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Bachelor Thesis

# REGULATORY NEED FOR PLATFORM WORKERS

An Industrial Relations  
Stakeholder Analysis

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## **Abstract**

The development of employment structures and forms in the fourth industrial revolution changes working environments significantly. One of these new types of work is platform work. The current classification of platform workers as self-employed and their regulatory need is a popular topic in German media and political debate. Based on the insider-outsider concept this thesis provides an industrial relations stakeholder analysis of preferences and positions of German industrial relations actors. This paper first identifies key stakeholders, before analyzing the diverse positions on (1) classification in employment forms, (2) regulatory need and (3) implementation method. A qualitative research approach included five semi-structured interviews. Results indicate that actor's positions generally correspond to assumptions from the insider-outsider concept. Agreement of most actors exist in the need of improved social security for self-employed. Further agreement can be found in the wish for more efficient enforcement of already existing German labour law in the assessment of employment forms in the case of labour platforms. Disagreement exists on the implementation of a minimum wage for platform workers and the classification of platform workers as employees. Based on findings from theory and analysis recommendations for future research in the field of labour platforms are made.

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## **1. Introduction**

Today workers face significant changes in their working environment. This is due to the so called fourth industrial revolution, which in the process of digitalization changes our current understanding of employment structures and forms.

One of these new employment forms is platform work. Work via labour platforms refers to the “assignment of traditional in-house tasks and project to external workers via online platform, which fulfill these tasks in exchange of payment” (ZEW, 2018, p.4). Labour platforms have been gaining importance in the labour market over the last years. The phenomenon remains difficult to measure, as one worker can be registered on different platforms and workload differs between platform workers. This results in an ambivalence of perceived impact of labour platforms on the current economy. A study by the ZEW shows that 83,5% of German Companies have general knowledge about the existence of labour platforms (ZEW, 2018, p.5). Nevertheless, only 2,2% of companies in the information economy currently use platforms in their corporate processes (ZEW, 2018, p.8). Given this ambivalence the phenomenon of platform work presents interesting research opportunities.

The importance of labour platforms for the German economy could be experiencing large growth, due to regulation in other forms of atypical labour. Labour Platforms could become a real employment alternative for workers with the wish for flexibility. Additionally it could make outsourcing of projects via labour platforms more attractive than working with temporary workers, who since 2007 are subject to new regulation. Temporary workers are not people hired on a temporarily limited contract, but employees of temporary employment agencies. They can be leased by other companies. The law for change of the labour leasing and other laws (Gesetz zur Änderung des AÜG und anderer Gesetze) entered force on 21.02.2017. The new adjustments regarding temporary employment include a leasing length of a maximum of 18 months at the same hirer. The temporary worker is additionally supposed to earn the same wage as a core worker would earn (§§ 1, 8 Gesetz zur Regelung der Arbeitnehmerüberlassung).

Literature has tried to fit platform work into the traditional order of employment forms. Employment has been evolving from standard employment forms, first to temporary employment and currently to the “gig economy” (Zwick, 2017). While previously temporary employees were allocated by temporary employment agencies, where their “projects” would last weeks or months, these temporary employees are today represented by the gig economy, where “projects” can be as short as days or hours (Zwick, 2017).

Furthermore, literature identified a triangle of relations (Stewart and Stanford, 2017) between the platform, workers and consumers, which has led to a new form of employment. Several proposals have been made on how to make a distinction between “self-employed”, “employee” and “employee-like person” (Donovan et al., 2016/Buschoff and Schmidt, 2009). This distinction and the classification are the first steps in identifying regulatory need for platform workers.

Authors have found additional dimensions that have to be taken into account when assessing regulatory need. These are first the policy areas of labour regulation and social security, where regulatory action can be taken (Donovan et al., 2016/Buschoff and Schmidt, 2009). Further, Stewart and Stanford have found different implementation possibilities: (1) the confirmation and enforcing of current laws, (2) the adjustment of employment forms or a (3) possible creation of a further employment category for platform workers (Stewart and Stanford, 2017).

### **1.1. Research Question**

The growing potential and in thus the impact of labour platforms on the German economy and labour market are current topics in the media and political debate. Here especially the need of regulations for platform workers is raised by different actors. As scientific research and political debates are still new and as such unorganized. It is subsequently helpful to develop a stakeholder analysis with the topic of regulatory need of platform workers in the context of other atypical employment forms, such as temporary employment, for the case of Germany. A stakeholder analysis provides knowledge about actors’ positions, preferences and interests on a topic (Varvasovszky and Brugha, 2000). It helps to understand and map the positions of actors in order to provide an encompassing picture of the present and make long-term assumptions. Stakeholders are actors with an interest in the chosen topic or problem, as well as being affected by the issue or having influence on the development (Varvasovszky and Brugha, 2000). As the topic belongs to the political policy field of labour law and social security, this stakeholder analysis focuses on stakeholder in the industrial relations system. This includes labour unions, employer associations as well as political parties. Germany presents a large and established system of industrial relations through the social partnership. Furthermore, Germany has a stable social market economy with a developed system of labour law and social security (BDA, 2018).

Platform workers are currently not affected by any regulatory framework. The lack of regulation could be a chance for stakeholders to develop “a new social contract” for the 21st century (Fabo

et al., 2017). Based on previous scientific knowledge, this Bachelor's thesis aims to provide a stakeholder analysis in answering the research question;

*To what extent do diverse industrial relations actors have different perspectives on the regulatory need for platform workers in Germany in the context of legal changes regarding temporary employment?*

While addressing the main research question, three sub-questions are attempted to be answered;

1. *Which actors are concerned with regulatory need of platform workers?*
2. *What dimensions can be used to determine an all-encompassing picture of regulatory need of platform workers?*
3. *What type of possible policy positions of relevant actors exist?*

All questions aim at showing a coherent and extensive picture of the different stakeholder positions regarding regulatory need for platform workers in Germany. In order to do this, a qualitative research is needed that first shows the current scientific degree of knowledge on the topic of regulatory need of platform workers and tests assumptions from established theories, such as the insider-outsider concept on the real-life problem. In order to accomplish this a stakeholder analysis is conducted. Subsequently relevant actors are attempted to be identified.

## **1.2. Structure**

The thesis is based on prior scientific theory, which is elaborated in the theory section. It provides concepts on the development of employment forms and characteristics of labour platforms. Furthermore, the concept of the insider-outsider model of representation is introduced, in order to make assumptions on the actor's positions on the different policy dimensions. The methodology section of this thesis explains the empirical qualitative approach. Policy Papers by the relevant stakeholders focusing on the issue of labour platform, atypical employment, digitalization, future of work and self-employment were used. These were employed to acquire a basic understanding of the policy positions of the various actors. Platform workers are generally categorized as self-employed in Germany. This is the reason why policy papers on regulatory need in the social security system for self-employed are



included in the selected policy papers. In the case of social security, platform workers and self-employed are often used synonymic.

Additionally semi-structured interviews were used for further information and the crosschecking of information acquired from the policy papers. Three stakeholders from the industrial relations sub-system were interviewed. Including one labour union and two employer associations. Interviewees included a senior advisor from the Confederation of German employer' associations. Additionally, for further information on the political perspectives and the legal interpretation of stakeholder preferences, a political foundation and a labour lawyer were included.

In the analysis section of this thesis, the policy papers and interview content are analyzed. The preferences are individually analyzed for each single category. The categories include the classification of workers into self-employed and employees, the regulatory need separated into the two policy fields of labour law and social security, as well as the implementation method. After the codification process, preferences of the stakeholders for each category are identified and compared to each other. This shows possible common preferences. Finally, weaknesses and limitations of this study are discussed, as well as recommendations for future research on this topic.

### **1.3. Relevance**

As already, mentioned labour platforms have experienced significant economic growth over the last years. The importance of labour platforms for the German economy nevertheless, could be experiencing larger growth, due to regulation in temporary employment. The question needs to be considered, if labour platforms as new atypical employment form, should be subject to regulation by the state. Individual risks of employees in a social market economy are supposed to be covered by the employer and state. Furthermore the societal relevance becomes obvious in scientific literature, as political and economic institutes like the Friedrich-Ebert-Foundation or the ILO have focused on this topic (Eichhorst and Linckh, 2017/Balliester and Elsheim, 2018).

Literature on labour platforms still lacks research on the positions of stakeholders. A focus that has been neglected is the context of other atypical employment regulations. Specifically a stakeholder analysis with regard to temporary employment has not been conducted before. A study by the University of Kassel mentions that most actors still lack sufficient knowledge of

the field (Greef et al., 2017). With new knowledge, new positions have developed. The aim of this study is to provide an overarching pattern of positions of German industrial relations actors such as employer associations, trade unions and political parties. These actors were the stakeholders during the START initiative for temporary employment in 1992 (Rudolph and Schröder, 1997). Existing literature largely focuses on trade unions only (Vandaele, 2018; Bonner and Spooner, 2011).

The study aims to add to different branches of research. On the one hand, this is literature on policy-making and public administration. The perspectives of actors on regulation regarding employment law and social security will be explored. This could yield new insights for future stakeholder or implementation analysis in these policy fields. On the other hand, the study contributes to some extent to literature on Human Resource Management, as the potential of labour platforms to substitute traditional temporary employment will be explored. The results will inform about probabilistic regulation regarding labour platforms in the future and enables innovative ways of outsourcing work.

## **2. Theory**

At the beginning of this thesis, I will introduce the necessary theoretical background to understand the stakeholder analysis.

### **2.1. Labour Platforms in Context of traditional Employment Forms**

In order to determine the regulatory need of platform workers it is necessary to identify the impact platform work has on other employment forms. The relationship between platform work and other employment forms, such as temporary employment shows possible classification of platform workers into the legal system of self-employed and dependent employee. This affects the stakeholders perceived need of regulation for platform workers.

Today companies replace employees with independent contractors, who are self-employed, to decrease costs and enable quick adjustments to production demands. Through this, firms have been evolving from traditional standard employment forms, first to temporary employment and currently to the “gig economy” (Zwick, 2017). Here, temporary and fixed-term employment guarantee high flexibility (Eichorst and Buhlmann, 2015, p.11), as well as access to different skills and lower labour costs (Howcroft & Bergvall-Kåreborn, 2019). Companies will open borders and enable collaboration of internal and external workers (Eichorst and Buhlmann, 2015).

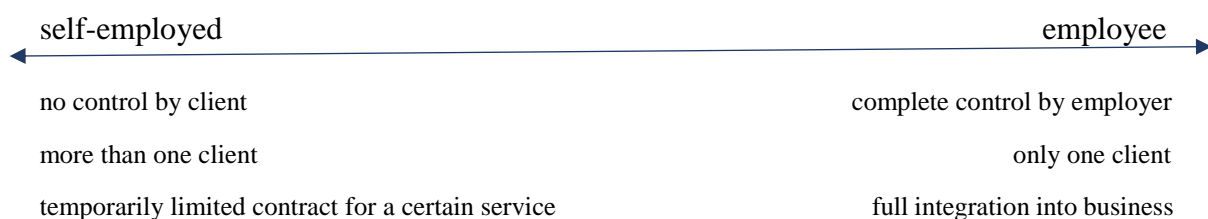
Organizational restructuring could lead to new employment models (Huws et al., 2018). Previously temporary employees were allocated by temporary employment agencies, where their “projects” would last weeks or month. These temporary employments are today represented by the gig economy, where “projects” can only last days or hours (Zwick, 2017). This new model of work does not fit into the traditional classification system of employment, as it has no single feature of occupation, sector, place of work or kind of contract, but features associated with many occupations (Huws et al., 2018).

The employment of temporary workers is characterized through a triangular relationship, namely the temporary employment agency (employer), a third-party (hirer), and the temporary worker (employee) (Rudolph and Schröder, 1997). Different from platform workers, temporary workers are characterized as employees of the agencies and are therefore subject to labour law and social security regulations, next to additional regulation in diverse laws.

Platforms are also defined through a “triangle of relations” (Stewart and Stanford, 2017) between the platform, workers and clients. Platforms often identify as a database for clients and workers, which results in the worker’s legal classification as self-employed (Todoli-Signes, 2017). Risks of social security and economic problems remain with the worker, (Stewart and Stanford, 2017). Nevertheless, platform work differs from traditional self-employment, as some platforms can also exercise control over the workers (Buschoff and Schmidt, 2009). Therefore, it is necessary to define possible classifications of employment forms for platform workers. Buschoff and Schmidt talk about a new form of self-employment, in which dependent employment and self-employment start to converge (Buschoff and Schmidt, 2009). A hybrid form of self-employed and dependent workers technically already exists in Germany and is dealt with in §12a, TVG. The employee-like person is defined through its economic dependency on one principal. Further criteria are the existence of a business contract or free contract for services, and the exercising of work without employees. An employee-like person has the right to paid holidays, appeal in labour courts and collective representation through collective agreements (Buschoff and Schmidt, 2009).

Several proposals have been made on how to make a distinction between “self-employed”, “employee” and “employee-like person” as can be seen in figure 2.1.. One criteria would be the level of control by the employer over the individual’s work (Donovan et al., 2016). Additionally, the extent the worker and his service is integrated into the business could be a criterion (Donovan et al., 2016/Buschoff and Schmidt, 2009). The third distinction criteria would be the length and exclusivity of working relationships (Buschoff and Schmidt, 2009). The last criteria is the bearing of economic risks and possibilities by the worker (Donovan et al., 2016/Buschoff and Schmidt, 2009).

*Figure 2.1. Dimensions of Classification of Platform Workers*



## 2.2. Concept and Characteristics of Labour Platforms

There are four different types of crowdwork (a synonym for work on labour platforms), as depicted in table 2.1. These can be differentiated through the location; being locally bound (gigwork) or solely online (cloudwork). A further facet is the complexity of tasks, as these can be microtasks or projects (Greef et al., 2017). Cloudwork, can be used for the outsourcing of projects or tasks to freelancer (Schmidt, 2017). The allocation of worker and client takes place on a website. As of this, the location of worker, platform and client is non-relevant. The prime example of qualified cloudwork is “upwork”, which allocates complex and demanding tasks to freelancer (Schmidt, 2017). Clickworking also allocates worker and client by the use of websites similar to qualified cloudwork. While in cloudwork projects are given to individuals, in clickwork “masses of tiny, repetitive tasks that are distributed across a large and unspecified group of crowd workers” are assigned (Schmidt, 2017, p.15). An example would be “Amazon mechanical turk”. In gigwork, tasks are performed on location and not online. Gigwork can be conducted in a wide variety of industrial sectors, including the provision of services like food delivery or transportation or in the accommodation sector (Schmidt, 2017). Prime examples for Gigwork are “Uber”, “Deliveroo” and “AirBnB”. In this study, only a distinction between cloudworking and gigworking will be used, as the phenomenon of labour platforms as a whole is attempted to be observed. The overarching term for cloudworking and gigworking will be platform work.

