

Call for tenders for subcontracting an expert study in the framework of the ETUC Fair Platforms project – Negotiating the algorithm

This is a call for a subcontractor to provide expertise in the framework of the implementation of the ETUC Fair Platforms project.

The ETUC will publish the call on its website on 16 April 2024. The **deadline for submission of bids is 20 May 2024 at noon (12:00)**.

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1. Context of the expert study: the ETUC Fair Platforms project

1.1 Summary and objectives of the project

This project aims at improving the working conditions of workers in digital labour platforms by creating knowledge and strengthening collective bargaining capacities of workers representatives.

The specific objectives of the project are the following:

- Address the identified challenges to workers' involvement by providing **studies** and organising **thematic events**
- Allow workers reps to **meet** to exchange experiences and learn from each other
- **Anticipate change** in the world of work
- Address the **mismatch in dialogue** between workers and platforms
- Provide **information and training** to the TU movement

In dialogue with members, ETUC identified a series of challenges, then developed a thematic approach to tackle them. The project will thus address four thematic focuses:

- **Negotiating the algorithm and accessing information**
- Foresight exercise "At the frontiers and borders of platform work and sectors facing similar challenges"
- Health and safety challenges in platform work
- Addressing the mismatch in dialogue – implementing the Directive on improving the working conditions for platform workers

In order to address these four topics, the Fair Platforms Project foresees the organisation of **four thematic events** - workshops and seminars - (one per topic), and the drafting of **four thematic reports**. The reports will be first drafted as background notes for the thematic events and then developed as reports building upon the results of the events.

Other activities that will take place in the framework of the project are the organisation of two editions of the Platform, the Trade union forum on platform work, as well as communication activities including the updating of the Website Digital Platform Observatory (<https://digitalplatformobservatory.org/>) and Try Platform Work (tryplatformwork.etic.org).

1.2 Context of the project

Platform work as a past and future priority for ETUC

Over the past few years, protecting the rights of workers in digital labour platforms has been a priority for ETUC, and it will continue to be one for the next years. ETUC has engaged in the legislative process on the Directive to improve the working conditions of Platform Workers from the very beginning, first with a preliminary ETUC resolution that paved the way for ETUC's replies in the two-stage consultation, and then by working with the co-legislators through all the following steps to achieve a Directive that provides the recognition of all labour rights to workers through digital labour platforms.

In parallel and complementarily with its policy work, ETUC has also implemented two European projects dealing with the topic of platform work. The project “Establishing workers representation and social dialogue in the platform and app economy” laid the basis for the organisation at national level of workers through digital labour platforms, and the project “Platform Reps” built on those premises, while also allowing the trade union movement to contribute to the Directive to improve the working conditions of Platform Workers.

Platform work will remain a priority for ETUC also in the next years. Indeed, the Action Programme 2023 – 2027 “[Together for a fair deal for workers](#)”, approved at ETUC’s Congress in Berlin (May 2023), included pursuing the organisation’s engagement on the Directive, also for the aspects concerning its implementation.

Beyond the Directive: existing practices of workers representation and collective bargaining

While the co-legislators were engaged to deliver a Directive with strong protections for workers and the self-employed in the platform economy, practices of workers representation and collective bargaining in the field of platform work have become increasingly widespread over the EU territory. Existing examples of social dialogue and collective agreements in the platform economy are increasing and can be found in a growing number of countries (Germany and Austria, Spain, Italy, France...). These examples of workers’ representation, social dialogue and collective agreements in the platform economy are bound to further increase following the adoption and implementation of the Directive to improve the working conditions of Platform Workers. Indeed, the Directive will provide solid basis to further develop workers’ representation in digital labour platforms.

Challenges related to work through digital labour platforms

Against this background of legislative activities and flourishing of initiatives, ETUC has recognised some opportunities offered by work through digital labour platforms (such as – often precarious - job creation and additional income - albeit oftentimes unpredictable and discontinuous) and identified a series of risks pertaining to working conditions in platform work and the business model of platform work. On working conditions, these risks include: “*Sub-standard working conditions; unfair pay; lack of rights or collective representation; unfair work-life-balance; health and safety hazards; inadequate social protection; misclassification as self-employed with all the consequences in terms of social security; and pension poverty. Furthermore working hours are often long, wages low, and, in some platforms, a significant gender pay gap and other types of discrimination are either tolerated or reinforced by algorithmic bias*”¹. As far as the business model is concerned, ETUC argues that platform work currently is “*a disruptive business model that can have consequences on various sectors*”², even though it currently affects a small but increasing part of the working population.

