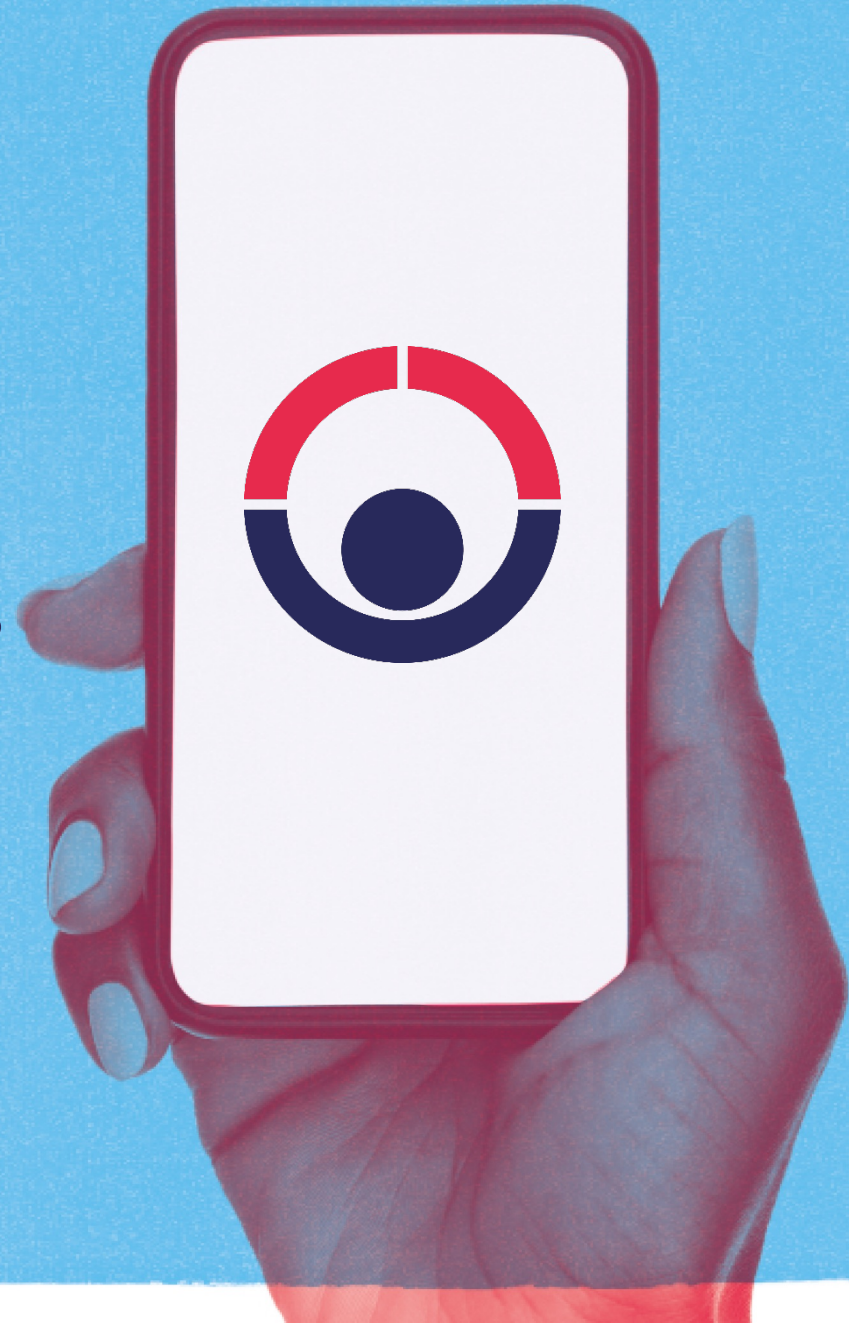


Swiss Institute of Comparative Law
5 March 2024

**Regulating Platform Work:
Conversation Stoppers and Deepeners**

Dr. Funda Ustek Spilda

Fairwork, Oxford Internet Institute,
University of Oxford



Two broad types of **platform work**



Geographically tethered

Work required to be done in a particular location



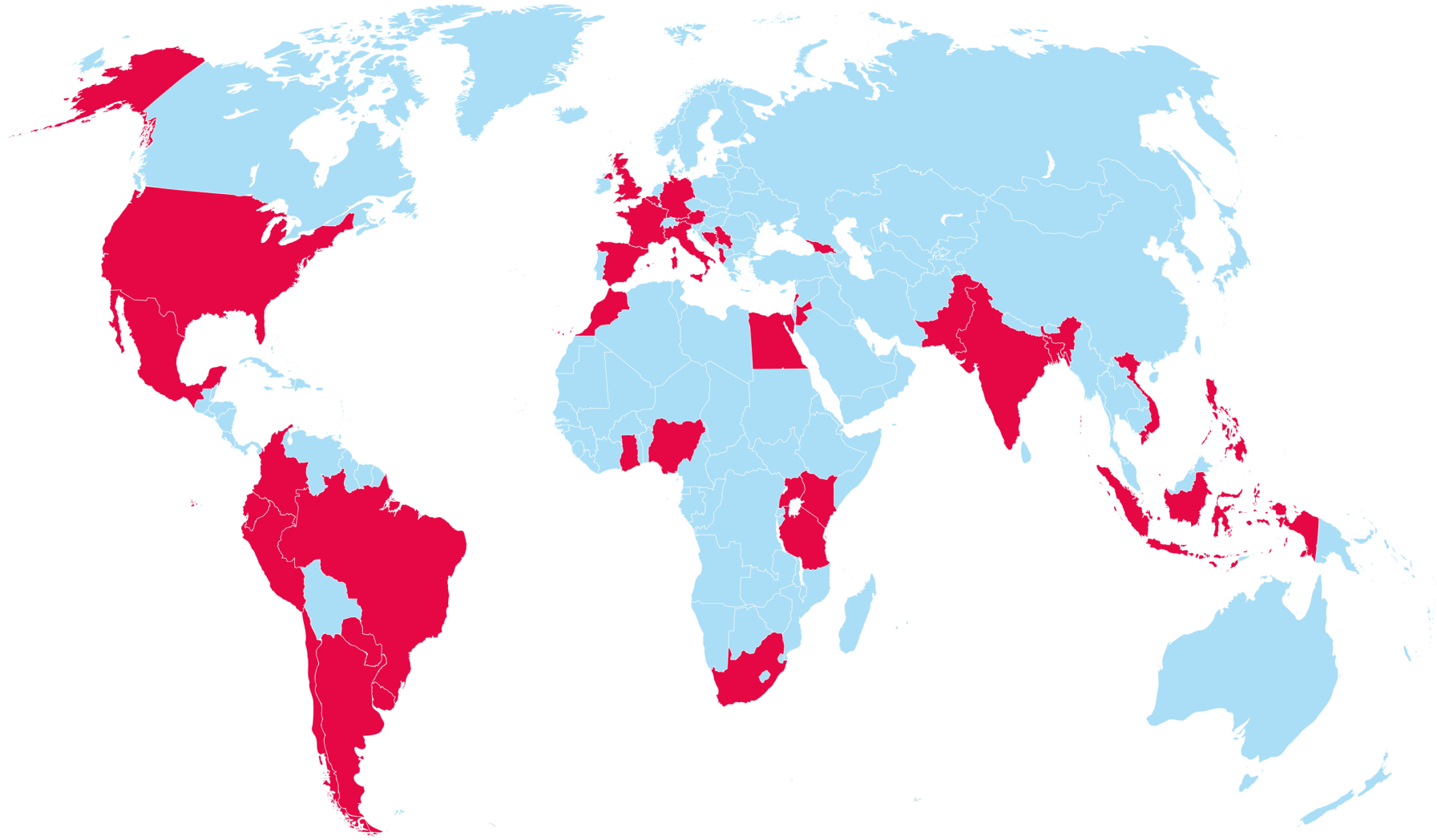
Cloudwork

Work can, in theory, be performed from anywhere via the internet



*The **Fairwork** Project*

Fairwork Countries



Fairwork Collaborators



weizenbaum
institut



Fairwork Funders



Fairwork Principles



Fairwork Principles for **Cloudwork**



Fair Pay

Workers must have full confidence that they will be paid for the work they do, within the agreed-upon timeframe and in a recognised national currency.



Fair Conditions

Platforms should have policies in place to protect workers from risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.



Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. Workers should have legal recourse if the platform breaches those conditions and contracts should not require workers to waive this right.



Fair Management

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions.








Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.

