011)	22.4	12	2	2/65
Latvia	18,3	23.6	16-18 (2007)	No data	8.0	28	11	11/50
Lithuania	19,8	25.8	15-19 (2003)	No data	6.4	14	8	620
Luxembourg	5,4	8.3	No data	No data	No data	14	5	3/11
Malta	No data	24.3	25 (1998)	No data	No data	23	1	No data
Netherlands	5,2	9.0	2 (1995)	No data	12.6	29	11	3/5
Poland	20,8	23.3	12-15 (2007)	4.6 (2010)	21.6	5	3	5/20
Portugal	6,6	17.6	15-37 (2004)		22.4	10	2	3/100
Romania	18,9	28.0	16-21 (2007)	31.4	11.8	10	3	7/9
Slovakia	13,4	14.1	13-15	No data	12.2	17	5	7/20
Slovenia	13,2	23.3	17 (2003)	No data	14.1	22	7	4/20
Spain	8,8	18.2	12,3 (2006)	17 (2011)	18.8	8	5	5/100
Sweden	7,7	13.2	5 (2006)	No data	8.2	16	7	1/5
UK	2,7	9.4	2 (2000)	No data	21.7	8	3	2/20

Source: European Semester Thematic Factsheet Undeclared Work⁴

In terms of employer size, undeclared work is mostly found in micro-, small- and medium-size enterprises, sole traders and self-employed, mostly located in small/medium towns and in rural areas.” (Dzekova & Nonchev 2011).

In Bulgaria there are many sectors, where undeclared work is widespread, such as like food processing, agriculture, tourism, transport, production and distribution of excise goods, services etc.

In the context of Covid-19, the signals to the labour inspection have doubled during the epidemiological situation – their number was about 600⁵. It has been found that

⁴ https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester/thematic-factsheets/labour-markets-and-skills_bg

⁵ <https://www.24chasa.bg/novini/article/8402932>, last visited on 13.07.2020./

more than 30 000 light industry employees work without a contract. Nearly 50 000 construction workers are also employed without an employment contract. Through CITUB initiatives this situation might improve.

4. Organizational and decisional structure of the campaign “Illegal kills”

The project “Active civil contribution for prevention and restriction of undeclared employment in Bulgaria” is funded by the Operational program, called “Good Management” and co-financed by the European Union through the European Social Fund. The project is implemented in the context of the Strategy for Development of the State Administration, 2014-2020. The main purpose of the project is to develop recommendations for improving the effectiveness of policies for prevention and reduction of undeclared employment in Bulgaria. According to this project, undeclared employment is a part of the informal economy, which comprises lawful economic activities for the production and exchange of goods and services, but which avoids taxation, control, social security, contributions and state regulation. The term refers to all economic activities, carried out by workers who are not completely or partially enveloped by the legal economy. This kind of economy covers persons with different employment statuses: employees, self-employed, members of cooperative and similar economic entities, people who work within the family, housemaids or food delivery workers. Some of them are slash-workers.

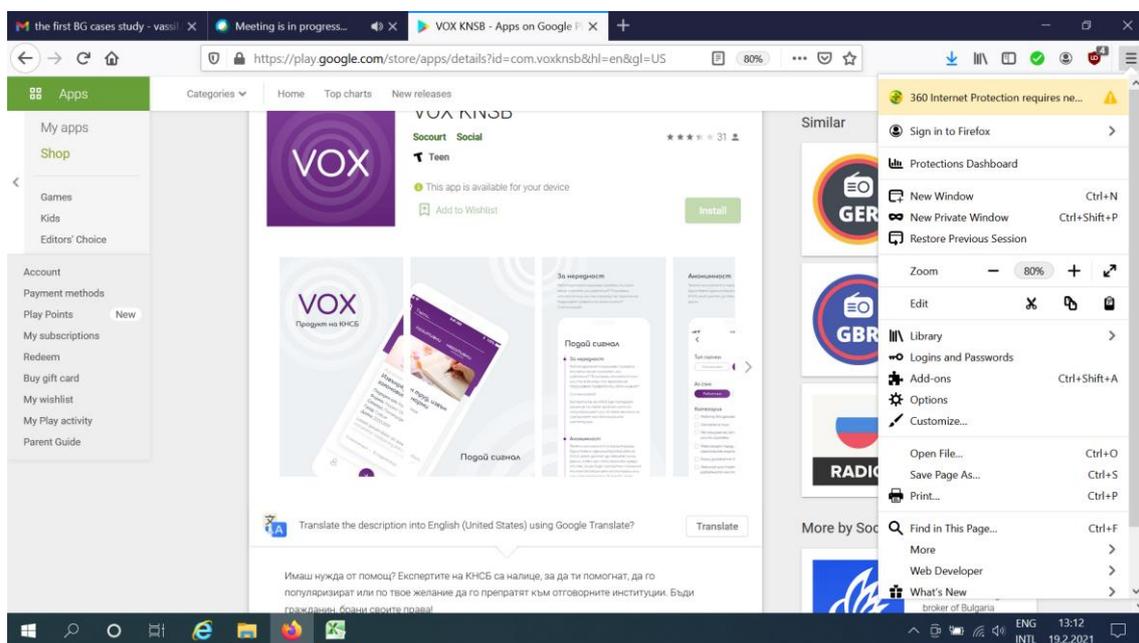
The undeclared work and informal economy practices is a major problem among slash-workers, because they are unprotected, deprived them of rights to social security benefits and of an institution to represent their interests.

The CITUB’s campaign is aimed at the informal economy and aims to unite the actions of all the involved institutions and to introduce relevant changes in Bulgarian legislation. The campaign’s purpose is to draw public attention to the problems of people, who work in the informal economy, to improve the macroeconomic situation by reducing undeclared work. According to CITUB (project website), modern European standards must be imposed and public intolerance of informal economy must be increased by informing people about the consequences of the undeclared work. The main target groups of the project include employees, businesses, society, government and non-governmental organizations. Several main activities have been implemented in - improving civic participation in the process, conducting cooperative activities between NGOs and administrations, developing a tool for civil monitoring of policies for prevention and reduction of undeclared employment and lastly- raising public awareness. According to the website of the campaign⁶, the undeclared employment could be combatted by building trust in public institutions

⁶ <https://sivotoubiva.bg/>, last visited on 14.07.2020./

5. The App as a lever for collective resistance

To be in favour of workers, in 2019 CITUB has created a new mobile application, called VOX KNSB⁷ (publicized as: “*Do you need help? CITUB experts are available to help you, promote it or, if you wish, refer it to the responsible institutions. Be a citizen, defend your rights!*”), through which many employees, including slash-workers, who feel harmed about themselves and who observe illegal actions by their employers, may report irregularities. This process is completely anonymous and totally beneficial for the workers. Moreover, in 2019 the campaign covered 27 Bulgarian cities- Yambol, Sliven, Varna, Sofia, Gabrovo, Shumen, etc. In these cities there were mobile information centres, aimed at raising public awareness about the problem and encouraging civic contribution.



The application VOX KNSB is developed both for smartphones with Android (Google) operating system and for those with IOS (Apple) system. The CITUB product is completely free. If an employee has had his/her rights been abused, he/she could report through the application about workplace irregularities. CITUB experts are expected to “be always online to send your signal to the relevant institutions”⁸. When the signal is described and sent, its reliability has been checked. Therefore, the person using the application must send a photo, a text description or need to share a location. Anonymity is guaranteed. Only CITUB administrators have access the personal information of the person submitting a signal. After CITUB has forwarded the respective signal (complain) to the relevant institutions, the trade union confederation provides follow-up about the infringements which are subsequently published on the VOX application.

⁷ <https://play.google.com/store/apps/details?id=com.voxknsb>

⁸ <https://sivotoubiva.bg/>, last visited on 14.07.2020

The expectation of CITIUB has been that through the application citizens can immediately get information about the correct and incorrect employers in their local area.

To the middle of April 2020, the mobile application had been downloaded more than 100 000 times from App Store and Google Play. This is evaluated as a considerable success for such a new application. Unfortunately, the signals received until then are 108. This has been already a failure, concerning to the usage of the mobile application and questions the effectiveness of the whole project. Failure could be due to employee insecurity and fear of exposing reality. Returning to the signals, the most common complaints are about non-payment of salaries and social security contributions and for illegal overtime work⁹. The number of signals is expected to increase and the application is expected to be downloaded more times than now.

However, the comments written in Google play are basically negatives, as those two illustrations below¹⁰:

“...generally unfinished application. the navigation is slightly confusing. there is no anonymity because registration of a mobile number is required. The purpose of the application is not clear. In general, it reminds the employer of the site, without the option to comment on the signals”.

“Completed signal without receiving a response. What's the point of the app if it doesn't give feedback on what happened?”.

6. Relations with other industrial relations' actors

The campaign of CITUB has not been supported by other industrial relations actors. There are no indications if CITUB has tried to involve other actors in this initiative; although the project “Grey kills” has set ambitious objectives, including “Joining efforts and expert resources of the organizations for initiating legislative changes to reduce the share of the gray economy in Bulgaria.” (<http://www.sivotoubiva.bg/>).

7. Future expectations / actions.

The App is expected to be active within the project duration and afterwards. However, it seems that the app has been left “inactive”.

8. Conclusion

While the share of the informal economy in Bulgaria has decreased by nearly 10%, for a period of 10 years, according to the CITUB Vice-president Plamen Nankov¹¹, it is still a major challenge for the decent employment in the country. The campaign “Illegal kills”

⁹ <https://www.knsb-bg.org/index.php>, last visited on 13.07.2020./

¹⁰ https://play.google.com/store/apps/details?id=com.voxknsb&hl=en_US&gl=US

¹¹ <https://webcafe.bg/bulgaria/1685221286-knsb-puska-svoe-prilozhenie-za-dokladvane-na-nekorektni-rabotodateli.html> , last visited on 21.07.2020.

has been an opportunity to combat informal economy in Bulgaria. And despite difficulties such as a lack of trust in public institutions, unemployment and legislative shortcomings, the trade union believes that its efforts will be justified and the undeclared work in Bulgaria will decrease. These efforts have been supported by EU funds. However, for the time being the results have been rather deceiving although the idea to use mobile app for reporting labour rights violations was rather innovative in the Bulgarian context.

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SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Bulgaria

**Case study: Professional and Freelance Services
Facebook Group**

Vassil Kirov

Gabriela Yordanova

Sofia, February 2021

1. Introduction

The employment regulation model in Bulgaria developed in the context of weak state (where rules can be changed or circumvented) and eroding industrial relations and collective bargaining coverage (Kirov 2019). The employment regulations have been further weakened by the persistence of a strong informal economy (Williams 2015). The atypical workers in the country might be part of employment or non-employment (self-employment) relationships or work in the informal economy. There is no specific legal status for the platform workers. There is also no official statistics on the number of slash/contingent workers in Bulgaria. But the observations of respondents in the framework of SWIRL project suggest that their number is growing, including of those, involved in the platform economy. Earlier available data, for instance, in June 2015 there were about 23,000 freelancers' profiles from Bulgaria registered on job platforms online. By January 2018, this number had grown to over 43,000 (up by 90%) (Eurofound 2018). The increase in the number of slash/contingent workers raises the question of their social protection, rights and representation.

However, the focus of the Bulgarian social partners has been (still) on employees engaged in typical contracts (Kirov 2019). Atypical forms of work are not addressed directly by social partners, except through campaigns to combat the informal economy (see Case CITUB App in SWIRL project). In sum, in Bulgaria there are no specific organizations, representing slash/contingent workers. Collective action of contingent/slash workers is taking place mainly within online exchange forums.

The most appropriate example of such forum is the largest professional-oriented Facebook group for freelancers in Bulgaria “Professional and Freelance Services”¹², where different topics are discussed among its members, including taxes, contracts, health conditions of work, clients who do not meet their financial obligations, etc. In the context of representational void, the Facebook group “Professional and Freelance Services” is relevant, as it illustrates an innovative experience of (light) collective action of contingent/slash workers and other atypical workers. The social network (in this case the concrete Facebook group) is considered by the members as potential resource for (additional) work and income, but also information and protection.

2. General characteristics of the group

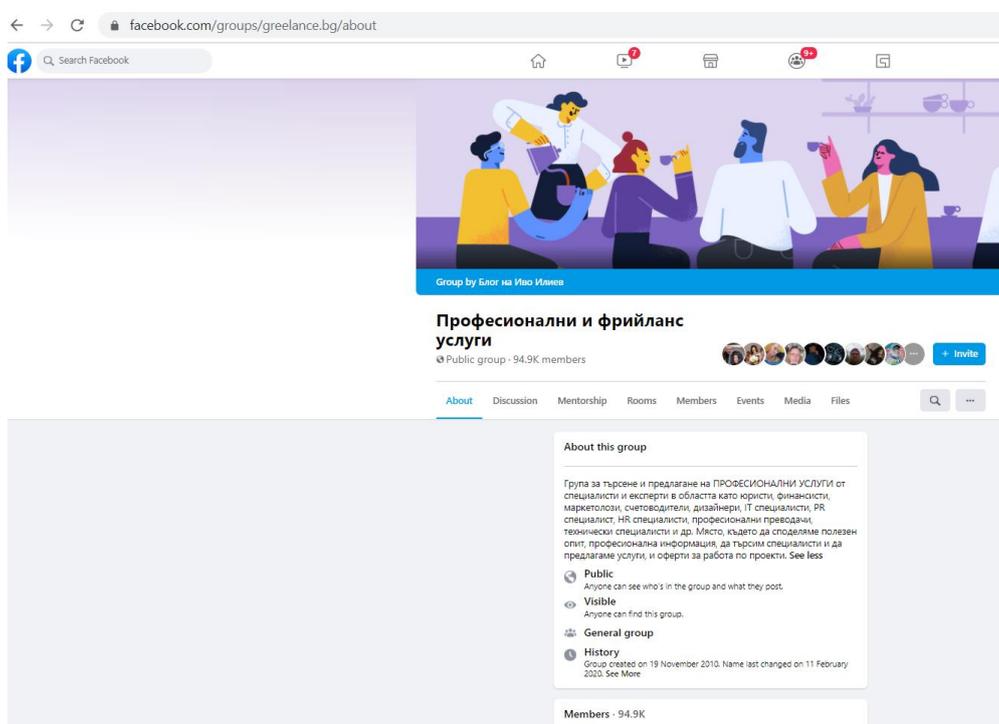
The largest and oldest Facebook group of this type in Bulgaria is called “Professional and Freelance Services” (<https://www.facebook.com/groups/greelance.bg/>) (*Професионални и фриланс услуги/ Profesionalni i friylans uslugi*). It was established on 19 November 2010. During the last decade the members of this group increased spectacularly. At the time of the interviews for SWIRL project in the spring of

¹² <https://www.facebook.com/groups/greelance.bg/>

2020 the group used to have 82,466, compared to 94,913 members in the middle of February 2021¹³.

The group “Professional and Freelance Services” is defined as group for the “*search and offering of professional services by specialists and experts in the field such as lawyers, financiers, marketers, accountants, designers, IT specialists, PR specialists, HR specialists, professional translators, technical specialists, etc.*” It is also designated as a “*place to share useful experience, professional information, to look for specialists and to offer services and offers for work on projects*”. This group is public, so basically it means that everyone can see who is in the group and what is being published. It is also visible – so that anyone can find this group.

Fig. 1 – Screenshot of the title page of the FB group



Source: <https://www.facebook.com/groups/greelance.bg/> (16 February 2021)

The analysis of the group content allows us to see that the bulk of the information includes individual presentations of portfolios by different freelancers and of different work assignments searching for the person that could take them. But besides the announcements, there are multiple discussions about accounting, taxes, social security and so on. One example of such discussion is about the more beneficial way to exercise the freelance practice - whether to register a company or to register as self-employed. Another example is on the payment of taxes, including incomes received from abroad.

¹³ The founder of this Facebook group created and has maintained also an another one group, called Handmade, Painters and Crafters (<https://www.facebook.com/groups/bulgariancrafts/>). This group was established on 25 November 2019. It used to include 14,104 members as of May 2020 and twice more up to date (28,100 members, 16 February, 2021).

The members of the group also engage in discussions about parental leave - how to get paid so that they do not lose their social benefits, about health and working conditions e.g. what technical equipment to choose for a particular occupation and about many other issues related to the freelance activity.

In this way, the Facebook group has become not only a place where the freelancers can look for an answer to a question or to offer a service / product, but much more - a community to which they belong. The lack of state regulation for this type of workers opens a space for the emergence of such a “structure”, where the workers themselves can help each other and find the support and security they need.

3. General characteristics of the members

According to the interview with the Facebook group founder and moderator¹⁴, there are two types of slash workers in Bulgaria: “*people who have an employment contract with an employer and additionally perform various short-term projects, with a contract for providing a service on entire project or to complete a project*” or “*unemployed, who mainly rely on short-term projects*” (Facebook groups’ admin and blogger, Bulgaria). In both cases slash workers most often are working on the so called ‘civil contract’ for a provision of services. There are some freelancers who have founded a company. According to our respondent, within the Facebook group, but also in general, slash workers in the country operate mainly in the sector of Information and Communications Technologies (ICT). There is also a significant group of craftsmen who produce tailored products (not having serial production).

For the interviewee, platforms are considered as a virtual (market) place where the people have the freedom to choose how long to take on a work assignment and at what pay rate: “*It's easier to operate through a platform, because employment on a second labour contract sometimes gets you out of your comfort zone.*” (Facebook groups’ admin and blogger, Bulgaria). At the same time for the respondent the platforms cannot guarantee compliance with the legal rules, i.e. workers are not protected through the platform:

“*Let's take an example of a case in which a contracting authority has assigned a contractor – creating a design. The platform has made the connection. At given moment the payment is done. However, one year later the contracting authority infringes the contractor's copyright. The only thing that can be used in the court as legal proof is that the order was executed through a platform. But nothing more. The platform itself does not recompense; the platform is not directly engaged.*” (Facebook groups’ admin and blogger, Bulgaria)

Two types of platforms are mentioned by the interviewee - those in which products are offered (by craftsmen) and those in which services are proposed (where the freelancers usually are present). „*For a self-employed photographer these are all platforms to stock*

¹⁴ The interview is conducted with the administrator of the Facebook group “Professional and Freelance Services” within WP2.

photos; for an IT specialist these are platform for services. Anyone who needs an extra income is part of some platform/platforms". (Facebook groups' admin and blogger, Bulgaria)

The difference between work as self-employed and platform work is that the first ones are looking for professional and career development and for loyal clients, while the second - are interested in some small extra income, short-term, mostly to seal their spare time.

According to the interviewed administrator of the Facebook group, there is no official statistics on the number of slash workers in Bulgaria, but his observations allow saying that the overall number of slash workers are growing in the last 3-4 years:

"One of the reasons is that within the ICT sector, the professionals are working flexibly and they are very adaptive. They do not need a specific workplace and do not have a defined working time. They are project oriented. Other reason is that more and more people from different sectors are increasing their digital competence and they also are looking for work on projects." (Facebook groups' admin and blogger, Bulgaria)

4. Organizational and decisional structure

The Facebook group "Professional and Freelance Services" is managed by one administrator (the interviewee) and a moderator. There are specific rules (Iliev 2020), which are applying to all its members, as follows:

- the use of links is prohibited - this drastically limits the outflow of users from the group's posts to external sources;
- page tagging is prohibited (which also limits the outflow from the group);
- to compensate for the previous 2 rules, during certain periods of time the administrator makes a post on a certain topic (for example, Valentine's Day), where everyone is free to advertise and comment with a link;
- the moderation of a community must decrease in direct proportion to the increase in the number of members in that community.

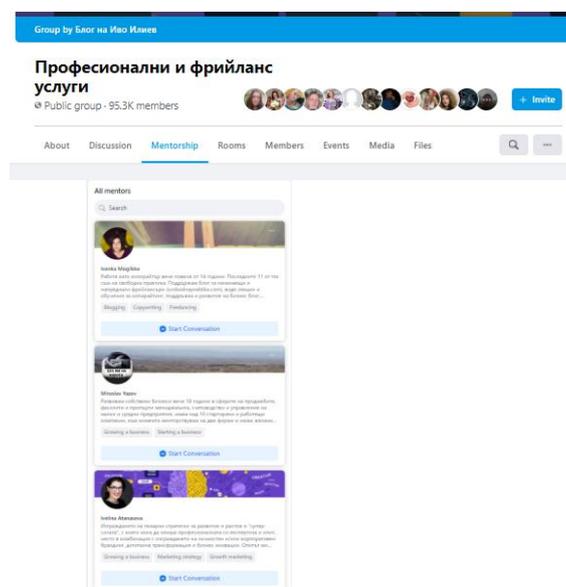
The moderator of the specific Facebook group has the following important tasks:

1. to not govern the community before knowing it and wanting to study it;
2. not to accept individual opinions and advice before he is convinced that they are mass;
3. to take care of the tone of the dialogue in the community;
4. to maintain active mass communication when it is worthwhile;
5. to create only rules with which it aims to create not restrictions, but positive changes for the whole community;
6. to demand quality in communication from everyone;
7. to prioritize its tasks and move in management directions that contribute to the development of the community.

The Facebook group also offers a mentorship application of 16 mentors, who have experience and a skill to share and offer support. Mentors' advice is their own opinion

and not that of Facebook group administrator or moderator. All participation is voluntary and free of charge. The mentor’s advice is not meant to substitute professional advice. The mentor and the “client” is connected one to one in Messenger. The “client” receives programme guidance and be able to send and receive messages from each other.

Fig. 2 – Screenshot of the mentorship application of the FB group



Source: https://www.facebook.com/groups/greelance.bg/mentorship_application (29 March 2021)

5. Collective resistances: information exchange but still no collective action

In Bulgaria there are no specific organizations, representing slash/contingent workers. Because of this the concrete professional-oriented Facebook group for freelancers is created.

“On one hand within the group different topics are discussed among its members, including taxes, contracts, health conditions of work, clients who do not meet their financial obligations, etc. On the other hand - the group enables those who start up as freelancers to introduce themselves, to share their portfolio and to find their first clients among its members. Very often, the group is also visited by employers who would like to find a freelancer because they do not want to hire someone on a long-term contract. But the group is not just a place to look and find a job. It is more than this. The group members themselves accept it (the group) as a community to which they belong”. (Facebook groups’ admin and blogger, Bulgaria)

The respondent claims that legislation for those types of workers is out-dated: *„There is a need for a specific definition in the law for them. As business owners, they pay 20%*

VAT, 10% corporate tax and 5% dividend. This is a 35% tax burden they pay on every Bulgarian lev. At the same time, they are not provided with the necessary protection. They have only obligations and no rights.” (Facebook groups’ admin and blogger, Bulgaria)

According to the respondent, slash workers need a special protection “*They need to gain a competence. There is a need of some organisation/institution which to mark, to unify the rules of the work on projects. Very often they need guidance and someone who to mediate their relationship with the client. The mediator who to protect the parties’ interests and, in case of any disputes, to coordinate - so that the project can be completed successfully.*” (Facebook groups’ admin and blogger, Bulgaria).

Among the biggest challenges faced by slash workers are the legal and accounting aspects of the project work documentation. “*They are not accustomed to using the professional services of a lawyer, an accountant, of a specialist. They do not know how to protect their own rights, obligations, working conditions within a particular project, and in some of the cases they are being misled from the assignor. Most often this is a delayed payment for the project or a change in project conditions, requiring more work than agreed, etc.*” (Facebook groups’ admin and blogger, Bulgaria).

It is important to be noted that the employers are dissatisfied that their employees might also work as freelancers in their spare time. Sometimes those slash workers might need protection at their main job, because actually they do nothing illegal. “*They just need an additional income probably because, for example, their salaries are low*”. (Facebook groups’ admin and blogger, Bulgaria).

6. Future expectations and actions

The Facebook group will continue its operation in the future, attempting to meet the needs of the community. Its founder expects that the legislation defining slash workers should be adapted in Bulgaria, but he does not see a particular role of the group in this process, e.g. lobby for legislation changes. He also considers that in Bulgaria there is a need of an organisation or an institution which can formalise the rules for slash work, including job security, working hours, labour conflicts and health conditions in compliance with the legislation and in this way to offer social protection. However again, he has no ambitions to engage the Facebook group in such claim; it is considered as something that should be done by public authorities. For the time being, such Facebook groups and other exchange forums have not been approached by social partners (and in general the nature of the platform economy has been still misunderstood - Yordanova 2020), but in some of our interviews (WP2 – trade union branch leader) such intentions are shared.

7. Conclusion

In general, the lack of data about the scope of the slash workers in the country (in the senses that it is considered very marginal) seems to explain in a way why this phenomenon has been neglected by the government or the social partners. But the example of the Facebook group clearly indicates that slash workers need some rules and protection, however not addressed by collective action at this stage.

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Interviews

Facebook group's admin and blogger. Conducted on: 24.04.2020



4. France

4.1. Coopcycle

4.2. HappyDev

4.3. Les Sons Fédérés

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: France

Case study: Coopcycle

Maxime Cornet

Antonio Casilli

Paris, April 2021

1. Introduction

Coopcycle is a federation of bike delivery cooperatives as stated on its website, its goal is:

"To foster solidarity between coops, to reduce their costs thanks to service pooling and to create a common force to advocate couriers' rights"

It was founded in 2016, originally as a federation of French coops, and has since enlisted members from the rest of Europe, South and North America. It provides its member with technical tools (a modular dispatch and sale software) and a technical infrastructure. Its mission is to foster the emerge of new coops by providing legal and entrepreneurial help (see the future actions section).

The website states that the federation is:

“Governed democratically by coops, it enables them to stand united and to reduce their costs thanks to resources pooling. It creates a strong bargaining power to protect the bikers rights¹⁵”.

Its goal is to allow local bike worker-owned delivery coops to exist and thrive, mainly by providing technical support that allow them to exist alongside established delivery platforms. The project was started by Alexandre "Mex" Segura in 2016, then a web-developer working for a french startup. After participating in the French protest movement "Nuit debout", he wanted to start a "socially minded side project". Around that time, the Belgian food delivery startup *Take Eat Easy* declared bankruptcy (Vilagines, 2016), leaving delivery workers out of their jobs, with several of them reporting a high number of unpaid work hours. Jérôme Pimot, a former Deliveroo and Take eat easy rider, who founded the *Collectif des Livreurs Autonomes de Plateformes* (CLAP), a platform courriers advocacy collective, was then one of the leading voices of the movement. On Riders' Facebook groups, he regularly expressed discontent with the *auto-entrepreneur* (self-employed) status mandated on delivery workers, and the low level of workers' protection it offers. Within this context, the idea of organizing bike delivery workers in coops began to emerge. At the time, the goal was to have a critical mass of workers enrolled in cooperatives, to serve as an intermediary between the labor force and platforms such as Uber Eat or Delivero. Through those structures, workers could have gained better wages (through collective bargaining at the coop level) as well as better social protections (being salaried employees of the coop). Although the project never materialized, on a riders' Facebook group Alexandre volunteered to start working

¹⁵ <https://coopcycle.org/en/>

on technical tools to support future coops autonomy from the "Big platforms". He was quickly contacted by Jérôme Pimot, and several people joined the nascent project.

Justification of selected case

As described above, the project is, since its inception, thought of as both a political and an organizational endeavor aimed to empower delivery workers. It was initially founded in relation with a workers' collective (the CLAP), and one of the stated goal is "to create a common force to advocate couriers' rights". The idea is that by allowing workers to organize themselves in cooperatives, instead of leaving them in the relative isolation brought forth by the *auto-entrepreneur* status, the project foster the emergence of a collective rider identity, allowing both to collectively define working conditions (via the cooperative structure) and to have direct relationships with their clients/customers without the need for the intermediation by an online platform ran by a third party.

The federation is moreover inscribed in a mutualist political project, wishing to establish alternative modes of productions, distancing themselves from traditional capitalist structures. Economist Kevin Popperl, who cofounded the federation, for instance recently published a paper aiming to:

“analyze to what extent this production experience can be qualified as an alternative, then the strategy it deploys against the competitors of its sector. The aim is to pave the way for similar initiatives of information production towards a general qualification of the work of the Commons outside the capitalist institutions of value.” (Popperl, 2019)

For those reasons, Coopcycle members must comply with governance and labor-related rules. For instance, coop members need to be salaried employees of their coop. Those strict rules might create future tensions in the federation, due both to the quick growth in the number of federated coops and to the fact that the salaried-worker coop is not the only cooperative model that can apply here:

FR_2: "There are people in the federation who want to be organized as a coop, but who would like to keep the piece-work economic model of the platforms. (...) they would like to be statutory contractors of their coop, but still have a voice in the way their organization is structured. (...) Obviously it doesn't sit right with our political project."

The federation is an unusual example of workers' organization, even though its core is workers' social protection, representation and participation in defining their structures' governance. It differs significantly both in scope and in action from traditional unions or workers' collectives, and as such is an interesting inclusion for SWIRL's case studies.

2. Description of the slash-worker (SW) profile the organization represents

The federation only includes bike delivery cooperatives. As such, all of the federated members are supposedly both bike riders, and hold organizational role in their structures. Moreover, not all members of the coops are full time employees of their

coops. Thus delivery workers are, as is the case within established "big platforms", subject to conditions that can lead them to have several jobs.

At first, the project was built specifically for food delivery coops, aiming to offer alternatives to Uber Eat or Deliveroo riders. However:

FR_1: "By talking with the people using our software, I quickly discovered that [food delivery workers] were only the most visible part of a much larger subset of workers. In reality, our users were every bike rider working in urban "last mile delivery" logistics".

This discovery led the federation organizers to rethink the way they develop their technical tools, and to make them more modular, allowing coops to use selected part of the app (dispatch software, e-commerce module, etc.)

FR_1: "Initially, I designed [the software platform] as a monolithic bloc. I had no idea that other uses existed beyond those who people were used to see [i.e. food delivery workers]. There are coops specialized in flower delivery, other in mattresses, groceries, etc. Anything that do not involve delivering a burger in less than 30 minutes. In fact, food delivery is the most difficult use case, because timing isn't the same, food must be delivered to the customer when it's still hot."

3. General characteristics of the organization

The organization is quite young, and growing fast. Although Coopcycle sports almost two dozen federated coops and heads towards 200 members, an accurate estimate of the number of members reveals difficult:

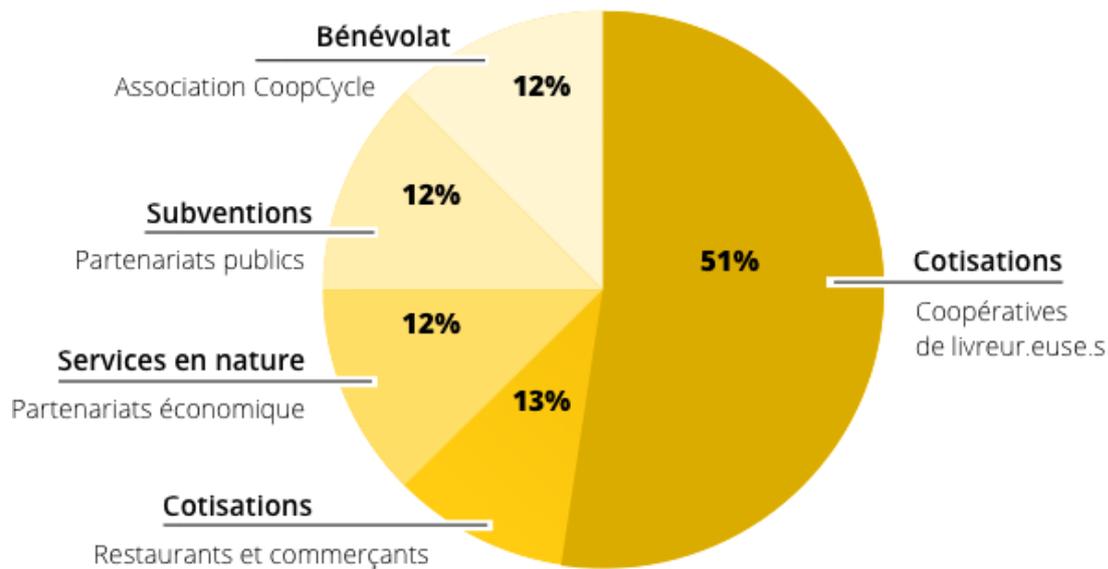
FR_1: "Everything is pretty much a work in progress. Nothing is really structured. Nowadays [September 2020] we have around 20 active coops in the federation, and a lot of isolated workers or worker collective that are at various stage of the coop development process. All in all, we must have between 100 and 200 members."

The federation itself actually employs two persons: the founder, Alexandre Segura, who works full time on software development and federation structuration, and Adrien, who works part-time as a coordinator for the federation.

At the time of the interview, the federation was mostly funded through public grants, mainly allocated to the software development part of the project (FR_1). Software development remained one of the main objective of the federation, and occupied the majority of paid work hours.

FR_1: "What we provide in the end, is a technical platform, so that people who want to start a small bike delivery coop don't have to start building one from scratch".

In the future, they plan to adopt a funding model based on a mix of income sources to lessen their dependency to public sector partnerships—namely, Coopcycle plans to rely more on membership fees from coops, on clients' commissions, and on directly selling technical services and expertise.



Coopcycle "target" economic model as displayed on their website

4. Characteristics of associate workers / members of the selected organization

Workers at the federation level are mainly volunteers, and hold quite diverse position. The software is hosted on github, and open to external contributions. A community of volunteer software engineers formed around the development of the platform. Although most of the code comes from a team of 4 persons, there are at the time of the writing 52 people that have contributed code to the website, and 14 to the app. The federation members also include an economist, some former or current bike riders who do coordination work with the coops, and a law expert who was involved in the design of their software license.

The code produced by the federation is not considered as "open source", because even though it is publicly accessible and accept external contribution, the license limits its usage and deployment.

FR_3: "The idea was to limit usage to companies that promotes the salaried status, and are organized as coops".

To allow to keep the code open within the limits on redistribution, developers modified an existing open source license: the AGPL v3.0, to include a clause that restricts usage by entities who conform to the "social and solidarity economy" framework. They try to attach the notion of "social and solidarity economy" to its local definition at country-level legal framework (for instance in France, it is defined by the 2016 *loi sur l'économie sociale et solidaire*), defaulting to the EU definition if no local laws exist.

The choice of this license is part of the federation political project, and is mostly carried out by volunteers not currently involved in bike delivery activities. This dichotomy between an organizational core constituted by very politicized volunteer members acting as developers, and the user base made of coop members who are actually using the software and doing bike delivery work, represents a governance issue for the federation. The founding members need to find a way to balance the political aspect that

characterize the project since its inception, and a greater involvement of workers' coops in the governance structure of the federation.

FR_2: "It's a very unusual federation, in the sense that it was founded not by workers but by volunteers. (...) It is slowly moving toward an increase of the power granted to the coops (...). I feel it in the interaction I have with [the coop] members. The political project will obviously look different once organizational power is transferred exclusively to the coops".

Nevertheless, this devolution of self-government is perceived as strongly urgent, since ultimately the federation is designed as a tool for delivery workers. Their inclusion in the organization governance structure is thus an essential feature of Coopcycle's overall project.

FR_2: "I feel it, when I work for instance with a rider collective [to observe how they can implement a coop]. Even if we did learn a lot on the job, by talking to delivery workers, sometimes, we say stupid, disconnected things. For the simple reason that we don't live what those guys live everyday".

5. Organizational and decisional structure

Because software developers played such a major role in the foundation of Coopcycle, it comes as no surprise that most of the federation's structural decisions are reached via a governance model borrowed from the open source community: the *benevolent dictator for life* model. It is quite difficult to distinguish the federation's technical aspect from the political, coordination, or representation one. Several matters are adjudicated upon in accordance with software features to be discussed within a technical framework, and in the end accepted or rejected.

When asked about the coordination of the federation, FR_1 mostly responds by describing the "technical feature request" process:

FR_1: "Since about last year, we successfully onboarded users in a discussion process. We use github to store our code, and organize software development. We managed to get them to report bug and centralize requests through github project management tools. We then have a small internal team that prioritize bugs and feature requests. (...) Even so, prioritizing issues is an absolute shitshow, because different type of groups uses different features of the software. At the end of the day, we try to build software that responds to everyone's needs".

The project's governance is therefore currently centralized by the software developers. The interviewees however do express the need for decentralization, even though for them, once again, the answer lie in deploying technical tools and communication channels allowing direct communication between coops:

FR_1: "In the end, we hope that the federation Slack channel will serve for direct exchange of information between coops, without us necessarily centralizing it. We don't want people at the federation level to always have to say: use this tool, do this, in such and such way."

The current governance structure is a direct result of the federation top-down inception, as well as the fact that everyone involved is overworked, making the development of distributed governance structure difficult. The federation takes on coordination work and software development, with only two full time employees. The coop members all share both business administration and development tasks (HR, payroll, client relationships, marketing, etc.) and bike delivery work, and must organize themselves locally to efficiently do so. One of the goal of the federation would be to help federated members to establish efficient business administration structures, however:

FR_2: "We witness every kind of difficulties encountered by our members: tensions inside work teams, economic difficulties to upscale, etc. We thought about intervening in conflict resolutions, to offer workshops on how to manage HRs, and so on. But right now, this side of the project is not even at its inception, its non-existent."

The federation is also attached to leaving its members handle business organization and economic models locally.

FR_1: "We allow people to build local businesses, and we're attached to this aspect, I think. Everyone has his own name, and create his own stuff. Internally, every coop handle things as they please. Us, at the federation level, we provide an umbrella brand, so that people feel they still are part of something bigger."

6. Collective resistances: main actions of mobilization regarding SW members' needs, outcomes and effects

The federation implements the employee status for its member cooperatives' workers. This de facto position Coopcycle in opposition to big centralized platforms. Despite recent laws¹⁶, sentences¹⁷, and strategic choices by large companies¹⁸, commercial platforms continue to rely on piecework or decreasing hourly rates. Coopcycle's employee status do offer workers a legal framework that provides more social benefits and insurance than the self-employed status. The federation adopts this approach, as well as their support for local worker-owned small businesses, to establish themselves as an alternative to the big delivery platforms. Those facts are regularly underlined in their communication with the press. (Doctorow, 2019; Hayes, 2019; Poireault 2019)

However, as the federation is neither a traditional union nor a workers' collective, and currently mainly produces and distributes software, it does not position itself as a potential actor for collective bargaining. The coops are subject to local laws regarding employment, including minimum wage, but there is no federation-wide effort to coordinate workers' wages or benefits for instance. Those are all handled locally, inside coops.

¹⁶ See the 2016 El Khomri Labour Law reform https://en.wikipedia.org/wiki/El_Khomri_law

¹⁷ See the March 2020 Paris Cour de cassation Decision https://www.courdecassation.fr/jurisprudence_2/chambre_sociale_576/374_4_44522.html

¹⁸ See the Just Eat's decision to employ up to 4500 French riders in 2021 <https://www.lefigaro.fr/societes/just-eat-france-veut-recruter-4500-livreurs-en-cdi-en-2021-20210201>

They are moreover strongly against the emergence of a *tertium genus* (a third status halfway between autonomous workers and employee, like in the Spanish TRADE or the Italian *parasubordinati*):

FR_1: "The idea is that everyone is an employee of their coop. We don't want to invent a third status or anything."

7. Relations with other industrial relations' actors

Nevertheless, Coopcycle interacts with workers' collectives and unions. As described above, the federation was founded in relation with the founder of CLAP, Jérôme Pimot. Moreover, several members of the coops are also enrolled in a union branch. Coopcycle vision of collective bargaining for better working conditions is singular though, and directly related to their political vision. They consider that "their fight is not the same as unions or collective" (FR_1).

FR_1: "The CLAP, and unions as a whole, are in a position where they intend to solve issues, inside the capitalist platforms' framework. I think it's a noble fight, but one that is already lost. We saw what happened in Canada, when delivery workers earned the right to unionize: Foodora left the Canadian market. Platforms prefer to leave a market rather than risk reclassification of their workers as wage-earning employees. »

They strongly believe that platforms' economic model entirely rely on considering their workers as "dependent" contractors, leaving no space for collective bargaining in the process:

FR_1: "It is the self-employed status that enables the platforms. Tech is easy, it's nothing. Anyone can write a dispatch algorithm with an e-commerce module."

They still see unions as "necessary to publicize delivery workers' working condition in the public sphere, and push people toward ethical consumption, toward buying from ethical coops", and have sympathies with several collectives including the CLAP. Describing them as "friend organizations".

They do not intend to take part in collective actions, as a federation though, or to facilitate relations between unions and coops. Their stance is that every delivery worker should benefit from the protections associated with the salaried status, and be involved in direct negotiation of their working conditions through the cooperatives' governance model. They see themselves as competing with the platforms, promoting a more ethical model of work that is seen as entirely incompatible with the platforms' business models.

8. Future expectation / actions

Medium-term, the federation intends to develop its coops' onboarding and support processes. They intend to help isolated collectives that displays the will to join the federation in their legal and administrative development process. They also intend to better enable coops to develop their business plan, without interfering at the local level. All those aspects constitute future leads, that are still not formalized at the time of this

report. Coopcycle also intends to diversify their income sources to bring them closer to the piechart in figure 1.

In the near future, the federation aims to transfer some of the technical burden (servers' maintenance and upkeep) to other collectives. A sizable part of the growth of recent membership came from South America, more specifically Brazil and Argentina, posing novel issues to the organization:

FR_1: "Up until now, our servers are in Europe. If we deploy broadly in South America, we begin to face latency issues. The bytes need to travel all the way to Europe, and then go back. We're discussing with an Argentinian collective to see if they can host servers for South-American coops."

This geographical spread of the federation also raises governance issues, even though Coopcycle doesn't intend to adopt a more decentralized governance model in the near future:

FR_1: "Before thinking about decentralizing, we need to structure our organization, and then we'll see if we really need additional levels. We don't have a lot of members [about 20 active, taking part to the structure process], if we start to encourage local subdivision of the federation, I fear that we'll overburden our members."

9. Conclusions

Coopcycle is a young and quickly growing organization. Its structure is lean, its model centralized. This can be seen as an advantage. Given the amount of work that the members already perform (coop's legal and administrative tasks, finding a sustainable business model, marketing, delivery, etc.), a more rigid governance structure could be seen as overburdening. Beyond the restriction imposed by their license (each coop has to comply with the social and solidarity economy rules and protocols, obligation for workers to be formal employees), the federation does not intervene heavily in decisions and structures at the local level. There are plans to foster collaboration among coops at the federation level, notably to encourage the sharing of best practices, but at the time of this report, between members' interactions are anecdotal at best.

The top-down inception of the federation, which borrows several concepts and governance models from the free software community makes for an interesting case study. Coopcycle results from the combination of the technical project management and the governance structure, as well as the embeddedness of the political goals in the production process.

This top-down design of the federation structure could pose problems in the near future however. The transmission of the federation governance from the founding members to the coops being a middle term goal, with unknown consequences for the political side of the project.

Its political identity leads the federation to consider itself as offering an "alternative way of working" compared to the big tech delivery platforms. The persons working at the federation level considers that worker-oriented reforms, such as the enforcement of collective bargaining and platform-oriented unions, cannot exist in the current platform framework. They consider that the economic model of the big digital labor platforms do

not lie in the technical tools they build but in their exploitation of legal loopholes to hire workers as contractors, denying them basic social protections. In this aspect, they diverge significantly from workers' collectives or unions. They prefer building alternative cooperatives, rather than leading direct industrial actions asking for platform reforms.

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Websites

- Coopcycle: <https://coopcycle.org/en/>

Interviews

Case study related interviews

Code	Position in Coopcycle
FR_1	Founder and lead developer (full time employee)
FR_2	Coops coordinator (part-time employee)
FR_3	Jurist (volunteer)

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL RELATIONS: CASE STUDIES

Country: France

Case study: HappyDev

Maxime Cornet

Antonio Casilli

Paris, March 2021

1. Introduction

HappyDev is an umbrella name used by various French cooperatives. It aims to empower freelancers to start and carry out projects that would otherwise be, for their size or for the competencies required, out of their reach. The members of the HappyDev cooperatives specialize in IT and communication. Their professions, spanning from web development to project management to community management and graphic design, require moderated hi-skills and teamwork. As a collective structure, HappyDev does not currently impose any restrictions on the nature of the activities performed by the freelancers.

