

# Don't GIG Up, Never!

## FINAL REPORT

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# INTRODUCTION. PROBLEM AND FRAME FOR THE ANALYSIS

This Final Report is part of the ‘Don’t GIG Up, Never!’ project. The project, co-funded by the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission, is aimed at improving expertise and knowledge on the role unions and social dialogue can play with regard to the protection of platform workers, building on the knowledge accrued through the ‘Don’t GIG Up!’ project (2018–2020).

Running for 24 months (2021–2023), ‘Don’t GIG Up, Never!’ project combines desk and empirical research to analyse features and challenges of the platform economy in a set of selected countries, namely Italy, Germany, France, Spain, Poland, Estonia and Sweden.

More precisely, the scope of the project is work carried out through labour platforms. At the onset of the research, and following the characterization proposed in the previous “Don’t GIG UP” project such platforms were divided into four groups according to their core activities, as per the table below.

Table 1. Classification of labour platforms adopted in the projects ‘Don’t GIG up!’ and ‘Don’t GIG up, Never!’<sup>1</sup>

<i><b>N.</b></i>	<i><b>Type of platform</b></i>	<i><b>Example</b></i>
1	Platform matching passenger transport services	Uber, Lift, others.
2	Platforms matching goods delivery services	Deliveroo, Foodora, etc.
3	Platforms matching <b>‘traditional gigs’</b> (gardening, cleaning, babysitting, etc.) up to <b>‘skilled services’</b> (marketing, advertising, translating, etc.), possibly also by means of auctions	Task Rabbit, Helping, etc.
4	Platforms externalizing <b>micro-tasks</b> , often performed on web, to a ‘crowd’ of workers ( <b>crowd-work</b> platforms)	Amazon Mechanical Turk, etc.

<sup>1</sup> A very similar classification was adopted for the consultations for the Digital Services Act package, i.e.: (i) Food-delivery; (ii) Ride-hailing; (iii) Online translations, design, software development or micro-tasks; (iv) On-demand cleaning, plumbing or DIY service; (v) other.

In particular, “Don’t Gig Up, Never!” intends to deepen the activities successfully implemented during the ‘Don’t GIG Up!’ project, updating the National State of the Art Reports, strengthening the partnership within the consortium, increasing the geographical coverage of the action, as well as expanding the case studies and focusing on labour platforms providing services other than transport and delivery, i.e., falling under categories 3 and 4 of the Table 1.

The core outputs of the ‘Don’t GIG up, Never!’ project include:

- Seven **National State of the Art Reports**<sup>2</sup> providing an analysis of features and challenges of labour platforms in the EU countries involved in the project. Each of the seven reports is aimed at updating the results of the ‘Don’t Gig Up!’ State of the Art Reports about the platform workers’ employment and social conditions, the national political and academic debates, the relevant regulatory and case law developments, and the social partners actions;
- Seven **Country Case Study Reports**<sup>3</sup> based on empirical qualitative research, providing for a number of national case studies investigating labour platforms active at national level and falling under the categories 3 and 4 of the Table 1, in line with the restricted scope of the project;
- Three **Mutual Learning Workshops**<sup>4</sup> aimed at comparing and discussing the researches and practices with project partners, experts and stakeholders, with a view to identifying common features of labour platforms analysed and policy recommendations;

As final step, the project partners developed the present **Final Report** built on previous phases of the project and aimed at addressing features of type 3 and 4 platforms at national and EU level, existing and possible policies and strategies for social partners, summarising the main findings with a view to delivering policy recommendations.

The second final project output is the **‘Model Terms and Conditions of Service’**, a short separate document with an easy-to-read and easy-to-adapt approach providing proposals for possible improvements to the platforms’ current Terms and Conditions.

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2 National States of the Art Reports are available here: <http://www.dontgigup.eu/resources/>

3 Country Case Study Reports are available here: <http://www.dontgigup.eu/resources/>

4 Events of the project are reported here: <http://www.dontgigup.eu/events/>

# FINAL REPORT. RESULTS AND SOCIAL OUTCOMES

The ‘Don’t GIG up, Never!’ project builds on the results of the “Don’t GIG UP!” project and analyses the challenges of the platform economy for the development of working conditions and forms of employment, focusing on labour platforms providing services other than transport and delivery<sup>5</sup>; it also focuses on initiatives by social partners or state actors and institutions to tackle these problems and develop solutions for them.

The questions arising around the nature and features of platforms have been deeply analysed in the previous Final Report of the “Don’t GIG UP!” project. In this Report, the partnership aims to update the information for the 6 countries already involved in the previous initiative and to add information on Estonia, a country that was involved in the activities during this project<sup>6</sup>.

The final report of the “Don’t GIG UP!” project provides a detailed definitory framework on platforms, presenting features and challenges that are still at the centre of the debate at European level and in each country involved in the project. This framework has been the theoretical reference for the research implemented in this project. We briefly recall the key elements of the analysis in the following paragraphs and we suggest readers refer to that document<sup>7</sup> for a complete follow up.

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5 Falling under categories 3 and 4 of Table 1

6 National state of the art reports for both projects are available on the project website: <http://www.dontgigup.eu/>

7 Don’t GIG UP, final report. See “Reference” section for the full reference.

## Features and challenges of platforms. Overview on what we can define platform with “new operating systems”

Platforms are defined by McAfee and Brynjolfsson (2017) ‘as a digital environment by near zero-marginal cost of access, reproduction and distribution’, characterized firstly by a two-sidedness as a mediator between different types of users, customers or clients and, secondly, by the setting of standards for contributions. Platforms position themselves as intermediaries since (Srnicek 2017, p. 43) they are “digital infrastructures that enable two or more groups to interact”. The market of digital platforms features a large number of *participants* (workers, platform companies, and entrepreneurs buying goods/services). Each subject can theoretically benefit from the most advantageous contract: digital platforms benefits, on the one side, from job applications and, on the other, from requests for services. The digital platform managing legal relations liaises between workers, the business, and the consumer. A key feature is that the platform company deals with a large number of applicants, and it is interested in meeting the needs of clients and consumers. In addition, beyond matching demand and supply, the tools coordinate working activities, measure their quality, and forecast the needs of consumers and sellers of goods/services. At the same time, the role platforms play often goes beyond market intermediation and features an unbalanced use of technology in favour of the platform company itself. Platforms also have specific investor structures. The characteristic of platform ‘capitalisation’ (Langley and Leyshon, 2016) refers to the fact that platforms serve their investments in infrastructure – or the rental costs for it – primarily from venture capital, which they attract as objects of risk investments and as startups<sup>8</sup>. The supply of venture capital to the platforms – despite the mostly negative profits of the companies – enables them to pursue aggressive growth strategies.

On the basis of these major features, several types of platforms can be distinguished, according to different types of classifications, as explained in the “Don’t GIG Up” final report. The differences in typologies are explained by the fact that they are based on different characteristics (e.g., the classification of Langley and Leyshon (2016) is mainly based on the differentiation of markets; the classification proposed by Srnicek (2017), is based on the differences in business models and platform activities that stand in the foreground of the typology; etc)<sup>9</sup>.

In the “Don’t GIG Up” and “Don’t GIG Up, Never!” projects the research focus is on platforms in which services are provided in the form of work. It is important to recall that for Langley and Leyshon (2016), these digital labour platforms are divided into the *sharing economy*, where platforms mediate the use of other people’s property and the *associated work* services such as *driving services* on the one hand; and *crowdsourcing*, in which companies tender contracts to a crowd on platforms, on the other hand. In Srnicek (2017), *digital work plat-*

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8 ILO (2021). World Employment and Social Outlook - The role of digital labour platforms in transforming the world of work. See in particular part 1.5 “Financing the rise of digital labour platforms”.

9 Don’t GIG UP Final Report, p. 6.

forms only fall into one category, the lean platforms, which include all business models that provide work, be it a local service or a computer activity that can be performed more or less worldwide.

The specific characteristics of the business models developed by the digital labour platforms compared to the general characteristics of the platforms are those already defined in the “Don’t GIG Up” project:

- Platforms operate a ‘hyper-out-sourcing’ model (Srnicsek, 2017, p. 76) in which both workers and fixed capital or training costs are outsourced.
- Platforms hold two important assets: platform software and digital data analysis
- Work is usually outsourced, and in addition, workers are not regarded as employees, but as independent and self-employed contractors who are paid according to order.
- Platform companies save a considerable part of direct labour costs (such as paid holidays, overtime bonuses or sick days) and of the indirect costs of social security contributions or training
- Platforms combine this strategy with intensive data evaluation, which is used for quality and behaviour control as well as for process optimization by an algorithmic management.
- Digital crowd working is split into ‘microtasks’ and ‘contest-based creative crowd work’.<sup>10</sup>
- The context-based creative crowd work usually refers to design or marketing tasks.
- Local gig work, which is usually associated with personal contact with a customer, is more likely to involve general requirements for service activities such as friendliness and attentiveness in customer contact.

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<sup>10</sup> ILO (2018). *Digital Labour Platforms and the Future of Work*. The report (p. 16 ff.) differentiates ten ‘task categories’ which are typical for microtasks: data collection like addresses or contact information; categorisation of images or other issues; content access like creating accounts; verification and validation of data or classifications; content moderation with respect to laws or platform guidelines; market research and reviews of products, services or locations; supporting artificial intelligence and machine learning by collecting material; transcription of information from different media into written form; content creation and editing by producing new designs or proof-reading or editing materials (the creative aspect can also be classified under contest-based creative work).



