

## ETUC resolution on digitalisation: "towards fair digital work"

Adopted by the Executive Committee on 8-9 June 2016

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### Key points

The ETUC demands:

- a) to shape an inclusive transition towards good and fair digital work based on good working conditions, a safe and secure work environment and a fair employment relationship;
- b) to avoid digitalisation further splitting society into a few winners and many losers and contributing to an even more unequal distribution of wealth;
- c) to upskill the workforce (including self-employed workers) by upgrading initial and continuous occupational training programmes for the digital era ensuring access to higher education and lifelong learning, digital skills being an important leitmotiv for good and fair digital work;
- d) a Directive on privacy at work at European level, based on respect for human dignity, privacy and the protection of personal data;
- e) to incorporate the gender perspective in all digital initiatives so that the Digital Agenda becomes a driving force towards gender equality, to address the severe gender gap within the ICT sector, to foster full integration of women of all ages in science, technology, engineering and mathematics subjects and to strengthen women's participation in decision-making processes in digital companies;
- f) to accompany the deployment of the digital technologies with a set of standards which will contribute to the – social, economic and environmental – sustainability of ICT value chains; to ensure that EU action on digitalisation fits with the targets of its climate, energy and environment policies; to address the negative impact of many digital technologies on the environment in terms of waste production and export to poor countries, excessive water and energy consumption, raw material extraction;
- g) to propose an EU framework on crowdworking to prevent the undermining or circumventing of minimum pay rates, working time regulation, social security, pension schemes, taxation, etc., to ensure that national and European regulations and legislation effectively apply to digital crowdworkers in online environments and to ensure the rights of digital workers in online environments; establishing fair rules, ensuring minimum remunerations are paid, giving access to social security; to protect intellectual property rights;
- h) to conduct an assessment of the social impacts of ICT standards on workers, to promote the development of open standards in all identified priority domains, open and accessible to all players in industry through fair, reasonable and non-discriminatory legal and economic conditions and to secure funding for an effective participation of trade unions in relevant global standard-setting organisations;
- i) to build inclusive and accessible digital public services and to ensure that public administrations support both citizens and workers with digital training and skills;
- j) that digitalization should not negatively impact on tax revenues and not facilitate a further erosion of the corporate tax base by allowing companies to pay tax in one jurisdiction, even when value is created in another; multinationals must pay tax on profits where the corresponding economy activity takes place.

- k) to strengthen information, consultation and board-level representation to better anticipate and manage change, in particular an inclusive transition towards good and fair digital work;
- l) trade unions to use all representative bodies to shape fair and inclusive digitisation of companies and services and to organise self-employed workers;
- m) trade unions to ensure that workers' representatives in general, and in company boardrooms in particular, regularly scrutinise the introduction of new technologies, internal and external outsourcing; and to use collective bargaining to implement new rights related to digitalisation (such as the right to disconnect);
- n) trade unions to monitor digitalisation strategies more closely; to encourage ETUFs to actively explore ways to negotiate Transnational Company Agreements (TCAs) on the different fields of digitalisation.

### **Digitalisation, the fourth industrial revolution and the European Commission<sup>1</sup>**

Digitalisation<sup>2</sup> of the economy and society is an important challenge for the European trade union movement. Digitalisation brings the fourth industrial revolution<sup>3</sup> which is about to change industry, services, markets, but also the world of labour in general (in public services, education etc.). Digitalisation means opportunities as well as risks. Studies currently available on the future of work suggest that there will be winners and losers amongst workers. One of the risks is that digitalisation might become an additional driver of social and territorial inequalities.

Amongst the benefits of digitalisation could be a potential liberation from dangerous, monotonous and repetitive tasks, which would be increasingly replaced by tasks of process monitoring and process enhancement, thus strengthening the capacity of teams to act and the capacity for autonomous self-regulation. Digitalisation could become the base for new forms of support for workers, new forms of cooperation, strengthening the autonomy of action and of decentralised auto-regulation of teams. A better work-life balance could be within reach. These new digital challenges make workers' information, consultation, board-level participation and collective bargaining even more important, and they need strengthening. Trade unions are challenged to think about appropriate ways to support and safeguard the interests of workers in the new digital economy.