HappyDev describes itself as a “network of independent workers” collaborating on “digital projects”. It advocates a working environment based on “cohesion instead of subordination” where “mentoring and solidarity” are paramount¹⁹.

Created in 2015, initially HappyDev only aimed to help member cooperatives and freelancers collectively bid for contracts. Subsequently, it has developed a mission centered on the daily needs of freelancers, and starters providing training, coaching/mentoring as well as developing certain forms of peer-support. Members follow the guidelines established in a manifesto, and comply with the rules of single cooperatives and groups of professionals throughout collaborations on projects.

HappyDev is not a traditional “workers collective” in the sense that it’s not focused on improving its members working conditions or on enabling social and political dialogue. It rather adopts a specific approach to the market of qualified professional services. HappyDev aims to create a form of organization and solidarity that is rather new in the world of digital communication and advocates a different way of working both within project teams and in the relationship with clients. Its main goal is organizing cooperation and dialogue between freelancers, while preserving the forms of freedom and flexibility that are supposed to characterize their status, without increasing their precariousness or social exclusion.

This case study is based on an analysis of the collective’s communication elements (website, press interviews, etc.).

2. General characteristics of the organization created to represent and support SW.

History of the cooperative collective:

- 2015: creation of the collective by two freelance developers, Alexandre Bourlier and Sylvain Le Bon.

¹⁹ Website: <https://happy-dev.fr/fr/>, accessed March 15, 2021.

- 2018: the turnover of all the projects carried out within the framework of HappyDev reaches 1.5 Mio euros (according to our sources, in 2020, the Paris chapter itself sported a 1M budget, which seems to be coherent with this figure).
- 2019: Creation of a SCIC (*Société coopérative d'intérêt collectif*) to manage the brand 'happydev' collectively (put on standby the following year, due to the relative lack of success of this strategy of brand management).

The first collective of cooperatives, HappyDev-Paris, took the legal form of a cooperative SAS. Subsequently, when it went national, it turned into a SCIC cooperative to better manage its brand. The "brand" identifies freelancers complying with its standards and mission. But it has more than a symbolic value: since 2020, HappyDev is registered as a trademark at the French National Institute of Industrial Property (INPI). The brand is owned by the HappyDev-Paris chapter.

Although most contract bids submitted by HappyDev freelancers were not location-based (members could work from anywhere even for companies in remote locations), the structure of the collective was nevertheless organized following a territorial distribution: "chapters" (*cellules*) were created in different cities, each of them being attached to a specific area, generally a regional capital. The local organization flowcharts may vary among chapters. All chapters (short of a dozen in total) are managed by the umbrella SCIC cooperative, although they can be organized following a specific legal status (SAS, association, SARL, CAE, according to French law. Some regional chapters are devoid of specific legal structure or status. The Bordeaux chapter, for instance, is just an informal group of freelancers.

These diverse chapters are united according to four elements:

- The manifesto (see further in this document)
- The brand
- The common digital infrastructure for coordination and communication among members (see further in this document)
- Common work organization and billing methods, especially the mentoring principle.

Within each chapter, experienced freelancers play the role of "captain members" and are responsible for running projects. The presence of a captain is mandatory for all HappyDev-branded projects. They screen team members and apply processes according to quality standards defined collectively.

Without being a direct competitor, HappyDev presents itself as an alternative to freelancing platforms specialized in the IT sector. It differentiates itself by offering its clients complete staffing packages in accordance with their project goals. It organizes the staffing of the freelancers. To illustrate, in its website FAQ HappyDev tries to draw the line between its structure and Malt, a prominent French online platform specialized

in matching clients and freelancers: “What is the difference between Malt and Happy Dev? Happy Dev is not an intermediation platform between clients and freelance. Happy Dev is a community of freelancers who self-organize to find their own missions, build teams capable of responding to a call for tenders, and benefit directly from all the advantages of a classic corporate structure (...)”. Nevertheless, some of the freelancers, especially the younger ones, joining HappyDev sometimes also sign up on remote work platforms in order to maximize their chances of getting gigs. Multi-homing is experienced as a commonplace possibility, even if HappyDev’s communication usually stresses a difference in their philosophy of work.

Cooperative functioning, brand use and project captains:

The cooperative sustains itself by levying a fee on the contracts its freelancers establish with clients:

- 5% of the project is drawn by the cooperative to compensate for structural costs, accounting, and events organized to develop the network.
- Between 4% and 10% goes to the project captain (see below),
- 5% to 10% for business development (10% if HappyDev itself has developed the business).

The cooperatives structure allows to adopt a legal status which does not require salaried status for all the workers, and therefore avoids the employer / employees hierarchical relationship (cf. section 4.). However, collaborations between freelancers at HappyDev are based on the assumption of responsibility by certain people, whether they aim to the maintenance of the cooperative structures (members) or to the management of the projects (captains).

Project captains attached to each project are senior freelancers who have already been working on HappyDev projects. The captain is at the same time the project’s contact person and, to an extent, the project manager. There are about twenty people who regularly fulfill this role over the different chapters. The staffing work (sometimes cross-chapters) is also taken care of by captains. Their role is to accompany junior freelancers who have just joined one of the teams, to train them, or at least to direct them towards resource persons within the cooperative.

Insuring that the number of captains matches the number of ongoing projects is a challenge. It is also crucial for the growth of both the number of chapters and the use of the brand: neither chapters nor freelancers are allowed to use the brand “HappyDev” without having at least one captain who will accompany the projects they develop. As captains must have already worked with other captains (possibly in other chapters) before playing this role themselves, they will basically co-opt themselves. Working together on common projects allows established captains to vouch for news ones, after having assessed their skills and strengths.

The network underlying the cooperatives:

The collective and the exchanges that sustain it rely on a double technological interface: a dedicated messaging platform and a website (for future members and clients). Not all chapters have a physical location and not all consider it a goal. Therefore, the collective's cohesion relies on intense online networking and physical meetings. Those meetings are organized specifically according to the progress of each of the ongoing projects. There are 5 main chapters, which combine a local network of freelancers and a cooperative legal status. They each have distinct labels identifying them on the collective's online messaging system. The historical cells are Paris, Nantes, Bordeaux, Strasbourg, Montpellier, Toulouse and Lyon. Many cells are emerging in France (mostly in the Marseille region and in Brittany) as well as abroad (Amsterdam and Newcastle, in particular).

Evaluating the exact number of members proves to be difficult. A number of non-affiliated persons (interested freelancers, associated non-members, etc.) participate in online exchanges and events, without ever having worked on projects and without being directly involved in the management of the cooperatives. In this way, HappyDev's experience advances an original approach to cooperation which does not impose organizational constraints on freelancers and allows them to invest themselves in the collective in a very variable way. HappyDev therefore welcomes people who have multiple statuses/jobs, slashers, who themselves may not have much time to devote to the management of the collective structures.

The easiest way to evaluate the global size of HappyDev is to look at the number of people registered on the internal messaging system, which is currently over 600. The HappyDev website, for its part, declares 500+ freelancers.

To join one of the chapters, workers must be co-opted by 3 members. There is no definite framework for this cooptation. The most common rule is to have already worked with members or to have met them during public events focused on social networking, called Happydrinks. It is nevertheless mandatory to sign the HappyDev manifesto (see below). Finally, members must hold an independent contractor legal status, allowing them to issue invoices and to operate in accordance with French laws. As explained above, depending on their experience and their will to take responsibilities in the projects, workers can quickly progress within the collective, from simple member to captain in only a few months, and eventually even create a new chapter.

The technical infrastructure for collaboration:

Chapters were established around the use of a technical infrastructure. This digital tool was designed to share best practices and practical information among members, and to facilitate collaboration between freelancers. Historically, this infrastructure was a fork of Rocket-chat²⁰, a messaging system with plug-ins for publishing call for projects, a

²⁰ See HappyDev GitHub repository <https://github.com/HappyDev-team>

directory of skills, project management tools, but also tools to manage groups, organizing events, etc. Subsequently, HappyDev developers have started implementing a more ambitious project called Hubl and a cooperative startup (StartinBlox), the cooperative is a beta-testing ground for this new technology (see Bibliography).

This technology, still at an early stage of development, works according to the Solid (Social Linked Data) web decentralization principles developed by Tim Berners-Lee and the MIT. Allegedly, this approach allows the cooperative a better control over the personal and company data they manage. Ideally, this tools aim to make HappyDev independent from tools widely made available by centralized data platforms, such as Google or AWS. This makes HappyDev kind of a lone rider, in the race against corporate or platform-based competitors specialized in IT projects.

The modular Hubl/StartinBlox technology is made available by HappyDev to other types of collectives (other associations, cooperatives etc.) so that they can structure themselves according to the principles of *interoperability and inter-cooperation*. The technological standards used, principles defended by StartinBlox are intended to allow initially diverse and independent networks to connect at any given time.

3. Characteristics of associate workers / members of the selected organization.

Members are generally full-time freelancers, although a few “slash” by juggling between a wage-based activity and freelancing. Their age ranges between their thirties and their forties. They operate on various platforms in order to ensure a satisfactory income. In addition to partaking in HappyDev’s projects and possibly in other collective initiatives, such as associations, younger freelancers are the most likely to be slashers and will likely be registered on several available digital platforms that correspond to their specific skill set. In France, Malt.fr or Codeur.com are particularly appealing to developers, for instance.

4. Organizational and decisional structure of the selected organization.

The cooperative structure also establishes HappyDev as a political project within a “social innovation” larger ecosystem, and enforces a form of horizontal governance. A freelance cooperative such as HappyDev has to achieve two main goals. On the one hand, it has to effectively manage an organization seemingly without hierarchy, to allow freelancers to remain freelancers. On the other hand, it has to manage a joint effort by coordinating these autonomous workers in order to meet the needs of clients whose size and working culture may vary dramatically. This might seem at odds with the standard model of digital creation agencies, usually developing business for big clients. However, in HappyDev freelancers self-manage and professedly adjust the scope of their works by alternatively playing roles usually assigned to agency executives, mid-level management, or simple executors. Thus they distribute earnings according to their

involvement in each project, according to time spent and work volume. Within HappyDev, decision-making is supposed to be horizontal, but organizational variations may occur inside chapters and the differentials in terms of time devoted to each project, make it possible to identify certain limits in the project and its development. HappyDev-Paris, the Parisian chapter that originated the brand, plays a driving role in its dynamics and visibility. However, it promotes a vision that is perhaps both the most political and global of all the chapters, and yet is perceived as less directly related to the daily life of the freelancers of each chapters.

5. The manifesto as an ethical regulator

The cooperative structure is an inward-looking legal regime which constitutes a legal framework and ensures the material sustainability of the chapters, as well as facilitating their interaction with clients on a commercial level. The manifesto, on the other hand, is outward-looking insofar it establishes the social standards and norms in the relationship with clients as well as the coworking relationships with other freelancers within the projects. In this sense, it represents the singular expression of an ethical position in a market for specialized freelance labor which is increasingly dominated by platforms. It is therefore not surprising that HappyDev's clients include a certain number of organizations involved in the social and solidarity economy (SSE).

- HappyDev Manifesto:

Happy Dev is the spontaneous gathering of caring humans, united by these common values: We aspire to have a blast in our work. We refuse to take part in any activity that would make us unhappy.

The fulfillment of the members of the network is as important as the search for income. We consider our clients as our friends They are the project developers within the network. We don't carry out projects for them, but with them.

We want to have a positive impact on the world We are aware of the challenges in our planet, and don't want to remain mere spectators. We see in digital technologies a powerful lever of transformation. We don't disappoint our clients.

We are supportive of each other and collectively contribute to the success of our projects. The enthusiasm of our clients is key to the sustainability of the network.

We aspire to a joyful energy within our network, based on listening and mutual understanding. We all contribute to the general atmosphere with our passions and extravagances.

The human side of our work is more important than the technical one. We think excessive formalism prevents the flourishing of human relationships.

We honour our commitments by listening to our clients' needs and building trust. We aspire to be free. We think wage labor is a form of enslavement. Happy Dev allows our members to be independent and masters of their own destiny.

The network is based on open contribution Everyone is free to make it their own and contribute what they feel is important. Happy Dev is just as good as our members. All members of Happy Dev have signed this manifesto²¹.

6. Conclusions

HappyDev is a collective of freelance cooperatives aiming at obtaining both a certain autonomy for its members and a certain scalability of their projects in order to establish itself as an alternative both to digital platforms, who act as marketplaces for freelance labor, and to conventional corporate structures (eg. freelancing agencies). Two characteristics differentiate it from intermediation platforms and to conventional organizations that target the same market:

- 1) the legal structure: HappyDev is a cooperative of different structures, which mainly serves as an interface with the clients while guaranteeing a certain horizontality in the decision making of the freelancers;
- 2) a dedicated and potentially interoperable platform to communicate among members and to organize projects.

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DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: France

Case study: Les Sons Fédérés

Maxime Cornet

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Paris, April 2021

1. Introduction

An innovative experience in terms of organization and engagement of slash workers

Les Sons Fédérés (The Federal Sounds, TFS) is a collective formed in February 2020 around funding issues for radio creation in France. On their website²² they describe themselves as an “assembly of sound and radio artisans”. The collective was created as a reaction to a perceived increase of precarious jobs in the radio sector over the last 20 years, partly caused by budget restrictions in State funding for the creation of daily radio shows. This increased precariousness lead radio technicians to often accumulate several short term (interim) contracts at the same time.

The podcast industry is particularly targeted by the collective insofar as it has become the main counterpart and source of jobs for workers in audio media, but at the cost of an increased constraint and standardization of rates, schedules, distribution and formats.

The collective focuses at the same time:

- On the impact of technological and economical global transformations on the quality and quantity of radio-related jobs
- On the impact of industrialization of audio production process (standardization, specialization and job fragmentation) on the medias.

2. Brief description of the slash-worker profile the organization represents

The open letter to the rapporteur of the mission

The first members of the collective met at the “Longueurs d’ondes” festival in Brest on February 9, 2020 (a “sound and radio creation festival”). They held a public assembly and immediately wrote an open letter signed by 160 people. The letter list is a response to the report published by François Hurard and Nicole Phoyu-Yedid, the Government-mandated *rapporteurs* in charge of the “mission for the development of a fund to develop sound creation and innovation. The report described radio technicians as “invisible and unreachable”.

The collective was kickstarted by an open letter to policymakers, who were in the process of establishing a new State initiative for the development of a dedicated fund for audio creation and innovation²³. This was soon followed by a manifesto, intended to make radio workers visible within the political space. The imaginistic language of the text intends to inspire new political subjectivities by stressing the artistic content of the activities of these slash workers.

“WE ARE HERE.

²² <https://sons-federes.org/>

²³ https://sons-federes.org/user/pages/01.home/01.lettre-ouverte/LesSonsFederes_communique.pdf

We exist. We listen to the world. We are the craftsmen of sound and radio creation, documentary, fiction, field recording, sound strolls, hörspiel, acousmatic devices, sound art, sound workshops, sound schools, listening, training in radio and sound creation, radio media education, sound and radio criticism, audionaturalism, reports, interviews, a thousand forms broadcast on the radio, in podcasts, in streams, in museums, in the public space, in the theater, on the internet, in multiple places and in multiple formats. We are together, rich in our diversity. All our practices create a common ground and we are proud to contribute to it.

The letter includes a “declaration of precariousness”, mentions the ultimately exploitative lack of correlation between money gained and time spent on sound creation. A clear reference to sound artisans as slash workers is introduced by the emphasis on the multiplicity of statuses and the multiplication of parallel activities necessary to attain a sustainable income in the radio industry.

“Nevertheless, we are fragile. What we produce is very rarely remunerated for the time, energy and know-how we put into it. As employees, freelancers, intermittent workers, self-employed, authors, artists or volunteers, we remain precarious and often have to weave complex forms of life between several professions. We are witnessing the destruction of public services and mutualism, that is to say of all the most essential forms of solidarity. We are also witnessing the repression of all contestation, the extinction of criticism, the impoverishment of public debate and democracy. We invent, together and each one at our level, radio streams, programs, broadcasts, sound installations, moments of listening and sharing. We amplify the listening and the understanding of this world. We are just as determined to make the violence and fragility of this world resonate as the beauty and solidarity.”²⁴

The language and the tone employed are emblematic of the way the collective identifies as part of the creative industries and a player of the cultural sector. Workers represent themselves as sensitive and “fragile” artists and craftsmen whose work—besides the initial long list of instantiation—consists in strolling through nature and in museums. In the meantime, this text features some of the watchwords of contemporary French Yellow Vests (Gilets Jaunes) movement, which popularized the performative slogan “We are here” as a way to signal their presence and visibility in the public space. The Federal Sounds appropriates this political stance to advocate three main talking points: the refusal of industrialization of radio and sound professions which should remain an artisanal know-how; sound creation as a public service; the aspiration to embody a multitudinal “politics of sound”.

Given the romantic stance of their beginnings, even if TFS now envisions turning into a professional association or an actual union, a more formal structure has not been adopted yet. Moreover, the initiative has been considerably slowed down by the Covid-

²⁴ <https://sons-federes.org/manifeste>

19 health crisis, mainly due to various restrictions concerning public events and a generalized shutdown of publicly-funded live arts and cultural activities in France.

The collective, as it is, seems to recruit mainly people whose jobs have been weakened by the digital transformation of the radio professions and the disengagement of the French government in the funding radio creation. From its beginnings, TFS was launched at a national level, even if the most active members are based in Paris. It counts at least 150 people registered on its mailing list, and about thirty of them facilitate the thematic commissions or teams in focusing on specific campaigns or developing projects.

Since the collective is at its initial stage, it does not benefit from a proper legal status yet. It relies mainly on a mailing-list for internal discussion and the website for documenting its actions. Thus, the following case study is based on the information obtained mainly through the website and formal and informal interviews with some of the members of the collective. We didn't gain access to the mailing-list archives.

3. General characteristics of the organization created to represent and support SW

Constituting a frontal entry and offering an expertise on the professions of sound and radio creation, the aforementioned TFS open letter to the French government proposes to establish a negotiation and start a social dialogue and collective bargaining process: "We therefore present ourselves to you collectively to re-establish the balance. As you will have understood, we consider it fundamental to be associated with the discussions concerning this national fund, and we propose to take an active part in the pursuit of your work in this regard".

The manifesto, too, expanded and refined thematic touched on in the open letter. In the first place, it positions the initial collective of signatories in a wider context than that of the mission for the creation of the support fund: slash work, complex lifestyles, and references to "the destruction of public services and of mutualism". The struggle is linked to a wider struggle against the perceived "destruction of essential solidarity". Above all, the manifesto defends a central point: the duality of the radio production professions. The authors defend their particular position as both workers inscribed in a productive framework and a job market, and as producers/broadcasters of media content, enablers, among other things, of the perpetuation of the political discourse.

TFS can to an extent be described as a collective dominated by a certain type of stylistic nostalgia for sound creation as a high-skilled know-how. This is particularly clear in the way its literature points out the dangers of the new players in the radio business, namely podcast studios and platforms (specialized or generalist) involved in radio broadcasting today: "Today, we are worried about the rise of what we call the industrial podcast, that is to say the production and broadcasting structures (in the first place private studios and public radios) which treat sound production like accountants would, and destroy the capacity to create and share commonalities. [We are worried about the rise of the

consumerist model of sound production], the drastic reduction of recording and montage time, the massive recourse to sound banks [pre-made, licensed, reusable recordings], the re-centering on speech at the expense of voice and sound [as distinct creative materials], the confusion between advertising and journalistic formats, the quantification of the audience”.

TFS’s criticism is therefore directed at the industrial strategies deployed by studios, at the degeneration of working conditions. Nevertheless, another target of their criticism is the ideological relationship to the production of contents that emerging industrial settings are establishing. “News contents” and the interview-testimony format are increasingly prioritized over other types of sound productions. Thus, it is not so much the direct employer/employee relationship with digital platforms TFS denounce, but the entire economic and aesthetic setting brought about by the platformization of the radio and the sound industries.

Privatization is another threat to slash workers in the radio industry, which in France relies heavily on government funding. A strong public radio also means state-granted social benefits even to the “intermittent” workers (see interviews in report WP3). Indeed, even the main criticism addressed to the podcast industry is based on the fact that format limitations and shallow production methods are not compensated by public subsidies (either direct ones for sound and radio creators or by general funding of radio broadcasting). However, the government does not play for the podcast industry the same role it used to have for public service broadcasting.

Web-based radios and non-commercial “associative radios” are presented by TFS as an alternative to the podcast industry, as they are embedded in local communities or in social struggles. Their relative autonomy with regard to economic profitability leads the collective to argue for a new cultural policy that would both mitigate the progressive encroachment of industrial actors in previously government-subsidized sector. This is why the “new ‘policy of sound’” TFS so ardently calls for does not limit itself to conveying grievances about working conditions and economic treatment, but aspires to find a “place in the democratic space” for sound and radio slash workers.

4. Characteristics of associate workers / members of the selected organization.

Most of the people involved in the collective are between 35 and 50 years old and are in economically precarious situations. The members describe their difficulties as not specific to the radio industry alone. In fact, they concern many other workers in the cultural industries all over France. Although the Covid-19 crises worsened their situation, precariousness is systemic and pervasive among these workers, whose socio-demographic characteristics and conditions of existence are well documented in the existing literature (Menger 2002, Rambach & Rambach 2009, Cingolani 2014).

Within these industries, slasher status is neither a totally new nor a rare situation. According to French National Statistic Office (INSEE) data the living standards of

cultural professionals in France are particularly low. “Among the general active population as a whole, the accumulation of direct income from different types of activity is rare: only 2% of the working population receive both salaries and self-employment income. The combination is more frequent in cultural work (7%), particularly in predominantly artistic occupations, such as the performing arts (8%), visual arts (12%) or writers and translators (13%): in these cases, it arguably corresponds to a combination of royalties (when declared as non-commercial profits) and wages (e.g. a teaching activity or a live performance for a performing artist).” (Gouyon 2015).

Literature also accounts for the cumulative effect of direct income from working activities and “replacement income”. The latter corresponds mainly to a combination of wages and unemployment benefits. Another general characteristic of the cultural professions in France is the fact that the income of spouses serves to stabilize situations that are otherwise precarious. Pensions and unemployment benefits are, on the contrary, virtually non-existent—due to the age-structure of the working population. This situation is particularly common in the entertainment industry, where nearly one in two workers receives both direct and replacement income. These percentages amount to 61% among artists, 41% among technicians, and 29% among other professions such as art directors, programming and production managers. This, according to Gouyon (2015) is a consequence of the French *intermittence* system. Although not all members of the TFS collective are intermittent workers, this constitutes a benchmark for the careers for a significant portion of them.

Finally, it should be noted that income multi-sourcing is particularly strong among professionals of the cultural industries. This is accompanied by significant income dispersion. In fact, for those workers, the lowest incomes are lower than those of the working population as a whole, while the highest incomes are much higher than those of the best paid of their fellow citizens. Thus, the 10% of the lowest paid cultural workers declare an annual income of less than €6,200, compared to €8,700 in all professions. If the current members of the collective are not all part of the most fragile portion of the cultural workers, it is nevertheless true that they for the most part declare situations of precariousness and social fragility.

The members of TFS identify as workers in radio production, sound documentary and sound creation. The long and varied list of employers on which they depend is significant of certain diversity, from major public broadcasting (Radio France, Arte, higher education establishments, etc.), networks of radio stations (RadioCampus, etc.), companies and less institutionalized collectives or ephemeral projects. The collective brings together these 3 types of professional activity, not so much by having them coexist through different people exercising distinct professional activities, but by the fact that most of the members of the collective exercise several of these activities at the same time (in addition to also regularly working in mediation or pedagogy). The slash dimension of their activity is both determined by endogenous factors of their “craft” (them describing themselves as authors, rather than as technicians) and by exogenous

ones (them being caught in the workflow of sizeable employers, and having to coordinate with other more or less flexible workers in an agile and ductile manner).

5. Organizational and decisional structure of the selected organization.

The collective is in the process of building a more formalized structure, and the current organizational elements are subject to negotiation. TFS have taken the rather classical approach of creating working groups, “teams” or “commissions”. Those were set up about 6 months after its launch. Among the working commissions themes, management of public image and construction of medium-term tools aiming at structuring the group itself are featured:

- The “Reception/mediation” team manages the main email address of the collective, and integrates new members wishing to join the collective—endorsing the manifesto and complying with TFS norms are required.
- The “Research” team is made up of about 10 people facilitating a workshop on “the industrial podcast”—this interdisciplinary research work has strong links to academia.
- The “poil-à-g” team (a pun alluding to “irritant” or controversial subjects): about 9 people writing public releases, and responding to news in the press.
- The “Investigation” team: about 4 active people conducting investigative/research work.
- The “Web” team administers the website, and the infrastructure: ISP choice, etc.
- The “Outreach” team works on broadcasting spaces of the radio productions: directory of professionals, networking, etc.
- The “Broadcasting” team produce a radio broadcast attached to TFS

No team is however dedicated to administering/coordinating the collective, or in transitioning it into a formal association or a trade union. At the time of the drafting of this case study, general meetings of the collectives are mainly spent reporting on the deliverables of the various commissions. The apparent slow pace of the collective in acquiring a more stable legal status is mainly motivated by need to prioritize strategic subjects specific to the collective political action—namely to document the state of the industry and to raise awareness about it, with the intent of gaining visibility for the radio production workers.

6. Collective resistances: main actions of mobilization regarding SW members’ needs, outcomes and effects.

The singularity of TFS’s approach lies in the fact that the first actions led by the collective, after assembling around the manifesto and their initial public statements, were focused on the knowledge-production carried out by the “research” and

“investigation” teams. Intellectual work is thus paramount to structuring this slash workers’ collective. The intent is to bring to light the inner workings of fast-paced privatization of State-owned radio in France and Europe, as well as to bring to the forefront of the debate an ideal-type of workers who are rather absent from the negotiations and decisions taken by policymakers working on the digital transformations of radio production over the past 15 years.

Knowing the competition and understanding the system?

As mentioned beforehand, the collective is less concerned by the direct relationship of subordination to digital platforms than by the double consequence of platformization of radio broadcasting and the sudden, undisputed standing acquired by podcast studios. A press release been published by TFS on this subject in November 2020 points out precisely to the role that the French state plays actively, through Radio France (publicly funded) and ministerial decisions, in this transformation of the radio production landscape.

Press release: “In July 2020, the creation of a joint company between Radio France, M6, Lagardère and Les Indés groups was announced, in order to broadcast their content on a single digital platform, starting from January 2021. There is no trace of local non-profit stations in this partnership, which aims to increase the audiences of the radio stations that already share the majority of the cake. This fall, Radio France also signed agreements with Deezer and Spotify to distribute its audio content as podcasts. Two companies whose economic model is built at the expense of the authors, who are paid low wages to produce radio works and sound banks that allow the entire production chain to thrive, except for them. Two companies that function as the Amazon of sound, subverting the artisans of radio and sound production by keeping them in financial hardships and pushing them towards indigent narrative formats. Two companies, too, that work to keep listeners within their “ecosystem”, forcing them to create accounts on their platforms, directing their listening, to monitoring them, reducing them to data that to be sold²⁵”.

In view of this findings, TFS is organizing a workshop on “the podcast industry” and digital platforms broadcasting contemporary radio production. Due to the health crisis, these initiatives have not delivered outcomes yet.

Know yourself to be visible: TFS’s survey of radio and sound slash workers

As most of TFS members are slashers and in view of the variety of professions involved in the radio and sound industry, it is virtually impossible to identify them as a coherent and homogeneous professional group. Nevertheless, a common feature emerge: each member’s creative activity, though crucial to self-identify and self-actualize as artists, musicians, sound-creators, innovators or inventors, is often the least stable and

²⁵ <https://static.mediapart.fr/files/2020/11/23/sons-fe-de-re-s-communique-21-nov-2020-rf-service-public.pdf>

contractually sound of their multiple occupations. Their other activities, although accessories and often instrumental, allow on the contrary to describe them more easily, as members of recognizable professions: technician, engineer, producer, assistant, etc. This has the paradoxical side-effect of scattering them over various professional groups, and of muddying their coherent identity as a group built around the ideal of a social dialogue about radio creation.

TFS has thus decided to dedicate a thematic team to field a survey aiming to “built into existence” their own constituency of invisible authors. The objective of this survey is also to map of the people who would not be involved in their campaigns and in the organizing side of the collective, but would be likely to participate in punctual manner, or to defend a relatively distinct point of view in it.

A professional sociologist was indeed involved, but only to accompany slash workers in the design of a questionnaire, data collection, and basic data processing. This is mainly due to some perceived lack of know-how in the methodological aspects of the inquiry. Establishing the scope of the survey, defining the participants, have significant consequences on the future organization of the collective. Indeed, when members of the “investigation” commission tried to circumscribe the target population or the variables involved in the question, they tended to conjure up competencies that are rather foreign to those usually associated with creative and communication industries.

Among the results of this survey, two main thematic emerged:

- The need to further grant recognition to the people who participate in radio creation in France. This goal aspires to compensate for the relative absence of economic or sociological research on this topic, be it funded by the Ministry of Culture itself or by academic bodies. Starting with a relatively simple socio-demographic and sociological approach, the aim is to bring to light the professional dispersion of radio industry practitioners and their precariousness, as well as the fact that the latter can be directly linked to slashing, but to long-term changes within the industry.
- The need to build a systematic inventory of the wage scales in use within the industry. This is the main concern from the workers’ point of view: in order to visualize pay gaps depending on the working conditions, different statuses, and types of employers.

Following in the tradition of “workers’ inquiry”, as a reflective device expressing workers’ identity, consciousness, and solidarity, this survey is construed by the worker-organisers that designed it as a tool to help harvesting the full potential of the moment they are trying to cultivate (Wellbrook 2014). Worker-produced knowledge about their activities, aspirations, and socio-demographic profile is instrumental to them being able to represent themselves within the frame of industrial relations.

7. Relations with other industrial relations' actors and relations/connections with similar organizations in other territories.

TFS attitude towards industrial relation epitomizes the present French context, characterized by a race to represent slash workers between unions, associations, grassroots movements, cooperatives and other forms of workers' organization. In the wake of the mid- to late 2010 labor reforms ignited by the previous governments, unions and civil society organizations are now just about as fellow travelers as they are competitors for bargaining agent representation of workers in specific sectors. This is all the truer for the workers actively contributing to TFS, whose occupations are scattered across several companies, agencies, or independent structures.

Thus, generally speaking, we have not found any evidence of established connections with other professional organizations or unions, even if several of the active members have, through their personal careers, a fairly detailed knowledge of unions in the entertainment or audiovisual world. Yet, TFS does not hide its aspiration to eventually act as a union, or at least as a social partner, organizing workers and advocating for their rights.

One remarkable event that has brought to light this intention, is the linkage established around the implementation of the state subsidies to radio creation by the Ministry of Culture. TFS was auditioned on March 3, 2020. The hearing interview given in the presence of the rapporteur on this occasion explicitly underlined workers' invisibility issues and the difficulties induced on the one hand by the accumulation of jobs/missions and on the other hand by the progressive withdrawal of certain state subsidies. The report published by the collective describes a general state of affairs in radio production in France, notably concerning the increase in documentaries production costs, and the decrease of possible incomes for the creators (decrease of documentary production on Radio France between 2011 and 2020 that amounts to 5M€). The hegemony of specific formats is also part of the list of issues.

TFS advocates for the inception of a "new radio creation subsidy fund":

- The funding should be directed to the creators and authors and not to the broadcasters.
- It should promote all sound formats, in and out of radio, and not only industry-formatted products.
- The authors should be decision-makers (75% of the seats on the selection committee)
- The Fund should settle "*the issue of contracts and royalties, since currently industrial podcast studios do not offer authors royalties*" (by comparison, the television and radio channel Arte does pay authors' royalties)

- It should advance a model of collective and anchored innovation, rather than a “per project” current model that ends up “*individualizing [production] and support the industrialization of podcasts*”.

Significantly, the report concludes that TFS representatives are willing to constitute themselves as a trade union, establishing itself as a “social interlocutor” for the rapporteur of the ministerial mission.

The following are excerpts from the press release issued of March 7:

First of all, during this hearing, we provided our analysis of the current situation both on the social level and within media industries. We highlight a dramatic decrease of the funds allocated to the non-profit sector, to collectives, to free radios as well as to the creative mission of the public radio. In parallel to this disengagement of public authorities, the industrial podcast sector is on the rise.

We have therefore warned against the current trend towards economic uberization [emphasis added] of sound and radio, denying the plurality of sound expressions, necessarily impoverishing sound creation, making authors precarious and harvesting listeners’ data through tacking devices. It is inconceivable to abandon the public radio service, at the national as well as at the local level, to favor industrial podcast production and the Big Tech [GAFAM in the original: Google, Amazon, Facebook, Apple, Microsoft], that hardly seem to be in need and whose mission is not to foster a public “policy of listening”²⁶.

8. Future expectations / actions.

Existing and creating a collective in individualized and atomized paths

The central strategy deployed by the TFS collective seems to be to constitute itself as a professional association, using present-day structure as a springboard toward the establishment of a trade union format.

The collective was formed to advocate workers’ rights and to take an active role in social dialogue—particularly with the Ministry of Culture. Enabling radio and sound creators to gather around a common goal constitutes an objective in itself, as one of the members reports during an informal discussion:

“we are atomized by our status as independent workers and by the fact the projects we are part of are quite dispersed. Knowing who we are, and recognizing one another becomes an act of collective positioning in itself. But it is also a way to be seen, to make ourselves visible to specific institutions, to make them see the precariousness that they themselves generate, while hoping that it won’t become visible [to workers] ...”.

²⁶ <https://sons-federes.org/cp-7mars2020>

Another member points out that workers' isolation is not evenly distributed among art and audiovisual professionals. Concomitantly, responses to such isolation through activism in collectives or unions is not uniformly distributed either. It depends mainly on variations in workers' status (self-employed artists vs. intermittent workers):

FR_1.3: "I think that breaking up the statuses is problematic, yes... For instance, there's a big number of unionized intermittent workers, a lot more than unionized artists, even though 35.000 persons are affiliated to the [Maison Des Artistes, the French State-approved agency that manages social security scheme for artists] in France. Artists are way more isolated."

This respondent ascribes this both to the fact that a lot of artistic work is solitary by nature, and to the fact that the status pulls together widely different people, with largely different jobs, professional experiences, regardless of personal success.

The definition of the collective is also a re-definition of the activity and the actors

Is a union organization a desirable response to the precariousness of workers in radio creation? This is the question we heard during both informal discussions and interviews. Various members doubt the feasibility of a union, whether because of the extreme variety of daily experiences and work contexts of radio creators or because of uncertainties around the capacity to enroll in a common political platform workers who are not members of the collective. The interviewees expressed some reservation: "we may not be ready". They are however still working toward this goal, despite their doubts.

Among the hesitations, one of the interviewees explained that radio and sound workers "are people that are not traditionally unionized, but who are politicized. In the domain of sound creation, radio, etc., they talk all day long about complex subjects, about political struggles, about people in complicated situations. But for the most part, they have absolutely no intention to join CGT [General Workers' Confederation, one of the three main French federal unions]". Thus, faced with the difficulty of motivating artists to enroll in unions, a second dimension of "social dialogue" appears: the very forms of political mediation through radio creation.

Grouping together to fight for social progress implies, according to the collective, an essential point in the conception of the social dialogue and the definition of its scope. The mediatic space that radio productions occupy matters insofar as it questions the role itself of the French tradition of social concertation and negotiations to adjudicate work-related issues. Does it take place in the collective bargaining with "social partners" in the sense of traditional workers' and employer organizations, often in collaboration with policymakers, government representatives, and political operative? Or does it take place through the production of different cultural and social forms?

The criticism addressed by TFS to the policy of Radio France seems to match the latter²⁷. By pointing out that most of the choices made by the national broadcaster are no longer elaborated within the framework of the mission of a public service, but in a media ecosystem struggling to adapt to exogenous conditions of production established by Big Tech company, TFS denounces the managerial logics underlying Radio France's choices both on a strategic and on an occupational level.

Recontextualizing this abandonment of the public service mission, and therefore of a the central role played by publicly-owned companies in France during the previous century, one of the interviewees goes on to advance a rather rare path to a new type of social dialogue: finding a way to involve the listeners and the public into the struggle. This would not only be achieved by raising awareness (which would relegate the audience to a passive role, facing workers' unions and collectives as sole active agents of change) but by taking into account in a much more integrated way the platformization of the uses and purposes of contemporary radio creation: "We define ourselves as craftsmen, because we also intend to include the technicians. It's also for them. We were even discussing the possibility of somewhat including listeners, because we consider them to be part of the production under a temp status".

This approach is coherent with similar struggles that are emerging among tech workers' organizations, that now try to include platform users, "producers", and consumers to "unionize from the bottom". Examples of Facebook unions²⁸, Youtube Unions²⁹ and in general have flourished over the last decade.

TFS puts great emphasis on content creation, while other initiatives have insisted on the unionization of users-as-data-laborers. A 2017 article published by a group of Stanford and Microsoft computer scientists captures this romanticized vision of "powerful" industrial actions, where users stand hand in hand with workers to create "virtual picket lines":

"Data laborers could organize a "data labor union" that would collectively bargain with siren servers. While no individual user has much bargaining power, a union that filters platform access to user data could credibly call a powerful strike. Such a union could be an access gateway, making a strike easy to enforce and on a social network, where users would be pressured by friends not to break a strike, this might be particularly effective" (Ibarra et al. 2017).

9. Conclusions

By studying the formation of the TFS workers' collective at an early stage as we did here, we were put in an advantageous position to observe in much detail the formalization of the reasoning behind the need for a collective organization that

²⁷ <https://sons-federes.org/radio-france-service-public>

²⁸ <https://www.theguardian.com/technology/pda/2010/aug/04/facebook-union>

²⁹ <http://www.industriall-union.org/organizing-youtube-ig-metall-negotiates-better-rights>

constitutes around the issues the slash workers face, and the various steps they take to try to solve them.

Here, TFS members attempt to tackle questions that are still unanswered regarding the best kind of structure to adopt, both to maximize their reach and therefore gain relevancy in the public dialog, but also to stay true to the initial ideas surrounding their open letter: should they be a collective, a professional association or a formal union?

Those questions also touch on the difficulties collectives face to cater to slash workers and in general to dispersed multi-status ones. Here, very early on the collective is faced with difficulties regarding the emergence of a collective identity attached to the notion of “creative sound and radio workers”. This lack of collective agreement over the definition of the identity to be attached to the collective can prove to be a hindrance to TFS participation in social dialog surrounding the radio industry.

Those difficulties are clearly illustrated here by the words used by the rapporteurs of the French Ministry of Culture’s Mission for the development of a fund to support sound creation and innovation, who describe radio creatives as “invisible and unreachable”. If this observation came from the workers themselves, it could be construed as a way to reach awareness of their condition and to act in order to improve it. But, as it comes from representatives of the government, it has the opposite effect of sounding like a conviction, a sentence preventing worker from expressing a coherent voice on a subject with potential broad implication on their field and their lives.

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Site web des sons Fédérés : <https://sons-federes.org>



5. Germany

**5.1. IG Metall Ombudstelle
(Mediation Office) for fair
crowd work**

5.2. Liefern am limit

5.3. Smart De

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Germany

**Case study: IG Metall Ombudstelle (Mediation
Office) for Fair Crowd Work**

Pamela Meil

City, March 2021

1. Introduction

This case study deals with the formation of a mediation office to deal with conflicts arising in conjunction with the Code of Conduct for Fair Crowd Work, initiated in Germany by IG Metall and the platform content.de. The Code targets fair working conditions on the platforms that have signed on to the Code both within and outside of Germany. The intention is to expand membership and affiliation with as many platforms and unions as possible.

a. Innovation

This case was chosen because it is an innovative way to introduce regulation to platform work. Platform work is extremely difficult to regulate due to the fact that the companies are not place-bound in an institutional setting; the workers are usually not employees but either self-employed or free-lance; unions and employer associations are not active on platforms and most workers are not union members. Disputes concerning platform work are often settled in courts, but this can be costly, both in terms of time and money, and some matters will not be taken up by the courts. Many workers, particularly for individual disputes, would not have the knowledge or means to enter legal disputes. The code of conduct and the Ombuds-office is a relatively non-bureaucratic and inexpensive way to resolve simple disputes and protect worker rights. The problem is that membership is voluntary, so very few platforms are members. It is mainly a German office, centering on German organizations. However, theoretically it can encompass a more international range of members and complaints.

b. Slash work

The code of conduct and the Ombuds (mediation) office for conflict resolution are specifically geared to crowdworkers: those platform workers who work on task-based or project-based crowdworking or crowdsourcing sites. Many of these workers have 2 activities, either one in the “regular” economy and one online, or all jobs in the remote or online economy and are thus slash workers. In many countries, crowdworking is used as a part-time or side job. However, some crowdworkers use this form of work to generate their main income. In any case, many workers depend on the income that is generated on platforms. The work may be both high-skilled or low skilled: it depends on the platform and the task undertaken.

2. General Characteristics of the Code of Conduct

In 2015, IG Metall launched the “Code of Conduct” for Platform Work in cooperation with the Crowdworking Platform content.de and with the participation of other European trade unions. Since there were major obstacles to setting up regulations for platform work and getting them enacted, certainly at an international level, IG Metall’s section on platform work, which was newly created at the union, decided to establish

some basic principles guiding fair work on platforms. Then, the next step was to get platforms to sign on to the Code. The guidelines formulated in the code of conduct were actually initially formulated by the platform “content.de” – not the union. The union welcomed the initiative believing that all work - no matter where or how it is carried out, should be good and decent work which is fairly compensated and in which the working conditions were carried out fairly and with transparency. Up to that point, the IG Metall had had little contact with platforms or platform workers, since it’s main constituency was comprised of skilled industrial workers in traditional industries.

3. Characteristics of associate workers / members of the selected organization. Requirements to become a member.

As of 2018, ten platforms voluntarily agreed to abide by the Code: content.de; Streetspotr; clickworker; appjobber; crowdguru; jovoto; testbirds; digivante; textbroker; bugfinders, representing about 2 million workers. The German crowdsourcing employer’s association is also a member.

4. Organizational and decisional structure of the selected organization.

After the code of conduct was established, the issue arose of how to deal with conflicts from either side regarding failure to comply with the code, bad work practices, or inappropriate actions from workers.

Toward this end, a mediation forum was set up in 2017, in order to resolve conflicts between platforms and their crowdworkers. The mediators are chosen to balance representatives from both sides and is made up of 5 members: a neutral chairperson (currently a judge from Germany); a member of IG Metall’s platform work committee; a member of the employer’s association for crowdwork platforms in Germany; an employer from one of the member platforms; and a platform worker. The members of the mediation office work without pay.

As of the end of 2019, when the last report was filed, (a report of activities is filed for each year, usually in February for the preceding year), altogether 50 conflicts had been submitted to the board for mediation.

Contents of the Code of Conduct

The basis for any actions from the mediation office are violations of the code of conduct signed by the platforms and the unions. Below are some of the measures contained in the code:

- All members signing the code commit to ensuring that projects offered to the crowdworkers will not contain illegal, discriminating, fraudulent, demagogic, violent or anti-constitutional content.

- In addition, the members of the Code of Conduct commit to informing crowdworkers of existing legal regulations, and tax regulations in particular, which are connected to crowdworking in their region.
- All subscribers commit to pay a fair and appropriate wage or to advise the contracting parties accordingly. The payment conditions, especially time limits and payout cycles, need to be transparent and the payment has to take place fast and without delays. The platform providers have to ensure that payments occur at least once a month. Members of the code also agree to various measures that improve the conditions and quality of work such as a user-friendly and intuitive platform to navigate and ways to motivate or fulfill work such as:
 - Rewards (experience points or badges and awards)
 - Forums and information on frequently asked questions or other forms of support
 - Training possibilities such as e-learning or leadership boards.
- Furthermore, the tasks for crowdworkers should be defined clearly. The workers should receive a detailed description of all the criteria regarding timing and content that need to be met in order to participate in and successfully complete a crowdsourcing project.
- The decision of whether or not to accept a project lies with the crowdworker. The refusal of offered tasks by crowdworkers should not lead to negative consequences and no pressure should be applied by the platform providers.
- The approval process for completed tasks must be given in written form and be transparent to the crowdworker. Approval periods have to be communicated by the platform. The denial of projects must be justified and based on the project description.

