Collective action and crowd work

29 september 2017
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Summary

- Collective actions against platforms exist
- Crowd work is different (when focussing on collective action)
- The collective action rules are not different
- Do collective action rules need a change?
Unions

- NL: Riders Union (note: other than Riders Forum)

- US: Turkopticon: "Workers of Mechanical Turk, unite! Check out worker-written reviews of employers as you browse HITs. Avoid scammers and unfair employers. Write reviews to help other workers too. " 
Unions

US: Ride Share drivers united
D: Deliverunion
UK: Independent Workers Union of Great Britain
S: Unionen
actions

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30 SECONDS TO ACCEPT ORDERS
10 MINUTES TO DELIVER
SHIFTS CANCELLED BY MANAGEMENT
UNABLE TO REFUSE ORDERS
YET DELIVEROO STILL CLAIM WE ARE
"SELF-EMPLOYED"
JOIN OUR CAMPAIGN FOR FAIR PAY
AND EMPLOYMENT RIGHTS
HTTPS://HOME.38DEGREES.ORG.UK/
Crowd work is different

For workers negative differences are:

- No common workplace - more friction and stalling
- More chances for strike breakers
- Higher chance on retaliation
Crowd work is different

For platform negative differences are:

- Strikers are often anonymous
- Strikers are not (yet) organized
- Platforms more vulnerable in terms of public image and digital damages
- Action can be done without loss of wages and with a lot of effect
The collective action rules

- Art. 6 para 4 ESC
- Landmark cases of Dutch Supreme court in ‘14/’15 bring Dutch rules in line with ESC
- 2 tests:
  - Does the action serve collective bargaining?
  - Is it in line with art. G ESC?
The collective action rules

Factors within the “G-test”:

- Nature and length of the action
- Balance between action and purpose
- Damage
- Nature of interests at stake
The collective action rules

- Dutch Supreme Court:
  “the smaller the action and the damage, the more should actions be tolerated, even if they breach rules of the game”

- Criminal offences may be justified

- Are independent workers allowed to strike given ECJ judgement in FNV/KIEM?
The collective action rules

- ECJ judgement in FNV/KIEM: do collective actions of independent workers fall within the scope of 6(4) ESC?
- Justifiable to argue that collective actions by bogus independent workers do fall within the scope of 6(4) ESC.
Is a computer hack allowed?

- Pro:
  - When done diligently (no damage to the system, no data leaks)
  - Similar to a blocking of the factory’s entrance
  - Pizza is not an important interest
Is a computer hack allowed?

- Contra:
  - Damage can be enormous and more than occurred in “the old world”
Do collective action rules need to change?

- The rules are vague and can cover potential actions
- The balance of power is different
  - Strike breakers, anonymity, vulnerability
- This needs to be reflected in the court judgements