Worker resistance strategies and union action in platform work: the case of Uber in Spain

Víctor Riesgo Gómez

Department of Sociologia I. Teoría, Metodología y Cambio Social, Universidad Nacional de Educación a Distancia, Madrid, Spain

Abstract

Purpose – The author analyses the strategies developed by workers and unions to obtain representation and the successes and limitations of the strategies, in a context of platform work such as Spanish dominated by labour relations of employee workers.

Design/methodology/approach – The empirical material is the result of a series of in-depth interviews conducted between August 2020 and September 2021 with 41 workers, 15 of them union delegates, in addition to 4 union members and a labour lawyer. From these interviews, the author obtains a detailed account of the working conditions and the different phases that unionism has gone through in its objective of obtaining representation in a completely new sector.

Findings – The author found that employment in the relationship does not solve all the problems of platform work, especially those related to algorithmic control, but employment in the relationship provides advantages such as the right to representation. Workers play an important role in union strategies.

Originality/value – This study is the first in Spain, where platform work in passenger transport includes the employment relationship as a legal contracting mechanism.

Keywords Uber, Platform work, Employment relationship, Labour union, Precarity, Algorithmic control, Qualitative research

Paper type Case study

Introduction

This article presents the results of a case study on platform work in the passenger transport sector. There is a growing body of research aimed at analysing how platforms such as Uber modify essential aspects of labour relations. We found numerous studies focussing on labour aspects that affect the platform in the United States of America (Dubal, 2017; Robinson, 2017; Rosenblat, 2018; Rosenblat and Stark, 2016), Mexico (Manriquez, 2019), Canada (Peticca-Harris et al., 2020), China (Wu et al., 2019), India (Surie and Koduganti, 2016), Chile (Fielbaum and Tirachini, 2021), Portugal (Leonardi and Pirina, 2020) and Brazil (Guerra and d’Andrea, 2021; Valente et al., 2019). However, the novelty of this case study is that the results present the distinctiveness of the Spanish context.

From the above studies, the following three types of obstacles to articulating the collective action of platform workers could be identified: First, at the organisational level, Uber refines previous organisational designs created with the aim of keeping possible worker protests away from the decision-making centre (Davis, 2016). Second, the “algorithmic management” model (Lee et al., 2015) hides a fundamental part of the rationale for reward allocation, causing insecurity and mistrust amongst workers, in addition to placing them as potential competitors...
in a market controlled exclusively by platforms (Shapiro, 2020). Therefore, recourse to protest can be perceived as a risky choice because the platform has the authority to reassign services based on uncertain behaviour patterns. Finally, entrepreneurial discourse (Rosenblat, 2018) deepens individualisation by appealing to values related to the culture of effort.

However, the Spanish platform work model for the passenger transport sector has important peculiarities. Unlike other regulatory contexts (Valdez, 2022), Spain imposed a labour model to develop the sector, but these platforms did not hire workers. The legal framework allowed intermediary companies to manage their workforce to make it available to the platforms. However, mechanisms have been introduced to limit the protective effects of labour legislation as much as possible. Thus, we can speak of false wage earners compared to the more common figure of the bogus self-employed.

An advantage of this legal framework for workers was that it allowed the presence of trade unions as valid interlocutors and recognised collective bargaining as a right. The main objective is to describe and analyse the strategies developed by unionism to take positions in a completely new sector driven by the arrival of Uber and Cabify. The analysis also considers the role of some workers in facilitating the understanding and adaptation of unions to new situations. We will see how the combined strategies of workers and unions go through different phases, depending on the contextual situation. Starting from the cohesion generated by external threats, we divided the union strategies into two options. Whilst some unions maintain collaboration with companies as the best solution, another union bloc adopts a strategy that combines negotiation and conflict to different extents.

As the method, we analysed the speeches produced during different interviews with full-time trade unionists and workers, some of whom also acted as representatives on work councils. The set of speeches came from relevant actors directly involved in the configuration of the platform work sector in Spain. The data analysis is complemented by the material obtained after a long presence in virtual chats of applications, such as WhatsApp. The discursive and expressive richness of many topics covered in this study improves our understanding. It also allowed for identifying relevant aspects that did not appear in the speeches produced during the interviews.

The next section explains some methodological details that allowed us to uncover the important issues not initially included in this research. Next, we discuss the influence of the aspects of platform work design on collective action. The relevant details that determine the market conditions in the Spanish case are explained in the following. The Results section is divided into several subsections and exposing them in this manner facilitates the understanding and analysis of the phases through which the different strategies developed by Spanish unions with a presence in the sector went through. Finally, considering what has been discussed in the entire article, the following fundamental questions have been resolved: What have been the strategies of Spanish trade unionism with regard to platform work in passenger transport? How did collaborations between workers and unions work? What are the advantages and limitations of union action in Spain? To what extent does the employment of these workers solve the threats to the objective of decent employment arising from the institutional and organisational design of these platforms?

