Will there be a Nordic model in the platform economy?

Evasive and integrative platform strategies in Denmark and Sweden

Ilsoe, Anna; Soderqvist, Fredrik

Published in:
Regulation & Governance

DOI:
10.1111/rego.12465

Publication date:
2023

Document version
Publisher's PDF, also known as Version of record

Citation for published version (APA):
Will there be a Nordic model in the platform economy? Evasive and integrative platform strategies in Denmark and Sweden

Anna Ilsøe
FAOS, Department of Sociology, University of Copenhagen, Copenhagen, Denmark

Carl Fredrik Söderqvist
Blekinge Institute of Technology, TIEK, Karlskrona, Sweden

Abstract
The entry of gig-platforms to labor markets world-wide has caused significant frictions with national institutions and regulators, including trade unions. In this article, we compare the interactions between taxi and food delivery platforms with the industrial relations (IR) systems of Denmark and Sweden, where we observe isolated instances of unions striking collective agreements with platforms. We assess and compare platform strategies and interactions with IR system agents, using an RIT-framework (rulemaker-intermediary-ruletaker) which considers how rulemaking capacity is allocated within the Nordic IR systems. We detect both IR system evasion and integration in Denmark and Sweden, with significant variation in causes and mechanisms. We find that IR system integration can be explained by public backlash, pressure from IR system insiders, and gaining first-mover advantages. Our findings shed light on integrative mechanisms of the Nordic IR systems allowing us to identify and discuss future challenges posed by the platform economy.

Keywords: industrial relations, Nordic model, platform economy, RIT-framework, voluntarism.

1. Introduction: Digital platforms and collective bargaining
During the 2010s digital labor platforms mediating work for self-employed “partners,” rather than employees, were rolled out in most Western labor markets (Vallas & Schor, 2020). Labor platforms utilize apps or online platforms to distribute contingent work to a connected yet often physically dispersed workforce and they use algorithmic management to direct, price, and evaluate work (Kellogg et al., 2020; Koutsimpogiorgos et al., 2020; Lee, 2018). Platforms have been described as one of the most significant economic disruptions of the past decade (Kenney & Zysman, 2016; Van Dijck et al., 2018) and is a frequently discussed challenge in “future of work”-contexts (e.g., Autor et al., 2020; European Commission, 2019, 2021; Schwellnus et al., 2019).

The most prominent example of labor platforms is Uber, a US-based company that facilitates transportation services via an app. Uber’s arrival to new markets can be characterized as an exogenous shock following a similar pattern; the company (1) launches an app-based business model, skirting market regulations, giving them a competitive advantage in their strife toward platform monopoly power (Rogers, 2015; Thiel, 2014), (2) seeks popularity among consumers while evading regulations (Thelen, 2018) which (3) allows it to mobilize consumers against legislators to gain regulatory accommodation and/or regulatory arbitrage (Culpepper & Thelen, 2020; Dubal et al., 2018). In sum, Uber utilizes an evasive strategy toward existing regulations and institutions (Vallas & Schor, 2020).

If Uber-inspired business strategies include evading organized labor and collective bargaining, the platform economy poses a challenge to the established mode of governance in the Nordic labor markets. Collective agreements (CA) between unions, and employer associations (EA) and firms constitute the backbone of the voluntarist
Nordic model of labor market regulation, while legislation plays a secondary supporting role (Andersen et al., 2014; Due et al., 1994; Kjellberg, 2017). In Denmark and Sweden, wages and working conditions are regulated extensively through collective bargaining at sector and company level. There is no legislated minimum wage nor legislative extension of collective bargaining in either country. In sum, Danish and Swedish labor market regulation represent perhaps the “most voluntarist” versions of the Nordic Model, as legal extension of CAs is utilized to varying degrees in the other Nordic countries (Andersen et al., 2014; Dolvik, 2016; Kjellberg, 2020b).

In this paper, we consider the regulatory strategies of labor or “gig” platform companies, operating in two very similar Nordic labor markets, Denmark and Sweden, to answer the question: how do platform firms integrate to or evade collective bargaining in the Nordic model? We study one of the fastest growing sectors in the Nordic platform economy, transportation, with a focus on two different cases in each country—Uber and Just Eat in Denmark, and Uber and Foodora in Sweden. The cases reflect variation in platform strategies as well as chronological events in the emerging platform economy, including discussions in media and politics over the regulation of the platform economies. For this, we consider the entry of the platform Uber (taxi/ridesharing operations), and its rejection of social dialogue in both countries, followed by the entry of the food delivery platforms Foodora (Sweden) and Just Eat (Denmark) that concluded sector-level CAs in early 2021.

We compare and analyze the interactions of platform firms with established industrial relations (IR) agents and ideologies in the voluntarist models of labor market regulation in Denmark and Sweden (Clegg, 1976; Dunlop, 1958; Flanders, 1968; Sisson, 1987). As previous literature indicates that platforms seek to expand their relative rulemaking capacity by skirting or reshaping regulations, we are interested in how interactions with IR system agents affects the rulemaking capacity allocated to platform firms. Having high rulemaking capacity is analogous to platform firms having high degrees of “flexibility” to shape the governance of their firms with little outside interference. For this, we use the Rulemaker → Intermediary → Ruletaker (RIT)-framework (Abbott et al., 2017a, 2017b) to analyze how platform strategies may be shaped by interactions with labor market rulemakers and intermediaries, the role of legislative orchestration (Abbott et al., 2015), and how platforms’ rulemaking capacity is affected by these interactions.

At present, few labor platforms have signed CAs on wages and working conditions in the Nordics or internationally (ILO, 2021; Söderqvist & Bernhardtz, 2019). Comparative studies of the first CAs in the platform economy suggest that platform strategies toward collective bargaining vary. Some platforms comply with existing sector-level agreements and act like ruletakers (Söderqvist & Bernhardtz, 2019; Westregård, 2021), whereas others negotiate novel company agreements like the Danish cleaning platform Hilfr and act more like intermediaries or even rulemakers (Ilsoe & Larsen, 2021; Jesnes & Oppegaard, 2020). Market advantages seems to be a core element in platform considerations with regards to collective bargaining. Consumer-facing platforms can find a market advantage in avoiding negotiations and seeking alliances with consumers (Culpepper & Thelen, 2020; Ilsoe & Larsen, 2021). However, platforms can also perceive complying with existing regulation or negotiating agreements as a competitive advantage that ensures growth (Ilsoe & Larsen, 2021; Muszyński et al., 2021).

The paper is structured as follows: We begin by introducing the IR systems of Denmark and Sweden within an RIT-framework that conceptualizes how rulemaking capacity is allocated within these Nordic voluntarist labor markets and discuss how IR system orchestration is the result of insider agents (organized firms, unions, and legislators) interacting with outsiders (unorganized firms). We follow with a methods section, succeeded by case presentations over platform interactions with IR system agents in the Danish and Swedish platform economies. Next, we apply our RIT-framework to these cases and compare how rulemaking capacity and IR system interactions differ in our two settings, and close with discussions and conclusions.

2. Collective bargaining regulation in a Nordic voluntarist IRs system

Understanding platform firms’ choice of regulatory strategy within complex IRs systems may pose challenges to unversed readers. As we wish to better understand why some firms choose to engage in collective bargaining when most choose not to, we develop a framework that considers how rulemaking capacity, that is, the capacity of individual agents to make regulations without outside interference, is allocated within our IR system. This framework provides a simple illustration over how workers, unions, firms, EAs, and legislators interact to regulate labor markets in our voluntarist Nordic IR systems at various levels, while allowing us to compare the relative
rulemaking capacities of individual agents (i.e., the outcomes of these interactions), which ultimately shapes platform regulatory strategies.

