

# Policies for the platform economy

Current trends and future directions



This report compiles emerging reflections and insights from the research project 'Policy frameworks for digital platforms - Moving from openness to inclusion'. The project seeks to explore and articulate institutional-legal arrangements that are adequate to a future economy that best serves the ideas of development justice. This work is drawn from preliminary research being undertaken by an interdisciplinary research network from the global South and North. The initiative is led by IT for Change, India, and supported by the International Development Research Centre (IDRC), Canada.

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# Contents



<b>i. Research overview</b>	<b>1</b>
<b>ii. Sectoral snapshots</b>	<b>5</b>
Ride-hailing	
E-commerce	
Agriculture & Grocery e-tail	
Fintech	
Video-on-Demand	
Care work	
Tourism & Hospitality	
<b>iii. Platform governance: crosscutting issues</b>	<b>21</b>
Setting the context	
1. Macro-economic policy frameworks for an inclusive digital economy	
2. Data governance for economic sovereignty	
3. Level playing field in the age of digital platforms	
4. Platformization and livelihood security	
5. Citizen rights in a datafied society	
6. Reframing global economic justice	
7. Strategies for equitable platformization	
<b>iv. References</b>	<b>40</b>

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# Research Overview

## Research themes and sites

AFRICA	<b>NIGERIA</b>	Towards inclusive platformization in Nigeria (Mobile money, e-commerce, navigation)	EUROPE	<b>ITALY, BELGIUM, FRANCE</b>	Protection of users in the platform economy: A European perspective (Ride-hailing, hospitality, gig work)
	<b>SOUTH AFRICA</b>	Investigating operational and labor policy frameworks for taxi-hailing platforms: Uber and Taxify in South Africa (Ride-hailing)		<b>UK</b>	Data policies: Regulatory approaches for data-driven platforms in the UK and EU (Data governance)
ASIA	<b>CHINA</b>	Deliver on the promise of the platform economy in China: A policy agenda for inclusive development (Ridesharing, food delivery)	NORTH AMERICA	<b>CANADA</b>	Research and policy making through the data of platform enterprises (Data governance)
	<b>PHILIPPINES</b>	Overworked and undervalued: Are local digital platforms transforming the narratives of care workers in the Philippines? (Care work)			
	<b>INDONESIA</b>	Making travel platforms work for Indonesian workers and small businesses (Tourism)			
	<b>INDIA</b>	Farm to Fork: Understanding the role of digital platforms in agriculture, e-tail and FaaS (Agriculture and grocery e-tail)			
LATIN AMERICA	<b>BRAZIL</b>	A new land of giants: Policy for digital platforms in media and audiovisual markets in Brazil (Video-on-Demand)			
	<b>ARGENTINA, URUGUAY</b>	Mapping Rioplatense platform economy: The case of MercadoLibre in Uruguay and Argentina (e-commerce)			
	<b>URUGUAY</b>	Peer to Peer lending platforms as tools for financial inclusion in Uruguay (Fintech)			

# Research overview

Platforms, as understood through informational capitalism, are not just online marketplaces; they are the market makers of today. As a set of digital frameworks for social and marketplace interactions,<sup>1</sup> platforms replace and rematerialize markets, restructuring both economic exchange and patterns of information flow.<sup>2</sup> Platforms are to the network age what the factory was to the industrial revolution – the principal site of economic activity around which everything else is organized.

As a key economic phenomenon of the day, platforms shape society and social institutions; the algorithms scaffolding them are the new determinants of social order. This process of how social ordering takes place through platformization is a vital area of study. Unpacking what comprises platformization would imply taking a close and critical look at the distinctly new set of economic relations arising through continuous and pervasive datafication and the sophisticated digital intelligence that runs on digital networks, and the implications of this shift for social power structures.

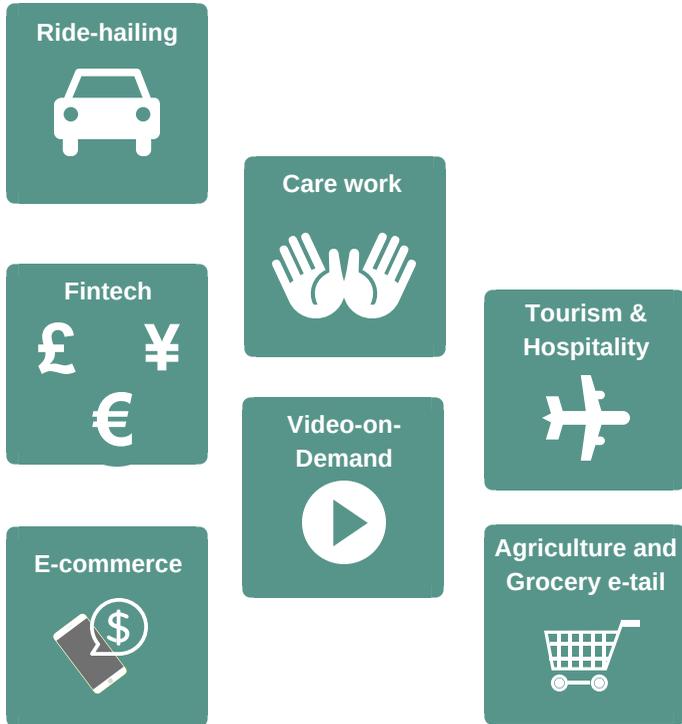
Much is at stake here, with jobs, skills, productivity and growth in the future economy tied to the 'platform turn' in economic organization. The fact that the economy in its entirety is being recast by platformization also means that policy processes must concern themselves with a whole range of social and economic considerations necessary to produce a future world that is equitable and inclusive.

The public policy challenge is rather urgent given that the digital economy rewards the very few who control digital innovation, exacerbating inequality globally.

However, as with all times of paradigmatic change, institutions are falling behind in their attempts to understand and measure up to policy making in the platform economy. Using this gap as a starting point, the project, 'Policy frameworks for digital platforms - Moving from openness to inclusion', engaging a world-wide community of researchers (see page 38-39 for details) led by IT for Change, India, and supported by IDRC, Canada, has attempted to bring systematic evidence on platformization and its policy implications, nationally, regionally and globally.

The key objectives of the project are to build a strong empirical base of the state of play of the platform economy and analyze the institutional-legal contexts for recommending policy frameworks to tackle inequality, promote inclusion and advance development justice.

This report presents emerging insights from the research studies being undertaken under the project. Covering 14 countries and a range of domains and sectors, it examines the current trends in platformization, mapping the emerging policy responses and challenges.



# Sectoral Snapshots

# Ride-hailing

(Belgium, China, EU, France, Italy, South Africa)

Ride-hailing - the practice in which individuals commute via a private vehicle driven for a fee, arranged via an online app - is today the most recognizable handle of the platformized economy. The widely used trope of 'uberization', often used to describe the platformizing economy, comes from the rather contentious aspects of the ride-hailing sector. The influx of ride-hailing apps such as Uber, Lyft, Grab, Taxify, Didi and Ola have overhauled the transportation sector completely.

Since their advent, ride-hailing companies have mostly operated in a kind of regulatory wild west. Positioning themselves as technological intermediaries who merely bring independent drivers and passengers together in a mutually convenient arrangement, platforms have evaded rules and regulations applicable to traditional taxi services. In some jurisdictions, this has also allowed them to escape liability with respect to both users and drivers.<sup>3</sup>

However, with rising reports of accidents, violence and assault, poor data practices, and the widening power asymmetry between ride-hailing platforms and their workers, the policy vacuum in this domain has become more and

more apparent. National and city governments are scrambling today to create effective regulation that can rein in ride-hailing companies and ensure they function within the ambit of regulatory frameworks. Judicial intervention has also been visibly on the rise as drivers find themselves pushed into an endless race to the bottom in the name of flexibility, without any safeguards and protections afforded to employees.

In 2017, South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA) passed a groundbreaking ruling that Uber drivers could form unions, bargain and strike, which effectively meant that they were to be treated like employees, and not independent contractors. The ruling was made following a complaint lodged with the CCMA by Uber drivers who alleged unsafe working conditions and unfair dismissals without explanation. However, on the basis of a small technicality, the labor court in South Africa overturned this ruling in January 2018. The court found that Uber driver partners should have taken up their case with Uber BV, the international company registered in the Netherlands, rather than the South African subsidiary.



6 | This analysis draws from research undertaken by Ducato *et al* (2018), Mare *et al* (2018) and Chen *et al* (2018)

# Policy Intervention

Many countries have taken the first step towards updating transport sector laws.

## SOUTH AFRICA

In South Africa, the National Land Transport Amendment Bill (2015) includes provisions for “e-hailing transport services” and mandates that drivers operating through platforms should have taxi operating licences and be subject to regulation by authorities just like metered taxis.



China became one of the first states to recognize ride-hailing in a clear policy framework. In 2016, the Interim Administrative Measures for the Business of Online Taxi Booking Services was issued by seven state ministries under the aegis of the ministry of transport, which places the regulatory standard for digital platforms squarely along with urban taxi services.<sup>4</sup> The policy requires digital platforms to apply for a permit, register network service records with authorities, and comply with the criteria for using both qualified vehicles and drivers as part of their service. These measures also allow for local oversight by vesting implementation of these measures with transport departments at the municipal level.