Methodologies
The importance of openness
For the research, fieldwork was carried out between November 2019 and September 2021. We gathered 43 open interviews with different profiles directly involved in the study. These were divided into 38 interviews with 41 workers, with two workers simultaneously participating in three interviews. Of the 41 workers, 32 worked in the Madrid metropolitan area, 4 in Barcelona, 3 in Seville and 2 in Valencia (see Table 1). All experiences provide relevant information on the sector, but the focus is mainly on the Madrid region, as there is a greater
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<th>Level of studies</th>
<th>Employment career</th>
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Table 1. Drivers’ interviews conducted for the research (continued)
intensity of activity in both labour and trade unions. Of these, 15 were union delegates in their respective companies. Four interviews with union advisers were integrated full-time into the structure of the country’s majority unions: Comisiones Obreras (CCOO) and Unión General de Trabajadores (UGT). Its activities include promoting union elections and advising workers during the negotiation process. Finally, an interview with a labour lawyer specialising in the defence of workers in the sector was included.

A fundamental objective of the research approach was to conduct a contact process as directly as possible, avoiding resorting to formal institutions that would play the mediation role. This decision was motivated by trying to avoid possible biases in the speeches related to the expectations produced by the people interviewed as a result of the presence of different possible mediating institutions, whether they are unions, companies or other types of organisations. Strategies to achieve this objective were modified and adapted according to their effectiveness. Initially, trips were requested in the applications, trying to establish relationships of trust with the drivers. However, this approach did not yield satisfactory results. Ads were also placed on open Facebook driver forums with no positive responses. An attempt was made to approach drivers at different points throughout the city where they gathered, hoping to receive better services. However, Spanish law prohibits this practice, formally forcing them to circulate the city or to return to bases where they must remain whilst waiting for requests. Therefore, drivers located in these locations refused to participate in the investigation.

### Table 1.

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**Note(s):** (1) Interview conducted with two workers simultaneously

**Source(s):** Own source and elaboration
The first two interviews were conducted because of the collaboration between personal friends who provided their contacts. However, these first interviews did not allow the snowball process to begin because none of his colleagues agreed to participate in the investigation. The arrival of a severe lockdown in Spain due to the coronavirus disease 2019 (COVID-19) pandemic seemed to influence the willingness of these workers to share their experiences. This made starting the first round of interviews possible, which were obtained through responses to comments and advertisements placed on platforms such as Facebook. From this point onwards, everything became easier to do. Some interviewees had contact with workers who were more willing to collaborate. In addition, thanks to the recognition obtained from the first interviews and the publication of some research notes in the digital press, I was included in different private WhatsApp groups where these workers shared their daily experiences. The breaking of this halo of initial secrecy allows for many possible interpretations. However, it seems that the combination of more free time caused by the drop in demand due to confinement, accompanied by the discontent created by the same situation, played in favour of maintaining the initial decision to access social spaces created by these workers without mediating institutions. In this way, the interconnection with the people under study was developed with characteristics similar to those described by Christin (2020), where saturation, reflexivity and disconnection intertwined indefinitely.

The theoretical-epistemological basis used to analyse the discourses comes from a group of researchers called the “Escuela Cualitativista de Madrid” (Arribas, 2013; Conde, 2010). This ‘invisible school’ (Conde, 2010, p. 18) defends the comprehensive analysis of discourses as the most appropriate method to know the motivations of social actors, understand their social representations and observe their way of interacting with the world (Ortí, 1986). To obtain speeches rich in details that broaden understanding, it is necessary to apply an “open epistemology” (Conde, 2010, p. 19), avoiding falling into over-interpretative excesses (Olivier de Sardan, 2018). The proposals of the “sociological analysis of discourses” (Martín Criado, 2014) or the “sociological analysis of the system of discourses” (Conde, 2010), connected with the original school also highlight the need to apply open strategies to facilitate the expression of the speakers. Similar demands are found in “the ethn sociological perspective” by Bertaux (2005) or the “socio-anthropological analysis” by Olivier de Sardan (2018).

The initial objective of this study was to determine the work experiences of workers who have not been studied in the Spanish context. The presence of companies that own vehicles and licences in Spain distorts the original model. This relative novelty requires an open approach to the interview dynamics. Thus, the first interviews pursued the “exploration function” (Bertaux, 2005, p. 52). The conversations were guided by a script that was applied loosely. The topics were introduced as suggested over the course of the conversation, avoiding reproducing the logical stimulus response typical of the statistical survey (Alonso, 1998, p. 85) to bring the interview as close as possible to a “natural situation” (Olivier de Sardan, 2018, p. 26).

