CHAPTER 6

LABOR MARKET INCLUSION THROUGH PREDATORY CAPITALISM? THE "SHARING ECONOMY," DIVERSITY, AND THE CRISIS OF SOCIAL REPRODUCTION IN THE BELGIAN COORDINATED MARKET ECONOMY*

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ABSTRACT

Drawing on the case of the recent Belgian law on the "sharing economy," this chapter develops a critique of the dominant discourse of platform-mediated work as fostering the inclusion of individuals belonging to historically underrepresented groups (e.g., women with caring roles, people living in remote areas, individuals with disabilities, etc.) into the labor market. Exempting platform-mediated employment from social contributions and substantially lowering taxation, the law facilitates platform-based crowdsourcing firms' predatory business model of capital valorization. The author argues that this business model rests precisely on the externalization of the costs of the social reproduction of this "diverse" labor

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through its precarization. These costs are not only externalized to individual workers, as often held. They are also externalized to the Belgian welfare state, and thus ultimately both to taxpayers and firms operating through classical business models, which fund the welfare state through taxation and social security contributions. For this reason, the debate surrounding platform-based employment might paradoxically provide a historical opportunity for recovering the Belgian tradition of social dialog between employers' associations and trade unions. The author concludes by identifying key foci for action to ensure a better protection of workers of crowdsourcing firms including classifying them as employees, revising the conditions of access to social security protection, inclusive union strategies, the leveraging of technology to enforce firm compliance, and fostering counter-narratives of firms' accountability toward society.

Keywords: Sharing economy; platform; diversity; precarization; social reproduction; social dialog; crowdsourcing

INTRODUCTION

In the last few years, platform-based crowdsourcing companies such as Uber, Airbnb, and Deliveroo have increasingly become the object of contestation by workers, trade unions, local communities, and public authorities worldwide. At the time of writing, taxi drivers are protesting against Uber in Berlin.[1] Earlier this year, Deliveroo bike couriers were striking in Brussels against the imposition that they work as self-employed for €5 gross per delivery, in the very same squares where taxi drivers had, only a few weeks before, protested against a new Taxi Plan for the Brussels Region paving the way to the regularization of Uber. London is meanwhile waiting for a final decision on Uber's appeal following the court ban of the company as not "fit and proper" in September 2017.[2] These public protests are only few illustrations of globally widespread protest and contestation, not only in Europe but also in large cities in Australia, Canada, and the US, such as Los Angeles, Chicago, New York, and Boston, against AirBnB and Uber, to name a few, which continue to the present day.

While locally embedded, protests against crowdsourcing firms show striking similarities across highly diverse national contexts, in terms of actors involved, modalities, and stakes. These similarities suggest that the controversy might have less to do with the specific sector or local conditions and more fundamentally with the very business model of these firms. Indeed, the positive rhetoric surrounding the so-called "sharing economy" with which these firms commonly associate themselves has come under increased scrutiny. Both scholars and activists are questioning the claims of a new economy in which platforms put to date "idle" resources to yield: individually owned, underutilized commodities are finally "shared" with others and underutilized human potential is finally connected to work, generating unprecedented income opportunities for a broader pool of individuals and the global economy as a whole (e.g., Drahokoupil & Fabo, 2016; Kosoff, 2017; Lobo, 2014; Olma, 2014; Pasquale & Vaidhyanathan, 2015; Schor, 2014).

In this chapter, I draw on the case of Belgium to critically analyze those platform-based firms, such as Uber, Deliveroo, Upwork, TaskRabbit, etc., whose business model rests on "crowdsourcing" (Howe, 2006), or the reconfiguration of employment relations as transactions between formally self-employed individuals recruited through an open call and the firm itself, and which have variously been called "online marketplaces for contingent work" (McKinsey, 2015, p. 4) or "work platforms" (Drahokoupil & Fabo, 2016). While existing analyses of platform business models are often centered on the notion of monopoly rent, sometimes in combination with venture capital investment (Langley & Leyshon, 2017; Lazzarato, 2015; Lobo, 2014), I argue that in the case of crowdsourcing firms the valorization of capital mainly occurs through the externalization of the cost of the social reproduction of labor (Friedman, 2014). I support this reading by showing that crowdsourcing is championed by referring to its potential to include social groups whose social reproduction can more easily be evaded by crowdsourcing firms because of their long-standing exclusion from the labor market, lack of opportunities and vulnerability (Martinez Dy, Martin, & Marlow, 2018; Thompson Jackson, 2009). In this sense, the recent Belgian legislation creating a favorable taxation regime for platform-mediated work can be interpreted as the most recent measure to deregulate the labor market – through the activation of subordinated social groups in precarious work arrangements and increased labor flexibility more generally – to ensure the provision of labor necessary to capital valorization (Van Laer & Zanoni, 2018).