## CHINA

## EU

EU Guidelines that apply to ride-hailing platforms include prior authorization and specific criteria for road-worthy vehicles that can be used for commercial services.<sup>5</sup> Belgium has specific regulation whereby drivers must obtain authorization to either create their own company or operate as independent workers, including for platform based ride-hailing services. Drivers without authorization cannot drive for platforms. Ride-hailing platforms have also been under the scrutiny of the European Court of Justice and the domestic courts. Recently, in the *Elite Taxi v. Uber Spain* and in the *Uber France* cases, the Court finally recognized ride-hailing platforms as a transportation service, subject to appropriate regulation for taxi services.



# E-commerce

## (Argentina, India, Uruguay)

In a mere span of two decades, e-commerce has become an important engine of the global economy. Recent estimates from UNCTAD peg the value of the global e-commerce market at a whopping USD 22 trillion,<sup>6</sup> a far cry from its negligible share in the early 1990s. This estimate includes the digitally-mediated purchase and sale of physical goods as well as delivery of digital services and intangible digital products – spanning business-to-business (B2B) and business-to-consumer (B2C) transactions.

The exponential growth in e-commerce has been fuelled by powerful platform intermediaries who take advantage of the new forms of economic exchange and information flows that digital disruption makes possible.<sup>7</sup> Relying on networked economies of scale and data-based market segmentation, e-commerce platforms re-orchestrate the relationship architecture involving producers, suppliers and consumers in ways that ensure end to end control. The power of platforms such as Amazon and Alibaba stem from their ability to control the entire market ecosystem of retail trade, a veritable winner take all model that is not just brokerage between buyers and sellers. Their offerings span payment services for ease of purchase and sale on their platform, data advisories for suppliers, and digital refurbishment of brick-and-mortar retail experience of consumers. The ambition of these platform intermediaries is to enfold every single aspect of the retail sector.

A number of regional unicorns have emerged in the global South, giving well-entrenched platform companies from the US and China sizeable competition. Rakuten in Japan<sup>8</sup> and Jumia in Africa<sup>9</sup> have acquired popularity given their ability to understand and adapt to the regional cultural and infrastructural contexts and cater to local needs and peripheral markets. Similarly, MercadoLibre, headquartered in Buenos Aires, Argentina, has gained a dominant position in several Latin American markets. In the early 2000s, when e-commerce giants were still hesitant to invest in the region, MercadoLibre made forays into these markets and was able to overcome several levels of infrastructural deficit through a combination of domestically led innovation strategies and a regionally coordinated push for policy shifts that could further the growth of SMEs in markets such as Argentina. For instance, to optimize logistical models for the emerging platform economy in Argentina, the company had to work around the logistical deficiencies coming from colonial models of center to periphery transportation. It was thus able to develop a 'capillary distribution model' through which SMEs in smaller locations could directly ship to one another rather than opt for lengthy and inefficient routing. MercadoEnvios offers traders on the platform an integrated logistics, warehousing and shipping solution to strengthen its SME-led network of inter-regional commerce. MercadoLibre also created a mobile payments system, MercadoPago, to enable financial transactions, given that electronic banking systems were relatively underdeveloped in the early years of its operations. It has also been advocating for policy responses for fintech alternatives to traditional financial instruments. The network infrastructure it has built across countries in the region has given a big boost to SMEs in the region, affording them new market opportunities.

## POLICY CONTESTATIONS

In this hyper-competitive race for global domination of retail trade, e-commerce platforms often flout existing legal frameworks in labor rights, market competition and consumer protection. In the US, Amazon is now facing a federal lawsuit for working its delivery drivers without breaks and failing to pay them overtime.<sup>10</sup> In India, the Confederation of All India Traders complained to the commerce ministry about flagrant market distortion by e-commerce portals such as Flipkart and Snapdeal.<sup>11</sup> In Nigeria, the online platform Konga has been found to be selling cigarettes, in violation of existing law.<sup>12</sup>

Pre-digital legal frameworks are inadequate to address the new challenges of regulating the digital economy. For example, the EU has been flagging taxation challenges in relation to laws based on 'physical presence'.

In the current context of a weakening World Trade Organization, plurilateral agreements - such as the Regional Comprehensive Economic Partnership and the EU-Mercosur trade agreement - increasingly become the sites where policy contestations on e-commerce play out.

Platformization of the global economy has led to all sectors, including manufacturing and agriculture, becoming 'servicified'. Secret negotiations among powerful actors have sought to bring these sectors under a new set of 'trade in services' rules. Through instruments such as the Trade in Services Agreement (TiSA), global companies are lobbying to reclassify workers in various sectors as 'service workers', developments that are likely to atomise workers, and erode their rights and bargaining power.

At the global level, the moratorium on customs duties on electronic transmissions has been a sore point in global trade negotiations, especially for developing countries who forgo revenues from e-commerce transactions. Developing countries, led by India and the African Union, have been opposing the e-commerce agenda at the World Trade Organization. They feel that any binding agreement on governance of data flows at this stage would hurt the interests of their nascent domestic e-commerce sector.

# Agriculture & Grocery e-tail (India)

World over, agricultural value chains are seeing end to end transformation on account of digital layers that intermediate various business and consumer end processes. Terms such as 'digital farming' and 'precision agriculture' have become increasingly commonplace as the Internet of Things allows more and more data capturing devices and agricultural machinery to produce intelligence that can create predictive models for effective farming practices.<sup>13</sup> Buy and sell/ rental platforms are today able to facilitate more direct sales and peer to peer sharing among farmer communities.<sup>14</sup> The growing global trend of grocery e-tail points to paradigmatic shifts, with consumer preferences reshaping the supply chain.<sup>15</sup> Trends indicate that both the agricultural sector in India and the grocery e-tail segment are not impervious to the onslaught of platformization.<sup>16</sup>

To date, India continues to be a predominantly rural, agrarian economy. Even though the agricultural sector contributes only 16 percent to the Gross Domestic Product, it is the primary source of employment for over 49 percent of the population.<sup>17</sup> However, prospects for the sector have been bleak for years now. High degrees of precarity, wage depression, years of drought, and detrimental fallouts of macro-economic policy at national and global levels have led up to an agrarian crisis.

Given that India is one of the largest IT hubs in the world, much hope is vested in the technology sector for solutions to some of the most pressing challenges in agriculture. 'Agritech'- the use of technology in farming for increase in productivity, efficiency and output - is today a rapidly growing area in India.

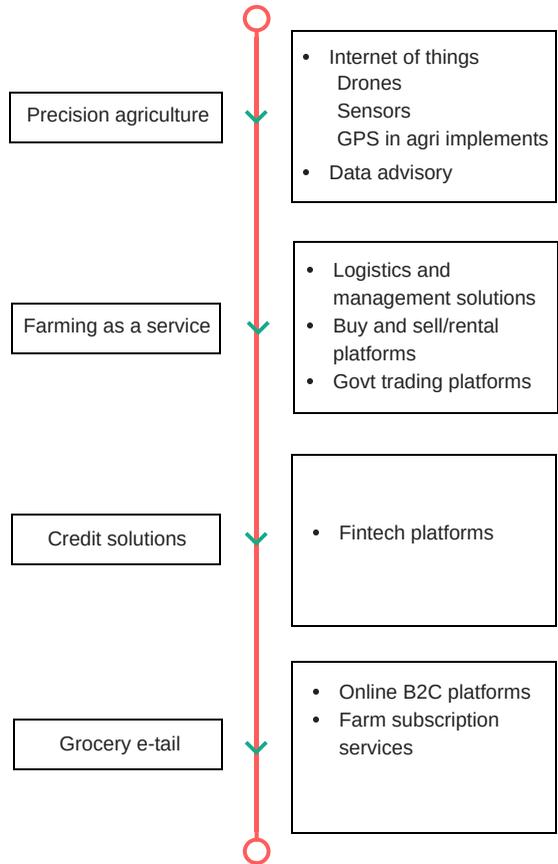
Supported by venture capital, a host of platform companies are working on different aspects of the agri-value chain, attempting to leverage the digital opportunity for addressing traditional challenges in input procurement, cultivation practices, harvesting, and marketing produce. There has been a notable rise in B2C and B2B marketplace platforms.<sup>18</sup> Over USD 313 million was invested in Indian startups and SMEs working in this field, with India being one of the top six active geographies for agritech investments along with US, Canada, UK, Israel and France.<sup>19</sup>

The Indian online grocery market is expected to reach USD 40 billion by 2019, and increase to 141 percent by 2020, growing at a compound annual rate of 62 percent.<sup>20</sup> Global platforms such as Amazon entered the food retail sector, with the liberalization of the FDI policy in 2016 allowing for 100 percent FDI, as long as local sourcing requirements were met. But the local sourcing clause could likely to be revoked if India inks the regional trade agreement - Regional Comprehensive Economic Partnership - which will open the doors to global e-commerce giants in the food retail sector. A corporatized and consumerized food retail model could be inimical to livelihoods of small retailers and subsistence farmers, the majority of whom are women, who may lose out or get coopted into the new context on very unfair terms.

