



The Platform Economy and Industrial Relations

Applying the old framework to the new reality

Zachary Kilhoffer, Karolien Lenaerts and Miroslav Beblavý

Abstract

How do platforms such as Uber and Deliveroo – and corresponding new modes of work – mesh with unions and European models of industrial relations? This paper investigates the intersection of the platform economy, industrial relations and social dialogue. It provides strong evidence that workers in the platform economy are organising into new employee associations (unions) and are also being brought into existing employee associations. None of the evidence surveyed indicates that platforms are organising into employer associations or being incorporated into existing employer associations. Anecdotal evidence suggests that actors in the platform economy are beginning to engage in tripartite dialogue. The authors conclude that i) no overarching framework exists for governing or facilitating social dialogue between the parties involved in the platform economy, and ii) even if the existing framework is applied to parties in the platform economy, it offers a poor fit due to differences between platform workers and employees, and platforms and employers.

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Executive Summary

Two primary questions informed this literature review of the platform economy, industrial relations and social dialogue: What is the status of workers in the platform economy? What is the current legal framework for working conditions and industrial relations for platform work? The primary goal is to assess the extent to which the platform economy fits into established industrial relations in Europe; that is, are employees and employers in the platform economy organising themselves for collective representation and discussions. To begin answering these questions, we begin by conceptually exploring industrial relations, social dialogue and the platform economy.

Industrial relations is a means to solve 'labour problems', evolving out of widespread social unrest connected with the massive expansion of factory work and corresponding poor working conditions. Industrial relations consists of i) an academic discipline, ii) problem-solving methodology and iii) a moral stance that emphasises democratic solutions to balancing fair working conditions with profitable business practices. Social dialogue is the means through which industrial relations takes place, namely through information exchange, consultation and negotiation between social partners (employer and employee organisations) and governments. The platform economy is that portion of the economy composed of digital platforms enabling users to share, lend, rent or purchase goods and services. Highly profitable ventures such as Uber and Airbnb are examples of the phenomenon, as are also non-profit 'pure sharing' platforms. The platform economy is found to display several unresolved theoretical and regulatory questions, for which there is a paucity of relevant literature.

There is strong preliminary evidence that workers in the platform economy are organising into new employee associations and are also being brought into existing associations. For example, French Uber drivers created a new union called Syndicat des chauffeurs privés VTC [Union of Passenger Transport Operators], which declared a strike that ultimately led to the first apparent instance of tripartite industrial relations within the platform economy. IG Metall, Europe's largest industrial union, has begun accepting self-employed workers with an explicit emphasis on platform workers. But there is little evidence to indicate that platforms are organising into employer associations or are being incorporated into existing employer associations. Nevertheless, existing businesses are entering into novel forms of cooperation with platforms. But such cooperation does not appear to be aimed at collective representation as found in conventional industrial relations. On the whole, evidence for the platform economy connecting with industrial relations is anecdotal.

Even before new models of employment emerged with the platform economy, the basic concept of industrial relations had become outdated, given its focus on trade unions, whose membership has steadily declined. This literature review points to two possibilities for making industrial relations more relevant again: i) make social dialogue more inclusive and representative by allowing the participation of non-union workers and ii) integrate workers without standard contracts, including those working in the platform economy, into existing structures of employee organisations. The study also suggests topics for future research.

The Platform Economy and Industrial Relations: Applying the old framework to the new reality

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Introduction

The platform economy (also called collaborative economy, sharing economy, gig economy, etc.) is quickly expanding in size and importance, as demonstrated by the rise of huge firms like Uber and Airbnb. Yet it is still poorly understood, particularly in the realm of labour issues. Hundreds of ongoing court cases demonstrate the tension inherent between labour interests, employers and actors within the platform economy. Fundamental questions, such as whether a platform worker can rightfully be classified as an independent contractor, remain unanswered. Accordingly, the platform economy has become a topic of great interest for policy-makers and academics, as well as a topic of contention between social partners.

The platform economy is ill defined and poorly understood, evolving from the notion of 'collaborative consumption' and associated websites and mobile applications. A key function of the platform economy is to empower individuals to transact the exchange of goods, services and money on a micro scale. Using Craigslist or EBay, anybody can 'turn' goods and attempt to make a profit.¹ With Uber or Lyft, anybody can use their own car and charge fares for personal transport. Airbnb has changed the hospitality sector, allowing anyone to rent out a portion of their property whenever it is not in use. Given the potential of the platform economy to supplement or replace traditional employment, platforms have come under intense scrutiny from governments and stakeholders.

One of the most frequently heard questions is whether platform workers are self-employed or not. This distinction is not merely rhetorical, as employment by a firm implies certain rights such as paid holidays, minimum wage, etc. This question has provoked impassioned debates and controversies across North America and Europe, with Uber's business model being cited as a prime example. Representatives for Uber have maintained that its role is simply that of an intermediary, connecting drivers (Uber's 'partners') with customers. Uber drivers and judges have often taken issue with this stance, as some element of subordination is clearly at play. Unlike the self-employed, Uber drivers are unable to negotiate fares or decline less profitable fares. If an Uber driver's rating falls below a certain threshold, their account is suspended and their 'self'-employment is effectively terminated. Moreover, a large and growing number of individuals rely on Uber for the entirety of their income. To what extent, then, is Uber's business model a new form of the employment relationship?

¹ Many authors would contend that platforms for selling or exchanging used goods do not constitute a part of the platform economy. A detailed review of the literature aimed at defining the platform economy follows in section 2.

But this is but one platform and one controversy we explore in this literature review. The overall goal is to better understand how the platform economy fits into traditional conceptions of industrial relations. This means examining the following three questions: i) To what extent are platform workers organising themselves? ii) To what extent are platforms organising themselves? iii) Are organisations for platform workers and platforms engaging in social dialogue? Before answering these questions, however, it is necessary to define and discuss the terms involved.

The remainder of the literature review is composed of three parts. Section 1 addresses the conceptualisation of industrial relations and social dialogue. An historical look at the evolution of industrial relations helps to understand the difficulty of applying the concept to the platform economy, while also hinting at potential solutions.

Section 2 discusses the meaning of platform economy and the characteristics of its work. This entails a rhetorical discussion and summary of evidence in the literature. Three primary questions inform this section: i) What is the size and significance of the platform economy? ii) How many people participate in the platform economy? iii) What are the primary unsolved issues related to the platform economy?

Section 3 attempts to bridge sections 1 and 2, examining how the platform economy intersects with industrial relations and social dialogue. This section relies more heavily on anecdotal evidence, given the dearth of scholarly literature on the topic. A final section summarises the findings of the literature review, proposes a general policy strategy and makes suggestions for further research.

1. Conceptualisation of industrial relations and social dialogue

Subsection 1.1 discusses the emergence of industrial relations, important trends in its development as well as the concepts that have come to define industrial relations in academic and policymaking circles. Subsection 1.2 addresses various conceptions of social dialogue, examines how it fits into industrial relations and summarises certain benefits it can offer. Subsection 1.3 discusses trends in industrial relations and social dialogue with a focus on the European context.

1.1 Industrial relations

Industrial relations has no one single definition

Industrial relations is defined in various ways by various actors, reflecting a diversity of systems in different national contexts. For Kaufmann (2006), industrial relations is part intellectual project (an academic discipline), part applied problem-solving and part moral/ideological commitment.

The European Commission (2014) defines industrial relations as, “collective relationships between workers, employers and their respective representatives, including the tripartite

dimension where public authorities at different levels are involved". As acknowledged by the Treaty on the Functioning of the EU and the Charter of Fundamental Rights, the diversity of national systems shapes the system of industrial relations in the EU, and no single nation's system sets the standard for member states.

Most authors would recognise that industrial relations entails bipartite relations between employer representatives and employee representatives, as well as tripartite relations including employer, employee and government representatives. Some authors additionally recognise a 'tripartite plus' dimension, which includes other stakeholders such as NGOs, outsider interest groups, etc. (Ishikawa, 2003). This broader understanding of industrial relations is detailed in the discussion on social dialogue below.

Industrial relations are rooted in 20th century labour disputes

The term industrial relations first appeared in 1886 with "Relations of the State to Industrial Action", written by Henry Adams (1887), American economist and professor of Political Economy and Finance at the University of Wisconsin. The term only gained public recognition, however, when US President Woodrow Wilson appointed union,

"The most widely accepted approach to the study of industrial relations is one which involves an examination of the phenomena that are usually described as "labour problems". Yoder (1931)

management and public representatives to serve on the Commission on Industrial Relations in 1912 (Kaufman, 2008). The study of industrial relations began in earnest in the United States in the period 1919-20 in the aftermath of the First World War in the context of events such as the Standard Oil Company of New Jersey establishing an industrial relations department to conduct and supervise the management of labour, and the Russel Sage Foundation Library publishing "Industrial Relations: A Selected Bibliography". That report comprised the subject areas of labour management and workforce governance (Kaufman, 2008). In successive decades, academic interest in industrial relations spread, particularly to the United Kingdom.

Industrial relations as an academic and vocational subject area became increasingly important in the context of employer-employee relations, which in the early twentieth century were marred by large-scale violent strikes, high turnover and absenteeism, the growth of militant trade unions and socialist political parties – collectively known as the Labour Problem (Kaufman, 2008).

Proponents of industrial relations (or IR) emphasised it as a middle way between two diametrically-opposed approaches to the Labour Problem. The first was laissez-faire, as promoted by social conservatives and those associated with orthodox economics, and the second included radical schemes such as the workers' co-operative movement, syndicalism and socialism, which aimed to eliminate capitalism and the wage system. Industrial relations established itself as a practical middle ground, and a number of prominent IR academics such as William Leiserson in the US, Thomas Spates in Switzerland and William Lyon Mackenzie King in Canada are best remembered for their positive contribution to labour disputes and their

service on high-level labour policy boards rather than academic activities (Eisner, 1967; Kaufmann, 2006).

Industrial relations strategy falls somewhere between laissez-faire and Marxism

By the end of the 1920s, the middle way strategy in industrial relations sought to create a win-win situation of greater industrial efficiency, social justice and peaceful labour relations. Early participants in labour research and industrial relations were largely middle-class reformers and progressive technocrats who borrowed critical perspective from Marx, but also saw a necessary role for private property, capitalism and industrial management. In light of criticism casting industrial relations as radical, Commons emphasised, "It is not revolution and strikes that we want but collective bargaining on something like an organised equilibrium of equality" (1934 p. 73).

Practitioners envisioned "labour problems" as issues resulting from deficiencies in the employment relationship, while industrial relations constituted the body of theories and methods that could remedy these problems. Already in this period, it was acknowledged that a "one size fits all" approach to labour problems would not work. Variations such as macroeconomic conditions, the labour market situation, the size and nature of firms, the characteristics of employees, the skills and attitudes of management, government law and social norms varied immensely over different times, regions and industries. Aware of such particularities, practitioners sought to systematically assess situations, bring stakeholders together and democratically find solutions acceptable to all parties.

Industrial relations scholars recognise the formal emergence of industrial relations as a discipline in the decade of the 1930s, with the establishment of three Montague Burton chairs in industrial relations in Britain and the mass unionism and labour events coinciding with the New Deal in the United States. The US and UK each had ideological schools of industrial relations, and further subdivisions existed within each country.

In the mid-20th century, industrial relations settled its focus on union issues

Bruce Kaufmann and other prominent IR scholars have argued that industrial relations are in fact composed of two paradigms. The earlier paradigm centres on the employment relationship, including both union and non-union sectors, personnel/human resource management and labour-management relations. This initial conceptualisation of industrial relations fell out of favour by the 1960s and was replaced by a narrower paradigm focused on the union sector and associated topics like collective bargaining, labour-management relations and national labour policy (Kaufman, 2008). This focus on the union sector has largely remained to this day, and modern discussions of industrial relations tend to refer to tripartite discussion of employer associations, employee associations and government representatives (see section 1.3 for further discussion).