5. Collective resistances: main actions of mobilization regarding contingent/SW members' needs, outcomes and effects.

The Ombuds Office mediates disputes that arise between workers and platforms that are signatories to the Code of Conduct. The Ombuds Office will mediate a dispute only after the parties have attempted to resolve the situation on their own (outside of the legal system).

Claims with a clear reason for the conflict have to be put in writing (also per email) to the Ombuds office.

The reasons for the request for involvement have to be clearly formulated: For instance, it can involve a dispute about a particular amount of money or a declaration about violations. The subject of the dispute cannot be older than 6 months. The request has to be formulated in either German or English.

The German Crowdsourcing association, the German association of unions (DGB) and all of their member unions, the platforms that have signed the code of conduct, and any platform worker which works on one of these platforms have the right to submit a claim to the Ombuds Office if there is evidence that a platform has violated the Code of Conduct multiple times and should therefore no longer be entitled to claim that it

adheres to it. In such cases, the Ombuds Office investigates the case and decides whether the right to claim adherence to the Code of Conduct is to be revoked or if the claim is to be dropped.

The cases submitted to the Ombuds-Office: Needs, Outcomes and Effects

In 2019 the Ombuds Office dealt with 7 open cases from 2018 and 14 new cases from 2019. From the 7 open 2018 cases, 6 were solved with acceptance from both parties (in 4 cases the demands were met, and in 2 there was a compromise agreement). In one of the cases, the Ombuds Office made the final decision.

From the 14 cases put forth in 2019, 13 of the cases were complaints from crowdworkers and one case from a platform. Most cases are in German, but in 2019 for the first time two cases in English were brought before the Ombuds office. In 6 of the cases, both parties agreed to the solution of the Ombuds office. One case was decided and closed by the Ombuds Office. In 3 cases, the complainant dropped the case. In 2 cases the Ombuds Office gave the involved parties further information. In 2 of the cases, the Ombuds Office was not correctly responsible for the complaint: Once because there had been no attempt to bilaterally solve the issue before bringing it before the Ombuds Office. One was considered a general issue that was not a concrete complaint and did not fall under the purview of the Ombuds Office.

In one of the cases, the issue being dealt with was considered fundamental by the Ombuds Office. It involved whether earnings – a last in part – are earned, when the contract was completed differently as originally described or, in fact, was not objectively possible to fulfill, for instance if a location was moved from its original address, or if it was closed, perhaps temporarily, due to renovation work. The Ombuds Office published the following opinion for these cases:

- In cases in which the project was clearly described and there are no obstacles to completion, the payment is only earned when the job, as it was described with the conditions clearly stated, is completed in full.
- The Ombuds Office, however, points out that in consideration of the principles in the code of conduct, that fair payment and dependability imply that only the crowdworker should shoulder the risk if a job published by a platform cannot be completed (because it is objectively impossible to complete).
- The Ombuds Office also gave the opinion that Forums are allowed to criticize platforms for what they see as unfair behavior since these forums should offer a place for open and critical discourse and that this can include negative opinions. However, the platform can demand a respectful and non-polemic exchange on the forums. This would include refraining from personal attacks, publication of correspondence that is not anonymous, or revealing business secrets. In such cases, the platform could have reasonable grounds to terminate the contract, preferably however after warnings have been given and ignored.

These types of decisions demonstrate the kinds of conflicts that the Ombuds Office is dealing with when complaints get raised. Often, they have to do with payment or decisions on when a contract was actually fulfilled or whether, under existing conditions, they could be fulfilled. Any questions that do not deal directly with the Code of Conduct cannot be mediated by the Ombuds Office.

6. Relations with other industrial relations' actors

There are a number of affiliated unions for the Fair Crowd Work initiative for crowdworkers. By attempting to pool together an international network of unions all representing crowdworkers with a similar set of demands, the unions involved hope to increase their membership and to put pressure on regulators.

In Germany IG Metall has been accepting so-called “Solo Self-Employed” (those who have no employees) as members since 2016. The union Ver.di has been the traditional union for the self-employed in Germany. Their members have generally come from media, journalism, or the arts and entertainment sectors. Austria's union association (ÖGB) whose members - the worker's group (Arbeiterkammer) and the union for private employees - all support crowdworkers. In the U.K. the London-based couriers and logistics branch of the Independent Workers of Great Britain defends the rights of contract employees in these British branches, including Deliveroo and UberEats. In Sweden, the employee union “Unionen” has developed a model of how platforms can certify fair and socially sustainable working conditions. In the US, the Teamsters 117 based in Seattle and the New York Taxi Workers alliance have been working for the rights of drivers from Uber, Lyft and other such transport companies. The Freelancers union worked together with the city council of New York to formulate the “Freelance isn't Free” statute in which since 2016 the rights of freelancers are regulated in contracts with regular pay, some insurance and further training.

7. Future Considerations

Precisely because the range of influence of the Ombuds Office is limited, the unions see the role of the Code of Conduct in a broader framework (IG Metall 2018).

1. Obviously one of the first initiatives is to try to broaden the scope of the Code by getting more platforms to sign on.
2. Another is to try to get the provisions in the code – and also expanded provisions along the line of protecting payment, protecting reputation, rules about accepting work, determining the rights of worker types on platforms, and especially guaranteeing a right to collectively organize for representation and bargaining – set in laws or guidelines at the EU level or at least national levels of regulation. A new paper by IG Metall on platform worker rights directed at EU regulators says that platform workers should have the:

“Right to organize and negotiate collective agreements with platform operator and/or clients.”

Further, the paper states: “This should apply to all platform workers, including truly self-employed platform workers.” Even if a worker is truly self-employed, platform operators have significant influence over the worker’s ability to obtain work, to bargain with clients over payment, to receive timely payment for submitted work, to receive fair and accurate evaluations, and over working conditions generally. “Platform operators are therefore appropriate negotiating counterparties for collective agreements for all workers, including self-employed workers, even if/when platforms are not employers in the traditional sense.”

3. It should be pointed out that IG Metall does not promote defining platform workers as dependent employees. Some platforms may wish to define their workers as employees and in some national contexts, some categories of platform workers (transportation workers for instance) might be classified as employees. If so, they should have the rights given to dependent employees in that regulation system. However, they also recognize that many workers on the platforms are self-employed or free-lance and want to remain that way, either because it is a status traditionally linked to their occupations with several employers or because they are slash workers and have different employment activities and employers. If workers are self-employed or free-lance, the unions support the right (or practical possibility) for the workers to set their own prices and negotiate terms with customers; to negotiate contract terms with potential clients or platforms (including the use of intellectual property), enjoy the freedoms associated with self-employed work as established in the law.
4. Finally, the unions see the participation in the Code of Conduct as a way to recruit members. Platform workers, no matter their employment classification, are encouraged to join the union that represents them.

In particular, the IG Metall has been using the knowledge it is gaining by being a member of the Code of Conduct for Fair Crowd Work to recruit members and to show how important it is to become a member of the union if the worker intends to really use the platform as a major form of income earning. A lesson learned in this regard was a case that the IG Metall helped bring before the legal system concerning the status as self-employed rather than as a regular employee.

For the first time in Germany, the Federal Labor Court decided in December of 2020 that it is possible to classify Crowdworkers who work on Online platforms as employees. (Bundesarbeitsgericht, 2020) The court said that signing a contract was not the only deciding factor for determining dependent employment status. Rather the actual implementation of work is decisive. Although the Crowdworker was not contractually obligated to take on jobs on the platform, he performed work with in which he had to follow instructions that were externally determined just as a dependent employee.

Moreover, he was basically forced to accept jobs on the platform in light of the rating system which also determined pay that exists on the platform. Previous cases of this sort had not been successful in the past. The IG Metall had legally represented the plaintiff and is using this success as a recruitment strategy.

The IG Metall says that the court ruling emphasizes how important it is for Crowdworkers to become members of the IG Metall. Robert Fuss from the Crowdsourcing Project of the IG Metall said: „We hear of more and more cases in which Crowdworkers are banned from platforms due to comparatively small differences of opinion.” (Fuss 2020a) The IG Metall represents Crowdworkers in these cases at court. However, the workers have to be members for at least 3 months - as with all members - to receive benefits or legal support from the union. If the Crowdworker is using the platform as a means to earn income, they should become members of the union when they register on the platform.

8. Conclusions

Although the Ombuds Office has a limited range of applicability and, even within that range, limited area of topics that it is allowed to officiate, it does provide a source of regulation and fairness for the platform workers involved. Moreover, it begins a process in which a type of collective bargaining takes place between the employers (the platforms) and the workers. More importantly, it provides a basis for trying to get regulations for fair crowd work established in regional, national and European settings. Moreover, it lays the foundation for unions to recruit members, represent them legally, obtain media visibility, and potentially contribute to legal decisions that protect platform workers.

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SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL RELATIONS: CASE STUDIES

Country: Germany

Case study: Liefern am Limit

Pamela Meil

City, March 2021

1. Introduction

This case study deals with the grass roots movement of food delivery couriers in Germany to form a works council and to reduce the precarious employment relationship that characterizes the situation of most delivery couriers. Up to 2019, Germany had three main delivery services: Lieferheld, Deliveroo, and Foodora. There were some small, mainly local delivery services, or those linked to particular chains (such as Domino Pizza), but these were the main companies and were active in most states and cities. The movement described here centered around Deliveroo, which at that time offered either free-lance or short-term contracts to its drivers. Foodora offered mainly 6 month -1 year contracts to its drivers, and was mainly comprised of students and migrants, who were more difficult to organize. In the course of 2019, the three main companies were bought up and merged by the corporation – “Just Eat Takeaway.” Then there was only one main delivery service in Germany, besides the smaller local or chain food restaurant run services, called Lieferando.

a. Innovation

The German industrial relations system is very regulated and institutionalized. There are very few grass roots movements on issues involving labor: most initiatives are initiated by unions or other labor organizations or associations from the top down, trying to gain leverage with politics. Labor problems and inequities get publicized sometimes, but they rarely lead to grass roots movements that then lead to organizational changes or regulation. This is one reason that the Liefer am Limit movement was so unique and innovative: It led to the formation of works councils (see the Box below for more detailed information on works councils in Germany), changes in contracts at food couriers, and the involvement of the food and restaurant union – NGG. As the union says, “Liefer am Limit today is a valued advisor at the federal level for the topics ‘Platform economy’ Work 4.0, and Digitalization” (NGG Net 2019). Liefer am Limit became an official subunit of the NGG Union in November 2018.

b. Slash workers involved

Deliveroo’s workforce comprised a number of slash workers. According to interviews conducted in 2019, their second job usually comprised self-employed status in jobs such as, for instance, climbing or fitness trainers, members of a music band, or promoters. These were alongside their job as food courier (which also provided their steady, although generally low, source of income). Of course, being self-employed, they legally actually had to officially have other jobs; otherwise, they would be “false self-employed”, (having only one employer) and their status would have to be changed to employee. Many couriers at Deliveroo were not aware of such regulations and also not aware of how their status affected insurance, etc.

At Foodora, there were fewer slash workers: the workforce was comprised mainly of students or migrants in addition to their food courier job. They also were given temporary contracts with minimum wage of 9,19€ per hour. So-called Rider Captains - who were responsible for schedules and other small management tasks - were paid 10€ per hour. Deliveroo drivers reported that they delivered food that ranged in sales amounts between 800€ und 2300€ per month in 2018. Considering that many were being hired as mini-jobbers (450€ per month) and that they generally provided their own transport and phones, this meant that the company was earning a large profit.

The couriers for the food services tend to be young and the majority are male. Given the demanding physical aspects of the job, this is not that surprising. The delivery is mainly by bicycle and long hours of driving in all kinds of weather characterize the work. There have been some shifts in the work process due to the takeover by Lieferando. Previously, the workers had to provide their own bicycles and cell phones as well as paying for a lot of the maintenance of the bikes, although some repairs were compensated by the company. Then, Lieferando introduced e-bikes, which would make the work easier, but would represent a costly investment for the workers if not provided by the company, which was unclear. Now, the couriers can “rent” the e-bikes from Lieferando if they do not want to invest. Many riders don’t like using e-bikes. Riding bicycles was one of the attractive aspects of the job for the young and athletic couriers. There is slightly more diversity in the workforce than in the past as characterized by a broad range of education level among the couriers (Jochmann 2019).

2. General characteristics of the organization.

In early 2018, a group of riders from the food delivery services Deliveroo and Foodora mobilized to form works councils calling their movement *Liefern am Limit*. The riders who wanted to form a works council were worried that the company might try to prevent the establishment of a works council or try to fire or dismiss the riders who were active in forming it. Therefore, they took their initiative to the public via Facebook, calling it *Liefern am Limit* which means Delivery to the Limit (of their capacity, strength, etc.). The response surprised them. They were making what they saw as a “desperate cry for help” (Költzsch T. /dpa, 2018), but it developed at amazing speed to a real call for action, thereby attracting attention all over the country. The original works council at what was then Deliveroo only held for 90 days, but the movement remained.

Background information on food delivery in Germany and size

In 2020, Lieferando reported having around 5000 drivers in Germany and about 1000 working in their headquarters in Berlin. The Corona Pandemic has been very good for business and the company continues to hire – saying that they are planning to hire more than 1000 new drivers. Part of this is to deal with the high fluctuation among drivers, so it just represents replacement. However, actual employment growth is also planned. The

company Just Eat Takeaway employs about 10,000 employees altogether, 5 times as many as two years ago. According to Korman (2021), “Amid pandemic-related restrictions, online delivery services have been able to realize record growth, accruing in Germany up to 500 per cent more customers.”

3. Characteristics of associate workers / members of the selected organization. Requirements to become a member³⁰

When Deliveroo was operating in 2017-2018 it offered limited fixed-term contracts. They said publicly that they supported having a works council. In fact, they did everything possible to prevent the formation of the work council: blocking communication between drivers, closing down blogs and apps, etc. Also, they did not renew the contract of any of the five works council members who had been elected after the successful establishment of the works council. Also, they eventually changed all employment contracts to free-lance in order to prevent the formation of more works councils or other types of worker mobilization. At the time, there were two main food delivery systems in Germany: Deliveroo and Foodora (Lieferheld was much smaller and not present everywhere). The two companies differed because Deliveroo mainly had freelance contracts (after changing to this policy in 2019) and Foodora mainly offered limited 6 month or one-year contracts.

4. Organizational and decisional structure of the selected organization.

Liefiern am Limit began in the city of Köln in February of 2018. The workers of Deliveroo, led by a couple of the couriers or riders, started the initiative to fight for a works council to improve the working conditions of the couriers, improve their precarious status, and secure decent wages.

Corona did become an organizing principle for the couriers because they were worried about their health and having sufficient protections. This ended up creating a mobilization wave in the Spring of 2020 which the Liefiern am Limit movement used as well as the NGG union to attract members, increase information sharing, and formulate demands for protecting couriers, such as the provision of masks and disinfection protocols and products.

One of the problems with organizing couriers was that the self-employed or free-lance riders were not well informed about the consequences of their employment status. There are still self-employed couriers working for various delivery services. They are rarely informed about their rights or responsibilities from the platform which, according to labor law, they are required to do. This has consequences for insurance coverage, illness, etc. Many riders who are doing the job with a very short-term perspective don't

³⁰ See box on regulations regarding works councils at end of text.

really think very much about their rights or protections and don't bother being informed about the legality of their job status.

For the self-employed, insurance has to be taken care of by the employee his/herself completely. If the courier does not have another job with insurance or is not a student, many just stay uninsured. That means they are completely unprotected while carrying out the rather dangerous job of riding bicycles through crowded cities for deliveries.

5. Collective resistances

Liefiern am Limit began in the city of Köln in February of 2018. The workers of Deliveroo, led by a couple of the couriers or riders, started the initiative to fight for a works council to improve the working conditions of the couriers, improve their precarious status, and secure decent wages. The initiative's initial goal was to make the public, but also the government, aware of the precarious working conditions of many couriers, "we have to at least double our range, in order to build up pressure to change things", the organizer Mittenwayer said in 2018. (Liefiern am Limit: <https://www.facebook.com/liefiernamlimit/>).

Nonetheless, the fluctuation among the workforce is still very high – the job is often used as a short-term source of earnings rather than a long-term perspective. This naturally makes organizing difficult which is difficult in any case because of fear (particularly among the migrants), the lack of contact (everyone is out on their own driving and delivering), and lack of information about unions and employment rights.

One of the activists in Liefiern am Limit, who worked for Deliveroo and helped form the works council, was more or less fired: his fixed term contract was not renewed. He took the company to court and said he wanted his job back and be given a regular employment contract. The company offered a settlement twice, thinking that since he wanted to study, that he would take the money and drop the lawsuit. The condition was a "gag" order – he would not be able to make anything public. He did not accept the settlement, saying that he was prepared to go through all of the appeals because he „wanted that his case makes a legal and political statement and precedent." The case has not been decided even now. However, the new company Lieferando which had taken over Deliveroo and Foodora did decide to offer regular, although limited, contracts to its drivers which provides them with insurance coverage, sick days and vacation days. Pay has also improved slightly. There are still sometimes court cases pending concerning the employment status of drivers as well as platform workers in general. The position of the government is leaning toward ruling in favor of dependent employment if the worker has to follow guidelines and how the work is carried out is determined by the employer. This is sometimes difficult to prove and the government does not want to punish workers who want to be self-employed and undertake more than one job with different employers.

The work is assigned by an app and thus the algorithm decides where the worker goes to pick up the food and where to deliver it. The algorithm can also decide what route the riders have to take which many couriers see as limiting their autonomy, since they know the routes and shortcuts better than “someone sitting in the main office in Berlin” (Jochman 2019). When couriers have a contract, they can be forced to accept pick-ups, whereas free-lancers can reject them. Also, the app that the drivers use can track them and determine how fast they deliver their orders. This is one of the main complaints of the couriers: their privacy is severely infringed upon by the use of these apps. Shifts are also given depending on performance: that means that the fastest drivers get the best shifts. Taking vacation time or illness can also result in being pushed down the list for shifts, thereby resulting in fewer hours, kilometers ridden, and orders delivered which decreases earnings. The works council that the couriers established rejected the use of the app for determining shifts.

Insurance, or the lack thereof, is one of the main issues for riders. If they become ill or have an accident in the relatively dangerous occupation of driving bicycles among traffic, they are in a precarious position without insurance. Some of the couriers are insured via their student status. Others, if they are regular employees, are insured by the platform. For mini-jobbers, there is a special status in which health and retirement benefits are paid by the employer as a lump sum (Given the small earnings, the employee does not have to pay a share which is the usual model for employment). It is naturally not a large amount, which has consequences for retirement.

6. Relations with other industrial relations’ actors

Liefer am Limit is supported by the German association of unions (DGB) and the union of food and restaurants.

In 2019, Lieferando took over both Deliveroo and Foodora, effectively leaving only one main delivery service in Germany. Lieferando, taking over the policy of Foodora and ending the free-lance practice of Deliveroo, gave limited contracts of one year mainly on a mini-job (450 € a month) basis and allowed the establishment of works councils. However, every local branch of the company has to fight to establish their work council. Liefer am Limit – together with the union NGG – are currently working to get more works councils established in several cities. It is now possible to get an unlimited contract with Lieferando, although most couriers have a short-term job perspective.

It is generally difficult to convince the drivers to join the union NGG. From Köln, where Liefer am Limit started, there are only about 60 union members (Jochmann 2019).

There is also the possibility to be insured through the union’s support structure – the GUV/Fakulta, if one is a union member. However, this does not include health or retirement insurance and only provides partial protection for accidents, etc. The

Gewerkschaftliche Unterstützungseinrichtung der DGB-Gewerkschaften or GUV, is designed to protect members while undertaking their occupational activities. The protection only covers amounts up to 300 € for accidents using autos or bikes while working. It also covers various types of legal fees, an economic emergency, hospital costs due to work-related accidents or illness, etc. (GUV/ Fakultä, 2019).

7. Further action and political engagement

There are a number of positions among union organizers as well as at the political level in the labor ministry on what regulations should exist for couriers. The union would, of course, like to attract more members and establish more work councils. This would help them push to get the delivery companies to engage in collective bargaining with them or even simple wage bargaining for the couriers. The companies are not very interested in establishing this practice. They would rather set the conditions for the workforce, including pay, insurance and the character of contracts. Up to now they are in a position to do this although due to the works councils and pressure from the NGG union, they have had to improve working conditions and security for the drivers. (Degner and Kocher, 2019)

In light of the difficulty in mobilizing the drivers to join the union, be politically engaged, or knowledgeable and conscious of the responsibilities of a “social state,” other ideas to protect platform workers are to create a third category of worker type that is somewhere between self-employed and dependent employed: a “dependent self-employed”, for example.

The federal labor ministry has an unclear position on this proposal. In some ways the hybrid status would provide greater protection and rights. On the other hand, it might be an invitation for employers to place workers in this category, thereby eroding the regular employment relationship of the dependent employee.

A variety of approaches exist on how drivers for delivery services could be classified to receive health insurance and retirement benefits. The potential exists for mixing the approaches. Their main orientation lies in having some kind of protection for being insured and receiving some kind of benefits for future retirement savings. The first basically calls for a classification as self-employed without any regulations since the workers have consciously decided to be self-employed and therefore their security is their own responsibility. The second is a required retirement account with freedom to choose between private and public coverage. The third is the expansion of Gigworkers or so-called Solo-Self-employed in the social insurance system. This would challenge the existing occupationally based system of coverage in Germany toward a more universal system. The fourth approach is a dedicated social protection system, similar to the social service platform for creative workers (Künstlersozialkasse). The Lieferrn

am Limit movement would like to see the riders have good insurance and social protections while working as riders.

Other ideas from politics to make participation in collective bargaining for platforms more attractive to companies is to offer tax incentives for those companies that are willing to collectively bargain and negotiate wage and job benefits.

8. Concluding Remarks

The movement Lieferrn am Limit is an excellent example of a grassroots or bottom-up movement for improving the conditions of labor, in this case, for locally placed platform workers. Their initiative resonated with the public discourse in an unexpected way and helped them to be successful. In some ways, it is even more remarkable that these riders actually have very little contact with one another, since they carry out their tasks individually and receive their jobs and directions by app. Naturally one advantage was that the movement was initiated and carried by students who were politically aware and did not fear the backlash from the companies since they basically expected to use the job as courier or rider as a short-term perspective. Another interesting aspect of the Lieferrn am Limit movement was its ability to involve unions and thereby take their grassroots movement into an institutionalized context. This has also put some pressure on the political and legal system to transfer some of their demands for better working conditions at the food delivery companies where the movement began to a broader institutionalized and regulated context.

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Box: Works councils in Germany

A **works council** or Betriebsrat can be elected in **Germany** in operations normally having at least five regularly employed employees who are eligible to vote. Whether a **works council** should be elected in an operation is decided exclusively by the employees. Preventing a **works council** election in **Germany** is punishable under criminal law.

The works council is elected for a term of four years. The size of the works council depends on the number of employees regularly employed in the establishment.

The formation of a works council is not mandatory for employees. The initiative for creating it must come from the employees or the unions. If a company has more than one branch, it is generally possible to create a works council for each separate branch, provided that it has five or more employees.

The works council has general information and consultation rights under the Works Constitution Act. The works council is obliged to ensure that all laws, rules and health provisions are applied correctly and to the benefit of the employees. To perform its duties, the works council must have an established dialogue with the employer. The employer and the works council can agree on works agreements, which are binding on all employees.

A works agreement is a special type of contract concluded between the employer and the works council containing general provisions regarding the working conditions of the individual employees. Works agreements have the same direct and binding effect on the individual employment relationships as statutory law.

The Works Constitution Act provides co-determination rights, which concern personnel, social and economic matters. Co-determination rights regarding personnel matters are, for example:

- Individual personnel matters (for example: hiring, transfers to other job positions, regrouping of employees and termination of employment)
- General personnel matters (for example: information on staff planning, and consent to employees' questionnaires).

Regarding social matters, the works council has powerful co-determination rights, in particular in relation to:

- Policies relating to the order and conduct of employees
- Regular start and end of the working day and the allocation of working hours
- Introduction and usage of technology (telephone, mobiles, laptops)
- Implementation or changes to an operational pay scheme.

By law, the employer must bear all costs of the works council to the extent they are necessary for the performance of its duties.

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Germany

Case study: Smart De

Pamela Meil

City, March 2021

1. Introduction

a. Innovation, justification of case:

Smart.DE is - like the other Smarts in Europe and in the case studies - a cooperative in which the members can become employees of the cooperative for a fee and thereby enjoy the benefits of employment (health insurance, payment into the retirement and unemployment funds) without losing the benefits of being self-employed (negotiating their own contracts, finding their own clients and projects, having autonomy in how, when and what they do). Generally, the cooperative specializes in recruiting highly skilled free-lancers to be members in their collective organization.

Extent of representation: As of the end of 2020, Smart (now called smart.de coop) in Germany has relatively few members (about 500), and only about 150 are actual employees rather than just affiliated members. There are a number of reasons for this. For one, German artists and creative workers have other avenues for coverage or protection. On the one hand, the union Ver.di recruits solo self-employed and offers advice, legal help and lobbies the government for protections. On the other, certain artists can join the KSK (Künstlersozialkasse) which is a health insurance provider for this group. If eligible, the self-employed artist only pays 50% of insurance coverage while the government covers the other 50% which, for regular dependent employees, is covered by their employer. There are other professional groups in Germany who also enjoy this benefit in various constellations (translators, journalists), which can be traced back to the work of their professional associations who have successfully lobbied for them over the years. This is one reason that smart.de has very few artists in their collective: they even recommend that those who are eligible should join the KSK rather than their collective. The percentage of performing artists in the cooperative is very low in Germany unlike in Italy or Spain where there is a very high percentage of members who are performers.

Nonetheless, Smart.de is a very innovative form of providing collective coverage and protections for groups of workers – particularly creative workers, but also teachers, translators, and other self-employed – in the German context. Without this cooperative, those self-employed who are not in recognized professional associations or in traditionally well-organized professions such as journalists, would be largely left on their own to try to navigate the very bureaucratic and intransparent provisions for insurance and employment protections.

b. Demographics and Slash workers

Many of the Smart de members are foreign – mainly from other countries in the EU. This is not that surprising due to the special provisions for insurance that exist for various self-employed groups in Germany. When these workers attain certain eligibility requirements, which usually include regular (even if freelance or project-based)

employment or membership in a professional association, they sometimes are eligible for benefits from special organizations. Even when various aspects of joining Smart.de as an employee are very attractive, the employee still has to pay their entire share of insurance which can be very costly. Germans are more likely to have access to the other provisions, although foreigners can also apply. Many of the Smart.de members also live in Berlin and tend to be young. Since a lot of the recruiting process is by word of mouth and there is a large self-employed art scene in Berlin, it is also not that surprising that many members live there.

Slash workers: Given the precarious nature of self-employed creative work, many workers have to engage in more than one job. They often prefer the activity to be related to their main job, but often have to take other jobs to earn a living.

The expert interviewee from smart.de, had not heard of the term slash, but could immediately identify with it: Many of their members have more than one job in different activities which could be described with the symbol “slash.” The interviewees felt that slash work was on the rise because self-employed persons in particular could not survive without taking more than one job. (Interview with Recruiter/Member/Organizer of Smart.de, 2019)

2. General Characteristics of the Organization

The cooperative Smart.de in Germany

Smart.de was launched in Germany in 2015. Initially, it was – as with Smart cooperatives in other countries – mainly geared toward artists. However, given the alternative options for insurance coverage in Germany, it became clear that Smart in Germany should also target other types of self-employed.

Generally, the cooperative functions in the following way: self-employed, who work with Smart, carry out their projects and contracts as before. However, although they are still responsible for the negotiations with their clients, the invoices and financial services for the work are handled by the cooperative. The cooperative members generate a budget through their contracts, which is used to pay the member as an employee with Smart. Smart members whose main employment is with Smart as an employee, have regular health insurance, and pay into the retirement and unemployment insurance funds. As with voluntarily insured solo-self-employed, they pay 100% of their social insurance contribution (unlike dependent employees who pay 50% because their employers pay the other 50%). Also, for every contract that goes via Smart, there is a fee of 7% of the net-contract amount that gets paid to the cooperative. This money finances the collective administrative and financial services of the collective.

Before Smart can send an invoice, you have to prepare an “order form”, signed by you and your client. It includes the client details, project name and activity period, and confirmation that Smart will handle the payments. After validating the order form,

Smart creates an invoice containing the information in the order form and sends the invoice to your client.

You have to have a regular income or at least a good financial base to join Smart otherwise it is not profitable, since you have to pay 7% to Smart and cover your own insurance costs. These are really high in Germany. However, the KSK and such providers are not an option for some occupations such as curators, translators, or guides. For these types of self-employed occupations, Smart.de is a good alternative. Freelancers or self-employed, who are not in professions with special insurance arrangements, would have to cover their insurance in any case. If it is possible to become a member of these other groups, it is worthwhile and that is what smart.de advises their members. The interviewees from Smart.de said that, for low wage earners, the social system costs are in general too high. Their wish would be for a universal public health insurance that is affordable for artists and freelancers.³¹

3. Characteristics of associate workers / members of the selected organization. Requirements to become a member.

The cooperative is a shared company, based on the principles of solidarity and social enterprises. All members share the costs of the cooperative's economic and administrative services. The Smart.de cooperative can issue invoices for all non-registered services (for example: business consulting, IT support, software development, education, translation, city tours, content management, public relations, creative services...). The sale of products through Smart is currently not possible. One can become a member of the Smart cooperative at any time, by buying a share into the cooperative. However, an employment contract can only begin once your client has signed an order form with the cooperative for your services, so that Smart can issue invoices.

It's possible to buy more than one €50 cooperative share to support the cooperative financially. However, holding more shares does not give any individual member more than one vote at the General Assembly. The cooperative statutes state that every member has one vote, no matter how many shares they hold. It is possible to leave the cooperative through buy-back shares. The share value will be determined at the end of the financial year. The process of share repurchasing can take at least two years.

4. Organizational and decisional structure of the selected organization.

The members receive professional advice, access to a network of like-minded people, they don't have to form their own firm and therefore don't have to deal with accounting, invoicing, etc.

³¹ Interview with recruiter/organizer/member of Smart.de in 2019 (see summary report); Interview with smart.de associates in 2020.

Altogether 13 employees take care of the administration of the cooperative community in Germany.

The issue arises if Smart.de can be seen as a trick for false self-employment. Apparently, their position is that owners of a firm have the right to make themselves employees and pay themselves a wage. In Smart.de's cooperative, all of the members have a share of the "firm." They all make decisions together in a very democratic structure. The cooperative members are simultaneously employees and employers, and co-owners of the cooperative. Once the member has a confirmation of a contract from a client, the administration services at Smart.de calculate a salary based on the planned budget, the timeframe of the project, set up an employment contract, an invoice structure, payment reminders for the client, payment of the salary to the Smart.de employee, taxes, social insurance payments, etc. Based on existing and future contracts and jobs, the Team from smart.de coop calculate an average value to pay the member as a salary per month. In this way, months with high volume and months with low volume balance each other out. It is also possible to have employees, but they all have to be members of smart.de coop as well.

5. Collective resistances: main actions of mobilization regarding contingent/SW members' needs, outcomes and effects.

The Smart.de cooperative is not a labor movement in the sense of collective resistance. It is a collective to support and protect mainly highly skilled self-employed artists, those who work in some capacity in the creative sector, teachers, musicians, etc. to manage financial and administrative aspects of work and provide stability and a network for individuals who would otherwise be left to fight for themselves.

Needs, Outcomes, Effects

Having the jobs run via the cooperative offers other advantages: Smart ensures a payment guarantee on monthly salaries and social insurance payments. This is based on future jobs, which the clients of the Smart members certify through a standardized contract. In this way, self-employed "employees" of Smart can get paid while they are carrying out a job rather than waiting for its completion. This also generates a stable income in an often-fluctuating flow of money and jobs that characterizes self-employed work.

Another advantage of smart.de coop is that many self-employed do not possess the knowledge to take care of all the bureaucratic aspects of invoicing, paying taxes and insurance, etc. Moreover, creative artists and international employees often have work arrangements that are more complex than for more traditional types of self-employed or free-lancers: for instance, they may have foreign clients or a mix of creative and non-creative tasks simultaneously.

Some of the members run all of their contracts or projects through the cooperative – some only part of the contracts or projects. You can take a break or leave the

cooperative at any time. There are many diverse life and work models. Some of the members belong to the cooperative because they only want to work and not have to worry about organizing and administrating. Others want to learn how to optimize their finances.

Not all payments have to go through Smart even if you are an employee. The member can decide which contracts and invoices to process through Smart, and which to handle themselves. This gives the member a great deal of flexibility. However, if a contract with Smart exists, and the member also sends invoices under their own tax number, he/she will only be covered for health insurance through Smart if the majority of the income comes from your Smart contract. Taxable income is calculated from all income sources – both from the Smart processed contracts and private. An individual must pay income tax if the combined income is above the tax-free threshold (in 2021: €9744).

The Corona Crisis and Smart in Germany

During the Corona crisis, the German government allocated 5000€ direct payments to self-employed workers to help them pay for the loss of contracts and jobs resulting from the lockdown. Initially the payments were distributed through the local governments and seemed to proceed unbureaucratically and quickly. This was a large help to particularly creative workers who could no longer carry out their work and therefore had no income. However, in the second wave of payments, the federal government took over and the process became more bureaucratic. Restrictions applied that allowed only company costs or operating costs to be compensated. For many solo self-employed, who are musicians or theatre performers, this meant they no longer could apply for financial aid, although they still had no income and had no way to pay for rent, etc.

The benefits of being a self-employed “employee” member of the Smart cooperative became readily apparent in this situation. Being employed by the cooperative, the employee members have a claim to Kurzarbeitergeld (KUG) – short term work funds – if their loss of income resulted from the Corona crisis. This entitles them to 60% of their previous net income (parents 67%) which is financed by the State. Smart.de filed the applications for KUG on behalf of their employees, a large form of support and source of security during the Corona crisis. Eligibility for Kurzarbeitergeld (KUG) makes it possible to have an income even in cases of long-term breaks in payment or jobs (up to 12 months). The cooperative applies for the KUG in the name of the employee; the cooperative member does not have to do it on their own. (Smart.de., 2020)

The interviewees from the case studies from Smart.de

There were 3 interviewees from the case studies who were members of Smart.de, but none as employees, only as affiliated members. They express some of the needs and effects of an organization such as Smart.de

The first was a Japanese American living in Germany for 8 years. He is a dancer/choreographer and was initially employed in a dance company on a regular contract with benefits for 5 years, but then decided to go freelance. He reported lots of fluctuations in work: he might work 8 hours a day, 5-6 days a week for 2 months, then have no work for a couple of months until the next job or project starts. He describes his work situation as precarious: He does not get paid if he is ill and of course the corona crisis made things extremely difficult. He also applies for grants and scholarships for set periods which he uses to choreograph and get a troupe of dancers together. He is a member of the KSK and therefore has health insurance which explains why he is not interested in employee status at Smart.de. He is also a member of the GDBA – the union for performers. His five years’ experience in the dance company made him quite knowledgeable about the networks available for artists, such as KSK insurance, grants, etc. He also has a good knowledge of other possibilities for support such as the Elinor network, which will be briefly described in the conclusion. ³²

The second interviewee was a US/British citizen living in Berlin. She is older than many members of Smart.de. She was in a well-paying regular contract job but was made redundant in a restructuring wave at her company. She is currently working as a free-lancer in consulting for small and medium enterprises. She does not have enough regular work at the moment to become an employee of Smart.de and would rather be regularly employed again but uses the cooperative as a networking source. She is also a member of the Royal Manufacturing Society of Commerce and gets work reviewing contracts for UK public agencies. She would like to get a regular job again, but it is difficult when due to her age. ³³

The third interviewee is Irish and has been living in Germany (Berlin) for four years. He teaches 18 hours a week in Ireland and (until Corona) flew back and forth between the two countries. He also works freelance as a data analyst which adds up to 40 hours a week, although the hours fluctuate a bit. He has no job security and as a free-lancer – also when he teaches – he has no security, and it is difficult to get health insurance that is affordable. He joined Smart.de, but not as an employee, because it helps with some things, for instance, renting an apartment. He finds the system in Germany for the self-employed very difficult. He would like to see an EU health care plan for freelancers and unemployment assistance for freelancers. ³⁴

The press portrays smart.de coop in a very positive light. The media that covers such organizations usually take the position that self-employment is a kind of “self-actualization” (Raveling, 2021). In this portrayal, being self-employed (when it is voluntary, which is not always the case) exchanges security for freedom. The benefits of dependent employment: vacation, coverage and income during illness, secure employment, versus freedom, choosing one’s own clients, tasks, and activities, and

³² Interviewee DE 3 from Swirl Project Workpackage 3 individual case studies.

³³ Interviewee DE 4 from Swirl Project Workpackage 3 individual case studies.

³⁴ Interviewee DE 6 from Swirl Project Workpackage 3 individual case studies.

pursuing one's own vision. Smart does provide a third way by giving those who have regular, but perhaps fluctuating clients and projects, a way to have benefits and a regular monthly income but does not require giving up the freedom to pursue one's own projects.

6. Relations with other industrial relations' actors such as trade unions, associations and other relevant organizations

Since smart.de is not a union, it does not have much contact with traditional industrial relations' actors. It does do a lot of networking with various associations tied to the needs of the self-employed in Germany, including creative occupations, platform cooperatives, etc.

Recruitment and networking

Smart.de tends to recruit mouth to mouth, in supermarkets (mainly in Berlin), at events such as political events on the future of work. Other means of access are linked-in and facebook.

Smart.de coop offers weekly online sessions on how to become a member and explanations of what the benefits are. Usually, face-to-face meetings are set up to advise potential members, but this is not possible due to corona, so now everything is online.

One thing the Smart de. coop has been doing is building a network for services for various types of self-employed workers and tapping into sources for increasing membership. For instance, they are associated with a number of groups: Haus der Selbstständigen (house of self-employed), Platforms2share, Platform cooperatives Germany, Kreatives Sachsen, SuperMarkt. One of the offshoots of smart.de is the non-profit association SMartDE – network for creatives e.V. (an e.V. is an association or club, which has a specific legal form in Germany), which runs the so-called touring artists help desk service. This group is associated with Smart.de coop and offers advice to artists and cultural professionals. They can make use of the touring artists helpdesk service for individual consultations on international projects and working stays abroad and provide advice on cross-border mobility.

In September 2018 the touring artists service launched in conjunction with Smart.de and welcomed artists and culture professionals who left their home countries and are now residing in Germany. Individual consultations on international projects as well as on questions on how to achieve a future career in Germany are offered. Culture professionals can also obtain information on the Berlin job market in particular. Moreover, the helpdesk service addresses cultural institutions in Berlin that are collaborating with arriving artists.

It is available for both members and non-members of Smart.de. The touring artists help desk service is a collaboration project with the International Association of Art (IGBK), and the International Theatre Institute (ITI), the German Dance Association

(Dachverband Tanz) and is funded by the German Federal Commissioner for Culture and the Media. Touring artists is also conducting an online survey of their advisory service in order to improve it.

Another such initiative associated with smart.de coop is the Smart Bildungswerk (education factory) which offers courses, seminars, workshops and teaching units throughout Germany. The Bildungswerk is for self-employed from the education sector and was launched in 2020. As a non-profit gGmbH (this is a non-profit company which does not have to pay sales tax), the Bildungswerk ensures fair working and employment conditions for teachers by employing them. The Bildungswerk has its headquarters in Bremen rather than Berlin and is a 100% subsidiary of the smart cooperative.

7. Future actions

According to the interviewees from WP3 case studies as well as the industrial relation's experts from WP 2, self-employed workers view attaining social benefits – health insurance that is affordable and possibly some pension benefits – as a high priority. At smart de, the workers are very young and have sometimes moved to Germany from another EU country. The collective makes it easier to get health benefits, and for some employment status, so that they have some protection during downturns (such as during the crisis). Such benefits, along with the ability to apply for Kurzarbeitergeld (KUG) in times of economic crisis, have increased the attractiveness for joining the cooperative among the self-employed population. Also, reaching out to other groups besides creative artists, who are often a main clientele for smart in other countries, smart.de is trying to broaden its base and offer some security and protection for a more diverse group of self-employed.

There had already been demands from creative artist circles (magazines, journalists, etc.) and the union Ver.di for the State to create an equivalent to Kurzarbeitergeld for the self-employed rather than the one-time payments that were being offered for the self-employed during the corona crisis. What Smart.de had already achieved with their model was therefore a kind of prototype for what could be created to support the self-employed and especially creative artists during periods of crisis, or in cases when there is a fallout in contracts with the perspective that this will improve in the future but was never accomplished. In fact, KUG can be used by companies when they have a period of low volume of contracts or a liquidity problem but are generally in good financial and economic condition. The KUG is an incentive to retain employees rather than let people go if there is a perspective that the financial problem will be short-term or over in the foreseeable future. Self-employed have no such measures to bridge difficult periods, but smart.de's employee status makes it possible for them to be eligible for these payments.

Finally, another area of activity is lobbying, also at EU level, to achieve at least a minimum level of protection for workers, whether self-employed, platform workers or

fixed term contingent workers. This mainly takes the form of trying to assure social benefits (health insurance, money for retirement, protection from unemployment or some income during it). Given the arcane nature of the German social benefits system, this is a big challenge.

8. Concluding remarks

Smart.de is an important form of collective action for self-employed, mainly highly skilled workers. Part of its attraction is its very broad presence in Europe which allows cross-border networking, but also should give it some leverage in policy guidelines for the self-employed at the European level. Germany's version of smart will most certainly vary from other countries given the options for protection for artists from other sources: this is reflected in the relatively low membership, especially for those opting for employee status. However, it has proven innovative in trying to tap into other areas of self-employment, for instance for teachers and translators through the Bildungswerk.

There are quite a number of groups and cooperatives cropping up around Europe since 2015 for self-employed creatives or other self-employed with special (and generally high) skills. This is also reflected in the Italian and French case studies of similar cooperatives. In Germany, there is also the Elinor network. The Elinor Network launched in 2018 is another cooperative for artists in which diverse activities that the self-employed artists need, such as software development, collective action, sustainable banking, starting a company or community, controlling, etc. are carried out together in a collective for members. The network started as a research project funded by the German government. It wants to form a digital infrastructure for those in the creative sector to communicate and support each other. It is run by an advisory group of mixed occupations, also software developers and finance experts. The first two priorities that were set up for the network were various forms of protection (insurance for bikes, phones and coverage for lost income during illness) and group accounts (setting up bank accounts for any group who want a way to administer group funds – even fan clubs and so forth). They also started a gofundme campaign to support artists who could not work due to the corona crisis.

Perhaps there is a future in greater cross-country collaboration between these groups as well as within-country collaboration. Smart is a model with its Europe-wide presence. However, there is possible room for greater synergy among and between these groups.

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6. Italy

6.1. Consegne Etiche

6.2. Doc Servizi

6.3. Fairbnb

6.4. Humus

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Italy

Case study: Consegne Etiche

Author/s

Milan, January 2021

1. Introduction

The report presents the experience of Consegne Etiche (Ethical Delivery), a cooperative platform of home delivery founded in 2020 in Bologna, as an alternative model to multinational food-delivery platforms.

The project idea has been conceived during the first Covid-19 lockdown in March-April 2020, moving from two premises. The first, from a general political perspective, aims to provide legal and economic protection to platform-mediated delivery workers, commonly called *riders*. The second, which is contingent, relatedly to pandemic-specific context, draws on the need of local shops to compensate economic losses by settling their own delivery service. This latter instance has contributed to shed lights on a less debated issue about urban logistic, that is the high cost that delivery companies (e.g. Deliveroo) require for hosting transactions on their platforms. From this standpoint, Consegne Etiche has attempted to establish a network of private and public actors, collecting competences, expertise, relationships, and practices developed in the urban territory.

