The emergence of democratic firms in the platform economy: drivers, obstacles, and the path ahead
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3 | Enhancing Platform Worker Participation in Platform Companies: A 3-stage Delphi Study[193]

ABSTRACT

Through an anonymous, mediated dialogue among stakeholders who have special knowledge about local gig work platforms in the Netherlands, this Delphi study built consensus about different decisions and forms of participation that platform workers should be informed, consulted or involved in. The panellists reached consensus that: new modes of communication are needed between platform workers and platform companies, workers need to be informed and consulted about a greater variety of work-related and strategic changes than they are at present (e.g., the design of an application's user interface) and there is diffidence about such workers financially participating in platform companies.

3.1 INTRODUCTION

There is, at present, a growing interest in improving the workplace protections and rights of workers who use online platforms to find on-demand jobs ('platform workers').[194] An important dimension of this is enabling platform workers to collectively organize and have greater say at their workplace,[195] as they are a class of 'non-standard' workers who have long had less of a voice in decision-making compared to workers on standard employment contracts.[196] Proposals in the sociological and legal literature have ranged from extending them the right to collectively bargain to encouraging the formation of cooperatively-run platforms in which platform workers would have both decision-making and financial participation rights.[197]

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193   A draft of this chapter was presented at the 6th Regulating for Decent Work Conference, 8-10 July 2019, ILO Geneva.

194   Valerio De Stefano, 'The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowdwork and Labour Protection in the "Gig Economy"' (International Labour Office 2016) 71.

195   Hannah Johnston and Chris Land-Kazlauskas, 'Organizing On-Demand: Representation, Voice, and Collective Bargaining in the Gig Economy' (ILO 2018) Working paper No. 94.

196   Mick Marchington and Andrew R Timming, *Participation Across Organizational Boundaries*, vol 1 (Adrian Wilkinson and others eds, Oxford University Press 2010).

197   Bronwen Morgan and Declan Kuch, 'Radical Transactionalism: Legal Consciousness, Diverse Economies, and the Sharing Economy' (2015) 42 Journal of Law and Society 556, 560–561; Ruth Dukes and Wolfgang Streeck, 'Labour Constitutions and Occupational Communities: Social Norms and Legal Norms at Work' (2020) 47 Journal of Law and Society 612, 632.

Such proposals respectively advance the possibility of there being distributions of ownership and control other than what neoliberal economic imaginaries deem possible,[198] and explain the extent to which "occupational communities" can contribute to the conditions that make collective representation for non-standard workers feasible,[199] but what this chapter contributes is a more nuanced understanding of the decisions that are most important for platform workers to have a say in. To contribute to this line of inquiry, this chapter presents a Delphi study that was undertaken in the Netherlands to explore the question: "What are the views of platform stakeholders on the availability of workplace voice and financial participation for platform workers, and should such rights be extended to them in the future"? The sector of the platform economy that is studied in this chapter is specifically local gig work, given the centrality of such workers in leading protests for improved working conditions and the search for alternative platforms.

The second section of the chapter provides a concise review of the literature on platform labour, focusing on the emergence of a nascent interest in workplace voice and collective organization, particularly among local gig workers. The third section elaborates on the rationale for choosing the Delphi method by providing a summary of the methods employed by other empirical studies to investigate platform work and worker representation in the platform economy. Based on this earlier research, this section also develops two hypotheses concerning the type of decisions that local gig workers will wish to be involved in an 'ideal' platform economy and the appropriate institutional mechanisms for realizing this involvement. The fourth section explains what the Delphi methodology involves and how it is distinct from other qualitative research methods before proceeding to detail how this method was implemented in this research project. Section five categorizes and presents the main results of the 3-stage Delphi study and section six discusses the implications of these findings on the two hypotheses and on potential legal reform. Section seven concludes by considering the limitations of this study and raises certain issues that merit further research.

3.2   Platform Worker Organization and Representation: A Review

The platform economy is "a set of initiatives that intermediate decentralized exchanges among peers through digital platforms", which together with the access economy and the community-based economy comprise the sharing economy.[200] The 'gig economy' is a sub-category of the platform economy

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198   Morgan and Kuch (n 197) 558.
199   Dukes and Streeck (n 197) 626–627.
200   Aurélien Acquier, Thibault Daudigeos and Jonatan Pinkse, 'Promises and Paradoxes of the Sharing Economy: An Organizing Framework' (2017) 125 Technological Forecasting and Social Change 1, 5.

as it involves the "exchange of labour for money between individuals or companies via digital platforms that actively facilitate matching between providers and consumers",[201] usually on a short-term basis. Platform work is typically in the form of remote gig work via platforms such as Upwork and Fiverr or local gig work via platforms such as Uber and Deliveroo, with the distinction being that the latter requires physical presence of the worker when providing a service to a client and some form of manual labour.[202] The gig economy, as a whole, is a global phenomenon involving roughly 70 million workers,[203] with the Oxford Internet Institute's Online Labour Index indicating that citizens in countries as varied as Bangladesh, Kenya, the United Kingdom and Germany are active in remote gig work (e.g. writing, translation and data entry).[204] While present globally, the degree of participation in the gig economy differs considerably across countries: 4.4% of adults in Britain have worked in this sector in 2017[205] as compared to 0.4% in the Netherlands.[206]

In broad terms, the appeal of platform labour for workers is the flexibility and freedom that it ostensibly affords, the reduced search and information costs for being matched with high-quality clients through a given platform's application and the lower costs of operating a one-person business. For clients, the platform labor market provides access to an abundant pool of labor with a wide variety of skills, which is made available at a competitive price.[207] Along with developing and maintaining the underlying technology which makes such online labor markets possible, the promotion and performance of this win-win relationship [208] is a core component of the archetypical for-profit platform business model. The extent to which these benefits are realized – and the type of collective representation sought by these workers – understandably differs according to the type of platform work performed. As Jansen finds, highly-skilled, voluntarily

201 Katriina Lepanjuuri, Robert Wishart and Peter Cornick, 'The Characteristics of Those in the Gig Economy' (Department for Business, Energy & Industrial Strategy 2018) 12.

202 Ursula Huws, Neil H Spencer and Simon Joyce, 'Crowd Work in Europe: Preliminary Results from a Survey in the UK, Sweden, Germany, Austria and the Netherlands' (Foundation for European Progressive Studies 2016) 2.

203 Richard Heeks, 'Decent Work and the Digital Gig Economy: A Developing Country Perspective on Employment Impacts and Standards in Online Outsourcing, Crowdwork, Etc' (Centre for Development Informatics, Global Development Institute, SEED 2017) Working Paper Paper No. 71 5.

204 Otto Kässi, Martin Hadley and Vili Lehdonvirta, 'Online Labour Index: Measuring the Online Gig Economy for Policy and Research' <https://bit.ly/3dydNdH>.

205 Lepanjuuri, Wishart and Cornick (n 201) 13.

206 Bas ter Weel and others, 'De opkomst en groei van de kluseconomie in Nederland' (SEO Economisch Onderzoek 2018) 2018–30 27 <http://www.seo.nl/uploads/media/2018-30_De_opkomst_en_groei_van_de_kluseconomie_in_Nederland.pdf>.

207 Greetje F Corporaal and Vili Lehdonvirta, 'Platform Sourcing: How Fortune 500 Firms Are Adopting Online Freelancing Platforms' (Oxford Internet Institute 2017) 10 <https://bit.ly/3hE1Ft9>; Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* (Oxford University Press 2018) 7.

208 Lizzie Richardson, 'Performing the Sharing Economy' (2015) 67 Geoforum 121, 127.

self-employed persons who engage in relatively well-remunerated project work may be more interested in joining organizations that specifically represent 'solo entrepreneurs', such as FNV Zelfstandigen and PZO-ZZP, so as to improve their tax position and obtain mortgages, pensions and health, liability and disability insurances on favourable terms, than a traditional trade union.[209] This study, in contrast, is concerned with local gig work, and in particular includes stakeholders of the on-demand food delivery and domestic cleaning industry. These two industries share important characteristics, as well as some notable differences, which is likely to drive interest in different forms of collective organization.

In contrast to earlier modes of food delivery, platform companies that are involved in this sector typically began as a smartphone application, instead of a website, and on-board an array of low-to-high-end restaurants.[210] Along with offering users the option to select, order and pay for meals, the application also intermediates the delivery of the meal by matching couriers with consumers, with the couriers picking up meals from restaurants for the consumers (usually) using their own equipment.[211] The platform company has to dynamically coordinate the customers, restaurants and couriers, as the demand of customers for meals, the couriers for work, and the availability and proximity of all three actors are determinative of the platform's success.[212] The consequence of the platform altering demand and supply is usually the burdening of couriers with greater risk (e.g., the risk of a late cancellation, variable availability of work and earnings, costs of maintenance), the whittling away at the working terms and conditions that are initially used to lure workers to the platform, and the fanning of conflict between couriers for desirable time-slots.[213] The importance of workplace protections for this sector is apparent from research that records the common grievances of platform workers about shifts from an hourly wage system to a piecework system, unexplained dismissals, poor working conditions, health and safety risks, the granting of privileges based on performance, and the collaboration of platform companies and restaurants with immigration authorities.[214]

209   Giedo Jansen, 'Solo Self-Employment and Membership of Interest Organizations in the Netherlands: Economic, Social, and Political Determinants' (2020) 41 Economic and Industrial Democracy 512, 515–516.

