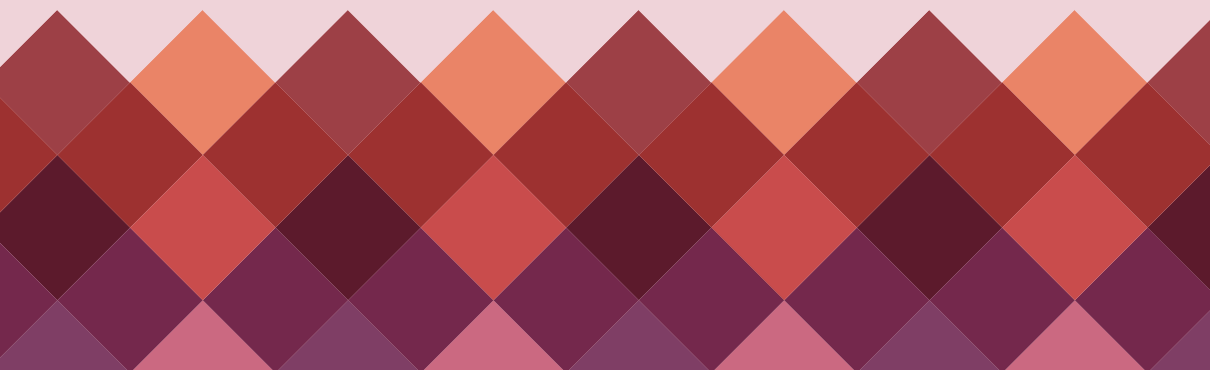




# **POLICY DIFFUSION: NEW CONSTRAINTS, NEW REALITIES**

Proceedings of the II International Conference  
on Policy Diffusion and Development Cooperation

EDITED BY  
**OSMANY PORTO DE OLIVEIRA**



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## CHAPTER 5

# Platform Economy in Lisbon During the Pandemic Emergency: Insights on the Circulation of Policy Ideas, in Spite of the Absence of a Specific Policy.

Giovanni Allegretti, Sheila Holz, Nuno Rodrigues

### 1. INTRODUCTION

The spreading of platforms' economy worldwide has been one of the most interesting developments over the past decade. As clarified in both grey and academic literature (ILO, 2018; Gineikytė et al, 2020; Rani & Dhir, 2020), its irruption caught many countries and institutions off guard in relation to its consequences and effects, soon demonstrating that platform-driven economy is not “simply a new business model, a new social technology, or a new infrastructural formation (although it is also all of those things)”, but rather “the core organizational form of the emerging informational economy”, which does not limit itself to “enter or expand markets” but “replaces (and rematerializes) them, [...] reshaping the landscape of legal entitlements and obligations” (Cohen, 2017, p. 133).

The different patterns of legal-institutional change emerging to face this scenario have been slower and more fragmented than its expansion, either systematically facilitating the platform economy's emergence, or letting it in a sort of “limbo”, where it was free of self-regulating itself, thus consolidating single operators or their oligopolies, and generating profound systemic effects.

Chander (2017) proposed an analogy between the slow growth of policy/legal responses to the emergence of platform-driven economy and a process of “baby-proofing a home”, which jointly changes the lived experience of the baby, the family, and ultimately of society, as it generates new industrial production practices, new markets, and new cross-border trade flows organized around producing and distributing an ever-growing array of essential



products, replacing “vigilance with architecture” and engendering “different kinds and patterns of risk-taking” to respond to the often “uncoordinated patterns of self-interested, strategic intervention by platform firms [which] are producing new legal-institutional formations optimized to their various projects and goals (Cohen 2017, p. 203).

In Portugal – a “semiperipheric country” (Santos 2011) whose repositionment within the global hierarchy of world economy occurred with a very fast socio-economic transition in the last two decades – “platform capitalism has found fertile ground to take root and rapidly spread”, often overlapping “with already existing informal practices” and “taking advantage of existing regulatory gaps” (Leonardi & Pirina 2020). Airbnb (since 2009)<sup>1</sup> and Uber (since 2015) – with their different degrees of dependence from tourism - are the platforms which have prospered more, embedding themselves in the governmental recovery strategy that addressed the aftermath of the financial crisis started in 2008.

Portraying themselves as mere “technological marketplaces” for matching individual-based offer and demand, they soon attracted the attention of political authorities at different levels, and – especially in Lisbon - became part of a wide strategy of benchmarking connected to the digitalization of economy and the proliferation of start-ups linked to services and Information and Communication Technologies (ICTs)<sup>2</sup>.

Several years after the entry of these companies in Portugal (whose gradual and incremental legalisation opened space to less intrepid emulators) the full account of the legal frameworks’ accommodation to the platform-based economy is yet to be written, as in many other countries. A certain “deference” of the Government and the municipalities for all market giants which could contribute to the financial recovery of Portugal suggested to let them free to expand, without too many constraints (Seixas et al. 2019; Teles 2018) or privileged legal formulas and policy measures that could favour their permanence and consolidation (Leonardi & Pirina 2020).

However, it is crystal clear that 2020 – dominated by the pandemic outbreak – forced a visible acceleration to the polity dynamics which can address a new and more holistic/systemic solution to the regulation (and the assessment of impacts) of such app-driven business, and – possibly – the platform-based economy as a whole. COVID-19 outbreak acted as a *litmus paper* for stressing how platform economy has played as a significative vector

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1. In 2009, Lisbon had 3 properties online, 46 added in 2010 (Fernandes et al., 2019).

2. One of the central moment of this strategy was hosting the Web Summit in Lisbon in 2016 and 2017 (<https://websummit.com>), which resulted in a 10-year partnership agreement between the organisation and the Portuguese Government, which was announced in October 2018 and will allow the conference to be held in the Portuguese capital until 2028.

of institutional destabilization, and some of its induced important human costs are beginning to visibly materialize. Within this scenario, some germs of a protective countermovement (although not comparable in strength to the weight acquired by companies in the polity scene) have been consolidating during 2020. This pressured institutions to act and seriously reflect on foreign experiences, which could guide to different solutions for reducing the sort of extraterritorial statute conquered (or self-attributed) by some of the major “location-based” companies of Gig economy in the country.

Which direction will the policy and legal measures follow from now on, is difficult to preconise. But – for sure – considering together the interventions (both in terms of rhetoric discourse and concrete actions) which several different State and no-State actors have been undertaking during 2020, as well as their progression and escalation in the time sequence, it is realistic to imagine that different forms of policy transfers’ routes can take a central role, as they played in the recent past.

As we deeply agree with Dolowitz (2018), that “compelling stories are essential to policies” and policies can be viewed – at the same time – as *meta-narratives*, *narrations*, and *narrative-networks*, in the next paragraphs we will try to report some transformations which started to take place in Lisbon in 2020. They can, on one side, (i) enlighten about an ongoing shift that can modify the narrative consolidated in the last 5 years about the ‘salvific role’ of platforms giants in Portugal; and, on the other, (ii) discuss to what extent new preconditions can prefigure the way in which different agencies, suggesting a diverse set of reference policy models to face the issue, can convey future policy initiatives in a coherent plot. Thus, we will start our story explaining why Portugal and Lisbon are meaningful for analysing limits and challenges of how the “year of the Apocalypse in slow motion” (Santos, 2020) affected - and partially inverted - the relation between State institutions and some platforms giants. The short essay will close visualising a multiplicity of possible policy routes which are emerging thanks to the specific “temporality” of described phenomena (Shipan & Volden 2008; Kerlin, 2009; Gullberg & Bang 2015) as to “the interpretive actions of street-level and other actors who actively narrate a policy into existence” and the “active communities or narrative-networks, which coalesce around a policy initiative, further its realization [and] can challenge dominant policy narratives (Dolowitz, 2018).

