

## **Call for tenders for subcontracting an expert study in the framework of the ETUC Platform Reps project**

This is a call for a subcontractor to provide expertise in the framework of the implementation of the ETUC Platform Reps project.

The ETUC will publish the call on its website on 10 February 2022. The **deadline for submission of bids is Friday, 11 March 2022 at noon (12:00)**.

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## 1. Context of the expert study: the ETUC Platform Reps project

### 1.1 Summary and objectives of the project

This project aims at improving the working conditions of workers in digital labour platforms by enhancing social dialogue between platform operators and workers, and strengthening workers' representation in these companies.

This main aim will be sought by pursuing the following specific objectives:

- Convening three cluster seminars through which the project will gather expertise from the field, promote an exchange of best practices and support trade union action in favour of a stronger workplace representation of non-standard and platform workers. **The project envisages the participation of an academic expert in the cluster seminars to provide a stock-taking presentation of the impact of digital labour platforms in the countries of each cluster. The expert will also contribute to the coordination of the working groups during these meetings.** The project will also maintain and run the Digital Platform Observatory website (<https://digitalplatformobservatory.org/>) that was created in the framework of the project "Establishing workers representation and social dialogue in the platform and app economy". The website shows workers' initiatives of digital labour platforms in the format of a map. In matters of social dialogue, the project will challenge the business model chosen by many platforms operators that do not consider themselves employers, but in reality fulfill such functions.
- Promoting access of non-standard workers to fundamental labour rights, to social protection and to occupational safety and health legislation.
- Allowing the trade union movement to contribute to the legislative initiative on protecting non-standard workers, with specific attention to platform workers. As the project is expected to coincide with the adoption of the upcoming legislative initiative, it will provide a coordinated input from the European trade union movement. More importantly, it will also support the establishment of a trade union strategy to help in the swift transposition and implementation of legislation at national level. In the eventuality that the legislative initiative is not adopted during the implementation period of the action, the project will nevertheless contribute to the debate from a trade union perspective.
- Establishing a European dialogue with the digital labour platforms operating at transnational level, thus taking the baton of the initiative "Starting a European Dialogue on the platform economy", which took place in Brussels in January 2018.

As for the expected outcomes of the action, the project will produce the following deliverables:

- **Twelve country reports (5 pages each. Written in English and each translated into the language of the concerned country).**
- Four short videos summarising the key policy recommendations (about one to one-and-a-half minutes, in English and all languages of the countries covered in the pertinent cluster seminars).

- A final report (on the basis of the four cluster reports, updated and synthesised. 60-page long, in English).
- Key policy recommendations (to be translated in up to 12 languages and to be disseminated in the form of a brochure/leaflet both during final meetings and online).

The action will facilitate the implementation at national level of the upcoming European initiative for digital labour platforms.

The project will also identify new trade union practices aiming to improve representation, organisation and protection of platform workers and will further develop the dedicated internet website mapping the existing trade union initiatives to organise and protect workers of digital labour platforms (available at: <https://digitalplatformobservatory.org/>).

## **1.2 Context of the project**

Eurofound defines platform work as “a form of employment that uses an online platform to enable organisations or individuals to access other organisations or individuals to solve problems or to provide services in exchange for payment” .

Research literature shows a consensus that the use of online platforms for managing work has been growing exponentially in the decade following the 2007-8 financial crisis. However, attempts to estimate the extent and scale of this growth vary widely. According to the COLLEEM survey, it is estimated that 8% of workers, from a sample of 14 European countries, provide labour “relatively frequent” through digital labour platforms (ranging from 9.9% in UK to 4.1% in Finland) and slightly above half of them report to work more than 10 hours per week through these platforms.