We begin by outlining the RIT-framework and proceed to illustrate how it allocates rulemaking capacity for organized and unorganized firms in our IR systems. We conclude by discussing how incentives to evade or integrate into the IR systems are shaped by such rulemaking capacity considerations and interactions with other IR system agents.

2.1. Representing agents as rulemakers, intermediaries, and ruletakers in an IR system

We represent our two Nordic labor markets as IR systems consisting of agents, contexts, rules, and ideologies (Dunlop, 1958). The agents of our system are platform firms and their competitors, workers, unions, EAs, pertinent government agencies, legislators, and the public. The labor market agents operate in similar sectoral contexts of the Danish and Swedish voluntarist settings, which combine high union density, EA membership and collective bargaining coverage, with comparatively low degrees of labor market legislation (Andersen et al., 2014; Kjellberg, 2017). In the Danish transportation sector, two out of three workers are union members and eight in 10 workers are covered by CA, whereas four out of five workers are union members in the Swedish transportation sector and one in three workers are covered by CAs (Kjellberg, 2020a; Larsen et al., 2022).

We consider digital labor platforms as firms that provide work to a contingent workforce in labor markets, which are governed by rules in the form of sectoral and enterprise level CAs, individually bargained contracts and unilaterally set company policies, as well as legislation and government agency ordinances; all existing interdependently within a “web of rules” (Kerr & Siegel, 1954). The system’s ideology is defined as “a set of ideas and convictions generally held by the agents” (Dunlop, 1958), but also consider the possibility that both insider and outsider agents of our system may hold heterogeneous ideologies (Elvander, 2002; Kochan et al., 1986).

To highlight how a firm’s choice of regulatory strategy within our IR systems affects its governance and decision-making we use Abbott et al.’s (2017a, 2017b) Rulemaker—Intermediary—Ruletaker (RIT) framework, which expands the traditional dichotomous rulemaker-ruletaker models (e.g., principal-agent models) to include multi-tiered governance structures. The RIT-framework considers systems of governance, where some rulemaker party R has authority and capability to regulate a ruletaker T, but where some intermediary party I plays various roles to achieve regulatory goals. Such roles may include monitoring and enforcing rules, certification, sanctioning, facilitation by expertise, feedback and consulting as well as information sharing (Abbott et al., 2017a, 2017b). When executing these roles, an intermediary will often take on a role as a secondary rulemaker. We proceed to apply this RIT-taxonomy to a Nordic IR-system to highlight how roles and rulemaking capacity are delegated to IR system agents such as EAs, unions, firms, and workers.

We define R as a supreme rulemaker or the principal of the IR system, having authority to intervene in labor markets by legislating or delegating rulemaking capacity to agents. R defines legislative, executive, and judicial branches of national government. Rulemakers delegate rulemaking capacity to intermediary agents in their respective labor markets and thus plays an orchestrating role (Abbott et al., 2015; Busemeyer et al., 2022). Ruletakers, T, are agents that are constrained from deviating from the rules set by rulemakers R or intermediaries I.

Labor market intermediaries, I, situated between rulemakers and ruletakers, are agents that are endowed with some level of rulemaking capacity. An intermediary’s rulemaking capacity is tacitly or explicitly delegated from a supreme rulemaker, and thus revocable. As we will consider sectoral and firm level collective bargaining, we also need to consider that intermediaries may be endowed with more or less rulemaking capacity. We represent intermediaries with high rulemaking capacity as IR (a rulemaking intermediary), or low rulemaking capacity, IT (a ruletaking intermediary). At the workplace level, for example, an autocratic employer (Estlund, 2018) making unilateral decisions implies a strong rulemaking intermediary (IR) governing over a ruletaking worker (T). In contrast, a firm negotiating CAs with union representatives implies that both firm and workers are intermediaries (IT or IR).

This taxonomy allows us to conceptualize a stylized scale representing individual agents’ relative rulemaking capacity in the IR system as an interval of values ranging from low to high (Fig. 1). These rulemaking capacity variables allow us to illustrate the Nordic IR systems and will be used extensively in our comparative analysis to discuss platform strategies and outcomes.

© 2022 The Authors. Regulation & Governance published by John Wiley & Sons Australia, Ltd.
2.2. Allocating rulemaking capacity in our voluntarist IR systems using the RIT framework

We proceed to apply the RIT taxonomy to our IR systems to analyze the allocation of rulemaking capacity in a two-tiered Nordic labor market (Stokke, 2008), illustrating the different governance models faced by organized (CA signatories) and unorganized (non-CA signatories) platform firms.

Our illustration and analysis assume that IR system insiders, such as unions, EAs, and legislators, share some ideology that collectively bargained rules are (most often) preferable to legislated rules. For example, regulating wages and working conditions through collective bargaining allows for more equitable outcomes for workers (union perspective) and more flexibility to make rules adapted to specific industries (employer perspective) than legislated alternatives (Due et al., 1994; Kjellberg, 2017). Legislative acceptance and tolerance of this form of governance is illustrated by a reluctance of legislators to intervene in labor markets.

We begin by illustrating an idealized Nordic mode of governance faced by an organized platform firm (Fig. 2), where the firm is an EA member and has a strong local union presence.

At the very top of Figure 2, we find a rulemaker (R) legislator with capacity to intervene in labor markets through legislation. By ideology, legislators choose to delegate a relatively high share of rulemaking capacity to collectively bargained contracts, rather than set rules in law. Following the right arm of Figure 2, a high share of labor market rulemaking is delegated to central unions and EAs at the macro level. EAs and central unions bargain central and sectoral CAs, pursuing rulemaking objectives set by their respective members. Assuming an idealized situation where each party has identical bargaining power, both parties are rulemaking intermediaries (I_R).

Figure 1  Individual agents’ relative rulemaking capacity in an industrial relation system.

Figure 2  Rulemaking allocation for an organized firm in a voluntarist industrial relation system.
Moving down to the firm (micro) level, a local union and an organized firm adapt the sectoral CAs at the firm level, but also bargain local CAs. The sectoral CA may delegate varying capacities to the local parties. We thus assign the firm and local union as co-regulators or intermediary ruletakers ($I_T$).

Our platform worker, at the bottom of our chain of intermediaries, is ultimately a ruletaker, having delegated its rulemaking capacity to the local (and central) union. The worker’s level of engagement with the union may allow it some influence over local rulemaking capacity, thus we code the worker as $T - I_T$.

Going down the “legislated” left arm of Figure 2, legislation that is not overridden by collective bargaining (through delegation/derogation) is implemented and enforced by government agencies, which thus becomes a rulemaking intermediary ($I_R$). The government agency can use its rulemaking capacity to make ordinances (practical interpretation of the law) or apply the law directly. The organized firm in the legislated arm is primarily a ruletaker, having little-to-no formal capacity to influence the laws of the land. However, the presence of a local union implies the existence of a rule enforcer of laws and agreements within the firm. If the local union-employer relationship is cooperative, the capacity to implement and adapt rules to local conditions is improved. Due to this possibility, we code the organized firm and union as intermediary ruletakers ($I_T$) in the legislative arm. The possibility to co-regulate the adaptation of legislation gives the parties some limited intermediary qualities.

In contrast to the organized firm above, a firm outside the collective bargaining system is illustrated in Figure 3 below.

Following the right arm of Figure 3, collectively bargained contracts have been replaced by individual contractual regulation/bargaining. Managerial prerogatives and the absence of a union bargaining party imply that the firm is an intermediary rulemaker ($I_R$), but may in practice be more constrained than a sectoral bargaining party, not being able to deviate from legislation. In theory, the worker has high legal capacity to bargain individually, however, considering a highly replaceable platform worker with little individual bargaining power, the worker is arguably a ruletaker ($T$). With no collective bargaining agreements to deviate from legislation, all laws of the land apply to all firms. Thus, the share of legislated rules is higher for the evasive firm compared to the organized firm.

