

## Representation, Trade Union Activity and Technologies

JAIME CABEZA\*

Cabeza, J., 2018. Representation, Trade Union Activity and Technologies. *Oñati Socio-legal Series* [online], 9(1), 96-108. Received: 14-09-2017; Accepted: 02-10-2018. Available from: <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1014>



### Abstract

Labour relations have been hit deeply by information and communication technologies (ICT). A wide bibliography has described this impact on all the working conditions and in all the circumstances that surround subordinate work. However, less attention has been devoted to the realm of trade union activity, representation, participation and involvement rights, collective bargaining and industrial action. All that huge field has to be re-thought from the point of view of the technological footprint as well. It is a discussion about strategies and adaptation to the current ways of information and communication. Consequently, a problem of adaptation of labour relations players to those channels. This paper tries to answer briefly to some of those questions taking the Spanish system as an example when necessary. Spanish legislation and case law are described and criticized as long it is necessary for the overall discussion but taking into consideration the globalized literature on this subject.

### Key words

ICT; trade union; participation; collective bargaining; industrial action

### Resumen

Las relaciones laborales han sido fuertemente afectadas por las TIC. Una amplia bibliografía ha descrito este impacto en todas las condiciones de trabajo y en todas las circunstancias que rodean el trabajo subordinado. Sin embargo, se ha prestado menos atención al ámbito de la actividad sindical, de los derechos de representación, participación e implicación, negociación colectiva y conflicto. Todo este vasto campo también debe ser reinterpretado desde el punto de vista de la huella tecnológica. Es, antes que nada, un debate sobre estrategias y sobre adaptación de los canales actuales de información y comunicación y, en consecuencia, un problema de adaptación de los actores de las relaciones laborales a esos cauces. Este artículo pretende responder brevemente a algunas de esas cuestiones, tomando como ejemplo el sistema español. Se describen y critican la legislación y la jurisprudencia españolas, pero se toma en consideración la literatura global sobre el tema.

\* Professor of Labour and Social Security Law. Department of Public Special Law. Universidade de Vigo. Contact details: As Lagoas. Marcosende 36310 Vigo (Spain). Email address: [jcabeza@uvigo.es](mailto:jcabeza@uvigo.es). ORCID: <https://orcid.org/0000-0001-8847-3934>



**Palabras clave**

TIC; sindicatos; participación; negociación colectiva; conflicto colectivo

**Table of contents / Índice**

1. Preliminary Considerations.....	99
2. Developing Strategies .....	99
2.1. Utilizing new forms of communication in trade unions.....	99
2.2. Increasing membership .....	101
2.3. Restructuring trade union organization .....	101
3. Some Questions about Systems of Workers' Representation: the Spanish Model as an Example .....	102
4. Industrial Action .....	104
5. Conclusion Remarks .....	105
References.....	106
Case law .....	108
Legal sources .....	108

## 1. Preliminary Considerations

It is undeniable that workers enjoy collective rights irrespective of the way they work. Theoretically all of them are covered by the right of association (De Stefano 2017, 187). However, some doubts have been posed in the domain of self-employment, as it will be discussed. Moreover, huge problems arise concerning the adaptation of trade unions to new works related to information and communication technologies.

Clearly trade-unionism is weaker among workers whose services are made through information and communication technologies. From the point of view of the employer it is easier to neglect trade union and workers' rights in an environment with very few legal certainties. And from the perspective of the workers, the weakness of their ties with companies and the diversity of their positions facing with them doesn't ease a fluent collective activity and support of trade union involvement.

But it is a likely possibility that ICT increases the involvement of workers in trade unions. The opportunities that arise from the global framework where those technologies are spreading allow to develop new strategies and activities that can improve the position of unions in the growing up of their support and activities.

Of course, there may be many barriers impairing trade union activity. Undoubtedly, an important challenge is focused in the lack of regulatory framework enough for some types of occupations like telework or, broadly speaking, works in the sharing economy. Mainly the problem of boundaries between self-employment and subordinate work makes trade unionism in these fields of activity very difficult and troublesome. Ultimately that is one of the very diverse problems that brings the adaptation of existing regulatory frameworks to the growing up of atypical and non-standard work (De Stefano 2017, 186). It is a very likely possibility that precarious workers will refrain from any trade union commitment or activity because they fear a reprisal due to their approach to collective organizations.