There is widespread consensus and support from scientific literature on several elements of concern around working conditions in digital labour platforms:

- Wages vary depending on workers’ employment status and whether they work on a weekend or weekday, even for the same platform in the same country. This is exacerbated by high competition in online contests to access jobs, which increases the unpredictability of earnings and implies a significant amount of unpaid labour related to the time dedicated to look for assignments and bidding in the contest.
- The assignment of tasks, working time, workplace and work organisation is controlled by the digital labour platform.
- Workers are subjected to ratings of individual clients which affect workers’ access to future work and without a redress mechanism to challenge these ratings. The use of algorithms and ratings leads to discriminatory practices.
- Work–life balance is affected by the allocation of tasks by an algorithm, which for certain digital labour follows the logic of slot machines to retain workers at work as much as possible and well beyond their usual working time. The same applies to rest breaks with its consequent impact on safety and health issues.
- Opportunities for workers to advance their careers within platform work are limited.
- It is questionable whether platform work acts as a steppingstone or if it locks workers in.

In matters of collective representation, workers of digital labour platforms face far more obstacles to being heard and organised than workers in the traditional economy. The nature

of platform work is already a lonesome one in itself. This is compounded even more with surveillance practices whereby workers' communication is monitored in designated forums. In this manner any worker who seems to start getting workers organised collectively suffers retaliation which often results in being removed from the platform. Sometimes, platform operators allege that collective bargaining would not be appropriate for flexible work models. Practical examples of such an approach can be seen in different countries: Deliveroo denied a union recognition request in the United Kingdom; Deliveroo's resistance to workers holding works council elections in Cologne in 2018, including the dismissal of permanent staff and erasing the internal chat allowing workers to organise shifts; the rejection of UBER France since 2017 to open up negotiations with the union platform composed of CFDT VTC/Loti - ACTIF VTC - UDCF with regard to tariffs and the disconnection process .

A study commissioned by ETUC in 2018 to analyse the opinion of platform workers regarding their working conditions, showed that these are aware of both the positive and the negative aspects of working conditions in this type of work. Nearly half of the respondents expressed that platform work has more benefits than it does disadvantages yet concern was raised across all countries surveyed regarding working conditions, mentioning they were treated "not as human beings but as anonymous production factors". Other concerns included unfair wages, lack of social protection and lack of transparency of the operations performed by the algorithms. It is worth mentioning the general positive attitude of platform workers towards unions. Platform workers articulated strong expectations as regards the (potential) added value of trade union involvement in online platform work and the provision of concrete support services for platform workers by Trade Unions.

The European Commission has stated that the sustainable growth of the platform economy requires improved working conditions of platform workers.

In September 2021, the European Parliament adopted the report "on fair working conditions, rights and social protection for platform workers - new forms of employment linked to digital development", which backed proposals from the ETUC to prevent platform companies from forcing workers into false self-employment, these being: A rebuttable presumption of an employment relationship for platform companies; the reversal of the burden of proof; the clarification that establishing a new EU so-called third status between worker and self-employed person cannot be considered; and the right of workers in platform companies to organise collectively and being represented by trade unions.

In December 2021, the European Commission published its proposal for a Directive on improving the working conditions of platform workers. ETUC welcomes the establishment of a rebuttable presumption of employment relationship for workers in platforms completed with a reversal of the burden of proof, which are the right tools to ensure an employment contract and the respect of workers' labour rights while allowing self-employed workers who are truly self-employed to be protected from the subordination of platforms. It also remains critical with other elements, like (inter alia) the limited personal scope or the vague references to the sectoral responsibilities of digital labour platforms.

There have been many attempts to undertake social dialogue actions in this challenging environment across Europe. These initiatives took various forms: social dialogue at company and sectoral level, introduction of legal regulations at national level, regional agreements, and collective actions like protests and strikes.

During the last Congress ETUC set as a one of its priorities to continue working on the improvement of the situation of workers at digital labour platforms. Some of the actions pursuant to this priority included:

- Extending similar rights and protection, as well as trade union rights and affiliation, to precarious and non-standard workers, including digital economy and platform workers;
- Preventing and curbing the development of precarious work, especially affecting female dominated sectors, in order to fight inequality and poverty with special attention to the new forms of precariousness arising from new business models (digital platforms, e-commerce, crowd work);
- Proposing a European regulatory framework to establish worker representation in platforms and fair working conditions in these companies.