10 | This analysis draws from research undertaken by Gurumurthy *et al* (2018)

# Policy Intervention

AI in agriculture has been identified by the NITI Aayog, a policy think tank of the Indian government, as an area that is unattractive to the private sector because of externalities involved in building large-scale agricultural data sets.<sup>21</sup> The policy thrust is therefore on the creation of public data infrastructure for agriculture, which can then be leased out to private companies, social enterprises and researchers seeking to develop AI innovations in this sector. This vision is being realized through the Farmerzone project led by the Department of Biotechnology.<sup>22</sup> In a related move, the Indian government has also announced a 'Startup AgriIndia Scheme' to subsidize digital startups in agriculture. A national digital marketplace for digital agricultural commodities has also been set up. However, farmers still prefer local middlemen who also provide services ranging from credit to transport and warehousing. Tracking the medium and long term impacts of these new data infrastructures for how they have benefited small and marginal farmers is important. Social impact assessments of AI innovations grounded in clear guidelines on ethics are also necessary.



**Data infrastructure for Indian agriculture**

# Fintech

(Brazil, China, Mexico, Nigeria, Uruguay)

Fintech - referring to a financial industry that applies technology to improve financial activities - is a rapidly growing global phenomenon. Platform based models today are able to offer a range of financial services and products through smart phones, including mobile banking, microfinance, digital wallets, insurance, crowdfunding, P2P (peer to peer) lending, cryptocurrency and more.

As financial transactions move to the digital realm and become platformized, there are a host of regulatory issues to consider - cyber security, identity and authentication, risk assessment, and so on. What makes fintech regulation a complicated and fraught process are issues of jurisdictional overlaps between technology/telecom regulators and financial regulators such as central banks. In Nigeria, for instance, while the telecom aspect of mobile money is regulated by the Nigerian Communications Commission, the Central Bank of Nigeria regulates the financial services aspect. This has presented a regulatory grey zone. In 2014, a new set of guidelines for mobile payments were issued by the Central Bank.<sup>23</sup> However, uptake continues to be low, with mistrust in electronic payment systems, combined with other factors such as poor connectivity and low literacy.

More recently, financial regulators have begun to recognize the high risks associated with leaving the sector in a regulatory void. They are also cognizant of how micro-credit and other alternative finance instruments have spawned cycles of predatory lending and debt traps among vulnerable groups.<sup>24</sup>

Fintech platforms are increasingly being looked to as an effective way to expand financial inclusion in several parts of the world where populations are unbanked (lacking access to formal financial instruments such as banking and credit) or underbanked (having poor access to financial instruments for credit and savings). Using the ubiquitous smart phone as a delivery mechanism, fintech platforms have seen great popularity, especially in countries where formal financial institutions have failed to cover people comprehensively.

# Policy Intervention

## CHINA



China, which has seen a proliferation of payment apps, was one of the first states to regulate its large and growing fintech market. As early as 2010, the People's Bank of China (PBC) officially mandated that all “non-financial payment service-providers” seek appropriate approvals and licenses from PBC. In 2017, the PBC required third party transaction data on the apps to be routed through its clearing house and capped the amount on QR code transfers at 500 yuan. In 2018, UnionPay, an association of the Chinese banking industries, developed a national technical standard for mobile payments, thus creating a common protocol.<sup>25</sup>

## URUGUAY

The Central Bank of Uruguay (UCB) has proposed a new categorization for “Peer to Peer Lending Administration Companies”, which will apply to technology platforms offering financial mediation. Such entities will have to prescribe the limits of lending and will not be allowed to manage client funds, thus eliminating the risk of speculative investing. In 2017, the country also passed a law that requires electronic transactions between financial intermediaries and money issuers via mobile phones and websites to ensure interoperability between fintech actors and traditional players.<sup>26</sup>

## BRAZIL & MEXICO

Brazil<sup>27</sup> and Mexico<sup>28</sup> have established industry specific regulatory frameworks. In addition to updating licensing and compliance requirements for fintech platforms, these policy measures also provide for tax incentives and other support mechanisms including regulatory sandboxes, innovation hubs and funding support.

# Video-on-Demand

## (Brazil, Thailand)

With higher speeds and more stable broadband connectivity, and the widespread availability of smartphones, the trend of Video-on-Demand (VoD) has been on the rise. Netflix, once a home rental service for DVDs and now a VoD streaming service, is today in the ranks of FAANG (Facebook, Amazon, Apple, Netflix and Alphabet [Google]), tech companies with the best performing stocks.<sup>29</sup> With a global footprint that encompasses over 190 countries,<sup>30</sup> Netflix has emerged as a media powerhouse, producing content in different regional and national markets that is distributed through its platforms. Along with its contemporaries such as Amazon Prime Video and Hulu, Netflix has significantly changed the way media content is distributed, accessed and consumed.

VoD platforms are transforming habits, markets and creative practices throughout the world, and existing regulatory frameworks are becoming increasingly irrelevant to address the gaps in the media market. In the case of Brazil, Netflix has directly affected the traditional audiovisual market, compromising local production, access to culture, and cultural diversity.

The Brazilian media regulatory framework has provided strong support and encouragement for local and independent media production. The production of local media content in the country has historically relied on

positive discrimination, with state policies seeking to make up for the imbalance between international (mostly US) and local production and distribution, through cross-funding. The National Agency of Cinema, referred to as Ancine, has put in place regulations that mandate levies from movie distributors that go towards the Audiovisual Sector Fund for funding the production of independent cinema. Cable operators are also obligated to carry public, community and university broadcasters free of charge.<sup>31</sup> In addition, the Brazilian government requires a minimum quota of national content, including independently produced content, to be broadcast on cable television. Companies are incentivized in different ways to invest their taxes in national production.<sup>32</sup>

However, the advent of Netflix is increasingly rendering this regulatory paradigm inapplicable. While Brazil is one of Netflix's largest markets, the latter does not contribute in any way monetarily to the domestic media economy. The process of content discovery is made out to be 'neutral'. And yet, the platform's USP - its algorithmic recommendations for content (the primary way in which audiences make viewing decisions) - is not open to scrutiny. Netflix does not also make any data available on its titles, user preferences and viewing statistics. Netflix positions itself as new and different from traditional media content formats, exempting itself from regulation applicable to traditional market players. Independent media in Brazil is thus at the mercy of a private data model that favors popular cultural content from the global North.

# Policy Intervention

In 2017, a bill was introduced to regulate VoD in Brazil,<sup>33</sup> to ensure parity, put in place minimum quotas for national content and mandate investment obligations in the national media industry. Proposed regulation would also require VoD platforms to register with Ancine, employ Brazilian nationals with editorial responsibilities, disclose revenues and other business information to Ancine, include information about parental ratings, and position Brazilian content prominently in their catalogues. The bill is in preliminary stages of discussion.

In Thailand, where the market for content is yet to mature and consumer choices with regard to media are limited, self-regulatory mechanisms are seen as a useful governance mechanism in the short run. There has been a move in the ASEAN bloc to advocate for industry self-regulation in the VoD sector. In August 2018, an agreement was reached following a round table discussion with representatives from Netflix about putting in place a code of conduct that lays down commitments for VoD platforms companies on rating for appropriateness of content and complaint and redress mechanisms.<sup>34</sup> In the longer term, policies on taxation and regulation to ensure fair competition and consumer protection will need to be put in place.

In the EU, policies on local content quotas for VoD platforms are currently under deliberation, which will require the latter to fund media content produced in Europe either by commissioning content for the platforms, or by supporting national film funds through levies/surcharges on subscriptions, as is the case in Germany.



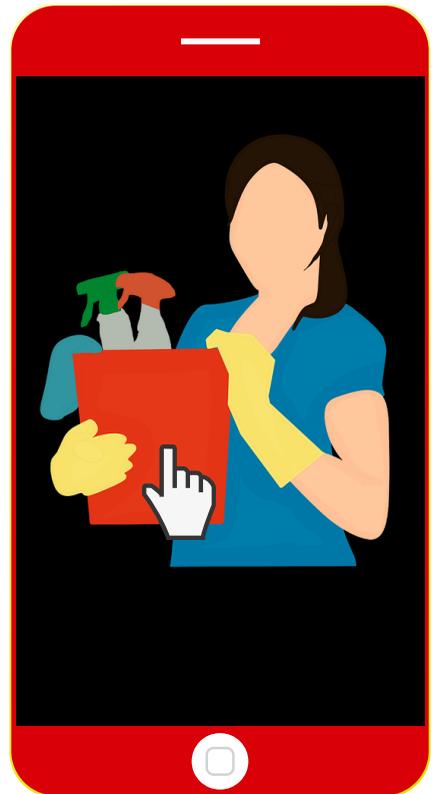
# Care work

## (Philippines)

As labor gets platformized, work as we know it has undergone a transformation. Care work, which refers to traditionally feminized domestic work including cooking, housekeeping, child-care etc., has also come to be sought and arranged through digital platforms. These digitally mediated labor arrangements and negotiations acquire gender specific complexities and contribute to discursive ideas about care work.

