Couchsurfing Corporation and its peers: a story of volunteer work enclosure

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Couchsurfing.com is a US-based for-profit platform that enables hosts offering free accommodation to be found by travellers. Making money out of the gift of hospitality is a strange conundrum. Owing to the newness of such a model, the company exploits the legal void and the lack of ethical standards for this type of business.

The platform began as a network of volunteers who have built up the community and website for hospitality exchange. From 2003 to 2011, the legal status of the network was a non-profit registered in New Hampshire. Two of four co-founders changed the status to a for-profit company in 2011. With the help of a PR agency, they claimed that becoming a for-profit was the only remaining option. Since turning the network into a for-profit enterprise – not even a benefit corporation – they have consumed large amounts of venture capital and then tried different methods to make income from their members’ gift economy.

Another platform of this kind, WarmShowers, is a US-based non-profit. There are two other European non-profits offering a similar service, BeWelcome.org and TrustRoots.org (Gajewska, 2020).

Legal and cultural void

In May 2020, the company announced to a huge percentage of members (they indicated that it applied to 25% of countries) that they might need to pay in order to continue using their platform. All this happened without a warning. The problem is that many had used the website for many years, and they may have accumulated many references helping other people on the platform make decisions about hosting or being hosted by them.

In this new landscape of the platform economy, we can hardly tell what legal standards apply. There is a legal and cultural void, which can be exploited easily. Shoshana Zuboff argues in her book The Age of Surveillance Capitalism that the Internet-based companies invading our privacy have been able to implement products and extractive practices because the technology developed so fast that there was no regulation around these new practices that hitherto did not exist (Zuboff 2019). They have seized a legal void. There have been several cases of litigation in the US targeted at the platforms that organize work in a new way (Codagnone et al. 2018: 111f.).

According to the Fair Labor Standard Act (FLSA), a for-profit cannot use volunteer labour for their business activities and revenue. Couchsurfing.com never uses this type of language in its relation to members. They rather frame them as a community. This is a new form of human resources management beyond employment status. Although hosts attract members to the website, it may be difficult for them to see how the company would be able to profit from their hosting.

Volunteers for profit?

The FLSA may raise some questions about the practice of employer-sponsored community service programs. For example, there are no laws that permit volunteering of services to an employer in the private sector. The status of volunteer is used in the context of working for a non-profit. Bridget Miller spells these rules out: ‘Generally speaking, a for-profit, private organization is normally not allowed to accept volunteer labour. But many nonprofit and/or public organizations can,’ (Miller, 2018). Furthermore, she clarifies that ‘just because an employee says he or she doesn’t mind does not make it OK to not abide by the FLSA regulations.’

Yes, we need more legal analysis to establish whether, in the light of current law, the people who volunteer to host and build the community, who enable couch-surfers to couch-surf, can be considered to contribute unpaid work through the promotion of the company and by increasing its revenue. Another legal question is whether volunteer efforts can be enclosed by a for-profit as happened in 2011.

A more flagrant example of a potential breach of the FLSA is the role of Couchsurfing ambassadors. On 19 June 2020, the list of ambassadors contained more than 750 names world-wide. The Couchsurfing website stated that they ‘are committed to keeping the local Couchsurfing community active and welcoming to all […] They are here to help you discover Couchsurfing, answer questions you may have, and keep a
Can we see the activities of ambassadors as promotional activities that warrant payment of at least a minimum wage? We can see them as an effort to strengthen community and even attract new members. Now after the introduction of the paywall, each new member recruitment is worth about two or three dollars a month if the new members come from one of the paying countries.

Matthew Lafontaine, an ambassador between 2012 and 2020, who resigned due to the company's introduction of the paywall, summarizes a potential outcome of his work as ambassador in this way: ‘... the end result of which is to bring in new members and some new verifications and money towards Couchsurfing's profit; all the while we get far less support from HQ for organizing than we did before – first we could get swag for free, then we had to pay for it with a little discount, now we can’t even find it.’ However, he also stressed that ‘there was no explicit directive to recruit, and we did a lot of other things that didn’t have the result of adding new members’.

**Class action lawsuit**

A class action lawsuit could help to set a precedent (a court decision that informs similar cases in future legal disputes) regarding the legality of Couchsurfing.com’s model. However, the dispersed international community that Couchsurfing.com profits from is extremely difficult to mobilize.

We do not have existing examples to draw on when planning action against this new phenomena of monetizing communities via electronic platforms, enclosing the generalized reciprocity web of trust, and ambiguity around volunteers’ roles in a for-profit. Since there is high chance that platforms will continue with business models of this kind, it is in the interest of the labour movement to analyse this new trend. Labour unions and other social movement organizations may be interested in sharing resources to politicize users of such services.

Similarly to past labour activism in response to industrialization, we need a response to the most recent forms of exploitation and enclosure. Facing a rapid innovation in the extraction of money from communities, we need to delineate ethical standards to apply to this new sphere of the economy and enforce them with mobilization.

**Katarzyna Gajewska is a writer and educator. She is crowdfunding to make her book Imagine a Sane Society available for free online. You can listen to an excerpt. For updates on her publications, check Katarzyna Gajewska, Independent Scholar.**

**References**


Couchsurfing.com (no date) ‘What’s an Ambassador?’ https://www.couchsurfing.com/about/ambassadors/?fbclid=IwAR1OK6Xi1fhzsS5zO48Dsi7PKXaFUDibWt3rEZacKBWV8EvvQzQo, accessed 19 June 2020.

