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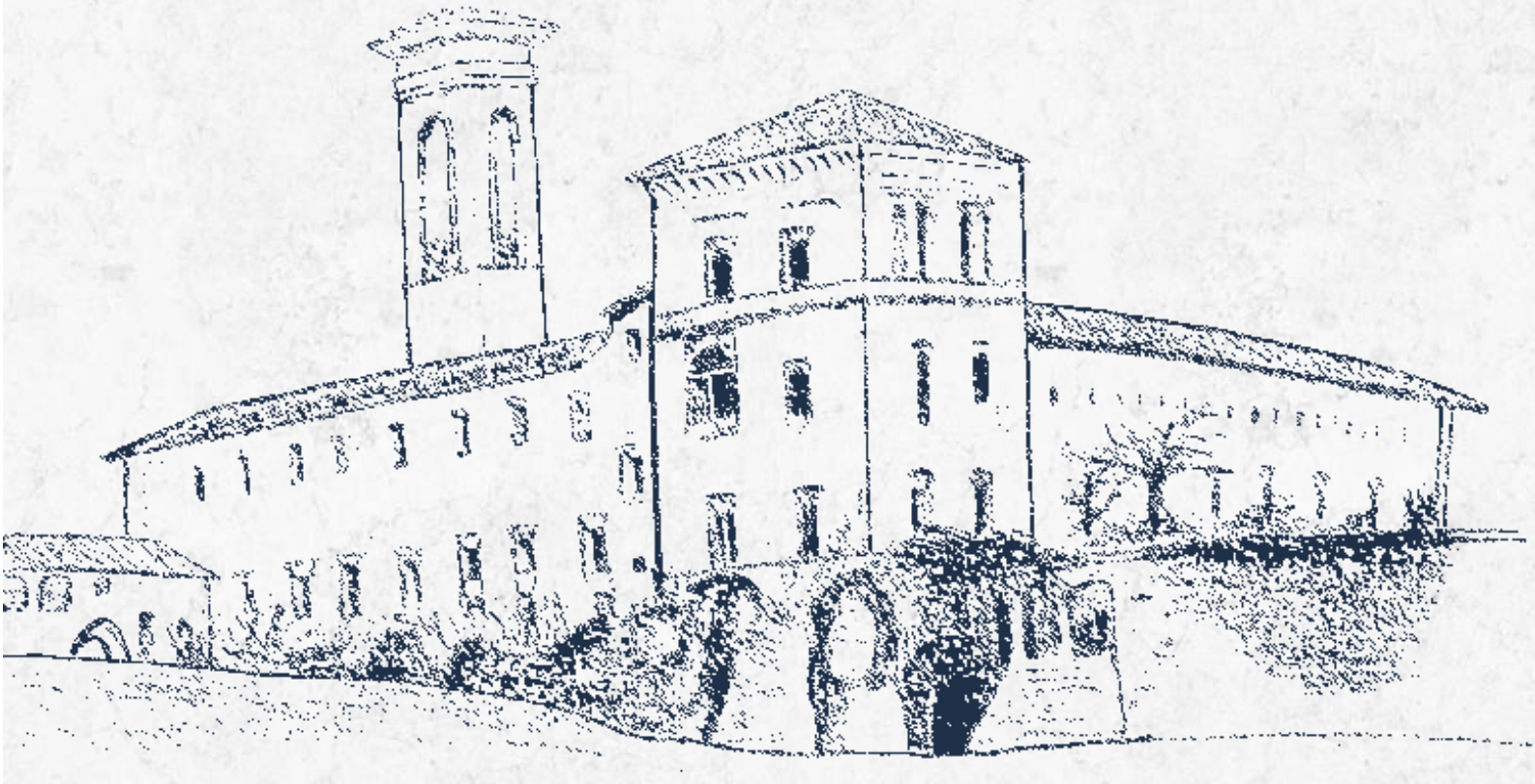

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Are Platform Work Challenges Repurposing Trade Unions as we Know them? The Case of Italy

Eva Lacková *

Abstract. This paper examines the evolving role of trade unions in platform work, addressing transparency and accountability issues related to artificial intelligence and algorithms. It highlights the unexpected focus on "territoriality" over "virtuality" in platform unionism and the challenge of decoding the operations of digital platforms. The opacity of algorithms complicates transparency, making it essential for unions to act as regulatory intermediaries that address legislative gaps and protect workers' interests. Beyond utilising existing legal frameworks like Article 28 of the Workers' Statute, unions are adopting innovative approaches to educate workers, audit algorithms, and promote fair treatment in the digital era.

Keywords: *Trade Unions; Platform Work; Transparency; Algorithms.*

1. A Brief History of Union Activity in the Italian Platform Economy

The digital revolution has been reshaping the landscape of employment, presenting a myriad of novel challenges that demand innovative responses. Among these challenges, it has become essential to advocate—with an emphasis on collective action—for a specific category of non-standard workers, namely digital platform workers. This research paper endeavours to explore aspects of the dynamic evolution of Italian trade unions in the realm of platform-mediated labour, particularly as they navigate the distinct adversities faced by digital platform workers.

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Traditionally entrusted with the task of negotiating collective agreements and addressing concerns about fair compensation and worker classification, trade unions are now confronted with the urgent need to adapt their roles[1] to the unique exigencies of platform-based employment. In addition to their conventional functions, trade unions are increasingly called upon to address emerging issues of transparency and accountability inherent in the deployment of artificial intelligence and algorithms by platform employers.

To gain a comprehensive understanding of the modern complexities surrounding unionism in the platform economy, it may be beneficial to revisit some key concepts from the historical evolution of trade unions.

First of all, what certainly does not represent a novelty is the conflict underpinning the surge of collective action among Italian food couriers working for digital labour platforms—so-called "riders"[2]. The emergence of riders in the labour market coincided with the general crisis of intermediary bodies and representative mechanisms typical[3] of the ongoing interregnum in industrial relations[4]. In a context where traditional unions were asked to consider themselves co-responsible for processes of flexibilisation (i.e. reduction) of workers' protections[5], and where their role was being reshaped into organisations with almost no conflictual agenda[6], the newly formed representatives of platform workers resembled the

[1] M. Tiraboschi, *Sulla funzione e sull'avvenire del contratto collettivo di lavoro*, in *Diritto delle Relazioni Industriali*, 2022, n. 3, 797.

[2] The Italian scholarly literature on the topic is endless, but to mention just a few: V. De Stefano, *The rise of the "just-in-time workforce": on-demand work, crowdwork, and labour protection in the "gig economy"*, in *Comparative Labour Law and Policy Journal*, 2016, Vol. 37; A. Aloisi, *Commoditized workers: case study research on labour law issues arising from a set of "on-demand/gig economy" platforms*, in *Comparative Labour Law and Policy Journal*, 2016, Vol. 36; A Donini, *Il lavoro attraverso le piattaforme digitali*, Bononia University Press, 2019; R. Voza, *Il lavoro e le piattaforme digitali: the same old story?* in *WP CSDLE "Massimo D'Antona".IT*, 336/2017.