Hence, Consegne Etiche was selected on the basis of different rationales.

First, this case concerns a *category of workers that is central among slash workers*. As we have seen in the previous interviews (carried out for the WP3), workers who are unable to obtain sufficient compensation from other jobs, often start home delivery activities as a form of income supplement (in a nutshell, by becoming riders). On the other side, those workers who perform delivery tasks as main job and get only a few, insufficient, hours of work through delivery platforms seek other supplementary activities both offline and online, through the platforms.

Second, it represents *an innovative case of collective representation of a controversial category of workers*. Platform-based food delivery workers have long been present in the public debate, being a symbol of the phenomenon of work platformization. At the core of the debate around the profile of the rider is, first, his professional status as self-employed worker. This condition deprives these workers of labour protection, denying the substantial subordination that actually characterizes the relationship between the courier and the platform. While the launch of a ministerial negotiating table on 3 August 2020³⁵ paved the way for the recognition of the subordinated employment status, the recent contract signed by the autonomous trade union UGL with the employers' association Assodelivery³⁶ threatened the previous result, reached through more than two years of union struggles.

The mobilization to improve riders' rights has been characterized by a strong local dimension, being located mainly in the metropolitan areas. In many Italian and foreign cities spontaneous bottom-up unions have emerged, which created synergies and

³⁵ <https://www.ilfattoquotidiano.it/2020/07/17/rider-il-3-agosto-tavolo-al-ministero-del-lavoro-con-organizzazioni-e-sindacati-catalfo-diamo-loro-un-contratto-collettivo>

³⁶ <https://assodelivery.it/comunicato-stampa-assodelivery-ugl/>

collaborations with the traditional confederal trade unions only at a later stage. From this perspective, the city of Bologna represents a forerunner experience where the first informal union called Riders Union Bologna (RUB) was created in 2017. Unlike other experiences of solidarity-building (Tassinari e Maccarone 2020), the case of Bologna displayed a remarkable synergy between unions and the local administration, culminating in the signature of an important agreement, the “Charter of fundamental rights for digital work in the urban context” on 31 May 2018. The Charter represents a pivotal agreement aimed at guaranteeing workers’ employment and social rights, regardless of their employment status.

Consegne Etiche embodies a more advanced step of such process of collaboration around the right of delivery workers, moving from implementing reactive strategies of resistance towards the promotion of an alternative ethical model for the home-delivery market. Drawing on the need to protect riders’ work, the model does aim at dismantling emerging developments in the organisation of consumption and trade, based on the intermediation of platforms. Conversely, it aims at mobilizing the citizenship and the local stakeholders as a way to “transform cities at the service of the local communities and of the people”, as reported by Matteo Lepore, Councillor for Culture and Civic Imagination and Innovation of the Municipality of Bologna³⁷.

Third, the case study constitutes an *innovative experiment of cooperativism*, rooted within the industrial tradition characterising the city of Bologna. The cooperative model is expected to positively affect riders’ working conditions: by including them into the governance of the cooperative enterprise, a fairer distribution of the income generated through the overall work of the cooperative is ensured. Furthermore, Consegne Etiche is based on an inclusive co-designed project, directly involving workers’ movements, as RUB, with their experience of struggles and representation of riders’ voice.

Fourth, this experience is still in an *experimental phase*. Being a cooperative enterprise constitutes for the Consegne Etiche project both a virtuous ambition and a hard challenge emerging in response to the severe challenges triggered by the pandemic. Its ambition is to settle a sustainable organisational model alternative to the current capitalistic one. In fact, existing similar experiences did not success in reaching an economic sustainability. Given its embryonic and experimental stage, this experience offers the opportunity, from a diachronic perspective, to evaluate to what extent this model of employment and social protection could be economically sustainable in the long run.

2. General characteristics of Consegne Etiche: an alternative model to home-delivery platforms

³⁷ <https://www.collettiva.it/inserti/idea-diffusa/2020/07/22/news/piattaforme-digitale-bologna-fairbnb-coop-valley-193579/>

Consegne Etiche is a cooperative platform for home delivery services, launched in October 2020 in the city of Bologna on an experimental basis. In a certain sense, its conception is rooted in the pandemic emergency. On the one hand, the pandemic has played the role of accelerating the on-going socio-economic dynamics, for instance by expanding the home delivery economy beyond food, towards the delivery of other products. On the other hand, it shed light on the limits of the current model adopted by the food-delivery platforms. The model is detrimental for the riders, a segment of workers particularly representative of the controversial consequences triggered by the work platformization. Furthermore, the platform system turned to be critical for local shopkeepers, who often opted for self-organising their own delivery service due to the high cost of the service offered by platforms. Platforms, in fact, charge about the 30% on each transaction.

The project was launched in May 2020 through the organisation of a public assembly, sustained by the municipal mandate. During the initial phase, given its bottom-up and participatory nature, the project was defined as a “construction site” (*Cantiere*)³⁸ where the different local stakeholders and associations from the civil society might dialogue and meet. The following co-design phase was managed by the *Fondazione Innovazione Urbana* (Foundation for the Urban Innovation) and by AlmaVicoo. The former is a municipal “centre for analysis, communication, elaboration and co-production on urban transformations, to address social, environmental and technological challenges”³⁹, that is particularly sensitive to issues of urban innovation. The latter is a not-for-profit research association promoting the cooperative model through research and education activities⁴⁰. Both these actors took part in and supervised the research and co-design phases, developing a Manifesto and a basic structure of the service. During a seminar organized by the research centre Aiccon on 17 December 2020⁴¹, Michele D’Alena, the coordinator of the municipal department for the Civic Imagination (*Immaginazione Civica*), member also of the *Fondazione Innovazione Urbana*, observed that Consegne Etiche was conceived as an alternative model in the home delivery market. The Manifesto lists its innovative goals, which can be summarised in three key principles:

1. Sustainable mobility
2. The platform does not require shopkeepers to pay for the service
3. Couriers are regularly hired and paid €9 net per hour.

The mission of Consegne Etiche is mainly devoted to the improvement of riders’ working conditions. In the attempt to protect work and workers within the delivery system, Consegne Etiche is leveraging on customers’ responsibility. In fact, the full cost of the service is charged on the customers, for a total amount ranging from €7.90 to €13.90. As Michele D’Alena reported during the interview, the logic underlying this

³⁸ A building site, in a figurative sense

³⁹ <https://www.fondazioneinnovazioneurbana.it/chisiamo>

⁴⁰ <https://www.cnsonline.it/almavicoo-ricerca-e-formazione-cooperativa/>

⁴¹ https://www.youtube.com/watch?v=-bGCsHn0jw&t=145s&utm_source=newsletter&utm_medium=email&utm_campaign=non_c_e_pil_senza_comunita&utm_term=2020-12-27

[bGCsHn0jw&t=145s&utm_source=newsletter&utm_medium=email&utm_campaign=non_c_e_pil_senza_comunita&utm_term=2020-12-27](https://www.youtube.com/watch?v=-bGCsHn0jw&t=145s&utm_source=newsletter&utm_medium=email&utm_campaign=non_c_e_pil_senza_comunita&utm_term=2020-12-27)

mechanism is that “if you don’t pay for what you have ordered at home, someone else has to do it for you”.

The delivery service offered by *Consegne Etiche* has been launched in October 2020 and it is currently managed by two cooperatives, which were already active in local deliveries: *Dynamo* and *Idee In Movimento* (Ideas in Motion). So far, two local markets have joined the project, together with other supermarkets belonging to the retail chains *Coop* and *Natura Si*, nine civic libraries, three restaurants, a bookshop, and a clothes store. So far, according to the data provided by Michele D’Alena, the book delivery service (that is the only one funded by a ministerial tender and free for users) has been the most successful one, counting more than 800 deliveries. It is followed by grocery deliveries from local markets, with about 90 deliveries. Conversely, local stores have worked less, because of a technological delay in their business (e.g. the absence of an online market place) and an overall cultural gap of the sellers, not familiar to the e-commerce business model and home delivery opportunities.

3. Characteristics of associate workers and cooperatives

As already mentioned, the two cooperatives providing the service (*Dynamo* and *Idee in Movimento*) have different histories. *Dynamo* is one of the most important hubs for sustainable mobility in Italy, operating in Bologna since 2015. It aims at promoting the bike as a competitive vehicle in terms of urban mobility. However, its mission is not limited to pursuing this social goal but it is also focused on providing professional services to encourage the use of bicycles. *Dynamo* has a remarkable expertise on delivering and, as the project manager *Simona Larghetti* points out, it has always been interested in the home-delivery market. A first activity was launched in January 2020, few weeks before the first lockdown, for a bakery supplying several restaurants in the centre of Bologna. During the pandemic, the service was extended to other small shops that converted their direct selling service to home delivery. On the other hand, the experience of *Idee in Movimento* stems from a political process initiated during the pandemic through the promotion of the mutualistic initiative *Staffette Alimentari Partigiane*, a voluntary association delivering food to the most disadvantaged categories at risk, such as the homeless and lonely elderly. The project *Consegne Etiche* allowed to established a collaboration between the two cooperatives, despite their different nature and purposes. This cooperation was possible thanks to the role played by *Consegne Etiche* in identifying common goals, relating to the will of improving riders’ working conditions and social protections. Both cooperatives are, in fact, particularly sensitive towards work-related issues.

During this experimental phase, due to the limited demand for deliveries, the service was carried out only by a few riders, some of whom were already associated or employees of the cooperatives, providing other services beyond the delivery activity (e.g. bicycles repairing in the case of a *Dynamo*’s worker). This embodies an interesting

case of workers performing multiple and different activities, but coordinated by the same organization/employer.

Both the riders interviewed had already worked for other food-delivery platforms in the past, hence reinforcing the idea that this job requires a specific degree of professionalization and the possession of specific skills. This argument contracts the widespread idea that any worker can work as a rider, even without experience. As Larghetti underlines, the logistics sector requires important investments on highly performative means of work in order to reduce delivery times. Furthermore, investments on training are crucial to result in a qualified team of workers. Hence, providing training and the means of work constitutes a significant difference between Consegne Etiche and the traditional food-delivery platforms. In the latter model, training is neglected or merely restricted to basic video-instructions. As a Dynamo rider points out:

the worker only receives an email: he downloads an app and from the app he watches a series of training videos. There is a total detachment [between the workers and the employer].

Beyond the total lack of connection between the workers and the employers, the traditional platform model generally does not recognise a professional specificity to rider's work. This is consistent with platforms rhetoric, according to which riders' work constitutes basically "an opportunity to earn during the free time", and accordingly neglecting their accountability and responsibility as employers. Interestingly, the same Dynamo worker, who had previously worked for JustEat, reported the assignation of orders used to privilege riders who were considered having better cycling skills.

This "gig work" rhetoric has been widely used by the platforms to legitimize the work flexibility as a condition demanded by the riders themselves. However, this narrative, as well as the concept of gig economy, has been largely demystified by the reality. For instance, two surveys carried out in the city of Milan aiming at mapping the size of the workforce involved in the food delivery platform market have showed the growing share of migrants and asylum seekers workers, beyond the share of students among workers (Pirovano and Sacchi 2018; Fasano and Natale 2019). On the other hand, during the pandemic, this type of job has comprehensibly attracted people who have temporarily or permanently lost their job. From this perspective, food-delivery work can be considered a temporary contingent job for many riders, whether it constitutes their first or second source of income. As the biographical pattern of our interviewees confirms, it often constitutes a transitory step in workers' professional career, and, accordingly, flexibility may represent a desirable value, especially for the slash workers.

Nevertheless, considering workers' subjective motivations to work as a proxy of the correct employment status represents a weak argument. As the pandemic enlightened, the easy access to this type of work has contributed to create a heterogeneous workforce, which necessarily displays inherently contextual specificities. To this purpose, Consegne Etiche was established to reverse this model, by granting both riders' autonomy in terms of working hours, as well as decent work conditions, not only

in terms of protection but, as above mentioned, importantly also in terms of specific training. As a worker from the cooperative *Idee in Movimento* summarised: “I wish to become a social researcher. At the moment I am a rider and would like to work with decent and acceptable working conditions”.

4. Organizational and decisional structure of Consegne Etiche: towards the platform cooperativism

The experience of Consegne Etiche is rooted industrial tradition specific of the city of Bologna, historically characterised by the adoption of the cooperative model. As the coordinator of the municipal department for the Civic Imagination Michele D’Alena stated:

The alternative model in Bologna has to be ethical, but it must adopt also the cooperative model. The inherent cooperative DNA of the city has been launched...because this is [Bologna] the city that is able to promote an ethic alternative model that does not apply only to an elitist market.

From an organisational point of view, the case of Consegne Etiche is peculiar. Its relevance does not lie in the fact that a brand new cooperative for home delivery service was created from scratch. Conversely, it embodies an innovative experience to collect and join associations, resources and practices already active in the city, in order to jointly and bottom-up create an ethical answer to the needs emerging from the territory itself, especially in times of pandemic emergency. This vision finds a rationale in the representation of the platforms as “institutional chameleons”, according to which “platforms represent a form of work organization whose meaning, nature, and impact are not a function of platforms as such but instead reflect the institutional landscape that surrounds them” (Vallas e Schor 2020, p. 281).

In this perspective, Consegne Etiche does not only embody a urban reality, but it is also municipal in its status. The project started on 29 April 2020, through the organisation of a public assembly aimed at pointing the needs emerging from the urban context in which the service should had been developed. In addition to a political vision, the public actor, the municipality, provided for expertise and economic resources during the research and co-design phases, carried out in collaboration with the research association AlmaVicoo. Furthermore, marketing and communication activities have been provided by the Digital Agenda of the municipal government of Bologna. Despite its municipal roots, the cooperative is supposed to gradually become autonomous. As Michele D’Alena points out: “with Consegne Etiche we chose to not directly provide a public service. Conversely, we aim to gradually step back when the cooperative achieves its own sustainability”. The underlying goal is to find a federative structure that may incorporate all potential stakeholders interested in its governance: from the cooperatives to the riders themselves. This goal is both political as well as economic. According to Michele D’Alena, Consegne Etiche should become a “urban community cooperative”. A potential solution to achieve the economic sustainability might be implemented

through the launch of a fundraising campaign in which the donors are automatically included in the governance board of the cooperative. The idea of a large involvement in the governance board has been supported also by the workers, most of whom had participated or are still active in the mobilization actions promoted by Riders Union Bologna. Lorenzo, a courier working in the Idee in Movimento cooperative and RUB activist points out that:

riders' role in the governance board is one of the aspects that, as Riders Union Bologna, we urge to obtain. The cooperative model represents another form of struggle against capitalist platforms, along with strikes and lawsuits.

Including the riders in the governance board aims at enhancing workers' protection. In this sense, Consegne Etiche recalls the model of platform cooperativism advocated by both activists and scholars (Scholz 2016). On the one hand, the promoters of Consegne Etiche does not neglect the positive role of technology which, conversely is considered a fruitful tool to reduce intermediary costs while enhancing the scale of exchanges and trades. At the same time, however, platform cooperativism advocates for a change in the governance model of the platforms, redefining platforms ownership towards a cooperative model. This allows to more fairly redistribute the overall generated value with workers who become shareholders platform cooperative.

5. Collective resistances: a new phase of the virtuous synergy between municipality and informal unions

The creation of Consegne Etiche follows a phase of local mobilization characterised by a strong synergy between the municipal government and Riders Union Bologna.

Since the onset, RUB has pursued a twofold goal. On the one hand, it operated to organise riders in order to claim labour rights and protections. On the other hand, it aimed at collectively representing all the workers based in Bologna at the negotiating tables. Furthermore, the Riders Union has coordinated industrial actions in defence of the contractual conditions of specific food-delivery platforms. Its mobilization strategy was often based on conflictual actions, such as strikes, organised against both all the food delivery platforms in general or a specific company (as it happened in May 2019, when Glovo riders protested against the adoption of a pay system entirely based on piecework⁴²). Strikes have been customised according to the specific characteristics of the algorithms-managed labour process, in order to be more effective and disruptive. Instead of collectively denying the availability at certain times, the riders adopted the strategy to first log-in and then to refuse the deliveries once they were assigned by the platform. The first strike occurred quite randomly on 13 November 2017 (Quondamatteo 2019) when, during a heavy snowfall, many workers refused the proposed deliveries,

⁴²https://bologna.repubblica.it/cronaca/2019/05/07/news/union_rider_e_cgil_contro_glovo_condizioni_di_lavoro_inaccettabili_-225670913/

claiming the lack of an individual insurance coverage against job-related accidents. Following up this successful event, Riders Union gained popularity, also through to an intensive promotion on Facebook, being accordingly acknowledged as the collective representative of the riders at the municipal level.

Due to the high turnover that characterises the workforce in the sector, strike practices were accompanied by a broader strategy which meant to recall the responsibility of the public authority. RUB, in fact, moved from the premise that riders' working conditions were strictly linked to the municipal administrative functions and, as a consequence, they have to be considered of public responsibility. Security was identified as a main issue. Implementing a piecework pay system, aiming at intensifying the job productivity and performances, was pointed out by the RUB as dangerous for the workers and incompatible with the safety of the city road system. Accordingly, it decided to frame riders' claims for better working conditions within a wider issue of collective public interest, hence trying to activate and gain the support of both the citizenship and the public administration. In this way, the union paved the way for a dialogue with the public authority, which, among other initiatives has led to the launch of the project *Consegne Etiche*.

This collaboration achieved a major result in May 2018 when “The charter of fundamental rights of digital work in the urban context” was signed by the Municipality of Bologna, the confederal unions CGIL, CISL, and UIL, Riders Union and by the platform Sgnam/MyMenù. The Charter constitutes a unique territorial agreement ensuring fundamental employment and social rights to platform-based home delivery workers from a universalistic perspective. It does not put forward a specific stance regarding riders' employment status, as self-employed or subordinated worker. Conversely, it aims at guaranteeing for minimum compulsory protections for “all workers and collaborators, operating within the territory of the Metropolitan City of Bologna who use one or more digital platforms for the exercise of their work activities”⁴³, regardless their employment status.

Furthermore, the Charter establishes for riders the right for a decent income. At the article no. 6, it introduces protections in terms of job health and safety by committing home-delivery platforms to provide riders for an individual accident and health insurance. The Charter also establishes the riders' freedom to join a trade union, to perform union activities, by ensuring ten paid hours of permissions to participate in union assembly, and to take part in strikes. Despite their wide business in the city, the main multinational platforms did not accept to sign the Charter, hence dramatically limiting the application and the coverage of the agreement. The Italian Sgnam/MyMenù was the only platform signing the agreement. In that case, the Charter enabled to increase workers' security as well as an actual improvement of their economic conditions, resulted in June 2019 in the raise in the hourly wage level.

⁴³ <https://www.forumdisuguaglianzediversita.org/la-carta-dei-diritti-fondamentali-del-lavoro-digitale-nel-contesto-urbano/>

Unlike informal unions, the confederal unions CGIL, CISL and UIL decided to take part in the riders' struggle only at a later stage, when the negotiating tables with the local government were already settled. While the Charter has been signed also by these trade unions, the municipality often refers to RUB as the main interlocutor representing workers' voice. As the RUB activist Lorenzo points out:

CGIL, CISL and UIL started to operate in the gig economy a couple of years later, trying to replicate our self-organizing experiences. However, they eventually ended up adopting old-unionism practices. [...] They had never been able to replicate our strikes. Due to their privileged position, they do not have the will nor the tools to engage with this kind of work struggles”

Overall, the traditional confederal unions have paid little attention to the actual working condition of platform workers, merely replicating old union repertoires of action which turned to be ineffective in this context. A distinctive strategy adopted by the Riders Union Bologna, in common with other informal experiences of representation, is based on the collaborative approach, implemented through the use of urban structures and spaces to host workers' assemblies and the provision of bicycles repair services. The activists of RUB promote this approach as a way to cope with the issues of isolation and fragility characterising platform-workers⁴⁴. Accordingly, the city does not only constitute the actual location of the workers' struggle, but it puts at disposal of the union a set of resources to mobilise, as both a community and an institutional interlocutor. This strong connection with the local reality, however, displays also drawbacks. The geographically-limited scope of action of many informal unions that have emerged in various Italian cities has in fact led to a lack of integration on a national basis. According to the RUB activist Lorenzo:

in each city, the unions have organised themselves in autonomy, with their own specific forms and strategies. Despite we tried to organise some national events, we never created a national union. We often had clashes. However, at least in Bologna, we didn't make it a matter of principle. For us, the only important thing is that unions claim the subordinate nature of the labour

Furthermore, the historical differences characterising the different local movement traditions, underpinning the bottom-up processes of creation of the informal unions seem having affected their disaggregation at the national level. The first experience of coordination at the national level occurred only on 1 May 2020, when most of local unions gathered together in the network Rider x i Diritti (Riders for the Rights), which took part in the national negotiations with the confederal trade unions CGIL, CISL and UIL.

6. Relations with other industrial relations' actors

⁴⁴ <https://www.che-fare.com/riders-union-bologna-sindacato-informale-piattaforma/>

The experience of Consegne Etiche represents, in a sense, the ultimate step of the synergy between different actors and stakeholders of the city of Bologna. As the Councillor for Culture and Civic Imagination of the Municipality Matteo Lepore, said:

*It is not a matter of impeding the innovation that comes from the web, but of turning cities to the service of the communities and of the people, according to the principle of mutualism. We know that the best form of resistance is the creation of initiatives, policies and different models, by involving and organising people, putting them at the centre of new awareness and collective commitment.*⁴⁵

Consegne Etiche constitutes an alternative model customised according to the needs of the city and designed by the actors involved. It embodies a response to the limited application and coverage of the Charter, due to the fact that the main platforms did not accept to sign it, and accordingly to apply it. Hence, Consegne Etiche tried to create the conditions for a wide convergence and collaboration between public and private actors, workers and citizenship, on a metropolitan basis. According to Michele D'Alena, coordinator of the municipal department for the Civic Imagination, the project aims at solving the latent conflict between local shopkeepers and the platforms, in accordance with a raising “class consciousness” of the former against the latter. Instead of charging the service cost on shopkeepers, Consegne Etiche challenges the current regimes of consume, by calling for a more active role of the customers who are asked to entirely pay for the service.

The municipal status of Consegne Etiche makes it a quite unique case, while experiments of platform cooperativism are increasingly emerging all over the world. CoopCycle is an interesting experience similar to Consegne Etiche, given its attempt to network together cooperatives of couriers and restaurants on an international level.⁴⁶ In this sense, a pivotal model of cooperative organisation was the Belgium Smart, a cooperative of riders operating as an intermediary between platforms and workers. Having signed an agreement with Deliveroo and Take Eat Easy, Smart succeeded in ensuring workers health and safety protections⁴⁷. In Italy, the increasing sensitivity towards riders' working conditions has stimulated the creation of services as Starbox⁴⁸ or Giusta⁴⁹ but which are not organised as a cooperative enterprise.

7. Future expectations / actions.

The ultimate objective of Consegne Etiche is to gather all the riders' cooperatives together in a federal organisation. Yet, it represents a challenging goal.

⁴⁵ https://www.collettiva.it/inserti/idea_diffusa/2020/07/22/news/piattaforme_digitale_bologna_fairbnb_coop_valley-193579/

⁴⁶ <https://coopcycle.org/en/federation/>

⁴⁷ The agreement was broken by platform companies in January 2018 (<https://tg24.sky.it/economia/2018/06/18/fattorini-bici-cooperativa-belgio>)

⁴⁸ <https://starboxdelivery.it/>

⁴⁹ <https://www.giusta.delivery/>

The main related obstacle is convincing customers to entirely pay for the delivery service. As Simona Larghetti, project manager of Dynamo, remarks: “With TNT or Deliveroo, clients do not pay for the service, because the worker pays for it. If you want to pay the worker, clients must pay the service”. According to Michele D’Alena, coordinator of the municipal department for the Civic Imagination, this does not constitute only an economic issue, but it is deeper rooted into the current consumption culture, according to which “if customers can save 50 cents, they will not hear any alternative offer”. In this vein, a huge cultural operation is necessary, betting on an increasing customers’ responsibility.

Rahman and Thelen (2019) detect three political coalitions at the core of the main phases of capitalism: the mid-century model was based on a coalition of managers and stakeholders including labour; the late twentieth century model was rooted on a coalition of managers and investors; while the twenty-first century platform firm model relies on an alliance between firm owners/investors and consumers. “Consumers are enlisted – either explicitly or, more often, implicitly – in the political alliance against labor” (p. 181). Consegne etiche intends to reverse this alliance by building a new public-private partnership at the territorial level that protects and recognises the overall value of labour, of both the riders and of the traders.

The success of this organisational model as a way to protect workers’ rights can be achieved only if it demonstrates its economic sustainability. This necessarily implies sensitising the customers involved but also with the need to financially sustain the two cooperatives in the short period. Sustainability requires including more local businesses into the network as well as increasing the share of deliveries. The ambition of the project is clear in Michele D’Alena’s words: “the 2021 will be a crucial year [...] if Consegne Etiche will remain a project working for libraries and a few local markets [...] it will be a defeat. It maybe will continue to survive, but I think we should expect something more”. If the goal is to establish an alternative model to the current platform economy models, Consegne Etiche needs to leverage on economies of scale in its functioning. On the other hand, it cannot use multinational platforms as a yardstick. As Michele D’Alena points out:

Consegne Etiche cannot be competitive with Deliveroo and Glovo, and it does not even want to. I have fought with an investor who told me that the Silicon Valley model predicts something different. He is totally right. Nevertheless, in here, deliveries need to be paid.”

The pandemic situation certainly represents another huge challenge, given its future effects on production and consumption, which will be visible only in the long run. The future perspectives of the local shops when it will be possible to re-open are not predictable, as pointed out by the project manager of Dynamo Simona Larghetti. Hence, it is not easy to estimate if the pandemic will affect consumers’ habits in a durable way as they have done so far.

8. Conclusions

In conclusion, the experience of Consegne Etiche is interesting for many reasons.

First, it constitutes an alternative model to the dominant model promoted by the platform economy in the controversial market of home delivery. In order to improve riders' working conditions, it does not focus only on employment issues, but it calls for the actions of all the actors and stakeholders involved, from traders to citizens, as a way to promote a n overall cultural change. In particular, it aims at raising customers' awareness regarding the actual job performed in the delivery services, charging on them the cost of the service.

Second, it constitutes an experimental example of platform cooperativism, an organisational model that is often enthusiastically promoted by both the activists and the researchers. Instead of creating a cooperative of riders from the scratch, the project has enhanced emerging local experiences. In such a bottom-up process, a crucial coordinating role was played by the Municipality of Bologna, providing the actors involved with resources and expertise. From this perspective, Consegne Etiche embodies two characteristics of the metropolitan landscape. First, it promotes the local industrial tradition rooted in cooperativism, which characterises the organisational structure of Consegne Etiche. Second, it reflects Bologna's vocation as a city promoting innovation: as described by Michele D'Alena, "a city where things happen before than anywhere else", as demonstrated also by the experience of Riders Union Bologna.

Third, Consegne Etiche constitutes a new step of the virtuous synergy between RUB and the municipality. Through the signature of "The charter of fundamental rights of digital work in the urban context" they had already obtained important results in terms of workers' protections at a metropolitan level.

Fourth, the ideational phase of this project had already took into consideration some of pandemic-related socio-economic effects on consumption habits and work, whose long-term outcomes are not predictable. However, being this experience still at an embryonic phase, it importantly offers the possibility to observe and evaluate the progress of its evolution through a longitudinal perspective. This is another important rationale justifying the choice of this case study.

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SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Italy

Case study: Doc Servizi

Author/s

Milan, January 2021

1. Introduction: why the experience of Doc Servizi is relevant?

The report presents the experience of Doc Servizi, an Italian self-management cooperative enterprise (*cooperativa di autogestione*) that currently manages and coordinates the working and professional activity of around 6,000 artists and technicians in the music industry.

Doc Servizi was founded in 1990 to respond to the job difficulties and precariousness experienced by musicians and show technicians in the Italian labour market, due to the rigidity of Italian legislation, inadequate to frame their specific condition as intermittent professionals, and to the culture of undeclared/black work widespread in the entertainment and live performance sector. Accordingly, it was founded as an experimental institutional solution to these specific issues the intermittent professionals were facing in the labour market, trying initially to support the administrative, accounting and tax management of their artistic activities on a mundane level and, at the same time, to spread and promote its core values in the world of work – legality, knowledge, sharing and passion – on an imaginary and aspirational level.

The experience of Doc Servizi was selected as a case study on the basis of different rationales.

First, it represents *an innovative case* of collective representation of slash workers in a particularly atomised and precarious domain of work, specifically that of the music and live performances industries. It embodies a ground-breaking bottom-up experience launched by a group of workers 30 years ago: not only it has long remained unique within the Italian labour market, but it represents the forerunner in the application of the self-management cooperative enterprise model to this group of workers. Similar organisations opted for replicating the positive experience of Doc Servizi in other productive sectors, often administratively and materially supported by Doc Servizi itself, as it will be explained in the report.

Second, Doc Servizi represents an *emblematic case from a symbolic perspective*. As written by Francesca Martinelli, Head of the Research, International Relations and Communication of Doc Servizi «today, at the time of the gig economy, the economy of the gig-jobs, the artists represent the involuntary pioneers of the current times: just remember that the expression "gig economy" is borrowed from the world of music, where the term "gig", coming from engagement, indicates a performance linked to a single engagement and therefore unique and occasional» (Martinelli 2019, p. 161). The collective action and strategies implemented by Doc Servizi specifically target intermittent workers who are, by the nature of their work, in the majority of the cases necessarily and inherently slash workers.

Third, the *positive and successful experience* of Doc Servizi in the collective representation of slash workers was confirmed by the outcomes achieved, hence deserving a deeper investigation. These include: a large and increasing membership over the years, currently amounting to 6,000 members; winning lobbying campaigns, as

in the case of the campaign on health and safety in the entertainment industry, culminated with the signature of the Decree Stages and Exhibitions in 2014; involvement, despite indirect, in the collective bargaining of the first National Collective Agreement in the sector in 2014. The initiatives undertaken during the Covid-19 pandemic has further emphasised the central role played by the cooperative in offering collective voice to the need of this fragile segment of slash workers.

Fourth, it is a noteworthy case to investigate since its landmark structure turned to be an easily *transferable experience* both in other industries or productive sectors of the economy as well as in other countries.

2. General characteristics of the cooperative Doc Servizi

Doc Servizi is an Italian cooperative enterprise that currently manages and coordinates the working activities of mostly artists and technicians in the music and entertainment industries, including dancers, actors, and music teachers despite less relevant from a numerical point of view. Currently the cooperative counts around 6,000 members, 34 branches located throughout Italy and closed the 2019 with about €58 million in turnover. In the light of these figures, Doc Servizi embodies the largest association gathering together professionals in the entertainment industry in Italy.

The cooperative enterprise was founded in 1990 in the city of Verona, in the North of Italy, with a distinctive and clear organisational goal: to protect and to promote the work of professionals in the music, theatre and arts industries. It currently counts on 30 years of experience in the field.

The watchwords of Doc Servizi recites: “*We are professionals managing our own business through a cooperative enterprise to create a network. We implemented tools, platforms and innovative services to obtain higher protections and more advantages. We take care of each other and, together, of our customers*⁵⁰”. In practical terms, this mantra implies a complex organisational structure described in this section.

The initial conception of Doc Servizi traces its origins back to the acknowledgment of two main detrimental dynamics affecting the labour market where the music artists and technicians had to operate. On the one hand, the legislative framework regulating the work in these industries was particularly complex and often inadequate to the contractual necessities of this specific type of work: accordingly, often professional not owe an appropriate knowledge and awareness of their rights and duties at work. On the other hand, the exploitation of the undeclared/black work was remarkably widespread in the artistic and cultural world, and in particular in the music industry, within a legislative infrastructure unable or, once again, inappropriate to regulate and control it.

⁵⁰ In original language: “*Siamo professionisti che gestiscono la propria attività in cooperativa per fare rete. Abbiamo realizzato strumenti, piattaforme e servizi innovativi per ottenere più vantaggi e tutele. Ci prendiamo cura gli uni e degli altri e insieme dei nostri clienti?*”.

To tackle these damaging developments, the founders of Doc Servizi, a small group of professionals working in the field and directly experiencing these issues, opted for self-organising themselves into a *self-management cooperative enterprise*, as a suitable innovative solution. The cooperative became the actual direct employer of the artists, previously self-employed in the majority of the cases and now converted into employees, but they, however, remained *de facto* autonomous in their professional activity within the cooperative structure. In this way, the professionals could continue to carry out their individual and autonomous work activity but all their earnings were centrally transferred to the cooperative which, at its turn, transforms them into continuous wages calibrated according to each individual effort and income. Furthermore, with the overall earnings provided by the members, the cooperative gets responsible for the payment of the social contributions and for the application of all the rights and social protections attached to the status of employee. The cooperative also anticipates the payment of wages if the client does not pay, representing the formal employer signing the contracts with the clients/customers on behalf of its members/employees, who are formally at disposal of the client/customer (Martinelli 2019). Furthermore, Doc Servizi developed a system of networks and on-line platforms to support its members in their administrative tasks (related, for instance, to fiscal contributions, accounting, legal, contracts access to social protections), in the management of their professional activities, as well as to enhance their knowledge in terms of rights and access to protections by providing ad hoc services and training.

The *job-on-call employment contract* is the most applied by Doc Servizi (to 95% of its workers) since it best fits to the specific needs of the music artists and technicians, representing the largest share of its membership. Unlike the other employment contracts, the intermittent one can be activated and suspended any time, according to the commitments of each worker. During the period of inactivity, the contract is not suspended, and accordingly all the arrangements of social protection ensured by the contract remain active. Therefore, the main potentiality of this contract is that allows to establish a subordinate employment relationship without requiring continuity in the work performance by the worker.

The job-on-call employment contract was introduced in the Italian legislative framework by the law no. 30/2003 (the so-called Biagi law) to fill a regulatory gap and to make the labour market in the country more flexible. It configures neither as a full-time nor as a part-time contract, but as a subordinated employment contract which regulates a discontinuous relationship between an employer and an employee. It is currently regulated by the Legislative Decree no. 81/2015 (the so-called Jobs Act reform) which provides that «the job-on-call employment contract is the contract, even for a fixed term, through which a worker places himself at the disposal of an employer who can use his work performance in a discontinuous or intermittent way according to the needs identified by collective agreements, also with reference to the possibility of performing the services in predetermined periods throughout the week, month or year».

The job-on-call contract was applied to most of the members of Doc Servizi, enabling the cooperative to establish a subordinated and salaried employment relationship with the workers despite the intermittent and slash nature of their work activity. Through the application of this contractual arrangement, Doc Servizi found an institutional response to the weaknesses and the precariousness of the discontinuous employment of the artists and technicians in the music industry: they became direct employees, but without losing the independence to autonomously manage their professional activity, aspect which is of particular relevance in the world of arts and culture.

All in all, Doc Servizi offers the professionals of the culture, entertainment and creativity sectors a cooperative business model that increases their competitiveness by redistributing more equally the wealth generated by their own work through the application of the job-on-call contract. It allows to regulate and protect the condition of slash worker/multiple job-holder, extremely widespread and inherently attached to the work in the artistic and cultural labour market. The professionals employed by Doc Servizi can, in fact, independently perform different jobs or activities as subordinate workers of the cooperative, being paid and protected also during the periods of inactivity between their different commitments.

3. Characteristics of associate workers/members

Doc Servizi currently counts around 6,000 members, who also constitute the workers at disposal of the cooperative. These members are all engaged in the world of music, as artists or technicians: the cooperative, in fact, targeted this specific industry, acknowledging the inherent difficulties this segment of the labour market was experiencing, related to the intermittent and multiple nature of their professional work. These workers are traditionally and inherently slash, since musicians traditionally perform more than one activity at the same time. As reported by Francesca Martinelli during the interview on 1 April 2020:

musicians, by definition, could not live only by playing, so generally s/he is also works as music teacher, and these represent two completely different professions Ok, the music is always there but one thing is to exhibit on a stage, another thing is teaching, and this represents a slash!

The successful experience in providing better working conditions, continuous and stable wage levels and social protections to the workers in the music industry has attracted members from other productive sectors linked to the world of creativity and arts. These include art teachers, digital workers, photographers, movies and videos makers, painters, ICT experts, social media managers, illustrators. All these professionals are equated by their working conditions, often precarious, intermittent, and by the fact of performing generally more than one job at the same time. In a nutshell, they all are slash workers. Doc Servizi offered to these professionals' ad hoc structures, as described in the next section.

4. Organisational and decisional structure of Doc Servizi

Since the '70s, in Italy, models of aggregation of professionals (engineers, farmers, GPs etc.) have spread, structured in a cooperative form. They were created with the aim of managing spaces, agricultural funds and common goods for these professionals and, at the same time, safeguarding the entrepreneurial autonomy of the workers involved. This cooperative model is called a self-management cooperative (*cooperative di auto-gestione*), an innovative structure within the world of the cooperation that places the workers at the very core and that valorise their needs (Martinelli 2019). As shareholders of the cooperative, the professionals are no longer fragmented and isolated in the labour market, but united in a community, in a network, that supports them in the search for work and in the implementation of their professional projects. This model was adopted also by the founders of Doc Servizi in the music industry to protect and enhance the work of artists who, in a cooperative system, become members and subordinate workers without losing their full autonomy in the management of their business and in the relationship with their clients.

The added value of adopting the structure of a self-management cooperative enterprise is twofold. On the one hand, at a mundane level, the collective organisation enables to contribute to the creation of better working conditions for the members by guaranteeing ad hoc services and exchange of good practices and experiences. On the other hand, from the perspective of value creation, it allows the conception of new ways of conceiving self-employment and professional work in general, where cooperation among workers can become a strength to survive in the labour market, in contrast to a widespread conception that insists only on competition among workers, inherently leading to dynamics of isolation and exclusion.

Tracing back to these underpinning values, the cooperative enterprise Doc Servizi was created in 1990 by a small number of workers in the music industry through a bottom-up process. They shared common goals linked to the challenges they were all facing in the labour market, and jointly opted to pursue four values: i) the passion for the work they do, an indispensable engine to work in the world of music and arts; ii) the lawfulness of their work from a contractual perspective connected to a fierce opposition to undeclared work; iii) the sharing as basic value within the network of the cooperative; and iv) the acknowledgment of the value and the crucial importance of the knowledge.

The membership of Doc Servizi has remarkably grown over the three decades of activity, opening up the cooperative to other professional profiles: for this reason, new connected cooperatives have been established, all associated to Doc Servizi within a wider cooperative network. Doc Educational is devoted to professionals in the art education and high-level training; Doc Creativity has been launched to address the needs of professionals in the creative industries (film and video makers, painters, photographers, illustrators, journalists etc.) and in the communication sector; Hypernova targets the experts in technology and the ICT developers mainly; Stea

affiliates professionals in the event organisation and management, including the security services. The whole network counts around 8,400 members and about €70 million in turnover at the end of 2019.

Furthermore, Doc Servizi offers its *organisational support to the creation of other cooperative branches* that have its same structure: to this purpose, it has implemented an out-and-out start-up system. The workers who intend to create a cooperative enterprise mirroring the structure of Doc Servizi are invited to start a period as a start-up, under the strict management and supervision of Doc Servizi, to learn how to create and run a cooperative. In the past experiences, once the trial period ended, usually the workers who wanted to create their own cooperative branch often opted for integrating Doc Servizi by becoming a subsidiary cooperative, being the easiest and most effective way to pursue their organisational objectives. Accordingly, Doc Servizi has over time gradually shifted towards a *transversal structure*, indirectly incorporating these new affiliated cooperative branches.

Nowadays, by leveraging on the opening to new professions and on the highly technological platform set to manage its activities and its members, Doc Servizi and its network of affiliated cooperatives define themselves as a “self-management cooperative of professionals organised on a platform”, stemming the choice of these terms from the reference to the US movement of *platform cooperativism*. This underlines the outward orientation of the cooperative model which, not only looks at the developments in other realities and countries, but which also strives for exporting the model abroad, as presented hereafter in the report.

5. Collective resistances: from ad hoc services to collective voice

The cooperative Doc Servizi was originally created to ensure protected working conditions and continuous income to professionals in the music industry, often experiencing precarious lives as slash workers. To this purpose, Doc Servizi hired all his members as first action to collectively tackle their main problems in the labour market. The following application of the job-on-call employment contract pursued the same collective goals: ensuring protected terms and conditions of employment to these slash workers, in opposition to illegal work practices particularly widespread in the music industry. The cooperative also gives the possibility of accessing social rights that would be otherwise very difficult to obtain for workers whose work experience is discontinuous, who are in the majority of the cases self-employed professionals working in different sectors not covered by a professional register, with its own pension fund and social protections. Furthermore, the cooperative provided for all the necessary services these professional needed to carry out their activities, including administrative support, financial help, accountability services, that otherwise are available in the market provided by different professionals at a higher cost.

All in all, this initial configuration represented the *toolbox* Doc Servizi offered to its members to overcome their professional isolation and difficulties during the early stages of the cooperative, that gradually became established. The embryonic form of collective representation was then based on the *provision of ad hoc services* in general terms, strategy that allows to effectively attract new members.

In the following phases, the role of Doc Servizi in providing collective voice and collective representation to its members-employees has experienced two major transformations driven by exogenous facts: the death of the technician Francesco Pinna in 2011 and the Covid-19 pandemic in 2020.

In 2011 the young music technician Francesco Pinna died falling from the structure of a stage he was setting up for an important concert. This dramatic event shed light on the need to strengthen not only the health and safety protections and controls for the workers in the music industry, but, importantly, also on the urgency to improve their working conditions. Francesco Pinna, in fact, was working with a precarious contract offered by a cooperative and paid €6.5 per hour.

Hence, the tragic death of a worker raised the awareness of Doc Servizi on the need to adopt a more proactive role in the collective representation of the workers in the sector, triggering a shift in its organizational strategies. From that time on, Doc Servizi started pursuing logics of collective action targeting not exclusively its members but, from a *wider perspective, the whole community of professionals in the music industry*. Hence, the cooperative implemented *lobbying actions and advocacy strategies* to demand a more stringent health and safety regulation and the related controls for the workers in the sector through the creation of the “negotiation tables for health, safety and legality in the whole supply chain of the music business”. The commitment in these tables has led in 2014 to the signature of a new decree regulating the safety for technicians (the so-called Decree Stages and Exhibitions, no. 183/2014) and to the signature of the first National Collective Agreement (NCA hereinafter) for the work of artists, technicians, administrative employees of cooperatives or show associations, signed by the main union confederations CGIL, CISL and UIL and by the Alliance of Italian Cooperative (ACI) on the employers’ side. The NCA introduced several innovations on the sector, regulating intermittent work, apprenticeships, the right to safety and health of workers, working hours and breaks during tours, smart working, the forms of union representation, the remuneration tables which are the basis for building the minimum income the sector, previously non-existent.

Therefore, the signature of this first NCA has represented a milestone for the whole music industry in supporting the activity of the cooperative members, but it also embodied a first step towards the recognition of the specificity and of the fruitfulness of the Doc Servizi model in regulating work and supporting legality throughout the music supply chain. Doc Servizi cannot formally sign the NCA, not being recognised as social partner. However, its role in collectively representing this segment of workers has entitled the cooperative to play a role in the definition of the contents of the NCA in the

sector, being actively consulted. In particular, Doc Servizi has offered to the tables its deep and direct knowledge of the music industry coming from 30 years of experience. Following up the success of the first NCA, the cooperative was involved also in the process of NCA renewal, started on 30 October 2018.

Given the successful results obtained by Doc Servizi through its lobbying action, the board of the cooperative established a new institutional body linked to the network of Doc Servizi in charge of formally carrying out lobby and advocacy policies on behalf of the network of cooperatives, as well as research activities to support the mission of Doc Servizi and the promotion of the model throughout Europe. Hence at the end of 2018 the Foundation Research Centre Doc was created.