*Table 2.1: Types of Labour Platforms*

	Cloudworking (online)	Gigworking (local)
Microtasks	Clickworking	Microjobbing
Projects	Qualified Cloudwork	Qualified Gigwork

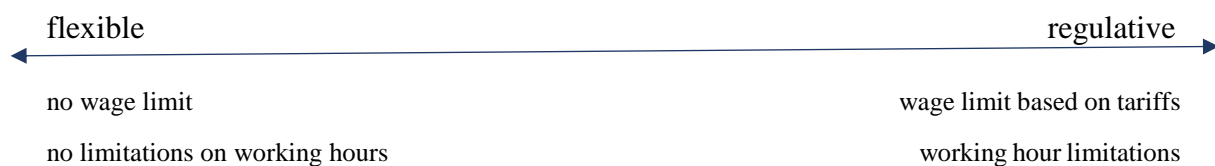
*Based on Greef et al., 2017*

Regarding the extent of platform work, there is no consistent data. Nevertheless, Huws et al., found based on a survey that platform work is a significant phenomenon, as it affects 5% - 9% of the online population (Huws et al., 2016).

## 2.3. Dimensions for Regulatory Need

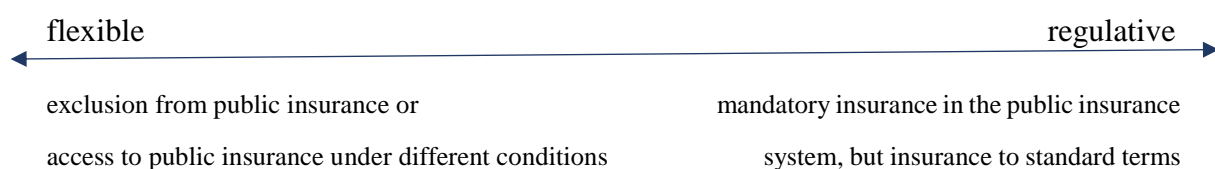
There are different dimensions that have to be taken into account when assessing regulatory need for platform workers. On the one hand, the policy areas, where regulatory action can be taken. These are labour regulations, including wage limits, working hours, and unemployment compensation as can be seen in figure 2.2. (Donovan et al., 2016) as well as social security law, including health care, unemployment insurance and old-age pensions (figure 2.3.). (Buschoff and Schmidt, 2009). Currently self-employed, as most platform workers are classified as self-employed, do not need mandatory insurance, including health insurance (Buschoff and Schmidt). The positioning of actors in these areas can range between flexibility and regulation. Regarding labour regulation, flexibility would mean no wage limit and no limitations on working hours, while regulation would include platform workers in the general minimum wage in Germany or as mentioned in tariff agreements for the applicable industrial sector.

*Figure 2.2. Dimensions of regulatory Need in Labour Law for Platform Workers*



For social security, strict flexibility would refer to an exclusion of platform workers from all public insurances, while another possibility would be for platform workers to become part of the public insurance system under different conditions than traditional employees. Regulation in the field of social security would mean a mandatory insurance for all platform workers in the public insurance system. Regarding regulatory need of platform workers in the field of social security, the level of decision autonomy platform workers could have on their protection plays an important role. Two different attitudes can be found. They can prefer either autonomous self-protection or collective risk strategies, like state insurance (Dekker, 2010).

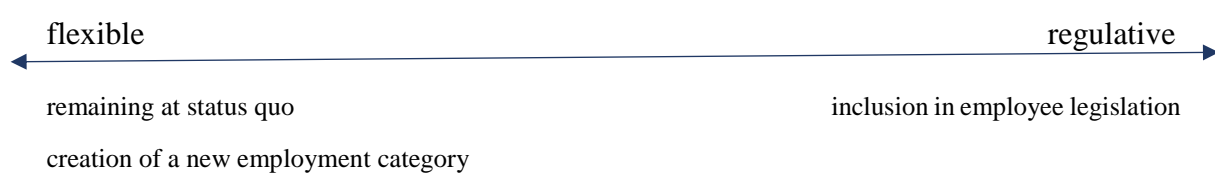
*Figure 2.3. Dimensions of regulatory Need in Social Security for Platform Workers*



These different views show possible problems of regulation, especially in the field of labour law. When treated as an employee, platform workers would be subject to regulated working hours and minimum wage. They additionally could not work on a variety of platforms (Todoli-Signes, 2017).

Next to the classification of platform workers, as well as regulatory need based on the dimensions of affected policy areas and the degree of obligation, different implementation possibilities exist. These are either (1) the confirmation and enforcing of current laws, (2) the adjustment of employment forms or (3) a possible creation of a further employment category for platform workers (Stewart and Stanford, 2017). Here a scale would rate no additional regulation or the creation of a further employment category as flexible implementation methods (see figure 2.4.). It has to be noted that at this point the creation of a further employment category is assumed to include flexible regulations. Nevertheless, in the course of the paper it remains to be explored what regulation for platform workers the creation of a new employment category would include. An intermediate implementation method could be the inclusion of platform workers in the group of employee-like person and the connected regulations. The most regulative and restrictive implementation method would be the inclusion of employee-like persons in the group of employees.

*Figure 2.4. Dimensions of Implementation Methods of regulatory Need for Platform Workers*



## **2.4. The Insider-Outsider Model of Representation**

Regarding labour platforms, actors still lack differentiated knowledge (Greef et al., 2017). These actors, could be national, international or European actors, nevertheless, due to complexity in the relation of actors to labour platforms and other atypical employment in Germany, this paper will focus on the national actors.

The position of industrial relations stakeholders like employer associations, unions and political parties can be assessed by using the insider-outsider model. The insider-outsider model was

originally used to explain the existence of unemployment. Two groups can be found in the labour market; the insiders who have secure jobs and the outsiders, the unemployed. Insiders have power and control in the labour market and can therefore generate wages above the market-clearing level. This leads to a certain degree of market failure, which in turn results in unemployment of the outsiders (Marx, 2014). Further developed the insider-outsider model has been applied to the dualization of the labour market, in which standard-employees represent the insiders and non-standard-employees, the outsiders. In the context of atypical employment, outsiders are characterized through their vulnerability to unemployment (Lindvall and Rueda, 2013). The theory relies on certain assumptions. (1) Economically firms have to experience labour turnover costs, which cannot be balanced by the lower wages of outsiders. This condition is based on the market power insiders have, through increased costs of hiring and firing as well as financial burdens through labour protection laws (Lindbeck and Snower, 2001). As of this a dualization between outsiders and insiders develops. (2) Additionally, both groups differ significantly in their level of protection (Rueda, 2014). Different from insiders, outsiders have “low levels of protection and employment rights, lower salaries and precarious levels of benefits and social security regulations” (Rueda, 2014, p.384). (3) Generally, due to the market power, all political parties can be expected to promote insider interests, with a special focus of political left parties (Rueda, 2014). This leads to a risk for outsiders to be disregarded by politics (Lindvall and Rueda, 2001). Nevertheless, the focus of parties can change depending on their strategy and in such define the level of representation of outsiders in the political party system (Lindvall and Rueda, 2011).

Different from Lindbeck and Snower, as well as Rueda, Häusermann and Schwander found, that dualism depends largely on contextual factors such as (1) national policies and (2) the political relevance of the theoretical divide between insiders and outsiders (Häusermann and Schwander, 2010). The factor of (1) political relevance relates to the power insiders have to increase labour turnover costs. Such power is related to the organization in unions of insiders. This results in the fact, that if outsiders based on the employment form are organized collectively as well, differences in power are reduced (Häusermann and Schwander, 2010). In the case of continental welfare states, as Germany the authors found, that outsiders tend to be underrepresented in collective organizations such as labour unions. The factor of (2) policies, refers to social protection outsiders experience to balance their disadvantages in power (Häusermann and Schwander, 2010). This can be measured through the effects of transfers and taxes on the difference in income between insiders and outsiders. Germany is a Christian democratic welfare state in which the difference in income after taxes and transfers, according



to Häusermann and Schwander is not reduced but increased. “Christian Democratic welfare regimes are based on the insurance principle, which distributes benefits on the basis of and proportional to contributions. Social insurance is thus an inadequate instrument to cover outsiders” (Häusermann and Schwander, 2010, p.20). The effects of institutions and systems is also mentioned by Linnvall and Rueda, who confirm the thesis that in Christian Democratic politics the divide between insiders and outsiders tends to be larger (Linnvall and Rueda, 2013).

This theory is based on the micro-assumption, that organizations and parties generally orient their policies and issues on the preferences of their members and voters. Therefore, assumptions that are made in the following try to express the theoretical positioning of stakeholders based on their members and voters. Nevertheless, it is possible that organizations and parties do not formulate positions based on this micro-assumption. Generally, we assume that insiders and outsiders develop different interests for labour turnover costs and job security. The interest of insider lies in job security and in thus in favour of regulations protecting their employment (Rueda, 2005). This is different for outsiders. They are unemployed or threatened by unemployment and have different objectives than employment protection. This division can also be observed in the representation of workers in politics and industrial relations. Following from Rueda’s theory it can be expected that actors, such as labour unions or social-democratic parties will promote interests of insiders (Linnvall and Rueda, 2001). As according to Lindbeck and Snower increased power of insiders leads to higher labour turnover costs (Linnvall and Rueda, 2001), it can be expected that employer associations promote less regulation. This is similar for socio-economic right parties. Socio-economic left parties on the other hand can be expected to support outsiders, in order to provide them with insider-like benefits or better employment opportunities.

#### 2.4.1. Labour Unions

Employees traditionally determine the position of unions in the insider-outsider theory. As interest representative they have power over the employment decisions of the firms, because the greater the union density the more likely that firms will accept higher wages (Lindbeck and Snower, 2001). This is because unionized workers tend to have higher labour turnover costs, than unorganized workers (Lindbeck and Snower, 2001).

Historically the interest of unions is dependent on the economic situation. During high employment that exceeds the union membership, they favour their members, the insiders and push for more labour security and higher wages (Lindbeck and Snower, 2001). In times of economic crisis, when union members are unemployed, unions agree to de-regulation

(Lindbeck and Snower, 2001). The reason behind this view is that if firms were then able to create more employment, standard workers could be protected from unemployment. To prevent wage competition it was often decided to include an equal pay principle (Eichhorst and Marx, 2011). This shows that the insider-outsider concept does play a large role for labour unions, as their basic focus can be assumed the insiders. The importance of the economic situations for the viewpoint on regulatory needs for labour platforms supports the insider-outsider concept's assumption, that insiders determine the positions of labour unions. Nevertheless, Germany is experiencing economic growth, which has an influence on the attitude of unions on the inclusion of outsiders, like platform workers.

Theory suggests that labour unions have recognized the need to represent platform workers. Nevertheless, recruitment and organization could be complicated, as platform workers cannot be attached to a sector for a long time, which makes their membership short-lived (Gumbrell-McCormick, 2011). This can be seen in the fact, that union membership is traditionally lower for atypical workers, than for standard workers. Additionally, unions could struggle with the difference between precariousness and flexibility, as they often equalize atypical employment with precarious employment. This is a problem, since some demographic groups potentially favor atypical employment (Gumbrell-McCormick, 2011).

Regarding current regulatory need for labour platforms, unions seem to follow a safety and participation approach, as they see labour platforms as a new form of precarious employment that evades employee rights (Greef et al., 2017). According to theory they favor an extensive regulation that considers five steps. These would be the (1) definition of minimum requirements as minimum wage and (2) the definition of a status. Ideally, platform work would be considered as dependent employment. Additionally platform workers should (3) be able to participate in collective action, while workers' councils should be included in the decision to outsource projects. Furthermore, (4) social insurance and (5) data safety should be improved (Greef et al., 2017).

#### 2.4.2. Employer Organizations

Another one of these stakeholders are employer associations. Due to decline in membership density, German employer associations feel pressure to reinvent themselves. In the concept of countervailing power, employer associations are dependent on the power of labour unions (Barry & Wilkinson, 2011). Given that these are also struggling to attract members, employer associations need to adjust their services. This is currently happening in a change from the sole

provision of common goods like collective bargaining to private goods, like the provision of services, information and help in personnel management (Barry & Wilkinson, 2011).

Companies, as members of employer associations, generally advocate flexible policies in the areas of labour law and social security, as these benefit the flexibility of companies (Greef et al., 2017). They increase their reactivity for economic developments by enabling them to adapt their personnel management. This is not only in the interest of companies using flexible workforce, but also in the interest of temporary employment companies. Nevertheless, it remains unclear if temporary employment companies would advocate regulation of platform workers in order to counter substitution risks. It could also be possible that temporary employment agencies, like other companies would oppose regulation in the fear that it could entail further regulation for other forms of atypical employment.

It can be expected that employer associations will struggle to find a clear standpoint on the regulatory demand of labour platforms, as they experience a complicated process of interest unification and conceptualization of aims, due to heterogeneous members (Schnabel, 2005). Employer associations can be expected to increasingly include new companies as target group, in order to preserve their position as influential stakeholders.

Nevertheless, self-employed are not the key target group of employer associations and have their own fragmented interest representation. Traditionally the self-employed have been connected with the wish for free markets, that enable autonomy and self-reliance. This in turn has led to a preference in voting for conservative and economic liberal parties. Fundamentally, they are a heterogeneous group, which has different interests (Jansen, 2016). Platform workers do usually not have employees and are therefore solo self-employed. Literature has suggested that solo self-employed tend to be more similar to outsiders in the labour market, as they are subject to labour market risks and often lack social security protection. Additionally it needs to be noted, that different political orientations among the heterogeneous group of self-employed, indicate that they cannot be seen as a group representing a collective opinion on the different dimensions (Jansen, 2016).

Theory suggests that employers also do not see regulatory need, as platform workers are perceived as solo self-employed, and are in this responsible for their insurance. Employers argue, that regulation is also not necessary, as labour platforms are still not relevant for the German labour market, while on the other hand emphasizing the growth potential (Greef et al., 2017).

### 2.4.3. Preferences of Political Parties

Generally, Political Parties base their political objectives on ideology and historically important groups of voters (Rueda, 2005, p.61). Marx found, that voting positions are based on the position a citizen holds in the labour market (Marx, 2016). The risk of unemployment leads to different policy preferences regarding regulation in the labour law. While insiders favour job security regulations, outsiders favour labour market policies, that either reduce the perceived difference between insiders and outsiders (as mentioned as influential factor by Häusermann and Schwander, 2010), or increase the chance to become an insider (Rueda, 2005). More specific this means the chance for employment. Nevertheless, the theory needs to be put into perspective and cannot be used as single instrument to allocate the positions of the diverse stakeholder. Emmenegger found that, as already mentioned outsiders do not necessarily prefer de-regulation to protection (Emmenegger, 2009). Their position can be influenced by social mobility and market power factors, while also being a too diverse group to be allocated to only one preference (Marx, 2016; Lindbeck and Snower, 2001).

