A New Age of Trade Union Cooperation – Analysing European Trade Unions' Digitalisation Strategies

Ginés Woźniak, Tristán

A New Age of Trade Union Cooperation – Analysing European Trade Unions' Digitalisation Strategies

Tristan Gines Wozniak

Universiteit Leiden, Faculty of Humanities

t.gines.wozniak@umail.leidenuniv.nl

MA International Relations

s3401510

European Union Studies

August 24th, 2023

Supervisor – Vera Šćepanović

Word count: 13541

Introduction

Digitalization has significantly impacted labour, prompting shifts in work patterns and practices. Labor unions view this transformation with a dual lens. They recognize the potential of technology to enhance efficiency but also raise concerns about job displacement. In this context, collective bargaining has gained importance. Unions negotiate terms that address digitalization-related challenges, such as remote work terms, upskilling provisions, and fair AI usage. Collective bargaining ensures workers have a say in the changes, striving to secure their rights and equitable benefits within the evolving landscape of digital labour.

The reality of digitalisation is a challenge of the present, not a technological fantasy of the future – the previous paragraph, after all, was written by ChatGPT, a popular generative AI tool. While a new AI gadget goes viral on social media every few weeks, more people wonder what influence technology will have on the workplace. Will algorithms replace my boss? Will my movements be tracked by my company's HR team? Or will I lose my already precarious freelance job as an artist and be replaced by an image-generating AI bot? Questions like these provoke much debate in the general public and sometimes even spark fear. These are some fundamental changes happening very rapidly in the world of labour, and many of them have to do with the increasing degree of automation and digitalization in the workplace.

In the recent years, there has been a rise in the spread of digitalisation in the workplace. This has occurred in different ways – through the spread of platform work, the usage of algorithmic management, and the application of software and devices monitoring the workers' behaviour (often referred to as bossware). Also, the Covid-19 pandemic brought an unprecedented rise in telework. Platform work is any activity that occurs primarily through a platform where the platform itself is the employer (Florisson & Mandl, 2018) – think here about companies such as Uber, Delvieroo or Upwork. Algorithmic management happens when software assumes managerial tasks in and the surrounding institutional architecture that keeps those algorithms in place (Lee et al., 2015). It can often occur in platform work – for example by establishing Uber drivers' hourly fees or picking the destinations they will be assigned for, but not only. Algorithmic management is also used in more 'traditional' workplaces, where they pre-screen job candidates' CVs or assign the pace of production at a factory (Jarrahi et al., 2021), to name a few examples. Bossware refers to the technology allowing managers to measure workers' activity – this could include for example screen trackers, keylogging, recordings from cameras (Gould et al., 2023), but also measuring physical activity out of working hours using fitness bracelets that workers receive from their employers (Aloisi & De Stefano, 2022a). The rise of telework as a result of the Covid-

19 pandemic has forced legislators and social partners to update regulations covering working time, the so-called 'right to disconnect' or the question of funding the expenses of working at home (Eurofound, 2022).

All of these issues can provide chances for workers - they make their work safer and more efficient or provide a better work-life balance. But they also challenge the existing labour order. Digitalisation, if handled incorrectly by governments, trade unions, and employers, could jeopardize health and safety at work, privacy and liability laws, and pose a big challenge for existing insurance and social security orders. The impact of digitalisation depends on how it is handled by regulators, but also by trade unions – scholars in the field claim that collective bargaining is one the best instruments for regulating digitalisation at the workplace (Aloisi & De Stefano, 2022c; De Stefano & Taes, 2023).

However, European trade unions face multiple challenges of their own. Every year European trade unions lose hundreds of thousands of members (Vandaele, 2019); collective bargaining is being widely decentralized (Ibsen & Keune, 2018); declining trade union densities (both among young workers, as well as workers in the private sector), declining material resources of trade unions make shaping the agenda more difficult (Vandaele, 2019), and there are geographical differences in the priorities of different trade unions (mostly east-west, but also Nordic-central-southern (Adamczyk, 2018; Mitchell, 2014). According to Adamczyk (2018), there has been a serious rift of contradictory interests between Western and Eastern unions, especially since the 2004 EU enlargements. Due to the often directly contradictory interests (e.g. in the case of relocating industrial production from the EU-15 to the new member states), it has been difficult for the European Trade Union Confederation (ETUC) to develop common positions and fight for the workers' interests both in the West and the East. Digitalisation offers European trade unions a restart in pan-European cooperation as trade unions' strategies have not become established yet, and the historical and economic backgrounds shaping cooperation in 'traditional' trade union issues have not yet been shaped in the field of digitalisation (Adamczyk, 2018).

There is a need for common European rules and transnational company agreements to protect workers from the negative influence of digitalisation. That is, however, difficult to achieve considering the track record of strained cooperation between European trade unions. Will digitalisation contribute to the improvement of cooperation between European trade unions? This thesis answers the questions of "What strategies do European trade unions adopt to influence national and European digitalisation policies? How do they cooperate on this issue?". In order to provide an answer, I have conducted a multi-case comparative qualitative study with eight trade

unions from different European Union Member States as cases, chosen based on different industrial relations regimes (Larsson, 2012; Vulkan & Larsson, 2019). As the main data collection technique, I have interviewed representatives from the analysed union in semi structured interviews. The analysed unions are Solidarność (Poland), DGB (Germany), CGIL (Italy), FGTB (Belgium), FH (Denmark), LO (Sweden), FNV (The Netherlands) and CGT (France).

This thesis is structured as follows. First, recent developments in digitalisation at the workplace are presented, with a description of different legislative initiatives in the field. Then, I describe the structural capacity affecting trade union cooperation in Europe. Thirdly, the analytical section follows, describing strategies to influence national and European policy, as well as the cooperation in the field of digitalisation between trade unions. Finally, this thesis is concluded with the main outcomes of this study.

State of the art

The challenges posed by the digitalisation of the workplace can be described by four areas of impact: job creation, job change (incl. the introduction of algorithmic management and various monitoring measures), job destruction (through automation and robotisation) and job change (a shift to digital platforms, crowd sourcing, and a platform economy)(Degryse, 2016). The most common developments are the proliferation of platform work, introduction of algorithmic management, usage of different monitoring measures in the workplace and introduction of artificial intelligence (AI). Without an appropriate regulatory reaction, all these changes may have increase the precariousness of employment, make the labour market more unstable, jeopardize privacy of workers and reduce the accountability and transparency of corporate management.

Over the past few years, platform work companies have become household names – think here about Uber, Thuisbezorgd, Italki, Deliveroo, Upwork, Taskrabbit, and dozens of other brand names. However, this is not an entirely new development. It is merely a new evolutionary stage that has been changing the operational model of large enterprises world-wide (Rahman & Thelen, 2019). In the 1980s, new technologies facilitated the transformation of traditional, vertically integrated Fordist conglomerates into "network-of-contracts"-style enterprises. Such companies, like Nike, have pursued a cost-cutting operation of outsourcing most of their operations to contractors. As a result, they have only kept the design and marketing departments in-house. The development of new technologies has allowed these enterprises based on the network of contracts even further. Thanks to the development of technologies, platform companies have slimmed down their operations even further, becoming mere intermediaries of data between consumers and contracted providers (Rahman & Thelen, 2019; Thelen, 2018).

Platform work refers to any activity that is conducted via a platform, such as gig work, crowd sourcing, digital labour, on-demand work, etc. "Platform work refers to an employment form that uses a platform to enable organisations or individuals to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment." (Florisson & Mandl, 2018, p. 2). Platform work companies often break down jobs into "tasks", they are a form of contracting out and outsourcing, they are based on on-demand services. They often don't provide workers with an employment contract, seeing them instead as contractors. Sometimes these platforms also do not provide their workers with the hardware necessary to fulfil these tasks. Platform work is solely focused on offering labour, and therefore platforms trading in goods or accommodation (such as eBay, Facebook Marketplace, Marktplaats, Too Good to Go, Airbnb, etc.) do not constitute platform work. Frequently platform workers deliver food, but they also include handyman services, teaching, personal transport, simple administrative tasks, and others. The lack of a consistent definition of platform work has made it more difficult to introduce meaningful legislation (Aloisi & di Stefano, 2022; Florisson & Mandl, 2018). Regulatory problems that platform companies trigger vary from country to country, depending on local socio-economic regulations (Thelen, 2018). Those include competition law, employment and labour issues, social policy, taxation policy, consumer safety. Therefore, countries' approaches to regulating platform work often vary widely. In the United States, the main arguments against the arrival of Uber were based on claims of lacking consumer safety and precarious work forms. In Germany, Uber's introduction was mainly argued against from the point of view of competition policy and protecting traditional taxi drivers' existing market position and standards. In Sweden, consumers, regulators, and trade unions were welcoming of Uber's arrival, but due to the local system of social security (where welfare payments are financed directly from the state budget, so effective tax collection is crucial), critics had concerns over whether Uber pays a fair share of taxes (Thelen, 2018; interview 6).