This project proposal has been built as a follow-up of an action already supported by the European Commission, named “Establishing workers representation and social dialogue in the platform and app economy”. This past action set up a shared space for dialogue and experimentation involving different stakeholders of the platform economy. The purpose of this new project proposal is to continue giving visibility and support to the existing initiatives of workers’ representation and social dialogue within platforms and to trade union initiatives towards platforms through capacity building; reflect upon the setting-up of collective self-regulation practices within platforms, “charts” and “codes of good conduct” (on minimum standards, on occupational safety and health, gender equality, etc.) and raise the visibility and awareness on these practices; and reflect upon the experimentation of new modes of workers representation and social dialogue in the context of the platform economy (for example: committee of stakeholders).

The project proposal also foresees a new field of action related to the EU draft Directive in favour of non-standard workers. The project will allow ETUC to coordinate national and sectoral-level trade unions inputs, and to formulate a position into the legislative debate.

The global Covid-19 pandemic is showing the need for non-standard workers to have the same legal protection as workers with regular legal contracts. The EU and the Member States must now guarantee non-standard workers access to preventive health and safety, social protection and all other labour rights. If European governing bodies and Member States want to contain the virus effectively, all workers, regardless of their status, should be provided with guarantees for self-isolation, if need be, social distancing and other risk-prevention measures at the workplace.

The project will also explore policy responses for the thousands of platform workers who may show symptoms but chose not to stay home for fear of missing a pay cheque and falling behind on rent. Beyond the pandemic, the project will seek to establish sustainable measures on health and safety, healthcare and paid time off.

## **2. Tasks to be performed by the subcontractor**

Given the context outlined above, the subcontractor is required to:

- Develop a methodology for the research and drafting of the 12 country reports.

- Carry out interviews and/or a survey with project participants and other relevant stakeholders to feed the research.
- Develop **12 country reports**, 5 page max, in English (this means that the document should be finalised in English and require no proofreading). See more information below.
- Participate in project's events, including:
  - The project's Steering Committee meetings and collect inputs and provide updates on the research undertaken;
  - the three cluster seminars and present the relevant country reports;
  - the final Conference and present the final report.
- Work in close coordination with the ETUC project's team throughout the project.

## Country reports

The country reports must:

- Briefly assess the existing situation in the 12 target countries concerning work in platform companies, including the current legal framework, state of play of union action, and legal and social/ cultural obstacles to organising workers in platforms;
- Compare the assessment with the ETUC's and its members policy priorities and objectives; and
- Provide unions in the target country with a checklist of actions to carry out in order to achieve the policy priorities.

The target countries are the following: Austria, Belgium, Bulgaria, France, Germany, Italy, Slovenia, Spain, Portugal and a Nordic country to be decided. Two more countries will be added to the list and the subcontractor will be informed in advance.

These reports will serve as a basis for discussions in each cluster seminar and should therefore be shared with participants as drafts ahead of the meetings. The country reports will be updated by the expert to include the main outcomes of each seminar. They will be finalised in cooperation with the ETUC's project team and project participants from the concerned countries.

The reports have to be developed taking into consideration the aims of the project. For this, the subcontractor will work under the supervision and guidance of the ETUC project team and the project's Steering Committee.

### **3. Expertise, experience and skills required**

The drafting of the study requires sound and proven expertise in the following fields:

- Expertise on EU labour legislation, with a focus on the situation of non-standard workers and workers in platform companies (including the self-employed);
- Knowledge of relevant European-level policies and legislation on non-standard workers and workers in platform companies (including the self-employed);
- Experience in working on European level projects;
- Experience in working with trade unions at both European and national level.

Skills required:

- Proven ability to carry out in-depth research on EU issues and understanding links between European and national level;
- Proven research skills, including identifying stakeholders and conducting interviews;
- High proficiency in English: ability to draft documents and make presentations in English;
- Ability to work within specified deadlines and to respect budgetary limits;
- Availability to participate to meetings of the Steering Committee.

To ensure a coherent policy approach, familiarity with ETUC demands, included in documents available on [this page](#) and particularly in the following documents and material is important:

- ETUC’s replies to the [first stage](#) and [second stage](#) consultation of social partners on on possible action addressing the challenges related to working conditions in platform work;
- [Open letter](#) to the President of the European Commission Ursula Von der Leyen for an ambitious European legislative initiative on improving the working conditions in platform work;
- [ETUC Resolution](#) on the protection of the rights of non-standard workers and workers in platform companies (including the self-employed);
- the outputs of ETUC’s past project on Establishing worker’s representation and social dialogue in the platform and app economy (the [digitalplatformobservatory.org](#); and the [toolbox](#)) is important for the sake of consistency of the project results.