[3] S. Bini, *Lavoro digitale e dimensione collettiva*, in *Sindacalismo*, 2021, n. 47 49. The author underlines that although the situation may seem to be arising from the recent impact of digitisation on work and the economy, the issue is actually the product of a long process of evolution, in which digital transformation is just one of the most emblematic phenomena of the recent phase.

[4] See, for instance F. Martelloni, *Presenza nel conflitto e rappresentatività, nell'interregno del sistema sindacale*, in *Lavoro e diritto*, 2014, n. 1, 57, who, citing Gramsci, describes interregnum as a time full of 'various morbid phenomena' where 'the old is dying and the new cannot be born'.

[5] M. Rusciano, *Contrattazione e sindacato nel diritto del lavoro dopo la l. 28 giugno 2012, n. 92*, in *Argomenti di diritto del lavoro*, 2013, 1285.

[6] M. Forlivesi, *La rappresentanza e la sfida del contropotere nei luoghi di lavoro*, in *Lavoro e diritto*, 2020, n. 4, 688.

primordial forms of union organisation. Their initial collective actions clearly bore the mark of a conflict of interest—and thus an interest in conflict[7]—within the scope of contractual relationships aimed at achieving common goals, representing a typical case of de facto unionism[8]. At this stage—and echoing historical precedents[9]—the right of these workers to engage in conflictual action was not expressly recognised[10].

The platforms entered the labour market presumably envisioning a return to a century-old scenario marked by imperfect and compromised workers' rights. Multiple examples of this attitude can be found in Italian case law; one notable instance is the Deliveroo-owned algorithm "Frank," which the Court of Bologna declared to discriminate against riders in relation to their participation in strikes[11]. Consequently, labour platforms seem to operate under a regime of "self-constitutionalisation," where the enterprise establishes its own normative authority, thereby neglecting democracy and its most rebellious tool—conflict[12].

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[7] For the analysis of the meaning of the collective interest see M. V. Ballestrero, *Interesse collettivo e conflitto*, in *Lavoro e Diritto*, 2018, n. 3, 416.

[8] M. Forlivesi, *Interessi collettivi e rappresentanza dei lavoratori del web*, in P. Tullini (eds.), *Web e lavoro. Profili evolutivi e di tutela*, Giappichelli Editore, 2017, 190 -191. The author compares the situation of platform workers to the experiences of Italian sharecrop farmers, that, although not formally recognised as subordinate workers, were granted to right to strike and organise in unions given the intrinsic asymmetry of the contractual relationship.

[9] Almost hundred years ago, Italian lawmakers safeguarded freedom of association but deprived it of its adversarial aspect: the right to strike, criminally punishable under the Penal Code Rocco. In particular, articles 502-508 of the Real Decree from 19 October 1930, n. 1398 sanctioned as crimes against the public economy all means of trade union struggle (strike, lockout, boycott, arbitrary occupation of companies, sabotage); however, these criminal offenses were contained in the previously applicable regulations since 1926. In essence, freedom of trade union association ceased where collective conflict began, resulting in a distorted understanding of the link between freedom of association and freedom of action, despite its crucial importance in industrial relations. With the words of a distinguished member of Italian legal scholarship, «primitivism of such scenario» is clear to everyone today. U. Romagnoli, *La libertà sindacale, oggi*, in *Lavoro e Diritto*, 2000, n. 4, 658-659.

[10] At the time considered dubious even by some scholarship, see, for instance, E. Dagnino, Il *lavoro nella on-demand economy: esigenze di tutela e prospettive regolatorie*, in *Labour & Law Issues*, 2015, vol. 1, n. 2, 92, claiming that «the abstention from work carried out by participants in platform work does not seem to be able to be classified as a strike and, depending on the form it may take, could lead to retaliatory actions by the platform or clients».

[11] Court of Bologna, 30 December 2020.

[12] In this sense, tapping into the scholarship of G. Teubner, see V. Bavaro, *Lo sciopero e il diritto fra innovazione, tradizione e ragione pratica,* in *Lavoro e Diritto*, 2015, n. 2, 308.

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The new "digital precariat" is, therefore, driven by the same fundamental interests that historically spurred labour organisation during the industrial revolution, particularly focusing on wages, job security, and working conditions. Additionally, they share common forms of conflictual tools and tactics typical of emerging working classes struggling over the commodification of labour[13], namely demonstrations, strikes (e.g. net strikes or digital picket lines), and other—less official—forms of labour withdrawal (e.g. log-offs). For instance, the first-ever strike of riders organised by their grassroots organisation in Turin in 2016 led to the immediate dismissal of eight platform workers, which ultimately resulted in the landmark Foodora case and the Supreme Court ruling in favour of the hetero-organised workers[14].

It can therefore be assumed that the exercise of *ius resistendi* by platform workers represents a reiteration of the socio-political movement against a new (digital) power-profit complex.

Secondly, not much seems to have changed regarding the behaviours and motivations of the two antagonists in the collective conflict. On one hand, there is the catastrophic techno-deterministic rhetoric[15] and obstructive

[13] The above described state of tension is identified by Silver as Marx-type labour unrest, and it occurs as capitalism expands, creating new industries and concentrations of workers. This unrest typically involves disputes over wages and working conditions. In contrast, Polanyi-type labour unrest arises in response to increased commodification and intensified global economic competition and it is often linked to traditional working classes facing the dismantling of established social arrangements. Depending on the location, both types of unrest have been alternating or cohabited simultaneously since the Industrial revolution. B. J. Silver, *Forces of Labor. Workers' movements and globalization since 1870*, Cambridge University Press, 2003, 16-19.

[14] The Italian Supreme Court with the ruling of 25 January 2020, n. 1663, along with the legislative revision of Article 2 of Legislative Decree No. 81/2015, intentionally disregarded the concept of hetero-direction and extended legal protections to hetero-organised workers. According to the Court, the principle of subordination also applies to work that are legally self-employed but exhibit 'hetero-organisation, accompanied by personality and continuity of performance, to the extent that the collaborator becomes comparable to an employee', thus justifying 'equivalent protection and, therefore, the remedy of full application of the discipline of subordinate work'. For the in-depth analysis of the Supreme Court ruling see, for instance: V. Nuzzo, *Il confine delle tutele lavoristiche, oggi*, in *Costituzionalismo.it – A cinquant'anni dallo Statuto dei lavoratori, nuove tecnologie e società della sorveglianza*, 2020, vol.1.

[15] The war of competing narratives is in progress: on one side, conventional narrative portrays platforms as agents promoting fairer labour markets, economic growth and flexibility, while on the other, a counter-narrative seeks to deflate the techno-deterministic bubble. F. Pasquale, *Two narratives of platform capitalism*, in *Yale Law & Policy Review*, 2016, vol. 35, n. 1, 309-320.

attitude of the platform employers towards the emergence of collective workers' demands; on the other hand, the "social movement unionism"[16] of food delivery couriers creates a surprisingly strong counterbalance to platform capitalism, akin to the activism of factory workers in the late 1960s.