Despite the rather simple wording, the understanding of what constitutes algorithmic management has changed. At first, algorithmic management was mostly associated with platform work (Duggan et al., 2020). Platform companies can track worker activity, match assignments to workers, measure workers and generate rankings and even dispute conflicts between individual workers (Jarrahi et al., 2021). However, a more universal and broader definition of algorithmic management (or 'management-by-algorithm') has been developed by Lee et al. (2015) – those are "software algorithms that assume managerial functions and surrounding institutional devices that support algorithms in practice" (p. 1603). Over time the concept of algorithmic management has also been expanded from strictly being used in platform work to workplaces with more traditional

characteristics (e.g. with a permanent venue of performing work, a contract, stable employment, a direct relationship between the employee and their manager). In such workplaces, algorithmic management can assist in filtering job applicants, fire slow warehouse employees, and improve work morale and nudges by analysing workers' individual analytics, among others (Jarrahi et al., 2021). An approach where all final decisions are taken or confirmed by a human is called the 'human in control' principle, 'human-based' solutions, 'human-centred algorithmic work' (Lee et al., 2015) or 'human-in-the-loop' (Enarsson et al., 2022). This principle is the foundation of legislation and regulation of the usage of algorithmic management (Justo-Hanani, 2022).

The use of algorithmic management to take difficult or unpopular decisions might jeopardize the well-being in the workplaces as managers can easily blame the algorithm for controversial decisions (Jarrahi et al., 2021). For example, in one American hospital the algorithm used by the management to allocate vaccines against Covid-19 decided to give the vaccines to high-level management first, and front-line workers second. By using 'the algorithm' and its decision as a given fact, the management responsible for this controversial decision pushed away part of the burden when it came to facing accountability (Lum & Chowdhury, 2021). Of course, the more algorithms are being used to make crucial decisions and the more obscure they are, the more difficult is it to face demand accountability in such workplace conflicts. The increasing use of algorithmic management without regulation can also be alarming in regard to issues such as occupational health and safety, discrimination; and complying with existing labour regulations and collective bargaining agreements. Collective bargaining, as well as legislation, can assist both employers and workers alike in adopting this new technology with respect for all parties involved while at the same time staying technologically competitive (Aloisi & De Stefano, 2022c).

The increased use of algorithmic management is also problematic because of the unprecedented increase of managerial prerogative that it facilitates. Organisations have now the administrative and technical capacity to monitor their workers' behaviour more than any time before, and the amount of new workplace technology that was adopted during the Covid-19 pandemic has only accelerated this development (Thompson & Molnar, 2023). Labour laws in many countries allow for the usage of such tools to, for example, guarantee workplace safety, protect the company's assets and profits, to track productivity and to ensure compliance with health and safety regulations, among others (Aloisi & De Stefano, 2022a; Ollier-Malaterre, 2023). The 'tricky' nature of such tools (often referred to as 'bossware') is that it is very difficult to distinguish their 'genuine' usage (e.g. to guarantee worker safety in high-risk workplaces or to identify bottlenecks that harm the production process) from their intrusive and malicious use (e.g. webcams spying on workers during their telework, devices measuring workers' bathroom breaks

or identifying a workers' home as offensive because of a political poster hanging in the background while they work at home)(Aloisi & De Stefano, 2022a; Thompson & Molnar, 2023). Intrusive bossware is a clear invasion of workers privacy, by for example, monitoring their physical activity outside of working hours using fitness trackers offered as employment benefits (Aloisi & De Stefano, 2022a). It also undermines the essential trust in the relationship between employers and employees, which may cause numerous labour-related legal conflicts. It is often also remarkably difficult for workers to challenge decisions made based on data collected by bossware and it is often difficult for them to inquire access to their personal data in possession of the employer (Thompson & Molnar, 2023).

Another aspect of digitalisation that is often discussed, especially in daily conversations and general media is the possibility of artificial intelligence replacing human jobs. This is understandable – in light of tools such as ChatGPT or Dall-E going viral with their generative AI creations, it is easy to imagine artificial intelligence replacing writers, artists, programmers, or journalists. There are somewhat differing scholar opinions about the possibility of such replacement.

Aloisi and De Stefano (2022c) argue that studies have often overestimated the speed and intensity of the adoption of human-replacing technology. That's why the adoption of automation so far has not led to mass-scale layoffs. Rather, if we think about jobs as a collection of smaller tasks, not all tasks are easy to automate. Automation will take over some of those tasks, and jobs will incrementally (and not radically) transform. Automation can even improve productivity and increase purchasing power, generating more demand in the economy, and therefore create new jobs, too (Aloisi & De Stefano, 2022c).

The idea of AI replacing tasks instead of jobs is central to the theory developed by Huang and Rust (2018). They divide tasks into mechanical, analytic, intuitive, and empathetic tasks; with the mechanical and analytic tasks being the easiest to replace. However, AI will ultimately learn to perform intuitive and empathetic tasks as well, resulting in a threat for human employment. At first, automation will replace some tasks that make up a job, but ultimately will replace labour entirely when it learns to conduct all of a person's tasks (Huang & Rust, 2018).

All in all, it is useful to consider different possibilities and challenges that human-replacing automation brings. Some people will have to find new jobs or be retrained for a job that has drastically been altered because of the adoption of automation. Some people will find jobs that don't yet exist and will have to be specifically trained for that, too. Through collective bargaining, trade unions will have to ensure that these changes in the labour market occur with respect to the

worker. But focussing on an overly pessimistic view where machines will completely replace humans can also distract unions and regulators from fighting against an unfair use of algorithmic management, bossware and bogus self-employment in platform companies. These are much more pressing issues that will likely have real-world consequences faster than a hypothetical mass-scale job obsolescence.

Legislation, both national and European often lags behind developments in the world of technology and cannot be fully relied upon by workers counting on protections in the workplace. According to (De Stefano & Taes, 2023), "collective bargaining and trade union initiatives can be the most effective means of implementing legal safeguards against the risks associated with algorithmic management" (p. 7). Collective bargaining and the inclusion of a workers' voice in the introduction of new technology can help identifying the practical needs of workplaces better, can help workers exercise their individual workers' rights and can ensure a better compliance with existing laws and regulations (De Stefano & Taes, 2023).

The impact of digitalisation in the workplace depends on how the new developments are handled – by regulators, trade unions, employers, and other societal actors alike. In the recent years, there has been some progress in European legislation in the field of digitalisation. This has to do with both the spread of telework and other digital solutions during the Covid-19 pandemic, but also the quick technological developments in the fields of artificial technologies, cloud computing, and other solutions.

After the Covid-19 pandemic, it has become clear that telework has become a permanent element of working life. Social, psychological, and technological barriers have been diminished and both employers and workers alike have developed procedures and habits embracing this type of work. Most of European legislation in this area is still based on the 2002 framework agreement on telework signed by social partners, but there have been some resolutions by the Parliament and Council to regulate this better on the European level (Eurofound, 2022). Differing national traditions of industrial relations and work cultures cause current regulation to be heavily dependent on national legislation. Some countries have achieved great progress in the area, while others, despite the pandemic, stay stagnant. Countries that have successfully updated their legislation, or are still in the process or doing so, are Austria, Latvia, Portugal, Romania, Slovakia, Spain, Belgium, France, Luxembourg, Germany, Italy. Central and Eastern European countries have more often a preference of extending the organisation of working time to be the same teleworking as while on the employers' premises, while in Western and Southern European countries there is more flexibility included in teleworking regulations. Concerning the so-called right to disconnect, the

8

amount of legislation in this area since the beginning of the pandemic has doubled in the EU Member States (Eurofound, 2022). Eurofound recommends that arrangements about telework are made locally in negotiations between social partners, and in countries where industrial relations are too weak to make such arrangements, efforts should be made to enhance this capacity. It is predicted that the shift to telework will continue in the coming years and regulators should prepare themselves for it. There are a few challenges that accompany the spread of telework. Eurofound recommends that European legislators regulate telework for workers not living in the same country as their employer, especially in issues of taxation, social security, and more. Another challenge affecting the regulation of telework is that the development of technology has been traditionally rather fast, and regulation has often not kept up with the pace of change. Legislators will have to stay aware of the developments in this field and develop adequate regulation according to the changes in the field of telework (Eurofound, 2022).

The AI Act is the foundation of the digital policy of the European Commission. With the Act, the Commission hopes to both establish a framework for regulating the use of artificial intelligence in Europe, as well as repeat the international success of GDPR's privacy regulations and become a global leader in regulating the use and safety of new technologies (Justo-Hanani, 2022). This rules-exporting function of European regulation is especially relevant in the current geopolitical and technological tensions between the United States, China, and the European Union. The basic principle of the AI Act is to provide a human-centric and ethical approach to the use of AI products and services. The EU wants to "draft ethical guidelines, covering issues such as fairness, safety, consumer protection, and non-discrimination and define a policy and innovation strategy to build competitiveness in key domain" (Justo-Hanani, 2022, p. 146). There is a broad consensus among EU institutions and involved stakeholders on the main policy principles of a human-centric approach, and using the AI Act as an instrument for building a competitive advantage of the EU on a global scare – both principles requiring broad policy coordination, hence the regulation of artificial intelligence on the European level. The new regulations, however, must consider the speed at which this technology is evolving and leave space for further developments (Justo-Hanani, 2022). As of July 2023 the Act is still in trialogue negotiations (European Parliament Research Service, 2023).