The German party system can be sorted into two groups based on socio-economic policy preferences. First, the socio-economic left includes socialist, social-democratic and ecological parties (Franzmann and Kaiser 2006). In the German party system this corresponds to Die Linke (a socialist party), SPD (social-democratic party) and Die Grünen (the Green Party). On the other side of the system, the socio-economic right includes Christian and liberal parties (Franzmann and Kaiser, 2006). These correspond to the CDU/CSU (Christian Union) and the FDP (Liberals). Besides these theoretical categorization this paper will frequently also include a third category, which is the socio-economic center left, which in the German case represents the social-democratic party of the SPD. This is due to the assumptions from the insider-outsider theory that social democratic parties, tend to represent the interests of insiders. The Alternative for Germany, which is a right-wing populist party remains to formulate clear policy preferences in the area of economic policies and is therefore not included.

Social Democratic Parties are interested in all workers, but historically and pragmatically choose insiders over outsiders. One reason is that outsiders tend to be politically inactive (Rueda, 2005). These insiders could be threatened, if platform work would become more prominent and favored by companies. This could result in the wish of regulation of platform work, similar to other atypical employment forms. On the other hand, conservative parties like the CDU/CSU, generally favour flexibility for upscale workers and employers. Such flexibility could make conservative and socio-economic right parties interesting for outsiders. The

preference for insiders by center-left parties could furthermore force outsiders to vote for liberal parties, which also belong to the socio-economic right (Marx, 2014). The FDP, as German liberal party, wants a complete new legal framework for digitalization and the connected new form of labour (Greef et al., 2017).

As already, mentioned positions of parties need to be controlled in the analysis of this thesis. It can also be possible that parties do not develop policy programs based on their target-group but oriented on the programs of other political parties.

The current German government and its ministries still have to formulate concrete proposals regarding the regulatory need for labour platforms (Greef et al., 2017).

## **2.5. Stakeholders and the Need for Regulation**

Building on insider-outsider concept and more general assumptions, as mentioned beforehand, stakeholders can be expected to have different preferences regarding certain dimensions. The key criteria for the case study, which will be used to identify the overarching position of stakeholders, are (1) the classification of platform workers, as either employee, self-employed or employee-like person, (2) regulatory need in the policy areas of labour law and social security law and (3) the policy implementation method. Power of the stakeholders can be either legislative power or non-legislative power (Greef et al., 2017).

### **2.5.1. The Classification of Platform Workers**

The first facet is the classification of platform workers into “self-employed”, “employee” and “employee-like person”. This classification is based on four criteria; (1) control by the employer, (2) integration of platform work into the business, (3) length and exclusivity of working relationships and the (4) bearing of economic risks by the worker. A classification as self-employed would mean no integration of labour into business. The platform worker conducts the work by himself or herself and the platform worker rarely has the same employer more than a few times. An employee-like person experiences a certain integration of into the company, but does not conduct the same work as employees. He or She has employment contracts from one or few employers. An employee experiences full integration into the business and the employer has full control over the work.

As employer associations represent employers, they can be expected to favour flexibility regarding the regulatory need of platform workers, as this would reduce the labour turnover

costs. In such employers could outsource work to self-employed and in such reduce costs of labour market insiders. Trade unions, on the other hand can be assumed to include platform workers in their policy and as such promote the inclusion of platform workers in the category of employees, as can be seen in table 2.2. This would yield the chance of platform-workers to become labour market insiders. It would also protect current labour market insiders from the risk of outsourcing work to outsiders. Conservative and liberal parties would be expected to categorize platform workers as self-employed and thus keeping the flexibility for companies and platform workers alike. Following assumptions from the insider-outsider theory left-parties are an alternative for outsiders, instead of socio-economic center left parties, who traditionally represent insider interests. As assumed before, that political parties tend to base their preferences on their voters, socio-economic left parties could advocate chances of outsiders to become insiders. They could do this by not proposing further regulation for platform workers, but strengthening flexibility for self-employed workers. Nevertheless, a clear distinction would be necessary.

*Table 2.2. Expected Stakeholder Preferences regarding the Classification of Platform Workers*

Stakeholder	Preference
Employer associations	self-employed
Trade unions	employees
Socio-economic right parties	self-employed
Socio-economic center-left parties	employee
Socio-economic left parties	generally self-employed, but clear distinction necessary

### 2.5.2. The regulatory Need in the Policy Areas of Labour Law and Social Security Law

The regulatory need of platform workers in labour law is dependent on how important stakeholders find the two aspects; wage limit and working hours. For social security, it is measured on the importance of the three aspects; unemployment insurance, health insurance and old-age pension. This regulatory need also includes the level of autonomy, platform workers are expected to want regarding their protection.

Regarding labour regulation no strict regulation would exclude a wage limit as well as a limit on working hours, while intermediate regulations, would include wage limits and certain

working hours, but only in cases where tariff agreements exist. Opposite to flexibility, strict regulation would require a general minimum wage and working hours, exercised according to tariffs, where tariffs exist. Furthermore, platform workers can have different levels of autonomy regarding social security. They can either decide themselves on how they wish to protect themselves, while on the other hand a not autonomous regulation would mean a mandatory insurance in a certain way.

In terms of social security, a conservative and autonomous approach would mean an exclusion of platform workers from all public insurance systems, and would be based on self-protection principles. An intermediate and autonomous approach would yield the possibility for platform workers to become part of the public insurance system under different condition than traditional employees. A regulative and not autonomous approach would be a mandatory inclusion of platform worker in all public insurance systems.

Employer associations as well as the socio-economic right generally can be expected to prefer a high level of autonomy with no regulation in labour law. This would yield the most flexibility for companies and workers and advocate the principle of self-protection. To provide a high level of autonomy, the socio-economic right parties could allow platform workers to use public insurance systems (see table 2.3.). In the case of socio-economic left parties, in order to provide more opportunities for outsiders, while generally advocating benefits for outsiders, in the policy field of labour law, they were expected to oppose further regulations on wage limit and working hours. In the field of social security, they would be expected to advocate a full mandatory inclusion in all insurances. While this might be contrary to the flexibility of outsiders, the provision of public social security yields insider-like advantages for outsiders.

*Table 2.3. Expected Stakeholder Preferences regarding regulatory Need in the Policy Areas of Labour Law and Social Security Law*

Stakeholder	Preference (labour law)	Preference (social security)	Level of autonomy for platform workers in social security
Employer associations	No regulations	<u>Intermediate flexibility:</u> Possibility of self-employed to be insured, but only under certain conditions	high
Trade unions	Wage limits and working hours	<u>Security/Intermediate:</u> Insurance in the social security systems, including the participation of the platform	low
Socio-economic right parties	No regulations	<u>Flexibility:</u> principle of self- protection, nevertheless possible intermediate flexibility to provide high level of autonomy	high
Socio-economic center left parties	Wage limit and working hours	<u>Security:</u> Mandatory inclusion in all public insurances	low
Socio-economic left parties	No regulations	<u>Security:</u> Inclusion in all public insurances	medium



### 2.5.3. Implementation Method

The last dimension is the form of change in legislation. Here different possibilities exist. First, this would be to (1) remain with the status quo. The next three options all include an adaption of existing legislation. These are adaption of legislation (2) for employee-like persons, (3) for the self-employed, or for (4) employees. For these three possibilities, the need for adaption lies in the definition of the target audience. The fifth possibility is (5) the creation of new legislation for platform workers.

A flexible and economic conservative approach would result in no additional regulation or the creation of a further employment category. An intermediate approach might include platform workers in the group of employee-like person and the connected regulations, while an economic restrictive and regulative approach would result in the inclusion of employee-like persons in the group of employees.

Again, employer associations and the socio-economic right are expected to advocate for high autonomy and flexibility in advocating the status quo of self-employment without further regulations. Trade unions and socio-economic center left parties party might favour a general inclusion of platform workers into the legislation for employees, which is illustrated in table 2.4., and in such reducing the risks of insiders and increasing security. Different from this the socio-economic left parties are expected to take a different route in providing platform workers with the status of self-employed and adapting the self-employed legislation. This could show, that in Germany, outsiders such as platform workers are of interest for the Green Party and the Left

*Table 2.4. Expected Stakeholder Preferences regarding the Legal Implementation Method*

Stakeholder	Preference
Employer associations	Remain with the status quo
Trade unions	Include platform workers in the legislation for employees
Socio-economic right parties	Remain with the status quo
Socio-economic center left parties	Adapting of employee legislation to include platform workers
Socio-economic left parties	Adaption of self-employed legislation

### **3. Methodology**

The methodological approach used to address the research question is a qualitative stakeholder analysis. First, it is necessary to identify the relevant stakeholders in the affected policy field and in a certain political subsystem. After the selection of stakeholders, their positions on the three key variables of classification, regulatory need and implementation method need to be detected. The analysis of positions of various stakeholders and their respective power in the political subsystem and policy field can potentially enable expectations on future developments in the field of platform economy.

#### **3.1. Case Selection**

The research question will be answered through a case study of the perceived need for regulatory action regarding platform workers of diverse industrial relations stakeholders in Germany. The study is descriptive and exploratory as it aims to observe the current situation and regulatory need, while exploring the positions of various stakeholders and the related reasons.

The scope of this thesis is a descriptive analysis of the present positions of relevant stakeholders. Through this, an all-embracing picture of similarities and differences between the positions of the actors will be painted, in order to identify common and prevailing opinions. For a meaningful discussion the policy context and political subsystem should not be too broad, in order to illustrate even small differences in the positions.

A case study is the best approach for exploring reasons and positions of various stakeholders, given there exists no extensive literature or research on the topic. Most literature solely focuses on positions of platform workers and labour unions, while other industrial relations actors are not mentioned. As of this, the decision to focus on only one case is important due to the need of data collection. A large data collection for a cross-country comparison does not exist and the collection of such would not have been feasible in the timeframe. The case of Germany and its regulatory need for platform workers was selected, as it presents a complex system of industrial relations. Germany is a coordinated market society, with a stable labour market. As science yet struggles to find a common definition and limitations between the different forms, and the number of platform workers still remains manageable in Germany. A focus on the policy subsystem was furthermore necessary in the selection of relevant stakeholders. The industrial relations has since the beginning of the 20<sup>th</sup> century been an important pillar for the German social market economy, as well as influencing the labour law and social security regulations

(BDA, 2018). As of these historical reasons, and the present struggle of employer' organizations and labour unions to preserve their important position in the political process, the political subsystem of industrial relations was chosen. It will be interesting to observe what preferred changes by the diverse stakeholders look like. As already mentioned Germany therefore presents a particular case through the corporatist structure of industrial relations. Nevertheless its similarity in the development of labour platforms to other European countries, presents possibilities for future comparative research.

### 3.1.1. Identifying Key Stakeholders

Initially a list of all possible stakeholders in the industrial relations system of Germany was compiled. This list included all employer associations, trade unions and political parties in Germany. Based on this list the stakeholders were selected, that expressed interest in the case of platform economy, solo self-employment as well as temporary employment and were relevant to the legislative process. This process included the searching of the stakeholders' websites, as well as sorting out very small organizations. In the end the list (see table 3.1) compiles of the three trade unions, including the umbrella organization "DGB", as well as "ver.di" and "IG Metall"; two employer associations, where one focuses on temporary employment especially "iGZ" and the umbrella organization "BDA" as well as six political parties represented in the German Bundestag and state governments; CDU/CSU, SPD, Die Grünen, Die Linke, FDP and AfD. Nevertheless, it has to be mentioned, that the AfD, though relevant through its significant representation in the Bundestag and the state governments, was excluded from the list, due to missing policy standpoints in the policy field. Additionally to web research the list was completed following the snowball technique. Interview participants were asked to name stakeholders that showed significant and innovative ideas for the regulation of platform workers. Through this open question, additional stakeholders were identified.

*Table 3.1. List of Actors and short Description*

BDA	Head organization to German employer associations
	48 federal associations and 14 state associations (BDA III)
	Operator of the website futurework
iGZ	Interest organization for German temporary employment companies
	Part of the discussion regarding all atypical employment forms

DGB	<p>German Trade Union Confederacy</p> <p>5.974.950 members (12/2018) (DGB, 2019)</p> <p>Head organization of most unions in Germany, including ver.di and IG Metall</p>
Ver.di	<p>United Service Union in Germany</p> <p>1.969.043 members (12/2018) (DGB, 2019)</p> <p>Represents the interests of solo self-employed through self-employed consultancy. A unit called „Good Work“ deals with platform work (ver.di, 2019, 0:58).</p>
IG Metall	<p>Industry Union Metal in Germany</p> <p>2.270.595 members (12/2018) (DGB, 2019)</p> <p>“The community includes the fields of metal, electrical, iron and steel, textiles, clothing, wood and plastics. In addition, IG Metall represents businesses working in information and communication technology.” (IG Metall, 2008)</p>
CDU/CSU	<p>Christian German Union, together with Christian Social Union</p> <p>26,8% (CDU), 6,2% (CSU) in the last federal election (Bundeswahlleiter, 2017)</p> <p>Federal Government in a coalition with SPD – Provides the Chancellor</p>
SPD	<p>Social-democratic Party of Germany</p> <p>20,5% in the last federal election (Bundeswahlleiter, 2017)</p> <p>Federal Government in a coalition with CDU/CSU</p>
FDP	<p>Liberal German Party</p> <p>10,7% in the last federal election (Bundeswahlleiter, 2017)</p> <p>Opposition in the German Bundestag</p>
Bündnis 90/Die Grünen	<p>Green Party</p> <p>8,9% in the last federal election (Bundeswahlleiter, 2017)</p> <p>Opposition in the German Bundestag</p>

The logo of Die Linke, a dark blue square with the text 'Die Linke' in white.

Left Party

9,2% in the last federal election (Bundeswahlleiter, 2017)

Opposition in the German Bundestag

### 3.2. Data Collection

A qualitative research design is important for this study to provide an overarching picture of preferences and saliences of the stakeholders. To avoid threats to validity and reliability a wide range of qualitative methods is used. Therefore, information from different sources can be inspected through different methods.

For the analysis two methods of data collection were employed. First policy papers by diverse stakeholders were used. As literature on policy papers focusing on the issue of labour platform only exist for some actors, literature on atypical employment, digitalization, future of work and the self-employed was also employed. As platform workers are currently largely identified as self-employed, literature on self-employed by the stakeholder, presents, especially in the policy field of social security, the positions of actors. The literature of policy papers can be used to further identify the preliminary positioning of actors.

Secondly, semi-structured interviews were conducted with the identified stakeholders. Aim of these interviews was to cross-validate the preliminary positions of the stakeholders in this study.

#### 3.2.1 Employment of Policy Papers

In order to provide an all-encompassing picture, policy papers of all aforementioned actors were used. For actors that agreed to interviews, these policy papers proposed a valuable source to provide an initial policy standpoint orientation. Exclusively policy papers from the organization's website or sub-website were used. As the platform economy is a rather recent debate, no policy paper in this thesis, dated back longer than 2017. Subsequently only relevant and original policy papers were included. As the platform economy struggles to be clearly defined through one policy term, different key words were identified. Such included next to labour platforms, temporary employment, solo self-employment and digitalization. The results of searches were checked for relevance before included in this paper. An overview of all policy papers used can be found in the appendix I.