210   Trappmann and colleagues have found 19 companies to be active in this sector across 95 countries. Vera Trappmann and others, 'Global Labour Unrest on Platforms: The Case of Food Delivery Workers' (Friedrich Ebert Foundation 2020) 4.

211   Lizzie Richardson, 'Platforms, Markets, and Contingent Calculation: The Flexible Arrangement of the Delivered Meal' (2020) 52 Antipode 619, 622.

212   ibid 626–627.

213   ibid 629–630.

214   Callum Cant, *Riding for Deliveroo: Resistance in the New Economy* (1 edition, Polity 2019) vii; Arianna Tassinari and Vincenzo Maccarrone, 'Riders on the Storm: Workplace Solidarity among Gig Economy Couriers in Italy and the UK' (2020) 34 Work, Employment and Society 35; Trappmann and others (n 210) 9.

Similarly, domestic cleaning platforms enable customers to find and select pre-vetted cleaners through a smartphone application. In general terms, these platforms display the ratings, reviews and cleaning experience of each worker, allowing customers to choose between them and/or have the platform make a match based on their location and availability. The workers then accept the assignment and visit a location (e.g., a home) at a predesignated time with cleaning material that they personally supply or is provided by the consumer. The rate that workers are paid is either set by themselves or is based on an evaluation of their work and jobs completed over a certain period. The primary way in which these workers are controlled are through punitive fines.[215] While the conditions of on-demand domestic cleaners have been relatively understudied compared to food delivery workers, the research that has been conducted shows that they are aggrieved by the high transaction fees levied by these platforms, the propensity of platforms to regularly delete job-related information, a price-setting system that compels cleaners to accept low pay and the imposition of costly financial sanctions for 'slow' responses or advance cancellations.[216] Just as on-demand couriers are often migrants, on-demand cleaners are typically immigrants and "working-class men and women of color".[217] The precarity of their position is heightened by the isolated nature of their work and lack of options to meet other cleaners in person, depriving them of the opportunity to build connections based on their shared condition. These individualized working conditions may make collective organization appear out of reach, unless unions or other organizations take steps to recruit and support these workers to build solidaristic ties.[218]

The characteristics of both forms of local gig work undermine their marketplace bargaining power as the nature of the work is considered to need simple, easily substitutable skills. A potentially large pool of persons are available to fill these positions.[219] This leaves such categories of workers particularly vulnerable to workplace abuses, as exit from the platform is

215   Niels van Doorn, 'Stepping Stone or Dead End? The Ambiguities of Platform-Mediated Domestic Work under Conditions of Austerity. Comparative Landscapes of Austerity and the Gig Economy: New York and Berlin' in Donna Baines and Ian Cunningham (eds), *Working in the Context of Austerity: Challenges and Struggles* (Bristol University Press 2021) 54, 56.

216   Flanagan (n 82) 71; van Doorn (n 215).

217   van Doorn (n 215) 53, 56; Niels van Doorn, 'Platform Labor: On the Gendered and Racialized Exploitation of Low-Income Service Work in the "on-Demand" Economy' (2017) 20 Information, Communication & Society 898, 907.

218   Susanne Pernicka, 'Organizing the Self-Employed: Theoretical Considerations and Empirical Findings' (2006) 12 European Journal of Industrial Relations 125, 132; Kurt Vandaele and Janine Leschke, 'Following the "Organising Model" of British Unions? Organising Non-Standard Workers in Germany and the Netherlands' (ETUI 2010) Working Paper 2010.02 16.

219   Kurt Vandaele, 'Collective Resistance and Organizational Creativity amongst Europe's Platform Workers: A New Power in the Labour Movement?' in J Haidar and M Keune (eds), *Work and Labour Relations in Global Platform Capitalism* (Edward Elgar 2021).

difficult due to the existence of few meaningful alternatives, while simultaneously there is a lack of institutionalized channels of workplace voice.[220] Instead of genuine flexibility and decent wages, this 'radical responsibilization' is more likely to contribute to overwork, burnout and hypertension.[221] These tangible pressures have been the cause of protests, acts of micro-resistance by informal bodies of workers (e.g., rank-and-file, 'indie' unions) and efforts to 'game' platform algorithms.[222] However, as Heiland observes, platform companies suffer from 'deaf-ear syndrome', where they either refuse to negotiate with workers or see (informal) bodies of workers as being illegitimate bargaining partners.[223] As a consequence, those who rely on local gig work platforms as a primary source of income and experience difficulties due to algorithmic control have shown a renewed interest in the role that formal mechanisms of collective organization (e.g., trade unions, online forums for workers, worker centers) and alternative business entities (e.g., worker cooperatives) can have in improving working conditions.[224]

'Genuine' self-employed persons have typically been excluded from collective bargaining, with Denmark, France, Germany, Italy and Spain permitting the inclusion of such persons in collective agreements in only limited situations.[225] While this has not entirely excluded the activity of traditional trade unions – with unions in Italy, France, Spain and Belgium creating online tools to inform and advise platform workers about their rights[226] – it does present challenges for bringing these workers within the fold of collective agreements.

Collective organizing may not only arise from a desire to improve working terms and conditions or increase feelings of engagement,[227] but may also stem from a wish to have greater voice in "important organizational choices".[228] The literature on workplace democracy provides numerous examples of the epistemic benefits that can be gained by providing workers with a say on a greater range of organizational issues,

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220 Stanislas Richard, 'Democratic Equilibria: Albert Hirschman and Workplace Democracy' (2020) 78 Review of Social Economy 286, 300.

221 Peter Fleming, 'The Human Capital Hoax: Work, Debt and Insecurity in the Era of Uberization' (2017) 38 Organization Studies 691, 700.

222 Ngai Keung Chan and Lee Humphreys, 'Mediatization of Social Space and the Case of Uber Drivers' (2018) 6 Media and Communication 29, 35.

223 Heiland (n 4) 27.

224 Christina Purcell and Paul Brook, 'At Least I'm My Own Boss! Explaining Consent, Coercion and Resistance in Platform Work' [2020] Work, Employment and Society 0950017020952661, 11; Tassinari and Maccarrone (n 214) 38.

225 Isabelle Daugareilh, 'France' in Isabelle Daugareilh, Christophe Degryse and Philippe Pochet (eds), *The Platform Economy and Social Law: Key Issues in Comparative Perspective* (ETUI 2019) 57; DG IPOL, 'The Social Protection of Workers in the Platform Economy' (European Parliament 2017) 79–80.

226 Vandaele (n 219).

227 Fleming (n 221) 703.

228 George Cheney, 'Democracy in the Workplace: Theory and Practice from the Perspective of Communication' (1995) 23 Journal of Applied Communication Research 167, 171.

such as the aggregation of knowledge from across a firm, inclusion of diverse perspectives without fear of repercussions, and reflexive and rapid responses to issues that are critical to a company.[229]

As will be demonstrated in the subsequent section in the context of the research method used for this paper, while there has been considerable empirical research on the demographics and motivations of platform workers, relatively less is known about their feelings about the future, particularly about the role that platform workers should have in making important organizational choices.

3.3   Rationale for Research Methodology

This section provides an overview of the main qualitative research methods that have been used till date to study remote and local platform work and the rationale behind their use. This contributes to explaining why a Delphi study is a useful method for exploring the future of the platform labour market.

Surveys have been a common method for developing a clearer picture of who the participants in the platform economy are: identifying the number of people involved (relative to the working age population), their demographics, the working arrangements used, their motivations and overall experiences.[230] Certain studies supplement surveys with focus groups and in-depth individual interviews.[231]

Other researchers have used ethnographic approaches involving interviews with, and observations of, platform workers to show the lived experience of platform work,[232] the job quality of remote work,[233]

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229   Felix Gerlsbeck and Lisa Herzog, 'The Epistemic Potentials of Workplace Democracy' (2020) 78 Review of Social Economy 307.

230   Huws, Spencer and Joyce (n 202) 19–21; Lawrence F Katz and Alan B Krueger, 'The Rise and Nature of Alternative Work Arrangements in the United States, 1995-2015' (National Bureau of Economic Research 2016) Working Paper 22667; Lepanjuuri, Wishart and Cornick (n 201) 9–10; Annarosa Pesole and others, 'Platform Workers in Europe Evidence from the COLLEEM Survey' (Publications Office of the European Union 2018) EUR - Scientific and Technical Research Reports.

231   Maria Aleksynska, Anastasia Bastrakova and Natalia Kharchenko, 'Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives' (International Labour Organization 2018) Report 11.

232   Neha Gupta and others, 'Turk-Life in India', *Proceedings of the 18th International Conference on Supporting Group Work* (ACM 2014) 2–3; Alexandrea J Ravenelle, 'Sharing Economy Workers: Selling, Not Sharing' (2017) 10 Cambridge Journal of Regions, Economy and Society 281, 285.