In the case of the former, the techno-deterministic narrative advanced by digital platform employers emerges from an ideology in which technological innovation is proposed as an impartial force, serving as a catalyst for societal transformation. This narrative operates on the fallacious assumption that technology alone drives social change—an idea reinforced by the gradual evolution of modern technologies culminating in new forms of employment characterised by what can be regarded as a distorted manifestation of technological expertise or a "perverse expression of *techne*."[17] Platforms, heavily reliant on AI and algorithms to orchestrate labour dynamics, are not only heralded as a novel business model but also celebrated as pioneers of a new labour paradigm[18].

A quintessential example of this narrative is the Italian Assodelivery Union. Assodelivery, the primary employers' association in the food delivery sector, was established on 7 November 2018, initially comprising Deliveroo, Glovo, Uber, and Just Eat. Despite early attempts at dialogue, Assodelivery appeared intent on obstructing sector regulation rather than reaching agreements. Eventually—shortly after the entry into force of Legislative Decree 81/2015—Assodelivery was compelled to pursue prompt self-regulation, ultimately forming an agreement with the UGL Union (known as the "CCNL Rider") which allowed platforms to maintain their business model by circumventing labour protections.

Regarding the riders' attitudes, the prevailing perception of the platform economy as a domain resistant to unionisation contradicts the actual sentiments and intentions of platform workers. Influenced by ideology and shaped by the rhetoric of digital labour platforms themselves, this perception portrays platform work as devoid of unions, with workers perceived as fiercely independent and uninterested or even hostile towards

[16] See R. E. Chesta, L. Zamponi, C. Caciagli*, Labour activism and social movement unionism in the gig economy. Food delivery workers' struggles in Italy*, in *Partecipazione e conflitto*, 2019, vol. 12, n. 3.

[17] S. Žižek, *In defence of lost causes*, Verso, 2008, 447-452.

[18] A broad academic consensus exists about the nature of platform capitalism, where the orchestration and implementation of work through digital platforms are embedded within a context characterised by «monopolistic tendencies, concentrated economic and political authority, and entrenched culture of systematic regulatory evasion». J. Peck, R. Phillips, *The platform conjuncture*, in *Sociologica*, 2020, vol.14, n. 3, 73.

unionisation. However, not only is the general sympathy towards trade unions greater compared to other workers in the labour market[19], but the actual mobilisation undertaken across major Italian cities since 2016 counters bleak predictions about the difficulties of "organising the unorganised".[20]

When it comes to the triggering factors for both unionisation and various forms of collective unrest, fair compensation emerges as the predominant motivator. Arguably, factors such as employment status and algorithmic control play a minor role, despite being extensively discussed in academic circles; last but not least, health and safety concerns constitute a significant proportion of protest motivations, with indications of an increase over time, potentially influenced by the Covid-19 pandemic[21].

2. Local Platform Unionism and Elements of Organisational Creativity

In the case of Italian mobilisation, traditional unions initially opted to remain on the periphery during the early years of riders' organising efforts, despite the existing institutional framework and available power resources. Instead, various forms of semi-mature[22] self-organisation among platform workers have flourished since 2016.

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[19] According to a recent ILO survey, a significant majority of platform workers in Europe, approximately 69,2 percent, hold favourable views towards unions and more than one in four platform workers express willingness to join a union, in both cases surpassing the general population's inclination. Notably younger platform workers, those with migrant backgrounds, and individuals with lower educational attainment display particularly high levels of openness to future union membership. See K. Vandaele, A. Piasna, W. Zwysen, *Are platform workers willing to unionize? Exploring survey evidence from 14 European countries*, ILO Working Paper n. 106, 2024, 25, https://doi.org/10.54394/QWUL5553.

[20] Recent analysis confirms the tendency to platform workers to union mobilisation and ascribes three main causes for this phenomenon: the visibility of the riders in the urban landscape and the soft power they exercise on companies through the media, the mix of old and new repertoires of action made possible by the new information and communication technologies and the availability of a social infrastructure through social-political spaces and direct social action. See R. E. Chesta, L. Zamponi, C. Caciagli, *op. cit.*

[21] C. Umney *et al.*, *Platform labour unrest in a global perspective: how, where and why do platform workers protest?,* in *Work, Employment and Society*, 2024, vol. 38, n. 1, 16-18. See also V. Trappmann *et al., Global labour unrest on platforms. The case of delivery workers*, Friedrich-Ebert-Stiftung, 2020, available online: https://library.fes.de/pdf-files/iez/16880.pdf.

[22] These practices were implemented thanks to past heritage of the autonomous precarious movement. Previous research on precarious workers' organising in Italy, focusing on movements like 'San Precario', demonstrates how collective identity

Even some Italian grassroots unions, such as Si Cobas and USB, which primarily have experience in the traditional logistics sector, faced challenges in adapting their established tactics—such as warehouse occupations and transport blockades—to the unique dynamics of gig economy food delivery platforms. This discrepancy between the action repertoires familiar to grassroots unions and those aligned with riders' own visions of the dispute hindered effective collaboration in the early years[23]. Therefore, rather than commencing from institutional characteristics, mobilisation practices among precarious workers prioritised a novel approach—placing workers and their interactions with the surrounding environment at the forefront of their unionisation efforts[24].

In this context, it is certainly worth mentioning the experience of Riders Union Bologna, established in 2017 as an instance of metropolitan social unionism. Its objective was to alter the strategies employed by similar grassroots unions representing food delivery couriers in other cities. In contrast to demonstrations held in Milan (by Deliverance) and Turin (Deliverance Project), which focused on the headquarters of platform companies, the Riders Union Bologna opted for direct engagement with local institutions[25].

On 31 May 2018, the Charter of Fundamental Rights of Digital Labour in the Urban Context was signed by the Municipality of Bologna, Riders Union Bologna, CGIL, CISL, UIL, and, on the employer side, by the Bologna-based food delivery platforms Sgnam and MyMenù, which at the time employed over a third of the delivery riders operating within the

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formation among such workers evolved independently of traditional unions, drawing from existing informal organizations and local repertoires of contention. Additionally, they illustrate how these experiences inspired self-organisation in other sectors, highlighting the importance of local socio-political contexts and collective identities in shaping organisational forms and fostering enduring cultures of solidarity. See A. Murgia, G. Selmi, *Inspire and conspire: Italian precarious workers between self-organisation and self-advocacy*, in *Interface*, 2012, vol. 4 n. 2, 181–196.

[23] «Their [i.e. SI-COBAS'] method of fighting is based on blocking [firms'] gates, but what do I have to block here? Should I slash the tires of other [riders]?»
«We speak about apps, Facebook, shitstorming and mailbombing, and then they say 'yes let's go there and block the restaurants' strategically it seems a bit anachronistic to me». L. Cini, V. Maccarrone, A. Tassinari, With *or without U(nions)? Understanding the diversity of gig workers' organizing practices in Italy and the UK*, in *European Journal of Industrial Relations*, 2022, vol. 28, n. 3, 353.

