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Collective Bargaining in Technology-Based Employment

Abstract: New technology has profoundly influenced the world of work. The use of technology brings advantages for all – employers, workers and their representatives – but also some risks and hazards for working people. Despite technological development, workers still need effective protection that will ensure safety and sustainable development. The legal framework for this protection, both at European and national levels, is still under construction. An important role in filling the regulatory gap may be also played by collective bargaining. Moreover, modern technologies open up new possibilities for social partners to build their capacity and organize the process of negotiations. However, collective bargaining in the area of tech-based work remains *in statu nascendi*. This article analyses the need for and the advantages of collective protection in tech-based employment, its role in improving working standards and the influence of new technology on industrial relations.

Keywords: collective bargaining, digitalization, new technology, workers

Introduction

New technology has profoundly influenced the world of work. Widespread use of artificial intelligence (AI), including algorithms, and remote communication methods (tech-based work) have been changing the nature of work and relationships between traditional actors (De Stefano, 2019). Technological development entails certain advantages for employers, workers and their representatives. However, it has also resulted in new hazards and threats, in particular for workers and trade unions. The law cannot keep pace with technological development (Davidov, 2016, p. 3; Salvi del Pero et al., 2022, p. 20); the result is an evident regulatory gap in setting up working conditions with the use of modern technologies and regulating industrial relations. To bridge the gap, various actors (including policymakers/legislators and social partners) at various levels (global, regional, national) should address the question how employment and working conditions that are strongly influenced by technology can be controlled in such a way as to prevent an imbalance between the protection of workers per se and the power of employers/contractors. A follow-up question is what roles and competences should be given to the various actors to achieve this goal. First answers can be sought in scholar proposals (discussed in the text), but also in legislative initiatives¹ and the activities of social partners (European,² international, national) undertaken in recent years (e.g. Boto 2022). In this contribution, attention is focused in particular on the possibilities and instruments that should (continue to) be associated with collective bargaining in its various dimensions.

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- 1 Artificial Intelligence Act. European Parliament legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union Legislative Acts (COM(2021)0206 – C9–0146/2021 – 2021/0106(COD)). P9_TA(2024)0138. https://www.europarl.europa.eu/doceo/document/TA-9-2024-0138_EN.pdf; Proposal for a directive of the European Parliament and the Council of 9 December 2021 on improving working conditions in platform work ('draft directive on platform work'). COM(2021) 762 final. See the latest Council's proposal: <https://data.consilium.europa.eu/doc/document/ST-10107-2023-INIT/en/pdf> (accessed on 25 September 2023). Directive adopted by the Parliament on 24 April 2024. The Spanish *Ley Rider* recognized the employee status of platform workers (Perez del Prado 2021, 1–5) while the French Law of 8 August 2016, No. 1088 (Prassl, Laulom, Maneiro Vazquez 2022, 77) and the Italian Law of 2 November 2019, No. 128 (Eurofund 2021) provided for protective measures in specific areas for workers performing tech-based work including platform work. European Parliament resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)).
 - 2 On 20 June 2020 European social partners concluded Agreement on Digitalization ('FA'), https://www.etuc.org/system/files/document/file2020-06/Final%2022%2006%2020_Agreement%20on%20Digitalisation%202020.pdf (accessed on 25 September 2023).

1. Is collective bargaining needed in tech-based employment?

New technology is increasingly used in the process of work: organizing it, assigning tasks and setting up schedules, as well as evaluating workers. Due to the use of remote communication methods, work can be performed outside the employer's premises. The use of technology may be beneficial for both employers and workers: new technology, including digital devices and tools in workplaces, may contribute to increasing productivity (e.g. increasing the pace of work) and improving work organization (e.g. a better allocation of tasks) and quality of services. Finally, new technologies may reduce the costs of work. Technology may also improve the quality of jobs and the situation of workers. Digital instruments may reduce fatigue and stress, support decision-making processes and reduce safety risks (Krämer & Cazes, 2022, p. 24; Lane, Williams & Broecke, 2023). However, technological development cannot eliminate all risks arising in the sphere of work. Moreover, it generates some new hazards and challenges which were previously absent or not as prominent (De Stefano, 2019, pp. 3–4). Furthermore, technological development contributes to the diversification of the labour market. Tech-based work is often performed either under atypical employment contracts (fixed-term, part-time or outside the employer's premises) or as a part of non-employee forms of employment (civil law contracts, self-employment) (European Council, 2023). In some member states their right to bargain collectively has been questioned (Biasi 2018; Gyulavári 2020; Ratti, 2022).