233   Alex J Wood and others, 'Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy' (2019) 33 Work, Employment and Society 56, 62–63.

and nascent forms of platform worker organization and solidarity.[234] For Waters and Woodcock, this involved a workers' inquiry method in which academics were paired with workers who would share their accounts and revise the documents that resulted.[235] Gregory and Maldonado invited couriers to install a free GPS-tracking application on their smartphones to help visualize their movement across the city of Edinburgh and to help couriers develop a better understanding of how their data is collected and processed by on-demand food delivery platforms such as Deliveroo.[236] This anonymized, aggregated data also revealed how couriers demonstrate their superior knowledge of their city, through the way they navigated the terrain and pushed back on routes suggested by the platform's routing algorithm, so as to deliver orders safely and expeditiously.[237]

Understandably, as the internet is central to the operation of online platforms and provide the means by which platform users can communicate, it is also a vibrant source of information on platform work. To understand the feelings and responses of platform workers towards their work and their 'community', researchers have systematically read, and coded posts made on online forums so as to distinguish themes emerging in that space.[238]

3.3.1   Forecasting by Platform Workers about the Future of Platform Work

Some studies have asked platform workers about their views on their working conditions and how they imagine their work will evolve in the future. Professor Schor and her collaborators have conducted in-depth interviews of sharing platform participants in the Northeast USA to gauge their subjective views of platforms and the 'moral meanings' and logics they attach to engaging in the sharing economy (for instance, constructing an alternative to neoliberal markets). This first involved a round of open coding to establish descriptive categories (e.g., reason a participant began using the platform) and secondly a round of theoretical coding according to the rationale used (e.g., rejecting neoliberalism), so as to understand what

234   Lilly C Irani and M Six Silberman, 'Turkopticon: Interrupting Worker Invisibility in Amazon Mechanical Turk', *Proceedings of the SIGCHI Conference on Human Factors in Computing Systems* (ACM 2013) 611; Alex Wood and Vili Lehdonvirta, 'Platform Labour and Structured Antagonism: Understanding the Origins of Protest in the Gig Economy', *Oxford Internet Institute Platform Economy Seminar Series* (Oxford Internet Institute 2019) 9–11.
235   Facility Waters and Jamie Woodcock, 'Far From Seamless: A Workers' Inquiry at Deliveroo' [2017] *Viewpoint Magazine* <https://bit.ly/3dxi7dk>.
236   Karen Gregory and Miguel Paredes Maldonado, 'Delivering Edinburgh: Uncovering the Digital Geography of Platform Labour in the City' (2020) 23 Information, Communication & Society 1187, 1191.
237   ibid 1195.
238   Chan and Humphreys (n 222) 32–33; David Martin and others, 'Being a Turker', *Proceedings of the 17th ACM Conference on Computer Supported Cooperative Work & Social Computing* (ACM 2014) 225–226.

people want from their economic activities".[239] In a recent study by Wood and Lehdonvirta, they identified recurring themes in their interviews with dozens of remote gig workers in New York City, London, Los Angeles, San Francisco and Manila, which can be seen as factors that lead to 'structured antagonism' towards labour platforms. Among the factors identified were the lack of channels for platform workers to voice grievances about their work or their reputation on the platform.[240] Several of their interviewees also expressed an interest in some form of collective organization, despite the fragmented nature of the platform's workforce and the relatively high degree of autonomy enjoyed by the platform workers. In the words of one of their interviewees residing in the UK:

> "I think it would be more useful to have some sort of other ways of communicating with these companies because… they are so important to so many people making a living, and that's only going to… grow… Like a conference where you can go and… speak to a board… Or people to represent us as a group, so that we can have some sort of protection and representation…".[241]

The method for collective organization that the interviewees expressed an interest in was a freelancers' trade union, that would be able to represent their collective interest on issues such as fairer payment terms and collaboration among freelancers (p. 25).[242] The need for a common class consciousness and a transnational trade union has also been echoed by other researchers.[243] In the absence of these formal channels for worker voice, platform workers – whether remote or local – have primarily been limited to mobilizing and venting their grievances through 'log-off' protests, wildcat strikes, formation of rank-and-file unions, lawsuits, online petitions and posts on online forums.[244] As Scott has shown, these forms of voice under domination necessitate the use of "elementary techniques of

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239   Connor J Fitzmaurice and others, 'Domesticating the Market: Moral Exchange and the Sharing Economy' (2020) 18 Socio-Economic Review 81, 86.
240   Wood and Lehdonvirta (n 234) 18, 20, 22–23.
241   ibid 24.
242   ibid 25.
243   Mark Graham, Isis Hjorth and Vili Lehdonvirta, 'Digital Labour and Development: Impacts of Global Digital Labour Platforms and the Gig Economy on Worker Livelihoods' (2017) 23 Transfer: European Review of Labour and Research 135, 155; Gemma Newlands, Christoph Lutz and Christian Fieseler, 'Power in the Sharing Economy' (2017) EU H2020 Research Project Ps2Share: Participation, Privacy, and Power in the Sharing Economy ID 2960938 12–13 <https://papers.ssrn.com/abstract=2960938> accessed 31 May 2019.
244   Simon Joyce and others, 'A Global Struggle: Worker Protest in the Platform Economy' (ETUI 2020) Policy Brief 3; Trappmann and others (n 210) 9; UNI Global Union, 'Success for Deliveroo Riders in the Netherlands as Strike Action Forces Investigation' (*UNI Global Union*, 9 February 2018) <https://bit.ly/3dwyWoH>.

disguise" to avoid retaliation, from hiding faces behind masks to anony-
mizing identifying information online.[245]

Beyond unionization, in jurisdictions which have a long-established
culture of workplace representation, there have been efforts towards
establishing works councils,[246] which would have a consultative role with
management with respect to workplace conditions and personnel matters
(including platform worker redundancies).[247] This has been seen in Vienna
and Cologne with the formation of works councils of Foodora couriers in
2017, followed by the creation of further councils in other German cities.[248]
The information, consultation and co-determination rights that these works
councils are granted enable them to challenge new working practices, such
as the privileging of couriers based on their work performance.[249] There
has even been an appointment of a (former) food delivery courier to the
supervisory board of the platform company Delivery Hero.[250] This interest
in extended workplace voice and representation has been complemented
by the emergence and growth of the platform cooperative movement,[251]
which seeks to foster the creation of platform enterprises that operate in
accordance with the International Co-operative Alliance's Statement on
the Cooperative Identity and its 7 Cooperative Principles. As explained in
chapter 2, cooperative governance, decision-making power is not solely tied
to the input of financial capital. Cooperative members, including workers,
can have a say and a vote in a wide range of corporate and operational deci-
sions depending on how the cooperative is structured. Typically, if the coop-
erative prospers, the member may receive a return based on their patronage,
thereby opening up a second source of income in addition to a wage.[252]

The empirical studies referred to above stop short of asking what
decision-making and financial rights gig workers wish for. This is important
as there are clearly several forms of workplace voice that can be directed to
achieve an objective such as drawing attention to poor working conditions
or having a say in how working terms are changed. These studies also do

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245   James C Scott, *Arts of Resistance: Hidden Transcripts* (Yale University Press 1990) 138;
      Heiland (n 4) 31; Johnston and Land-Kazlauskas (n 195) 14.

246   Rebecca Gumbrell-McCormick and Richard Hyman, 'Works Councils: The European
      Model of Industrial Democracy?' in Adrian Wilkinson and others (eds), *The Oxford
      Handbook of Participation in Organizations* (Oxford University Press 2010) 286; Joel Rogers
      and Wolfgang Streeck, 'The Study of Works Councils: Concepts and Problems' in Joel
      Rogers and Wolfgang Streeck (eds), *Works Councils: Consultation, Representation and
      Cooperation in Industrial Relations* (The University of Chicago Press 1995) 6.

247   Johnston and Land-Kazlauskas (n 195) 28–29.

248   Vandaele (n 219).

249   Heiland (n 4) 31–32.

250   Delivery Hero, 'Q3 Financial Report (2018)' (Delivery Hero 2018) 26; Barbara Woolsey,
      'David vs. Goliath: Delivery Hero Court Case a Litmus Test for Startup Governance'
      Handelsblatt Today (12 April 2018) <https://bit.ly/3hmeEPY>.

251   Scholz, *Uberworked and Underpaid* (n 53) 110.

252   International Co-operative Alliance, *Guidance Notes to the Co-Operative Principles* (Interna-
      tional Co-operative Alliance 2015).

not explore the views of other relevant stakeholders (i.e., platform representatives, trade unions, employers' associations, regular consumers, policy makers, lawyers) on the decision-making and financial participation rights gig workers should have. For there to be legal and policy reform in support of platform cooperatives, or indeed other forms of workplace representation for platform workers, a more nuanced understanding of the views of all of these platform stakeholders is necessary as they have a constitutive role in securing these rights for gig workers.

While the moment is ripe to consider new configurations of decision-making and financial participation rights for platform workers, legitimate questions can be asked about the extent to which any of these financial participation and governance mechanisms fit the realities of platform work, and if the emphasis should instead be on a baseline of workplace protections, while ensuring a maximum degree of flexibility to work. Based on the review of the literature on local gig work and platform worker representation in sections two and three, the first hypothesis of this chapter is that:

> Stakeholders will prioritize collective bargaining, information and consultation rights over decision-making rights in, for example, the design and governance of platforms (H1).

