

Two different solutions for delivery riders: Employees by law in Spain or employees by platform will in Norway*

Abstract

Building on Foodora's riders collective agreement concluded in Norway and on the so-called riders' law enacted in Spain which presumes the existence of labour relation between the rider and the food delivery platforms, this paper compares the influence of industrial relations' institutional dynamics in shaping platforms' preferences to operate in a given labour market. First, it uses statistical data to analyse the effects of tripartite and bipartite institutions in the Norwegian and Spanish labour markets' situation. This is the background for platforms' penetration and may be correlated to the solo self-employed rates. It then focusses on analysing the strategies of the main platform companies operating in each country and how these are influenced by the IR context. Despite being part of the economic side of any industrial relations system, the platform companies' approach has received few attention so far. Therefore, the comparative analysis carried out here might contribute to a better understanding on the development of platform work. The paper raises two relevant points. It claims that the degree of maturity of tripartite institutions in the sense expressed in Dunlop's *Industrial Relations Systems* (1958) rather than the strengths or weaknesses of bipartite institutions, might explain platform work outcomes. On the other hand, it suggests that the industrial relations systems of platform's origin might also contribute to drawing its business strategy and the employment terms it deals with. These conclusions need to be supported or nuanced by further research involving other labour markets and different industrial relations systems.

1. Introduction

As digital economy expands, initiatives to tackle precarious self-employment mainly in platform mediated work do also proliferate. In Austria employed and self-employed riders are covered, since January 2020, by a sectoral agreement (Hiebl 2021). In Denmark a collective agreement allowing Hilfr cleaning freelancers to choose whether they prefer to become employees or remain self-employed was concluded in 2018 (Ilsøe 2020). In Norway, the transport union Fellesbundet managed to negotiate a collective agreement with the food delivery platform Foodora in 2019 (Jesnes & Oppegaard 2020) while in Sweden the same platform and the main transport union only reached an agreement in 2021 (Westerlund 2022). On the other hand, ahead of EU's Commission proposal for a Directive on improving the working conditions in platform work¹, the Spanish government passed in 2021, the so-called riders' law² that presumes the existence of a labour relation between the platform and the rider.

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¹ COM(2021) 762 final

² Real Decreto Ley 9/2021

Labour research explains these outcomes as embedded in national Industrial Relations (IR) systems. However, comparative studies are scarce and mainly focussed on the analysis of shared features and challenges³. This paper aims to contribute to filling this gap by adopting a distinctive approach. Building on the Norwegian Foodora collective agreement and the Spanish riders' law it compares how the institutional dynamics draw platforms' preferences to operate in the labour market according to the context. Two reasons justify the choice. First, both cases apply to food delivery platforms, hence workers' required skills and platforms' business are very similar in their managing. Second, the respective IR models are well documented, making unnecessary the detailed exposure of main traits. Instead, the paper will concentrate from the very beginning on analysing the specificities of each context.

The paper proceeds as follows: second part uses Eurostat and OECD figures to compare the influence of tripartite and bipartite institutions in the respective labour market situation. According to the literature this is one of the main determinants for platform work to establish. Third part elaborates on the solo self-employed indicator to compare the institutional approach to platform work in each country. Fourth part explains the main drivers of the Foodora collective agreement and of riders' law. These outcomes are not comparable; hence the section is aimed at contextualizing each solution within its IR framework for a better understanding of how the institutional dynamics exert their influence on platform work developments. Fifth part analyses the strategies of the main platform companies operating in each country and how these strategies are influenced by the IR context. The focus on platform is a relevant factor of this paper since it has not received much attention in research despite being part of the economic side of industrial relations. Therefore, the comparative analysis carried out here might open the door to further research. Sixth part concludes by pointing at the tripartite institution as a main player shaping platform work outcomes. Finally, seventh part discusses the effectiveness of each solution in protecting platform workers in view of EU's Directive proposal on platform work.

2. IR contexts and labour market data. Tripartite and bipartite cooperation

The Nordic model of IR is characterized by strong parties with high autonomy resulting in high levels of organization and low state intervention as opposed to the Mediterranean model with weak and divided parties and high regulatory involvement of the state. However, state's participation in IR goes far beyond the regulatory activity. As John Dunlop (1958) put it, the system works in integration when the state facilitates institutions enabling cooperation among the actors.

