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Digital platforms, uberization of work and regulation on current capitalism

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Abstract

This paper aims at analyzing the relationship between workers and “platforms” and “applications”, as well as the possibilities for their regulation, in the light of the use of new information and communication technologies (ICT). In order to do so, we present the main elements of the dominant narrative in the “platforms”, contrasting them with the empirical evidence derived from the relationships established. Contrary to business rhetoric, these relationships are characterized by an intense exploitation of labor. Technically, it has never been easier to regulate labor law. However, politically, it may never have been so difficult. The narrative about what these companies are plays an important role in promoting this kind of management, even though there are signs of workers’ resistance to this process.

Keywords

Uberization; Wage labor, Regulation.

Introduction

In this second decade of the 21st century, there have been growing allusions and analyses of major changes in the organization and nature of work relationships associated with the use of new technologies, particularly information and communication technologies, which are even more accentuated by the proposals and advances in the so-called Industry 4.0—and the resulting increase in automation and artificial intelligence.

It is not the first time that major changes in the world of work have been announced on a global scale. There is a recurrent thesis that certain transformations would even lead to the loss of the centrality of work in our society. This so-called farewell to work, however, has not been confirmed (Antunes, 1995, 1999). And more recently, a rhetoric similar to some extent has been proposing that the supposed new forms of work would be replacing wage labor as the predominant way of organizing work, generating a kind of new farewell to the working class (Filgueiras and Cavalcante, 2020).

In the current scenario, part of this movement is expressed in a range of terms that, despite not designating exactly the same processes, are brought closer together by their association with the use of digital tools and the internet to manage production and work, such as so-called digital platforms and applications. Several activities can be carried out in person (deliveries, transport, cleaning, etc.) or electronically (on the computer itself, such as engineering services, translation, etc.). Their growth and nature, however, deserve cautious and rigorous critical assessment to avoid superficial and hasty conclusions.

Right from the start, it is necessary to go against the business lexicon and rhetoric about these so-called new businesses and new forms of organization, especially since the narrative of capitalism is a central element for achieving their objectives more efficiently by concealing their nature. Masking and thus denying what they actually mean has been a central ingredient for the alleged success of platforms and applications.

Thus, the objective of this article is to analyze some characteristics of the changes that the world of work has been experiencing, particularly regarding the use of new technologies and the general and processual nature of these changes in the control, organization and regulation of work by applications and platforms.

The main arguments can be summarized as follows:

1) The supposed new forms of work associated with the use of new information and communication technologies (ICT) and with companies that present themselves as platforms or applications are, in fact, hiring and management strategies that disguised the employment relationships they establish. Denying wage labor status is a central element this business strategy, since, under the guise of greater autonomy (euphemism to disguise wage employment and impose the transfer of risks), capital seeks, in fact, to increase the control over labor and thus, its exploitation and subjection;

2) The refusal of the employer status as a strategy for managing and controlling labor has been a phenomenon practiced for decades; however, the use of ICT by platforms and applications has been exponentially enhancing and deepening this process. This occurs both when the business discourse propagates the narrative that the workers would be their customers (and, therefore, without real employment relationships), and when these new data processing and transmission tools are used to subordinate, subject and expand the levels of exploitation of labor;

3) We live in a time of almost ironic contradiction in contemporary capitalism. From a technical point of view, the use of ICT in work management makes the identification and enforcement of workers' rights easier than in any other period in history. However, the belief that we are witnessing the emergence of new forms of work not subjected to protective regulation (or that such regulation is not possible) has played a fundamental role in legitimizing, encouraging, crystallizing and accentuating the lack of limits

on the exploitation of labor and the casualization of its conditions. The same technology that makes regulation technically easier is presented by companies as a factor that makes protection impossible, and this contradictory and complex movement - typical of instrumental reason and its gears of domination - has strongly impacted legislation and public institutions, also constituting an additional element hindering and obliterating the creation of ties of solidarity and organization within the working class.

Our arguments are based on a series of data and information from primary and secondary sources, in addition to a critical review of part of the available literature. Regarding primary sources, this article presents the results of a research that consisted of 26 interviews with workers from four delivery companies, between 20/05/2019 and 17/10/2019, in the city of Salvador (BA). Of these, 16 were motorcycle couriers and 10 were bicycle couriers, approached during work in seven neighborhoods of the city. In addition to the application of a semi-structured questionnaire, the research adopted the methodological strategy of capturing screenshots of the workers' cellphones (when duly authorized by them), so that the information collected would be uncontroversial as to the workload, payments and other features of the relationship between workers and applications.¹

Digital technologies: new forms of work?