Technological development has not improved the bargaining position of workers. On the contrary, interaction with technologies may increase workers' dependency. Employers can abuse their position when setting up working conditions (Krämer & Cazes, 2022, p. 24; Prassl, 2018, p. 52 ff.). They can try to transfer some costs (e.g. tools, energy) and risks (e.g. the consequences of an inability to perform work) to workers. The same is the case for numerous self-employed people who are economically dependent on their contractors (Prassl, 2018, p. 52 ff.). Moreover, technology may boost the exercise of managerial power by the employer (De Stefano, 2019, p. 9). Some employers use algorithms in order to improve their services to users and consumers as well as the production processes also to assign tasks or evaluate performance, in a way that changes the paradigm and converts the employment relationship from *l'obligation de moyens* to *l'obligation de résultat*. Monitoring and other forms of surveillance by the employer may invade employees' privacy (De Stefano, 2019, pp. 3, 10–15; Ponce del Castillo, 2020, pp. 10–11). The increase of the employer's managerial powers entails limiting the sphere of freedom and democracy in the workplace (Davidov, 2016, pp. 81–85).

Tech-based work also entails some specific hazards to workers. It may cause isolation, insecurity and physical or mental risks (ILO, 2022). For instance, the pace of tech-based work governed by algorithms can be dangerous for workers (Barthès & Velicu, 2023). The border between working time and personal life, in particular for

those working outside the employer's premises, can be blurred (European Framework Agreement, 2020). Unfortunately, the use of algorithms does not guarantee equal treatment of workers, especially when technology is applied in a non-transparent way (Adams-Prassl et al., 2023, p. 152; Klengel & Wenckeback, 2021, pp. 159–160; Salvi del Pero et al., 2022, p. 17). As a result, the use of new technologies may lead to a deterioration in the working conditions and well-being of workers in some areas. Moreover, it can affect various fundamental rights of working people and the principle of non-discrimination, even unintentionally (see Ponce del Castillo, 2020, p. 6). The technologization of work may even entail the exploitation of workers (Prassl, 2018, pp. 68–69) and the dehumanization of work (De Stefano, 2019, p. 4 ff.). Finally, new technologies have been changing the nature of work and the skills that are required from workers; they must retrain or upskill to keep their jobs or find new ones (OECD, 2023). Last but not least, the use of technology may invade workers' privacy.

Regardless of technological change, human dignity must remain the foundation of the legal system and in particular labour law (Davidov, 2016, pp. 59–62). The law, including labour law, should contribute to the realization and expansion of the sphere of (real) freedom of workers (Langille, 2011, p. 101). The workplace and decision-making processes may not be de-humanized (ILO, 2022). The legal framework should support the development of a human-oriented approach to the integration of digital technology into the world of work; therefore, the use of technology should be controlled by humans (De Stefano, 2019, pp. 30–31; European Framework Agreement, 2020). The draft directive on platform work aims at human control and increasing transparency while using technology in employment (Arts. 6–12).

Algorithms and other digital instruments are not autonomous beings (at least for now) but rather tools used by employers; employers decide the ways in which digital instruments are implemented. Moreover, employers benefit from the use of new technologies: they improve the organization of work and may contribute to an increase in profits. At the same time, the use of technology poses certain risks that should be borne by the entity that organizes and benefits from the process (*cuius commodum, eius periculum*). The use of digital instruments cannot exclude the employer's responsibility (De Stefano, 2019, p. 30), e.g. for occupational health and safety (European Framework Agreement, 2020). The use of new technologies does not justify a change in the paradigm of the relationship connected with the transfer of costs and risks to workers, and individual workers are not able to protect themselves against abuse and hazards arising from their work environment. An intervention aimed at restoring social equilibrium seems to be necessary, and in particular, fundamental workers' rights should be safeguarded (De Stefano, 2019, pp. 4; 23–27). In that respect, the question arises what legal instruments should be used to ensure that the protection does not disrupt the tech-based economy but also efficiently supports working people in exercising their rights and freedoms. In particular, the issue of interaction between legislation and collective bargaining appears.