## *Why should we focus for the future on platforms belonging to type 3 and type 4? Tasks combinations of human and automated organisation of work*

The project partners tried to map the presence of platforms in their countries, with a specific focus on platforms providing services other than transport and delivery (type 3 and type 4 platforms). As the following paragraphs show, the lack of official data and the different methodologies used in *ad hoc* surveys or studies implemented to depict the phenomena offer country data which are not always comparable and impede a clear overview of the phenomenon both at national and EU level.

However, despite the lack of exhaustive repositories and considering the fragmentation of available data, the scenarios emerging from partners' investigations show how platforms belonging to type 3 and 4 present tasks combinations of human and automated organisation of work which offer insights on how the organisation of work is evolving/could evolve in the future. Type 3 and 4 platforms stress the legal frameworks and the traditional organisation of work from different perspectives. Therefore, getting familiar to their way of functioning may be helpful to anticipate challenges and conceive solutions suitable to be extended to other sectors.

**Italy** lacks a public repository of types 3 and 4 platforms. Some lists can be however derived from other activities or studies.

The mapping exercise of platforms initiated by the European Commission's Joint Research Centre (JRC) in early 2017 (Fabo et al., 2017), found 200 active platforms in European countries (EU-28), of which 169 (84.5%) were founded in Europe and the remainder in other countries (most notably the United States)<sup>11</sup>. This mapping identified only five platforms founded in Italy (Be My Eye, GoPillar - ItTaxi, Starbytes and SupperShare). Moreover, the field research implemented by Huws et al. (2019) provided a list of 14 platforms as possible answer options for workers based in Italy, including two established in Italy, such as SOSartigiani, a search engine to find artisan workers, and Semplifiko, a platform addressing care services and domestic chores currently active in Turin and Milan only. It is difficult to estimate the number of platforms active in Italy (Guarascio, 2018), while at least a quarter of the platforms present in Europe are also operational in the country. According to the most recent findings based on INAPP-PLUS, covering the 2020-2021 period, there are more than 500,000 platform workers in Italy, or 1.3% of population aged 18-74 years.

A brief examination of some active platforms matching traditional gigs and skilled services (type 3) and crowd work platforms externalizing micro-tasks (type 4) follows.

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<sup>11</sup> For more details and updated data, see "Study to support the impact assessment on improving working conditions in platform work", available at <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8428&furtherPubs=yes>

Platforms providing for care and domestic services include Helping, an intermediary platform matching customer with self-employed cleaners, as well as LeCicogne, which links babysitter and nannies to clients, following the same logic of ‘matchmaking’ (Faioli, 2018).

Platforms are going to become more and more a matter of concern for what we generally consider ‘white collar’ tasks too (Faioli, 2018 and 2021; Palier, 2019). Pushing a similar compensation, cognitive piecework is broken down into micro-tasks, as in the case of Amazon Mechanical Turk’s Human Intelligence Tasks (HITs). While HITs available to Italy and Italian workers are fewer than for US residents, in Italy other platforms are offering the same services. Actors like Clickworker, Microworkers, as well as platforms for responding to online surveys like Toluna and Greenpanthera offer low-skill digital tasks for little remuneration and following rating and feedback systems (Pais, 2019).

Amongst platforms for high-skill professions, a few actors are worthy of mention. Often, highly qualified services can be delivered both online and in-person, as in the case of the Italian based Schoolr teaching platform, where graduates or teachers with no experience enroll to offer tutoring to Italian students and small groups while looking for a stable job (Pais and Gandini, 2020).

Likewise, platforms dedicated to traditional liberal professions have become increasingly common.

A literature review published by the European Parliament (Schmid-Drüner, 2016) reported about the Italian platform for architects CoContest. Indeed, since its launch in 2015 in Italy, CoContest (later renamed as GoPillar) has been subject of great controversy and it was accused by the National Board of Architects and the National Council of Professions (CNAPP) of unfair competition (Ferrigo, 2018). On GoPillar, anyone can launch an online contest to furnish or renovate a house, an office or a store. Architects and designers participate in the contest by proposing their projects, and the best designs get paid. On average, it takes roughly 4 days of work, and the average prize is about € 700. For those who need to renovate their homes, GoPillar promises savings of 20% compared to a traditional architect. GoPillar therefore matches the demand for designers with the requests of potential clients: designers accept the challenge of convincing clients by presenting their own design idea while competing with other colleagues. However, the National Board of Architects and CNAPP challenged the platform, using Antitrust rules to open a proceeding and backing a parliamentary inquiry back in 2015.

Psychologists are also targeted by third-party platforms matching their competency and experience with clients’ needs and necessities. On the top of a levy on services sold via the platform, Psychologyonline.net creates the possibility to register for free with different monthly subscription plans entailing additional services (e.g., an online agenda and patients’ phonebook) and, most importantly, offering higher visibility for premium users, that means ultimately distorting the functioning of the marketplace.

Indeed, the supply or sale of services to platform workers seems a common tool to raise revenues but also to attract workers. For instance, Digital Work City, a platform addressing IT experts, designers, and marketing experts, makes

training courses, legal counselling, or even private welfare services available for platform workers, yet mostly for sale. The platform, suggesting work opportunities on the basis of key words linked with workers' competences, funds itself via levies on the client and on the workers, the latter usually amounting to a 10% share on income.

Doc Servizi, a cooperative of artists, musicians, and related technicians supplies services like legal counselling, support to access public funding opportunities, safety of payments by clients via a dedicated office. These activities are funded via a 14% levy on incomes of platform workers, and the sale of some services themselves on a discounted price (Fondazione Giacomo Brodolini, 2020).

Finally, at the edge of platform work, 'influencers' are of note. In Italy, few scholars (Iervolino, 2021; Torsello, 2021) put the emphasis on content creators and influencers, asking whether they should be recognised as workers and thus protected accordingly. Showing support or endorsement for certain brands, influencers generate income through advertising, taking part in economic interactions with said brands that chimes with that of other atypical workers. Alternatively, it is the platform itself that retributes influencers for placing advertisement in their videos. While the remuneration is calibrated on the basis of each one's visibility, no protection is foreseen for these economic relationships, which can be affected by delay, cancellation of the payment, uni-lateral change of terms of use by the platform, or abrupt freezing of accounts.

A professional association of 'influencers' (Assoinfluencer) was established in 2019. Among the aims enlisted in its statute, the association wishes: to defend influencers from excessive requirements and unfair restrictions issued by public institutions or by social networks, and to promote a social campaign for social networks to be recognised as a primary source of social aggregation and as a media on the same ground of press and TV, and for the recognition of online content creators as artists. The professional association aims at defending them from unfair practices by platforms, and at ensuring better career prospects, also by lobbying for a recognition of this activity as a new economic sector to be listed in the ATECO code (Il Mattino, 2021). Yet, there are no updates on activities or initiatives by this union so far.

Also in **Germany** there is no official directory of work platforms. So far, it has not been possible to register the platforms completely. For this reason, the registration of platforms was listed as a separate regulatory point in the BMAS's key issues paper on fair platform work and was then also incorporated into the proposal for the EU directive on improving working conditions on platforms. A study by Groen et al. (2021) offers a first approximation of the number of active platforms. According to this study, 217 labour platforms are active in Germany. 50 of these platforms have their EU headquarters in Germany. Compared with other platforms from European countries, these have the highest revenue of around one billion euros.

In the last years, several new surveys on the volume and characteristics of platform work in Germany have been published. These surveys differ considerably in their results. Two German surveys have been commissioned by the BMAS following the White Paper 'Working 4.0'. These include a representative telephone survey of German-speaking adults with 10,000 participants (Bonin and

Rinne, 2017). According to this, at the time of the survey only just under 1% of respondents were performing platform-mediated activities for pay, whether in online work (0.3%) or in the form of on location services (0.6%). Here, the proportion of men is larger than that of women, the concentration is higher among younger age cohorts and the level of education is above average. Only one in three of the platform workers regularly earns money on platforms, and the share of the activity as a main source of income is similarly low.

Also commissioned by the BMAS, a 'Crowdworking Monitor' was conducted based on an online survey with nearly 500,000 responses (Serfling, 2018; 2019). According to this, the prevalence of platform work is 6.9%, with 2.3% of respondents performing paid platform work at the time of the survey. This survey also shows a clear overrepresentation of male, younger and better qualified employees. For 28%, platform work is the central source of income, and 41% work less than 10 hours per week. The share of on location work is only slightly higher than online work; however, according to this study, almost 28% of activities also show a combination of both forms. Significantly higher values of the prevalence of platform work are shown by the COLLEEM survey commissioned by the EU Commission, which was conducted in two waves as an internet survey (Pesole et al., 2018; Urzi Brancati et al., 2020). Like the cited German surveys, these surveys arose from a political interest in obtaining more information about platform work in order to better assess potential regulatory needs. One of the main results of these surveys is that platform work is less important as a main source of income as it mostly generates an additional income alongside other sources of income (Serfling 2019; Baethge et al. 2019). Nevertheless, a growing importance of platform work can be observed here as well, although this varies greatly in the different areas of the platform.