In the Philippines, care work platforms are popular with upper class households and the urban elite who rely on apps such as Wanted Yaya and Cleaning Lady. These platforms, catering to new urban markets in Metro Manila's business hub, while advertising modern cleaning and care services that are professionalized and digitally mediated, continue to draw upon an established culture of viewing *kasambahays* (domestic workers or 'yayas' as they are referred to locally) as maternal figures. These motifs and themes are evident in their branding and marketing. For instance, as has been noted in India, advertisements of platforms offering care work services tend to reinforce social hierarchies and gender stereotypes, even as they attempt to make it seem like a win-win for service seekers and providers.<sup>35</sup>

Often, the argument made in favor of gig work is greater flexibility and control for workers. What is observed in the case of care work platforms - where there is a folding in of informal work arrangements into the formal sector - is the introduction of an additional layer of control between the workers and their clients. The workers on these platforms are in effect the employees of the platform owners, and not the independent economic actors that they are often portrayed to be.



# Policy Intervention

In 2013, the Philippines passed the *Batas Kasambahay Act* to strengthen the rights of domestic workers in the country. The Act outlines the terms and conditions of a domestic worker's employment including the scope of their duties, period of rest, minimum wage, and benefits. Under this Act, a domestic worker or *kasambahay* is "any person engaged in domestic work within an employment relationship, such as, but not limited to, the following: general househelp, nursemaid or "yaya", cook, gardener, or laundry person."<sup>36</sup>

The Philippines *Batas Kasambahay Act* excludes any person who performs domestic work only occasionally or sporadically and not on an occupational basis.

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Given the grey legal zone that care work often operates in, such a law is a progressive step towards ensuring fair work practices and benefits for workers. However, in the context of on-demand cleaning platforms in the Philippines, home cleaners, who happen to be mostly women, are considered third party or independent service providers and do not qualify as domestic workers, as they are understood to be taking up occasional gigs through cleaning platforms. They are not eligible to receive any of the government mandated benefits received by regular employees. Classified as "independent contractors", they need to apply for social security benefits on their own, a process that proves to be difficult, cutting many out of the safety net.

# Tourism & Hospitality

(Belgium, France, Indonesia, Italy)

Tourism as a sector has undergone many transformations through platformization. Travel platforms such as TripAdvisor have become a veritable one stop shop - providing travel and tourism information, offering ratings and reviews of experiences, places and accommodations, and facilitating bookings and reservations. For countries whose economies are highly dependent on tourism such as Indonesia, travel platforms take the place of critical gatekeepers who control the narrative of tourism. Curated for the gaze of the potential visitor, with a widely trusted ratings and ranking system, these travel platforms have become a make or break decision factor for the modern tourist. This has both advantages and disadvantages for small operators in the industry. There are undeniable gains from visibility on travel platforms that small tour operators and property managers will attest to. However, given the fact that it is economies of scale that benefit most from network effects, it is arguable if small players will benefit from platform mediation in the long run.

In the case of Indonesia, given a decentralized governance structure with high levels of local autonomy, disruptions brought forth by platformization of tourist activities throw up a mixed scenario. While Indonesia has an evolved policy framework around its tourism economy in the form of a Master Plan for Tourism and a 10 Balis initiative, it does not touch upon the role of platforms.

Policy actors such as the Indonesian government and unions have also yet to fully recognize and respond to the advent of travel platforms. Locally spearheaded boycotts of ridesharing and food delivery apps, which cut into the business of local taxi operators and restaurants, indicate that there is an understanding of how the sector is vulnerable to digital disruptions, even though policy response is yet to emerge.

In several European countries, services such as Airbnb that connect property owners and travellers for short term rentals have revolutionized the hospitality industry. In fact, without owning any properties, Airbnb is today the largest provider of accommodation in the world.<sup>37</sup> The growing popularity of rental platforms, considered by many to be a cheaper alternative to hotels, has created tensions between the traditional hospitality industry and rental platforms.<sup>38</sup>

Platformization of travel rentals has also had an unanticipated impact on the housing market as more property owners choose to rent on Airbnb for small durations at premium prices rather than opt for long term leases, thus effectively reducing access to affordable housing.<sup>39</sup>

Combined with other factors such as rising gentrification, these trends have squeezed housing markets. For instance, in Paris, where platforms such as Airbnb and Homeaway are popular, properties are now exclusively being designed and managed to be let out on short-term rentals. Resident associations, city councils and rental platforms are locked in various contestations.

# Policy Intervention

The French government has introduced the Law for a Digital Republic, which includes specific provisions for home sharing arrangements that are platform mediated.<sup>40</sup> Further, the provisions of the French Code of Tourism were modified and now stipulate that short term rentals booked through online platforms must be declared to the local authorities and have a registration procedure in place if operating in a municipality of over 200,000 residents.<sup>41</sup> The modified code also prohibits home owners from renting their properties on platforms for more than 120 days over a year. But the measures have seen weak enforcement and easy workaround through loopholes. More penalty based measures are currently under consideration.



In Belgium, guests have to pay the regional taxes applicable to tourist accommodations on bookings made through platforms. However, hosts are currently exempt from taxation, although platform based service providers are otherwise subject to a tax regime.<sup>42</sup>

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# Platform Governance: Crosscutting Issues

# Setting the context

The sectoral snapshots point to how platformization has been a transformative phenomenon across sectors, reorganizing value chains and reconfiguring labor arrangements in ways that maximize control for corporations, while minimizing their liability. The ability of platforms to harness the large amounts of data generated through digital activity for building digital intelligence is at the heart of this control. It is the economic value of intelligence that propels platform companies today, the infinite possibilities to externally monetize data through analytics and AI into revenue models. However alternative models do co-exist with mainstream models, following principles of cooperativism.

The all-encompassing consolidation of the data regime in the hands of private technology corporations, and the associated potential for platform excess and abuse, is perhaps the most pressing global policy challenge of our times. Data is without doubt the starting point of conceptualizing any effective governance of the platform economy.

## Trends in developed countries (Canada, EU)

Countries that have had long standing policies on data today find themselves engaged in the task of bringing legacy frameworks up to speed. For instance, Canada's Personal Information Protection and Electronic Documents Act (PIPEDA) foregrounds the soft power of self regulation to ensure that personal data is ethically brokered. However, in an age of commonplace data violations, civil society and policy actors within the country have pointed to the Act's toothlessness and weak compliance.

They have also pointed to the need for strengthening the office of the Privacy Commissioner, which currently lacks enforcement powers. Similarly, with respect to data jurisdictions, Canada's long standing policy has been that of data responsibility rather than data localization. This position is now more contentious as significant trade negotiations underway, such as the Trans-Pacific Partnership and the North Atlantic Free Trade Agreement, could determine how Canadian citizens' data rights will be decided. As algorithms move privacy debates in new directions, there is an increasing realization that new approaches which recognize the threats of surveillance capitalism are needed.

The EU General Data Protection Regulation (GDPR), which came into effect in May 2018, marks the culmination of long debates about privacy and personal data protection in a surveillance society and economy. Undoubtedly the most comprehensive data protection regulation to emerge from the developed world, the GDPR is today the gold standard of personal data governance and reinforces citizens' rights to be free from corporate and state surveillance. The law, which clearly includes platforms in its scope, defines consent as active and ongoing, affording individuals the right to withdraw consent at any time. It also stipulates purpose limitation requirements and prohibits the processing of sensitive personal data. Significantly, the GDPR has extraterritorial applicability and covers data controllers and processors outside the EU if they offer goods and services to, or monitor the behavior of, EU data subjects.

While a groundbreaking first for data protection, the political economy of platformization has rendered an instrument like the GDPR limited in its ability to secure the rights of users. Consent is often a relatively easy barrier for most platforms to cross. Critics of data portability have also highlighted that its scope is too limited to significantly counter platform power, as platforms still get to exercise control over derived data of the data subjects to build the algorithms that drive their revenue models. With the rapid strides in AI, data capitalists thus continue to be main arbiters of the global marketplace.

The realpolitik of trade and the ability of countries to comply with the exacting cross-jurisdictional requirements of an instrument such as the GDPR has also been highlighted by policy actors in the global South as a barrier to development. Given that even developed countries like Canada are concerned about their continued ability to do transatlantic business in the new data protection regime, developing countries who simply cannot hope to bring data capabilities and compliance standards up to date in a quick time frame stand to lose far more. This is not merely about a loss of markets, but also, people's livelihoods.

It is vital that countries of the global South define and carve out their approaches - national and global - accounting for their economic history and the concrete opportunities of the fourth industrial revolution. While frameworks of the North offer indications and insights, the task ahead for countries of the global South is clearly to reflect upon, and adopt, strategies for data and digital infrastructure that work for the rights and development priorities of their citizens.