METHODS

Scoring System



Principle	First point		Second point		Total
 Fair Pay	1	+	1	=	2
 Fair Conditions	1	+	1	=	2
 Fair Contracts	1	+	1	=	2
 Fair Management	1	+	1	=	2
 Fair Representation	1	+	1	=	2

Maximum possible Fairwork Score

 **10**^{/10}

METHODS

Data Collection



Desk research

Map platforms
and analyse
contracts / T&Cs

+

Worker interviews

Interview 6-10
workers per platform
per year

+

Manager interviews

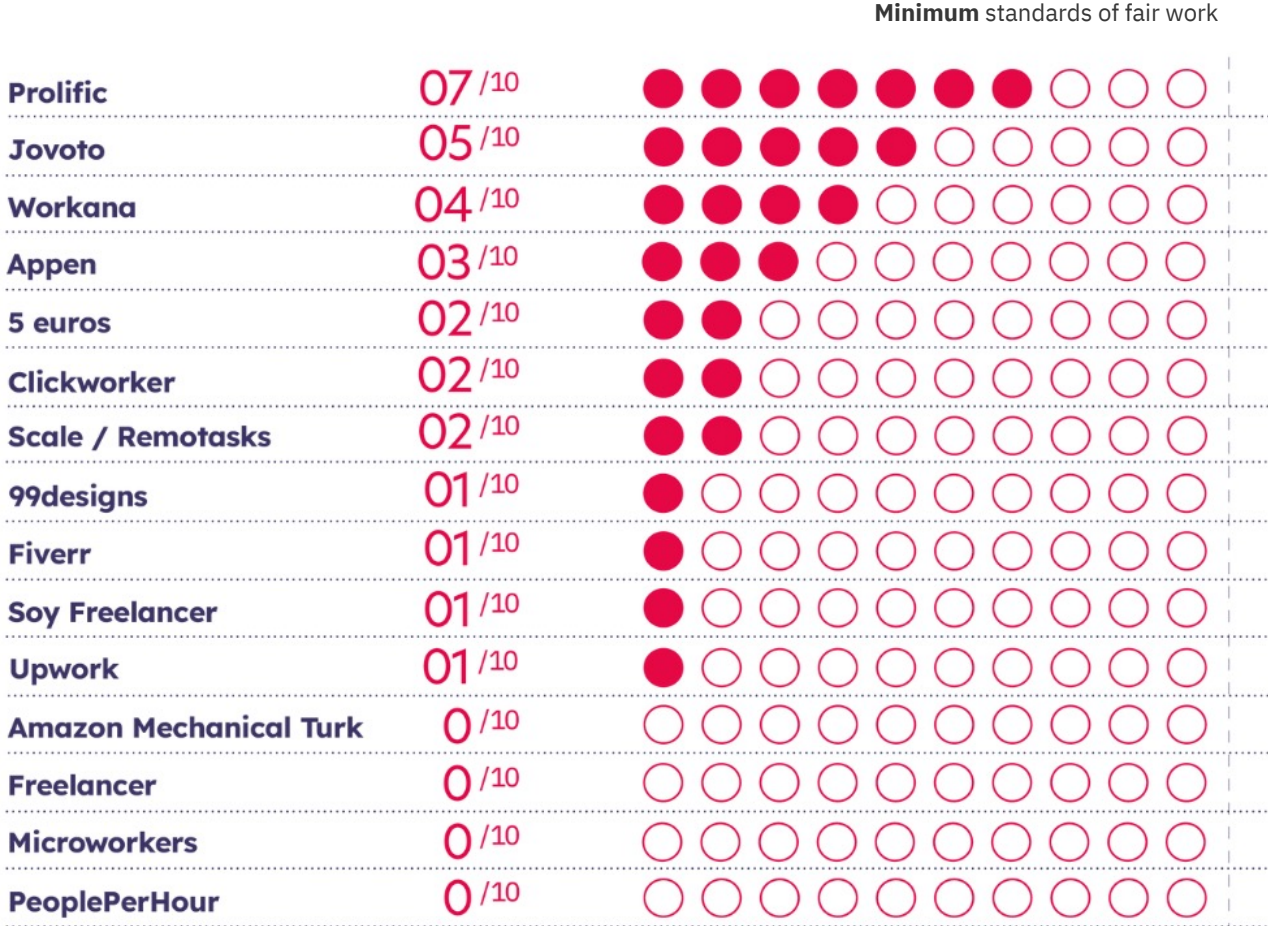
Interview managers,
request evidence,
request changes