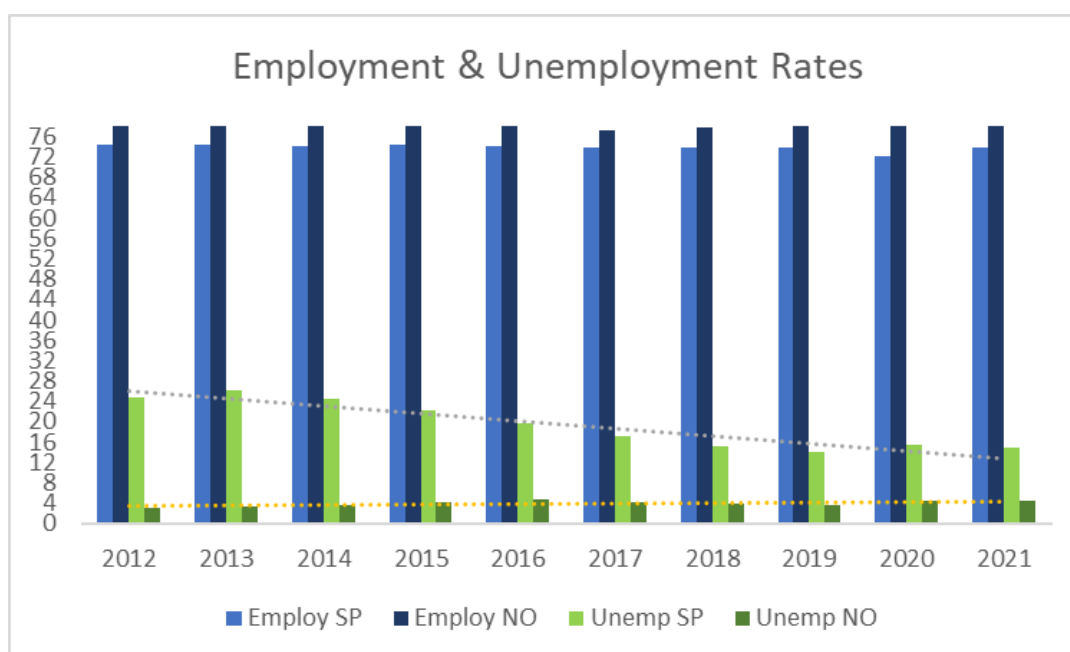
In Norway, state's involvement is higher than in the other Nordic countries (Kjellberg 2022) due to path dependency (Heiret 2012). At present, state's engagement is aimed at securing that national target are shared by all actors and are at the forefront of negotiations at lower levels (Dolvik 2016). To this purpose, the existence of different tripartite committees facilitate the coordination of macroeconomic policies, wage setting and social

³ An exception can be found in Jesnes et al. 2021.

outcomes as well as labour market policies, to easily adapt to new challenges (Nergaard 2014, Dølvik et al. 2014, Bergene & Hansen 2016).

The Spanish context is marked by the political legacy. For much of the XX century, Spain's political economy has been governed by a military dictatorship that inhibited the development of autonomous organizational interests. Economic backwardness together with weak and fragmented structures (Crouch 1993) and a strong role of the state are the main features emerging from that period and still pervade the industrial relations system (Holm-Detlev 2018). As a consequence, the tripartite institution is much less developed. It consists of the dialogue and final agreement on the matter at issue. This dialogue is subservient to the government's interests both in terms of their activation as well as for the engineering of political exchange (González Begega & Luque Balbona 2015, 5). Furthermore, the results of tripartite dialogue may potentially be flawed by the public financing of unions and employers' associations that curtails the partners' autonomy vis a vis the state.

Labour market outcomes depend on many factors, including economic policy and its integration into labour structures and planning, the degree of maturity in tripartite institution might, in part, account for the differences in employment and unemployment figures:



Source: Eurostat retrieved 25/07/2022

Even though Norway shows an increasing trend in unemployment for the last three years and Spain a decreasing trend, the background indicates structural differences among which the IR background plays a role.

As far as bipartite institutions are concerned, the normative and regulatory functions of collective agreements apply both in Spain and Norway, but the Spanish legal framework contains a statutory provision of *erga homines* effects that in Norway only applies to very limited situations. This notwithstanding Norwegian employers tend to apply the collective agreements provisions to all employees, in order to avoid unfair competence.

Collective Bargaining Coverage

	2012	2013	2014	2015	2016	2017	2018
Norway	71,0	73,0	72,0	..	70,0	69,0	..
Spain	80,1	84,6	83,4	79,6	80,8	78,9	80,1

Source: OECD retrieved 25/07/2022

Although in Spain unionization is traditionally low, the wider collective bargaining coverage is a consequence of the *erga omnes* effect. The small but continuous decline in Norway might not be linked to union density, which shows a steady trend but to the low flexibility of collective agreements making some companies to delay negotiations as much as possible (Alsos, Nergaard & Svarstad 2021).