In academic production, in institutions, in the media, in business, there is a profusion of terms to define transformations in capitalist markets and in the world of work that would be associated with the use of new ICT, such as gig-economy, platform economy, sharing economy, crowdsourcing, on-demand economy, uberization, crowd-work, digital labor, among others, for which there is more dissent than consensus.

De Stefano (2017), for example, presents a definition that can encompass platform economy, gig-economy and collaborative economy. For the author, in these activities, workers would be hired or carry out their job through ICT, either digitally (crowd-work) or in person (on-demand).

In this context, companies that present themselves as digital platforms or applications stand out. The idea that the objective of these ventures would be to connect customers demand to specific services offered by workers/providers is frequent (The Hamilton Project, 2015). In the same direction, another broader definition of platform economy as intermediation includes both services and goods and assets to be sold (Farell, Greig, 2016).²

The analysis can also be performed from a perspective that relates transformations in the business and work structure. In this case, digital platforms would mean a fundamental change in the outsourcing process, which would allow workers to overcome the barriers of local labor markets and potentially perform tasks from anywhere in the world. (Graham et al., 2017).

Crowd-work, work on-demand and digital labor can also appear as synonyms. This is the case of Chesalina (2017), who argues that platform economy would be accompanied by the rise of new forms of employment, being no longer characterized by the transfer of activities from a company to specific agents, but to a large number of undefined individuals or organizations.

1 Data extracted from the Project *Caminhos do Trabalho* (UFBA-PRT 5ª Região, coordinated by Vitor Filqueiras), with secondary sources from RAIS, CAGED and PNAD. Part of the qualitative research is also the result of Projects "Trabalho, Tecnologia e Impactos Sociais: o Advento da Indústria 4.0" [Work, Technology and Social Impacts: the Advent of Industry 4.0] (UNICAMP/PRT 15ª Região, coordinated by Ricardo Antunes) and Bolsa-Produtividade/CNPq, *Trabalho Intermitente e 'Indústria 4.0': Complexificando a Nova Morfologia do Trabalho* [Intermittent Work and 'Industry 4.0': Complexifying the New Morphology of Work], by Ricardo Antunes.

2 In this text, we prioritize platforms and applications where workers offer their workforce, leaving aside those where goods are offered, which are deserving of a specific analysis.

Our objective here is not to exhaust or delimit each of the terms, but only to identify common characteristics in these expressions and phenomena that have a relevant impact on the nature of work relations. In doing so, it seems to us that these terminologies intend to identify phenomena that have the following typical ICT identities: 1) online contact between producers and consumers; workers and companies; 2) use of applications or platforms for access on a computer or mobile communication tools; 3) comprehensive use of digital data for the organization and management of these activities; 4) relationships established “on demand” (i.e., resulted from arrangements for each product, lacking legal certainty of their continuity).

The position of a more uncritical profile, which seems to predominate, is that these transformations have been beneficial for workers because, among other reasons, they would allow geographical restrictions on the provision of specialized services to be reduced, also facilitating the workers’ search for income opportunities, regardless of their spatial location (Kittur, et al, 2013); also, that platforms and applications would make the connection and communication between service providers and consumers easier and more dynamic, constituting online markets that would facilitate business for both (Manyika et al, 2016).

One of the central elements of the analyses and disputes in this scenario (often reproduced uncritically) is the fact that organizations present themselves as technology companies, “intermediaries” between “consumers and producers”, constituting a “two-sided” market, with externalities crossed by networks (Valenduc, 2019). Given the lack of formal commitment to continue hiring their services, these companies present the argument that workers carry out activities only when they want and where they want.

It is also said that platforms and applications create more attractive work environments for those with different lifestyles, without the rigidity of traditional jobs, thus facilitating the maintenance of more than one job. Claiming that these jobs are just a means of earning extra income or a fun way of earning money during one’s free time is also common (Di Stefano, 2017).

The idea that the development of ICT would expand opportunities for small businesses is also widely disseminated by the World Bank (World Bank, 2019) and similar institutions, and presented as a variant of neo-entrepreneurship. This would thus lead to the democratization of the means (all that is required is to own a computer/cellphone, a car or even just a bicycle) for the autonomous production of income, either as a creator or as a startup partner. In addition, the corporate lexicon, with its high dose of mystification, adds: more than ever, your success depends only on you. This trend is intensified when companies claim to make applications or digital platforms available to people who want to offer and improve their business, engendering the idea that the workers are actually their customers. For example, Uber claims that its drivers are not employees, nor do they provide services to the company, but to the consumers, so they are the self-employed workers who hire the application’s services and not the opposite. In the same vein, it is also common for these studies to assign to workers the responsibility for being well succeeded or failing in taking advantage of the “opportunities” provided by the platforms (Manyika et al., 2016).