## GDPR, a score card

	What it says...	But...
Consent	Consent as an active and ongoing choice, with the right to withdraw consent at any point, and tighter requirements for expanding purpose limitation.	As a way out, platforms can pursue "legitimate interests" as a legal ground for processing data. Recital 47 of the GDPR states: "[t]he processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest."
Data portability	Users can move information across platforms, preventing vendor lock-in.	Platforms are still able to monetize derived data.
Extraterritoriality	Covers data controllers and processors outside the EU if they offer goods and services to, or monitor the behaviour of, EU data subjects.	Creates exacting compliance demands for developing countries.

# 1. Macro-economic policy frameworks for an inclusive digital economy

Meaningful inclusion in the digital economy is about ensuring that macro-economic structures support the flourishing of human capabilities and well-being, thereby furthering Amartya Sen's vision of 'development as freedom'.<sup>44</sup> Ongoing trends in platformization and datafication of the economy - the rise of the digital corporation, exacerbation of wealth and income inequality<sup>45</sup> and the environmental crisis that confronts us - make this a daunting task. The global network-data structure "brutally expels" people, places, and ways of life that do not fit into its logic.<sup>46</sup>

Given that there is no sector of economic activity that is outside the digital paradigm, a new vision and approach is needed to ensure that the digital economy can be inclusive. Emerging policy dilemmas and directions in a range of sectors have been discussed in the previous section. Protecting citizen rights and furthering economic and social equality demands renewed effort to tackle cross-cutting concerns such as competition law, labor rights, consumer protection, tax justice, platform neutrality, and so on.

There are no national level datasets that can help policymakers assess the specific implications of digitalization, platformization and datafication in order to plan for the digital/ digitalizing economy. National governments across the board find themselves completely lacking the measurement tools and parameters to systematically assess changes in economic value, job structure (potential job creation and loss), levels of inequality, environmental sustainability etc. This is a barrier to the development of evidence-based policy frameworks for an inclusive digital economy.

Government agencies, especially in the global South, are not fully able to grasp the complexities of the digital context as it intersects with traditional policy domains. Working with an 'ICTs-as-tools' framework, they often do not account for the paradigm shift underway. This leads to a governance deficit in the platform economy.

## WHAT CAN BE DONE?

A key mandate for international agencies addressing economic development is the creation of indicators for measuring the digital economy, with an explicit focus on value creation and distribution.<sup>47</sup>

**Governments should invest in the creation of a holistic, evidence-based strategic roadmap. They need to:**

-  assess potential gains and losses in the transition to a digital economy, with particular focus on citizen rights, equity and sustainability.
-  adopt a two pronged approach, reframing policies in traditional socio-economic sectors and design differentiated policies for data (personal, community, corporate, infrastructural and sectoral).
-  create institutional mechanisms for social audit of platforms.
-  build the capacities of officials in public systems to appreciate the systemic changes and respond to the complexity in the digital economy.
-  introduce applied computational thinking in educational curriculum to create future citizens who can optimally participate in the platform society.

## 2. Data governance for economic sovereignty

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The prevailing culture of data extractivism can be countered only by moving to a data governance framework that acknowledges privacy protection and economic justice as interrelated end objectives. The conversation on data governance should therefore not be limited only to reasonable grounds for personal data processing. It should concern itself equally with the skewed distribution of value and concentration of economic power in the digital economy. This calls for safeguarding the right to economic self-determination of individuals and communities and their right to development.

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In the digital economy, big tech consolidates its position through the digital intelligence it can capture through unrestricted cross-border data flows. With no space for domestic digital industry to grow, developing countries find themselves locked into low value parts of the digital economy.

Even countries that were promising tech hubs in the last decade - with vibrant IT-ITeS sectors - are losing out, as digital intelligence-led economic reorganization undercuts their advantage.

The potential of data and AI innovation to further public interest outcomes in key sectors such as agriculture, health, education, city planning etc., remains largely unexplored.

## WHAT CAN BE DONE?

Digital industrialization pathways and national data strategies that focus on infant industry protection for local digital and AI startups can encourage a vibrant culture of data-supported innovation.

Defining concretely how 'AI for social good' can be harnessed to further equality and inclusion is another imperative.

Developing countries need to evolve a policy response to data flows/data localization that is segmented and sector-specific, and in line with their strategic economic interests.

As per the draft National E-commerce Policy 2018, India envisages a differentiated approach to the governance of cross-border data flows; a removal of all restrictions in the interest of the domestic IT & startup sectors, provided that there are no personal or community data implications, and a localization approach, privileging local economic autonomy, for born-digital, 'community data' collected by various platforms.

Governments need to develop a roadmap for public data infrastructure. This includes the creation of sectoral data and digital intelligence systems for core socio-economic domains such as agriculture, transport, trade and commerce etc., that can, inter alia, support policy decision-making. Strategies towards this include:

Digitizing legacy data sets to build digital intelligence solutions with due attention to privacy, transparency and accountability safeguards.

Mandating that private platforms in key sectors share critical data they collect with state agencies, with safeguards for protecting user and citizen privacy. To support essential public services, like city transport or health care, companies must be obligated to open up such public data for public interest. For example, the municipality of Curitiba in Brazil enacted legislation that requires platform companies such as Uber to share trip-related information with municipal authorities, except routing information, which may compromise user anonymity.

Building public digital infrastructure that can, over time, contribute to the aggregation of data and the creation of digital intelligence solutions. For example, the Government of India's FarmerZone project seeks to build a universally accessible, centralized cloud-based platform that brings together data sets pertaining to various aspects of the agricultural value chain currently fragmented across various institutions and agencies.<sup>48</sup>

### 3. Level playing field in the age of digital platforms

Digital platforms often self identify as mere intermediaries.<sup>49</sup> Such conceptualization has gained tremendous ideological currency, influencing the discursive frameworks in which policy makers develop regulatory responses. However, with the growing clout of technology giants and the associated politics of their data capture, there is a growing rethink about how they can be regulated. For a healthy platform economy, robust frameworks are needed - to prevent anti-competitive practices, create fair and equitable taxation regimes, enforce accountability of platform intermediaries, and evolve appropriate policies for foreign capital flows. In addition to this, positive discrimination policies to foster domestic innovation and boost the chances of MSMEs in a datafied economy are vital.

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Canadian thinktank CIGI points out that “Data holdings are now a key element of a business’ ability to dominate a market and stifle competition.”

Governments find current competition frameworks inadequate to deal with the unprecedented growth of platforms, with most existing frameworks being siloed in their approach and anti-trust authorities lacking the knowhow to deal with the new paradigm. It is worrying that in 2016, the South African competition commission ruled in favor of Uber despite the strong case presented by the South African Metered Taxi Association regarding its antitrust practices. Uber has consistently maintained in different jurisdictions that it is not a transportation provider but a technology service.

Tech giants wield inordinate control over the digital intelligence regimes critical for success in the economy that smaller players do not have access to.

Global capital flows in the platform economy follow a north to south trajectory. Southern governments eager to invite investments may hence choose to overlook platform excess.

MSMEs are struggling to succeed in a scenario where they have only two options - either be ‘bought out’ or ‘run out of business’ by big platforms.

Convenient ambiguities allow for high levels of tax evasion, which means that local economies do not receive revenues due to them.

## WHAT CAN BE DONE?



At the national level, countries need to adopt a domain agnostic competition law that can apply to all commercial activities, including platforms and online businesses, to prevent bid-rigging, predatory pricing, tying and bundling by dominant players, unfair exercise of monopsony power, and anti-competitive mergers and acquisitions (such as the Philippines Competition Act, 2014 and the proposed law under deliberation in Nigeria).



Domestic innovation needs to be fostered through incentivizing startups and MSMEs, through:

Public data strategies for open data and public AI architectures in various domains. For example, intelligence based on climate or soil data can be of great use for women-run farmer producer organizations.

Startup incubators such as the 1000 startups program in Indonesia.

Tax incentives to allow MSMEs greater capital stability. For example, the proposed Innovative Startup Act in the Philippines provides for tax exemptions to local startups during the first two years of their establishment.



States should invest in upgrading infrastructure in sectors such as connectivity, banking and logistics to enable MSMEs' integration into the platform economy.

**Countries should create tax-compliance policies to ensure local economies benefit from the presence and operations of digital platforms.**

**The European Commission** has pushed for platforms to be liable for VAT taxes when importing goods from third party states.

**In France**, the ministry of finance has published a report on taxation of earnings generated through platforms that advocates three tier taxation.

**In Belgium and France**, information regarding revenues generated by the platform is automatically relayed to the tax authorities, should they opt into the graded tax system.

**In Belgium**, a bill was passed in July 2018 addressing taxation of “collaborative economy” platforms, covering interactions between non-professional peer users. Licensed users can benefit from a tax exemption rate of up to EUR 6000 under the rule.