The unorganized firm faces the same rulemaking intermediary government agency ($I_R$). Assuming the worker is a union member in this unorganized firm (which is common in both Denmark and Sweden), a central union replaces the local union as a contractual and legislative enforcer. Having no formal relationship with the union, however, the firm is not given the same opportunity to negotiate flexible adaptations of legislated rules, making the unorganized firm a ruletaker ($T$).

### 2.3. Platform firms’ choice of governance and interaction with IR system insiders

Illustrating and comparing how rulemaking capacity is allocated among organized and unorganized firms in our idealized IR systems can give insights to platform firms’ regulatory strategies. In Figures 2 and 3, we apply the RIT framework to illustrate how rulemaking capacity is allocated within our voluntarist IR systems. A key insight is that unorganized firms have higher rulemaking capacity in its internal governance compared to the organized firm (Culpepper & Thelen, 2020; ILO, 2021; Ilsøe & Larsen, 2021). Then, why would unorganized platform firms sign a CA? For this, we need to consider how IR system insiders interact with outsiders to assert conformity to their prevailing ideology. This, we argue, amounts to a form of orchestration (Abbott et al., 2015).

Unions act to raise their members’ collective rulemaking capacity. In the Nordic countries, workers in unorganized firms are often union members, and thus have possibilities to be represented by central functions of the union (Andersen et al., 2014; Kjellberg, 2017). Thus, an unorganized firm with union members is always at risk of being subject to union scrutiny, legislative enforcement, and possible union organizing drives. Such actions may incentivize an employer to sign a CA.

When considering the role of organized employers and legislators, we need to consider prevailing ideologies and alternatives to CAs. Central and sectoral bargaining in our settings allocates high levels of rulemaking capacity to employers, granted they can reach agreement with their union counterparties. By setting sectoral or national standards, a level playing field is created. If such contractual regulation creates acceptable (or fair) distributions of outcomes for both worker and employers, legislators will prefer this model of delegated collective bargaining governance over one based on direct legislative intervention in labor markets (Due et al., 1994;...
Kjellberg, 2017). This captures the ideological benchmark of insiders (rulemakers and intermediaries) in our idealized IR-system (Dunlop, 1958). Unacceptable outcomes in parts of the labor market may thus be tolerated if it does not warrant direct legislative intervention (Due et al., 1994), as such actions risks undermining functional self-regulated practices elsewhere on the labor market (Kjellberg, 2017).

However, if an IR system-evasive platform economy or similar platform economy practices expand to broader sections of the labor market, as in Figure 3, we may experience a revocation of rulemaking capacity by legislators, for example by legislating minimum wages or legally extend CAs. The risk of such revocation of valuable rulemaking capacity may incentivize IR system insiders to integrate these sectors.

Succeeding our case presentations, we consider the rulemaking capacity of insiders and outsiders using the framework presented here, and how it is affected before and after platform firms interact with IR system (or other pertinent) insiders. Comparing these interactions in our two settings allow us to discuss how platform behavior and strategies are affected by insider agents, but also the governance models present in Denmark and Sweden.

3. Case studies: Selection, design, and analysis

Our research design is a comparative case study with a focus on “most similar” countries (George & Bennett, 2005). We compare labor platforms operating in the Danish and the Swedish labor market models, which are similar in structure, practice, and ideology. Our choice of platforms is inspired by the “information-oriented” selection strategy (Flyvbjer, 2006). We follow two prominent platforms within transportation in each country, where each pair has chosen different strategies toward collective bargaining.

Uber (personal transportation) was selected as the first case in both countries, as its nearly simultaneous arrival in each country prompted broader platform economy debates, because the “shock” it provided was relatively homogeneous, capturing a nearly identical evasive regulatory strategies, and because its avoidance of
collective bargaining is (still) the norm for most labor platforms. After the exit of UberPop, an unlicensed ride-hailing service from both the Danish and the Swedish market, national platform economy debates increasingly pivoted to app-based food delivery services. These platforms interact differently with IR systems, and their actions called public attention to labor issues. In Denmark, we included the case of Just Eat and in Sweden Foodora AB. Both are food delivery platforms, respectively holding the largest market share in each country, and both concluded sector-level CAs in 2021.

Each case study involved formal and informal interviews with platform CEOs/managers and relevant unions, EAs, and government agencies. All interviews (½-1½ h in length) were semi-structured and included questions on business model and strategy, upstart of business, growth, experiences with the Nordic models, rule-making capacity (R, I, or T) and motives for choosing collective bargaining or not. Formal interviews were recorded and transcribed in full, whereas informal interviews were documented with extensive notes. Each case analysis was sent back to interviewees for comments and final approval. In total, we draw on 18 interviews conducted from 2017 to 2021. The interviews was supplemented with desk research of CAs, relevant legislation, parliamentary debates and media coverage. Our analysis starts with presentations of the national cases before summing up findings in a comparative analysis drawing on the RIT-framework.

4. Denmark’s platform economy

The Danish platform economy emerged in the mid-2010s with the arrival of foreign-owned labor platforms such as Uber and Upwork, followed by Danish-owned start-ups like Hilfr and Chabber, operating in private services such as cleaning and hotels and restaurants (Ilsoe & Larsen, 2021). Yet, the Danish platform economy remains limited with recent surveys indicating that around 1% of Danes having generated an income via a digital labor platform in the last year (Ilsoe et al., 2021). For platform workers, digital platforms are primarily a supplemental source of income (less than €3.330 per year), and requiring multiple job holdings (Ilsoe et al., 2021).

Below, we consider the entry and regulatory interactions of Uber and the food delivery platform Just Eat on the Danish market capturing the chronology of platform governance interactions in Denmark.

4.1. The entry of Uber and regulatory interactions with supreme rulemakers in Denmark

Uber entered Denmark on 19 November 2014, by launching UberPop in Copenhagen. Uber Pop presented itself as an IT-company providing an app that facilitated work to its self-employed “partner-drivers” (CJEU, 2017). However, to most observers UberPop was considered a transportation company operating within the taxi industry (DR, 2016; Østergaard, 2017).

A few hours after Uber’s entry, the Danish Transport Authority reported Uber to the police for facilitating unauthorized taxi services (Østergaard, 2017). UberPop grew relatively quickly throughout 2015. They reached 290 drivers and covered 15% of the taxi rides in Copenhagen later that year (DR, 2016). In December 2015, the Danish police pressed their first of many charges against Uber drivers. More conflicts ensued, and Uber left Denmark in 2017 due to a series of court rulings and law changes (see Table 1).

Despite its limited impact on overall employment, Uber sparked intense debate among politicians in Folketinget, the Danish Parliament. Our desk research shows that most questions on the platform economy posed to Danish ministers by members of Parliament until year 2017 concerned taxes (19 questions) and taxi market regulations (23 questions). Questions addressed potential violations of existing taxi regulations, requests for new taxi regulations, and a lack of reporting to Danish Tax Authorities. Interestingly, we find only two questions relating to labor law (employment status of platform workers). This indicates that other topics were of more interest to politicians, but also that the commitment to delegate labor market regulation to Danish unions and EAs remained intact. We conclude that Danish legislators (R) remained committed to non-intervention in Danish labor markets, delegating the regulation of labor issues on platforms to rulemaking intermediary unions and EAs (I).