Also there have been sharpened some uncertainties about the coverage by collective agreements of workers whose relationship with companies can't be considered as subordinate from the point of view of Labour Law (Novitz 2015, 252). At that respect doubts could arise in some national systems about the eligibility of certain types of workers as members of a trade union. Moreover, with IT tools it is rather easy to neglect or combat the exercise of collective rights, or at least to diminish their impact. As it will be explained, technologies can be used by companies in a very effective way to combat the exercise of collective rights in the context of industrial action.

Anyway it seems undeniable that unionized workers are better equipped to face the worst consequences of globalization and new forms of organization of labour. Thus, a discussion about the perspectives of trade unions in the context of technologized enterprises looks like absolutely necessary.

## 2. Developing Strategies

### *2.1. Utilizing new forms of communication in trade unions*

IT technologies are modifying the balance of power in companies. Ties of *tech* workers with their enterprises and between them are different from those that link workers with their colleagues and employers in traditional jobs. Of course, that is not only a question of power and weakness, it is also a matter of environment, interests and private life. But it is undeniable that, whatever are the reasons, those differences are always modifying that balance.

As tech workers can work in different and distant places, frequently they lack common interests in a variety of services linked to the traditional establishment (in this respect, Perritt 2000, 18 and ff) For instance, parking lots, caring facilities for children, canteens and workplace conditions in general. From the other perspective, the way which companies can provide services and utilities to their workers is

completely different in the gig economy. Broadly, collective services are likely less important and useful than decades ago. But it is not only that interests among workers differ so much. Their preferences and claims frequently are competing in opposite directions. For that reason, trade unions have to deal with more plural perspectives and to settle many conflicts arising between workers.

It seems obvious that tech work requires new ways of communication among rank-and-file and the organization and therefore a rethinking of trade union strategies (Panagiotopoulos 2012, 179). The classic strategy focused on workers who share the same establishment and can be gathered without huge difficulties in large assemblies has to be revised. Thus, union leaders have to look for other channels to contact the entire workforce, not only the affiliated members but all the workers.

In appearance, ICT would ease a fluid communication between the trade union and the rank-and-file. But new types of work can be surrounded by virtual barriers to a convenient relationship between the member and the organization. It can be more difficult for leaders and organizers to reach out all the workers due to isolation and huge differences in working conditions. Moreover, those circumstances difficult a quick and interactive dialogue for a timely decision-making in circumstances where decisions can't be delayed.

On the other hand, employers are reacting to the new challenges of the contemporary economy, among other trends, by refusing to bargain and to enter into deep relationships with unions. As much as they are ready to abide by weak procedures of consultation and cooperation with collaborative workers' representations very devoted to the good performing of the company (Wright 2011, 4). As a rule of thumb, companies are not going to pave the way for a more efficient representation of workers' interests in the new model of economy and work.

For all those reasons, it is necessary to discuss the new strategies of communication and activity of trade unions in environments where tech work is being spread and generalized. Meetings have traditionally had a great importance for proselytism and trade union action. However, delocalization of tech workers has to imply the need to provide new channels to allow the involvement of as many workers as possible. Of course these new ways must not be considered as alternatives to the classical ones but supplementary to them (Greene and Kirton 2003, 331).

Union activity has been traditionally supported on the sharing of the same establishment by lots of workers. For this reason, it has been much more difficult to develop systems of representation and fight for workers' rights in small enterprises. Scattering of the workforce impairs or at least hampers that activity. Thus, these same challenges must be faced in the scenario of deeply technologized companies and workers. It has to be canvassed a renewed strategy where firstly it is necessary to point out that workers who don't attend trade union meetings are not necessarily disinterested. Tech workers' participation needs to be eased and encouraged. Removing the barriers for that purpose emerges as an urgent task.

Additionally, some problems are likely to appear. For instance, workers' representatives can face wide difficulties to check the working conditions of isolated workers. It is obvious that isolation is not only a feature of tech work but certainly ICT and the new paradigms of organizing the workforce increase the impact of isolation as a frequent characteristic of services.