Union Density

	2012	2013	2014	2015	2016	2017	2018	2019
Norway	49,9	49,8	50,1	49,8	50,0	50,0	49,9	50,4
Spain	17,8	17,0	15,8	14,4	13,9	13,4	13,0	12,5

Source: OECD retrieved 25/07/2022

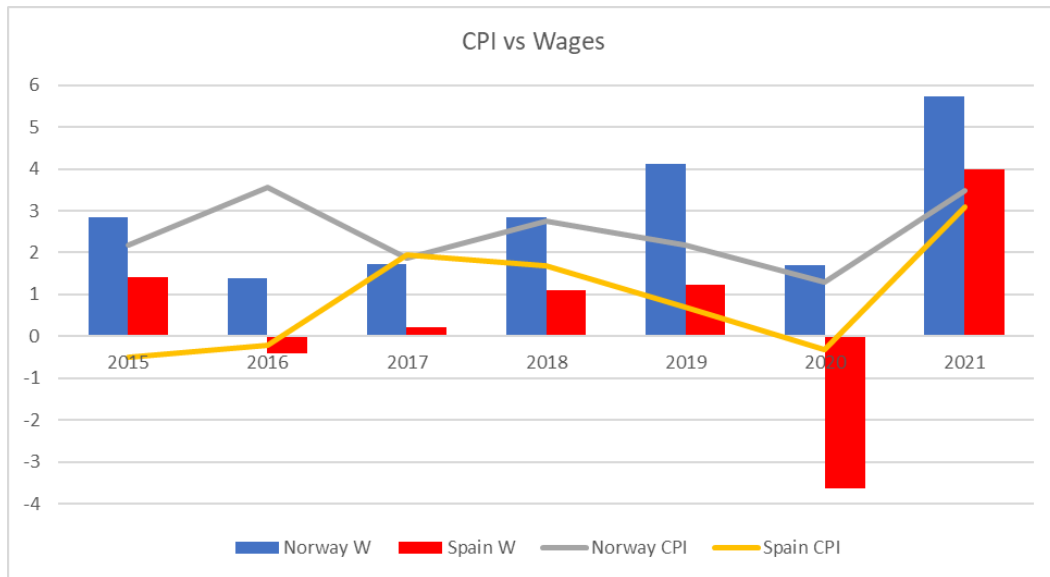
Despite wider coverage in Spain, data on precarious employment or in-work poverty point at the difficulties for the social partners to negotiate better working conditions. They also reflect the structural weaknesses of the labour market that tripartite institutions do not address.



Source: Eurostat retrieved 25/07/2022

Obviously, there are many factors that influence the above indicators as well as other indicators related to working conditions such as part-time or temporary work. The ones chosen, however, are relevant in that they provide an overall picture of the labour market in a given country. Hence illustrating the relation with the IR system.

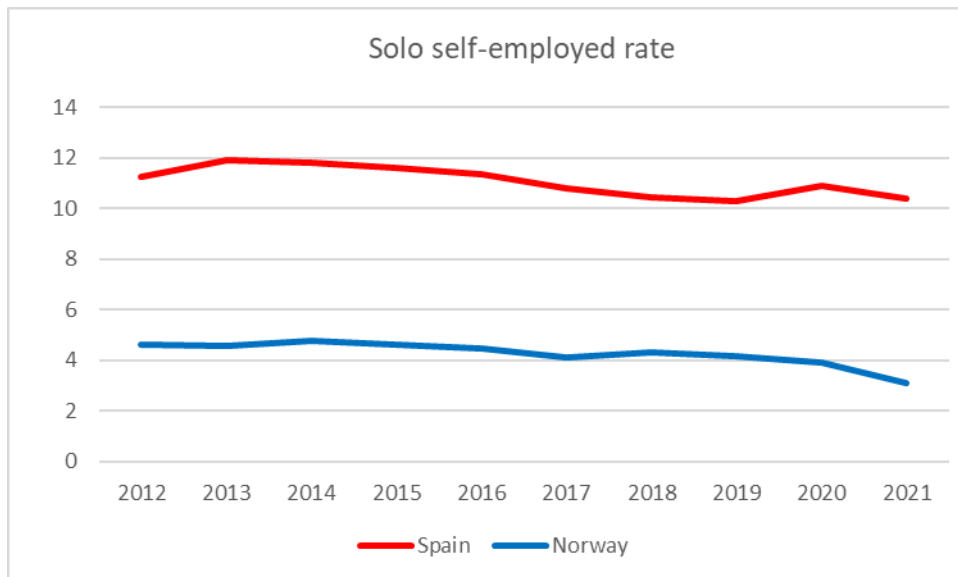
Besides the collective bargaining effectiveness, another relevant difference embedded in the IR context is the Norwegian wage setting mechanism in which the export sector leads the trend and level for wages. Contrary to Spain, no minimum wage exists in Norway, but the graph below shows that Norwegian wage formation tends to secure workers' purchase power. Conversely, neither the minimum wage nor collective agreements are balanced with inflation in Spain