It is necessary to recognize, however, that there are critical opinions on the transformations associated with ICT. Some authors indicate that defending and even justifying instability and even intermittency in the name of flexibility is not a recent strategy to make the figure of the employer invisible and, in this way, prevent labor protection regulations from being applied (Irle, 2017). Others argue that platform labor should be understood in the more general context of the casualization of work (Huws, 2014 and 2003; De Stefano, 2017; Antunes, 2018).

The so-called applications and digital platforms almost always impose the label of self-employed on workers, who are paid by task or minimum time lapses (such as hours), without any guarantee of workload and remuneration, which has important implications for the dynamics of management and control of the workforce (due to the absence of an explicit commitment to continuity).

The cycle of exploitation logic is bound to large digital platforms, since corporations claim that: 1) they are digital technology companies; 2) they intermediate the activities in which workers offer their services autonomously; 3) they convert the workforce into customers; 4) they eliminate subordination, to supposedly grant workers the freedom to work when, where and how they want.

Even among critical authors, the wage-earning nature of these relationships is often not perceived, or it is assumed that regulating them is impossible (Standing, 2016, 2014). In general, the idea that there have been or will be major changes in the nature of the organization of work and that this phenomenon is producing structural changes in the labor markets.

In our understanding, however, the so-called uberization of work can only be understood and used as an expression of its *ways of being*, which are expanded by digital platforms, where work relationships are increasingly individualized (whenever possible) and concealed so as to assume the appearance of service provision. However, the constitutive traits of its concreteness, as we will see below, are an expression of differentiated forms of wage labor, involving both profit making and the exploitation of added value and of labor by transferring the costs to workers themselves, who start to directly depend on the financing of the expenses that are essential for carrying out their jobs.

Unlike the Taylorist and Fordist productive plant that was dominant in the 20th century, in this new digital-informational-financial phase, lyophilized and flexible companies have been imposing their destructive triad on the labor market, as flexibility, informality and intermittence become constitutive parts of the lexicon, ideas and pragmatics of global corporations. The current scenario is characterized by both the dereliction and corrosion of labor protection legislation, as well as the imposition of new regulations allowing the most archaic forms of exploitation, as occurred with the legalization of intermittent work – zero-contract (Antunes, 2018).

While the broad, composite and heterogeneous workforce of digital platforms and applications - who capitalism, in an immense ideological vilification, defines as the owners of the means of production - becomes responsible for their own security expenses and for the costs of maintenance of their vehicles and other production instruments, these platforms appropriate the added value generated, systematically circumventing the existing forms of labor regulation.

It is not for any other reason that, as a result of the expansion of ICT, the processes of destabilization of the workforce have expanded on a global scale, which has also led to the universalization of the term “uberization of work”. A mosaic of working modalities thus flourishes in digital platforms and applications, such as Amazon (and Amazon Mechanical Turk) and Uber (and UberEats), Cabify, 99, iFood, Rappi, Glovo, etc, creating a new service proletariat that suffers from the vicissitudes of the so-called digital slavery (Antunes, 2018).

Freedom and flexibility, or rather, subordination and control?

As other authors have already indicated, digital technology is not a necessary condition for the adoption of flexible and precarious contractual work modalities (De Stefano, 2017). Likewise, the strategy of hiring workers while denying their status as wage earners has been intensifying in the last decades (Filgueiras, 2016). Long before the existence of application platforms, the expansion of new ways of working was already under discussion. Examples include cooperatives, “chair rental”, “integrated” work, “partners”, freelancers, independent contractors, etc. In these cases, denying the condition of wage labor is a key strategy in the management of work, since, by destabilizing (denying rights and guarantees) and transferring the risks to workers, new difficulties are imposed on their organization and resistance to the determinations of capitalism, accentuating their subsumption (Filgueiras, 2013).

By combining the label of self-employment (or the denial of the work relationship itself) with the

payment by task³, the workers, in addition to not having a salary, income or guaranteed workload in their contracts, do not enjoy any right, even when they are hired to provide a service. Thus, the great novelty in the organization of work introduced by the new ICTs is, in addition to exponentially enhancing the ways of obtaining profit and even extracting the added value, is allowing companies to use these tools as a sophisticated instrument for controlling the workforce, examples of which include the real-time recording of the performance, speed and location of each task and the measurement of assessments, all under the apparent command of the algorithms.