**In 2013**, the Philippines introduced a specific tax on electronic commerce purchases.

## 4. Platformization and livelihood security

In the era of platforms, there is a reconfiguration of labor and asset arrangements from internally sourced/held to externally managed.<sup>50</sup> Often times, these are hidden or invisibilized. Platforms orchestrate a distribution logic that is inherently designed to exploit the weakest link. What we witness today is a breakdown of the traditional social contract, with an absence of bargaining power for those without social capital. The precarity of work in the platform economy needs to be addressed through policies that can ensure people do not fall out of the safety net and can be guaranteed fair and equitable wages and decent conditions. In addition, the livelihoods of people at the margins, small traders or farmers, who may be vulnerable in the shift to platformization, need to be protected.

### Ride-hailing in China - implications for labor

In terms of ride-hailing, China has one of the most clearly regulated markets. However, decentralization at the province level has created disparities in who can, and cannot, work for a ride-hailing platform. For example, Beijing has in place strict "double local" rules which require drivers to have a Beijing residence registration and vehicles that are registered in the city. Shenzhen, on the other hand, allows migrant workers without local residence permits to become drivers.

Thanks to recent regulatory measures, workers can avail of portable social security benefits through an online social security platform. While these measures stress the need for companies to provide social security to contracted workers, the benefits of such measures do not accrue to a majority of platform workers who are considered "affiliated partners" and denied any direct or indirect labor relations with the platform.

The guise of flexibility accorded to gig work does not hold up. Most platform workers face high degrees of precarity in their operations, work unreasonable hours and find themselves unable to avail even the most minimum of social benefits and securities.

A gender based segmentation in the gig economy reinforces women's low job status and earnings.

Developing countries increasingly deal with a technical workforce that is underskilled to perform optimally in newer paradigms driven by Artificial Intelligence, thus losing out on innovation opportunities.

The re-engineering of labor markets through increased automation has led to a slew of inevitable questions about the 'future of work'. Those at the lower rungs of formal employment and others in the informal sector are highly vulnerable to enforced obsolescence or loss of economic autonomy.

# WHAT CAN BE DONE?

Social protection and traditional employment benefits must be extended to platform workers. This should include:

-  Supportive tax mechanisms to allow them to report earnings and be taxed fairly. The Belgian government has introduced favorable tax regimes for gig workers and is also reviewing options to extend social protection to them.
-  Systems of liability for platforms, including third parties managing workers. In France, a new law - for providing accident insurance, continuing professional training, and collective bargaining rights - was introduced in the Labor Code<sup>51</sup> in order to extend protection to platform workers.
-  Portable benefits scheme that allows workers to avail social security and health care benefits.
-  Targeted approaches that promote equal participation of women in the gig economy, with due attention to their rights.

Governments need to invest in upskilling populations, especially vulnerable groups, to ensure they can fully participate and avail of the opportunities in the platform economy. Such efforts must take special care to be inclusive of people whose livelihoods and occupations are vulnerable to the onslaught of digitization (automation, redundancy) and protect their long term economic interests.

Policies promoting 'solidarity economy' models can catalyze new forms of work organization at local levels. They can also enable better bargaining power with bigger platforms. Gig workers in France have been able to take advantage of existing cooperative institutions to further their rights.

In many recent decisions across the world, where workers have moved the court for fairer gig work terms and conditions, and the right to be recognized as employees, verdicts have been favorable.

The judiciary needs to be at the forefront of new readings of the digital economy and ensure that the law can uphold the spirit of labor and livelihood rights.

In May 2018, the Supreme Court of California state ruled that employers must treat workers who do work related to a company's "usual course of business" as full-fledged employees. The case, which directly applies to delivery company Dynamex, also sets a precedent that could positively impact many types of workers in California, including care givers, drivers and other kinds of gig workers.<sup>52</sup>

## 5. Citizen rights in a datafied society

The digital economy has far reaching impacts on the rights of citizens. From the right to privacy and economic participation to the right to cultural autonomy, datafication transforms the very meaning of rights and claims of citizen-users. As workers, citizens maybe expected to forsake the right to privacy for access to livelihood. The marketplaces orchestrated by platforms call for a new consumer consciousness that corresponds to the highly sophisticated, yet inscrutable, processes of platformization. Not only as individuals, but also as collectivities, citizens are experiencing the invasion of their cultural spheres, as platformization remediates consumption.

In the push model of Video-on-Demand, platforms expertly personalize content through algorithmic recommendations. Thus, content that is not mainstream, not highly viewed or reviewed, not backed by commercial boost strategies or from the cultural margins of communities and people risks erasure and obsolescence. Not only does this mean the demise of media industries at the periphery, but also a worrying universal content model led by powerful VoD platforms.

Current consumer rights frameworks are still steeped in older models of commerce and cannot make platforms accountable to consumers and users for unethical practices. These include:

Brokering and monetization of data without informed consent of consumers.

Engaging in predatory pricing/lending to consumers through data based targeting. For example, in the context of fintech, the Financial Stability Board of Uruguay has expressed concern that unchecked growth could lead to predatory lending.

Following discriminatory and harmful practices such as red-lining and information distortion.

**Frameworks of data privacy hinge too heavily on 'informed consent'. Simplistic assumptions about user ability to make rational choices about data disregard data subjects' differing capacities and locations. They are also individual centric and do not account for community rights to data and the contexts in which the latter may be harmed.**

# WHAT CAN BE DONE?



Frameworks of data privacy must maximize real choice for citizens. They must protect from harm and exploitation, including through workplace surveillance, and take into account group/community right to data, establishing the data sovereignty of the data subject.



Governments should enforce quotas for local, indigenous and independent content in the catalogues of VoD platforms that are integrated and boosted through 'search and recommend' functions, and afforded visibility through positive algorithmic discrimination.



Consumer rights frameworks should be updated to apply to digital platforms. The French Government has taken a first step towards this through its Law for a Digital Republic<sup>53</sup> which adds to the French Code of Consumer Protection. This provision expressly applies to digital platforms and requires them to clearly specify the professional or non-professional quality of the individual providers operating through them.<sup>54</sup> Additionally, the GDPR enforces consumers rights towards their data.

## 6. Reframing global economic justice

Today, companies with more than USD one billion in annual revenue account for nearly 60 percent of total global revenue and 65 percent of market capitalization.<sup>55</sup> Big Tech companies are on top of this heap, occupying five of the top 10 slots in the list of largest companies in the world by market cap.<sup>56</sup> Meanwhile, the lack of network infrastructure and data capabilities inhibits countries in the global South from reaping the benefits of digital transformation. An increasing divide between, and within, countries suggests that the rules of the digital paradigm are antithetical to a fair and just world. Addressing the inequitable distribution of income and wealth by putting in place institutional frameworks that make the digital economy work for people and the planet is an urgent imperative at international levels.

### The global inequality crisis

In 2016, OXFAM estimated that 82 percent of the overall wealth created went to the richest one per cent of the global population, while the 3.7 billion people who make up the poorest half of humanity, mainly women, got close to nothing.<sup>57</sup> Economies of the global South find themselves unable to move into higher value segments of the global economy.<sup>58</sup> Within countries, the divide between the share of capital and that of labor in the GDP is widening. This can be attributed to automation-induced job displacement and shrinking opportunities for stable employment as platformization ushers in asset light business models.<sup>59</sup> Market concentration and monopolistic tendencies are becoming increasingly entrenched. Trends indicate that in every sector of the economy, a few large corporations with data and AI capabilities reign supreme, while smaller firms and startups find it increasingly difficult to disrupt the market.<sup>60</sup>

-  Transnational digital corporations oftentimes flout national legislation, capitalizing on locational advantages. Holding them accountable for malpractices such as tax evasion, market distortion, failure to comply with labor laws, consumer rights violations etc., is one of the biggest challenges in the current paradigm.
-  Existing trade regimes reinforce the domination of northern digital corporations, blocking economic development pathways of developing countries.
-  Current corporate tax regimes do not enable countries to further the agenda of redistributing economic value.
-  The platformization of the everyday has gone hand-in-hand with the financialization of everything. The conventional relationship between technology companies and capital markets has been altered by the entry of venture capital wings of investment banks into the space of funding digital startups and platform companies. In many instances, venture funding pumps up firms and artificially keeps them afloat. The alliance between big tech and big finance points to the risk of volatility in capital flows, especially in markets in the global South.

# WHAT CAN BE DONE?

| 2018

The ongoing negotiations in the UN on 'a legally binding instrument on the human rights obligations of transnational corporations and other business enterprises' should be closed without further delay. Specific provisions on the obligations of digital companies must be incorporated in the binding treaty.

Strategic interests of developing countries can be better protected through regional blocs, for a fair e-commerce agenda.

Initiatives such as the EU's Proposal for Fair Taxation of the Digital Economy, which calls for a shift in the basis of taxation regimes from "physical presence" to "territory where profits are generated", present useful directions for national policy.

Developing countries need to regulate their capital markets by drawing up strategic Foreign Direct Investment (FDI) regulation. Current debates point to the need for protection of critical and nascent economic sectors from capital market volatility. Mergers and acquisitions of domestic firms by transnational companies need informed regulatory oversight.