As a corollary to this, the channels of workplace voice that are therefore likely to be attractive to this category of platform workers are those that are traditionally associated with the securing of such rights, such as trade unions, and rank-and-file bodies that enjoy such information and consultation rights, such as works councils. In EU Member States such as the Netherlands, with a history of coordinated industrial relations and a small worker cooperative movement,[253] the second hypothesis of this paper is that:

> Forming platform cooperatives will present a less attractive option for stakeholders than expanding the role of trade unions and works councils (H2).

To my knowledge, these hypotheses have not been investigated until now and the Delphi method provides a promising means for testing these hypotheses and forecasting which categories of decision-making rights and mechanisms of workplace voice are desirable for these types of platform workers.[254]

253　NCR, 'Typen Coöperaties' (2021) <https://www.cooperatie.nl/informatie/typen-cooperaties/> accessed 1 June 2021; Erik Nijhof and Annette van den Berg, 'The Dutch "Polder Model": The Prosperity of a Consultative Economy in an Era of Neoliberalism – A Paradox?' in Keetie E Sluyterman (ed), *Varieties of Capitalism and Business History: The Dutch Case* (1st edn, Routledge 2015).

254　Calzada has also used the Delphi method to study platform cooperatives, but their research specifically focused on approaching five experts on platform and data cooperatives concerning the "trends of digital co-operativism". Igor Calzada, 'Platform and Data Co-Operatives amidst European Pandemic Citizenship' (2020) 12 Sustainability 8309, 12.

3.4   THE DELPHI METHOD

The Delphi method is an appropriate technique for such an investigation as it has been deployed over the past 70 years to study future scenarios and scenarios in which there is scarce data. It has been used in over 2,600 academic papers between 1975 and 2017, primarily in the fields of health-care, education and business, and it appears to be growing in popularity in recent years.[255] Researchers have identified the Delphi method as being particularly appropriate for community-based research,[256] specifically for studies in labour law,[257] cooperatives,[258] and platform-mediated collabora-tive consumption[259] as the use of online surveys and an anonymous process allows participants to be from different geographic areas, levels of power and vulnerability. This anonymity allows participants to openly express themselves, without being concerned that a particular comment will be traced back to them. At the same time, it enables groups of participants to constructively converse with each other on sensitive questions such as information & consultation rights, without the flaring of tensions. This is why the Delphi method is preferable to other high-performing group deci-sion analysis methods such as focus groups, nominal group technique and social judgment analysis, which do not provide such anonymity.[260] It is also particularly appropriate in situations where knowledge is imperfect as the process helps in achieving group consensus on certain issues and also identifies entrenched divergences of opinion with respect to others.[261] This is particularly useful when trying to craft policy proposals, a purpose for which Delphi studies have been used frequently in the past.[262]

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255   Andrew Flostrand, Leyland Pitt and Shannon Bridson, 'The Delphi Technique in Forecasting– A 42-Year Bibliographic Analysis (1975–2017)' (2020) 150 Technological Forecasting and Social Change 119773.

256   Shane R Brady, 'The Delphi Method' in Leonard A Jason and David S Glenwick (eds), *Handbook of Methodological Approaches to Community-Based Research: Qualitative, Quantitative, and Mixed Methods* (Oxford University Press 2016) 62.

257   Alysia Blackham, 'Using the Delphi Method to Advance Legal Reform: A New Method for Empirical Labour Law Research?' in Amy Ludlow and Alysia Blackham (eds), *New frontiers in empirical labour law research* (Hart Publishing 2015) 140.

258   Vanessa Campos-Climent, Rafael Chaves-Ávila and Andreea Apetrei, 'Delphi Method Applied to Horticultural Cooperatives' (2012) 50 Management Decision 1266, 1267.

259   Stuart J Barnes and Jan Mattsson, 'Understanding Current and Future Issues in Collab-orative Consumption: A Four-Stage Delphi Study' (2016) 104 Technological Forecasting and Social Change 200.

260   Chitu Okoli and Suzanne D Pawlowski, 'The Delphi Method as a Research Tool: An Example, Design Considerations and Applications' (2004) 42 Information & Manage-ment 15, 18.

261   Erik van de Linde and Patrick van der Duin, 'The Delphi Method as Early Warning: Linking Global Societal Trends to Future Radicalization and Terrorism in The Nether-lands' (2011) 78 Technological Forecasting and Social Change 1557, 1562.

262   Jon Strand and others, 'Using the Delphi Method to Value Protection of the Amazon Rainforest' (2017) 131 Ecological Economics 475.

Delphi studies typically have a sample of 10-20 participants, where 'gatekeepers' may be used to identify persons who have specific knowledge or expertise. While Delphi studies can have a homogenous group of experts, following Hussler et al., this study has opted for heterogeneity as it allows for a greater diversity of responses in the first round and consequently require participants with technical expertise (i.e., in law, in platform business models, workers' rights etc.) to prepare additional arguments for justifying their responses.[263] This can help address concerns about some participants giving self-serving responses and there being a lack of inclusivity when making policy choices. As a consequence, this study has eschewed the use of the term 'expert'[264] in favour of a pre-defined knowledge criteria and/or demonstrated experience of the subject. While having differing frames of reference for platform work, the views of all these groups were given equal weight.

The focus of the Delphi study was on the local gig working economy in the Netherlands. Potential participants were identified by the author, based on his own familiarity with the platform ecosystem in the Netherlands and the involvement of these persons in workshops and conferences on the subject. Platform workers, by being directly involved in the production process, have developed an in-depth knowledge of how the firm functions and their own working conditions, which gives them a useful perspective on long-term strategic decisions, even if others are better equipped at positing solutions.[265] In addition to platform workers themselves, mainstream unions, as well as riders who were part of indie unions were considered to be particularly important participants to involve as they have been at the forefront of disputes to improve the working conditions and representation of platform workers.[266] Platform company representatives, as well as employers' associations, policy makers involved in labour law reform and lawyers who represent both platform workers and platform companies were also added as they will have an important say in any future reform with respect to worker voice. The consumer category was identified on the basis of the frequency with which they use local gig work platforms, with the threshold being set at a minimum of 5 transactions in the past 12 months. Exploring the consumers' perspective was seen to be important as consumers may be caught between their own personal interest (e.g., for low

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263   Caroline Hussler, Paul Muller and Patrick Rondé, 'Is Diversity in Delphi Panelist Groups Useful? Evidence from a French Forecasting Exercise on the Future of Nuclear Energy' (2011) 78 Technological Forecasting and Social Change 1642, 1651; van de Linde and van der Duin (n 261) 1560.

264   Esmé G Trevelyan and Prof Nicola Robinson, 'Delphi Methodology in Health Research: How to Do It?' (2015) 7 European Journal of Integrative Medicine 423, 425.

265   John Dewey, *The Public and Its Problems: An Essay in Political Inquiry* (Gateway Books 1946) 207; Gerlsbeck and Herzog (n 229) 325.

266   Joyce and others (n 244) 5.

costs) and that of platform workers (e.g., higher pay), with reform in this space requiring consumers to empathize with the workers' cause.[267]

There are usually three rounds of data collection in a Delphi study, starting with an initial questionnaire, followed by a second round in which the participants rank the relative importance of issues identified in the first round and provide feedback on the response of others, concluded by a third round where the researcher tries to find whether there is consensus about certain outstanding issues or if dissensus remains.[268] During the course of the study, it is anticipated that there will be an initial diversity of views but there will be a gradual shift in these views, with those who are less 'expert' moving closer to the views held by experts who are nearer the 'truth' (whatever that may be in a given research context).[269]

Approximately 30 potential participants were emailed to enquire whether they would be willing to participate in a Delphi research project on platform labour. This was followed up with phone calls to the offices of the participants to confirm their participation.

3.4.1   Round 1

Initially, 16 stakeholders expressed a willingness to participate in the Delphi study, as indicated in Table 2. An email was sent to the respondents to set out the timeframe of the Delphi study and when the first round of surveys would be distributed via the Qualtrics software. As the Delphi process is anonymous, the only identifying information they provided at the start of Round 1 was a confirmation that they are resident in the Netherlands and a self-identification of a role they occupy in the platform economy.

Table 2

Stakeholder Background	Number
Platform Worker (Local Gig Work)	3
Platform Company Representative	2
Regular Consumers	4
Lawyer	2
Trade Union Official	2
Employers' Association Representative	2
Policy Maker	1

267   J Healy and A Pekarek, 'Work and Wages in the Gig Economy: Can There Be a High Road?' in A Wilkinson and M Barry (eds), *The Future of Work and Employment* (Edward Elgar 2020); Steven Henry Lopez, 'Workers, Managers, and Customers: Triangles of Power in Work Communities' (2010) 37 Work and Occupations 251, 255, 257.

268   Brady (n 256) 62–63; Master Mushonga, Thankom G Arun and Nyankomo W Marwa, 'Drivers, Inhibitors and the Future of Co-Operative Financial Institutions: A Delphi Study on South African Perspective' (2018) 133 Technological Forecasting and Social Change 254, 258.

269   Fergus Bolger and George Wright, 'Improving the Delphi Process: Lessons from Social Psychological Research' (2011) 78 Technological Forecasting and Social Change 1500, 1503, 1506–1507.

The survey they had to complete was in Dutch and in English and had been previously tested with two senior colleagues to check for clarity.