Industrial relations scholars largely agree on certain core ideas

The modern paradigm of industrial relations has been discussed and debated by numerous authors of varying nationalities (e.g. Ackers and Wilkinson, 2003b; Adams, 1993; Budd, 2004; Frege, 2007; Godard and Delaney, 2000; Keller, 2005; Kochan, 1998, 2000; Lansbury and Michelson, 2003; Murray et al., 1996; and Strauss and Whitfield, 1998). Industrial relations scholars generally agree on the following core tenants and propositions:

Conflict of interest in the employment relationship

In a simplified model, certain conflicts of interest inherently arise between employees and employers. One obvious example of such tension is that of employees' wages and employers' profits.

The employer's power advantage over the workers

In a non-union free-market situation, the employer has greater power than the employee in both the external labour market and in the internal governance of the firm. This tips the terms of employment (such as wages, discipline and dispute resolution) in favour of the employer.

Labour is not a commodity

Labour is traded in markets, but it is inseparable from the human beings who perform it. On normative grounds, the terms, conditions and treatment of labour carry a higher moral significance than that of commodities, thereby meriting greater social protection and regulation.

Industrial democracy is needed in workforce governance

Workforce governance needs an element of industrial democracy, meaning a mechanism expressing the collective voice of workers, employee representation in rule-making and rule-enforcement, and protected rights and due process in the resolution of disputes.

Pluralism in the employment relationship is the most practical model

Industrial relations is composed of groups inside and outside the firm including employers, employees, the local community and policymakers; such a system is both realistic and desirable. While other models could theoretically be superior, pluralism is the best practical solution.

Focus on unions, collective bargaining and labour-management relations

Collective bargaining leads to a balanced, orderly and democratic system for setting the terms of employment and governance of the workplace.

Ideologically soft on unions and hard on non-union employers

Beyond positivist statements of "what is, industrial relations is also informed by normative values of "what should be". In practice, this results in a more favourable view of unions and employees' interests, with a less favourable view of management and employers' interests. Academics have often viewed non-union employment relations as suspect.

Theoretical roots in union studies and labour institutionalism

Industrial relations is a field borrowing theories and models from several disciplines including economics, sociology and law. The first wave of ground-breaking work on industrial relations, unions and the labour movement came from such authors as Webb (e.g. 1897), Commons (e.g. 1918; 1921) and Perlman (e.g. 1928). The second wave by “labour institutionalists” emerged after the Second World War from authors such as Clegg (e.g. 1972), Dunlop (e.g. 1950), Flanders (e.g. 1965), Fox (e.g. 1966) and Kerr (e.g. 1955).

Industrial relations is social science, a problem-solving mechanism and a moral stance

To summarise this subsection, industrial relations is a broad concept defined by three elements: social science, problem-solving and a moral stance. Industrial relations is an academic discipline built up over the past century, with a great deal of overlap with sociology and economics. Industrial relations academics can be placed in a number of different camps, but discussing each is beyond the scope of this literature review. IR is also a mechanism of problem-solving; it is a method of bringing stakeholders together to find common ground and practical solutions to conflicts arising from the employment relationship. Lastly, IR is a normative stance. Individuals and institutions who discuss industrial relations tend to do so with the understanding that, even absent considerations of practicality, it is morally correct to seek solutions in a democratic, pluralistic fashion. Accordingly, IR theorists and practitioners stress the value (practical and ideological) of trade unions and collective action.

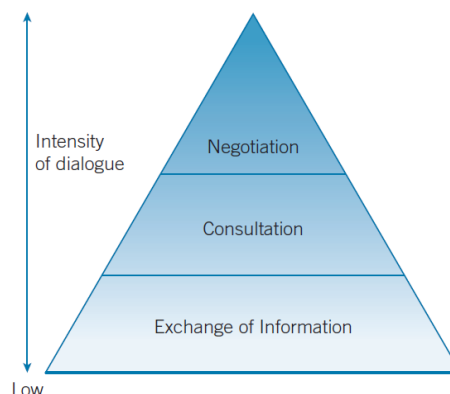
A working definition of industrial relations

This paper adopts the European Commission’s definition of industrial relations: “collective relationships between workers, employers and their respective representatives, including the tripartite dimension where public authorities at different levels are involved” (European Commission, 2014). The majority of IR research in the European context seems to take this definition as a given, so it is most fitting for this paper’s discussion on the relationship between IR, social dialogue and the platform economy.

1.2 Social dialogue, however defined, as a key component of industrial relations

Like industrial relations, social dialogue can also be defined in several different ways. According to the ILO (1999 p. 114), social dialogue consists of “all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy”). The ILO envisages a social dialogue triangle of ascending intensity, with exchange of information being the least intense, consultation being moderately intense and negotiation being the most intense (Ishikawa, 2003).

Figure 1. Social dialogue triangle



Source: Ishikawa (2003).

The European Trade Union Confederation (ETUC, 2010) understands social dialogue similarly to the ILO, defining it as “the process of negotiation by which different actors in society (or ‘social partners’) reach agreement to work together on policies and activities. Social dialogue takes place at the national and sectoral as well as the European level. ‘Bipartite’ social dialogue brings together workers and employers, whereas ‘tripartite’ social dialogue also involves government or EU representatives”.

In defining “social dialogue”, the European Commission (2013) writes:

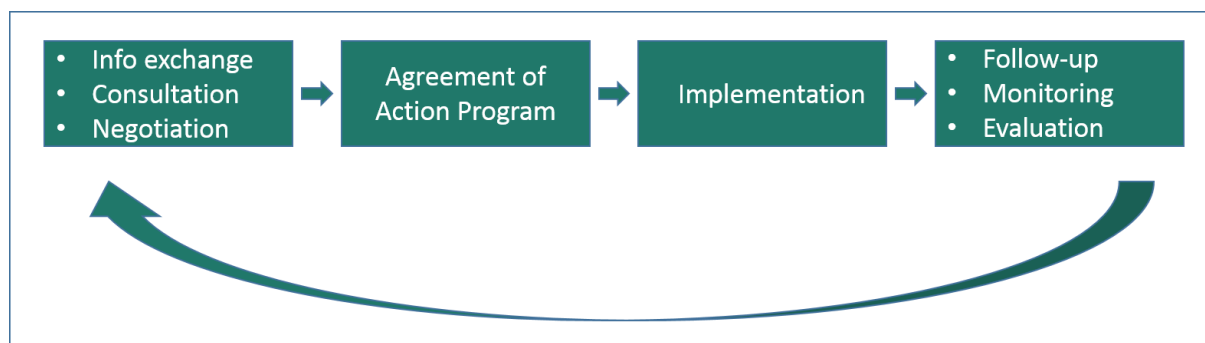
In general, "social dialogue" refers to discussions, consultations, negotiations and joint actions involving organisations representing the two sides of industry (employers and workers). It can take place at all levels (company, sectoral, regional, national, European) and either take the form of a bipartite dialogue between employer and trade union organisations or a tripartite dialogue involving public authorities. At European level, bipartite social dialogue takes place at cross-industry level and within sectoral social dialogue committees, while the Tripartite Social Summit for Growth and Employment (that precedes the March and October European Council meetings) is the main forum for tripartite dialogue.

A narrower definition was suggested by Visser (2001: p. 182), who differentiated social dialogue from collective bargaining. For him, social dialogue “is not the same as bargaining, but provides a setting for more efficient bargaining by helping to separate bargaining over ‘the state of the world’ from bargaining over the division of costs and benefits”. In other words, Visser understands social dialogue as communication intended to reach an understanding, which may lead to collective bargaining. Within collective bargaining, social partners negotiate their positions. The EU’s High Level Group on Industrial Relations (European Commission, 2002) endorsed this definition, precisely defining social dialogue as “a process, in which actors inform each other of their intentions and capacities, elaborate information provided to them, and

clarify and explain their assumptions”). Simply stated, Visser differentiates between social dialogue and negotiation, whereas the ILO, the European Commission and others do not.

Figure 2 below, adapted from the European Commission’s definition of social dialogue as well as the diagram from Ishikawa (2003: p. 21) on the cycle of social dialogue, graphically illustrates how social dialogue might function. The arrow furthest to the left represents the steps of social dialogue identified by Ishikawa (2003).

Figure 2. Cycle of social dialogue



Source: Own elaboration, based on Ishikawa (2003) and European Commission (2003).

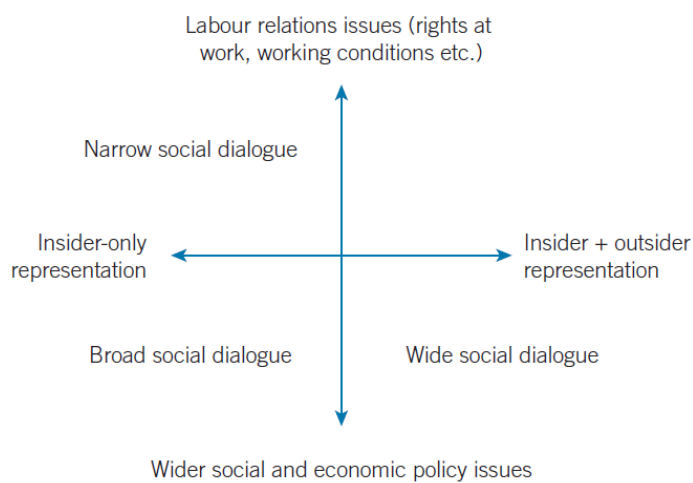
Social dialogue can vary in scope, but addresses socio-economic and labour issues.

A classification devised by Casey and Gold (2000) and Compston (2002) provides a simplified typology of social dialogue. The first category, deemed “narrow” social dialogue, entails either tripartite or bipartite representation discussing labour relations issues. In this context, employers, workers and their representative bodies (known as “insiders”) discuss “insider issues” such as pay, terms, conditions and rights at work, and social security through consultation procedures or collective bargaining (Ishikawa, 2003).

The second category is called “broad” social dialogue, in which tripartite or bipartite representation discuss wider economic and social issues. This form of social dialogue takes place in fora where “insiders” may discuss “outsider” issues. Outsiders could include, for example, the unemployed, pensioners, persons with English as a second language (ESLs) or people with disabilities.

The most encompassing category is “wide” social dialogue, with representation including tripartite plus other relevant interest groups. Topics discussed include wider economic and social issues, and the dialogue takes place in forums where insiders and outsiders discuss socioeconomic issues of mutual concern. Figure 3, taken from Ishikawa (2003), graphically illustrates this typology of social dialogue with the issue coverage on the Y axis and representation on the X axis.

Figure 3. Typology of social dialogue



Source: Ishikawa (2003).

reconstruction of East Germany. Portugal also provides an example of broad social dialogue, covering such issues as economic modernisation, competitiveness and productivity, reformulation of collective bargaining legislation, social security, etc. (Ishikawa, 2003).

Social dialogue, then, is a very broad concept and its meaning varies across both time and region. It can be narrow or broad in scope, both thematically and in terms of participants. Each part of the social dialogue process, being information exchange, consultation, negotiation and joint action, can be bipartite, tripartite, or “tripartite plus”, successively incorporating more representation.

This paper utilises Ishikawa’s (2003) definition of social dialogue.

Social dialogue refers to the communications element of industrial relations, although some definitions highlight or exclude individual aspects such as collective bargaining. Henceforth, this literature review uses Ishikawa’s (2003) definition of social dialogue, meaning all communications between social partners and government representatives, from simple information exchanges to negotiations.