[24] L. Cini, V. Maccarrone, A. Tassinari, *op. cit.,* 343.

[25] F. Martelloni, *Individuale e collettivo: quando i diritti dei lavoratori digitali corrono su due ruote*, in *Labour and Law Issues*, 2018, Vol. 4, No. 1, 21 -22.

municipal territory. In this instance, the local administration demonstrated that it possessed the governance structures necessary to foster collaboration among local stakeholders[26]„ acting as "a guarantor of the credibility of the negotiations process" [27].

Cities provide a new arena in which trade unions can take a leading role in advancing their core objectives of improving workers' well-being. Acknowledging the unions' role "not only as intermediaries between workers and employers, but more importantly as mediators between working citizens and public authorities"[28] increases the prospects of countering, or at least mitigating, the instability stemming from the fragmentation of labour markets.

Moreover, the element of territoriality is intricately linked to another organisational dimension of platform unionism. Territorial adherence serves as a criterion for delineating a perimeter within which to include workers marked by substantial vulnerability derived from the precarious nature of their working conditions[29].

Urban meeting points for riders—initially designated by platform algorithms to enhance the efficiency of deliveries—facilitated camaraderie and discussions among workers, ultimately fostering a sense of collective identity that is indispensable for collective action[30].

It is also important not to overlook that the determination of certain territorial elements serves to identify the spatial entity from which workers' representatives derive their legitimacy and obtain their mandate to negotiate. In the Italian legal system[31], such fundamental organisational particles can be found in the "production unit," defined by a certain level of autonomy and complexity, as well as by dimensional thresholds established by Article 35 of the Law of 20 May 1970, n. 300 (hereinafter

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[26] G. Croce, *L'irresistibile attrazione tra città e lavoro: analisi economica e cambiamento tecnologico*, in *Sindacalismo*, 2021, n. 47, 20-21.

[27] F. Martelloni, *Individuale e collettivo*, cit., 23.

[28] As well as allows the union to recover the spirit of mutualistic experiences from the late nineteenth century. See M. Forlivesi, *La rappresentanza e la sfida del contropotere nei luoghi di lavoro*, in *Lavoro e diritto*, 2020, n. 4, 690.

[29] S. Bini, *op. cit.*, 52.

[30] Such as Deliveroo riders in 2016 took over and repurposed the urban spaces for strike organisation and giving voice to their collective demands. F. Ferrari, M. Graham, *Fissures in algorithmic power: platforms, code and contestation*, in *Cultural Studies*, Taylor and Francis Online, 2021, Vol. 35, Iss. 4-5, 825.

[31] For a broader European overview see A. Aloisi, S. Rainone, N. Contouris, A*n unfinished task? Matching the Platform Work Directive with the EU and international "social acquis"*, ILO Working Paper 101, 2023.

referred to as the Workers' Statute). Consequently, only such units attract the right to establish employee representation bodies[32] (in Italian, "RSA" or "RSU"), which hold numerous significant collective rights, including the right to receive information from the employer regarding the deployment of algorithmic management systems (see infra).

The peculiarities of platforms' entrepreneurial organisation also allow for the identification of production units, thanks to the adaptability of the concept emerging from rich jurisprudential and doctrinal discourse. Today's notion of the production unit extends beyond physical premises, especially in cases where tasks cannot be confined within the company's walls, as is often the case with fleeting and dispersed app-based platform work. In these instances, the production unit is defined by the geographic area where offline work is to be performed, often represented by routes or territories designated for service delivery[33].

Thus, one could argue—in accordance with influential national legal scholarship[34] —that urban spaces hold special significance, as they serve as the territorial perimeter for the performance of services. This assertion is supported by Article 35 of the Workers' Statute, which allows for the formation of a production unit when several organisational nuclei, individually failing to meet the dimensional requirement, can be consolidated if they operate within the same municipal jurisdiction. Consequently, city or neighbourhood boundaries define organised structures with functional independence linked to the service delivery radius, fostering early forms of worker interest concentration for union objectives.

Indeed, further steps are needed to extend the concept of the production unit beyond the classification conundrum surrounding subordination[35] or

[32] Passing over the issue of entitlement to establish the employee representation bodies – directly linked to the subordination/self-employment status of platform workers – suffice to say that some Italian riders fall under the status of subordination or its hetero-organised equivalent (protection-wise), for instance the employees of virtuous platforms such as Just Eat (applying supplementary collective agreement for logistics, freight transport and shipping – *Accordo nazionale integrativo del CCNL Logistica, Trasporto Merci e Spedizione*). Conversely, although those classified as coordinated and continuous workers are not legally entitled to collective representation rights in the workplace pursuing Article 19 of Workers' Statute, they may be able to do so should a collective agreement stipulate it.

[33] Cass. 30 luglio 2019, n. 20520; Cass. 6 agosto 1996, n. 7196.

[34] A. Donini, *Il luogo per l'esercizio dei diritti sindacali: l'unità produttiva nell'impresa frammentata*, in *Labour & Law Issues*, 2019, vol. 5, n. 2, 108 – 110.

[35] For a defence of the teleological interpretation in this sense see A. Bellavista, *L'unità produttiva digitale*, in *Labour & Law Issues*, 2023, vol. 9, n. 1, 105.

to broaden regulation to encompass all local workers employed by different platforms. Choosing the city as a reference boundary has the potential to enhance collaboration and synergy among representation bodies of various digital service platform companies, leading to a genuine conceptual shift from a mere production unit to a bargaining unit[36].

3. The Notion of 'Meaningful' Information for Unions: From Transparency to Comprehension

In the following section, we will underscore the integral connection between information and genuine comprehension of its meaning[37]. Algorithmic management systems immerse workers and their union representatives in a whirlwind of linguistic struggles and the dilution of informative context[38]. This means that not only may workers struggle to understand information about the algorithmic underpinnings of their working arrangements, but the technical jargon can also obscure the fact that any meaningful information is being conveyed at all.

Collective action among platform workers is tied to a broader understanding of the technological processes and the general functioning of the digital interfaces through which work is organised. If "the rapid pace of information dissemination exceeds the worker's legal and/or technological capacity to grasp the managerial rationale and/or changes, the comprehensive overview needed to understand the implications, the ability to request necessary clarifications, and ultimately to oppose decisions affecting them," then consequently, "the role of the worker as the subject of communications regarding their working conditions and the concrete management of the employment relationship is stripped of

[36] For an American concept of appropriate digital bargaining unit see M. Faioli, *Unità produttiva digitale. Perché riformare lo Statuto dei lavoratori*, in *Lavoro Diritti Europa*, 2021, n. 3, 15.

