



ELSU Submission to the Enterprise, Trade and Employment Committee's
Discussion on Platform Work
Houses of the Oireachtas, Dublin
9.30am Wednesday March 6th 2024

We thank the Enterprise, Trade and Employment Oireachtas Committee members who contacted us to request this submission ahead of your committee's vital discussion on Platform Work.

Next Monday, March 11th, there will be one final attempt, in this legislative cycle of the European Parliament to arrive at an agreement that could finally result in an EU Platform Work Directive.

Very little public and legislative attention has been given to the significance of this for all Irish workers, partially because the majority of those who could be currently described as "platform workers" in Ireland are non-native English language speakers, who are less likely to know and defend their rights, are less likely to be registered voters and/or paid up members of a traditional general union. This is an international, Europe-wide trend, so not limited just to Ireland.

At our recent meeting in Brussels, when hundreds of platform workers' groups and unions from across the world came together to discuss the challenges faced by platform and click workers, this was one of the common themes. This has seen newer, smaller, specialist, ad-hoc unions and solidarity groups emerge to fill the void left by unions who seem to expect a pro-forma approach to organisation to be applicable and transferable to an emerging, culturally and linguistically demographics, who do not share a traditional shop floor or common language.

The out-going/former head of one of the general unions in Ireland and the UK repeatedly stated that the reason why no resources would be given to organising such workers here under their watch was because, theirs was "a workers' union and not a students' union", despite the fact that it is patently obvious to anyone with eyes and a heart, that those who are most exploited on our streets today are non-European students who need to work as much as possible in order to survive.

There may be latent racism involved as well as the calculation that these are not "bankable" union membership candidates due to the high turnover and short legal stays associated with those engaged in such work, hence an unlikely conspiracy of exploitation arises between government, platform companies and the established unions who for at least a decade have been hedging their bets on the sector instead of being multi-lingually proactive. This results in leadership being assumed by migrant groups and their voluntary inter-lingual allies, such as the Brazilian riders in the UK who led the two recent delivery work strikes on the 2nd and 14th of February, the latter which we joined in with here in Ireland.

Though the workforce is indeed often transient, the work and management practices associated with Platform Work are "here to stay" in the words of our own Taoiseach Leo Varadkar, who has predicted a great expansion of platform work into new sectors right across our society. Therefore the terms and conditions associated with that work are incredibly important to every single citizen, worker, voter, candidate and party, whether they realise this yet or not.

In our March 2021 meeting with the current Taoiseach, he and his officials claimed that they had not previously been aware of the fact that most of the individuals who do this platform work, at least in the delivery sector, were not either Europeans nor Stamp 4 visa holders and that the sub-rental of these delivery accounts is absolutely key to the business model of the likes of Deliveroo, UberEats and Just Eat. These companies get away with paying workers in the sector way below minimum wage because they are well aware that they are providing a way for those here on Stamp 2 visa permissions to circumvent the out-dated



restrictions on legal working hours of 20 hours a week as they have very few other options when it comes to making ends meet, leading them to working extra hours for way less than minimum wage.

It must please be accepted by all Oireachtas members that there is no way of surviving in Dublin or any other Irish city on just 20 hours of legal work a week. That's a maximum legal income of €254 weekly on minimum wage, out of which Stamp 2 visa holders are supposed to pay their €600 (average) rent, their food, their tuition and also save up for their follow on third level course once their two years of English tuition is complete, at exorbitant non-EU rates. That money needs to come from somewhere. Such legislative knowledge gaps only happen when Oireachtas members fail to engage with those whose fingers are most on the pulse, whether by accident than by design.

Your meeting this morning is very important, but the failure to include those with the most experience at the coalface of platform work here in Ireland means that we will now all be playing catch up at best, instead of helping each other to get ahead of the curve.

There seems to be a great reluctance on the part of the Irish Government to accept that their current rules around the ELE sector are pro-actively pushing law-abiding new recruits from abroad into cowed guests of the nation who have no other choice but to flout the terms of their visas if they are indeed to survive here. The objective and metric for success of the ELE schools and the DFHERIS is exponential growth of that sector, however it is becoming increasingly obvious that we are recruiting people to come to Ireland only to experience extreme poverty, including food poverty and the types of living conditions that are an agar jelly for exploitation, abuse and racism.

These hellish outcomes are effective government policy for as long as they refuse to agree capacity and regulate either sector. The Irish Government should decide what our national capacity is for both students in the ELE sector and delivery accounts active in the state. Outsourcing that responsibility to narrow private interests is a recipe for disaster that turbo-charges the race to the bottom. Right now, it's a completely hands off, laissez-faire, let-the-market-do-what-the-market-wants-to-do, greed is good and the suffering of thousands doesn't matter, approach to how platform work and the ELE sector intersect here in Ireland. There are frequent accidents and deaths that happen in the communities affected by this unholy alliance that go unnoticed by the media and public. Under-reporting of crime, as well as Garda in-action are compounding the problem.