Flexibility and openness are advisable in any exploratory investigation, but in the case of this type of worker, they take special value. Some of their jobs are online, with limited response options required by the applications. In these questionnaires, their subordinate position is materialised, making clear that “research devices are metaphors for domination devices” (Ibáñez, 1986, p. 50). The rigid device limits the margin of expression in all cases. In addition, this one recreates the daily asymmetric relationship to which these workers are subjected. Therefore, to facilitate expressiveness, it is crucial to avoid this relationship.

Thanks to this investigative attitude, it was possible to observe the importance of unions in the process of workers’ resistance, an aspect that was not initially contemplated. Based on these findings, this question was included in the interviews. In addition, we included testimonials from full-time trade unionists in the research sample. Trust relationships were also established, which were used to access virtual interaction spaces exclusively for drivers, mainly WhatsApp chats. Thus, the amount of fieldwork material was
multiplied exponentially. Accessing these spaces enriched the analysis and understanding of their perspective on countless problems, facilitating the “impregnation” process (Olivier de Sardan, 2018).

Uber, the possibilities of collective organisation of its workers and the Spanish context

There are at least three important aspects of the Uber model regarding organisational possibilities for its workers. First, at the organisational level, the novel combination of pre-existing technologies allows for a substantial modification of labour relations (Rosenblat, 2018). Nevertheless, this can be interpreted as a readaptation of practices originating from the new neoliberal managerialism (Srnicek, 2016). A previous cycle of technological innovations facilitated the replacement of the vertical company, typical of Fordism, by the “network company” (Castells, 1997). The success stems from the network company’s effectiveness in offshoring previously fragmented production processes to low-income countries. Thus, it also gains flexibility and the ability to adapt to changes in demand, which is typical of the just-in-time model (Fernández et al., 2012). This makes removing the direct consequences of potential labour disputes from the central core of the brand possible, not worrying about the working conditions involved in the offshoring production process.

In the case of Uber, workers were delocalised from the design. The platform takes advantage of geographical offshoring, typical of the nature of the work, to implement a model that imitates the double adaptation: a network company and a just-in-time company. In addition, it applies “control over the conduits through which goods and services must flow” (Vallas, 2019, p. 53). Owing to the control over the information channels, the final step is to “externalize the risks and waiting times, expecting for the immediate delivery of the service” (Steinberg, 2021, p. 10). The conclusion is that Uber’s organisational innovation comes from its ability to combine pre-existing trends (e.g. the network company, toyotism, the retail revolution) to design a system that does not provide a space for listening and legitimation, where the organised voices of its workers could be expressed.

Second, going down the level, the management procedures applied to the labour process include a series of procedures that impede the capacity of collective articulation of any resistance on the part of its workers. Thus, algorithmic management techniques (Lee et al., 2015) impose soft control and equate workers with clients of a service offered by an application (Rosenblat, 2018; Stark and Pais, 2020). The interviewees’ accounts were peppered with personal experiences, in which the platform’s criteria for assigning each trip were inscrutable.

This is consistent with research in which the asymmetric control of information exercised by Uber is evident (Calo and Rosenblat, 2017; Rosenblat, 2018). Likewise, the price of the service is managed in an opaque way by the platform (Rosenblat, 2018, pp. 92–93). Workers travel long, empty distances to meet the demand that may not compensate for the expenses incurred. In addition, they experience the negative effect on the worker's subjective perception of control caused by dynamic prices (Van Doorn, 2020) or the uncertainty arising from the bonuses offered by the platforms in exchange for reaching certain objectives, frequently connected to the number of trips completed in each period. These design elements place the worker in a subordinate position. Workers’ income depends on several issues that are opaquely determined by the application. Moreover, all workers in a certain area compete for the most profitable services. However, they do not know the keys that allow them to achieve their objectives. Thus, from the premise of the denial of the employment relationship, Uber executes a double movement through technology: on the one hand, it increases effective control over the labour process; on the other, it avoids any job responsibility by tying wages earned to measurable performance. Thus, the effectiveness of the control procedures in the work process implemented owing to the use of algorithms becomes clear (Kellog et al., 2020).
This asymmetric control of information (Rosenblat and Stark, 2016) implies that data transparency exists only in one direction: Workers are transparent to the platform, but they only receive specific stimuli transmitted in the form of mandates (Ajunwa, 2020). Thus, they are subjected to a level of surveillance in which the limits are clearly unknown, which increases their distrust. Given that the incentive structure is insecure, and its compliance depends directly on the platform’s opaque decisions, resorting to protest can be perceived as a risky option that implies assuming some type of indeterminate punishment in the form of fewer or worse services. In this way, the individualisation of working conditions and the fragmentation of workers’ interests are naturalised. Competition occurs in the field of play, in which they do not know the exact limits. Whoever sets the rules and acts as a referee, delimits all essential aspects of the game in an opaque manner. Technology is used as an element of an integrated whole to impose values and interests in an asymmetric and utilitarian way (Howcroft and Taylor, 2022), in which algorithmic systems can be understood as control instruments that convey specific ideological preferences (Winner, 1980).