Important lessons can be drawn from this country case. On the one hand, Belgium is a coordinated market economy in which employees remain to date relatively well protected thanks to a strong tradition of collective bargaining, one of the highest collective bargaining coverage rates in the EU (96%), a high and fairly stable union density of over 50% (ETUI 2017), and the fact that 76% of employees work for an employer who is organized (EC, 2011). On the other hand, in the last decades the Belgian system of self-regulation has increasingly come under pressure due to the internationalization of the economy and the system of European economic governance, technological changes, and the evolution of national politics toward the right. In this type of national context, the business model of crowdsourcing firms does not only exacerbate conflict within the labor class – between workers under "classical" protected statuses and workers in "new" precarious ones (cf. Drahokoupil & Fabo, 2016; Graceffa & de Heusch, 2017), but also within capital. As individuals' labor market risks are partially collectivized through welfare financed by firms through the taxes and social security contributions, crowdsourcing firms externalize costs not only to individual workers, as is often stated (Friedman, 2014; Said, 2015), but also substantially to firms with classical business models. For this reason, especially at the current time of a relatively tight Belgian labor market (Theunissen, Vansteenkiste, & Sels, 2018), I argue that the controversy about platform-mediated work might paradoxically offer an opportunity to rebuild consensus between employers' associations and trade unions on capital's necessary contribution to the social reproduction of labor, as a key precondition in ensuring capital valorization (Gibson-Graham, 1996; Gibson-Graham, Resnick, & Wolff, 2000).

The text is structured as follows. In the next section, I introduce the Belgian law on the "sharing economy" and document how multiple actors are engaged in a discourse constructing it as a way to "activate" diverse workers. I then reconnect this discourse to a longer-standing discourse pleading for the deregulation of the Belgian labor market as a condition to foster its inclusiveness. Third, I explain how the law supports the predatory business model of platform-based firms, which relies on the externalization of the cost of the social reproduction of this "diverse" labor. In the fourth section, I argue that platform-based work makes opposing interests between platform firms and classical firms visible, which might paradoxically offer a historical opportunity to re-align the interests of classical firms and labor and recover the Belgian tradition of self-regulation. In the concluding section, I discuss avenues for action to ensure a better protection of workers of crowdsourcing firms.

THE "SHARING ECONOMY" AS A STRATEGY TO ACTIVATE "DIVERSE" LABOR

On the first of March 2017, the Belgian federal law of regulating the "sharing/collaborative economy" – "deeleconomie" in Dutch and "économie collaborative" in French – passed in 2016 entered into force. Introduced to "support and give more freedom to a growing group of mini-entrepreneurs" (De Croo, 2016), it sets a fixed taxation rate of 10% on the income of individuals working on a registered platform up to €5,000 per year. This is an exceptionally favorable taxation regime, considering that the previously applicable tax rate was 33%, and that individuals falling under this regulation are exceptionally exempted from social security contributions. The law foresees that the tax, which will be levied by the platform itself, only applies to individuals offering services occasionally, as opposed to those offering them professionally, who will still need to register as self-employed. It therefore *de facto* introduces a new employment status, next to the main statuses of employee and self-employed, and a recently created status of the flexi-jobber, open to retired individuals and employees working minimum 80% of their time, to perform additional work hours in the hotel, restaurant, and small distribution sectors, with no taxation and lower social security payments for the employer.

The Belgian law on the "sharing economy" is fully in line with the European Commission's (2011) plea for national legislation eliminating barriers and specifically avoiding the imposition of "cumbersome legislation on platforms" (Communication from the Commission, 2016), a point that had been advocated by 11 EU member states in an open letter to the Commission a few months earlier (Joint Letter, 2016). The communication surrounding the law indeed echoes the EU Communication, which argues that the economic growth potential, with widely differing estimations between €160 billion and €572 billion (!) depending on the sources, can be attained only by taking the "sharing economy" out of the gray legal zone in which it is currently operating. At a historical time of

economic stagnation, a sector whose revenues doubled between 2014 and 2015 (PwC, 2016), the "sharing economy" is presented as a unique opportunity to enhance Europe's competitiveness, or an occasion to "simplify and modernise market access requirements. […] relieve operators from unnecessary regulatory burden […] and to avoid fragmentation of the Single Market" (Communication from the Commission, 2016, p. 7).

The introduction of a favorable fiscal regime for platform-mediated crowdsourcing firms is however also very commonly supported through a second argument: its alleged potential to include social groups who have been historically largely absent from the labor market. Immediately after the law was voted in parliament, the Belgian Federal Minister of the Digital Agenda compared the regime for crowdsourced work to the so-called service vouchers, a subsidized program introduced in 2004 to stimulate the employment of low-educated individuals (largely women, and in particular women with a migrant background) by taking domestic cleaners out of the informal economy and making them "regular" workers:

> Why do the Ubers of this world deserve a privileged fiscal treatment? De Croo likes to compare this to the service vouchers. This "invention" […] took many cleaning ladies out of the grey economy and generated substantial income for the state [through taxes, social security and lowering unemployment benefits]. De Croo hopes that […] the same will happen. "This is a light system that will not discourage anyone […]." "We shall also reach people who otherwise would never make the step towards entrepreneurship. People without the right degree, ethnic minorities or from poor neighborhoods." (De Morgen, 2016)

The analogy between the two policies rests on their potential to activate (formally) inactive individuals, with the significant difference that the law on the "sharing economy" does not define individuals working through platforms as employees and, therefore, neither taxes nor protects them as employees.