In April 2017, a new taxi Act was passed by the Danish Parliament. It affirmed that all taxi drivers must have a license, that the driver’s car (the taxi) has a taximeter, and explicitly states that the new regulations also apply...
to Uber (Østergaard, 2017). Consequently, Uber announced that they would suspend their operations in Denmark, finding these requirements incompatible with their business model.

4.1.1. Uber’s interactions with Danish intermediaries

Among Uber’s potential rulemaking intermediaries (unions and EAs), we observe vocal discontent throughout the company’s brief tenure in Denmark (DR, 2016). Key topics of contention were wages and working conditions, competition rules, social contributions, the organizing of platforms (in EAs) and workers (in unions), and the employment status of platform workers (Ilsøe & Madsen, 2018; Munkholm & Schjøler, 2018; Soested & Munkholm, 2018).

The Danish union 3F, organizing taxi drivers, voiced complaints over Uber’s disregard for the Danish Taxi Act, emphasizing the difference in compensation between employed and self-employed taxi drivers, where the latter carry more risks (Østergaard, 2017). Further, they argued that such miss-classification will result in fewer social benefits for Uber drivers and thus a lower wage bill compared to employed drivers at organized taxi firms.

In 2016, 3F launched a Facebook campaign where the fictional tech evangelist Poul Uberman exemplified the adverse effects of such “disruptive” employment practices to individual employees; if all were employed on the same terms as an Uber-driver not paying taxes, there would be no pensions, holidays, or sick pay (Ilsøe & Madsen, 2018).

Danish EAs have raised the issue of unfair competition, voicing that taxi companies with employer status carry more risks and higher labor costs compared to platform competitors (DR, 2016; Ilsøe & Madsen, 2018). Dialogue between Uber and Danish unions and EAs were sparse and the relationship confrontational. However, after Uber left the Danish market, other labor platforms have actively engaged in social dialogue with Danish unions. These include Danish owned platforms like Hilfr, which negotiated a company agreement in 2018, and Just Eat, which concluded a sector-level agreement in 2021.

4.2. The food delivery platform Just Eat

Just Eat was founded in Denmark in 2001 as the first food delivery company on the Danish market.3 The company has grown rapidly domestically and abroad. Today, it is the leading platform on the Danish market with a

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>November</td>
<td>Uber Pop arrives. The Danish Transport Authority reports Uber to the police (unauthorized taxi driving).</td>
</tr>
<tr>
<td>2015</td>
<td>December</td>
<td>The Danish police make their first charges against Uber drivers.</td>
</tr>
<tr>
<td>2016</td>
<td>March</td>
<td>Fifty taxi drivers demonstrate against Uber (unauthorized taxi driving).</td>
</tr>
<tr>
<td></td>
<td>July</td>
<td>Six Uber-drivers are found guilty by Copenhagen City Court (unauthorized taxi driving, lack of license). Fines are 207–870 EUR. The Eastern High Court later affirms this ruling.</td>
</tr>
<tr>
<td></td>
<td>August</td>
<td>Danish police charge 40 Uber-drivers (unauthorized taxi driving).</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>The Danish police receive tax information regarding 1.700 Uber-drivers from the tax authorities. Uber is charged for facilitating illegal activities (violations of the Danish Taxi Act) using paragraph 23 in the Criminal Code.</td>
</tr>
<tr>
<td>2017</td>
<td>April</td>
<td>A new Taxi Act is passed in the Danish Parliament. Consequently, Uber announce that they stop their business in Denmark.</td>
</tr>
<tr>
<td></td>
<td>August</td>
<td>Danish police charge 1.500 Danish Uber-drivers. Four Uber-drivers are found guilty (un-authorized taxi driving) by Copenhagen City Court. Fines are 5.375–65.372 EUR. The Eastern High Court and Supreme Court affirm the rulings in 2018.</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>A verdict by The European Court of Justice (CJEU) on December 20th rules that Uber is a transportation company within EU.</td>
</tr>
<tr>
<td>2018</td>
<td>April</td>
<td>Government-led inspections demonstrates that 99 per cent of the Uber drivers failed to report their income correctly to The Danish Tax Authority during 2014–2015.</td>
</tr>
</tbody>
</table>

market share of 75%, and with the ongoing corona crisis, the company has experienced further growth. Since 2017, Just Eat’s main competitor is Wolt, a Finnish-founded platform which was recently acquired by the US-based platform DoorDash. Although debates on food delivery platforms have been lively in Danish media, the topic has received little attention in Danish Parliament.¹ Media coverage has mainly focused on competitors like Wolt, which facilitates self-employed workers, whereas Just Eat who hire their workers as employees have received less attention (Magnussen, 2021; Skadhauge, 2021). Just Eat cooperates with 2,500 restaurants around the country and delivers over 13 million meals per year. The company has 400 white-collar and 600 courier employees. In 2019, Just Eat merged with another large player in the global market for food delivery, Takeaway.

4.2.1. Just Eat’s interaction with Danish intermediaries and other platforms
In 2018, Just Eat signed an existing sectoral CA covering their white-collar back-office staff with The National Union of Commercial and Clerical Employees (HK). During the bargaining process, Just Eat joined The Danish Chamber of Commerce (DE, an EA) as a full member, needing advice and guidance on labor law and CAs. A stated motivation for signing the white-collar CA was to offer better working conditions, becoming a more attractive employer, and reducing employee turnover. In 2019, the union 3F approached Just Eat to bargain a CA for its couriers, benchmarking the existing logistics sectoral CA. Before the CA, all couriers were employed workers on zero-hour contracts, covered by insurance schemes, and were offered transportation vehicles such as bikes or cars.

3F had three main objectives in negotiating the CA: to lift worker wages, set a minimum floor of hours, and to strike a sectoral CA with DE. Just Eat accepted the invitation, delegating negotiations to DE.

All parties saw advantages of negotiating a new sectoral CA. For 3F a sectoral CA covering platform workers can provide a powerful instrument to improve wages and working conditions at other platforms, such as with the competitor Wolt. Just Eat and DE wanted a sectoral CA to create a level-playing field among food delivery platforms. All three bargaining parties acted as rulemaking intermediaries (IR) creating a novel industry regulatory standard. However, the main argument for Just Eat was the ability to formalize wage setting procedures and working conditions, expecting this to ease recruitment and retention of food couriers in a growing market with substantial risks of labor shortages. By being the first mover, Just Eat was able to formalize sector-level regulations according to its own preferences. Competitors wanting a CA will have to adapt to these standards, which may be costly.

A major hurdle in the negotiations was setting wage supplements for overtime work and work during evenings and weekends. Most food delivery takes place during inconvenient hours, which make the supplements in existing (and heavily benchmarked) sectoral CAs prohibitively expensive. Here, the parties agreed on a compromise, keeping overtime supplements from the sectoral logistics agreement, but reducing supplements for inconvenient hours, and introducing a minimum floor of eight weekly working hours. To summarize, both 3F and Just Eat/DE compromised on their original objectives, prioritizing getting a sectoral CA in place, and in January 2021, they concluded a two-year sectoral CA for food delivery, Madudbringningsoverskomsten,⁵ starting on March 1st 2021.