**Digital TNCs need to be brought into the binding treaty for TNCs being negotiated now.<sup>61</sup> They have a responsibility to:**

Uphold the right to free expression and association and not exercise private censorship or control.

Respect and promote cultural diversity by including marginalized people's voices, content, languages and culture in line with existing global frameworks, including UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Safeguard rights to privacy and personal data protection by being accountable to national privacy and data protection regulators.

Comply with local presence obligations and sector specific regulatory frameworks, including submission of compliance audit reports to host country regulators.

## 7. Strategies for equitable platformization

What we know today as the platform economy is not a singular narrative. The far-reaching negative impacts of unfettered capitalism on well being of people and the planet prompted a rethink in the aftermath of the 2008 global financial crisis.<sup>62</sup> As communities, especially in the global North, sought sustainable alternatives to the dominant economic model, digital technologies emerged as the primary conduit for realizing the ideas of 'collaborative consumption'. New social and economic arrangements of work and consumption enabled through digital intermediation quickly gained currency, albeit on local scales.<sup>63</sup> It is worthwhile noting that it was the success of early digital experiments that came out of the conceptualization of the sharing economy', which paved the way for platformization of the global economy as we know it today.<sup>64</sup> However, the rapid datafication of digital networks led to a new model of informational capitalism, one that has in fact exacerbated the very problem of market consolidation in the hands of a few large companies that collaborative consumption models attempted to move away from.

Digital technologies have demonstrated the possibility for revolutionizing production and consumption. What is really missing is the vital link in a platformizing economy to distributional equity, so that the gains of technology are available for all. The older ideas of social and solidarity economy, organized around values and practices that foreground basic needs, inclusion, equity and sustainability,<sup>65</sup> can find a new lease of life through alternative conceptions of platformization. The key here is a concerted policy effort to move towards well functioning local economies that value diversity in the marketplace, ensuring that innovation goes hand in hand with inclusion and equity.

Transnational models of platformization use networked intermediation to organize economic transactions that are not accountable to local contexts.

Big platforms gear their innovations towards aggrandizing value generation for themselves. They are highly extractive, producing environmental and human externalities that are not easily visible.

There are demonstrated platform innovations that have optimized value distribution in favor of marginalized communities, which need to be further developed through scaling strategies that are effective.

## WHAT CAN BE DONE?



Governments should create regulatory frameworks and incentivization mechanisms to encourage alternative platform models to take root. This includes:

**Enabling environments that formally recognize and support alternative platform models.** France's law on the Social and Solidarity Economy (SSE) of 2014 recognizes SSE actors, including cooperatives, as a specific model of entrepreneurship.<sup>66</sup> The law promotes measures for SSE actors, such as, access to financing and public procurement and consolidation of their networks.

**Innovative national policy pathways through applied research.** In 2013, the Ecuador government set up a research effort for the country's transition to a "Social Knowledge Economy" based on peer to peer principles of open networks, peer production and a knowledge commons.<sup>67</sup>

**Provisioning of public goods - digital (payment systems, data sets, connectivity architectures) and non digital (logistics, transportation infrastructure) - to lay the ground for a culture of innovation.** The United Payments Interface, set up by India on a public goods model, allows all players - commercial or otherwise - to have a stable, trustworthy digital payments option.



Local governments should take the lead in creating equitable and locally responsive models of platformization. City-owned public platforms can fill infrastructural gaps and directly feed into the local economy. Seoul, in South Korea, has placed some restrictions on big platforms and promoted the development of local alternatives. It has been working as part of the 'Cities Alliance for Platform Economy' to create networked municipal ownership models for platforms. Seoul also offers a city-operated ride-hailing service.<sup>68</sup>

### Alternatives in action

Thingery, Canada - a platform startup that offers an inventory management and data tracking system for cooperatively run, community-level goods sharing services that operate out of urban parks in the city. The co-operative project follows a membership based model. Members also become owners of the Thingery and can take decisions about its operations.

Ekgaon, India - a technology solution provider in central India that has successfully integrated its Farming as a Service (FaaS) platform suite into the operations of a network of farmer producer companies. As a social enterprise, Ekgaon works to pass value downstream in the supply chain, thus localizing the gains of the platform business.

This report has been compiled from ongoing research as part of the 'Policy frameworks for digital platforms - Moving from openness to inclusion' project. Insights presented here draw from preliminary policy analysis undertaken by the research network. (See table for details).

Research study	Team	Countries
Towards inclusive platformization in Nigeria	Kemi Ogunyemi, Martha Onyeajuwa, Ogechi Adeola, Uchechukwu Aneke, Chika Nwogu, Onyinye Akagha, Azeezat Ajibola	Nigeria
Investigating operational and labor policy frameworks for taxi-hailing platforms: Uber and Taxify in South Africa	Admire Mare, Shepherd Mpofu, Sarah Chiumbu	South Africa
Protection of users in the platform economy: A European perspective	Alain Strowel, Rossana Ducato, Anne-Grace Kleczewski, Enguerrand Marique, Céline Wattecamps	France, Belgium, Italy
Data policies: Regulatory approaches for data-driven platforms in the UK and EU	Arne Hintz, Lina Dencik, Joanna Redden	UK
Deliver on the promise of the platform economy in China: A policy agenda for inclusive development	Julie Yujie Chen, Jack Qiu, Sophie Ping Sun	China
Making travel platforms work for Indonesian workers and small businesses	Caitlin Bentley, Ilya Fadjar Maharika	Indonesia

Research study	Team	Countries
Overworked and undervalued: Are local digital platforms transforming the narratives of care workers in the Philippines?	Lisa Garcia, Jessamine Pacis, Titanne Barrameda	Philippines
Farm to Fork: Understanding the role of digital platforms in agriculture, e-tail and FaaS	Anita Gurumurthy, Deepti Bharthur, Nandini Chami	India
A new land of giants: Policy for digital platforms in media and audiovisual markets in Brazil	Francisco Brito Cruz, Mariana Valente, Maria Luciano	Brazil
Mapping Rioplatense platform economy: The case of MercadoLibre in Uruguay and Argentina	Alejandro Artopoulos, Ana Rivoir, Santiago Escuder, Jimena Huarte	Argentina, Uruguay
Peer to Peer lending platforms as tools for financial inclusion in Uruguay	Mercedes Aguirre, Sandra Garcia-Rivadulla	Uruguay
Research and policy making through the data of platform enterprises	Katherine Reilly, Carol Muñoz Nieves	Canada

# References

1. Kenny, M., & Zysman, J. (2016). Rise of the platform economy. *Issues in Science and Technology*, 32,3. Retrieved from <http://issues.org/32-3/the-rise-of-the-platform-economy/>
2. Cohen, J. E. (2017). Law for the platform economy. *UCDL Review*, 51, 133.
3. Chadha, S. (2014, December 9). Uber, Meru, Ola and others: All taxi services refuse liability for drivers behaviour. *First Post*. Retrieved from <https://www.firstpost.com/corporate-business/uber-meru-ola-and-others-all-taxi-services-refuse-liability-for-driver-behaviour-1999231.html>.
4. *Decree of the Shenzhen Municipal People's Government 2018 (Shz) no.29 (China)*.
5. *Regulation (EU) 2011/181 of the European Parliament and of the Council of 16 February 2011 Concerning the Rights of Passengers in Bus and Coach Transport and Amending Regulation (EC) No 2006/2004 2011 (EU)*
6. No Author. (2016, July 19). Global e-commerce market is worth 22 trillion: UNCTAD. *Economic Times*. Retrieved from <https://economictimes.indiatimes.com/industry/services/retail/global-e-commerce-market-is-worth-22-trillion-unctad/articleshow/53274475.c>
7. See reference 2.
8. Akhtar, O. (2013, March 22). Rakuten: The biggest e-commerce site you've never heard of. *Fortune*. Retrieved from <http://fortune.com/2013/03/22/rakuten-the-biggest-e-commerce-site-you-havent-heard-of/>
9. No Author. (2016, July 28). How Jumia earned the position as the African Amazon in just four years. *Text Master*. Retrieved from <https://www.textmaster.com/blog/jumia-african-amazon/>
10. Baron, E. (2018, August 28). Amazon delivery drivers worked without breaks, weren't paid for overtime:federal lawsuit. *Mercury Times*. Retrieved from <https://www.mercurynews.com/2018/08/28/amazon-delivery-drivers-worked-without-breaks-werent-paid-for-overtime-federal-lawsuit/>
11. PTI. (2017, September 23). Amazon, Flipkart, Snapdeal violate FDI rules, alleges CAIT. *New Indian Express*. Retrieved from <http://www.newindianexpress.com/business/2017/sep/23/amazon-flipkart-snapdeal-violate-fdi-rules-alleges-cait-1661751.html>
12. Ezeamalu, B. (2018, September 11). How Nigeria's online stores flout country's tobacco control law. *All Africa*. Retrieved from <https://allafrica.com/stories/201809120011.html>
13. Ekekwe, N. (2017, May). How digital technology is changing farming in Africa. *Harvard Business Review*. Retrieved from <https://hbr.org/2017/05/how-digital-technology-is-changing-farming-in-africa>
14. No Author. (2016, February). Agriculture and food: the rise of digital platforms. *Paris Innovation Review*. Retrieved from <http://parisinnovationreview.com/articles-en/agriculture-and-food-the-rise-of-digital-platforms>
15. Nielson. (2015). *The Future of Grocery e-Commerce, Digital Technology and Changing Shopping Preferences Around the World*. Nielson.
16. Banerjee, S. (2016). Cobweb of the e-Marketplace model: FDI Guidelines for e-Commerce. *Economic and Political Weekly*, 51,36.
17. Government of India. (2017). *Economic survey 2016-17. Department of Economic Affairs. Economic Division. Ministry of Finance*.
18. Inc42. (2017). *State of Indian Agritech 2017. Inc42*