The Foundation Doc then continued its lobbying activities by advocating for the extension of the application of this NCA to all the work activities of professionals in the cultural and creative sectors, which are otherwise not covered by any NCA, including the digital cooperative platforms active in these industries. Once again, the organisational strategy, in this second phase, targeted from a wider perspective (not anymore limited to its members) the whole world of the creative, cultural and arts sectors through lobbying and advocacy actions.

The success of these initiatives, where Doc Servizi played a central role, gradually led the cooperative to be informally appointed spokesperson of all the professionals and their associations who do have the opportunity to directly participate in the debates and in the negotiations. For this reason, one of the new strategic objectives guiding the action of Doc Servizi was to find specific solutions to protect all the slash workers, and specifically all those professionals who work erratically and intermittently, moving from the confidence in the transferability of the solutions implemented in the music sector.

Few years later, Doc Servizi through the role of the Foundation Doc, involuntarily, had the opportunity to develop this *transversal role of giving voice to a larger segment of slash and intermittent workers in the occasion of the Covid-19 pandemic*. When the pandemic burst in March 2020 and the total lockdown of the activities was imposed in Italy, the measures that the government launched to support workers did not provide adequate income support to the professionals working in the music industry. A nationwide lobbying campaign was launched by the Foundation Research Centre Doc asking for better protections: starting from a simple post on Facebook, the petition called *#nobodyexcluded (#nessunoescluso)* soon collected around 50,000 signatures among musicians, artists and technicians. Following this initiative, the Foundation Doc became the natural spokesperson of these workers, partly already affiliated, other approaching the cooperative thanks to the petition that shed light of their needs during the pandemic emergency. As reported by Francesca Martinelli during the second interview on 16 December 2020:

We did not choose this role, but when you have under your belt 50,000 signatures [of your petition], workers who continuously write emails and your members are desperate,

what can we do? We go ahead! I did not choose it, it is pure activism in the face of the desperation of people who are dying of hunger, who cannot pay contributions, who have no money. I swear to you that with 8,000 members, what else can we do? You CANNOT just give up!

Therefore, Doc Servizi undertook a new, on-going at the time of writing in December 2020, phase in its experience of collectively representing slash workers. During the pandemic, the cooperative proactively participated in the most important initiatives launched in the entertainment, arts, culture and music industries, starting from the Forum for Arts and Shows (FAS - *Forum Arte e Spettacolo*). The FAS is a table of discussion and confrontation on the issues relating to the world of work in the creative industries, coordinated by the Foundation Research Centre Doc and where more than 60 associations in the sector are involved, for a total of around 100,000 workers. It embodies a crucial venue where all the stakeholders can meet and discuss common issues during the tough periods of the pandemic, each bringing its own expertise and knowledge as *modus operandi* that the Foundation Doc has traditionally promoted. As reported by Francesca Martinelli during the second interview (16 December 2020):

each time a problem arose we wrote letters, we closed ranks because, as I told you, the sector is already fragmented, there is not a unique representation which is also a reflection of the fact that the union has never been so effective in this sector. They are all lone workers and it is difficult to reach them.

The collective lobbying action pursued by the coalition organised at the FAS table turned to be crucial: a law proposal to reform the shows and live performances system bottom-up and collectively formulated by the FAS was presented in the parliament. All the participants to the FAS have been audited by the parliament where the law proposal is currently under discussion.

The Foundation Doc was also invited to participate in the Permanent Table for the Live Shows, Audiovisual and Cinema Industries (*Tavolo permanente per lo spettacolo dal vivo, il cinema e l'audiovisivo*), launched in November 2020 by the Minister for Cultural Activities and Tourism, another national institutional venue to discuss and put forward proposals for the sector.

All in all, Doc Servizi transformed its role in the collective representation of slash workers by incrementally adding new strategies and collective actions to its repertoire of resistance. From the services' provision to its slash members of the early stages, the cooperative shifted towards lobbying and advocacy actions targeting all the creative and cultural segments of the labour market, sharing intermittent and slash working lives with the members of Doc Servizi. More recently, the Foundation Doc, delegated by the cooperative Doc Servizi is proactively fighting for the approval of a structural reform of the sector, pursue through the collective work of networks and coalitions of stakeholders.

6. Relations with other industrial relations' actors

Doc Servizi, by tradition and given its own foundational values, strongly believes in the cooperation among workers and among collective entities as a mechanism to prevent isolation in the labour market and to provide solutions to common challenges.

For this reason, especially after the 2011 events, the cooperative has started to strictly cooperate with other associations in the sector, in particular with the main trade unions CGIL, CISL and UIL. The collaboration with the unions is fundamental since they play a complementary role: Doc Servizi, in fact, is endowed with a direct and deep expertise relating to the world of work in the music industry gained in 30 years of experience but it is not recognised as formal social partner in institutionalised tables, such as the negotiating tables for the signature of NCAs. Hence, the cooperative supports the trade unions by making available its specialised expertise and its long experience with the professionals, while the trade unions contribute on their side with their experience in the negotiations (Chiappa and Martinelli 2019).

Such *synergy with the unions* is particularly important to pursue the organisational goals: for the cooperative it means allowing its members to access higher and more efficient levels of bargaining through trade union experience in collective bargaining and in other forms of collective negotiations. As reported by Francesca Martinelli during the interview:

we do not replace anybody, it is not our aim. We build networks with everybody, we collect ideas from everybody and if necessary we take a step back and we give priority to the work of the trade unions.

This collaborative strategy has led, for instance, to the successful signature of the first NCA in the sector in 2014 and to the renewal in 2019.

This synergic approach displayed by Doc Servizi can be found also in other contexts. Particularly relevant is the coordinating role that the cooperative is playing in the FAS – Forum for Arts and Shows during the pandemic to govern the lobbying action towards the government and the parliament to obtain the reform of the shows and live performances system. Within the FAS, Doc Servizi collaborates with several other associations active in the sector

Nevertheless, some ambiguities and suspicions emerged over the year in the relationships with the trade unions. For all intents and purposes, Doc Servizi plays an equivocal role, being at the same time the formal employer of its members and the collective association lobbying for the rights of its workers. Accordingly, not rarely, the trade unions have expressed scepticism and reluctance towards the action of Doc Servizi, also by openly and harshly attacking the cooperative.

7. Future perspectives

Doc Servizi is actively projecting to *open its structure to an international dimension*, firstly at the European level by exporting and promoting its model in other countries.

To this purpose, Doc Servizi has created in September 2019 its first foreign venue in France, hosted by the French cooperative based in Paris called Coopaname. This foreign affiliation aims to overcome to problems the professionals working broad face in their work activity, in particular from a fiscal and bureaucratic perspective.

Furthermore, at the transnational level, Doc Servizi is taking active part to a project to build a European network bringing together those cooperatives that accompany and protect the work of freelancers. Together with the French cooperative Coopaname, autonomously established in France with the same business model of the self-management cooperative, Doc Servizi launched the *Pegasus company Network*, a European network of cooperatives, including the Spanish Calidoscoop, the English Gildedsplinters, the French Manufacture Coopérative (also known as Manucoop), the German Society of Owners, the Croatian Udruga eCommerce Hrvatska, and the Bosnian Lir Evolucija (Martinelli 2020). The network aims at promoting the cooperative model throughout Europe as a solution to represent autonomous and intermittent workers.

The project was launched in mid-2017 by, a cooperative of researchers that through research-action activities is deeply committed to supporting the development and the spread of cooperation as a business model throughout Europe. The network involves various European cooperative enterprises that share the same values, including the French Coopaname, the Swiss Neonomia, the Dutch De Coöperatie and the German Comit. The shared goals of the network include: i) simplifying the access of freelancers to the European market thanks to the constitution of a transnational network between cooperatives and institutions; ii) stimulating the entrepreneurship and entrepreneurial skills of individual freelancers starting from the exchange of best practices between the cooperatives involved; iii) building a network capable of representing and strengthening at local, national and European the original cooperative model (Martinelli 2019, p. 151).

Doc Servizi is also lobbying at the European level to introduce important institutional provisions to protect intermittent and slash workers in the new EU Directive that the Commission is drafting, devoted to platform workers. It represents a unique occasion to raise the labour standards and the social protections for a fragile segment of the labour market from a supranational perspective.

8. Conclusions

The experience of the self-management cooperative Doc Servizi is of particular relevance for various reasons.

First, it embodies a *forerunner application of a traditional model* within the Italian labour market. The self-managed cooperative is an organisational structure used in Italy since the '70s, but the application that Doc Servizi proposed was innovative, targeting

self-employed professionals in the music industry, generally isolated, autonomous, and driven by an entrepreneurial aspiration.

Second, Doc Servizi through the application of the *job-on-call employment contract* provided for universal social protections and minimum income levels for the whole segment of slash workers hired by the cooperative

Third, the model of collective representation of slash workers implemented by Doc Servizi turned to be *transferable* in other industries where workers are experiencing the same challenges in the labour market, but also potentially across national boundaries, as demonstrated by the international dissemination and promotion the cooperative is implementing of its business model.

Fourth, Doc Servizi played an *unexpected and multifaceted role* in the collective representation, which turned to be fruitful and successful. The cooperative, being at the same time the formal employer of its members and the collective association lobbying for the rights of its workers, had the chance to directly take part in the claim and resistance action from a twofold role, by putting forward the expertise it gained as employer in the sector, but also an effective synthesis of the needs of its workers.

Finally, from a *symbolic perspective, at the level of the imaginary and narrative*, Doc Servizi has re-interpreted traditional concepts and categories in the world of work, launching neologisms that may better express the new phenomena spreading in the labour market of the advanced economies, such as dependent entrepreneur and digital platform cooperativism. This translates into the creation of a new institutional body, the Pegasus company (Martinelli 2020). The Pegasus business model tries to fill a gap in the legislative framework by suggesting a new adaptation of the figure of the dependent worker who aims to achieve a project of autonomy and emancipation that is both individual and collective based on the rethinking of the subordination relationship with the employer. In this brand new model, the guarantees relating to the access to social protections ensured by the subordinate relationships are safeguarded but the issue of control by the employer is put into question (Martinelli 2019, p. 154).

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Interviews

Video-interview to Francesca Martinelli – Director of the Foundation Doc Servizi.
Carried out on 1 April 2020, duration 01h 12m.

Video-interview to Francesca Martinelli – Director of the Foundation Doc Servizi.
Carried out on 16 December 2020, duration 02h 02m.

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“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Italy

Case study: Fairbnb

Author/s

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1. Introduction: why the experience of Fairbnb is relevant?

Fairbnb.coop (<https://fairbnb.coop/>) is an “ethical” and innovative alternative home-sharing platform launched with the idea to develop “an open organization where in the near future we plan to welcome all actors of our ecosystem”. The founders, in fact, aimed to offer a community-centered alternative model in the home sharing business “that prioritizes people over profit and facilitates authentic, sustainable and intimate travel experiences” (The Fairbnb Manifesto).

The relevance of this case study is based on three reasons. The first is that the home-sharing sector is a market where, in addition to professional operators, there are many operators who perform it as a complementary activity, since they own a house or a room to make money out of them, or manage short-term rentals of houses owned by others. The second reason is relational as it is a community-based organization where the local actors and the association act as “mediators and promoters” and participate somehow in the governance of platform. The last reason is linked to the value distribution model it embodies: the overall profits are in fact redistributed to finance local projects in the cities where the platform is active.

These characteristics make it the ideal field of work, providing job opportunities for slash workers, as home sharing is often self-organized and carried out independently by the hosts. Its flexibility normally leads to carrying out multiple jobs, in which often sharing one's apartment is not necessarily the main activity, but a complementary one. In particular, Fairbnb adopted a specific structure preventing the so-called *mega hosts*, professional operators who manage other people's homes or who manage many apartments at the same time, or use their own home as a Bed and Breakfast. This type of operators represents the typical structure adopted on Airbnb. Conversely, it is not applied on Fairbnb which is a platform dedicated to small hosts who owns only one apartment to share. This structure makes the platform the ideal choice for slash workers having a main occupation and looking for a flexible complementary activity. At the same time, the cooperative model it is based on, as well as the horizontal structure of its governance can provide new opportunities for giving voice and enhancing the participation of this particular category of workers. Finally, the objectives of social responsibility and territorial embeddedness that animate the project can exert a strong attraction for local hosts, compared to extractive alternatives such as large global platforms.

Home sharing platforms probably host slash workers displaying different professional profiles. Certainly, as we know from various studies on home sharing or sharing economy in general (Andreotti et al., 2017), it is clear that these workers mostly belonging to the middle class, often young and with good digital literacy, who perform another job and try to optimize their home space, or a second home, to get an additional source of income or work in the management of sharing house owned by others. They work in a peculiar “onlife” environment where the online and offline dimensions are

strongly connected and hybridized, even if there is not any explicit or automatic connection between being a host and having another job.

The data available on this job market are provided by the main market player, Airbnb Italia (2016). Despite not updated, they show some interesting trends from our point of view: Italy is the third largest market in the world for Airbnb, after the USA and France, and this witnesses the importance of this sector in our country where home ownership is a prerogative of many families. There are more than 83,000 active Italian hosts that overall hosted around four million guests. The average number of nights rented per year amount to around 28, and the average annual earnings to around €2,300. These data show that for most of the hosts, home sharing can only be a complementary activity, since more than 69% still declare an average annual income not exceeding €25,200. This is also linked to the fact that 87% post no more than two short term rentals ads on the platform, although 13% still exceed this number.

2. General characteristics of the cooperative Fairbnb

The Fairbnb project started in 2016 and it was organized in a cooperative model only in late 2018. Initially the movement emerged in Venice, Amsterdam and Bologna, but it has rapidly spread throughout Europe (Madrid, Berlin, London, Genova, etc.). It tries to build a new global community of sharing, embedded in the territory where it operates. It is not merely a cooperative of hosts but it embodies a project based on the mobilization of both the activists and the professionals promoting an alternative vision of tourism and of the development of the home-sharing market. They want to realize a “true sharing” model, in opposition to the “pseudo-sharing” one (Belk, 2010). Collaboration and sharing are the core idea of the project, not only between hosts and guests, but also between the platform and the territory.

One of the founders interviewed, Damiano Avellino, explains how “since the very beginning, the main goal was to “hack” the platform business model with the aim to promote the distribution of profits in social projects”. This peculiarity represents the attractive pole for users and consumers of the platform, and it distinguishes Fairbnb from any other platform in the same industry.

The project was developed with the support of Alster (<https://www.aster.it/>), a consortium for research and technology transfer to enterprises involving the Emilia-Romagna Region, universities, national research bodies (CNR, ENEA, INFN) that are part of the regional innovation ecosystem. The project idea developed also within different incubation spaces such as *Rural Hub* (<http://www.ruralhub.it/progetto/>), but also contamination networks, such as the *Global Changemakers Network* (<https://www.global-changemakers.net/>).

Collective ownership is a distinguishing characteristic. The owners of the platform are not faceless unknown investors but the actual hosts, guests, local business owners who decide to support the project and to participate in discussions and decision making process with the ultimate goal to improve the city they live in. They are 20 people: their

face and social profile are available and freely accessible to all users through the official website. The platform was founded and it is managed by the cooperative's members. By looking at their public profiles uploaded on Fairbnb cooperative platform it is evident that they are mostly quite young people, often self-employed, professionals, entrepreneurs, but also managers, especially active in the field of communication, urban planning, tourism or architecture. Therefore, these are mainly Italian, Spanish and Dutch hosts who share a high level of homogeneity from the point of view of human capital and their cultural profile, as well as for the particular attention to the territorial and innovative dimension that this experience seems to embody.

Some bigger investors are also present: CFI, an institutional body for the investments in the cooperative enterprises participated in the project with an initial share corresponding to €50 thousand and a subordinated loan of another €50 thousand; EMILBANCA, a regional bank belonging to the cooperative credit circuit (BCC) and BANCA ETICA, the most important Italian financial institution for Ethical Finance provided the loan. The involvement of these specific investors was coherent with the ethical values of the project strengthening its collectivist and cooperative goals. They also managed to collect €10.710 from 146 backers through a crowdfunding campaign on Indiegogo (despite the goal was to achieve the amount of €30.000).

To further strengthen the cooperative identity of the project, Fairbnb joins the platform cooperativism movement (Scholz and Schneider, 2017), representing one of the most relevant case in Italy with great resonance in both the Italian and the foreign press (i.e., for example on Forbes, The Guardian, etc.).

Fairbnb is still an embryonic experience (there are only few dozens of hosts and guests in the various cities where it is present) and its development and consolidation in the market have encountered several problems, also due to the recent pandemic. As Eugenio De Gregorio, Senior Community Activator of Fairbnb, says:

The pandemic represented a setback in the entire home-sharing sector (including Airbnb) and certainly had a major impact on a still very young project like Fairbnb. I do not deny that our hosts, who were enthusiastic to collaborate with us, are now a bit disheartened and perplexed. Therefore, managing this disappointment and discontent has been a priority in recent months, while the development and consolidation of the project have been somewhat postponed.

3. Characteristics of associate workers / members.

It is not a platform based on workers within the home sharing market, like driver cooperatives as Juno in New York, alternative to Uber. The mission of the platform does not coincide explicitly or directly with the well-being of the home sharing workers in Fairbnb. This could be considered more as an implicit or a side effect of a wider project aiming at promoting an ethical and sustainable business model. As Damiano

Avellino says- “the hosts are not victims of Airbnb” and this somehow justifies the choice made by Fairbnb of not being a cooperative of hosts:

home ownership is not an egalitarian phenomenon, it is not for very young people, but for people between forty and fifty years old. In many cases they are people who have inherited one or more properties. This clearly shows how housing is in itself an unequal market, with strong social inequalities and therefore operating in this market requires an ethical approach that does not further widen these gaps.

In this sense, the platform is prevented from exercising an extractive role towards local hosts, even without representing directly their interests or legitimizing them as part of the cooperative ownership.

Moreover, in order to promote what they call “a real and equal home sharing”, they apply the rule “one host – one house”, in order to avoid power asymmetries in the home-sharing market that normally favour the owners of multiple apartments or professional agencies specialized in the intermediation of multiple properties. This rule represents the Fairbnb’s way to promote a home sharing not based on the large “rentiers in real estate property but a sustainable home sharing industry that “provide also a more genuine and authentic experience for travellers”. “The choice to adopt the “*one host one home*” standard has favoured the self-selection of hosts “that refer more to the values of traditional home sharing” - explains Damiano, - joining those who own a room to rent (about an half of Fairbnb Hosts) or at most a house (in addition to the one they live in), avoiding “the mega hosts”. Furthermore, the small entrepreneurs of bed-and-breakfast were excluded, who are instead present in platforms such as Airbnb. This principle, according to the founders, allows at least to contain the effect of the gentrification process, or the so-called “airfication of the city” (Picascia et al, 2017.) and which has different connotations compared to “uberization”, that it is more focused on the regressive dimension on security and decent working conditions. Therefore, Damiano comments: “Fairbnb does not resolve of course the problem of gentrification or over-tourism but certainly it shows another possible way”. Fairbnb hosts are somehow peculiar with respect to all the other hosts because they share a common vision, as Eugenio De Gregorio, Senior Community Activator, declares:

they are hosts who care about their community, their city, and for this reason they choose to support an alternative experience like Fairbnb. We can say they have a “political vision” as well as an ethical one about this choice.

4. Organizational and decisional structure of Fairbnb.

The Fairbnb cooperative model is based on three pillars: 1) democratic governance, 2) social sustainability, 3) transparency and accountability.

The *democratic governance* is based on an online space where community members can meet and collectively decide how the platform has to be run and how to collaborate with

local administrators. This latter aspect is a clear reference to the alternative model Fairbnb embodies compared to Airbnb, in which the relationship with local administrations and with public regulation has been much more tense, as shown by the cases of New York, Paris or Barcelona. For this reason, the platform has an open section where everybody is allowed to join and to support the project.

However, these general principles are only theoretically defined and codified in the project manifesto. In reality, formally, the voice of the users and of the supporters does not play a great role since the community is still limited in number and the decisions relating to the project management represent a prerogative of the members (the workers) of the cooperative. Hence, the users' voice turned to be occasional and unstructured, at least so far, within the cooperative.

Therefore, the actual governance structure is not as open and participatory as the founders spread. Developing an inclusive, open and effectively shared governance still represents an issue of internal confrontation among cooperative members. Damiano in fact reports that there is an on-going internal conflict between the cooperative members and the founders, relating to the governance structure to adopt:

cooperating is not easy, especially when one comes from different experiences and backgrounds, but also from different political visions. For me, for example, the way we do business or how we communicate are all political issues, and for me the goal cannot only be ethical consumption, which is not the true purpose of Fairbnb, but the establishment of a community of change that develops a critical analysis and awareness of the socio-economic model in which we live... For others, the Fairbnb project is simply a social start-up.

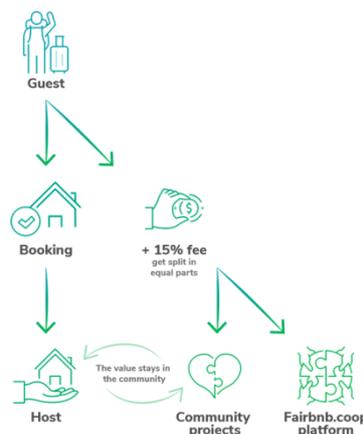
The polarization of the stances between the founders' risks to threaten the future of the project and, above all, its progression towards an actual horizontal governance structure, as reported by Damiano:

Fairbnb's biggest problem was the governance and the diversity among people...for example, I have always thought that Fairbnb should be a platform as a commons, and despite being a founder, I have always felt more as a "guardian" of the project than one of the owners, but obviously not everyone thinks so. Even traditional start-ups face problems in team-working, such as not agreeing on issues or not having common visions, and we also have this problem.

At the moment, the shared governance is very limited with respect to the initial intentions or the general principles that animated the initiative since the onset, also because the level of legitimacy and recognition of the platform on the territories remains limited. Furthermore, the organizational structure does not provide for institutionalized forms of consultation with the hosts or other stakeholders.

A crucial role is played at the moment by the *Local Nodes* (at the moment 9, one for each city where Fairbnb operates). They are associations or local organizations that in some way have been co-opted in the promotion of the project on a specific territory, leading the process of “brokering” with the local actors. Currently, the *Local Nodes* are not chosen through a deliberative process within the community but they are selected vertically by the cooperative shareholders on the basis of not fully codified criteria (consistency and similarity of the values with Fairbnb project; operational capacity, etc.). Once the *Local Node* has been selected, it signs a contract with the platform that defines its role, limited to specific tasks: finding hosts, guaranteeing the quality of the territorial redistribution projects, supporting the institutional relations. Local Node’s feedbacks are informally taken into consideration by the cooperative members even if their involvement it is not entirely institutionalized in the organization. Therefore, their participation and voice are occasional and not constant.

Figure 1 – How Fairbnb redistribute value to the local community



The second pillar is the *social sustainability*: the overall profits are reinvested in social projects that counter the (inevitable) negative effects of over-tourism. All the interested local people can vote to support the projects they want to realize in their neighborhoods (food coops, playgrounds, community cafes, etc.). The operating redistribution model of the platform is shown in figure 1. Half of the commission (15% vs the 3-5% of platforms like Airbnb)⁵¹ is retained by Fairbnb.coop to maintain its operations, while the other half is devoted to fund local community projects.

The platform provides a dedicated web space where each organization can present a social project for the city. There are no foreclosures in the type of project that can be proposed. At this early stage, community projects are evaluated case by case by *Local Nodes*, partners and members of the cooperative. In order to get funded, these community projects have to satisfy a series of conditions: be intended to help residents and/or promote sustainable tourism; be linked to the same community/location where the guest/funder will travel to; the recipient of the grants will have to be a legal entity that will provide accountability and inform the platform and the funders on the state of

⁵¹ <https://www.airbnb.it/help/article/1857/cosa-sono-i-costi-del-servizio-airbnb>

the project. At the end of this selection, the project will be validated and published on the platform.

However, it should be noted that this process has been designed but not yet really implemented, because Fairbnb has not reached an adequate dimension and the necessary economic sustainability to activate a significant redistributive process. This intention to generate a sustainable impact is still only theorized by the founders and it represents the real potentiality of the project. In this sense, all users and citizen can “imagine” and figure out the potential impact of the Fairbnb model through the so-called “Impact Calculator”. (<https://fairbnb.coop/fairbnb-potential/>). Through this tool, any potential user or investor of the platform can simulate the possible socio-economic impact of the Fairbnb on the territory.

Thirdly, in order to support its collective governance, Fairbnb states a strong position in favor of *transparency and accountability*. The platform declares to be committed to open data and refuse to commodify user’s data that, upon request, could be shared only with local governments. Transparency is a value that strengthens the cooperative dimension and it is an added value, in particular with respect to the identity or profile of the financiers or the type of projects that will be supported through future revenues.

However, it has to be said that this is not a truly “open” and inclusive platform, or an open source infrastructure, nor is any information available in open data format, as it is advertised on the platform website. There is also no real accountability, and official and accounting documents of the platform are not public. Even the economic contributions of individual investors are not reported in a transparent manner on the website as one would expect. The information about the investors can be very partially reconstructed through the founders and by some statements released in the press. This represents an inherent “contradiction” on which the founders have not provided sufficient explanations. The founders of the platform we interviewed admitted that this is an aspect they intend to cope with and that it represents one of the priorities of the project. However, for the moment, the impact of the platform is so limited that there are not sufficient reasons to make this information public. One of the founder justified the actual situation saying: “actually, the amount of data is very small, but we have already activated important sharing experiences with the municipality of Genoa”. He also admits that Fairbnb is a long way far from adopting an open source approach: “Our platform continues to be a proprietary platform, we have thought about open source but at the moment it is not in the plan but I do not hide that I would like it very much, but it takes time and resources”. Damiano shared some doubts about this possible development and its rapid implementation “...of course we should, but we also ask ourselves how to defend our competitive advantage with an open source model. However, I think we should do it. It is what would be right to do and that's what people expect”. Open source embodies a normative final objective to achieve, even if it seems to represent a field characterised by internal frictions and a difficult solution to implement in a market environment not ready for such innovation.

5. Collective resistances: when voice is not the core

There are no experiences of mobilization actions or public statements or voice on specific issues related to job and working conditions in the hosts or home sharing industry organized by Fairbnb. This absence of mobilization strategies on the territory is not an a priori option, according to the founders, but it is linked to the fact that the project is still in its early stages. “It is still too early to propose initiatives of this kind when you are a *startup* – it is Damiano’s comment on this issue – and this has distanced us a little from the idea of practicing effective activism on these issues”. It seems that the founders are facing two opposing orientations. On the one hand they aspire to contribute to a wider social movement promoting sustainable alternative models to capitalism, with reticular forms of support together with other local or international organizations. On the other hand, they share the business orientation typical of a young start-up.

Despite the collaborative and participatory dimension that seems to characterize the Fairbnb project, it is clear that the capitalist platforms such as Airbnb have been far more effective in “infrastructuring” their hosts’ communities in a sound network. Experiences such as NY Airbnb Community Hosts, or Ospita-MI in Milan, highlight how Airbnb is able to engage its hosts, also favoring the rise of independent associations that cooperate or support the platform's business. It is surprising that the Fairbnb experience has not yet been able to stimulate the creation of a community, and even recently with the pandemic, no decisive steps have been taken in this direction. A partly inexplicable delay for an experience defined as “community based” platform. The founders justify this gap and this delay once again with the fact that they are in a “start-up” phase and they are still experimenting the model. As Damiano observes: “I hope that Fairbnb can become a sort of container of community of thematic practices on many aspects of the city”. At the moment, however, community engagement is still markedly fragmented and unfocused. It merely draws the attention of volunteers who want to help and support the project “by acting as catalysts on the territory” (Damiano, Founder of Fairbnb).

A further challenge to the creation of a community is connected with the external conflict, as Eugenio, Senior Community Activator of the platform reports: “there are cities like Barcelona where the home sharing issue has generated a real rift in the city. This opens up opportunities for us, but it also makes particularly delicate to enter or find space and voice”. In a moment when home sharing is under harsh accusation from the municipal institutions and from the citizens, difficulty further exacerbated by the stalemate in tourism triggered by the pandemic, it is clear that the Fairbnb project itself has also suffered a sudden setback and its survival has become the priority comparing with collectively organizing or representing its hosts.

A unique noteworthy action in this sense seems to be the recent adhesion to a European project called PLUS⁵², which is creating a sort of manifesto of rights for platform workers starting from the experiences of innovative and non-extractive organizations, similar to Fairbnb. The project strictly focuses on the dimension related to work: hence it could play an important role in reorienting Fairbnb's strategies in this direction in the territories where it is present.

6. Relations with other industrial relations' actors

Not having a specific focus on hosts as workers, and not considering them as actors needing social and employment protections and specific rights, Fairbnb has not engaged in any kind of dialogue with the world of the trade unions, nor it seems willing to do in the short term. Both in the documents illustrating the project and in the testimonies collected, this aspect does not emerge in any way.

7. Future expectations / actions.

The Fairbnb platform is, at the moment of writing, still establishing itself, in the middle of a delicate process to consolidate. Nevertheless, the founders wish to be able in the near future to build a platform based on

a very participatory, very balanced governance (also from a gender point of view, given that we are now only men), from the point of view of age, with more people under 35, and as a tool of solidarity and circular economy in the urban environment, creating its own supply chains with the Home sharing service but towards complementary services that always have a social impact.

The founders expect that the Covid-19 emergency will also bring new funding opportunities, including the Recovery Fund, which will give new resources to the project. Their survival is highly dependent from the external investments and the economic resources to develop the project: that is the only opportunity available to re-launch the platform.

The future vision, according to the founders, is to transform the platform into a multi-stakeholder cooperative with a more inclusive and balanced governance structure, not exclusively focused on the hosts. So, at least in the intentions of the founders interviewed, the future perspective of involving hosts in the governance board seems clear, albeit not in a position of exclusive prominence. Also with respect to the *Local Nodes*, who act as antennas and intermediaries with the territories and the local hosts, the founder interviewed is keen on reassuring that “so far this is the picture, but in the future there is the intention to involve more those who work through the platform”.

I hope that, over time, we can implement a more plural model in which there are more Nodes and a greater participation in the management and a stronger activation of the territories (Damiano, Founder of Fairbnb).

⁵² <https://fairbnb.coop/2019/02/09/fairbnb-in-bologna-for-the-plus-platform-labor-urban-spaces-project/>

8. Conclusions

The Fairbnb project is certainly noteworthy given its experience as alternative business model and its ambitious goals. However, the organizational choice of not focusing on the “productive work” of home sharing certainly represents a weakness. Internal tensions shed lights on the persisting difficulty of implementing a cooperative governance structure, despite the rhetoric promoted on the platform cooperativism movement.

In conclusion, critical aspects can be detected.

First, it is clear that the project suffers from internal tensions, as one of the founders admits: “when there is no turnover, space is often given to the crystallization of positions or to the growth of egos and personal ambitions, and this could happen also in cooperative experiences like this one”. Internal tensions and divisions could represent a harsh obstacle to the development of the project.

A second source of problem is external and it is related to the market conditions in which the platform operates. The founders interviewed reported that they are still far from having “an inventory of hosts large enough to generate a global network effect”. Furthermore, the absence of economic sustainability of the project undermines its development. In the narrative of the founders, it seems that they cannot exempt ourselves from a scale up to allow the platform to survive.

In any case, this experience turned to be relevant thanks to the close relationship with the territory, the effort made in balancing business and sustainability, also through the role played by the workers. The future perspective to transform the project in an inclusive multi-stakeholder cooperative seems particularly promising, together with the promised commitment in improving transparency and developing an open digital infrastructure.

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Interviews

Video-interview to Damiano Avellino– Founder of Fairbnb and member of the cooperative board, Carried out on 15 September 2020, duration 00h 45m.

Telephone - Interview with Eugenio Eugenio De Gregorio, Senior Community Activator of Fairbnb, Carried out on 30 November 2020, duration 00h 20m.

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

**DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL
RELATIONS: CASE STUDIES**

Country: Italy

Case study: Humus

Author/s

Milan, March 2021

1. Introduction

The report presents the experience of *Humus* an innovative Italian start-up with a social vocation, operating as a job search platform committed to the promotion of regular contracts in the agriculture sector.

Humus was founded in 2019 in Valle Grana (a valley in Piedmont, Northern Italy) to respond to the challenges raised by intermittent contracts of people working in agriculture sector, due to the widespread practice of undeclared work in the agricultural sector and the specificity of Italian legislation regulating work in the sector. In fact, according to the specific regulatory framework, even when a regular contract is in place, workers have no guarantee (illness, pension, etc.) if they do not reach a minimum number of regularly registered working days.

Against this backdrop, *Humus* launched an experimental and innovative solution to these specific issues concerning the agricultural labour market. The start-up, through its platform, has three specific objectives: a) matching demand and supply of labour; b) encouraging the creation of the so-called network contract (*contratto di rete*) between firms; c) creating positive visibility for firms that hire their workforce with regular contracts (through an “ethical stamp” which certifies the quality of work).

The experience of *Humus* was selected as a case study based on different rationales.

First, it represents *an innovative case of protecting slash workers in the agriculture sector*, mainly characterised by non-regular contracts and a precarious work environment. As the demand for work in the sector is linked to the seasonality of the various products’ harvesting, workers often find themselves “collecting” temporary jobs throughout Italy (for example, the harvest of apples in Trentino and tomatoes in Calabria in the summer). Furthermore, the on-going Covid-19 health emergency has increased the demand for work in agriculture from people who used to work in the catering sector, such as waiters and cooks, temporarily unemployed because of the pandemic crisis. *Humus* embodies an engaging experience launched by three people who have always worked in the social sector. At the moment, it represents a unique experience in the agricultural labour market.

Second, *Humus* represents an *emblematic case of sharing the cost of jobs*. Through the *contratti di rete*⁵³, *Humus* proposes to “share” the cost of labour between various firms. For the worker, this means having a continuity of employment by working in multiple companies in the same sector. Each company employs the worker only in the period in which they need it most.

⁵³ The *contratto di rete* (network contract) was introduced into the Italian legal system in 2009 and allowed for creating groupings of companies for mutual collaboration. With the *contratto di rete* (network contract), the enterprises can realize shared projects and objectives, increasing the innovative capacity and competitiveness on the market, maintaining their independence, autonomy, and speciality.

Third, the *positive and successful experience* for the integration of migrants and asylum seekers. The platform allows the online matching of supply and demand of work: on the platform, the workers' profiles are developed based on the workers' experience and knowledge in the agricultural field and any training courses they have done. *Humus* has created a package of services for companies wishing to hire an asylum seeker. In fact, on the one hand, they train the worker both concerning the work required and by informing them of what the Italian labour legislation provides in terms of labour rights. At the same time, the firm that intends to hire the asylum seeker is informed about the contractual specificities and also the needs related to the special status of the worker. The initiatives undertaken during the Covid-19 pandemic have further emphasised the cooperative's central role in offering a collective voice to the need of this fragile segment of slash workers.

Fourth, it is an *unusual case* to investigate since its proposal is highly innovative. The platform's development could lead to a relationship between supply and demand for vulnerable workers who need to combine multiple jobs, even in the same sector.

2. General characteristics and organisational structure of *Humus*

Humus was born from the experience in the social sector of its founders, engaged, in particular, in the fields of education and job placement for asylum seekers. The founders who manage the start-up are: Claudio Naviglia, anthropologist, CEO of *Humus* and; Elena Elia, psychologist and systemic-relational psychotherapist, is responsible for communication; and Luca Barraco, an educator who has been involved in agriculture for years, within *Humus* is responsible for relations with the various farms.

The first project in this field was carried out in 2017 thanks to the commitment of a Municipality of the Grana Valley interested in opening a Community Home (CAS-*Centro Accoglienza Straordinaria*) and then extended to eight Municipalities in the same Valley. From this collaboration between the founders of the association (which it would later become *Humus*) and the Municipality, three crucial services were launched, which in the future would represent the basis for founding the start-up. The first service provided since 2017 concerns the supply/demand desk for new asylum seekers; second, in 2018, a professional training service in the agricultural field was created thanks to exchanges with actors from the local agricultural sector. In the same year, a third project has been realised, which aims to propose and facilitate the implementation of the network contract (*contratto di rete*).

Despite the initial resistance of the resident population, the work put in place has generated tangible results. Although designed for asylum seekers, all the services implemented by the three projects have been open to citizens and companies of the entire Valley. This has generated good synergies between different actors and has clarified that planning would have led to repercussions in terms of development on the territory.

The three projects, after two years, have created a successful model for the job placement of migrants. This experience allowed the founders to define a package of agricultural services for the national territory and launch the *Humus* start-up in March 2019.

“We believe that the intermediation between supply and demand alone is not enough. Still, it is necessary to do some preparatory work with the companies that will welcome the workers of our platform” (*Interviewee, Founder, November 2020*).

The first service launched and offered by *Humus* concerns work. In May 2020, the start-up launched the first digital platform (www.humusjob.it) to match supply and demand of work, entirely dedicated to the agricultural sector. The digital platform publishes the profiles of workers based on experience and knowledge in the farming sector and their training path. Firms that join the *Humus* network have access to the platform and can search for the most suitable profiles for the job they need.

The second leading service offered concerns training for work in agriculture which involves both workers and companies. As far as workers are concerned, specific vocational courses are provided (regarding, for instance, fruit and vegetables, wine, etc.), but also training concerning the contractual aspects of the regulation of work in agriculture. This is particularly relevant given that most of the workers are migrant workers who ignore completely their labour rights. These are accompanied by specific training for third sector associations involved in the welcoming of migrants and asylum seekers. This innovative proposal rooted on the acknowledgment that many asylum seekers enter the agricultural labour market without knowing the contractual system and the labour regulation. To tackle this issue, *Humus* started offering training in collaboration with the trade union CGIL to both operators of the CAS and guests regarding the agricultural sector's contractual aspects.

The third pillar of the company concerns the relationship with businesses and, in particular, the construction of collaboration networks. *Humus* builds a network of relationships that allows companies to share personnel costs to ensure that companies hire their costs in a more lasting and regular way. This task, carried out on an experimental basis with the companies in the Valley where *Humus* is based, will lead to implementing a national network contract to build collaborative networks between companies throughout the Italian territory.

“Companies can take advantage of economic and temporal benefits from shared recruitment through a convenient and functional tool. Farmworkers will be guaranteed a regular contract in agriculture for the whole year, thanks to the seasonal circularity that *Humus* implements by networking companies with various productions” (*Interviewee, Founder, November 2020*).

Concerning this aspect, the start-up's role is to provide support in the bureaucratic procedures, to facilitate the creation of relationships between companies, and to manage

the network, for instance, by defining a shared strategy. This task requires Humus to create an exchange process between the actors to draft a regulation that establishes: “who takes what - as one of the founders says - how he treats it and how he leaves it”. Today this is done by the start-up through consulting contracts. From 2021, Humus will become the lead partner of the network contract, and the companies will enter individually. This, according to the company, will simplify the process of creating network contracts.

3. Characteristics of associate workers

Humus currently counts around 2,800 workers and 80 companies. In 2020, through the platform, were organised 60 new job placements. These workers are involved in the agricultural sector and, specifically, in the harvesting of various crops. The company decided to specialise in this sector, recognising the intrinsic difficulties that characterise this peculiar segment of the labour market, characterised by intermittent and multiple contracts because of the seasonality of the production and, accordingly, workers’ mobility throughout different Italian regions. Although it was created for this specific target, the platform has then expanded, primarily involving workers from the Valley and other Italian areas.

The workers are mainly refugees or migrants in various capacities. After the first lockdown (from March to May 2020), there was a significant increase of Italian people looking for a job in the agricultural sector. This was due, according to one of the founders, to the restrictions imposed in the catering sector. Today about half of the registered people have the Italian citizenship, even if those who got a job through the start-up are primarily foreign workers who got in contact with the founders of *Humus* prior to the launch of the platform.

4. Collective resistances: a collective voice for an ethical work

The platform for job search (*Humus Job*) dedicated to the agricultural sector aims to promote regular contracts, providing better working conditions, continuity through business network projects (action being implemented), stable wage levels and above all, access to social protection. In fact, in the agriculture sector, “grey work” is prevalent. Once the regular contract has been drawn up, the working days are recorded retrospectively, and, commonly, fewer working days are recorded than those performed. Failure to declare a minimum number of working days directly impacts the worker who, despite having a regular contract, does not gain access to unemployment benefits and all the protections provided by the national collective agreements without a minimum number of working days.

While not directly intervening in collective bargaining, *Humus* opted to train the workers on their labour rights and interact directly with companies. In this sensitization process, the founder of *Humus* decided not to involve the union because it is often seen as an “enemy”. The project’s innovativeness lies, in fact, in the preliminary work that is

done between the companies looking for staff and the workers. Furthermore, Humus tries to keep track of the contracts that the companies stipulate through the platform.

As we will see in the next paragraph, the final objective is to create a transferable market value on the cost of the final product through the culture of legal work.

“We at Humus want to fight illegal work in agriculture, and to do so, we have decided to listen to companies and their needs. We want sustainable, regular and ethical agricultural work.” (*Interviewee, Founder, November 2020*).

The company *Humus* encountered in its activity a significant resistance from the local community because of problems of cultural nature and established routines. *Humus* aims to carry out a sort of control and a guarantee for the workers: this is perceived as an invasion of local companies’ work arrangements. The founder explains that young entrepreneurs are more sensitive to the work ethic and accordingly are more available for collaboration of this kind.

“Companies that operate in the agricultural field are used to taking labour and using it so that... I do not report here. Controls in agriculture are few, and the profit margins from products are minimal, which justifies everything.” (*Interviewee, Founder, November 2020*).

5. Relations with other industrial relations’ actors

Humus has created a network of relations mainly with the associations of the third sector of the territory. At the moment, it has not started collaborations with the traditional actors of the industrial relations field. In the past, they have developed a project with the trade union confederation CGIL to create a training course dedicated to labour regulation and contracts in agriculture. The collaboration was limited to the setting up of the formation. As the interviewee explains, the start-up’s intermediation tools differ from those of the trade union. Nevertheless, the collaboration with the trade unions is complex because of the different tools adopted to promote regular work:

“The union promotes tools that come from the public sector, we do not have this ambition, and we promote concrete experiments to be made available to the public. Then the union has tools for which the work must pass through public employment agencies, and we propose a different kind of intermediation” (*Interviewee, Founder, November 2020*).

6. Future perspectives

Humus will be completed the activity by creating an “ethical stamp” for the companies that enter the Humus network, as a mark showing that they fully comply with labour regulations. The ultimate goal is to create an essential recognition for manufacturing companies that trade their product through the various commercial channels. Creating a network of companies that will be recognised for the "ethical value" of the products

they sell would allow the start-up to start negotiations on revenues with large-scale organised distribution on behalf of the network they are forming. The first step in this direction was taken through a collaboration with NaturaSi, an organic and biodynamic chain of supermarkets in Italy, committed to supporting the project. The organic companies of the NaturaSi ecosystem will be able to be part of the Humus network.

One of the "indirect" positive effects triggered by the experience of Humus relates to some rural and mountain areas (inland areas). The people involved in the project as workers settled in the areas and contributed, albeit in a limited way, to a repopulation of the valleys.

“Some workers remained to live on the territory working in companies that were part of the process. Someone comes and goes because they have a seasonal job. In the summer, he returns to the Valley, and the rest of the year runs. He goes south to collect and process olives and citrus fruits and then goes up the peninsula. Moreover, someone has gone away. Interestingly, some people have managed to invest and live in Valle Grana” (*Interviewee, Founder, November 2020*).

The challenge for the Humus is the scalability of the project. To do this, Humus launched an equity crowdfunding campaign in the summer of 2020 (May-July). The fundraising had NaturaSi as an investor who decided to support the project with 5% of the budget and exceeded the target (€50,000), obtaining a total of €80,000. These funds will be invested to further implement the digital job search platform. “Ethical work is a great dream that we want to help realise” (*Interviewee, Founder, November 2020*).

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Interviews

Interview— Founder of the Humus s.r.l. They carried out on 4 November 2020, duration 00h 51m.



