

THE SOLIDARITY CENTER PODCAST

Making the Gig Economy Work for Workers

Host: Shawna Bader-Blau, Solidarity Center Executive Director

Guest: George Sandul, attorney, and legal director, Labor Initiatives

George Sandul:

They're desperate about their conditions. With the constant fight with the management, with cuts in bonuses and so on. So we're trying to identify the most active from them and we're trying to reach some kind of unity among them.

Shawna Bader-Blau:

Hello, sisters and brothers and welcome to The Solidarity Center Podcast, an interview show that highlights and celebrates the individuals working for labor rights, the freedom to form unions and democracy across the globe. I'm your host, Shawna Bader-Blau. I'm also the executive director of the Solidarity Center in Washington, D.C. We're the largest US-based international worker rights organization. We empower workers to raise their voice for dignity on the job, for justice in their communities, for greater equality in the global economy. And for one, just, future.

Shawna Bader-Blau:

During COVID-19 lockdowns, many of us have relied on food deliveries from grocery stores and restaurants so we won't risk going in crowds. But what about the workers who bring these orders to our door? As we enjoy the convenience of 21st century digital platforms, millions of gig economy workers worldwide are enduring 19th century working conditions. App-based workers typically have no job security and typically no health insurance or paid sick leave even as their workplace—streets and public spaces—are dangerous and sometimes deadly.

Shawna Bader-Blau:

The growing gig economy is one more way corporations outsource and cut labor costs while making millions in profits. It's a race to the bottom, a race where workers pay the price—but another way is possible. My guest today, George Sandul, works directly with unions in Ukraine to push back against this tide of precarious work by using creative organizing strategies. George is a worker rights lawyer with Labor Initiatives in Ukraine, but really George is an activist. He will tell us about how delivery drivers in Ukraine, where the informal sector comprises up to 35 percent of the country's economy, are challenging the notion that gig work is not really work and how they are forming unions to harness their collective strength.

George Sandul:

I am George Sandul. I am an attorney and the legal director for the Labor Initiatives NGO, the partner with the Solidarity Center in Ukraine. And I primarily coordinate and they are free legal aid clinic and also provide free legal assistance for the established unions and now we are focusing on organizing and the legal help for the platform workers in the, this gig sector.

Shawna Bader-Blau:

Yeah. And I want to ask you a lot of questions about that, because that's a really growing sector around the world. And can you describe a little bit about the general situation with the gig sector, gig economy, workers in Ukraine?

George Sandul:

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Yeah, it's very interesting because even three, four years ago, nobody spoke about this problem as a problem because things look like going well or something developed in the digital sector. But after 2018, we had a big courier protests in Kyiv. And since that time, for the last one and half year, the gig economy problem, became one of the major labor topics in Ukraine. According to International Labor Organization statistics, Ukraine has the biggest number of gig workers in the Europe. So it's not just the couriers, taxi drivers, on platforms like Uber's and the other similar or local-based, but also it's IT workers, it's translators and other people who works through different digital instruments, but especially in the coronavirus crisis during the lockdowns, the courier delivery are fastly growing and this sector of economy, it gets a giant share of the market and it stands to make million of dollars.

George Sandul:

And we have the giant competition between different platform companies. And, as in other countries, Ukrainian gig workers face the same problems. They have zero labor rights, they are unofficially employed. And of course, the first step to solve this problem is to raise awareness about this problem because the ordinary customer perceives this situation with the gig economy as something that simplifies his or her life. Yeah. Or you have a mobile app, you may order food or the taxi. And nobody thinks about the living conditions of such persons. And during the Corona crisis, we had a giant attention to this problem because such people, especially courier delivery, delivery couriers and taxi drivers were on the front line of the struggle without any personal protective equipment, without any guarantees. And in case they will catch COVID, nobody will pay any compensation for them.

George Sandul:

So we now in the process, first of all, of a public awareness campaign and we have, very aggressive policies from the platform companies and also, which is, very interested in Ukrainian Parliament. There was a registered the law draft, which as far as I know, that it's the first law draft in the world that wants to put into legislation explicitly the term of "gig worker" and "gig contract," when in all the world, even platform companies, they're trying to avoid the term gig worker and gig contract. But Ukrainian legislators who probably read something about Proposition 22 or something they tried to put it into national legislation. So it's very bizarre.

Shawna Bader-Blau:

Wow, so Proposition 22, of course, being the initiative on the ballot in 2020 in California that had been supported by labor, but destroyed by large amounts of private-sector money led by gig companies. So I think I read that Ukraine has the largest number or percent of gig employment in Europe and what's in it for the employers, George? Why is this kind of employment growing?