With respect to worker participation, the first survey contained a combination of 3 open-ended questions and 6 closed-ended questions, so as to ensure a focused discussion. To develop an appreciation of the existing 'voice' options, one set of questions concerned the sufficiency of existing channels of communication between a platform and a platform worker. These questions sought to understand whether platform stakeholders were of the view that these channels of communication were sufficient for platform workers to express their views, on issues ranging from the improvement of their workflows to the governance and commercial activities of the platform. It also sought responses on how such communication could be improved. This is based on earlier studies that have found platform workers to be frustrated with the lack or poor quality of response from platforms when issues were communicated to them.[270] This reflection on communication options also helped reveal whether there are opportunities for platform workers to virtually interact with each other so as to overcome their spatial dispersion and build digital solidarity.[271] Previous research with ride-hailing drivers show that frequent virtual interactions have been "significantly associated with greater interest in collective representation", including unionization.[272]

Subsequent questions in the survey enquired whether gig workers should be entitled to financial participation in the profits of the platform company and asked respondents to indicate if any or all of ten governance and financial participation options were important, on a 5-level Likert scale ranging from very unimportant (1) to very important (5) (see options in Table 3 below). These options originated from the literature discussed above and represent options that could be implemented in an 'ideal' platform economy (i.e., irrespective of the current state of the law). If the respondent indicated that several options were very important or important, they also had to rank which of these topics were most important in their view in relation to others. To better understand the categories of decisions platforms workers should be involved in, according to platform stakeholders, 12 operational and strategic decisions (see Figure 11) were presented for respondents to indicate whether a "platform company, a platform worker, both groups or neither" should participate in making them. Within the EU, there is already a "rich palette" of information and consultation rights with respect to decisions such as health and safety[273] and

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270   Michael David Maffie, 'The Role of Digital Communities in Organizing Gig Workers' (2020) 59 Industrial Relations: A Journal of Economy and Society 123.

271   Tassinari and Maccarrone (n 214) 40.

272   Maffie (n 270) 125.

273   Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [1989] OJ L 183, art 11.

transfers of undertakings,[274] but the intention here was to see whether there is an interest in co-determination of these decisions as well as an interest in becoming involved in a greater ranger of decisions, such as policies concerning the collection and management of personal data and the design of the application's graphical user interface. [275] The issue of application design and transparency of data collection and use has gained significance due to the opacity of platforms' internal systems in handling incoming orders, allocating work, rating workers, managing performance, refusing payments and closing accounts.[276] While the General Data Protection Regulation[277] can be used to improve the transparency and reliability of ratings, receive an explanation for an account has been suspended,[278] and demand human intervention in a fully-automated rating system,[279] this falls short of general information and consultation rights concerning these procedural matters. The final closed questions sought to unpack which of nine factors the participants viewed as being most significant for determining whether gig workers have a right to workplace voice and/or financial participation (see factors listed in Table 5). This question used a 5-level Likert scale ranging from very insignificant (1) to very significant (5). The respondents could also rank which of the factors they deemed to be most significant.

3.4.2   Rounds 2 & 3

The second survey built on the responses of the platform stakeholders from the first round regarding communication options, financial participation and governance participation. To facilitate virtuous opinion change and (potentially) consensus on certain issues, the 11 closed questions and statements in the second round indicated how participant groups responded to a particular question from the first round, in addition to the percentage of overall participants that responded in a similar manner or held the same view.

       The purpose of the third survey was to see if consensus could be reached on points where views continued to be strongly divided, among the participants as a whole or among particular group of participants. By rearticulating some of these issues as nine statements which the participants

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274   Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses [2001] OJ L 082, art 7.

275   ETUI, 'One Step Forward, Two Steps Back? Taking Stock of Social Dialogue and Workers' Participation', *Benchmarking Working Europe 2017* (ETUI 2017) 55.

276   Silberman and Johnston (n 182) 5; Tassinari and Maccarone (n 214) 44.

277   Council Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L 119 ['GDPR'].

278   ibid, arts. 15-16.

279   Silberman and Johnston (n 182) 7.

could agree or disagree with, individual participants were compelled to take a stance – which would either establish a consensus or confirm that consensus on the topic was not possible. The survey was concluded with two, final open-ended questions on what their views were on the potential and possibilities of alternative corporate structures such as platform cooperatives and whether they foresaw such changes materializing in the future. The 'neutral' option was deliberately removed from 'follow-up' questions in both rounds as it would require the respondents to think more carefully about a non-neutral stance and as neutrality is not useful for survey analysis.[280]

To encourage stakeholders to respond, individual follow-up emails were sent, reminding them of the importance of each of their contributions. While the level of attrition in Delphi studies are generally low, given that the participants commit in advance to completing the surveys over a set timeframe, it is not unusual for it to take place given the length of time over which the surveys are sent out.[281] Figure 10 shows this process flow of the Delphi study.
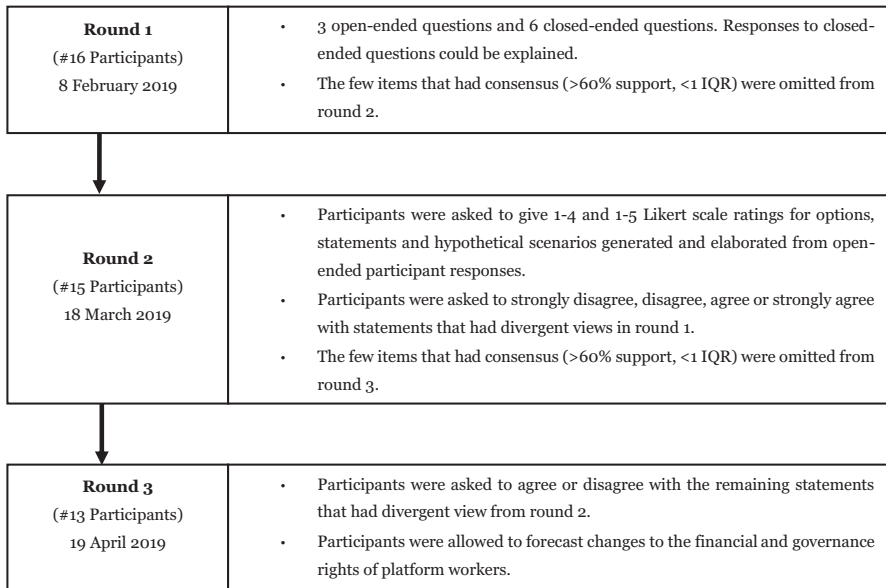
Round 1 (#16 Participants) 8 February 2019	• 3 open-ended questions and 6 closed-ended questions. Responses to closed-ended questions could be explained. • The few items that had consensus (>60% support, <1 IQR) were omitted from round 2.
Round 2 (#15 Participants) 18 March 2019	• Participants were asked to give 1-4 and 1-5 Likert scale ratings for options, statements and hypothetical scenarios generated and elaborated from open-ended participant responses. • Participants were asked to strongly disagree, disagree, agree or strongly agree with statements that had divergent views in round 1. • The few items that had consensus (>60% support, <1 IQR) were omitted from round 3.
Round 3 (#13 Participants) 19 April 2019	• Participants were asked to agree or disagree with the remaining statements that had divergent view from round 2. • Participants were allowed to forecast changes to the financial and governance rights of platform workers.

Figure 10: Process Flow of the Delphi Study

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280   Blackham (n 257) 150.
281   Richard T Carson, Michael B Conaway and Ståle Navrud, 'Preliminary Valuation of a Cultural Heritage Site of Global Significance: A Delphi Contingent Valuation Study' in Ilde Rizzo and Anna Mignosa (eds), *Handbook on the Economics of Cultural Heritage* (Edward Elgar Publishing 2013) 601; van de Linde and van der Duin (n 261) 1560.

3.5   RESULTS

3.5.1   Round 1

At the end of the first round, the responses to open-ended questions were coded to identify themes. This was done to both identify commonly shared views among respondents as well as opinions that were presented by only a minority of respondents but merited consideration by the entire group in a subsequent round. This would present respondents the opportunity to reflect on issues with policy implications they had not considered previously. The answers to the closed-ended questions were categorized according to response, which allowed the identification of issues on which there was already a consensus and those where there was not and thereby required further investigation in round 2. For the questions where the responses could be "yes, no, or I don't know", this identification was done based on whether a response was made by more than 60% of respondents. If not, the issue was to be considered for the second round. For the responses to questions that used a Likert-scale, the median score was also calculated to identify the median response as well as the inter-quartile range (IQR) to measure the dispersion of the median response, as had been previously done with earlier Delphi studies.[282] It was held that group consensus had been reached when the inter-quartile score was 1 or less and/or greater than 60% of responses fell within two related categories on the Likert scale (e.g. very important and important or insignificant and very insignificant).[283]

3.5.1.1 Communication

On the "yes, no, I don't know" question whether the existing channels of digital and face-to-face communication were sufficient in raising certain issues, views were largely divided as summarized in Table 3.

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282   Stanislav Birko, Edward S Dove and Vural Özdemir, 'Evaluation of Nine Consensus Indices in Delphi Foresight Research and Their Dependency on Delphi Survey Characteristics: A Simulation Study and Debate on Delphi Design and Interpretation' (2015) 10 PLOS ONE e0135162, 4.