Indeed, industrial democracy had been based on the idea that workers shared the same establishment where they interrelated and created huge communities of interest. Needless to say that the circumstances have changed dramatically. Unions have to cope with deep changes in company organization and strategies. It is not only the decline of classical establishments and of the same concept of establishment. Above all the concept of subordination and its influx in the difference between workers and self-employees has been largely affected by the new economy and by the globalization. That's the challenge that unions have to face: a different

organization of the workforce and a more nuanced and complex definition of worker –or worker and employee, in systems in which the two concepts are different.

### *2.2. Increasing membership*

Although new paradigms threaten the classical organization, they suppose a great opportunity for trade unions to improve its affiliation and its activity. It is not difficult to propose chances to increase and energize the relationship of the organization with the workers and of the workers between them. On the other hand, ITC provide unions some important values: wide perspectives to democratize the organization, more visibility and accountability facing affiliated workers and stakeholders and more awareness on union policies, programmes and activities. As a crucial target in current times, transparency is a goal to which technologies can help in a very important way.

Not surprisingly, unions have developed strategies of communication on the net (on this topic, Cardona Rubert 2010, 73). As it has been said, connectivity established through social media was able to enhance a user's ability to take up collective action (Newlands *et al.* 2017, 11). In fact, trade unions are devoting not insignificant efforts to workers in the gig economy in systems with longstanding traditions of strong trade unionism (*ibid.*, 12). Also, when unions are committed with technological renewal – as in Nordic countries- they are likely to show a positive consideration of the sharing economy as an engine for growth and development (Dølvik and Jesnes 2017, 46).

Anyway, social nets are a good tool for maintaining and increasing support and for promoting solidarity among workers of the enterprise, mainly in the case of young workers. However, a union needs to contact tech workers. For this purpose, it is necessary to know their location whether in a physical or in a virtual manner.

Therefore, the challenge consists in the improvement of services, mainly through the net. Increasing the affiliation must be pursued by using more inclusive techniques. In that respect, ICT opens the unions a wide field to look for new members in the domain of certain collectives of atypical and disadvantaged workers. For instance, persons with disabilities, workers with especial needs to balance work and family or very young employees. All of them can face difficulties or be reluctant to attend the meetings of the trade unions or to visit its premises. In the other way around, they can be willing to give an active support of union activities in the net.

Furthermore, ITC provide obvious advantages to unions: first of all, all the workers and interested citizens will increase their awareness on union policies, programmes and activities. The organization will have at its disposition the best way to disseminate all them without big efforts. Second, it will be easier to weave alliances with other unions both at national and international level and with other entities that can pursue near or compatible purposes. Third, ITC are very convenient in order to explain the benefits of joining unions to unlimited potential members. Fourth, it will be increased the accountability of workers' representatives and unions or at least, the transparency around their activity will be deepened.

In coherence with these new niches of union membership, it will be necessary to adapt the agenda of the organization and to prioritize policies that haven't been among its paramount priorities. For instance, non-discrimination issues, balancing work and family, psychosocial risks or environment may be good examples of this trend. Of course, all these matters have acceded to trade union's manifestos and programs many years ago but they haven't had power enough until profound changes in trade union membership are being confirmed.

### *2.3. Restructuring trade union organization*

Some features of tech work are influencing trade union organization. As physical localization has progressively scarce interest, internationalization might be encouraged. Thus, national barriers in trade unionism are likely to be removed. How this trend will affect in the closest future strategies is a question to be answered. It

is possible that the international structures will be strengthened or at least that the connection and interrelation between organizations proceeding from different regions of the world will be fostered. As it has been said (De Stefano 2017, 204) cross-border solidarity may be pivotal in supporting decent work standards in a highly interconnected world.

On the other hand, tech work poses important questions about how to organize the involvement of workers, how to structure representation bodies and how trade union activity should be considered. It is apparent that internal design of unions must be rethought because classical architectures don't fit adequately with current necessities of the workforce. Surely, modern structures are to be shaped in a more flexible way in order to assist a more diverse constellation of workers. Briefly, unions have to appear to workers as more accessible and supportive.