### 3.2.2. Recruitment of Interview Partners and Procedure

In order to gain more knowledge and check the findings from policy papers regarding currency of data, interviews with the respective stakeholders were necessary. Furthermore, such interviews enabled the assessment of power and inter-connectedness between stakeholders. The stakeholders were contacted via e-mail, where interviews of approximately 30 minutes were requested. Many stakeholders replied quickly and arranged interviews, while some organizations did not answer. This may be due to the limited insight and scope a bachelor thesis can offer large and relevant industrial relations stakeholders.

As interview partners were diverse and interviewed with respect to different background knowledge, individual questionnaires were developed. Nevertheless, some questions were suitable for all interviews. The interviews were semi-structured and all questions were open. This enabled the interviewees to elaborate and justify the answer, different from simple “yes or no” – answers. In most interviews, the questions were unknown to the interviewee, which resulted in spontaneous answers. Nevertheless, the interviewees were prior made aware of the focus of the interview. Focuses lied on the classification of platform workers and in this context in some interviews on the comparability with and substitution effect of platform workers on temporary employees. All interviewees were asked to identify policy areas where possible need for regulations exist and what such regulation would include. After regulatory need was identified, actors are supposed to comment on the best implementation technique for new regulations. Here they were able to choose between or combine implementation in tariff agreements or the traditional legislative process. Related to this focus they were also asked about the feasibility of such implementation. In the end, interview partners were asked to identify a fellow stakeholder that had innovative ideas and or was leading in this policy field.

Overall, five interviews were conducted over the course of May and June 2019. Interviewees included a senior advisor from the Confederation of German employer’ associations (BDA) in the department of Digitalization; a senior advisor from the German united service union (ver.di) from the department of self-employed; a functional manager of communication and digitalization agent from the interest representation of German temporary employment agencies (iGZ) and a coordinator of for labour politics and social politics from the Konrad-Adenauer foundation (KAS). As platform work is a relatively new policy field, the wish for regulations and implementations has not been checked for feasibility with respect to existing German labour law. In order to include this perspective an interview with a labour lawyer from the University of Leipzig was included. These interview partners are representatives of their

respective organization with large in depth knowledge of the regulatory need of platform workers and deeply involved with the political discourse, regarding this policy field. The interviews were later transcribed in order to be adequately applied to the coding scheme. The transcripts were approved by the interview partners before the finalization of the thesis, which results in the publication of only approved quotes. Interviewees were furthermore asked how they would like to be mentioned in the paper. Anonymity was offered, but all interview partners agreed to the mentioning of functions.

### **3.3. Data Analysis – Operationalization and Coding**

The data analysis method chosen for answering the research question is a stakeholder analysis. A stakeholder analysis is a tool to gain knowledge about actor's positions, interests and reasoning, as well as assessing the power and salience of stakeholders (Varvasovszky and Brugha, 2000). The results of such an analysis can be used to judge the feasibility of a project, in the case of the thesis the implementation of regulatory need of platform workers. Stakeholder analysis can be used to understand and map the positions of actors and make long-term assumptions, here a retrospective focus is required. It can furthermore be used to observe the present or to make predictions about the future. Dependent on the aim, stakeholder analysis can be conducted in different timeframes. In order to achieve a stakeholder analysis over a short time frame, as attempted in this Bachelor thesis, it is necessary to choose a project with a limited number of stakeholders involved (Varvasovszky and Brugha, 2000). Such an analysis can take place at different or multiple levels, such as the national, supra-national or international level. This decision influences the number, but also the nature of relevant stakeholders. Generally, stakeholders are "actors who have an interest in the issue under consideration, who are affected by the issue, or who – because of their position – have or could have an active or passive influence on the decision-making" (Varvasovszky and Brugha, 2000, p.341). Stakeholder analysis do not only map the current or future interest of stakeholders, but can be used show relationships between the stakeholders and in such possible alliances. Stakeholder analysis have become increasingly important in a world, where policy problems can not be dealt with in isolation, but affect and are affected by diverse actors. Problem-solving and the implementation can only be successful, when including stakeholders (Bryson, 2004). Public organizations need to secure support by their key stakeholders in order to secure legitimacy and feasibility. Only the support of stakeholders can guarantee "viability of organizations" (Bryson, 2004, p.23). Therefore, it is necessary to identify the positions of the stakeholders (Bryson, 2004).

Nevertheless, they also have certain limitations. The observed position is only the position at a certain point in time, which, especially in a fast-evolving policy field, may be subject to change. Generally, it can be said that “the political context of policy making is frequently unstable”. Further threats to validity include the correctness of the interviewee’s answer to represent the organization’s position. Additionally in the analysis, with special regard to expectations of policy development, the researcher’s personal view could limit objectivity (Varvasovszky and Brugha, 2000).

The actors involved are employer associations, labour unions, and the main political parties that are part of the German Bundestag. After a classification of platform workers and the findings of regulatory needs, the actors ultimately have to decide on the implementation form of legal change regarding regulatory needs of platform workers. Through the data collection, information on positions regarding the classification, regulatory need and implementation alternative of the industrial relations actors is attained. This provides the preference of the stakeholder. Concluding from the data analysis, common preferences on the dimensions could be observed. From this, it could be possible to identify possible coalitions. Following one may predict practical implications for the political debate and legal development.

### 3.3.1. Operationalization

The variables in this study are the preferences of the stakeholders. These preferences are operationalized through three facets; (1) classification and (2) regulatory need of platform workers as well as the preferred form of (3) change in legislation.

The first facet is the classification of platform workers into “self-employed”, “employee” and “employee-like person”. This classification is made based on four criteria; (1) control by the employer, (2) integration of platform work into the business, (3) length and exclusivity of working relationships and (4) the bearing of economic risks by the worker.

The second dimension is the regulatory need of platform workers in the policy areas of labour law and social security. The regulatory need of platform workers in labour law is operationalized through how important stakeholders find the two aspects; wage limit and working hours. For social security, it is operationalized on the importance of the three aspects; unemployment insurance, health insurance and old-age pension. This regulatory need also includes the level of autonomy, platform workers are expected to want regarding their protection.



The last dimension is the form of change in legislation. Here five different possibilities exist. First, this would be (1) to remain with the status quo. The next three options all include an adaption of existing legislation. These are adaption of legislation (2) for employee-like persons, (3) for the self-employed, or (4) for employees. For these three possibilities, the need for adaption lies in the definition of the target audience. The fifth possibility is (5) the creation of new legislation for platform workers.

### 3.3.2. Coding

After the collection of data through policy papers and interviews, the obtained data had to be structured based on the theoretical framework. This enables the comparison between expectations based on theory and the real findings. Such structuring and analysis was done by the use of a coding scheme. The opinions of the various stakeholders were coded into different categories based on the scale flexible positions and regulative positions. The categories included the classification of workers into self-employed and employees, the regulatory need separated into the two policy fields of labour law and social security, as well as the implementation method. To categorize the interviews and policy papers, sections that thematically dealt with the respective dimension were highlighted. They were then, based on the coding criteria selected into the corner of flexible or regulative positions, as well as intermediate positions. The coding scheme can be found in the Appendix II. Similar to the expected stakeholder positions in the theory section, stakeholders were for some categories/dimensions grouped together to form coalitions. This was done in order to picture a comprehensive picture of the industrial relations political sub-system.

## **4. Analysis**

In this analysis the positions of the identified stakeholders will be analyzed based on policy papers and interviews. These positions are analyzed for each single dimension, that has been developed in the theory section. The dimensions include (1) the classification of workers into self-employed and employees, (2) the regulatory need separated into the two policy fields of labour law and social security, as well as (3) the implementation method. Furthermore, the perceived importance of the platform economy in Germany is observed, as well as the knowledge and influence of the various stakeholders.

### **4.1. Importance of the Platform Economy in Germany**

The importance of the platform economy for the German labour market, employers and employees is generally seen as potential for future development. Many actors perceive the emphasis in current political discussions, as exceeding the actual economic and social relevance. The trade unions emphasize that the number of crowdworkers increases, and as such could have implications for the future. IG Metall accentuates, that big companies, use crowdworking in their value chain (IG Metall, 2019). According to ver.di the work allocations can have implications for the future in the terms, that in industries, where self-employed can substitute the workforce of employees, such substitution will take place (interview ver.di, 2019, 4:20). Nevertheless, ver.di stresses, that as of yet only a small part of their members depends on platform work completely.

Trade unions, and employer associations agree to the extent, that full-time platform workers only make up a very small part of German workers, with around 1000 to 5000 workers (BDA II, 2019). This is hindered by the lack of surveys from official organizations. On the other hand, as shown in the key citations, employer associations like the BDA try to counter the assumption of the formation of a “digital precariat” (interview BDA, 2019, 1:30). Experiences with members of employer associations have shown that platform work is irrelevant to many German companies (interview BDA, 2019, 6:21). As of this, employer associations deny the “horror-scenery, that well-paid jobs, become fragmented tasks allocated to the crowd” as a “fairytale” (interview BDA, 2019, 6:21). In general, employer associations view platform economy as “rudimentary side issue” (interview iGZ, 2019, 0:40).

### Key Quotes: Importance

*“Such work-allocating work can change the labour world as a whole [...] but referring to the member perspective it is not the case that from our 30.000 self-employed members, thousands live off platform work 100%. (Interview ver.di, 2019, 0:58).*

*“In Germany 1% to 3% of companies from predestined sectors [for platform work] use it. Despite the increasing public profile of platform work, it is hardly demanded [by companies]” (interview BDA, 2019, 6:21).*

Political Parties on the other hand, view platforms as the “future of the global- and market economy” (CDU II, 2018). This is justified through the development of new opportunities for the low-skilled and the introduction of new services. A change in the market is observed by the SPD from traditional medium—sized business, to solo self-employment, when looking at statistics of self-employment (SPD, 2017).

In the end it seems surprising that both sides, socio-economic right and socio-economic left agree that the phenomenon is still small in Germany, despite large attention and publicity. What is interesting is that even though they agree on the scale of platform work in Germany, employer associations and socio-economic right parties do not see a justification for regulatory measures, while unions and socio-economic center left parties like the SPD attempt to draw conclusions on the future development. These conclusion lead them to the idea of finding regulative measures for platform workers.

#### 4.1.1. Platform Economy vs. Temporary Employment

Temporary Employment and contracts for work are perceived as important instruments to cope with production peaks (SPD, 2017). It is crucial for companies to master such peaks and to find experts for certain projects (FDP I, 2017). Nevertheless, temporary employment and platform work, as a form of contracts for work, have different legal realities.

*„In the case of temporary employment, meaning to have an employee working in my company, I am able to tell [the temporary employee], do this is your shift, whatever. This is classic authority to give directives of the employer [to the employee]. In the platform economy, [...] when hiring a self-employed, I basically buy a service, but [the platform worker] decides how to do it and is not subject to directives” (interview BDA, 2019, 13:04).*

Even though platform workers are perceived to develop in the future, the different actors do not see a substantial risk for other forms of flexible employment. With special regards to temporary employment, it has to be noticed, that the many German jobs in the industrial sector cannot be suddenly taken up by platforms (interview ver.di, 2019, 2:45). According to the interest representation of temporary employment companies in Germany, platform work is suited for clearly definable workings (interview iGZ, 2019, 2:48), while temporary employees, are leased and fully integrated into the business. They are formally employees and as such, subject to instructions (interview BDA, 2019, 13:04). This is not the case in the platform economy, as self-employed provide a service independently from the rest of the company. If companies wish for a reliant employee, they have to lease or hire an employee (interview BDA, 2019, 13:04). On the other hand, labour platforms can even be a chance for temporary employment to profit, from the new technology. Algorithms can simplify the matching of employees (interview BDA, 2019, 9:42).

This results in the facts that regarding regulations, different kinds of atypical employment do not necessarily require the same regulations in order to protect workers. As temporary employment and platform work have very diverse starting positions, it is unlikely that the adaption of platform work to fit temporary employment would lead to positive developments. The limited relatedness between both employment forms limits the substitutional effect of platform work on temporary employment. It can be assumed that this is also the case for other atypical employment forms.

#### **4.2. Positions regarding the Classification of Platform Workers into Employment Forms**

Regarding the classification of platform workers into the different employment forms, the assumptions drawn in the theory were based on the criteria of control by the employer, integration into business as well as exclusivity of working relationships and bearing of economic risks by the platform worker. The different characteristics of the classification are the self-employed, employee-like person and employee. Previous based on the insider-outsider theory it was assumed, that employer associations as well as socio-economic right wing parties, like the FDP or CDU/CSU would classify platform workers as self-employed, in order to provide flexibility and new flexible opportunities for companies. Trade unions and socio-economic center left parties, like SPD, were expected to wish for a classification as employees, in order to extend the chance of becoming labour market insiders towards platform workers. It would furthermore protect current labour market insiders from the risk of outsourcing work to

outsiders. Socio-economic left parties on the other hand, would advocate the idea of self-employment, but with a wish for a clear distinction.

Employer associations are congruent in their assessment of platform workers as self-employed, more particular solo self-employed. This is supported by flexible nature of platform work, free from instructions (interview BDA, 2019, 9:42). They are furthermore not dependent on one client, but on the opposite employer associations emphasize the wish of platform workers for flexibility. Such flexibility rests on the self-employed status (interview BDA, 2019, 14:44).

*“Under certain conditions, such as economic dependency, a person can be classified as employee-like. Economic dependency means that at least 50% of my income is generated from one client. This is hardly ever existent in the platform economy. Hardly any group in the platform economy would be affected by that rule, because [they] do not obtain [orders] from one platform or client alone, but from many.” (interview BDA, 2019, 14:44)*

Nevertheless, one has to specify between the diverse business model of platforms. While some platforms, solely act as mediator between client and worker, some platforms are classified as employer. The example of Foodora and Deliveroo, shows that this is the case in the same industrial sector (interview BDA, 2019, 14:44).

*“So Foodora is a platform that employs employees. Deliveroo has a different business model in the same industrial sector [...], based on self-employed [riders]. This has legal implications. Foodora is able to tell the riders, ride/work [or: when they have to work and be present] [at a certain time], then do this and that, you will get an hourly wage, while at Deliveroo with their self-employed riders, they cannot do that” (interview BDA, 2019, 14:44).*

Regarding the classification of platform workers, the trade unions present different opinions. While the head organization, DGB, perceives platforms as employers and the current platform workers therefore as bogus self-employed (DGB II, 2018 & interview ver.di, 2019, 6:56), this is not such a direct case for ver.di. Similar to the employer organization, ver.di observes the possibility of platform workers to either be employed or self-employed as shown in the key quotes.