Based on the evidence<sup>3</sup> produced during the “Plus” project<sup>3</sup>, this article focusses on Portugal’s capital, whose monocultural economy based on

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3. PLUS Project (*Platform Labour in Urban Spaces*), led by the University of Bologna under the Horizon 2020 Programme. Grant agreement no 822638. See <https://project-plus.eu/the-project>.

touristification served to recover from the 2007-2014 crisis (Rodrigues et al, 2016; Conti & Perelli, 2007; Sequera & Nofre, 2018; Pavel, 2020) but has been severely hit by the economic recession connected to the unexpected pandemic outbreak<sup>4</sup>. It aims to contribute to a better understanding of a series of diverse effects of the pandemic on the relations between Airbnb and Uber's ride-hailing, their workers, the urban environment where they operate and the policy measures that started in the end of 2020. We anchored the narrative around 22 semi-structured interviews collected during the three main phases of the pandemic emergency (from March to Dec. 2020) with a diverse range of workers of the two platforms, and some members of the Portuguese Parliament and of local institutions.

## 2. LISBON BEFORE THE PANDEMIC

Portugal is an almost unique context, and a laboratory for platform capitalism at the continental level (Tommasoni & Pirina 2019), also due to a specific legal framework. The latter, for the touristic accommodation sector, counts already on a multilevel governance (which in 2018 passed to municipalities the right to regulate licenses and maximum quotas), while the mobility sector is still centralised at national level, although municipalities are exerting growing pressures to be entitled to an active role – especially for having rights to access big data collected by companies.

Unlike in other countries, Portugal managed to quickly approve a national Law for regulating platform-based transportation<sup>5</sup>. This unveils another peculiarity: the low level of conflict which marks the country and makes it a suitable stage for experimenting *aggressive innovations*, even when they can initially face opposition by groups strongly threatened by them (as was the case of taxi drivers, which organised a 2-weeks strike in Sept. 2018 before the “Uber Law”'s approval).

Namely, Lisbon (509,000 hab.) constitutes a vital study-field, being that its metropolitan area hosts 2.860.000 inhabitants and 44.4% of the whole immigrant population, which is an important component of several activities linked to platform capitalism in a country that represents an essential turntable for the absorption and distribution of immigration in Europe (Baganha, 2007). The development of platform economy in Lisbon is strictly tied to the process of “startup urbanization” (Carvalho & Vale 2018) and the goal of forging a smart city (Seixas et al. 2015). In the last 5 years, several scholarly works

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4. See reports by PROSPER: <https://clsbe.lisboa.ucp.pt/economicovid19>

5. It happened just four years after July 2014, when UberBlack service started in an unregulated context, being followed by UberX in December, and then blocked by a court for some months as a precaution.

investigated the impacts of Airbnb on the real estate market and the urban geography of Lisbon, within a larger ecosystem of “Local Accommodation” (AL) and short-rental facilities for tourists<sup>6</sup>. Conversely, studies on Uber, and the dense ecosystem of digital urban transportation platforms using light vehicles, are still residual. Nevertheless, they are made significant by the installation in Lisbon, in 2017, of an Uber pilot Centre of Technology and Excellence, which provides support to trips across all Europe and test innovations in Uber’s offer, employing (as in the end of 2020) almost 500 persons, with more investments declared to come (Allegretti et al., 2021).

As Leonardi & Pirina (2020) stress, Portugal confirms some general tendencies “related to the way in which IT firms using online models tend to form oligopolies”. For example, in 2019, the digitally-driven ride-hailing sector saw the exit of Cabify from the market and the merger between Kapten and Free Now<sup>7</sup>. Other peculiarities refer to the way in which digital platforms territorialise themselves, as is well exemplified by how – few months after Uber’s entry in Portugal - the Ministry of the Environment created a Working Group for legalizing electronic platforms for transport, guiding to the approval of Law 45/2018, which defines the legal framework within which Uber and other ride-hail apps are allowed to operate. Its popular name (“Uber Law”) is a recognition of the dominant actor that self-imposed a leading role in the transportation digital platform subsystem, opening the way to the entry of other companies – as *Chauffeur Privé* - that preferred to stay in the rear until the new legislation could offer “balance and security to the investment that is being made” (Pereira, in Lusa, 2018).

The Uber Law’s main specificity is the introduction of a third party, an entity called TVDE partner<sup>8</sup>, between the platform and the worker: it could be either a collective company or a sole proprietorship (thus, often coinciding with the driver himself/herself). Several of the Law’s purposes have failed (including due to the lack of monitoring by part of the institutions in charge of it), and the normative is currently under revision. According to IMT (Institute for Mobility and Transportation) on 01.03.2021 there were 29,410<sup>9</sup> drivers who had received their certificate for the activity (and,

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6. See, for example, Rio Fernandes et al. (2019); Cocola-Gant&Gago, 2019; Gainsforth, 2019; Mendes, 2017; Seixas and Guterres Brito, 2018.

7. The significant process of reshaping that characterised the mobility-platform sector in Portugal in early 2019 saw Cabify ceasing operating, while Kapten was integrated into My-Taxy, a taxi service app, that was renamed as Free Now.

8. The acronym TVDE means: remunerated and individual transportation on non-characterized vehicle via digital platform service (*transporte individual e remunerado de passageiros em veículos descaracterizados a partir de plataforma eletrónica*).

9. <https://imt-tvde.webnode.pt/numero-de-certificados-de-motoristas-tvde/>

surely, not all of them are in operation nowadays), and a total of 8,241 TVDE partners/companies<sup>10</sup>.

Law 45/2018 reproduces in the mobility ecosystem a dynamic of regulation of platforms through companies which reduces the responsibilities of the platform, and grant the intermediation between those who operate through it (Uber drivers or Airbnb hosts) and the platform itself. This transformation - aligned to the type of dominant entrepreneurship culture of Portugal (family-based and micro-companies) – created a new chain of command *digital platform > TVDE partner company > TVDE driver*, shaping a hierarchical system with diversified levels of investments, sizes, managerial strategies and types of contracts (Table 1). It is an almost unique solution in Europe, and is being regarded as interesting by Uber Itself<sup>11</sup> when courts – in other countries – started to impose to platform companies the hiring of their workers as employees.

**Table 1: Profiles of workers and Labour instruments in the Uber and Airbnb platforms (Source: PLUS Portugal, 2020)**

	Owned/loan		Third party	
UBER	TVDE Company		TVDE drivers	
	Large business entrepreneurs	Company profit	Freelance driver	Percentual (Recibo Verde/informal)
	Small Business entrepreneurs/drivers		Fulltime driver	Fixed rate (Recibo Verde/informal)
	Self Employed		Subordinated driver	Long term contract
AIRBNB	Small businesses		Intermediation company	
	Single Freelance host	Individual rental	Intermediation entrepreneurs	Company profit
	Small entrepreneur	Company profit	Intermediation managers and workers (large companies)	Long term contract
			Intermediation ancillary services	Freelance (various contracts)

10. [http://www.imt-pt/sites/IMTT/Portugues/Documents/TVDE\\_ListaDeOperadoresPorDenominacao.pdf](http://www.imt-pt/sites/IMTT/Portugues/Documents/TVDE_ListaDeOperadoresPorDenominacao.pdf)

11. See the Report “A Better Deal” presented to the EU Commission in 2021: [uber.app.box.com/s/tuuydpqj4v6ezvmd9ze81nong03omf11?uclid\\_id=6d9ab030-b509-440b-baa3-9bbeed26f33c](https://uber.app.box.com/s/tuuydpqj4v6ezvmd9ze81nong03omf11?uclid_id=6d9ab030-b509-440b-baa3-9bbeed26f33c)