Social dialogue delivers tangible benefits through democratic processes.

The world’s foremost financial institutions, the International Monetary Fund and the World Bank, recognise that social dialogue has a strong role to play in promoting economic development and poverty reduction. An industrial relations system based on social dialogue is the cornerstone of the competitive social market economy that inspires the European social model (European Commission, 2015). Below are listed a few of the benefits that social dialogue can bring, adapted from Ishikawa (2003).

To illustrate this typology with a few examples in Western European countries in the 1990s, let’s consider the experience of Ireland, Germany and Portugal. Ireland engaged in wide social dialogue, including overall macroeconomic policy strategy, social welfare, government spending, employment policy, social policy and other topics (Ishikawa, 2003).

Germany undertook broad social dialogue at the same time, handling concerns with social insurance, labour law, health and the

Social dialogue promotes democratisation of socioeconomic policymaking

One example is that of EU countries finding acceptable compromises to meet the requirements of the Maastricht Treaty for participation in the European Monetary Union. Social dialogue played a key role in building social support to implement stringent economic policies to meet the criteria of the Treaty.

Social dialogue promotes legitimacy and ownership

Rather than a top-down approach, policies made through social dialogue are seen as more legitimate because stakeholders have participated in the policymaking process. Such policies are easier to accept because of a sense of ownership, insofar as the stakeholders had a hand in making the policies.

Social dialogue reduces social conflicts by promoting partnership and a problem-solving attitude

Social dialogue can replace adversarial relations with cooperation. It allows stakeholders to share their understandings of problems and facilitate the discussion of policy alternatives (Ebbinghaus and Manow, 2001). Such policy concertation is desirable to promote social peace and minimise conflict (Berger and Compston, 2002).

Social dialogue eases social tensions during economic hardships and transition periods

Many EU countries effectively used social dialogue to handle difficult economic reforms for entering the European Monetary Union. Central and Eastern European nations formerly belonging to the Soviet bloc benefited from social dialogue in their transitions from socialist to democratic systems (Casale, 1999; Casale et al., 2001). The social dialogue ought to continue after the transition or hardship period, however, to ensure the sustainability of positive outcomes (Ishikawa, 2003).

Social dialogue encourages the formation of social pacts

Social pacts can be a meaningful and visible outcome of social dialogue. Depending on the country, a social pact can be a simple declaration of intent, or a detailed list of policy measures to be implemented. In any event social pacts represent a successful outcome, insofar as the pact represents the collaborative vision of social partners and governments (Rhodes, 2001).

Social dialogue promotes sustainable economic and labour market reform

When stakeholders take part in social dialogue and have a direct impact on the outcome, they are much more likely to abide by any agreements reached. Additionally, stakeholders face peer pressure to live up to their end of the bargain (Campbell, 2007).

Social dialogue brings the social dimension to the economic policy reform agenda

Economic reforms can have drastic social impacts, yet absent the inclusion of social partners, economic policy could be created in a vacuum. With social dialogue included as a part of the equation, the interests of stakeholders can be heard in order to achieve socially-conscious reform. This is particularly true in 'wide' social dialogue, as detailed above (Ishikawa, 2003).

Social dialogue facilitates economic and social progress

It is difficult to quantify social dialogue and determine its relationship with socioeconomic progress in a meaningful model, particularly bearing in mind the number of variables associated with economic performance (Trebilcock, 1994: p. 12). Nevertheless, numerous comparative studies provide evidence of social dialogue's value. Berger and Compston (2002), for example, found that in Austria, Ireland and Italy, both social partners and governments agreed that policy concertation had been economically beneficial. In Austria, all parties involved in social dialogue agreed that social dialogue helped achieve results in unemployment and inflation. In Ireland, social partners and the government agreed that social pacts helped to enhance the competitiveness of the Irish economy and facilitate qualifying for the EMU. Furthermore, Trebilcock (1994) emphasised that social dialogue helps ensure societal conditions conducive to healthy economic growth.

1.3 Trends in industrial relations and social dialogue in the European context

The following subsection briefly discusses a few trends in IR and social dialogue, as well as the state of IR in Europe. The most important trends point to a decline in trade union membership and a continuity in EU and member states' commitment to IR and social dialogue.

Trade union membership is on the decline and has been for some time.

While the modern field of industrial relations increasingly focused on unions and collective bargaining, economies around the world saw a marked and ongoing reduction in the proportion of workers claiming union membership (Visser, 2001). For example, between 1970 and 2008, the share of trade union members in the workforce dropped by 33% in Austria, 17% in the Netherlands, 13% in Germany and 14% in Switzerland. Even more telling, in 2008 only 17% of workers in the OECD were members of a trade union (Visser, 2001). Scholars including Molina and Rhodes (2002) have posited various explanations for the decline in union membership, with one example being a shift to new forms of corporatism over the 1980s and 1990s.

Correspondingly, a new branch of industrial relations appeared.

Ackers and Wilkinson (2003a) identify 1979 as a turning point in industrial relations as a British academic discipline: union membership fell from 55 to 30% of the labour force and the coverage of collective bargaining dropped from 75% to well below 50%. This turning point in industrial relations corresponds with key academics such as Sisson (e.g. 1993) and Storey (e.g. 1992) becoming leading figures in the new discipline of Human Resource Management (HRM).

As a business field, HRM borrows heavily from psychology, organisational behaviour and organisational theory, with a focus on maximising employee productivity. While HRM concerns itself with elements of industrial relations and evolves from it, HRM is primarily concerned with successfully implementing strategic business initiatives, rather than promoting a democratic environment for workers, employers and governments. In many academic institutions, industrial relations somewhat uneasily co-exist with human resources management departments (Ackers and Wilkinson, 2003a).

The declining interest in industrial relations, as well as the rise of HRM, correspond with political and economic changes around the time of the Thatcher government. As Ackers and Wilkinson write, “Thatcherism and the economic and social changes in its train dissolved the ‘labour problem’, marginalised trade unions and manufacturing industry, undermined the voluntarist system of collective-bargaining and removed the opportunities for public policy interventions by industrial relations academics” (2003b: p. 11). In the 1980s, sociology gave way to economics as the key discipline underpinning industrial relations. Meanwhile, HRM presented itself as an alternative to collective bargaining as a means of managing employment relations (Wood, 2000).

As noted by Brown and Wright (1994: p. 161): “With the ebbing of trade union influence at the workplace in the 1980s, it was, perhaps, inevitable that there would be diminution in academic research activity.”

At the same time, membership of employer representation groups has been very stable.

Conversely, employer representative group membership, particularly in Europe, has been quite stable (Visser, 2006; 2011; Brandl and Lehr, 2016, European Commission, 2015). Preuss et al. (2014) write that in the past 10 to 15 years, the density of employer associations² has shown little variation. As a consequence, employer density has surpassed union density.

In Germany, however, membership in employer associations has sharply declined in density over the past two decades. Silvia and Schroeder (2007) posit that this is due to a divergence in the interests of small and large employers, and the increasing trend of SMEs not finding it worthwhile to participate in employer associations. In addition to SMEs, however, certain German sectors demonstrate this trend in a more pronounced fashion than do others. For example, the density of German metalworking employer associations, in terms of employment, fell from 75% to 55% between 1977 and 2007 (Raess, 2014).

Brandl and Lehr (2016) write that the relative stability of employer associations’ membership is puzzling given the sharp decrease in trade union membership, which would indicate less need to balance against trade unions’ demands. In any case it is reasonable to conclude that, given the decreasing size of trade unions and the steady size of employer associations, the balance of power in industrial relations has shifted in favour of employers. But this statement does not hold true across all industries and EU member states. Trade unions remain very strong in several contexts, including France and the Nordic states.

The EU remains largely committed to industrial relations and social dialogue.

Industrial relations are enshrined in Article 28 of the Charter of Fundamental Rights of the European Union (2000), which states:

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude

² Density is understood as the ratio of actual to potential members.

collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Despite changing macroeconomic conditions and reduced union membership, European governments remain largely committed to social concertation with trade unions and employers, even as the consistency of concertation for certain member states has diminished. For example, Baccaro and Simoni (2008: p. 1327) demonstrate that 80% of European governments were willing to negotiate welfare reforms with trade unions and employers in 2000, whereas only 50% would have done the same in the 1980s. On the point of inconsistency, the role of industrial relations in a traditional stronghold, Sweden, has declined substantially in recent decades (Lindvall and Sebring, 2005). France, known for its strong state, also defied expectations in 2010 when President Nicolas Sarkozy announced that he would not increase the mandatory age of retirement without negotiating with trade unions and employers, saying “pension reform is too important to not be carried out in a concerted and open manner, and [without] drawing upon a shared analysis” (Le Monde, 2010).

Schulten (2016) writes that binding collective agreement coverage remains very high and stable in Europe despite the marked decline in union density. He attributes this to strong State support for collective bargaining systems. Furthermore, at the EU level in recent years, social partners have been involved in consultation, negotiation, design and implementation of several major policy reforms, including pensions, unemployment insurance, employment protection legislation and collective bargaining, which are within the framework of the European Semester (European Commission, 2015).

The European Pillar of Social Rights (re)emphasises the importance of social dialogue.

The newly published European Pillar of Social Rights reinforces the European Union’s commitment to industrial relations and social dialogue under Chapter II: Fair working conditions part 8:

The social partners shall be consulted on the design and implementation of economic, employment and social policies according to national practices. They shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action. Where appropriate, agreements concluded between the social partners shall be implemented at the level of the Union and its Member States. Workers or their representatives have the right to be informed and consulted in good time on matters relevant to them, in particular on the transfer, restructuring and merger of undertakings and on collective redundancies. Support for increased capacity of social partners to promote social dialogue shall be encouraged.

At both a practical and normative level, the European Commission considers industrial relations and social dialogue key to the health of society and the economy. It is therefore understandable that advancements in the European digital economy have been eyed with great interest on both economic and normative grounds.

2. Conceptualisation of the platform economy and the characteristics of platform work

The platform economy is a new but fast-growing phenomenon, garnering the attention of policymakers and academics. Given the potential for platforms to facilitate economic growth and mediate access to various markets, the platform economy has become a key area of interest in the Digital Single Market strategy (European Commission, 2015).

Despite the high level of interest in the platform economy, its recent emergence means that the empirical literature based on the topic is somewhat sparse. Our understanding largely relies on anecdotal evidence, conceptual-theoretical and normative essays, as well as reports on contemporary controversies and legal disputes (Codagnone and Martens, 2016; Codagnone et al., 2016). The lack of literature is particularly acute in Europe. The US has had a longer experience with platforms, and accordingly a disproportionate amount of literature on the platform economy focuses on the US market (Coyle, 2016; Codagnone et al., 2016). For example, out of 140 sources of empirical evidence surveyed by Codagnone et al. (2016), only about 20 focused on Europe. Codagnone and Martens (2016: p. 16) write:

The only [European] evidence comes from reports from the DG GROW Business Observatory and the Uber and Airbnb reports on the impact of their services on European cities. For European cities, there is no evidence on the profile of Uber drivers and users or Airbnb's hosts and guests, etc.³ It is crucial that this gap be filled, given that both Uber and Airbnb are hiring scholars and consultants to flood the European public debate with reports, which use non-transparent data and methods.