¹ ETUC reply to the First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work:
<https://www.etuc.org/en/document/etuc-reply-first-phase-consultation-social-partners-under-article-154-tfeu-possible-0>

Further challenges related to organising workers in digital labour platforms were identified thanks to the work done within the framework of past ETUC's projects on platform work. These challenges include unionising workers in less visible sectors, decentralisation of work, countering the strong but biased (and sometimes outright false) narrative proposed by platform companies, dealing with workers who have limited awareness of their rights and who are overrepresented in platform work, such as young workers at their first experience, workers with a migrant background or workers with language barriers, the need to build capacities to investigate algorithmic management practices and more³.

In this legislative and policy context, ETUC is now launching the activities of the new EU-funded project "Fair Platforms", including the drafting of four thematic studies.

2. Tasks to be performed by the subcontractor

This call for tenders concerns the thematic focus on "**Negotiating the algorithm and accessing information**"⁴.

ETUC has been calling for digital labour platforms to "open" the algorithm. However, the opening of the algorithm comes with challenges. For example, ETUC affiliates have shared the example of what happened in Spain, where the disclosure of the algorithm governing platform work is already an obligation. Initially, the measure calling for the disclosure of the algorithm proved to be only partially effective in helping unions gather the information needed to defend the rights of platform workers and this for a series of reasons, including the fact that unions did not have the skills needed to understand and negotiate the algorithm. ETUC is aware that collective bargaining practices in relation to algorithmic management have made the object of ample research (not least by the ETUI) and many events. With this project, ETUC plans to bring existing knowledge to its members and to update it and complete it in light of their needs and experience. **It will do so through a workshop and the drafting of a practice-oriented report.**

Given the context outlined above, the subcontractor is required to:

- **Develop a methodology** that will allow to:
 - take stock of existing research on collective bargaining practices in relation to algorithmic management, and
 - develop a practical approach to support ETUC members in their efforts related to accessing information and negotiating the algorithm.
- **Develop one background note** that will be used as a framework and basis for discussion for a dedicated thematic seminar. The background note will be shared with

² ETUC Resolution on the protection of the rights of non-standard workers and workers in platform companies (including the self-employed): <https://www.etuc.org/en/document/etuc-resolution-protectionrights-non-standard-workers-and-workers-platform-companies>

³ For a full overview, please see: "Establishing workers' representation and social dialogue in the platform and app economy – A toolbox" - <https://digitalplatformobservatory.org/the-toolkit/> and "Key policy recommendations", available here – <https://www.etuc.org/en/publication/platform-reps-project-countryreports-and-key-policy-recommendations>

⁴ Other calls will be published for the other focus themes, please check [ETUC's website](#) for updates.

participants ahead of the seminar, with reasonable advance (exact timeline to be agreed).

- **Participate in the dedicated thematic seminar** with a view to use the exchanges and inputs to develop the background note. The thematic seminar will take place in person, over 1,5 days.
- **Exchange/ interview** project participants and other relevant stakeholders if needed to feed the research.
- **Draft a thematic report on negotiating the algorithm and accessing information.** The report, to be set in the framework of the Directive on improving working conditions for platform workers, will result from the background note plus the exchanges that took place in the thematic seminar. The report will take a practical approach to the topic and will include examples of pitfalls, best practices, lessons learned and case studies. **Requirements for the thematic report:** about 20 pages, in English⁵. See more information below.
- **Participate in other project's events**, including:
 - The project's Steering Committee meetings and collect inputs and provide updates on the research undertaken. The Steering Committee meetings will take place online and the working language will be English;
 - If considered necessary/ relevant, the Platform.

3. Expertise, experience and skills required

The drafting of the report requires sound and proven expertise in the following fields:

- A wider expertise on EU labour legislation, with a focus on the situation of non-standard workers and workers in platform companies (including the self-employed);
- Expertise on collective bargaining practices and algorithmic management in the EU;
- Knowledge of relevant European level policies and legislation on non-standard workers and workers in platform companies (including the self-employed);
- Experience in working on European level projects;
- Experience in working with trade unions at both European and national level.

