

# GOOD PRACTICE

## Collective bargaining in the platform economy: The impact of Spain's "Riders' Law"



GLOBAL DEAL



## INTRODUCTION

The emerging platform economy is transforming different sectors and jobs. For an increasing number of workers who are largely classified as self-employed, or independent contractors accessing work through digital labour platforms, it creates a variety of new opportunities. However, platform work also poses challenges to working conditions and pay.

The importance of the platform economy lies not only in its scale, but also in the fact that it is an experimental field for technological innovations and the algorithmic management of labour. This case study aims to motivate Global Deal partners and other stakeholders to mobilise social dialogue and sound industrial relations to realise the opportunities brought about by the platform economy, while addressing some of the challenges.

The case study is divided into three sections. The first outlines the opportunities and challenges of the platform economy, including the role of social dialogue and the main challenges that platform workers face to realise their rights to freedom of association and collective bargaining. Often, the (mis)classification of platform workers as self-employed or independent contractors and their geographic dispersion present barriers to collective bargaining.

The second section reviews the implementation of the so-called “Riders’ Law” in Spain. In May 2021, a tripartite social dialogue process led to the adoption of a law that introduced a rebuttable presumption of employment in the field of digital delivery platforms and paved the way for collective bargaining in the sector. As a result, the number of full-time dependent workers in the online food delivery sector in Spain has doubled. Despite the widespread concerns, the regulatory shift from a self-employment to an employment model has not resulted in the collapse of the online food delivery sector in Spain. However, there are calls for a stronger enforcement of the “Riders’ Law” to ensure a level playing field for fair competition between delivery platform companies.

The third section of the case study delves deeper into the first ever company level agreement on working conditions in the online delivery sector in Spain. After the enactment of the “Riders’ Law”, the trade unions CCOO and UGT signed an agreement with the digital delivery platform Just Eat Takeaway.com Spain (Just Eat Spain) that covers more than 2 000 workers, including

- ▶ **The Government of Spain has been a Global Deal partner since 2018 and has made several commitments to promoting social dialogue and sound industrial relations at the national and international level.**
- ▶ **In 2022, Comisiones Obreras (CCOO – Trade Union Confederation of Workers’ Commissions) and the Unión General de Trabajadoras y Trabajadores (UGT – General Union of Workers) joined the partnership. CCOO and UGT are the most representative trade unions at state level and represent workers from both the private and public sector.**

delivery riders and other staff. Among other things, the agreement regulates working time, hourly wages and trade union rights. It also addresses the algorithmic management of work.

The case study builds upon expert interviews<sup>1</sup> with representatives of the social partners who described their motivations to conclude the agreement and how it improved the working conditions of platform workers in Spain.

## 1. OPPORTUNITIES AND CHALLENGES OF THE PLATFORM ECONOMY: THE ROLE OF SOCIAL DIALOGUE

Digital labour platforms are changing how work is organised as they facilitate direct digital transactions between individuals, businesses and workers, for example, to arrange a ride, order food or groceries, or find a freelancer for software development. This case study focuses exclusively on the location-based platform economy, which includes services such as transportation and delivery; home services (such as plumbers and electricians); as well as household and personal services, including domestic and care work (such as child and long-term care) (Dewan and Sanyal, 2023<sup>[1]</sup>); (ILO, 2021<sup>[2]</sup>).<sup>2</sup>

Digital labour platforms can be a source of inclusive employment and income generation as the relatively lower entry barriers offer job opportunities to workers who may face difficulties in accessing the labour market, including women, young and older people, people with disabilities, with a minority racial or ethnic background, and migrants (ILO, 2021<sup>[2]</sup>); (European Commission, 2021<sup>[4]</sup>). Flexibility over when and where to work, as well as autonomy, can enable digital labour platform workers to better balance professional

and domestic responsibilities (Dewan and Sanyal, 2023<sup>[1]</sup>); (ILO, 2021<sup>[2]</sup>).

At the same time, digital labour platforms pose numerous challenges for workers and labour market institutions. These include, among others, low remuneration and an insufficient amount of work to

The agreement between Just Eat Takeaway, UGT and CCOO is a milestone in the modernisation of labour relations in Spain that seeks to generate quality employment, improving the labour conditions of employees, with greater social protection.