#### 4. Time schedule and reporting

The subcontractor will be asked to sign the contract in March 2022. The first 4 draft country reports will have to be submitted to ETUC by June 2022. The other draft and final country reports will be submitted to ETUC according to an agreed timeline, to be discussed on the occasion of the first meeting between the ETUC’s project team and the subcontractor. Exchanges with the ETUC’s project team will be planned on a regular basis to ensure a smooth coordination.

#### 5. Payment

The total maximum budget available for the fees of the subcontractor is as follows:

Contract with ETUC
<b>Main activities and Meetings</b>
<ul style="list-style-type: none"> <li>• Drafting the 12 country reports in English</li> <li>• Participation in 3 cluster seminars to present - and update, if necessary. Participation in the project’s final conference</li> <li>• Liaising with the ETUC project team, the Steering Committee and national affiliates when necessary</li> </ul>

**Total budget for the Expertise**

**30 000 € (VAT and all taxes  
included<sup>1</sup>)**

The subcontractor will be remunerated in various instalments (advance and final payment). This amount covers all fees but does not include the travel and subsistence costs for possible physical meetings.

The studies will be duly and clearly accredited to the authors. Ownership of the results and of the written outputs (including the study produced by the sub-contractor) shall be vested in the ETUC, which shall have the right of first publication. The subcontractor may use the results and the written outputs after their publication by the ETUC, quoting the ETUC as contractor and the Platform Reps project.

## **6. Selection criteria**

Bids will be evaluated against the following criteria:

- Quality of the technical proposal submitted by the bidder;
- Verifiable expertise, experience and skills (including CV) as required and described in part 3 of this call;
- Proven track record of ensuring the quality of written materials produced, both in terms of content and format (i.e. previous publications) and in the relevant subjects specified in this call for tenders;
- Financial proposal within the prescribed budget.

## **7. Form, structure and content of the tender**

Tenders must be written in English. They must be signed by the tenderer or his duly authorised representative and be perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include at least two sections:

- i) Technical proposal

The technical proposal must provide all the information needed for the purpose of awarding the contract, including:

- Specific information covering the technical and professional capacity, as required, in particular:
  - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
  - Detailed curriculum vitae of key coordinator and of the other team members;
  - A selection of the main works and/or articles published by all the experts involved, in relation to the relevant subjects specified in this tender.

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<sup>1</sup> Unless the subcontractor is exempt from VAT, VAT is always included in the total budget, also when reverse charge applies and VAT is borne by ETUC.



- Specific information concerning the proposed methodology for delivering the tasks listed in part 2 of this call for tenders.
- ii) Financial proposal

Prices of the financial proposal must be quoted in euros, including if the sub-contractor is based in a country which is not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

The maximum amount available for this contract is EUR 30,000 (VAT and all taxes included<sup>2</sup>).

Prices shall be fixed and not subject to revision during the performance of the contract.

### **8. Award Criteria**

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

### **9. Content and selection of the bids**

**This call for tenders will be published on the ETUC website on 10 February 2022. Offers must be sent at the latest on 11 March 2022 at noon (12:00).** Offers must be sent to ETUC, in electronic format (by e-mail to [lmartin@etuc.org](mailto:lmartin@etuc.org)) and refer to the “ETUC SociAll project”.

A committee will be formed comprising of 3 representatives of the ETUC. One or more members of this committee will initial the documents, confirming the date and time of each bid. The committee members will sign the report on the bids received, which will list the admissible bids and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the tendering process.

This committee will also evaluate the tenders that have been deemed admissible. An evaluation report and classification of participation requests will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

1. The name and address of the contracting authority, the purpose and value of the contract;
2. The names of any excluded candidates and the reasons for their rejection;
3. The names of candidates selected for consideration and the justification for their selection;
4. The names of candidates put forward and justification of their choice in terms of the selection or award criteria.

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<sup>2</sup> See footnote 2.