19. AgFunder. (2016). *Agtech Investing Report-Year in Review 2016*. AgFunder. Retrieved from <https://research.agfunder.com/2016/AgFunder-Agtech-Investing-Report-2016.pdf>
20. Morgan Stanley. (2016). *AlphaWise eCommerce Survey: Here Comes Online Grocery*. AlphaWise, Morgan Stanley
21. NITI Aayog. (2018). *Discussion paper on national strategy for Artificial Intelligence*. NITI Aayog. Retrieved from [http://niti.gov.in/writereaddata/files/document\\_publication/NationalStrategy-for-AI-Discussion-Paper.pdf](http://niti.gov.in/writereaddata/files/document_publication/NationalStrategy-for-AI-Discussion-Paper.pdf)
22. No Author. (2017, September). Data driven solutions to support smallholder farmers make climate smart solutions. *ICRISAT Happenings Newsletter*. Retrieved from <https://www.icrisat.org/data-driven-solutions-to-support-smallholder-farmers-make-climate-smart-decisions/>
23. Central Bank of Nigeria. (2014). *Guidelines on Mobile Payment Services in Nigeria*. Central Bank of Nigeria
24. Liebkind, J. (2017). Could Fintech enable a resurgence in predatory lending? *Tech.Co*. Retrieved from <https://tech.co/fintech-resurgence-predatory-lending-2017-04>
25. *Administrative Measures for the Payment Services Provided by Non-financial Institutions* 2010 no.2 (China)
26. Decree No. 106/017, added to the *Financial Inclusion Law* 2014 19.210 (Uruguay).
27. *Proposed Regulation on Cybersecurity Policies and the Procurement of Data Processing, Data Storage, and Other Cloud Computing Services* 2017 57/2017 (Brazil).
28. *Law for the Regulation of Technology-based Financial Institutions* 2017 (Mexico)
29. No Author. (n.d). What are 'FAANG Stocks'. *Investopedia*. Retrieved from <https://www.investopedia.com/terms/f/faang-stocks.asp>
30. No Author. (n.d). Where is Netflix available? *Netflix*. Retrieved from <https://help.netflix.com/en/node/14164>
31. *Audiovisual Law* 2001 no.8401 (Brazil)
32. *Rouanet Law* 2006 (Brazil)
33. *Ancine Regulatory Notice on VoD Service* 2018 (Brazil)
34. No Author. (2018, June 22). Asean VOD services announce content code. *Bangkok Post*. Retrieved from <https://www.bangkokpost.com/business/news/1490014/asean-vod-services-announce-content-code>
35. Jain, M. (2015, November 3). This online company provides maids - and let's you pick them by religion and region. *Scroll*. Retrieved from <https://scroll.in/article/766490/this-online-company-provides-maids-and-lets-you-pick-them-by-religion-and-region>
36. *Domestic Workers Act* 2013 No. 10361 (Philippines)
37. Morris, H. (2017, November 9). The world's most prolific Airbnb owner has 881 properties in London and earns £11.9m a year. *Telegraph*. Retrieved from <https://www.telegraph.co.uk/travel/news/airbnb-top-earnings-cities-landlords/>
38. Silver, J. (2018, August 23). The Airbnb and the short term rental revolution. *The Conversation*. Retrieved from <https://theconversation.com/airbnb-and-the-short-term-rental-revolution-how-english-cities-are-suffering-101720>
39. Alba, D. (2016, June). Airbnb is none too pleased about San Francisco's new crackdown. *Wired*. Retrieved from <https://www.wired.com/2016/06/airbnb-none-pleased-san-franciscos-new-crackdown/>
40. *French Digital Republic Act* 2016 Art.51 (France)
41. *Décret n° 2017-678 to the Tourism Code* 2017 (France)
42. *Ordinance on the Regional Tax on Tourist Accommodation Establishments* 2016. No.2017-678 (Belgium)
43. *The Personal Information Protection and Electronic Documents Act (PIPEDA) 2015* (Canada)
44. Sen, A. (1999). *Development as Freedom*. Oxford: Oxford University Press.
45. Rodriguez-Montemayor, E. (2018, July 18). How the digital economy has exacerbated inequality. *INSEAD*. Retrieved from <https://knowledge.insead.edu/responsibility/how-the-digital-economy-has-exacerbated-inequality-9726>

46. Sassen, S. (2014). *Expulsions: Brutality and Complexity in the Global Economy*. Harvard University Press.
47. An important step in this direction is the Working Group on Measuring E-commerce and the Digital Economy set up by UNCTAD in February 2018.
48. Gurumurthy, A., & Chami, N. (2018). Data frameworks for a right to development (2018). *UNRISD*. Retrieved from <http://www.unrisd.org/TechAndHumanRights-Gurumurthy-Chami>
49. See reference 2.
50. Scholz, T. (2016). Platform cooperativism. Challenging the corporate sharing economy. *Rosa Luxemburg Stiftung*
51. *French Labor Code* 2018. Art. L7342-1 (France).
52. Finley, K. (2018, May). A California ruling threatens the gig economy. *Wired*. Retrieved from <https://www.wired.com/story/a-california-ruling-threatens-the-gig-economy/>
53. *French Digital Republic Act* 2016 (France).
54. *French Consumer Code* 2017 (France).
55. McKinsey. (2015). *Playing to Win: The New Global Competition for Corporate Profits*. McKinsey.
56. Pan, L., & Woelderens, S. (2017). *Platforms: Bigger, Faster, Stronger*. ING. Retrieved from <https://www.ingwb.com/media/1985605/platform-foundations-report-20170706.pdf>
57. Oxfam. (2018). Reward work, not wealth. *Oxfam Briefing Paper*. Retrieved from [https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file\\_attachments/bp-reward-work-not-wealth-220118-en.pdf](https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-reward-work-not-wealth-220118-en.pdf)
58. UNCTAD. (2018). *Digital trade and industrialisation: Perspectives from the south*. UNCTAD. Retrieved from [http://unctad.org/meetings/en/SessionalDocuments/gdsecidc20180308\\_Key%20Messages%20of%20the%20Meeting.pdf](http://unctad.org/meetings/en/SessionalDocuments/gdsecidc20180308_Key%20Messages%20of%20the%20Meeting.pdf)
59. See reference 45.
60. The Economist. (2016). *The Rise of the Superstars. Special Report*. Retrieved from [http://www.economist.com/sites/default/files/20160917\\_companies.pdf](http://www.economist.com/sites/default/files/20160917_companies.pdf)
61. IT for Change. (2017). Draft input text for the UN treaty on TNCs and human rights. *IT for Change* Retrieved from <https://www.itforchange.net/draft-treaty-on-transnational-corporations-and-human-rights>
62. Castells, M. (2017). *Another Economy is Possible: Culture and Economy in a Time of Crisis*. John Wiley & Sons.
63. No Author. (2013, March). All eyes on the sharing economy. *The Economist*. Retrieved from <https://www.economist.com/technology-quarterly/2013/03/09/all-eyes-on-the-sharing-economy>
64. Lanfranchi, G., & Madariaga, J. (2018). Collaborative cities: the digital economy transforming urban development in G. Lanfranchi, & J. Madariaga., (Ed) *Urban Transport in the Sharing Economy Era-Collaborative Cities*. CIPPEC. Retrieved from [http://www.cippec.org/wp-content/uploads/2018/09/UrbanTransport-completo-web\\_CIPPEC.pdf](http://www.cippec.org/wp-content/uploads/2018/09/UrbanTransport-completo-web_CIPPEC.pdf)
65. ILO. (2015). *Public policy in the social and solidarity economy: Towards a favourable environment*. ILO. Retrieved from [https://www.ilo.org/global/topics/cooperatives/publications/WCMS\\_535625/lang-en/index.htm](https://www.ilo.org/global/topics/cooperatives/publications/WCMS_535625/lang-en/index.htm)
66. *Law on the Social and Solidarity Economy (SSE)* 2014. No. 2014-856 (France).
67. Bauwens, M., & Restakis, J. (2015). *Commons Transition: Policy Proposals for an Open Knowledge Commons Society*. P2P Foundation: Amsterdam.
68. See reference 50.

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