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1-Interviews were conducted with Antonio Gómes de la Bárcena and Marcela de la Peña (Just Eat Spain) and Raquel Boto (CCOO). The case study benefitted from valuable advice and suggestions from Henar Alvarez (University of León).

2-Digital labour platforms are classified into two broad categories: online web-based platforms, where the service is provided remotely, and location-based platforms. Tasks on online web-based platform includes services such as translation, design, software development, financial and administrative work, or micro-tasks, such as annotating images, moderating content, or transcribing videos.

afford a decent standard of living, long working hours, occupational health and safety issues, discriminatory practices, inadequate labour and social protection, lack of access to dispute settlement mechanisms, skills underutilization, and legal and practical obstacles to effectively exercise the rights to freedom of association and collective bargaining (Dewan and Sanyal, 2023<sub>[1]</sub>); (ILO, 2022<sub>[5]</sub>); (EU-OSHA, 2022<sub>[6]</sub>); (Hadwiger, 2022<sub>[7]</sub>); (OECD, 2019<sub>[3]</sub>).

Box 1 describes the legal and practical obstacles that often limit the opportunities for collective bargaining in the platform economy. At the same time, social dialogue can be crucial to ensure that the challenges of the platform

economy are addressed and the opportunities are realised for both workers and businesses. In this regard, it is important to note that not all platform workers are classified as self-employed or independent contractors. Some platform companies, including Just Eat, directly employ (parts) of their global delivery workforce and this can open up opportunities for collective bargaining. During the last few years, in some Global Deal partner countries, including Austria, Chile, Italy, Spain and Sweden, the social partners concluded collective agreements that apply to platform workers who are in a regular employment relationship (Hadwiger, 2022<sub>[7]</sub>); (OECD, 2019<sub>[10]</sub>).

### Box 1: What are frequent obstacles to collective bargaining in the platform economy?

The legal challenges to collective bargaining in the platform economy often relate to the (mis) classification of platform workers as self-employed or independent contractors. This means that platform workers who should be entitled to certain labour and social protection rights due to their employment relationship are falsely labelled as self-employed in an attempt to avoid taxes and regulations (ILO, 2021<sub>[2]</sub>); (European Commission, 2021<sub>[4]</sub>). This also represents a major obstacle to collective bargaining in the platform economy, as in many national regulatory frameworks, effective access to this core labour right is conditional on the worker's classification as a dependent employee and not a self-employed (Hadwiger, 2022<sub>[7]</sub>); (ILO, 2021<sub>[2]</sub>); (OECD, 2019<sub>[8]</sub>).<sup>3</sup> Moreover, collective bargaining for self-employed workers may be hampered by competition law restrictions in many countries (Lianos, Countouris and De Stefano, 2019<sub>[9]</sub>); (OECD, 2019<sub>[10]</sub>).

In addition, platform workers face practical obstacles to organising and bargaining collectively. These include the geographic dispersion of platform workers in disconnected workplace locations, such as their own vehicles or their own or customers' private homes, which makes it harder for workers to engage with each other (ILO, 2021<sub>[2]</sub>); (Rodríguez Fernández, 2020<sub>[11]</sub>). The high worker turnover and the prospect of retribution against those who attempt to unionise without effective protections, further diminish the opportunities of these workers to unionise and reduce their bargaining power (Dewan and Sanyal, 2023<sub>[1]</sub>); (De Stefano and Aloisi, 2018<sub>[12]</sub>).

3-The effective recognition of the right to collective bargaining is a fundamental principle and right at work recognised in the [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#). The ILO's fundamental principles and rights apply to all employers and workers, with very limited and restricted exceptions. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) recalled that "the full range of fundamental principles and rights at work are applicable to platform workers in the same way as to all other workers, irrespective of their employment classification" (ILO, 2020<sub>[21]</sub>).

