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# The Hilfr agreement

Negotiating the platform economy in Denmark

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#### 1. Introduction

Since 2010, a number of digital labour platforms like Uber, Wolt and Hilfr have emerged on the Danish labour market. Digital labour platforms are websites and apps that mediate small or larger tasks (gigs) between customers and freelancers – for instance within cleaning, transportation or software development (Ilsøe and Madsen 2018). The size of the Danish platform economy is still limited. Around 1 per cent of Danes have generated income via a labour platform during the last year – often as a supplement to other income sources (Ilsøe and Larsen 2020).

The emergence of labour platforms have sparked debates on the level of wage and working conditions on the platforms and the lack of employer status (Ilsøe and Madsen 2017; Munkholm & Schjøler 2018; Soested & Munkholm 2018). However, we also find recent examples of collective bargaining in the Danish platform economy. In 2018, the cleaning platform Hilfr (see box) and the union The United Federation of Danish Workers (3F) negotiated the first platform agreement in Denmark. Since then, other platforms have initiated similar or different bargaining processes (Ilsøe and Larsen 2020).

#### What is Hilfr?



Hilfr is a Danish-owned digital labour platform founded in 2017, which facilitates cleaning gigs in private households. Today, it operates in all major

Danish cities and serves approximately 1.700 customers and 216 active workers. Hilf is only one of many online platforms that facilitate cleaning services in Denmark. The Danish-owned cleaning platform Happy Helper is the largest player - Hilfr is the second largest.

In this report, we examine the possibilities and challenges for the Danish industrial relations system, the so-called Danish model, in the platform economy. We do so by investigating the first collective agreement negotiated by a Danish platform, the Hilfr-agreement, and ask the questions how and with what results negotiations took place. Our analysis is based on nine qualitative interviews with the negotiating parties (the trade unions and the platform company), platform workers, employers' associations and government officials (see Table 1).

Table 1: Overview of interviewees

Platform workers (Super Hilfrs active on Hilfr)	2
Platform CEOs (owners of Hilfr)	3
Government representatives	1
Union representatives	2
Representatives from employers' associations	1

The interview data was triangulated with empirical material arising from desk research conducted during 2017-2020. The empirical work was conducted as part of three research projects; DIGIWORK funded by The Danish Chamber of Commerce (Dansk Erhverv) (DE) and The National Union of Commercial and Clerical Employees (HK), IRSDACE funded by the European Commission and The Future of Work funded by the Nordic Council of Ministers. Most interviews were conducted in 2018-2019 followed up by a few interviews in 2020 to get updated information. All interviews were either transcribed in full or documented by elaborate notes. Used citations were send to the interviewees for approval.

The report is structured in five sections; Following this introduction, the Danish platform economy and the key features of the Danish industrial relations model is briefly presented as an important background for the Hilfr agreement. The following section analyses the bargaining process and outcome based on interviews with the involved parties. Then, the agreement and its effects are assessed based on interviews with the key negotiators as well as platform workers. The concluding section summarizes the findings as well as discuss their implications and suggest avenues for further research.

## 2. The Danish platform economy and the Danish model

The Danish platform economy emerged around 2010, where foreign-owned labour platforms such as Uber and Upwork arrived. Later, a number of Danishowned start-ups like Happy Helper, Hilfr, Chabber and Meploy entered the market – especially within private services such as cleaning, transport and hotels and restaurants. Today, a wide range of labour platforms operate in Denmark (Ilsøe 2017; Ilsøe and Larsen 2020).

The Danish platform economy remains limited with recent surveys indicating that around 1 percent of Danes have generated income via a digital labour platform within the last year (Ilsøe and Larsen, 2020). This mirrors the picture in the other Nordic countries (Alsos et al. 2017; SOU 2017; Sutela and Pärnänen 2018). Furthermore, income generated via digital labour platforms is often limited in size (less than €3.330 per year) and is often used to supplement other sources of income (Ilsøe and Larsen 2020). Therefore, although platform work seems to be one of the fastest growing employment forms compared to other types of atypical work like temporary agency work and fixed-term contracts, it remains a marginal phenomenon in Denmark like in the other Nordic countries (Larsen and Ilsøe, 2019).