7. Spain

7.1. Riders x Derechos

7.2. Smart Ibérica

**7.3. Tu Respuesta Sindical ya (TRS)-
UGT**

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL RELATIONS: CASE STUDIES

Country: Spain

Case study: Riders x Derechos

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Cádiz, January 2021

1. Introduction.

This case study is part of the WP3 of the SWIRL project whose aim is to identify and study the most relevant practices of protection and representation of contingent/slash workers (case studies) in order to ascertain and assess their level of effectiveness and impact.

One of the case studies in Spain is *Riders x Derechos* (Riders for Rights in English; hereafter RxD), a collective created in 2017 by home delivery workers from different digital on-demand work platforms who wanted to defend their labour rights and lobby for the regularisation of their fraudulent status as "false self-employed". Their inclusion in the general workers' regime would allow them to have the right to collective bargaining and to work towards a fair agreement to improve their working conditions and put an end to the exploitation and precariousness of the sector.

In order to complete the study, we conducted two interviews with spokespersons for the RxD platform, three riders and union representatives from Comisiones Obreras (CCOO), Unión General de Trabajadores (UGT) and Intersindical Valenciana. In addition, relevant information was obtained from different websites and social networks on which the organisation publishes press releases, statements and news items. Given the recent developments in the subject matter of the research, press articles have been used.

The selection of this case study meets the following three criteria:

a. Innovative experience in terms of organization and engagement of the contingent/slash worker community.

As noted in the WP2 report, the collective representation of the slash workers in Spain exists only basically for workers of platforms that offer offline services. In this sector this is carried out through two channels: the traditional unions' action strategies and the workers' own self-organization. RxD is an example of self-organisation of home delivery workers that provides a network of mutual support to its members, backed mainly by the unions Intersindical Alternativa de Catalunya (IAC) in Barcelona, Intersindical Valenciana in Valencia and UGT in Madrid, which assist and advise them on legal and fiscal issues and offer their infrastructure for meetings.

The heterogeneity of riders' profiles - and therefore the possible segmentation according to whether it is the main activity or a wage supplement (Tassinari and Maccarrone, 2020: 38) - in addition to the fact that they do not have a fixed workplace, partly explains the difficulty unions have in bringing riders together and organizing them, in spite of the work they have tried to do through their "street work". This circumstance has favoured the emergence of RxD as a collective built from the bottom up by the riders themselves. The daily meeting of riders in the most common waiting places, such as the doors of restaurants where customers usually order food delivered, favoured the creation of informal groups where they could share experiences, complaints, frustrations

and anecdotes (I3 and I8), establishing bonds of solidarity and trust between riders from different platforms that would later lead them to undertake collective action (Cant and Mogno, 2020: 403).

On its website RxD states: *"We are Riders X Rights, a state-wide collective fighting for the labour rights and decent living conditions of home-delivery workers, as well as the future of the working class as a whole, raising awareness and combatting the dangers associated with the 'flexibilisation' or 'uberisation' of labour. We have brought about inspections and lawsuits, many of which have been successful. We actively participate in academic, social movement and governmental events in which the precariousness and future of labour is discussed"*.

On the other hand, RxD promotes the creation of courier cooperatives within the framework of the social and solidarity-oriented economy, as alternative models to large companies such as Deliveroo, Glovo and UberEats, where their members have suffered exploitation and precarious employment. Examples include Mensakas in Barcelona (set up in May 2018) and La Pájara Ciclomensajería in Madrid (set up in September 2018), among others.

Thus, the innovative nature of RxD lies in the fact that it is constituted as a collective with two complementary lines of action: not only does it promote collective action to fight for the labour rights of couriers who work for large digital platforms, but it also promotes an alternative business model, organised by the couriers themselves in the form of non-profit cooperatives that offer a last mile eco-friendly service and use an open source platform to manage orders, guaranteeing the couriers decent work. While promoting an alternative business model, they also have an ideological discourse that differs significantly from that of neoliberal economics, since they advocate for the regulation of the collaborative economy in general, thus gaining the support of other segments of society.

b. Diversification of the methods of support, mobilization, advocacy and involvement of workers.

Due to the difficulty of self-organising workers in the absence of a workplace, RxD has designed a communication strategy through various communication channels. At the collective level, initially personal contact between riders took place in the so-called "centroids" (in the case of Deliveroo) or specific places where they waited for the application to assign deliveries: *" This was a place to see each other's faces, socialise and organise resistance"* (I7). After centroids were closed as a dispersal strategy applied by the companies to impede contact among delivery drivers, RxD communicates with its members through Whatsapp and Telegram groups.

RxD also has a very active communication strategy through the social networks Facebook, Instagram and Twitter where it denounces riders' precarious working conditions and reports on the legal victories achieved in judicial proceedings. The

strategy is to catch the attention and support not only of riders but also of restaurants, customers and the general public.

They also actively support and give visibility to the causes of other movements fighting to improve their working conditions in Spain, such as the Kellys movement, EliteTaxi, the No + Precariedad collective, among others. Basically, RxD focuses its fight on the uberisation of the labour market (Scholtz 2017; Rosenblat, 2018) and has managed to include a critique of the business model of large digital platforms into the public debate.

c. Extension and intensity of the voice and representation actions.

At the start, RxD encompassed only Deliveroo's couriers. Later it also included other delivery companies such as Glovo, UberEats, Stuart, etc. Although the platform was born in Barcelona, it quickly spread throughout the country. It currently has active groups in Barcelona, Valencia, Madrid, Bilbao, Alicante, Pamplona, the Canary Islands and Asturias.

At the national level, the First State Assembly of RxD was held in November 2018, and at the international level, RxD is part of the Transnational Federation of Couriers (FTC), an organisation created in October 2018 comprising eleven European countries: Spain, Scotland, England, Poland, Norway, Italy, France, Belgium, the Netherlands, Germany and Austria. In addition, RxD collaborates with other riders' organisations and movements in various countries around the world, calling for joint assemblies, mobilisations and strikes, and signing international manifestos and declarations. It has, for example, supported four international strikes of riders during 2020 together with organisations from European countries, Latin America, Japan and the United States. As the International Declaration of the 4th strike states: *"The bosses are multinationals, exploitation is global, that is why the struggle is international"* (RxD, 08/10/2020).

2. General characteristics of the organization.

RxD was founded in July 2017 in Barcelona, some two years after digital platforms started operating in Spain - the first were Deliveroo in 2015 and Glovo in 2016. It was promoted by a group of Deliveroo riders dissatisfied with their working conditions. They organised a signature campaign among company staff to find out if the rest of the riders shared the perception that their working conditions were precarious, receiving around a hundred and fifty signatures in response. Given the company's refusal to meet with them, they sent a burofax with proposals for improvements in working conditions, such as the establishment of accident insurance at Deliveroo's expense, the inclusion in the written contract of verbally agreed upon terms such as minimum hourly pay and 20 hours a week, and economic improvements such as bonuses for rain, delivery distance and seniority. Deliveroo's response was to meet individually with some riders to reinforce the conditions already set out in the contract and to eliminate centroids in order to eliminate day-to-day personal contact between riders (Morales Muñoz and Aba Medina, 2020: 8). Thus, according to a spokesperson for RxD in Barcelona: *"The moment Deliveroo decides to have a non-dialogue stance is when we decided to*

establish ourselves as an organization and began to seek support from the Intersindical Alternativa de Cataluña union" (UNO, undated).

RxD began to expose the precarious working conditions of platform riders and their false self-employed status through the mainstream press and social media, gaining widespread media coverage. In response, Deliveroo announced the obligation for riders to sign a new contract as TRADE or new self-employed conditions that only worsened their situation. This was followed by several demonstrations outside Deliveroo's headquarters in different Spanish cities against the new contract conditions. The company then decided to disconnect 13 workers (8 in Madrid, 4 in Barcelona and 1 in Valencia). RxD then carried out a nationwide strike during peak demand hours on Sunday 2 July 2017, summoned by the General Confederation of Labour (CGT) and involving hundreds of riders in Madrid, Barcelona and Valencia, calling for the reinstatement of the dismissed riders, payment based on hours worked rather than orders delivered, and a minimum working week of 20 hours for any rider who requested it (Ferrer, 28/06/2017). During the strike, the hashtag #deliverooexploits was trending topic and had a wide media following. The company was forced to temporarily suspend the service, citing technical difficulties. In the days that followed, after the deadline for signing the new contract expired, those who had not signed were automatically disconnected from the application.

The change of contract at Deliveroo led to a new stage in the organisation and mobilisation of riders, giving way to actions such as the judicialisation of the conflict by filing lawsuits against the company for unfair dismissal and going to the labour inspectorates to denounce the false self-employment in the digital platforms' labour model (Morales Muñoz and Abal Medina, 2020: 8).

RxD gradually expanded to other Spanish cities and integrated riders from other companies such as Glovo, UberEats, etc. Despite initial offers from various unions to represent them, the platform has preferred to remain independent. In the words of a platform spokesperson: *"RxD was born on the sidelines of mainstream unions because so far we don't like the way these unions work, we don't think their dynamics are the most favourable to workers. We want the movement to be by and for riders, not for a union to carry their flag"* (Cadenaser.com, 3/07/2017). However, as another spokesperson explained, the platform's position has evolved over time and it has begun to act jointly with UGT (I8), a union that has undertaken extensive work representing delivery workers in Madrid. *"Well, we have a good relationship with Riders x Derechos, we talk very openly, we exchange information, especially on issues of legal proceedings because we try to have the same joint strategy in court proceedings"* (I6).

With the slogans: *"Don't buy, don't sell, don't exploit", "It's not a hobby, it's an employment relationship", "We are not collaborators, we are workers", "Stop Fake Freelancers"*, among others, RxD has conducted widespread social media campaigns and has continued to hold demonstrations, challenging the business model of digital home delivery platforms in the public debate.

Whereas RxD, in cooperation with trade unions, has had some success both in terms of resolutions by the Labour Inspectorate and court rulings recognising the existence of an employment relationship between companies and couriers, its struggle continues in a scenario where the sector's situation of precariousness and vulnerability has become even more evident with the onset of the pandemic in March 2020. Indeed, the health crisis caused by COVID-19 and the fact that the Spanish government declared the home delivery service an essential activity, aggravated the lack of job protection for riders (Calderón, 02/05/2020). In words of a Glovo and Uber rider: *"Well, it has added yet another layer of precariousness to a system that was already totally precarious. For example, we were quickly, without knowing why or consulting anyone, declared an essential service, I suppose the platforms lobby very effectively at certain levels (...) the majority of orders were still pizzas, hamburgers and tobacco, I don't know how essential those orders were, but well, OK, it allowed us to continue working, that saved the riders who sublet accounts, because of course, people without papers couldn't ask for self-employed assistance or anything else"* (I4).

Due to the lack of safety and hygiene equipment such as masks and gloves which delivery drivers had to acquire themselves (I3), several became infected with the virus, others stopped working for fear of becoming infected, but the majority, despite their fear, had to continue delivering in order to earn some income and avoid the negative score given to them by the algorithm if they did not accept orders. In addition, some companies such as Glovo reduced the fees for orders. As stated in the RxD press release: *"If our working conditions prior to the COVID-19 health crisis were already precarious, the pandemic has made them even worse. These platforms have put our health and the health of customers at risk by not providing us with Personal Protective Equipment (PPE) or training. Not a single company is exempt: Deliveroo, Shargo, Stuart, UberEats or Mission Box, among others. Moreover, some, such as Glovo, have taken advantage of the crisis to unilaterally cut the basic rate by half and put our salary at the mercy of a bonus that the company manages at will"* (RxD, 20/04/2020).

Given their multinational character of the large digital delivery platforms, not only has the situation of precariousness since the pandemic broke out affected Spanish riders, but it has also been reproduced in many other countries. That is why RxD has joined the four international strikes called by various riders' associations around the world. In the International Declaration on the occasion of the 4th International Riders' Strike held on 8 October 2020, signed by RxD and organisations from various European countries, Latin America, Japan and the United States, demands were expressed as follows: recognition of the existing employment relationship between delivery workers and digital platforms *"we are not collaborators, ¡we are workers!"*; an increase in income; occupational risk insurance, medical and theft cover; paid sick and accident leave; the elimination of the system of rankings that fosters competition between workers and can put their lives at risk as they try to deliver orders as quickly as possible so they can be available again to take another order; the right to refuse orders without penalties; and

compensation for the families of colleagues who have died on the job (RxD, 08/10/2020).

On the other hand, RxD calls on the government and political parties in the country to regulate work on digital platforms, warning that should this business model continue, several sectors, and not only riders, will be seriously affected in terms of labour rights: *"We also want to send a message to politicians and to the government, as it is in their hands to ensure that these companies comply with the law and with court rulings. It is urgent legislation be passed and the precariousness that we riders are experiencing today be solved once and for all. If this model is tolerated, it will spread to other sectors, affecting millions of workers, causing rights that have been gained over decades to be lost"* (RxD, 20/04/2020).

3. Characteristics of members of RxD.

Although we do not have very accurate details on digital platform riders' profiles in Spain, according to the information gathered, there are three types of profiles among the approximately 30. 000 riders: 1) young and middle-aged people with and without dependent children, with and without studies, who perform this job as their main and only professional activity, often combining two or more delivery companies to obtain sufficient income - the so-called "multiplatform riders" - (the majority profile in Spain); 2) young people without children, some of them students, who perform this activity as a way of earning extra money to cover their expenses (a profile which in theory is favoured by delivery platforms but which is in the minority in Spain); 3) people who combine this activity with another activity (a very marginal profile).

Both RxD and UGT estimate that 80% of riders are immigrants and in the case of Madrid 85-90% are Venezuelan (I8, I6). The registration as self-employed workers for the exercise of this activity allows them to have a residence and work permit in Spain. However, there is also a majority subgroup that, while in an irregular administrative situation, sublet the connection to the platform, i.e., one person registers and rents it to another person (I5). This group is the most vulnerable and unprotected and, in some cases, they have been swindled by those who leased accounts to them (I4). Moreover, during the state of alarm, police control in the streets asking for identification documents meant that many riders in an irregular administrative situation could not go out to work (Salas, 19/10/2020).

The profile of the rider in Spain has been evolving since 2015: *"the profile of the rider when these companies started operating was what they called the hobby profile, so it is a hobby for whom? Well, for freelancers, for students to pay for their studies, then there are creative people such as musicians, artists, luthiers, but who don't have enough to make a living from their art, so these companies gave them an extra, a salary supplement. This is the profile that these companies were selling, that they were looking for, you can see it perfectly in the explanation and promotional videos made by their own companies. But the profile after the strikes changed completely. And this went from*

being a wage supplement to looking for people who were completely in need, in other words, I think that what defines the rider is a profile of social exclusion. They are people who are socially and occupationally excluded. They are people who do not have the possibility of getting another job. And above all, the majority of them are foreigners. We could say that between 80 and 90% of the riders are foreigners (...) officially there is no one in an irregular situation but we estimate that more than 2/3 could be in an irregular situation with rented accounts" (I8).

The RxD collective does not establish any requirements for membership. In the early days, almost all of Deliveroo's bicycle staff were part of RxD. However, nowadays the majority of the support "in the dark" due to the fear of being reported by other riders and disconnected by the company: *"You can't be actively working and actively participating, they are incompatible. If you are working for these platforms, participation in RxD has to be in the dark (...) companies do not exercise control directly but use riders to control others, so you are afraid of your own colleagues, you don't know who to trust" (I8).* Public demonstrations of support for the collective are also conditioned by what the delivery activity represents for each worker: *"if the bread to feed your family depends on this job, you can't... it's a luxury to join a union (...) people who don't have family responsibilities can express themselves much more freely because we can take this job or take another one" (I8).*

According to RxD spokespersons in Valencia and Barcelona, it is difficult to determine the number of riders who are part of the platform. Basically, there is a core group of activists who articulate the actions and act as spokespersons in each city where they have a presence. Most of them no longer work for the big platforms, some are involved in other professional activities and others have created their own delivery cooperatives. The majority are men. Although the majority are Spanish, there are also some foreigners. Several spokespersons have university degrees and even doctorates. However, as the spokespersons point out, *"it is not necessary to have studies to have a class consciousness, to know that we are really working class and not IBEX 35 businessmen, as some people think" (I8); "the common denominator is class consciousness and a consciousness of the Welfare State, of labour rights, and the desire to defend them" (I7).* Both spokespersons highlight the diversity of the profiles that form part of the movement.

4. Organizational and decisional structure of RxD.

Self-organisation and self-management are the main identity traits of RxD. The collective works as an assembly, holding regular meetings to adopt the most important decisions and to agree on a common discourse and strategy for action. Minor decisions such as whether to grant an interview to the press or "contingencies" are directly made by the spokespersons (I7).

The organisational structure is very complex as there are different levels of territorial action, different levels of involvement of members and also because digital platforms

take actions to disorganise them and prevent new members from joining. As for the level of territorial organisation, each city has its own organisation: *"the structure starts at the local level, moving on to the state level and then to the international level. But where it really has its bases is in the local structure, which then coordinates itself with other local structures throughout Spain and other countries at the international level"* (I8), a context where it actively participates in riders' organisations at the European and international level.

RxD describes itself and functions as a "network" from the local to the international level. It also works networked with other social movements that protest against precarious working conditions in the context of the digital platform economy. The logic of networking is linked to the dispersion of its members, who do not share a physical place of work and, therefore, their resistance actions are also carried out in a scattered manner throughout the national territory as decided by each local group (I7). As a result, there have been occasions when mobilisations have taken place in some cities and not in others. Furthermore, depending on the nature of the collective's statements, they are sometimes signed at the state level and sometimes at the local level.

The fact that they are not constituted as a trade union and do not have the infrastructure and staff dedicated exclusively to collective representation means that the core members in each city are small groups of 3 to 10 people who, in their free time, are responsible for being spokespersons, managing social media and organising the collective actions described in the following section.

5. Collective resistances and relations with other industrial relations' actors.

RxD questions digital platform companies' stance defending their business model as technological intermediation between private subjects: consumers and delivery entrepreneurs (Morales Muñoz and Abal Medina, 2020: 2). Delivery companies argue that riders are autonomous workers given that they choose their schedules, how to organise their workdays, can work for several companies at the same time and provide their own means to carry out their tasks (bicycle or motorbike).

In fact, the websites of the big home delivery companies advertise their respective working conditions for their "collaborator" riders. These include: the opportunity to earn extra money by being your own boss, with the flexibility and freedom to choose your working hours, having fun working outdoors, getting to know your city and making the people who receive the packages you deliver happy: *"Work with Deliveroo: Become a rider and enjoy the freedom to fit work around your life"* (Deliveroo); *"Only the hours you want. Be your own boss. Flexible hours, competitive incomes and the opportunity to get to know your city delivering outdoors"* (Glovo); *"Make money on the go. Your vehicle, your time"* (Uber Eat); *"Deliver smiles by collaborating with Amazon Flex: delivering packages to customers is a fun way to earn extra money"* (Amazon Flex). As Fernández and Soliña Barreiro (2020: 71) argue, in addition to the idea of the

worker as an entrepreneur, these companies have launched a new image that replaces the working class with the image of a free, narcissistic, consumer and glamorous Millennial.

In order to reinforce the perception of riders as self-employed, companies have designed a specific vocabulary to avoid any connotation that associates them with an employment relationship as dependent workers. As an example, Deliveroo published a guide with the terms and conditions of work that trainers explain to riders during the training process: 'collaboration' instead of recruitment, 'mission' and 'delivery' instead of shifts, 'service' instead of salary, 'weekly availability' and 'weekly deliveries' replace weekly schedules and hours per week, and 'delivery clothes' are used instead of uniform (Tena, 14/07/2017).

Meanwhile, the RxD platform defends that delivery drivers should be considered salaried workers and not self-employed: *"We do not negotiate any rates as we would have to do if we were self-employed. We don't organise our time the way we want, but the way the company wants; there is no prior agreement on volume, they also decide (...) And then, a very important issue that has always been discussed, what is the working tool? I can deliver on foot, with a scooter, but I cannot deliver without the application. Therefore, the working tool is the app. And the application belongs to the company, it is not ours"* (León, 11/10/2020).

As Ivanova, et.al. (2018: 4) suggest for the case of Deliveroo and Foodora, even though both platforms delegate autonomy over time scheduling, zone choice and a route of delivery, they use specific app-based techniques of control in order to influence riders' choices and behaviour. These platforms exert control over workers through statistic-based internal competition for shifts and bonus systems, informational asymmetries, and automated messaging system. Consequently, the autonomy promised to the riders is granted to them only when they meet the performance standards set by the companies.

The management model of the "collaborator" personnel and the work process of the platforms would not only aim at reducing labour recruitment costs but also, and as a more direct consequence, at reinforcing the individualisation of the riders through competition and thus preventing their organisation and collective action. Despite this circumstance and the heterogeneity of riders' profiles and interests - which adds to the difficulty of creating a collective identity - riders have been organising and taking action to defend their labour rights.

Given the clear conflict of interests between platforms and riders, RxD has launched several lines of collective action: a) technopolitical activism on social media; b) assemblies, mobilisations and strikes; c) judicialisation of the conflict through complaints to the Labour Inspectorates and the courts; d) alliances with other national and international social actors to strengthen support for their cause (trade unions, organisations and other social movements); e) lobbying the government; and f) promotion of home delivery cooperatives based on an ethical and ecological model.

Below are some examples for each of these lines of collective action taken by the platform.

a) Technopolitical activism in social media

RxD's communication strategy on social media (Facebook, Instagram, Twitter) has not only served to raise awareness and organise the riders themselves, but also to publicise their cause, their discourse and their collective actions among the general public, attracting the interest of the mainstream media and even placing the conflict in the public debate and on the political agenda. In addition to demanding riders' rights through collective action on social networks, in the streets and in the courts, RxD is designing and implementing an alternative home delivery business model (as will be detailed below). In short, we can observe a clear coherence between discourse and actions, between the platform's communication strategy and its action strategy.

b) Assemblies, mobilisations and strikes.

Since its establishment as a platform, RxD has organised several conferences and meetings to analyse the situation of riders, hold debates and make proposals in the framework of participatory workshops. The programmes of its conferences often include lectures and round tables with riders from Spain and other countries, academics, trade unionists, representatives of delivery cooperatives and leaders of other social movements. As an example, from 24 to 26 November 2018 they held the First State Assembly of Riders X Rights in Madrid with the slogan: "This is just the beginning... Together we are strong. Organised we are invincible!". During the three days there were assemblies, press conferences, a bike rally (city tour) and an open forum. Participants in the assembly included: La Pájara Ciclomensajería (Madrid), Cleta (Madrid), CoopCycle (Paris), Mensakas (Barcelona) and RxD (Valencia/Barcelona).

On the other hand, on 25th and 26th April 2019, RxD organised a conference entitled 'My boss is not an algorithm' in Barcelona. The titles of the programmed sessions show the discursive orientation -critical and at the same time purposeful- of the platform: "Platforms: one click and you don't work anymore"; "Who wouldn't rather be their own boss? (Neoliberal) worker's subjectivity as contested terrain in the platform economy", "The digitalization of work is not neutral. With the companies' interests determining the algorithm, can technology be compatible with worker's rights?", "Cooperatives at the front lines of the fight for workers' rights and dignity", "Poverty and digitalization. The global workers' struggle against delivery platforms like Glovo, Deliveroo and UberEats"⁵⁴.

In terms of mobilisations and strikes, since July 2017, RxD has participated in various demonstrations outside the headquarters of large companies, with the slogans #IDon'tDeliver or #It'sNotaHobby. In addition, they have held strikes on weekends during peak demand hours, paralysing the delivery of orders. However, while in 2017,

⁵⁴ Conference program: 'My boss is not an algorithm':
<https://www.mensakas.com/ridersfestival2019/programa-eng.html>

the majority of riders took part in the strikes, support in the following mobilisations and stoppages has been decreasing: the fear of being dismissed means that riders do not want to make themselves visible. On the international scene, it is worth mentioning the support for the four international strikes of couriers on 22 April, 29 May, 1 July and 8 October 2020. Together with riders' organisations from France, Italy, Germany, Great Britain, Japan, the United States, Argentina, Chile, Brazil, Mexico, Costa Rica, Ecuador and Colombia, they condemned job insecurity and health insecurity suffered by riders in the context of the pandemic.

c) Judicialization of the conflict via complaints to the Labour Inspectorates and before the courts.

In absence of specific regulation or consensus regarding the labour status of riders in Spain, the most relevant legal intervention is that undertaken by the social courts of justice, the High Courts of Justice and the Labour Inspection. Both RxD and unions have a common position: specific legislation is neither necessary nor warranted because these workers have to be considered regular employees covered by the collective bargaining agreement of the sector in which they are active.

The use of administrative and judicial procedures is a strategy followed by RxD and unions, consisting in the filing of complaints with the Labour Inspection and to offer support for individual and collective claims by workers - usually for dismissal - in the social courts of justice (advice and legal support). The intention of these proceedings is to demonstrate that there is an employment relationship rather than a commercial relationship between workers and companies.

In some cases, the courts have ruled in favour of the workers, considering them to be false self-employed. From a collective point of view, the first major victory was a ruling by Valencia's Social Court No. 5 which determined that 97 riders of the delivery company Deliveroo were employees and not self-employed. The ruling made public in June 2019, was in response to a lawsuit filed in April 2018 by the Social Security against the company, following a notification from the Labour Inspectorate. More than 160,000 euros were reclaimed from the company for Social Security contributions that had not been paid. Following this, the Labour Inspectorate in Madrid, Barcelona, Alicante and Zaragoza, among other cities, filed similar proceedings in the different courts (Araque, 27/06/2019). For its part, the 19th Social Court of Madrid upheld the claim filed by the General Treasury of the Social Security against Deliveroo and declared that the nearly 500 couriers were subject to an employment relationship with the company for which they provided their services. (Europa Press, 23/07/2019).

Yet another example is the case of the acknowledgement of the employment status, full-time work and inclusion in the Logistics and Parcel Agreement of three Glovo workers established by a social court of justice in Madrid in April of 2019 (Europa Press, 11/04/2019). More recently, in September 2020, the Supreme Court of Justice concluded in its first ruling on a rider that the existing relationship between a delivery driver and the company Glovo is of an employment nature, not a self-employed one.

The Supreme Court held that Glovo is not a mere intermediary in the procurement of services between shops and couriers, but rather a company that provides delivery and courier services by establishing the fundamental conditions for the provision of the service and by using couriers who do not have their own autonomous business organisation but who provide their services as part of the employer's work organisation. (Olias, 23/09/2020).

The fact that several court cases have been held in which rulings sometimes state that the couriers are self-employed -in favour of the companies- (Díez Prat and Ranz Martín, 2020: 19 and Eldiario.es, 7/10/2019) and other times that they are falsely self-employed -in favour of the riders-, highlights the absence of regulation applied to the sector. There are currently several conflicting positions on this issue.

On the one hand, the Spanish government's Ministry of Labour and Social Economy has launched a legislative proposal that addresses the recognition of the employment status of this group in an attempt to prevent digital platforms from being staffed by bogus self-employed workers. This would imply the obligation for platforms to hire their couriers. To this end, the public consultation supports its legal argumentation in several rulings, such as that of the Court of Justice of the European Union (CJEU) of 20 December 2017 on the Uber case, which considered the company to be a transport service and not a mere computer application (Méndez, 17/06/2020).

For its part, the self-employed association ATA and the associations Adigital, Marcas de Restauración and the Spanish Association of Startups have called for the creation of a new employment figure: the "digital TRADE" self-employed, provided that at least 75% of the worker's income comes from digital platforms. Their activity would not be linked to a company, but to a sector, in the case of riders it would be that of delivery drivers. Thus, they could work for several companies so long as these companies belong to the same activity sector. Adigital advocates for a mixed model of self-employed worker with reinforced rights and even more benefits than a temporary employee (Aguilar, 03/03/2019). Thus, large companies reject the Ministry of Labour's proposal to labourise all riders, arguing that the new regulation would threaten thousands of these jobs (Ubieto, 16/10/2020). Instead, they consider that it is necessary to undertake a reform of Law 20/2007 that expressly classifies these service provider users as self-employed workers (Adigital, 2019: 2). This position is shared by three associations representing 2,700 riders: Asoriders, Apra (Professional Association of Self-Employed Riders) and the Autonomous Association of Riders (Cano, 05/06/2020). These are workers' associations created by Deliveroo and Glovo whose discourse and interests are in line with the companies.

As we have already mentioned, RxD and the trade unions UGT, CCOO, CGT and Intersindical, among others, argue in favour of applying the current regulations and fear that a new regulation would provide open doors to the digital platform lobby, resulting in an agreement that would be detrimental to riders. An RxD spokeswoman said: *"We have always argued that there is no need for new legislation (...) by doing something*

specific you are admitting that the law is outdated for this model and that is what these platforms want. When you open Pandora's box and enter into this debate (...) then you say things but they say things too. And you get to this middle ground that will always be good for them" (León, 11/10/2020).

In relation to the figure of the digital TRADE proposed by the business associations, she comments: *"Basically, it would consist of calling the false self-employed, 'digital self-employed'. In other words, it is a hybrid between the current TRADE and the worker. What it aims to do is to put the responsibilities of the company on the workers' shoulders and, in the process, to obtain certain scraps that would be linked to the figure of the worker, but at the expense of the public system. But, of course, the result of this is that we pay these scraps with our taxes, that the worker is burdened with responsibilities that do by no means belong to him/her and that the company is completely unburdened of everything. This is the digital TRADE. This so innovative, this so, so cool model, in reality what it does is to go against the Welfare State. We cannot maintain what we have with this economic model because it is a model that is going to affect all sectors, not just the rider sector"* (León, 11/10/2020).

Hence, several experts refer to it as "the wrongly named rider law". Indeed, the regulation of work on digital platforms will affect not only riders and delivery companies, but also workers and platforms in other sectors of the gig economy. Given the conflicting interests, the government's negotiations with the social partners are not likely to be an easy task.

d) Alliance with other national and international social actors to strengthen support for their cause.

RxD has managed to weave a network of support and alliances with trade unions, other social movements in Spain and abroad and with some political parties.

In relation to the trade unions, since its constitution as a platform, RxD has preferred to maintain political and ideological independence from the majority unions (CCOO and UGT) and CGT, despite the fact that the latter offered to represent them. Finally, they accepted the support of the minority union Intersindical Alternativa de Cataluña (IAC), a confederation that brings together different Catalanian trade unions, has an assembly-based approach and considers the work carried out by social movements such as 15M, the Mareas and the Platform of People Affected by Mortgages (PAH) to be of great importance (Pérez-Chirinos, 2017: 124).

While CCOO claims to maintain a "*regular dialogue*" with RxD, since those who run this organisation are no longer workers in these delivery platforms and now work in cooperatives such as Mensakas and La Pájara (I1), UGT claims to maintain a "*fluid dialogue*" because they understand that this type of organisation can serve as a bridge to access these workers (I4). However, UGT also points out that they are "*open source*" organisations, which participate with any union but do not identify with any of them and

that, although they have very good intentions, they do not have the capacity for action and resistance: *"to be able to hold out, you have to have structure"*. The self-critical reflection of the UGT is interesting when it states that *"the organisation of workers in these associations is a wake-up call for the trade unions"* (I6).

Both majority unions have developed initiatives specifically aimed at organising and defending the interests of digital platform workers. In 2017, UGT created a website called "Your union answer now" (www.turespuestasindical.es), an online channel designed to address the problems of digital workers and offer them legal advice. UGT has succeeded in creating union sections with Glovo workers in the provinces of Malaga and Zaragoza. It has also filed numerous complaints with the Labour Inspectorate against Amazon, Deliveroo, Glovo and UberEats for using "false self-employed" and for failing to provide their workers with safety and security measures for door-to-door deliveries, especially once the pandemic began (20minutos.es, 01/04/2020). For its part, CCOO has created the Secretariat for Youth and New Labour Realities with the aim of defending gig economy workers. It has also pushed for union elections, obtaining three shop stewards in a company that works as a subcontractor for Just Eat in Cordoba and is trying to do the same in Madrid. In July 2020, CCOO launched the campaign "Riders, it's time" to push for their regularisation as employees. (CCOO, 03/07/2020).

In short, even though the majority unions and RxD carry out actions independently, there is a considerable degree of collaboration (in particular between RxD and UGT in Madrid) and most significantly, they share the same vision regarding the labourisation of riders. In this regard, it is worth highlighting the support that CCOO and UGT, together with around fifty social organisations and other trade unions, have provided by signing the Manifesto of support for RxD in their response to the Ministry of Labour's public consultation in June 2020. The aim of the manifesto is to demand that the Ministry of Labour's bill draft regarding work on digital platforms, "far from creating a new figure or regulating a new special relationship, manages to prevent interpretations that are contrary to labour law". Moreover, as the letter insists: *"Today we are delivery workers, cleaners, drivers, psychologists, carers... and tomorrow it could be the majority of jobs if we do not stop this disgraceful phenomenon that is being imposed on us under a rhetoric of innovation and flexibility"* (RxD, 24/06/2020).

The support received with the manifesto is a clear example of the broad network of alliances that RxD has managed to build using an alternative discourse in relation to the neoliberal model, and which includes various sectors of the labour market. In this regard, one of the RxD spokespersons comments: *"If there is one thing we have, it is links with all the social movements that back us. (...) I think this is something to highlight, because sometimes it seems that this is a debate that only the riders themselves have to decide. If we talk about the economic model, the whole of society has to decide, because this affects you as a citizen. I always say when I go to a talk: 'I'm a citizen first and I'm going to speak as such; then I'm a rider'"* (León, 11/10/2020).

UGT's trade union strategy follows the same line: *"Our efforts must join those of other unions that are working towards the same goal: the recognition of the employment relationship (...) we are facing a situation that is attacking us from all sides and that brings with it a profoundly anti-social project. As we have progressed in our work with delivery workers, through our own platform [turespuestasindical.es] we started to come across the reality of the workers on different apps. We received questions from companies such as Wayook or Clintu, dedicated to house or office cleaners, who must also register as self-employed; Airbnb or Booking workers; carers of elderly people registered in the Special Regime for Household Employees, who carry out their work through apps such as Cuideo or Wayalia; and also, from the workers of electric scooter companies (Lime, Wind, Goflash) that flood the city centres every night. All of them are ghost employees without a workplace, in a legal limbo, and who are attracted by the discourse of entrepreneurship and its myth of flexibility and autonomy"* (Díez Prat y Ranz Martín, 2020: 193).

The convergence between RxD and the Spanish unions is also evident at the international level. They are part of the Transnational Federation of Couriers (FTC) which brings together riders' organisations from eleven European countries and was created at a meeting held in Brussels on 27 October 2018, organised by AlterSummit and Transnational Social Strike and which was attended by 31 different collectives and unions (Alasbarricadas.org, 25/11/2018).

Finally, RxD's alliance with other social movements representing precarious workers and the support of trade unions was also evident during the platform's meeting with the Minister of Labour and her team in June 2020, which is detailed in the following section.

e) Political pressure on the government.

With the conviction that government action is key to achieving labour recognition for riders, the platform has carried out various actions to engage with the government at local, regional and state level. For example, RxD has held meetings with political representatives from different parties and parliamentary groups, such as RxD-Valencia, which met at the end of July 2020 with the parliamentary group of Unidas Podemos to share its views on the Non-Law Proposal (PNL) submitted by the political party Compromís to the Cortes de Catalunya to urge the government to urgently enact the law on false self-employed workers on digital platforms. RxD managed to add an amendment (proposed by Unidas Podemos) to monitor the achievement of the objectives of this proposal.

At the national level, RxD managed to schedule a meeting with the Minister of Labour, Yolanda Diaz, in early June 2020. This meeting is a remarkable achievement for the platform after more than 3 years of existence and shows its influence. The meeting was attended by 19 riders representing Madrid, Barcelona, the Basque Country, Valencia, Asturias, Seville, Mallorca and Navarra. They were also accompanied by Taxi Project

and the Unión de Asociaciones de Trabajadores Autónomos y Emprendedores (Union of Associations of Self-Employed Workers and Entrepreneurs) (UATAE).

During the meeting, RxD voiced the following demands: to register couriers in the general Social Security regime from the beginning of the employment relationship and to return the self-employed fees already paid; to reinstate the workers "disconnected" by the platforms; more resources for the labour inspectorate so that it sanctions the platforms with stiffer fines when they do not comply with the law (RxD, 01/06/2020). RxD also emphasised two other important demands: the regularisation of people in an irregular administrative situation who work for digital platforms, and the unfair competition suffered by companies and cooperatives against platforms that do not pay the corresponding taxes. In relation to this, RxD denounces the outsourcing models that could lead to the non-application of working conditions that could be included in sectoral collectives, a model that some platforms are already applying and which is used in some hotels with the chambermaids, organised in the association Las Kellys⁵⁵.

The minister of labor informed RxD of the development of the bill that will guarantee the employment of workers on digital platforms and highlighted the importance that the social economy grows in this sector of activity (Ministry of Labor and Social Economy, 01 / 06/2020), which can be interpreted as encouraging the cooperatives that the platform has promoted.

f) Promotion of home delivery cooperatives with an ethical and ecological model.

RxD decided to promote socially responsible home delivery cooperatives as an alternative to the business model of the large digital platforms. Mensakas in Barcelona, La Pájara Ciclomensajería in Madrid, Eraman Cooperativa in Vitoria, Botxo Riders in Bilbao, Zampate Zaragoza in Zaragoza and Rodant in Valencia are cooperatives created by active RxD members within the framework of associated work, ensuring labour rights for the riders.

In the case of Mensakas, established in May 2018, riders (whether they are members or not) are offered an employment contract of 20 hours a week and an estimated salary of 7 euros net per hour. On the homepage of their website, they state: "*We are the alternative. Labour rights for mensakas, a better service for you*". They define their

⁵⁵ The Kellys (from the ones who clean in Spanish) is a collectivity that brings together some 200,000 chambermaids in high season. They formally established in October 2016 as the Las Kellys Association with autonomous groups in Barcelona, Benidorm, Cádiz, Fuerteventura, Lanzarote, Madrid and Mallorca. Their objectives are to give visibility to the problems faced by the floor maids, as well as to contribute to the improvement of their living conditions (Las Kellys Federadas). They have managed to carry out stoppages and demonstrations that have resulted in considerable success in making the precariousness of their working conditions visible and some success in the recognition of some illnesses such as metacarpal tunnel syndrome as a specific occupational disease. Their precarious working conditions have worsened with the health crisis, as thousands of them, subcontracted through outsourced temporary or multiservice companies, have not been able to take advantage of a temporary employment lay-off because they (ERTE by its Spanish acronym) do not have a stable contract. The Kellys continue to promote what they call the Kelly Law, amendments to article 42.1 of the Workers' Statute to prohibit outsourcing when the work is a structural part of the very functioning of the company.

vision as follows: *"To transform ourselves into a fully green last mile service. Promote and actively participate in the social and solidarity economy network by fostering collaboration with other cooperatives"*.

La Pajara, created in September 2018, describes itself as *"A local and cooperative option for bike delivery in Madrid"*. It seeks to build a sustainable project of ethical and close delivery, creating opportunities for safe and dignified work and supporting responsible consumption and local commerce. The organisation implements technologies in order to resolve any incident and provide a quality service, but without the need for robot intermediaries.

Both Mensakas and La Pájara deliver only on bicycle in order to be ecologically responsible. The rates for customers are usually a little higher than those of the big companies, but they also try to encourage the use of small local catering businesses, organic vegetable gardens and restaurants, offering them a cheaper alternative than the big companies so that they can increase their market share⁵⁶.

Rodant Bicimissatgeria launched its Crowdfunding campaign in Valencia in October 2020 to collaborate with the project through the Goteo platform. Like Mensakas and La Pájara, Rodant is part of CoopCycle, the international federation of bike messaging cooperatives, which allows them to use their own application, advice and mutual support. The promoter group consists of 3 members, with extensive experience as former workers of digital delivery platforms and members of RxD in Valencia.

During the COVID-19 lockdown, Mensakas decided to distribute only what it considered to be an 'essential service'. As a result, some workers had to go on temporary lay-offs. Later, however, last-mile deliveries began to increase, and the number of ecological baskets doubled. As one of the cooperative members explains: *"If we normally had twenty baskets a day, now we had forty from different customers. (...) Then we started collaborating with small businesses like "Les tres a la cuina" where all the neighbours gave money and products, they cooked and we sent them free of charge to groups at risk, like the squat "casa Cádiz". (...) And from there Barcelona Activa contacted us. This was a very nice job that also saved us. It consisted of starting to make material for masks for civil servants, which we had to fetch with the cargo bikes. We unloaded them and we had a hundred, fifty addresses in a day from different seamstresses or people who volunteered or signed up on a list to sew masks. We were distributing the packages and the following week our work multiplied because we had fifty delivery addresses and fifty pick-up addresses"* (León, 11/10/2020).

6. Future expectations and actions.

⁵⁶ This approach contrasts with the "ghost kitchens" or dark kitchens sponsored by Glovo or Deliveroo that are proliferating in several Spanish cities. These are restaurants without tables, chairs or people where the most popular dishes are prepared and then distributed to their customers. In the case of Glovo, the cooks work for restaurants to whom the company has loaned the premises in exchange for the exclusivity of deliveries and an increase in the commission per order (which can rise from 10% to 40% of the total (Doncel, 18/10/2020; Gispert 27/08/2019).

In the short and mid-term, the RxD collective plans to continue with two essential lines of action. The first is to lobby for the passing of a law that regulates work on digital platforms, guaranteeing labour rights and the application of the Workers' Statute. To this end, they are demanding that the government ensure strict control and supervision of the business model and that the new legislative framework includes a register of platforms and their algorithms that organise the work, so that they can be correctly classified in the sector that corresponds to them and comply with the relevant collective bargaining agreements (RxD, 02/12/2020).

The second line of action is to consolidate the home delivery cooperatives and promote those that have just started (I7, I8). In order to develop both actions, RxD must continue its activist work on the streets, in social networks and in the media with a view to attracting more riders to the movement and obtaining greater support from the public based on more responsible consumer behaviour. And not only in terms of home delivery, but also in the use of services that are managed through digital platforms.

In this sense, an RxD spokesperson states: *"The future looks dystopian, if we do nothing, we are going to have a very black future. Our approach is not really utopian, it is not that we are going to re-invent the wheel, what we want is to prevent new technologies from serving to eliminate the Workers' Statute, the welfare state, the rights achieved through the workers' movement for centuries (...) we stand as a brake to uberisation and our objective is basically to stop this, to stop it from going any further, to regulate it"* (I8).

7. Conclusions.

Three and a half years after its constitution, RxD has managed to consolidate itself as a social movement with its own identity and to design various collective action strategies. At the discursive level, this group focuses its struggle against the uberisation of the labour market and the business model of the large digital platforms. It projects an alternative ideological discourse to that of the neoliberal economy, calling for the regulation of the collaborative economy in general, thus gaining the support of other sectors of society such as trade unions, other social movements, small and medium-sized businesses and citizens.

The setting up of home-delivery cooperatives within the framework of the social and sharing economy as an alternative business model to the dominant model of the large digital platforms demonstrates their potential for transformation. Although the results are still modest in terms of volume of work, profitability and number of members/workers, it is a first attempt towards turning the algorithm around and guaranteeing labour rights for its riders. In this sense, there is a clear consistency between the movement's discourse and collective actions. As Fernández and Soliña (2020: 79) state: *"The rhetoric of RxD in social networks follows two different arguments: on the one hand it highlights the struggles (sentences, rights, work,*

collective agreement, exploitation) and on the other hand it adopts a propositional tone (alternative, improvement, activists, rethink)".

Corporate strategies to boycott the organisation and the platform's actions of resistance have forced it to launch various initiatives to counter the discrediting efforts carried out by the digital platforms. The strong technopolitical activism on social media and the prominent media coverage achieved have contributed to this work. However, the recruitment of new supporters and collective action in the street through demonstrations is becoming increasingly difficult due to riders' fear of being fired and the boycott they experience from company-aligned delivery drivers who infiltrate RxD's WhatsApp groups.

In general terms, RxD has managed to introduce the debate on precariousness and the lack of regulation in the digital economy, both in Spanish public opinion and on the political agenda. The current process of negotiating the law regulating the employment relationship of platform workers is the best example. However, the fact that it is not a stakeholder at the social dialogue table leaves it in the side-lines, having to rely on the information provided by trade unions.