## 2. THE “RIDERS’ LAW” AND ITS IMPACT ON COLLECTIVE BARGAINING IN THE PLATFORM ECONOMY

This section reviews the “Riders’ Law”, a recent regulatory initiative by the Government of Spain that can serve as an example of how to foster collective bargaining in the platform economy. The law is based on a rebuttable presumption of employment in the field of digital delivery platforms by establishing a reversal of the burden of proof. This means that platform companies need to prove the existence of a self-employment relationship otherwise an employment relationship is assumed. This is of particular interest, as in many countries the (mis)classification of platform workers as independent contractors presents a

barrier to collective bargaining. Moreover, it is important to note that the European Commission promotes a similar regulatory framework in a proposed Directive that also includes a rebuttable presumption of employment for platform workers if certain criteria are fulfilled (European Commission, 2021<sup>[4]</sup>). Ensuring that people have the employment status that corresponds to their actual relationship with the digital labour platform can give them access to the applicable labour and social protection rights, including collective bargaining under national laws (OECD, 2019<sup>[8]</sup>).

### 2.1 THE ROLE OF TRIPARTITE SOCIAL DIALOGUE IN SHAPING THE NEW LAW

In a landmark decision, in September 2020, the Spanish Supreme Court classified bicycle couriers on digital labour platforms as employees.<sup>4</sup> The Supreme Court considered it explicitly necessary to “adapt the notions of dependency and alienation to the social reality of the time” and opted for the full employee status despite the existence of the intermediary category of economically dependent self-employed workers (TRADE – *Trabajadores autónomos económicamente dependientes*).

In response to the Supreme Court ruling, a social dialogue roundtable at the national level was initiated, which included representatives from the Ministry of Labour and Social Economy and Spain’s most representative trade unions at state level (CCOO and UGT) and employers’ organisations (*Confederación Española de Organizaciones*

*Empresariales* – CEOE, and *Confederación Española de la Pequeña y Mediana Empresa* – CEPYME).<sup>5</sup>

In May 2021, the parties reached an agreement, which was subsequently translated into legislation by the Spanish Parliament as the “Riders’ Law” (Real Decreto-ley 9/2021).<sup>6</sup> The new legislation introduces a rebuttable presumption of employment in the field of digital delivery platforms. As a result, delivery platform workers are formally classified as employees, and have all the traditional rights to association and collective bargaining. After a transitional phase, the law came into force on 12 August 2021.

4-Ruling from the Supreme Court, 25 September 2020 ([Appeal No.4746/2019](#)). Another recent court decision goes beyond online delivery platforms which have been at the centre of the public debate in recent years. In June 2023, a court in Barcelona declared platform workers working as house cleaners as employees. The platform company is expected to appeal the decision (El Periódico de Catalunya, 2023<sup>[22]</sup>).

5-Another recent tripartite agreement also illustrates how social dialogue can play a positive role in managing the use of non-standard forms of employment by promoting the use of open-ended contracts in Spain (Global Deal, 2022<sup>[20]</sup>).

6-For the text of the law, see: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-7840](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-7840).





### Box 2: 23rd additional provision of Spain's Workers' Statute (adopted by consensus at the social dialogue roundtable)

"By application of the provisions of Article 8.1, the activity of persons who provide paid services consisting of the delivery or distribution of any consumer product or merchandise, by employers who exercise business powers of organisation, management and control directly, indirectly or implicitly, by means of algorithmic management of the service or working conditions, through a digital platform, is presumed to be included within the scope of this law. This presumption does not affect the provisions of Article 1.3 of this regulation".

## 2.2. IMPLEMENTATION OF THE "RIDERS' LAW": A SUCCESS STORY?

In May 2021, when the "Riders' Law" was adopted, there were strong warnings that the regulatory change towards an employment model could result in drastic losses in revenue and work opportunities in the online food delivery sector in Spain (Politico, 2021<sup>[13]</sup>).

However, most fears seem to have been unwarranted. An increase of the online meal and grocery delivery market in Spain (+16 percent in 2022 compared to 2021)<sup>7</sup> shows that the original predictions did not materialise. Spain's online meal and grocery delivery

- ▶ The "Riders' Law" has the objective to provide greater legal certainty to the sector for both companies and workers.
- ▶ The employee status gives delivery platform workers access to social security systems, for example, sick leave, protections against work-related accidents, unemployment benefits, pensions and maternity leave.