Source: OECD and author's elaboration

3. Institutional approaches to platform work

Even though it is difficult to assess the number of platform workers, Urzi Bracanti et al. (2020) place Spain at the first place, with 2.6% of workers having platform as main job and 6.7% as secondary while for Norway, estimates show that platform workers are at best 1% (Jesnes & Braesemann 2019) of working age population. Data on solo self-employed show a similar pattern: the self-employment rate of persons without employees is much higher in Spain than in Norway along time.



Source: Eurostat and author's elaboration

Obviously not all solo self-employed are riders neither all riders are solo self-employed, but the above figures give an insight on the scope of platform work in each country.

As Eurofound (2018) points, one of the main reasons for workers to enrol in platform work is the lack of opportunities. Therefore, the high unemployment rates in Spain may explain the major number of workers enrolled in platform work as main job, but also the

rate of precarious employment or the in-work poverty might act as an incentive for workers to search a complementary source of income.

Delivery platforms mediate low skilled work and riders' profile seem very similar in Norway and Spain: Young men unemployed with low formation for whom delivery work is an entry to the labour market (Afi 2020, Jesnes 2019:55) to whom the platform may offer low pay for long hours. This creating a vicious circle that weakens working and social conditions and finally affects the general economic situation.

To avoid the negative consequences of platform work, the Norwegian government appointed an ad hoc committee which was commissioned with assessing the impact of platform work in the country's way of life and come up with recommendations. This a normal procedure when the government in office or the Parliament consider that a particular issue of concern deserves to be dealt with the involvement of the socio-economic actors. The committee's views are published in the NOU (Norwegian Official Report) and discussed in a tripartite commission before implementing any measure.

In this particular issue, the committee analyses the development and prospects of platform work in the country but does not identify major challenges that could significantly affect the labour market's performance. Even so, it admits that a precautionary approach is needed to prevent a potential deterioration. To this purpose the committee suggests legislative changes to clearly define the concepts of employer and employee including a presumption rule, to avoid grey areas that impair on the contractual labour relation. The idea underlying the report is that platform work must be integrated in the existing employment framework. As such, the question is not to define who the worker is, but who is the employer, and in this line, it recommends strengthening employer's responsibility in order to protect employment and introduce statutory provisions to impede circumventing the law. At the same time, admits that platform companies will rely on contractors to carry out the services and to this purpose it opens the door to ensure collective rights for the self-employed, EU competition law permitting, as a way to counterbalance the weakening of working and social conditions that platform work involves (NOU 2021:9). How and when these recommendations will be discussed and applied is not yet known.

A similar process does not exist in Spain. Certainly, in 2018 the government also commissioned a committee of experts to analyse the impact of platform work in the Spanish labour market. Compared to the Norwegian NOU, the Spanish report is for government's advice and not expected to be discussed. For that reason, the focus also diverges in that the issue is the protection of platform workers rather than to enhance employer's responsibility. Recommendations on its turn, range from giving platform workers full social security protection to suggestions on legislative measures to be adopted at EU level (Rodríguez Fernández 2018).

The focus of each report and their different purposes account for part of the institutional differences underlying the respective IR systems.

4. The drivers of Foodora collective agreement and Riders' law

Foodora platform in Norway operates under a hybrid system: part of their riders' fleet are hired as part-time employees while the other part are self-employed (Jesnes 2019). Obviously, those being employed have the right to collective representation and the right to strike. In this context the main transport union managed to organize riders and after five weeks strike the platform accepted to conclude a collective agreement to improve riders working conditions. A detailed explanation can be found in Ilsøe & Jesnes (2020: 61 ff.). From the IR perspective the collective agreement is the conventional result of collective representation regardless unions' strategies to organize difficult workers. This is even more true for the Nordic models where collective agreements are the main target of social partners. In this sense, the union acted according to its function. Bearing in mind that Foodora operates in other countries with self-employed, the relevant question is what leads a given platform to hire riders as employees in Norway, which will be dealt in section 5 below.