The diversity of the platform economy in Germany is high. This is shown by the fact that the activities most frequently carried out via platforms include such diverse activities as renting, delivery services, testing products/participating in surveys, IT activities and writing texts (Baethge et al. 2019: 15). Accordingly, Airbnb (renting), Lieferando (food delivery), Freelancer (esp. IT-freelancing), Clickworker (microtasks) and Testbirds (software testing) are named as the five most frequently used platforms in this study (Baethge et al. 2019: 14) Research findings available so far suggest that working conditions in the different areas of the platform economy also differ. For example, the earning opportunities are better the more complex the activities are (Leimeister 2016; Serfling 2019). At the same time, those platform workers with higher earnings in their 'main job' can achieve higher earnings in platform work (Baethge et al. 2019: 24).

The more complex platform activities are, the more platforms are coming into the focus which do not only offer concrete tasks, but also the digital infrastructure through which (self-employed) platform workers can provide services on their own. This category also includes, for example, the activities of content creators (often called influencers). These platform workers often combine various sources of income beyond the direct income from platforms (Hoose/Rosenbohm 2022). At the same time, similar dependencies on platform rules and algorithms are evident as in other areas of the platform economy.

It is precisely because of such similar dependencies that there have been some

approaches to collective interest articulation in this area (Hoose/Haipeter 2021). In this context, the 'YouTubers Union' initiative launched by a YouTube content creator attracted some attention. This initiative was a reaction to changes in the platform's advertising rules, which meant that video posts on content that was now considered to be advertising-unfriendly (e.g. content relating to weapons or drugs, etc.) no longer generated advertising revenue for the content creator. Since the middle of 2019, the initiative received support from the trade union IG Metall. Together, they formed the "FairTube" campaign. One of the arguments was that the video platform imposed such concrete rules on the work of the content creators that they were ultimately bogus self-employed workers. However, the dialogue between the campaign and YouTube turned out to be difficult. Nevertheless, the initiative continues its work and advises content creators to contact the ombuds office of the Crowdsourcing Code of Conduct as an opportunity to resolve conflicts with platforms.

In **France** there is no publicly available repository of digital platforms as well. Since the 2016 Finance Act, reinforced by the law against tax fraud of 23 October 2018, platforms must report some information to tax authorities (DGFIP), detailed in Article 242 bis of the Tax Code. These information cover: identification details of the platform operator concerned, identification details of the user, user's status (private or professional), total gross amount of transactions carried out by the user during the previous calendar year. Many platforms have not complied with this legal requirement and the quality of the information collected by the administration is often considered of poor quality. Moreover, the register is not public (Sénat, Mission relative à la protection sociale des travailleurs de plateformes 2021). As it stands, the inventory of platforms is based on the collection of scattered information, often produced by private consultancy firms. It should however improve in the future, thanks to the creation of the "ARPE" (see below). An official centre of expertise on digital regulation was also created in 2020, hosted by the Ministry of Economy.

In addition to the European surveys carried out by the European Commission's Joint Research Centre (Brancati et al. 2020) an *ad hoc* module to the labour force survey of the National Statistical office, INSEE asked self-employed persons (persons declaring themselves as self-employed or as salaried managers, as their main job) about the constraints they face and possible sources of economic dependence. The survey asked the self-employed respondents whether or not they used an intermediary.

The main difficulty regarding statistical information collected about platform work is the heterogeneity of sources, which hampers both the quality and the comparability of information. However, some convergences emerge. For example, taking a sample of around 200 000 workers, one can see that a low proportion of workers are women (2% for couriers, 34% for VTC drivers), there is a high proportion of workers with a migrant background (32% for VTC drivers, 86% for couriers), there are long working times (high prevalence of more than 50 hours a week/8 hour a day) and there is overwhelmingly low seniority in worker status. Comparison of earnings is moreover rendered particularly difficult by the absence of harmonisation of definitions (gross or net earnings, including or not taxes and operational expenses, etc). Moreover, platforms have an interest in disseminating rather high levels of earnings and in general, con-

ditions which reflect well on their business model. Consequently, the information concerning earnings is not reliable.

With the recent creation of the new Employment Platform Social Relations Authority and the expertise centre PEREN, an improvement in the availability and quality of statistical information is expected. Thanks to the elections organised for the delivery and VTC sectors, it has for example been possible to count the number of workers in these two sub-sectors (122,000 in spring 2022). In the spring of 2023, and for the first time, it will be possible to publish statistical data on activity duration and income of workers. It stems from an obligation imposed on platforms by the Mobility Orientation Act of 26 December 2019, which strengthened the obligations of mobility platforms towards their workers, in particular by imposing greater transparency regarding the sharing of activity data. But only workers on type 1 and 2 platforms are affected.

With regard to Type 4 platforms (micro-work), a 2019 study (Le Ludec et al. 2019) showed that seven main platforms were active in France, at least at the time of the study. The American platform Clixsense (ySense since 2020) and the German platform Clickworker are the largest. They account for over 40% of the micro workers identified in the study. Yappers.club (formerly Foule Factory) is France's leading micro working platform. Yappers.club has 50,000 registered workers. The platform is unique in that it only works with workers located in France (metropolitan and overseas). There is a ceiling on workers' turnover, to protect the platform against the risk of economic dependence (250 euros per month (over one year)). The platform is also interesting for the way its business model has evolved over time. Initially focused on a multi-faceted platform (Foulefactory), the company now presents itself (on the Wirk.io side) as a solution for managing companies' back office operations (processing centres, operations management), including the possibility for customers to use the Yappers.club platform.

Four types of type 3 platforms offering skilled services can be distinguished in France: specialist platforms linked to "historic" players in labour intermediation (in particular deployed or acquired by players in the temporary employment sector); "start-up platforms" considered as "natively digital"; collective intermediaries favouring horizontal and distributed governance; "consultancy intermediaries". These include "premium talents", groups of freelancers with a high level of expertise, often created by former strategy consultants, and often small in size (Chagny et al. 2021). 70 platforms of this type exist in France (Chagny et al. 2021). Intermediaries of the decentralised collective of freelancers type are developing. Two platforms are representative of this trend: collective.work and Hubl. The particularity of these platforms is that they propose to bring together already existing collectives of freelancers, with a horizontal governance approach.

Hubl was created in 2019. It is a decentralised platform, whose operation is based on the interoperable SOLID technology (created by Tim Berners Lee, the founder of the web). The originality of Hubl is to federate freelance collectives that remain autonomous and to create a distributed network effect, thanks to interoperability.

Three main type 3 platforms matching traditional gigs (e.g., gardening, clean-



ing, babysitting, etc.) are active in France. For jobbing, at least 12 platforms are active. For HORECA, at least three major platforms are active. For sport and wellbeing, at least 6 platforms are active. Wecasa is a typical example of this type of platform. Six different type of services are provided via the platform: cleaning, childcare, beauty, hairdressing, massage, sports coaching. Wecasa holds more than 200 000 customers, and more than 300 000 visitors/month, 90% of which are women. The estimated no. of platform workers is 10 000 registered workers. With regard to the remuneration policy, the platform sets the prices in order to avoid downward pressure on prices if the workers using the platform were to compete with each other on prices. The tariffs are based on feedback from professionals relating to the local situation for each service provided (comparison with tariffs proposed by professionals offering their services). The aim is not to offer low-cost services.

In **Spain** the absence of official data has prevented unions from knowing how many platforms there were in the country. Regarding statistical data related to the platform economy it is clear that there is a lack of information as highlighted by the Bank of Spain report.

Usually, trade unions tend to divide the scope of digital platforms according to an outline that separates the spheres into various types and sub-types of existing platforms in the national territory: from finance; health and care; atypical or informal jobs, to urban mobility, among others. UGT is also inclined to divide platforms into online or offline in order to understand exhaustively the differences that are implied between them – often regarding health prevention issues, but not only.

Despite the fact that there are sectors such as urban mobility and the distribution and transport of goods, that are pretty much relevant, in this study a brief examination of some active platforms matching 'traditional gigs', skilled services (type 3) and crowd-work platforms externalizing micro-tasks (type 4) follows.

In this sense, regarding type 3 platforms first, platforms providing for care and domestic services are growing exponentially. These include Senniors, as well as Aiudo, which act as an intermediary platform matching the clients (or families) with self-employed carers and cleaners. TopNanny or Yoopies, which are platforms that link babysitters and nannies to clients, follow the same logic of 'matchmaking'. This phenomenon has been a consequence of the post Covid-19 context, which has increased the need for care of children, the elderly, the sick, etc in the face of deficiencies in public services. As in the Italian scenery, in some of them, the user is obliged to hire the person under the Special Regime for Domestic Workers (SETH in Spanish), and in others, the user must be self-employed. The platform establishes the requirements: selection of personnel, type of contract, value of the working hours and the substitution in case the worker is "not suitable".

Regarding type 4 platforms, following the same trend as in other European countries, they are strongly influenced by the Amazon Mechanical Turk model, whereby micro-jobs are auctioned or offered to a multitude of available workers at extremely low prices. In Spain, Lowpost is a very accurate representation of how small pieces or text packages are launched on the platform in the form

of a low bidding auction, increasing competition between registered workers.