The inclusive potential of platform-based work features prominently in many public texts. Perhaps one of the documents most fully developing this argument is a McKinsey (2015) report. Here, platforms – in their multiple forms, including also those that primarily facilitate the matching between labor offer and demand, such as LinkedIn – are cast as playing a key role in the "positive disruption" of global labor markets, which are allegedly less and less able to match offer and demand since the Great Recession. Platforms can "empower millions of individuals by connecting them to the right work opportunities in a much more seamless, personalized, and efficient way" (McKinsey, 2015, p. 16). In a nutshell, the argument runs as follows:

> Around the world, millions of young people are stuck in low-skill jobs that leave them frustrated and feeling that they could be accomplishing so much more. […] The ability of labor markets to match willing workers with rewarding job opportunities has been breaking down […]. This disconnect is a market failure that touches millions of lives. […] Labor markets are ripe for positive disruption. […] online talent platforms can advance that disruption […] they can change the outcome for 10 percent of the working-age population by reducing the time workers spend unemployed, connecting them with more fulfilling jobs, or helping them increase their income through flexible part-time arrangements – and that translates into new opportunities for some 540 million individuals." (pp. 17–18)

The report further identifies social groups who will most likely benefit from the positive disruption brought about by crowdsourcing:

> [Since 2007] [m]illions of individuals have dropped out of the labor force […]. Reengaging these people is essential for making their families more economically secure as well as boosting national prosperity. Some of the unemployed and underemployed would like to work full-time. Others may have dropped out of the labor force because […] their personal or family needs would not allow a full-time or even a regular part-time schedule. Some of those in the latter category might choose to work if more flexible and selfdirected work options were available. The long-term unemployed face especially uncertain odds of reentering the workforce. […] Part of the reason for low overall labor force participation is that many women do not work outside the home while they are raising children. […] Youth unemployment has become acute over the past decade. (McKinsey, 2015, p. 22)

Despite different accents, the similarities in the parlance o various institutional actors are clear. In a Communication from the Commission (2016), the EU Commission stated that:

> [t]he collaborative economy generates new employment opportunities, generating revenues beyond traditional linear employment relationships, and it enables people to work according to flexible arrangements. This makes it possible for them to become economically active where more traditional forms of employment are not suitable or available to them. (p. 11)

The promise of inclusion in the labor market of historically underrepresented social groups is even echoed in a recent official document of the European Trade Union Institute (ETUI) and the German trade union IGM:

> Platforms for work that can be completed remotely and delivered online (such as Upwork, Freelancer.com, Amazon Mechanical Turk, CrowdFlower, and 99designs) offer economic opportunities that might not otherwise be available to some workers. They allow, for example, workers with responsibilities that prevent them from leaving home, workers in rural areas, workers with disabilities, and workers in "developing" countries the potential to earn income by working online. (ETUI/IGM, 2017)

Taken together, these quotes well show how the discourse of inclusion has gained consensus among disparate actors including EU institutions, a center right government, business consultants, and even trade unions associations. Platform-based work is today widely seen as opening up the labor market to historically disadvantaged groups.

THE "SHARING ECONOMY" AS THE MOST RECENT STEP IN THE FLEXIBILIZATION OF THE BELGIAN LABOR MARKET

In the Belgian context, the discursive mobilization of inclusion to promote platform-mediated work needs to be placed against the background of the long-standing debate on the low labor market participation of some social groups, including ethnic minority individuals, low-educated individuals, people with a disability, and people over 55 years of age. In this sense, the Belgian law on the "sharing economy" can be interpreted as the last of a series of legislative

interventions which, since the mid-1990s, have attempted to "modernize" the Belgian labor market – lowering the cost of labor and allowing more flexible employment relations – with the aim of activating these groups (Van Laer & Zanoni, 2018).

The labor market modernization project was inaugurated by the Law on the "promotion of employment and preventative measures to safeguard competitiveness" of July 1996. Whereas prior to this date the social partners could negotiate wage increases autonomously, the law set a ceiling – the so-called wage norm – for collectively negotiated wage growth based on the expected average increase of the labor cost in Belgium's main trading partners: France, Germany, and the Netherlands (Van Oycke & Van Gyes, 2017). The government intervened directly setting maximum wage increases in 1997–1998, 2005–2006, and 2011–2012, and froze all salaries between 2013 and 2015. Next to these wage moderation interventions, since 2015 unemployment benefits have been reduced in duration and made increasingly conditional to the beneficiary's proactive search for new work and limited in time.

Over the years, work has also been made increasingly flexible. A recent important law in this direction is the law on "feasible and agile work" of March 5, 2017, which foresees among others the calculation of working hours on an annual basis (maximum 9h/day and 45h/week), the possibility for temporary agencies to employ workers with contracts for an indefinite period, and changes in the regulation of joint employment of workers by small companies through an "employers" grouping plan. Article 79 allows night work for logistic and support services linked to e-commerce, a revision of the labor law made to help Belgium compete with the neighboring countries on this expanding sector of the economy (Federal Public Service Employment, Labor and Social Dialogue, 2017). In the summer of 2017, the government reached the "summer agreement" among others further decreasing the term of notice for lay-offs, extending flexi-jobs to the small distribution, expanding the favorable "sharing economy" fiscal regime for work carried out in associations and for services from individuals to individuals, and raising the maximum untaxed income from these activities to €6,000/year (VOKA, 2017).