As most platform workers, riders in Spain are self-employed with no collective rights. The only resource to improve their working conditions was to challenge the employment status and this is what mainstream unions did. Supporting all platform riders that so wished in their claims and offering them the appropriate legal support. This manoeuvring together with the high number of riders, explains why Spain has one of the highest rates in court rulings (Todoli Signes 2020), the verdicts whereby have often been contradictory. After the mandatory proceedings before the lower courts, the final decision adopted by the Spanish Supreme Court⁴ in favour of Glovo⁵ riders led the government to enact the riders' law. The course of action as well as the final text illustrate the institutional characteristics of the IR system in Spain. First, at governments' initiative social partners were called to negotiate on the government's proposal which was amended after a tripartite agreement. However, the social partners were publicly unsatisfied with the final text while only the government appear self-satisfied mainly for a political reason: riders' working conditions have been a matter under public scrutiny for a long time, therefore the law was explained as a government's initiative that pioneers Spanish regulation in Europe.

Beyond the potential political gains, the social partners unsatisfaction is to be understood also in political terms. In practical labour terms, however, regard must be taken to their position in the IR context and the few chances for them to change the outcomes. Mainstream unions knew that they lack strength to organize riders at large scale to severely challenge the continuation of the activity. In this sense, government's intervention should be considered positive. A different explanation deserves the content of the law, which applies only to platform delivery riders leaving outside its scope all other platform types. For employers' organization delivery platform members, do represent a low share of membership, thus the sector's weight and influence is relative and mainly represented by Uber whose main business interest are drivers. For that reason, the organization accepted a law that only applies to food delivery platforms, leaving drivers outside. In a similar vein, taxi unions are quite strength and oppose the presence

⁴ Supreme Court of Spain, Ruling 805/2020, of 25 september 2020.

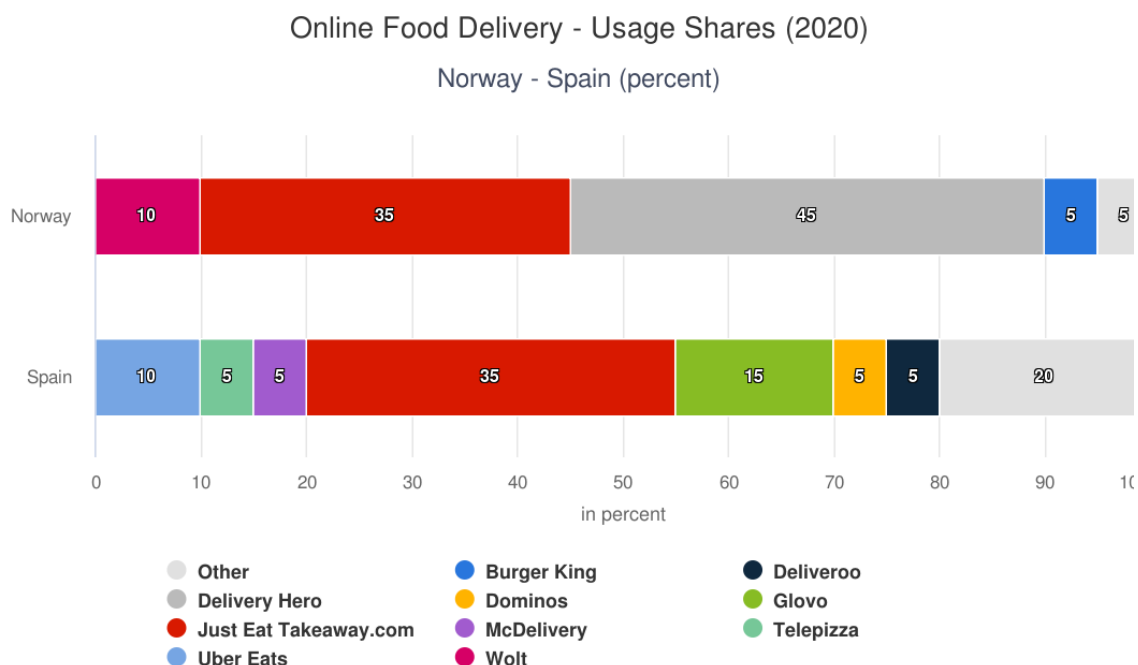
⁵ Glovo is the main delivery platform operating in Spain.

of Uber in Spain. A law that might recognize drivers as employees would seriously confront the position of mainstream unions. Conversely, riders are poorly organized and divided, hence not being a potential threat to main unions position. In short, the law reflects the split of interests at tripartite level as well as the prevalence of individual actors' interests at bipartite level. Spanish riders' law is a tripartite deal, but clearly reflects the split of interests in the IR systems.

