

# Global Workplace Law & Policy

## Collective bargaining of platform workers: domestic work leads the way

Valerio De Stefano (Osgoode Hall (Canada)) · Monday, December 10th, 2018

The last couple of years have been momentous for platform work, with stories hitting the lines of major newspapers at least weakly, litigation sparking [globally](#) and platform workers [organising](#) all around the world.

It can be said that the curtain of invisibility initially surrounding platform workers has been lifted, at least partially. It is more and more difficult to fall for the business-driven rhetoric concealing work under [buzzwords](#) such as ‘favours’, ‘task’, ‘ride’, ‘turker’. It is now clear, to those who do not want to turn a blind eye, that behind all this there is work, the labour of human beings who do not engage in platform work as a hobby (“gig-economy”, anyone?) but to make a substantial part of their income.

Still, the more some forms of platform work break this invisibility, the higher is the risk that less visible portions of it remain below the radar. Domestic work that is channelled via platforms runs this risk. A substantial part of platform workers around the world are providing working activities such as care-work, cleaning, housekeeping, or babysitting, in or for households. However, in the burgeoning academic and policy literature on platform work, very few studies – [it has been noted](#) – have investigated the potential impact of platforms on the working conditions and the quality of work of domestic workers (for some notable exceptions, see [here](#) and [here](#)).

Platform work shows many features that have long accompanied some forms of domestic work. It is hugely [casualised](#), with workers engaged in unstable work arrangements for a variable number of platforms/ clients. Working shifts are often so [unpredictable or short](#) that it can be complicated for these workers even to be considered covered by employment protection, something which may push workers in informality, at the expense of their labour rights.

The risk of invisibility that goes with platform work can be magnified if it is added to the invisibility-risk accompanying domestic work – the shortage of studies and initiatives focussing on the intersection of these phenomena shows how urgent it is for scholars, social partners and policymakers to tackle this issue.

It is, therefore, encouraging that one of the most significant events concerning platform work in 2018 regards domestic work channelled through platforms.

## **A collective agreement for platform-based domestic work**

A Danish trade union, 3F, signed a [collective bargaining agreement](#) with Hilfr.dk, a platform providing domestic work such as cleaning services in private households. The [agreement](#) introduces within the company a new category of worker, with employment status, in parallel with the existing freelance arrangements. Freelancers can apply to become employees of the platform and be covered by the collective agreement. After 100 hours of work, workers will be considered to be employees covered by the collective agreement, unless they actively opt out from this status.

This agreement debunks many myths about platform work, the first one being that it is not compatible with existing forms of labour protection such as employment rights and collective bargaining. Secondly, it shows that labour protection is not necessarily an alternative to autonomy – the workers who, for whatever reason, want to remain freelancers are still able to do so, just by opting out.

The collective agreement provides for significant protections. It grants an hourly minimum wage of 141 DKK (c. 19 Euro or 21,5 USD), payment of unemployment benefits in case of sickness, and protection against dismissal. The right to holidays and working time protection are also granted, in accordance with Danish law.

Most importantly, the agreement also provides rules on the cancellation of shifts, a pivotal protection for casual and platform workers – if a job is cancelled less than 36 hours before the start, the customer is bound to pay 50% of the agreed wage.

Finally, the agreement also includes a provision for data protection, which may serve as a blueprint for future collective bargaining, regardless of the sector. Firstly, the consent of the workers is needed to post their data on the platform, and this consent should be specific and informed.

Moreover, workers ‘may, at any time, request that derogatory, false and offensive comments, pictures or characters be removed from [their] profile and other places on the platform that can be associated- and clearly attributed to [them].’ This kind of request ‘cannot adversely affect the employee’s conditions of employment’.

This is crucial protection to ensure that workers are not penalised by negative or biased comments or feedbacks received by customers or other parties, something that can be extremely detrimental for workers, particularly when algorithms are applied to decide whether other jobs will be offered.

## **Data protection through collective bargaining is more important than ever**

Rules on the use of personal data – and their collective negotiation – are essential in a world in which digital data are increasingly used in recruitment processes, with algorithms investigating the personal history of candidates as it emerges from their use of social media or databases. [Digital](#)

[services](#) allowing recruiters to have access to an undesirable amount of information on prospective workers or rating a candidate's profile on the basis of such data are on the rise, and they pose [substantial ethical questions](#).

These kinds of checks are more widespread when the job is about trust. It must not come at a surprise, then, that domestic work is invested by this phenomenon. For instance, companies are offering [algorithms that scan 'the online footprint of a prospective babysitter](#) to determine their "risk" levels for parents'. They provide prospective employers with vast personal information of candidates, including social media activities, and determine a risk level for each candidate.

Potential babysitters may be 'graded on a scale of 1-5 (5 being the riskiest) in four categories: "Bullying/Harassment," "Disrespectful Attitude," "Explicit Content," and "Drug use"'. Apart from any other major concern about the privacy of the prospective worker, a crucial problem, identified by the [article](#), is that these systems may incorporate racial bias, even if the programmers strive to do their best to avoid it.

[I argued](#) elsewhere that the use of AI and management-by-algorithm pose fundamental ethical and regulatory problems for the governance of work relationships, and that these problems can only be solved if these systems are subject to human scrutiny on the basis of criteria negotiated and supervised through social dialogue.

The use of algorithms in recruiting is only a part of this story. Collective bargaining is all the more urgent in all sectors of the economy to govern workers' data collection and usage, and so it is for ensuring better employment protection of platform workers. The collective bargaining agreement signed in Denmark shows that this is not only desirable, it is also possible.

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