

# An international governance system for digital labour platforms

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## Cross-border social dialogue could pave the way to international regulation of a key feature of the 21st-century world of work.

Digital labour platforms have been expanding in recent years and the Covid 19-pandemic will probably give them another boost. Even if they do not directly involve most sectors and workers, moreover, some effects are likely to ‘spill over’ into more traditional forms of work.

Thorben Albrecht

We have seen how temporary agency work, for example, though engaging only a small share of workers, has put pressure on labour relations far beyond. Labour platforms could likewise contribute to (further) fragmentation of production into ‘business units’ across national jurisdictions, eroding employment relationships and protections.

International regulation of labour platforms thus appears necessary. This is especially so for cross-border, web-based, ‘crowdwork’ platforms, through which tasks such as coding, design or bookkeeping are outsourced globally. (At least ride-hailing or food-delivery platforms are based locally and can be *subject to national regulation*.)

Kostas Papadakis

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The International Labour Organization’s Global Commission on the Future of Work proposed an international governance system for digital labour platforms, requiring platforms (and their clients) to respect certain minimum rights and protections—on the model of the ILO’s Maritime Labour Convention for the global shipping industry. Since the commission’s report, discussion has focused on the possible role of (top-down) regulation in this industry.

Maria Mexi

## Little consensus

As yet, however, there appears little consensus behind such an approach within the ILO. At this stage self-regulation, with cross-border social dialogue (CBSD) at its core, could be a more realistic option. The flexibility which voluntary social dialogue offers could fit

the evolving nature of this industry and be a first step towards an ILO standard, if the ILO constituents so decided. Indeed, it might remain an element of regulation even once such a standard eventuated.

Inspiration can again be taken from the Maritime Labour Convention. Seafarers' working conditions are regulated through global collective bargaining within the International Bargaining Forum between the International Transport Workers' Federation and a Joint Negotiating Group of international maritime employers.

In the crowdwork platform industry, if organised global social partners so determined, CBSD could enable all actors in the crowdwork platform industry to work together to resolve problems and improve conditions—enhancing incomes and ensuring minimum social protection and a level playing-field against unfair competition, while blocking a possible downward spiral in basic labour standards. And it could pave the way towards a transnational industrial-relations framework.

## Emerging efforts

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Yet CBSD requires strong structures of collective representation and voice. And efforts are emerging to organise platform workers, with the support of trade unions or through new collective organisations. The ratio of membership in any form of workers' organisation is of course much smaller than in traditional industries, where organising grew over decades—but there is something on which to build.

On the other side of the table, however, the situation appears more complex. There are very few if any collective organisations representing platforms and none would claim to be an 'employer organisation'—as platforms, in their vast majority, do not present themselves as typical employers at all, but rather as 'intermediaries'. And there are no indications digital labour platforms are likely to join established employers' associations in the near future or opt for representation through them.

The *status quo* is likely to change though, under certain conditions. Elsewhere awareness of a need to conduct social dialogue—and reach tangible, bipartite, cross-border agreements—has largely relied on interconnected factors or incentives which could also be important for CBSD involving digital labour platforms.

Pressure from 'within', for instance, can play a role in workers organising, mobilising and protesting, on the one side, meeting a responsible corporate culture combined with a wish to prevent competitors from freeriding on the other. Pressure from 'outside' can stem from public awareness of the suboptimal working conditions of platform workers (on the increase due to the pandemic) and an emerging, mandatory, 'due diligence' regulation targeting global supply chains (into which crowdwork platforms may be drawn) in some European countries and the European Union.

These pressures could incentivise all sides to enter dialogue. The 'shadow of public regulation' has often been crucial to compel actors to join social dialogue. A proactive approach by governments and traditional social-partner organisations could prove

essential.

## Four themes

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The specific issues to be dealt with through negotiations, consultations or exchange of information between global social partners would of course be up to the partners themselves. Drawing on the few examples of stakeholder consultations on platform work—such as the German ‘crowdsourcing code of conduct’ or the British ‘Fairwork principles for online work’—one can nevertheless identify at least four priorities:

- pay and working conditions, as well as data protection and privacy;
- transparent and fair contracts;
- social protection, such as paid sick leave and pensions, and
- freedom of association, worker representation and labour-management consultation.

Of course, this list is not exhaustive—but it would be enough to kickstart social dialogue.

In its 2019 centenary year a fresh mandate was given to the ILO, on enhancing the contribution of cross-border social dialogue to the promotion of decent work, in an increasingly interconnected world of work. While for now there may be reticence, notably on behalf of some states and employers, to go down the route of international regulation of labour platforms, CBSD in the crowdwork industry could prove a credible pathway towards better working conditions and fairer terms of co-operation between platforms (and their clients) and crowdworkers.

This could lead to more ambitious global social regulation, more responsive to the needs of societies and economies in the 21st century.

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## About Thorben Albrecht, Kostas Papadakis and Maria Mexi

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Thorben Albrecht is policy director of *IG Metall*, Germany's largest trade union. He was a member of the Global Commission on the Future of Work established by the International Labour Organization. As a state secretary at the German Federal Ministry of Labour and Social Affairs from 2014 to 2018, he launched the ‘Work 4.0’ dialogue on shaping quality jobs in the digital age. Dr Kostas Papadakis is a senior specialist in the Governance and Tripartism Department of the ILO, focusing on national and cross-border social dialogue and industrial relations, participatory governance and corporate social responsibility. Dr Maria Mexi is affiliated with the Graduate Institute—Albert Hirschman Centre of Democracy and the United Nations Research Institute for Social Development, heading the Initiative on Shaping the Future of the Platform Economy and Global Governance. She has also been a consultant at the ILO (Geneva).