283   Cheng-Fei Lee and Brian King, 'A Determination of Destination Competitiveness for Taiwan's Hot Springs Tourism Sector Using the Delphi Technique' (2009) 15 Journal of Vacation Marketing 243, 250.

Table 3

Are these channels of communication channels sufficient for:	No (%age of respondents)	I Don't Know	Yes	Consensus (>60%)
Communicating comments and suggestions on how to improve workflow for tasks and projects?	37.5%	12.5%	50%	No
Communicating grievances and complaints?	25%	18.75%	56.25%	No
Communicating information regarding the operational activities of the platform company?	0%	12.5%	87.5%	Yes
Considering the views of platform workers regarding the commercial activities of the platform?	37.5%	31.25%	31.25%	No
Receiving input from platform workers about the governance of the platform (e.g., board appointments)?	50%	25%	25%	No

Consensus on the existing channels of communication being sufficient for communicating information regarding the activities of the platform company meant that the issue was excluded from consideration in later rounds while the others were not. In their comments, the participants added that face to face communication, the hosting of meetings between platform workers and consumers, the creation of a works council for platform workers, as well as periodic 'live' digital chats and Q&As involving the platform company, platform workers and consumers would improve communication.

3.5.1.2 *Workplace Engagement and Financial Participation*

The next set of questions concerned identifying the workplace engagement mechanisms and financial participation options that the stakeholders believe are important for platform workers. As indicated by Table 4, the only form of engagement on which there was a strong consensus was the importance of platform workers being informed about significant work-related changes by the platform company, such as developments that could affect the availability and organization of work. The issue of collective bargaining, individual and collective consultation of platform workers concerning such changes was also considered to be important or very important by the majority of respondents, but the IQR indicates that there were respondents who strongly disagreed. While the panel of respondents were ambivalent about the platform workers being involved in corporate governance decisions or individually consulted about strategic decisions made by the platform company (e.g., the launch of a new service), a large percentage of the panel were of the view that collective consultation on strategic decisions was important or very important. Questions on corporate governance involvement were therefore included in round 2.

In comparison to worker voice, the results indicate that the median view was ambivalence regarding financial participation and the overwhelming majority of participants did not think it was important or very important to receive equity or profit-share in the platform company's profits. Ordinarily, this would be sufficient to demonstrate there was broad agreement that financial participation is of negligible importance but the fact that the median response was neutral invited further exploration in subsequent rounds.

Table 4

Importance of these elements of worker engagement for platform workers	Important or Very Important (%age of respondents)	Mdn[284]	IQR
Information regarding important work-related changes by the Platform Company (e.g., developments that could affect the availability and organisation of work)	87.5%	4.5	1
Information regarding strategic changes by the Platform Company (e.g., new services/products, new office locations)	37.59%	3	2
Participation in corporate governance decisions (e.g., appointment and removal of directors)	37.59%	3	2
Individual consultation regarding important work-related changes by the Platform Company (e.g., developments that could affect the availability and organisation of work)	68.75%	4	2
Individual consultation regarding strategic changes by the Platform Company (e.g., new services/products, new office locations)	37.5%	3	2
Collective consultation regarding important work-related changes by the Platform Company (e.g., developments that could affect the availability and organisation of work)	68.75%	4	2
Collective consultation regarding strategic changes by the Platform Company (e.g., new services/products, new office locations)	56.25%	4	2
Participation in collective bargaining (e.g., industry wages, working conditions)	68.75%	4	2
Receiving equity shares in the Platform Company as part of the workers' remuneration	18.75%	3	1
Profit-sharing in the Platform Company's Profits as part of the workers' remuneration	25%	3	1.5

Following up on the mechanisms for workplace voice, the next set of questions concerned the corporate decisions that a platform worker should be involved in, if an ideal agreement between platform company and platform worker were reached.

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284   Scale from 1=very unimportant to 5=very important. 3 is a neutral response.

As indicated in Figure 11, the majority of the panel felt that both the platform company and platform workers should be involved in decisions pertaining to the creation of a health and safety policy and decisions to close or sell the company. On decisions regarding the issuance of new shares and the pay-out of dividends, the majority of panellists were of the view that only the platform company should be involved in making this decision. There was also a strong consensus that only the platform company should be involved in making decisions concerning the creation of a subsidiary. On issues such as the collaborative design of the platform applications' user interface, as well as the remaining decisions, there was no consensus on who should be involved in making them and were incorporated into round 2.

IN AN IDEAL SCENARIO, WHO SHOULD BE INVOLVED IN THESE DECISIONS? (% OF PARTICIPANTS)
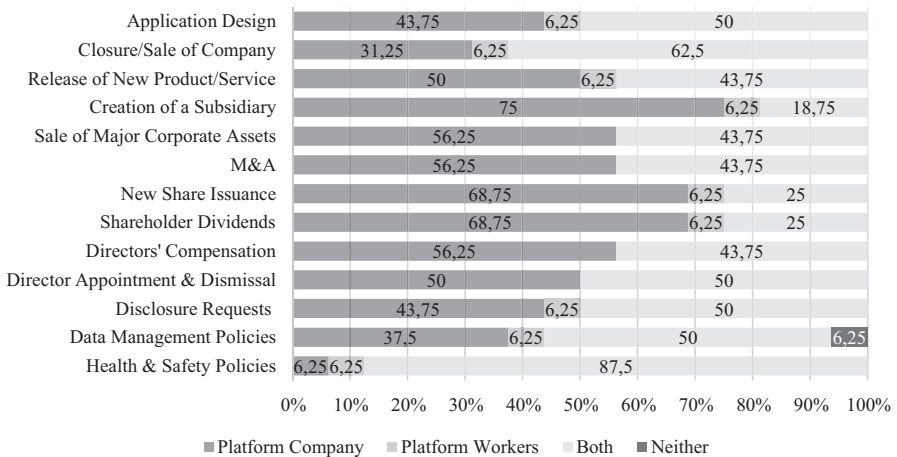

Figure 11: Participation in Operational and Strategic Decisions of a Platform Company

The final set of questions in round 1 concerned the respondents' perceptions regarding barriers to financial participation and workplace voice, which is summarized in Table 5. As with the mechanisms for workplace voice, the median response was that several of these factors were significant, however the IQR for all of the factors was above 1 which indicates that there was a strong divergence of opinion. That being said, the platform business model, the legal framework, the legal structure of the platform and knowledge about the availability of workplace engagement and financial participation options were flagged as being particularly significant in determining whether workplace voice and financial participation exists. The divergence of opinion led to these items being included in the subsequent rounds.

Table 5

Significance of barriers to workplace voice and financial participation	Significant or Very Significant (%age of respondents)	Mdn (1 = very insignificant, 5 = very significant)	IQR
The Platform Business Model	56.25%	4	2
The Legal Structure of the Platform	56.25%	4	2
The Legal Framework in which the Platform Company Operates	68.75%	4	2.5
Knowledge about the Voice and Financial Participation Options Available to Platform Workers	50%	3.5	2
Interest of Platform Workers in Workplace Voice and/ or Financial Participation	43.75%	4	1.5
Support from Platform Workers from Organisations that are supposed to represent the interests of Platform Workers as a whole	68.75%	4	1.5
Existence of Organisations to represent the interests of Platform Workers as a Whole	56.25%	4	1.5
Interest and/or Will on the Part of Policy Makers on this Issue	62.5%	4	2
Current Job Market/Economic Climate	56.25%	4	1.5

3.5.2   Round 2

The questions and statements presented in the second round gave the panel an opportunity to reflect on the answers of their fellow panellists regarding issues on which there was no consensus. To observe whether this prompted a change in views, an indication was given of how the total panel had responded or how certain stakeholder groups had responded. In addition to this, the survey allowed the respondents to reflect on, for the first time, a series of statements made by other respondents during the course of the first round.

Both four-level and five-level Likert scales were used during this round, with the former not offering a 'neutral' option. A four-level scale between strong disagreement (1) and strong agreement (4) was used for questions concerning issues that had been addressed in a previous round, but had resulted in ambiguous answers, as well as statements made by participants in round 1. Table 6 summarizes these results.

Table 6

	Strongly Agree or Agree (%age of respondents)	Mdn[285]	IQR
Sufficiency of Existing Communication Options with Platform Company			
For communicating comments and suggestions on improving the workflow of tasks.	46.67%	2	1
For considering the views of platform workers regarding the commercial activities of the platform.	53.33%	3	1
Participant statements concerning worker voice and financial participation			
"The issue is not with communicating with platform companies, it is getting them to listen and follow-up on what is communicated to them"	73.33%	3	1
"Platform Workers are not interested in workplace voice and/or financial participation in platform companies"	40%	2	1
A lack of knowledge of workplace voice and financial participation in platform companies discourages the use of such options by platform workers.	80%	3	0
In an ideal scenario, platform companies and platform workers should both be involved in decisions to release a new product or service.	53.33%	3	1
"Profit Sharing sounds like a fun idea, but it only becomes relevant when proper pay and insurance are ensured for platform workers"	80%	3	0
"Platform companies rely on network effects to generate revenue. Platform companies should extend financial participation schemes to platform workers for their hard work and their direct contribution to this network effect".	46.67%	2	1
Panel's collective view on the external factors that are most significant for determining whether platform workers have the right to workplace voice or financial participation			
1. The Platform Business Model 2. The Legal Framework in which the Platform Company Operates 3. The Legal Structure of the Platform 4. Knowledge about the Workplace Voice and Financial Participation Options Available to Platform Workers.	66.67%	3	1
Involving both Platform Company and Workers in the Design of the Application's GUI			
Social media	46.67%	2	2
Open forums/wikis	46.67%	2	1
Live chats	53.33%	3	1
Email	53.33%	3	1
In-app feedback	73.33%	3	2
Face-to-face meetings	60%	3	2

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285 Mdn: 1=strongly disagree, 2=disagree, 3=agree, 4=strongly agree.