In Spain, high-skilled platforms are also growing during the last years. Platforms offering staff trained in engineering for software development, mobile applications, websites such as YeePLY, as well as those dedicated to education, such as SuperProf or Celebriti Edu, or even those dedicated to finance -Fintech (Creditea), Insurtech (Divan), Legaltech (Easyoffer), or Proptech (Housefy), have experienced unprecedented rates of growth, with the number of the latter estimated at around 1,200 companies. As a result, the digital platform model, which as we have seen exponentially affects non-cast and younger workers, is increasingly imposing itself inside the high-skilled sectors and expanding the casualisation of work.

Other sectors such as the leisure industry are being monopolised in Spain by the existence of applications such as FEVER, which group the entire spectrum of culture, leisure and entertainment. Although the FEVER case does not repeat the typical elements of legal controversy shared by digital platforms and reiterated by Spanish national courts (such as the incorrect classification of workers as self-employed), it does raise the issue of outsourcing of risks and costs through subcontracting and cross-border problems in terms of applicable law. However, new digital players have benefited in the entertainment industry. Due to the reform of Royal Decree 1435/1985, which regulates the special employment relationship of performers in public performances, the extension of the concept of “artists in public performances”, which had been rendered obsolete in recent decades, was addressed in 2022. Thus, this adaptation takes into account the new forms of realisation, production and presentation of artists’ work, which are expressed in social networks, streaming formats, video platforms or online content.

Trade unions have been active players in denouncing malpractice by digital platforms to the Labour Inspectorate, when they have acted contrary to Spanish national legislation. One case in point is Senniors, which was the target of a complaint by UGT and the Spanish Government Labour Inspectorate in 2021 for advertising a service and looking for a person’s profile, following the guidelines of the platform that sets the value of the hour and takes a commission for organising the activity. In 2022, Lowpost was also the subject of a complaint by UGT to the Labour Inspectorate due to its business model.

In **Poland**, the results of the first quantitative study on platform work conducted on a representative sample of the population<sup>12</sup> showed that the 11% of respondents had conducted work using an online platform at least once in the past, but only 4% of respondents declared working this way on a regular basis. Platform work in Poland was more often performed by the youngest respondents: 22% in the 18–24 age group, and 14% in the 25–34 age group; and among those with primary and lower secondary education – 17% in each of the two age groups. Also, they more frequently lived in larger cities (15% in cities of 200–499 thousand inhabitants, and 13% in cities over 500 thousand inhabitants). Platform work was most frequently treated as a side job (71%), performed irregularly by the vast majority of the group. As much as one third (31%)

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<sup>12</sup> (n=844) aged 18–65 between July and September 2018 using CAWI methodology (Owczarek 2018)



of platform workers in Poland claimed that they were not able to estimate the average number of hours worked per week.

Despite the fact that there were several respected international comparative studies on platform work covering a number of European countries (i.e. Pe sole et al. 2018, Huws et al., 2019, Urzi Brancati et al., 2020), Poland has largely been omitted thus far, or presented as an empty or nearly empty case in terms of conducted studies (i.e. Vaughan and Daverio, 2016, European Commission 2017, Eurofound 2019, Aleksynska 2021).

Polish digital labour platforms offer opportunities of broad range work (order) types in a variety of fields, including blue and white collars assignments, performed in the location or online.

Fixly.pl offers access to assignments, mainly in the location, for both blue- and white collar workers across a wide range of skill levels and professions: from cleaners through handy-men, plumbers, electricians to teachers, architects and lawyers. It covers services related to house and garden: design, construction, decoration, assembly, maintenance, repair; cleaning; car maintenance and repair; transport; events; health and beauty; training, education and translation; financial and legal advice; layout and printing. Other platforms with similar scope and/or way of operation are oferteo.pl, zleca.pl. The latter offers price estimation of requested service and publishes price brackets for different types of services. There are also platforms dedicated to one type of activity, e.g. the focus of batmaid.pl or pozamiatane.pl is cleaning services.

Various kinds of on-line gigs for “white collars” can be found via Useme.eu, a platform for freelancers. It offers work assignments in the following categories: websites and on-line shops; IT and programming; multimedia and photography; office tasks; text writing, SEO, social media; graphics, design, architecture; tasks for students.

Designer.pl provides a space for contests for designing graphics, audios and videos, trademarks, logos, and advertising slogans. The works which have not won can be sold by their authors on the platform or outside.

Reachablogger.pl is a platform which specializes in matching social media publishers (influencers) with advertisers (clients who look for opportunities to post marketing content). The influencers earn money by developing and posting texts or video materials in their media as ordered by advertisers. The communication and transaction settlement between the two parties is handled via the platform. Similar platforms are Linkhouse.pl and Whitepress.pl. The latter, who has gone international, offers assignments not only for publishers, but also for journalists, and provides free access to articles and webinars, besides paid training courses.

TaskHero application, run by TakeTask, which has been used for crowdsourcing of microtasks (taking a photo in a shop, putting down the price of a product, acting as a mystery shopper) simultaneously by users in many dispersed locations for the clients of TakeTask represents a model type of crowdwork based platform. Its global equivalent also popular in Poland is BeMyEye application run by Google.

In **Sweden** it is difficult to measure accurately the development over time and space of platform work because any form of (public) register for platforms is missing; moreover, and partially as a result, there is no public access to statistics about the number of platform workers and to administrative data to identify digital labour platforms.

Nonetheless, more recently, two main sources of data have become available. The first source stems from several European online omnibus surveys that included Sweden (Brancati, et al. 2020), whereas the second source consists of surveys carried out in Sweden that have been commissioned either by the Swedish Government (SOU, 2017, and Gullers, 2016) or by trade unions (Unionen, 2019). These two data sources are more relevant, as Anxo has underlined, “due to severe problems of data comparability in the European surveys (the lack of a common definition of platform work and methodological issues) resulting in large variations in the estimated number of platform workers in Sweden, we focus in the following section on the results of the two above-mentioned Swedish surveys, which are more comparable” (Anxo, 2021). 27% in personal transport, good/food delivery and household services; 25% in Administrative and Support Service Activities; 22% in culture and media. According to 83% of respondents, the number of assignments during the year of reference ranged between 1 and 20 assignments. Almost half of the assignments were shorter than 10 hours: this means that more than half of platform workers in Sweden can be classified as marginal part-timers for whom platform work is mainly a secondary occupation – combined with education or other employments. As a result, the majority of platform workers in Sweden seems to have other sources of income.

As for the type 3 and 4 platforms, there have been accounted around twenty platforms that provide on-location and online labour. Among them, seventeen companies present themselves as intermediaries, so platform workers are labelled as self-employed; and three present themselves as employers hiring their platform workers as employees. Moreover, only four platform companies have concluded a collective agreement.

In **Estonia**, although platforms operating locally are registered with the Estonian Business Register<sup>13</sup>, there are no common regulations for registering platform work. Therefore, the most relevant statistics related to platform work in Estonia are based on two major surveys conducted by the *Foresight Center (Arenguseire Keskus, 2018; Vallistu ja Piirits, 2021, also see Holts, 2018)*. According to these surveys approximately every fourth adult in Estonia has tried platform work at least once. It can be estimated (from 2018 and 2021 survey data) that approximately 7%-8% of 18-64 years old Estonians (i.e., around 60 000 people) work on some platforms weekly, and the number of people who work at least once a month on some platforms seems to be increasing. It increased from 10.3% in 2018 to 11.9% in 2021. The survey repeated in 2021 confirmed that most platform workers (more than 75%) still work on platforms only part-time. Only 4.4% of workers consider platform work as their only income source. When full-time, non-platform work and platform work are added together some workers have a very high total number of working hours (more than 60 hours

<sup>13</sup> <https://www.rik.ee/en/e-business-register>

per week). Amongst those who had tried platform work at least once, the average monthly net-salary was € 1,017 (in 2021) which was lower than Estonia's average net-salary (€ 1,255).

The average platform worker in Estonia is a young male, Russian-speaking worker who lives in North or North-Eastern Estonia and who has a full-time job in the service sector. Workers' characteristics vary greatly depending on the type of platform work and there is a combination of several different factors rather than one or two underlying factors that drive platform work in Estonia.

In the case of platform work, and especially that related to types 3 and 4 in the current study, the fact that Estonia is one of the most developed countries in the work in E-governance (E-Government Development Index) and online systems means that Estonians are used to online services and work. Since most important public services are available and used by a majority of the population, the Estonian population and workforce has a high digital literacy and also adapts easily to platform work that replicates traditional services and that which is entirely online. This means that the current regulations for platform work do not differentiate but incorporate models used in traditional sectors. This will be discussed more in the following section of this report. In addition to technological factors, COVID-19 also increased the provision of IT and professional services in Estonia. In an interview in 2022, Johanna Vallistu of Estonia's Foresight Centre shared that the largest and most discussed platforms continue to be in types 1 and 2 of the project classifications: transportation (Uber) and delivery (Bolt and Wolt). It is difficult to estimate future trends due to the lack of data and registration of workers. Some newer platforms include more specialized 'traditional gigs' (Type 3, *ibid*) such as care services ([caremate.ee](https://caremate.ee), [helpi.c.com/en](https://helpi.c.com/en)), health and counselling ([minudoc.ee](https://minudoc.ee)) or legal ([hugo.legal/en](https://hugo.legal/en)) services, and web-based nanny services ([kideocall.com](https://kideocall.com)). These also include platforms connecting employers and workers to perform a wide variety of traditional, mainly physical tasks ([treamer.com/en/Estonia](https://treamer.com/en/Estonia)) (also type 3), and those that mix physical and online work ([goworkabit.com](https://goworkabit.com)) or where all tasks are performed online ([wisestly.ee](https://wisestly.ee)) (types 3 and 4).

