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Ukrainian refugees also deserve decent work

Proponents of the platform economy are using the plight of Ukrainian refugees to push back against regulation. But all workers deserve decent work

The past few months have seen a wave of solidarity with the refugees fleeing the destruction of Putin's war in Ukraine. While people have been opening their homes and pooling resources to support the victims, digital labour platforms have had a different approach.

Defenders of the platform model of employment have presented it as a solution for host countries to integrate Ukrainian refugees. This is taking place in the context of work towards an EU Directive, which would require companies in the EU that use a platform model of employment to classify their workers as employees (and therefore entitled to social and labour rights). According to the latest argument by opponents, this would stop Ukrainian refugees (and anyone else) from accessing jobs in host countries.

In reality, this is just part of the latest attempt by digital labour platforms to push back against the EU's efforts to end bogus self-employment and protect the European social model. Collective bargaining and social dialogue are the building blocks of shared prosperity that protect our societies from crushing inequality. If employment through platforms means precarious and under-paid work, it cannot be a way forward. An offer based on real solidarity should provide refugees with the security they crave through decent working conditions.

Protecting the European social model

As the EU sets off on the long and winding road towards much needed legislative action, it is worth taking a look at the various interests and arguments attempting to shape its outcome.

The Californian experience shows us what we can expect. Uber, Lyft, and

others plowed $200 million into overturning previous legislation that had returned fundamental rights to working people. In the EU, these companies will now attempt to paint self-employment as the only path to the freedom of flexibility, while legislation, in contrast, as the tyranny of red tape. Throwing vast sums of money at changing the law is part of their business approach.

However, their strategy is only viable if our public policy-making process is open to manipulation by a well-funded, glossy narrative. The EU must show that investing in undermining the European social model is a guaranteed failure. Specifically, this means that it cannot be up to individual workers to prove they are an employee. Therefore, ending the use of bogus self-employment by platform companies through the establishment of a clear presumption of employment status in law will remain the focus for us at UNI Europa.

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Ensuring legal certainty in this way is good for the workers, good for their counterparts working in the traditional model, and even good for the digital platforms themselves. While they highlight the need for more predictability, these companies want as little regulation as possible. This results in a Wild West model of operation for everyone else where nobody is really there to enforce a law. On top of that, they pay the sheriff.

Flexibility is another key point of contention. Flexibility can certainly be positive. However, saying that platforms need to be exempt from the wide range of flexibility already allowed by labour law is simply a lack of flexibility on their part. Platforms should use the law, not search for loopholes. There is a broad consensus that zero hour contracts have been a failure, but the platforms are pushing for something even worse. They are arguing for zero hours, minus the contract. For the worker, it means no predictability of hours but also no predictability of income for the hours worked.

Just as essential is the need to future-proof this legislation. The scope of the directive should cover an entire algorithmic management system. The current limit set in the Commission proposal to fully automated systems again opens loopholes that can be exploited by platform companies, in particular considering the rapidity of technological change.

Forward through collective bargaining

The good news is, we have been here before and there is a solution.

Around the turn of the last century, the temporary agency companies were the major threat to the European social model. These new players were renting out workers to established companies at increasingly large scale. These workers were often facing conditions below the collectively agreed sector standards. This led to a form of social dumping sharing some similarities with today's platform model of employment.

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By working together, policy-makers, unions, and temp agencies have averted the threat. Policy tools were established to lay the ground for social dialogue and collective bargaining. Crucially, it took commitment to dialogue by these new employers and workers' unions to find solutions. As UNI Europa, we now have a well-established social dialogue with temp agency employers at European level that is embedded into national level collective bargaining too.

For this to work, policy-makers must be steadfast in their opposition to attempts to water down the key role of collective bargaining and consultation. These are the building blocks of shared prosperity that protect our societies from crushing inequality.

Time for action

While this model of employment is most associated with the delivery and ride-hailing sectors, it is increasingly being applied by companies across other sectors. Care workers, retail workers, cleaners, and even IT workers are now facing the appearance and growth of Ubers in their sector.

That people working in these jobs are often less visible in our public space does not make substandard application of the platform model any less frequent. For example, Fairwork published a country report on Belgium last month. It rates the quality of work offered by corporations that espouse a platform model of employment.

The corporations with the worst score, even below Deliveroo's 1/10, were home care companies. While the world was clapping for these essential workers, these corporations were busy expanding their model in which workers have no minimum wages, no safety equipment provision,

and no sick pay.

The EU must follow the example of people across the continent. In response to the darkness of the violence unfolding in Ukraine, they are showing the path to peace through acts of solidarity.

Many digital labour platforms have been using legal loopholes and, even more brazenly, disregarding existing law. Furthermore, there is no transparency about how workers are managed. As a worker, it is often difficult to predict how many jobs the algorithm will allocate to you or where they will be located. This puts all the cards in the hands of employers when it comes to shaping opportunities for workers to interact and form the collective bonds that are the lifeblood of trade unionism.

Improving EU legislation

The rise of 'q-commerce', with 'dark stores' opening in cities throughout Europe that promise groceries to be delivered in under 15 minutes are changing the face of the retail sector too. One out of every seven jobs in the EU are in the commerce sector. The platform model of employment can no longer be dismissed as a fringe issue. It must be tackled head on – before it is too late.

We sincerely believe that the innovative use of digital tools can be a positive development. The efficiency gains and the possibilities that they open can be a tool for workers' empowerment and benefit society as a whole. For that to happen, collective bargaining and social dialogue must be built in to these emerging models as a priority.

The EU must follow the example of people across the continent. In response to the darkness of the violence unfolding in Ukraine, they are showing the path to peace through acts of solidarity. Only social justice and decent work can lay the foundations of lasting peace and shared prosperity. While the European Commission's first draft of legislation ticks some important boxes in this regard, it needs an injection of ambition by the Parliament in order to shift the tide and put working people on the front foot.



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