The third type of procedure to deepen the individualisation and fragmentation of workers occurs in the discursive order. As Rosenblat (2018) pointed out, an entrepreneur’s discourse is used to grant legitimacy to the mechanisms of individualisation and desalarization. Platforms try to convince their workers that they are really small owners with their means of production, competing in a free market (Van Doorn, 2020), thus hiding their own position of dominance over the springs that regulate that market. A growing number of precarious workers (Standing, 2011) have been forced to accept these conditions. With low expectations for a future job and low levels of self-esteem, this speech offers security to hold onto the feeling that they are on the way to regaining control of their career paths. High secular unemployment in the Spanish labour market, exacerbated by post-Great Recession austerity policies, seems to offer ideal conditions for this model. However, during its development, it faced some unforeseen obstacles. The following section provides important details for understanding the market conditions in Spain.

The Spanish market
In 2014, Uber launched shared-ride services between individuals in Spain, inciting protests from taxi drivers, complaints in court and official statements against a conservative government. At the end of the same year, Uber withdrew from the Spanish market. Nine months later, it ran a marketing campaign in which the company presented itself as a transformative subject. With it, they had managed to outline a “topology that describes a state of social positions” (Bourdieu, 1997, p. 49). The image of the disruptive agent that drives an unequal struggle against the established order generates a particular type of “delimiting frame” (Hunt et al., 1998, p. 232). The definition of antagonistic positions that originated at the time continued to influence many workers in the sector.

To establish themselves in the Spanish market, Uber and Cabify, a local platform that imitates the Uber model, were forced to use Vehículo de Transporte con Conductor (VTC) licences. A cascade of judgements contrary to the collaborative model (Guillén, 2018), together with a relatively protectionist legislative context in matters of transport (de-Miguel-Molina et al., 2021), it eliminated any legal possibility to exploit the ride-sharing model. Both technologies forgone outright licensing as their price grew in a burgeoning secondary market, due to relative scarcity created by imposed legal limits and interest driven by the platform strategy. At that time, a speculative bubble was generated that forced large outlays to occupy positions in the sector, expelling many small companies. As a result, at least 42% of the licences were concentrated in the hands of three large business groups (Sobrino, 2021). However, the use of extended business structures makes it difficult to determine the degree of actual market dominance of these companies, which may be higher in more lucrative regions.
The platforms depend on these licences to offer services. In addition to these licences, companies act as intermediaries, put vehicles and hire workers. This allows platforms to maintain consistency with the original model; they only provide software and advertising without owning more assets. Therefore, the intermediary companies hired most of the platform drivers in Spain as employees. Thus, in principle, the recognition of labour rights was not discussed. This hinders the effectiveness of the platform springs and controls. In a labour regime, the effectiveness of these springs is not applied in the same way as when there is no intermediation between platforms and workers. How has this problem been solved? Based on the testimonies of the workers, the following section explains some mechanisms used to force employment limits and how they entered crisis.

**Results**

**Working conditions: False wage earners**

For platform work, it is essential to recover the old piece-rate payment systems (Burrell and Fourcade, 2021; ILO. International Labour Office, 2021; Phoebe and Joyce, 2020) by introducing digital tools to monitor effective performance in a kind of digital neo-Taylorism (Altenried, 2020; Moore and Joyce, 2020). Therefore, the protection of the minimum wage and duration of the working day provided by the Spanish legislation to salaried workers represents an obstacle to their development. To force this, low salaries were offered, which could be increased by incentives linked to minimum billing. By relating wages to invoicing, the influence of the instructions from the application was again placed in the central position of the organisation of the labour process. Consent is achieved owing to the workers’ low bargaining power. Furthermore, successive labour reforms have been paving the way for the erosion of standard labour relations norms (Campos and Hernández, 2018). These workers were in the secondary segments of the labour market and were especially vulnerable to business impositions (Alós, 2008).