As of 2022 there are eight main categories for platform work in Estonia. Category 1 includes transportation and category 2 includes food delivery or other delivery services, which were investigated in the previous project "Don't Gig Up" (types 1 and 2). Categories 3-6 include: household work, personal care services, office work, and professional services (type 3 in the current project demonstrated by the case studies of Treamer, CareMate, and GoWorkaBit). Categories 7 and 8 include administrative work and creative work or IT services (type 4 in the current project demonstrated in part by Wisestly).

### *Focusing on the new work operating systems. Emerging business models for platforms type 3 and type 4*

The most interesting feature of type 3 and type 4 platforms is their emerging business models.

In **Italy**, a theoretical analysis of business models for platforms of type 3 and 4 is missing. With regards to the type 3 platforms, an emerging business model can be found in the DIGITAL WORK CITY platform developed by the start-up White Libra S.r.l. analysed in this project. This is a software industry that provides support in the worker's contractualization, providing contractual advice and simplifying negotiation procedures. White Libra is aimed mostly at digital professionals, marketing professionals, specialized technicians and also at operational profiles such as designers, providing a space and high-level services to workers to support them. It is a sort of a DIGITAL WORK CITY, a 'co-platform', i.e. a digital structure that, while bringing together the demand and supply of individual jobs, also provides all the services and assistance needed to carry out this work. Like a co-robot or a co-AI, DIGITAL WORK CITY is a technological infrastructure that accompanies the working person, providing him or her with all the services he or she needs in real time. The platform's ambition is to be a 'greenfield' for workers by offering flexibility, and also to support active policies by facilitating the redeployment of workers in event of a company crisis. However, there is the risk that White Libra could be considered a temporary employment agency. The applicable legislation for DIGITAL WORK CITY workers is the Italian labour law, as well as tertiary sector national collective agreement and specific company-level collective agreements. The platform also gives information to local consultants to understand if there are exception for foreign workers. As for the type of employment relationship with the worker, the platform may hire workers with long term contract and short term or freelance contract, according to their preference and type of project they will be involved in. White Libra developed a recommender who matches project's data (descriptions, goals, costs, duration, etc.) and company's data (budget, contracts, sector, etc.) with user's data (competences, agenda, personal info, portfolio, etc.). Matchmaking is performed also with job posting, search for consultancy and request for data, but tasks are assigned to the workers by the project manager. Remuneration policy is defined according to contract type, and the platform calculates the discrepancy between contract cost and sum of value of workers on single tasks. White Libra will pay a bonus if workers overperform, while if workers underperform, White Libra discuss internally a solution to improve the efficiency of worker (e-learning, or a new contract, or new assignments, etc.). White Libra basically offers HR outsourcing to PMI and Startups (recruiting, contracting, hr management) and freelance management for large corporations. White Libra also offers a SaaS product (Software as a service) for companies who want to build a proprietary ecosystem.

Business models for platforms of type 3 and 4 in **Germany** are rather diverse. With respect to platforms of type 3, the two platforms analysed represent different business strategies. Content.de is an example for more skilled tasks given to a crowd, with a business field focussing on the professional creation and management of text-based (internet) content. In addition, the platform offers further services such as a full service, where the platform takes over the entire process from briefing to author management with coordination and text evaluation, consulting services, data analysis or translations, both with a B2B and B2C focus. Basic qualifications of the authors are checked by a test with questions regarding punctuation and spelling and the submission of a sample text of 300 to 400 words after which a decision is made, how authors will be graded at the beginning. Remuneration – and the price of the product – is strictly cou-

pled with the ranking of the authors. Although this would offer a scope for a high quality – high price strategy, at least for certain segments of the services, the platform describes itself as a marketplace for low-cost text creation, which includes a low-price strategy. This marks a tension between quality and price; however, at the same time the business model of such platforms also depends on the willingness of qualified self-employed people to offer qualified services under volatile conditions, which mostly only provide earnings that are additional to other sources of income.

For the other platform of type 3, Helpling, which mediates cleaning services, this tension is much less visible as here the low price – and low cost – strategy dominates clearly. The platform offers both B2B and, more important, B2C services based on low hourly wages between 12 and 16 Euro from which the platform fees of 25% are deducted, which in many cases leads to earnings below the German national minimum wage. As a result, this business model work mainly relies on female migrant work for people who need an easy access to work with low thresholds to enter the labour market and who are willing to accept the low earnings at least for a certain period of time.<sup>14</sup> Without a continuous inflow of migrant work, the business model would hardly be sustainable. On the other hand, organising cleaning work in households via platforms like Helpling might reduce the extent of undeclared work.

The business strategy of the type 4 platform resembles the Helpling case. Clickworker, although member of the German Code of Conduct of platform companies like Content.de, clearly favours a low price and low cost strategy. The business areas of the platform are AI training and Data Science, e-commerce (like texts, product descriptions, etc.), mobile crowdsourcing (mystery shopping) and online surveys (market research and opinion polls). To organise, these mainly B2B services, the platform supports contractors in cutting large, labour-intensive projects into small work packages, which are then processed by the platform. Although there is no ranking system implemented, a filtering system exists which matches certain requirements such as language skills with the offered tasks. Clients usually want to place their tasks as cheap as possible, with the platform passing empirical data to the clients by proposing a remuneration level at which it can be assumed that enough platform workers will be found for the respective task within a reasonable period of time. Because of the low earnings, the platform company itself describes the earning opportunities via the platform as an additional income. On the other hand, this is what makes the platform attractive for the self-employed workers, who can realise an additional income without contractual or other formal complications. In this way, the fact that in Germany platform work is mainly used as a source of additional income is what makes the business model of the platform possible and sustainable – as long as low wages are accepted by the platform workers.

In **France**, we are seeing a form of hybridisation between traditional players and platform players. This trend is particularly visible in type 3 skilled services platforms. Faced with the challenges posed by competition from platform in-

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<sup>14</sup> ISA (2021). Helpling hilft nicht. Zur Auslagerung von Hausarbeit über digitale Plattformen, in: Altenried, Moritz et al. (Eds.): Plattformkapitalismus und die Krise der sozialen Reproduktion. Münster: Westfälisches Dampfboot, 148-167.

intermediaries, both in their own markets and in the quest for talent, traditional players are developing a variety of strategies. For digital services companies, the issue is to create private platforms designed to attract freelance talent and meet customer needs while reducing transaction costs. This is the route taken by the major consultancies, which are creating their own branded platforms. Temporary employment agencies, for their part, have launched or acquired intermediation platforms with mixed results, due to the difficulty of reconciling a temporary employment business based on a physical, salaried model with virtual, independent freelancing. As is often the case in growing markets with an ever-increasing number of players, the question of rationalisation for reasons of cost and operational efficiency is emerging. Under these conditions, it is likely that the market for freelance intermediation platforms will undergo an identical process, with the emergence of “super intermediaries” who will come to stand between the client-users and the platform intermediaries.

Another very interesting trend is the development of freelance collectives. Until now, self-organised freelance collectives have found it difficult to position themselves in competition with the major capitalistic freelance platforms. These platforms are mainly focused on creating value for the client, to the detriment of the workers, on whom they transfer all the risk. In contrast, freelance collectives are primarily designed to enable freelancers to maximise their opportunities to find clients and to organise themselves collectively. This is notably the case with a platform like Hubl, but also Collective.work.

In **Spain**, Lowpost could be considered as a platform type 4. It sells itself as a company that has more than 65,000 writers at its disposal for the creation of almost any type of online content. As a result, it offers jobs or text packages in the form of a low-bid auction, inciting competition among registered workers in search of remuneration. However, all of them are freelancers, on whom the company bears full responsibility and penalises them if they fail to deliver tasks in accordance with its manuals and clients' requirements. In addition, work delivered by the platform's own workers and by clients is evaluated. Other platforms that could be considered as type 4, is TaskRabbit, which uses the same system, but targeted at household tasks and furniture assembly. Secondly, type 3 platforms, such as Senniors, Auido or Cuidum, direct the narrative towards helping families find a suitable person to take care of the elderly. The work structure is similar and, although it differs from Lowpost in that the worker is not self-employed, in this case he or she is hired by the families. In addition, it sets minimum conditions for the worker and dissociates itself from any risk or obligation to him or her.

With regard to their financing and survival, it should be noted that the state and public administration are the main investors in digital platforms. Companies such as YeePLY or Lowpost - both of which are the subject of the study - have been able to access funding from public subsidies and grants, or even from the European Union's ERDF funds through grants for entrepreneurship, among other types. This element is constantly reiterated in the platforms, forging their business model. Employers launch a mobile application on the market, which has usually been realized either through an initial investment of their own revenues or through grants or subsidies. Once the platforms emerge and take off, for the most part, they are all financed through systems



of financing rounds from private companies or investment funds. This is the case of Senniors, which two years after its birth in 2020, was pocketing EUR 5 million by the end of 2022 from investment funds from specialised healthcare companies, banks, and other private companies. It is not a new phenomenon, however, that many of the startups that are constantly being born run out of funding or do not make it more than the first few years of life<sup>15</sup>. However, many of them have not only financial support, but also have large companies and public bodies as clients, which helps their persistence in the market.