In a simultaneous development with the bargaining process above, competitor Wolt was in close dialogue with 3F, but never reached agreement. Wolt criticized the new sectoral CA in Danish media for being too inflexible with regards to working hours, and for only covering a minority of Just Eat couriers (Skadhauge, 2021). Only 10% of the food deliveries facilitated via Just Eat’s platform are performed by their 600 employed couriers, whereas the rest are performed by partner restaurants without CAs. Further, Wolt criticized 3F for not aligning with their workers’ interest, pointing to low union density. Wolt’s own surveys of their couriers show that they request more flexibility than offered in the sectoral CA (Voxmeter, 2021). Wolt deferred from signing the CA as they feared it would harm their ability to recruit and motivate workers. 3F has responded by campaigning heavily against Wolt in various media (Magnussen, 2021). Meanwhile, Wolt’s own couriers have mobilized on social media under the “Wolt Workers Group.”⁶ The group called for a strike in February 2021 against a change in price supplements announced by Wolt.⁷
5. Sweden’s platform economy

The Swedish platform economy arguably starts with Uber’s launch in Stockholm in 2013. Since, platforms have been launched in numerous markets. Prominent national labor platforms in the media include Taskrunner, Tiptapp, Urbit, and Yepstr, as well as three companies noted for signing sectoral CAs with established trade unions; temporary work agency platforms Just Arrived and AW Instajobs, and formerly, the electric tuk-tuk transportation platform Bzzt. Due to definitional ambiguities, surveys over the size of the Swedish platform economy vary from 12% (Huws & Joyce, 2016) to 1.5% (SOU, 2017:24), where the latter is the more realistic estimate. According to SOU (2017) platform work is concentrated to the three major city regions (Stockholm, Gothenburg, and Malmö) being a supplementary source of income for most.

As in the Danish cases above, we consider the entry and regulatory interactions of Uber and a food delivery platform, Foodora, roughly capturing the chronology of platform economy debates in Sweden.

5.1. The entry and regulatory interactions of Uber in Sweden

In early 2013, Uber launched an upscale licensed limousine services in Stockholm, Sweden’s largest taxi market, followed by Uber X, a cheaper licensed taxi option in January 2014, and UberPop, a “paid carsharing” service, allowing unlicensed taxi drivers or vehicles to make remunerated trips, in September 2014.

In 2016, the Swedish Tax Authority began proactive audits of Swedish “sharing economy” platforms. The audits enforced tax payments on commercial transactions and employer contributions (Skatteverket, 2016). The Swedish Tax Agency assessed that over 600 Uber drivers owed a total of 13.5 million SEK (approx. 1.4 million USD) in taxes. Most tax evasion appears to have been made possible by drivers not using the physical taximeters in their cars properly. The platform was also subject to increased police controls, resulting in over 60 Uber Pop drivers being fined for conducting illegal taxi services and driving without taxi licenses. Uber’s regulatory interactions are summarized in Table 2 below.

Despite its size, the platform economy was debated on several occasions in the Swedish parliament, riksdagen. Most questions on the platform economy raised by members of parliament centered directly or indirectly on Uber. Between 2008 and 2017, aspects of platform regulation were explicitly mentioned in questions to ministers on 13 occasions. Several questions raised by members of parliament specifically addressed the taxi act, resulting in platform-related directives to the Tax Agency (Skatteverket, 2016) and a government enquiry to clarify existing taxi market regulations (SOU, 2016:86). There were no questions on working conditions in the taxi markets and thus no debates over possible labor market interventions.

5.1.1. Uber’s interactions with Swedish intermediaries

At Uber’s 2013 launch, the company was confronted by The Swedish Taxi Trade Association (Taxiförbundet), representing Swedish taxi companies (not an EA), over the absence of mandated physical taximeters in its limousine fleets. The conflict with the Taxi Association was deepened with the launch of the unlicensed UberPop service. Uber responded by claiming their ridesharing services were akin to already existing (legal) carpooling services, however, shut down the unlicensed Pop-services in 2016. Uber continues to operate its licensed taxi services.

Notably, the employer status in Uber’s Swedish taxi operations has not been contested (Thelen, 2018). Swedish taxi markets were deregulated in the early 1990s resulting in a removal of most barriers to entry for taxi fleets (vehicles) and taxi companies (dispatch centers) (Finnveden, 1990). Today, drivers are employed by a taxi fleet, which typically drives exclusively for a taxi company/dispatch center. A fleet may be a company with several employees, or a car with a single self-employed driver. Collective bargaining follows a structure where taxi fleets sign sectoral CAs individually, but with some taxi companies requiring their taxi fleets to sign CAs (Kjellberg, 2020a, 2020b).

The Transport Workers Union of Sweden’s (TWU) responded to Uber with similar argument as the Taxi Association, condemning Uber’s evasion of tax and taxi regulations. With low union density in a difficult to organize sector, the union has been noted saying that “the Swedish taxi market is so deregulated that there are bigger problems [than Uber].” TWU is the only trade union, to our knowledge, to have called for legal extensions of sectoral CAs in Sweden. In an interview, the union president has suggested that politicians wanting collective
bargaining regulations for the platform economy are not recognizing that there “aren’t any [employer bargaining] parties there to solve the problems.”

Uber chose to terminate its unlicensed services but remains in licensed operation in the Swedish taxi market. The government (R) chose to clarify the distinction between carpooling and taxis services but made no direct labor market intervention. IR system intermediaries (I) such as unions and EAs remained relatively silent, with the taxi industry association constituting the most vocal opponent.

### 5.2. Foodora AB—A European food delivery platform

Foodora is a food delivery platform, founded in Munich in 2014 and owned by the Berlin-based company Delivery Hero. Foodora’s Swedish operations launched in Stockholm in May 2015 as part of a large international roll-out. Since 2020, however, Foodora has reduced its operations to Sweden, Norway, and Finland. From 2018, Foodora grew by acquiring several national food delivery platforms, expanding to also include car borne couriers operating in less densely populated cities where bicycle or moped deliveries are untenable. The covid-19 pandemic increased demand for food delivery significantly, growing Foodora’s business further. Foodora operates in 16 Swedish cities and holds the largest national market share among competing food delivery platforms, including UberEATS, Wolt, and the Estonian platform Bolt.

From launch, Foodora has employed couriers on fixed-term contracts, typically extending three months into the future, which are then subject to renewal. This separates Foodora from its national competitors that mostly use umbrella companies that act similar to temporary work agencies, renting employed couriers to the platforms (Söderqvist & Bernhardtz, 2019; Wingborg, 2017).

#### 5.2.1. Foodora’s regulatory interactions with Swedish intermediaries

Foodora has had several notable run-ins with enforcement agencies and unions since its launch, including conflicts over improper dismissals of a worker requesting sick-leave, and being fined by the Work Environment Authority for reporting a hit-and-run incident a full year after it had occurred. Both incidents were disputed and reported to the authorities by the TWU, highlighting the union’s role as an intermediary rule enforcer at an unorganized firm.

In 2017, media coverage over poor working conditions on food delivery platforms increased, resulting in condemning statements from politicians. And with its high market share and visibility in larger cities, Foodora would...
often be in the spotlight. In parliamentary debates, politicians stressed the need for food delivery platforms to be integrated into the Swedish collective bargaining model, but did no propose direct labor market intervention.14

In 2016, the Stockholm chapter of TWU formally requested collective bargaining negotiations with Foodora which was declined by the company. The evasive trajectory changed when Foodora’s owner Delivery Hero stepped in and replaced much of the Swedish management in 2019. At the initiative of the new CEO, negotiations for a CA with the TWU began in early 2020. According to the union, the company’s rationale to bargain was to improve a tarnished reputation, gain legitimacy among consumers, and shape future sectoral standards, hence gaining a first-mover advantage. The company had also struck a CA in Norway the previous year (Jesnes & Oppegaard, 2020), which possibly softened the company’s stance toward collective bargaining, and the union suspects that some partner restaurants may have exerted pressure on Foodora to negotiate a CA. However, Foodora did not join an EA and thus negotiated the CA without such professional support. The union speculates that this was partially due to poor communication and unclear expectations between Foodora and the EA, but also that in joining an EA, the company’s white-collar workers would automatically be subject to CAs the EA has with private sector white-collar unions.