The peculiar relational model that characterizes Portugal has been defined as “*intermediary platform capitalism*” (Rodrigues et al., 2021) as it represents a “hyper-outsourced model [...] that enables a monopoly rent to be gained” (Srnicek, 2017), whereby workers, fixed capital, maintenance costs and even training are all outsourced. The optimisation of these multiple outsourcing mechanisms is granted mainly by the legalisation of the intermediary figures. The result is an atypical model based on a working relationship that is usually criticised as *false self-employment*, combined with a typical feature of platform capitalism, known as multi-homing, allowing customers/workers to switch between platforms according to their convenience. Multi-homing (or multi-app) is common among accommodation providers (Gineikytė et al., 2020): for the transportation system the concept represents a new challenge, because it questions the platforms’ capacity to induce and maintain customer loyalty (Demary et al., 2020: 34) and even drivers’ loyalty. In Portugal’s case, the renunciation of competing platforms to combat the phenomenon of multi-homing (for instance, by contractually binding partners/drivers of exclusivity) has been strategically used as proof of the ‘real self-employment nature’ of contractual relations between a provider and its drivers (Allegretti et al., 2021).

At the beginning of 2020, when the outbreak occurred, this intermediation system had worsened<sup>12</sup> the precarious conditions of workers, multiplying the number of withdrawals on the amount paid by clients and failing to control working hours, despite the daily workload being regulated by law, requiring companies to regulate and monitor the enforcement of the established limits. In the case of transportation platforms, for example, its respect is ruled algorithmically (through an automatic logoff imposed after 10 hours daily), so multi-homing becomes the tool used by TVDE partners to push their drivers to extend their shifts, limiting the possibility of the control and application of fines from public institutions (Tomassoni & Pirina, 2019). The ambiguity of the legal framework of TVDE also includes the minimum value of each trip to allow cost-recovery, which is not defined, and does not allow public control on the decency of another pivotal part of working conditions.

As far as it regards Airbnb, the government’s strategy in collaboration with local administrative authorities made a large market for short-term rentals emerge, which has increased competition among big players, as investment funds and foreign investors stimulated by the visa and fiscal incentives created during the economic crisis and never removed by the progressive

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12. See the LISBON CITY REPORT - WP2 (Annex to D2.2) of PLUS Project delivered in November 2020.

governments elected in 2015 and 2019 (Cocola-Gant 2019). Consequently, the number of small hosts shrank and an intermediary business sector for the management of short-term rentals through platforms had emerged (PLUS-Portugal 2020). Many municipalities – in a copy-paste mechanism started by Lisbon, and then codified by national Law in 2018, started to create “special plans” with maximum thresholds/quotas of tourist accommodation in different neighbourhoods.

It is likely that this peculiar way of governance of platform economy could have resulted in a further weakening of social conflict, through a “*divide et impera*” approach that tended to fragment the workers’ front, while exacerbating the competition among the increasing number of available drivers and TVDE partners (which in the end of 2019 had reached peaks of 21,000 and 6,672, respectively – being 3,873 enterprises registered in Lisbon<sup>13</sup>) and with the 25.834 registered taxi. Until the end of 2019, collective practices of resistance and conflict with respect to platform labour conditions remained scattered and intermittent, counting on informal associations of small TVDE partners (as ANTUPE, AEOTVDE, APNVD) and – only later – on a group related to CGTP union<sup>14</sup>. The multiplication of mutual-support groups for sharing experiences on social networks (ILO 2020) occurred, casting frequent doubts on their usefulness, as they are seen as unreliable sources of information, when not directly boosters of fake news (PLUS Portugal 2019). However, they had a role in conveying the malaise of the drivers onto the first strike against the unilateral lowering of Uber fares, which happened on January 3-4, 2020.

As for the ecosystem of short-term rentals, at the end of 2019, Airbnb had registered almost 117.000 properties active on Portuguese market, of which over 31,800 in Lisbon, which received from them 10,000,000 € of tourist tax<sup>15</sup>. It has a more solid organisation in terms of representation of owners in interests, both through the ALEP (National Association of Local Accommodation) and its local branches, as through Forums of small owners. These were active during the negotiations with Lisbon municipality on its Regulation on Local Accommodation (approved in October 2019), containing absolute and relative contention zones where new licences could not be issued.

It is worth to underline that, as far as it regards the antagonists of the above-mentioned associations, the activism of taxis’ representatives (as ANTRAL<sup>16</sup>) has been declining after the approval of “Uber Law”, while the

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13. <https://expresso.pt/revista-de-imprensa/2019-12-15-Motoristas-TVDE-ja-sao-mais-de-21-mil>

14. See: <https://strup.pt/index.php/2-destaques-strup/129-aos-trabalhadores-dos-tvde>

15. See: <https://www.airdna.co/covid-19-data-center> (week 24 Feb/1 Match 2020). Fernandes et al. (2019) show active units in the metropolitan area were 48,700.

16. <http://www.antral.pt>

protagonism of social movements linked to the right to housing has been quickly growing (Mendes, 2020), catalysed by the approval of the New Generation of Housing Policies (2018) and the Basic Law on Housing (2019).

### 3. UBER AND AIRBNB DURING THE PANDEMIC

Recent literature has been reflecting on whether the pandemic offered a transformational opportunity (Sigala, 2020) of platform economy's relations with workers and places. Katta et al. (2020) consider that COVID-19 compelled several gig companies, at least temporarily, 'to face up to the precarity of [their] drivers' work', reducing what Graham (2020: 1) defined as *the strategic use of 'conjunctural geographies'* - that is, a way of 'selectively existing at the conjuncture of multiple geographies' and 'of being simultaneously embedded and disembedded from the space-times... [a company] mediate[s]', thus circumventing labour laws, tax jurisdictions and even court systems of the localities it serves.

The mounting public pressure that COVID determined on gig giants obliged Uber and Airbnb to offer some measure of support to their workers: small signals of re-embeddedness and decommodification that implicitly recognised as merely 'tactic' their claim to be extraterritorial, while admitting that they are inextricably tied to the local (Katta et al., 2020; Allegretti et al., 2021).

In Lisbon, the dramatic shrinking of tourism, summed to a widespread breakdown of purchasing power<sup>17</sup> and repeated lockdowns, dramatically reduced the request of short-term rentals and the needs of individual transportation. GDP fell by 7.6% in 2020 (according to INE data). The city suffered stricter rules than other parts of Portugal, due to the highest numbers of contagions and casualties: nevertheless, measures continuously oscillated between the hope a fast recovery of "normality" and the need to find immediate exit strategies to the risks of a permanent crisis. As a matter of fact, the pandemic emergency stressed that its impacts on Airbnb and Uber can only be understood in relation to the two different ecosystems they belong to, which share the "unity of place" represented by the urban space, but articulate differently several platforms and their owners, workers, customers and representative institutions, showing different levels of stiffness and resiliency to context changes. Ride-hail drivers and riders have been allowed

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17. During this period, around 2 million workers loss their income; 1.3 million entered in lay-off and more than 300,000 requested Extraordinary Support for compensating the shrinking of economic activity of self-employed workers. See: <https://www.dinheirovivo.pt/economia/crise-cortara-rendimento-a-2-milhoes-dos-trabalhadores/0/0/00> 0:00:00 AM



to work as services of public interest<sup>18</sup>, being often recognised as “essential category” of workers in public rhetoric and imaginary (i.e. the “stay-home” campaign, with giant outdoors in public spaces); but they obtained very low financial support – both from the State and from their companies – and faced concrete difficulties and a plummeting in average incomes. From April to June 2020, contributions from TVDE companies to the State fell 71% in relation to 2019<sup>19</sup>. Furthermore, a measure, undertaken on October 29 by UBER in response to the growing competition with other operators (as Bolt, which had recently introduced a cheap fare “XS” for small city-cars) in a suffering market, was the unilateral reduction of rides-fares in the metropolitan Lisbon area, through the creation of a multiplier to adjust rates<sup>20</sup>. A slow-march, on November 6, gathered 500 participants, and delivered a workbook of claims to Parliament, alleging a violation of Law 45, which requires previous negotiations with workers on so important topics, especially because the untransparent algorithm management attributes rides first to those that reduce fares more drastically, revealing that optionality of the measure was a lie.