In the early years, obtaining the required figures for incentives was easy. A few vehicles circulated in relation to the demand for services on the expanding platforms. Incentives at the end of the month can double the salaries set in contracts. This meant accepting that the fate of the drivers was completely linked to the platform assignments, their services and their prices decided the remuneration. Relative desalarization was accepted owing to favourable market conditions. In exchange, a minimum of 60 h of connections per week were carried out. Extra time was not recognised as overtime, but it meant increasing the remuneration linked to billing.

This act carried risks. The intermediary companies acted as commission agents for the platform’s service. Control over prices or procedures for assigning services remained exclusively in the hands of platforms. Workers were subjected to soft management based on the behavioural stimuli of the digital model (Van Doorn and Chen, 2021), together with a direct management model focussed on sanctions and threats from intermediary companies. Regarding sanctions and threats, it is possible to seek legal protection, but the platform management model eludes any possible form of control.

**Overaccumulation and crisis of legitimacy**

The implemented mechanism worked whilst the number of licences was relatively low, depending on demand. The platforms offered promotions to customers with generous discounts on the prices paid to drivers. The commission was 15% and the minimum ranged between 5.50 and 7.50 euros. In the words of one of the drivers:

The volume of demand was skyrocketing. You start working your 12 hours and you don’t have time to disconnect, it was pin, pin, pin, and not like now (...). The minimum service was 7.50, and it was
pin pan pin pan. . . and what I’m telling you is that they were all the days between 150 and 200 euros minimum, but without working days of more than 12 hours, okay? And I even tell you that on weekends, I have come to bill 800 euros, 800 euros doing 12-hour shifts because it was exaggerated, okay? (Man 21)

Whilst the platforms irrigated the market with capital obtained in the investment rounds of venture capital funds, the workers achieved their objectives in the short term, obtaining sufficient income at the cost of consolidating the trap of unfavourable conditions.

However, in 2018 and 2019, this sector experienced exponential growth. The legislation placed geographical limits on each action's scope. In the Madrid region, they went from 2,652 licences in January 2018 to 8,310 licences in December 2019 (MTMAU, 2021). Simultaneously, promotions to customers fell, the commission of the platforms rose to 25% and the minimum rates per kilometre travelled fell sharply. The interviewed drivers commented on the increasing difficulties in reaching the required billing minima, spending more time driving empty or making trips at lower prices.

The decrease in profitability per vehicle and per hour also affects the income statements of intermediary companies. They increased the minimum required to meet billing targets. The management style became more aggressive, with direct pressure on workers through chats or in person. Managers used the data provided by the apps to monitor drivers in real time. Thus, this control has become increasingly exhaustive. Workers were reprimanded if they spent too much time standing at one point, if they were outside certain areas of influence and if they were not active during particularly profitable hours or days, getting caught up in a double managerial mechanism, to the soft management of the platform, hard management had to be added to the intermediary companies.

Thus, a feeling of distrust towards the transparency and neutrality of the algorithms grew amongst the drivers. All participants had anomalies in this regard. Profitable services disappeared from the application once accepted. There were low-cost trips for which one had to travel long distances to pick up passengers. Being in the heart of hot zones and receiving services outside them, the benefits of the high-demand multiplier were lost. Hours were spent circulating without receiving any trips. There were exceptionally low prices. Drivers experienced being trapped in traffic jams before being able to pick up passengers or after dropping them at their destination. The deterioration in market conditions was also evident in customer ratings. In this context of delegitimisation, all types of conspiracy theories were spread amongst drivers. For example, one of our interviewees commented as follows:

That it does not matter what I do and where I am... which I think is impossible to prove, but I think that all drivers have values assigned to us, using what concept? I do not know. The same is the image that the company has transmitted, the number of hours we do, or how guerrilla we are. This is why you have drivers who bill at 12 euros per hour, and you also have drivers who bill at 25. When 25-year-olds hear us complain, they do not understand it because, for them, this job is not so hard, unpleasant, or uncomfortable because they ride a motorcycle. And I can tell you more. There have been weekends when the people who invoice 12 have put themselves in 25, and when we have spoken with those who invoice 25, it turns out that they are invoiced. I am 35, that is, those distances are always maintained. (Man 26)

In this sector, turnover is high and everyone who finds another opportunity leaves. However, many workers have no exit options. The initial recruitment strategy of these companies consists of hiring workers of a certain age, women with dependent children attracted by flexible hours, migrants from North Africa or Latin America with few alternatives and young people with difficulties finding employment in a country with a very high proportion of youth unemployment, to complete a picture of the high availability of labour in a situation of extreme labour market weakness. The lack of alternatives and deterioration of market conditions have generated growing discontent amongst the workforce. It became more
necessary to look for collective mechanisms of pressure and resistance. Finally, the labour model allowed union organisations to articulate discontent.