Besides it is important to discuss how to create adequate conditions to allow tech workers to develop union activity in favour of other workers. Their specific working conditions might not be a barrier to carry out representation activities. This is almost an unprecedented discussion but a necessary one. Likely, their particular working conditions will not be taken in consideration until they reach the bodies of workers' representation or they are able to involve themselves in the participation systems provided in companies. Therefore, labour relations systems might be adapted to provide flexibility enough and adequate rules that allow the involvement of tech workers in unionized or non-unionized activity of representation within the company framework.

### **3. Some Questions about Systems of Workers' Representation: the Spanish Model as an Example**

Having highlighted the necessity to provide the convenient rules that allow tech workers enjoying the same representation rights than classical workers do, questions arises regarding the barriers that each system maintains. Or maybe it would appropriate to draft new rules favouring that enjoyment of rights.

There are many question arising: first, to identify to what establishment of the company would belong a worker whose services are made technologically and out of the premises of the company. As it is well known, the establishment has had a high importance for internal systems and for the EU Social Law. What effects the establishment is the application of core rules, regulations and legislation. Apart from that, the establishment where the worker gives his services has wide impact in his working conditions. Actually, each system has many examples of those consequences.

For these considerations, some authors have defended an open position on "reasonable adscription" (Sierra Benítez 2011, 165) that implies in a more or less flexible scrutiny, that the worker belongs to the establishment to which he has closest links. However, the task to identify the one that might be selected is not an easy task in practice. The isolated conditions of some tech workers may difficult the effectiveness of their representative rights.

Doubts may be greater if it is impossible to find an establishment to which ascribing a worker. For instance, there may be a plurality of workers serving a virtual company without any physical location in the country of the Law that must be applied. In those circumstances it may be even impossible to find any formal criteria to use, like the documentation related to the opening of a new establishment.

Of course, any internal system can provide its own answer to these doubts. Focusing the question on the Spanish model, a convenient possibility would be to consider that all the workers employed in Spain who can't be easily assigned to a concrete establishment form a joint establishment whenever a productive unit exists with their coordinated services. However, doubts will remain in cases where workers are not coordinated between themselves but give their services to the company in an

individual way without productive relationships with their colleagues. On the other hand, a practical problem will appear to identify a province where to promote the elections of workers' representatives. This is a question arising in every system that organizes the representation structures in territorial basis.

Otherwise, collective bargaining could afford other possibilities within the margin that every system gives to social partners. Unfortunately, the Spanish model is lacking in this respect sufficient flexibility because its legislation doesn't refer to collective agreements but provides a highly closed regulation. However, some important decisions made be adopted by trade unions and company organizations or companies. For instance, to provide an "electoral college" that could gather tech workers with the aim to support their specific interests. At that respect, art. 71 of the Workers' Statute (in Spanish, Estatuto de los Trabajadores, 2015) includes a referral to collective bargaining that could be very useful for the collective representation of interests of tech workers.

Moreover, collective agreements don't include specific rules for tech workers in questions of representation, participation and involvement. Even in the case of sectors where work is highly technologized and ITC workers broadly expanded collective bargaining disregards the particular complexities arising for the exercise of collective rights. It is undeniable that rules about work councils could include, at any level –both through legal or autonomous instruments- provisions related to this type of employee. Unfortunately, nor legislation nor collective bargaining have developed, apart from very few exceptions, mandates or recommendations focused on those issues.

In a similar way, apparently there would not be problems concerning workers' assemblies. Actually it would be very convenient –or necessary- to consider the support of IC technologies. But nor the legislation nor the social partners have been diligent until now in taking into account the profound changes in the world of collective rights which technologies have brought with them. With regard to voting in trade union elections, systems of telematic voting might be considered with the aim to ease the right to vote of those workers (Vivero Serrano 2016, 113). Additionally, some changes should be established in the Labour Risks Prevention Act in the chapter devoted to workers' participation. In a similar way, collective agreements could meanwhile develop their own rules. However, the situation is almost the same: scarce specific consideration at legal and collective level.