### Key Quotes: Classification of Platform Workers

*“It is not possible [to classify someone as employee] if one decides to write two lines of text for two dollars. This naturally is no task one has to be an employee or be employed for” (interview ver.di, 2019, 6:56).*

*“Nevertheless, obviously different platforms exist, for example the gigsector. So, if foodora [...] is self-employed work, someone can seriously doubt that” (interview ve.rdi., 2019, 8:06).*

Nevertheless, ver.di does not put such a large emphasis on the classification of platform workers, even though the dichotomy between employee and self-employed is evident in the German system. The classification is perceived as a minor matter, if the self-employed and in this most platform workers, are better included in the social security systems (interview ver.di, 2019, 6:56).

Similar to trade unions and employer associations, the political parties struggle to find one classification for all platform workers. The CDU/CSU, when identified through its political foundation, generally views platform workers as self-employed. Specifically in the sector of gigwork and food delivery services, they view the classification of platform workers as self-employed as potentially wrong. Here platform workers are dependent on the platform and “stress ratio” exists (interview KAS, 2019, 7:40). In this case the foundation takes a step further than classifying the platform as employer, similar to the DGB (interview ver.di, 2019, 7:40). The coalition partner of the CDU/CSU, the SPD, also struggles with one clear definition of the employment form, as dependent employment and self-employment are not perceived as up to date (SPD, 2019). Similar to the labour unions, the classification can be disregarded, if self-employment is supported. Nevertheless, similar to the foundation they see the possibility of platforms to act as an employer, which they wish to identify through an obligation for platforms to prove the non-existence of bogus self-employment (SPD, 2017). Die Linke presents a clear view, similar to the DGB. They define platform workers as employees, and the platforms as employer (Die Linke I, 2019).

It is interesting that employer associations do not advocate flexibility of platform workers at any rate, by solely classifying them as self-employed. They rather support existing German law and its legality (see table 4.1.) Nevertheless, when only focusing on cloudwork expectations from theory are confirmed, as they stress that no criteria for the categorization as employee fits the reality of cloudworkers. It is furthermore surprising that unions do not represent a

unanimous picture. While some organizations advocate a strict classification as employee, this approach seemingly has to be differentiated in the cases of cloud- and gigwork. These diverse opinions by unions could be due to different levels of discussion of the topic. Slightly different from expectations is the position by CDU/CSU, which was expected to be in line with employer associations, but seems to take slightly more regulative directions for some cases. While socio-economic left parties were expected to support the rights of the outsiders and in such the classification as self-employed to guarantee flexibility, they seem to focus on the provision of insider-benefits, outsiders experience when categorized as employees.

#### 4.2.1. Criteria used by Stakeholders

From theory, in order to make a distinction between the employment forms different criteria were identified. These included the level of control by the employer over the individual's work, the integration into business, as well as the length and exclusivity of the working relationship.

Most voiced criteria for determining employment form was the dependency on one client and the discretionary power. These criteria are based on §611a BGB, which defines the employment contract and its rights and responsibilities. The mentioned criteria in this law are “bound to instructions in content, execution, location and time” and personal dependency (§611a BGB). The dependency on the employer or client is the main criteria for labour unions (DGB III, 2018 & interview ver.di, 2019, 8:06), while employer associations and economic right wing parties focus on the instruction criteria (interview BDA, 2019, 21:04).

Stakeholders use the same criteria, as mentioned in the theory section. Nevertheless, these criterions are the main criterions in the legal basis of the employee term. It may be due to the topic of this bachelor thesis, that many actors chose the criterion of discretionary power, which is one of the main elements, differentiating platform work from temporary employment.

*Table 4.1. Stakeholder Preferences regarding the Classification of Platform Workers*

Stakeholder	Preference
Employer associations	self-employed: with distinction, when platform employs workers as employee
Trade unions	Employees: nevertheless not one opinion – generally employees with the exception of ver.di (classification is not the most important matter)
Socio-economic right parties	Self-employed – distinction, when platform employs workers as employee
Socio-economic center-left	self-employed, but clear distinction necessary (classification is not the most important matter)
Socio-economic left parties	Employees

### **4.3. Regulatory Need for Platform Workers**

The positions of stakeholders in the case of regulatory need of platform workers contains the policy dimensions of labour law and social security. In general, labour unions and employer associations have opposite opinions, regarding the need for new regulation for platform workers. The DGB, view the rearrangement of basic conditions for self-employed as inevitable, to provide security for platform workers (DGB III, 2018). A regulation is necessary to “enforce social standards in the platform economy as well” (DGB IV, 2018). Nevertheless ver.di mentions, that the mere classification of workers does not solve the problem (interview ver.di, 2019, 16:26). The employer associations, represented by the BDA do not currently see the need for regulation, as crowdwork is still perceived as a small fraction of the German workforce (interview BDA, 2019, 6:21). On the contrary, employer associations fear regulations, with “consequences in the works constitution act, labour law, social security, competition law (...), while destroying interesting business models” (interview BDA, 2019, 38:12).

#### **4.3.1. Labour Law**

In theory, two main aspects for the policy field of labour law were found to be decisive, on deciding the actor’s position; wage limit and working hours. The coordination of positions of actors ranges from strict regulation to flexible regulations. Strict regulations would include general wage limits and limits to working hours, while a flexible approach, would disregard such regulation completely. An intermediate position is possible, where wage limits and working hours could be negotiated in tariff agreements and mandatory where tariff agreements



apply. From theory employer associations and socio-economic right wing parties were expected to oppose regulations in labour law. Labour unions and socio-economic center left parties, following from the insider-outsider theory were assumed to advocate wage limits and working hours for platform workers, in order to protect insiders. In the case of socio-economic left parties, in order to provide more opportunities for outsiders, while generally advocating benefits for outsiders, in the policy field of labour law, they were expected to oppose further regulations on wage limit and working hours.

The main crux of the matter in the policy field of labour law is minimum wage. Two of the three labour union actors prefer such a minimum wage for solo self-employed. The DGB mentions several possibilities for such. They mention the possibility of including employee-like persons into the minimum wage law (DGB III, 2018). Furthermore, they wish to obligate platforms to secure minimum labour conditions and wages for their platform workers (DGB, 2017). The last possibility focuses on the solo self-employed, independent of being a platform worker or not. The DGB wishes to install minimum wage regulations for each industrial sector for solo self-employed, due to their similarity to employees (DGB III, 2018). The IG Metall does specify such possibilities for minimum wage (IG Metall, 2015). A minimum wage, independent on the classification of the worker should be based on the “locally applicable minimum wage” (IG Metall, 2010), additionally a piece-rate or project-based wage represent a further possibility. The need to negotiate the value of labour is also perceived by ver.di. Nevertheless, they view it as a difficult task, as mechanisms that determine the worth of every job do not exist. Different from the other trade unions, ver.di does not support a legislative minimum wage, as this might lead to lower wages. (interview ver.di, 2019, 12:34). As already mentioned, employer associations do not perceive the need for regulation in the labour policy field, as the regulations for employee and self-employed are clearly defined (interview BDA, 2019, 21:04). Additionally they view minimum wage and working hours as “unfeasible, based on the diversity of tasks”. Additionally such regulations would be applicable to all solo self-employed as shown in the key citations (interview BDA, 2019, 21:04).

*Key Quotes: Minimum Wage for Platform Workers*

<i>DGB</i>	<i>Ver.di</i>	<i>BDA</i>
<p><i>“solo self-employed and small self-employed with up to two employees, should have a claim to industrial sector specific minimum wage, based on their comparable dependent situation to employees” (DGB III, 2018).</i></p>	<p><i>“[...] we do not want a legal minimum wage. This leads to the situation, that in industrial sectors, where a lot more is paid than the legal minimum wage, wages would decrease. We say, that, similar to the tariff landscape, this has to be dealt with in the industrial sectors” (Interview ver.di, 2019, 12:34).</i></p> <p><i>“It will not necessarily be possible to determine for every single job the certain worth. We have all those established mechanism, to determine the price of every labour power in the Federal Republic. These mechanisms do not exist in the sector and together we must take a look at the aim and how to determine something, to achieve fairness” (Interview ver.di, 2019, 24:13).</i></p>	<p><i>“[A minimum wage] is obviously ludicrous, as it is not practicable at all, when taking a look at the diversity of tasks that are mediated [through platforms]. [...] Who is supposed to determine that [the price for a certain effort]? [...] In that case we would have a regulative effort no one could imagine. Additionally solo self-employed are not exclusively made up of platform workers. [...] No one has thought this through, when such things are dealt with, even though we have a very protected employee and naturally also self-employed “ (interview BDA, 2019, 21:04).</i></p>

Similar the political party FDP, does not wish for further bureaucracy in the light of economic growth (Interview ver.di, 2019, 32:44). The CDU/CSU, does also appear to not wish for regulations regarding minimum wage, but focuses on the data protection and employment protection in the digital labour market (CDU I, 2018). On the other side of the spectrum, social democratic parties, like the SPD favour similar regulations to the economic left wing parties, such as die Grünen and die Linken. SPD and die Grünen, wish for a minimum wage for the self-employed (Die Grünen, 2019). Additionally the SPD puts a focus on working hours and employment protection, to such a degree, that platform workers are not affected by risk, above the “normal entrepreneurial risks” (SPD, 2017). Such entrepreneurial risks nevertheless remains to be defined. Due to viewing platforms as companies, die Linke require them to fulfill all regulatory regulations, similar to other companies. They stress that regulation on EU-level would be necessary (Die Linke I, 2019).

Labour unions are once again not consistent in their opinion. While the head organization fulfills the theoretical expectations of a legislative minimum wage, ver.di and IG Metall are slightly more flexible in only advocating wages based on tariff agreements. Even though the unions find the determination of a minimum wage problematic, they do not see a problem in the provision, which is identified by the employer association; who is responsible for paying the minimum wage? The opposition is, as expected shared by socio-economic right parties. Similar to classification, socio-economic left parties do not conform to expectations, as they advocate regulations, which limit the flexibility of outsiders. It can again be assumed that they expect insider benefits.

#### 4.3.2. Social Security

The regulatory need of platform workers in the policy field of social security is measured based on the wish of inclusion into the public insurances of employment insurance, health insurance and old-age pension. Furthermore, the level of autonomy of platform workers, to decide on the extent and form of their insurance was depicted as criteria. It again has to be mentioned that regarding social security, platform workers are, if not mentioned explicitly otherwise, self-employed. Positions could range from a conservative approach, meaning a complete exclusion of platform workers who are self-employed, to a regulative approach in which inclusion into the public insurance system would be mandatory. Intermediate positions can exist. The level of autonomy is based on the amount of choices and the obligation of being insured in the social security system.

Regarding this level of autonomy employer associations socio-economic right parties were expected to advocate the principle of self-protection and in such a high level of autonomy, while trade unions and socio-economic center left parties, were expected to push for mandatory insurances. A high level of autonomy and the principle of self-protection lead to the assumption that socio-economic right wing parties, as well as employer associations were expected to allow the inclusion of self-employed into the public insurance system under certain conditions, higher than those for employees. Trade unions as well as socio-economic left and center left parties, based on the insider-outsider theory would wish for the inclusion of all solo self-employed in the public insurance system. Even though the left-parties could have been expected to promote autonomy, the inclusion in insurance system provides previous outsiders with the same advantages as insiders.

Regarding social security in the case of a classification of platform workers as self-employed all stakeholders see regulatory need. Table 4.2. shows that in general the labour unions, wish to include all employment forms into the social security systems, while employer associations stress the need for stability in the security systems and self-reliance of the self-employed.

In the field of health insurance the labour unions, welcomed the reduction of the minimum contribution assessment limit, which has been reduced to 1.038 Euros (DGB III, 2018). However, ver.di wishes for a “complete equalization of dependent and self-employed occupations, regarding the minimum contribution assessment limit” (ver.di, 2018). This way health insurance should cost 170 Euros per month or nothing, independent of employment form (interview ver.di, 2019, 19:30). Employer associations view the extent of the reduction of the minimum contribution assessment limit as problematic. This is justified through the possibilities of self-employed to insure oneself in the state financed insurance or in a private insurance. (BDA I, 2019). The key quotes show that this differs from the wish of all other actors to develop the calculation principle further. The political actors, economic right, as well as socio-democratic support ver.di in the wish of equal treatment, independent of employment form. The FDP, as well as the SPD favour a calculation based on real earnings (FDP I, 2019 & SPD, 2017). The socio-economic left, represented by Die Linke, wishes for a mandatory citizen insurance (Die Linke, 2017).

Key Quotes: Future Development of Health Insurance System

<i>Further development: calculation based on real earnings</i>	<i>Taking a step back: minimum contribution assessment from 80<sup>th</sup> to 60<sup>th</sup> part</i>
<i>“Dependent employee above the minor threshold value of 450 Euros and 1 cent, pay their contributions according to this, while self-employed have a minimum contribution limit of 1038 Euro. It may be sensible, to prevent beggarly existences for self-employed, but [the minimum contribution] has to be the same” (interview ver.di, 2019, 19:30).</i>	<i>“The minimum contribution assessment limit should be raised to the 60.th part of the monthly reference figure, in order to prevent a risk selection, disadvantaging other contributors” (BDA I, 2019 p.1-2).</i>

The same dynamics can be observed regarding old-age insurance. Different from employer associations, trade unions, favor an inclusion of all self-employed into the state-funded old-age insurance (DGB III, 2018). Employer associations on the other side, also wish to provide the possibility of self-employed in the public insurance system, but wish to keep the selection possibility between public and private insurance intact. Nevertheless, self-employed should be controlled for sufficient insurance, and obligated to provide for old-age with respect to their financial ability (BDA I, 2019). This approach can also be found with the socio-economic right wing parties, such as CDU/CSU and FDP. Additionally to an old age insurance obligation, self-employed should have to opportunity to stay insured in the public insurance system, while also being able to choose private options (CDU I, 2018/ FDP II, 2019). The liberal party additionally favour a construction kit system. It can be perceived as interesting, that a economic left party, like die Grünen, provides the same approach as economic right parties. All self-employed without private insurance, should get the opportunity to insure themselves in the public system (Die Grünen II, 2019). They also provide a similar construction kit system, as the liberal and economic right wing party, as they wish for flexible regulations during the establishment, and payments dependent on the economic situation (Die Grünen, 2016). Similar to the labour unions, the socio-economic center left social-democratic party favors a mandatory insurance in the public insurance system for the self-employed (SPD, 2017).

Regarding the topic of unemployment insurance, only the social partnership presents views on possible developments. Both sides wish to keep the possibility for self-employed to keep insured in the unemployment insurance. Nevertheless the BDA wishes to exclude the risk for the society to vouch for risky business and “entrepreneurial risks” (BDA I, 2019). Given this, employer associations and labour unions, have different opinions regarding a more extensive window of access to the unemployment insurance for the self-employed. The labour unions, wish to enable long-term self-employed another timeframe to insure themselves (DGB III, 2018).

It is interesting that all actors see regulatory need. All actors even the economic right; BDA, CDU/CSU, FDP; advocate mandatory old-age insurance, even though they were expected to wish for more autonomous decision-making. Nevertheless, they still provide such autonomy through the possibility of private insurance. It has to be noted, that against assumptions of the interest of socio-economic left parties, Die Grünen agree on the possibility of private insurance. In terms of health insurance, it is curious that all actors besides the employer associations, even the liberal party support calculations of contributions for self-employed based on real earnings.