Several Member States have launched initiatives to digitise industries and services, whereas the European Commission finds it difficult to establish a European policy framework. The Commission counts more than 30 national and regional initiatives for digitising industries, which have been launched across Europe, and refers to "Fabbrica Intelligente" in Italy or "Nouvelle France Industrielle" (Industrie du Futur) in France, "Smart Industry" in the Netherlands and Slovakia, "Industrie 4.0" in Germany. The Commission does not differentiate between regional and national initiatives so that it is not clear which Member States are lagging behind. If sectors of society and regions of

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<sup>1</sup> This document is an update of "The digital agenda of the European Commission: Preliminary ETUC assessment", endorsed by the Executive Committee on 26.6.2015, based on discussion during three ETUC digitalisation workshops which took place 02.12.2015, 23.2.2016 and 20.4.2016 (a fourth and last is scheduled for 14.6.2016) and a presentation in the ETUC Economic and Employment Committee at its meeting of 17 September 2015, followed by a discussion with affiliates.

<sup>2</sup> The concept of digitalisation can refer to the expansion of the digitalised sector as a whole, that of ICT (Information and Communication Technology) activities only, or beyond the ICT sector to digitisation of industry and services. Other denominations: industry 4.0, enterprise 4.0, work 4.0, office 4.0, smart offices, Internet of Things, but there is no agreed terminology, often online platforms, sharing economy, collaborative economy are to be included as well. - In this paper 'digitalisation' is used for the general trend – but transforming existing workplaces or industries is referred to as 'digitisation'.

<sup>3</sup> First industrial revolution refers to steam power combined with mechanical production in the late 1700s, Second revolution to electrification and assembly lines from the mid-1800s onwards, the Third to electronics and IT since the 1970s, the Fourth to Cyber-physical systems. The industrial systems move away from the Taylorist and Fordist approach.

Europe are falling behind, the costs for society are high. The Commission has lost much time before beginning to network the already established national digitalisation initiatives, to invest in digital innovation centres in Europe, draft standards, create a European cloud. These activities taken together are supposed to bring the share of industry in European GDP up to 20%.

The Commission introduces its new Communication “Digitising European Industry. Reaping the full benefits of a Digital Single Market” with a positive note claiming that European industry is playing an important role in putting Europe’s economy back on track, but at the same time turning a blind eye to the high level of unemployment, low investment, and low growth. The Commission starts by acknowledging that large disparities exist between regions and that the level of digitisation varies across sectors, mainly between high-tech areas and traditional ones, but also between individual Member States. Nevertheless, the Commission should act faster and more ambitiously, as a successful inclusive transition towards ‘Industry 4.0’ is not a matter of wishful thinking or declarations but of action and investment. Nobody has a crystal ball to look into the digital future and there is no such thing as technological determinism related to digitalisation.

The Commission sees a challenge in speeding up digitalisation to avoid Europe lagging behind. Europe – and not only parts of it – must move fast on key industrial challenges such as electromobility, battery production, 3D printing, IT infrastructure, 5G. The Commission insists that Europe can build on European strengths, but analysis of the differences in comparison to the US and some South East Asian countries, covering only a few aspects, shows Europe already falling behind. Investments in ICT products in the EU represented a third of those in the US between 2000-2014. The amount invested by EU companies in research and innovation represents 40% of US companies’ investments.

In June 2015, the ETUC Executive Committee<sup>4</sup> asked for a permanent European Forum on digitalisation to shape the future of digital work. Now, in its Communication, the Commission makes a step in the right direction claiming: “The digital transformation is structurally changing the labour market and the nature of work. There are concerns that these changes may affect employment conditions, levels and income distribution. Addressing these challenges requires a comprehensive dialogue on the social aspects of digitisation that engages all stakeholders involved in all aspects of work, education and training.” The Commission proposes a) a bi-annual high-level roundtable of representatives of Member States’ initiatives, industry and social partners to ensure a continuous EU-wide dialogue, with specific workshops for preparatory initiatives on sectoral and cross-sector issues and b) a yearly European stakeholder forum for wider consultation. The ETUC is pleased to see that the Commission has finally taken up its demand for a permanent European Forum.