Needless to say, some nuances should be introduced. But, as a main proposition, the Spanish labour relations framework hasn't give attention enough to ITC in the realm of representation and participation rights (Lahera Forteza 2014, 63). If it is true that the legislation and –mainly– the case law has developed deep criteria about the individual rights of workers in their interrelation with technologies, that is not the case in the collective arena.

This lack of specific rules reveals, apart from other considerations, that this type of workers seldom acquires the condition of representation. It is the opposite, that they are not protected enough by trade unions and other representation bodies in their specific position and necessities. Briefly, the Spanish system –and, as it is supposed, other internal ones– is not tailored to the deep changes that the workforce is currently suffering. The Workers' Statute lacks rules that fit the circumstances and necessities of workers who are not clearly linked to the traditional establishments designed decades ago.

Concerning specific questions of trade union activity in companies, the freedom of association principles guarantees in any case a minimum level of rights. The provision of the Spanish Act on Freedom of Association (Ley Orgánica 11/1985) as they have been understood by Courts give the right of union members to organize themselves at the level they decide. In this respect, the Constitutional Court has ruled that the right of organization belongs to the core of the right of association. Therefore, union



branches can be organized at any level the workers involved decide. Thus, workers in the new economy don't face any sort of limitations to organize themselves as they want.

Moreover, the Spanish Constitutional Court has understood in a wide way the right of trade union association understanding that it includes in any case to use the pre-established web server of the company (STC 281/2005). Thus, the company is not bound by the duty to provide unions with any sort of resources to develop collective activity. However, if it refuses that the branch of the union organized in the establishment uses its ITC devices, that refusal implies a breach of the right of freedom association if there is not a reasonable ground that supports the opposition.

Nevertheless, case law doesn't impose over the company the duty to provide software tools to union branches. Traditional legal duties that obliged companies to let certain unions (proved to be established in them) bulletin boards has not been understood by courts as giving the right to organizations to access to ITC systems. Instead, some contradictory rulings concerning the use of a suitable room have been pronounced (Supreme Court 19 December 1996, rec n° 806/96). Others have understood that the expression "suitable" implies that computer and internet media enough to develop union activity might be included.

#### 4. Industrial Action

Around collective action some interesting questions appear. Undeniably ICT is progressively modifying the approach to that kind of activities from the two parties, both employers and their organizations on one side and workers and trade unions on the other. It is not only a question about which particular actions are being developed and the impact these actions can have on the production and the organization. Also the qualification as fair or unfair has to be rethought because their consequences are different in quantitative and qualitative terms.

Firstly, questions about unfair industrial action might be discussed. Disproportionate damages could be inflicted by a very few number of workers because employers are strongly dependent on IC technologies. Thus, those employees whose services provide the support of communications have an enormous capacity of damaging their employers. Therefore, it is hard issue to establish the burdens that companies have to legally support in case of calls involving tech workers. And, in the other hand, to define the damages that have to be considered as too harmful to the effect of considering the industrial action as abusive and unfair.

Second, an important topic concerns the concept of essential services and its application and consequences in the framework of tech work. Apparently, some tasks related to it have to be considered as essential services. Irrespective of the concept that each jurisdiction contends about essential services and the possibility of limiting the exercise of the right to strike they provide, it is undeniable that ITC services are nowadays too important for the public to be cut, although this cut may be relatively short. Needless to say that not all those sort of service must be deemed as essential and that some of them can be suspended without the necessity of providing for any threshold of maintenance of them. However, others are too necessary to be cut without any level of provision. As clear examples, electronic services of banks, medical appointments webpages, transport companies applications for buying tickets or webs for technical attendance of basic supplies. Lack of them can harm urgent necessities if the collective action lasts for a certain length of days. There are some interesting reports at that respect that highlight the essential necessity to safeguard communication services (e.g. Crema 2005). On the other hand, the ILO supervisory bodies have developed clear guidelines supporting a very narrow understanding of the concept *essential services* in order to allow limitations to the right to strike. However, those limitations have to be decided on a case-by-case basis, taking into account the particularities of each case and the circumstances prevailing in the

country concerned (Servais 2017, 385). Huge discussion might be expected on this issue in the next future.