Nevertheless, a growing literature examines various aspects of the platform economy including in the European context, addressing issues such as defining and measuring the size of the platform economy, its implications for workers' rights and a variety of regulatory issues. In addition, a number of high-quality pieces have explored the platform economy conceptually (e.g. Codagnone et al., 2016; Codagnone and Martens, 2016; Drahokoupil and Fabo, 2016; Martin, 2016; Maselli et al., 2016; Puschmann and Alt, 2016; Schor et al., 2015; Teubner, 2014). It would, therefore, be redundant to cover all relevant literature in an attempt to exhaustively define the platform economy. Instead, this section aims to give a brief and general picture of what constitutes the platform economy and offers a working definition. This section then proceeds to discuss efforts to quantify the platform economy and then cover key regulatory issues.

³ Note, however, that Huws et al. (2016) released a study in December 2016, called "Crowd Work in Europe: Preliminary results from a survey in the UK, Sweden, Germany, Austria and the Netherlands". This study used a series of surveys to give a representative view of crowd work in five European countries.

2.1 (Mis)understanding the ‘platform economy’

The first task of researchers has been to define the platform economy (most often called the sharing economy).⁴ For Codagnone et al. (2016: p. 12), the platform economy is composed of:

... digital platforms, often operating as two-sided markets [...] matching different groups of users and providers and enabling the increase in scale and speed for traditional transactions such as selling, renting, lending, labour trade, and provision of services[.]

Part of the difficulty in defining the platform economy stems from how quickly and dramatically platforms have evolved since Rachel Botsman first brought the idea of ‘collaborative consumption’ into the mainstream with a 2010 [TedTalk](#). A forthcoming study by Fabo et al. (2017a) observes that platforms represent a moving target, with 80% of surveyed platforms having been created after 2010.

An additional concern is a lack of consistent terminology, with the sharing economy being subject to reinterpretation and co-optation by a variety of stakeholders. For example, Frenken et al. (2015) note that many apps (including UberX) falsely claim to be a part of the sharing economy. The argument is that UberX would only be a part of the sharing economy if the driver would have made the trip regardless of whether he shared his vehicle with another passenger (a niche filled by UberPool and other ridesharing platforms): otherwise, UberX is simply a taxi application (Dough, 2016). Although most authors would emphasise digital platforms as the critical component of the platform economy, few would agree exactly which digital platforms and why. Indeed, the diversity of platforms is large and growing.

Consider two examples: Uber is a company that enables unlicensed individuals to serve as taxi drivers at will, valued around \$68 billion (Chen, 2015a). A non-profit Danish platform called Be My Eyes allows volunteers to help visually impaired users to orient themselves by describing pictures taken in real-time with their phones. In some sense, both are platforms, and both are a part of the platform economy (although numerous authors would take issue with this statement). Perhaps the most thorough survey of empirical studies on the platform economy to date, Codagnone et al. (2016), note the following:

Grouping highly profitable companies like Airbnb and Uber alongside voluntary gift-giving exchanges like Freecycle or CouchSurfing contributes to fuel conflicting rhetoric and controversies. It comes as no surprise that without a clearer and consensual definition, no reliable measurement of the phenomenon’s dimensional relevance exists. Different estimates of the ‘sharing economy’, either in terms of its monetary

⁴ “Sharing economy” appears to be the most commonly used term, but in a recent communication, the European Parliament stated that the term “platform economy” is the most objective description and called on the Commission to ensure the usage of coherent terminology (Procedure 2017/2003(INI)). Researchers such as Drahokoupil and Fabo (2016), and Fabo et al. (2017a forthcoming) also prefer the term “platform economy” over the more loaded terms “sharing economy” or “collaborative economy”, which evoke certain intentions rather than objectively focusing on the use of platforms. For a detailed rhetorical analysis, see Codagnone et al. (2016).

value, or in terms of the number of people involved, sometimes differ by orders of magnitude.

Table 1 below presents a small selection of definitions in the literature. At the risk of oversimplifying a complex issue, this literature review finds that most definitions tend towards one of three categorical understandings of the platform economy. The platform economy is composed of either i) platforms evoking altruistic and ideological motivations, emphasising sharing or collaboration; ii) platforms fitting a neo-liberal framework, emphasizing the purchase or paid rental of goods and services; or iii) platforms generally, containing a mixture of the previous two types.

Table 1. Simplified typology of platform Economy definitions

1. Altruism	2. Neo-liberalism	3. Mixture/undefined
<i>Sharing economy</i> Botsman and Rogers, 2010	<i>Collaborative economy</i> Botsman, 2013	<i>Sharing economy</i> UK Office of National Statistics (ONS), 2016
<i>Sharing economy</i> Vaughan and Hawksworth, 2014	<i>Sharing economy</i> Goudin, 2016	<i>Collaborative economy</i> European Commission, 2016
<i>Sharing economy</i> Frenken and Meelen, 2015		<i>Platform economy</i> Drahokoupil and Fabo, 2016

Source: Own elaboration.

This focus of this literature review is on the second category or “neo-liberalism”, with particular attention given to platforms offering personal transport, accommodation and microwork. Given this paper’s interest in how the platform economy interacts with industrial relations and social dialogue, it makes little sense to devote considerable attention to ventures that i) largely exclude an employment dimension, ii) focus on reciprocal generosity rather than transactions and thereby iii) are less of a logical focus area for regulatory action or union initiatives.

Nevertheless, the working definition of the platform economy will more closely align with the third category representing platforms generally. This is to avoid having to make distinctions based on the intentions of platforms and their service providers and users. Henceforth, the platform economy will be understood as follows:

The platform economy is that portion of the economy composed of digital platforms enabling users to share, lend, rent or purchase goods and services. In comparison with traditional marketplaces, platforms reduce transaction costs and thus enable micro-transactions.

Three categories of actors must also be established within the economy, namely: i) platforms, which are companies such as Uber, Airbnb or ListMinut; ii) customers or service users, who receive goods or services via a platform; and iii) service providers, also called crowd workers or platform workers. Service providers are distinguished from employees working for a platform, because employees are concerned with maintaining the platform itself, rather than utilising the platform to offer their own services.

As a final note, several authors (e.g. Codagnone et al., 2016; De Groen et al., 2016) distinguish between different types of labour-intensive platform activity. The typology includes low- or medium-skilled work versus high-skilled work, and work that can be performed locally versus work that can be completed online anywhere. Table 2 illustrates these distinctions. These are particularly important when discussing regulatory and other considerations.

Table 2. Conceptualisation of the collaborative labour market: Virtual/global vs physical/local services

Virtual/global services		Physical/local services	
Low-skilled	High-skilled	Low-/ medium-skilled	High-skilled
E.g. MTurk	E.g. UpWork, 99Design, CoContest	E.g. ListMinut, TaskRabbit, Uber	E.g. TakeLessons

Source: De Groen et al. (2016).

2.2 The size of the platform economy

The platform economy is still small but is rapidly growing

The literature contains a number of efforts to quantify the platform economy's size. The lack of agreement on definitions of the platform economy makes it difficult to arrive at accurate metrics, but various authors and groups have offered estimates. The first category of 'size' to be discussed is in terms of economic value. How much is the platform economy worth now, and how much is it expected to grow?

A widely-cited PWC study estimated that in 2016, the "global sharing economy" was worth \$15 billion and could reach \$335 billion by 2025 (Vaughan and Hawksworth, 2014). The European Parliament estimates the present-day value of the sharing economy at €20 billion, and that the global sharing economy will be worth €572 billion by 2025 (2016). Meanwhile Manyika et al. (2015) estimate that by 2025, "online talent platforms" could boost global GDP by \$2.7 trillion.⁵

A few estimates address the size of the platform economy in European national contexts. Horlacher and Feubli (2015) use a top-down and bottom-up approach, calculating that the

⁵ Manyika et al. (2015) performed what they call a supply-side analysis, but it is unclear how they reached such a large figure. Nevertheless, the estimate appears in other academic literature on the platform economy, such as Huws et al. (2016).

value added generated by the sharing economy is between 0.1% and 0.95% of Switzerland's GDP. A January 2016 study by the French government estimates that platform economy activities in France involve over \$2.5 billion and around 15,000 firms (including self-employed micro-entrepreneurs), generating 13,000 permanent jobs (Barbezieux and Herody, 2016). This equates to 0.1% of French GDP, 0.5% of French companies and 0.05% of total French employment. Vaughan and Hawksworth (2014) estimated that in 2014, the platform economy in the United Kingdom was worth around £500 million and could reach £9 billion by 2025.

No matter how large the platform economy may be, it is difficult to dispute its significance. As of June 2015, 17 companies operating in the platform economy were valued at over \$1 billion (Owyang and Samuel, 2015; VB Profiles and Crowd Companies, 2015). Of these 17, 12 were based in the US, one in India (Olcabs), one in China (Kuaidi Dache), one in Australia (Freelancer), one in New Zealand (Trademe) and one in the UK (TransferWise). The growth in such companies has been fast and dramatic. Perhaps the epitome of the platform economy, Uber, surpassed General Motors and Ford in value at the age of five and a half years (Chen, 2015a), although this valuation has been criticised as overly-generous (Verhage, 2016).⁶ Shortly after Owyang and Samuel's (2015) valuation, Europe was recognised for its first billion-dollar platform with BlaBlaCar: a French ride-sharing company appraised for \$1.2 billion (Chen, 2015b).

Based on current literature, efforts to calculate the size of the platform economy (much less predict its growth) are premature. First, without an agreed upon definition of the platform economy, it is not possible to parametrise relevant companies and activities. Second, reliable statistics for the platform economy are lacking, despite repeated calls for developing robust statistics (e.g. Bean, 2016; Coyle, 2016). Third, platforms are not often forthcoming in sharing data on their activities (Fabo et al., 2017a). Fourth, by definition, certain activities involving exchanges between individuals are not included in the GDP or in the Consumer Price Index (Coyle, 2016).

To begin to address these challenges, Michael Hardie (2016) of the UK's Office for National Statistics has suggested a methodology to gather statistics on the platform economy. After establishing a definition for the platform economy, Hardie suggests a few methods for analysis including big data, web scraping, surveys and administrative data held by governments and businesses. It is clear from the literature, however, that additional research and a shared understanding of the platform economy is needed to establish its size.

Participation in the platform economy is small but growing

The first large survey on participation in the platform economy (Owyang and Samuel, 2015) covered the US, UK and Canada for the year 2013, asking over 90,000 people whether they

⁶ Although profitable in the US, Uber has also lost significant amounts of money. Despite a growth in bookings from \$3.6 to \$5 billion in the second quarter of 2016, losses for the same period totaled around \$100 million. Uber has successfully raised large sums of capital, but it is not unusual for companies to lose large sums of money as they battle for market share and attempt to build markets (see Newcomer, 2016).

have used a website or mobile app to share. It found that 23% of the British population used one or more platforms such as Uber, Airbnb, or TaskRabbit, but it is not clear whether this survey used a representative sample. Huws and Joyce (2016b) surveyed a representative sample of 2,238 British adults aged 16-75 years, and 42% of respondents indicated that they have used services from a crowd platform in the previous year. They also performed an online survey of 2,146 Swedes ages 16-65 was carried out in 2016, finding that 12% work in the “sharing economy”, although only 4% do so at least once a month. Huws et al. (2016) surveyed representative samples of around 2,000 individuals for the UK, Sweden, Germany, Austria, and the Netherlands, finding that over half of those interviewed had participated in the platform economy in some way or another, such as buying or selling used goods. The proportion who reported carrying out paid work via online platforms ranged from 9% in the UK to 19% in Austria, although many respondents indicated that such work was an occasional experiment rather than ongoing activity.