There is no single European model of collective bargaining. The scope of the freedom of social partners and the level of statutory interference vary. The relationship between law and collective bargaining is different in systems based on freedom of association (British collective *laissez-faire*, German *Tarifautonomie*, Dutch, Italian and Nordic models) compared to that in regulated systems, which entail intensive state intervention (Belgium, France). Moreover, there are significant differences as regards the actual bargaining position of national social partners and the coverage by collective bargaining.³ The real capabilities of social partners must be taken into account when creating adequate protection for those working with technology. Moreover, national systems differ in terms of their personal scope. A problem in this respect is the potential conflict between collective bargaining and (EU) competition law.⁴ In some countries, only employees are authorised to engage in collective bargaining and to conclude collective (labour) agreements, benefitting from ‘immunity against cartel prohibition.’⁵ However, the situation has been changing in recent years. The European Union has slightly modified its approach, aiming to open the possibility for non-employees to bargain on the conditions of work (European Commission 2022). Following this development, numerous member states have recognized the right to collective bargaining of various groups of people who perform work outside the employment relationship. Collective bargaining for non-employees, due to limited statutory protection, can play a significant role.

2. Advantages and challenges for collective bargaining as a tool in creating a legal framework for tech-based work

There are various reasons why collective bargaining may be an important element in building up a legal framework for tech-based work. Compared to legislation, collective bargaining offers a greater flexibility and proximity to the process of work, which may be particularly important when regulating new phenomena that elude traditional legal institutions.

Social partners can react faster, taking into account specific consequences of technologization in the world of labour. Moreover, autonomous standards may be tailored to the needs of specific sectors, companies and establishments (Gyulavári & Kártyás, 2022, p. 101). Workers use new technologies and are affected by their functioning every day; they understand the ways in which technology works and what consequences it may entail in their daily activity. Therefore, social partners acting

3 <https://www.eurofound.europa.eu/en/european-industrial-relations-dictionary/collective-bargaining-coverage> (accessed on 11 February 2024).

4 Raised in EU law and practice but affecting directly national law. E.g. Jaspers, Pennings, Peters (eds), *EU labour law*, section 7.5.4.

5 In a series of decisions of the ECJ from ECJ, (Albany), 1999 to ECJ (FNVKIEM) 2015).

together can come up with adequate and pragmatic solutions which on the one hand are adjusted to the needs of employers and on the other meet the interests of staff alike – flexible but fair (Krämer & Cazes, 2022, p. 9; OECD, 2023). Solutions proposed by social partners can contribute to a better allocation of tasks, increased competence development and work capacities, the reduction of exposure to harmful working conditions and, as a result, increased productivity on the one hand and the well-being of workers on the other (European Framework Agreement, 2020). Moreover, by participating in the digital transformation, workers can learn about planned solutions and present their own proposals; this will make new solutions easier to accept and may increase efficiency (Barthès & Velicu, 2023; OECD, 2023). Last but not least, resorting to collective bargaining means permeating the ongoing transformation, heavily influenced by technology and the managerial prerogatives of companies, with democratic elements (Davidov, 2016, pp. 56, 86–90). It may help to overcome the domination of those who apply technology and a lack of democracy at the workplace. Consequently, collective bargaining may contribute to a fair digital transition and a fairer society (Barthès & Velicu, 2023; Krämer & Cazes, 2022, pp. 27–28). It also constitutes the possibility to strike a balance to the various groups of workers, in particular the people working in precarious circumstances. However, the promotion of collective bargaining in the context of technological transformation faces certain challenges and limitations. Some of them are caused by a changing position of collective bargaining itself some are specific to tech-based employment.

Collective bargaining in various countries is undergoing a crisis. The processes of flexibilization and decentralization have been strengthened, at least in some areas, by the global economic crisis. The result is a decreasing number of and shrinking coverage by collective agreements. The traditional social model based on sectoral (branch) collective agreements has been endangered, in a raising number of countries (Laulom, 2018). Additional problems have been provoked by new technologies: tech-based work is usually dispersed and atomized (Roşioru, 2022, pp. 137–138, 142–144; Rotila, 2019, p. 156). Moreover, in many cases, trade unions have not yet adopted an adequate or efficient strategy of representation for the tech-based economy (Roşioru, 2022). As a result, new forms of representation (ad hoc committees, cooperatives, etc.) have appeared (Boto, 2022, pp. 9–12; Lamannis, 2023, pp. 12, 19) although till now not widespread. Their position towards employers is, however, weaker than the position of traditional representatives (trade unions), who use their experience, knowledge and resources. Another problem concerning e.g. platform work is the identification of an entity which could be treated as the employer and, consequently, as a party to collective bargaining (Roşioru, 2022, p. 143). The fundamental task of workers' representatives is to identify real employers and to encourage/force them to be involved in collective bargaining. At the same time, the lack of technology-related knowledge leads to information asymmetries between employers and workers' rep-

representatives and increases the imbalance of power (Krämer & Cazes, 2022, pp. 9–10, 25, 38).