Various prominent voices in the Belgian public debate about labor market issues have argued that, to increase the activity rate of historically underrepresented groups, the Belgian labor market should become more flexible and employees cheaper for employers. The following statement made in 2013 by Jan Denys, the director of corporate communications & public affairs of Randstad Belgium, and an influential voice in the Belgian labor market debates, is instructive:

> [T]he current performance of the Belgian labor market […] is not good relative to the European context, and certainly not if we want to brand ourselves as a "top region." In this country, too few people work, above all those above 50, the youth, people with a migration background and low-skilled women. The transition between unemployment to work is one of the lowest in the EU. […] At the same time, job security is one of the highest. This points to a strong insider-outsider labor market model. […] The big challenge for our policy-makers is to adapt our labor market institutions to the changing conditions with as baseline: from job security to work

> security. This can be achieved through more flexibility (deregulation) but also re-regulation for instance concerning training. (Knack, 2013)

More recently, an analogous, if more explicit, reasoning was formulated by Ive Marx, a leading scholar on labor market, poverty, and inequality, whose analyses regularly feature in national newspapers:

> There is too large a group of low-educated people, often with a migration background, without a job now. […] This is a key main cause of poverty. Therefore, we have to get rid of the rigid regulation of our labor market […]. In Belgium a relatively small group of people has a low paying job […]. The trade unions defend the rights of a group of people who have good wages and good protection. About 65 per cent of the population is economically active, that's too little. So another group stays behind. There is no balance. (De Morgen, 2016)

These pleas for deregulation are based on the belief that there is a tradeoff between workers' rights protection and access to the labor market for more vulnerable groups. Interestingly, activation through precarious employment is not seen as reproducing poverty or vulnerability for those groups, or as extending precarious employment to new ones who have been historically present on the labor market (see Drahokoupil & Fabo, 2016), but as a positive outcome in itself. Yet the price of the inclusion of some for others becomes more clear in the words of Hein Knaapen, the world-wide director of human resource management of ING who, in the wake of the announced lay-off of 3,500 employees in the Belgian branch of the bank in 2016, publicly lamented the "petrified" nature of the Belgian (and the Dutch) labor market(s):

> [A]n important share of the 52,000 ING-employees has become too dependent on the bank because of a past of overly generous employment benefits, high severance compensations and the rigid lay-off regulations in countries like the Netherlands and Belgium. Employees are in this way seduced to rest on their laurels. The global HR-director of ING believes that it's high time they take back the control over their own development and career. "Open-end employment contracts are increasingly protected. And then you achieve the opposite of what you want to. It boils down to the fact that young people and minorities get less and less hired. As in the current system, it's impossible to get rid of anybody" (De Standaard, 2016)

Two years later, at a time of increasing labor shortage due to the massive exit of baby-boomers and the recovering economy, the activation of these groups has become increasingly pressing, as reflected in the words of the head of the public work intermediary agency Fons Leroy:

> "It is almost unconceivable that we have so many vacancies and at the same time see that some groups get so few chances," he deplores. "I'm talking above all about people over 55, who have difficulty finding a job on the labor market. That group has a very low activity rate. We have also a lot of potential in people with a migration background, there we can also improve a lot," he states. "And people with a disability also have problems to get a job on the labor market." (VRT Nieuws, 2018)

Despite differing emphases, these actors consistently portray historically underrepresented groups in the labor market as potential labor, highly necessary for the economy. The revision of the Belgian labor legislation, which allegedly overly protects workers in work and hereby keeps many disadvantaged ones out, is cast as an essential condition to tap this reserve labor army.

THE BUSINESS MODEL OF PLATFORM-BASED FIRMS: EXTERNALIZING THE COST OF THE SOCIAL REPRODUCTION OF LABOR

Although platform-mediated work still represents today only a small share of the total economy, it has revolutionized some sectors, suggesting that we are witnessing what will soon appear to be a true "fourth industrial revolution" fundamentally affecting the whole economy (see Neufeind, O'Reilly, & Ranft, 2018; Schor, 2018). Analyses of platform-based firms' business model commonly emphasize that value originates in their superior capacity to "more easily access workers, goods and services exactly when they are needed and at low transaction costs" (Drahokoupil & Fabo, 2016, p. 2). This high flexibility comes at little cost, as labor providers and users are matched by algorithms, which reduce transaction costs to an extent that even micro-transactions become economically viable. Reputation systems embedded in the platform further help manage the risks involved in the transactions. Much of the economic value derives however from the fact that crowd labor is

> astoundingly cheap. Crowd workers receive low wages, no benefits, no job security, and have not much prospect at present of organizing to change these conditions. Employers do not need to provide facilities and support for a workforce, nor do they need to pay overhead fees to an outside contractor. […] most crowdsourcing involves little or no personnel administration costs. An employer does not need to hire managers to supervise the crowd, and can avoid turnover and recruitment expenses. (Felstiner, 2011, p. 152).