After removing the neutral option, the panel's position on a number of these issues became clearer. While there was mild disagreement or mild agreement about the sufficiency of existing options for communicating different issues, there was strong agreement that the main concern is getting platforms to take follow-up actions. Notably, there was strong agreement that there was a lack of knowledge about options for platform workers' voice and financial participation, which discouraged the demand for such options, and there was disagreement with the idea that platform workers are not interested in voice or financial participation. There was also an acknowledgment that the platform business model and the legal framework in which these companies operate were key in determining whether such rights to voice or financial participation exist. One such issue is the design of a platform's user interface, with the panel agreeing that both the company and workers should be involved in this decision, through in-app feedback, face-to-face meetings, email and live digital chats. However, there continued to be a dispersion of views on which method of involvement in this decision is best and an ambivalence about the normative desirability of financial participation, particularly in comparison to more immediate concerns such as proper pay and insurance. These, along with remaining ambivalent responses on certain corporate decisions, were included in round 3.

Table 7 presents the panel's suggestions for generally improving communication between a local gig work company, platform workers and consumers, as well as their responses to two hypothetical scenarios about the involvement of platform workers in strategic corporate decisions. The use of a 5-level Likert scales allowed for a neutral response in this round. The scenarios were introduced to explore the panel's responses to worker involvement in corporate governance in round 1.

There was a consensus that a periodic live digital chat that involve the platform, workers and consumers would be important for improving communication. There was a dispersion of responses concerning the importance of establishing a works council, but the median response was that it was important, and 60% respondents considered it to be important or very important. The median response for the other options was a neutral one and there was no clear consensus. With respect to decisions that typically fall within the remit of a corporate board, there is an unambiguous view that platform workers be informed about the launch of a new service and, to a lesser extent, be informed and consulted about the appointment of a new director. However, there was ambivalence about stronger forms of co-determination.

Table 7

	Very Important or Important (%age of respondents)	**Mdn[286]**	**IQR**
Panel Suggestions to Improve Communication between Platform Company, Platform Workers and Consumers			
Face to Face Communication	46.67%	3	1
Meetings of Platform Workers with Consumers	26.67%	3	2
Creation of a Works Council	60%	4	2
Periodic, Live Digital Chat and Q&A between Company, Workers and Consumers	73.33%	4	1
Platform Worker Involvement in Corporate Governance			

	Type of Worker Involvement			
Platform XYZ decides to launch a new service targeted at public bodies, so as to expand their user base from individual customers to corporate clients (e.g., delivering food for the workers in a municipality office…or cleaning public buildings. Irrespective of factual employment status with respect to the platform, please rate your impression on the importance of:	Informed about this Decision	73.33%	4	1
	Consulted about this Decision	40%	3	1
	Co-determination of this Decision	50%	3	2
Platform XYZ is incorporated and headquartered in the Netherlands. The company is considering an appointment of a new Director to its Management Board. Irrespective of factual employment status with respect to the platform, please rate your impression on the importance of:	Informed about this Decision	46.67%	4	2
	Consulted about this Decision	53.33%	4	2
	Co-determination of this Decision	26.67%	3	2

As indicated in Table 8, with respect to financial participation, the median response towards platform workers having the opportunity to buy shares in the platform, receiving a bonus based on company performance, or being included in a 'broad-based share ownership plan' was neutral. While the median score for the performance bonus and deferred savings plans options was 4, indicating a higher degree of approval of such forms of financial participation, neither option met the 60% threshold. As with Round 1, this meant that there continued to be ambiguity about perceptions of financial participation in platform companies.

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286   Scale from 1=not at all important to 5=very important. 3 is a neutral response.

Table 8

	Strongly Agree or Agree (%age of respondents)	**Mdn[287]**	**IQR**
Elaborated Suggestions on Financial Participation Options for Platform Workers			
Share-Purchase Plan for Loyal Platform Workers	46.67%	3	2
Performance Bonuses	53.33%	4	1
Bonuses based on Company Performance	40%	3	2
Contributions to a Deferred Savings Plan for Loyal Platform Workers	53.33%	4	2
Broad-Based Share Ownership Plan	40%	3	2

3.5.3   Round 3

The objective of the final survey was two-fold. First, to explore how the panel would respond to statements that had received ambiguous responses in earlier rounds, if presented with a set of rearticulated, concise statements and binary options (agree/disagree). This required respondents to reflect on and take a stance on issues that they may have previously avoided as a 'neutral' choice was available. As the options were binary, consensus was determined by the response which was given by >60% of respondents. Table 9 summarises the statements on which there was consensus and those on which there was not. While the panel clearly felt that platform workers should be extended greater information and consultation rights on matters that might directly affect their work, such as the launch of a new service or the financial performance of the company, there continued to be ambivalence or outright antipathy towards financial participation or platform workers being granted a say in decisions that are typically within the purview of a board of directors.

The study concluded with open-ended questions about alternative corporate structures in the platform economy and the prospects for changes in the financial and governance participation of platform workers, which is discussed along with the results in the next section.

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287   Mdn: 1=strongly disagree, 2=disagree, 3=neutral, 4=agree, 5=strongly agree.

Table 9

	Consensus	No Consensus
Face to Face Communication between platform workers and platform companies will improve communication between these two groups.	76.9% agreement	
Meetings between Platform Workers and Consumers will not improve communication between these two groups.	69.2% agreement	
Both Platform Workers and Shareholders of Platform Companies should receive (detailed) annual accounts and annual reports from the Platform Company.	61.5% agreement	
Platform companies are not obliged, legally or ethically, to extend financial participation schemes to platform workers. It is a purely discretionary decision by the company.	76.9% agreement	
Platform workers should be allowed to buy Shares in Platform Companies after demonstrating commitment to the Platform for a certain period of time.		46.15% agreed, 53.85% disagreed.
Platform workers should receive bonuses based on the financial performance of the Platform Company they work for.	61.5% agreement	
Platform workers should have access to a Broad-Based Share Ownership Plan, set up by the Platform Company.	61.5% disagreement	
It is more important for platform workers to be consulted about, for example, the launch of a new service than being involved in making this decision.	84.6% agreement	
Is not important for platform workers to be involved in the appointment of a new Director to the Management Board of a Platform Company.		53.85% disagreed and 46.15% agreed.

3.6   Discussion

In section 3.3, a brief overview was given of the empirical studies in which a nascent wish for representation and participation was expressed by platform workers. The objective of this Delphi study was to gain deeper insight into how workers and other stakeholders envisioned such engagement will take place and the decisions in which platform workers should take part in within an 'ideal' relationship. The surveys did not require making shared predictions about when certain forms of workplace voice will become available to platform workers but instead, by laying bare the many roles and decisions in which platform workers can potentially be engaged in, it sought to develop a more granular understanding of how workplace voice and financial participation will develop and should develop. As such, both consensus and dissensus among participants is illuminating.

By asking the panellists to consider the existing means of communication between a platform worker and a platform, in conjunction with the workplace voice rights that the panellists view as being important for platform workers, the inadequacy of the former to secure the latter came into sharp relief. As one platform worker commented, while the current forms of communication are adequate for 'simple problems', they are insufficient for more complex problems such as occupational disability, for which face-to-face communication is needed. As the responses in round 2 indicate, getting platforms to follow-up on issues communicated to them also presents a challenge.

While there was a consensus that the existing means of communication were adequate for being informed about a platform launching new activities, it became apparent that a formalised collective bargaining and consultation dimension (whether individually or collectively) were missing. This is evident from the support for the creation of works councils among 60% of participants and the consensus support for platform workers being consulted rather than simply being informed. The importance of consultation was emphasized with regard to work-related decisions during the first round but, after being presented a fictitious scenario indicating a possible strategic decision, there was strong consensus that platform workers should be consulted about certain strategic changes as well. For such a view to be held by a panel in the Netherlands is perhaps unsurprising. While collective bargaining and works council formation has only been a small feature of global platform worker protests over the past five years, these demands have primarily been concentrated in Europe.[288]

An illuminating example of an interest in consultation was the panel's views on whether platform workers should be involved in decisions concerning the design of a platform's user interface. In the first round, half of the panel were of the view that platform workers should work together with platform companies in this design. While this elicited diverging views, it was decided to explore this topic further as earlier research among on-demand food couriers found that the platform company did not promptly or sufficiently inform them about changes to the application.[289] Also, in the platform cooperative space in particular, there is an interest in the question of how users, including workers, can collaborate in the design of technologies – drawing inspiration from practices in the open-source software community.[290] This question was included in round 2 to explore how such input could be given. The options were derived from their own open-ended responses in round 1 on how communication with the platform could be improved, as well as channels used by open-source communities

288   Joyce and others (n 244) 4; Trappmann and others (n 210) 7.
289   Heiland (n 4) 28.
290   Eric von Hippel, *Democratizing Innovation* (The MIT Press 2006); Trebor Scholz, 'Platform Cooperativism: Challenging the Corporate Sharing Economy' (Rosa Luxembourg Stiftung, New York Office 2016) 23.

to give feedback. In-app feedback and face to face meetings were considered to be two particularly relevant mechanisms for giving feedback. While a lack of consensus on the modes of feedback continued in the second round, these answers indicate that there is some support for platform workers being involved in these decisions.