In the German insurance system, employer and employee share the employee’s contribution to the social security systems. As labour platforms are no employers and platform workers, for the most part categorized as self-employed, actors tried to provide possible mechanisms to include labour platforms into the social security system. DGB and the IG Metall demand the inclusion of platforms into the financing of social security systems, either analog to the employer’s contribution (DGB III, 2018) or in parts by the workers, platforms, clients and the public (IG Metall, 2016). Ver.di also wishes for such an inclusion, but has more detailed demands. The key quotes show that ver.di expects this to be unproblematic and likely to be satisfied by platforms, if all platforms are affected equally (Interview ver.di, 2019, 16:27). The employer associations negate this wish by the labour unions. The BDA criticizes an all-inclusive approach (Interview BDA, 2019, 27:26).

Different from the inclusion of the platforms, the Green, an economic left-wing party, does not wish to include the platforms, but the client (Die Grünen, 2016).

Key Quotes: Inclusion of Platforms into Social Security System

<i>Mandatory inclusion of platforms into the social security system</i>	<i>No mandatory inclusion of platform into the social security systems</i>
<i>“How to get platforms to be more responsible, that is a central issue. If one would simply say, ‘okay, similar to the artists social insurance we will pay a certain share of [the ] fees [...] into the social security system’ that would be easy to do and would not hurt anyone. And regarding this many platforms we talk to say; ‘If this applies to everyone, we are obviously happy to do it, since it does not hurt anyone“ (interview ver.di, 2019, 16:27).</i>	<i>„I mean platforms pay taxes just as any other company. They might be SMEs with a couple of employees doing the administrative stuff to broker work for freelancers. It depends on the business model. A platform is just a vehicle to realize your business model. Once they hire employees, they are obliged to fulfill all social security duties, including paying social insurance contributions etc. They are not above the law. Thus, demanding regulation for platforms across-the-board is absurd. You have to specifically look at the concrete cases. In my view, this discussion seems to be solely politically motivated and not differentiated at all.“ (interview, BDA, 2019, 27:26).</i>

Even though the inclusion of platforms into social security was not a particular topic in the theory, this regulative possibility shows the consistent following of actors of the insider-outsider theory. Unions wish to protect workers, especially insiders through the stabilization of the social security system, while employer associations attempt to counter inclusive regulations and financial burdens for the platforms.

*Table 4.2. Stakeholder Preferences regarding regulatory Need in the Policy Areas of Labour Law and Social Security law*

Stakeholder	Preference (labour law)	Preference (social security)	Inclusion of platforms into social security	Level of autonomy for platform workers in social security
Employer associations	No regulation	Mandatory old-age pension and health insurance, but autonomy for private versions	No	Medium
Trade unions	Minimum wage and working hours	Mandatory insurance and further harmonization regarding health insurance	Yes	Low
Socio-economic right parties	No regulation	Mandatory old-age pension and health insurance, but autonomy for private versions		Medium
Socio-economic center left parties	Minimum wage and working hours	Mandatory insurance and further harmonization regarding health insurance		Low
Socio-economic left parties	Minimum wage and working hours	Differs: Die Grünen: possibility to choose between private and public  Die Linke: mandatory citizen insurance		Medium  Low



#### **4.4. Implementation**

Theory identified different possibilities for implementation. On the one hand, the remaining with the status quo, in which platform workers are generally characterized as self-employed, except when the platform employs them. On the other hand, already existing legislation could be adapted to include platform workers. As such they could either be included in the group of employee-like persons, the self-employed and employees. Such adoption would entail the broadening of target groups and possibly regulative changes. The last possibility would be the creation of new legislation for platform workers.

Once again, it was differentiated between flexible and regulative approaches. A flexible approach would result in no additional regulation, while a regulative approach would include all platform workers in the group of employees, with the connected regulative consequences.

In order to improve the flexibility of employers and to keep bureaucratic requirements low, employer associations and socio-economic right parties generally were expected to remain with the status quo, in which companies can hire self-employed for service contracts. Furthermore, this would guarantee platforms and platform workers the flexibility to choose autonomously whether to work together on a self-employment or employee level. Trade unions and socio-economic center left parties, based on the insider-outsider theory, were expected to advocate the interests of insiders, and protect these through the inclusion of platform workers into the category of employees. As socio-economic left parties, were expected to represent outsiders they were expected wish for an adaption of self-employed legislation, to guarantee flexibility to the workers. Nevertheless, they were expected to wish for an adaption of the self-employed legislation to include more social security.

Labour unions conform to the assumptions from theory in protecting insiders through the inclusion of platform workers into the category of employees. Only ver.di seems to push to represent the interest of outsiders through the adapting of self-employment legislation.. Such would provide outsiders with flexibility and provide them with certain insider advantage in social security.

During the analysis, it became evident, that the different implementation wishes could at least partly be achieved through tariff agreements instead of the traditional political process. As this was subject to discussion, both possibilities were included in the analysis of the best implementation method.

#### 4.4.1. Political Process

Most labour unions favour an implementation in the political process, in the form of extending the employee term (DGB I, 2018). Especially the IG Metall favours a legal regulation, in which solo self-employment is equal to the employee term (interview KAS, 2019, 17:44). As a further possibility, labour unions, in the form of the DGB, provide a further legal implementation possibility in the reform of the employee-like person, to include a larger field of workers (DGB III, 2018). What is interesting is that different from IG Metall and DGB, ver.di opposes the notion to set every platform worker equal to employees (interview ver.di, 2019, 24:13) and as such implement change through the extension of an employment category. They favour legal regulations, regarding an inclusion of platforms in terms of social security and taxes, independent on the classification (interview ver.di, 2019, 29:35).

Independent of the need to legally regulate social insurance for self-employed, the employer associations do not perceive a need, to create or extend an employment form, to include platform workers (interview BDA, 2019, 28:18). The economic right wing parties, like the FDP and CDU/CSU, support this. The FDP, the liberal party puts large emphasis on self-employment and personal freedom (interview KAS, 2019, 18:03). The foundation of the CDU/CSU stresses the importance of independent and self-employed experts for the German economy. An inclusion of the solo self-employed in the employee term, would bind such independent experts to one company only. The foundations opinions is that a broadening of the employee term “restricts those people, which (is perceived) as very dangerous and also wrong” (interview KAS, 2019, 4:22). Nevertheless, it is mentioned, that the CDU/CSU as economic right-wing party to some extent, in the form of the party leader, prefers an excessive regulation, in order to provide a political answer, while the other 50% of the party prefer the aforementioned conservative approach (Interview KAS, 2019, 18:03). Such an ambivalence in the party can also be perceived regarding the Green Party. Therefore, this traditional economic left-wing party is synonymous to the CDU/CSU “in its basic attitude towards regulation” (Interview KAS, 2019, 18:03). The socio-democratic party follows the approach by the unions and prefers a traditional legal process, in which the employee term would be extended to include self-employed (SPD, 2017).

### Key Quotes: Political Process Implementation

<i>Remain with status quo</i>	<i>Adapt legislation for self-employed</i>	<i>Adapt legislation for employees</i>
<p><i>“So this is no phenomenon that we necessarily have to regulate. Especially because there is labour law already existing, [...] which protects self-employed and connects employees to rights and duties. [...] We do not need a new employee category or something like that.” (interview BDA, 2019, 28:18).</i></p>	<p><i>“To simply say, that every crowdfunder is an employee, cannot be.” (ver.di, 2019, 24:13). „In general we do not care what is’t is called, as long we get the social agreed upon contribution“ (interview ver.di, 2019, 29:35).</i></p>	<p><i>“Especially the labour unions, have been working on it for years. So the IG Metall pressed ahead in this field [...]. They rather advocate a public regulation and have the idea that solo self-employed should be made equal to the employee term.” (interview KAS, 2019, 17:44).</i></p>

It is interesting that in the political context economic left and economic right parties, in the form of CDU/CSU and Die Grünen only conform to the theoretical expectations to a certain extent. Both parties are currently ambivalent in either pushing for legislation or remaining with status quo. As mentioned beforehand political parties do not necessarily make decisions on the policy stands based on ideology. Instead, they also base these on other parties. As the CDU/CSU yet has to formulate a single preference, and pressure exists to push for specific regulations, the green party seems to remain in a waiting position.

#### 4.4.2. Tariff Agreements

An implementation of new regulations in the political sub-system of industrial relations is either possible in tariff agreements with labour unions and employer associations, or in the political process, of legal changes.

Both labour unions and employer association view the process of tariff agreements as desirable in comparison to the political process, regarding labour law, but perceive tariff negotiations

between formally self-employed, without bonds to a company, and platforms as problematic (interview ver.di, 2019, 4:20). The key quotes show that labour unions, attempt to represent solo self-employed in tariff negotiations. As of this labour unions wish for an extension of collective bargaining coverage towards the platform economy (DGB I 2018). A regulation through tariff-agreements is also supported by social democratic parties, such as the SPD (SPD, 2017). A representation of platform workers through labour unions is seen as problematic by employer associations. The economic right-wing parties seem to agree to the employers' opinion. Even though they support the provision of help to platform workers by labour unions, they do not perceive the need for a tariff agreements (interview KAS, 2019, 9:16).

*Key Quotes: Tariff Negotiations with Platforms*

<i>Wish for tariff negotiations</i>	<i>Unfeasibility of tariff negotiations</i>
<i>"We say that generally, similar to the tariff landscape, regulation has to occur in the industrial sectors, with the disadvantage [...], we find only find low appeal to intervene in a regulative way into the industrial sectors, if people are not collective. Regarding gigwork this is relatively simple, when [...] 50 bike-riders meet and have their Rider Community. This simplifies the initial start of collective processes."(interview ver.di, 2019, 12:34)</i>	<i>"As soon as a labour union represents self-employed [to engage in collective bargaining], it basically is illegal price fixing according to competition law. Then a labour union is no labour union anymore. A labour union represents employees and no self-employed, that would be the role of a business presence. [...] In that case it is obviously legally very difficult." (interview BDA, 2019, 33:14)</i>

Regarding the implementation in tariff agreements all actors act as expected. Socio-economic center left parties and labour unions advocate regulations in tariff agreements and collectivization of platform workers. This is important for unions in order to raise their importance and power. Employer organizations critique such organization of platform workers, as this would yield platform workers with higher market powers. This could lead to further regulations and reduce flexibility for companies, especially platforms.

#### 4.4.3. Improved Enforcement of existing Legal Regulations

Related to the wish to remain with the status quo, or the adaption of current law for self-employed, generally the wish was found for improved enforcement of existing legal regulations, before starting a complicated legislative process. This was not topic in theory, but is connected to the diverse implementation method.

It appears that the enforcement of existing legal regulations suffers under the burden of proof, if workers are self-employed or employees. Labour unions and the social democratic parties wish for a “reversion of the burden of proof” (DGB III, 2018). Through this, companies have to prove that no bogus self-employment exists (SPD, 2017). For a more effective control regarding the employment form, labour unions, perceive it as necessary to develop the procedure to secure the employment status further, as the employee-term in labour law and social security do not necessarily match perfectly (DGB III, 2018). On the opposite end, the economic right-wing party of the FDP favours the existence of positive criteria, which means that one criteria for self-employment would result in a classification as such (FDP, 2019).

Next to an improved identification of the employment form, a consistent application of existing law seems to be big demand, by employer associations and economic-right wing parties (CDU, 2016). The BDA, head organization of German employer associations, puts a large focus on such and enforcement problem. It appears that they find the existing classification of employment forms sufficient, if the platforms use the legally correct form for their platform workers. False developments, regarding the use of employment forms by platforms need to be tackled (BDA II, 2019). The BDA stresses that a violation can be prosecuted (interview BDA, 2019, 21:04). Such consistent application of existing law and prosecution of violations can be challenging in the fast-moving platform economy (CDU, 2016).

*“[The classification of workers] needs to be checked individually for every business model. The problem lies in the fact that similar to the labour market and its industrial sectors, platforms are heterogenous. There will be no answer for “the platform”, but only for certain industrial sectors, certain platforms and certain service.” (interview KAS, 2019, 23:05).*

*“Too much time passes [...] the federal state and its jurisdiction have to become more efficient (interview KAS, 2019, 24:06).*

Even though actors differed on their ultimate implementation wish, according to theoretical expectations, all actors see immediate need for action regarding the enforcement of the existing

German labor law, which clearly defines the rights and duties of platform workers, classified as self-employed and platform workers, classified as employee.

*Table 4.3. Stakeholder Preferences regarding Implementation*

Stakeholder	Legal process	Tariff-agreement	Improved Enforcement	Feasibility of more regulations
Employer associations	Status Quo	Not possible	No large problem	Not feasible
Trade unions	Employee – but exceptions possible	Possible	Large problem	Feasible
Socio-economic right parties	Ambivalent		FDP: challenging of positive criteria	Large problems
Socio-economic center left parties	Employee	Possible	Reversion of burden of proof	Possible
Socio-economic left parties	Die Grünen: ambivalent			
	Die Linke: employee			

#### 4.4.4. Feasibility - Organization of Platform Workers

The implementation of regulatory need, especially through tariff agreements, is largely dependent on a sufficient representation of platform workers. Only as such, can they perform enough pressure on politics or the tariff partners to achieve new regulations. Therefore, it is necessary to explore the extent of organization of platform workers. In general, all actors rank the organizational degree of platform workers as rather low. Even though labour unions, wish to improve the organizational power of platform workers, through a simple access to labour unions generated by the platforms (DGB, 2017), they view the missing contact of workers as problematic. Such contact does not occur in the companies or platforms but rather in the social media (DGB II, 2018). Employer associations, like the interest representation for temporary employment companies, challenge the possibility of organization in labour unions, as platform workers are formally self-employed and additionally do not only work in one industrial sector (interview iGZ, 2019, 12:24). The wish of labour unions, to also negotiate for the solo self-

employed is also recognized by the social-democratic party (SPD, 2018). Nevertheless even if a collectivization of platform workers were possible in labour unions, this representation of platform workers would be problematic if they were legally self-employed. In this case agreements on fees could be interpreted to violate European cartel law (interview labour lawyer, 2019, 9:46). This results in the problem of representation through industrial relations actors.

*“If [the service provision was by] self-employed and not by bogus self-employed, which in reality are employees, then collective actors, labour unions and employer associations have limited possibilities. They cannot find agreements regarding the compensation of [...] self-employed persons” (interview labour lawyer, 2019, 11:46).*

#### 4.4.5. Feasibility - Necessity of international Regulations

A further problem could be the global extent of labour platforms and location-independent work. This is perceived as a large and yet unsolved problem, by labour unions and employer associations alike. Regulations for labour platforms in Germany, may not affect the platforms that are legally based in the US. This would disadvantage German platforms. The question is how to reach international clients legally (interview ver.di, 2019, 16:26). Here, employer associations emphasize that legal tricks would be necessary, to achieve a priority of German labour law (interview iGZ, 2019, 2:48).