While platforms might integrate into the formal market activities that have often remained outside them (e.g., in the informal economy), it has been observed that they can also facilitate the re-organization of activities that have traditionally been carried out through classical employment relationships (Drahokoupil & Fabo, 2016). Services that have traditionally been delivered by employees can now be delivered by (bogus) self-employed individuals (De Stefano, 2017), which shifts a number of risks – for example, business risks such as the fluctuation of service demand, but also worker-related risks such as inactivity due to ill health or age – from the firm to workers (Van Doorn, 2017). By substantially lowering the barriers at entry, platforms increase competition, lower the cost of labor, and therefore put the pay and working conditions of incumbents under great pressure (Fernández-Macías, 2017). Platforms moreover facilitate the breakdown of work activities into discrete tasks, allowing to distribute them to the "crowd" and to isolate the more creative, highly skilled ones from the low-skilled ones, which are more easily automated or offshored (cf. Felstiner, 2011).

Building on the idea that platforms redefine the relations between capital and labor, I argue that the systematic shifting of risks to the latter represents an externalization of the costs of labor's social reproduction by capital. Social reproduction theory is a strand of Marxism that addresses the conditions that need to be fulfilled for labor to exist and become productive labor power, enabling the valorization of capital that sustains capitalism (Bhattacharya, 2017b). Human labor is at the heart of creating and reproducing society as a whole, something that is fundamentally misrecognized in capitalism, under which only wage work on the

labor market are understood as "productive." As capitalism needs not only labor that produces commodities but also labor that produces people to become labor, capitalistic production and social reproduction should be conceptualized as part of the same socio-economic process (Bezanson & Luxton, 2006; Fraser & Jaeggi, 2018). It encompasses not only reproductive work in the household but also the work occurring in hospitals, schools, leisure facilities, and other institutions that ensure "the reproduction of the workforce, both biologically and as compliant wage workers" (Fine & Saad-Filho, 2017, p. 60). Social reproduction theory has recently re-emerged as a key lens to signify the systemic contradiction in neoliberal capitalism, which on the one hand relies on the "depletion and decimation of social reproductive functions" in order to sustain the valorization of capital (Bhattacharya, 2017a, p. 12; see also Fraser, 2017) and on the other relies on labor which needs to be reproduced for its own existence.

Social reproduction is particularly useful to theorize how the inclusion of historically excluded social groups through platform-mediated work is predicated upon the deployment of labor whose social reproduction remains largely unpaid (Fraser & Jaeggi, 2018). While classical forms of labor exploitation posit that capital needs to pay the so-called "living wage" in order ensure the reproduction of the labor force for future exploitation, buying the crowd's labor power through the platform allows capital to largely evade such cost through an extreme form of casualization. Platform-based firms

> share a central objective: all crowdsourcing vendors exist to help firms *avoid the traditional routes to procuring labor supply – i.e. maintaining a labor force or contracting out to someone who does*. (Felstiner, 2011, p. 149; emphasis added; see also Fraser & Jaeggi, 2018; Said, 2015; Singer, 2014)

Contrary to the positive parlance of many official sources on the "sharing economy," individuals belonging to social groups that have been underrepresented in the labor market engage in crowdsourced work because they lack viable alternatives precisely *by virtue of* their vulnerable position – rather than to overcome it – and despite the fact that they cannot make a living out of these jobs, which come without insurance, social security contributions, or coverage for current or future income loss (Crouch, 2018; Felstiner, 2011; Said, 2015; Van Doorn, 2017). Platform-mediated work has indeed not only been associated with casualization as a general tendency, but more specifically compared to the "putting out system" in which geographically dispersed workers – often women, the elderly and the youth – operated from home, which was prevalent in pre-industrial time but also continued later at the interstices of the industrial economy (Crouch, 2018; Risak & Warter, 2015). While Risak and Warter point to the *additional* nature of the income generated by these workers (see also Schor, 2018), from a social reproduction theory perspective, their inability to generate higher shares of household income points to how "categories of oppression (such as gender, race, and ableism) are *coproduced* in simultaneity with the production of surplus value" (Bhattacharya, 2017a, p. 14; emphasis added). Or, in other words, their earnings come to be seen as additional due to the vulnerable position of these workers, which prevents them from claiming higher wages for their work relative to other individuals within the household,

reproducing their dependence and subordination at once in the sphere of waged work and within the household.