George Sandul:

I will probably separate the answer in a few parts. First of all, of course, it's trying to avoid taxation in Ukraine. And we also, when we had courier protests in Ukraine, one of the top managers of one, a Spanish-based led from delivery company. He explicitly said, "I would employ them officially, but it's the matter of taxation." They are very blunt and explicit on this. The second one, it's the mythology of digitalization. We are wary in this mythology in Ukraine because everything trying to become digital, but all under the surface of this modernity and digitalization, we have the patterns of a 19th century economy, kind of robber barons that just want to hire someone for some gig. And of course, we now in the midst of the labor reform in Ukraine, and we have some very aggressive law drafts and the

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traditional unions are very against them and all the economy, kind of the logic of big, especially multinationals, the logic is to make this the gigification, let us say, of, or like ITUC use the term "Uberization" of economy and spread it to the different markets, where it's absolutely unbelievable.

George Sandul:

And it's kind of a very dangerous and almost dystopian feature because I may imagine as a lawyer that lawyers will be Uberized and you will see the near the courthouse with the mobile app and to cage kind of case, it's like probably will be true in the future. And it's very hard. We try and also not to only influence the platform companies, not only to organize workers, which is the crucial part of solving this problem, but also somehow influence the demand for these platforms. It's kind of ethical argument. Just please, think twice before ordering something, if it's not kind of medication or something very important for you. So also this delivery or other digital platform economy, it's absolutely uncontrollable.

Shawna Bader-Blau:

Let me pause on that George because that's really shocking. You were talking about what the companies get out of this. The digitalization and Uberization of employment. We talked about the saving money on taxation by registering in Ukraine in this manner as a company. And now you're starting to talk about the workers and the ethics of ordering through platform delivery and courier services. Tell me more about that. What does it look like? What does it mean to be a courier, a driver, during the COVID pandemic? What does my day look like? Tell me about that job.

George Sandul:

It's, what a cool question because we know it from the how to say like first hands, because in Labor Initiatives, one of our legal interns, he is delivery courier and he works for 12, 14 hours per day to afford his education as a legal student. So it's kind of anecdotal story, but it's true. His day he wake up at 5:00 a.m. and he's going to some McDonald's or KFC or other big restaurant. And they have between them, between the couriers, the giant competition, who will take the orders. Sometimes it's the fist fights, it's very unnatural for the human beings, this competition. And also, sometimes they are not paid for the orders. And again, we're speaking about official employment because in Ukraine, as in many other countries, we have the requirements that if you are working with food, you should have the medical certification.

George Sandul:

Nobody requires this medical certification from the courier. So any person from the street may come to take this bag and deliver something. So it was extremely dangerous for everyone. But what is interesting after the first lockdown in Ukraine starts in March president of Ukraine or during one TV show, he said, "Okay, everything closed, but you may order it, we are all online." So, and after this, it was another wave of interest to the working condition of those persons. The platform companies had extremely increased demand during the pandemic start, but since they have a bigger demand, they started to cut the bonuses and payments for the couriers and said, "Okay guys, you should compete even more efficiently to help the wages you have before." And at the beginning of April, there were a kind of wildcats strike of couriers and they stopped working for one day.

George Sandul:

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A lot of them were banned from those platforms and so on. But after this day, the companies understood that we need to do something, and they return the bonuses. It was the trick that did affect a lot, and also about this collective action of the couriers, we try to establish the institutionalized organization at 2019, but it's very hard in gig economy because of staff turnover. But if those companies are using the mechanics of the 19th century and using new technologies, we also should be smart enough to use worker or struggle tactics, but with digitalization.

George Sandul:

So there are a lot of Telegram chats, groups, who coordinate and meet, and we have access in which in this group, we provide the legal assistance for them. And during 2019, because of pressure through this group, after a lot of TV interviews, Ukrainian couriers, especially in the company, Glovo, Spanish-based, they reached at least the life insurance for about \$4,000. They reached it through these collective actions because nobody spoke about this. And also it was after protest and after in one bigger Ukrainian city, there were death accident with a very young courier is. So it also kind of forced this company to give the insurance.

Shawna Bader-Blau:

That image is really coming into my head. 19th century employer tactics and working conditions and 21st century technology and presumably profits. Now are these companies doing okay economically?