The union’s goals in bargaining were to regulate and raise payments, improve the courier’s work environment, and increase employment security. The union also had a macro-level goal to gain a foothold in the platform economy. In parallel with negotiations, the TWU ran a recruitment campaign targeting Foodora couriers, offering rebated membership fees. The campaign had a positive effect on membership numbers at the company, but union density remains low by Swedish standards.

On February 25th 2021 a CA was struck in the form of an annex to the existing national Transportation CA, specifically targeting bicycle and moped couriers delivering food using heat-insulated backpacks.15 The bicycle and moped CA regulates and sets improved wage levels and benefits, including guaranteed hourly rates, obliges the company to provide or compensate workers for equipment and creates improved work safety routines. It does not, however, guarantee working hours or establish open-ended contracts. Going into the negotiations, establishing open ended contracts as the norm for Foodora couriers was a popular demand among members, however such a bid was deemed “too expensive” by the union in a first bargaining round.16 The agreement also covers car borne couriers through the existing sectoral Transportation CA; however, the TWU has expressed frustration that most of the car borne couriers in practice are not covered by this CA. The agreement runs for two-years covering two thirds of Foodora’s uniformed couriers. Apart from challenges with low union density, overcoming a confrontational relationship with Foodora, and the CA covering only two thirds of uniformed workers, the union also foresees challenges when building functional co-determination structures in a rapidly changing company. The resulting agreement enabled Foodora to exercise significant rulemaking capacity in shaping sectoral standards with the TWU (both IR), which may have been preferable to continued corrections of behavior by outside intermediaries enforcing existing rules.

In November 2021, the TWU filed a lawsuit at the national labor court over Foodora’s use of umbrella companies to hire subcontracted couriers. Compared to its competitors, this practice is not as prevalent at Foodora. The union has publicly declared that the lawsuit is not primarily targeting Foodora’s usage of umbrella companies, but rather its competitors where this employment form is standard. Assuming Foodora stands to lose relatively little by giving up this practice, the company has a strong incentive to lose the court case. A precedent labor court ruling condemning such subcontracting practices on food delivery platforms could result in its competitors having to hire all its workers, leveling the playing field, while also inflicting restructuring costs. Here, Foodora (together with the union) also seem to act as an intermediary facilitating the enforcement of labor law (R) toward competing companies (T).

6. Comparative analysis of platform strategies in a RIT perspective: Uber, Just Eat and Foodora in the Nordic IR systems

We proceed by applying our RIT framework to consider the relative rulemaking capacity of our platform actors and how this was affected by interactions with other IR system agents in our two settings. We start by applying our framework and considering the interactions of Uber in Denmark and Sweden, followed by Just Eat in Denmark and Foodora in Sweden.
6.1. Uber in Denmark and Sweden

Uber’s initial strategy (A.) in Denmark and Sweden can be summarized as evasive (see Table 3); attempting to gain rulemaking capacity by skirting or ignoring local regulations, creating consumer support for its affordable services, then mobilizing consumers against rulemakers and current intermediaries to gain accommodations in taxi and labor market regulations, thus resembling regulatory strategies observed in many other countries (Culpepper & Thelen, 2020; Thelen, 2018). We can summarize Uber’s evasive strategy as grabbing rulemaking capacity, which it has not been formally delegated and eventually gaining regulatory accommodations. In both Denmark and Sweden, we consider unlicensed Uber-services (UberPop), whereas in Sweden we also consider a parallel interaction with Uber’s licensed services (UberX). Uber did not see the IR systems in either setting as a potential arena for gaining rulemaking capacity as an intermediary, and Uber’s interactions with unions and EAs was sparse and often confrontational.

Considering how this strategy affects rulemaking capacity relative to competitors in the same market, B. illustrates how UberPop has a regulatory advantage over its competitors by grabbing more rulemaking capacity than what its competitors have been allocated within the existing regulatory regime. In both Denmark and Sweden, we consider unlicensed Uber-services (UberPop), whereas in Sweden we also consider a parallel interaction with Uber’s licensed services (UberX). Uber did not see the IR systems in either setting as a potential arena for gaining rulemaking capacity as an intermediary, and Uber’s interactions with unions and EAs was sparse and often confrontational.

Table 3 Uber’s strategy in Denmark and Sweden in a RIT perspective

<table>
<thead>
<tr>
<th></th>
<th>UberPop (Denmark)</th>
<th>UberPop and UberX (Sweden)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Initial strategy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Grab rulemaking capacity over taxi licensing</td>
<td>1. Grab rulemaking capacity over (a) taxi licensing (UberPop) and (b) taximeter usage (UberX)</td>
<td></td>
</tr>
<tr>
<td>2. Gain accommodation of new higher rulemaking capacity in taxi market governance</td>
<td>2. Gain accommodation of new higher rulemaking capacity in taxi market governance</td>
<td></td>
</tr>
<tr>
<td><strong>B. Pre-intervention relative rulemaking capacity (competing firms)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$I^a_{DK\text{UberPop}} \gg I^a_{DK\text{Taxi}}$</td>
<td>(a) $I^a_{SE\text{UberPop}} \gg I^a_{SE\text{Taxi}}$</td>
<td></td>
</tr>
<tr>
<td>(b) $I^a_{SE\text{UberX}} \gg I^a_{SE\text{Taxi}}$</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C. Vocal opposition from intermediaries to initial strategy/actions</strong></td>
<td>Taxi business, EA, and unions</td>
<td>Taxi business and unions (not EA)</td>
</tr>
<tr>
<td><strong>D. Intervention</strong></td>
<td>$R^{Gov}$ Clarifying rules (Taxi Act)</td>
<td>$R^{Gov}$ Clarifying rules (SOU, 2016:86)</td>
</tr>
<tr>
<td>Non accommodating</td>
<td>Non accommodating to (a) some accommodation to (b)</td>
<td></td>
</tr>
<tr>
<td><strong>E. Uber decision</strong></td>
<td>Exit</td>
<td>Exit</td>
</tr>
<tr>
<td>(a) Exit</td>
<td>(a) Exit</td>
<td></td>
</tr>
<tr>
<td>(b) Remain</td>
<td>(b) Remain</td>
<td></td>
</tr>
<tr>
<td><strong>F. Main mechanism</strong></td>
<td>$R^{Gov}$ market regulation intervention</td>
<td>$R^{Gov}$ market regulation intervention</td>
</tr>
<tr>
<td>No direct intervention in labor markets</td>
<td>No direct intervention in labor markets</td>
<td></td>
</tr>
<tr>
<td><strong>G. Post-intervention relative rulemaking capacity</strong></td>
<td>$T^{\text{UberPop}} \rightarrow 0$</td>
<td>(a) $T^{\text{UberPop}} \rightarrow 0$</td>
</tr>
<tr>
<td>(b) $I^{\text{UberX}}_T = I^{\text{SE\text{Taxi}}}_T$</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

© 2022 The Authors. Regulation & Governance published by John Wiley & Sons Australia, Ltd.
coverage by CAs in Swedish than in Danish transportation. In both countries, legislators addressed concern over these developments. Importantly, the focus of contestation over Uber rested mainly on market regulations.

Interactions resulted in interventions, presented in D., which in both countries amounted to some legislated orchestration spearheaded by Government ($R_{Gov}^T$). In Denmark, a new taxi act was passed, specifically including UberPop under the same set of regulations. In Sweden, a Government Inquiry was appointed to assess the definition of carpooling, which did not include the UberPop-model. Both cases amount to a clarification of existing and future rules, which included Uber unlicensed taxi services. In the case of Uber’s use of taximeters in Sweden, a taxi proposition passed in 2018, which allowed for non-physical (i.e., app-based) taximeters. Notably, the main mechanism which altered the initial strategy and trajectory (E.) of Uber were interventions in taxi market regulation by legislators ($R_{Gov}^{Uber}$). We observe no direct intervention in labor regulations. Intervening in product or service markets can, however, be an indirect way to address labor issues. The lack of dialogue and consequent opposition by IR-system actors can also be interpreted as a strategy by the labor market intermediaries.