Importantly, it has been noted how existing social insurance institutions intensify the precariousness of platform workers, as these institutions were historically designed to protect full-time and long-term employees, and in particular (male) breadwinners:

> The shift from long-term employment to the gig economy has profound effects on the American economy and labor force. For workers, the shift to the gig economy dramatically increases uncertainty and economic risk. Employment and income have become more variable, forcing workers to work extra hard when there is work to compensate for the down-times. Uncertainty is magnified by the lag in social policy. Our social insurance safety net is designed for workers with regular and lasting jobs; health insurance, retirement pensions, unemployment insurance, and other social protections are all designed for people with jobs, not gigs. (Friedman, 2014, p. 172; see also Huws, Spencer, Syrdal, & Holts, 2018)

While this intensification of the disadvantage applies to most advanced industrial national contexts, it has specific effects in coordinated market economies, where a high share of the costs of social reproduction of workers is collectivized through high taxation rates on labor and, conversely, relatively generous – albeit retrenching – welfare state insurance and services (e.g., health insurance, education, leisure facilities, and pension rights). In these contexts, the platform-based firm's business model does not only externalize the cost of social reproduction to individuals and families, but also largely to the state and to firms operating through more classical business models, which fund the welfare state through relatively high taxes on labor and social security contributions in return for public services reproducing the labor force. In the Belgian system, such reproduction does not only occur through wages and social contributions giving access to protection from work-related risks such as unemployment, but also, more generally, through firms' taxation. Relatively high levels of taxes enable high public spending primarily on services ranging from (higher) education to, health, transportation, leisure infrastructure, making them accessible to citizens below market price, independent of their participation in paid work. While the structural contradiction between the institutions characterizing coordinated market economies and the platform-based firms has been recognized (Rahner & Schönstein, 2018), the impact of these latter's business model on "classical" capital in these contexts has to date been less highlighted.

THE PLATFORM ECONOMY: THE CONTRADICTIONS WITHIN CAPITAL(ISM) AS A HISTORICAL OPPORTUNITY TO RECOVER SELF-REGULATION

The platform economy does not only re-organize work and labor, pitting employees against platform workers, but also "classical" capital – which depends on a stable workforce for capital accumulation – against platform capital – which can rely on crowdsourcing for capital accumulation. This is most visible in sectors where "classical" firms are challenged by platform-based firms, such as the taxi

and the hotel sectors, but also applies to the economy more broadly, as platform firms challenge not only existing norms about employment but also, by consequence, about what can legitimately be expected from businesses as part of a broader political economic system. In institutional contexts where social consultation and self-regulation between the social partners are key, such as coordinated market economies like Belgium (or Germany, see Rahner & Schönstein, 2018) and Scandinavian systems (e.g., Sweden, see Söderqvist, 2017c), the key question becomes then how to "integrate the platform economy into our social welfare model, a self-regulated labor market model collectively negotiated between employers and trade unions" (Söderqvist, 2016, 2017a, 2017b, 2017c).

While trade unions and employers typically hold diametrically opposed views on labor cost moderation and labor flexibilization, their perspectives on digitalization and the "sharing economy" might, under the current Belgian labor market conditions of labor shortages due to the aging population and a recovering economy, converge. This is suggested by a Report drafted by the bilateral National Labour Council and the Central Council for the Economy (2017), in the wake of the entering into force of the law on the "collaborative/sharing economy" and the following "summer agreement," in which employers and trade unions unanimously emphasize the importance of a level playing field for markets to correctly function and competition to occur. They further criticize the legislator's optimistic rhetoric diverting attention away from insufficient control of fiscal fraud and express serious reservations about the provisions of the law, including the raise of tax-free annual income to €6,000. The text points to the many risks regarding unfair competition, unequal treatment, work organization, social protection, fiscal income, and social security balance. Most significantly, the social partners reaffirm their own role in the consensus-based model of industrial relations, inviting the government to consult the inter-professional and directly concerned sectoral social partners to assess the involved risks before defining the implementation, reaffirming the principle of labor market self-regulation.

A few days after the report's release, the president of the Neutral Union of the Self-Employed Christine Mattheeuws called the rise to €6,000 a year "a poisoned chalice" for Christmas, warning that unfair competition will not only drive a number of self-employed out of business but will also lead to an estimated loss of about 200 million a year for the social security fund (NSZ/SNI, 2017). This reaction reveals that interests of firms with "classical" business models (in this case very small ones) might not necessarily align with those of firms crowdsourcing labor through a platform, especially in the eventuality that the former get the bill these latter's are unwilling to pay. Chris Serroyen, the head of the research unit of the Christian-democratic Trade Union ACV, provocatively asked: "Why should people keep working full-time if they can make as much as 500 euro a month without any social security contribution?" (Trends, 2017). Pulling individuals out of the formal labor market as we have known it to date – rather than into it, as argued by the Belgian policymakers and the official rhetoric illustrated above – clearly represents an alarming scenario for both employers' and employees' representatives. In August 2018, the Flemish Farmers' Union and the Union of Self-Employed Entrepreneurs announced that they would jointly go

to the Constitutional Court (Knack, 2018). A few days earlier, Grete Remen, an entrepreneur and member of the Flemish parliament for the right-wing NVA, currently the largest party and both in the Flemish and federal government coalitions, declared to the newspaper that the law is a slap in the face of the "real" entrepreneurs' (HBVL, 2018).