Despite the limited size, digital labour platforms have sparked a lot of debate in the media as well as and among politicians and social partners in Denmark –

especially from 2016 and onwards (Ilsøe 2017). Key topics have been tax payments, taxi regulations, competition rules, social contributions and the employment status of platform workers (Ilsøe and Madsen 2018). Some commentators suggest that digital labour platforms challenge the very core of the Danish industrial relations system, as most of them operate without collective bargaining coverage and membership of unions and employers' associations (Munkholm & Schjøler 2018).

The Danish Industrial Relations (IR) system is often characterized as a highly voluntaristic model as wages and working conditions are primarily regulated through collective agreements negotiated between unions and employers associations (Due et al. 1994). This voluntarism is supported by three other core elements; Strong unions and employers associations, central coordination of collective bargaining and industrial actions as well as consensus-based relations between unions and employers (Due et al. 1994). Both the union density (63%) and the collective agreement coverage (84 %) in Denmark is comparatively high (Larsen 2019). Furthermore, the number of wildcat strikes as well as legal strikes have decreased over the last decades (DA 2020). Unlike many other countries, labour laws play a limited role in Denmark in key areas of the employment relationship. For example, Denmark has no statutory minimum wage. In sum, the Danish model is characterized by (Due et al. 1994):

- *Voluntarism* self-regulation by agreement
- *Organisation* high membership rates on both sides of industry and high coverage by collective agreements
- *Centralisation* strong coordination of sector-level bargaining through multi-employer agreements and of industrial action
- *Consensus* consensus-based relations between unions and employers with room for conflict

Compared to other parts of the otherwise densely regulated Danish labour markets, the situation is very different as to digital labour platforms. Most digital platform workers are considered to be self-employed, which leave them with limited, if no coverage from collective agreements and labour laws (Ilsøe and Larsen 2020; Soested & Munkholm 2018). However, Danish social partners, especially trade unions, have with varying success attempted to cover platforms workers through collective agreements (Munkholm & Schjøler 2018; Ilsøe and Madsen 2018). We will use our analysis of the Hilfr agreement as a prism to discuss whether the core elements of the Danish model apply to this part of the Danish labour market as well as discuss the implications of the platform economy for the Danish bargaining model in the long-term perspective.

## 3. Negotiating the Hifr agreement – motivation and results

Hilfr was founded in 2017 and started off by facilitating freelancers like other cleaning platforms operating in Denmark. In fact, a number of start-up cleaning platforms emerged around that time. Happy Helper was the first cleaning platform to emerge in Denmark in early 2016, and was soon after followed by Cleady (2016), Hilfr (2017) and a number of other smaller platforms. In 2019, Happy Helper took over Cleady and is now the largest player among the cleaning platforms in Denmark followed by Hilfr. Unlike its competitors, Hilfr from the beginning decided to pay a so-called 'welfare supplement' (20 DKK/€3 per hour as a compensation for the lack of social contributions) to all freelancers on top of their wages.

The rapid growth of digital labour platforms in the market for cleaning in private households was no surprise to many commentators. In Denmark, the private cleaning sector is less well covered by collective agreement than other sectors (Larsen et al. 2019; Mailand and Larsen, 2020). Undeclared work is also widespread in the part of the cleaning sector taking place in private households (Bentsen et al. 2018). Therefore, providing cleaning services to private households were considered an attractive business opportunity by many digital platforms, and several of the platforms have argued that their platform would help whitewash the black market, although this statement has been up for debate (Ilsøe and Madsen 2018; Ilsøe and Larsen 2020).

In 2018, Hilfr initiated negotiations with The United Federation of Danish Workers (3F), which represents workers within the cleaning sector, with the aim of developing orderly conditions in the platform economy. For Hilfr, this was a business strategy to develop their business and differentiate themselves in the market of cleaning platforms. For 3F, the aim was to lift workers' wages and working conditions, however, they were quite hesitant to negotiate in the beginning. It played a role for 3F that there was no competing sector-level agreement for cleaning in private households. This paved the way for negotiations that perhaps do not meet the overall level of wage and working conditions found in many sector-level agreements. Furthermore, negotiations took place simultaneously with a tripartite commission focusing on among others digital platforms, i.e. the Disruption Council (2017-2019), which included all ministers, major unions and employers' organizations in Denmark as well as a number of company representatives. This might have supported the conclusion of an agreement.