The first phase of union deployment—the starting positions: Complicit collaboration

Before describing trade union deployment in a sector created from scratch, it is necessary to point out the contextual aspects of Spanish trade unionism. Spain has two major unions: CCOO and UGT, which are present in practically all productive sectors and most of the territory (García Calavia and Rigby, 2016). Both these trade union centrals and minority organisations have secular problems of low membership rates compared to other regions in Europe (Martínez Pastor, 2022), which is influenced by high structural unemployment because the moments of the greatest affiliation were reached in 2008, just before the Great Recession (García Calavia and Rigby, 2016). Much of their recognition is obtained because of an institutionalisation strategy (González Begega et al., 2018), which makes them a key piece of collective bargaining and agreement within the framework of social dialogue processes before different governments. The representativeness of the involvement in these processes is obtained through participation in union elections, forming companies or sector committees, where collective agreements are negotiated, collecting practically all the workers of each sector under its jurisdiction.

The arrival of the Great Recession meant a loss of legitimacy of the unions themselves in the eyes of citizens and affected their affiliation (González Begega et al., 2018). It was aggravated by the limited effective response capacity shown against the austerity policies implemented fundamentally between 2009 and 2013, being displaced to a certain extent from the vanguard of anti-austerity struggles by groups that emerged after the birth of the 15M movement (Las Heras and Ribera-Almandoz, 2017). This lack of legitimacy is a problem evidenced in some interviews, even amongst the union representatives themselves, accusing the stagnant and bureaucratised union structures. However, the institutional model designed in Spain for social dialogue grants a central position to trade unions and despite the criticism received, it is much easier to take advantage of the infrastructure of the already established trade union centres and use their resources than to articulate trade union platforms out of nowhere.

In this context, the strategies developed by unions involve three distinct phases. The description and analysis of each were carried out using the testimonies of delegates and trade unionists. The first phase, which we call complicit collaboration with the positions held by companies, was strongly influenced by the external conflict that affected the sector. Uber’s launch operation built a dichotomous discursive axis that conditioned all the possible discourses. The conflicts were summed up as Uber yes or no. Taxi driver associations stood against this. In Spain, this sector is organised through trade associations; it has few salaried workers and low unionisation and its influence on unions is minimal. The left-wing parties were also against Uber, as well as most of the regional administrations and the state government, possibly because they could intuit one more case of “innovation without permission” (Langlois and Elmer, 2019) characteristic of these platforms.

In favour of Uber, we find official institutions in charge of promoting competition, in addition to the business owners of licences. At these crossroads, two of the three unions in the sector joined employers in a large demonstration organised in September 2018 to defend the sector. The protest occurred during a conflict with taxi drivers, dubbed “the taxi war” by the media. The influence of this conflict on the process of identity formation amongst the members of the sector is evident. Another objective of the demonstration was to jointly address the government’s intentions to establish new legislative limitations in the sector. Following Tilly (1998), collective identities were elaborated on in relation to external events that configure political opportunity structures. In this case, the position space was
consolidated with a demonstration. Faced with external enemies, taxi drivers and the government, it was only possible to remain grouped and to reduce criticism of internal conditions, regardless of how unjust they were.

As of 2018, an increase in the number of workers has implied calls for union elections. The alignment of positions between unions and employers had immediate consequences. One of the unions present in the large demonstration took the initiative and sought business collaboration to draw up a list of candidates. As one of the interviewees said,

Once that was over, SLT (...) began to go through the different VTC companies to call elections to convince workers to allow union elections to be processed and workers to be represented (...). And there they began to choose the workers by hand, and all those who were trustworthy with the managers of the companies came out as representatives of the workers. Overnight, we went from having two representatives in Madrid to having five of... the company where I was, more than 21 who took out. (...)(Man 21)

This situation was ignored by the third union, which did not attend the demonstration because it did not appear with the employer. One of the top representatives of the sector remembered the following.

