



2019 CWC Workers' Capital Conference
8-9 September
Paris, France

Session Summary

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| Session Title | Disruptive business models (I): Addressing labour rights in the online platform economy |
| Time | Sept. 9, 11-12:00 |
| Location | CC6 |
| Interpretation | Spanish/French/Japanese |
| Moderator | Anna Byhovskaya, Senior Policy Advisor, TUAC |
| Speakers | <ul style="list-style-type: none">• Jeremy West, Senior Policy Analyst, OECD• Umberto Bandiera, Secretary, Unia (Switzerland) |
| Trustee respondents | <ul style="list-style-type: none">• Harpinder Sandhu, BC Municipal Pension Plan and Public Service Pension Plan/Canadian Union of Public Employees British Columbia (Canada)• Kara Keys, Cbus/Australian Council of Trade Unions (ACTU) |

Session Overview

Highly digitalized companies – or companies which receive the majority of their revenue through digital interactions and transactions – are transforming the world of work, with profound economic and social implications. Their business models often include a reliance on hard to value intangible assets, which facilitates their ability to exploit opportunities for regulatory arbitrage between jurisdictions. Digitalized companies have also challenged a wide spectrum of regulations, including employment rights, data privacy, competition law, corporate governance and tax. This session is the first of two on “disruptive business models” and will focus on labour rights in the online platform economy and capital stewardship.

Platform economy companies facilitate interactions between interdependent sets of users who interact via the internet ([OECD, 2019](#)). They are characterized by a capacity to “scale without mass”, enjoying a “local presence” without a physical establishment that helps keep their marginal costs close to zero. These companies often rely on non-traditional forms of employment. In most platform work, workers are assimilated to self-employment: they are considered by the firm to be working for themselves for a fee instead of working for an employer in exchange for a salary.

These employment relationships often lead to precarious working conditions, remuneration levels below minimum or living wages, and insufficient social protection coverage because of the transfer of social and fiscal responsibilities from the employer to the worker. Some platform economy employment arrangements have been challenged by workers and unions in courts across the globe, with plaintiffs arguing that they should be treated as employees and be fully covered by labour laws ([Business & Human Rights Resource Centre, 2019](#)).

As an increasing number of platform economy companies file IPOs. This creates a responsibility for investors to articulate a stewardship approach to these companies. The CWC/TUAC [Investor Brief on](#)

[the Digitalisation of the Economy](#) outlines implications for the stewardship of workers' capital at the portfolio, pension system and systemic levels.

This session marks the first structured opportunity for CWC trustees and trade union representatives to discuss how the intersections between the labour rights implications of platform economy companies and workers' capital. The session will begin with an introduction by Jeremy West (OECD) on what platform economy business models are and their implications for labour rights. Next, Umberto Bandiera (Unia) will describe his union's approach to Uber's entry into Switzerland, including recent court challenges and their implications for labour rights. Moderator Anna Byhovskaya (TUAC) will provide a brief summary of TUAC's work with regards to the digital transformation and considerations for long-term investors. Finally, selected trustee respondents will be asked share their thoughts on considerations for investors responsible for the stewardship or workers' capital.

Source Documents:

[CWC/TUAC: Investor Brief on the Digitalisation of the Economy: Why it matters for long-term investors and what to look for](#)

[OECD: An Introduction to Online Platforms and Their Role in the Digital Transformation](#) by Jeremy West. DOI: <https://doi.org/10.1787/53e5f593-en>

[TUAC: Outcomes of the OECD's Going Digital first phase: Shaping policies rather than the digital transformation itself](#)

[CWC Trustee Brief: Uber Technologies](#)

[Thèses syndicales pour un débat de société : La numérisation du travail](#)

Speaker Bios

Umberto Bandiera, UNIA (Switzerland)

Umberto has been involved in the union movement since the 90's, beginning with the student's union in Sicily and participating in various social movements, international campaigns and forums. Since 2010, he has been a union officer in Geneva (Switzerland) with UNIA, where he manages the platform economy dossier, organizing workers in the sector. Umberto is member of the board of the CPPIC, an important pension fund in the Construction sector in Geneva, and since 2017 he leads the pension funds regional union commission. He led the initiative for a "*Charter on responsible investments*", adopted by all the Geneva unions in 2018. He is member of the ARPIP, a Swiss association created by unions for the training of the unions' delegates interested in pension policies.

Umberto achieved a degree in International and Diplomatic Sciences at the University of Bologna (Italy) in 2005 and a Master in International Affairs at ISPI in Milan (Italy) in 2008. He is one of the authors of the book "*Antonio Gramsci, Rosa Luxemburg, actuels*", published in Switzerland in 2018.

Kara Keys, Australian Council of Trade Unions/Cbus (Australia)

Kara Keys is a National Campaigns Co-ordinator at the ACTU and a Trustee Director of Cbus. As a proud First Nations Australian, descended from the Yiman and Gangulu peoples of Central Qld, Kara is passionate about fighting for equality and social and industrial justice for Australian workers. Kara has 15 years' experience working across various industries as a union organiser and peak trade union bodies and joined the ACTU in 2013. Kara has a Bachelor of Arts in Politics and Public Policy.

Outside of work, Kara is the proud parent of one son, volunteers in an advisory capacity for Welcoming Australia and is passionate about supporting and mentoring First Nation youth.

Harpinder Sandhu, Canadian Union of Public Sector Employees, BC Public Service Pension Board/ BC Municipal Pension Plan (Canada)

Harpinder Sandhu was appointed to the BC Public Service Pension Board in April 2015 by the British Columbia Government and Service Employees' Union (BCGEU). The jointly sponsored board is responsible for over \$35 Billion in pension investments. He is also board trustee for the BC Municipal Pension Plan since July 2019, with total investments at \$53 Billion. Harpinder is also the Vice President of Canadian Union of Public Employees Local 1767.

Harpinder has an interest in the importance of public awareness and longevity around the value of defined benefit plans. As part of his pension and governance education, he is a committee member of the UN sponsored Principles of Responsible Investment (Western North America Chapter). He has recently co-authored two major policy papers on housing affordability that have been key in influencing provincial housing legislation. A graduate of Simon Fraser University, Harpinder holds Bachelor of Arts degrees in Geography and Economics, focused on international trade, finance, sustainable urban development and public policy.

Jeremy West, OECD

Jeremy West is a lawyer with experience at the OECD, a Washington, DC law firm, the United States Department of Justice, and the New Zealand Commerce Commission. His OECD papers have been quoted and cited in scholarly journals, by the US Antitrust Modernization Commission, in the Financial Times, and by an Advocate General of the European Court of Justice. He currently serves on the editorial board of the journal *Oxford Competition Law* and was a Senior Editor for the *Antitrust Law Journal* from 2009-2017. After joining the OECD's Competition Division, Jeremy eventually moved to the Digital Economy Policy Division. There he has worked on matters such as intellectual property's economic impact, the social and economic benefits of Internet Openness, and broadcasting policy in Latin America. Earlier this year he published a book entitled *An Introduction to Online Platforms and their Role in the Digital Transformation*.