High participation in the UK as indicated by Huws and Joyce (2016) and Owyang and Samuel (2015), however, may be indicative of the rest of Europe. Many platforms that originated in the US first migrated to the UK before continental Europe, and the UK’s activity in the platform economy was found to be tied with France for the highest in Europe (Fabo, 2017a).⁷

In Denmark, the national statistical office surveyed 5,385 respondents between the ages of 16 and 89 via telephone and web questionnaire. By mid-2015, the responses received revealed the following findings: i) 3.1% of internet users had rented out property using digital platforms; ii) 8.7% had rented from Airbnb and similar platforms abroad; and iii) 2.8% of internet users had used Uber or similar transportation services (Nielsen, 2015).

In the US, a survey of 3,000 Americans jointly commissioned in 2015 by Burston-Marsteller, Aspen Institute and TIME (2015) indicates that 44% of the population is active on collaborative platforms. Some 42% indicated that they used services, while 22% reported that they provided services for at least one platform. These figures were corrected to account for demographics and internet usage. Based on data from tax filings and other sources, the management consultancy Intuit (2015) predicts that over 4% of US workers will be working for platform economy platforms by 2025.⁸ Harris and Krueger (2015) estimate that 600,000 Americans, representing 0.4% of the total workforce, are work in the platform economy as of 2015. Of these, two-thirds are Uber drivers. McKinsey (2015) utilised a different methodology and estimated that approximately 1% of America’s labour force work in the platform economy.

600,000 Americans and 100,000 Europeans were employed in the platform economy by the end of 2015. Two-thirds of these workers were Uber drivers.

⁷ In Fabo et al. (2017a), activity in the platform economy was measured by proxy using the aggregate number of active platforms per country.

⁸ The estimate states that 40% of US workers will be part of the “contingent workforce” by 2020, and 11% of those will be working for “on-demand platforms”. See Intuit (2015).

Unfortunately, no comparable figures are available for Europe. However, using the methodology of Harris and Krueger (2015), De Groen et al. (2016) put the number of active participants in the European platform economy at 100,000 – approximately 0.05% of the workforce at the end of 2015. Again, roughly two-thirds were active through Uber. Additional research has shown that 52% of EU citizens are aware of services offered by the platform economy and 17% have used such services at least once (European Commission, 2016).

To summarise participation in the platform economy, it is difficult to quantify because labour statistics largely do not account for it (De Groen et al., 2016). Furthermore, the majority of data that are available were often acquired via informal web surveys. The literature does indicate that participation varies a great deal from one country to another and that a large majority exclusively use rather than provide services. The percentage of internet users who use services in the platform economy is fairly high, particularly in the US, the UK and France. The number of service providers is much lower, and the majority of service providers use platforms to complement their income rather than provide the bulk of it. In a survey of over 1,000 American “on-demand economy” service providers, including Uber drivers, Airbnb hosts, etc., nearly 40% reported that their platform work accounted for less than 25% of their household income. Only 29% reported that it counted for more than 75% of their household income (Roose, 2015). Only 5% of UK platform workers reported earning all their income from platform work (Huws and Joyce, 2016). Despite the high expectations of its growth potential, the platform economy at present only represents a marginal part of the total economy and workforce.

2.3 Primary issues and uncertainties in the platform economy

Given how quickly the platform economy has come into prominence, it is natural that legislation have been unable to keep pace. Indeed, Huws calls the platform economy the “digital wild west” (2016a). A growing body of literature is devoted to analysing the many unresolved issues arising from the platform economy, including the following items:⁹

1. Taxation
2. Negative externalities, liabilities and insurance
3. Information asymmetries and cognitive biases
4. Licensing and certification schemes
5. Data and privacy
6. Competitiveness
7. Labour

Taxation

Enforcing tax law in the platform economy is different from traditional brick and mortar establishments (both for platform workers and platforms), and there have been concerns that the sharing economy could be associated with a reduction in government tax revenues (Baker,

⁹ This list is adapted from Codagnone et al. (2016).

2014). This is because platforms may opportunistically pick the most favourable regulatory regime, and because ‘micro-work’ raises unique compliance issues (Codagnone et al., 2016).

At the same time, the digitalisation of certain types of work may offer a chance for greater tax compliance by creating traceable transactions. Kearney et al. (2013) argue that tax compliance is higher in countries with a higher penetration of electronic payments. Platforms facilitating digital transactions between service providers and users could, therefore, increase tax revenues, particularly with regards to frequently undeclared work such as cleaning, babysitting, pet-sitting, elderly care and tutoring (Ibid.).

In the Harvard Journal on Legislation, Miller (2015) discusses the taxation of platforms in the platform economy. Obviously, tax avoidance is a large concern for all levels of governments, and existing solutions have often required platforms to begin collecting taxes in order to remain in operation within a given jurisdiction. Airbnb is a prime example, collecting city taxes for San Francisco, Portland, Malibu and numerous other American cities in addition to district taxes for the District of Columbia, and the states of Oregon, North Carolina and Rhode Island. Internationally, Airbnb collects a “tourist tax” for the city of Amsterdam, the Chamonix-Mont-Blanc region of France and a national “service tax” in India (Ibid.).

Zrenner (2015) notes that Airbnb has been very proactive in reaching out to and cooperating with government authorities to assuage their tax concerns. On the same lines, tax compliance could improve with platforms reporting data they collect on transactions, as already occurs in Amsterdam and some US jurisdictions (Badger, 2015). Other platforms, however, seem to regard taxation as less of a concern. Amazon Mechanical Turk and Uber, for example, rely on the platform workers to report income to the appropriate authorities. In comparison to Airbnb, Uber is primarily concerned with handling regulatory issues (Zrenner, 2015).

Negative externalities, liabilities and insurance

Negative externalities of the sharing economy came to greater public attention in 2013, after a case in which an UberX driver struck and killed a six-year-old girl (Daus and Russo, 2015). The parents sued the driver and Uber, but the driver was under-insured and Uber attorneys claimed no liability as the driver was an independent contractor.¹⁰ Similar incidents have occurred since then with Uber and Lyft (Pfefer-Gillet, 2016). Both Uber and Lyft have a clause in their terms of service waiving any liability (Ibid.).

Other issues have been discussed, such as food-sharing platforms bypassing regulations that commercial restaurants must abide by, or an Airbnb room being little more than a hotel room that does not comply with building health code ordinances (Ranchordas, 2015). Indeed, the idea of platforms being a method for “micro-entrepreneurs” to skirt applicable regulations is a recurring theme. Some cities have investigated food-sharing platforms for health code

¹⁰ Uber emphasised other arguments, such as the driver had no reason to be using the application at the time of the accident.

violations, and platforms have argued that they are merely networking services and not restaurants (Rauch and Schleicher, 2015).

The larger issue is the lack of clarity over the question of whether the platform is liable when a hired car crashes, a host's apartment is damaged or any other negative externality occurs (McLean, 2015). Platforms argue that they cannot be held liable in that they are not direct service providers, but only intermediaries (Malhotra and Van Alstyne, 2014). Meanwhile, existing insurance policies for physical persons often do not apply when they are engaged in activities through sharing platforms (Wosskow, 2014).

It is not clear how the issues of insurance and liability ought to be handled, but a few suggestions have been posited. Edelman and Geradin (2015) have said that platform drivers must be held to the same standards of training and inspection as other commercial vehicles, and that insurance gaps need to be closed. Pfeffer-Gillet (2016) advocates a more stringent regulatory approach as well. Platforms have stepped up to try to alleviate these concerns without the application of burdensome regulations. In the UK, for example, Uber requires that its drivers have commercial insurance (Goudin, 2016). TaskRabbit has started offering its independent contractors discounted health insurance and accounting systems, and under the "TaskRabbit Guarantee", tasks are covered against certain risks for up to \$1 million. BlaBlaCar offers free additional insurance coverage to its users, having made an arrangement with insurance firm AXA (ibid.). Deliveroo riders operating in Belgium can be ensured via SMart for the duration of their shifts, although the riders themselves are liable for any damage to their bicycles as a result of their work. Clearly, a good deal of uncertainty pertaining to insurance and liability remains.

Information asymmetries and cognitive biases

Accurate information is necessary to ensure informed choice and consumer welfare (Codagnone et al., 2016). Platforms typically utilise some sort of rating system in order to ensure their own success in the marketplace (Dervojeda et al., 2013) and to provide information about service providers (Rauch and Schleicher, 2015). Nevertheless, ratings systems can be abused or suffer from low response rates (Codagnone et al., 2016), and people are reluctant to provide negative ratings when they may be returned in kind (Edelman and Geradin, 2015). As a result, nearly all Airbnb and Uber service providers are rated at the top of the valuation scale (ibid). As a matter of fact, Uber drivers who have an average rating under 4.6 out of 5 for the previous 50 or 100 trips are de facto "fired", having their accounts deactivated. Consumers additionally face cognitive biases, which increases the likelihood of them making poor decisions. This tendency is exacerbated by what can be an overwhelming range of choices, poor regulation and unclear methods for recourse in the event of a dispute (Edelman and Geradin, 2015).

Licensing and certification schemes

Incidents with platform drivers and Airbnb hosts have increased concerns that service providers are not required to obtain certification (e.g. Sablik, 2014; Rauch and Schneider, 2015). This can

result in both public safety concerns and a lack of confidence that harms the business models of platforms. As such, platforms have opted to vet their service providers in a variety of ways. One of these is identification checks that can be accomplished in a number of ways (Dervojeda et al., 2013). Some platforms require users to sign up using their Facebook account, as this is presumed to be linked to their “real” identity (Thierer et al., 2015). Airbnb has a technology to digitally verify government IDs of service providers and users (Cohen and Sundararajan, 2015). BlaBlaCar verifies its drivers’ names, photos, phone numbers, emails and Facebook accounts (Thierer et al., 2015). Nevertheless, it is unclear how effective and transparent these inspections are (Ranchordas, 2015), and some have argued that self-regulation cannot stand in for government licensing standards via rulemaking or legislative processes (Daus and Russo, 2015). Licensing or the lack thereof has broader implications as well. In Germany, the Frankfurt District Court highlighted that Uber did not have the necessary licenses or insurance for its drivers to operate. It was therefore held to be competing unfairly with the local taxi industry (Scot and Eddy, 2014).

Data and privacy

Given the nature of digital platforms, some have raised concerns about the amount of sensitive data being collected about consumers and its usage (Koopman et al., 2015). Having a large amount of data can provide a platform with a significant advantage, and several platforms cited data as a competitive advantage and a reason they could not be more forthcoming in surveys (Fabo et al., 2017a). Nevertheless, handling data and privacy may be more clear-cut than other issues. While acknowledging that platforms collect sensitive information about consumers, which may include their locations over time and financial information, Geradin (2015) posits that existing legislation may prevent holders of data from misusing it. Koopman et al. (2015) argue that contract law can assuage concerns about data, meaning that when platforms do not comply with promises made to customers, courts can intervene. The European Commission (2016) also seems to view data as less of a problematic issue, writing simply in a June 2016 Communication: “Collaborative platforms can be exempted from being held liable for information they store on behalf of those offering a service”.

Competitiveness

At least two papers discuss the implications of competition law on the platform economy in the European context (King, 2015; Lougher and Kalmanowicz, 2016). Both Uber and Airbnb filed complaints in several member states about certain restrictions, as confirmed in a hearing the companies held with the UK House of Lords (2016). At least three potential concerns were discussed, including i) anti-trust implications when platforms achieve dominance; ii) lock-in of third parties on one side of the transaction; and iii) the power to reference rivals, leading to collusion or discriminatory behaviour (King, 2015). Uber in particular faced complaints of its “price-surge” tactic due to the potential of such pricing to violate price-gouging laws (Ibid).