George Sandul:

Yeah. But what is interesting around the globe and Ukraine, it's not the exception. If we are looking just on their financial standing of those companies, they're not very profitable. They also, as we know, they're selling data about customers, there were a lot of reports about this in Ukraine, and they are aware smart enough not to develop something, but rather to say, to mutate like a cancer cell, they are growing and mutating because even previously we have all the couriers or taxi drivers as absolutely unofficial workers. Then after the interest from the state tech services, they felt, oh my God, we need to do something. And now we're advocating and the, for adoption of the law draft, which was designed similar to AB 5 test in California, that should define the employment relationships. So there are now, a law draft that stipulates seven signs and if you met three or four of them, you'll automatically become an employee. And, so, you should be treated as an employee. So without these legislative amendments, it will be very hard to do something with this.

Shawna Bader-Blau:

To ask you because you were starting to talk about some of the collective action of courier and different kinds of platform workers. And I know that in general collective action of workers around the world is what results in pressure on employers and on the state to generate better laws that are more pro-worker. And I wonder if you could tell me a little bit more about that. I know we've had quite an, a story at a particular company called Nova Poshta in which that sort of happened. And I wondered if you could us that story.

George Sandul:

No, of course that is one of the brightest examples of the unions operating in Ukraine at all. And what is especially interesting in terms of equal workers that primarily the logistics company it's like UPS or something. And they have couriers in their staff. So now it's about 1,500 couriers around the Ukraine. So

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it's not so big, like Glovo or other operators, but in Nova Poshta they have where a strong union that operates for the last five years. And they constantly making amendments to the collective bargaining agreement.

George Sandul:

And one of the conditions are under which such couriers started to work in this company. What's the official employment. So it's the only one company, it's not the purely digital platform or something, but they employ couriers officially with all the benefits from the collective bargaining agreement. So, and also Nova Poshta has in our opinion, the best collective bargaining agreement in Ukraine and months ago, it was amended with the, for example, the first clause in Ukraine and neighborhood countries with the provision of prevention of gender-based violence, with additional bonuses for teleworking, with provision of additional paid vacations for searching for a new job, and so on.

George Sandul:

So it's a very model agreement and it's very cool for us that we have such union at such a company, which employs people officially. And we use it as an example to show others so, okay, you may employ them officially and even have profits. And even for the company, it's very cool to say, okay, we're socially responsible. And also Nova Poshta was the, worried dynamic during the start of a pandemic so they provide with all the personal protective equipment and so on. So it's the bright example, but unfortunately, other platform companies, they like thinking with single-day perspective. And because of it, lot of them are going bankrupt or quit the market, for example, Uber Eats quit Ukrainian market, yeah, because of the competition. So it would be very cool if such model will be adopted by other companies and even without those collective actions that the couriers or the drivers have in their platforms, they use this example like, look, it's not impossible to employ us officially. It's the good example for this.

Shawna Bader-Blau:

After the break, we'll talk to George about his efforts to reform labor laws in Ukraine and his future vision of gig economy unions, and worker cooperatives.

Shawna Bader-Blau

Hi there, it's Shawna again. I just wanted to take a minute to invite you to check out RadioLabour, the international labor movements radio service. RadioLabour produces daily newscasts about union events and issues and it also produces special programs to support labor campaigns around the world. Check out RadioLabour at R-A-D-I-O-L-A-B-O-U-R.net and find out more about worker rights struggles around the world and how the movement is supporting their efforts for decent wages, fair treatment, and strong communities. Follow and subscribe at radiolabour.net.

Shawna Bader-Blau:

You've met a lot of the workers we're talking about. I know your legal style is very personal and very one-on-one as an activist as well as a local human rights leader yourself. And I wonder if you could tell us a little bit about what it feels like for the workers of Nova Poshta to be making these gains in this tough time. You talked about improvements in their collective bargaining agreement. What does that experience for workers to go through that?

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George Sandul:

First of all, it's the giant empowerment for them and especially because they are united in one bigger organization that combines about like 15,000 members, and they combine people from different shops, cashiers, couriers, drivers, and so on. This is the crucial part, this collectivity in this, because with other gig workers, despite we have the groups with the most active of them, it's very tough to convince them that something is possible to improve in your work. And because of this competition, this fueling competition from the platform companies, it's lot of couriers or drivers they're very suspicious when you are trying to approach them. And here, like again about 19th century practices, one-on-one conversations are the best type of organizing. And you know, even a near or some big restaurants or something, the most efficient way to attract people it's just to come to them, ask for cigarette and stand on the smoking break.