The VBO/FEB, the largest federal association of employers, has been positive in the press about the further deregulation of the labor market through the expansion of flexible workers' statuses decided by the government coalition in the summer agreement of 2017. Nonetheless, the unitary more critical stance on the law on the "collaborative/sharing economy" discussed above suggests that platform-based firms might make visible to employers the limits of deregulation through the creation of new, precarious legal statuses that further casualize work.[3] The predatory nature of platform-based firms puts the evasion of accountability toward the community – constituted both by taxpayers and firms – at the core of their business model of value "creation." By circumventing existing collectively negotiated rules, these firms externalize social reproductive costs to individual workers, families, other firms operating within existing institutions, and the state, which all provide resources to sustain the regeneration of productive labor (Gibson-Graham, 1996), which platform-based firms need to operate. While the unsustainability of this business model has been discussed (Langley & Leyshon, 2017; Schor, 2018), its growth can more specifically be understood as accelerating the crisis of social reproduction of contemporary (Belgian) capitalism (cf. Bhattacharya, 2013, 2017b; Fraser & Jaeggi, 2018; Leonard & Fraser, 2016).

PROTECTING ALL WORKERS EQUALLY IN THE BELGIAN LABOR MARKET

With the law on the "sharing/collaborative economy," the Belgian government has bypassed the social partners to unilaterally impose a new legal status for workers. This law further fragments the labor market (Knack, 2017), making it *unequally* inclusive: historically disadvantaged social groups will possibly receive more opportunities to carry out paid work, yet do will so in more precarious conditions. This is clearly ethically highly problematic. Scholars have warned against the drawbacks of this approach, stressing the difficulties of applying different statuses in practice, hampering control, and, conversely, the increased opportunities for abuses by employers. More structurally, the fragmentation of work statuses increases the risk that the rights of employees in traditional contracts are hollowed out, weakening the position of labor vis-à-vis capital (De Stefano, 2015; Drahokoupil & Fabo, 2016; Huws et al., 2018; Risak & Warter, 2015).

If platform-based work does enhance access to paid work for a larger and more diverse group of (potential) workers, it should do so by entitling them to analogous rights as those of "traditional" employees. The "Frankfurt Paper on Platform-based Work" (2016) recently launched by nine trade unions advocates for

> the role of unions and other worker organizations in realizing the promise of platform-based work to provide labor market access to large groups of previously excluded people, including

> workers in "developing" countries, and to offer all workers unprecedented freedom and flexibility in their working lives – while retaining elements of the "traditional" employment relationship hard won in the last two centuries of labor struggle, such as: minimum wage, the reasonable expectation to earn a living in a 35- to 40-hour work week, affordable access to health care, compensation in case of injury on the job, integration into national social protection systems such as social security, legal protection from discrimination, abuse, and wrongful dismissal, and, crucially, the right to organize, take collective action, and negotiate collective agreements; that is, in summary, the role of worker organizations in realizing the promise of online labor platforms to make "good work" available to many more people. (pp. 2–3)

To achieve this protection, two key conditions must be met. First, platform workers need to be legally considered employees whenever their relation to the platform allows to. As some scholars have convincingly argued, spatial dispersion and non-standard times of platform work do not disqualify platform workers from employment status. The high degree of control of many platforms over workers, in terms of giving them tasks, directions on how the tasks should be carried out, and monitoring all indicate a relation of subordination that is on the contrary incompatible with non-employee statuses such as self-employment (De Stefano, 2015; Huws et al., 2018; Risak & Warter, 2015). The extension of existing regulations to protect platform workers is particularly crucial in systems, such as the Belgian one, which as a whole offer relatively high protection to employees. A second aspect concerns the revision of existing social provisions, which are typically conditional upon full-time employment with one employer over a prolonged period of time. The institutionalized norm of "standard" employment de facto excludes a growing number of workers who do not meet these criteria, failing to protect them adequately despite being in employment (De Stefano, 2015; Friedman, 2014; Rubery, 2015). This extension needs to be placed within the broader current debate on the extent to which citizens' protection should derive from their participation in paid work (including their status herein), or should rather be universal in recognition of their multiple contributions to society (e.g., Dinerstein & Pitts, 2018; Van Parijs & Vanderborght, 2017).

To fulfill these aims, trade unions should support the organization of platform-based workers, so that they receive access to collective bargaining: as argued by De Stefano (2017), an algorithm that offers better working conditions and does not discriminate needs to be negotiated. This includes supporting initiatives that enable the exchange of information and networking across borders through Internet-based forums, such as turkernation.com. Trade unions have indeed played an important role in protests of platform workers, such as bike couriers for the app-based restaurant delivery service Foodora, who mobilized in reaction to a unilateral change from hourly rate to a payment-by-delivery. In Austria, they have formed a work council with the support of the transport and services union Vida (Fair Crowd Work 2017), while in northern Italy, they have been supported by the independent union IS-COBAS (Tassinari & Maccarrone, 2017).

More broadly, the platform economy can represent an important opportunity for Belgian unions to tackle more effectively the issues of representation and internal democracy which have been on the trade union agenda since the early 1990s. At that time, the first references to "diversity" – in terms of the socio-cultural, socio-economic, and political shifts – and the challenge of internal

cohesion were included in unions' congress debates (Martens, Van Gyes, & van der Hallen, 2001). To the extent that historically subordinated groups in the labor market are overrepresented in the platform economy, and this latter is cast as a way to give them access to paid work, their inclusion into and representation by trade unions becomes of strategic importance to protect both their rights and the rights of the whole labor class as a whole.

