

Strategies to
inspire, organise
and represent
workers.

The Negotiator's Guide

LRS Labour
Research
Service



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11

Negotiating the Future of Work

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Trade Unions negotiate the future of work

Trade unions and trade union negotiators are not powerless when it comes to influencing the future of work and shaping the reality of work.

Technological change and the reorganising of production are often incremental, happening little by little over a period of time. There can also be sudden leaps in the application of technology to production and the organisation of work. There are many different factors that decide the speed and scale at which an industry, sector or enterprise will adopt new technologies.

Technological change and informalisation are closely linked under the fourth industrial revolution.

Digital technology, in a variety of forms, is one of the central drivers of change in modern economies.

Even so, in a survey of large and emerging multinational employers, the most significant driver of change was identified as “Changing work environments and flexible working arrangements”.¹

1. “The Future of Jobs.” n.d. *The Future of Jobs, Employment, Skills and Workforce Strategy for the Fourth Industrial Revolution, 2016*, World Economic Forum, Global Challenge Insight Report <https://bit.ly/3udXBHQ>

This refers, in part, to new technologies enabling workplace innovations such as remote working, co-working spaces and teleconferencing. The OECD says that organisations are likely to have an ever-smaller pool of core full-time employees for fixed functions, backed up by colleagues in other countries and external consultants and contractors for specific projects.

This leads us into the second central feature of the future of work – the erosion of the standard employment relationship and the shift to a more flexible, externalised and contractualised relationship.

Companies moved to externalise the so-called non-core functions of an enterprise decades ago. In a single workplace, you can now find many different forms of employment, including full-time permanent, permanent part-time, contract workers and workers supplied by temporary employment services.²

*2. Theron
Jane, 2007,
Informalization
from above,
informalization
from below: What
are the options
for organization?
African Studies
Quarterly, 11, Issues
2 & 3. <https://bit.ly/3pl4aA1>*

“The OECD says that organisations are likely to have an ever-smaller pool of core full-time employees for fixed functions, backed up by colleagues in other countries and external consultants and contractors for specific projects.”

3. OECD (2019),
*Negotiating Our
 Way Up: Collective
 Bargaining in a
 Changing World
 of Work*, OECD
 Publishing, Paris,
[https://bit.
 ly/3gnX7Xf](https://bit.ly/3gnX7Xf)



These are the broader challenges that a trade union negotiator faces.

Collective bargaining and workers' voices can help address the challenges posed by a changing world of work. As demographic and technological changes unfold, collective bargaining can be used to mediate adjustments in wages, working time, work organisation and tasks to respond to new needs in a flexible and pragmatic manner.



Collective bargaining can help to shape new rights, adapt existing rights, regulate the use of new technologies, provide active support to workers transitioning to new jobs and anticipate skills needs.³



Collective bargaining can be used to protect workers from the worst impacts of technological change and informalisation.

Some definitions



The Future of Work

This term is often used as a **blanket term to talk about all the technological and social changes affecting the world of work.** The OECD defines⁴ it as “globalisation, digitalisation and other mega-trends” that “bring radical shifts to how we live and work”.

Within this framework, we can ask questions about what skills are needed for jobs, the quality of these jobs, the social assistance available should we be unable to work and what role we play in shaping these outcomes.



Fourth Industrial Revolution (4IR)

A technological or industrial revolution refers to a time period where technologies are replaced with new technologies, often in a short period of time. This causes sudden changes in society. These trends are called ‘disruptive’ because they disrupt and change the status quo. We are currently in the fourth industrial revolution.

The first industrial revolution centred on steam power and mechanisation. The second industrial

4. “Future of Work.”
n.d. [www.oecd.org. https://bit.ly/3mJJT1m](https://bit.ly/3mJJT1m)

revolution was based on electricity and assembly line production techniques. The third industrial revolution involved the use of electronics and information technology to automate production.

The fourth industrial revolution can be described as the advent of “cyber-physical systems” involving new capabilities for people and machines. While these capabilities rely on the technologies and infrastructure of the Third Industrial Revolution, the Fourth Industrial Revolution represents entirely new ways in which technology becomes embedded within societies and even in our human bodies.⁵



Industry 4.0⁶

Four major components:

a) Cyber-physical systems:

A computer system in which a mechanism is controlled or monitored by computer-based algorithms (a set of rules for a set of operations).

b) Internet of things (IoT):

The network of physical objects, or “things,” that are embedded with sensors, software and other technologies for the purpose of connecting and exchanging data with other devices and systems over the Internet.