5. Delivery Platforms: types and strategies

An IR system embeds the political, economic, and social institutions that develop in a given context. Accordingly, the degree of cooperation between the bipartite and tripartite institutions facilitate (Rahman & Thelen 2019) or constraint (Funke 2021) the growth of platform economy. In a similar vein, Seidl (2018) contains that platform economy develops by technological and social enablers. Alsos et al. (2017) show that platform companies usually operate in countries with low union density or where self-employment is more common, probably to avoid pressure from trade unions and other actors, and because in these contexts, it is easier to find regulatory loopholes and thereby expand.

At this point it seems useful to analyse the platform strategies in each country. The picture below shows the share of users by platform. The higher number of platforms in Spain should be attributed to the larger market in relation to Norway and does not necessarily correlate to the labour market situation. Instead, the strategies of the platforms operating in each context might be explained in relation to the IR context where they operate.



Source: Statista, retrieved 18/07/2022

Foodora is the main delivery platform operating in Norway since 2015. It was founded in Sweden and is currently owned by the German based platform Delivery Hero. From the beginning Foodora hired riders on a part time basis even though concurrence from Wolt

who only use contractors led the former to invert their trend by having 50% of riders self-employed (Jesnes & Oppegaard 2021). Still, Foodora employs more than 500 workers (NOU, 2021:9) for which a collective agreement was signed in 2019 and renewed in 2020.

As Jesnes points out, one of the main possible reasons for Foodora to hire riders was to avoid the risks of sanction by the authorities, pressure from unions and a wish to be accepted by the Norwegian society (Jesnes 2020:64). Another view that may be added to the precedent builds on the IR system of origin. As mentioned Foodora is of Swedish origin where the Nordic model of IR also applies. Now, the German ownership where unions play an important role, might account for the companies' strategy in Norway. In a similar view, Ilsøe & Larsen (2021) build on tax-based welfare states to explain platforms' strategies. In short, the hybrid solution adopted by Foodora seemingly seeks to comply with the Nordic model, while at the same time to reduce labour cost as much as possible. The fact that the platform only joined Virke employer's association after the signature of the first collective agreement (Jesnes & Oppegaard 2021) indicates that it did not consider itself as an employer and sought to keep aside of the IR context. Its dominant position on the Norwegian market seems not be much affected by Wolt's concurrence and might be one of the reasons that led the platform to recognize itself as a conventional employer.

Wolt is a Finnish platform which has a low share of the Norwegian platform delivery market compared to Foodora. The former claims to prize the Nordic model of work and welfare according to its web. Nevertheless, it only uses contractors on grounds of flexibility and riders' satisfaction. It is currently analysing whether a mixed system of contractors and employees would be possible. Whether this is only an advertising, or a reality needs to be seen, but the platform has been sued in Finland on grounds of employment status (Westerlund 2022). In any case, Wolt makes clear that self-employment will remain as the core model of the platform. For that reason and in order to contribute to the Nordic welfare state, it seeks to improve the security and protection of the self-employed by suggesting some regulatory changes at EU level⁶. Wolt's strategy seems difficult to understand from the Nordic perspective but less if the origin is taken into account. Finland's IR is undergoing a certain liberalisation that departs from the Nordic model (Etui 2020, Ylhäinen 2019).

Just Eat was originally a Danish platform founded in 2001. In 2020 merged with The Netherlands Takeaway. From that point in time the scoober model that the latter applied in The Netherlands since 2016⁷ was extended to all operating countries. The model combines riders as employees mainly at part-time with outsourced workers from temporary agencies, recognizing some rights to workers (Fernandez Sanchez 2021; Scacchetti 2021). Despite having an important market share, Just Eat decided to close its operations in Norway as from 1st April 2022 to concentrate in markets where it can hold leadership positions⁸. Withdrawal from Norway came together with closing Portugal

⁶ See: Wolt Responsibility at: <https://wolt.com/en/responsibility> and Wolt Fair platform Work at: https://woltwide.cdn.prismic.io/woltwide/ab36bb7a-0a54-4fe2-aa04-e57a52d27069_Wolt_Fair_Platform_Work.pdf

⁷ <https://www.unleash.ai/gig-economy/gig-economy-just-eat-workers-protections-benefits/>

⁸ <https://www.justeattakeaway.com/newsroom/en-WW/211075-full-year-2021-results> ; <https://www.nasdaq.com/articles/just-eat-takeaway-com-posts-smaller-loss-than-expected-to-exit-norway>

business which makes difficult to establish a minimum link with the IR systems or legal rules. It rather seems an economic strategy. The losses of the company together with the implementation of the scoober model in Norway would higher the costs. In Denmark the platform operates with this model, but there it has the leadership position with difference⁹. In Portugal its market share was quite small¹⁰.

