[What Next for Worker Rights: Lessons from the Data Frontier](#)
Notes from the session.

Anita Gurumurthy (AG).

We're focussing on a criticial issue today. On 9th Dec 2021, the EC proposed a new business model for digital lab platforms. These have many imp consequences.
The directive is a positive development. But precarity and struggle is the reality for most workers still.
These are the four points we deem important:

1. Recognition of algorithms as basis of managerial control. No way to appeal. 12 hr shifts for workers.
2. Right to explanation. For decisions by automated systems that significantly effect their working conditions.
3. Worker data rights. Should be robust legislation to protect their collective interests.
4. Fair value creation. collective bargaining is an important tool for this.

The session is broken up into three questions for which the speakers give their inputs:

Rikta:

Our work is based on collectivizing and organizing. The biggest issue right now is that these workers (carpenters...) are pretty much full time employees. But they are not considered so by platforms. They're called partners, executives. Denied guarantees like minimum wage, accident/death insurance. The most fundamental challenge is, because they're all distributed, union has been working to organize their struggles.
Because theyre not considered employees they're sometimes thrown off without giving any reasonable severance. Theres no regulation, no way to escalate issues.
The labour commission is a sitting duck. Outside of direct action, workers have no means
There's no transparency about algorithms, workers have been kicked off even if their work has been exemplary, you dont know who your manager is.
This is true across different companies. Any metric is used by an array of diff manager whose identities are not known, eg response rate, metric for the company to extract full time hours. Look at this other guy who response rate is much higher. All while maintaining the flexi narrative.
In this context, the tech systems, surveillance, with reduced pay, completely reverses centuries of struggle. Many platform companies started doubling down during the pandemic, they're so far away from current labour laws, or any kind of legal escalation, Our whole movement is based around recognition of these workers.

Paul

My focus is on garment workers. At the moment there isn't that much platformisation in this sector
It is more about the biometric data that is being stored. So you're marked for life when you're part of protest, union etc And you're blacklisted. Through tech that regulates entry into factories, iris scanning . etc.

Lucia Ixtacuy:

We created an open data platform. Collecting company data and making it accessible. To assess how companies perform on sustainability issues. Right now we don't have a specific projects

related to worker surveillance that I can talk about. We are based in berlin, Germany. Interested in what the rest have to share

Neha

I work with the society of international development, We work on public services and digitalization is something we are looking. I am more on listening mode as we dont really work on labour rights

Farzana nawaz

I've been working on labour rights in garment workers in asia. As Paul said no platformization, but working conditions data. Ilo manages platforms that collects this kind of data,about 2 years ago, we looked at how well this data reflected the actual condition in countries like Bangladesh, Indonesia. We found that there was a huge discrepancy between the 2 (data vs actual conditions). That is an area of big concern. When we think of these kinds of data platforms, that are helping suppliers purchase from developing countries, we have to be careful with this kind of data, that is an area of concern.

Reem Almasri

I am a journo and researcher from Jordan. I dont work on labour rights, but I am interested in this stuff on biometrics and algorithms. In a case when algo was used to stop a teacher strike in Jordan. There was a big crackdown on this strike. One of the mechanisms they used was to activate the biometric fingerprints to document if teachers were in school or not, and made the payment of their salaries dependent on this.

Sonakshi:

How are workers groups and unions taking up the issue of algorithmic management, and what is the role of collective bargaining?

Barbara:

I'm looking at workers digital rights in Europe. There was a successful case in Germany which gives the right to challenge surveillance by management. In the arbitration, they won the case that the performance data collected was more than needed. It is a method that could potentially be scaled up. Needs a work council to say that such data collection is unnecessary for the operation of the company.
Use of litigation: Uber and ola drivers who claimed at the court in Amsterdam. Mostly about automatic dismissals. How their rights are violated. They are using the gdpr to avail these rights

Farah Elbehairy:

I work at a2k in American university in Cairo, focussing on Middle East and North Africa, which face a lot of challenges for inclusion.

Rikta:

Adding on to Barbara, our union has been filing legal complaints on behalf of workers. Their ids are maintained despite being kicked off, I agree we need to fight many of these smaller legal cases, then we can set some precedents.

I think collective bargaining is the most meaningful tactic we have, its organically happening through the struggles of workers identifying the limitations of short-term issue based struggles. Union – companies treat them like employees when they organize collectively, economics of platforms. Piece rate work is how they exploit the max from the workers.

Christina:

In the work that we do, there are two important things. Digital literacy is low, no matter where they're from. So an important step is to understand what is data, in AI, what they are facing is "managerial fuzz". Managers dont know what theyre doing either.
There is an unclear division of responsibilities. They haven't been taught how to use the tools, or be in compliance with laws, capacity building of both sides required. With third party tools: The ones who are collecting data are hoarding all the power. Due to the irresponsibility of the manager who are deploying these systems

Sonakshi:

One part is the platform (ola, uber), but a lot of platformiztion effects traditional workplaces as well (eg factory workers)

3rd question

How can workers reimagine alternative models of platform enterprise? So that some of the power comes back to the worker

Rikta:

Our union has learned immensely from the work itfc has done on this.As a union youre always two steps ahead of the workers. It's difficult to mobilise workers data tights in the fold cause of this.

We find workers sometimes joke about creating their own platforms. More and more theyre looking toward the state, not only to bring them under the aegis of labour laws (regularization) but also as an alternative service providers. Figital platforms as state infrastructure. This is something we have been researching on, this is the future of work especially in urban places.
Gig is not only a threat to them but also to their kids. An important inflexion point. Does not stay limited to just defining the employer-employee relationship.

Nandini:

When we talk about worker data rights, algo managerial control, worker safeguards against profiling, worker getting a fair share of value from platforms, beyond cooperatives, can we create state backed platforms where the data value can respected rather than evacuated.
Data rights not a separate issue, but a foundational labour one.

Rikta: workers are asking for status quo

Christina: (responding to Nandini) how to avoid speaking of data in economic terms, value, where privacy, humanity can be traded in the market for the benefit of exchange. How can we utilise the data without framing it in an economic/tradeable language?

Anita:

I think the answer is in how to separate monetization from value creation. Qs of social and public value.Questions about the economic value of data with the platforms being the elephant in the room but your caution (christina) about seeing data as not just tradeable, but in terms of fundamental rights, is important.