Instead of treating the future of work as a marginal sub-theme, the Commission should look closely at initiatives launched by Labour Ministries such as Work 4.0 (“Arbeiten 4.0”). The German Labour Ministry launched a Green Paper discussion on ‘Work 4.0’ in 2015, to be followed by a White Paper in 2016 involving the social, employment and work-related facets of digitalisation and all major stakeholders. It is a tiny step in the right direction that now the term “regulatory challenge” does appear in the Commission’s Communication, as well as the topics “labour” and “work” (in the last chapter). However, the opportunities will not become reality by themselves or driven by the markets, but need a coherent European policy framework based on strong trade union involvement.

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<sup>4</sup> Adopted on 17-18 June 2016 <https://www.etuc.org/documents/digital-agenda-european-commission-preliminary-etuc-assessment>

It would be a step forward to coordinate existing national initiatives, to build upon, complement and ensure their scaling-up. The remaining question is: what about the Member States, which have not yet launched national initiatives, including major stakeholders like the social partners? Apparently those Member States will be involved in the coordination process to “leapfrog” the steps already taken by Member States with initiatives. It is not clear how the Commission will organise this catching-up process. Will there be European incentives to invest massively in fair digitalisation including major stakeholders? Pushing for further digitalisation mainly in the Member States where it has already started might in the end damage the whole project. Digitalisation is like a window for opportunities, which is open right now.

Globalisation is accelerating digitalisation and vice versa. Digitalisation might enlarge the existing divide between different European areas.<sup>5</sup> Austerity policy squeezes the capacity for digital investments of the less developed countries.

Despite major steps in the right direction, some facets of digitalisation (such as sustainability, data protection, gender gap, skills gap etc.) are still missing or underdeveloped in the Commission’s Communication. These blind spots and this partial perception of problems related to digitalisation create a new problem as they lead to partial and biased policy conclusions. Policy-makers have to manage change and cope with the shocks, the “disruptions” that will inevitably result from digitalisation.

## **Background**

Most of the events on digitalisation focus on technological challenges, however rapidly the debate on the future of work and the digitalisation of our social and work life, defined as the fourth industrial revolution, is intensifying and accelerating:

- a) The Luxemburg Presidency on 10-11 November 2015 organised a conference entitled 'Digital Economy: Let's be ready for the new Jobs!' and invited European Labour Ministers for a first debate on digitalisation and the future of work.
- b) The OECD hosted a ministerial meeting of Labour and Employment Ministers in January 2016, preceded by a well-attended Policy Forum on the 'Future of Work'. Both raised probing questions about wages, labour rights, access to social protection, training opportunities etc.
- c) The World Economic Forum in Davos in January 2016, in its session on 'The Digital Transformation of Industries', drew the conclusion that technology is not the most important challenge.
- d) The European Social Partners declared in a Statement on Digitalisation for the Tripartite social summit of 16 March 2016 that the European employment policy agenda, while underpinning digitalisation, “should, at the same time, aim to maximise quality employment opportunities”<sup>6</sup>.

## **Blind spots in the European Commission’s perception**

The gender gap needs to be taken into account. Despite the strong evidence that women’s active participation in the ICT sector is essential for Europe’s long-term growth and economic sustainability, a wide ICT gap in terms of gender and generational skills persists in Europe. The number of ICT graduates has decreased between 2006 & 2013<sup>7</sup>. There are twice as many male as female graduates in science, technology and mathematics. Since so much of our future society will be shaped by data scientists and

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<sup>5</sup> “Potential digital divides – whether generational, gender-based, regional or social – must be addressed.” Statement of the European Social Partners on Digitalisation. Tripartite Social Summit, 16 March 2016.