In April 2018, the negotiating parties were able to sign the first company agreement on a digital platform in Denmark<sup>1</sup>. The former Danish Prime Minister Lars Løkke Rasmussen launched the agreement at a high-level

 $<sup>{}^{1}\,\</sup>underline{\text{https://www.3f.dk/fagforening/fag/rengoeringsassistent-(privatansat)/overenskomsten-}}\\ \underline{\text{hilfr}}$ 

conference with an opening talk. The presidents from both 3F and DI also attended the conference<sup>2</sup>. The Hilfr agreement also attracted a lot of international attention and has been subject to analysis by international researchers (Prassl 2018; Vandaele 2018). The Confederation of Danish Trade Unions (FH) translated the agreement into English to allow the international audience to read it.

Table 2: Freelance vs. Super Hilfr - wage and working conditions

Freelance Hilfr	Super Hilfr
The Hilfr is a freelancer	The Hilfr is employed by Hilfr ApS
The Hilfr sets his/her own hourly rate	The minimum salary is 141.21 DKK/hour but the Hilfr can choose to raise the pay
	The Hilfr gets pension, holiday pay and sickness pay.
Both Hilfr and customer are covered by insurance from Tryg.	Both Hilfr and customer are covered by insurance from Tryg.
The Hilfr must file a tax report and is obliged to do it correctly.	Hilfr.dk reports the income directly to the tax authorities = guaranteed correct tax payments
Customers need the individual CPR- number of Hilfr(s) to get the Danish 'servicefradrag' (a tax deduction scheme)	Customers can use Hilfr ApS CVR number for the Danish 'servicefradrag' (a tax deduction scheme).
A freelance Hilfr is free to choose to be employed as a Super Hilfr.	Super Hilfrs typically have vast cleaning experience through Hilfr or other cleaning companies.

Source: Hilfr.dk

The agreement came into force on 1 August 2018, and was a pilot scheme that the negotiating parties agreed to evaluate after a year. The collective agreement introduces a new category of workers – the so-called Super Hilfrs – in parallel with the existing freelance workers, so-called Freelance Hilfrs (See Table 2). Super Hilfrs are workers that opt for the status of employee rather than freelancer and will be covered by the company agreement. After working 100 hours, a Freelance Hilfr automatically becomes a Super Hilfr (unless he or she objects to - or choose to become a Super Hilfr earlier). Super Hilfrs receive a minimum hourly wage of DKK 141 (€ 19) and accrue rights to pensions,

<sup>&</sup>lt;sup>2</sup> https://fagbladet3f.dk/artikel/rengoeringsplatform-indgaar-aftale-med-3f

holiday entitlements and sick pay. Freelance Hilfrs' hourly wage is typically DKK 130 (€ 17) and they also receive a so-called 'welfare supplement' of DKK 20 (€ 3) per hour. Both Freelance and Super Hilfrs can set their hourly wage higher on their individual profile on the platform. All workers are covered by an insurance scheme that Hilfr holds via the private insurance company Tryg. Tryg offers insurance solutions to a number of Danish-owned labour platforms, which include coverage for liability and accidents.

The agreement also includes social benefits like pensions, paid holiday entitlements and sick pay for the Super Hilfrs, although at a somewhat lower level than in comparable sector-level agreements such as the collective agreement covering the industrial cleaning sector (Larsen et al. 2019). However, the Hilfr agreement stipulates explicitly that the agreement is designed as a staircase model, where the levels are expected to be re-negotiated in the future. The agreement also explicitly mentions that social benefits such as further training, paid maternity leave and rules on shop stewards are planned to be discussed in future re-negotiations.