Indeed, 2020 – despite the COVID crisis – has been strategically used by Uber to reinforce its dominant position in a broader series of gig economy activities, due to the need of moving the more than 27,000 potential drivers<sup>21</sup> to activities of business-to-business (like Drop-off, launched in March 2020<sup>22</sup>), micro-logistics (covered by Uber Connect<sup>23</sup>, opened in June 2020 to transport small goods) and food-delivery (Uber-Eats). This generated an “oligopolistic drift” among the major TVDE partners of Uber, as business-to-business services and Uber-Connect had been practically entrusted to the BlueWalk Lda company, due to preliminary agreements it had signed with big supermarket chains as Continente and Mercadona/Pingo Doce. The drift rewarded TVDE companies with more cars, which can easily dilute costs (insurances, safety protections, high rates of dead-hours with no rides, etc.), pushing many small companies to close. Between March and August,

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18. Article 11 of the State of Emergency Decree

19. Close to 181,000 € were collected, compared with 622,500 in the same three months of 2019. See: <https://eco.sapo.pt/2020/10/02/impacto-da-pandemia-nos-ubers-afunda-receita-do-estado-em-71/>

20. At the moment, fare in Lisbon were: € 0.90 base rate, € 0.09 per minute and € 0.59 per kilometre. The Art. 15 of Law 45/2018 say that “final prices should cover all costs associated with the service”, but threshold values have never been established.

21. <https://www.publico.pt/interactivo/portugal-meio-gas-que-mudou-pais-suspenso>

22. [eco.sapo.pt/2020/03/27/uber-eats-vai-ter-mercearia-no-catalogo-motoristas-da-uber-farao-entregas-dos-hipermercados/](https://eco.sapo.pt/2020/03/27/uber-eats-vai-ter-mercearia-no-catalogo-motoristas-da-uber-farao-entregas-dos-hipermercados/)

23. <https://www.uber.com/pt/blog/uberconnectpt/>

151 companies closed (being 95 in the same period of 2019) and only 322 opened (were 1,583 in 2019)<sup>24</sup>.

As far as it regards Airbnb, a study by AHRESP<sup>25</sup> revealed that 49% of companies linked to the tourism sector had moved to lay-off, while local accommodations micro-enterprises filed 24% of the applications received by the 60,000,000 support line created by the Government through the agency Turismo de Portugal<sup>26</sup>. In the beginning of July, bookings on Airbnb and rival platform Vrbo had dropped 76% in Lisbon compared to the same period in 2019<sup>27</sup>, being that foreign tourism fell down 60.3% (8,000,000 persons less) from January to August compared to 2019. Despite the short recovery during the summer<sup>28</sup> (mainly due to national tourist and some from EU countries<sup>29</sup>), in September a report of the Real Estate Agency Confidencial Imobiliario<sup>30</sup> registered that 1,744 small apartments were removed from the market. Exit-strategies for owners have been varied: although no clear statistics exist to calculate how many units went to the mid-long term rental market, the possibility offered by the Municipality of temporary suspend the licences for tourist accommodation could have spontaneously guided towards a “precautious behaviour”, opting for substituting the short-term with a mid-term business (rental of 3-6 months), maintaining open the possibility of getting back to the usual in case of a fast-recovery of touristic flows in 2021. Real Estate investments – seen as a safe haven – resisted. Data from AirDNA, Bloomberg and other real estate players underlined a substantial persistence of the stock dedicated to touristic accommodation activities (that was of around 25,000

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24. <https://eco.sapo.pt/2020/10/09/ubers-estao-em-recuperacao-apos-grandes-quebras-da-pandemia/>

25. See: <https://eco.sapo.pt/2020/04/03/metade-das-empresas-de-turismo-vai-recorrer-ao-lay-off-um-terco-nao-pagou-salario-em-marco>

26. <http://business.turismodeportugal.pt/pt/Investir/Financiamento/mais-oportunidades-financiamento/Paginas/covid-19-linha-apoio-empresas-turismo.aspx>

27. <https://www.jornaldenegocios.pt/economia/detalhe/bloomberg-lisboa-tem-um-plano-para-tirar-casas-ao-airbnb>

28. INE data show that overnight stays in Local Accommodation lost 59.4% in Portugal, and income fell 65%, due to the need of discount to attract tourist. In April overnight stays fell to 58,421, gradually becoming 94,856 in May, 205,960 in June, 417,128 in July and 760,068. See <https://www.dn.pt/edicao-do-dia/16-out-2020/alojamento-local-cai-60-ate-agosto-houve-menos-oito-milhoes-de-turistas-estrangeiros-12926572.html>

29. INE Data (October 2020) show that 54,8% of clients were national residents, with peaks of 78% in the three months of summer. Rural tourism fell less sharply (losing 41%), but this did not touch the urban metropolitan area of Lisbon.

30. [www.jornaldenegocios.pt/empresas/imobiliario/detalhe/rendas-pedidas-descem-em-25-das-casas-no-pais-e-em-33-dos-imoveis-em-lisboa](http://www.jornaldenegocios.pt/empresas/imobiliario/detalhe/rendas-pedidas-descem-em-25-das-casas-no-pais-e-em-33-dos-imoveis-em-lisboa)

units, at the start of 2020, i.e. 8% of the total Lisbon housing stock<sup>31</sup>), possibly fuelled by the summer parenthesis, which renewed trust in a possible rebound. Different public institutions offered some options to explore. For example, the Ministry of Science, Technology and Higher Education and Movijovem in September signed an agreement with hotels and LA associations to provide 4,500 bed to students (being that social COVID safety measures had affected the capacity of student-residences for 2020/2021)<sup>32</sup>. Lisbon Municipality reinforced the “Safe Rent” programme, conceived in 2019 to facilitate migration of apartments to long-term rentals: but the three calls have attracted only a small number of stakeholders (327 from March to December<sup>33</sup>). The fact that only 25% were ex-LAs<sup>34</sup>, reinforce the idea that investors in the sector still bet on the rebound of tourism, and, so, the mid-term alternative is preferable to that of accepting the municipal benefits<sup>35</sup>, conceived only to those that accept to sign long-term contracts<sup>36</sup>.