In **Poland**, instead, three major business models of labour platforms can be identified. In the first model, which can be found in Fixly.pl or Oferteo.pl a service provider (worker) registered on the platform pays for the access to offers (requests of services) posted there for a fixed period of time and the fee may involve limitations as to the number of offers made available or the number of offers (bids) which the service provider may respond to. In this model the platform does not interfere with the contractual relationship between the service provider and the client (customer) or its terms and conditions, nor does it take responsibility for the accuracy of the information provided by the parties in their offers, nor for the quality of the services which have been contracted. What makes it different from on-line bulletin boards is the use of algorithm to assign orders (or requests of bids) and set rates for accessing particular orders (requests of bids).

In the second business model the service providers (workers) are charged a percentage on their remuneration from the successful transactions concluded via the platform for the delivery of a given service (completion of a given task). This model is used by platforms which match publishers (influencers) or journalists with advertisers: e.g. Reachablogger.pl charges a flat rate of 15%, Whitepress.pl charges 20% on the first order, and 10% on the subsequent orders performed for the same client. In this model, besides matching the parties, the platform settles accounts between them via an Escrow account or similar arrangement (so the client pays the platform on placing the order, while the contractor is paid by the platform on the completion of the task and its approval by the client), and remains the exclusive channel of communication between them. Useme.eu, a platform for freelancers, which follows the same model, in addition earns money on issuing invoices on behalf of freelancers who do not have a registered business activity, but need those to settle accounts with their clients, which it does for a charge.

The third model, represented by TaskHero focuses on bilateral relationship between the platform and so called agents. The tasks are paid for according to rates set by TaskHero, no charge is deducted, and agents register for free. The platform earns money on providing services to such clients as companies in FCMG sector, and the access to marketing information obtained through crowd work is only part of those services.

In **Sweden**, while the type 4 platform business model is not existing, it is interesting to see that type 3 platforms such as TaskRunner, Tiptapp and Yepstr have absorbed the intermediation of what were once traditional 'gig' jobs. In

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<sup>15</sup> Vera H., Lucía (2015). [Nueve de cada diez startups no llegan a los tres años de vida. Emprendedores, Cinco Días.](#)

2018, the Swedish government instructed the Swedish Work Environment Authority to carry out a pilot project in the form of a supervisory effort with focus on these new ways of organising work. The Swedish Work Environment Authority carried out 48 inspections, including follow-ups, within the framework of the pilot project. A total of 28 companies were included in the project, of which were eight umbrella companies and five platform companies. As a result of this the agency fined two of the companies for lacking in their work environment responsibilities with respect to their responsibility as an employer. These two companies were TaskRunner and Tiptapp. In both cases the Swedish Administrative Court ruled in favour of the companies, stating that they were not to be considered as employers and thus also not responsible of the work environment of the Runners. On the other hand, Yepstr decided to adapt its business model directly employing workers providing services via this platform, especially due to the fact that in 2020 the Swedish Work Environment Authority criticised the gig industry and demanded that companies take increased responsibility for the work environment of the people who perform the services. This allowed the platform to gain consensus among the Swedish public and politicians.

Of the four **Estonian** case studies, only one (Treamer) was not founded in Estonia. While the other three differ in types of work (Caremate being care services, GoWorkaBit aimed mainly at physical work, and Wisestly mainly online work) they share similarities in the business models used. Many Estonians have their own business (19% according to the most recent data from a SEB survey in 2019). Since 2018, Estonian authorities have promoted the option for an entrepreneurship account for independent entrepreneurs to declare income for self-employed work including platform work. In many cases, the Estonian platform-based companies require (in the case of Caremate) or at least offer (GoWorkaBit and Wisestly) the worker the possibility to work as an entrepreneur. In the case of CareMate, care givers or 'workers' on the platform are required to have their own business and take responsibility their own customers who are those requesting the service on the platform. In this case, the business model is B2B2C where the worker and the platform interact as businesses and the worker provides the service to the customer.

While the GoWorkaBit and Wisestly platforms also offer the B2B2C model if a worker has their own business, in many cases the platform negotiates the contract of the worker with the company contracting the work. Thus, the business model can also be B2B where the platform provides the workers and the company employing the worker takes responsibility for the worker as their employee under short term contracts with the company and the employee. In both cases (where an individual is registered as an entrepreneur or where a company hires a worker from the platform) the platform shifts the responsibility of providing the service to either the entrepreneur or the contracting company.

Treamer, which is a Finnish owned company, is the only in the Estonian case study which directly employs and registers the workers with the platform. In this case the business model is largely B2C, where the platform is the business providing and taking responsibility for the workers to provide work to the customer (in this case the company in need of short-term work). Workers on the Treamer platform do not have Entrepreneur Accounts since these accounts



are not compatible with the Finnish business model. Therefore, the platform claims to take more responsibility for the worker by themselves directly employing and reporting the work done via the platform.

## *Prioritise workers and interactions between platform and individuals over process and digital tools.*

### *Protection of workers*

The final report of the Don't GIG up project already recognized that the business model of many platforms has a global or at least an international focus. This is especially true for crowd work platforms that can operate around the globe, the only precondition is to use English as the working language of the platform. This raises the question of whether and how platforms adapt to national or local institutions and regulations and if platforms from different countries show different characteristics in organizing work.

The update of the state of the art of policy initiatives in different countries still underlines this aspect and doesn't offer many updates if compared to previous results.

In addition, most of the reflections, policy initiatives and grassroots actions aiming to protect platform workers' rights and to make more transparent platforms' business models focus on type 1 and 2 platform, with delivery platforms still monopolizing the debate.

A brief examination of some problems for platform workers about traditional gig and skilled services (type 3) and crowd-work platforms externalizing micro-tasks (type 4) follows. However, the main initiatives led by grassroots movements and unions over the latest years addressed working conditions in goods delivery platforms; case Law development as well as grass root initiative concerns almost exclusively riders and delivery platforms.

In **Italy**, despite the technological change experienced across Europe, and the debate around the social and economic status of gig-workers, the concept of employment continues to be a cornerstone for initiatives and demands in the gig economy, and public and political debate still focus almost exclusively on delivery and passenger transport platforms. Law no. 128/2019, amending legislative decree 81/2015 (Jobs Act), has established two different regimes for platform workers. The first broader regime (new article 2, paragraph 1, Jobs Act) covers the so-called hetero-organised workers (i.e., workers whose activities are predominantly personal, continuous, and unilaterally "organised by the client") "by means of platforms". Under these conditions, platform workers shall remain "quasi-subordinate" whilst being applied protections of employment status. The second narrower regime (new Chapter-V bis, i.e., art. 47 ff., Jobs Act) lists a set of labour guarantees only for "self-employed *riders* delivering goods by means of two-wheels vehicles in urban areas" (OSH measures; prohibition for platforms to reduce working opportunities due to refusal of deliveries; provisions on remuneration e.g. piece rate pay ban, etc.). It should be noted that this rule confirms the legislator's focus on goods delivery platforms, leaving many questions open on the regulation of work platforms providing different services. However, indeed, through these reforms the legislator tried to solve the problem of employment status misclassification.

The Italian legal framework is still under a complex reforming process. In particular, the Italian government is proposing to encompass gig-workers, also

upon the indication of the labour judges (C. Cass. 24 January 2020, n. 1663, the so-called Foodora case), within the personal scope stated by Article 2 of Law no. 81 dated 15 June 2015 (i.e. special regime extending to any self-employment relations, having features of employment relations, with the application of the employment protections – wage, social security, maternity, working time, etc.). There are authors in line with such protective viewpoint (Carabelli, Spinelli, 2019). There are also legal analysis centred on another issue (Faioli, 2017, 2020 and 2023): it is assumed that the jobs carried out through digital platforms – in the specific case of working activities performed for gig economy companies delivering goods (e.g. Deliveroo, Foodora, Just Eat, etc.) or providing services to individuals and households (e.g. Vicker, Task Rabbit, etc.) – fall under temporary agency work as per the Italian Laws nos. 81 dated 15 June 2015 and 276 dated 10 September 2003. The digital platform (e.g. Foodora) co-coordinates, co-manages, co-monitors, along with the client (restaurants, pizzeria, etc.) and, in some case, sanctions the worker/rider with a view to meeting a user request (e.g. a restaurant or coffee bar that joins the platform) in relation to the delivery of food to clients. In this way, restaurant managers do not avail themselves of an employee but of a temporary agency worker by accessing the digital platform (Foodora). This entails a double conceptual shift: on the one hand, *de iure condendo*, if the digital platform (Foodora, Deliveroo, etc.) became a temporary work agency, it would be subject to the provisions set out in Laws nos. 81/2015 and 276/2003 (with some necessary law amendments concerning sanctions and references to collective bargaining); on the other hand (and this is the most important aspect of the present analysis), such digital platform (Foodora, Deliveroo, etc.) would be part of the unified (or, better, unitary) network of active labour market policies, being enabled to take part in job placement activities and matchmaking (i.e. matching of labour demand and supply) in relation to both traditional jobs (as already known) and gig economy jobs. Now, assuming that the work carried out through digital platforms (as in the case of Deliveroo, Foodora, etc.), specifically aimed at delivering goods, can be considered as temporary agency work, we should highlight that, at least *de jure condendo*, the Italian and EU legislator should depart from this aspect in order to: (i) extend to the workers of such digital platforms a set of already established labour law, social security, and union protection measures, making reference to collective bargaining for the definition of some aspects concerning wages and labour costs; and (ii) take the opportunity to improve employability through the promotion of smart and efficient matchmaking mechanisms. Such theory stems from the idea that, as to work performed through digital platforms, it is necessary to introduce a specific set of rules making reference to the legislation on temporary agency work (market design).