7-Statista: <https://www.statista.com/forecasts/1298614/spain-online-food-delivery-market-revenue>.

market had a similar or higher growth rate as the markets in comparable countries in the European Union (e.g. France, Germany, and Italy) during this period.<sup>8</sup> Simultaneously, and as intended by the law, the number of employed delivery riders in Spain doubled from 5 464 in May 2021 to 10 980 in August 2022.<sup>9</sup> In addition, the number of

delivery workers with a permanent employment contract increased.<sup>10</sup> The change in employment status also led to additional social security contributions which are estimated at several million Euros since the “Rider’s Law” came into force.<sup>11</sup>

## Are all delivery riders in Spain employees now?

As of June 2023, the responses by the platform companies to the “Riders’ Law” varied. Some companies aligned with the spirit of the law and hired their delivery riders as dependent employees. For example, the delivery platform company Getir is reported to employ its delivery riders and Just Eat Spain was already using an employment model before the “Riders’ Law” came into force in Spain.<sup>12</sup> However, other delivery platforms demonstrated a strict preference for self-employed and independent delivery drivers. Directly after the employers’ organisations CEOE and CEPYME agreed at the social dialogue roundtable to the “Riders’ Law”, some platform companies expressed their disagreement. For example, the Spanish delivery company Glovo announced its exit from CEOE, while the Asociación de Plataformas de Servicios bajo demanda, a group that brings together some of the main food delivery platforms in Spain, issued a statement regretting the approval of the regulation.<sup>13</sup>

After the “Riders’ Law” came into effect, the trade union CCOO observed a shift from alleged false self-employment to a sub-contracting model, as a means for platform companies to continue working with independent contractors

while complying with the new regulation (EU-OSHA, 2022<sub>[6]</sub>). Some platform companies were also reported to introduce modifications to the apps that should guarantee workers’ autonomy. For example, the delivery platform Uber Eats introduced structural changes to

- ▶ **In early 2023, some national experts estimated that roughly half of the delivery riders were employed as employees by the platform companies in Spain.**

its digital interface to enhance the control of delivery riders over their experience with the app, including the ability to set their own fares (Lomas, 2022<sub>[14]</sub>). Similarly, Glovo announced changes to its organisation of work (EU-OSHA, 2022<sub>[6]</sub>). These changes should ensure that delivery riders are truly independent contractors and not dependent employees of the platform companies in accordance with the “Riders’ Law”.

8-Statista: <https://www.statista.com/outlook/dmo/online-food-delivery/worldwide#revenue>

9-Esade – Foro de Humanismo Tecnológico (in collaboration with Just Eat Spain): [Ley Rider. Un año después.](#)

10-Ibid.

11-Ibid.

12-Ibid.

13-Comunicado de la Asociación de Plataformas de Servicios bajo demanda (APS) sobre la Ley Rider (11.05.2021): <https://www.indisa.es/al-dia/comunicado-asociacion-plataformas-servicios-bajo-demanda-aps-ley>



The Spanish Ministry of Labour and Social Economy has announced that the Labour Inspectorate will use “all the elements available against platform companies that fail to comply with the “Riders’ Law” (WageIndicator, 2022<sup>[15]</sup>). This may include administrative sanctions but could also involve penal and criminal law in more serious cases. For example, in March 2023, the Spanish Labour Inspectorate categorised about 3 000 delivery riders as employees who were falsely classified as self-employed by the delivery platform Glovo in Andalusia (Bell, 2021<sup>[16]</sup>). The decision was in response to a complaint filed by the trade union CCOO for irregularities in the employment relationship at Glovo and Deliveroo in 2020. Similar proceedings regarding complaints about false self-employment were on-going in the regions Jaén and Cádiz in March 2023. It has not been possible to initiate inspections at Deliveroo as the platform no longer operates in Spain. A spokesman for Deliveroo has stated that the “Riders’ Law” was not the determining factor but revealed that it had resulted in an earlier withdrawal of the company from the country (Guardian, 2021<sup>[17]</sup>).

In February 2023, the Social Court of Madrid considered that more than 2 000 delivery workers for Amazon Flex were false self-employed. The trade union CCOO commented that the court’s ruling shows that Spain “is ahead” of the proposed Directive on platform work that is currently being negotiated at the European Union level, which also includes a rebuttable presumption of employment. Amazon has announced that it will appeal the ruling and that the Amazon Flex programme already stopped operating in Spain in April 2021 (Forbes Spain, 2023<sup>[18]</sup>). In December 2022, Uber Eats has settled a collective dismissal case of more than 4 000 delivery riders and agreed to severance payments. The dispute between the platform company and the trade unions CCOO and the *Federación de Servicios, Movilidad y Consumo* (FeSMC-UGT) concerned delivery riders who were disconnected and not able to access their accounts on Uber Eats anymore following the introduction of the “Riders’ Law” in 2021.