Small owners seem to be those more worried about the delay of tourism recovery, as proved by a national study DINÂMIA’CET/ISCTE<sup>37</sup>, in which 80% of LA owners/managers recorded a drop in turnover of more than 75% (with peaks of 93% in Lisbon, and lower rates of 56% in the countryside) during the second quarter of 2020, compared to the same period of 2019. Figures are scaring, if 40% of respondents indicated that LA income represented for them more than half of the household income and 38% stated is their only profession. However, 46% expects a return to pre-pandemic levels as early as next year, and 28% from 2022: so, 74% of owners intend to continue with short-term LA, and only 17% is interested in opting for a long-term lease in the private market. Regulation and inspection (by some platforms as well as by the Portuguese State) declined in the COVID emergency period, and both

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31. [www.bloomberg.com/graphics/2020-airbnb-short-let-reforms-lisbon/?srnd=premium-europe](http://www.bloomberg.com/graphics/2020-airbnb-short-let-reforms-lisbon/?srnd=premium-europe)

32. [www.publituris.pt/2020/09/21/hoteis-e-alojamento-local-disponibilizam-4500-camas-para-estudantes-universitarios](http://www.publituris.pt/2020/09/21/hoteis-e-alojamento-local-disponibilizam-4500-camas-para-estudantes-universitarios)

33. Data from CML (03/12/2020)

34. <https://headtopics.com/pt/camara-de-lisboa-arrendou-muito-menos-casas-a-privados-do-que-esperava-17224438>

35. With the program, owners can register for lease with the municipality, which finds tenants through a housing program for young people and low-income families. Lisbon City pays owners from 450 up to 1000 euros depending on apartments’ size. Units included in the program do not pay taxes (IRS/IRC or IMI). The contracts must be of minimum five years.

36. Some Airbnb owners switched informally to long-term rentals (that is, without the establishment of legalized lease agreements; example. See <https://www.publico.pt/2020/12/03/opiniao/opiniaol Lisboa-alhecimento-local-renda-acessivel-wishful-thinking-realidade-1941447>

37. The survey was carried out on 868 hosts and managers of LA in the country by the Center for Studies on Socioeconomic Change and Territory at ISCTE - Instituto Universitário de Lisboa (Nov. 2020).

sanitary rules and other requirements were let a bit in the hand of social self-control. Informal practices tended to grow, as shown in a study by Nova IMS released in December 2020, according to which 30% of Lisbon properties listed on Airbnb don't have a valid license to operate, and 17% share it with others, informally<sup>38</sup>.

#### 4. INSTITUTIONAL (RE)ACTIONS

The declaration of “state of emergency” represented an important act (unique for Portugal in peaceful times) for remarking the centrality of politics in fighting the public calamity, reinforcing legal certainties and institutional solidarity. The constitutional coverage to the restriction of some rights and freedoms (especially rights of movement and economic liberties, including ownership and private economic initiative<sup>39</sup>) was presented by the President and the Prime Minister as a conquest – temporally limited, although renewable – for making public interest prevail. However, prudence advice to be cautious on requisitions<sup>40</sup>, coupling with three other phenomena: (1) the predominance of governmental initiative on the proposing capacity of legislative organs (Griglio, 2020), which “tended to concentrate the thematic focus of the institutional debate on a reduced number of topics related to public safety, employment, and health and social-issues at large (including house, social protection of workers, safety of public transportation etc.”<sup>41</sup>; (2) the paralysis of all the external activity of parties (their relation with their bases, and the organisation of events in the public spaces which could mobilise larger audiences on specific issues) and of traditional participatory processes; (3) the slow-pace needed for restructuring the procedural operability of many institutions, and their full-capacity of interacting with civil society and the media, that had always played as a “pressuring” factor – especially in the two sectors (transportation and housing/tourist accommodation) here scrutinised.

Legislative institutions in Lisbon followed the world trend, dramatically reducing their accountability, the interaction with civil society organisations (audits, open councils, etc.) and the visibility and rebalancing role of smaller parties and independents politicians (Peixoto 2020). Regulations did not

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38. <https://eco.sapo.pt/2020/12/14/quase-metade-dos-al-no-airbnb-em-lisboa-nao-tem-licenca-valida>

39. See Presidential Decree 14-A/2020, March 18th, points a),b),c) and d), at: <https://dre.pt/home/-/dre/130399862/details/maximized>

40. Actually, in the beginning of the pandemic, the Resolution of the Council of Ministers no. 10-C / 2020 recognized the need to proceed with the civil requisition of port workers, on March 16, 2020.

41. Interview to a Portuguese MP on 23/12/2020.

allow to set a “virtual parliament”, so it worked “at half speed [...] a sort of ‘minipublic’ in permanent contact with their parties”, and missing “the scenic part of the interaction with guest-citizens in the tribunes”<sup>42</sup>. Unlike it, the Lisbon Municipal Assembly (AML) operated online since April, but – paradoxically – livestreamed sessions stopped for technical difficulties, and citizens only in July were readmitted to sessions. The council continued to collect petitions – which predominantly shifted online – whose number of minimum requested signatures was lowered from 250 to 150.

Yet, during the period 2016-2019, AML – and especially its Permanent Committee n. 5 on housing and local development<sup>43</sup> - had played a very active role, issuing “recommendations” to the National Parliament for legislating on right to housing, and decentralising competences to municipalities for facing problems posed by the proliferation of tourists’ accommodation or AL (Santos, 2019). After the approval of Laws 62 and 71/2018, that transferred these competences to cities, 2019 was dedicated to approve the Municipal Regulation on LA (n.214/2019). During COVID emergency, the Commission on Housing met 5 times, to approve amendments to that Regulation<sup>44</sup>, which had been conceived based on expectations of a never-ending growth of tourism; the pandemic made necessary to offer owners the possibility of easily suspend their licences, in order to put their properties on the mid/long-term rental market. AML decided in 2020 to finally activate the mixed commission for monitoring LAs (which include members of local authorities and external observers), and gave it the responsibility of elaborate and release frequently updated data on the situation of tourist accommodation in Lisbon, so that future transformations of rules could be anchored to data. In the world of a local politician:

*Platforms produce many data, but they do not publish them, and the municipality acts as a gatekeeper and does not even share with the Assembly. COVID served to advocate for a more transparent and targeted distribution of data, that now will circulate for the sake of social movements, the media and the academy. Reopening the Regulation of LA was a victory, and some parties would like to extend the contention*

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42. Interview to a Portuguese MP on 18/12/2020. See also CoE report on the functioning of parliament during Coronavirus: <https://www.ipu.org/country-compilation-parliamentary-responses-pandemic>

43. The Committee met 6 times in 2020. See: <https://www.am-lisboa.pt/251500/1/,000442/index.htm>

44. Proposal n.º 648/2020. See: <https://www.am-lisboa.pt/documentos/1604684529X8mJY5ct1Xa07ZG6.pdf>

*areas for tourism to the entire metropolitan area. But if the emergency will stop soon, possibly we will not manage to impose this vision, and everything will get back as it was. We are a very slow and not powerful institution, unfortunately: and by many this virus is seen just as a mere parenthesis to be left behind soon*<sup>45</sup>.

If the debate on the ecosystem involving Airbnb was limited (but important in terms of challenges), no provisions were taken by AML on issues related to mobility platform. National Parliament also did not take significative measures. As summarized by an MP:

*By consensus, the Parliament gave priority to the legislative initiative of the government. We have been a reactive organism; our agenda has shrunk. [...] The central point is data, often very controversial and criticized. Oppositions often feel that the government “pulls out” the data just when they need to have the last word or build a favourable narrative, and not as a basis for planning well and together. (...) From COVID emergency we learnt that, for the future, each sector will have to produce meaningful and transparent data: on housing, mobility, on medical care, on the extent of social aid. And yes: platform economy must be at the forefront in sharing data*<sup>46</sup>

Another colleague, commenting the caveat given by the Governor of the Central Bank to the Government, to “intervene at the margin” of the crisis, echoes:

*We cannot get back to “budget as usual”, filling holes with EU extraordinary money, and then getting back to austerity and Maastricht parameters, without any deep reorientation of our development model (...) In the debate on State Budget 2021 we insisted for all workers to have their working contract and social protection guaranteed. About platforms, we need an inward liberalisation of the sector. Possibly we have to work on two tracks: granting contracts and protection according to general laws, but also maintain a specific channel that take into account specificities of a more flexible model of commitment, and the interaction with algorithms, that must entail some element of transparency and minimum guarantees. Platform workers must be recognised*

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45. Interview to a Member of the Municipal Committee n. 5 of Lisbon, collected on 15/12/2020

46. Interview to a Portuguese MP, collected on 07/12/2020.

*the right to equality and to difference (...) Luckily there was a delay in updating Law 45, but this is good, because now we know what we want to ask to platforms: on workers' rights and protection, as on data release<sup>47</sup>.*

In November 2020, the 6<sup>th</sup> Parliamentary Committee on Economy, Innovation, Public Works and Housing (CEIOPH)<sup>48</sup> received the Workbook of Claims of TVDE drivers, and composed the Working Group for the Revision of Law 45/2018. Other institutions started working on contiguous issue, as did IMT, which in June completed the Preliminary Report of the Working Group for Modernization focused on Taxis (which includes hypothesis of a special regime for platform services)<sup>49</sup> and AMT (that proposed modifications to the data-collection and transmission, which also include platforms data<sup>50</sup>).