The Italian trade unions' capacity to set – through collective bargaining – a wage level for gig-workers or even forms of protections was expressed by the National Collective Bargaining Agreement (NCBA) for Logistics, Freight Transport and Shipping in 2017 and in 2021. A new position was implemented (i.e. "ciclofattorino") with the idea to apply protections compared with employees in such industrial sector. Such protections are pro rata and related to the specific temporary tasks (see CCNL Logistica, Trasporto Merci, Spedizione and the related Protocol November 20, 2020). As can be seen, Italian unions also focused on workers of goods delivery platforms only, finding it difficult to turn their activities towards type 3 and 4 platforms, which have so far remained off

their radar. An exception can be found in the Italian babysitting platform Le Cicogne, which applies the NCBA Domestic work.

In **Germany** there are still no new regulations on platform work established. However, policymakers have continued to pursue some of the processes initiated in the White Paper 'Working 4.0' of the BMAS. These include improving the data on the spread and forms of platform work as well as setting up the 'Think Tank Digital Working Society', which is intended to intensify the social and political dialogue on platform work. A key outcome of this dialog is the BMAS's 'Key Points for Fair Work in the Platform Economy', which the Ministry of Labour published at the end of 2020 and which is intended to set the framework for further political initiatives and legal regulations (BMAS, 2020). Specifically, the BMAS paper identifies several areas of regulation that should 'ensure fair work in the platform economy' and establish a 'level-playing field':

- Include solo self-employed platform workers in the statutory pension scheme and involve platforms in paying contributions;
- Examine whether and how accident insurance coverage can be improved;
- Open up the possibility for solo self-employed platform workers to organize themselves and jointly negotiate basic conditions of their activity with the platforms;
- Introduce a shifting of evidence in lawsuits to clarify employee status, thus lowering the inhibition threshold for platform workers to assert their rights in court;
- Allow platform workers to take their ratings to another platform, thus limiting dependence on individual platforms;
- Discourage certain contractual practices by platforms, for example by setting minimum notice periods;
- Ensure that general terms and conditions that are unilaterally detrimental to platform operators can be reviewed in court in a simpler and less complicated manner;
- Establish transparency and reporting obligations for all platform operators in order to improve the data situation on the platform economy.

The aspect of involvement in the social security system has been introduced into the coalition agreement of the current federal government, both in the form of easier access for the self-employed to unemployment insurance and in the form of an integration of the self-employed into the old-age pension system. These changes would affect many platform workers on type 3 & 4 platforms, at least those, who earn their main income with platform work.

Additionally, decisions by the Federal Labour Court (BAG) on platform work have challenged the notion that platform work is self-employment. One of them first was a ruling in 2020 on the lawsuit of a platform worker who had used an app to carry out orders to inspect goods, an activity which can be classified as platform work of type 4. The worker had regularly checked the presentation of goods in stores and petrol stations for a company since 2017, using photos and questions to promote products. These were micro-jobs offered through a platform on a 'basic agreement' and company's terms and

conditions. The BAG ruled in the last instance that although this obligation did not exist, the worker was induced by the platform's evaluation system to take on the control activities in order to be able to earn a higher hourly wage in this way. From the point of view of the BAG, he is thus to be classified as an employee who has performed work that is bound by instructions and determined by others in personal dependence. This decision represents a break with previous legal interpretations because this was the first time that the highest labour court assessed independent platform work as an employment relationship. The decisive factor is the specificity of work and the implementation of the employment relationship. Therefore, according to this ruling, blanket classifications of the employment relationship from job types are no longer possible but must be legally examined case by case (BAG, 2020).

In **France**, until recently, the debate focused on the reclassification as employment contracts of workers on type 1 and 2 platforms. Type 3 skilled work platforms have even developed their business by claiming, in the eyes of principals and customers, that they enable them to protect themselves against some of the risks inherent in the use of intellectual services. They enable them to limit their exposure to the risk of illicit lending of labour (a profit-making operation whose sole purpose is the lending of labour) or the risk of "délit de marchandage" (the act whereby an employee of a service provider passes from the authority of his employer to that of the customer), two risks that have long been identified as major for digital service companies. But some professional organisations are very active in arguing that certain platforms should be considered as companies in the temporary employment sector. This is particularly true of Prism'Emploi, the professional federation of temporary employment agencies. A recent decision by the Conseil des prud'hommes on 9 January 2023 for the first time requalified as an employment contract the employment relationship of a worker on a type 3 platform (the Staffme platform, a job platform for students).

In any case, it is clear that the issue of algorithmic management is a blind spot for regulation. However, this is often the case with type 3 capital-intensive platforms. The draft directive would represent a step forward for these workers.

In autumn 2021, the government presented a plan for the self-employed, with several measures impacting platform worker. These measures led to the adoption of the Law of 14 February 2022 in favour of self-employed professional activity. The law facilitates access to the voluntary insurance scheme against the risk of accidents at work, by lowering the contribution rate that allows one to access to it. This provision is considered as insufficient by platform workers' collectives and trade unions. Another provision facilitates workers' access to the self-employed workers' allowance. In particular, the law extends the conditions of access to the self-employed workers' allowance (ATI) to self-employed workers who permanently stop their activity which has become unviable. Previously, only self-employed persons who were in liquidation or receivership and had generated €10,000 of income per year could benefit.

In **Spain** between August 2018 and October 2019, the Labour Inspectorate carried out a specific campaign as part of the Master Plan for decent work in digital platforms and e-commerce. This action led to the regularisation of

8,451 falsely self-employed workers and the Social Security recovered 15 million euros in Social Security contributions that these companies were saving.

Trade union activity has not only focused on riders, but also on other labour platforms using similar ways of organising work. Trade unions denounced to the Labour Inspectorate six platforms that, in addition to being placement agencies, established themselves as intermediaries between carers of elderly people and families in need of home help services. These platforms have grown in Spain due to the COVID-19 pandemic as an alternative to Elderly Homes. These platforms receive a commission for the service of selecting the caregiver. In addition, they establish the shifts, substitute the carer in case she is not to the family's liking and adapt the service according to the needs of the person they have to look after. They also set up a star rating system for carers that can limit future jobs due to poor ratings. These platforms use the Special Scheme for Domestic Workers which has a different system to the General Social Security Scheme (RGSS), i.e. their salary is fixed by the Minimum Interprofessional Wage (SMI) and they do not contribute in the same percentages or amounts as salaried workers. They belong to the Special System for Household Employees (SSHE). Moreover, the contractual relationship is made between the worker and the family, which bears social costs. This way platforms, despite being in charge of supervising and organising the care activity, are considered as mere intermediaries and do not have direct responsibilities such as complying with the Occupational Risk Prevention regulations.

Cleaning platforms, such as Clintú, were also denounced to the Labour Inspectorate by trade unions. Their model also relied on domestic workers working on an hourly basis where the client could set a price below the price suggested by the platform. The prices varied if there were cleaning products in the home or not. The platform kept a fee for carrying out the intermediation activity. In addition, cleaners were given a star rating system that could limit future tasks if they received a poor rating

In **Poland**, some promising developments could be observed in terms of organizing workers, as the first company-level trade union has been established in Pyszne.pl (food delivery platform) in 2022, that is affiliated to OPZZ Konfederacja Pracy. The union leaders organized some events for platform workers in the company informing about the workers' rights and possibility to join the organization. The union has been active in the public and parliamentary debate conducting advocacy actions to improve working conditions and referred to the draft Directive on platform work. Recently, their manifesto has been published to articulate their postulates and increase its visibility.

The approach of **Swedish** legislator has been not to intervene with any legislation on platform work. Despite the debate on matters of classification and related social issues, Swedish Government has decided to wait and see what would have happened in courts and among the social partners. Unlike other European countries, in Sweden there has not been yet any court ruling on platform work. Swedish social partners do not usually use strategic litigation as a tool to solve some problems. One of the reasons behind this choice is that social partners prefer self-regulation. One of the biggest problems with platform workers in Sweden is the lack of statutory guarantees of a minimum

number of actual working hours, which drives many workers into poverty or at risk of poverty. However, legislating about minimum hours of work in total per employment contract is currently not on the agenda. Despite the lack of legal intervention and case law, in Sweden the labour market actors have set up their social model to try to address some of the issues of platform workers through collective bargaining.

