

PRESENTATION

With permission of the reader, I will allow myself a literary licence. If an Uberland existed in the 21st Century, it would be surely similar to that city imagined by Charles Dickens in *Hard Times for These Times*: Coketown. A city which had been ruined so often; it was amazing how it had borne so many shocks. Surely, there was never porcelain as fragile as that of which the millers of Coketown were made out of. Handle them never so lightly, and they fall to pieces with such ease that you might suspect them of having been flawed before; and one even had to wonder if it had already been cracked. They were ruined, when they were required to send laboring children to school; they were ruined when inspectors were appointed; they were ruined, when such inspectors considered doubtful whether their right to chop people up with their machinery was justified; they were utterly undone, when it was hinted that perhaps they need not always to produce quite so much smoke”.

As in Uberland, whenever a Coketowner felt he was ill-used—that is to say, whenever he was not left entirely alone, and it was proposed to hold him accountable for the consequences of any of his acts—he was sure to come out with the awful menace, that he would “sooner pitch all his property into the Atlantic”.

In the 21st Century, it seems that companies are as fragile as Coketown’s factories. In the Uberland of fragile companies, for them to function properly, so that they are not ruined and that the so-called “sharing economy” receives a boost, they no longer need workers, but “partners”, “collaborators” or “independent entrepreneurs”. They require that workers labor a number of hours, which are not only variable but also indeterminate. It is required that Saturdays and Sundays are not considered as special workdays because, otherwise, companies are ruined. It is also required that night labor does not have a special schedule or a special salary, otherwise they are ruined; moreover, they point out that their “collaborators” voluntarily decide to work on Sundays, at nights, and that they do not mind having a differentiated wage.

Uberland companies are offended if it is suggested that their collaborators, after years of working, would also have to be entitled to vacations, or to survival income, that is, to a pension.

In short, they get offended when their employees are called workers and they are more aggravated when they are told that their “employees” need healthy working conditions. In 19th Century Coketown and in 21st Century Uberland, job insecurity is similar. In both cities the worker has to propose a substitute in case of illness or he has to simply stop working without receiving any pay for the days he didn’t work; also having to cover the medical expenses incurred on his own, and knowing that being dismissed is a real possibility due to the absence from work. Of course, in Uberland, “collaborators” are not fired because they are not workers, say businessmen, to reassure anyone who happens to worry.

The same as in Coketown, in Uberland, entrepreneurs feel aggravated when they are told they should not allow labor to slice –now physical or psychologically– their “collaborators” and they become even more disconcerted when, as in Coketown, someone speaks about the right of workers to have a union at their service.

So far the literary dispensation. The truth is that, in the middle of the Industrial Revolution, labor relations were regulated by civil law, commercial law, or what was once called industrial law. In times of the full Fourth Industrial Revolution or Industry 4.0, we observe a movement where contracts are excluded from labor law, or, where appropriate, “new contractual relations” escape labor law and cannot be regulated by it.

There is no doubt that the situation of Industry 4.0 workers and labor rights fit perfectly in *Hard Times for These Times*. However, it would be wrong to think about the disappearance of labor, though perhaps we may have to think about a transformation of the way we have known and regulated labor up to this point, but this does not mean an opportunity to have a new legal framework that regulates the new circumstances in which labor presents itself.

In this regard, regulation is necessary, but one with the same goals as the one born in the late 19th Century: to avoid exploitation at work and to respect everyone’s rights, regardless of their labor relationship’s nature. Without a doubt, the book *Industry 4.0, Labor and Social Security* will allow us to reflect on the situation of workers who are not properly framed in an employment contract or an employment relationship, but require a certain type of protection. As we point out in the part that we were appointed to write, the apparent difficulties faced by labor law are not insurmountable;

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they open the possibility to the development of labor law in a broad sense, which guarantees fundamental values, such as dignity and decency in work and of work.

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