Competition is likely to be an ongoing concern, especially as Fabo et al. (2007a) find that almost all growth in the platform economy is centred in a few platforms.¹¹ Codagnone et al. (2016) note that market dominance is likely out of the reach of platforms owing to their heterogeneity and matching frictions. Uber may be an exception, however (Ibid). The European Competition Commissioner Margrethe Vestager has attempted to clarify her position on the matter on several occasions, saying that platforms are too diverse for a one-size-fits-all solution and instead has urged a case-by-case application of antitrust law (Lougher and Kalmanowicz, 2016). Competition is also implicated in the licensing debate. As noted above, a German court ruled that a lack of certification requirements meant that Uber represented unfair competition to the taxi industry (Scot and Eddy, 2014). For similar reasons, on 26 May 2015, a judge in Milan blocked UberPop in Italy on the grounds that it represents “unfair competition”.

Labour

Perhaps the most contentious issues in the platform economy relate to labour. A prime example is the ongoing debate about whether platform service providers are employees or independent contractors (Prassl and Risak, 2016), which is especially relevant in the context of popular driving apps. The question of whether workers are contractors or employees impacts other labour issues including compensation, working conditions, civil rights. Goudin (2016: p. 70) notes:

There is considerable interest in the question of whether the sharing economy might be associated with a lower level of work-related benefits ...[however] the difference is a difference between self-employment and employment, rather than a distinctive feature of the sharing economy itself.

Questions of labour in the platform economy also relate to broader discussions of the impact of outsourcing and offshoring on employment conditions and industrial relations, particularly regarding platforms that operate exclusively with online labour, such as Amazon Mechanical Turk (Drahokoupil and Fabo, 2017). Advocates tend to regard service providers as “micro-entrepreneurs”, while opponents have called them the “new precariat” (Kuttner, 2013) or “cybertariat” (Huws, 2003). Kuttner (2013) argues that employment in the platform economy erodes the labour contract and increases precarious employment, creating what economists call “contingent labour”. As of 2016, hundreds of court cases in the US are handling the misclassification of workers as contractors (Codagnone, 2016). While platform service providers are almost universally classified as independent contractors, platforms are increasingly exerting control over platform workers while attempting to maintain low costs. Sundararajan (2016: p. 4) posits:

Both crowdwork and work on demand via apps allow for a far-reaching “personal outsourcing” of activities to individuals [..., which] grants even more leverage to

¹¹ The literature suggests that the platform environment creates a ‘winner take all’ dynamic (e.g. Liu et al., 2015). That would suggest that growth is largely driven by a handful of platforms, which is also suggested by the survey of European platforms in Fabo et al. (2017a).

standardising terms and conditions of contracting out and assigning work whilst keeping a considerable control of business processes and outputs.

Certain terms commonly used in the platform economy are evocative of broader literature on precarious employment. For example, Uber uses the euphemism “partners” to describe its drivers, which is a standard sign of a practice known as “bogus self-employment” (Jorens and van Buynder, 2008). The European Commission (2016) has taken the view that employment consists of every working relationship according to three criteria: the subordinate relationship, the nature of the work and the remuneration provided. It further notes that many of the arguments made by platforms, such as that workers are not constantly monitored and do not work continuously, are insufficient to avoid classification of platform work as a working relationship.

The larger issue is that labour law depends on the historical distinction between an employee and an independent contractor, and this distinction has accelerated its breakdown within the context of the platform economy (Kennedy, 2016). In many of the services where sharing economy models are prevalent (e.g. taxi services, handyman services and domestic cleaning), self-employment was already frequently the norm (Goudin, 2016). It is therefore imperative to understand that labour issues discussed under the banner of Uber drivers or other platform workers are not exclusive to the platform economy.

Going beyond the classification of workers, compensation is a frequently discussed issue, and various contributions to the literature have examined how platform workers are paid compared to offline counterparts. It appears that, for example, Uber drivers are paid slightly better hourly than professional taxi drivers. Exactly how much more has been disputed, however, and researchers have cast doubt on initial data provided by Uber (Hall and Krueger, 2016). De Groen and Maselli (2016) find that US workers for Crowdfunder and Mechanical Turk gross only €1.60 and €5.10 per hour, respectively – substantially below minimum wage. They also emphasise that not all work is compensated. A 2016 ILO survey found that Mechanical Turk workers spend 20 minutes out of every hour unpaid while searching for work (Berg, 2016a). An additional particularly relevant aspect for Mechanical Turk is that if a client is unhappy (or claims to be) about the quality of received work, they can refuse to pay while retaining the work and providing no explanation. Amazon rarely mediates disputes between clients and service providers (Degryse, 2016; Berg, 2016b), and service providers for Mechanical Turk or “Turkers” often rely on unofficial forums to share information and protect one another from predatory clients (LaPlante et al, 2016). In the case of CoContest, a competition-based design platform, only the top three out of ten competing designers are rewarded. A report for the UK Government called for platforms to offer a living wage sufficient for workers to achieve a reasonable standard of living without recourse to benefits (Woskow, 2014), and recommended that condition to be met as part of a quality benchmark for platforms (Goudin, 2016).

Some literature mentions that civil rights are a consideration in the context of platform economy labour (e.g. Codagnone et al., 2016, Goudin, 2016), but few empirical studies are

available. Edelman and Luca (2014) find that “non-black” Airbnb providers charge 12% higher rates than “black” hosts for equivalent rentals. It is unclear if the price differential represents actual discrimination, or merely a perceived discrimination by the service provider. In any case, Goudin (2016) notes that discrimination on racial or other grounds is certainly possible without any intention on the part of the platform.

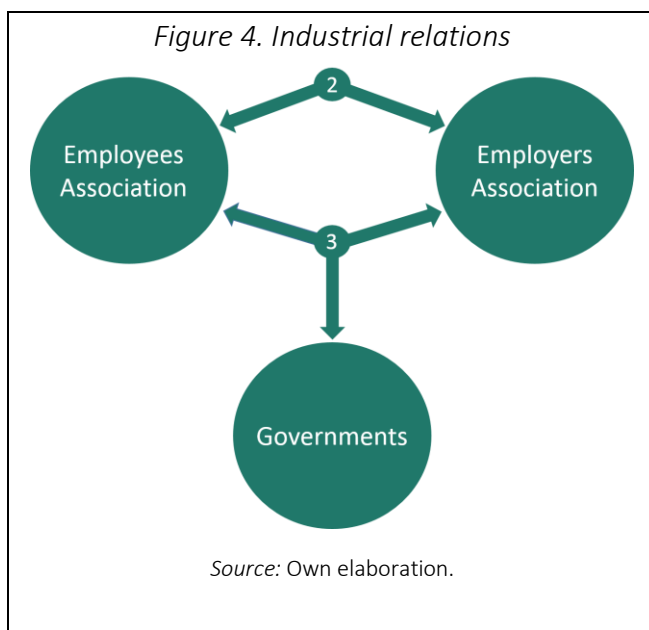
A final labour consideration pertains to working conditions. For example, Uber drivers have no maximum driving times, prompting fears of unfair workloads and exhausted drivers causing accidents (Gale, 2016). At the same time, drivers are being encouraged to work longer hours by clever app functions that replicate the same features that make videogames and television addictive (Sulleyman, 2017). Degryse (2016) asks whether it will remain possible to enforce social regulations such as working time, protection of health and safety in the workplace, paid leave, child labour and so on. Goudin (2016) writes that, based on increasingly inadequate labour laws, courts will need to resolve disputes on working conditions, remuneration and labour in the platform economy more generally.

Conclusion on issues in the platform economy

Clearly a great number of questions remain about the nature of labour and the employment relationship in the platform economy. Some questions are unique to the platform economy, while others might be better understood in the context of lax social protection for the self-employed, or the effects of outsourcing on workers. Increasing self-employment as a response to poor opportunities in the labour market has already established itself as a trend in Europe (Sheehan and McNamara, 2015). Outsourcing, particularly in the IT field, has also been a topic of interest for its potential to impact labourers, among other effects (Drahokoupil and Fabo, 2017). The platform economy, rather than creating these conflicts, seems to have made them more prevalent and more salient. It is therefore important to explore the way in which the platform economy intersects with industrial relations.

3. Connecting the platform economy, industrial relations and social dialogue

On 17 June 2017, the European Parliament adopted a text proposing to regulate the platform economy. The text calls upon member states, “in collaboration with social partners and other relevant stakeholders, to assess, in a proactive way ... the need to modernise existing legislation, including social security systems, so as to stay abreast of technological developments while ensuring workers’ protection” (European Parliament, 2017b). The MEPs’ recommendations included: i) establishing criteria to distinguish “peers” or occasional service providers from professional service providers; ii) enhancing consumer rights via greater transparency for rules and effective complaint resolution systems; iii) ensuring workers’ rights for fair working conditions and adequate protection; and iv) providing for effective taxation, either through applying existing schemes from businesses providing comparable services, or implementing innovative solutions to improve tax compliance.



Based on the European Parliament's text, the EU recognises the need to address previously discussed issues related to the platform economy and specifically calls for collaboration with social partners to achieve this. So far, however, the relationship between the platform economy and industrial relations has had little time to mature. Nevertheless, there are certain instances in which the platform economy is being incorporated into the broader system of industrial relations and social dialogue. Before beginning this discussion, it is necessary to briefly reiterate the concepts already put forward:

Industrial relations means collective relationships between workers, employers and their respective representatives, including the tripartite dimension where public authorities at different levels are involved.

Social dialogue refers to all communications between social partners and government representatives, from simple information exchanges to negotiations.

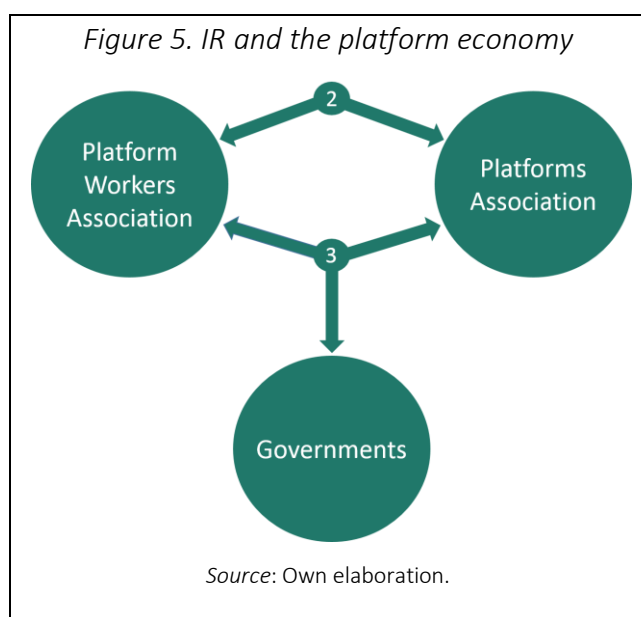
Platform economy means that part of the economy composed of digital platforms enabling users to share, lend, rent or purchase goods and services.

Using these definitions as a starting point, it is possible to investigate the extent to which actors in the platform economy can fit in with traditional conceptions of industrial relations. Consider Figure 4, which shows the interactions that make up industrial relations.

In Figure 4, the bipartite industrial relationship between employer and employee associations is indicated by "2", whereas the tripartite relationship between employer and employee associations and government representatives is indicated by "3".

It becomes very interesting when one imagines the platform economy superimposed over this picture, as shown in Figure 5. The idea is not to argue that the platform economy fits harmoniously with traditional conceptions of tripartite industrial relations. Quite the opposite, it is meant to show the tension between the two models.