There are also a number of novel elements included in the Hilfr agreement, which are rare phenomena in the Danish collective bargaining system and have been up for debate (Munkholm and Schjøler 2018). The innovative elements in the Hilfr agreement include:

- Status as Super Hilfr is optional: It is optional for the individual platform worker to become a Super Hilfr, i.e. to become an employee and thus be covered by the agreement.
- Super Hilfrs can set their own hourly wage at their own discretion, which is rather unusual for employees covered by collective agreement.
- Shorter notice periods than comparable collective agreements: The notice period for both workers and platform is 2 weeks within the first 6 months of employment as a Super Hilfr. This is shorter than in most other agreements, which typically operate with a pilot phase of three months.
- Disputes about interpretations and breach of the agreement can only be solved by arbitration: This is in sharp contrast to most other collective agreements in Denmark, where disputes about breaches can be brought before the labour court.
- Regulations on digital data included in the agreement: The agreement includes sections on digital data, like profiles and ratings, to secure both workers' rights and company rights. For instance, deleting profiles on the platform is considered as a dismissal that should only happen after a certain notice period given by the platform. Workers are also granted the rights to request a removal of violating language and pictures from their profile and ratings.

## 4. Evaluating the agreement - opportunities and challenges

The option to acquire employee status via the Hilfr agreement, i.e. to become a Super Hilfr, seemed to be successful in practice. Quite quickly (early 2019), more than a third of the cleaning jobs on Hilfr were provided by Super Hilfrs, although this share seems to have slightly stagnated throughout  $2019^3$ . Today, many of the Super Hilfrs also set their hourly price higher than the minimum threshold of DKK 141 ( $\epsilon$  19), which also indicate a positive knock-on effect on wages. Furthermore, the Super Hilfrs interviewed seemed highly satisfied with their work, especially the inherited flexibility of working when and where it suits other parts of their lives:

"I think like this. I don't have an appointment every morning I need to go at 8 o'clock. I post when I want to work and how much I want to work, so it gives me a bit of freedom. This is very good, and I think that the salary also is okay [...] It's freedom and money at the same time and it's very fast because I remember when I did the registration then the next day I had a job." (Super Hilfr A)

The Super Hilfrs also appeared to appreciate the security associated with being covered by a collective agreement. This has to do both with a sense of safety and an easier administration of tax-related issues:

"I think it's a smart move for them to have made the agreement, because it puts both the cleaner and the customers in a safer situation by knowing that, if something happens, you should be able to get help with it. I think it makes you more comfortable choosing Hilfr. Furthermore, I do not have to count my hours myself and self-report taxes every month as I should before. That's probably the most significant difference in being a freelancer and a non-freelancer." (Super Hilfr B)

Also the customers seem to appreciate that Hilfr offers 'orderly' conditions and an easier interaction with the tax authorities:

 $<sup>^3\ \</sup>underline{https://www.dr.dk/nyheder/penge/kun-hver-syvende-rengoeringsmedarbejder-er-paa-\underline{banebrydende-overenskomst}}$ 

"Many of the customers say that they appreciate to hire a Super Hilfr because they like to know that things are in control. They are tired of people being underpaid. Also, they would like to have the tax-deduction that they are entitled to if they hire cleaners via the platform" (Super Hilfr B)

Working as a Super Hilfr also appears to be an activity that they often combine with other cleaning jobs (industrial cleaning or cleaning in private households via other platforms like Happy Helper) and/or study activities and for certain periods of time. Previous experiences with cleaning jobs seem to count when choosing to work via Hilfr.

According to Hilfr, most workers registered are young people. Many are young migrants looking for easy accessible work with low entry requirements or students looking for a flexible way to supplement their state funded student allowances without interfering with their scheduled study activities. Some of them are both migrants and students, who need both these forms of flexibility – 1. an easy and fast way to start working and 2. a very flexible scheduling of hours:

"It's very good for foreign people who study in Denmark, I think. They work a little bit and learn also. You just do a registration on the site, and the next day you have a job, you have a small money. It's much help for somebody who does not know the country." (Super Hilfr A)