[37] The etymology of the word "information" traces back to Latin roots. *Informare* signifies to give form, to instruct, and subsequently to give news. Furthermore, *informatio* refers to notion, idea, representation, and later evolved to connote instruction, education or culture. Similarly, the term *formare* emphasizes the process of nurturing and developing, particularly through education and training, signifying the role of education in moulding individuals and ideas into their matured forms. https://www.treccani.it/vocabolario/informare/; https://www.treccani.it/vocabolario/informazione/; https://www.treccani.it/vocabolario/formare/.

[38] L. Zappalà, *Appunti su linguaggio, complessità e comprensibilità del lavoro: verso una nuova procedimentalizzazione dei poteri datoriali*, in *WP CSDLE "Massimo D'Antona".IT*, 2022, n. 462, 2-3.

meaning due to the worker's incapacity to comprehend the information." [39].

It is therefore not surprising that some voices within the Italian academic community have expressed doubts about whether the deployment of AI and algorithms in employment could historically be equated to the abolition of slavery or if it resembles its reintroduction more closely.

From a legal perspective[40], we must contend with the indivisibility of two seemingly separate obligations, given that "comprehensibility is not an objective in itself but rather another manifestation of transparency." Thus, the question arises[41]: what effective mechanisms and procedural safeguards must be established to uphold the principles of transparency, comprehensibility, and accountability in algorithmic decision-making?

The only viable solution in the face of the opacity of algorithmic management systems appears to be the establishment of efficient transparency mechanisms, represented by the "normative twinning" between individual and collective profiles. Article 4, paragraph 1, letter b, of the Legislative Decree of 27 June 2022, n. 104 (hereafter: Transparency Decree) has reinforced existing information obligations concerning employment conditions, mandated by the transposition of EU Directive 2019/1152 of 20 June 2019, along with the obligation to inform workers about the use of automated decision-making or monitoring systems (Article 1-bis, Legislative Decree of 26 May 1997, n. 152). Employers must fulfil their obligations through transparent communication of the essential aspects related to such tools, particularly the elements listed in paragraph 2, which pertain to purposes, objectives, and operational logic[42]. According to paragraph 3, workers, via their union representatives, have the right to access data and request further information. The reform of

[39] L. Zappalà, *Appunti su linguaggio*, cit.,13.

[40] F. Costantini, *Intelligenza artificiale, design tecnologico e futuro del lavoro nell'UE: il caso di platform workers*, in *Il lavoro nella giurisprudenza*, 2021, n.12, 1124 ff.

[41] For analysis of the functional variety of the information obligation see: L. Tebano, *I diritti di informazione nel d. lgs. 104/2022. Un ponte oltre la trasparenza*, in *Lavoro Diritti Europa*, 2024, n.1, p.7.

[42] According to Article 1-*bis*, paragraph 2, Legislative Decree no. 152/1997, this disclosure covers various aspects of the employment relationship influenced by the utilisation of automated decision-making and monitoring systems. It includes their objectives, logic, and functionality, along with the types of data collected and the primary parameters employed for programming or training them. This encompasses mechanisms for evaluating performance, measures for controlling automated decisions, processes for correction, and the entity accountable for system quality management. Additionally, it evaluates the accuracy, robustness, and cybersecurity level, while also considering potential discriminatory effects.

the Transparency Decree reflects the spirit of the anticipated[43] European standard outlined in the subsequently adopted Directive of the European Parliament and of the Council on improving working conditions in platform work (hereinafter: Platform Work Directive), which includes not only individual workers but also employee representation bodies at the company level (in Italy, namely RSA/RSU), or the territorial offices of the most representative trade unions at the national level. Thanks to paragraph 6 of Article 1-bis, trade unions are no longer required to collect information on algorithmic management from individual workers; instead, they have direct access to the information necessary for the effective exercise of their protective functions. This national legislative intervention appears to create a sort of "toolbox" against rapid regulatory obsolescence[44] significantly involving social actors in the quest for a new balance between technology and legal safeguards.

The division of obligations between workers and their trade union representatives seems justified by the need to avoid information overload[45], which could arise from merely fulfilling legal obligations that convey meaningless communications to their recipients. While workers remain legitimate recipients, they could become overwhelmed with information devoid of concrete meaning, while collective entities have always been more suitable interlocutors for interpreting the sense of aggregated and technically complex data.

Moreover, both European and Italian legal frameworks concerning information and consultation rights emphasise the need to guarantee appropriate interlocutors in the execution of such rights, most frequently identifiable as the workers' representatives[46]. The recently approved EU Artificial Intelligence Act (AI Act) – Regulation 2024/1689 of 13 June 2024 – specifies in Article 26, paragraph 7 that "before putting into

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[43] See G. Proia, *Trasparenza, prevedibilità e poteri dell'impresa*, in *Labor*, 2022, n. 6, 658.

[44] E. C. Schiavone, *Gli obblighi informative in caso di sistemi decisionali e di monitoraggio automatizzati*, in D. Garofalo, M. Tiraboschi, V. Filì, A. Trojsi (a cura di a cura di), *Trasparenza e attività di cura nei contratti di lavoro. Commentario ai decreti legislativi n. 104 e n. 105 del 2022*, ADAPT Labour Studies, n. 96, 216-217.

[45] J. Adams-Prassl *et al.*, *Regulating algorithmic management: a blueprint,* in *European Labour Law Journal*, 2023, n. 14, 3.

[46] Such interpretation – not always following a straightforward wording of the legal provisions – has been repeatedly confirmed by the scholarship. See, for instance: E. Ales, *Informazione e consultazione nell'impresa, diritto dei lavoratori o dovere del datore di lavoro? Un'analisi comparata*, in *Rivista Italiana di diritto del lavoro*, 2009, n. 2, 221 ff.; G. Verrecchia, *Informazione e consultazione dei lavoratori: i minimi inderogabili nel d.lgs. 25/2007*, in *Diritti Lavori Mercati*, 2008, n. 2, 365 ff.

service or using a high-risk AI system at the workplace, deployers who are employers shall inform workers' representatives and the affected workers that they will be subject to the use of the high-risk AI system".

With the enactment of the Transparency Decree, legislators have created a coherent legal continuum[47], underscoring the strategic position of collective bodies endowed with workers' representation in studying and understanding this phenomenon, whether by training internal expert unionists or by consulting external professionals.

Through the government reform of the previous year—Legislative Decree of 4 May 2023, n. 48—an exception from the informational obligation for decision-making and monitoring systems was introduced in paragraph 8 of Article 1-bis. This exemption applies to all systems that are not "fully" automated or protected by industrial and commercial secrecy[48]. This provision quickly entered the jurisprudential spotlight, as the Court of Palermo affirmed that the aspects of an algorithm covered by secrecy under Article 98 of Legislative Decree No. 30 of 10 February 2005 (Industrial Property Code) are irrelevant to workers, who are primarily interested in the underlying logic of the algorithm rather than the computer code[49].

