

# 03

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## TEACHER'S INSTRUCTIONS



# Labour rights regulation and the digital platform-based economy: the case of riders

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## Introduction

### Scenario.

Social inclusion and social innovation policies

### Mission.

Labour rights regulation and the digital platform-based economy: the case of riders

### Suggested time.

Students' playing: 30 minutes

Debriefing: 30 minutes

### Learning objectives.

The introduction of the mission describes how the Minister of Employment has announced her intention to regulate the working conditions of riders and other workers in the platform economy sector. This decision has arisen after a series of court decisions recognising specific riders as employees. In the debriefing, the judicial decisions opened a window of opportunity for the Minister of Employment to push her agenda on the regulation of the platform economy. Therefore, this case exemplifies the relevance of 'windows of opportunity', which can be defined as opportunities for policy entrepreneurs to push their proposals forward or to draw attention to specific problems and policy issues.

A core decision that the Minister of Employment needs to take in the mission is whether to adopt "hard regulation" or "soft regulation" measures. Worth noting is that both strategies could produce feasible policy changes, although only the first option (hard regulation) can lead to the best possible outcome from the point of view of the policy entrepreneur's goals. That is, the best possible decision for the Minister of Employment is to opt for hard regulation at first and then, to negotiate some concessions with key actors who currently oppose the initiative in order to make the policy acceptable. By contrast, if the Minister of Employment already makes relevant concessions from the beginning by opting for soft

regulation, then the policy change only leads to a small improvement compared to the previous situation.

The position of most actors is not very rigid (i.e. they are open to negotiations although with some red lines), and some of them are not monolithic (as is the case of digital platforms companies, a minority of which do not oppose the Minister of Employment's initiative), which makes a wide range of potential coalitions and different outcomes possible. This case, therefore, constitutes an interesting example of one of the most frequent strategies to modify the actors' preferences and implement a policy innovation: changing the content of the decision. Teachers may point out in class that, to be successful, the policy entrepreneur (that is, the Minister of Employment) has to carefully assess which actors possess the necessary resources to make policy innovation feasible; and then, she needs to make concessions that address some of the interests and goals of these actors.

The game is modelled on the case of a policy change in riders' labour rights in Spain. In the actual case, the Spanish Minister of Employment also promoted a modification of the workers' statute to guarantee the rights of delivery workers in the platform economy. In the debriefing session, references to this actual case might help contextualise the debate and provide further elements of discussion. In the references there is more information about the Spanish case.

### Common mistakes.

**QUESTION:** Why does the Liberal-conservative party oppose soft regulation?

**ANSWER:** The Liberal-conservative party is the most important parliamentary group in the opposition and, therefore, its initial position regarding the proposal for a soft regulation of riders' labour rights is one of opposition. Moreover, the party is interested in showing a rupture in the parliamentary majority that supports the government (with the opposition of the Left-wing party to the soft regulation) and the government being isolated. However, the Liberal-conservative party is open to negotiating the new labour legislation with the government to introduce some of its main proposals (such as the 'zero-hours contract'), so that it can be passed.

**QUESTION:** What is the difference between political and legal resources?

**ANSWER:** Legal resources refer to the actors' capacity to adopt legislative decisions. Therefore, the government and the political parties with parliamentary representation have these resources, to a greater or lesser degree. However, the implementation of a policy innovation requires not only legislative power, but also the ability to build a minimum consensus among the key social actors involved in the sector. Political resources refer, precisely, to the amount of social and political consensus an actor is able to achieve. It is not only the government and parties that possess these types of resources, but also social actors, which are very important in legitimising political decisions and ensuring the new legislation is adequately implemented.

## Issues for debate

An interesting issue to discuss with students is the difficulty of implementing new legislation. As briefly explained in the case, when the new legislation that

recognises riders as employees is approved, the digital platforms immediately try to minimise its effects and maintain the figure of the self-employed worker. How can the government deal with this attempt by the digital platforms to circumvent the new regulation? What is the role of the courts in implementing the new regulation? Teachers can raise many questions linked to this topic.

The mission presents different alternative paths to implementing a policy innovation. However, things could go a different way. The teacher may discuss with the students other possible ways for the Minister of Employment to regulate the working conditions of digital workers. For example, can the Minister of Employment approve the new regulation without the support of the main employers' association? The minister may have sufficient parliamentary support to pass a more ambitious reform without negotiating with the employers' association. However, would the implementation of the new legislation be even more difficult without the consensus with the main employers' association?

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- El cas Pirelli-Mar. (Ref. CL-2022-01)
- Instituto Mental de Santa Cruz. (Ref. PA-2022-01)
- School meals for vulnerable children. (Ref. PCUBE-2022-01)
- Artificial Intelligence and automated decision making in welfare policies. (Ref. PCUBE-2022-02)

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