The number of collective agreements dealing with technological issues has increased in recent years (Krämer, Cazes 2022, 35–36; Boto 2022; Lamannis 2023, 14 et seq.). However, the development of collective bargaining is not uniform in terms of bargaining level and territorial scope. Most of the reported collective agreements were concluded in large companies. Collective agreements negotiated at industry or cross-industry level are rather rare if not absent. The awareness of tech-based collective bargaining is greater in Western European countries and almost non-existent in Eastern Europe (Voss, Riede, 2018, pp. 20–21). To summarize, collective bargaining for tech-based work is still *in statu nascendi*. It does not constitute a comprehensive system and it covers only a limited number of workers in specific areas. If policymakers actually strive to rely on collective bargaining as an important element of the digital transformation, they should support social partners' capacity and promote social dialogue. However promising this approach of social partners might be, it is more likely and desirable for now that the state take responsibility for ensuring the exercise of fundamental workers' rights. If there is insufficient regulatory capacity on the part of social partners, the task to establish a legal framework for tech-based work must be carried out by means of legislation. The Social Pillar adopted by the EU in 2017 takes the same direction (European pillar of social rights, Principle 8), a tendency that has been strengthened by the adoption of the Minimum Wage Directive (Directive 2022/2041, Article 4).

3. The role of collective bargaining in tech-based economy

Social partners may support the adaptation of digital instruments so as to ensure respect for human dignity, fundamental rights and essential workers' interests, and to humanize the process of work. Collective bargaining in various areas (such as remuneration, access to professional training, career building, working environment or mental health) may contribute to abiding by the principles of fairness by protecting workers against unfair bias, unequal treatment and discrimination: a 'trustworthy use of AI' (ILO, 2022; Salvi del Pero et al., 2022). To achieve these objectives, collective bargaining could cover such topics as forms of employment, equal treatment, the organization of work, occupational health and safety, wages, professional training, and data and privacy protection. The scope of regulations and the detail of provisions may vary. Some collective agreements are called 'staircase agreements', since they provide a basic protection standard and leave the door open for further improvement (Lamannis, 2023, p. 37 ff.). Anti-discrimination provisions are among the most popular in collective agreements (Lamannis, 2023, p. 27). Another topic

covered by collective bargaining in a tech-based economy could be social insurance (ILO, 2022, p. 90).

As regards the organization of work, collective bargaining may contribute to implementing the principle of human control over technology. For instance, social partners may set up rules concerning the use of algorithms in managing workers, in particular in the recruitment process, distributing work (assigning tasks), specifying the criteria of workers' assessment, professional promotion and terminating employment relationships (ILO, 2022, p. 92; Krämer & Cazes, 2022, p. 36). The result should be greater transparency in the use of technology (Lamannis, 2023, p. 27; Ponce del Castillo, 2020, p. 11). Collective agreements may also provide for human intervention if workers disagree with decisions made with the use of AI (European Framework Agreement, 2020; Ponce del Castillo, 2020, p. 11) and may require employers to involve workers (or workers' representatives) in preparing algorithmic management and to inform them about the mechanisms applied (Barthès & Velicu, 2023; ILO, 2022, p. 93; Krämer & Cazes, 2022, p. 36). Another topic affected by technological development is data and workers' privacy protection; collective agreements may deal with the principles of using monitoring, cameras, etc. (ILO, 2022; Krämer & Cazes, 2022, p. 36), including the use of cameras in teleworking as well as specific standards on the 'processing of personal data of employees' (European Framework Agreement, 2020).

In the absence of an appropriate legal framework, collective bargaining has a key role to play in ensuring safe working conditions for workers. Social partners may identify hazards in a tech-based economy (not always identified by the law), in particular in the area of human physical integrity and psychological safety challenged by new technologies (European Framework Agreement, 2020). Collective agreements may provide for procedures aimed at verifying technologies (and making changes if they work in an inappropriate way) (Barthès & Velicu, 2023), other preventive measures or 'alert and support' procedures, as well as guidance addressed to employers and workers (or their representatives) (European Framework Agreement, 2020).