Since the informational obligations currently existing in the Italian legal system[50] do not constitute a condition of validity for exercised managerial prerogatives, they should be regarded as "soft interventions".[51] In contrast to the provisions of Article 9 of the Platform Work Directive, where collective information rights about the operational mechanisms of automated tools are envisaged as a preliminary step towards substantive consultations regarding the terms of algorithmic system utilisation, simply conveying such information risks failing to result in genuine dialogue or

[47] Art. 1-*bis* extends even the reach of obligation to inform by not limiting the field of application to occupational limits at the company level, as existing in the general information obligation *ex* Article 3 of Legislative Decree no. 25/2007.

[48] For extensive analysis of the reform see, for example, E. Dagnino, *Modifiche agli obblighi informativi nel caso di utilizzo di sistemi decisionali o di monitoraggio automatizzati (art. 26, comma 2, d.l. n. 48/2023, conv. in l. n. 85/2023)*, in C. Garofalo, E. Dagnino, G. Picco, P. Rausei (a cura di), *Commentario al d.l. 4 maggio 2023, n. 48 c.d. "decreto lavoro", convertito con modificazioni in l. 3 luglio 2023*, n. 85, Adapt University Press, 2023.

[49] Court of Palermo of 20 June 2023.

[50] *In primis*, those foreseen by Article 1-*bis*, Legislative Decree of May 26, 1997, no. 152, but also those set out in Article 47 of Law No. 428 of December 29, 1990, or in Legislative Decree No. 25 of February 6, 2007, as well as those defined by collective agreements.

[51] A. Donini, *L'informazione sui sistemi decisionali e di monitoraggio automatizzati tra poteri datoriali e assetti organizzativi*, in *Diritti Lavori Mercati*, 2023, n. 1, 85 ff.

negotiations with the union. Therefore, without the legal proceduralisation of unions' capacity to gain a better understanding of algorithmic processes and associated business strategies, they risk remaining mere observers of the application and use of algorithms[52]. Conversely, if the information is comprehensible, it may catalyse a negotiation process aimed at refining or rectifying the automated system, thereby imposing additional constraints on the employer's digital authority beyond regulatory requirements[53].

Despite the aforementioned lack of proceduralisation of information rights, unions operating in the platform economy have found support in Article 28 of the Workers' Statute, which represents a historically effective and strategic mechanism against union obstructionism. According to recent case law on the matter[54], a company's failure to communicate to trade union organisations information regarding the use and functionality of automated systems, as stipulated in Article 1-bis of Legislative Decree 152/1997 as amended by the Transparency Decree, must be identified as anti-union conduct under Article 28 of Law No. 300/1970.

Although the legal framework described above technically guarantees access to information regarding the algorithmic logic behind working arrangements, one could argue that transparency alone is insufficient without the recipient's ultimate comprehension of the information's meaning.

Platform workers' representatives must therefore strive to obtain the relevant sectoral expertise—that is, the set of aptitudes, competencies, abilities, social skills, or know-how that can be developed, transmitted, and learned to empower actors to exercise authority effectively in specific contexts[55].

Article 13 of the Platform Work Directive places, under certain conditions, the cost of assistance provided to worker representatives by an expert of their choice regarding information and consultation on the platform. "The platform workers' representatives may be assisted by an expert of their choice, provided this is necessary for them to examine the

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[52] M. Corti, *Potere di controllo e nuove tecnologie. Il ruolo dei partner sociali*, in *Labour & Law Issues*, 2023, vol. 9, n. 1, 70.

[53] M. T. Carinci, S. Giudici, P. Perri, *Obblighi di informazione e sistemi decisionali e di monitoraggio automatizzati (art. 1-bis "decreto trasparenza"): quali forme di controllo per i poteri datoriali algoritmici?*, in *Labor*, 2023, vol. 1, 23-24.

[54] For the latest rulings see Court of Torino of 5 August 2023, Court of Palermo of 20 June 2023 and of 3 April 2023 n. 14491; see also E. Lacková, *Opacità degli algoritmi e Decreto Trasparenza: il sindacato fa la sua parte*, in *Rivista Italiana di diritto del lavoro*, 2023 n. 3. For a contrasting ruling, see Court of Milano of 9 February 2021.

[55] See L. Cini, V. Maccarrone, A. Tassinari, *op. cit.*, 353.

matter subject to information and consultation and formulate an opinion. Where a digital labour platform has more than 250 workers in the Member State concerned, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate. Member States may determine the frequency of requests for an expert, while ensuring the effectiveness of the assistance."

Notwithstanding that, for the moment, the adopted text of the Platform Work Directive still requires formal approval from the Council[56]. Numerous questions arise concerning the specific role, potential union-related origins, and professional backgrounds of these experts. Indeed, when finally approved and transposed, such provisions could at least assist with practicalities, such as ensuring the stability of collective subjects' financial resources, which are typically lacking among the "informal-ish" organisational structures of platform workers' representatives.

Assistance from experts could then presumably fit into the realm of union leaders' training. Acknowledge their lack of expertise in this area, various Italian unions have implemented training initiatives and distributed educational resources detailing the hazards and consequences of algorithmic management. For instance, Italy's CGIL launched Progetto Lavoro 4.0, an inclusive platform for research, dialogue, comprehensive examination, and strategy formulation aimed at informing collective bargaining. This innovative approach leverages the internet not merely as a space for disintermediation, but as a tool for fostering collective action[57]. Formal training for union leaders is both a legally guaranteed individual right[58] and an integral part of the Italian collective tradition[59]. An important role is also played by the European Trade Union Institute for

[56] According to legislative train website, https://www.europarl.europa.eu/legislative-train/theme-a-europe-fit-for-the-digital-age/file-improving-working-conditions-of-platform-workers.

[57] https://www.cgil.it/strumenti/progetto-lavoro-40.

[58] In Articles 23 and 24 Workers' Statute provide for both paid and unpaid leave for trade union leaders, i.e., leaders of employee union representatives

[59] Speaking about resurfacing of the original educational function of the trade unions in relation to the deployment of AI in the workplace E. Massagli, *Intelligenza artificiale, relazioni di lavoro e contrattazione collettiva. Primi spunti per il dibattito*, in *Lavoro Diritti Europa*, 2024, n. 3, 5-6.

Research, Education, and Health and Safety (ETUI-REHS) in providing a European dimension to trade union education[60].
However, when it comes to training individual workers, there currently exists no legal or contractual obligation linking education to algorithmic management and its impact on working arrangements. It is evident that, in general, training rights for workers in the gig economy exist in a state of limbo[61]. Pursuant to Article 2103 of the Civil Code, training obligations are meant to equip workers with the necessary new skills after significant changes to company assets that directly impact job performance; however, the skills in question do not necessitate mastery of the legal and technical knowledge required to understand the terms of an employment contract. Moreover, this provision is already weak due to its lack of enforcement mechanisms, and it applies only to those platform workers classified as employees.
To enable individual workers to take on the role of information holders and masters of digital language—rather than merely objects of information and algorithmic management[62]—the cooperation of union representatives seems the preferred approach[63].