The European Commission is also preparing many new pieces of legislation in the world of digitalisation, such as the AI Liability Directive, the Digital Services Act, or the Digital Market Act, but those concern mostly consumer protection and facilitating cross-border business and do not have direct consequences for workers across Europe (European Commission, 2023).

Concerning national regulation, landmark legislation has been passed in 2021 in Spain. The so-called Rider Law (*Ley Rider*) automatically recognizes the status of employment of food delivery riders working for platform works, under certain conditions (Eurofound, 2021). While the provisions regarding the employment status only apply to food delivery workers, the law also makes it obligatory for all platform work companies (not only the ones in the food delivery business) to disclose any information about the use of algorithms and artificial intelligence to manage their work, hire and fire and their impact on working conditions. It also mandates that those companies disclose all the "parameters, rules and instructions" (Eurofound, 2021) that determine the work of the algorithm. This law has been designed through tripartite negotiations between the Spanish government and representatives of employers and workers. While the law is lacking (for example, it only covers food delivery and not all platform work), there has been much opposition from most of the food delivery industry, as well as those workers who prefer staying self-employed, this law is likely to be seen internationally as a pioneering case in regulating platform work and algorithmic management (Eurofound, 2021). The Rider Law could also serve as a model for other European trade unions to negotiate the use of algorithmic management via tripartite consultations.

In 2020, the European social partners accredited by the European Commission (ETUC as the trade union representative, BusinessEurope and SME Europe as representatives of employers, and SGI Europe as the confederation of general interest services providers) have signed the European Social Partners Autonomous Framework Agreement on Digitalisation. This agreement acknowledges that with the right strategies, digitalisation can lead to employment growth and job retention, with benefits for employers, employees, and the society at large. The agreement encourages the development of local decision-making mechanisms concerning the introduction of new technologies in the workplace and promotes the human-in-control principle. It applies to all employees, at public or private workplaces, in the EU/EEA, but when it comes to online platform work, it specifies that it only applies to workers who already have an official employment relationship – thus excluding the most precarious self-employed platform workers.

There has been some progress in concluding collective bargaining agreements for platform workers, and in bargaining the algorithm. While it is important to remember that algorithmic management can be present in more 'traditional' workplaces than platform companies, most of the initiatives aiming at regulating the algorithm through collective bargaining are in the platform work sector. One of the obstacles in negotiating labour conditions for self-employed workers in the platform industry is that technically speaking, self-employed workers unionizing to conclude collective bargaining agreements constitutes illegal cartel forming under European law (Aloisi &

De Stefano, 2022b). Therefore, a creative interpretation of European law by the European judiciaries and a reform of competition law are essential to provide basic labour rights to self-employed platform workers in the European Union.

In the past few years strikes among platform workers have been proliferating. The first such example of industrial action was in 2016 when Foodora riders in the Italian city of Turin went on strike (Zamponi, 2018). Since then, striking, judicially accepting the workers' employment status (in order to grant them unconditional labour rights reserved for contract workers, and facilitate their trade union activities by lifting the restrictions of European competition law) and concluding collective bargaining agreements with platform companies has been the main strategy of trade unions active in the sector (Lamannis, 2023). Italy has been one of the countries with the most activities in this area, concluding many sectoral agreements with platform companies and local municipalities. Other countries where regulating platform work through collective bargaining has been successful are Spain, Denmark, Norway, Sweden, Austria, Belgium, Germany, Switzerland, and the UK. Regulating platform work seems to be relatively easier in countries with existing widespread collective bargaining coverage (Lamannis, 2023). In non-platform work sectors, it seems that national trade unions are awaiting the upcoming European measures that are being negotiated by the Commission before undertaking specific action (De Stefano & Taes, 2023). Nonetheless, the European Trade Union Institute (ETUI, the think tank of the ETUC) offers a wide selection of training resources to unions wishing to negotiate algorithmic management in collective bargaining (Ponce Del Castillo, 2023).

Most of the changes occurring in the world of digitalisation are being pushed by multinational IT companies and multinational companies that adopt them, therefore making it inherently transnational. That makes it difficult for trade unions to adopt effective responses to the challenges of digitalisation. The most appropriate solution to represent the interest of workers, collective bargaining, is still confined to national borders. Unions all across Europe have different capacities to address this, depending on their union density and condition of their national industrial relations systems. Considering the unions' national restraints and interests and the international character of the industry facilitating the spread of algorithmic management, platform work, and bossware, there is a need for common European rules and trade union strategies. The unregulated and transnational nature of digitalisation jeopardizes labour standards across the European Union and the single market.

The ability of European trade unions to cooperate in this field is the foundation of Adamczyk's (2018) theory on the influence of digitalisation on European cooperation. Effective

cooperation of European trade unions on 'traditional' topics (such as production locations, working time regulations, wages, etc.) is impossible due to economic differences between Western and Eastern European member states. For example, a factory relocation from France to Poland and the respective job losses and job gains put Western and Eastern European trade unions against each other. Their interests are often the exact opposite, which makes effective cooperation at the European level impossible. However, issues of digitalisation are still unsettled, and all EU Member States are starting with a clean sheet. Previous faultlines between Western and Eastern trade unions are not of application in this domain. Once digitalisation issues start dominating industrial conflicts in Europe, effective cooperation of European trade unions might be easier (Adamczyk, 2018).

Case selection, industrial relations regimes in Europe

Scholars typically differentiate a few regimes of industrial relations in Europe, divided geographically (Vulkan & Larsson, 2019). Nordic states are characterized by a system of organized corporatism, with high union and employer densities, coordinated collective bargaining and a high level of influence on state policy. Southern systems have fragmented and conflictual partner relations, low levels of union and employer density and high levels of state intervention. Central-Western European systems (also known as continental systems) have a high bargaining coverage with moderate union densities and low level of conflict – those systems can rely on tripartite institutions for influencing social policy. The systems of the UK and former British colonies have low union densities and fragmented trade union organisation, with decentralized bargaining and low intervention from the state. Finally, industrial relations systems of Central-Eastern Europe have weak and fragmented social partners with little autonomy, decentralized collective bargaining and a strong state with an agenda to liberalize the economy (Vulkan & Larsson, 2019).

There are different forms of transnational cooperation for European trade unions (Larsson, 2012). They can establish contact and exchanges of information in bilateral or multilateral communication networks, which increases the knowledge bank on which the individual unions base their activities and strategies. A form of facilitating this is the activity of the European Trade Union Institute, the ETUC's independent research institute, which conducts research on labour in Europe and provides trainings for trade union members. Unions can also identify common interests and the establishment of relatively loose coordination networks, which enable unions to coordinate their actions – for example, during pan-European strikes. Taking coordination further, there is the development of common measures and activities on a case-by-case basis in the form of cooperation networks while retaining the possibility to 'opt out' on any given issue. Finally, the most advanced form of transnational cooperation is the establishment of

trans/supranational decision-making structures and continuous activities in the form of meta-organisations with a mandate and power to act on behalf of the member unions (Larsson, 2012).

An attempt at creating transnational decision-making structures was the establishment of European Works Councils (EWCs) in 1994. European policymakers intended to create pan-European organs performing a weakened version of collective bargaining as a way to fulfil social aspects of the European single market (de Spiegelaere et al., 2022). European Works Councils gather representatives of trade unions from multiple countries (or a pan-European trade union federation active in a particular sector) representing workers from one single multinational company in order to influence its policy on a European scale. However, EWCs are largely seen as a failure, as they are restricted to information and consultation rights, without codetermination or negotiation rights for the trade union representatives. While the original Directive establishing the Councils prescribed regular meetings, many Councils meet only once a year, far to sporadically to meaningfully influence the company's policies (de Spiegelaere et al., 2022). Trade union representatives gathered in EWCs tend to be excluded from strategic decision-making at company levels (Hann et al., 2017). While there have been attempts at reforming the EWC system to give trade union representatives a meaningful voice in shaping corporate policies, most of them have failed. In a game of finger pointing, both trade unions and employers' organizations blame each other for the failure of European Works Councils. Trade unions claim that BusinessEurope is unwilling to agree to regulating negotiations within EWC and to agree for funding research and trainings for EWC representatives. On the other hand, BusinessEurope claims that the low coverage rate of 40% shows that European trade union federations are not even interested in negotiating through European Works Councils (Hann et al., 2017).

Unions in different types of industrial relations regimes have varying attitudes towards European cooperation of trade unions (Vulkan & Larsson, 2019). Continental and Southern unions have a greater preference for contentious action than Nordic unions. Nordic unions are also more nationally oriented and reluctant to develop supranational wage policies and regulations. For example, European trade unions are consistently supportive of a European minimum wage, while Nordic unions reject that. Therefore, Vulkan and Larsson (2019) theorize that the sectoral economic context may influence cooperation more strongly than industrial relations systems. Whereas manufacturing is highly exposed to international competition and possesses a high degree of production location transferability, public and private (personal) services are less exposed and have less production location transferability. As a consequence, they are under less external pressure to engage in cross-border cooperation. In the context of digitalisation, this is worrying as a large part of it happens in traditionally non-unionized services sectors or sectors dominated by

freelancers. Trade unions of services professionals should engage in cross-border cooperation despite the lack of external incentives to do so (Vulkan & Larsson, 2019).