<sup>6</sup> [https://www.etuc.org/sites/www.etuc.org/files/press-release/files/11.03.16\\_final\\_draft\\_eusp\\_message\\_digitalisation.pdf](https://www.etuc.org/sites/www.etuc.org/files/press-release/files/11.03.16_final_draft_eusp_message_digitalisation.pdf)

<sup>7</sup> <https://pbs.twimg.com/media/CRYpwreVAAEVv4K.jpg:large>

software developers, it is crucial that more women get into the sector. Otherwise the world of tomorrow will be directed by half of the population, for themselves, and we will miss the talent, creativity and contribution of the other half. Women in Europe tend not to take ICT studies and are under-represented in the sector, particularly in technical and decision-making positions. For a gender-unbiased digital economy, it is crucial to improve access to educational and training opportunities for women and girls from an early age, to learn ICT skills and to further upskill, and to pursue careers linked to ICT with a view to applying these skills in the labour market. It has been estimated that the entry of more women into the ICT sector would boost a market in which labour shortages are foreseen and in which equal participation of women would lead to a gain of around €9 billion in EU GDP each year.

The Commission assumes that digitalisation can reduce energy consumption and the use of raw materials. However, the message on sustainability comes closer to wishful thinking than anything else. Greening the economy and accelerating the transition to a low-carbon economy will require the deployment of a series of digital technologies. Smart buildings, smart urban planning and intelligent transport, telecommuting and virtual meetings, ICT for energy efficiency in industry are all elements – among many others – which can significantly contribute to the reduction of greenhouse gas emissions in the EU as well as globally. In the context of climate and energy policies, the ETUC sees the deployment of these technologies as an urgent priority. This would help the EU to become a leader in a market that will be growing in the coming years. Despite the many benefits they offer, it should be born in mind that many digital technologies can have a negative impact on the environment as well as on public health. The energy consumption and the greenhouse gas emissions related to ICT are currently soaring. Water consumption of big data centres can undermine water affordability. Many of these technologies require mineral and raw materials such as rare earths, which sometimes come from mining activities where human and workers' rights as well as environmental standards are not respected. Last but not least, ICT technologies generate astronomic amounts of waste that are harmful for the environment and for public health. This is particularly worrying when this waste is exported through informal means to poor countries where the local population is directly exposed to toxic materials. The ETUC therefore demands that the deployment of digital technologies should be accompanied by a set of regulations and standards, which will help to ensure the – social, economic and environmental – sustainability of ICT value chains. The EU must also ensure that its action on digitalisation fits with the targets of its climate, energy and environment policies. Ensuring the sustainability of the digital economy should not be seen as an obstacle to its deployment but as a prerequisite for its economic viability in the long term.

The increasing use of new technologies and means of electronic communication in the relation between employers and workers raises many questions concerning workers' privacy and the risks lying in new possibilities of monitoring and surveillance. The ETUC is of the opinion that the use, processing and storage of data in the employment relationship needs principles which avoid infringements of workers' fundamental rights, in particular the right to a private life. This human right is protected under International and European standards. A worker does not give up his or her right to privacy when working. Employers need to refrain from unreasonable interference when workers are using technical devices and ICTs. It is essential that data processing at work is necessary, proportionate, transparent, and not discriminatory and the worker must have a right to access. The new Data Protection Regulation at European level does not sufficiently cover the details of data protection in the specific field of employment. Therefore, the ETUC demands a Directive on privacy at work at European level, based on respect for human dignity, privacy and the protection of personal data.