Uber’s actions from these interventions (G.) resulted in the company shutting down its unlicensed taxi services in both countries. In the Danish case, the company left the market altogether, whereas in Sweden the company continued to operate its taxi services. Using our RIT-nomenclature in E., we can summarize the change in rulemaking capacity with the UberPop-service becoming a ruletaker with zero rulemaking capacity in its initial form ($T_{UberPop}^T \rightarrow 0$), whereas the UberX-option in Sweden equalized to a similar rulemaking capacity to that of its generic taxi competitor ($T_{UberX}^T = T_{SE\ Taxi}^T$).

### 6.2. Just Eat (Denmark) and Foodora (Sweden)

Considering platform pre-intervention strategies (A.), neither Just Eat nor Foodora became organized until early 2021 (see Table 4). In the case of Foodora, this was an explicit negation to union invites whereas our case analyses indicate no such active avoidance from Just Eat. The white-collar agreement negotiated by Just Eat in 2018 may have paved the way for later dialogues with the blue-collar unions.

Comparing the relative rulemaking capacity of our food delivery platforms (B.), both companies utilized employed couriers in their operations, whereas their competitors mainly used freelancers (Denmark) or subcontracted labor through umbrella companies (Sweden). Using employed couriers endows more rights to platform workers and obligations to platform firms, meaning rulemaking capacity for both Just Eat and Foodora was arguably lesser than their competitors ($R_{Platform} < R_{Comp}^{Uber}$). Compared to taxi markets, food delivery platforms have few (or no) entrenched or well-organized competitors. One could argue that Just Eat is an “established” actor by industry standards with over 20 years in the food delivery business, which may explain their less confrontational interactions.

The vocal opposition we observe (C.) to platform strategies in both countries should be viewed as criticism toward food delivery platforms in general, rather than just our specific cases, which are both the largest actors in the market.

The main interventions (D.) we observe in both countries are the creation of sectoral CAs, but for different reasons. In the case of Just Eat, the white-collar agreement meant that the company was member of an EA and experienced in collective bargaining. In the Swedish case, negative press and union legal action against the company on behalf of members ($T_{SE\ Union}^T$), but also political calls for CAs ($R_{Gov}^{Foodora}$) are important interactions leading up to the firm’s CA.

The change of strategy (E.) thus also differs. In the case of Just Eat, a 20-year-old Danish company, the integration into collective bargaining seem to be driven by insights made by the company itself, whereas in the case of Foodora, the parent company intervention resulted in a complete change in strategy, perhaps as its confrontational interactions with IR agents may have been deemed untenable in the long-term. An important difference between our cases is that Foodora did not join an EA nor bargain their CA with their help. This might have disadvantaged the firm and may continue to do so, as having professional negotiation and legal help can be important when dealing with experienced CA negotiators at the TWU. However, for both actors, the first mover advantage to set a sectoral standard is likely an important aspect over why both firms chose to go first.

Summarizing the main mechanisms (E.) that forced the change in strategy, we attribute Just Eat’s actions to a maturing firm with employees, but also the negative press food delivery platforms have received nationally (and
internationally). The Foodora case is similar in these respects, but differing in the union playing a more aggressive and litigious role.

Considering the new allocation of rulemaking capacity (G), both companies have constrained themselves to co-regulate with a union, and in the Danish case with an EA. Compared to their competitors (a) both are arguably more constrained in their business model at the moment (e.g., $I_{\text{JustEatR}}^R < I_{\text{CompR}}^R$). We should note that in the Swedish case, Foodora could in conflict significantly reduce to competitor rulemaking capacity by losing the court case over the usage of umbrella-company contracted labor, reducing this inequality. However, both companies now operate a parallel system with only a fraction of couriers being covered by the CAs (b), meaning parts of the firms have greater rulemaking capacity than others (e.g., $I_{\text{JustEatCA}}^R > I_{\text{JustEatCA}}^C$). This might create a strong incentive to hire more car borne couriers in the case of Foodora, which are not covered by the CA. Such action however, risks union litigation. The importance of holding first-mover advantage will become apparent if more firms decide or are forced to sign a CA (c), where they will have to adhere to the sectoral standards tailored to Just Eat’s and Foodora’s operations.

### Table 4: Just Eat’s and Foodora’s strategies in Denmark and Sweden in a RIT perspective

<table>
<thead>
<tr>
<th></th>
<th>Just Eat</th>
<th>Foodora</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Initial strategy</strong></td>
<td>No collective bargaining</td>
<td>No collective bargaining</td>
</tr>
<tr>
<td><strong>B. Pre-intervention relative rulemaking capacity, competing food delivery firms</strong></td>
<td>$I_{\text{JustEatR}}^R &lt; I_{\text{CompR}}^R$</td>
<td>$I_{\text{FoodoraR}}^R &lt; I_{\text{CompR}}^R$</td>
</tr>
<tr>
<td><strong>C. Vocal opposition from intermediaries to initial strategy/actions</strong></td>
<td>Primary: Unions Secondary: Politicians (food delivery platforms in general), media, Clients who are EA members</td>
<td>Primary: Unions Secondary: Politicians (food delivery platforms in general), media, Clients who are EA members</td>
</tr>
<tr>
<td><strong>D. Intervention</strong></td>
<td>$I_{\text{DK Union}}^T$, HK collective agreement.</td>
<td>$I_{\text{SE Union}}^T$, Litigation, enforcing legislation, and campaigning.</td>
</tr>
<tr>
<td><strong>E. Firm decision</strong></td>
<td>Change strategy, sign CA (for limited portion of couriers)</td>
<td>Change strategy, sign CA (for limited portion of couriers)</td>
</tr>
<tr>
<td><strong>F. Main mechanism</strong></td>
<td>Organizing employers. EA member.</td>
<td>Organizing workers, litigation, media scrutiny. No EA involvement.</td>
</tr>
</tbody>
</table>
| **G. Post-intervention relative rulemaking capacity (a) self, (b) competitors, (c) competitors if organized** | (a) $I_{\text{JustEatCA}}^R < I_{\text{Comp}}^R$ | (a) $I_{\text{FoodoraCA}}^R < I_{\text{Comp}}^R$
(b) $I_{\text{JustEat}}^R > I_{\text{JustEatCA}}^R$ | (b) $I_{\text{Foodora}}^R > I_{\text{FoodoraCA}}^R$
(c) $I_{\text{JustEatCA}}^R > I_{\text{CompCA}}^T$ | (c) $I_{\text{FoodoraCA}}^R > I_{\text{CompCA}}^T$ |

© 2022 The Authors. Regulation & Governance published by John Wiley & Sons Australia, Ltd.

### 7. Discussion and conclusion

We have examined two prominent “waves” of platform economy firms evading and integrating into the collective bargaining frameworks of Denmark and Sweden, challenging important tenets of the Nordic labor market models. We have analyzed the strategies of Uber, Just Eat and Foodora as well as their interactions with Nordic IR-system agents. We use an RIT framework to discuss and analyze the mechanisms of orchestration and how these allocate rulemaking capacity for integrating or evading platform firms.