In November, in a supporting document for the State Budget 2021, the Leftist Block party asked the Government to force platforms to contract their workers as employees, but was ignored. Meanwhile the Government started working on a “urgent” law proposal for increasing the protection and contractual positions of gig workers – respecting EC and ILO guidelines, and reinforcing transparency and access to information for allowing adequate inspection mechanisms<sup>51</sup>. On November 25, the Minister of Labour presented the Basic Document for the “Green Paper on the Future of Work”, whose recommendations also discuss how “atypical” platforms’ workers will share opportunity of social protection, social dialogue and collective contracting<sup>52</sup>. She added that these topics will be priority during next Portuguese presidency of EU in 2021, and in the EU Social Summit to be held in Porto on May 7, 2021. In mid-December, the Ministries of Infrastructures and of the Environment (after AMT and IMT) received the Working Group of STRUP/CGTP Trade Union in charge of the Claims Workbook of TVDE drivers<sup>53</sup>, and this opening facilitated their meeting with Uber’s managers. Initially, Uber managers were neither directly

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47. Interview to a Portuguese MP collected on 18/12/2020.

48. <https://www.parlamento.pt/sites/com/XIVLeg/6CEIOPH/Paginas/default.aspx>

49. Despacho n.º 6560/2020, of 23/06/2020

50. Aviso n.º 20519/2020

51. See the interview to the Secretary of State for Employment in: <https://expresso.pt/economia/2020-10-23-Governo-prepara-lei-Uber-para-reforçar-direitos-dos-trabalhadores-das-plataformas-digitais>

52. <https://www.portugal.gov.pt/pt/gc22/comunicacao/noticia?i=governo-apresenta-base-do-livro-verde-sobre-o-futuro-do-trabalho-aos-parceiros-sociais>

53. <http://www.cgtp.pt/accao-e-luta-geral/15304-grupo-de-trabalho-fez-avancar-caderno-reivindicativo-dos-parceiros-e-motoristas-tvde-strup?fbclid=IwAR3Mn1E67pojribT8F1xbUYBGFoBSYl-seTJF312bAWubBjK3uoxTSrk4eQ>

informed<sup>54</sup>, nor audited: only on March 31<sup>st</sup>, negotiation started on the base of a proposal of social protection and “presumption of workmanship” of drivers and riders that Government emulated from Spain. This happened only after the European Union (on Feb. 24<sup>th</sup>, 2021) started a public consultation on the same issue (Tomassoni & Allegretti, 2021)<sup>55</sup>.

As for the tourist sector, on December 21, 2020, the Minister of Economy and Digital Transition declared that Residence Permits for Investment (ARI), or gold visas<sup>56</sup>, are not a fundamental tool for attracting investments, and the day after the Council of Minister stated<sup>57</sup> they cannot be conceded anymore for investments in real estate in Lisbon, Porto and on the coast, but – starting on July 2021 – only in the inner country. The measure had already been approved for the State Budget 2020, but its implementation was blocked in April and postponed, due to the strong lobbying of entrepreneurial association claiming that the end of COVID emergency could require their contribution to recovery the economy<sup>58</sup>. Finally, although slowly and late, the measure was confirmed, being appreciated by social movements which adverse all measures that threaten the to increase touristification and gentrification.

Such a change of pace, shows a deep shift in the institutional positions on the need of a public intervention in regulating sectors where gig economy operates with rules that are seen more critically after the pandemic. Lisbon Mayor also took some strong public positions: in July 2020 (in a provocative article on “The Independent”<sup>59</sup>) he proposed that essential workers – including hospital staff and transport workers, increasingly forced out of a touristed Lisbon - could re-enter in “Airbnb-style holiday rentals” transformed into “safe rent”<sup>60</sup> homes. On November 20, he declared he would file a com-

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54. <https://eco.sapo.pt/entrevista/em-2021-queremos-passar-de-eats-para-distribuir-tudo-diz-o-novo-general-manager-da-uber-eats/>

55. Ver: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_686](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_686) e <https://ec.europa.eu/social/BlobServlet?docId=23655&langId=en>

56. Since 2012, ARI program concedes residence permit (and then citizenship) for pursuing investment activities to extracomunitarians, by transferring capital, creating jobs or acquiring real estate. Accumulated investment amounts to 5.6 billion euros (being 5.0 linked to the acquisition of real estate). Since 2012, 9,340 visa were conceded: 1,245 in 2019 and 1,133 in 2020 (data from SEF, 2020).

57. <https://vidaimobiliaria.com/noticias/investimento/aprovada-limitacao-vistos-gold-lisboa-porto/>

58. See: <https://www.idealista.pt/news/financas/investimentos/2020/02/10/42367-travao-aos-vistos-gold-so-entra-em-vigor-em-2021>, and <https://www.idealista.pt/news/financas/investimentos/2020/04/13/43023-vistos-gold-continua-a-funcionar-da-mesma-forma-pelo-menos-ate-afinal-do-ano>

59. <https://www.independent.co.uk/voices/coronavirus-lisbon-portugal-airbnb-homes-key-workers-a9601246.html>

60. See: [rendasegura.lisboa.pt](https://rendasegura.lisboa.pt)



plaint with the Competition Authority against delivery platforms as Glovo and Uber Eats for the high commissions imposed on restaurants to provide home delivery service<sup>61</sup>. Although both declarations looked more as bombastic marketing initiatives than real political interventions, they boosted a large debate, maintaining social oversight alive in a period in which public attention could be distracted by the “monoculture” of COVID news in national media. Furthermore, the second was accompanied by the promise of committing the municipality to experiment an alternative costless solution, a cooperative platform on the base of what Bologna and other cities committed in networks as C40 or Cities for Adequate Housing are doing.

## 5. A BRIEF DISCUSSION

The pandemic outbreak in Lisbon hosted two different performances of the main platform economy giants that operates in the urban scene, both severely hit by the restriction to movements and the stagnation of the economy. Uber appeared more adaptable and proactive in exploring a large range of complementary activities that consolidated its image of a dominant and reliable player in the metropolitan scene, thus speeding-up a transition (that was already pre-structured) from a single ‘core business’ to a diversified presence in contiguous sectors – through a varied set of partnerships and agreements. Nevertheless, it tried to maintain its business model untouched, taking advantage of “the acceleration in the digitalization of consumers” and the acquisition of “new habits” in purchasing “that are slowly becoming part of people’s lives”<sup>62</sup>, but without facing the asymmetries existing among its different “partners”, which have been showing a tendency to a Darwinian differentiation, that is consolidating the position of the bigger intermediaries, in relations to other categories proposed in Table 1.