In order to explore different strategies and cooperation patterns of European trade unions in the field of digitalisation, I chose eight cases to analyse, representing different industrial relations regimes (Vulkan & Larsson, 2019). Among these cases there are unions representing the Nordic, Central-Western European, Southern and Eastern European models of industrial relations systems. Under Adamczyk's (2018) theory, patterns of cooperation on digital issues should transcend existing industrial relations regimes. The analysed unions are Solidarność (Poland), DGB (Germany), CGIL (Italy), FGTB (Belgium), FH (Denmark), LO (Sweden), FNV (The Netherlands) and CGT (France). Representatives of the British system (e.g. from Ireland, Cyprus, or Malta) did not respond to interview requests and were therefore excluded.

Research design, methodology

This paper answers the research question of "What strategies do European trade unions adopt to influence national and European digitalisation policies? How do they cooperate on this issue?". The focus of the research laid in three specific issues. First, how do these trade unions influence national policies? Influencing national policies can mean either negotiating with employers and concluding collective bargaining agreements, or influencing national legislation by lobbying the government. Secondly, how do these unions influence European policy, and which of them are particularly (in-)active in the area? Finally, how do these unions cooperate with each other in the field of digitalisation? What are the opportunities for cooperation?

In order to answer this question, I have conducted a multi-case theory-building comparative study, with eight European trade unions as case studies. I conducted semi-structured interviews with representatives of these trade unions – usually policy officers responsible for digitalisation, and often compared these responses with secondary sources. The data collection method of interviewing was chosen as many of the strategies of trade unions are not available to the wider public (or even defined in one document). Various unions also focus on different issues within digitalisation (e.g. only platform work or only algorithmic management) and conducting an interview allows to collect consistent data about all cases. The interviews took place in late April and May of 2023 online and lasted between 45 and 60 minutes each. After transcribing the interviews, I coded them into eleven different categories ("policy goals", "expertise/actions/strategies", "capacity/industrial relations general", "cooperation with employers", "cooperation with government", "European trade union cooperation (positive)",

"European trade union cooperation (negative)", "European legislation (general)", "European legislation (positive)", "European legislation (negative)", "other").

Analysis

Digitalisation can influence the world of work in two ways – it can either create new jobs that did not exist before digitalisation (in this case, platform work), or it can radically alter the working arrangements of old professions (by introducing new technologies such as algorithmic management and the use of AI). Trade unions have a choice to make – they can attempt to unionize 'new' workplaces and create structures for platform workers, and they can also act in the interests of their existing membership and protect them against the unfair use of technology in the workplace. This is, however, not an exclusive choice. Some trade unions that have been analysed for this thesis have elaborated strategies for both avenues.

Based on the interviews that have been conducted for the purpose of this study, one can draw the following typology. European trade unions and their strategies regarding digitalisation in the workplace can be divided into three categories, depending on their ability to react to changes in technology and legislation.

Forward-thinking unions are highly adaptive to technological developments. They are proactive and they have the right capacity to either influence the adoption of new technology at the workplace, or to significantly influence their respective government through lobbying. Forward-thinking unions have sufficient internal capacity to achieve their goals, and are active in well-functioning industrial relation regimes. Depending on the local industrial relations regime, they might lobby their government to adopt more worker-friendly measures in regard to technology, or effectively influence the adoption of new technologies through local codetermination mechanisms at the decision-making stage. Forward-thinking unions have positive attitudes towards new technologies, as long as they are adopted with the workers' consent. The case studies belonging to this category are Sweden's LO, Denmark's FH, and to some extent also Germany's DGB and Belgium's FGTB.

Reactive unions are often informed about technological development after they have been adopted and are not able to be proactive. This is either because the government does not see them as equal social partners or because the employers are not acting in good faith. Reactive unions have the preference for a fair digital transition, and are not opposed to the adoption of new technologies, but because of the beforementioned shortcomings of their respective industrial relations systems they are not able to influence the digital transition to a satisfactory degree. They often have the in-house expertise required to negotiate digitalisation on an equal footing but are excluded from fully

participating in the decision-making process. The case studies belonging to this category are Germany's DGB, Belgium's FGTB, Italy's CGIL and The Netherlands' FNV.

Paralysed unions are structurally unable from enacting change at the workplace or influencing legislation. These unions exist in dysfunctional industrial relations regimes. They are especially affected by the challenges faced by trade unions described in the introduction to this paper. They are not treated as a serious social partner by either their government or the employers' organizations. They do not have enough expertise to react to policy proposals or the introduction of new technology in the workplace. While they have the intention to protect workers in the digital transition and are not sceptical towards the adoption of new technologies, they do not have the capacity to develop and execute policy responses. The case studies belonging to this category are Poland's Solidarność and France's CGT.

Trade unions' strategies to influence national policy.

Trade unions traditionally negotiate workplace policies with the employers on a national, sectoral, and local level. For such negotiations, which conclude with a collective bargaining agreement, the union density and collective bargaining coverage are crucial indicators in determining the unions' influence. However, in the recent decade, amid the fall in membership numbers and the stimulation development of social dialogue by, for example, the European Commission (Keller, 2008), trade unions have also chosen to influence political-economic choices at the political level, through lobbying politicians and concluding broad political agreements. This is a break from their typical strategies that might be used as a way to stay societally and politically relevant amid falling membership numbers. Whether unions choose one avenue or the other might be a reflection of their perception of their own capacity to influence policy – 'forward thinking' unions will more often opt for concluding collective bargaining agreements, while 'reactive' unions will prefer influencing politicians to achieve their goals.

Only the unions in countries with the highest quality of industrial relations, in Sweden and Denmark (the two highest scoring Member States in Eurofound's Industrial Relations Index), systematically choose collective bargaining as their main avenue of influencing policy. In those two countries collective bargaining has a clear preference above directly lobbying legislation at the government (Interviews 5 and 6). Trade unions in other countries (DGB, CGIL, FNV, FGTB) do not have a clear preference for either collective bargaining or influencing legislation – they choose whatever alley allows them to reach their goals the most effectively (Interviews 2, 3, 4 and 7). CGT of France expresses a clear preference for collective bargaining over influencing legislation, but the results of that strategy have been minimal (Interview 8). In Poland, as discussed later in this

chapter, Solidarność's attempts at influencing legislation are often unsuccessful due to the poor state of social dialogue in the country, and attempts at collective bargaining are not reciprocated by the employers' side (Interview 1).

For Sweden's LO and Denmark's FH, the Nordic model of industrial relations has traditionally been the preference for influencing national policy, as the arrangements for collective bargaining have been in place for decades (Interviews 5 and 6). They have a preference for negotiating the introduction of new technologies sectorally or locally. This is mostly possible to introduce due to the high union density in workplaces (Interview 6). Sweden's LO argues that, for example, high union densities in the mining sector have allowed the social partners to develop worker-friendly digital policies that use bossware to the benefit of workers and contributing to their safety in the mines. Nordic unions are typically very friendly oriented towards new technology, and they believe that through cooperation with the employers, digitalisation can bring benefits for both sides. As a representative from LO puts it,

> "The Swedish trade union movement has a history of being very pro technology. Because we believe that technology can mean that work can become more meaningful, it becomes less dangerous, less hazardous, there are less accidents. And if you combine man and machine in a good way, and we think that we are pretty good at that in Sweden, if the unions are involved, the companies become more profitable. And that means that we have a larger pie to share." (Interview 6)

> "Not that we're against AI, or robotics, I think it's really a part of the answer to the future. But it's really a question about respect [towards the workers]." (Interview 5)

For the employers, cooperation with the workers in digitalisation policy is attractive because collective bargaining offers more stability and predictability than political deals, which can change with simple political decisions. In both countries, the recent developments on the minimum wage directive have been seen as a threat to the existing industrial relations system and therefore strengthened the cooperation between social partners (Interview 5 and 6). Both trade unions have indicated a preference for improving the conditions of their existing workers and protecting them from the risks of, for example, algorithmic management. Existing labour regulations in Sweden protect platform workers enough from precarity caused by bogus self-employment and LO chooses instead to improve co-determination mechanisms governing algorithmic management, also for platform workers. Thanks to the existing agreements from the 1970s and the 1980s, Swedish social partners have an agreement where the employers fund the retraining necessary due to the introduction of new technologies, and LO hopes that this relationship can be maintained for the purposes of the digital transition (Interview 6).