In both settings, we observe Uber adopting nearly identical strategies in avoiding collective bargaining and not utilizing the option to act as an intermediary in the voluntarist labor market model. Uber’s strategy to gain regulatory accommodation for its unlicensed UberPop services failed in both markets resulting in exit in Denmark, but continued operations in Sweden under the same regulatory framework as other taxi firms. JustEat in Denmark and Foodora in Sweden had employees and engaged in collective bargaining, voluntarily sharing rulemaking capacity with organized labor. By being first movers and shaping future sectoral norms our two food delivery platforms have exercised significant rulemaking capacity as rulemaking intermediaries.
However, a sectoral agreement with a single signatory company does not meet the requirements of full Nordic IR-system integration. A pertinent challenge remains integrating competitors, who may insist on continued IR-system evasion due to the existing CA being poor fit to their business model. Wolt, for example, might see the current Danish CA as insufficiently accommodating and choose to remain an outsider to the system. However, a firm’s preference for “sufficient” rulemaking capacity is subject to change if faced by a strike. The existence of CAs may make it easier for a union to mobilize couriers at unorganized firms by pointing to the substantial improvements in the existing sectoral CA. However, 3F has found it difficult to organize workers both at Just Eat and Wolt. A similar case may be made for Foodora in Sweden, but to our knowledge there has been less interest among its competitors to sign a CA. The upcoming court case over the usage of umbrella companies provides another interesting venue where Foodora and the TWU can reduce rulemaking capacity to evading competitors.

All our studied platforms are consumer-facing. As consumers in the Nordic countries are also tax-payers within Nordic welfare states, they may expect companies to abide to certain standards. This makes it more difficult for platforms to create alliances with consumers against regulators like Uber has done in for instance the US (Culpepper & Thelen, 2020). We propose that labor platforms in the Nordics are sensitive to bad press that highlights behaviors outside some ideological bounds. Unions like 3F in Denmark have exploited this thoroughly using media campaigning. In the case of Foodora, the TWU was able to exercise rulemaking capacity as an enforcing intermediary, reporting the company to authorities for infringing member rights, and alerting the media to such infractions.

It remains an open question whether a Nordic model will evolve in the platform economy over time. We see early signs of platform firms utilizing the voluntarist models of labor market regulation to act as regulatory intermediaries with established unions, thus impacting the future regulation of the Nordic platform labor markets. Why do some consumer-facing platform firms utilize this option, whereas others do not? One possible explanation lies in the interaction between the voluntarist model and platform competition. At entry Uber operated in a de-facto unlicensed taxi market segment without much competition, whereas food delivery platforms operate in a platform market with many players. In food delivery, CAs may increase market power for dominant firms, as long as CAs remain single-firm affairs, if having a CA is perceived as improving the firms’ legitimacy and this translates to commercial gains. Direct competition within the platform economy seems to be a driver for companies’ use of the voluntarist models—similar to what IR scholars have reported about other areas of the economy (Commons, 1950; Sisson, 1987).

Recently, the European Commission proposed a directive including a legal presumption that platform workers are employees (European Commission, 2021). If the proposal will be accepted, more platform workers—also in the Nordics—will attain employee status and be able to participate in collective bargaining. However, organizing workers remains a challenge in the platform economy. The Just Eat and Foodora CA’s were negotiated with low union densities and Foodora has yet to join the EA. Unions will argue that this provides “a foot in the door”, but if this strategy is not followed up with actual organizing drives it will threaten both the legitimacy of the union and of the CA (Arnholtz, 2022). It will also undermine the competitive advantage of being an intermediary in the Nordic collective bargaining system. In sum, the current CAs in the Nordic platform economy needs to be followed up by organization of both sides of the bargaining table, before they can be interpreted as a sustainable Nordic model in the platform economy.

Acknowledgments

Our analyses draw on data collected as part of a number of research projects funded by the European Commission, DG Employment, Social Affairs and Inclusion (VP/2016/004/0041), the Velux Foundations (2019) (Grant No. 26659) and Unionen (PhD funding). We are very grateful for this funding, which has allowed extensive data collection. A number of colleagues have commented on earlier drafts of our work and we are very thankful for their suggestions. We are especially thankful to Trine P. Larsen, Victor Bernhardtz, Viroj Jiewatcharamongkhhol, Sofia Tot as well as attendants at the BTH TIEK Friday seminar (2021), the SI/KU Seminar at Kolle Kolle (2021), the VELNET WIP seminar (2021), and The Annual
DSE conference (2021). Finally, we would like to thank the editors, the guest editors and four anonymous referees for their very valuable comments.

Endnotes

1 Interviews in Sweden: Transport Workers Union (TWU) (May 2021; August 2021; December 2021), Unionen (the largest union for white collar workers in the private sector) (December 2020), The Confederation of Swedish Trade Unions (LO) (October 2018), Ministry of Labor (October 2018), the Tax Authorities (October 2018) and the platforms Just Arrived (October 2018), InstaJobs (October 2018), Gigstr (October 2018), Uber (March 2017), and Foodora (December 2021). Interviews in Denmark: The United Federation of Workers (3F) (Juni 2017; February 2021), The Confederation of Danish Trade Unions (FH) (January 2020), The Confederation of Danish Industries (DI) (December 2017; June 2019), The Danish Chamber of Commerce (DE) (February 2021), the Tax Authorities (Maj 2017; October 2019), the Ministry of Employment (June 2019) and the platforms Uber (January 2017) and Just Eat (February 2021).

2 We studied questions raised by members of the Danish and the Swedish parliaments to ministers for the period 2008–2017, using the databases of both parliaments, where all statements are saved in transcribed versions. We used the search words “Delningsekonomi,” “Gig+ekonomi,” “Plattformsekonomi,” and “Uber” for the Swedish parliament and the search words “Deleøkonomi,” “Platformsøkonomi,” and “Uber” for the Danish parliament. Link to database at the Danish Parliament: https://www.ft.dk/da/dokumenter/dokumentlister/paragraf_20_spoergsmaal. For Swedish debates we used the search (sök) function at https://riksdagen.se/, using filters “Frågestund,” “Interpellationer,” “Kammarens protokoll,” “Skriftliga frågor,” and “Svar på skriftliga frågor.”

3 Information from interview with Just Eat management (February 2021).

4 In December 2021, we conducted a new search among questions raised by member of the Danish parliament to Danish ministers during the period 2017–2021. We used the search words “Deleøkonomi,” “Platformsøkonomi,” “Uber,” “Wolt,” and “Just Eat.” However, we find only one question on platform work. This question was directed to the minister of industry and business (September 2021) and focused on two cleaning platforms active in Denmark (Hilfr and Happy Helper). Link to database: https://www.ft.dk/da/dokumenter/dokumentlister/paragraf_20_spoergsmaal


6 https://www.facebook.com/WoltWorkersGroup/

7 Wolt wanted to increase wage supplements during evenings and weekends, where most work is present, and decrease supplements during daytime.

8 Bzzt replaced all its drivers in early 2020 with a so-called umbrella company (egenanställningsföretag) solution, which unions argue are non-authorized temporary work agencies (Wingborg, 2017).

9 Such as Taxi Stockholm and until recently Taxi Göteborg.


11 SVT Agenda Feb 23 2020.


14 From riksdagen.se’s search function, expanded to include the period post-2017 to December 2021 using the same search criteria as in footnote 2.

15 See the courier collective agreement for bicycle and moped couriers (Budavtalet: Cykel och mopedbud 2021) signed by the TWU and Foodora as an annex to the sectoral Transportavtalet.

16 Interview with TWU ombudsman May 2021.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

© 2022 The Authors. Regulation & Governance published by John Wiley & Sons Australia, Ltd.
Van Dijck, J., Poell, T., & De Waal, M. (2018). The platform society. OUP.