5. “What Is the Fourth Industrial Revolution?” n.d. World Economic Forum. <https://bit.ly/3Hokqw2>

6. Wikipedia Contributors. 2018. “Cyber-Physical System.” Wikipedia. Wikimedia Foundation. December 8, 2018. <https://bit.ly/3HhChoq>

c) On-demand availability of computer system resources

d) Cognitive computing:

In general, the term cognitive computing has been used to refer to new hardware and software that mimics the functioning of the human brain and helps to improve human decision-making.



7. De Stefano, Valerio. 2015. "The Rise of the 'Just-In-Time Workforce': On-Demand Work, Crowd Work and Labour Protection in the 'Gig-Economy.'" *SSRN Electronic Journal* 71. <https://bit.ly/3GkVEf4>

The Gig Economy

A gig economy is a labour market system in which temporary positions are common and organisations contract with "independent" workers for short-term engagements. The gig economy is usually understood to include chiefly two forms of work: "crowd work" and "work on-demand via apps".⁷

Examples include Uber, Airbnb and Fiverr. Domestic workers often work on a gig basis, whether placed through a digital platform or word of mouth.



The future has begun

“We are being afflicted by a new disease of which some readers may not have heard the name, but of which they will hear a great deal in the years to come – namely, technological unemployment.”

– John Maynard Keynes, 1930

This quote is almost a hundred years old and reminds us that the fourth industrial revolution (4IR) is not entirely new. There is a history of major upheavals in the organisation of production and of work. The fourth industrial revolution builds on the third – the shift from mechanical and analogue electronic technology to digital electronics and technology, which began in the latter half of the 20th century.⁸

4IR is not an event. It is a process that started years ago and one that will continue to develop in the years to come. As a negotiator, this means that you can learn from both the past and the present wave of technological change.

8. Wikipedia Contributors. 2019. “Digital Revolution.” Wikipedia. Wikimedia Foundation. May 1, 2019. <https://bit.ly/3HgulUt>

“We tend to overestimate the effect of a technology in the short run and underestimate the effect in the long run.” – Roy Amara⁹

9. “Definition of Amara’s Law.” n.d. PCMAG. Accessed October 15, 2021. <https://bit.ly/3BqWXXy>

In other words, the danger is that our efforts as a trade union movement are given towards trying to deal with the short-term effects of technological change, and that we do not grapple with the longer-term risks.

A trade union negotiator needs short-term strategies and long-term strategies to deal with 4IR.

The future of jobs

There is a deepening trend for organisations to have an ever-smaller pool of core full-time employees for fixed functions, backed up by workers in other countries and external consultants and contractors for specific projects.¹⁰

While the cost associated with certain technologies is currently high, it is set to decrease and increasingly create workplaces that are less reliant on workers in direct employment. It is not always the case that technology replaces jobs, but rather that technology reorganises work and therefore, jobs.

10. *"The Future of Jobs Employment, Skills and Workforce Strategy for the Fourth Industrial Revolution Global Challenge Insight Report."* 2016. <https://bit.ly/3HoiBzo>

The gig-economy, associated with companies like Uber and Airbnb, creates situations where jobs are secured through online platforms and employees have often not met their employer.¹¹

Jobs that have elements that are predictable and repetitive are likely to have these task elements of the job automated. Jobs at risk include cashiers, clerks, mining and maintenance workers. Not only are blue-collar jobs at risk of automation, but also white-collar jobs in bookkeeping, accounting and auditing along with legal and compliance services.

11. Smith, Aaron. 2016. "Gig Work, Online Selling and Home Sharing." Pew Research Center: Internet, Science & Tech. Pew Research Center: Internet, Science & Tech. November 17, 2016. <https://pewrsr.ch/3EIMHBv>

12. Frey, Carl Benedikt, and Michael A. Osborne. 2013. "The Future of Employment: How Susceptible Are Jobs to Computerisation?" *Technological Forecasting and Social Change* 114 (1): 254–80. <https://bit.ly/3pXcJaz>

13. "The Future of Women at Work Transitions in the Age of Automation." 2019. <https://mck.co/3Gj2lyb>



Estimates

There are many studies that estimate the extent of job losses due to technological changes, ranging from 9% to 47% of the workforce globally. One estimate is that 47% of jobs in America are at risk of automation by the mid-2030s.¹² Another source estimates that between 40 and 160 million women worldwide will need to change occupations by 2030 (from low-skilled to higher-skilled).