At the end of the Valentine's Day Strike I personally witnessed three men in balaclavas come up to a group of riders on O'Connell Street and demand the deletion of a video that showed the location of an Elephants' Graveyard of stolen bikes with the threat of violence and future retribution. I personally called 999 and reported what was happening at the foot of the main street of our nation's capital and waited for up to an hour afterwards and no Garda ever came. It seemed that as soon as the Garda on the other side of the line found out that it was delivery riders who were being threatened it immediately dropped down the priority list.

One of the riders who was threatened at that moment told me that his preferred place to wait for orders was right there because he heard that Daniel O'Connell was our emancipator, and he felt safer in his shadow. He was not safe that day, no rider is safe any day in Ireland and it seems we always have to wait for a Thiago Cortes, or a Josh Dunne, or a Joao Ferreira or a Caio Benicio situation before our elected representatives say they will get involved and do something, they call us for a day or two, and then interest fades again until the next time blood is spilled on our streets. This is the sad reality and you know this is true, we've been doing this tragic dance for years now.

At the moment, in its current form, platform work represents a return to feudalism in Europe, this time controlled by AI, algorithms and off-shore hedge funds instead of lords and kings, cyber-serfdom if you



will. With no government or human oversight, platforms can at any given moment, access and weaponise real time data from thousands of workers, either online or offline and manipulate the supply and demand of workers so that there is only ever one outcome, ever-decreasing pay for an ever-increasing amount of time spent working.

Though we now have rules that protect employees from being contacted by their employers after they finish their normal working hours, no such protections exist for the thousands of platform workers in Irish cities who feel they need to work every waking hour in order to survive life here as the cost of living increases and payments continue to drop.

Riders who are attempting to get to sleep, take a day off, attend class, spend time with their friends or loved ones, or indeed go on strike or engage in collective action are constantly being bombarded with pop-up prompts, incentives and even threats to remain available and work as the platform wants them to work, always for less and less pay. Think of the worst type of Instagram or TikTok addiction and add the element of economic survival and the algorithmic conditioning of the most precarious and vulnerable members of society and you might begin to imagine just how dystopian life has become for thousands of workers here in Ireland and millions across Europe.

During the Valentine's Day strike, ELSU voxpopped some of the hundreds of riders who travelled from the GPO to Leinster House to demand better pay and treatment by the platforms. One of the most poignant answers to the question of "Why are you protesting today?" was from a Brazilian rider who heart-breakingly remarked how he came from a family that only escaped slavery in Brazil a couple of generations ago, yet now he feels that he was currently being actively enslaved by platforms here in Ireland again himself.

This is not an exaggeration, the regression associated with the current practices of Platform Work go against the entire trajectory of European history since the beginning of the early modern era. When workers feel that they do not control the number of hours they need to work in order to survive, or the payment they receive, it is effectively a new form of cyber-serfdom that we are allowing to take root here in the Irish Republic in the 21st century. That's on you, if you are a member of the Oireachtas, I'm very sorry to say so, but this is happening on your watch. Cyber slaves are cowering, come rain, wind or shine in the shadow of our very own O'Connell.

This Valentine's Day, hundreds of delivery workers attended protests and actions in different Irish cities hundreds more stayed at home and took the opportunity for a rare, needed and well-deserved day off in conjunction with their counterparts in the UK and elsewhere on that day, there was fantastic support from the Irish public, media and from some politicians. Riders really appreciated the public's sympathy and support, thanks to the media for doing such a good job at relaying their messages. Another pertinent message that people responded to was the fact that Deliveroo charges our local restaurants a 35% commission, while only charging McDonalds and Burger King 10%. That's another example of how these platforms represent a public health risk as well as an assault on Main Street.

This sort of national Irish conversation was something that London-based Deliveroo had to try to immediately destroy and undermine through lies, intimidation and threats. In the days immediately after the very successful strike, Deliveroo baselessly accused riders in Ireland of "physically preventing" other riders from collecting orders and of "tampering" with their vehicles. It then said that accounts of those suspected would be deactivated. This was a particularly malicious move, there were zero examples of protesting riders preventing other riders from collecting orders in *any* part of the Republic of Ireland. The subtext of this email was, if a worker dares stop work for one day to protest payments dropping by over 50%, then Deliveroo could deactivate that account, an account that is normally rented from someone else, so there is double the pressure on the worker to put up or shut up.



This is the sort of gas-lighting and coercive control that Deliveroo tried to exert on the riders who stood up for workers' rights here in Ireland on Valentine's Day. These companies need to be fined by the billions for this sort of verbal, emotional and economic abuse of our non-native English speakers and this is where we need legislators and unions to apply pressure, for a start.

It is the equivalent of a slave that tried to escape the plantation, upon being recaptured, having their hamstrings or Achilles' tendons cut in full view of other slaves to ensure their obedience. This is the type of platform economy we are allowing these Bermuda and Cayman Island-registered Hedge Fund controlled Platform Giants to build here in the Republic of Ireland and across Europe if we fail to regulate them as soon as possible.

The other form of coercive control, is reminding these platform workers how replaceable they are, in the past couple of weeks, delivery drones have been trialled in Dublin 15. Our feedback from the Irish public is that there is not consent nor appetite for a dystopian urban landscape where the same inanimate forms that are threatening and taking lives in the Gaza Strip be welcomed to our streets to replace the only type of work that is available to thousands of our society's members.