For those platform workers who cannot be classified as employees, unions should adopt other strategies, as other than elsewhere, Belgian trade unions have historically not organized the self-employed. They should seek alliances with actors who have historically had this role, such as the Neutral Union of the Self-Employed, the Union of Independent Entrepreneurs – representing smaller and medium enterprises –, or emergent ones who are increasingly claiming it, such as SMart. Over the last years, SMart has emerged as an organization taking up the challenge of representing this group by combining in a novel way the roles of labor market intermediary, quasi-union, service provider, employer and, more recently, cooperative (Graceffa & de Heusch, 2017). It has become most visible in the public debate on the contractual conditions of Deliveroo bike couriers, for whom it had been able to negotiate a collective deal with Deliveroo, until the latter unilaterally terminated the contract in early 2018. Belgian trade unions have been critical of the ambiguous role of SMart, yet are becoming increasingly aware of the need to dialogue with this organization, and to themselves engage with the representation of individuals working in a self-employed status, including those doing so through platforms (De Wereld Morgen, 2018; Xhauflair, Huybrechts, & Pichault, 2017).[4]

Independent of the specific status of the worker, it has been observed that algorithms cannot only be used to control workers but also, potentially, to enhance law enforcement. If platform-based companies were forced to share the data they hold about their workers with labor inspectorates and trade unions, the application of labor laws could be greatly facilitated (Fabo, Karanovic, & Dukova, 2017). The Swedish union Unionen proposes to embrace the algorithm to enforce compliance. In particular, Söderqvist (2016, 2017b) argues that trade unions should switch to a "facilitation" mode by "mak[ing] the rules more easily available to [these firms].". This entails the requirement that algorithms be more transparent, so that they can be programmed according to the provisions stipulated through collective agreements, rather than to bypass the rules (UNI Global Union, 2017). Union action should be directed at making these firms comply more easily by incorporating the collective agreements in their algorithm, as well as taxation. If controlled externally, platform mediation has the potential to actually lead to increased, rather than lower, compliance. This approach is particularly promising because it leverages the very same efficiencies created by technology to *enforce* the sharing of the costs of the social reproduction of labor, rather than facilitating their externalization.

Finally, at a historical moment of crisis of the Belgian social model, the grip of the center-right parties on Belgian politics, and the complete disarray of the left, there is a clear need for powerful counter-narratives to the dominant neoliberal, celebratory discourse of the "sharing/collaborative economy" as an inclusive

labor market policy. The recovering economy and the shortage of labor represent opportunities not only for improving the weakened image of the Belgian trade unions in the eyes of the public opinion, but also to realign interests with "classical" capital around a negotiated industrial project. This realignment can occur only on condition that unions take the lead in creating an alternative collective narrative that, drawing on a political economic analysis, emphasizes firm responsibility and accountability for labor's social reproduction and toward society at large in exchange for unions' responsible strategies. Taking stock of the struggles of diverse workers' constituencies both in terms of socio-demographics and work statuses, this narrative can no longer be solely centered on the re-affirmation of the existing rights of employees in "traditional" statuses, who already enjoy relatively higher protection. It needs to prefigure novel deals that increase the protection of workers who have historically been left out, and who are now increasingly being activated as cheap, disposable labor into the labor market under the guise of inclusion.

CONCLUSIONS

The specter of platform capital taking over ever larger shares of the economy could represent a motivation for social partners to recover, in novel ways, the Belgian tradition of self-regulation. Various actors, ranging from trade unionists to academics and representatives of the co-operative world, are today calling for "a new deal" (Graceffa & de Heusch, 2017) that better protects employees working through platforms as well as the larger group of workers in self-employment. Whatever that deal might look like, inclusion without protection is no option, as it will induce an ever deeper crisis of social reproduction, undermining the economy and society in the longer term. Recovering self-regulation will require trade unions to renew the modalities of their own functioning and the collective narrative they promote. It will also, importantly, require that capital tied to "classical" firms re-engage in long-term social dialogue in recognition of the shared interests of capital and labor, rather than resorting to the state to settle industrial conflict to its own advantage, as it has been increasingly the case over the last two decades.

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NOTES

1. http://www.taxi-times.com/uber-chef-in-berlin-taxifahrer-protestieren/
2. https://www.telegraph.co.uk/technology/2017/12/11/uber-appeal-against-london-ban-heard-spring/
3. Various critics have used for this fragmentation the powerful Flemish term "koterij," or the successive extensions of a house into the garden to serve the last needs, leading to an architecturally and functionally incoherent whole (cf. Knack, 2017).
4. To the extent that the new entrants into the Belgian labor market are more likely to work in precarious types of contracts and be self-employed, this might be a necessity to retain a strong base among the labor force. Between 2014 and 2016, the Belgian trade unions lost 88,000 members (or 2.5% of their membership) (De Tijd, 2018).

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