These estimates are based on an occupation rather than job-task approach. Some argue that we should not only consider jobs as a whole, but also as a set of tasks. In many instances, certain tasks within an occupation will be automated rather than the whole occupation.

From this perspective, estimates of job automation are overestimated. By looking at potential job losses in this way, it is argued that only 9% of jobs will be lost. However, while the jobs themselves may not entirely vanish, the jobs will be “redefined”. If a job radically changes, a worker may well require a new skill set.



Employers will increasingly try to structure the attendant employment contracts to accommodate the transition to a more flexible workforce.

Informalisation

Non-standard employment, including temporary employment, part-time and on-call work has become a feature of labour markets across the world. The informalisation of work is a key characteristic of the 4IR. Employers will increasingly try to structure production, jobs and the attendant employment contracts to accommodate the transition to a more flexible workforce.

Responding to informalisation

Building a bargaining agenda

- **Restrictions and administrative requirements** for subcontracting, labour broking and other temporary employment service arrangements. The main agreement of the Metal and Engineering Industry Bargaining Council (MEIBC) is one such example.

- **Guaranteed** minimum working hours of paid work.

- **Job guarantees** for the length of the collective agreement.

- **The equalisation of benefits** across different types of employment in and around the company. There should be a wage premium (a higher rate of pay) for insecure jobs (jobs that can end at any time) and part-time work.

- **Some benefits should be extended** in principle. For example, if an employer is committed to a healthy workforce, then the health benefits which the company offers should be extended to all workers: part-time and full-time; in-house and outsourced. The benefit should not be pro-rata. Health is not divisible.

There should be a wage premium (a higher rate of pay) for insecure jobs (jobs that can end at any time) and part-time work.

The future of work is characterised by a more flexible and indirect employment relationship, which has serious implications for the social protection of workers.

- **Represent non-permanent workers**, outsourced workers and dependent contractors. Dependent contractors are workers employed for profit, usually by way of a commercial transaction. These contractors are dependent on another entity that directly benefits from the work performed by them and exercises explicit or implicit control over their activities.¹⁴

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- **Education and training** (including re-skilling to meet new skills demands).

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- **Forms of control:** At the same time as jobs become more flexible and more contractualised, the forms of control used by employers will intensify.

For example, Uber argues that their drivers are independent contractors, but the Uber app for drivers exerts very strong control over their work and has built-in incentives and disincentives that limit the amount of choice that drivers have. A negotiator that is dealing with this kind of technology will need to learn about that technology, how it works and what problems it creates for workers.

While it is difficult to predict job losses, it is evident that the future of work is characterised by a more flexible and indirect employment relationship, which has serious implications for the social protection of workers.

14. 20th International Conference of Labour Statisticians, 10-19 October 2018, Geneva - Resolution concerning statistics on work relationships

The changing workplace



Past



Present



Future

Pen and paper
More filing –
paper pushers



Digital
Backing up
in the cloud



Centralised
connectivity
All systems are
connected

1 workspace



2 workspaces:
Home and work



3+ Spectrums
of workspaces

8 hour workday



More hours



24/7

Permanent
employment



Contract, part-time,
seasonal



Freelancers

Long-term
employment



Focus on projects



Task-focused

Internal
information
wave



Subcontracting
wave



Total-information
wave

Reads printed
newspaper



Reads online
newspaper



Finds news
on social media

Employee



Own-account worker



Gig economy

Set location
for work



Flexible work
location



Can work every-
where, using laptop,
phone, iPad, etc.

The changing workplace



Past



Present



Future

Physical boardroom	→	Meetings via Skype	→	Zoom, virtual reality meetings and other platforms
Human acting like robots	→	Humans working with robots	→	Robots replacing humans
Process-centric tasks	→	Strategic tasks	→	Creative tasks
Hierarchy	→	Flatter Structures	→	Algorithms
Static workforce	→	Dynamic workforce	→	Evolving workforce
Companies act like factories. Production is the key focus.	→	Companies act like laboratories.	→	A key focus on innovation and experimentation.
Hard skills	→	Soft skills	→	Creative skills
Manager	→	Coach	→	Mentor
Intuition-driven decisions	→	Data-driven decisions	→	AI and machine learning decision-making
Retiring at 60	→	Retiring at 65	→	Retiring when you die

How relevant are some of the **predictions** regarding technological innovations in the developing world?