*“That [Cartel law] is where one sees, that the problems are very complex, especially with the setting of having to do with economic processes in international markets” (interview labour lawyer, 2019, 13:47).*

The problem of internationality does also appear, regarding tariff agreements, as many countries do not have labour unions with the ability for action (IG Metall, 2015).

#### **4.5. General Knowledge and Power by Actors**

Regarding the knowledge of actors in the political sub-system of the social partnership, the most competence is perceived to be with the labour unions (interview BDA, 2019, 36:04). It is perceived by the stakeholders, that the level of knowledge regarding all political parties is not present in the top management level, and if knowledge is present, this is not detailed (interview ver.di, 2019, 32:44). Even though on a working level and in special committees of the government extensive knowledge exists, labour unions nevertheless perceive the possibility of an all-encompassing legislative process, regarding the regulatory need of platform workers in no political party constellation.

The level of knowledge additionally seems to coincide with the power and influence of the different stakeholders. The labour platforms push the topic in many cases (interview BDA, 2019, 36:04). Theory expected that employer associations will struggle to find a clear standpoint on the regulatory demand of labour platforms, due to a complicated process of interest unification and conceptualization of aims, (Schnabel, 2005). This generally cannot be affirmed, because when iGZ and BDA had opinions on a topic these usually were very similar. A clear standpoint was nevertheless usually found, since the BDA was the only employer association to have formulated positions. Different from the labour unions, the employer associations seem to have missed the relevance of the topic at first. This could be due to the organization into the different industrial sectors. Employer associations lack such a clear organization into sectors, which could have led to an inability to allocate the responsible actor (interview KAS, 2019, 30:59). Nevertheless, both actors have significant influence, due to the inclusion in legislative processes (interview BDA, 2019, 36:04). Next to the social partners, interest associations, like “Bitkom” have taken on a role in the debate (interview iGZ, 2019, 15:54). The influence of interest representations of the self-employed could be underestimated at first, as they are fragmented into eight to ten different associations. Nevertheless, these self-employed associations are in exchange with each other and with the labour ministry (interview KAS, 2019, 27:31).

Retrieved from theory power of the stakeholders can be either legislative power or non-legislative power (Greef et al., 2017). Actors with legislative power are the political parties in the Bundestag included in this thesis. The only governmental instance that was highlighted by the interview partners was the working level, or think tank of the ministry for labour. As this ministry is led by the SPD, a socio-economic center-left party it can be expected that generally their wish for regulations and a classification of platform workers as employee, is supported by



legislative power. Nevertheless, this classification is opposed by the socio-economic right in the form of the CDU/CSU, which holds the majority in the coalition government with the SPD. Problematic is that regarding the classification of platform workers and connected implementation of regulatory need; the CDU/CSU has been mentioned to be ambivalent. Stakeholders with non-legislative power are the social partners, meaning labour unions and employer associations. In this analysis it has been found, that labour unions have diverse opinions on the regulatory need of platform workers. Nevertheless, they are generally perceived to have a large amount of knowledge. They also can influence political actors through cooperation. Generally, employer associations are engaged in the development and formulation of regulations in the policy field of labour law and social security. This theoretically would also include regulatory need of platform workers, but the BDA itself already identified a tendency of the ministry to cooperate with labour platforms

## **5. Conclusion**

In this thesis, an industrial relations stakeholder analysis of regulatory need for platform workers in the context of legal changes regarding temporary employment was provided. For a stakeholder analysis, it was necessary to identify key stakeholders with interest in the topic. Theory about insider-outsider model of representation showed that platform workers pose as labour market outsiders, while dependent employees are labour market insiders with market power. Through this theory, it was possible to identify key stakeholders, like labour unions and employer association, as well as political parties. These industrial relations actors represent the interests of insiders or outsiders on a political and legislative level. In order to protect the interests of insiders, a strong employment protection, theory suggested that especially labour unions and socio-economic center left parties would advocate regulations, while employer associations and socio-economic right parties would oppose such, in order to protect flexibility. Additionally socio-economic left parties, attempting to represent outsiders, were expected to either provide flexibility for outsiders or with insider-like benefits. In the analysis these theoretical assumption were generally supported, as most labour unions and the SPD supported a classification of platform workers as employee, and in such include them in a more regulative employment category. The same counts for employer associations and socio-economic right parties for the most part. Nevertheless, regarding the social security insurance of self-employed the also advocated for an expansion of mandatory insurance. It was moreover interesting that socio-economic left parties generally tried to achieve regulations, which included platform workers into insider-benefits instead of advocating flexibility as was expected from theory.

The research question; “To what extent do diverse industrial relations actors have different perspectives on the regulatory need for platform workers in Germany in the context of legal changes regarding temporary employment?” can be answered.

First, it can be noticed that the context of legal changes regarding temporary employment in Germany can be neglected, when attempting to find regulatory need for platform workers. Different from temporary employees, platform workers are not integrated into the corporate structure and not subject to authority of the client to give orders on the conducting of the work. These different legal realities justify, why all stakeholder do not see a serious substitutional effect of platform economy on temporary employment. Nevertheless, platform work currently can be compared to the atypical employment form of solo self-employed that perform contracts of work for other companies.

The diverse actors; employer associations, labour unions and political parties, partly agree on regulatory need for few dimensions, while also advocating opposite preferences in others. Generally, it can be observed that employer associations and socio-economic right parties, like the FDP and CDU/CSU, advocate flexible solutions for platform workers. They prefer a classification as self-employed for most platform workers, with the exception if the legal definition of an employer applies to a platform. They oppose additional regulation in labour law, as this would reduce the flexibility of platform work. Additionally they want to preserve the legal status quo.

On the other side, labour unions and socio-economic center left parties, like the SPD, act in the interest of labour market insiders, by wishing to categorize platform workers as employees. This would entail a minimum wage and the inclusion of platforms into the provision of social security contributions. Therefore, they advocate an adaption of the employee category in the law to include platform workers.

Even though theory expected socio-economic left parties to protect outsiders through the provision of flexibility, these parties, like Die Linke or Die Grünen largely chose to take the side of labour unions and the SPD, in order to provide platform workers as labour market outsiders, with insider services.

It has to be mentioned that even though two coalitions can be detected, all stakeholders agreed on certain elements of regulatory need. In the case of social security all actors agreed upon a mandatory insurance for old-age pensions, only differing in the level of autonomy for self-employed. They additionally agreed upon the most important and direct implementation method to improve the situation of platform workers in Germany. All actors saw the need for better enforcement of the current legal regulations. This refers specifically to the detection of bogus self-employment by certain labour platforms. The detection of such could provide the affected workers with the security and regulations of employees, while further providing flexibility to self-employed platform workers.

Regarding the identification of stakeholders, it can be noted, that industrial relations actors, such as labour unions and employer associations, still are of large importance in the discussions around platform work. Especially labour unions are able to present innovative ideas for regulative measures. Nevertheless, it is important to include an equally strong partner on the opposite side, in the form of employer associations. At this point, it seems that employer associations are attempting to disempower the proposals by the labour unions, in terms of feasibility. Nevertheless, labour unions influence the political actors.

With respect to the existing literature, this thesis is able to add to the positioning of employer associations with respect to platform workers. Traditionally, literature mainly focused on the positioning and preferences of labour unions and socio-economic center left (social-democratic parties). These actors are assumed to represent the interests of labour market insiders. Through the inclusion of other actors, such parties from the complete political spectrum and the employer associations, the interests of outsiders may have been observed as well. Furthermore, in order to make predictions about future political developments in policy fields affected by the social partnership it is necessary to take the two sidedness of the system into account, labour unions and employer associations. Employer associations have equal political influence to labour unions, but their position regarding the platform work has been neglected prior to this thesis. Additionally this thesis attempted to show possible relationships between two types of atypical employment and possible substitutionary effects. As this thesis shows, a direct substitution between platform work and temporary employment does not seem likely, but platforms could improve temporary employment in terms of allocation. This finding can lead to more efficient management and innovative strategies, within atypical employment.

### **5.1. Limitations of the Study**

Limitations of the study were mainly due to the limited timeframe a bachelor thesis offers. As a stakeholder analysis requires the collection of detailed information for each actor, only a small number of actors were included in this study. Additionally to the traditional social partnership actors, further interest representation organizations could have been included. Industrial sector interest representations, with a special focus on information economy and telecommunications, like “Bitkom”. Additionally it would be interesting to identify the regulatory wishes of the self-employed, solo self-employed or specifically platform workers. When identifying the key stakeholders for this thesis, the several small and very diverse self-employed interest representations were expected to not have legislative or non-legislative influence on the regulatory need of platform workers. Over the course of the thesis, it became evident, that these organizations work together and cooperate with the ministry for labour. Nevertheless, the selection of the key social partners instead of including more interest representation made a more detailed theoretical and analytical approach possible. In terms of political parties, the inclusion of all parties in the Bundestag with legislative power and sufficient positioning on the issue of labour politics was sufficient. The sorting into key categories on the scale of socio-economic right and socio-economic left made theoretical assumptions and a comparative

analysis possible. As already mentioned further actors could have provided new insight into the need and wish of platform workers for regulations.

Threats to the validity of the study pose the limited number of interviews. This may also be connected to the limited attractiveness of bachelor thesis to large actors, such as federal political parties. Interviews with political parties could provide better assessment of the positions of parties with ambiguous views and the nature of influential relationships between social partners and political parties.

Several recommendations for future research can be made. Regarding the methodological approach and the timeframe, more actors could be included in the research. During the course of the study, several actors next to the industrial relations actors were identified. These included economic interest organizations, such as “Bitkom”, but also representatives of self-employed, platform and platform workers in particular. Here it would be increasingly interesting to discover the extensiveness of the wish of platform workers for more regulations, and to assess the willingness of platforms to fulfill. Resulting from the positions of the actors on implementation it became obvious that not everyone necessarily advocates legal change, but most of the actors wished for an improved assessment of the employment form. Therefore, one could study possibilities to improve the efficiency of German management of lawsuits at labour courts. On a macro-economic level, a new approach could include comparisons and the study of possible substitutional effects of platform work on other employment forms. Connected to this, Business Administration scholars could find a study on the potential of platform work on the outsourcing of work in German companies interesting, while also keeping an eye on risks, such as quality and data protection.

## **5.2. Practical Implications**

This thesis could have practical implementations in showing diverse industrial relations stakeholder common interests and issues, which potentially could result in collective action. Especially labour unions and employer associations, traditionally have the capacity to work together on one issue. By merging their positions, even on one issue, they have significant influence on actors with legislative powers to initiate change. Also in the German political system, coalition building of parties is not unusual and even necessary to gain a majority in the Bundestag, as for example the current governing coalition of CDU/CSU and SPD. This thesis identified various points in which coalition building is possible as well as showing issues, with strictly opposing views.

An issue, where coalition building leads to a development of two opposing blocks. Such a risk of gridlock can, with respect to the nature of actors (legislative or non-legislative power) exist in the social partnership or the Bundestag.

In the case of labour law regulation such a gridlock exists for the implementation of a minimum wage for self-employed. While labour unions for the most part advocate such a minimum wage, employer association doubt feasibility of such and oppose it. This is also the case for political parties. FDP, CDU/CSU generally oppose minimum wages, while socio-economic left parties are in favor of it. This is problematic as the governing parties of CDU/CSU and SPD work together in a coalition. Therefore, their opposing views will hinder or slow down a legislative change in labour law.

This is slightly different in the case of social security regulations. Here social partners both generally support mandatory insurance for self-employed with the possibility of private insurance instead of public insurance. They only disagree on the level of the minimum contribution limit in health insurance. Nevertheless, they could use their collective power to raise the importance of old-age pension insurance. For political parties, the need for insurance seems to be agreed upon by most parties as well. The SPD pushes for equal treatment of self-employed in health insurance, connected to a calculation of contributions base on real earnings. These points are partly supported by the CDU and could therefore become a possible project of the SPD with realistic chances of successful implementation.

Even though this agreement exists in the element of health insurance, agreements on social security could be problematic, as majority coalitions exist on the separate elements of social security, but not the coalitions are not identical. Regarding old-age pension, a Jamaica coalition of CDU/CSU, FDP and Die Grünen seems to advocate a mandatory insurance of self-employed by being insured in the public insurance system or in a private insurance. This would pertain the right for autonomous insurance while the other parties rather advocate a mandatory insurance. In the current coalition, this could lead to a gridlock, since CDU/CSU do not agree upon one opinion. Nevertheless, this interest coalition may become interesting after a future election, with the possibility of a Jamaica coalition in mind. In the current legislative period, a bargaining model could be interesting concerning the current coalition government. While CDU/CSU might grant the SPD a calculation of health insurance for self-employed based on real earnings, the SPD might agree to a more autonomous approach in old-age pension.

Another interesting case is the classification of platform workers and its implementation in the legal system. Unions and employer associations once again have completely opposing views,

while political parties seem to lack a clear opinion. While, socio-economic right parties like CDU/CSU and FDP generally are expected to advocate the classification of platform workers as self-employed, SPD and Die Linke advocate a classification as employees. No coalition could have a majority in the Bundestag in addition to having no clear agreement between the governing coalition of CDU/CSU and SPD. Nevertheless all parties seem to agree that the enforcement of existing legal regulations need to be improved. This agreement is especially present in the governing coalition and therefore the possibility of legislative actions is probable. This is strongly supported by unions and employer associations, which realistically would be included in the composition of solution proposals.