While future jobs will require different skills, people are being trained today and should have ongoing opportunities and support throughout their career/lifetime to improve key competences and basic skills, including digital skills. Digital skills are essential to ensure employability of workers, but they are also key to equal access to quality services, democratic and social life, and improving everyday life, as digital platforms and tools are

covering more and more dimensions of our lives. Digital skills are an important leitmotiv to ensure an inclusive transition towards good and fair digital work, in particular regarding specific target groups such as women, young people, temporary workers, migrant workers, self-employed crowd workers, freelancers. When talking about digital skills it is essential to differentiate the level and type of digital skills needed: high-level ICT practitioners' skills, e-business skills, and ICT-user skills. Increasingly workers are, and will be, confronted with complexity, uncertainty and change. Teams have to learn how to handle the unexpected. Constant upgrading of modern skills such as problem-solving competences is a necessity. Upskilling the workforce presents a massive challenge. Rapid change is now the norm and workers will understand this fact of company life and will have to regularly upskill. Workers' skills and capabilities should be maintained and improved through ongoing training programmes. Specifically, the need for digital skills at the workplace is increasing. Industry and services have a pivotal role to play in developing the right skills in the workplace. Companies should increasingly become learning entities for training people on the job, by means of a coherent programme. More joint initiatives to adapt initial and continuous occupational training programmes (to learn new apprenticeship methods, function independently, take on a sense of responsibility and ownership, develop systematic thinking skills...) are needed. It is essential to provide more support to workers in general to improve their soft skills and digital skills, in particular elderly workers. As the digital economy will lead to important transitions and restructuring in the economy, workers should be guaranteed training provisions that could help them start a new phase in their career and possibly embrace the opportunities of jobs created in the digital economy. The paid educational leave proposed by the ETUC must be part of a European strategy to support workers in adapting and facing economic changes. Regional skills development for good post-industrial jobs is needed as well.

The ETUC recognises the role of standardisation as a key tool in industrial policy and welcomes the Commission's priority domains for standardisation as supporting industrial advancement. Standardisation is key to ensuring the digital integration of European services and manufacturing industries, for instance by ensuring interoperability of communication protocols and data formats used in the transmission, storage and processing of data between machines and devices; contributing to the occupational health and safety of all workers performing tasks in fully automated environments; offering guarantees on workers' privacy at work and avoiding abusive surveillance by employers. Moreover, standards supporting the digitalisation of industry and services will shape the global competitiveness of European businesses and workforces<sup>8</sup>. To prevent a shift of economic value from productive players towards owners of intellectual property rights, such standards need to be open and accessible to all players in industry through Fair, Reasonable and Non-Discriminatory (FRAND) legal and economic conditions. The ETUC thus welcomes the Commission's willingness to rely on a balanced intellectual property rights policy for accessing standards on essential patents under FRAND conditions. ETUC calls on the Commission to promote the development of open standards in all identified priority domains, for instance by means of standardisation mandates addressed to the European Standardisation Organisation. The ETUC recalls that ICT standards for completing the digital single market are not only a matter of technology, as they will impact upon occupational health and safety, privacy at work, surveillance of employees and skills. The ETUC thus calls on the Commission to conduct an assessment of the social impacts of ICT standards on workers in order to feed into the policy and standardisation process. ICT standardisation is increasingly taking place at global level falling outside the remit of the 1025/2012 Regulation on European Standardisation. The ETUC calls on the Commission to secure funding for an effective participation of trade unions in relevant global standard-setting organisations.

The digitalisation of public services and e-government must not deepen the 'digital divide', particularly when policies, much lauded by the Commission, such as the 'once-only principle' and 'digital by default', are implemented. Digitalisation will only lead to

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<sup>8</sup> For instance, if interoperability standards are proprietary, the organisation owning such standards will be in a position to capture and concentrate a large share of the value of the whole supply chain into its hands.

better public services when it is accompanied by infrastructure investment and adequate staffing.

### **Digitalisation and the future of work**

A lot of hype has built up around digitalisation. On one side, the over-enthusiastic camp bases its assumptions mainly on wishful thinking. Digitalisation is acclaimed for delivering universal benefits for all, bringing a circular economy with less waste, a better use of under-used assets (such as cars, flats...), fantastic opportunities for better information, communication, connectedness and transparency (three and a half billion people now connected to the internet), easier reconciliation of life and work and a new world of sharing and collaboration, digital work as sort of a panacea, a promise of a more fair, equal, just and sustainable world based on a democratic internet and more participation.