Third, huge problems about information and picketing might be evaluated. On the one side, companies have a strong tool to contact their workers to dissuade them from following the call for industrial action. Or at least to explain their position rejecting the claims of the workers' representatives. Thus, limits on freedom of speech would have to be measured in this specific context. Mainly, the distinction between information and threatens raises difficulties in the tech world.

Needless to say that the same problems arise on the other side. Undoubtedly apps are essential to promote the industrial action and to pursue the involvement of as many workers as possible, including those who work in IC environments. Freedom of speech must be considered in this arena as an essential content of the right to strike. Thus, restrictions can be allowed only in a very narrow understanding.

Close considerations have to be made about picketing. As the Spanish Constitutional Court has pointed out (STC 8/1981), peaceful promotion and information about industrial action is protected by the fundamental right to strike. However, it must be highlighted that *virtual picketing* is not subject to the rules of classical picketing. In fact, there are not physical barriers that could difficult the access of workers to the establishment. Therefore, the only limitations applicable to promotion of industrial action in the web can be found in the classical doctrine of freedom of speech. So, only interferences that have been prescribed by law, aimed at protecting one or more outstanding values (mainly national security; territorial integrity; public safety; prevention of disorder or crime; protection of health; morals; reputation or rights of others; preventing the disclosure of information received in confidence; and maintaining the authority and impartiality of the judiciary) and necessary in a democratic society (see, with updated case-law, Bychawska-Siniarska 2017, 31 and ff) Of course, nothing related to physical coercion or impairments to enter into the premises of the company. Moreover, case law of the ECHR is supporting a wide understanding of the concept of freedom of speech in the framework of demonstration (for instance, with lots of references, case *Lashmankin and others v Russia*; see Judgment of the ECHR of 7 February 2017).

One last concern may be focused on *scabs*. If it has been said that just a few tech workers can disrupt or even impair the production, while on the other hand some workers have strength enough to render almost ineffective the industrial action against the employer. For this reason, difficult issues appear around the possibilities of companies to face the strike by means of adaptations in technologies. Indeed, ICT devices can be very harmful for the success of that industrial action because they can adapt at a high degree the production to the situation when an important part of the workforce leaves their duties. In this respect, a huge discussion has been developed in the Spanish case law (see, e.g., STS 5 December 2012) Anyway, it is important to remark that the Constitutional Court, in its latest rulings, has understood widely the right of companies to adapt their organization through technological to face the impact of strikes (STC 17/2017, on this case, Martínez Moreno 2017, 894). However, this position is very far from being closed.

## 5. Conclusion Remarks

These few ideas are enough to show how collective rights and workers' representation have to be rethought taking in consideration the impact of the new economy, the current patterns of organization of companies and their workforce and the ICT. These last devices pose deep challenges on how to organize participation and representation rights, and above all, how to develop collective activities. Progressively trade unions are adapting their strategies and organizations to the scenario of a more interconnected world where it is not a possibility to keep tied to classical strategies.

It is clear that unions cannot avoid the technological challenge. Lots of opportunities and threats are involved in it. However, in the current framework, after suffering an overall decline of membership in the worldwide context, it is necessary to shape new strategies. How to reach new individuals and social groups, how and with which contents to decide next agendas, how to better support subordinate and autonomous work, are key questions to be decided taking in account technologies.

From a legal point of view, some necessary reforms can be identified. For instance, the old-fashioned concept of establishment, impossible to accommodate to modern types of workers and to current models of business organization. Physical location of workers has a decreasing interest in terms of developing the activity of companies. Moreover, disseminating the workplaces is a common feature of their strategies. Thus, establishing a new legal threshold for union activity seems an urgent task for policymakers.

The definition of new scopes for work councils' activity must be accompanied with higher levels of flexibility. Likely, collective bargaining might have more weight in the definition of them at the expense of less legislative interference. In a more complex and diverse framework of labour relations, legislation would let wider field of decision to social partners, mainly to trade unions. The Spanish system lacks adaptability enough, so impairing a more adequate participation, representation and involvement of workers.