In Belgium, the cooperation between the trade unions and employers is less successful than in the Nordic states. FGTB has actively called for the creation of codetermination mechanisms in introducing new technologies, but employers see this as an obstacle in technological innovation (Interview 4). However, FGTB does 'go the extra mile', compared to other trade unions of continental Europe by seeking not only information about newly introduced technologies in the workplace, but also demanding an active role in their introduction and determining their goals. FGTB manages to adopt a more proactive role in the adoption of new technologies compared to their non-Nordic peers. Belgium also enjoys very well-established venues for social dialogue and FGTB is often in contact with the government in creating new regulations for digitalisation at work. While the trade union is not fully satisfied with the outcome of, for example, a new platform work law, they did intensely contribute to its development through the National Labour Council. FGTB is an active and significant participant in consultations of new laws. The union fears that the laissez-faire approach of the employers will jeopardize the decades-long social arrangements in the fields of social policy. For example, in order to preserve the existing system of working hours regulation, FGTB had a pro-active role in updating the existing legislation and arrangements with the employers so that the new system considers recent development in telework and introduces a right to disconnect (Interview 4).

Germany's DGB is the national umbrella organization of trade unions and is responsible for influencing national legislation, while its sectoral federations are responsible for negotiating and concluding collective bargaining agreements (Interview 2). DGB's main channel of influencing national policy is to lobby national and EU legislation. They participate in consultations by the ministries of labour and education, and lobby members of the German parliament. Despite Germany having a rich tradition of governing labour issues through collective bargaining, there has been a decline in bargaining coverage in the past 20 years. After the economic challenges of German unification, global competition in manufacturing and high unemployment in the 2000s, German businesses and governments saw collective bargaining as an antiquated instrument that was not fit for this time anymore. It has been made easier to participate in employers' organizations without being bound by collective bargaining agreements, extension mechanisms have been weakened and a decline in manufacturing has weakened membership and support for trade unions. As a result, coverage has fallen from 70% in 1996 to around a third in 2016 (Ellguth & Kohaut, 2019; Hassel, 2022). This might explain the increased activity by DGB to influence national policy by lobbying legislation, especially since 2014. There have been, however, some successful examples of regulating sectoral digitalisation issues, such as in the IT sector. In June 2022, ver.di (one of the unions constituting DGB) signed a comprehensive agreement with tech corporation IBM

regulating the introduction of artificial intelligence systems in the workplace. This collective bargaining agreement prevents the workers from interacting with very high-risk AI and allows workers to refuse confirming decisions made by AI – a hypothetical lack of agency in the light of decisions made by AI was a large concern for the employees at IBM (BTQ Bildungswerk, 2022). DGB hopes this can be a model for regulating digitalisation at work in other sectors with low union density (Interview 2). Concerning platform work, established trade unions support both non-union workers and grassroots trade unions in negotiating with the platform companies and concluding collective bargaining agreements. While more work needs to be done in terms of preventing the misclassification of platform workers (ETUC, 2023b), Germany's national trade unions have achieved some progress in challenging bogus self-employment in court (Interview 2).

The Netherlands' FNV puts just as much of an emphasis on protecting the interests of its existing membership against the introduction of algorithmic management as well as on expanding its membership base to platform workers in precarious conditions who are yet not unionized. The main priority of FNV is suing employers who don't recognize their workers as employers so that a worker-friendly collective bargaining agreement can be applied (such as against Uber (Emerce, 2023) or Deliveroo (FNV, 2021; Schimmel, 2021)) as well as campaigning directly at workplaces and encouraging platform workers (in most cases, riders) to join FNV Riders Union (Interview 7). In terms of protecting current union members, FNV more than other analysed unions puts an emphasis on preventing the abusive use of bossware against workers. The union provides guidance in protection against bossware and trains its members in concluding sectoral collective agreements[1]. However, FNV's activities regarding the use of AI and algorithmic management are somewhat underwhelming. The union merely promotes transparency of newly introduced technology, instead of the more ambitious co-decision mechanism. Similarly as Denmark's FH, FNV emphasizes reskilling programmes and updating social security programmes in case artificial intelligence replace humans and their jobs. Being in The Netherlands, a country with rich traditions of social dialogue, FNV has a very fruitful relationship with the government and the employers. A complaint voiced by FNV's representative in the interview was that there are not enough experts on digitalisation in the Dutch parliament to have the capacity to create up-to-date legislation, weaking the government's position as an effective legislative partner (Interview 7). When asked about new legislation in parliament and the social partners' reactions to it, representatives of trade

---

[1] https://www.fnv.nl/actief-voor-de-fnv/kaderacademie; https://www.fnv.nl/actief-voor-de-fnv/kaderacademie/opleidingen-overzicht/etui-trainingen; https://www.youngandunited.nl/contract/camera-op-de-werkvloer#Camera

unions and employers' organizations alike stated that they did not have any concrete strategies prepared yet (van der Leij et al., 2023).

Despite developing an impressive network of experts and developing the necessary know-how to effectively represent the workers' interests in the digitalisation process through their Lavoro 4.0 project[2], Italian industrial relations have made it very difficult for CGIL to become a significant player in developing digital policy (Interview 3). Since 2009, CGIL has developed a great deal of expertise and an extensive network of in-house and external experts that regularly conducts trainings for its members and publishes resources that should allow trade unionists to influence digital policy locally or at the level of a singular enterprise. CGIL has managed to conclude agreements with other trade unions and municipalities to offer protection to platform workers on the local level – this has been the case in the municipalities of Milan, Modena, Naples, Bologna, and the region of Tuscany (Lamannis, 2023). On a national level, however, neither the government nor employers are reliable partners for CGIL. Italian governments are not stable enough to conduct a stable policy dialogue, and in effect governments tend to present trade unions with ready legislative proposals. Dialogue exchanges do take place, but their outcomes are not reflected in legislation – "We have very little room for discussion" (Interview 3). Dialogue with the employers is equally unsuccessful due to the lack of good-faith cooperation and trust between both social partners:

> "We got a [European] agreement with the employers' representatives about digitalisation. (…) It was signed by the European counterparts, both the workers and the employers. In our country, the problem is that we can't agree about the translations into Italian of this agreement." (Interview 3).

In lieu of stable negotiation partners in the national government and the employers, CGIL's strategy has become to negotiate with local municipalities and local businesses, and concluding either trilateral agreements or lobbying for local government ordinances to achieve its policy goals. This model might be attractive for trade unions in countries where local governments have the power to regulate local working conditions.

The main strategy of France's CGT is to organise workers in workplaces and create unions in cities and workplaces where they are not yet active. All other aspects depend on the capacity to organize workers and their willingness to potentially go on strike:

> "Our main goal is to propose workers to organise in workplace unions, or to create new unions in cities which are not unionized yet. Our strategy is mainly

---

[2] https://www.cgil.it/strumenti/progetto-40/2023/03/13/news/report_attivita_2019-2023_ufficio_progetto_lavoro_4_0-2832209/

this, all other aspects depend on the capacity to organize workers. (…) We don't distinguish between grassroots organizing and influencing the politics. We don't do it as a way of lobbying, that's not our way of union activity. It's mainly because there is a balance of powers that workers can or cannot organize that the policies might or might not be in favour of the workers" (Interview 8).

Due to the frequent refusal of French employers to conclude new collective bargaining agreements, or their refusal to respect the existing ones, CGT has decided not to prioritize issues such as the transparency and co-decision of algorithmic management. According to CGT, when workers are denied basic rights, such as lawful employment, social security or insurance, the openness of the algorithm and the possibility to co-decide about it is not a priority. CGT wants more 'traditional' workers' rights to be granted before fighting for protections against unfair algorithmic management:

"Our point of view about what some countries call a collective bargaining agreements, is that everyone should have access to the same rights before even thinking about negotiating at the scale of the sector or at the scale of the company. We don't rely on industrial relations to give workers more rights. We rely on industrial relations to make sure that people have better rights if they already have a minimum of rights. So it means that the quality of social dialogue depends not on the quality of legislation and the collective bargaining agreements but on the balance of power so that workers can mobilize" (Interview 8).

Solidarność is unable to meaningfully influence the digital policy of either employers or the government – this is due to the rather low union density in Poland and the extremely bad state of tripartite dialogue in the country (Interview 1). The current government does not believe in tripartite dialogue and only treats the existing venues as a way of notifying the employers and workers about planned changes in social policy. While Solidarność and other Polish trade unions do try to present constructive proposals in social and digital policy, at least in the eyes of Solidarność's representative, only rarely is that attitude reciprocated by the employers. The employers are not constructive in collective bargaining as they see the employers' organisation as a venue for lobbying government policy, and not for conducting social dialogue or tripartite negotiations. In order to make the employers more friendly towards the government, the ruling coalition has supported the creation of a new employers' organization that will be politically friendly to the current coalition. This weakens the already bad state of industrial relations. However, there is often also internal disagreements among trade unions, albeit not in the field of digitalisation. In the spring of 2023, Solidarność concluded an agreement with the government about raising minimum wages in Poland bypassing the structure of tripartite dialogue in an allegedly politicized deal with the governing party (Szymczak, 2023). The government itself abuses the existing structures of tripartite dialogue by using a constitutional loophole that allows it to

bypass the consultation with social partners when introducing a new bill in parliament. All in all, the general state of social dialogue and industrial relations is weakening and trending towards a neo-etatist state model (Czarzasty & Mrozowicki, 2018).