At the time of writing (Spring 2020), the total number of Super Hilfrs stood at 36, whereas the platform facilitated 180 Freelance Hilfrs. These numbers include workers that have a profile and have been active within the last three months. Still, the Super Hilfrs do more than one-third of the cleaning jobs undertaken via the platform. According to the company, the agreement has increased the visibility of the platform and contributed to a significant branding of the platform as a socially responsible player in the Danish platform economy. However, it is still a challenge to grow - perhaps due to the unfair competition compared to other platforms that only operate with freelancers:

"Hilfr has positioned itself in the market as socially responsible compared to other platforms. However, it is a challenge to increase the number of Super Hilfrs perhaps due to the lower prices on other platforms" (Hilfr CEO)

Previous evaluations of a sample of five platform by the Danish tax authorities have shown that up to 95 percent of platform freelancers fail to report their income and pay their taxes<sup>4</sup>. The lack of tax payments leave the platform workers with the full hourly payment in their pocket and perhaps this makes lower hourly rates more acceptable. Furthermore, if the platform workers earn less than 50.000 DKK per year they do not have to register with a VAT number and pay VAT (25 percent), which increases the price difference between Super Hilfrs and other freelancers even further. Hilfr must pay VAT for all earnings made by Super Hilfrs – there is no minimum VAT threshold for employees.

Another challenge seems to be associated with trade unions organizing platform workers. No figures are available as to the union density among platform workers, but neither of the two platform workers interviewed were union members and they did not consider joining a union. Firstly, they perceived their job as temporary and secondly, they thought that the membership fee is too high compared with their earnings. In Denmark, union fees are based on a monthly flat rate, irrespectively of union members' earnings, which is in sharp contrast to other European countries, such as Germany, France, Portugal and the UK, where the membership fee is earnings related – typically one percent of total taxable income (Larsen 2019). Furthermore, the owners of Hilfr raised the issue about the low union density among platform workers. The fact that 3F does not organize platform workers in any significant number raises the question of representativeness as well as whether the content of the agreement actually represents the needs and wishes of the workers:

"It is problematic if only the company has to tell what the workers want. We do not have the full picture of what the workers actually would like to have. Are they interested in these old products we negotiate with the unions? Part of this problem also relates to the fact that many of the workers are foreigners who do not know about collective agreements and the Danish model, because they grew up somewhere else." (Hilfr CEO)

During summer 2019, the bargaining parties evaluated the agreement as agreed in the pilot scheme. This included a focus group among Super Hilfrs about their job experiences. After this, Hilfr and 3F initiated the planned re-negotiations of the pilot agreement. These negotiations are still ongoing at the time of writing and the parties have prolonged the existing agreement until a new agreement has been signed. The re-negotiations also involve The Confederation of Danish

<sup>&</sup>lt;sup>4</sup> https://fagbladet3f.dk/artikel/platform-medarbejdere-opgiver-ikke-korrekt-indkomst

Industries (DI), which Hilfr has joined as an associated member since the first round of negotiations took place in early 2018. Furthermore, the involved parties are also testing the grounds for developing a sector-level agreement with inspiration from the pilot agreement.

#### 5. Conclusion and discussion

In this report, we have examined the negotiations between the digital labour platform Hilfr and the union 3F as well as the content of the company agreement they concluded in 2018. Our analysis is based on nine qualitative interviews with the negotiating parties, workers and government officials as well as supplementary desk research. It demonstrates that it is possible to use collective agreements as an instrument to improve wage and working conditions in the platform economy as well as the retention of workers on the platform – but not without challenges. Below, we summarize the main findings and discuss their implications for regulating the platform economy via collective agreement within the context of the Danish model.

Both Hilfr and 3F wanted to create orderly conditions in the platform economy. They succeeded in reaching a company agreement with comparable wage levels to other parts of the labour market as well as including a number of social benefits, we typically find in sector-level agreements, e.g. pension, sick pay etc. However, when looking closely at the agreement text, it becomes evident that the overall level of working conditions is somewhat lower than in comparable sector-level agreements in private services. This is unsurprising, as most start-up companies are not able to meet the overall level of current sector-level agreements. Furthermore, the agreement is explicitly designed to be a staircase model, where future negotiations (including the ongoing re-negotiations) aim to lift the level of wage and working conditions gradually. A number of contextual factors seem to have played an important role for paving the way for such a novel type of company agreement:

- Social responsibility as a clear business strategy: Hilfr had a clear business strategy to differentiate themselves in the market for cleaning platforms as socially responsible.
- Cleaning in private households as an unregulated market. Cleaning in
  private households is less regulated than other parts of the Danish labour
  market (Mailand and Larsen, 2020), which made it an attractive business
  opportunity for Hilfr and other digital labour platforms. From a union
  perspective, it made it easier to justify a staircase agreement where the
  overall level of wages and working conditions start at a lower level than
  comparable sector-level agreements.