The more sceptical camp predicts a trend leading to a future with dramatically high job losses, 24/7 availability, deteriorating working conditions, blurring of barriers between private and working life, increasing supervision and control, polarisation of jobs (increase in low-skilled and very high-skilled workers, decrease in the middle), widening wealth inequalities, a new machine age with a global pool of workers competing against each other, leading to a race to the bottom in wages and working conditions.

The ETUC endorses neither the over-enthusiastic nor the sceptical visions but tries to look at both dimensions, the opportunities as well as the risks. It is our task as trade unions to point to some worrying trends and significant problems in the future of work. The main challenge is to shape an inclusive transition towards a fair digital future by minimising the risks and opening windows of opportunity. It is important to apply the precautionary principle to avoid digitisation further splitting society into a few winners and many losers and contributing to an even more unequal distribution of wealth.

The European Commission, under pressure from big groups such as Uber and Airbnb, is leaning more towards the euphoric side and, in the interests of the single market, trying to get rid of barriers to establishing a European digital single market able to compete with its US and South East Asian rivals.

The ETUC regrets that the question of job losses does not play a role in the Commission's analysis<sup>9</sup> – is it “technological unemployment” (Keynes), “creative destruction” (Schumpeter) or a new trend starting with the fourth industrial revolution? Historically increases in productivity have routinely destroyed old jobs, but after a transition period even more new jobs were created. A recent OECD study comes to the conclusion that on average 9% of jobs are at high risk of being automated<sup>10</sup>. The biggest challenge in the field of employment is to shape an inclusive transition towards fair and good work.

What would be needed for Europe? Are the proposed €50 billion of public and private investments in support of digitisation of industry over the next five years sufficient or a drop in the ocean<sup>11</sup>? Is one reason behind the private sector's low investment rates the level of uncertainty about how ongoing digitalisation is developing, and in the meantime

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<sup>9</sup> The official focus is on estimates of the potential economic gain linked to “The Cost of Non-Europe” which is calculated as €572 billion in annual consumption across the EU-28 (*The Cost of Non-Europe in the Sharing Economy*, European Parliamentary Research Service, January 2016). The “under-utilisation of labour” is estimated €309 billion.

<sup>10</sup> Policy Brief on the Future of Work, Automation and independent work in a digital economy, May 2016.

<sup>11</sup> Studies ([http://www.rolandberger.co.uk/media/pdf/Roland\\_Berger\\_TAB\\_Industry\\_4\\_0\\_20140403.pdf](http://www.rolandberger.co.uk/media/pdf/Roland_Berger_TAB_Industry_4_0_20140403.pdf)) say that investments of €90bn a year are necessary to ensure that Europe keeps its competitive position. The huge investment gap stands in contrast with the 20% objective to strengthen the industrial base of Europe. Past industrial revolutions have materialised on the base of massive public investments embedded in a complex architecture of institutions constructed with the aim of taming capitalism and on the basis of an appropriate policy framework. The Commission seems to lack clear ideas about the necessary investment in the digital economy.

investors are reluctant to commit long-term investment to digitise existing production technologies?

### **A dangerous new trend: workforce platforms and crowdworking 'spilling over' into many companies**

The rapid growth of cyber platforms has created major challenges, both conceptual and regulatory. It might not be a coincidence that their evolution took place in the middle of the great recession which began in 2008 with the Lehman Brothers crash. The ETUC is less worried about innovations like the second-hand economy or car rental. The ETUC's main concern is digital workforce platforms and their potentially disruptive consequences for the labour market and employment.

Crowdworking means transferring tasks to a pool of online workers, the "crowd", via an intermediary, an online platform. Crowdworking, although still a marginal phenomenon in Europe, is rapidly increasing<sup>12</sup>. The workforce platforms are based on disaggregating jobs into their component tasks and subtasks and outsourcing these micro-tasks. Crowdworkers execute micro-jobs or micro-tasks via online platforms for various employers (including translation, transcription of audio snippets, software and apps development, display invoices in matrix format...). The consequences for workers are mixed: it is argued that they are free to organise their schedules, the tasks they take on and their professional lives, but they have none of the protections workers rely on, in particular against psychosocial risks of individualised work on online platforms.