What is more, the internal structure of Solidarność is not helpful in being a successful agent for improving digital policy. According to my interviewee, most of the membership comes from the heavy industries who is generally sceptical towards any change and is disinterested in developing proposals that will help the workers survive the digital transition. This might be caused by the trauma induced during the economic transition after the fall of communism in 1989. In a similar spirit, the Solidarność membership is sceptical towards any solutions that would facilitate the green transition, as many of the members come from the coal mining sector. For example, the newspaper of the regional chapter in Silesia, Poland's main coal mining region, has repeatedly published climate denialist materials (Solidarność Region Śląsko-Dąbrowski, 2023) and the national members' magazine discusses the development of AI in quite catastrophic terms, without calling for specific proposals on behalf of the trade union (Tygodnik Solidarność, 2023). Some people within the union hope that the younger generation of members and other, more progressive unions in Poland, will have a more constructive attitude towards the issues of the green and digital transition (Interview 1).

Trade unions' strategies to influence European policy.

Reactive unions are the most likely to support, and actively shape European policies. They have the necessary expertise to propose adequate policies, but their local industrial relations regime is not strong enough to let trade unions make their voice heard as equal social partners. That is why those unions are more likely to escape to influence policies at the European level through cooperation as the European Trade Union Confederation (Interview 10). Forward-thinking unions, especially the ones coming from the Nordic countries, are often opposed to labour policies being made at the European level since that undermines their local regime of industrial relations (Interview 5, interview 6). On the other hand, paralysed unions are happy to see worker-friendly policies adopted, but are unable to influence it on their own. They do not have the expertise nor resources to lobby at the European level, but are satisfied with their adoption (since that is more attractive than the alternative of not having any desirable policies, in the case of non-adoption)(Interview 1).

Nordic trade unions are generally sceptical towards European legislation in the social and labour domain. This was very visible in 2021-2022 when the Nordic opposition to the Adequate Minimum Wages Directive was a major obstacle in its adoption (Lillie, 2022). FH claims that

s3401510

European legislation often negatively interferes with the Danish social model and industrial relations model (Interview 5). Nordic trade unions do not feel the need to update its system of industrial relations decision-making, but they fear that the EU will propose very detailed legislation that is not of general purpose (even in directives), and jeopardize the room for discussion that FH and LO enjoy (Interview 7). The representative of LO claims even that one of the conditions of Sweden joining the European Union in 1995 was that the EU would not interfere with the Swedish labour market, a claim somewhat corroborated in the literature (Bieler, 2002). That promise has in their eyes been abused, therefore LO is principally sceptical towards new developments on the European level (Interview 7). There are also Nordic unions that are more open towards European legislation. An interviewee from Denmark's Akademikerna, the white-collar union, has highlighted that a lower union density and collective bargaining agreement coverage in the white-collar sector has made Akademikerna more reliant on the EU for advancing its policy goals (Interview 10).

However, not all aspects of European legislation are viewed as negative by the Nordic trade unions. FH views the need for better regulation of artificial intelligence as a way to export European values worldwide and to protect European interests in the geopolitical context (Interview 5), a sentiment voiced by the European Commission (Justo-Hanani, 2022). LO is satisfied with the rights that GDPR places on the individual worker in terms of specifying and controlling the type of data that is being collected (Interview 7), a benefit of the regulation often highlighted as an instrument protecting workers from automatized decision-making using artificial intelligence (Aloisi & De Stefano, 2022a).

Other trade unions see European legislation as a way to fulfil the goals that cannot be otherwise fulfilled at the national arena. For example, the German government often is withholding new regulation because they are waiting for the Commission to announce new legislative proposals (Interview 2)

> "I've been working now for 7 years at the DGB, and I see that there is a lot more coming from the EU. There is a lot more willingness to regulate. The German government is (…) really more in the defence now." (Interview 2)

As a consequence, Members of European Parliament are often targets of lobbying from the trade unions. DGB, FNV and Solidarność have all indicated that they indeed try to influence MEPs in social and digital issues (Interview 1, 2 and 6). FGTB, CGIL and CGT have also voiced satisfaction with European policy. They see the Commission's proposals as a chance for all EU Member States to improve the working conditions in a digital age (Interview 3, 4 and 8). They all acknowledge the transnational nature of digitalisation, and highlighted the impact that AI can have on workers' rights, democracy, and the rise of right-wing populism, calling for more regulation of

artificial intelligence and algorithmic management. However, representatives of Belgium's FGTB have joined Denmark's FH in highlighting the fact that European proposals tend to ignore social considerations and workers' welfare, as well as the fact that economic governance in the EU tends to have a higher priority than social policy (Interview 4, 5).

> "We believe that European legislation is very important. The European project has brought a lot of prosperity, it brought peace of course. (…) Economic governance was always put at a higher level than social policy. If we want Europe to work, and if we want Europe to be a good place to live, work, to be born and to die, then there should be an equilibrium between those two." (Interview 4)

FGTB has also noted the importance of the political orientation of figures in decision-making positions, both at the national and European level. Much of the recent advances in social policy in Belgium and Europe are credited to the Belgian minister of labour and European Commissioner for Employment and social rights being from the socialist political family (Interview 4).

Trade unions from both groups see much potential in the post-pandemic NextGenerationEU funds. One of the priorities that are included in NGEU is facilitating a digital transition. Despite being quite sceptical towards European legislation, Denmark's FH sees a chance in NGEU to push for a more worker-friendly digital agenda. As the representative from this union claims, 20% of all the funds are being spent on digitalisation, and this money could be used to support reskilling and upskilling of workers, as well as supporting them in finding a new job in the digital era (Interview 5). FH, CGIL and Solidarność have all decided to shape the implementation of European funds (not just from NGEU, but also funds for the implementation of the Autonomous Agreement on Digitalisation) as a way to influence digital policies in their countries (Interview 1, 3 and 5).

A big factor negatively influencing the capacity of all trade unions to shape digitalisation policy is the lack of experts in the field of IT working for the unions (Interview 9). While there are enough experts with the skills to correct collective bargaining agreements to protect workers from the negative consequences of algorithmic management, trade unions don't have enough experts with the technical understanding of algorithms, artificial intelligence, and programming. According to Interviewee 9, if trade unions are supposed to provide a counterbalance to the industry, there needs to be more investment in hard IT skills and a higher union density among the IT sector (Interview 9).

The unions' attitudes towards European trade unions cooperation are highly corelated to their attitudes towards European legislation in the field of social policy. The unions that have positive attitudes towards European legislation are also the ones that were the most positive towards European cooperation of trade unions. Those that did not wish to see more European legislation (LO, FH) were principally supportive of such cooperation, but somewhat dissatisfied with its practical outcomes.

Due to the character of their national industrial relations systems, as described in the previous two sections, Swedish and Danish unions have more difficulty in cooperating with other European unions. Their interests in influencing European social policy are often directly opposite to those of the rest of the ETUC – generating conflict in areas such as the adequate minimum wage directive and issues of regulating new technologies at the European level (as opposed to locally or sectorally). FH and LO have both indicated a stronger cooperation with other Nordic unions (and even Nordic employers) than with the unions gathered in the ETUC (Interview 5 and 7). LO's representative has indicated that Finland has recently reformed its industrial relations system to be more similar to the Swedish one in becoming more supportive of local co-determination mechanisms (Interview 7, (ETUI, 2020)) – it is to be seen whether Finnish unions join FH and LO in being somewhat opposite to the pro-European strategy of ETUC. While they both have indicated problems in cooperating with ETUC, FH and LO both cooperate with other European unions on research and trainings. In the recent years, however, the overall sentiment has been rather negative:

> "If you ask someone from the ETUC what they think about the Danish and Swedish unions, I don't think they would call us constructive. And we wouldn't call them very constructive either." (Interview 7)

Well-known initiatives, such as the AI Act, the Autonomous Agreement on Digitalisation or the expected platform work directive are opportunities for the analysed trade unions to cooperate. United in the ETUC, they developed common strategies for influencing European negotiations (Interview 2 and 9). However, cooperation often does not go further than that – using European Works Councils as effective tools for change, or signing transnational corporate agreements is often seen as a utopia (Interview 1; Hann et al., 2017). Most unions have expressed regret about weak transnational cooperation (Interview 1, Interview 4) and fears of unions from other countries focusing themselves on their own national problems.

> "Of course everybody has their own speed at national level. (…) The worst thing that can happen is that everybody is in a corporatist way of working within

their own national rules. Which is quite difficult for trade unions because, for instance, unions in country X can't have members in country Y. There's always a bit of a difficulty when it comes to time investment, and I think we should enhance this. Because this [digitalisation] a global problem, we can't stop it at the border of our own countries, at the border of our own trade unions." (Interview 4)

European trade unions do often cooperate on grounds of research, training and exchanging good practices – both via the ETUC/ETUI as well as through their own initiatives. All analysed trade unions have mentioned that they cooperated with other unions within ETUC in discussions and developing common negotiating positions (in the case of the latter, with the slight exception of the Nordic trade unions)(Interviews 1-7). For example, Belgium's FGTB, one of the more active unions in this area has sought out the assistance of ETUI's experts in formulating futureproof collective bargaining agreements. FGTB has also, together with unions from 11 other countries (incl. Sweden, The Netherlands, France, Germany, and Italy), participated in the ETUC 'Platform Reps' project where the existing platform work regulation was analysed, and policy recommendations were issued[3](Interview 4). CGIL has since 2009 built an international network of experts in the field of digitalisation which regularly publishes materials for other trade unionists and organizes workshops and trainings for union leaders (Interview 3). CGT's sectoral unions (e.g. in transportation) regularly co-organizes and contributes to the meetings of the European Transport Workers' Federation (a union federated in ETUC)(Interview 8). Such examples can be found in all analysed unions.