A relevant topic of collective bargaining, also for those who are not employees, is working time. Collective agreements may clarify the concept of working time or the time for which the worker is entitled to remuneration, e.g. the waiting time of delivery riders. At the same time, minimum working hours can be guaranteed to limit the risk borne by workers (Lamannis, 2023, pp. 42–43). To prevent overload, a maximum number of services (e.g. deliveries) per hour can also be provided for. Collective agreements may also protect the workers' right to be disconnected, contributing to real exercise of the right to be offline and restoring the boundary between work and private life (ILO, 2022; Lamannis, 2023, p. 27). Furthermore, collective bargaining allows for the development of various forms of flexi-time (ILO, 2022): variable working hours, working-time accounts or longer reference (calculation) periods of working hours. Thanks to the involvement of workers' representatives, flexible working time

can be implemented in a reasonable way. Working-time provisions may contribute to a better work–life balance (Voss & Bertossa, 2022, p. 16).

Next, collective bargaining can adapt rules about pay to the characteristics of technology-based work, which is important due to the lack of balance in bargaining power. To protect workers' interests, time-based remuneration may be implemented, instead of piecework pay (Lamannis, 2023, p. 43). For instance, collective agreements concluded for platform workers provide for hourly minimum rates, bonuses and allowances, taking into account such factors as difficult working conditions or night or weekend work (ILO, 2022). The Italian Law No. 128 requires collective agreements to be concluded for platform workers who are not employees for remunerated night work, weekend and holiday work, and work during unfavourable weather conditions, which should be at least 10% higher than the standard pay (Eurofund, 2021). Social partners may also guarantee that workers do not bear the costs connected with the performance of work (tools and equipment, electricity, the internet, etc.). Collective agreements may oblige employers either to reimburse workers or to pay them lump sums for the use of private tools.

A key element of digital transformation is professional training. Social partners should focus on high-quality and effective training, understood as training responding to the identified needs of employers and workers. They can also specify the skills and qualifications relevant to specific jobs and sectors, including identified future skills and qualifications. Training programmes should prepare workers to use new technologies, as well as to reskill and upskill and to improve their employability (Barthès & Velicu, 2023). Potential topics of collective bargaining are, *inter alia*, preparing training plans and strategies, financial support, the numbers of hours for training, special bodies and procedures dealing with training and the principles of apprenticeships and traineeships, as well as the certification of skills (ILO, 2022).

Since technological development entails the liquidation of numerous, usually low-skilled, jobs (see OECD, 2023), collective agreements may also improve the stability of employment and increase workers' employability. The idea is to mitigate the consequences of restructuring enterprises and to enable workers to find further employment. Collective agreements may provide for procedures intended to inform workers about technological changes and to prepare them for restructuring (e.g. by organizing professional training aimed at reskilling). Some collective agreements provide for special bodies (committees) to deal with adaptation processes (ILO, 2022). Social partners may be involved in creating new jobs, and collective agreements may also mitigate redundancies treated as a last resort (Voss & Bertossa, 2022, pp. 13–14).

Despite its social importance, collective bargaining in a tech-based economy encounters some legal obstacles. In some jurisdictions, the right to collective bargaining for tech-based workers who are not employees (i.e. self-employed, formally independent contractors) has been challenged. Although the right to collective bargaining by the self-employed has been recognized by the ILO and the Council

of Europe in EU law, it has been confronted with economic freedom and competition law (e.g. Deskalova, 2021; Gyulavári, 2020; Jaspers, Pennings and Peters 2024). This confrontation may lead to restrictions on collective bargaining for non-employees. There are various ways to resolve the problem of collective bargaining for tech-based workers. First is to recognize an appropriate (e.g. employee) legal status of tech workers either by law, as for example under the Spanish *Ley Rider* (Perez del Prado, 2021), or by case law, as in Great Britain⁶ or in the Netherlands⁷. Second, there is a tendency towards recognizing the right to collective bargaining of some groups of the self-employed or other non-employees, e.g. working in conditions similar to employees and who are economically dependent (European Commission, 2022). In some sectors (e.g. platform work), collective agreements have been already concluded for all workers (e.g. delivery riders), irrespective of their legal status (ILO, 2022). In other cases, existing collective agreements have been extended to workers without employee status (Lamannis, 2023, p. 21).

4. The influence of technological development on unions' activities in collective procedures

Technological advances offer new opportunities for the development of collective bargaining.