Putting it all together

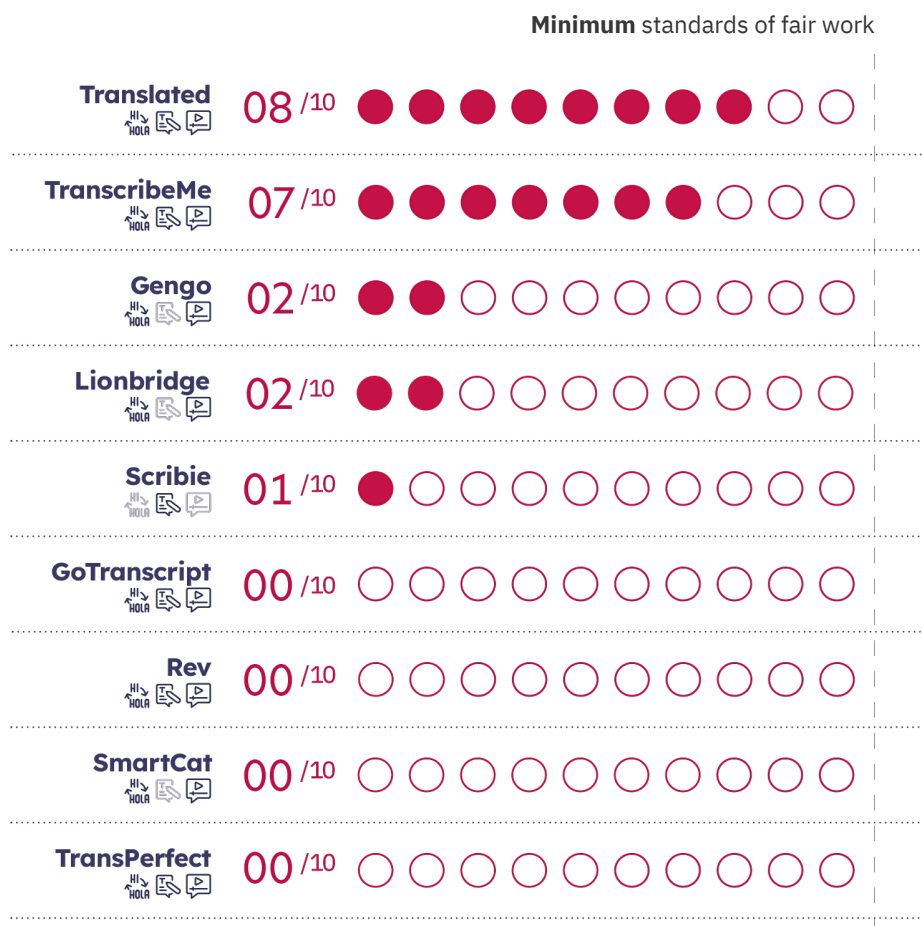
Final scores are collectively decided and **peer-reviewed** by
two reviewers from other Fairwork country teams

Cloudwork (online work) ratings

Cloudwork 2022



Translation & Transcription 2022





Regulating Platform Work

Conversation on Regulating Platform Economy

Question 1: Is it Really New?

- Companies have been very keen in framing their business model in terms of ‘novelty’
 - Innovation
 - Disruption
 - Technology company
- Many companies have also framed the work they provide as not really ‘work’
 - Sharing economy
 - Complementary to other activities

Conversation on Regulating Platform Economy



Question 2: Will regulation (not) hinder innovation?

Forbes

GOV.UK

INNOVATION • CYBERSECURITY

Lessons From Uber: Why Innovation And Regulation Don't Mix

Larry Downes Former Contributor ©
Best-selling author on technology, strategy and policy

Feb 6, 2013, 05:00am EST

Blog

Civil Service

Organisations: [Civil Service](#)

A brave new world: agile regulation to unleash innovation

[Jonathan Evans, Head of International Regulatory Cooperation and Engagement, J Regulation Executive, BEIS](#), 20 January 2021 - [Better policymaking](#), [Uncategorize](#)



Smart. Open. Grounded. Inventive. [Read our Ideas Made to Matter.](#)

Credit: John

IDEAS MADE TO MATTER | INNOVATION

Does regulation hurt innovation? This study says yes

by Betsy Vereckey | Jun 7, 2023

Why It Matters

Firms are less likely to innovate if increasing their head count leads to additional regulation, a new study from MIT Sloan finds.

Share ↗

Can too much regulation hurt innovation?



Work smart with our

It's a timely topic for both [cryptocurrency](#) and [generative artificial intelligence](#), with policymakers

Conversation on Regulating Platform Economy

Question 3: Regulation = Classification. [aka. Will it not lead to classification?]