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## **Appendix**

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## Appendix I – Policy Papers for each Actor

Actor	Policy Papers
DGB	<p>DGB (2016). Stellungnahme des Deutschen Gewerkschaftsbundes zum Grünbuch des Bundesministeriums für Wirtschaft und Energie „Digitale Plattformen“. <i>DGB Website</i>. retrieved on 16.06.2019. from <a href="https://www.dgb.de/themen/++co++afb60ec2-8560-11e6-9f2f-525400e5a74a">https://www.dgb.de/themen/++co++afb60ec2-8560-11e6-9f2f-525400e5a74a</a></p> <p>DGB 11 (2017) Plattformökonomie – nicht nur bei Umsatzsteuer handeln!. <i>DGB Website</i>, retrieved on 06.06.2019 from <a href="https://www.dgb.de/themen/++co++b3725a54-d5bc-11e7-a5a7-52540088cada">https://www.dgb.de/themen/++co++b3725a54-d5bc-11e7-a5a7-52540088cada</a></p> <p>DGB I. (2018). DGB-Vorsitzender will digitalen Kapitalismus zivilisieren und fordert Ende des „digitalen Tagelöhnertums“. <i>DGB Website</i>, retrieved on 06.06.2019 from <a href="https://www.dgb.de/presse/++co++35e4d036-5752-11e8-bb47-52540088cada">https://www.dgb.de/presse/++co++35e4d036-5752-11e8-bb47-52540088cada</a></p> <p>DGB II. (2018). Bericht zum Workshop zur Digitalisierung im Dienstleistungssektor. <i>DGB Website</i>. retrieved on 06.06.2019 from <a href="https://www.dgb.de/themen/++co++4d4d0a46-fa08-11e8-a88e-52540088cada">https://www.dgb.de/themen/++co++4d4d0a46-fa08-11e8-a88e-52540088cada</a></p> <p>DGB III. (2018). Zur sozialen Absicherung und sozialen Lage von Soloselbstständigen: Großer Handlungsbedarf, kleine Konzepte?. <i>DGB Website</i>. retrieved on 06.06.2019 from <a href="https://www.dgb.de/themen/++co++3afb60e-0449-11e9-a953-52540088cada">https://www.dgb.de/themen/++co++3afb60e-0449-11e9-a953-52540088cada</a></p> <p>DGB IV (2018). Prekäre Beschäftigung – Aktuelle Entwicklungen und gewerkschaftliche Forderungen. Arbeitsmarkttaktuell Nr.8</p>
ver.di	<p>Ver.di. (2018). Sinkende Krankenkassenbeiträge für Solo-Selbstständige machen Altersvorsorge möglich. <i>ver.di Website</i>. Retrieved on 06.06.2019 from <a href="https://www.verdi.de/presse/pressemitteilungen/++co++fadfc872-d2e6-11e8-8464-525400b665de">https://www.verdi.de/presse/pressemitteilungen/++co++fadfc872-d2e6-11e8-8464-525400b665de</a></p> <p>Ver.di (2019). Arbeiten in der Crowd. <i>ver.di Website</i>. Retrieved on 06.06.2019 from <a href="https://www.verdi.de/themen/digitalisierung/++co++177407b2-84a8-11e6-a9bc-525400b665de">https://www.verdi.de/themen/digitalisierung/++co++177407b2-84a8-11e6-a9bc-525400b665de</a></p> <p>Ver.di. (2016). Digitale Plattformen: Rechtliche und technische Rahmenbedingungen für eine Wirtschaft im Dienste der Menschen. <i>ver.di Innovation und Gute Arbeit</i>. Retrieved on 06.06.2019 from <a href="https://innovation-gute-arbeit.verdi.de/themen/crowdwork">https://innovation-gute-arbeit.verdi.de/themen/crowdwork</a></p>
IG Metall	<p>IG Metall (2015). Mindestlohn gilt nicht für Crowdworker. <i>IG Metall Website</i>. Retrieved on 16.06.2019 from <a href="https://www.igmetall.de/politik-und-gesellschaft/zukunft-der-arbeit/crowdworking/mindestlohn-gilt-nicht-fuer-crowdworker">https://www.igmetall.de/politik-und-gesellschaft/zukunft-der-arbeit/crowdworking/mindestlohn-gilt-nicht-fuer-crowdworker</a></p>



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	IG Metall (2019). Interview im Handelsblatt. <i>IG Metall Website</i> . Retrieved on 16.06.2019. from <a href="https://www.igmetall.de/presse/ig-metall-vorstand/auch-in-der-digitalen-welt-muss-arbeit-ihren-wert-haben">https://www.igmetall.de/presse/ig-metall-vorstand/auch-in-der-digitalen-welt-muss-arbeit-ihren-wert-haben</a>
	IG Metall II (2019). Europa braucht dich jetzt. <i>IG Metall Website</i> . Retrieved on 16.06.2019. from <a href="https://www.igmetall.de/politik-und-gesellschaft/internationales/europa-braucht-dich-jetzt">https://www.igmetall.de/politik-und-gesellschaft/internationales/europa-braucht-dich-jetzt</a>
BDA	<p>BDA II. (2019). Regulierte die Plattformen! I!!” <i>BDA future of work Website</i>. retrieved on 05.06.2019 from <a href="https://www.futurework.online/beitraege/reguliert-die-plattformen1.html">https://www.futurework.online/beitraege/reguliert-die-plattformen1.html</a></p> <p>BDA I (2019) “BDA-Konzept zur sozialen Sicherung von Selbstständigen“ <i>BDA Website</i>. retrieved on 05.06.2019 from <a href="https://www.arbeitgeber.de/www/Arbeitgeber.nsf/res/BDAKonzeptSelbststaendige.pdf/\$file/BDAKonzeptSelbststaendige.pdf">https://www.arbeitgeber.de/www/Arbeitgeber.nsf/res/BDAKonzeptSelbststaendige.pdf/\$file/BDAKonzeptSelbststaendige.pdf</a></p>
IG Zeit	iGZ (2018). Zukunftsfragen zur Zeitarbeit im Fokus des IAB. <i>iGZ-Website</i> . retrieved on 14.06.2019 from <a href="https://www.ig-zeitarbeit.de/presse/artikel/zukunftsfragen-zur-zeitarbeit-im-fokus-des-iab">https://www.ig-zeitarbeit.de/presse/artikel/zukunftsfragen-zur-zeitarbeit-im-fokus-des-iab</a>
CDU	<p>CDU (2016). Plattformwirtschaft ermöglicht Wachstum. <i>CDU/CSU Website</i>. retrieved on 16.06.2019. from <a href="https://www.cduscu.de/presse/pressemitteilungen/plattformwirtschaft-ermoeglicht-wachstum">https://www.cduscu.de/presse/pressemitteilungen/plattformwirtschaft-ermoeglicht-wachstum</a></p> <p>CDU II. (2018). Digital-Gipfel: Impulse für Künstliche Intelligenz. <i>CDU-Website</i>. retrieved on 14.06.2019 from <a href="https://www.cdu.de/artikel/digital-gipfel-impulse-fuer-kuenstliche-intelligenz">https://www.cdu.de/artikel/digital-gipfel-impulse-fuer-kuenstliche-intelligenz</a></p> <p>CDU I. (2018). Klare CDU Handschrift im Koalitionsvertrag. <i>CDU Website</i>. retrieved on 14.06.2019 from <a href="https://www.cdu.de/artikel/cdu-erfolge-im-koalitionsvertrag">https://www.cdu.de/artikel/cdu-erfolge-im-koalitionsvertrag</a></p>
SPD	<p>SPD (2017). Beschlüsse des ordentlichem Bundesparteitages 2017. <i>SPD Website</i>. retrieved on 14.06.2019 from <a href="https://www.spd.de/fileadmin/Dokumente/Beschluesse/Bundesparteitag/Beschlussbuch_o_BPT_2017_final_web.pdf">https://www.spd.de/fileadmin/Dokumente/Beschluesse/Bundesparteitag/Beschlussbuch_o_BPT_2017_final_web.pdf</a></p> <p>SPD (2018). Themen – Ideen – Kontroversen: Ergebnissicherung aus den Debatten. <i>SPD Website</i>. Retrieved on on 16.06.2019 from <a href="https://www.spd.de/themen-ideen-kontroversen/arbeit-von-morgen/">https://www.spd.de/themen-ideen-kontroversen/arbeit-von-morgen/</a></p>
Die Linke	Die Linke II (2019). Fünf Punkte für gute Arbeit in Europa. <i>Die Linke Website</i> . Retrieved on 14.06.2019. from <a href="https://www.die-linke.de/detail/fuenf-punkte-fuer-gute-arbeit-in-europa/">https://www.die-linke.de/detail/fuenf-punkte-fuer-gute-arbeit-in-europa/</a>

	<p>Die Linke I. (2019). EU-Initiative "Mindesteinkommen für Plattformbeschäftigte" begrüßenswert. <i>Die Linke Website</i>. retrieved on 14.06.2019. from <a href="https://www.die-linke.de/detail/eu-initiative-mindesteinkommen-fuer-plattformbeschaeftigte-begruessenswert/">https://www.die-linke.de/detail/eu-initiative-mindesteinkommen-fuer-plattformbeschaeftigte-begruessenswert/</a></p> <p>Die Linke (2017). #digitallinks 10 Punkte für eine digitale Agenda der LINKEN. <i>Die Linke Website</i>. retrieved on 14.06.2019. from <a href="https://www.die-linke.de/fileadmin/download/themen/digitalisierung/zehn_punkte/17-08-15_Digitale_Agenda_LANG_FINAL.pdf">https://www.die-linke.de/fileadmin/download/themen/digitalisierung/zehn_punkte/17-08-15_Digitale_Agenda_LANG_FINAL.pdf</a></p>
	<p>Die Grünen (2016). Absicherung von Selbstständigen – Bundestagsrede von Markus Kurth. <i>Die Grünen Website</i>. retrieved on 16.06.2019 from <a href="https://www.gruene-bundestag.de/parlament/bundestagsreden/2016/november/markus-kurth-absicherung-von-selbstaendigen.html">https://www.gruene-bundestag.de/parlament/bundestagsreden/2016/november/markus-kurth-absicherung-von-selbstaendigen.html</a></p> <p>Die Grünen (2019). Wir machen den Sozialstaat sicher und zukunftsfest. <i>Die Grünen Website</i>. retrieved on 16.06.2019 from <a href="https://www.gruene.de/themen/soziales">https://www.gruene.de/themen/soziales</a></p> <p>Die Grünen II (2019). Wir stärken unsere Wirtschaft. <i>Die Grünen-Website</i>. retrieved on 16.06.2019 from <a href="https://www.gruene.de/themen/wirtschaft">https://www.gruene.de/themen/wirtschaft</a></p>
FDP	<p>FDP I. (2017). Abbau überflüssiger Regulierung in der Zeitarbeit. <i>Programm zur Bundestagswahl</i>. retrieved on 15.06.2019 from <a href="https://www.fdp.de/wp-modul/btw17-wp-a-74">https://www.fdp.de/wp-modul/btw17-wp-a-74</a></p> <p>FDP II (2017). Positivkriterien für Selbstständige. <i>Programm zur Bundestagswahl</i>. retrieved on 15.06.2019 from <a href="https://www.fdp.de/wp-modul/btw17-wp-a-105">https://www.fdp.de/wp-modul/btw17-wp-a-105</a></p> <p>FDP I (2019). Moderne Positivkriterien für Selbstständige. <i>FDP Website</i>. retrieved on 16.06.2019 from <a href="https://www.fdp.de/forderung/105-2">https://www.fdp.de/forderung/105-2</a></p> <p>FDP II (2019). Basisabsicherung im Alter für Selbstständige. <i>FDP Website</i>. retrieved on 16.06.2019 from <a href="https://www.fdp.de/forderung/basisabsicherung-im-alter-fuer-selbststaendige">https://www.fdp.de/forderung/basisabsicherung-im-alter-fuer-selbststaendige</a></p>

## Appendix II: Coding Scheme

Theme	Dimension	Coding Rule	Prime Example
Classification of Platform Workers	Integration of labour into business	Self-employed: no integration of labour into business,	„When I say that I would like to have a wall painted in my company, then I can do that well by using having a self-employed do it, and it will be done. A contract is made and everything is fine. If I want to have an employee, [...] whose labour power I use for my company and who I can tell what I want to have done [...] that is solely possible with an employee (interview BDA, 13.04).
		Employee-like person: labour by platform worker is integrated in the company's process, but not the same work, that employees of the company conduct as well	
		Employee: labour is completely integrated into the company's process. Without platform work, the process would not be complete	
	Level of control by the employer over the individual's work	Self-employed: platform worker conducts the work by himself or herself	„In the case of temporary employment, meaning to have an employee working in my company, I am able to tell [the temporary employee], do this is your shift, whatever. This is classic authority to give directives of the employer [to the employee]. In the platform economy, [...] when hiring a self-employed, I basically buy a service, but [the platform worker] decides how to do it and is not subject to directives.” (interview BDA, 2019, 13:04)
		Employee-like person: self-employed platform worker conducts the work autonomously but based on a detailed description by employer	
		Employee: employer has full control over work	
	Length and exclusivity of employment contracts	Self-employed: rare repetition of employment at the same employer	“Under certain conditions, such as economic dependency, a person can be classified as employee-like. Economic dependency means that at least 50% of my income is generated from one client. This is hardly ever existent in the platform economy. Hardly any group in the platform economy would be affected by that rule, because [they] do not obtain [orders] from one platform or client alone, but from many.” (interview BDA, 2019, 14:44)
		Employee-like person: repeated employment by the same employer but not one single employer	
		Employee: largely dependent on one single employer	

Regulatory Need	Labour Regulation (Wage limit and limit on working hours)	No strict regulation: no wage limit and limit on working hours	“[A minimum wage] is obviously ludicrous, as it is not practicable at all, when taking a look at the diversity of tasks that are mediated [through platforms]. (interview BDA, 2019, 21:04)
		Intermediate: wage limit and working hours in cases where tariff agreements exist	“[...] we do not want a legal minimum wage. This leads to the situation, that in industrial sectors, where a lot more is paid than the legal minimum wage, wages would decrease. We say, that, similar to the tariff landscape, this has to be dealt with in the industrial sectors” (Interview ver.di, 2019, 12:34).
		Strict regulation: general minimum wage and minimum wage according to tariffs, where agreements exist	“solo self-employed and small self-employed with up to two employees, should have a claim to industrial sector specific minimum wage, based on their comparable dependent situation to employees.” (DGB III, 2018)
	Social Security (health care, unemployment insurance and old-age pensions, autonomy)	<ul style="list-style-type: none"> <li>Flexibility/autonomous approach: exclusion of platform workers from all public insurance/social security systems</li> </ul>	
		Intermediate approach: the possibility for platform workers to become part of the public insurance system under different conditions than traditional employees	“The minimum contribution assessment limit [for self-employed] should be raised to the 60.th part of the monthly reference figure, in order to prevent a risk selection, disadvantaging other contributors.” (BDA I, 2019 p.1-2)

		Regulation/ mandatory approach: mandatory inclusion of platform workers in all public insurance systems	„Through the change of the labourworld, new social guarantees are needed. A key term here is: solidaric citizen insurance [...] (Die Linke, 2017).,
<b>Implementation Method</b>	Confirmation and enforcing of current laws	Flexibility/economic conservative: no additional regulation or the creation of a further employment category	“So this is no phenomenon that we necessarily have to regulate. Especially because there is labour law already existing, [...] which protects self-employed and connects employees to rights and duties. [...] We do not need a new employee category or something like that.” (interview BDA, 2019, 28:18)
	Creation of a further employment category and new regulations		
	Adapting of existing law: Inclusion of platform workers in the group of employee-like persons	Intermediate: inclusion of platform workers in the group of employee-like person and the connected regulations	"Erforderlich ist auch eine Reform des Tarifvertragsgesetzes für arbeitnehmerähnliche Personen (§ 12a TVG), mit der dessen Anwendung auf einen breiteren Personenkreis möglich ist." (DGB III, 2018)
	Adapting of existing law: Inclusion of platform workers in the group of employees	Regulation/economic restrictive: inclusion of employee-like persons in the group of employees	“Especially the labour unions, have been working on it for years. So the IG Metall pressed ahead in this field [...]. They rather advocate a public regulation and have the idea that solo self-employed should be made equal to the employee term.” (interview KAS, 2019, 17:44)