From our experience and feedback, the Irish Public support dignity and proper pay for all kinds of work here and value the human interactions that are essential to social cohesion and our collective emotional and mental well-being. We call on Oireachtas members to support the right of any member of the Irish public to disable and safely remove any drone that replaces anybody's job, infringes in any way on our livelihood or peace of mind, from our skies just as farmers are entitled to do. No consent has ever been given for such technology to be allowed to be given free reign in any part of our Republic and such automation must be rejected, resisted and placed in the recycle bin.

We have a number of capital infrastructure projects that could benefit from the transitioning of those currently under the yoke of abusive platform work into the training and employment associated with achieving our national housing and other such objectives. We need to be offering training courses and contracts to those who want to be part of our national revitalisation, I know elected members of both Fine Gael and Sinn Féin who agree strongly with this, it only makes sense. Let's please get something done.

After our March 2021 meeting with the current Taoiseach, one of the delivery riders who personally spoke with Leo was very soon afterwards physically attacked, and threatened to such an extent that he was forced to disavow his activism and flee Dublin in fear of his life. Leo has yet to respond to this, but no matter what our political views are, it is unacceptable that someone can meet the Minister of Enterprise, Trade and Employment to discuss how payments were in free fall and within days be beaten up and mortally threatened. This cannot be permitted and must be pro-actively punished.

It is known that Uber actively recruit from CIA and other intelligence community veterans and Deliveroo's shareholders have explicitly called for financial inducements to be paid to parties and politicians that do their bidding. In this regard, Platform Work, in its current form represents a threat to our democratic institutions as well as a quantum leap backwards in terms of the labour conditions of millions of workers in Europe. The current behaviour of Uber and Deliveroo represents an attempted Coup D'état in the EU and the member states, an assault on all citizens and workers. Again, this is, unfortunately, no exaggeration.

Platform companies that behave as described above must be treated like the anti-democratic slavers they are. They must be treated like political pariahs and the only engagement between them and ourselves should be when workers, legislators and unions demand their regulation, accountability and replacement by alternatives that better suit both workers and restaurants alike.



We call on Irish and European legislators and unions to support all efforts to claw-back and fight for a Platform Work Directive that places the well-being of workers before the private interests of Platform Giants and their hedge-fund backers in Brussels next Monday, the 11th of March. Macron has made himself vulnerable by his continued support for these companies despite what was uncovered by the Uber Files, as have the other members of the German coalition by hiding behind the failing FDP, as have the Estonian government exposed themselves as being extremely compromised by their position vis-à-vis the EU Platform Work Directive, constituting a “blocking minority”. This must all be thoroughly investigated, and it will be.

A failure to reach an agreement on the directive next Monday will result in ethics investigations at European and national level as it becomes increasingly obvious to more and more voters across Europe that Uber and Deliveroo have been every bit as manipulative as Qatar was found out to have been just before the last World Cup.

Senior heads may well roll and criminal investigations into the illegal lobbying practices of Uber and Deliveroo will have to be conducted by Europol and national police services if indeed we allow private interests keep millions of our workers in such dystopian precarity instead of proper regulation of Platforms, which is so obviously in the public interest.

It is guaranteed to become a much hotter political topic between now and the European elections as parties from both left and right are becoming increasingly vexed and outspoken about the negative effect we are allowing these faceless companies to have on our societies. They are explicitly attempting to replace the traditional and well-established norms associated by the relationship between worker and employer or business owner. Until now there has always been some sort of accountability, something they want to destroy forever as more and more sections of our society are actively enslaved by AI and algorithms as we have seen here with delivery riders. ELSU recommends that Irish parties, politicians and candidates of all political persuasions ensure that they are recorded as being on the right side of history, without delay.

The silver-lining, from the Irish perspective, is that our current Government has finally got off the fence and supported the draft EU Directive, this is welcome and we ask all Oireachtas members to make sure that regardless of the outcome of next Monday’s last ditch attempt to reach an agreement on the EU Directive, that there will be absolutely zero delay in legislating nationally on the basis of that provisional agreement. We ask for your support for a national €5 minimum payment per delivery.

We thank SIPTU, Social Justice Ireland and Eurofound for their submissions and thank the Oireachtas members who have engaged with riders through us since 2020. We strongly encourage everyone to get around a table soon to discuss what the challenges are and how do we overcome them together. The essence of our Irish Republic and European Union is at stake and minimising the threat currently being posed must become yesterday’s game. Oireachtas members, unions, workers and others who want to request any further information are welcome to get in contact via email on info@elsu.ie

Here is a link to the agreed statement from the hundreds of platform workers representatives who met in the European Parliament on the 21st and 22nd of February, we encourage others to email contacto@ridersxderechos.org so they can add their organisations’ names to those in support and adopt this as our common position ahead of future negotiations:

<https://braveneweuropa.com/the-brussels-appeal-proposal-from-the-forum-on-alternatives-to-uberisation-21-22-february-2024>

Fiachra Ó Luain