In all, the fact that Wolt and Foodora are the main operating platforms in Norway at present, and they are using self-employed suggests that the IR model might be losing its influence (Ilsoe et al. 2021).

In Spain, Just Eat has a considerable food delivery market share. Current estimates place it just behind Glovo, above Uber Eats. The platform has never used self-employed contractors but employees from associated restaurants or from logistics companies. The change to the scoober model took place from 2021 onwards. It is worth noting that the platform's strategy in the country has not been marked by the IR context, otherwise it would have used self-employed contractors. Instead, it might be related to the will of differentiating from concurrence and become more sociably accepted.

Glovo is a Spanish origin company. It merged with Delivero Hero who is currently the major stakeholder. As Foodora's Norway, Glovo Spain acts under its own brand and seemingly under its own strategy. From the beginning, it only used contractors and still today, despite the riders' law being in force, the web allows for riders to choose between alternative forms: self-employed or part-time workers depending on availability¹¹ of jobs. However, the main source of work continues to be self-employed. This is creating concurrence problems with Uber Eats, but by the moment the former has not been sanctioned. Based on its dominant market position, Glovo pursues a combative strategy against implementing the law. The platform appears to have good knowledge of the IR systems ability to respond to its threats: unions difficulties to organize riders will hardly result in activity stops. Unions or administrative actions will necessarily be channelled through lawsuits and sanctions. The former is a slow process while the latter is sometimes inefficient.

Deliveroo is a British firm who relied only in self-employed. It decided to close its operations in Spain after the rider's law was enacted. Both Glovo and Deliveroo have been sued several times in court proceedings and were obliged by the Labour inspectorate to hire many of its riders. However, this never took place because the platforms appealed the decision before the courts and there have been contradictory resolutions until the Supreme Court's decision in 2020. Deliveroo's choice of establishing in Spain was clearly related to the labour market conditions and the IR context as explicitly shows its withdrawal. The company has never operated in Norway nor in other Nordic markets, showing a clear preference for liberal markets¹².

⁹ Statista: <https://www.statista.com/outlook/dmo/eservices/online-food-delivery/denmark#revenue> retrieved 27 Jul 2022

¹⁰ <https://www-statista-com.eu1.proxy.openathens.net/outlook/dmo/eservices/online-food-delivery/portugal#global-comparison>

¹¹ <https://couriers.glovoapp.com/es/>

¹² <http://uk.deliveroo.news/about/>

Uber Eats is a US based company using only self-employed in Spain. As soon as the riders' law came into force, the platform disconnected 3000 riders and now it outsources workers from logistic companies. Mainstream unions have raised a lawsuit considering the disconnection as collective redundancies. So far, Uber Eats strategy seems to be that of circumventing the law but remain in the Spanish market, contrary to Deliveroo's decision. Further developments regarding lawsuit might be an inflection point on the company's strategy. But as Glovo or Deliveroo it appears that Uber Eats' choices are directly correlated to the labour market conditions in the country of establishment. But their strategies are the same they would bring into play in their original contexts characterized by liberal economies with weak or non-existent workers' representation.

5.1 Employers' Associations Membership

The role of employers' associations in IR is often complemented with that of political actor. This happens in Norway (Alsos, Nergaard & Svarstad 2021) as well as in Spain. However, the institutional structure of IR in Spain makes both facets indissociable. Despite the conventional assumption that Nordic IR systems are characterized by strong and highly organized associations, employers' organization rate in Norway is about 60% (Alsos, Nergaard & Svarstad 2021), much lower than in Spain: 77% (Molina 2021). This organization rate in Spain provides higher strength vis a vis unions as well as influence, especially in tripartite negotiations and in policy decisions. Membership thus becomes in Spain a must. It is the way for the protection of companies' interests.