Technological advances can be used in both building the capacity of social partners (in particular trade unions) and developing social dialogue. However, the chance is often a challenge for trade unions. They frequently find themselves at a crossroads, necessitating a metamorphosis to enhance their appeal and accessibility to the modern workforce (Unterschütz 2019, pp. 226–232). The concept of a 'smart trade union' has been discussed and implemented (Roşioru, 2022). The modus operandi of contemporary labour associations ought to be multifaceted, mirroring the intricate mosaic of today's employment paradigms and business structures. Trade unions may use technology to reach potential candidates, to attract them and to organize union activity (Krämer & Cazes, 2022, p. 37). However, while certain associations endeavour to adapt and navigate through this novel paradigm, others remain in the exploratory phase, searching for innovative solutions (Roşioru, 2022, pp. 136–137). To protect workers; rights in tech-based employment trade unions have to adopt strategies and

6 Supreme Court Supreme Court of the *United Kingdom*, 19 February 2021, (*Uber BV v Aslam*). UKSC 5 (75). See about this case J. Adams-Prassl, *Uber BV v Aslam*, *Work relations ... cannot safely be left to contractual regulation*, *Industrial Law Journal*, Vol. 51, No. 4, December 2022, p. 955–966.

7 Supreme Court The Netherlands 24 March 2023, (*Deliveroo*). ECLI:NL:HR:2023:443; High Court Den Haag 9 July 2013, (*FN V Kunsten*). ECLI:NL:GHDHA:2013:5381; High Court Den Haag 1 September 2015, (*FN V Kunsten*). ECLI:NL:GHDHA:2015:2305.

operation methods adjusted to technological development, e.g. by identifying entities being real employers and by enforcing them to be involved in collective bargaining.

Furthermore, technology may transform collective bargaining procedures to make them more efficient and user-friendly. Digital instruments may serve as effective catalysts for intra-union activities, including articulating and developing strategic blueprints for negotiations. Next, they may facilitate contacts between unions on the one hand and employers and their organizations on the other (Krämer & Cazes, 2022, p. 40), convening meetings and other forms of social dialogue and negotiating and concluding agreements. A plethora of specialized software platforms offers many ways of facilitating discussions and meetings. Organizers today are able to fix engagements in a way that notifies participants instantly, with the proposed appointment seamlessly integrated into digital systems found in mobile devices. These programs are characterized by the ease with which they can facilitate discussion and the documentation of developments. Modern electronic platforms also enable the automatic generation of meeting transcripts, attendance records, and secret ballots. Workers such as platform workers may also use new technologies to organize industrial action in a way adapted to the nature of their employment (Rotila, 2019, pp. 176–178). For example, in some cases, delivery riders, rather than stopping work, refused to accept or execute orders processed by a platform. Spatial and temporal constraints, traditionally seen as impediments to discussion, are mostly removed with the advent of state-of-the-art remote communication. Meetings with stakeholders can now take place irrespective of geography or time differences; even when there are significant time lags, the use of remote connectivity can ameliorate the problem.

However, the implementation of technology in collective bargaining is only at an early stage. It is rather a challenge and future chance than everyday life of industrial relations. The first successes in using the technology reveals the possibilities but have not change the reality of industrial relations to a greater extent.

Conclusion

Technological development has brought some opportunities for all: employers (organizing the process of work), workers and their representatives (applying technological advances). At the same time, the technology deepens some existing problems and brings new challenges in the work environment. Technology increases the dependency of workers (technological domination and surveillance), may limit the sphere of freedom and democracy and entails some physical and psychological risks for working people (blurring borderline between work and privacy). Despite technological development, workers still need effective protection that will ensure their safety and sustainable development.

Both legislators/policymakers and social partners have a crucial role to play by creating an appropriate legal framework adjusted to the reality of tech-based work. In order to ensure effectiveness, optimal performance and adaptation to the ever faster technological change, it is paramount to wisely divide the work between the legislature and social partners. Flexibility of and in regulation is crucial, which means that the task may not be left to the legislature alone, as developments are too rapid. It is still the traditional responsibility of the national state to facilitate and to create the institutional structure(s) for tailored answers to the challenges and to guarantee minimum social protection or to fill the gaps that social partners are not able to bridge. Smart use of technological tools is and should be part of this strategy. Social partners should participate in the technological transition. However, their role will depend on how they adjust their structures and strategies to the changing environment.

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