It is the workers who begin to arrive at the union with problems, and it also coincides that a lot of election notice is beginning to arrive (...). We managed to start elections, and when you choose or are preparing the campaign, you realise how difficult it is to access workers (...). It was constant harassment and demolition of people from Comisiones, throwing people down, so we do not have lists. You found that in the middle of a process, they threw the entire staff to another of the companies. They were a network of companies. (...)(Regional secretary road sector, CCOO)

Numerous testimonies from shop stewards were consistent with this account. A business strategy that seeks to control the election process of worker representatives is evident. The objective was to facilitate the establishment of a single-majority union. This union, which is exclusively representative of the passenger transport sector, maintained a close relationship with the management of the main companies. When another union attended the electoral process, the extended business structure was used to subrogate part of the templates to other firms that were controlled by a large company. Another union delegate related to it as follows:

I was looking for people to present themselves, and the candidates we had subrogated to us, with which we were left without candidates (...). when they saw that they lost, what did they say? We are going to surrogate people who could not present lists; it will look bad if they say so, but it is what they did in a society they surrogate people, and what did I do? I gave my own UGT representatives to CCOO; it is wrong to say so because they can sanction me in the UGT. (Man 20)

Finally, to conclude with a description of the initial phase, we point out how external pressure on the sector facilitates the initial establishment of alliances between employers and two of the three unions. The uncertainty and perception of the sector’s fragility justified this decision, which has been supported by many workers. When the internal situation deteriorated, an important part of the workers took the initiative and forced the class unions to revise their strategy. Alliances were established between these class unions to isolate the transport union that had previously allied itself with the bosses to control the process of union deployment, which was mandatory because of the exponential growth of the sector in a short space of time.

Second phase: realignment and stabilisation

As electoral processes continue, the situation tends to stabilise. With the cards dealt, it only remains to play each player’s game. The alliances are consolidated. On the one hand,
the employer and the union from the transport sector collaborate closely to control discontent. Possible solutions to this situation have been postponed. First, it was necessary to consolidate the majority of the collective bargaining. The union leadership interpreted that this objective would be achieved more effectively through the collaboration of companies in the pending electoral processes. This is how one of the highest representatives of this union explained it before he left.

I didn’t realise it at that time, okay? I was confident that, when the agreement came, many of the problems would disappear. Many corporate cases of abuse were going to end: Okay? So, what was the message from the Sindicato Libre? “No, we are not going to attack the companies; we are going to wait for the agreement; we have it behind the corner; we do not have representation; we need the maximum representation to see if in the future we can even sign the agreement alone, okay? Without having to be aware of CCOO and UGT,” and of course, I was overwhelmed by so many stories. (Man 21)

In contrast, class unions sought to consolidate their positions by effectively defending workers. The presence achieved in councils gives them access to first-hand knowledge of the situation in each company in the sector. Furthermore, the union delegates play a leading role in this process, pulling, as it were, a bureaucratised structure developed by these unions.

The first problem encountered by these workers when they turned to class unions was the initial misunderstanding of their situation. In the words of one of the interviewed union leaders:

When we started or we met, this is what exploded our heads: "You work for Uber." “No, I work for a company named Ares.” “And Ares for Uber, and Uber pays you, and the car is from? Ares? No, I mean, is Uber your provider then... is it your client, or what is it?" The relationship is that VTC workers are false workers because they are, in fact, self-employed. Who am I working for? For those who pay me, but that depends on who gives them the services and they value you through an application. If I have a low score, they can block me, and if they block me, I will be out of work... but I do not work for them, that is... madness (Regional Secretary Road Sector, CCOO).

In this case, the initial misunderstanding was overcome by workers’ participation. A symbiotic relationship was established, in which delegates provide information to facilitate understanding and face negotiation processes at the company level. The class unions train these delegates on their rights, advise them on complaints and other types of procedures and participate in bargaining processes at the sectoral level.

The final phase: complaint and negotiation

During the last few months of 2019 and the first months of 2020, the decrease in billing generated growing discontent amongst drivers. They noticed an increase in the number of licences in circulation. To continue maintaining previous income levels, many worked longer hours, aggravating the problem of overcapacity due to highly fluctuating demand, mainly dependent on the peaks of leisure and tourism. Furthermore, the loss of legitimacy of algorithmic procedures for organising the labour process increased. Working longer hours did not necessarily mean earning more money and the software that assigned the tasks exerted opaque intermediation between the performance and returns of the worker. One can spend days receiving low-cost, high-time-cost services or many hours without receiving any.

Looking for alternatives, a small group of workers, advised by labour lawyers, filed complaints with the courts. The objective was to obtain overtime recognition and claim payments. These workers took the initiative forward, once again pulling the class unions that did not participate directly in the denunciation. The last battle was fought to achieve substantial improvement in working conditions that would focus on recognising an effective working day. Determining whether all connected times can be understood as work times is of paramount importance.
The first favourable rulings, in courts in the first instance (Cortés, 2021), facilitated a strategy of labour resistance designed in collaboration between the union delegates and the institutional structure of the class unions. The strategy consisted of opposing working for more than 40 hours, developing in a coordinated manner and the legal backing of the unions. This meant giving up the possibility of obtaining extra income from the billing. Therefore, this was an expensive strategy that many could not afford, especially those in the most vulnerable economic situation. Even so, the decision took hold and the example spread.