Next, some other regulations on workers' assemblies or on elections to workers' representatives need a re-shaping to face the technological footprint. It must be considered a barrier for adequate representation of their interests that specific provisions organizing on-line assemblies or digital vote yet don't exist. In addition, classical rights of trade unions and work councils to be given bulletin boards or locals and other facilities for their activity have to be adapted to actual requirements of ITC environments.

On the other hand, industrial action has to be discussed from this perspective as well. Many classical concepts – for instance, essential services, picketing, substitution of workers, abusive industrial action – must be reconsidered. In addition, collective bargaining contents need a discussion on its adequacy to new productive scenarios. Likely, many provisions dealing with bargaining units doesn't fit with them but are anchored in traditional reality.

## References

- Bychawska-Siniarska, D., 2017. *Protecting the right to freedom of expression under the European Convention of Human Rights: A Handbook for Legal Practitioners* [online]. Strasbourg: Council of Europe. Available from: <https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814> [Accessed 3 May 2018].
- Cardona Rubert, M.B., 2010. La utilización de las redes sociales en el ámbito de la empresa. *Revista de Derecho Social*, 52, 67-77.
- Crema, G., 2005. *The right to strike in essential services: economic implications*. Doc. 10546 [online]. Report prepared by the Committee on Economic Affairs and Development for debate in the Standing Committee of the Parliamentary Assembly of the Council of Europe. Strasbourg, 11 May. Available from: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10894&lang=en> [Accessed 3 May 2018].
- De Stefano, V., 2017. Non-standard work and limits on freedom of association: A human rights-based approach. *Industrial Law Journal* [online], 46(2), 185-207. Available from: <https://doi.org/10.1093/indlaw/dww034> [Accessed 3 May 2018].

- Dølvik, J.E., and Jesnes, K., 2017. *Nordic labour markets and the sharing economy. Report from a pilot project* [online]. Nordic Council of Ministers. Available from: <https://norden.diva-portal.org/smash/get/diva2:1072087/FULLTEXT02.pdf> [Accessed 3 May 2018].
- Greene, A.M., and Kirton, G., 2003. Possibilities for remote participation in trade unions: mobilizing women activists. *Industrial Relations Journal* [online], 34(4), 319-333. Available from: <https://doi.org/10.1111/1468-2338.00278> [Accessed 3 May 2018].
- Lahera Forteza, J., 2014. El impacto del teletrabajo en el Derecho del Trabajo a la luz de la nueva regulación Española. *Revista Jurídica*, 2(35).
- Martínez Moreno, C., 2017. El ser o no ser de la huelga, el fútbol y el esquirolaje. A propósito de la STC 17/2017, de 2 de febrero, caso Telemadrid. *Derecho de las Relaciones Laborales*, 9, 894-902.
- Newlands, G., Lutz, C., and Fieseler, C., 2017. *Power in the sharing economy. Report from the EU H2020 Research project Ps2Share: Participation, Privacy, and Power in the Sharing Economy* [online]. Brussels: European Commission. Available from: [https://www.researchgate.net/profile/Christoph\\_Lutz/publication/316596585\\_Power\\_in\\_the\\_Sharing\\_Economy/links/59061f55aca272116d332d0c/Power-in-the-Sharing-Economy.pdf](https://www.researchgate.net/profile/Christoph_Lutz/publication/316596585_Power_in_the_Sharing_Economy/links/59061f55aca272116d332d0c/Power-in-the-Sharing-Economy.pdf) [Accessed 3 May 2018].
- Novitz, T.A., 2015. The paradigm of sustainability in a European social context: Collective participation in protection of future interests? *International Journal of Comparative Labour Law* [online], 31(3), 243-262. Available from: [https://research-information.bristol.ac.uk/files/47836579/IJCL\\_31\\_3\\_Tonia\\_Novitz.pdf](https://research-information.bristol.ac.uk/files/47836579/IJCL_31_3_Tonia_Novitz.pdf) [Accessed 3 May 2018].
- Panagiotopoulos, P., 2012. Towards unions 2.0.: rethinking the audience of social media engagement, *New Technology. Work and Employment*, 27(3), 178-192. Available from: <https://doi.org/10.1111/j.1468-005X.2012.00287.x> [Accessed 3 May 2018].
- Perritt, H.H., (with Martin H. Malin), 2000. The National Labor Relations Act in cyberspace: Union organizing in electronic workplaces *University of Kansas Law Review* [online], 49. Available from: [https://works.bepress.com/henry\\_perritt/18/download/](https://works.bepress.com/henry_perritt/18/download/) [Accessed 3 May 2018].
- Servais, J.M., 2017. The right to take industrial action and the ILO supervisory mechanism future. *Comparative Labour Law & Policy Journal*, 38, 375.
- Sierra Benítez, E.M., 2011. *El contenido de la relación laboral en el teletrabajo* [online]. Sevilla: Consejo Económico y Social de Andalucía, col. Premio de Investigación. March. Available from: <https://idus.us.es/xmlui/bitstream/handle/11441/53597/EI%20contenido%20de%20la%20relaci%C3%B3n%20laboral%20en%20el%20teletrabajo.pdf?sequence=1> [Accessed 3 May 2018].
- Vivero Serrano, J.B., 2016. El voto electrónico en las elecciones sindicales: reconocimiento arbitral y falta de previsión normativa. *Trabajo y Derecho: nueva revista de actualidad y relaciones laborales*, 14, 113-116.
- Wright, C.F., 2011. *What role for trade unions in future workplace relations?* [online]. London: Acas. September. Available from: <https://www.bl.uk/britishlibrary/~media/bl/global/business-and-management/pdfs/non-secure/w/h/a/what-role-for-trade-unions-in-future-workplace-relations.pdf> [Accessed 3 May 2018].