In this context, the predominant online food delivery platforms operating in Spain: Glovo, Uber Eats and Just Eat joined the main employers' organization CEOE well before riders' law came into force. At that time none of them had employees linked to the delivery activity but even so, they were admitted because the organization's by-laws accept employers as well as individuals or entities on the condition that they defend the function of employers¹³. In other words, there is no need to be an active employer in Spain to belong to the main employers' organization. This contrasts with Norwegian main employers' organizations VIRKE or NHO by-laws that require to have employees to join the organization¹⁴. In this line, Foodora Norway might have joined employers' organization since the beginning. Instead, the reasons for not doing so until the signature of the collective agreement may lie on the rules and obligation that apply to organization's members and that to some extent might constraint the ability of the company to negotiate on its own interests. Anyhow, membership means the acceptance of being a conventional employer, something that Foodora sought to avoid.

The main platforms operating in Spain did neither consider themselves as employers, but they joined employers' organization from the very beginning. When riders' law was enacted, Glovo decided to leave the organization by criticizing the lack of support received on the protection of their own interests¹⁵. This was also the view of Uber Eats, however they did not leave the organization because the main company, Uber drivers, has

¹³Art. 3.1 Estatutos CEOE – Actualización Junio 2021 (in Spanish), <https://www.ceoe.es/es/publicaciones/empresa/estatutos-ceoe-actualizacion-junio-2021>

¹⁴ See § 2 Vedtekter for Virke (In Norwegian), <https://www.virke.no/Vedtekter-Virke/>

¹⁵ La Vanguardia, 29-04-2021

a particular interest to remain inside the organization. Just Eat was the only platform within the association that conformed to the law.

6. Conclusions

The comparative analysis carried out so far shows the relevance of institutional dynamics in drawing platform work outcomes. This is more evident in comparative terms than considering each context individually. To begin with, mainstream unions' role in adapting their moves towards addressing riders' needs, this is: riders' mobilization in Norway and judicial proceedings in Spain, have been crucial for the final outcomes but have not been determinant. Platform strategy in Norway and government's political strategy in Spain have been the driving factors. In the Spanish IR context, the main characteristic whereby is low opposition to unregulated labour market practices due to the unorganized system, law was the expected solution. In contrast, the Foodora collective agreement suggested that the Nordic model is better fitted to discipline platforms' approaches to work. However, the coexistence of two main food delivery platforms Foodora and Wolt with two different employment models, questions this ability.

Most significant nevertheless, the analysis raises two elements worth to mention. On the one hand main drivers of platform work outcomes seem to be related to the major development of tripartite institutions in Norway rather than on the weaknesses or strengths of bipartite institutions. The comparative data analysis carried out in section 2, as well as the institutional approach to platform work examined in section 3 seem to point in this direction. Platform work incidence on the labour market and on the economy might not be dealt separately nor addressed only by social actors. It should be admitted that the state has a leading role among which sharing policy making with social partners in order to set national targets.

On the other hand, the analysis of platforms' strategies seems to indicate that the IR context influences platforms' decisions but in two different directions. First, in the choice of countries where to operate and second, from the country of origin. It might not be a coincidence that Foodora and Just Eat adopt a softer approach to employment conditions than Glovo, Deliveroo or Uber Eats. This appears to be in line with Ilsøe & Larsen (2021) who claim that platforms' strategies depend among other things from initial growth rate and on the country of origin. They also point at the welfare state as a factor to bear in mind. In a similar vein, Ferner (1997) already noted that country of origin was a factor setting companies' strategies. At present, probably platforms' main strategies are led by economic gains. But this would explain Just Eat's withdrawal from Norway and their continuity in Spain but does not explain why Just Eat did not use a net of self-employed riders in Spain from the beginning or why Foodora still hires riders as employees while its main competitor operates only with contractors.

Obviously, the above findings cannot be extrapolated to other labour markets or IR systems, since they are based on only a comparative sample of two systems. They need further and wider research to confirm or refute their appropriateness.

7. Discussion: do these solutions improve platform working conditions?

The IR context matters but is not sufficient to protect platform workers. The Foodora collective agreement provides better working conditions than self-employed, but it does not overcome precarious work. Nor does the Spanish riders' law. It must be noted that platforms operating in Spain are testing other resources such as outsourcing, to circumvent the law. In this sense EU's Directive proposal on improving the working conditions of platform workers might face similar issues. Beyond the debate on the pertinence of the measure, it seems convenient to use Spain as testing lab before passing the Directive.

Perhaps granting collective rights to self-employed at national level could be an intermediate alternative. Collective agreements are voluntary and more open in their content than law. Furthermore, applicability is limited to a period of time meaning that the needs of flexibility can be negotiated more often. Law might be the last resource.

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