In response, many companies began harassing these workers, sanctioning them for poor performance based on clauses included in contractual annexes and decisions that the courts later considered abusive. The conflict split over inside the companies and reached the process of negotiating a collective agreement in the Madrid region. The employers, together with the union that collaborated with them from the beginning, tried to include a distinction between effective working time and time of presence, exclusively considering the effective time in which there were passengers in the vehicle. Thus, the consequences of the overaccumulation of supply caused by the exponential growth of vehicles in circulation fell on workers. The agreement, including these clauses, was approved by a minority and finally rejected by the labour authority because it did not have sufficient support.

Nowadays, because of this strategy in many companies, mainly larger ones, workers can choose to end their working days when they complete 40 hours a week, giving up the possibility of obtaining the benefits derived from incentives. This right was contemplated in the last agreement approved by all parties in November 2021, which was decided after the end of the most severe measures promoted by COVID-19. In this way, it is possible to partially hinder the operation of a key piece in the mechanism of unworking labour relations inserted in the design of the platform work. Having many drivers circulating through the city without receiving a salary reduces the waiting time of the potential client and is a key to improving the image of these platforms; however, they refuse to pay for this added service.

Conclusions
This study showed how the obstacles to collective action by workers, arising from the three characteristics of the Uber model included in the analysis, also exert influence in the Spanish context. In this case, we verified how organisational fragmentation is maintained and deepened (at least initially) by the presence of intermediary companies. In addition, these platforms have the advantage of disappearing from the spotlight of workers' protests. Thus, they become invisible bosses who organise the labour process and set the profitability limits of the market. Still, their absence is naturalised to the point that no claims of any kind are contemplated towards the factors that depend on them.

In contrast, the notable advantage of the Spanish model for workers lies in the possibility of taking advantage of union structures and legally established representation procedures to reinforce and channel the defence of their rights. This also harbours risks. The model is not exempt from cooption in the above democratic process of representation, although no sector is safe from this possibility. In this case, the initiative taken by the platforms to impose a delimiting framework at the discursive level allowed the extension and deepening of the cooption process by equating the sustainability of the sector with the blind defence of the employer's interests.

It also shows how established unions improve their understanding of the phenomenon through collaboration with a handful of workers with a sufficient level of commitment to initiate the processes of resistance to the mandates of companies and platforms on their own. Collaboration flows in both directions, even overcoming the barriers of acceptance and legitimacy that plague institutionalised unionism in Spain. Thanks to this collaboration, small victories are obtained that guarantee the fulfilment of rights in disputes. The firmness
of some decisions of the workers, outside even the union strategy, provides tools to the unions to stop the imposition of the will of the companies.

The main weakness of trade unionism in this sector is the lack of initial understanding, as well as the slowness in adapting the strategies themselves to the digital managerial model inserted in the design. It has been shown that unions have answers and strategies to face the classic dimension of what we have called hard managerialism. However, everything related to digital managerialism is still outside its scope. This is a key aspect that must be reviewed by the unions themselves, especially at the level of their structure closest to solving everyday workers’ problems.

In terms of public policies, it is crucial to highlight that the simple recognition of employment of platform workers is not a silver bullet that will solve all the problems inherent in the sector. Although it allows improvements in some aspects, it is necessary to continue deepening the understanding of the fundamental aspects associated with this type of work. It is especially necessary to increase the transparency of the algorithms involved in the control of the labour process. This would improve the relationship between workers and management processes. Otherwise, the discrimination mechanisms can be hidden using their own designs. Although this discrimination does not exist, opacity generates in workers a feeling of vulnerability that can influence their daily practice and be a propitious element to repress possible expressions of discontent.

It is also crucial to promote public policies aimed at providing a legal framework for the recognition of workers’ representation rights. As a news item that appeared during the final editing phase of this article (CincoDías, 2022) shows, the result of the pressure exerted by trade unions and the Spanish government, in the framework of the enforcement of the so-called "Rider Law", has been the recognition by Uber’s food delivery subsidiary in Spain of the employment relationship it established with its delivery drivers, including a severance payment of forty-five days per year worked for more than 4,000 delivery drivers. Although the circumstances of the two sectors are different, these facts can point the way to success in the formulation of public policies.

Finally, at the methodological level, this research highlights the advantages of open and flexible designs, especially notable in the case of emerging and unstable research objects, as they allow the incorporation of key aspects that improve their understanding, as well as deepening and increasing the production of relevant data with which to make a better fit for the final analysis.

References


Corresponding author
Victor Riesgo Gómez can be contacted at: vriesgo@poli.uned.es