*Case law*

Judgment of the European Court of Human Rights, Third Section, of 7 February 2017. Third Section. Case *Lashmankin and others v Russia*. Applications nos. 57818/09 and 14 others [online]. Strasbourg. Available from: <https://www.legislationline.org/documents/id/20433> [Accessed 3 May 2018].

Pleno. STC (Sentencia del Tribunal Constitucional) 17/2017. 2 February 2017. Recurso de amparo 1168-2014. Promovido por la Confederación General del Trabajo respecto de las Sentencias de las Salas de lo Social del Tribunal Supremo y del Tribunal Superior de Justicia de Madrid y de un Juzgado de Madrid sobre huelga en el ente público Radio Televisión Madrid. Supuesta vulneración del derecho a la huelga: utilización de medios técnicos no habituales para la emisión televisiva de un partido de fútbol en jornada de huelga. Voto particular (ECLI:ES:TC:2017:17). *Boletín Oficial del Estado* [online], 59, of 10 March. Available from: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2017-2618](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2017-2618) [Accessed 3 May 2018].

STC (Sentencia del Tribunal Constitucional) 281/2005, de 7 de noviembre (ECLI:ES:TC:2005:281). *Boletín Oficial del Estado* [online], 297, of 13 December. Available from: <http://hj.tribunalconstitucional.es/es/Resolucion/Show/5541> [Accessed 3 May 2018].

STC (Sentencia del Tribunal Constitucional) de 8 de abril de 1981, en el recurso de inconstitucionalidad número 192/1981, contra diversos preceptos del Real Decreto-Ley 17/1977, de 4 de marzo [online]. Available from: <https://www.boe.es/boe/dias/1981/04/25/pdfs/T00001-00013.pdf> [Accessed 3 May 2018].

STS (Sentencia del Tribunal Supremo), Sala de lo Social, 9176/2012 5 December 2012 (ECLI:ES:TS:2012:9176) [online]. Reporting judge: Jordi Agustí Julia. Available from: <http://www.poderjudicial.es/search/documento/TS/6650459/Huelga/20130308> [Accessed 3 May 2018].

*Legal sources*

Ley Orgánica 11/1985, de 2 de agosto, de Libertad sindical. *Boletín Oficial del Estado* [online], 189, of 8 August 1985. Available from: <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-16660-consolidado.pdf> [Accessed 3 May 2018].

Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores. *Boletín Oficial del Estado* [online], 255, of 24 October. Available from: <https://www.boe.es/buscar/doc.php?id=BOE-A-2015-11430> [Accessed 27 April 2018].