On the other hand, the lawsuits won against large companies have not only led to the compensation and/or reinstatement of "disconnected" riders and the payment of the corresponding social security fines on the part of platforms, but have also brought a greater degree of credibility and legitimacy to the movement. However, the lengthy administrative time of the judicial process is a major handicap compared to the immediate rewards riders can be offered by associations aligned with companies through professional interest agreements.

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SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL RELATIONS: CASE STUDIES

Country: Spain

Case study: Smart Ibérica

Marcela Iglesias

Lucía del Moral

Ester Ulloa

Sofía Pérez

Cádiz, January 2021

*"Smart allows freelance professionals working in the world of culture the opportunity to stop being islands in a huge ocean of precariousness and instability".*⁵⁷.

1. Introduction.

The present case study is part of WP3 of the SWIRL project whose aim is to identify and study the most relevant practices of protection and representation of contingent/slash workers (case studies) in order to ascertain and assess their level of effectiveness and impact.

One of the case studies chosen for the Spanish context is Smart Ibérica (hereinafter SmartIb), a business promotion cooperative created in 2013 that provides legal coverage for professionals in the arts and culture sector in Spain. Smart mentors the management of members' creative and cultural projects, advising them on how to launch their business ideas, providing training to improve their skills and offering collective services so that they can develop their professional activity within an appropriate legal framework. It also serves as a platform for networking in the creative sector and promotes the development of shared projects among its members.

To carry out the study, interviews were conducted with a structural member and current Vice-President of the SmartIb Governing Council, a user member and current member of the Governing Council, three actively involved members, a passive member and a former member. Relevant information was also obtained from the cooperative's website, news and posts on its social networks and scientific publications on the subject.

a. Innovative experience in terms of organization and engagement of the contingent/slash worker community.

Under the legal format of a "business promotion cooperative" regulated by Law 14/11 on Andalusian Cooperative Societies, SmartIb offers an "umbrella" structure for independent professionals in the cultural and creative sector in Spain. SmartIb is a non-profit cooperative that channels the entrepreneurial activity of its members through mutualised services in order to minimise the risks and difficulties involved in individual entrepreneurship in a sector characterised by intermittent and precarious employment.

SmartIb represents an innovative experience in that:

a) it was created at a decentralised territorial level (autonomous community of Andalusia) as the first cooperative for business promotion and as a formula to respond to the precarious employment situation of Spanish creators and artists, mostly self-employed or workers in the informal sector, for whom it is very difficult to meet the economic requirements established in the Self-employed Workers' Special System ("Régimen Especial de Trabajadores Autónomos") (RETA by its Spanish acronym);

⁵⁷ Partner of SmartIb. Music Photojournalism, Architectural and Travel Photography, Web Design, Graphic Design. <https://www.smart-ib.coop/bernardo-cruz/>

b) it is framed in the Social Economy, focused on the common good and social interest, with the commitment to reinvest the profits obtained back into the structure itself and into whatever its members decide in a democratic manner (SmartIb, 2021: 2). It also proposes sustainable, supportive and fair development (Sánchez Bárcenas, 2015: 217);

c) Given the lack of self-organisation schemes among cultural professionals, SmartIb advocates the structuring of this traditionally fragmented professional sector, eliminating administrative and legal barriers so that creators can concentrate on creating and cooperating at local, national and European level (Nogales Muriel, 2017: 334; SmartIb, 2021: 10);

d) promotes networking of professionals in the creative and cultural sector, contributing to raising awareness and the need to defend their rights as workers; and

e) it presents a business model that adapts to the working patterns of slash-workers: Intermittence, flexibility, project-based work individually or in groups and for various clients (public and private) and in networks.

b. Diversification of the methods of support, mobilization, advocacy and involvement of workers.

SmartIb's main benefit for its worker-members, beyond legal coverage and administrative management, is the pooling of risks and benefits through the Guarantee Fund which ensures the payment of invoices (corporate advance payment) whether or not they have been paid by customers, and access to financing at zero interest. In addition, each member is both a worker and a cooperative member, i.e., he or she can participate in the cooperative's joint decision-making process.

Furthermore, SmartIb offers a series of services intended to promote the professionalisation of its members (education, advice, training, etc.), to give them visibility and to foster the development of joint projects, all of which facilitates an increase in the volume of work and the possibility of launching a new business idea and/or the ability to make a leap towards setting up a company on their own. In this way, the cooperative acts as an umbrella structure, "it combines individual initiatives with a collective, cooperative and mutualist approach, promoting the development of a culture of entrepreneurship based on comprehensive sustainability, safety and productivity, and improving the working conditions of the artistic, creative and cultural community" (Sánchez Bárcenas, 2015: 217).

c. Extension and intensity of the voice and representation actions in terms of the number of workers involved, if limited to a company or within an entire industry context, whether local or national.

At present, SmartIb has 4,500 members belonging to the cultural industry in Spain. Examples include: visual and plastic artists, photographers, cameramen, graphic, textile and web designers, illustrators, scenic and circus artists, actors, stage designers, musicians and composers, writers, scriptwriters, craftsmen, cultural managers,

audiovisual producers, curators and art critics, artists' representatives, sound and lighting technicians, IT specialists, programmers, heritage interpreters, film and theatre distributors, translators, trainers, salespeople and all those professions that work in the creative field.

Its headquarters are located in the city of Granada, and it has three delegations in Seville, Madrid and Barcelona. SmartIb is part of a European project promoted by Smart Belgium, created in 1994 (SMart is the abbreviation of the French expression Société Mutuelle pour Artist), involving 9 countries (Germany, Austria, Belgium, Spain, France, Holland, Hungary, Italy and Sweden) with a total of 120,000 members, with the aim of creating a cooperative European network - SmartEu - that allows for the mobility of its members, and facilitates the administrative and taxation management of the cross-border work of all its members.

2. General characteristics of SmartIb.

Smart Ibérica de impulso empresarial, S. Coop. And. was established in May 2013 although its official headquarters are in Andalusia, it is present throughout Spain. Smart defines itself as a social, democratic, solidarity-based and non-profit organisation. The corporate purpose of this cooperative society is to provide guidance, training, tutoring and mutualised services to artists, creative and occasional workers in the cultural sector, and to provide artistic, creative and cultural services to society in general, both to public and private entities. In addition, SmartIb also carries out other activities related to and consistent with those mentioned above. The activity that SmartIb provides to its user-members can be of a temporary nature, linked to the launch of specific projects, or of a stable nature, linked to the long-term support of the entrepreneurial activity. The cooperative can also carry out intermediation tasks between its user-members and third parties to whom, in turn, they provide their services (SmartIb Statutes, article 2.1.).

The first member joined in June 2013. Since then, the number of members has increased exponentially, from 64 members in 2013 to 800 in 2014, 1,439 in 2015, 2,871 in 2016 and 4,500 in 2020. There was also a very rapid revenue growth in the first three years from €114,459 in 2013 to €2,270,601 in 2014, and €4,925,169 in 2015, and after that the growth has been fairly steady, reaching €5 million in 2019 (Nogales Muriel, 2017b: 136; SmartIb, 2021: 19). Both these factors, the number of members and the volume of turnover, have resulted in SmartIb being considered one of the most successful cases among the European countries that have implemented the Smart model that emerged in Belgium.

The SmartIb cooperative arose in response to a specific need in the Spanish socio-economic reality: the precariousness caused by intermittent work in the cultural sector. Although 3.7% of Spain's GDP is linked to the Intellectual Property of the Creative and Cultural Industries (CCI) which generates 710,000 jobs (equivalent to 3.6% of total employment in Spain), there has been no clear commitment on the part of the government to boost the sector. An example of this was the increase in the VAT

applicable to culture from 8 to 21% in 2012, making Spain the country with the second highest cultural VAT in the Eurozone after Portugal. Hence, the norm for professionals in the sector is "endemic precariousness and intermittency" (SmartIb, 2021: 4). In fact, professionals in the arts and cultural sector are mostly self-employed or workers belonging to the so-called informal economy. In this context, SmartIb's objective is the structuring of the professional cultural sector by removing administrative and legal obstacles so that professionals can concentrate on creating and reaching their full potential without feeling at a disadvantage with respect to other types of workers (Nogales Muriel, 2017a: 334).

The legal formula used by SmartIb is the "business promotion cooperative", first regulated by the Andalusian Cooperative Law 14/2011, of 23 December and subsequently by the cooperative laws of Cantabria (6/2013, of 6 November); Catalonia (12/2015, of 9 July) and Extremadura (9/2018, of 30 October) (Fajardo and Alzola: 2018: 17)⁵⁸. Through the Eempleo Programme, financed with European funds and managed by the Confederación de Entidades Para la Economía Social de Andalucía (CEPES-Andalucía), which aims to implement methods and knowledge derived from European experiences of creating and promoting stable and quality employment in the context of the social economy, Smart Belgium made contact in 2011 with a cooperative business group in Andalusia which brings together social cooperatives. The Smart project began to be implemented in Spain with the help of this organisation, Smart Belgium and the SMartIb Association for cultural workers. According to Nogales Muriel (2017a: 339), the establishment of SmartIb was possible thanks to the involvement and experience of Aura Empresa de Trabajo Temporal y Cooperativa de Empleo, S. Coop. And. in the market and in the social economy, and to the autonomous institutional support received with a view to gaining access to experiences at the European level.

Since Smart Belgium had also had informal contacts with dance professionals in Barcelona - who kept them informed of the situation of the cultural sector in Spain - and in order to avoid the possible bicephalia that could have arisen as a result of the various

⁵⁸ In Spain, the autonomous regions have been transferred powers to legislate on matters relating to cooperatives. Business Promotion Cooperatives (CIE in its Spanish acronym) are first regulated in Andalusia by Law 14/2011 of 23 December on Cooperatives, specifically in Article 93, which defines their main purpose as being to channel, within the scope of their organisation, the entrepreneurial initiative of their members, through professional guidance, the provision of business skills necessary for the development of each of their activities, the tutoring of these activities in the first years of their exercise, or the provision of certain common services to members that enable them to carry out their professional activity on a regular basis. This model stems from a project launched by CEPES-Andalusia and financed by the European Social Fund and the Andalusian Employment Service, with the aim of generating employment in this Community within the framework of the social economy. To this end, so-called activity and employment cooperatives in France and Belgium were visited and studied (Fajardo, 2018: 28). Two types of members can coexist in these cooperatives: those who provide guidance, training, mentoring or complementary services (who can be natural or legal persons, public or private, as well as civil societies and communities of property and rights) and those who are the beneficiaries of these services, who must be natural persons. It is also possible for the same natural person to hold both categories at the same time. The ICS has been identified as "a hybrid between worker cooperatives and service cooperatives" (Fajardo and Alzona, 2018:20).

contacts of the Belgian team in the same country, it was decided to include the Barcelona team in the structure of the cooperative as a structural partner, establishing very fluid communication both formally and informally between the teams (Nogales Muriel, 2017a: 340). In addition, the name "Smart Ibérica" was chosen instead of Smart España, as would have been logical following the line adopted in other European countries (I3). A key step in the consolidation of the cooperative at the national level was the launch of SmartIb in Madrid as a result of the agreement reached with the Association of Cultural Managers of Madrid (AGETEC) (SmartIb, 2021:17).

SmartIb received initial funding of €143,750 between 2013 and 2015 from Smart Belgium. The first payment was a start-up aid for the cooperative and the following two payments represented an additional injection of funds and were repaid (Nogales Muriel, 2017b: 218). In fact, in just 18 months SmartIb already reached 800 members and a turnover of €2,023,000, results that exceeded the expectations agreed in the negotiations with SmartEu.

In order to engage in any activity in the cooperative, the member must register with the Social Security for the duration of the activity, and therefore pay contributions in accordance with the corresponding professional category. However, as the cooperative's website states, *"issuing invoices is not the main purpose of Smart, but the logical consequence of carrying out an activity. At Smart, activities and projects are tutored and accompanied from start to finish, the co-operative provides its members with shared services to facilitate entrepreneurship outside the precarious scenarios that prevail in much of today's labour market"*.

How does SmartIb work? Through SmartIb a partner can develop individual or group activities with other cooperative partners or with external parties provided that they comply with the legal obligations required to work and comply with a legal status that allows them to issue an invoice for their part of the work carried out. The partner must contact the client to carry out the activity and the client must sign a contract, order form or budget with Smart. Prior to starting the activity, Smart analyses the clients to guarantee their creditworthiness, and therefore the payment for the provision of the service. When the activity takes place, the partners must notify their advisors so that they are registered with the Social Security for the days when the activity takes place as a working partner or cooperative partner. Once the activity has been completed, the consultant issues the invoice and sends it to the client for payment to the cooperative.

The difference between this model and that of the self-employed is that in the RETA the self-employed have to pay their monthly contribution whether or not they have projects, while under the cooperative the members are registered in the General Social Security Scheme at the moment they engage in activity with their clients. Another advantage is that civil liability is limited to the contribution to the cooperative's share capital (€150), as opposed to the unlimited liability with present and future assets that the self-employed have to face. On the other hand, SmartIb user-members have social benefits

for temporary incapacity in the event of accidents at work and unemployment benefits during periods of inactivity (SmartIb, 2021: 17 and 26).

How does the cooperative support itself financially? To become a member of the cooperative, the professional contributes a capital of 150 euros, with the possibility of distributing the payment over three years. The structure of SmartIb is maintained with 7.5% of the taxable base of each activity: 6.5% goes towards maintaining the cooperative and the shared services (civil liability insurance, occupational risk prevention, payment of taxes, administrative procedures and formalities, accounting, legal advice, etc.) and 1% goes to the Guarantee Fund, which guarantees the payment of Social Security and Inland Revenue taxes in the event of non-payment. Although the cooperative guarantees its advances from every 6th day of the month, given that this depends on the liquidity available at any given time, if a customer is very late in paying, the advances may also be delayed.

SMartIb's pooled services include: labour and legal advice; financing through the Guarantee Fund; management of individual and group project budgets; civil liability insurance; occupational risk prevention; advice on Intellectual Property, copyright, e-commerce and new technologies; contracts and tenders and professional training through member resources.

3. Characteristics of SmartIb associate members.

In general, SmartIb's partners are university graduates, carry out medium and highly qualified activities, both online and offline, and work on a project basis, most of them intermittently. It is worth noting that the qualifications required for the activities carried out by the partners do not correspond to the expected stable employment situation: *"Precarious employment is always perceived as meaning that they are illiterate or do not have a university qualification, no, no, it is quite the opposite, we find medium-high qualified people with precarious employment"* (I1).

Many of the members carry out more than one professional activity, either as part of the cooperative and/or outside it, and can therefore be described as slash-workers: *"Normally they are all slash workers, it is really a very worrying thing in a certain way, and they are often people who are also professionals in a specific discipline but who cannot devote themselves to it, so they work in several (...) we have creators in various disciplines, whether they are musicians, writers, painters, restorers. ... who create, and then there are people who do intermediation or facilitation or technical assistance, we have a lot of technicians"* (I3). This is how some members present themselves on the cooperative's website: *"As I like to say, I am a publicist and graphic designer by profession and a photographer by vocation"⁵⁹; "I am a dancer, choreographer, dance teacher and therapist of the Feldenkrais method"⁶⁰ (I3).*

In contrast, some members devote themselves exclusively to one professional activity finding in the co-operative a way of legalising it and paying social security

⁵⁹ SmartIb partner. Photographer, Publicist, Graphic Designer. <https://smart-ib.coop/ana-carrillo/>

⁶⁰ SmartIb partner. <https://www.smart-ib.coop/helena-lizari/>

contributions. This is the case of a member who is currently passive and who has worked as a professional childminder for children aged 1 to 3 years in a project run by a parents' association *"it was the most cost-effective way for families to be able to hire me, through Smart Ibérica"* (I7). This is also the case of a former member who worked in a small school set up by an association of families *"I was working in one of these small schools... I think it was the second one I worked in, I was not paying contributions and I wanted to pay contributions (...) And the typical thing with these associations, it's like: "Oh, but this costs a lot, the contribution part". So, I remember that I was looking for other ways to do it, as a self-employed person I thought it was too expensive and I was not happy to do it and I found this service from Smart"* (I8).

Smart's members have various profiles within the world of art and culture: *"a photographer, a circus artist, a programmer, a translator, a university instructor, the fact is that our main social purpose is culture and art, but imagine within culture and art all the possible cases that can arise"* (I1). Differences can also be observed in terms of the reasons which lead them to join the co-operative. Most of the members work more or less intermittently on a project basis, and chose to join so that their activity is legally covered and/or to receive technical and administrative advice and support:

*"As it is unfortunately an unstable job, the cooperative allows me to invoice according to the amount of work I get depending on the month, without having to pay a fixed fee like a self-employed person. It gives me the freedom to do this with a little less pressure."*⁶¹.

*"I have felt supported by Smart from the beginning, it has made my administrative tasks easier and I am confident that over time even more synergies will be created between partners to help us grow together."*⁶².

In addition, there are partners who look to Smart for the stimulus and advice to start up a business idea, either by choice or because they are forced to do so:

*"I chose Smart, because starting out and trying to make a name for myself it is very difficult to have a steady flow in terms of sales and belonging to the cooperative seemed like the best way to get started."*⁶³.

*"Without Smart I don't really know if I would have been able to set up my micro-business. I've been self-employed for many years and the only thing that this trite and tedious entrepreneurial figure serves for is to bring you down fast when perhaps it wasn't your turn. Smart is the best thing that could have happened to me professionally; it's like that famous isotonic drink... it gives you wings!"*⁶⁴

⁶¹ SmartIb Partner. Photography, Subtitling Programmes for the Hearing Impaired. <https://smart-ib.coop/jose-manuel-rios-valiente/>

⁶² SmartIb Partner. Photographer, Publicist, Graphic Designer. <https://smart-ib.coop/ana-carrillo/>

⁶³ SmartIb Partner. Fashion Designer, Clothing. <https://www.smart-ib.coop/celia-lacampa-metamorpho/>

⁶⁴ SmartIb Partner. Graphic Design, Web Design. <https://www.smart-ib.coop/fernando-mariano/>

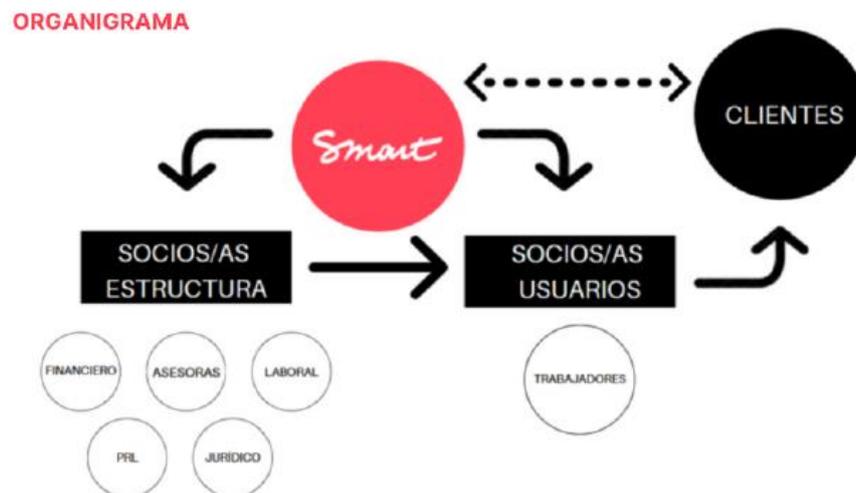
For two partners who had initially set up their own practice as freelancers, Smart's model proved to be "a lifesaver": "It's just that freelancing is prohibitively expensive and it's becoming more and more so, as the work doesn't take up 30 days of the month, so it's never going to pay off" (15). *I'm quite happy because it's like combining two worlds, it's having the tax advisor and your personal advisor together in one, and also appealing for your real interests" (14).*

Since the creation of SmartIb in 2013, the cooperative has provided advice concerning 4,703 projects. It is worth noting that from January 2019 to 31 August 2020, including the months of confinement due to the health crisis caused by COVID-19, SmartIb had 1,530 active members, 1,090 of whom were working with the cooperative prior to 31 December 2018.

Since its inception, the cooperative has had gender parity among its members: while at the beginning of 2015 there were 60% men and 40% women (Sánchez Bárcenas, 215: 218), by 2020 there was an equal representation of 50% (11).

4. Organizational and decisional structure of SmartIb.

Smart Ib's statutes distinguish between two types of partners, the structural partners and the user partners. The former are responsible for carrying out administrative work and legal advice and the latter are professionals in the field of culture who carry out their work on their own account with external clients. While the structural partners are located in Andalusia, Catalonia and Madrid, the user partners are present in all the autonomous communities of Spain.



Source: SmartIb (2021:18)

Currently, the cooperative has 7 full-time structural partners who carry out coaching and consultancy activities for user members, tasks regulated by SmartIb's statutes. They also have an external cooperative partner who assists with legal, labour and accounting matters. A former president of the SmartIb Board of Trustees explains that "The fact that the structural partners are also beneficiary partners of the Smart cause is a

reflection of the SmartIb community's involvement in the common good: on the one hand, in the growth of the creative ecosystem; and on the other, in the growth of our democratic and supportive organisation.” (Martínez Moreno, 2018: 48).

The 4,500 members of SmartIb are divided into active and passive members. In the group of active members there are 2,500 people, of whom 600-700 have a continuous activity and invoice on a monthly basis, while some 1,300 people do so more intermittently. The passive members, approximately 2,000, are those who, although they are not currently carrying out their professional activity through the co-operative, did so at some point and have remained members given that they have not withdrawn their initial share capital. According to a member of the Governing Board: *"very few people leave (...) There are some people who have left, but most people stay"* (I3). In the words of a passive member: *"I am still a member of the cooperative, in fact, I never collected the initial capital (...) to this day I am still a member of Smart Ibérica, but I have no dealings with them"* (I6).

The cooperative's management and representative bodies are the General Assembly and the Governing Council. The General Assembly is the highest body for expressing the will of the cooperative, and is made up of the cooperative's members. As the current Vice-President of the Governing Board explains: *"In cooperatives we have this particular situation, we are worker-members, i.e., we are the unusual entrepreneur, we are all part of the cooperative, so we are all members, we are all part of the general assembly in which decisions are taken, but at the same time we are workers, i.e., we have this double nature"*. (I1).

In turn, the Governing Council is the governing, management and representative body of the co-operative. The members of the Governing Board are elected from among the members by the General Assembly, through secret ballot and by simple majority (SmartIb Statutes). The cooperative's third Governing Board, elected in the September 2020 elections for a period of four years, is made up of five members: three structural members (President, Vice-President and Secretary), one user member and SmartIb Belgium as vocals.

Regarding the participation of user members in decision-making, very often it is lower than what the structural members would like: *"we try to ensure that the majority of members participate in all these preparatory meetings so that they can get involved and participate in the general assembly. And it is true that there is greater participation than before, that more and more members are participating and making decisions"* (I2). Two members who have been active as users since 2014 value participation in the assemblies highly, as it gives them the opportunity to get to know the other members, their needs and proposals, and to be informed about the cooperative's economic situation: *"whenever we have taken part in an assembly, the atmosphere is one of trying to listen to whoever is speaking at the time, proposing um... and that, whether you like it or not, it helps you to be even more involved, to feel that you are really part of a cooperative and not just a means of invoicing for your work"* (I4, I5).

Another member who has been an active user for eight years highlights the networking that takes place in the informative meetings and in the counselling and training sessions as positive, as it can contribute to increasing the volume of work: *"in these meetings we introduce ourselves, there is a coffee, they don't do that anymore, but well, and you can get some work too: 'You are a photographer, I need some photos for my book'. So, it can generate some work between the partners"*. (I6).

One of the objectives of the new Governing Board is to strengthen the participation of members in the decision-making process. As a member of the Governing Council says, in comparison to the previous period, *"there has been a change in strategic direction and in the vision of... I would almost say a change of outlook, within Smart, which will mean that we will have to do a lot of internal work to ensure that there are efficient channels of participation which open up other channels (...) You can only get involved in what you care about, and you can only care about what you know. So, if you don't know the cooperative, if you don't know the processes, the objectives, if you don't know your fellow crew members, you're not going to move. So that's what it is, Smart for a while was like a huge yacht with everyone in their own cabin and then suddenly it was like: 'Excuse me, aren't we here to row? That's the image I have, I think a cooperative is made by rowing, a cooperative is made by saying: 'You can't row now, come on, give me your oar and I'll row now'. And I think that in Smart that had been lost a little bit."* (I3).

In order to revitalise SmartIb's community of members, the cooperative is holding monthly online meetings with members, interviews that are published on the website to give them visibility, and training courses.

5. Collective resistances and relations with other industrial relations' actors.

Given the intermittence, the lack of socio-economic recognition and the precariousness that characterises the artistic-cultural sector in Spain, SmartIb's main collective achievement has been to consolidate itself as a cooperative offering a formula to cover the needs of professionals who have not been met by either the public or the private sector, at least until now. This is the reason why the expert literature considers it to be a model of social innovation (Fajardo, 2018: 28; Nogales Muriel, 2017b). In the words of a member who has been active since 2014: *"Ideally, we wouldn't need a cooperative to be able to work in this way, ideally there would be some kind of figure within the Treasury that would allow us to do all this without having to associate with a series of people to be able to carry out our projects, that would be ideal, but well, so long as it doesn't exist, we're happy here"*. (I4).

Since its creation in 2013, SmartIb has encountered a series of obstacles for its development and sustainability. One of these is the lack of awareness and recognition of the cooperative model of business promotion on the part of public administrations, the economic sector and the population in general. As far as the public administration is

concerned, *"to this day the Ministry of Labour continues to examine many of the things the co-operative does with a fine-tooth comb. And this is logical because those other organisations that have come out with the false self-employed have not helped us at all"*. (I3).

For this reason, the cooperative has had to carry out extensive educational, dissemination and advocacy work to raise awareness of the advantages of this model and how it differs from false cooperatives and labour intermediation platforms: *"the institutions and administrations do not understand either cooperativism or the idea that there can be a corporate relationship with members which does not involve a contract but which involves a commitment to the objectives and internal regulations of the cooperative, for example. So, this is a real problem"* (I3). A member of the structure explains: *"at Smart we are trying to emphasise this to the public administration, both at regional and national level (...) the cooperative is still not recognised as an alternative to employment, but it is known as an intermediation platform, which can be like a false self-employed person"*. However, *"Smart helps 4,500 people to find that opportunity, to emerge from that economy that was previously submerged or in the dark (...) as a collective we have to lobby to put pressure on them so that they can see it"* (I1). As for the lack of knowledge of the partners themselves, the SmartIb advisor comments: *"they have to learn that there are other new formulas. Here every time they call us it's: 'I want to invoice. No, you don't want to invoice, you want to work legally'. It means working, registering with the Social Security and that's why there will be an invoice"*. (I1).

Another major obstacle has been the non-payment of invoices by customers, especially during the first three years of the cooperative's existence. Some 74% of the invoices issued in 2014 and 2015 were still unpaid in October 2016. The cooperative had to hire a company dedicated to debt collection (Nogales Muriel, 2017b: 23): *"there came a time when we reached 70, 80% of non-payments, we were drowning. Because of Smart's model, we are obliged to pay our partners in advance, of course, this creates a hole at an organisational level and the thing is that you cannot cover it with loans because if you cover it with loans you are digging your own grave (...) There was a time when we were talking about millions, but millions of euros that were in the street, that is, in the street. What was happening was that we were financing public administrations, private companies that did not pay"* (I3). During this period, the partner's advance payment was delayed (I4, I5). This is how a currently passive partner recalls it: *"I have been paid as late as the 22nd of the month, the normal date was the 12th, 15th or so"* (I7).

Over time, the mechanism for monitoring non-payment of invoices has been perfected by the cooperative itself, and today there is a 15% non-payment rate (I3). The vice-president of the Governing Council points out that it is important that the members themselves are aware of this situation and that they collaborate in claiming non-payments (I2). Although the cooperative is responsible for bill collection, the members have to contribute to the task of claiming in the event of non-payment, as expressed by this user member: *"we are not the Smart member who is a bit embarrassed about the billing part, we don't want Smart to be the one who sends the bill, quite the contrary, we*

prefer that we deal with our customers, that we are the ones who call their attention if we have to call their attention to it” (I5).

At present, from the outside, the main threat is the economic context of crisis generated by the pandemic, many contracts that were signed have been cancelled, with a turnover of 40% less in 2020 compared to the previous year (I2). On the other hand, cultural professionals are calling for greater involvement and financial support from the State to revitalise the sector. In this regard, the Andalusian Cultural Sector Rescue Group led by the Andalusian Cultural Managers' Association (GECA) has been created, with the participation of the government, trade unions, associations and cooperatives such as Smart: *“we are participating in this forum because I believe that the cultural sector and the members we represent must be represented. Now the Andalusian culture law is being debated, and we are participating in the draft. In other words, we are doing a lot of representative work” (I2).*

At an internal level, the pandemic has made it difficult to conduct face-to-face outreach work to recruit new members, a task that used to be carried out in the context of business meetings and contact with economic agents (I2). In order to tackle this obstacle, the cooperative has carried out promotional campaigns via social networks and its website. However, word-of-mouth contact between members and potential members has been very limited. During the months of confinement, SmartIb has enhanced partner training, developed online networking meetings, “Speed dating”, and improved its website by including interviews with its partners in order to increase their loyalty and visibility. It has also just launched the first issue of the Smart Notebooks, whose author points out that *“it is a mixture of research, dissemination and a little bit of political advocacy, but in a down-to-earth and documented way” (I3).*

Gradually, the training and information work carried out by the co-operative's advisors is helping members to embrace the values of the co-operative, the feeling of belonging to the collective: *“When you join a co-operative, the wrong question is what can the co-operative do for me, the question is what can I do for the co-operative. That is the question. So, the people you see who have this question internalised, you don't know how they appreciate it, internalise it, share it with the rest of the world” (I3).* They even begin to perceive that the co-operative can represent their interests and become a social actor with the capacity to influence the world of culture: *“in Madrid Smart has become a very strong interlocutor. We see this in Belgium, which is like the great example, because it has become not only an interlocutor but also a strong political actor, a political actor that the Ministry of Culture, the regions... no longer carry out anything without consulting Smart. (...) all the culture of Madrid, the contracting and all that is managed through an agency called Madrid Destino, which moves a lot of culture, and Smart is now one of the main interlocutors of Madrid Destino” (I3).* In short, it is through collective action that cultural professionals will be able to assert their demands: *“the partners themselves are starting to realise, it's slow, it's slow, but they are starting to realise that it is only collective action that can make them take us into account and that they take into account our needs, our opinions, etc.” (I3).*

In this sense, the member of the Governing Board says that one of the key points to explore in the coming years is the collaboration with trade unions: *"I believe that we could learn a lot from trade unions on how to build the collectivity, from individuals to becoming strong interlocutors. And I think they also need new dialogue partners"* (I3).

In terms of public administration, local councils are SmartIb's best allies: *"local councils are the ones who have to organise festivals, festivities... and for them it's madness, so again Smart is ideal, it's ideal because they can take several people from different disciplines, people who already know each other, and above all they have done all their homework and then there are no problems with registration, non-registration, payments, taxes; that's the advantage"* (I3). In terms of the autonomous communities, SmartIb is fairly well known in Madrid, Catalonia, Valencia and Andalusia: *"Normally, where there is a cooperative tradition, we are much better received. The most difficult thing I would say is the state level... I think it's because we haven't had the time, muscle and energy to get involved with them"* (I3).

The fact that SmartIb has been promoted by a corporate group since its inception has ensured extensive collaboration with other cooperatives, with the Andalusian Federation of Worker Cooperative Enterprises (FAECTA) and with the Spanish Confederation of Worker Cooperatives (COCETA), all of which support collective business models and contribute to their expansion and greater recognition nationwide.

After eight years of existence, SmartIb's achievements include the following:

a. To offer professionals in the cultural and creative sectors an effective formula that combines legal coverage, technical-administrative and legal advice, the possibility of contributing to the General Social Security System and enjoying all the associated rights (unemployment benefit, sick leave for accidents at work, etc.). It also provides security, flexibility, collective support and the power to be part of the cooperative's decision-making process. This is what two members of the cooperative say:

*"Smart helps me mainly in that I feel supported by a big family, by a European-wide organisation. And then there is the help with the paperwork, the entitlement to social benefits and the increased security against defaulting customers."*⁶⁵.

*"Being part of Smart helps me to feel more supported, gives me an image of seriousness and professionalism when dealing with my clients and gives me flexibility, in the sense that it adapts perfectly to my current professional needs."*⁶⁶.

b. Contribuir a aumentar el volumen de trabajo promoviendo los proyectos conjuntos entre socios de la cooperativa:

"Thanks to the interaction with other members, we can share experiences, mistakes and tips for a more efficient development of each activity and build collaborative bridges"

⁶⁵ SmartIb partner. Audiovisual creator. <https://smart-ib.coop/emek-filogullari/>

⁶⁶ SmartIb partner. Illustrator and conceptual artist. <https://www.smart-ib.coop/raul-gonzalez-guisado/>

geared towards synergies among different professionals. On the other hand, being a member of Smart gives you the opportunity to work as a freelancer without being tied to a fixed Social Security contribution. This frees your own work from the associated administrative burden and allows you to focus on your professional activity.”⁶⁷.

“There are already many members working on joint projects, i.e., the photographer, the designer and the actress who have made an artistic production and are producing a film. That's what Smart encourages, that its own members can share projects and can promote these projects within the cooperative.” (I1).

c. Providing advice and business support to entrepreneurs who end up creating their own company: *"we are now seeing the trend that many of our members are making the leap because they already have a sustained activity to register as self-employed or to create their own limited company or cooperative society" (I1).*

d. Becoming a social agent with the capacity to influence and lobby the government in order to demand the needs of the creative and cultural sector in Spain: *"I believe that a well-organised collective can become an influential and lobbying group”⁶⁸.*

f. Withstanding the economic crisis caused by the pandemic and the fact that the members who needed it have been able to receive unemployment benefits "now with the pandemic it is true that many members tell me: *"Thanks to the cooperative and what I have contributed during these months I can receive unemployment benefits because I have contributed to the system, I have contributed to the Social Security and thanks to my contributions I can now claim unemployment or other benefits" (I2).*

6. Future expectations and actions.

Objectives and actions foreseen for the coming years are as follows:

a. Promoting communication and participation, both within the co-operative and externally: *"A co-operative, the social and solidarity economy, has to communicate so as to encourage participation" (I3). "The new strategies of the Governing Board include making ourselves more visible and getting members to participate more (...) so that they really know that being in the cooperative is not just about invoicing but about being able to help you, to work as a team or to be able to carry out joint projects" (I2).*

b. Ensuring the loyalty of existing members and attract new members (I2, I3) in order to create a "critical mass" and consolidate the economic stability of the cooperative (SmartIb, 2021: 36).

c. Carrying out information outreach work with public administrations and private companies so that they become more familiar with the cooperative model and recognise

⁶⁷ SmartIb Partner. Music Photojournalism, Architectural and Travel Photography, Web Design, Graphic Design <https://www.smart-ib.coop/bernardo-cruz/>

⁶⁸ SmartIb Partner. Visual artist, painter. <https://smart-ib.coop/alberto-donaire/>

it as a valid and effective formula in the context of current employment relations (I1, I3).

d. Restoring the level of turnover that the cooperative had before the pandemic: *"we want to recover at least that 40% by 2021 next year and increase it in 2022 and break even in 2023"* (I2).

e. To reflect on achievements, mistakes, lessons learned and the direction in which the co-operative wants to go as a collective: *"we have come a long way and we need to stop for a moment and reflect on what we have done well and what we have done poorly, but to reflect, not to gloat, no, no, but to gather momentum so that we can continue to make good progress. This is a bit like including the reflexive mode in the process"* (I3).

The process towards the consolidation of SmartIb has not been an easy one, rather it has been characterised by continuous learning based on trial and error. To date, the user and structure partners suggest the following improvements. A structure partner considers that it would be useful to have more training in tax, labour, accounting, regulations, subsidies and tenders. She also pointed out the need for a computer programme that would make administrative management with members easier (I2). A user member agrees with this, saying that it would be desirable to have a computer tool that would allow them to simulate their payroll for the following month on the basis of the invoiced amount (I6). On the other hand, when faced with a specific case of non-payment by a client, two user-members felt that SmartIb needed stronger legal support, although they recognise that legal advice is not linked to establishing litigation with a client and therefore *"this is already a little outside the scope of what the cooperative itself should offer"* (I4, I5).

7. Conclusions.

With the slogan "Intermittency should not be a synonym of precariousness" and after eight years of experience in the context of the social economy, SmartIb has become an actor with the vocation of representing the interests of professionals in the creative and cultural sector in Spain. Under the legal form of a business promotion cooperative, regulated in a pioneering way in the Autonomous Community of Andalusia, this organisation offers a solution to the problem of intermittency, often associated with precariousness, which characterises the sector.

The professionals associated with the co-operative, many of them slash-workers, recognise that, given the lack of effective State aid for entrepreneurship and the high costs involved in being self-employed in Spain, the co-operative formula is a very good option. Among the most highly valued services are: legal cover and contributions to the General Social Security System, the advance payment which ensures monthly payment for the work carried out, technical-administrative advice which allows them to concentrate on their profession and not worry about bureaucracy, among other things. Support, security, flexibility and freedom to decide how to organise their work and which clients to work with are the qualities that the partners highlight the most in this

model. While not fully assimilated by the majority of members, the opportunity to participate in the cooperative's decision-making as worker-members undoubtedly represents an added value offered by this formula. In this sense, it could be considered an example of democratic institutional experimentation as Charles, Ferreras and Lamine (2020) apply to the case of Smart Belgium, a non-profit association created in 1998 and which only became a cooperative in 2016, now open to freelancers from all sectors and not just the cultural sector (de Heusch, 2019:193).

SmartIb, along with its "older sibling" Smart Belgium, has emerged in order to satisfy a social need not covered neither by the State nor by the private sector, constituting a social innovation initiative in Spain, albeit linked to the European SmartEu project. Although the emergence of the cooperative and the legislation that made it possible arose thanks to the institutional support of the Andalusian regional government and the already existing cooperative sector, the business cooperative is a figure that is little recognised by those involved in labour relations. In this sense, SmartIb has a great task ahead of it in terms of information and dissemination in the business sector and in public administrations at local, regional and national level. Collaboration with trade unions is also a pending issue and could contribute to the vindication of the labour rights of professionals in the sector.

Now more than ever, in the face of a post-pandemic economic crisis, the SmartIb formula could become a lifeline for professionals who can no longer afford to pay the monthly self-employment fees. It is also a good option for young graduates who do not yet have sufficient volume of work and customers to become self-employed. Finally, although SmartIb focuses on professionals in the world of culture, it could also be a model that could be extrapolated to other sectors of economic activity with similar needs.

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I1. María Dolores de Dios Beltrán. Structure partner. Office Coordinator of Smart Ibérica S.Coop.And in Seville. Conducted on 31 March 2020.

I2. María Dolores de Dios Beltrán. Structure partner. Office Coordinator of Smart Ibérica S.Coop.And in Seville. Current Vice-President of the Governing Board of Smart Ib. Conducted on 25 January 2021.

I3. Rocío Nogales Muriel. User member. Member of the Governing Board of Smart Ibérica. Conducted on 15 January 2021.

I4. Active member of Smart Ibérica. Conducted on 10 February 2021.

I5. Active member of Smart Ibérica. Conducted on 10 February 2021.

I6. Active member of Smart Ibérica. Conducted on 11 February 2021.

I7. Passive member of Smart Ibérica. Conducted on 28 January 2021.

18. Former user member of Smart Ibérica. Conducted on 20 January 2021.

Webpages

Smart Ibérica: <https://smart-ib.coop/>

Facebook Smart Ibérica: <https://www.facebook.com/SmartIberica>

SWIRL – Slash Workers and Industrial ReLations PROJECT

DG Employment, Social Affairs and Inclusion

“Improving expertise in the field of industrial relations - VP/2018/004”

WP3 - TASK 3.2

DETECTION AND ANALYSIS OF RELEVANT PRACTICES IN INDUSTRIAL RELATIONS: CASE STUDIES

Country: Spain

**Case study: Tu Respuesta Sindical Ya (TRS) -
UGT**

Ester Ulloa

Sofía Pérez

Lucía del Moral

Marcela Iglesias

Cádiz, January 2021

“This is the most extreme form of the neo-liberal model, to bring competitiveness to the world of labour, because in labour there are a series of limits, there is the bargaining agreement, there is... what they are looking for is to treat the worker as one more element of supply and demand, then value is given according to supply and demand and if there is production or not, if there is no production you don't work. In the end, the risks are never borne by the platform, rather the social risks and the risks of lack of production are borne by the worker, so the platform never loses” (I5).

1. Introduction

The following case-study has been selected and analysed as part of the SWIRL research Project. Specifically, WP3 has as a primary goal the identification and study of the most relevant practices of protection and representation of contingent/slash workers, analysing in depth their needs and aspirations, if and how these needs and aspirations are represented and promoted, and barriers found. Within this work package, Task 3.2 centres on the detection and analysis of relevant practices in industrial relations (case studies) in order to ascertain and assess their level of effectiveness and impact.

The majority trade union Unión General de Trabajadores (UGT; hereinafter) developed the initiative “Tu respuesta sindical YA” (Your trade union response NOW; TRS by its Spanish acronym,) as a tool to meet the demands of workers engaged through digital platforms, given that these new forms of organising work⁶⁹ *“have individualised labour relations to the extreme and seek dispersion so there is no concentration of workers and we can neither organise nor help them”⁷⁰*. Its aims concentrate in three different work areas: gathering information about workers engaged through digital platforms and the reality of their work, offering them legal advice in relation to their specific queries and, ultimately, carrying out actions designed to organize and mobilize them. It is very important to note that TRS is just one of the strategies UGT⁷¹ has adopted in order to face this new, largely unknown reality of work. But it is no less important to note that, in the formulation of its broader strategies to address it, the trade union also relies on the information and action channel developed by TRS. As described in their report, *El trabajo en las plataformas digitales de reparto (Work in digital delivery platforms) (2019): UGT's actions regarding the delivery platforms were prompted by the abundance of enquiries received through "Your Union Response", which is the tool the*

⁶⁹ According to Petropoulos et al (2019), although platform is a novel way of organizing work, Eurofound has identified at least nine new types of organising labour: “(1) collaborative employment; (2) employee sharing; (3) portfolio work; (4) interim management; (5) **platform work**; (6) ICT based mobile work; (7) job sharing; (8) voucher-based work; and (9) casual work”.

⁷⁰ https://elpais.com/economia/2019/11/14/actualidad/1573730038_145927.html Retrieved on December, 16, 2020.

⁷¹ We consider it important to stress that the present case study is exclusively limited to the analysis of UGT's initiative of developing an online trade union section. Our aim is not to analyse the union's broader lines of action with regards to digital platforms; however, we will briefly outline them in the section dealing with the organisation which promotes the initiative.

union has used to approach and provide support for workers on the digital platforms (UGT, 2019a:76).