• *Tripartite collaboration as a facilitator*. The government-led Disruption Council supported the dialogue between the involved bargaining parties. The council thus appears to have been a contributing factor for reaching an agreement.

The Hilfr agreement includes a number of novel elements compared to the rest of the Danish collective bargaining system. Most importantly, it is up to the workers themselves to choose between the status as self-employed (Freelance Hilfr) or employee (Super Hilfr), i.e. to be covered by the agreement. Another important novelty is that all disputes – including breaches of the agreements - are to be solved by arbitration and thus cannot be brought before the Danish labour court. Finally, it is important to highlight the innovative sections on digital data, as rights to data are closely linked to dismissals and future employability and earnings.

The agreement quite quickly succeeded to lift the wage and working conditions for a number of platform workers, and the conditions for Super Hilfrs still seem to be improving. However, it has shown more difficult than anticipated to further increase the number of Super Hilfrs over time and to bring existing Super Hilfrs to a de facto full-time schedule. Preferences among both Super Hilfrs and customers seem to play a role in this. Another challenge is the lack of union organizing among platform workers, which leaves the union with little information on the needs and wishes among the workers, when they negotiate. A focus group among Super Hilfrs at 3F has been used to cover this gap, when the pilot scheme was evaluated after the first year. Currently, the parties are renegotiating the agreement.

Compared to the Danish industrial relations model, the Hilfr-agreement displays both similarities and differences. First and foremost, it is a good example of the voluntarist approach dominating the Danish IR-model, i.e. that a company and a union engage in collective bargaining and agree to agreement-based solutions to address urgent challenges. Second, it is only partly a good example of organization. It contributes to coverage by collective agreement – but only for some workers. Hilfr is associated member of DI, but the organisation of the workers in 3F is weak. Third, at the time of writing, it is only to some extent a good example of centralization. The first Hilfr agreement is a company agreement – not a sector-level agreement. However, both negotiating parties are testing the grounds for developing a sector-level agreement during the current re-negotiations, and DI is participating in this process. Fourth, it illustrates the consensus-based relations between Danish employers as unions including the strong focus on arbitration. However, the lack of possibilities for using the labour court is different to the typical conditions in Danish collective agreements. It will be interesting to follow the re-negotiations of the parties. If the social partners succeed in developing a sector-level agreement, negotiations will be more centralized, but it remains unknown if the agreement will include

usage of the labour court. It will also be interesting to follow the strategy by 3F towards organizing the platform workers.

Since the Hilfr-agreement was signed, other agreements have been concluded between digital labour platforms and unions in Denmark. Voocali, a Danishowned platform for translation services, has signed a framework agreement for freelancers with The National Union of Commercial and Clerical Employees (HK) (Ilsøe and Larsen 2019). Currently, negotiation processes are running between 3F and The Danish Chamber of Commerce (DE) - on behalf of the platform Just Eat, which facilitates food delivery. In addition, a number of platforms like Chabber (waiting services etc.) and Meploy (logistics etc.) make use of existing national and European regulation on temporary agency work to hire platform workers as employees (temps) and pay them in line with existing sector-level agreements (Ilsøe and Larsen 2019). We find similar developments and examples in Sweden and Norway (Jesnes 2019; Söderqvist and Bernhardtz 2019). These ongoing processes and practices might indicate that more agreements between trade unions and digital labour platforms will come in the future in Denmark – and within a number of different industries. The first experiences with the Hilfr agreement indicate that agreements can lift wages and working conditions in the platform economy. Time will tell how many platforms and unions that will choose similar avenues and with which speed platform workers will be covered by various agreements.

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