## What about a level-playing field for fair competition?

The varied responses by the platform companies raise the question of cost differences between the self-employment and employment model and consequently of fair competition. Platform companies applying a self-employment model can have an (unfair) cost advantage, for example, as they are not obliged to pay social security contributions. Therefore, platform companies like Just Eat Spain call for a better

and speedier enforcement of the “Riders’ Law” to ensure a level-playing field for competition between delivery platform companies. This is supported by trade unions who announced that they will continue their litigation efforts to ensure the implementation of the “Riders’ Law” in Spain.

### 2.3. “RIDERS’ LAW”: REGULATION OF ALGORITHMIC MANAGEMENT

In addition to the rebuttable presumption of employment, the “Riders’ Law” attributes a new competence to workers’ representatives to be informed about algorithmic management practices that have an impact on working conditions (Box 3). However, the law does not define which parameters, rules and instructions need to be made transparent by the employer (EU-OSHA, 2022<sup>[6]</sup>). In this regard, in May 2022, the Ministry of Labour and Social Economy published a guide to facilitate the interpretation of the obligation to inform about algorithmic management practices (Ministry of Labour and Social Economy of Spain, 2022<sup>[19]</sup>). The new information right is attributed to workers’ representatives at digital labour platforms as well as at traditional companies in Spain.

In March 2023, CCOO reported that workers’ representatives in different companies had asked for information about the algorithms used for the management of labour. However, the trade union stated that platform companies have been hesitant about providing the required information arguing that the requested algorithms did not impact on working conditions.



#### Box 3: Rights of information and consultation of workers’ legal representatives

The “Riders’ Law” amends Article 64 on the rights of information and consultation of workers’ legal representatives by adding a new paragraph d) to section 4, which now recognises the right of the works council “to be informed by the company of the parameters, rules and instructions on which algorithms or artificial intelligence systems are based that affect decision-making that may have an impact on working conditions, access to and maintenance of employment, including the development of profiles”.

### 3. AGREEMENT ON WORKING CONDITIONS BETWEEN JUST EAT SPAIN, UGT AND CCOO

In December 2021, the platform company Just Eat Spain and the trade unions CCOO and UGT signed an “Acta de Acuerdo” (Memorandum of Understanding).<sup>15</sup> The agreement regulates all traditional areas of terms and conditions of work, including working time, wages, and bonuses and is effective until 31 December 2023.

The agreement’s preamble explicitly references the “Riders’ Law”. It states that, in the future, working conditions for platform workers could be addressed by a range of sectoral agreements such as the ones in place in the logistics, goods transportation, and hospitality sectors. For the moment, existing sectoral agreements did not contain provisions that are sufficiently detailed and customised to tackle the specificities of platform workers in food delivery. However, the new agreement may serve as a precedent for future sectorial negotiations.

During the negotiations of the agreement, it was important to the bargaining partners to first clarify how the platform company operates and to develop a common understanding of the digital business model. This preparatory work was crucial for the bargaining partners to be able to negotiate a customised solution that respects workers’ rights while providing the necessary flexibility for the platform company. Similarly, it was important for them to demonstrate with the agreement that work in the platform economy can be reconciled with existing labour regulations and worker representation.

#### 3.1. THE IMPACT OF THE AGREEMENT

In May 2023, more than 2 000 workers were covered by the agreement. This includes delivery riders and other staff that supports the platform company’s operations. According to CCOO, the agreement is perceived to have a positive impact on working conditions by clarifying the tasks, the pay, and the labour conditions of delivery

► In 2022, the platform company Just Eat Takeaway.com operated in 20 countries and had an annual revenue of 5.6 billion Euro. The company employed about 7 800 couriers (FTE) excluding couriers hired through agencies, as independent contractors or through third party delivery.<sup>14</sup>

“Digitalisation does not represent a new reality incompatible with labour regulation.