Airbnb took a more “wait-and-see position”, letting its advocates work to convince the political actors that a return back to business-as-usual is still possible, and is worth not to take too radical measures to change the regulatory panorama of rental and the privileges granted to tourists and foreign investors in the past. Somehow, investments remained “suspended”, and the brief summer break 2020 – with the partial return of tourism (at least the national one) – was used to feed trust in this narrative, so that hosts could avoid the

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61. See: <https://www.nit.pt/fora-de-casa/na-cidade/medina-vai-fazer-queixa-da-ubereats-e-quer-criar-uma-alternativa-para-os-restaurantes> and [https://observador.pt/2020/11/20/medina-abre-guerra-com-a-ubereats-e-promete-alternativa-sem-custos-para-restaurantes/?fbclid=IwAR1DLEs5atwh6yA5fZ41mEYy4uaV\\_LbOzWnTPLKMttv7HCHPfqr1eNeuYuY](https://observador.pt/2020/11/20/medina-abre-guerra-com-a-ubereats-e-promete-alternativa-sem-custos-para-restaurantes/?fbclid=IwAR1DLEs5atwh6yA5fZ41mEYy4uaV_LbOzWnTPLKMttv7HCHPfqr1eNeuYuY)

62. See interview to the Portuguese General Manager of Uber-Eats, Diogo Aires Conceição, in Barbosa&Amaral (2020)

temptation of searching for individual-based “exit strategies” (as entering the market of long term rental) which could put them “out of the system” dominated by the platform. A differentiation emerged between big investors (who can wait more patiently to see their income coming back) and small owners. The platform tried to secure the latter, offering some insurance solutions – although lately and inadequate – which could secure their permanence in the system. So doing, Airbnb clearly recognised that the pandemic hit differently – and with more or less severe consequences – a range of diverse actors, who had been artificially threatened too much homogenously until now.

In this panorama, what made the difference between the two gig-giants – during COVID-19 emergency - seems to have been a combination between the pro-active attitude to change of each company, and the characteristics of the “ecosystem” in which it operates. In this perspective, Uber seems to have survived better to the crisis, thanks to 3 factors: (1) the osmotic flows of workers and customers between the contiguous service-domains of multi-modal transportation, micrologistics and food delivery; (2) the possibility to build its core business on local clients/inhabitants, continuously remarking their centrality in the change of rules; (3) the higher degree of centralisation of its decision-making structures, and the more authoritarian approach of its gatekeepers.

Conversely, the platforms operating in the domain of home-accommodation proved less resilient to dramatic changes imposed by COVID-19 emergency. This was not only because they depend more on touristic flows, but also because their ecosystem has not major possibilities of expansion until saturating the public space (as transportation does), but it’s based on a finite urban patrimony, where it competes for the same “assets” (the built heritage) with the primary housing systems, whose advocates – the social movements for the right to housing and the right to the city – strengthened and sharpened they struggles methods during the pandemic (Mendes, 2020), consolidating their alliances with political forces.

Somehow, the differences among Uber and Airbnb in Lisbon during the pandemic, are also a photo of two different types of algorithmic management. In fact, the first is a totally customer-centred one, which organises the complexity of the ecosystems (and the collected data) to maximize the profitability of the service offered for the platform owner and capitalizing the loyalty of clients, but almost ignoring the human factor constituted by the workers. They are almost viewed as a negative externality, and completely interchangeable, within a pool of workforce which is larger enough to be forced to accept an internal competition to bottom. Conversely, the Airbnb algorithmic management (despite some new rules added during the pandemic to

make the hosts more responsive and fast in tackling clients' needs) acts as a mediator between the customer's preferences, the interest of the technological company and the finite number of hosts who decide to make their living units available on the platform, whose "desire of maintaining control on their properties and their timing and mode of use is often very high, and it translates into specific requests, constraints and limits posed or imposed to the management of Airbnb itself by people than can only threaten to leave the platform if their priorities are not respected<sup>63</sup>".

It must be acknowledged that – while diverse Portuguese forces were trying to face the challenges posed by the pandemics to platform economy – things were moving faster elsewhere: i.e., on November 2020, California approved a referendum recognising to mobility APP-based companies the right of having legalised a system based on partnership with autonomous drivers<sup>64</sup>, while in the UK an opposite decision was taken by the Supreme Court on February 2021, obliging UBER to contract 70,000 drivers as employees with social benefits (and similar decisions were ruled by courts in Italy and Holland to the sake of riders)<sup>65</sup>. Such events fed intense debates in Portugal, being the pressures intensified by the Portuguese EU Semester which gave to the Government – as coordinator of the European Union – a moral duty of being the facilitator in find solution to a series of common problems shared by many members States.

This specific conjunction requires to identify the main lines of convergence of different actors, who have been intervening in the Portuguese debates with strong agency but different power in the last year, and is an opportunity to identify which mechanisms of policy diffusion are at work, in relation to consolidated models (Shipan and Volden, 2008; Evans, 2009) and transfer routes (Minkman, 2018; Marsh and Sharman, 2009), or to more innovative regards (Stone et al., 2020).

In fact, as an "early adopter" of an almost unique solution for formalising the presence of giant platforms (what we defined as "intermediary platform capitalism"), Portugal could be the protagonist of its own proposals to respond to common challenges of other countries, in front of the frequent courts' rulings, which seem feeding their "legislative void". But – at the same time – there has not been enough emphasis on monitoring and assessing the

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63. Interview of the authors with a Portuguese host of Airbnb, female, 39 years old (collected on 19/12/2020)

64. [https://ballotpedia.org/California\\_Proposition\\_22,\\_App-Based\\_Drivers\\_as\\_Contractors\\_and\\_Labor\\_Policies\\_Initiative\\_\(2020\)](https://ballotpedia.org/California_Proposition_22,_App-Based_Drivers_as_Contractors_and_Labor_Policies_Initiative_(2020))

65. <https://www.theguardian.com/technology/2021/feb/19/uber-drivers-workers-uk-supreme-court-rules-rights>

years in which Portuguese legislation operated, and is clear that the followed path was largely incomplete for at least 3 reasons: (1) it did not have enough negotiations with a broad range of social partners; (2) it did not face “platform economy as such”, but concentrated on single policy sectors (as transportation or tourist accommodation), so losing the broad interconnections with other domains; (3) it almost ignored the centrality of data collection and elaboration, which represent the main specificity for evaluating the added value of platform-driven economy.

In this perspective, a *bricolage* solution (Stone, 2017) would be the most suitable and likely approach to the reconstruction of the policy framework in Portugal. *Imitation* is, at the moment, the perspective chosen for the solution of the specific issue on “how to balance system flexibility with workers protection: and the reference model seems the Spanish one (based on “*presumption of employee status*”), which has been discussed with social partners since February 2021 as a more welfarist version of the British proposal, which includes “zero-hour contracts”<sup>66</sup>. Such a solution needs to be complemented by ideas coming from other sources, and cities like Barcelona (Morozov and Bria, 2018) or Bologna<sup>67</sup> have been visualised as possible references – respectively – for emulating solutions referred to the topic of data production and sovereignty, and the implementation of cooperative-driven or ethical-based business models, where State entities (as municipalities, for example) can have a central role of engine in fostering new approaches to digitalised service-provision.

Under this perspective, it seems that the visible role played by local authorities (as Lisbon’s Mayor) and their national and transnational networks (the RAP-Network of Participatory Municipalities, or Cities for Adequate Housing<sup>68</sup>) had an important role in the debate on problems and solutions for platform economy in Portugal, that can be accommodated in the rich analyses proposed by a more recent and heterodox literature on policy diffusion and transfers that focuses on the pivotal role of “ideation” and “knowledge circulation” through ambassadors and entrepreneurs (Porto de Oliveira, 2017; Stone et al., 2020) rather than on the centrality of fixed formulas and legal protocols.