George Sandul:

And during this time, people will complain you about everything in their life. Like after this, of course I need a new lungs, but okay. We will decide on this later. So this personal component, and we're trying to recruit people for this, and we have now planned lot of events for couriers to solve their day-to-day problems. For example, problems with police, they usually face an harassment from the guards in shopping malls and so on. And all those connections were built just one-on-one, because our office, we're activist oriented, and everybody have the share in their neighborhoods to recruit such couriers, or even if you're using a taxi, just to speak with the taxi driver, he will give you his number and so on.

George Sandul:

You should use it like each and every day. So these old fashioned measures, together with the digital instruments, it potentially will lead—we hope, we very hopeful and we're working on this—will lead to some kind of broader organization that will combine probably not only couriers or taxi drivers, but also we're looking for IT workers. We're trying to show another world that's possible like Nova Poshta like they have the best international experience. For example, despite where our continental law or country we use them for promotion or for some kinds of new regulation. Even the Uber court decision from UK, the AB 5 tests from California, all the decision that the recently were adopted in Spain, in Switzerland, positive examples of unionization of the precarious workers in South Korea, recent example from Denmark. We are trying to absorb it and to show that it's not kind of just a dream, it's possible.

George Sandul:

We are first of all, collective action. And of course, a collective action it's the core point of this, even with those legislative amendments that will trying to solve this issue, we trying to address it like look. And of course, we're trying to influence the ethical component of the customers. And for this reasons, pictures of them, smartphones of the couriers and their working time, 15 hours per day, or they're sleeping near on the bench, near the restaurant trying to catch their orders.

George Sandul:

So this also, we are constantly trying to post, or even in our office, we have a lot of pictures of the workers from different professions, it's kind of humanization of labor and to show to general public, the working conditions of them to bring this compassion from the workers, from the other side, other sectors, to get this genuine solidarity with them. Because like ordinary people will also from, I don't know, like from office workers or retail or other sectors, they should understand that in this platform

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conditions and Uberization, they may face tomorrow. And if we will not solve with it for the global riders, for example, you will be next. Yeah.

Shawna Bader-Blau:

Is there a sense of sort of sharing an awareness-raising that workers do in the community and in coalitions, or is that not common?

George Sandul:

They're desperate about their conditions with the constant fight, with the management, with cuts in bonuses and so on. So we're trying to identify the most active from them. And we trying to reach some kind of unity among them. And after this, we are trying to build kind of trust relationships with them. So because they are very atomized. And first of all, we're trying to change the perception where a courier or a driver, not considering other courier or a driver as his rival, his enemy who will take his money. This is the, this is a core change issue. And it is possible by some concrete particular steps and legal help in this sense it's very crucial. For example, even if they have a car accident or something we'll help to solve this, despite it's not a labor issue, but in general it's the part of bigger picture of labor or labor movement issue.

George Sandul:

So we're trying to train and recruit people who will bring this warmth to other people. And now we have kind of core of what very active people. They work on different platforms. That's why it's very tough to create some kind of formal structure, like a union at the some kind of gig company or something, but we have the basis for this. And since we saw that pressure through media, through their actions has some impact. So we are working in this sense and to get their legal status as employees, after this, there will be no problem to do the big union I think with this.

George Sandul:

And also I mentioned media, we have a lot of sympathetic activists and journalists in Ukraine that made a lot of TV shows, radio shows, and so on, on this issue. And also we are trying to promote our fellow couriers from those platforms to speak on national TV or something, and to deliver this position. So it's very helpful and that would, what is very helpful for us that established unions, traditional unions are now interested in these topics because they are also thinking about okay, the giant sector that are not unionized, that also probably we should work with these.

Shawna Bader-Blau:

This new movement of collective action of informally employed gig workers for better conditions, for formal jobs, for higher wages, for less hours but decent pay. I think about the power of that collective action to create change and to block bad rollbacks. And so I wanted to ask you, I mean, Ukraine as a country has gone through an enormous amount of transition, conflict and these competing visions inside the country for the future. I wonder what, what in your best vision of the future, like what role would the labor movement play, in the next 20 years in Ukraine to... What role are you looking for the labor movement to play? What vision do you have of the role of workers in the emerging new Ukraine?

George Sandul:

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I need to describe like my dreams, but also it's not only my dreams, it's how it should be. I think even according to our constitution and the international obligations that labor movement in Ukraine, the unions are the most kind of genuine part of the civil society. In Ukraine, or when we're speaking about civil society, people think about NGOs or some charitable funds and so on, but the unions has these unique mechanisms to change the power balance and unions are the crucial for kind of development, democracy development in Ukraine, because without the control of the big corporations of the state, we are union mechanisms. We will get kind of dictatorship of the big companies or other not pleasant things, the matter of a switch in power balance in some particular enterprise, it's the matter of dignity for people. And when people realize they may join something in the positive way, they realize this is empowerment.