In addition, this new fetish of the technological world of capital allows, at the same time, to expand the fetishized idea that everything is under the impetus of a neutral and autonomous technology, when it is the informational engineering of capitalism that actually has the control over the algorithm and, therefore, over the rhythms, time, productivity and efficiency of the microcosmic universe of individual work, a trend that continues to accentuate itself with the proposal of the so-called Industry 4.0, as if this were an inexorable imperative of technology.

The idea of freedom and flexibility (working when and where you want) propagated by companies actually constitutes the deliberate transfer of risks to increase control over workers, as this freedom means the absence of a guaranteed salary and an increase in fixed costs, which become their responsibility. Moreover, contradicting the discourse of freedom, platforms and applications employ at least 11 explicit measures to control workers, as found in the terms of use, labor inspection reports, lawsuits, interviews and cellphone messages analyzed. Platforms and applications have clear guidelines, which they follow daily:

First: they determine who can work. If they are more or less demanding in relation to admission, this does not change the fact that decisions are made according to their conveniences and interests (strategies). Workers are always subject to acceptance of registration on the platform in order to work.

Second: they define the services to be provided, be it a delivery, a ride, a translation, cleaning, etc. Workers cannot provide services not covered by the platforms and applications.

Third: they define which worker will perform which service and do not allow the prospection of customers. In other words, companies hire (or not) services at their convenience. Customer evaluations are just one of the tools used by the company to make this decision of allocation.

Fourth: they define how the activities will be carried out. This occurs in the smallest details, be it the route or the vehicles' condition, even controlling the behavior of the workers in the presence of customers.

Fifth: they determine the deadline for the execution of the service, both for deliveries, and the maximum deadlines for carrying out translations, projects and other activities.

Sixth: they unilaterally establish the values to be received. This is a key variable, because payments are manipulated to direct the behavior of workers. Here the algorithms come into play, which, as we said earlier, are nothing more than programs run by global corporations to process a large volume of information (time, place, quality) that allows them to control the workforce according to demand at all times.

A kind of inverted auction that pits workers against each other in the search of a new job to be performed takes place. Labor markets are created within each company, with the aim of weakening the bargaining power of the workforce. In this way, a large contingent of workers (recruited in various professions, being unemployed for the most part) is made available to the platform and forced to compete so that there is always the real possibility of lowering wages.

This low remuneration becomes an important mechanism for the imposition of working long hours, since in order to survive, they are forced to bear all maintenance costs, buying or renting cars and

³ Thus, they are, in fact, zero-hour contract modalities (only without admitting to the employment relationship), like the traditional dockers in dry ports.

motorcycles and thus contracting debts that depend on the perceived wages to be paid off. Indeed, the lower the rate paid, the more working hours will be needed to ensure the individual's survival.

If rate instability was not enough, companies use "promotions" to make income even more uncertain. In the case of the couriers surveyed, we found that it is frequent for more than 50% of their payment to derive from the goals accomplished and the tips perceived. Companies even often determine the value of the tips the workers can receive.

Seventh: they determine how workers should communicate with their management. For example, delivery personnel are prohibited from accessing the RECLAME AQUI website (used by customer to complain about companies), social networks, or any means other than those stipulated by the companies.

Eighth: they pressure workers to be assiduous and not refuse the services demanded. On Uber's website, for example, it is explained that the worker may be removed from the platform if his/her trip acceptance is lower than the city's reference rate. In our interviews, conducted in Salvador, we detected messages from a company that questioned a courier who only accepted trips above a certain value.

Ninth: they use incentives to pressure workers into making themselves available more often. As reported by all respondents, promotions are common, acting as goals with schedules to be met by the couriers so as to encourage them to work longer hours.

Tenth: they use suspension to threaten workers, which implies leaving them unable to perform their activities for a specified time, for numerous arbitrary reasons, always determined by the platforms.⁴

Eleventh: they use the possibility of dismissal at any time and without the need for justification, without any kind of prior notice, as an important mechanism of discipline and coercion. This is evident in the interviews and in the terms of use of several companies. Several couriers interviewed reported their arbitrary dismissals, and even when they resorted to the company's support services, no objective justification was offered to them.

All of these measures keep workers in a situation of complete instability, making them a powerful tool for managing and controlling the workforce. In doing so, companies exploit this condition of vulnerability, which is greatly enhanced by ICTs that store an infinite amount of data so it can be used against the working class.