Raquel Boto,  
Confederal Secretary,  
CCOO

riders employed by Just Eat Spain. Similarly, the company highlighted that the agreement offers a salary above the minimum interprofessional salary, flexibility and predictability on shift planning, and social protection, for example, in cases of sick leave or work accidents.

14-For more information, see the Just Eat Takeaway.com’s [Annual Report 2022](#).

15-For the full text of the agreement (in Spanish), see: [https://www.ccoo-servicios.es/archivos/Acuerdo%20Sindicatos%20JUST%20EAT\(1\).pdf](https://www.ccoo-servicios.es/archivos/Acuerdo%20Sindicatos%20JUST%20EAT(1).pdf). The author used a machine-translation of the agreement into English for the purpose of this case study.



## Remuneration

The agreement stipulates a base salary for delivery riders of EUR 15 232 per year (corresponding to EUR 1 269 per month) for the year 2022 (Annex I of the agreement). The base salary is complemented with premiums for paid overtime (Art. 57), night work (+25 percent, Art. 56 a)), work on public holidays (+100 percent, Art. 56 b)) and

paid annual leave (Art. 56 c)), and, if applicable, mileage allowance for the use of own bicycles or motorcycles (Art. 60).<sup>16</sup> According to Art. 65, for 2023, the agreement foresees a wage adjustment in line with the consumer price index (CPI) in 2022 to ensure no loss of purchasing power due to high inflation.

## Working time and leave

With regard to working time and leave the agreement balances the needs of the platform company for flexibility and productivity with protections for workers. It provides for daily, weekly and annual working hours, work schedules and advance notice periods for shift planning (at least five calendar days prior to the start of the week), time recording, vacations and rest periods (Art. 32). An example how the agreements balances

workers' needs with the platform company's business requirements is the organisation of vacations schedules. The period of vacation shall be fixed by mutual agreement between the employee and the company. At the same time, at least 15 days of leave have to be taken between June and August as this is traditionally a period of lower business activity (Art. 38).

## Work equipment and health and safety

Among other things, according to Art. 52, the agreement ensures that a mobile phone is always provided by the platform company, there is no other option. The operation centres, where the work equipment, including the vehicle and the rucksack-box are collected, need to have changing rooms and toilets (Art. 20). The agreement states that health and safety training is mandatory and shall be counted as working time (Art. 45). The platform

company shall ensure that all personnel regardless of the type or duration of employment should receive sufficient and appropriate theoretical and practical training (Art. 45). For delivery riders, among other things, the training should include road safety (Art. 46) and risks assessment especially with regard to lifting loads (Art. 47).

## Rights of trade union and workers' representatives

The agreement also stipulates trade union and representation rights specific to the platform economy, such as, the use of a virtual notice board on the company's intranet by trade union representatives (Art. 72). According to CCOO, this can help to ensure continuous and effective outreach to a geographically dispersed workforce

that is characterised by a high turnover of staff and part-time work. Given the high turnover among the personnel, if a workers' representative resigns the time accrued for union activities shall be maintained and attributed to his or her successor (Art. 70).

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<sup>16</sup>In 2023, the minimum wage per month in Spain was 1,080 Euro. <https://wageindicator.org/salary/minimum-wage/spain>.

## Training and career development

Platform work often can represent a first entrance into the labour market; particularly for student and migrant workers. With regard to career development, the agreement states that the internal promotion of staff should be favoured and that the system for admission and filling vacancies shall be governed by the principles of equal opportunity, transparency, publicity, non-discrimination and technical competence (Art. 22). The filling of such positions shall be preceded by the publication of the same on the company's intranet. The procedures may be developed in more detail with the participation of the legal representatives of the workers in each area or in the entire company (Art. 22).

In line with this policy several delivery riders at Just Eat Spain have been promoted to fleet coordinators. At the junior level, they are responsible for coordinating an assigned delivery team. At the senior level, fleet coordinators supervise the real-time operations of one or more operations centres in a city. Some delivery riders have also joined other areas of work in the platform company; for example, the technical administrative support staff and the technical operations support staff.

