4. NATIONAL CONTEXT: PORTUGAL

Nuno Boavida | António B. Moniz

The emergence of the so-called 'gig economy' is one of the most important transformations in the world of work since the beginning of the 21st century. These transformations can be seen in the Portuguese economy through the highly significant proliferation of the gig economy over the last decade. We use the somewhat fuzzy concept of the gig economy to mean an economy where work is performed on a task basis by notionally independent contractors ('gig work') rather than by workers in a steady employment relationship and where – today – contracts and other work arrangements are mediated by digital platforms. However, key dimensions of the gig economy transcend this strictly-defined scope and may have wider ramifications (Koutsimpogiorgos et al., 2020). Gig work as such has nothing new to it, rather it is a historic constant in capitalist economies, which was incompletely countervailed by the regulation of employment relationships and social protection, mostly in the course of the 20th century. The changes brought about by technology have built upon and further enabled wider trends towards the 'resurgence of gig work' – as witnessed in the neoliberal erosion of the 20th-century standard employment relationship through the increasing precarity and fragmentation of work (Stanford, 2017).

Traditionally, trade unions and large-scale collective representation have carried significant weight in the social dialogue process in Portugal. Only very recently have precarious employment groups been included in trade unions' public actions, and this has been a defining feature of platform workers' collective voice and representation formation. In this chapter, we present the main concepts to be used in the case studies, the broader context and the main platforms active in Portugal.

Conceptual definitions

The gig economy is usually understood to include two forms of digital platform-mediated work. First, work mediated through online web-based platforms: working activities that involve completing a series of tasks through online platforms, as we explored in the case study on Upwork. Second, work mediated by location-based platforms, a form of work in which the execution of traditional activities, such as transport, cleaning and running shops, is channelled through apps managed by firms that also intervene in setting minimum quality standards of service, as well as selecting and managing the workforce. This is the case in our case studies on Glovo and Uber. Such platforms facilitate contact between an indefinite number of organisations and individuals through the internet, with the potential to connect clients and workers on a global basis. Both clients and workers are often excluded from labour law, although they are sometimes regulated by civil or common law (Páramo and Vega, 2017). In Portugal, it was only very recently that some instances of this form of work became somewhat more regulated.

'Digital labour platform' is a term used to describe companies that generally use cloud-based technologies to match workers with consumers and mediate between them more generally, whether these are people hailing rides, restaurant customers, or homeowners seeking repairs or housekeeping (Vallas, 2019). We have used the 'digital labour platform' concept to study the Portuguese cases. The use of such technologies masks the ways in which these companies operate in the economies of Portugal and other countries. While platforms are presented as successful cases of technological innovation, they are also economic actors within the capitalist mode of production, seeking new markets and new means for generating surplus value (Srnicek, 2017). This has clearly been the case in Portugal, as the emergence of digital platform work ran in parallel with increasingly export-oriented national economic policies and an ongoing integration in global value chain processes.

Digital labour platforms thus create a marketplace for the mediation of both: tasks which are digitally managed and mediated (often via a digital application) but carried out physically offline; and digital services and tasks carried out online for completion and evaluation (Howcroft and Bergvall-Kåreborn, 2019). Crowdsourcing has brought new ways of externalising work to an indeterminate and depersonalised mass of workers who are available and work according to a logic of 'just-in-time' demand (Abílio, 2020) and 'just-in-place' location (Wells et al., 2020).

The labour in digital platforms is outsourced in two ways. First, platforms such as Upwork or Freelancer outsource labour through web-based technologies that can host and recruit workers from a geographically dispersed pool of workers (hence the term 'online web-based platforms'). Second, platforms such as Uber Eats and Glovo recruit through location-based applications that allocate work to individuals in a specific geographical area (hence the term 'location-based platforms'). Digital platform work is an employment form that uses a digital platform to enable and access organisations or individuals who can problem-solve or provide specific services in exchange for payment (Valenduc and Vendramin, 2016). Many alternative terms related to digital platform work are used in European Member States, such as: crowdwork, crowdsourcing, crowd employment, sharing economy, platform economy, gig economy, on-demand economy, collaborative economy and peer-to-peer economy (de Groen et al., 2018).

Global context

Following the 2007–2008 financial crisis, the high availability of skilled labour enabled platform companies to increase their business profits through precarious new forms of employment which had not been regulated yet. Platform work has functioned as an alternative source of income in the context of high unemployment rates (Chicchi et al., 2020). This process was bolstered by international labour flows, with workers from Brazil, Pakistan and Bangladesh, in particular, being recruited largely for food delivery, ride-hailing and call centres – some workers having migrated to higher-income countries, whilst other workers remain in their home countries and work remotely from there (Berg et al., 2018).

These forms of online intermediation started with creative and high-skilled professional activities that had become more virtualised as a result of digitalisation processes. They then expanded to a variety of other services and activities that had been traditionally delivered by self-employed individuals in the areas of maintenance or repair of material goods, or in-person services (such as cleaning, gardening, household maintenance and transport) (Huws et al., 2017; Meil and Kirov, 2017). As such, digital platform workers' profiles vary from highly skilled information technology and creative professionals to workers who possess skills that are not highly valued in the labour market; in addition, there are also young people looking for extra income, students, the unemployed and carers (Valenduc and Vendramin, 2016). At the same time, digital platforms also carry

multiple risks, which are closely related to the type of employment relationship defining the platform workers' status. The employment relationship type has consequences for workers' income guarantees, the (in)stability of employment and life prospects, as well as access to social protection or other rights such as vocational training, and occupational safety and health.