Control and subordination are further exacerbated by the transfer of risks to employees, which includes the assumption of costs, such as the purchase of cars, cellphones, computers, as well as their maintenance. In this way, the companies are able to transform working instruments into constant capital, without any risk and without the need for formalization.

Thus, for companies there is ample flexibility (Dal Rosso, 2017), but for workers, flexibility (choosing hours, periodicity, places and way of working) is only apparent, because in practice, they are forced to work harder to ensure their livelihood and the maintenance of their working tools exactly as the company imposes.⁵

Despite not enjoying the flexibility alluded to by companies, workers (and institutions) are strongly influenced by this discourse, internalizing it in their practices and subjectivities; and, once again, the "neutral" digital technology emerges to improve control and even subjection, by offering a complete radiograph of how workers work, with a precision Taylor himself would be unable to imagine. Thus, ICT, with its instruments of control and exploitation, by exasperating the rhetoric of new forms of work, seeks to legitimize and crystallize the strategy of management of capital. This creates an apparently contradictory situation: work has rarely been so strictly controlled (now via informational-digital means), while apologetic discourse continues to propagate the benefits of autonomous, free work, entrepreneurship, etc. It is not

4 According to the interviews, the restaurant is responsible for these delays, and not the couriers. In many cases, not even an objective reason for the suspension is offered.

5 In this sense, it is laughable to expect companies to directly control working hours. Were that the case, they would be obliged to guarantee an income or salary, exactly the opposite of their strategy for con-

difficult to see that, in contrast to these apologetic formulations, we are witnessing the advent of a new proletariat of services that continues to expand in the digital age (Antunes, 2018; Antunes e Braga, 2009).

A phenomenology of unlimited exploitation

The rigorous monitoring and control of companies are usually accompanied by intensive labor and reduced wages. In bicycle delivery activities, for example, Aliança Bike's survey (Perfil, 2019), carried out in June 2019, indicates that 57% of the couriers who participated work every day (from Monday to Sunday), and 55% work 10 or more hours a day (only 25% work less than 8 hours a day). These results are very similar to those obtained by our research in Salvador, in which the mean workload was 10h23min per day, six days a week. In both cases, the legal limits are largely ignored. These situations are also similar to those detected for couriers in the United Kingdom (Filgueiras and Cavalcante, 2020).

In many sectors, it is common for workers to spend a lot of time online waiting for a chance to offer their services. Therefore, as found by ILO's research:

Ninety percent of workers in the survey reported that they would like to be doing more work than they are currently doing, citing insufficient work and low pay as the reasons they were not. Despite the desire for more hours, many were already working a lot: 40% of respondents reported that they regularly worked seven days a week and 50% indicated that they had worked for more than 10 hours during at least one day in the past month. Low pay coupled with the need to work resulted in workers spending long hours online.

Not by chance, for example, individuals on zero-hour contracts (such as digital workers), also in the United Kingdom, now work a lot more, sometimes much less than the average, creating a kind of polarization of the workload (Filgueiras et al. 2017). Something very similar was seen in Brazil after the 2017 labor reform (Krein et al., 2019). In addition, contrary to what is advertised by companies, most workers do not have only one-off relationships with them for extra income (De Stefano, 2017; Perfil, 2019). Similarly, in our survey, 70% of the couriers only had this occupation. Thus, there is a tendency to the permanent subjection of labor to the dynamics of capitalism—and not only during working hours—, since workers start to shape their whole life to suit the demand—or possibilities of meeting it—for their services, so they can continuously make themselves available.

Picture 1 – Screenshot of a courier's cellphone



Source: The authors

As we have already indicated, low wages are an essential condition for forcing workers to work long hours. There is ample evidence that this happens in a dramatic way, as illustrated in the screenshot above, according to which the courier worked seven days in a row, was online for more than 61 hours, and received only 212 reais. In São Paulo, working 09h24min a day, couriers earn R\$ 936.00 per month (Perfil, 2019); if they had been working the legally established 44 weekly hours, they would receive R\$ 762.66 per month. In Salvador, a courier earns, on average, R\$ 1,100.00 per month; however, when restricted to the 44 weekly hours, this amount drops to only R\$ 780.64 per month. In both cases, the average daily wage is much lower than the minimum wage.

In the city of São Paulo, the survey conducted by Moraes, Oliveira and Accorsi (2019), with 100 private drivers per application, offers a unique scenario. According to the authors, the drivers interviewed, on the one hand, feel like entrepreneurs and value the flexibility of their working hours, but, contradictorily, continue in search of a formal job, complain about the excessive workload, the low perceived remuneration, and understand the lack of formalization as a negative factor.