3.1. Tools and Safeguards for Algorithmic Accountability

Some proceduralisation of algorithmic comprehensibility has been "forced" upon public employers by Italian courts, as a result of Council of State litigation—specifically, judgments no. 2270/2019 and no. 8472/2019—regarding the potentially discriminatory decision-making processes involved in the recruitment of school teachers[64]. In classifying

[60] J. Bridgford, J. Stirling, *Trade union education in Europe – some latest developments. Strengthening the trade unions: the key role of labour education*, in *Labour Education*, 2007, vol. 1-2, n. 146-147, 65-70.
[61] L. Calafà, *La formazione oltre il contratto di lavoro*, in G. G. Balandi *et al.* (eds.), *I lavoratori e i cittadini. Dialogo sul diritto sociale*, Il Mulino, 2020, 162.
[62] L. Zappalà, *Appunti su linguaggio*, cit., 8.
[63] Even considering the limits of this efforts, in line with P. Iervolino, *Osservazioni sulla decodificazione algoritmica*, in *Rivista Giuridica AmbienteDiritto.it*, 2024, n. 2, https://www.ambientediritto.it/dottrina/osservazioni-sulla-decodificazione-algoritmica/.
[64] The appellants challenged the transfer to provinces further away from their residence or from the one indicated as their priority choice, emphasizing especially the fact that available positions existed in the aforementioned provinces; in particular, the workers complained about the absence of any administrative activity, as the mobility procedure had been entirely entrusted to the computerized procedure governed by a non-transparent algorithm, but above all not controlled by any human.

the algorithm-driven software as an "IT administration act," the Council of State highlighted the subsequent need for transparency and understandability of the process. For this reason, legal scholars have observed that, where algorithmic activities require discretionary assessments, these must be anticipated during the algorithm's development, thereby structuring in advance—during the pre-automation phase—the hierarchy of rights and interests at stake[65]. This approach would facilitate verification that the results of the automated procedure conform to the requirements and purposes established by law and ensure that the methods and rules underpinning the algorithmic procedure are clear and contestable if necessary. According to the Council of State, "the knowability of the algorithm must be guaranteed in all its aspects".[66]

While algorithmic decision-making in the public sector is classified as an administrative act and must therefore be "accompanied by explanations that translate it into the underlying legal rule, making it legible and comprehensible for both citizens and judges," private employment must rely on different legal techniques.

For example, the applicability of general legal clauses—particularly those concerning fairness and good faith as outlined in Articles 1175 and 1375 of the Civil Code—has been suggested as potentially useful in regulating algorithmically enhanced managerial prerogatives and the discretion (or rather, arbitrariness) of control platforms due to their ability to "permeate algorithmic management with a 'humanising' essence".[67]

Additionally, there is a growing focus on the role of algorithmic audits as a response to concerns regarding bias within algorithmic systems. In general, an algorithmic audit involves an impartial entity assessing the system for biases as well as other factors such as accuracy, robustness, interpretability, privacy features, and unintended consequences[68]. An audit concerning labour platforms would aim to identify issues and propose improvements or alternative approaches to the developers of algorithmic management systems. Moreover, making the results of algorithmic audits publicly available could help foster trust among stakeholders.

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[65] M. Simoncini, *Lo "Stato digitale", l'agire provvedimentale dell'amministrazione e le sfide dell'innovazione tecnologica*, in *Rivista Trimestrale di Diritto Pubblico*, 2021, Vol. 2, 264.

[66] Consiglio di Stato, 8 April 2019, No. 2270, point 8.3.

[67] L. Zappalà, *Informatizzazione dei processi decisionali e diritto del lavoro: algoritmi, poteri datoriali e responsabilità del prestatore nell'era dell'intelligenza artificiale*, in *WP CSDLE "Massimo D'Antona".IT*, 2021, n. 446, 17 ff.

[68] B. W. Goodman, *A step towards accountable algorithms? Algorithmic discrimination and the European Union General Data Protection*, 2016, available at: https://www.mlandthelaw.org/papers/goodman1.pdf.

Although auditing algorithms for labour platforms currently remains largely aspirational, some observations can be made about what the existing legal framework offers. The Digital Services Act (DSA)—Regulation 2022/2065 of 19 October 2022—is worth mentioning, although it specifically targets so-called "very large online platforms" and explicitly requires annual external audits to ensure compliance, as set out in Article 37. However, a delegated regulation[69], detailing the rules for its implementation is still in the works, and concerns have been raised about the independence of the auditors[70]. The AI Act proposes a risk-based approach to AI regulation[71]; according to Article 43, compliance evaluations related to employment and worker management necessitate only internal oversight, neglecting the involvement of entities such as social partners. Furthermore, the option to mandate external audits appears to be limited solely to very high-risk systems pertaining to biometric use, thereby excluding those classified as "merely" high-risk, like those related to working conditions[72].

Neither does the GDPR explicitly impose audit obligations; however, it offers alternative mechanisms for ensuring compliance and accountability. The right to an explanation of automated decisions can ensure the "unearthing" of previously unknown aspects of the algorithm[73], creating a necessary complementarity between ex ante and ex post knowability. Despite some reluctance within legal scholarship to interpret Article 22 of the GDPR as establishing such a right[74], the right to explanation appears

[69] Draft of Commission delegated regulation on supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council, by laying down rules on the performance of audits for very large online platforms and very large online search engines, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13626-Digital-Services-Act-conducting-independent-audits_en.

[70] Ibidem. See also: Algorithm watch, *A diverse auditing ecosystem is needed to uncover algorithmic risks*, 5 June 2023, available online: https://algorithmwatch.org/en/diverse-auditing-ecosystem-for-algorithmic-risks/.

[71] For a thorough analysis of two approaches – the right-based compared to the risk-based, see L. Zappalà, *Sistemi di IA ad alto rischio e ruolo del sindacato alla prova del risk-based approach*, in *Labour & Law Issues,* 2024, vol.10, n.1.

[72] E. P. Goodman, J. Trehu*, Algorithmic Auditing: Chasing AI Accountability*, in *Santa Clara High Technology Law Journal,* 2023, vol. 39, n. 3, 289-338.

[73] J. Burrell, *How the machine "thinks": Understanding opacity in machine learning algorithms, in Big Data & Soc.*, , 2016, vol. 3, n. 1, 1-12.

[74] For an excursus on the doctrinal discourse on the topic B. Casey, A. Farhangi, R. Vogl, *Rethinking explainable machines: The GDPR's 'right to explanation' debate and the rise of algorithmic audits in enterprise*, in *Berkeley Technology Law Journal,* 2019, vol. 34, n. 145. In favour of the existence of such a right, see for example B. Goodman, S. Flaxman, *EU Regulations on*

to be the only feasible path toward the (almost unattainable) goal of absolute transparency. By shifting the burden of the readability of the algorithm ex post to those exercising managerial powers through automated systems, employers will be required to foresee ex ante the organisational provisions that are knowable in all their future and possible effects[75].