Platforms in Portugal

As mentioned, digital platform work has grown considerably in the aftermath of the 2007–2008 financial crisis in countries such as Portugal. This could be observed in a variety of sectors, including food delivery, creative work, tourism and passenger transport. Digital labour platforms can generate new opportunities in terms of job creation, the facilitation of flexible working arrangements, the expansion of income sources for workers and extended access to employment – all of which are important to those groups encountering entry barriers to the Portuguese job market. In 2017, Portugal had the third largest estimated proportion of working-age internet users who had ever performed platform work in a monitored set of 14 European countries. Putting that into context alongside the other countries in the set, this proportion of working-age internet users who had ever performed platform work was: highest in the UK, Spain, Germany and Portugal (slightly above 10%); lowest in France, Sweden, Hungary, Slovakia and Finland (around 7% or lower); with the percentages for the other surveyed Member States falling in between those two groups (Pesole et al., 2018, p. 15). Furthermore, the Online Labour Index reports that the top online occupations in Portugal are creative and multimedia, software development and technology, and writing and translation (Kässi and Lehdonvirta, 2018).[1] The ratio between women and men varied from 0.18 in Finland, to 0.91 in Portugal where nearly as many women as men spent at least 10 hours working on platforms per week or earned at least 25% of their income through platform work (Pesole et al., 2018, p. 22). Moreover, Portugal was the country with the largest share of workers in 'on location' services (such as transport and goods delivery) and was among the 'top 5' countries in digital services (such as Upwork and Freelancer) (Pesole et al., 2018, p. 35).

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1. Further information and data on the Online Labour Index (OLI) in Oxford Internet Institute (2022).

A striking feature of platforms in Portugal is their connection with the Uber passenger transport platform in public discourse and perception. This amounts to a symbolism around Uber and the modality it represents which has been named '*Uberização*' (Uberisation). Uberisation became synonymous with the 'new precariat', understood as the socially problematic dimension of these platform technologies and an attack on organised labour in the country. Arriving in 2009, the Airbnb platform (and similar) is also central to platform debates in Portugal. Although lodging platforms are not primarily categorised as digital labour platforms, they nonetheless involve labour under a variety of working conditions and employment relationships. Airbnb hosts provide a service distinct from the ownership of the property – indeed not all Airbnb hosts are the property owners. In addition, there is a wide range of work related to managing lodgings, from infrastructure maintenance to cleaning, which may be performed by the hosts themselves or other third parties.

The controversial arrival of these platforms more than a decade ago triggered fierce debates and responses from several groups concerning limits and regulations, yielding results such as the so-called 'Uber Law' in 2018 (AR, 2018). Regulations were also approved for lodging platforms (such as Airbnb) to limit the number of these lodgings in areas where tourist activities were very intense – at state, regional and municipal levels. However, the enacted regulations for lodging platforms are mainly concerned with urban and housing issues and do not address work. In general, the other digital platforms are not covered by any specific regulations or legal limits.

Existing research conducted on digital platforms in Portugal has particularly examined their impacts on value chains and relationships between companies, in addition to how they contribute to economies of scale (Gonçalves, 2016; Brochado et al., 2017; Simões, 2017). However, the literature mainly draws on studies of the Uber and Airbnb platforms (Pugliese, 2016; Estanque et al., 2018; Gouveia, 2018; Teles and Caldas, 2019; Chicchi et al., 2020; Leonardi and Pirina, 2020; Alegretti et al., 2021; Tomassoni and Allegretti, 2021). Reinforcing this pattern, both public institutions and public debates have also centred their attention on the Uber and Airbnb platforms (Expresso, 2015, 2021; Gonçalves, 2016; Diário de Notícias, 2019; Dinheiro Vivo, 2021a).[2] The extensive focus on these two platforms alone led to a situation where little is known about digital platform

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2. Public institutions included the Ministry of Labour (Gabinete de Estrégia e Planeamento, 2017); CGTP (2020); and the Instituto da Mobilidade e dos Transportes (2020).

workers, who often compete with each other, have little or no access to labour rights, and encounter barriers to accessing social benefits such as unemployment, healthcare, accident insurance and pension schemes.

In terms of regulating digital platforms in Portugal, we have found two main regulatory interventions. The first legislative intervention in digital platform work was the 2018 'Uber Law' that legally defined the figure of 'operators' – national companies acting as intermediary figures between platforms and workers, that provide rides-on-demand and employ drivers. This law is due to be revised soon. The second main intervention was seen in the regulation of Airbnb and similar lodging platforms. Legislation was introduced at state, regional and municipal levels to limit the number of lodgings in certain areas where tourist activities were very intense. This legislation, however, does not concern work. For other digital platforms in the country, there have not yet been any legislative actions. The employment relationship between the platform companies and their workers is key. Therefore, legislative interventions should carry specifications regarding these employment relationships and the different modalities at play. In 2021, the government stated its intention to create a presumption of employment (*laboralidade)* for platform workers, without specifying whether this means that they would be considered as dependent workers (Ministério do Trabalho, 2021).