### Box 4: Provisions on training, career development or access to education

Collective agreements concluded in other Global Deal partner countries that apply to platform workers also include provisions on training, career development or access to education. For example, in Chile, a collective agreement (2020 – 2022) negotiated between Delivery Technologies SpA and Cornershop Chile Company Trade Union stipulates that workers can be temporarily suspended from their usual work to give them the opportunity to develop the skills necessary for tasks that are relevant within the company. Moreover, the platform company is supposed to grant a number of paid leave days to workers who are required to submit their thesis and/or take their degree examination. To receive these leave days, the employees must inform the employer at least one month in advance of their date of graduation.

## 3.2 THE JOINT “ALGORITHM COMMISSION”

Just Eat Spain, CCOO and UGT substantiated and operationalised in their agreement the new statutory information right for workers' representatives on the use of algorithms (Art. 64 (4) d) Workers' Statute) that was introduced by the “Riders' Law”. The agreement stipulates the establishment of a joint commission, also called the “Algorithm Commission”, in the company. The commission should be composed of four members, two appointed by the company and two by the

workers' side (Art. 68 e)). It is mandated to analyse and discuss algorithms and artificial intelligence systems that are used by the platform company for making decisions on human resources and on labour relations, provided that such decisions may affect working conditions, access and maintenance of employment, including the elaboration of profiles (Art. 68 e) Nr. 1)). As of June 2023, the Algorithm Commission has not yet been constituted.



## 4. LESSONS LEARNED: SPAIN'S "RIDERS' LAW" SUPPORTS COLLECTIVE BARGAINING

The following lessons learned from the case study can serve as an inspiration for Global Deal partners to advance collective bargaining and sound industrial relations on digital labour platforms.

- **Regulatory changes may trigger the conclusion of collective agreements in the platform economy:** A rebuttable presumption of employment for platform workers can support collective bargaining. In Spain, such a regulatory change has supported the conclusion of an agreement on working conditions between the platform company Just Eat and the trade unions CCOO and UGT.

- **Sufficient resources are needed for a successful implementation of the presumption of employment and to ensure a level playing-field for competition:** The implementation of the regulatory change necessitates adequate allocation of public resources to the Labour Inspectorate and judiciary, along with sufficient resources on the side of workers' organisations for advocacy and litigation. This is crucial to ensuring a level playing-field for competition between delivery platforms.

- **Collective bargaining can help to ensure that the opportunities of the platform economy are realised for both workers and employers:** The bargaining partners stressed the importance of first developing a common understanding about the business model of platform companies to be able to meaningfully negotiate a collective agreement that respects workers' rights while also providing flexibility.

- **Addressing subcontracting by sectoral collective bargaining:** Currently, a number of delivery platforms allegedly avoid hiring delivery workers

as employees by using subcontracting in Spain. Sectorial collective bargaining could be used to ensure that also delivery workers employed by subcontractors are covered by a collective agreement. This would also support fair competition between the platform companies.

- **Extending the coverage of the "Riders' Law":** The rebuttable presumption of employment is limited to delivery platforms in Spain. In the future, it might be extended to cover other groups of platform workers; such as workers on cleaning platforms or workers on online web-based digital labour platforms. This broader scope is also the regulatory approach taken by a proposed European Union Directive on the working conditions of platform workers.



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## THE GLOBAL DEAL FOR DECENT WORK AND INCLUSIVE GROWTH

The Global Deal is a multi-stakeholder partnership that aims to address the challenges in the global labour market to enable all people to benefit from globalisation. It highlights the potential of sound industrial relations and enhanced social dialogue to foster decent work and quality jobs, to increase productivity, and to promote equality and inclusive growth. The Global Deal welcomes governments, businesses, employers' organisations, trade unions, as well as civil society and other organisations to join the partnership.

Check the [full list of partners](#).

## GOOD PRACTICES FROM GLOBAL DEAL PARTNERS

The Global Deal encourages its partners to share examples of effective and innovative experiences in the area of social dialogue. These are published on the website in a repository that enables knowledge sharing and facilitates peer learning, helping Global Deal partners and other actors to improve social dialogue and sound industrial relations. It provides a valuable resource that illustrates different forms of social dialogue from a variety of regions and countries. Partners are welcome to send relevant experiences and working practices to the Global Deal Support Unit.

Explore the [Global Deal repository](#).

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