Notably, in round 3, 84.6% of the panel agreed that consultation regarding a strategic decision is more important than being involved in making a decision. This would indicate that the stakeholders of the platform, including platform workers themselves, would be reluctant to see platform workers be part of corporate governance at a higher level, especially if they are already consulted about matters that directly relate to their work. A possible explanation for this may be the realization of the amount of time and labour that would be involved in such collective decision-making processes, detracting from the flexibility and autonomy which makes local gig work appealing.[291] This realization may have been prompted, at least to an extent, by the successive survey rounds which made explicit the range of organizational choices platform workers may be involved in if, for example, they were to be appointed to a platform company's board of directors.

There was also diffidence towards the idea of platform workers being extended equity participation in platform companies. While a weak consensus was reached in the third round that platform workers should be given cash bonuses on the basis of company performance, other forms of profit sharing and equity participation either did not achieve consensus or there was a consensus against their use (e.g., broad-based share ownership plans). The secondary importance of financial participation is illustrated by the comments of the participants, that profit sharing has less priority than improved pay and insurance. This corresponds with the earlier research of Kaarsemaker and Poutsma which found that unions and other workers' organisations did not wish for wages to be affected or substituted by share contributions.[292] The consensus view was that platform companies are not ethically or legally obliged to extend financial participation to platform workers. The question of priorities is an important one, as the responsibility for securing health and accident insurances typically fall on the worker and the need for higher earnings is more immediate than the promise of future dividends.[293]

At the same time, share programs for loyal platform workers is a likely means for extending financial participation in the near future. The food delivery company DoorDash, for instance, is among a group of platform

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291   Mirela Ivanova and others, 'The App as a Boss? Control and Autonomy in Application-Based Management.', *Arbeit | Grenze | Fluss - Work in Progress interdisziplinärer Arbeitsforschung Nr. 2* (Viadrina B/Orders in Motion 2018) 18.

292   Eric Kaarsemaker and Erik Poutsma, 'Aandelenbezit van werknemers en de Nederlandse arbeidsverhoudingen' (2016) 32 Tijdschrift voor Arbeidsvraagstukken 198, 205, 207.

293   Marion Schmid-Drüner, 'The Situation of Workers in the Collaborative Economy : In-Depth Analysis.' (European Parliament 2016) In-depth Analysis.

companies seeking to offer couriers part of their remuneration as stock.[294] It is possible that this disillusionment with share ownership as a means of financial participation is attributable to the IPO of Uber, which was in the news at the time of the last survey round, amidst revelations that it had been running at a loss for several years. This was, indeed, alluded to by one of the platform workers when they reflected on whether the financial and governance participation of platform companies will change in the near future:

> "No. The platforms are now owned by huge investement [sic] funds. They do not care about the workers. And they do not see any upside in sharing the profit with the workers. They only care about a sucesful [sic] IPO. I am quite cynical about this."

This cynicism was shared by at least one platform representative, who opined that platform companies are "no different from other companies" and knowledgeable investors expect a return on their investment as with all companies. This, in turn, raises questions about the sustainability of the platform business model and whether alternative business structures such as platform cooperatives can offer a durable alternative unless they secure adequate financing.[295] It is also possible that there is a concern that the focus on financial rights and high-level control rights distracts from the bigger picture; that such initiatives entrench fundamentally exploitative business models and precarious working conditions that can't be escaped while still acting within a capitalist market.[296]

Given the type of decisions that platform stakeholders, including platform workers, identify as being important for platform workers, and the overall ambivalence regarding platform worker engagement in several aspects of higher-order corporate governance decision-making and financial participation, it would appear that the support of trade unions and the formation of works councils would meet the needs for extended worker voice, at least in the Netherlands where these forms of representation has a long history. Given the practicalities of local gig work, digital technologies will have to be integrated into discussion and consultation processes in addition to face-to-face meetings. These different forms of workplace voice may be beneficial as they can complement each other.[297] Forming a platform

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294   Benjamin Bain, 'DoorDash, Instacart Drivers Could Get Stock Under SEC Proposal' *BloombergQuint* (Mumbai, 25 November 2020) <https://www.bloombergquint.com/onweb/doordash-instacart-drivers-could-get-stock-under-sec-proposal> accessed 1 December 2020.

295   Simon Borkin, 'Platform Co-Operatives – Solving the Capital Conundrum' (Nesta and Co-operatives UK 2019).

296   Marisol Sandoval, 'From Passionate Labour to Compassionate Work: Cultural Co-Ops, Do What You Love and Social Change' (2018) 21 European Journal of Cultural Studies 113, 123.

297   Matthew MC Allen, 'Hirschman and Voice' in Adrian Wilkinson and others (eds), *Handbook of Research on Employee Voice* (Edward Elgar 2014) 41.

cooperative, in contrast, would require platform workers to be involved in a wide array of corporate governance and strategic decisions as well as accepting greater financial risk of being invested in the platform enterprise.[298] This is due to the fact that the platform cooperatives that have been studied in this dissertation have emphasized the participation of members in decisions from the design of smartphone applications to expansion into new geographical territories. Naturally, as explained in chapter 2.4.4., being a cooperative member also entails being an entrepreneur – with all the risks involved in running a business. With the caveat that stakeholders are of the view that platform workers should also be involved in the design of a platform's user interface, these findings thereby substantiate the two hypotheses of this Delphi study.

That being said, the fact that several of the works councils formed in Austria and Germany experienced hostility from management (e.g., disabling internal communication between couriers) and were dissolved following a shift to 'zero-hour' contracts, raises concerns about their durability as a mechanism for exercising worker voice. The threat of companies restructuring around statutory voice mechanisms was also realized when the first on-demand food courier to be appointed to the supervisory board of a platform company was replaced within a year of his appointment, due to the sale of the German operations of its business to Takeaway.com.[299] This adversarial stance towards traditional mechanisms of workplace voice can also be seen in platform companies' reluctance to participate in tripartite dialogues and collective agreements.[300] In the case of domestic cleaners, there is an additional challenge that their work in homes provides limited opportunities to organically build solidaristic connections, as they occupy a less visible, strategic position within distribution networks compared to food delivery couriers.[301] In view of these shortcomings, there will continue to be an interest in exploring various options for workplace voice that offers workers information and consultation rights, as well as a say in certain strategic decisions. This may be through seeking the tightening of statutory rules relating to workplace voice (e.g., transparency about trips, price and revenue, refusing work without penalty)[302] or supporting worker-oriented, democratically governed alternatives such as 'indie' unions and platform cooperatives.[303]

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298   Inigo Gonzalez-Ricoy, 'Ownership and Control Rights in Democratic Firms – a Republican Approach' (2020) 78 Review of Social Economy 411, 425.

299   Delivery Hero, 'Delivery Hero Completes Sale of Its Food Delivery Operations in Germany to Takeaway.Com' (*Delivery Hero Investor Relations*, 1 April 2019) <https://bit.ly/3duzn2E>.

300   Heiland (n 4) 35–37.

301   Vandaele (n 219).

302   See, e.g., Article 44, Loi d'orientation de mobilités (LOM) [France's Mobility Orientation Law] dated 24 December 2019 and enacted on 27 December 2019; Article L. 1326-2. Code des transports [France's Transport Code].

303   Davide Però, 'Indie Unions, Organizing and Labour Renewal: Learning from Precarious Migrant Workers' (2020) 34 Work, Employment and Society 900.

3.7   Conclusion & Future Research

This Delphi study explored the views of a panel of stakeholders of local gig work platforms in the Netherlands on the workplace voice and financial participation of platform workers. This study does not claim to be representative of the views of all stakeholders but rather offered insight into these two contentious topics from selectively sampled participants who are knowledgeable about various aspects of the platform economy. Having a clearer understanding of the decisions and worker involvement mechanisms that a panel of knowledgeable stakeholders deem to be important for the future of local gig work highlights the importance that works councils and trade unions have as institutionalized mechanisms for non-standard workers' voice in this sector, as well as the expanded roles they will have to take on in contemporary workplaces. In the absence of legislative reform, for the time being, platform companies themselves will have to evince a willingness to accommodate these forms of voice. The points on which consensus were reached reveal potential for this. This can be examined more fully by complementing this Delphi study with follow-up interviews with trade unions and labour lawyers.

   This is not to say that alternatives such as platform cooperatives do not have space in this sector, but it is argued that their demand will be shaped by the willingness of workers to take on financial risks, to co-determine a wide range of operational and corporate governance decisions, the availability of alternative forms of workplace voice and the local industrial relations system. As the panel was drawn from the Netherlands, their frame of reference was a coordinated system of industrial relations. To test this argument, a similar Delphi study could be conducted in a jurisdiction with an adversarial industrial relations system, such as the United States, for the purpose of comparison.