Companies get new and easy access to (internal and external) outsourcing through internet platforms advertising to crowdworkers who are supposed to execute different (micro)services or (micro)tasks by simply acknowledging the terms and conditions of the platform. The standard institutional framework to protect workers, an employment contract or at least an employment relationship, is regularly refused in the case of internet platforms. Therefore (European) Works Councils, collective bargaining, collective agreements and board-level representation are missing in practice.

In companies, crowdworking can be divided into two broad categories: internal (inside companies) and external outsourcing. Internal crowdworking is used by companies to manage their own workers via internal platforms. In this case, the usual procedures and tools of information, consultation and board-level representation, if available, can be used to influence the process. Normally, the status of a worker is not touched upon.

Transnational external crowdworking is performed outside of the purview of national governments and a general lack of enforcement of worker protections can be observed. The labour platforms have significant effect on lowering wages and show worrying signs of a new race to the bottom. The labour platforms are designed like an invitation to multiply underbidding practices. In the case of external crowdworking, typically at least three actors can be involved: the client, the online intermediary and the worker. There is a power imbalance between the worker and the platform or client. The worker depends on a ranking, but there is no provision to rank the employers. There is a structural transfer of risk and responsibility from firms onto precarious workers. The spill-over effects of cyber platforms on companies, due to pressure for price competitiveness, are even more worrying than the potential legal vacuum. Companies using cyber platforms can offer goods and services at considerably lower costs.

A new digital industry is about to be launched without the proper recognition of an employment relationship (employment contract, ex-ante agreement on pay, minimum working hours, working time regulation, paid holidays, maternity/paternity leave, social protection etc.). Crowd and clickworking facilitates the possibilities of undermining or circumventing minimum wages, working time regulation, social security, pension

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<sup>12</sup> Phenomena like 'gig', 'on-demand', 'sharing', 'peer-to-peer', 'collaborative' or the 'platform' economy are exploding.

schemes, taxation, etc. The rapid increase in crowdworking might lead to an extension of the shadow economy and illicit work and the establishment of a new digital precariousness. This new digital precariousness is a segment of the workforce whose work is temporary, who subsists on very low wages and who receives few or no benefits or social protections. This precarious condition is about to spread around the globe. According to the terms and conditions of many workforce platforms only one out of the crowd is paid, it is like a lottery and so the situation is worse than for day-labourers.

At first glance, it looks hard to regulate labour platforms effectively, but the ETUC would propose some angles to tackle the issue. First of all, there is evidence that only a few countries in the west host the vast majority of employers<sup>13</sup>. So there is a strategic need to reinforce existing regulation and provide, where necessary, new rules for the game. In the EU, the required regulations about how employers, employment agencies and clients should treat their workers can be enacted and enforced. Secondly, it is a question of fairness to ensure that at least minimum remuneration is paid. The European legislator has to intervene to ensure that workers get more bargaining power and are treated fairly. Social security systems must be open to self-employed and economically dependent workers. The crowdworking economy remains a dangerous trend as long as fair rules are still lacking.

### **Digital challenges for trade union and areas of action**

The ETUC is clearly in favour of using new technologies in a way that serves citizens, workers – in particular female and older workers – as well as companies that respect national and European (labour) law and regulations. Adequate protection for workers engaged in digital work is needed to avoid the emergence of a new digital precariousness. One major challenge consists of ensuring information, consultation and board-level representation as well as minimum remuneration and obligatory social security.

Digitalisation broadens the possibilities for automation, robotisation and outsourcing in industries and services, and trade unions are challenged to shape the transition to fair and good digital work. The digital revolution will not happen overnight, but needs to be shaped step by step. The involvement of trade unions is a major challenge as well as an opportunity.