Conclusion

While most trade unions analysed in this paper were too early in the process of designing specific digitalisation strategies to equivocally assess Adamczyk's (2018) prediction, there is a clear movement towards more cooperation of trade unions on the European arena. The main arena in designing digitalisation policies is currently at the European level, which is why new faultlines in the trade union movement are not West vs East, such as it was in the past thirty years, but Nordic vs Rest of Europe. Nordic unions prefer to keep all decisions in matters of social and labour policy on the national level so that they preserve their influence in the Nordic industrial relations systems. However, the rest of European unions does not usually have as strong of an influence that would be worth preserving despite high costs, and opts for cooperating on influencing European policies in lieu of national policies.

---

[3]https://www.etuc.org/en/publication/platform-reps-project-country-reports-and-key-policy-recommendations

European cooperation of trade unions, especially in the field of influencing European policy, is often stimulated by the national governments' inaction on digital policy. In such cases, governments are withholding domestic regulation in expectation of European policy. National trade union then focus on influencing MEPs or contributing to the ETUC's negotiating position (Interview 2). Of course, such attitude could be a double-edged sword – by focusing on influencing European policy, national trade unions run the risk of neglecting their own actions and initiatives on the national arena.

Mixed results in concluding collective bargaining agreements and damaged industrial relations systems on the national scale pushes most analysed unions to invest in their resources not only in negotiating with the employers, but also on lobbying with the government – a technique previously not used by trade unions. Similarly, on the European level, the failure of European Works Councils to establish a pan-European industrial relations system (whether that was the goal of EWCs remains a different question) and the lack of cooperation from the employers pushes most unions to rely on lobbying the Commission to make European legislation more worker-friendly. So far, this strategy has had quite positive results, for example in using GDPR for protecting labour rights, negotiating an Adequate Minimum Wage Directive, or the policy principles of the AI Act being in line with the European Social Partners' Autonomous Framework Agreement on Digitalisation. This is in line with the general trend towards the judicialization of industrial relations, where labour conditions are established through stricter public law instead of through negotiations between social partners (Rehder, 2009)

There is some will from all sides to cooperate more on the European level, but specific strategies at the European Trade Union Confederation would need to be developed in order for the Confederation to show leadership in negotiating transnational agreements. While European Works Councils are largely seen as a failure, they are not the only tool at the unions' disposal. In the recent years, Europe has seen various grassroots strikes organized at multinational corporations – such as walkouts at Amazon's warehouses (BBC News, 2019). However, these moments of collective actions have been results of coordination between small grassroots unions. To provide answers to the transnational nature of digitalisation, big, national unions should think less in their own national corporatist systems and try to identify common patterns offering cooperation. Right now, these unions cooperate in the fields of research, training, sharing know-how and influencing European legislation, but coordinated collective bargaining action is necessary as well. Multinational companies are inherently much better organized on an international scale than trade unions. Decisions affecting workers in multiple countries only require a simple decision of the MNC's management, while labour mobilization or sophisticated collective bargaining efforts

require much more coordination and agreements. Of course, labour legislation in each country is different, but the European Works Councils, albeit flawed, could provide part of the solution. Unions could also take opportunity of the minimum level of legislation that European directives inherently provide – as is in the case of the Adequate Minimum Wage Directive where the baseline requirements are rather straightforward. In an endless cycle of European governments, European trade unions and European Union institutions pointing fingers at each other, trade unions could lead the political and social momentum for providing a social policy that works better for workers.

Of course, political action is not enough for unions to provide an answer to the challenges of digitalisation. Trade unions also need to invest in their own resources and hard skills. While knowing how to negotiate the algorithm and how to incorporate certain clauses into collective bargaining agreements is important, it would be beneficial for unions to also develop capacities in IT knowledge. The lack of IT specialists among trade unionists and a certain degree of misinformation about the actual threats and challenges of artificial intelligence among trade union decision makers jeopardizes the trade unions' ability to counteract the political and social power of the industries (Interview 9).

Sometimes the information provided by the trade unions themselves is contradictory to the literature and secondary sources in the field of industrial relations. However, this brings attention to the fact that trade unions are internally contradictory. The interviewees in this study are some of the best-informed people in the area, and in this case, having overview of their strategies and priorities can go at the expense of some of the validity of the study. Interviewees' answers contradicting the existing literature also highlight perceptions about their own sectors. For a certain type of workers, in specific sectors, trade unionists might think that there is a limited choice of solutions and strategies – indeed contradicting the findings of secondary sources in their specific circumstances.

There are many alleys future research could take. Further research could focus on one particular union and examined its strategies at all levels – at the local level of one workplace, at the sectoral, national, and European levels. This could allow to research different priorities that trade unions might have that are particular for the negotiation level or the sector – platform workers will probably require different priorities than mining workers; a local collective bargaining agreement might also have different priorities and clauses than a sectoral one. It could be valuable to explore the theme of digitalisation in such a single case study. More attention should also go to the exploration of algorithmic management beyond platform work. Algorithmic management can be applied in all sectors and at all levels, but the literature mostly focuses on the relatively minor

sector of platform work. Platform work should also be researched with attention to other sectors than food delivery or taxi services – more and more platforms offer services in education, medical care, and so on. By focusing on the sectors most visible on the street (food riders), researchers might neglect more economically and societally significant sectors who are just as affected by the precariousness of platform work. Personally, I would be interested to research how the further how the application of different digital tools affect workers' satisfaction with their workplace. Given a chance to follow the MA European Union Studies programme in Leiden again, I would have also focused on the employers' perceptions of European legislation regulating digitalisation at work.

I was fortunate enough that during the time of conducting research for this thesis, the European Trade Union Confederation held its quadrennial congress in Berlin, in May 2023, and that I was given the possibility to attend. At the end of this congress, delegates from all unions associated in the ETUC adopted the Berlin Manifesto, the Confederation's policy agenda for the coming four years. In the Manifesto, the ETUC aims to:

> "Fight for teleworkers' rights, including the right to disconnect and a ban on invasive and disrespectful surveillance; seek a just transition to manage technological and other workplace changes with strong trade union involvement; champion the 'human in control' principle and establish a right to human decision-making at work; mobilise for universal rights to lifelong learning (…); demand that worker, trade union and social rights take precedence over economic freedoms (…); fight for strengthening the right of free collective bargaining and sustainable due diligence building a strong Europe for a new economic and social model of resilience and future orientation, making Europe a strong partner in the world" (ETUC, 2023, p. 2-3)

Will the European trade union movement mobilize, cooperate, and fulfil its Manifesto?

List of interviewees

Interview 1 – legal advisor, Solidarność (Poland)

Interview 2 – policy officer, DGB (Germany)

Interview 3 – two policy officers, CGIL (Italy)

Interview 4 – two legal analysts, FGTB-ABVV (Belgium)

Interview 5 – international officer, FH (Denmark)

Interview 6 – policy officer, LO (Sweden)

Interview 7 – board member, FNV (The Netherlands)

Interview 8 – two policy officers, CGT (France)

Interview 9 – policy officer, Eurocadres

Interview 10 – policy officer, Akademikerne (Denmark)

Reference List

Adamczyk, S. (2018). Inside the trade union family: The 'two worlds' within the European Trade Union Confederation. *European Journal of Industrial Relations*, *24*(2), 179–192. https://doi.org/10.1177/0959680118760630

Aloisi, A., & De Stefano, V. (2022a). A Changing Labour Market. In *Your Boss is an Algorithm*. Hart Publishing.

Aloisi, A., & De Stefano, V. (2022b). Conclusion. A Job Well Done. In *Your Boss is an Algorithm*. Hart Publishing.

Aloisi, A., & De Stefano, V. (2022c). Navigating Unchartered Waters. In *Your Boss is an Algorithm*. Hart Publishing.

Aloisi, A., & di Stefano, V. (2022). Social Rights in the Digital Age. In *Your Boss is an Algorithm*. Hart Publishing.

BBC News. (2019, November 19). Amazon hit by Black Friday walkouts and protests in Europe. *Bbc.Com/News*. https://www.bbc.com/news/business-50598671

Bieler, A. (2002). The struggle over EU enlargement: a historical materialist analysis of European integration. *Journal of European Public Policy*, *9*(4), 575–597. https://doi.org/10.1080/13501760210152448

BTQ Bildungswerk. (2022). *Einsatz von Künstlicher Intelligenz (KI) regeln*. https://www.btq-kassel.de/interview_frank_remers/

Czarzasty, J., & Mrozowicki, A. (2018). Industrial relations in Poland. *Employee Relations*, *40*(4), 674–691. https://doi.org/10.1108/ER-04-2017-0082

de Spiegelaere, S., Jagodzinski, R., & Waddington, J. (2022). Setting the Scene. In *European Works Councils: contested and still in the making* . ETUI.