The survey found a predominance of male workers (88%), aged between 26 and 45 (69%), who oscillated between having graduated high school and having an undergraduate degree (90%), and who had recently started working with the application (89% up to two years); their daily working hours ranged from 6 to more than 8 hours (77%), and they drove 5 to 7 days a week (73%), with gross remuneration⁶ lower than R\$ 2,000.00 (90%) per week and the application as their sole source of income (57%) (Moraes, Oliveira, Accorsi, 2019, p. 667).⁷

Among the positive aspects, the workers mention “advantages such as the opportunity to meet other people and a certain freedom to determine their own working hours”, but they also point out the

6 It is important to note that all expenses are always covered by the workers, which significantly reduces this amount.

7 In New York, 85% of private drivers earned below the hourly minimum in 2017, and 60% worked full time (17% over 50 hours per week) (Parrot and Reich, 2018).

disadvantages, such as “the need to work long hours in the week”; the absence of “total freedom to define the workload”; the lack of formalization; “the income earned in the activity being lower than that of a traditional job”, in addition to stating that “they would like to work on the books” and “enjoy labor rights” (Moraes et al., 2019, p. 674).

In Brazil, the mean income of the passenger transport sector (where self-employment predominates) in the moving average of September 2019 (PNAD) was R\$ 1,876.00, and has fallen precisely after the expansion of UBER (having exceeded R\$ 2,050.00 in 2014). Drivers with a license, in 2018, had a mean salary of R\$ 2,137.00 (not counting other rights).⁸

In the arrangements without recognition of the employment relationship, working long hours, which has been the norm since the beginning of the Industrial Revolution (Basso, 2018), as well as the complete denial of labor rights, put the workers’ own lives at great risk, because the platforms and applications do not consider themselves responsible for their occupational health and safety. In July 2019, in São Paulo, Thiago de Jesus Dias, while working for Rappi as a motorcycle courier, suffered a stroke and, without receiving immediate assistance from the company, died a few days later. The brutal and inhuman neglect was widely disseminated by the mainstream press (Antunes, 2019, p. 548).

We know that this tragic lethal accident is not an isolated case. According to a report by the Traffic Engineering Company of the city of São Paulo, in 2018, fatal accidents with motorcyclists increased by 18% (360 in total)⁹, surpassing, for the first time, those involving pedestrians. In addition to traffic accidents, workers are also exposed to violence that results in death while working. According to an article published by Mike Isaac (The New York Times, August 23, 2019)¹⁰, 16 Uber drivers had been murdered in Brazil by mid-2019. In the city of São Paulo, there were five murders of drivers in September alone.¹¹

It is worth mentioning that when these workers get sick, rest, go on vacation, or when their working instruments are out of order, their earnings are zeroed. That is why, in order to survive, mitigate their vicissitudes and maintain their employment relationship, they are obliged to work longer hours, suppress rest, intensify their workload and act in strict accordance with what is determined by the company.

In short, if the new ICTs bring major changes to the world of work, their central elements are channeled to increase the capacity to control and command an enormous army of surplus labor, resulting in an exponential increase both in the exploitation and in the destabilization of labor, pushing the interests of capitalism and its corporations to the limit. In this way, they become a vital element among the different accumulation mechanisms created by the capitalism of our time. Contrary to the mistaken prediction of the end of work, of the working class and of the validity of the theory of value, what we actually have is the expansion of the casualization of work, encompassing (albeit in different ways) from workers in the software industry to those in call centers (the cyber-proletariat), increasingly reaching jobs in banks, trade, fast food and tourism, in addition to the industry and agroindustry themselves, etc. (Antunes et al., 2009; Huws, 2003, 2014).

That is why, nowadays, it is difficult to find any type of work that does not feature any form of interaction with and dependence on cellphones, computers, smartphones and the like, and the practice of management along the lines of the platforms has become potentially expandable for an immense

8 Even when the hiring model without guaranteed workload is used in formal jobs, there is a prominent destabilization. RAIS data for intermittent workers in all sectors in December 2018 suggest that at least 40% were unpaid, and another 25% received the minimum wage or less.

9 Not coincidentally, the share of couriers among the deaths of motorcyclists in traffic grew from 9% to 14% in 2018 (CET, 2019).