In **Estonia**, the lack of clarification about how platform workers are defined has made it difficult to create legislation or assess disputes by platform workers. In Estonia, platform workers are considered as entrepreneurs, so they are responsible for those legal obligations depending on the type of entrepreneurship that they are pursuing (self-employed, private company, incorporated company etc.). The problem is that some platform workers avoid paying taxes because there is no registry, and no obligation to report about working on a platform. Although, *Töölepingu seadus* (The Law of Employment Contract) is currently being reformed. These reforms, however, do not include any specifics about platform workers. There is a debate whether platform work should be defined as a separate “type” of contract work and have its own legal regulations (Interview with Johanna Vallistu, 2022). To date however, Estonian stakeholders are waiting on the EU directive to make these decisions (Interview with Maria-Helena Rahumets, 2022).

## *Conclusions. Organisation Design, Legal Frames and Suggestions for forthcoming EU level policies*

The regulation of work performed through such types 3 and 4 platforms constitutes probably the most challenging task for regulators in the current socio-economic landscape. Given the characteristics of such platform work, including the fact that platforms are located in countries different from where the person actually performs her tasks, law-makers proved to be cautious in introducing specific rules applicable exclusively to platform workers. Domestic legal systems, depending on how widespread the platform work is and how adaptable labour regulations are, mostly responded through case law to the emerging needs of platform workers, who increasingly suffered from insecure working conditions and the precarity depending therefrom.

### **(i) Public repository of labour platforms and social protection**

In many partners' countries, there is no publicly available repository of such platforms (types 3 and 4). Consequently, there is no official data on both the number of such platforms and the number of people working for or mediated by such platforms. So, the lack of data about such platforms and platform workers has not been solved yet. This vacancy can only be solved by official entities; it is intended to find a solution for the introduction of a European list of such platforms, also to increase the protection of this kind of workers.

The creation of such a register is a demanding task. It needs a clear definition of such types 3 and 4 platforms. On the other hand, this definition needs to be open enough to cover the sometimes very diverse areas of the platform economy.

At the same time, it should be possible to enforce the obligation to report platforms and the work performed by platform workers in registers. The comparability of national surveys at least at the European level would be desirable. It also would be important for the proposed Directive (on improving working conditions in platform work) to impose such a register, focusing on the relationship between platforms and workers, on which contract(s) is/are used by the platform (if any) and related consequences in terms of labour rights and social protection: furthermore, the agreements between platforms and workers should make explicit which social protection regime applies to platform workers (e.g., discipline applied for workers identification and registration in company registers, discipline for the collection of taxes social security contributions, etc.), and which occupational health and safety regime applies to platform workers (e.g., responsibility for workers' OSH training, responsibility for providing persona protective equipment, responsibility for work-related risks assessment, supervision and control, etc.).

### **(ii) Applicable legislation and competent jurisdiction**

The regulation of platform work constitutes probably the most challenging task for regulators in the current socio-economic landscape. Given the characteristics of platform work, including the fact that platforms are located in countries different from where the person actually performs her or his tasks,



law-makers proved to be cautious in introducing specific rules applicable exclusively to platform workers. Domestic legal systems, depending on how widespread platform work is and how adaptable is labour regulation, mostly responded through case law to the emerging needs of platform workers, who increasingly suffered from insecure working conditions and the precarity depending therefrom. Many more workers may start to work from abroad. This brings about new legal challenges that need to be tackled in the future.

In this chaotic situation, the integration of platform work (and self-employment in the gig economy) into the social security system (in the form of a compulsory insurance) needs to be discussed. Digital labour platforms which are employers have to declare work performed by platform workers to the competent labour and social protection authorities of the Member State, but first of all it is necessary to clarify which jurisdiction applies if the platform is based in a country and the platform worker work in another.

In other words, it means that it's important to apply the most protective discipline to workers, especially when the benefit is carried out in a country that does not provide for a social security system, collective agreements, trade union representation and proportionate and sufficient wages.

For these reasons, the legal agreements between a service provider and who wants to use that service should apply the legislation in compliance with Sections 8 and 9 of the Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I) and, in any case, the legal national regimes arising from the Directive (EU) 2019/1152 on transparent and predictable working conditions in the European Union. The terms and conditions of service also should make explicit, indicating the specific NACE Sector(s), to which sector(s) the activities conducted through the platform belong. This would facilitate: (i) the identification of sectoral national collective labour agreements; (ii) the identification of national regulations relating to specific professional sectors or regulations of professional bodies/associations (where present).

### **(iii) Remuneration policy, membership costs for the workers and costumers' fees**

It's important to focus on platform workers' remuneration policy, in reference to statutory/collectively agreed minimum wages, trying to figure out the involvement of algorithms, rating/ranking systems in remuneration definition and if there is room for negotiation for clients, platforms and workers.

The relationships between platforms and workers should detail the remuneration policy applied to the platform worker according to the applicable national legislation. In this case, the employment relationship should clarify to what extent is remuneration defined by the platform, as opposed to decision by the worker or costumer, or to bargaining between the worker and the costumer, and whether there are maximum (monthly and/or annually based) income thresholds/ceilings that workers can earn through the platform, explaining the reasons for this.

For countries with a statutory minimum wage, the legal agreements should specify whether the statutory minimum wage is applied to platform workers;

for countries without a statutory minimum wage, they should clarify whether the minimum wages defined by sectoral collective bargaining agreements apply and to how. In this case, the sector(s) and the related collective agreement(s) should be identified on the basis of the actual work activity carried out through the platform and the dedicated NACE Sector(s).

There is another important aspect for evaluation because terms and conditions of these relationship should clarify whether a subscription is required to operate on the platform, either as a worker or as a customer, and define the amount, method and frequency of payment, and any additional fees.

In the case of commissions/fees charged on individual transactions taking place on the platform, one has to make a judgement on the amount of the commissions/fees (in absolute or percentage terms), and the party on whom the commissions/fees are charged (the worker or the customer or both).

For those online platforms that also offer project development - commissioned from a crowd whose work has to be developed in advance - it should be mandatory that all projects offered/submitted get a remuneration for anticipating the project development and participating in the auction. It is proposed that remuneration should be at market rates or never below the minimum wage of the country concerned and, above all, that working below cost should be avoided.

The aim of this recommendation is to ensure certainty for workers and adequate remuneration for the work they do, promoting that employers cannot impose unfair and inappropriate conditions that make work precarious.

Regulating the allocation of tasks and banning the auction system means that platform workers can access a fair and adjusted remuneration for the performance of their tasks, leading to professionalization. This, again, has an impact on reducing uncertainty and job instability, and favours digital disconnection and makes the working day more concrete (along with rest).

#### **(iv) Assignment of tasks/jobs and mismatch between platforms and workers**

It is necessary to reflect about the modality of assignment of tasks/jobs via the platforms, with particular reference to the role of skills assessment, artificial intelligence technology and rating/ranking mechanisms. Furthermore, the investigation must research into the prospects for self-development as a platform worker, how platforms support the skills of workers and how workers themselves improve their skills while doing platform work.

In this case, the legal agreements between platforms and workers should clarify which kind of hard and soft skills are required to work through the platform, ensuring an internal system of skills verification/certification of workers, prior to their eligibility to work via the platform, in order to ensure both worker and client safety and satisfaction.

Terms and conditions of employment relationships should clarify what is the role of human intervention and/or artificial intelligence in relation to the dec-

larations of skills, verification/certification of skills, and possible rating and/or ranking of workers with respect to these processes, also detailing the role of artificial intelligence in relation to the assignment of tasks/jobs via the platform, explaining the functioning of the algorithms used in a clear and comprehensible way and, as a consequence, being in compliance with the national laws concerning legitimate job rotation schemes, variations of tasks, discrimination.

In this regard, the legal agreements should make explicit if a rating system via costumers' feedbacks, explaining its functioning and criteria, the impact on the assignment of tasks/jobs, also clarifying the impact of worker's acceptance or refusal to execute a task/job on the future task assignment process.

#### **(v) Extend workers' representation on digital production units**

The issue of the new spatial dimension of platform workers has already been addressed: now, the digital production unit can also be represented by a single worker performing in a different country than the company's headquarters. The digital use of work tools creates ubiquity and imposes the creation of new models of work organization. The notion of productive unit will have to be re-defined, in view of the digital transformation.

It is necessary to clarify the concept of appropriate bargaining unit, understood as sufficient community of interests. Platforms usually offer some forms of communication channels for the platform workers to address the platforms. However, communication among the workers is rarely possible. Additionally, there is no access for external actors from trade unions or other forms of interest representation to these channels. Moreover, trade unions in many partners' countries are not allowed to negotiate collective bargaining agreements for self-employed workers and to fix collective earning levels. To build proper collective bargaining, trade union representation is a prerequisite. Only by strengthening collective bargaining can this type of issue, which is the main issue to be resolved, be alleviated. The employment relationship between the worker and the platform must be recognized as an initial step to strengthen collective bargaining and union representation within the platform world.

It is essential to require companies to extend workers' representation on platforms. This is coupled with the need to achieve trade union representation in platform work to ensure workers' employment rights. Trade union representation is a fundamental element of the work that must also exist in the world of digital platforms. For this, one example would be to initiate collective bargaining with the type 3 and 4 digital platforms made up of these economically dependent self-employed workers, as they have the possibility to establish agreements that improve their conditions, autonomy and, at the same time, participate in ensuring that all workers in the sector benefit.

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