De Stefano, V., & Taes, S. (2023). Algorithmic management and collective bargaining. *Transfer: European Review of Labour and Research*, *29*(1), 21–36. https://doi.org/10.1177/10242589221141055

Degryse, C. (2016). Digitalisation of the Economy and its Impact on Labour Markets. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2730550

Duggan, J., Sherman, U., Carbery, R., & McDonnell, A. (2020). Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*, *30*(1), 114–132. https://doi.org/10.1111/1748-8583.12258

Ellguth, P., & Kohaut, S. (2019). A Note on the Decline of Collective Bargaining Coverage: The Role of Structural Change. *Jahrbücher Für Nationalökonomie Und Statistik*, *239*(1), 39–66. https://doi.org/10.1515/jbnst-2017-0163

Emerce. (2023, June 13). *FNV eist in hoger beroep maatregelen van Uber, akkoord voor betere bescherming platformwerkers*. Emerce. https://www.emerce.nl/nieuws/fnv-eist-hoger-beroep-maatregelen-uber

Enarsson, T., Enqvist, L., & Naarttijärvi, M. (2022). Approaching the human in the loop – legal perspectives on hybrid human/algorithmic decision-making in three contexts. *Information & Communications Technology Law*, *31*(1), 123–153. https://doi.org/10.1080/13600834.2021.1958860

ETUC. (2023a). *Berlin Manifesto*. https://www.etuc.org/sites/default/files/2023-06/Berlin%20Manifesto.pdf

ETUC. (2023b). *Platform Reps. Germany - country report 2022*. https://www.etuc.org/sites/default/files/page/file/2023-05/ETUC_country%20report_Germany-EN.pdf

ETUI. (2020, June 10). *Finland: Transforming its industrial relations system* .

Eurofound. (2021). *Riders' law (Initiative)*. https://apps.eurofound.europa.eu/platformeconomydb/riders-law-105142

Eurofound. (2022). *Telework in the EU: Regulatory frameworks and recent updates*.

European Commission. (2023, June 19). *Europe's Digital Decade*. Europa.Eu. https://digital-strategy.ec.europa.eu/en/policies/europes-digital-decade

European Parliament Research Service. (2023). *Legislative Train Schedule - Artificial Intelligence Act*. European Parliament Legislative Train Schedule. https://www.europarl.europa.eu/legislative-train/theme-a-europe-fit-for-the-digital-age/file-regulation-on-artificial-intelligence

Florisson, R., & Mandl, I. (2018). *Platform work: Types and implications for work and employment – Literature review*.

FNV. (2021). *FNV wint ook in hoger beroep zaak tegen Deliveroo.* FNV. https://www.fnv.nl/nieuwsbericht/algemeen-nieuws/2021/02/fnv-wint-ook-in-hoger-beroep-zaak-tegen-deliveroo

Gould, S. J. J., Rudnicka, A., Cook, D., Cecchinato, M. E., Newbold, J. W., & Cox, A. L. (2023). Remote Work, Work Measurement and the State of Work Research in Human-Centred Computing. *Interacting with Computers.* https://doi.org/10.1093/iwc/iwad014

Hann, D., Hauptmeier, M., & Waddington, J. (2017). European Works Councils after two decades. *European Journal of Industrial Relations*, *23*(3), 209–224. https://doi.org/10.1177/0959680117715190

Hassel, A. (2022). Round Table. Mission impossible? How to increase collective bargaining coverage in Germany and the EU. *Transfer: European Review of Labour and Research*, *28*(4), 491–497. https://doi.org/10.1177/10242589221149513

Huang, M.-H., & Rust, R. T. (2018). Artificial Intelligence in Service. *Journal of Service Research*, *21*(2), 155–172. https://doi.org/10.1177/1094670517752459

Ibsen, C. L., & Keune, M. (2018). *Organised Decentralisation of Collective Bargaining: Case studies of Germany, Netherlands and Denmark.*

Jarrahi, M. H., Newlands, G., Lee, M. K., Wolf, C. T., Kinder, E., & Sutherland, W. (2021). Algorithmic management in a work context. *Big Data & Society*, *8*(2), 205395172110203. https://doi.org/10.1177/20539517211020332

Justo-Hanani, R. (2022). The politics of Artificial Intelligence regulation and governance reform in the European Union. *Policy Sciences*, *55*(1), 137–159. https://doi.org/10.1007/s11077-022-09452-8

Keller, B. (2008). Social Dialogue – The Specific Case of the European Union. *International Journal of Comparative Labour Law and Industrial Relations*, *24*(Issue 2), 201–227. https://doi.org/10.54648/IJCL2008011

Lamannis, M. (2023). *Collective bargaining in the platform economy: a mapping exercise of existing initiatives.*

Larsson, B. (2012). Obstacles to transnational trade union cooperation in Europe-results from a European survey. *Industrial Relations Journal*, *43*(2), 152–170. https://doi.org/10.1111/j.1468-2338.2012.00666.x

Lee, M. K., Kusbit, D., Metsky, E., & Dabbish, L. (2015). Working with Machines. *Proceedings of the 33rd Annual ACM Conference on Human Factors in Computing Systems*, 1603–1612. https://doi.org/10.1145/2702123.2702548

Lillie, N. (2022). Round Table. Nordic unions and the European Minimum Wage Directive. *Transfer: European Review of Labour and Research*, *28*(4), 499–504. https://doi.org/10.1177/10242589221148474

Lum, K., & Chowdhury, R. (2021, February 26). *What is an Algorithm?* MIT Technology Review. https://www.technologyreview.com/2021/02/26/1020007/what-is-an-algorithm/

Mitchell, K. (2014). The European Trade Union Confederation at 40: integration and diversity in the European labor movement. *Labor History*, *55*(4), 403–426. https://doi.org/10.1080/0023656X.2014.932511

Ollier-Malaterre, A. (2023). Eroding Boundaries and Creeping Control: "Digital Regulation" as New Normal Work. In *Virtual Management and the New Normal* (pp. 313–332). Springer International Publishing. https://doi.org/10.1007/978-3-031-06813-3_16

Ponce Del Castillo, A. (2023). *AI: discovering the many faces of a faceless technology*. European Trade Union Institute.

Rahman, K. S., & Thelen, K. (2019). The Rise of the Platform Business Model and the Transformation of Twenty-First-Century Capitalism. *Politics & Society*, *47*(2), 177–204. https://doi.org/10.1177/0032329219838932

Rehder, B. (2009). "Adversarial legalism" in the German system of industrial relations? *Regulation & Governance*, *3*(3), 217–234. https://doi.org/10.1111/j.1748-5991.2009.01053.x

Schimmel, M. (2021, October 8). Een algoritme als werkgever. *Pont Data & Privacy*. https://privacy-web.nl/artikelen/een-algoritme-als-werkgever/

Solidarność Region Śląsko-Dąbrowski. (2023, August 9). *Ziemia wcale nie płonie. Pożarów z roku na rok coraz mniej.* https://solidarnosckatowice.pl/ziemia-wcale-nie-plonie-pozarow-z-roku-na-rok-coraz-mniej/

Szymczak, J. (2023, June 11). Porozumienie „Solidarności" z rządem. Ponad głowami większości związkowców. *OKO.Press.* https://oko.press/solidarnosc-porozumienie-rzad-zwiazki-zawodowe

Thelen, K. (2018). Regulating Uber: The Politics of the Platform Economy in Europe and the United States. *Perspectives on Politics*, *16*(4), 938–953. https://doi.org/10.1017/S1537592718001081

Thompson, D. E., & Molnar, A. (2023). Workplace Surveillance in Canada: A survey on the adoption and use of employee monitoring applications. *Canadian Review of Sociology/Revue Canadienne de Sociologie.* https://doi.org/10.1111/cars.12448

Tygodnik Solidarność. (2023, May 15). Najnowszy numer „Tygodnika Solidarność": Sztuczna inteligencja – TAK czy NIE? . *Tysol.Pl.* https://www.tysol.pl/a104330-najnowszy-numer-tygodnika-solidarnosc-sztuczna-inteligencja-tak-czy-nie

van der Leij, L., Vleugels, A., & toe Laer, E. (2023, May 12). Snelle opmars kunstmatige intelligentie bezorgt politiek hoofdbrekens. *Het Financiele Dagblad.* https://fd.nl/tech-en-innovatie/1475639/snelle-opmars-kunstmatige-intelligentie-bezorgt-politiek-hoofdbrekens

Vandaele, K. (2019). *Bleak prospects: mapping trade union membership in Europe since 2000*.

Vulkan, P., & Larsson, B. (2019). Patterns of transnational trade union cooperation in Europe: The effect of regimes, sectors and resources. *European Journal of Industrial Relations*, *25*(2), 147–162. https://doi.org/10.1177/0959680118783551

Zamponi, L. (2018, September 6). Bargaining With the Algorithm. *Jacobin.* https://jacobin.com/2018/06/deliveroo-riders-strike-italy-labor-organizing