Differences between countries may reflect general differences in workplace organisation, differences in previous investments into automation technologies and differences in the education of workers across countries.¹⁵

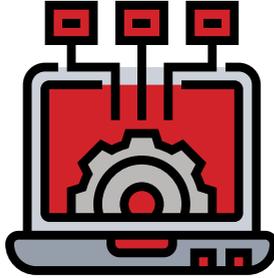
15. Arntz, Melanie, Terry Gregory, and Ulrich Zierahn. 2017. "Revisiting the Risk of Automation." ResearchGate. Elsevier. July 3, 2017. <https://bit.ly/3mkZXQK>

Automation is expensive, reliant on infrastructure and slow – it has to overcome economic, societal and legal hurdles.

16. Arntz, Melanie, Terry Gregory, and Ulrich Zierahn. 2017. "Revisiting the Risk of Automation." ResearchGate. Elsevier. July 3, 2017. <https://bit.ly/316Roku>

The debates arguing that jobs are at risk of being replaced or computerised is to a large extent based on studies conducted in Europe and Northern America.¹⁶ This is because the future of work is a context-dependent phenomenon.

Services such as automated stores and online shopping are associated with middle to high-level



“The future is already here – it’s just not very evenly distributed.”

– William Gibson ¹⁷

income groups. When we are considering Africa, it is well-known that affordability and literacy levels differ from that of the global North.

If the predictions on jobs losses become a reality, it’s important that social safety nets are upgraded in order to reflect this. This process can easily become politicised, but it is worth saying that each of the past technological revolutions also brought changes in social protection.

17. William Gibson
- Wikiquote.” n.d.
En.wikiquote.
org. <https://bit.ly/35lmcu9>

Global pandemics and the future of work

You could say that COVID-19 brought about a kind of industrial revolution – a disruptive technology, which also forced a reorganisation of work.

There is reason to believe that this kind of threat will be a feature of our future and a consequence of the hyper-exploitation of natural resources and a hyper-connected global economy.

What lessons can we then draw from the COVID-19 pandemic about organising and representing the interests of workers?

Covid-19 showed us the limitations of traditional face-to-face methods and the challenges that surface with no alternative communication channels.

- Lockdowns and restriction of movement and contact **showed the limitations of traditional face-to-face methods** and the challenges that surface when there are no coherent alternative channels of communication available.
- The **centrality of information communications technology** in the modern economy was painfully

evident during the hard lockdowns of economy and society in response to the pandemic. Telecommunications were designated to be an essential service right from the beginning. The inability of any group to fully utilise telecommunications technology during lockdown put everyone at a significant disadvantage.

- The pandemic **resulted in immediate changes** but also interacted, in complex ways, with established processes and trends, notably the future of work and informalisation. **New issues are emerging** from new experiences of work.
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UNI Global Union has resources on topics like remote work, the right to disconnect and on management by algorithm.

- For work that can be done and workers who can work remotely, this practice became widespread. This has led to the **emergence of new experiences of work and new issues that must be negotiated and solved**. UNI Global Union has resources on topics like remote work, the right to disconnect, and on management by algorithm.
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- There has been a need at times for almost continuous bargaining as enterprises have had to navigate a rapidly changing situation. **The danger of getting isolated as a negotiator has never been greater**. That is the reason that ways of staying in contact with workers and members are especially important.
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Bargaining strategies for the future



1. Developing our own knowledge base on the future of work

Find out what technology is being used in the company. Demand that the company disclose what technologies they are currently using and what technologies they are considering deploying. Try to add a clause to the main agreement that commits the company to consulting with the union prior to implementing new technologies.

There is no substitute for developing our own knowledge.

Begin to learn about the key technologies and trends in your industry and sector. There is no substitute for developing our own knowledge. This is the foundation for developing strategies to cope with new technology and for reorganising work in our industries and sectors. Workers and their representatives know a great deal already – sometimes the challenge is simply surfacing that knowledge, recording it and beginning to structure it.



2. Negotiating for precarious workers

Organising workers in non-standard employment can be difficult. It might be easier for the union to try to represent the interests of non-standard workers in collective bargaining first. The union will have a better chance of organising these workers if it can show that it is already trying to represent them.

As a trade union movement, we simply must push for the equalisation of pay and benefits for part-timers, contract workers, fixed-term workers, flexi-timers and workers of temporary employment services used by the company. If we do not, then we are helping to establish a pool of cheap workers that the company will be incentivised to use.

You can monitor compliance by the company using Chapter 9 of the Labour Relations Act – the Regulation of Non-Standard Employment and General Provisions.