10 Retrieved November, 10, 2019, from: <https://www.nytimes.com/2019/08/23/business/how-uber-got-lost.html>.

11 Retrieved November, 10, 2019, from: <https://g1.globo.com/sp/sao-paulo/noticia/2019/09/30/motorista-de-aplicativo-e-espancado-no-abc-setembro-registra-5-mortes-na-grande-sp.ghtml>.

set of branches and sectors. Relationships without any limit on hours, income, health and security are established. In this sense, it is necessary to emphasize that this contempt for work is not a possible renunciation of the future. At present, the expansion of digital work has been demolishing the separation between the time spent at work and outside of it (Antunes, 2018; 2019).

In this scenario, some contradictions emerge. First, with the individualization of services and remuneration, exploitation becomes more explicit – how much each worker produces and what percentage of this value is appropriated by the company is strictly quantified in the digital platforms, at the same time the wage earning nature of labor relations is denied in a more than covert way.

Furthermore, capital's control is reinforced and reproduced based on the idea that the workers are self-employed, while on the contrary, the digital platforms control the entire process, determining the exact format of the employment contracts and paying, mobilizing, threatening and dismissing said workers, who are *induced* to adopt these behaviors and attitudes, leaving them no alternative if they want to continue exercising their work. Therefore, the fact they are submitted to these conditions does not mean that the initiative, control and autonomy of the activities are in their hands.

However, since it is a subtle subjection mechanism, at least in the early stages of the employment relationship, it is not surprising that they consent to what these corporations dictate to a greater extent. It is not by chance that these workers often argue in favor of a supposed freedom, perceived as such due to the apparent absence of a boss, or also see this flexibility as positive (Filgueiras and Cavalcante, 2020). All of this, however, tends to fade away in the course of a daily life ruled by contempt, exploitation and precariousness, as we have tried to demonstrate throughout the article.

Finally, precisely at a time when it should be easier to protect work from a technological point of view, implementing this regulation politically has become more difficult, due to the asymmetry of forces in which rhetoric plays a very important role, as we shall see.

Has it become impossible to protect labor?

In capitalism, enforcing the rights ensured to the working class is a central challenge that constitutes the very history of the workers' movement. Since the beginnings of labor protection norms, the struggle of capitalism to suppress the rights of the working class is remarkable, as seminally indicated by Marx in *Capital* (Marx, 2013). With the advent of new ICTs and their use by companies in the management and control of work, we can provocatively say that it has never been easier, from a technical point of view, to enforce labor law. New technologies (particularly the internet and mobile devices) make the identification of the work carried out, its times and movements, duration, payments and other occurrences, as well as the imposition of the fulfillment of standards by companies, much faster, accurate and uncontroversial.

The identification of all aspects of the employment relationship, previously dependent on witnesses, documents and on-site inspections, can be now made available in detail on the internet and in the companies' databases, individually or collectively: working hours, breaks, payments, tasks, etc. All that is needed to access this information is to send a request. This has already been done, for example, in New York, as it was found that the vast majority of private drivers were paid less than the city's minimum wage.¹²

The implementation of standards has also become much easier from a technical point of view. Until today, face-to-face procedures were required, such as hearings, signing of commitments, occasional use of the police, search of property, etc. In the digital world and its platforms, it would be enough to directly request the company, under threat of embargo or direct intervention in their application or bank account. Thus, there is an unprecedented technical ease of imposition of limits on working hours, their

12 Available at: <https://www.bbc.com/news/technology-50418357>. Access on: November 15, 2019.

pace and intensity, and guaranteed rest, holidays, minimum payments, overtime payments, or any other aspect of the employment relationship.

Contradictorily, however, it may never have been so difficult to impose labor protection rights to limit the compulsion of capitalism. In the current scenario, what we have is a large-scale offensive of capitalism against labor, a true preventive counter-revolution with global reach, supported by a strong neoliberal ideology amid the structural crisis of capitalism (Antunes, 2018). These constraints allow application companies to *impose* the alleged unfeasibility of protective regulation.

The idea that labor law generates unemployment has permeated the general discourse, strongly contaminating the debate about the regulation of applications and platforms, particularly due to the apparently flexible condition of workers in these companies. In addition, the discourse on the very nature of work disseminated by the platforms and applications plays an important role in weakening labor law. It is part of a kind of new farewell to the working class, a narrative that advocates the emergence of radical changes in the labor markets on a global scale, with the replacement of wage labor by new forms of work (Filgueiras and Cavalcante, 2020).