At the moment, local institutional actors in Portugal are still in the process to gain a space at the negotiation table opened by State decision-makers, for a comprehensive and systemic reform of platform economy. But two advantages stand by their side: (1) the fact of having already been cooptated as central players in

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66. <https://expresso.pt/economia/2021-03-11-Espanha-alcanca-acordo-para-rever-Codigo-do-Trabalho-e-reforca-protecao-aos-trabalhadores-das-plataformas>

67. <https://www.legacoop.coop/quotidiano/2020/09/18/nasce-a-bologna-la-piattaforma-consegne-etiche-in-collaborazione-con-coop-idee-in-movimento-e-almavicoo/>

68. See: [www.portugalparticipa.pt](http://www.portugalparticipa.pt), and <https://citiesforhousing.org>

some of the platform economy sectors (for example in the local tourist accommodation in private apartments/homes, as in housing provision); and (2) the fact of having been outstanding protagonists – especially during the pandemic – of innovative solutions in sectors where they are still marginally involved by State norm, as is the case of mobility – where Lisbon emerged for an advanced project of “mobility-as-service” that reorganised all micro-mobility services (bike, moped, skates) and started to integrate public transportation and private complementary services. In such a panorama, obviously big cities will have a central role for the reorganisation of the platform-economy, especially when they have (as Lisbon or Porto; but is partially through also for Faro in the regional-territory of Algarve) a formal responsibility in articulating metropolitan areas, and interconnecting the effort of smaller political/administrative units.

Under this perspective, although – up to now - the main policy for dealing with platform economy in Portugal has been that of *not having a policy* – or having just *partial and fragmented sectoral policies* - the horizon which is taking shape promises much more. It appears, in fact, as a multipolar arena (Baker & Walker, 2019) where dynamics of competition and cooperation (Mawdsley, 2017) meet with translations (Hassenteufel et al., 2017), and a plethora of diverse agents and narratives (Porto de Oliveira & Pal, 2018; Cabral et al., 2013), which show they want to avoid a model learning only from successes (Simmons and Elkins, 2004), and could favour a creative and holistic solution, more adequate and tailored to the peculiar conditions of time and place (Peck & Theodore, 2015; Weyland, 2007).

Possibly, when the present “rush hour” will be over, calmly reflecting on which type of policy circulation has prevailed in a country whose semiperipheral nature encourages the appeal to Southern Epistemologies and different perspectives on the ecology of knowledges (Santos 2011; Stone et al. 2020) will be possible. And it will be clear if (and to what extent) a policy transfer “from below” (Towns 2012) has been possible. In the moment of writing this essay, the debate existing in the country – and especially the contributions coming from some of the most affected stakeholders (as Uber drivers in their support chats) – show that the ideas which meet in the public debates have a strong focus in common: (i) they come both from on-policy and off-policy learning rather than from imitation (Sharman, 2006), and (ii) they pose a *caveat* on any solution marked by coercive isomorphism (Dimaggio & Powell, 1983), indicating a path that values legal provisions which offer multiple choices - instead of standardized answers to problems - recognising freedom to choose among different tailored solutions as “an added value of our democracy”<sup>69</sup>.

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69. See chat exchanges quoted in Tomassoni and Allegretti, 2021

## 6. FINAL REMARKS

The pandemic breakout has exposed the contradictions of the Portuguese urban economic recovery model of the last decade (Teles, 2018), which - grounded in the dynamics of real estate and the touristification - has generated a rapid growth, but with reduced environmental, social and economic sustainability. It also reconfirmed that Portugal can be seen as a laboratory for what Leonardi and Pirina (2020) have defined as *varieties* of gig economy, shaped in “a fruitful dialogue between digital platforms and political institutions”, included local authorities which acted as a sort of “ambassadors” and “entrepreneurs” (Porto de Oliveira, 2017) to favour new solutions and the adoption of different perspectives on platform economy in the specific and unique setting created by the formalised Portuguese model of “intermediary platform capitalism”.

During 2020, national institutions - imprisoned in their own difficulties of a “normal functioning” - had few merits, as they continued to wait for a re-normalisation of sanitary conditions, which could put the clock hands back and restart “business as usual”. Thus, COVID-19 remained a still “untapped opportunity” for a paradigm change in the relations between gig economy giants, their workers and the urban environment: this is, somehow, a paradox and another “lost opportunity” for a State that - since the first declaration of the “State of Emergency” - rhetorically claimed its centrality over any other driving force of society, but then did not use these broadest legislative powers ever seen in peacetime. But some policy changes, mainly induced by diverse external pressures, happened between December 2020 and March 2021.

If the last word is still not written, it is because the political environment is much more than the will of formal representative decision-makers, and includes media pressure and oversight, independent authorities and several forms of “counter-democracy”<sup>70</sup> that - in the case of Lisbon - proved to be rich in providing stimuli to politics. In Lisbon, the COVID-19 emergency - with its non-linear time, that alternated fears and hopes of a future normalisation (Santos, 2020)<sup>71</sup> - saw the growth of newly-equipped social movements, especially in the domains of the right to housing, and an unexpected strengthening of sindicalisation dynamics in the sector of people transportation and good/food deliveries. Their critics contested the poorly-conceived assistance packages created by the government for employees and entrepreneurs, as the prevalence of a nostalgic imaginary of the recent recovery (concretely based on a disqualification of working skills and relations, on acritical incentives

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70. See: Rosanvallon (2008)

71. See: Santos (2020a)

to any form of foreign investment, as on a rentist, extractivist and predatory model of austerity urbanism); but also brought to the debate possible solutions coming from other cities and more oriented towards a cooperative and commons-oriented imaginary.

Clear requests come from different spaces, asking for a revision of the reglementary framework that could focus on equity-based approaches, grounded on the recognition of the differentiated impacts – made clearly visible by COVID-19 outbreak - that changes in the market trends can generate for the diverse ranges of actors that we tried to depict in Table 1, and their different types of investments and risks.

Undoubtedly, the enforcement of the recently updated new Municipal Regulation of Local Accommodation of Lisbon (2019) and the revision of Law 45/2018 (expected for 2021) constitute an unmissable opportunity to develop their still unexplored potentials and make sense of the large production of data that platforms produce and are still unused. Institutions will have to strive to obtain the release of meaningful data from the gig-giants, and learn to use them to monitor the laws' application and imagine their transformation in tight collaboration with the entire public governance structure, but also unions, social movements and academic institutions.

The required shift means abandoning a sort of subservient approach to the gig investors showed by different government levels until now, and the inertia that prevents to reshape public decision-making procedures and capabilities<sup>72</sup>, to show real will of control of private entrepreneurship in order to foster platform workers' rights and genuinely prioritise common goods in the planning and management of Lisbon. The latter, for sure, can play a significant piloting role not only for the entire country (now that both platforms are operating on a nation-wide scope), but also valuable for finding innovative ways for regulating the gig economy elsewhere.

It is still hard to say which routes (Minkman et al. 2018) will be followed by policy transfers in the two direction (inward and outward), but it is clear that the present debate is rich in suggestions coming from a wide circulation of ideas and a large ecology of knowledges, supported by different agencies. The latter make difficult to consider the pandemic just a “parenthesis” between the previous normality and an attempt to return back to something pretty similar, rather than “a point of no return”, whose legacy must be taken advantage of, for reducing the asymmetries existing in the relations between platforms and workers/partners and renegotiating their presence in the specific territory.

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72. Mazzucato&Kattel (2020).

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