Skills required:

- Proven ability to carry out in-depth research on EU issues and understanding links between European and national level;
- Proven research skills, including identifying stakeholders and conducting interviews;
- Capacity to adapt and interact with union members, making the most of the opportunities for exchange provided by the project;
- High proficiency in English: ability to draft documents and make presentations in English;
- Ability to work within specified deadlines and to respect budgetary limits;
- Availability to participate to meetings of the Steering Committee.

⁵ This means that the document should be finalised in English and require no further proofreading from ETUC.

To ensure a coherent policy approach, familiarity with ETUC demands, included in documents available on [this page](#) and particularly in the following documents and material is important:

- ETUC’s replies to the [first stage](#) and [second stage](#) consultation of social partners on on possible action addressing the challenges related to working conditions in platform work;
- [Open letter](#) to the President of the European Commission Ursula Von der Leyen for an ambitious European legislative initiative on improving the working conditions in platform work;
- [ETUC Resolution](#) on the protection of the rights of non-standard workers and workers in platform companies (including the self-employed);
- the outputs of ETUC’s past project on Establishing worker’s representation and social dialogue in the platform and app economy (the [digitalplatformobservatory.org](#); and the [toolbox](#)) is important for the sake of consistency of the project results.

4. Time schedule and reporting

The subcontractor will be asked to sign the contract in May 2024. The draft background note and the final thematic will be submitted to ETUC according to an agreed timeline.

5. Payment

The total maximum budget available for the fees of the subcontractor is as follows:

Contract with ETUC	
Main activities and Meetings	
<ul style="list-style-type: none"> • Drafting the background note • Participating in the thematic seminar • Developing the thematic report • Liaising with the ETUC project team, the Steering Committee and national affiliates when necessary 	
Total budget for the Expertise	10 000 € (VAT and all taxes included)

The subcontractor will be remunerated in various instalments (advance and final payment). This amount covers all fees but does not include the travel and subsistence costs for possible physical meetings.

The report will be duly and clearly accredited to the authors. Ownership of the results and of the written outputs (including the study produced by the sub-contractor) shall be vested in the ETUC, which shall have the right of first publication. The subcontractor may use the results and the written outputs after their publication by the ETUC, quoting the ETUC as contractor and the Platform Reps project.

6. Selection criteria

Bids will be evaluated against the following criteria:

- Quality of the technical proposal submitted by the bidder;
- Verifiable expertise, experience and skills (including CV) as required and described in part 3 of this call;
- Proven track record of ensuring the quality of written materials produced, both in terms of content and format (i.e. previous publications) and in the relevant subjects specified in this call for tenders;
- Financial proposal within the prescribed budget.

7. Form, structure and content of the tender

Tenders must be written in English. They must be signed by the tenderer or his duly authorised representative and be perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include at least two sections:

i) Technical proposal

The technical proposal must provide all the information needed for the purpose of awarding the contract, including:

- Specific information covering the technical and professional capacity, as required, in particular:
 - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
 - Detailed curriculum vitae of key coordinator and of the other team members;
 - A selection of the main works and/or articles published by all the experts involved, in relation to the relevant subjects specified in this tender.
- Specific information concerning the proposed methodology for delivering the tasks listed in part 2.

ii) Financial proposal

Prices of the financial proposal must be quoted in euros, including if the sub-contractor is based in a country which is not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

The maximum amount available for this contract is EUR 10,000 (VAT and all taxes included⁶).

Prices shall be fixed and not subject to revision during the performance of the contract.

⁶ Unless the subcontractor is exempt from VAT, VAT is always included in the total, also in case it's ETUC who has to pay it in case of reverse charge.

8. Award Criteria

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

9. Content and selection of the bids

This call for tenders will be published on the ETUC website on 16 April 2024. Offers must be sent at the latest on 20 May 2024 at noon (12:00). Offers must be sent to ETUC, in electronic format (by e-mail to lmartin@etuc.org) and refer to the “ETUC Fair Platforms Project”.

A committee will be formed comprising of 3 representatives of the ETUC. One or more members of this committee will initial the documents, confirming the date and time of each bid. The committee members will sign the report on the bids received, which will list the admissible bids and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the tendering process.

This committee will also evaluate the tenders that have been deemed admissible. An evaluation report and classification of participation requests will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

1. The name and address of the contracting authority, the purpose and value of the contract;
2. The names of any excluded candidates and the reasons for their rejection;
3. The names of candidates selected for consideration and the justification for their selection;
4. The names of candidates put forward and justification of their choice in terms of the selection or award criteria.