You can monitor compliance by the company using Chapter 9 of the Labour Relations Act – the Regulation of Non-Standard Employment and General Provisions. The sections of interest are (198) Temporary Employment Services, (198B) Fixed-term contract workers, (198C) Part-time workers, and (200A) Presumption of who is an employee.

Section 198(5) of the LRA states that two bargaining councils may bind parties to the agreement that fall within their combined scope. This might be a way of raising the standards for workers in precarious jobs by linking them to the standards set out in the main agreement of a bargaining council.



3. Looking and listening for new issues in the workplace

A negotiator must be able to recognise new issues that are of importance to workers. Examples of this include the negative consequences of remote work and health and safety issues in the workplace in the context of a pandemic.



4. Technology for trade unions

The union/workers' organisation can utilise technology in order to grow the organisation itself, as a platform for protest, to form e-unions, virtual unions and to improve strategies. This is already evident in the way that some unions are using WhatsApp and Social Media to spread their messages. There are many possibilities. In what simple ways can you use technology to be a better negotiator?

Trade unions can bring modern data technology to bear on their own operations, to mine strategy from their membership data and to magnify their possibilities for communication with worker members.



5. Communicating with members

Communication is fundamental to negotiations. A negotiator needs to be in contact with workers before, during and after negotiations. Do you have ways of communicating with workers that do not rely only on face-to-face contact?

Some trade union affiliates of BWI in Africa developed communication strategies during the early phases of the COVID-19 global pandemic. The union set up and allowed WhatsApp groups to be formed at different levels in the union by the trade union representatives at those respective levels.

They began by establishing groups involving trade union leadership and officials covering the key companies, sectors and areas. Worker leaders could then initiate groups at the workplace and local level. Worker leaders and officials would better know who to invite, and the group could potentially grow as workers invite their fellow workers to join.

Resources like smartphones, mobile data and training may be required to assist trade union representatives to achieve effective communication strategies. It would be money well spent, and would provide the union with a robust and relatively cheap communication channel – even under the extreme conditions of a hard lockdown.



Four recommendations for preparing for the future of work (ILO):

1. **Lifelong learning for all.**
2. **Supporting people through transitions.**
3. **A transformative agenda for gender equality.**
4. **Strengthening social protection for all.**



6. A simple framework for future strategies

Traditionally, trade unions would have focussed on issues such as wage increases, benefits and working conditions in collective bargaining, although they are no stranger to pushing a national agenda for change.

Automation in the workplace will require an increased focus on issues relating to “education, training, and legal support in an increasingly complex environment”. If the fourth industrial revolution is to result in a positive effect on employment, the skills and re-skilling of the workforce will have to be a core focus of the trade union movement.

Trade union campaigns for national debates could ensure the required skills transition or relevant protection and compensation measures.

Campaigns to influence policy formulation

- **A universal labour guarantee** that protects workers' fundamental rights, an adequate living wage, limits on hours of work and safe and healthy workplaces.

- **Guaranteed social protection** from birth to old age that supports people's needs over the life cycle.

- **A universal entitlement** to lifelong learning which enables people to skill, reskill and upskill.

- **Managing technological** change to boost decent work, including an international governance system for digital labour platforms.

- **Greater investments** in the care, green and rural economies.

- **A transformative and measurable agenda** for gender equality.

- **Reshaping business incentives** to encourage long-term investment

Real-world examples of trade unions grappling with non-standard employment

- In June 2019, UNITE HERE (a trade union in the United States) managed for the first time to include **protection from technological change in its contracts**, covering workers at the Las Vegas properties of MGM Resorts and Caesars Entertainment. Workers will be trained to do jobs created or modified by new technology, allowing them to share in the productivity gains. The contracts also provide for the company to try to find jobs for displaced workers.
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- The union viewed a provision to get **180 days' warning of technological deployments** as very important: "At the end of the day, they can move forward, but this gives us time to understand the effects."

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- The German trade union, IG Metall, provides **a virtual space**, Fair Crowd Work, where freelance workers (and specifically workers in digital platforms) are able to share views and organise themselves.
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- The U.K. Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU) **represents both employees and freelance workers** in the sector and has signed an agreement with an employers' organisation, the Producers' Alliance for Cinema and Television (PACT), which regulates labour relations in the U.K. film-making industry.
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- The Freelancers Union (United States) has recently signed an agreement with Uber. The union is in charge of advising the company on how to **create portable benefits for its drivers**.