George Sandul:

So they think, okay, I may influence not only my boss, I may influence the state policy and so on. So it's the school of democracy, kind of union struggle in some particular enterprise. And the, for example recently we had local elections in Ukraine, and lot of our fellows, local leaders become some local councilors and they are now struggling to make their communities better. So it's the school of democracy development for everybody and unions, despite this attitude that all we will cut all your freedoms, they now get some muscles after this struggle with the government and they may also influence the state policy.

George Sandul:

And we hope, we are trying to build it better, to improve it, and to help the young leader especially women in unions to realize this power. And it may happen through the even small successes, like increasing wages for two percent. It's a bit... People will realize they may influence somehow on something. So it's very cool in not only in legal way or in a sense of money, but in broader spiritual way. And I think it will grow. I hope. And, we are trying to do this. Yeah.

Shawna Bader-Blau:

Dignity and democracy. Yeah. I think about that future you're describing and the process of getting there and I think about the stories you've told so far of the work you do with Labor Initiatives and directly with workers all over Ukraine and I, wonder why do you do it? Like you're a lawyer, you could get some other job, could do something else like, why do you do it?

George Sandul:

Oh, I want to live in the nice country, in the nice neighborhood with the people who are at least not depressed. I am not speaking about, they should be extremely happy because like in 10 years, like five, 10 years I think it will be complicated. But it's a win-win situation. Living in the society it's not a zero sum game. You may earn something like to become the politician or something. But if you build in this structures of direct democracy unions, NGOs, helping your communities. It will benefit first of all for you.

George Sandul:

There are many young or relatively young like me. People who want to live in this country, who don't want to go to other country for work. And, it depends on each of us, what contribution we may bring to this. And we have this rise of a civil activism in Ukraine, people trying to do something better, even on

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the local scale. And we're trying to support, for example social businesses, community activists, something like these, and to make these interconnections with unions so that this integral part of civil society as the labor movement will also help, with advice of their practices to other NGOs, other businesses, and together, we will give some kind of common picture to improving day-to-day life. And again, with this spiritual empowerment of workers.

Shawna Bader-Blau:

Well, that's beautiful, George. That's really inspiring. I thank you for that. Is there anything I didn't ask you that you'd like to share or think we should cover?

George Sandul:

Probably, I also will add that, I forget to say this also along with attempts to establish the union of gig workers in different sectors, we're also exploring the possibilities of making a worker-owned cooperatives. Sharing profits from this and so on. Not to work for some multinational or else. It will be also cool if they will own those means of production. So it will be a kind of unionized business and we saw the examples of this in Spain, in Poland. So we trying to explore also these, and if we will have the union of IT workers, I think by their use they will do this application here.

Shawna Bader-Blau:

George, I always feel happy after we have had a chance to talk. And I just think you sharing this story is going to help other people use ideas from Ukraine and your ideas back in their struggles. And I just think that's a really valuable thing in this moment, especially in the pandemic with the proliferation of these kinds of jobs that people are having to rely on. So thank you.

George Sandul:

Thank you. If it will be helpful for anybody, I would be extremely happy. Yeah.

Shawna Bader-Blau:

George used the word dystopian to describe how corporations are trying to spread a model of labor that pits workers against each other for bits of jobs, just to piece together a living. Our sisters and brothers in Ukraine are challenging this labor model and demanding a future of work where workers take their rightful place in a democratic system. And the scales are not tilted against them. They are doing that by coming together collectively, forming and joining unions. The future is a labor movement led by people who know that collectively we can rebalance the scales. Thanks one more time to George Sandul, a worker rights lawyer in Ukraine and true champion for the right of every single worker to decent work.

Shawna Bader-Blau:

And thanks to you for listening. Don't forget to subscribe to the Solidarity Center podcast on Apple podcasts or wherever you find your shows and learn more about the Solidarity Center at solidaritycenter.org and through our social media channels including Facebook and Twitter at Solidarity Center. This podcast is a production of thestoryproducer.com with executive producer Tyler Greene and producer and engineer Adam Yoffe. The Solidarity Center podcast is a member of the Labor Radio Podcast Network. And special thanks to the staff of the Solidarity Center who assisted with this podcast in more than 60 countries around the world. We work to ensure a righteous future for workers, dignity,

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freedom, equality, and justice. For the Solidarity Center podcast, I'm Shawna Bader-Blau. Thanks for listening.