The legally accessible defence mechanisms against employer misconduct lose their practical significance when illegitimate behaviours remain concealed within the complexities of algorithms. One could argue—albeit with some exaggeration—that employers empowered by algorithms assume a superior position, effectively obscuring their true intentions from workers. This notion bears similarity to the strategies outlined in Sun Tzu's *Art of War*, where the element of surprise and deception is emphasised as a tactical advantage.

Consequently[76], to conclude on a slightly different note, one could argue that the opacity of algorithms poses an obstacle to utilising lawful legal instruments. Surprisingly, it also hinders the more unorthodox methods since true knowledge of algorithms is crucial for workers to organise subversive resistance against the hegemony of platform employers. Evidence suggests that manipulation, subversion, and disruption are already being employed to some extent by workers to counteract algorithmic power[77]. The phenomenon known as "gaming the algorithm"[78] has gained popularity among Italian platform workers as well. For example, some migrant riders often access the gig economy with the help of so-called "ghost riders"—intermediaries who have emerged due to the opacity of platform processes, thus facilitating access to work for those lacking the necessary documentation. There have even been reports

algorithmic decision making and a 'right to explanation', in *International Data Privacy Law,* 2017, vol. 7, n. 4, which draws from the experience of the pre-existing right to explanation in the EU directive on data protection that preceded the GDPR, directive no. 95/46/EC of the European Parliament and of the Council, of 24 October 1995, relating to the protection of individuals with regard to the processing of personal data and on the free movement of such data. In contrast, see also S. Wachter, B. Mittelstadt, L. Floridi, *Why a right to explanation of automated decision-making does not exist in the General Data Protection Regulation,* in *International Data Privacy Law*, 2017 vol. 7, n. 2, 78 ff.

[75] A. Aloisi, N. Potocka-Sionek, *De-gigging the labour market? An analysis of the 'algorithmic management' provisions in the proposed Platform Work Directive*, in *ILLJ*, 2022, vol. 1, n. 15, 40.

[76] Sun Tzu, *Art of war*, Allandale Online Publishing, 2000.

[77] F. Ferrari, M. Graham, *op. cit.*, 814-832.

[78] S. Vallas, J.B. Schor, *What do platforms do? Understanding the gig economy*, in *Annual Review of Sociology*, 2020, n. 46, 273–294.

of Uber drivers abroad simultaneously turning off their ride-hailing app for a brief moment in a pre-arranged location to create an artificial price boost[79]. The perceived "group-based injustice" has transformed the everyday work of these riders into a "laboratory of antagonistic subjectivities"[80].

However, it is important to note that these practices do not always address employer misconduct and may occasionally stray into legally questionable territory. Most crucially, their effectiveness relies on workers' understanding of algorithmic processes, as these practices mainly involve exploiting loopholes or circumventing known algorithmic rules. Thus, we have come full circle: even engaging in collective subversive actions as a defensive mechanism may lack practical efficacy in the absence of algorithmic transparency.

4. Concluding Remarks

Consequently, how do we extricate ourselves from the quagmire of incomprehensible algorithmic management by harnessing the collective action of platform workers to its full potential?

On one hand, the widely circulated media narrative points towards a form of "unionism 2.0," equipped with innovative practices within the digital context[81]. In tackling the unscrupulous behaviours of digital platforms, Italian representatives of food delivery couriers tend to adopt a proactive and dynamic stance rather than merely relying on outdated paradigms of representation. Some collective actors are demonstrating their ability to navigate and respond effectively to evolving contexts, particularly those shaped by technological advancements.

However, it is essential to avoid overemphasising the novelty of digital platforms. The experiences of informal and metropolitan unionism suggest that digitalisation processes have impacted workers' struggles not only through the emergence of new forms of union action but also through the utilisation of registers that have long characterised the

[79] A. Mamiit, *Uber drivers repotedly triggering higher fares through Surge Club*, in *Digitaltrends.com*, 16 June 2019, available online: https://www.digitaltrends.com/cars/uber-drivers-surge-club-triggers-higher-fares/.

[80] G. Iazzolino, A. Varesio, *Gaming the system: tactical workarounds and the production of antagonistic subjectivities among migrant platform workers in Italy*, in *Antipode*, 09 January 2023, https://onlinelibrary.wiley.com/doi/full/10.1111/anti.12917.

[81] M. Marrone, *Rights Against the Machines! Il lavoro digitale e le lotte dei rider*, Mimesis Edizioni, 2021.

struggles of the diverse and precarious workforce, which often lacks access to traditional representation tools.

That being said, regarding the issue of algorithmic obscurity, mobilisations within the rider community appear to serve as a central hub for "exploring, socialising, and codifying trade union practices".[82] There is a pressing need for a concerted effort to swiftly enhance skills and competencies within the trade union framework. Even amidst a limited understanding of the issue, algorithmic management is increasingly becoming a focal point for unions, alongside more immediate concerns such as fair compensation and job stability[83]. Only by keeping abreast of technological developments and embracing innovation can trade unions effectively advocate for the interests of workers in a rapidly evolving landscape marked by swift technological shifts and changing labour dynamics.

As privileged interlocutors, representatives of platform workers must equip themselves with the necessary technical skill set to interpret and evaluate algorithmic management systems. More importantly, they must learn to "reappraise the situation and make informed decisions in comprehensible terms"[84] translating complex information into an understandable format, thus enabling them to organise and assist more efficiently.

The current national legal framework provides a solid foundation for action through information and consultation obligations, accompanied by statutory enforcement under Article 28. However, proposed and existing European legislation on the topic offers greater resources to platform unionism.

It appears, therefore, that we must await future developments at the supranational level to gain clearer insights into what platform unionism could represent in terms of innovation. This is only fair, considering that,

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[82] A. J. Avelli, M. Marrone, M. Pirone, *Che fine hanno fatto i rider?*, in *Jacobin Italia*, 4 August 2023, available online: https://jacobinitalia.it/che-fine-hanno-fatto-i-rider/.

[83] Some scholarship is still sceptical about unions prioritising the topic of algorithmic management in an ongoing economic downturn: M. T. Carinci, S. Giudici, P.Perri, *op. cit.*, 24. However, evidence about obscure algorithms being a serious concern is visible in the city squares and streets, see M. Mazzucchi, *Sciopero rider a Milano, Nidil Cgil in corteo*, in *Collettiva*, 16 October 2023, available online: https://www.collettiva.it/copertine/lavoro/sciopero-rider-a-milano-nidil-cgil-in-corteo-grsqf3p9.

[84] M. Veale *et al., Fortifying the algorithmic management provisions in the proposed Platform Work Directive*, in *European Labour Law Journal*, 2023, vol. 14, n. 2, 320.

as Romagnoli as noted, labour law and trade union law represent "the most Eurocentric of laws".[85]

[85] U. Romagnoli, *op. cit.*, 653 ff.

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