Several reservations must be noted here. First, crowd workers tend to be classified as self-employed, even if their activities correspond in many ways to a traditional employment relationship. Second, digital platforms are not nominally employers, but "intermediaries"



between customers and service providers. Third, while government representatives in industrial relations typically are those at the national or supranational level, those involved in discussions with actors in the platform economy are often local. Fourth, organisations like Smart and FairCrowdWork somewhat approximate “soft union” initiatives, which do not function exactly like unions, but rather as some sort of intermediaries, especially between platform workers and unions. It is unclear how such organisations fit into the platform economy and industrial relations, but suffice it to say for now that new types

of associations intermediate actors in the platform economy in new ways.

The previous sections have discussed the difficulty in identifying platform workers as employees and platforms as employers, but for the time being, we will assume that platform workers are employees and platforms are employers.

This paper now proceeds to examine to what extent the platform economy is compatible with industrial relations and to what extent actors in the platform economy have penetrated the traditional industrial relations framework. This section will explore the following questions:

- i. To what extent are crowd workers taking steps to organise themselves?
- ii. To what extent are platforms taking steps to organise themselves?
- iii. To what extent is bipartite or tripartite social dialogue taking place in the context of the platform economy?

3.1 To what extent are crowd workers organised?

The organisation of crowd workers is a prerequisite to any meaningful discussion of actors in the platform economy interacting in a framework of industrial relations. Crowd workers face unique difficulties in organising themselves, such as a dispersed worker population and high turnover rate (Scheiber, 2017). Nevertheless, there are numerous examples of workers’ organisations in both the United States and Europe. The phenomenon is composed of both crowd workers independently creating new organisations for themselves and crowd workers being incorporated into existing employee organisations. Additionally, new types of organisations are intermediating crowd workers and unions.

Crowd workers have been organising themselves to some extent for almost as long as the platform economy has existed. Consider the example of Turkopticon, which provides a web browser extension that displays information about hiring parties on Mechanical Turk and allows users to submit their own ratings. At the extension’s download page, the banner reads

“Mechanical Turk workers unite!”, evoking labour union rhetoric. Because of Amazon’s lax intervention into scammers and unfair employers, Turkers have opted to organise to defend themselves from providing labour without compensation. The cooperation and organisation goes deeper than that, however, as some of the creators of Turkopticon are cooperating with the platform FairCrowdWork, which was created by the German trade union IG Metall (discussed in more detail later) (De Stefano, 2015). Crowd workers, then, have already begun cooperating online to reduce information disparities and the negative consequences they experience working in a relatively unregulated industry. However, it is important to differentiate between traditional means of worker organisation (strikes, collective bargaining) and soft tools of organisation (blog posts, Facebook groups, etc.). Aloisi (2015b) considers these soft measures to be an important first step towards formal unions, often followed by real world interaction. In the case of FairCrowdWork, we see an example of new types of intermediation between platform workers’ forums and unions.

Additionally, crowd workers operating in the physical world have begun to organise. Uber drivers in Paris created the *Syndicat des chauffeurs privés VTC* [Union of Passenger Transport Operators]¹² and initiated a coordinated strike to block the roads leading to Charles de Gaulle airport before demonstrating outside Uber’s Paris headquarters (Chazan, 2016). Further examples include the Independent Workers Union of Great Britain, which has been exceptionally active in advocating the rights of platform workers. It has succeeded in organising strikes and winning agreements for cleaners who work via platforms, supporting organisation initiatives by platform delivery workers and bringing successful test cases on behalf of workers at City Spring, Deliveroo and Uber Eats.¹³ In the latter case, the test cases aimed to establish entitlement to holiday pay and the minimum wage, and the cases have had generalised effects across the courier sector. The GMB, a general British trade union, filed a case against Uber on behalf of 17 Uber drivers alleging that Uber falsely classified its employees as self-employed. The GMB won the ruling, which concluded that Uber drivers are employees and entitled to holiday pay and the minimum wage (Osborne, 2016). The judgement was unequivocally critical of Uber in the ruling, with such statements as:

The notion that Uber in London is a mosaic of 30,000 small businesses linked by a common ‘platform’ is to our minds faintly ridiculous... Drivers do not and cannot negotiate with passengers ... They are offered and accept trips strictly on Uber’s terms (Ibid.).

The judgement additionally admonished Uber for utilising misleading terminology in the attempt to skirt appropriate labour protections. The California App-Based Drivers Association (CADA) represents an early example of platform workers’ organisation in the United States. It calls itself a “not for profit membership association that promotes fairness, justice and

¹² See www.syndicat-vtc.com/.

¹³ See www.iwgb.org.uk/. Freedland and Kountouris (2017) also discuss one of these legal cases concerning Uber in the UK.

transparency in the app-based drivers' industry throughout California".¹⁴ As the platform economy spawned in California, it is sensible that platform workers' initiatives there have had more time to develop. The organisation represents owners and drivers from numerous platforms including Uber, Lyft, Sidecar, Toro Ride and Opali. Functionally speaking, CADA has a democratically-elected Leadership Council composed of seven members. It works closely with Teamsters Local 986, an established and influential trade union operating in the western United States.

Additional examples include the Freelancers Union 118, which signed a partnership with Lyft, offering the possibility for Lyft drivers to obtain benefits such as entering the pressure group's health plan (Aloisi, 2015b). Unionen, a Swedish trade union, has negotiated collective agreements with online platforms. Unionen has also been very active in funding research initiatives into labour questions related to the platform economy (Nordic Council of Ministers, 2017).

Perhaps the most important development with regards to platform workers' organisation in Europe was the decision in January 2016 by IG Metall, Germany's largest union and the European Union's largest industrial union, to allow self-employed workers to join, with a focus on "crowd- and platform-based workers".¹⁵ IG Metall persuaded eight online platforms to sign a joint statement that they will respect the minimum wage. IG Metall was also instrumental in creating FairCrowdWork, which aims to connect crowd workers with relevant unions and which led to the Frankfurt Declaration on Platform-Based Work.¹⁶ The declaration was written with the participation of IG Metall and numerous other unions in Europe and the US, including the Austrian Trade Union Federation (ÖGB), Danish Union of Commercial and Clerical Workers (HK), International Brotherhood of Teamsters Local 117, Service Employees International Union and Unionen. The Frankfurt Declaration recognised:

... the role of unions and other worker organizations in realizing the promise of platform-based work to provide labour market access to large groups of previously excluded people, including workers in "developing" countries, and to offer all workers unprecedented freedom and flexibility in their working lives — while retaining elements of the "traditional" employment relationship hard won in the last two centuries of labour struggle.

See Box 1 for a list of the 11 fair unions and worker organisations singled out for mention on the FairCrowdWorks website.

¹⁴ See CADA's official Facebook page at www.facebook.com/groups/704265092961894/. It appears that Seattle also has a very active App-Based Drivers Association (SADA), and that both CADA and SADA are affiliated with the Teamsters.

¹⁵ See www.faircrowd.work/.

¹⁶ Ibid.

*Box 1. Union and workers organisations for crowd workers, by country***Austria**

- Österreichischer Gewerkschaftsbund (ÖGB) (Austrian federation of trade unions)
- Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier (GPD-DJP) (Trade union of private employees, press, journalism, paper)
- Arbeitskammer (Chamber of Labour)

Germany

- Ver.di
- IG Metall

Sweden

- Unionen

United Kingdom

- Couriers and Logistics Branch of the Independent Workers of Great Britain
- IWW Leeds (Industrial Workers of the World)

United States

- Teamsters 117 in Seattle (transportation platforms)
- New York Taxi Workers Alliance (transportation platforms)
- Freelancers Union (“freelancing platforms”)

Source: FairCrowdWork website (last updated 14 March 2017).

In summary, crowd workers are engaging in soft forms of organisation, creating associations exclusively for their own interests as well as being brought into existing employee associations. With that said, it appears that while crowd workers are increasingly organised, the process is in its infancy and it is too early to draw any strong conclusions. An interesting development to track will be new types of associations that intermediate between platform workers, unions and additional actors in industrial relations. It is not yet clear how these new types of associations, including SMart and FairCrowdWork, fit into preconceptions of social dialogue and industrial relations. At present, there is scant statistics, data and research in this field. The Nordic Council of Ministers noted in January 2017 (p. 7):

Currently, all the actors seem to be in the phase of knowledge gathering and deliberation of possible policy options, cautiously avoiding taking steps that might obstruct the development of the sharing economy...

Nevertheless, the trend seems to be that as the platform economy grows in terms of participation, the increasing numbers of workers have greater ability to organise themselves.

3.2 To what extent are platforms organising?

This literature review has not found evidence of platforms organising themselves into employer associations, nor of established employer associations inviting platforms to join them. On the contrary, there are examples of employer associations fighting against platforms, such as the ongoing battle between Airbnb, hotel industry associations and hotel unions over Airbnb’s right to operate in San Francisco (Benner, 2017).

There are examples of platforms making shared statements. For example, in February 2016, Uber, Airbnb and 45 other platforms sent an open letter to the Dutch presidency of the council of the EU.¹⁷ Nevertheless, the organisation of platforms is a far cry from that of crowd workers. This could be due to a number of reasons, but three possibilities are that (1) platforms have not yet needed to organise because crowd workers organisations are in their infancy, so countering their influence is not a priority; (2) platforms have sufficiently divergent interests from other platforms and other businesses that they have not seen organisation as a helpful strategy; and (3) smaller platforms tend to be bought out by larger ones and platforms merge frequently (Fabo et al., 2017a), which makes associations between platforms less important. A conceptual point is important, too, as platforms tend to regard themselves as intermediaries and therefore may see no need to negotiate with workers. One possible parallel for platforms in the traditional economy would be temporary work agencies, which have organised themselves, e.g. the International Confederation of Temporary Agency Work Businesses (CIETT).

A possible counterpoint could be limited cooperation between rival platforms Uber and Lyft. As one example, Uber and Lyft have partnered with the Massachusetts Bay Transportation Authority to provide cost-effective transportation solutions to disabled residents (Bankson, 2017). It appears that, on the whole, the giants of the platform world fight their own battles and have shown little inclination to organise as of yet.

There is, however, an increasing amount of cooperation between platforms and more traditional business interests, and this trend could develop into employer organisations in the future. Studies have found that Airbnb reduces hotel revenue by 8-10% and mostly affects lower-priced hotels and hotels not catering to business travel (Zervas et al., 2014). Even so, the hotel industry may not be altogether opposed to cooperation with Airbnb. For example, Christoph Juen, CEO of the Swiss Hotel Association, remarked that the “emergence of online platforms such as Airbnb creates a chance to reduce regulation in the entire hotel and tourism industry” (Deloitte, 2015). In the ongoing discussions and court battles in many jurisdictions over regulating platforms, platforms and existing businesses may see their interests converge.

Innovative and disruptive concepts such as Sharoo make possible new alliances and cooperation across industries.

Carmen Spielmann, CEO of Sharoo

Moreover, large companies are pairing with platforms in new ways that transcend simple investment. Insurance companies have begun providing ridesharing drivers and passengers

¹⁷ The letter stated: “In its Digital Single Market Strategy, the European Commission announced the development of a European agenda for the collaborative economy [...] We welcome the Strategy as an important step in realising the benefits which our platforms can deliver for European consumers. We also support the Commission’s efforts to seek and remove obstacles in the broader European internal market for goods and services. In view of the upcoming European Competitiveness Council, we urge Member States to support these objectives and continue to seek to ensure that local and national laws do not unnecessarily limit the development of the collaborative economy to the detriment of Europeans. [...] We therefore call on the Council to acknowledge in its Conclusions, the positive contribution of the collaborative economy in terms of sustainable economic growth for Europe.” This passage was cited in Codagnone et al. (2016).

insurance. Ford is encouraging buyers to rent their cars to peers on Getaround. Home Depot is offering a rental service for tools, and BMW offers car rentals (Owyang and Samuel, 2015). Mergers are another frequent theme, with examples such as FedEx acquiring Doordash, an “on-demand restaurant delivery service”. Daimler AG, a holding company of Mercedes and other car manufacturers, acquired car2Go, the largest car-sharing platform in the world as of October 2016 (Drahokoupil and Fabo, 2016).