The following pages are based on the information obtained through different sources. On the one hand, we have conducted five in depth interviews, with the coordinator of TRS, and two workers active in this initiative from two very different sectors (a rider and a youtuber), finally, we have conducted two interviews with riders who are not active participants in collective action initiatives. We have also analysed the information (studies, interviews and papers) TRS publishes through the UGT webpage and other channels, as well as the larger strategies adopted by the trade union UGT regarding platform workers. Finally, we have relied on press articles, institutional reports and academic papers on the subject.

a. Justification of the selected case:

We have selected “Tu respuesta sindical” (TRS) as we believe it strives to be an initiative designed as an adaptation of traditional trade union action to the new realities of work on digital platforms by diversifying the methods of support, mobilization, advocacy and involvement of workers. As was stated on the Spanish country report for WP2: *workplaces are the parameters upon which essential institutions for labour law are established in Spain: contact and representation of workers, collective bargaining, etc. One of the common characteristics of workers who carry out on-demand work, of short duration and in a discontinuous manner, namely, what we understand in this project by atypical/slash workers, tend to share is precisely the absence of a workplace, which, aside from rendering them invisible to a greater or lesser degree, hinders organizational efforts.* UGT’s response to this absence of a workplace through which they could activate traditional means of action was to develop TRS, so that the workers themselves could approach the union through a channel that allows them quickness in response and anonymity. In the words of one of the riders active on TRS: *and then also, from UGT, the majority union, they launched a campaign to try to contact riders, which is what they call Your Union Response, it's a website, a platform where they try to reach the sector, which is very difficult because, of course, we are on the streets, most are immigrants, half are undocumented, it is a sector that is completely scattered and on the streets that is very difficult, there is no workplace, there is no... So how and where does a union representative go? To a square? It's crazy. So, I understand that it's difficult for them to reach it (I3).*

The strategy does not seek the outright affiliation of workers, but faced with this new, mostly unknown scenario UGT has moved forward in a two-tier process. On the one hand, it seeks to learn about platform workers’ situation in order to establish a line of action that would lead to a formal trade union structure; on the other hand, they have created a digital platform that allows workers to approach the union and offer them legal assistance (Díez Prat, F. & Ranz Martín, R., 2020). *“In addition, as a claim and complaint portal, it collects information on workers’ current situation. In this way, the*

union obtains a truthful record of the working and social conditions of all workers” (Hermoso, 2019: 12).

Although this adaptation of the traditional union structure and mobilization strategies to the platform economy is undoubtedly the main reason why we selected this case study, it is not the only one. We must also note that UGT, one of the historical trade unions in Spain and also one of the two majority class unions. It is therefore one of the main actors in industrial relations in Spain. Thus, it is also a social dialogue partner representing workers at all levels and is currently very actively involved in the negotiations of the wrongfully referred to as the “Rider Law⁷²” in Spain, which seeks to regulate worker status and work and employment conditions for all digital platform workers.

b. Brief description of the slash-worker (SW) profile the organization represents:

Well, this was just when the Deliveroo delivery workers started mobilizing in Madrid, in the Plaza de Fuencarral. Pepe Álvarez (UGT’s General Secretary) went by every day, back then, the old UGT confederal headquarters were in Hortaleza Street, he passed by every day and saw that people were organizing there, that they were holding assemblies and that we were not participating, so the Confederation took the initiative to create a tool that would be similar to the way digital platform workers work. (I5) This quote extracted from the interview conducted with the coordinator of TRS illustrates that, at least at the beginning, trade unions centred their organizing and representing actions on riders because of two related reasons: on the one hand platform workers who offer offline services (specially riders) are the only platform workers with a certain degree of visibility; on the other, arising from this very visibility, they were able to self-organize and denounce their precarious terms of work.

The development of the TRS initiative is directly linked to workers on digital delivery platforms, but it seeks to represent platform workers from all sectors who offer either online/offline services. TRS establishes a communication channel through its page so that workers from all sectors contact the organization; however, much of their efforts still concentrate on street work and, unavoidably, because of the visibility factor we have mentioned, this entails that riders are still at the centre of their representation efforts. This notwithstanding, they are currently trying to reach workers from varied sectors, from caregivers to Youtubers.

⁷² Although initially intended to regulate the delivery sector, the draft of the law now contemplates regulating the work of all “persons providing paid services under the organisational, managerial and supervisory powers of an employer who exercises those powers through the algorithmic management of the service, including the activities of delivering or distributing any consumer product or goods to third parties and providing domestic services” (Alonso, 13/11/2020).

2. TRS: general characteristics.



TRS home screen: <http://www.turespuestasindical.es/>

a. Launch date:

TRS was officially launched on September 17, 2017 as one of the strategies UGT has developed to face the new realities of work. In its presentation, Gonzalo Pino, UGT's Secretary of Trade Union policy pointed out that *"there are some two million workers who provide their services on these platforms"⁷³, which represent a further twist and turn of the multi-service companies. These platforms deregulate working conditions and maintain practices of exploitation, precariousness and underemployment. That is why we are setting up this platform as an internet-based trade union section to help denounce this situation"⁷⁴. It is a website integrated into the UGT union and whose operation and structure depend directly on the Confederation (the highest governing body within UGT). In that same presentation the Confederal Secretary, Isabel Araque, explained the singularities of the trade union platform, which she defined as *"a digital**

⁷³ There is no official statistical data regarding the number of platform workers in Spain. According to the COLLEEM Survey (2018), Spain had the highest volume of people working through digital platforms in Europe. The study estimates that 2.6% of the working population working through platforms as their main activity, a percentage that rises to 18 when including digital platform workers who do so sporadically. In absolute numbers this would represent between half a million to four million workers.

⁷⁴ <https://www.fesmcutg.org/2017/09/12/tu-respuesta-sindical-ya-la-respuesta-a-las-demandas-de-los-trabajadores-de-las-plataformas-digitales-id-8866/> Retrieved on November, 20, 2020.

labour support for workers who develop their employment on digital platforms"⁷⁵. The idea was to mirror the instruments that these workers use as a basic working tool.

b. Sector and territorial scope:

Its development is directly linked to the visibility gained by riders through their own self-organization, which serves to raise consciousness on the part of the trade union of their lack of information regarding the reality faced not only by riders, but, more generally, the reality faced by all type of workers on digital platforms. It is therefore a tool designed to assist but also gather information from digital platform workers from all productive sectors: *the platform constitutes the first virtual union section of UGT, and has the same goals as the other traditional sections of the union. In view of its crosscutting nature, it cooperates with all the federations affiliated with the union* (Hermoso, 2019: 12).

As far as its territorial scope, it has been designed as a nation-wide strategy; however, the street work that has been carried out by union representatives has mostly centred in the Madrid region.

c. Promoters:

As mentioned earlier, the Unión General de Trabajadores is one of the two majority trade unions in Spain, and, as such a social dialogue partner. UGT defines itself and its aim as *"essentially a workers' institution, formed by related groups of trades and liberal professions, who, in order to maintain in strong connection, respect the broadest freedom of thought and tactics of its members, provided that they pursue the transformation of society, so as to base it on social justice, equality and solidarity"*⁷⁶. According to the information provided on their transparency page, in 2018 UGT had 941.485 affiliated members.⁷⁷

It has two different structures designed to be complementary: sectoral and territorial. The confederation is composed of three federations: *Federación de Empleadas y Empleados de los Servicios Públicos de UGT* (FeSP-UGT) (the UGT Federation of Public Service Employees), *Federación Estatal de Servicios, Movilidad y Consumo de UGT* (FeSMC-UGT) (the State Federation of Services, Mobility and Commerce of the UGT), and *Federación de Industria, Construcción y Agro de la Unión General de Trabajadores* (FICA-UGT) (the UGT Federation of Industry, Construction and Agriculture). These federations group members according to their occupational sectors.

In parallel, the unions form the structure used to organise in the territories. This structure is adapted to the territorial organisation of the State in Autonomous

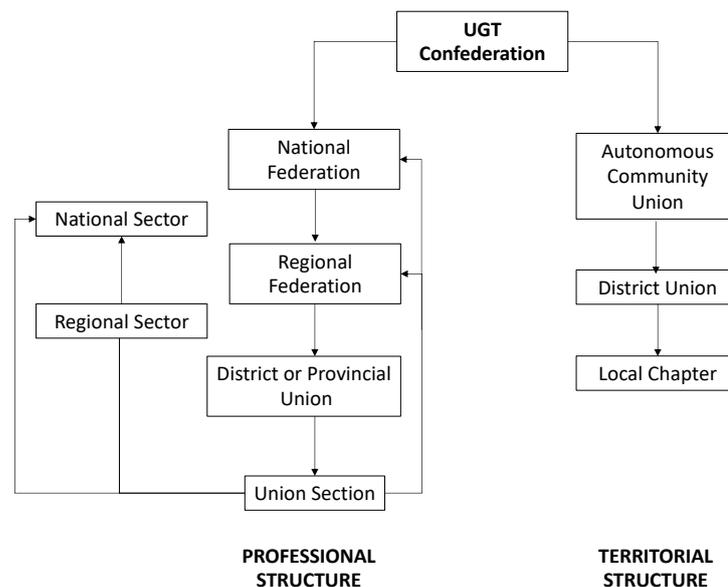
⁷⁵ Ibid.

⁷⁶ <http://www.fideus.com/sindicals%20-%20ugt%20-espanya-.htm> Retrieved on January, 10, 2021.

⁷⁷ Retrieved from <https://www.ugt.es/porta1-de-transparencia/C%C3%B3mo%20Somos#1> on November, 20, 2020.

Communities. According to the information provided on their webpage: “the structures have wide margins of autonomy in their management, and are governed by rules that guarantee internal democracy: they are assigned specific areas of action; they choose governing bodies of direction, management and control that are periodically renewed, as well as statutes and resolutions that organize their activity and that are approved at the congresses. The Confederation is the convergence of the two structures and sets the main lines of action and management of the UGT”⁷⁸.

UGT’s ORGANIZATIONAL STRUCTURE⁷⁹



As noted, the initiative we are analysing, TRS depends directly from the confederation, which, as we can observe, is UGT’s highest governing body bearing witness to the importance UGT assign to this initiative. TRS does have the support of other trade union departments. It works in very close collaboration with the Secretary of Trade Union Policy, a member of UGT’s Executive Committee, as well as the assistance of other union departments.

The goal of this case study is not to broach UGT’s broader strategies regarding slash workers on digital platforms; however, we do consider pertinent to outline them in this section which deals with the organization that promotes the TRS initiative. Undoubtedly, UGT’s stance is that the digital economy presents a great deal of opportunities for growth but also challenges and certain threats that need to be managed. In particular, they sustain that the conception of work that digital platforms imply carries important economic and social consequences for the individuals and also for

⁷⁸ <https://www.ugt.es/portal-de-transparencia/C%C3%B3mo%20Somos#1> Retrieved on November, 20, 2020.

⁷⁹ Ibid.

society. For platform workers, it entails a loss of warranties and legal rights in terms of wages, rest periods, holidays, occupational health, etc. But it also has more profound, and often not considered consequences: *“from the redistributive point of view, both in terms of primary distribution, by paying less to workers, and in secondary distribution, by losing net income to the public sector, especially through lower contributions. Also, in terms of household disposable income, by shifting the burden of social contributions to households. Finally, it raises questions about its final tax contribution via corporate income tax. All this is justified by technological innovation, flexibility and the need to open up society to new horizons (UGT, 2019a:5)”*. As a class union, UGT rejects the questioning of labour as a mechanism for centrality and the distribution of wealth, that, although predating the emergence of digital platforms, seems to be heightened by this new business model. It aspires to become a social reference when dealing with digital transformation and new technologies, so that the opportunities the former present *may be harnessed in a spirit of equity and social justice, and lead to a better future for all (UGT, 2019a:10)*.

Analysing UGT’s actions towards these platforms, we see reflected the areas of intervention defined by Rocha (2018:84) in his comparative analysis of trade union action regarding work in digital platforms: *“... (a) controlling the observance of labour standards; (b) legal regulation; (c) the organisation of workers; and (d) the dynamics of labour relations”*. These areas of intervention are of a complementary nature.

In its report on digital delivery platforms, UGT (2019a:5) upholds that platforms do not present a new business model but instead the: *“technological innovation is used in the field of work provision as an excuse to camouflage labour relations by passing them off as commercial. And also, to justify the demands for the application of self-employment as a solution linked to “modernity”, thus destroying both individual and collective labour rights*. In accordance to this, much of the trade union’s efforts have geared towards controlling the observance of legal standards given the systematic failure of digital platforms to comply with labour, social security and tax regulations, amongst others. In accordance to this, their basic stance is that workers on digital platforms are not entrepreneurs or self-employed, but must be recognised as dependent workers and the respective sectoral collective agreement applied. Thus, UGT has encouraged and filed complaints before the Labour and Social Security Inspection and offered support and legal assistance for individual and collective claims presented by workers in social courts with mostly positive results. Among these, we must highlight the most important one, promoted by UGT and other trade union organizations: Ruling 805/2020 of the Social Chamber of the Supreme Court, for the unification of doctrine, of 25 September, which establishes “the labour nature” of the relationship between Glovo and its riders. This sentence required that Glovo regularise and register 11,013 workers who were

working as false self-employed. The company will have to pay more than 16 million euros for the non-payment of social security contributions.⁸⁰

In unity with CCOO, both trade unions strongly oppose the establishment of any type of regulatory segregation of the labour market that would imply the approval of an ad-hoc labour corpus for digital platforms⁸¹. However, they strongly demanded and endorse the initiation of the Social Dialogue Table for the regulation of digital platforms⁸², which began negotiations on October, 2020 at the call of the Ministry of Labour and Social⁸³. The majority unions uphold that there is an undeniable need to regulate the economic activity carried out by digital platforms, as the European Union has already undertaken. *“The regulation of a large number of areas (civil rights, market unity, competition rules, consumer protection, copyright, transparency, use of personal data, etc.) needs to ensure that the progressive development of the digital economy is secure, orderly, fair, balanced and inclusive.”*⁸⁴

Their comments and contributions to the text proposed by the Ministry are geared towards strengthening labour relations and to safeguard workers’ rights. Furthermore, they call for the creation of a public registry of platforms. The purpose behind this mandatory registry is not a mere listing of active digital platforms: *“...and we also want it to reflect what your way of working is like, and how you are going to implement the working model on the platform, because what we want to avoid is for there to be another huge quantity of false self-employed workers, not only will you have to specify what your way of working is like, but you will also have to explain your activity and the register will inform you of the bargaining agreement that applies”* (I5). Both trade unions also demand that the algorithms the platforms use also be registered. In their report, “UGT and digitalization: three years of union action”, UGT states that: *“the increasingly intense use of algorithms in companies, for matters intimately linked to the working conditions of their workers, such as promotions, recruitment and selection, salary determination, and even disciplinary and sanctioning processes, must comply with each and every one of the legal precepts in defence of the interests and rights of workers”* (UGT, 2019b:93). Although the use of algorithms is an increasing practice in

⁸⁰ https://www.economiadigital.es/economia/trabajo-da-de-alta-a-18-000-riders-de-glovo-deliveroo-amazon-y-uber-eats_20105725_102.html . Retrieved on January 10, 2021.

⁸¹ <https://www.ugt.es/las-plataformas-digitales-deben-adaptarse-la-legislacion-laboral> . Retrieved on January 10, 2021.

⁸² Led by the Ministry of Labour, in addition to the trade unions CCOO and UGT, the employers' organisations CCOO, CEOE and CEPYME participate in this social dialogue table. The employers' organisation of digital companies, @digital, does not, as it is not a social dialogue partner. There is some conflict between the platform lobby and the CEOE and CEPYME: while the former seeks a regulation for them alone and tailored to suit their needs, the latter consider digital platforms to be, on occasion, a disloyal form of competition.

⁸³ According to a press release published on January 13, 2021 *“the Social Dialogue table initiated in our country to resolve the situation of workers on digital platforms is still, unfortunately, at an impasse that we cannot understand”*. <https://www.ugt.es/ugt-reclama-impulsar-la-mesa-de-dialogo-social-sobre-plataformas-para-abordar-todas-las-que-usan-de>

⁸⁴ <https://www.ugt.es/las-plataformas-digitales-deben-adaptarse-la-legislacion-laboral> Retrieved on January 10, 2021.

human resource management and does not exclusively apply to platform workers, it is determinant in the case of digital platforms. The publishing and even negotiating of these algorithms guarantee for UGT that workers and their representatives may verify and ascertain that the algorithms are fair, reliable and transparent. In this regard, UGT also demands the elaboration of a Collective Bargaining map that can address possible modifications to sectoral agreements. The proposal to create a registry of digital platforms to avoid fraud was accepted by the Ministry and incorporated into the text.

In their quest to strengthen industrial relations, UGT and CCOO have also called for the founding of a tripartite observatory of platforms as a space for tripartite social dialogue. As with the preceding proposal, the Ministry has accepted and incorporated it in to the text law, stipulating that the data obtained from the registry of platforms must be made available to the observatory on a monthly basis. Furthermore, a ministerial order shall determine the composition, the procedure for appointing its members and also the rules governing its functioning⁸⁵.

Finally, UGT in its efforts to organise these growing numbers of workers identified the need to develop tools that would compensate for the lack of a physical work centre. So, it created TRS, the object of our case study, to bring workers closer to the union so that they could denounce their precarious conditions, receive advice and establish communication with the trade union that could eventually lead to their being organized collectively.

d. Funding:

We have obtained no information regarding the funding of the TRS initiative on the part of UGT.

e. Size:

If we focus exclusively on the TRS initiative, it may seem to be of limited size; however, we must remember that it is supported by the entire UGT apparatus, which gives it a scope and capacity far beyond its strictly defined size.

TRS started out with two full time employees dedicated exclusively to developing it, one of them is an ex-rider whose work centres on workers from the platform Deliveroo: *However, ...then we have people who solve our doubts and so on, who are part of the union structure. Then we have part of the legal department dedicated only to platform issues, we have experts for specific consultations on collective agreements and everything else...* (I5) In all, there are currently ten persons working on this initiative in Madrid.

f. Aims:

⁸⁵ <https://elderecho.com/el-gobierno-acepta-la-propuesta-sindical-de-crear-un-registro-publico-de-plataformas-digitales> Retrieved on January, 12, 2021

Its main goal is to become a channel for the union to contact and try to organize workers who are, otherwise, difficult to identify and reach. *We say that it is the first virtual trade union section*⁸⁶ *because they go in there, ask a series of questions as if they were in their work centre and we solve their doubts within 24 hours* (I5). Its main line of action is to respond to and provide legal advice on queries submitted by workers who are active on digital platforms: *the TRS working method consists both in answering and following up on requests and trying to provide guidance to workers in finding solutions to their problems* (Unión General de Trabajadores, 2019:78).

One of the main challenges unions have had to face is the lack of knowledge they had regarding the reality of working conditions of these invisible workers. In this regard, TRS is designed to be a two-way communication channel: on the one hand it allows for workers to communicate with the trade union, on the other, it allows the union to gather information on platform workers. Thus, the webpage also contains a questionnaire for workers to respond anonymously: *“So, we have the questionnaire as a tool that we always use so that first they reflect on how much money they make and then also for us to have first-hand information on what their real situation is...”* (I5). The questionnaire⁸⁷ requests information on the following issues:

- The specific digital platforms where they carry out their activity.
- The working status under which they work: specifically, whether or not they are registered as a self-employed person and the account in the application is theirs, or they rent the account from another person, or they work as an employee in a “fleet”⁸⁸ or, finally, whether they are part of a fleet but have no contract.
- The length of time they have been working or have worked for a digital platform.

⁸⁶ Although touted by UGT to be the first online union section, in practice, the initiative TRS cannot possibly be considered a full union section. In Spain, trade union representation in companies is essentially conducted through trade union sections, which are in turn represented by shop stewards. The trade union sections are composed of all the company's workers who are members of a particular union. There can be as many union sections as there are unions in the company, independently of the number of workers who are members of each union. As stipulated in Article 8.1 of the Organic Law 11/1985, of 2 August on Trade Union Freedom, a Union Chapter/Section is a body that represents only the members of a particular union, and only workers who are members of that union participate in that union section. In certain situations, the trade union sections of the most representative trade unions in the Work Councils may be given the same functions as the Works Council. We must highlight among these the ability to participate in collective bargaining at the company level or below, under the terms established by the Workers' Statute (Art. 87.1). Article 87.1 of the Workers' Statute includes the right of unitary representation to negotiate company or lower-level collective agreements. However, the intervention in the negotiation will be the responsibility of the trade union sections when they so agree, as long as they comprise the majority of the members of the works council or among the personnel delegates. In other words, the trade union sections are given priority over the unitary representation of the company.

⁸⁷ <https://docs.google.com/forms/d/e/1FAIpQLSd6PLWcHqOpydc7kJGzD3ktI5d0fl7cBfeGdm-M6E-PiGKSNg/viewform>

⁸⁸ An outsourcing system applied in platforms by which they resort to temporary work agencies, such as JobAndTalent, a digital temp agency widely used by Uber and Cabify for personnel management, or others like Mission Box, QuéPidoHoy and SevenPack, which were exclusively created to provide services to the giants of the sector that operate with outsourcing: Uber Eats and Just Eat. The aim of this outsourcing is to grow exponentially and complement the work of those workers who are self-employed (Unión General de Trabajadores, 2020).

- Monthly income without expenses deducted. Whether or not they had calculated what it costs them to work. The approximate amount spent on taxes, mobile phone costs, bicycle, motorbike, etc.
- Their current situation regarding the platform.
- The number of hours worked per week on one or more platforms and the number of hours they would like to work, as well as their ability (or lack thereof) to choose the hours worked.
- Whether or not they had been self-employed before starting their activity on a digital platform.
- If they had to pay in order to start their activity on the platform: deposits, insurance payments, taxes, etc.
- If they have ever had any accidents while working for a platform, the number of accidents, from falls to being run over or other serious accidents. Whether they had been able to stop working due to illness or after an accident and whether the company had assumed costs associated to accidents or illnesses.
- If the platform had provided training on safety measures.
- Whether or not they had ever experienced any form of sanctions, penalties or disconnection from the platform.
- The use of an agency to processes documentation and how they had freely chosen the agency or, on the contrary, the platform had indicated that certain agency.
- Whether or not they had been referred to the platform by a friend or family member, ads on Facebook, Youtube or other social networks, or by some digital temporary work agency such as Jobtoday, Cornerjob, infojobs, etc.
- In the case of foreigners, the length of time they have lived in Spain, their administrative status regarding work and living permits and the time after arrival before they started working on a platform?
- Classification questions: sex, age, nationality and city where they work.

3. Characteristics of the workers associated to TRS.

The information gathered by TRS centres, as do their organizing efforts, almost exclusively, on delivery platform workers, little if anything is known about workers' profiles in other productive sectors.

Not losing sight of the SWIRL project in which this case study is framed, we must first ascertain the slash worker status of digital platform workers. Although not necessarily all platform workers are slash workers, the condition imposed by digital platforms result that, in practice, most digital workers do not derive all of their income or even most of their income from platform work or from work on any one single platform. The information gathered by TRS reveals that, in Spain, around 40% of workers on the main platforms have a traditional main job outside the platform (UGT, 2019a). In the case of digital delivery platform workers, most of them work on three main platforms simultaneously: Glovo, Deliveroo and Uber, although many of them are now turning to Amazon Flex (I5). This would not make them slash workers, as it does not entail work in different productive sectors, but we consider important to highlight it as it derives

directly from the way platforms conceive and organize work in a very fragmented manner as a strategy: *“digital platforms offer thousands of people the possibility of increasing and supplementing their income through flexible economic activity, which matches the preferences and needs of service providers... This profile is common among self-employed workers, as the service provided with the platforms is carried out without any kind of exclusivity, and the distributors can combine it with other professional activities”* (Adigital, 2019:7). Work is exchanged for economic activity of a complementary or sporadic nature: *“Amazon in its advertising campaign when looking for workers (...)they tell us that this has to be a second activity, that this is a... a complementary job to the one you have, a little extra money. So, if the company itself says so, it is that (...) this should not be our main activity, at least in the mid-term* (I2).

This poses an added difficulty for trade unions to organize and mobilize these workers, as they themselves may not consider the activity they do as really work (as could be the case with youtubers) or this conception of it being of a sporadic or complimentary nature deters efforts towards organizing to demand better working conditions. However, for many platform workers it is the fragility derived from the conditions digital platforms set or the sanctions they may experience that impedes any type of collective organization: *“because people who work on this mostly out of necessity, because it is their source of income and it is what helps them to have their own business... because there are many people who are like this, they have their own business and so the way for them not to have losses, because that business is not profitable enough, is to work these hours with Amazon or Glovo. I know quite a few people with that profile. So, with that profile it is logical that they do not want to risk making any more noise than they should”* (I2).

In regards to the number of workers active on delivery platforms, Adigital stated in its annual report "The economic contribution of delivery platforms in Spain" that, in 2018, there were 14,337 workers (collaborators in their terms) (UGT, 2019a). In the 2020 report, Adigital sustained that the number had risen to 29.300 associated delivery platform profiles.⁸⁹ This doubling of the numbers in a two-year period responds, first of all, to the business model, which requires a vast number of workers who accept the conditions imposed by an on-demand economy: a huge volume of couriers who are available at all times (UGT, 2019a). Secondly, to the strategy of making a veiled threat in light of the judicial and regulatory actions: *“the last study that Adigital has done said that there were 30,000 workers, almost, 29,000 or 28,000 delivery workers in Spain, as if to say: listen, there are 28,000 of them, and the day they declare them to be employees I won't need even half of them, I'll need a lot less, they aren't in unemployment registers, so you' ll see what you do. And that is the great trap they propose* (I5). Thirdly, it responds to the strategy of having workers compete amongst each other: *“because we are also aware that the activity of Glovo and Deliveroo, being*

⁸⁹ <https://www.adigital.org/plataformas-digitales-delivery-708-millones-euros-pib-espanol/>

profitable, only needs 25% of the riders, 75% are there to compete” (I5); “the application forces us to compete with each other” (I3).

In relation to their income, a survey⁹⁰ carried out by UGT amongst workers of the four largest delivery platforms (Deliveroo, Glovo, Uber Eats y Stuart Foods) estimated that the median monthly gross income would be in the range of 750 to 1000 euros (UGT, 2019a). Whereas in the survey carried out by Adigital (2020), the medium income rises to 332 euros per week or 1.328 euros per month, representing a considerable discrepancy. Accurately determining the income is a problematic issue even for the workers: *“so, uh... um... what made me very doubtful was exactly how much they earned because they didn't know how to calculate the money they earned. So, I would end up talking to them and showing them, or explaining to them, that they didn't earn that much money because they had to subtract the cost of petrol or the cost of maintaining the vehicle, their own maintenance, everything else” (I5)*

According to the results of the survey promoted by Adigital (2020), 87% of the delivery platform workers are men, whereas they only represent 54% of the total occupied persons. This survey also reveals that more than 40% are between 29 and 39 years old. We have no data from TRS to contrast this.

In relation to their nationality, both sources affirm that the profile is predominantly a migrant worker, with Spanish born workers representing only 28% of the workforce on digital platforms, Latin-Americans representing 64%, and the remaining 8% migrants from other countries. According to both TRS and the survey carried out by Adigital, the education level of these migrant workers is, at least, comparable to that of the Spanish population if not higher. Many of these migrant workers are in a sort of administrative limbo, waiting to have their life and work permits approved, and so they have to resort to the most precarious of practices within this already precarious form of working: the subletting of accounts from established or regular riders. Digital delivery platforms are well aware of this phenomenon, as they can control that a single account is duplicated in two or more mobile phones and operative for up to 16 hours. (I5). According to TRS, this is a growing practice with between 50-70% of accounts being shared or sublet.

In their perspective, immigrants are particularly desired as workers, with platforms carrying out publicity campaigns in their countries of origin⁹¹: *“we work all day, from sunrise to sunset and only reach 40 euros without the discount, which with the discount would be approximately 36 euros. So, most people are looking to get out of this. What happens is that most of the people who work at Uber and Glovo are people who don't even have papers yet, most of them, as I know, because 70% don't have papers, so that's*

⁹⁰ In their report, they state that: “the scarcity of responses obtained does not permit us to consider the figures to be statistically representative, but they do provide plausibility to the hypotheses” (UGT, 2019a:16).

⁹¹ These often resort to using fellow nationals to explain benefits and how to sign up. We can find an example in this Venezuelan youtuber: <https://www.youtube.com/watch?v=n2oINtPgrCY>

the only option they have to work, there's no other option (I5). This, again, presents a serious obstacle for TRS when trying to organize workers: "in addition to the dominant position, there is the situation of dependency of those who need to work to live, but also to maintain a regular administrative situation in Spain. In the case of irregular immigrants, who access by way of subletting licences usually from fellow nationals, the fear of expulsion or of being denounced if they dare to raise their voice. And for all of them, while they have temporary authorisations or are in an irregular situation, there is less union membership, either because of the circumstances in the country of origin⁹² or, again, because of the fear that this will be frowned upon by the employer" (UGT, 2019a:57).

4. TRS' collective resistances: actions and outcomes.

Up until August 2019, a total of 1867 enquiries had been answered⁹³ through the TRS webpage (Hermoso, 2019: 12). Although we have no on information on the digital platforms they concern, *"questions from workers on digital delivery platforms began to become widespread. They mainly concerned redundancy issues and issues concerning the constant evaluation system (either "metric" in Deliveroo or "excellence" in Glovo) or questions related to the allocation of working hours. Later, there was a large increase in consultations also due to problems with the Treasury or Social Security (UGT, 2019b:76). Their work is not limited to answering such queries, but also to follow up on requests from workers, which allows them to establish contact with these workers in hopes of, ultimately being able to organise them.*

Regarding the questionnaire, the rate of response has been low; even though, periodically, they send the link via WhatsApp or move it through union webpages. They have not made public any reports with the information gathered because they believe it isn't representative.

Moving trade union action from the traditional channels to the digital environment and economy has proved to be, to a certain extent, a process of trial and error. In addition to the webpage, they initially created a Facebook group and a Twitter account. However, neither of those initiatives remain active to this day.

On the other hand, the use of instant messaging apps, especially WhatsApp, has yielded very different results for TRS. They have found a very effective communication channel through this app: *"well look, there was an experience of a colleague of ours, RUGE, which is the youth association, Ugetist Revolution, who from the WhatsApp created a working group to address queries regarding the modification the state of alarm law and everything else, it was amazing, the amount of contacts and information we got through ... more than 20,000 queries through WhatsApp in fifteen days, there were seven of us*

⁹² They are referring to added difficulties in organising Venezuelan workers who, fleeing the Chavez regime, *"want nothing to do with socialist trade unionists" (I5).*

⁹³ Although we have requested updated information on this matter, we have not received it as of yet.

working on consultations....” (I5) This application has also led them to the creation of specific stable groups (with riders) of up to three hundred members (for example, the group for Madrid Glovo workers). TRS uses these groups not only to receive queries but to disseminate information and even to mobilize workers in calls for strike: “...it’s the tool we use the most, uh, much more than Internet or mail, which also works for us and so on, but the majority of queries come through WhatsApp /.../ we run information through WhatsApp, I no longer carry photocopied sheets anymore, a photo and a WhatsApp and that moves very quickly” (I5). Through this channel they have effectively mobilized workers’ protests and gained recognition. However, this channel of communication has occasionally proved to be a double-edged sword for TRS, as they have experienced that, frequently, there are persons infiltrated in these groups whose mission is to inform the platforms of these union initiatives.

Although they express having a certain degree of success through the TRS webpage, in particular with regards to the gathering of information, and the groups described above, they soon realized that their digital activism had to be complemented and further strengthened with traditional trade union street work. *That was the idea, what happened is that we realised that the job could not be just to wait for the questions to come in, that we had to approach people and that we had to go to the locations, find out how they worked, go to those places where we had to learn first-hand about these new ways of organising work.* (I5) This entails, however, that, once again, most of their efforts concentrate on digital platform workers who offer offline services and have a comparative high degree of visibility: transport and delivery platform workers.

This notwithstanding, the queries and information gathered through the questionnaire has made them turn their attention and organizing efforts to workers on other platforms. Although their research has identified many others⁹⁴ TRS has now expanded their efforts towards the following: Wayook or Clintu, dedicated to cleaning houses or offices, who also have to register as self-employed; workers from Airbnb or Booking; carers of elderly people registered in the Special Regime of Domestic Employees, who carry out their work through applications such as Cuideo or Wayalia; workers from the electric scooter companies (Lime, Wind, Goflash) (Díez Prat, F. & Ranz Martín, R., 2020) and even Youtubers and what is referred to as *fintech*, digital platforms for financing systems, where they have found that there are also false self-employed workers.

The knowledge gained through their work with delivery platform workers and the information gathered through their web page made TRS recognize that whether the work is online or offline, directly monetized or hidden under supposedly collaborative economy schemes: “*there were a number of very specific conflicts that were repeated from the digital delivery platforms, for example, the sanction system, being blocked, being given a (...) and in the end your account being blocked. We understood that in the*

⁹⁴ A more complete listing of digital platforms divided by productive activities can be found in: UGT (2019a). El trabajo en las plataformas digitales de reparto. ESTUDIOS, nº 1. – September, 6, 2019.

end this could not only affect your working relation if this was your way of supporting yourself. But then, the issue of monetization has become more and more complex. It is the platform itself that sets the conditions, that is a fundamental element, the one that establishes that they keep 45% and 55% is for you, it tells you which ads you can put, the value of the ads. And then we saw that there was also a world around YouTube that was very similar to that of Airbnb, that there were companies that used the YouTube tool to make money. So, we saw that there were new forms of work, but that they were very much related to an atypical form of income and that this income was not regulated, in fact the income is not declared, everything is like too much... (I5) They are, however, finding that these atypical jobs with a high degree of turn-over, and where contingency is very high these sectors are also difficult for us to enter, but we are taking action (I5).

Perhaps, one of its greatest achievements has been to successfully establish union sections in Glovo and Deliveroo. Neither has been officially recognised yet, as they were waiting for a final ruling on the labour relationship, which in the case of Glovo has already been handed down by the Supreme Court. In the case of Glovo, they have affiliated 24 workers, which may seem like a limited-sized victory *but for us it's already a lot [laughs] after all that it has cost us (I5).*

The court rulings, specially this last one, represent the most substantial advancement in the protection of digital platform workers and assures them the protection of social and collective rights. However, the feeling is that, somehow, digital platforms are always one step ahead. Now that the dependant labour relationship has been firmly established, they have resorted to the use of outsourcing and fleets to circumvent the change jurisprudence establishes. Likewise, they have also identified that platforms, like Deliveroo has offshored its artificial intelligence centre from Madrid to Romania, and from there it is organising work in Spain, in France, in Italy (I5). *It is coming to an end, the system of false self-employed is going to collapse in that sense. So, now they are already designing the next trap. The previous trap has worked, they have entered a market and taken over a gigantic market share thanks to having an army of undocumented and precarious people on the street that allowed them to place their orders cheaply and quickly. Now, when the courts are reacting and the State and Social Security are reacting and correcting that, they are already designing the next trap which is to apply another collective agreement, to make companies out of intermediary fleets, to outsource, or I don't know, the next trap. (I3)*

5. Relations with other industrial relations' actors.

UGT is a founding member of the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC), formerly the International Confederation of Free Trade Unions (ICFTU). Furthermore, it is a member of the European and Global Executive Committees of both trade union confederations⁹⁵. It maintains a line of unity of action with the other majority trade union Comisiones

⁹⁵ <https://www.ugt.es/que-es-ugt> Retrieved on January, 10, 2021.

Obreras (CCOO), *“combining action and negotiation and always seeking consensus, agreements. This has been one of the objectives of trade union action over the last thirty years”*.⁹⁶

In the case of TRS, relations with other actors are almost exclusively maintained with Riders X Derechos (Riders for Rights), an initiative of self-organization of delivery platform workers that defines itself as: *“a nationwide association that fights for the labour rights and decent living conditions of home-delivery workers, as well as the future of the working class as a whole, alerting and battling the dangers of the “flexibilization” or “uberisation” of labour”*⁹⁷. This association arose from the very first labour conflict the digital delivery platforms in 2017 in Barcelona and then expanded rapidly to other Spanish cities. Although they have limited capacity for collective action, they have managed to publicly expose riders' poor working conditions and have thus contributed to undermining the public reputation of companies in the sector, attracting also the attention of trade unions to this cause. TRS maintains close connections to this association in order to *“coordinate legal proceedings because we try to carry out the same joint strategy in the court-appointed proceedings, we warn each other... So, with Riders we talk fundamentally for coordination, well, we talk about everything, but fundamentally for that.”* (I5).

Although, in certain instances, given that RidersxDerechos is a self-organization initiative gives them the advantage of being closer to workers in the sector but the handicap of lacking traditional union power resources: *“well, I see them as very complementary, I don't see any contradiction between them... So that gives, above all, information and allows you to understand what is happening beyond the personal level. What happens is that it's what you say, it doesn't have the economic, organisational and such power that a traditional, class, majority union has, but that is what the UGT provides. The problem is that, of course, it is very difficult for the UGT to access a working system as dispersed as that of the riders, which is so street-based. That's why I think they combine very well, the people from Riders X Rights, almost all of us, collaborate with a big union... for example, in Catalonia they collaborate a lot with (...), in the Basque Country with LAB, here in Madrid we work with UGT* (I3). TRS itself is conscious that, as part of UGT: *“the big difference between these associations and traditional trade union centres is that we can hold out over time and we have the tools and infrastructure to make thousands of demands and legal changes”* (Pascual Cortés, 2019).

In relation to other delivery workers associations like Asoriders in Madrid or the Autonomous Association of Riders in Barcelona they do not maintain any sort of relation as TRS considers them to be yellow unions: *“these people defend self-employment, we know each other, we know who they are, they know us [laughs], but no... they are the favourites of the companies, these associations have been created by the company itself”*(I5).

⁹⁶ Ibid.

⁹⁷ <https://www.ridersxderechos.org/> Retrieved on January, 13, 2021.

6. Future expectations / actions.

Regarding TRS initiative, the trade union states: *“It is an evolving tool. Through its operation, the need for additional content has been detected and also the possibility of it acting as a bridge to other areas of trade union action not only limited to the platforms”* (Unión General de Trabajadores, 2019:78).

In relation to its structure, as we mentioned earlier there are currently around ten persons working on it. They are conscious of the limitations their current structure presents: *“... you have to have more people working. We can think of many different possibilities, but the structure we have is what we have”* (I5). In accordance to this, future plans include expanding the direct TRS team to five full-time employees and to identify, train and assign one union worker per provincial delegation to work on platform related issues, although not on a full-time basis. This would imply an exponential growth of the initiative and the continuance of the work they are currently developing in organising digital platform workers. Likewise, having succeeded in the forming of two union sections in Glovo and Deliveroo, TRS continues this line of work with the expectation of expanding to other businesses and sectors.

Regarding collective bargaining, and having succeeded in expanding the functional scope of national agreement for the hotel and catering industry, they are currently working on the macro agreement for transporting goods by road, and hope to expand this strategy to other sectors in which digital platforms operate: *but we know that there are other agreements, for example the one on domestic services, which is a nationwide agreement, because we want to put it there because there is one... because there are many people who are working as domestic workers through digital platforms. So, we understand that this is the next line of work that we have to focus on* (I5).

They are also working on modernising digitalizing the tools with which they work: *“we are also working on a collective bargaining tool to use artificial intelligence, obviously, because we have realized that we need digital tools for our delegates too, so that they can access information quickly and easily. For example, you are negotiating an agreement and you need a clause on paid leave for maternity rights, so if you put it in the application you will get the different agreements that use this type of clause. So, doing something like this. We have realized that the union is in a process of digitalization and Covid has accelerated it”* (I5).

7. Conclusions

First of all, we must again highlight that TRS is just one of UGT’s strategies deployed to defend the interests of platform workers, but that effective representation actions are carried out through the traditional trade union structures and actions. The initiative was designed to open up communication channels with these workers, and to that effect it has had a good deal of success in answering their doubts and queries, combining digital

tools with more traditional street work. These communication channels have, in turn, served to mobilize and ultimately begin a process of formally organizing collective representation for some of these workers. Although this process is still in early stages, it represents a great milestone for both the union and the workers.

Throughout these pages, we have repeatedly stressed the fact that most of TRF's efforts have centred on couriers, but the information gathered from this experience has enabled UGT to learn about the reality these workers faced and to effectively assist them leading legal procedures to have them recognized as dependent workers. In much the same way, Social Dialogue Table was initially conceived to negotiate a "Rider Law" that was extended later to cover work in all digital platforms. That is to say, focusing on the most visible and certainly precarious, has opened up actions to counter the entire business model.

Lastly, we consider important to note that, TRF is an initiative that, at present, may be limited in scope, but that it has the whole UGT apparatus behind it and so future plans to expand their operations to other productive sectors may well prove effective in reaching and organizing less visible workers. Lastly, *it would be absurd, that is, if you have the trade union structure, if you have the power of the union which, as we said, is enormous to squander this, for me it seems absurd, to waste it seems to me like going to war with a slingshot because you don't like the gun, it is absurd, you go with a gun, with the best one you can find. In this sense, I believe that the union is by itself a tool (I1).*

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10. Final remarks

- No initiatives have been found that specifically deal or try to answer the needs of protection and representation of contingent or slash workers as a category of workers. Instead, the initiatives try to give response to workers' aspirations or needs but as they pertain to specific sectors of activity or workforce management practices whose nature and characteristics result in contingent or slash work becoming an inherent condition.
- There emerge four distinct types of initiatives: cooperative enterprises, initiatives promoted by traditional trade unions, grassroots initiatives to represent specific groups of workers, and innovative or socially conscious business models.
- There is a general overlapping of motives for the selection of the cases, which are in fact not mutually exclusive: represent innovative experiences in the organization of slash workers, imply the diversification of traditional methods of support, mobilization, advocacy and involvement or, thirdly be significative in terms of extension or intensity of representation actions as far as the number of workers involved. Most cases respond to at least two of the criteria established for selection, and some of them have been chosen because it is deemed that they represent examples of the three.
- Along general lines, the case studies selected responded to initiatives promoted by three types of actors: unions, workers and governmental institutions or a combination of them.
- There seem to emerge two dominant profiles of slash workers represented: on the one hand, six of the initiatives target qualified freelancers, who work either online or offline on projects or independently; on the other hand, we find six cases linked to digital platform workers' initiatives four of them directly with riders who perform offline tasks and require low qualifications and two of them to all platform workers.
- In the cases which center on qualified freelancers, all the initiatives have workers as promoters, and with the exception of "Les sons fédérés" they have formed cooperative enterprises to better their working conditions and access social protection. Four of the six do not carry out lobbying activities.
- The opposite is true of initiatives that specifically target digital platform workers, especially those who offer offline low qualification services: all of the six cases

centre on collective organization, mobilization and representation: two represent grassroots movements founded by riders, two are founded by major trade union confederations and the other two are cooperative enterprises founded by riders.

- Most of the case studies deal with organizations or initiatives that are fairly recent dating from 2017 onwards. The older initiatives respond to cooperative organizations.
- Unions focus on regulating these new realities of work, gathering information, offering legal advice and judicializing situations of false self-employment with the objective of collectively organizing and mobilizing workers within existing collective representation structures.
- Workers' grassroots collectives also pursue these aims but are much more oriented towards assemblies, mobilisations and strikes to give them visibility in the public and political arena.
- Cooperatives seek to defend workers' working conditions by providing an organisational infrastructure to ensure employment and income continuity in case of intermittent work and offering collective services to professional workers who can continue to perform their professional activity individually and autonomously, but minimising the risks connected to individual entrepreneurial activities. However, they do not carry put advocacy at the centre of their strategies. A notable exception to this trend is the cooperatives that arise from collectives of workers.

ANNEX 1. CASE-STUDY CONTENT STRUCTURE

1. Introduction.

Including:

a) Justification of selected case according to the following criteria: innovative experience in terms of organization and engagement of the slash worker community; diversification of the methods of support, mobilization, advocacy and involvement of workers; extension and intensity of the voice and representation actions in terms of the number of workers involved, if limited to a company or within an entire industry context, whether local or national. If a “failed experience” is selected, reconstruct the explanation of such failure, linked to contingent or structural factors, critical elements to be considered for strategies to adopt or avoid in the experiences examined.

b) Brief description of the contingent/ slash-worker (SW) profile the organization represents: online/offline; tasks/projects; qualified/low qualifications, etc.

2. General characteristics of the organization created to represent and support contingent/SW: launch date, sector, territorial scope, promoters, funding, size, aims, demands made to companies (if any).

3. Characteristics of associate workers / members of the selected organization. Requirements to become a member.

4. Organizational and decisional structure of the selected organization.

5. Collective resistances: main actions of mobilization regarding contingent/SW members' needs, outcomes and effects.

6. Relations with other industrial relations' actors such as trade unions, associations and other relevant organizations (role of trade unions- outreaching workers, efforts to organize or self-organize, legal strategies, collective representation, negotiations and conflicts -if applicable). Relations/connections with similar organizations in other territories.

7. Future expectations / actions.

8. Conclusions.

9. Bibliography and other sources (interviews, websites, newspapers articles, etc.).