Independent workers

A. Employers

- 11 – Employers in corporations
- 12 – Employers in household market enterprises

B. Independent workers without employees

- 21 – Owner-operators of corporations without employees
- 22 – Own-account workers in household market enterprises without employees

Dependent workers

C. Dependent contractors

- 30 – Dependent contractors

D. Employees

- 41 – Permanent employees
- 42 – Fixed-term employees
- 43 – Short-term and casual employees
- 44 – Paid apprentices, trainees and interns

E. Contributing family workers

- 51 – Contributing family workers

Classification

International Classifications of Status in Employment and Status at Work (ICSE and ICSaW)

Conversation on Regulating Platform Economy



Question 4: Would we not be better off creating our rules?

Charter of principles for good platform work



We, the undersigned, share the view and aspiration that:

- Digital work/services platforms are making available affordable, on-demand services to consumers and offering businesses greater opportunities to access talent with the skills they need. They are also providing flexible opportunities for earning and supplementing income, helping many platform workers to achieve economic security, greater control over their working hours and develop new skills.
- The rapid adoption of technology, innovation in business models and the diverse ways in which people work through platforms poses challenges for the current policies governing work, benefits and social protections, spanning diverse geographies and jurisdictional norms.
- A comprehensive approach is required that provides clarity and legal certainty, and empowers platform workers, promoting their dignity and wellbeing, while supporting flexibility, innovation and the value offered by the platform economy to users/clients.
- It is important that platform workers are classified appropriately under the law and suitable regulation provided for these forms of work and services.
- Platform operators should set strong standards to support those providing services through their platforms.
- This Charter aims to identify the key principles for good platform work. All stakeholders, including platform operators, governments and workers themselves, have a role in ensuring the wellbeing of people engaged in platform work, and multistakeholder cooperation will be required to successfully embed these principles across the platform economy.

OII > NEWS & EVENTS > NEWS >

Uber and Deliveroo's 'charter of good work' is nothing but fairwashing



Published on
3 Feb 2020



Written by
Kelle Howson, Srujana Katta, Mark Graham and Funda Ustek Spilda

The authors work at the University of Oxford's [Fairwork Foundation](#), which scrutinises working conditions at digital labour platforms.

Every week seems to witness a new tragedy in the gig economy. Gig workers are injured and killed without the platforms that they work for acknowledging or shouldering any responsibility. Many workers take on these risks for below the minimum wage.

It is therefore noteworthy that the CEOs of Uber, Deliveroo and four other large platforms have come together to "strengthen workers' rights" with a '[Charter of principles for good platform work](#)' that they published at the World Economic Forum last week.

This kind of corporate strategy isn't new, and similar tactics have been deployed in many industries. In 2017, Sainsbury's announced that its own-brand teas would no longer carry the Fairtrade label. Once positioning themselves as the world's largest retailer of Fairtrade products, the supermarket giant said they would be certifying their tea supply chain under a cheaper in-house scheme, 'Fairly Traded', which mimicked some of Fairtrade's key features, [but was less accountable to farmers](#). Sainsbury's was betting that consumers wouldn't have the time or inclination to scrutinise the difference.

Conversation on Regulating Platform Economy




Question 5: Will it even work (for cloudwork)?

euronews. My Europe World Business Sport Green Next Health Travel Culture Video

my.europe > Europe News

EU deal on platform workers falls apart, pushing law into limbo



By Jorge Liboreiro
Published on 16/02/2024 - 15:51 • Updated 17:34


Serbian freelancers protest new taxation law that threatens to push thousands into poverty

Several rounds of negotiations between freelancers and government have failed.

Written by Tamara Petrovic

Read this post in Italiano, русский, Ελληνικά, Español

Posted 9 April 2021 21:04 GMT



Protest of freelancers in Belgrade, April 8, 2021. Banners read "We refuse to relinquish our future!" and "Yes to..."

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Eisha Afifi	Chris King Chi Chan	Elisa Errico	Shahidul Islam	Nacef Mouri	Julice Salvagni
Pablo Aguera Reneses	Henry Chavez	Patrick Feuerstein	Neema Iyer	Jamal Msami	Derly Yohanna Sánchez
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Daniel Arubayi	Nadia De Jesús Pacheco	Slobodan Golusin	Amela Kurta	Caroline A Omware	Kiko Tovar
Sami Atallah	Luisa De Vita	Saúl Gomez	Ilma Kurtović	Nermin Oruc	Pitso Tsibolane
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