Switzerland is seeing especially robust partnerships between traditional sectors and the platform economy: car-sharing start-up Sharoo has received investments from Mobiliar, Mobility and Migros. SBB has a strategic partnership with Mobility and Jacando. Swisscom is involved in platforms such as the start-up Mila. Furthermore, along with Nestlé, Swisscom is a founding member of Crowd Companies, a brand council from Silicon Valley that evaluates the impact of the sharing economy on large companies.

Crowd Companies is an interesting case in that it represents an “innovation council” with a diverse membership of 42 corporations including giants such as Nestlé, IBM, Johnson & Johnson, BMW and MasterCard.¹⁸ Notably, the membership includes no platforms. Rather, it appears that Crowd Companies aims to help large corporations seize opportunities in the platform economy, rather than representing any sort of organisation of platforms.

Despite these developments, it does not appear that platforms are organising themselves into employer associations, at least not in the typical way one would associate with collective bargaining and industrial relations. Of course, platforms argue they are not employers, so this is understandable. At the same time, other non-employers that function as intermediaries, namely temporary work agencies, have organised for collective representation. Examples include AGETT (Spanish association of large temporary work agencies) and CIETT (International Confederation of Temporary Agency Work Businesses).¹⁹

Some potential for converging interests seems to exist: it is not inconceivable that hotel associations and Airbnb could team up to seek uniformly looser restrictions in the hospitality industry. Similarly, while the taxi industry has decried Uber and other transportation platforms for their lax standards, it is feasible that new opportunities for cooperation will open in the future. This is purely speculative, however, and for the time being, it does not appear that platforms are integrating into existing employer organisations, nor do they appear to be establishing new employer organisations to collectively represent their own interests.

3.3 To what extent is the platform economy a topic of discussion in the social dialogue?

Given that employee organisations in the platform economy are in their infancy and platform associations do not seem to exist, it is difficult to speak of any meaningful social dialogue taking

¹⁸ See www.crowdcompanies.com/.

¹⁹ See Pedersen et al. (2004).

www.eurofound.europa.eu/observatories/eurwork/comparative-information/temporary-agency-work-in-the-european-union. European Foundation for the Improvement of Living and Working Conditions, Dublin

place. There are, however, instances in which employee organisations engaged in dialogue and negotiation with a single platform.

Take, for example, the events surrounding strikes against Uber in Paris at the end of 2016. Drivers of the union *Syndicat des chauffeurs privés VTC* staged demonstrations in response to Uber dropping the minimum fare rate from €5 to €4.25 and Uber's move to increase the commission it charges drivers from 20% to 25%. Following driver strikes in Paris, Thibaud Simphal, Uber's general manager for Western Europe, stated his willingness to enter into negotiations with drivers. The French government appointed Jacques Rapoport, a former senior executive with the French national rail company, to moderate (Chazan, 2016). As a result of these negotiations, Uber proposed a €21 per hour minimum gross revenue for drivers working at least 40 hours per week. It also proposed to set aside €2 million for financially distressed drivers. While this offer did not satisfy the drivers, it did seem reasonable to Rapoport, who is quoted (Mawad, 2017) as saying:

Drivers unions want higher prices and a smaller cut for Uber -- the company is absolutely not ready to satisfy those demands... I personally find Uber's latest proposal satisfying. It's up to the platforms, not chauffeurs to set their own prices and define their own commercial strategies.

Rapoport submitted his recommendations to the French government, advising that the government set a legal minimum wage only if Uber failed to implement its promised changes. This chain of events offers a near-textbook example of industrial relations in action. This was possible, in part, because Uber is large enough to have what might be called a "critical mass" of drivers working for it, which precipitated organisation and collective action. Furthermore, Uber's model sufficiently approximates a traditional employment relationship (as held by the previously discussed UK court ruling) to merit the provision of employment protection. Two-thirds of service providers in the platform economy are Uber drivers, and many of these work 40 or more hours per week as their sole source of income. Third, France is a dynamic and booming market for platforms, which also has a strong legacy of union action.

Both Airbnb and Uber have had dealings with unions in the US as well. Airbnb has unsuccessfully attempted to partner with unions across the US for years, with the platform endorsing measures such as \$15 per hour minimum wage for hosts and cleaners and cleaners' certification in "green home cleaning services" (Levin and Wong, 2016). In April 2016 Airbnb attempted to make a deal with the Service Employees International Union (SEIU) to promote unionised cleaners in its short-term rentals, which an article in *The Guardian* notes "would have marked the first-ever formal collaboration between a major firm in the 'gig economy' and a labour union" (Levin, 2016). The negotiations, however, fell apart under increasing criticism from other unions and SEIU members.

The Independent Drivers Guild was formed around May 2016 as part of a compromise in the New York City area between Uber and the International Association of Machinists and Aerospace Workers. As part of the arrangement, members of the Guild met regularly with Uber

officials in New York City, but the Guild also had to agree not to challenge Uber's stance that its drivers are independent contractors rather than employees. The Guild has had successes, such as requiring Uber to offer an in-app tipping option in the New York City area and raising the minimum fare rate from \$7 to \$8 (Scheiber, 2017). Nevertheless, the Guild has faced criticism from other unions such as the Teamsters and New York Taxi Workers Alliance for brokering a deal with Uber before building a more formal organisation of drivers.

In an interesting case, the city of Seattle passed an ordinance requiring that driving platforms including Uber and Lyft provide driver lists in preparation for negotiating driver rates and working conditions with the Teamsters union (Fisher, 2017a). Seattle's city council and mayor intended the measure to strengthen the Teamsters' ability to recruit drivers preceding negotiations with platforms. A similar case is pending in a state court in Washington (Fisher, 2017b). The court in Seattle placed the ordinance on hold, with US District Judge Robert Lasnik saying (Ibid.):

The potential absence of any state oversight of the agreements, the lack of any evaluation of competitive effect, and the potential impact on an important transportation option for thousands of Seattle residents and visitors cannot be ignored... The Court finds that the Chamber has raised serious questions.

To summarise industrial relations and the platform economy, there are limited examples of platform workers organising and negotiating with platforms. Whether this qualifies as industrial relations is largely contingent on the unanswered question of whether platform workers are employees and whether platforms are employers. If we assume this to be the case, we see some evidence of social dialogue taking place; there are several examples of employee unions negotiating with platforms, but almost exclusively with Uber and Airbnb – the largest and most profitable platforms globally. Only one occasion of tripartite dialogue between an “employer”, “employees” and government was found, which involved negotiations for Uber drivers' compensation in Paris held at the end of 2016 and early 2017. Even in that case, it was not an employer organisation, but a single employer. The evidence surveyed was almost exclusively informal and no academic literature was found explicitly discussing instances of social dialogue in the context of the platform economy, although Aloisi (2015b) and the Nordic Council of Ministers (2017) may represent preliminary attempts.

Table 3 illustrates the extent to which actors in the platform economy are engaged in social dialogue and industrial relations.

Table 3. Evidence of social dialogue in the platform economy

	Employees organising	Employers organising	Bipartite dialogue	Tripartite dialogue
Evidence found?	Yes, numerous examples	No	Yes, numerous examples	Yes, one example
Example/s	Syndicat des chauffeurs privés VTC, Couriers; Logistics Branch of the Independent Workers of Great Britain	-	Discussions between i) Airbnb and unions; and ii) Uber and unions in several countries	Discussions between Syndicat des chauffeurs privés VTC and Uber, moderated by French government official

Source: Own elaboration.

4. Conclusion

This literature review has covered industrial relations, social dialogue and the fast-evolving platform economy. It has found that industrial relations developed in the early 20th century as a democratic mechanism to solve labour problems. Meanwhile, social dialogue emerged as the dominant manner in which actors in industrial relations share information, consult and negotiate. The platform economy has been characterised as both a utopian and dystopian development by a variety of observers, but regardless of its merits, all indications point to its continued increase in importance. A few main findings of this paper follow.

The platform economy needs to be defined to enable the collection of useful statistics and the adoption of regulatory legislation

It is difficult to study, much less regulate, a poorly-defined idea. Reaching a shared understanding on terminology and scope is the most urgent and attainable goal for policymakers and academics alike. In concert with the European Parliament (2017a) and many academics, including Fabo et al. (2017), this literature review finds that the most objective and appropriate term to use in discussions of the phenomenon is “platform economy”. Platforms, especially the largest and most important ones, often have little or nothing to do with sharing or collaboration, and the focus should thus be on platforms. A simple and useful way to distinguish between platforms with a labour element has already been presented by De Groen et al. (2016), and this will assist in bringing the great heterogeneity of platforms into a manageable typology.

Preliminary examples of social dialogue in the platform economy are visible

Workers in the platform economy are increasingly integrating into employee organisations, and both new and long-established unions and other types of organisations becoming involved in dialogues with platforms over working conditions and other issues. This is a remarkable development given that such platform workers are widely considered to be independent

contractors – essentially representing their own competing businesses as far as the law is concerned. At the same time, platforms seem content to represent their own interests for the time being. Although nearly no surveyed academic literature explores the topic of actors in the platform economy engaging in social dialogue, it appears that platforms are increasingly confronted with a growing number of demands from an organised workforce concerning the terms of labour.

Industrial relations needs an update to remain relevant and representative

Even before the advent of the platform economy, industrial relations was in need of an update in order to stay relevant and representative. Given changing macroeconomic realities, as well as declining union membership, industrial relations scholars, including Kaufman (2008), Bamber et al. (2004), Budd (2004), Edwards (1995, 2003) and Hills (1995), have advocated a broadening of the field of industrial relations to better accommodate union and non-union workers. This is more important than ever given the rapid growth of the platform economy. The problem can be epitomised by two simple statements:

i). No framework exists to govern social dialogue between the different parties involved in the platform economy.

ii) Even if the existing framework were to be applied to the parties in the platform economy, it makes for a poor fit due to the important differences between platform workers and employees, and between platforms and employers.

Such a paradigm shift could, in essence, bring industrial relations closer to its original conception, focusing on the employment relationship and all forms of labour problems, rather than the narrower, modern focus on labour-management relations. Such a shift could broaden the scope of industrial relations to better encompass the modern economy, including trends such as fewer manufacturing jobs and greater dispersion of workers with similar interests. At the same time, a new paradigm would emphasise contemporary notions such as greater cultural, national and gender inclusiveness (Kaufman, 2008). A broader notion of industrial relations should create space for the inclusion of different classes of workers and employers brought about by the platform economy. One preliminary possibility is expanding the notion of social dialogue to better fit the broad conception discussed earlier, incorporating the voices of outsiders as well as worker organisations, employer organisations and governments. It is beyond the scope of this paper, however, to propose a specific framework to improve industrial relations.

Topics for further research

Future research should continue to monitor development in the platform economy, as researchers, including Huws and Joyce (2016), have begun to do in selected European countries. One element that is completely missing from the literature is a systematic examination of labour union initiatives for crowd workers. One useful approach would be to conduct semi-structured interviews with union representatives from the previously listed groups and any others that were left out of this paper. Data such as the number of platform

workers participating in unions, as well as information on negotiated agreements, would help researchers and policymakers understand the situation of platform workers and thereby set the groundwork for informed decision-making. Further research and analysis on how uncertainties in the platform economy (e.g. taxation or licensing) have been resolved in different locations as well as the effects of such initiatives, would yield valuable insights into potential policy solutions.

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