There are at least three different perspectives that fit this new farewell to the working class, encompassing different theoretical and ideological nuances. The first, more “radical”, assumes that self-employment is replacing wage labor. The second affirms that new forms of work are expanding, and for that reason, they would not be classified as autonomous or wage labor, constituting what has been called the gray zone. These two perspectives are usually combined to emphasize changes in the labor markets. They appear, for example, in a publication by the International Labor Organization, suggestively called *The Changing Nature of Jobs* (International Labour Organization, 2015).

These formulations usually highlight the role of new technologies in promoting these changes, which together with the new way companies organize production, would be key factors behind the changes in labor relations and the dissemination of new forms of work (International Labour Organization, 2015).

The third perspective is presented by Standing (2011, 2016), synthesized by what he understands as the precariat, a new social class that would be growing around the world, which differs from wage earners. The type of work that has been growing the most is crowdwork, carried out by taskers, who are part of the precariat and partake in activities devoid of rights, stability and guaranteed income. Taskers would work through labor brokers (like Uber), considered by the author as rentiers, as they would not be the owners of the means of production. For the author, these new social contingents would not be employees, as them not being directly supervised and owning the main means of production would imply they have control over their working time (Standing, 2016).

Therefore, for Standing, the protective regulation of work is not a solution for this growing portion of the population. For the author, we are experiencing *a revolution in the forms of work* that precludes the previous regulation from protecting workers.

In short, in its three versions, the new farewell to the working class assumes (if not argues) that labor law tends to be anachronic because the new forms of work would make it unfeasible or inapplicable. Workers would be increasingly regarded as self-employed, entrepreneurs or part of the precariat, without ties to a specific employer who could assume the responsibility for their rights (Filgueiras; Cavalcante, 2020).

These formulations are echoed and are widely adhered to, even by public institutions, in addition to expanding socially among workers who, afraid of unemployment, tend to introject and assimilate this idea. This process is thus self-sustaining, being reiterated by the forms of hiring that, as we have emphasized, mask and deny the condition of wage earning and thus become a leitmotiv of digital platforms, which are in fact, large capitalist corporations (such as Amazon, Uber and many others mentioned above), gaining prominence in the agenda of demolition and corrosion of labor rights.

Entrepreneurship is exemplary: it is often a hidden form of wage labor, presented as “self-

employment”, and this mystification finds a social basis, since the “entrepreneur” sees him/herself, on the one hand, as *his/her own boss*, while in reality, he/she becomes *his/her own proletarian* (Antunes, 2018).

Brief concluding remarks

This broad and multifaceted process of destabilization of work, despite its difficulties, has been causing discontent, revolts, mobilizations, and giving rise to new forms of representation, all seeking to respond to the intense process of corrosion of the social labor rights affecting the cyber-proletariat (Huws, 2003, 2014; Antunes and Braga, 2009; Dyer-Whiteford; 2015).

As destabilization is not static, but a process that both expands and shrinks, this new digital proletariat’s capacity of resistance, revolt and organization will be a decisive element in the conquest of protective forms of work, capable of preventing digital slavery.

With a design that is sometimes more spontaneous, sometimes based on organizational elements, these actions have been taking place in the streets, squares, avenues and other workspaces, the most expressive example being the recent attempt at a worldwide protest of Uber workers, in May 8, 2019. Despite its partial and limited scope, this action signaled the malaise that is beginning to show in the universe of jobs proliferating across digital platforms and applications.

Also in the legal sphere, despite the enormous pressures exerted by deeply destructive agendas (such as the recent decision of the Brazilian Superior Labor Court, which considers UBER drivers as autonomous), there are precedents for the imposition of limits on the exploitation of work by platforms and applications in several countries. In the UK, in December 2018, the Court of Appeals (the country’s second most important court) recognized the employment relationship of Uber Drivers. In Argentina, a court sentenced Rappi for suspending three couriers who had been organizing a union to represent them. In Spain, the Madrid Superior Court of Justice ratified Deliveroo’s conviction, after Labor Inspection found that its couriers had been falsely deemed as autonomous.

Another important victory occurred in the state of California, in September 2019, with the approval of the AB5 law, which considered Uber and Lyft drivers as employees of these companies. As a result, Uber and Cabify asked for an injunction to revoke AB5, which, however, was denied on February 10, 2020.

These examples thus indicate that through actions of resistance and confrontation, it is possible to fight the intense casualization of work that prevails in the great digital platforms. As casualization is a process that both expands and shrinks, it is through the capacity of resistance and organization of the working class (contemplating and incorporating this enormous contingent of workers of digital platforms) that this destructiveness may be prevented.

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