The most important areas of actions for trade unions are employment, qualifications and upskilling, outsourcing of tasks, rules on working time, health and safety issues, work-life balance, and data protection. New inclusive definitions for worker and employer must be found. Strengthened information, consultation and board-level participation procedures are needed to shape inclusive transition towards fair digital work.

Trade union involvement in digitalisation looks like a scattered landscape and is mainly related to the existing initiatives of Member States (to name the most important initiatives: Luxemburg, France, Sweden, Germany). In general, initiatives launched by Labour Ministries lead to appropriate trade union involvement whereas other Ministries tend to forget trade union involvement, so that it becomes rather difficult or impossible. Even more difficult is the situation in Member States without digitalisation initiatives: When Member States lag behind, trade unions in general are more distanced from the topic. Due to the diversity of situations, different trade union strategies are needed, starting with awareness raising inside the unions, followed by trade union activities to raise awareness amongst works councils, EWCs, other workers' representation bodies and amongst workers' representatives in company boardrooms.

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<sup>13</sup> *Internet and information geographies* by Mark Graham. TEDxBradford.

<https://www.youtube.com/watch?v=33kIWwQZ5I0>. And in reaction to the third ETUC digitalisation workshop:

<https://usilive.org/opinions/organising-in-the-digital-wild-west-can-strategic-bottlenecks-help-prevent-a-race-to-the-bottom-for-online-workers/>

The objective is to scrutinise systematically the introduction of new technologies and to shape it in a way that ensures good and fair digital work. The trade unions can directly influence companies' digitisation strategies via the representation bodies, and should use all means to do so. In Member States with national digitalisation initiatives, trade unions should be in a position to influence the governmental digitalisation agenda as well, and should stress the need to have a close look at its social dimension and the future of work. The ETUC call on all national governments to involve the trade unions in the digitalisation process.

Some trade unions have gone further already, offering concrete support to crowdworkers (<http://www.faircrowdwork.org/>) such as ranking of platforms. These efforts can be taken as a source of inspiration. The ETUFs can influence the digitalisation strategy of companies by initiating TCAs on digitalisation. The ETUC will continue to offer platforms for exchange of information, awareness raising and strategic debates.

The ETUC encourages:

- a) works councils, EWCs, workers' representatives in general and on company boards in particular to take a close look at internal as well as external outsourcing and to ensure that standard working conditions and collectively agreed wages are fully applied. New digital business practices and the introduction of new ICT must be supervised from the very beginning. In some countries the number of company agreements on digitalisation is rising fast<sup>14</sup>. In others, such activities are just about to start. Longstanding challenges – such as long working hours, stress, digital skills and work-life imbalance – are intensifying and need to be tackled.
- b) European trade union federations (ETUFs) to actively explore ways to negotiate TCAs on digitalisation, to ensure that common rules are established and respected throughout the whole company and value chain, covering, for example, the involvement of workers' representatives in the introduction of new ICT (no pretext for dismissals), 3-D printing, smart glasses, robots, adequate rules on data protection, big data, excluding performance or behavioural checks or remote controls, private and operational use of internet (voluntary 'mail on holiday', out-of-office or holiday replacement, Mobile Device Management, the right to disconnect), use of social media, as is already the case in many national company agreements. TCAs can be one important element in a trade union strategy for fair digitalisation<sup>15</sup>. Action at European level can help to cushion the digital divide, to ensure equal treatment and to turn threats into opportunities.
- c) trade unions to monitor company strategies on digitalisation more closely, which is not yet the case everywhere. The issues identified in this document need to be highlighted at all levels of trade union organisation in Europe.
- d) demanding new rights such as temporary suspension of management decisions on work organisation related to introduction of new technologies;
- e) trade unions opening up, organising and better protecting self-employed workers, as foreseen in the ETUC strategy on atypical work.

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<sup>14</sup> For instance more than 2,500 in Germany.

<sup>15</sup> Until now, only one EFA on digitalisation is known of.