

Convegni



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# Modern Forms of Work

## A European Comparative Study

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## 5. Strengths and Weaknesses of Platform Work. Platform work as a chance for a more inclusive Labour Market

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### **Introduction**

Technological innovation is one of the key elements that affects our society and labour market, along with demographic changes and globalization.

The main issue that scholars are called to tackle concerns the effective implications of such technology on real life. Nevertheless, it has to be highlighted that technology represents a neutral tool: whether consequences are positive or negative, it depends on how people make a use of it and manage the social transformation deriving from it.

The same consideration could be made with specific regard to platform work, which represents a new way of organising paid work. It consists in an employment form in which organisations or individuals use an online platform to access other organisations or individual in

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<sup>1</sup> Claudia Carchio is the sole author of paragraphs 6, 7, 8 and 9 Caterina Mazzanti is the sole author of paragraphs 2, 3, 4 and 5. The introduction (paragraph 1) and the final remarks (paragraph 9) have been written together by the two authors.

order to perform specific activities or duties in exchange for payment<sup>2</sup>. It could also be defined as a tool that facilitates the match between supply and demand of activities, since it shortens the distances between people and it breaks down geographical barriers. From this perspective, it is one of the most revolutionary changes that affects our society and labour market. In fact, platform work redraws the production processes and, with them, the relationships between employer and worker, workers, work and leisure time.

So, platform work might be considered as a neutral tool as well. It might provoke disadvantages, when it is misused or abused but it might also become an opportunity, when people are able to make a proper use of it, to eliminate social barriers and to include disadvantaged categories.

The research, that has been carried out together by the two authors, aims to describe both sides of the medal.

Firstly, it starts from some considerations concerning the misuse of technology, by specifically focusing on the negative impact of platform work on wellbeing. Therefore, the study will delve into the topic of health and social risks arising from an abuse of such tools.

Secondly, it analyses the topic by adopting a completely different approach, in the light of which such tool might be considered as a chance for disadvantaged workers, since it opens the way to a more inclusive labour market.

## The multifaceted phenomenon of platform work

Platform work might be metaphorically described in terms of a multicoloured mosaic, since it encompasses many different situations. The phenomenon, in fact, includes different scale of workers' tasks, service provisions and skills, which might vary from case to case, from basic to highly specialised ones. Consequently, even the range of workers is very wide. Finding a *fil rouge* between all the different types of platform work becomes necessary to deeply analyse such phenomenon. At this regard, as clearly highlighted by the Eurofound, the expression "platform work" refers to «an employment form that uses a

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<sup>2</sup> R. Florisson, I. Mandl, *Platform work: types and implications for work and employment*, Eurofound Working Papers, 1, <https://www.eurofound.europa.eu/sites/default/files/wpef18004.pdf>.

platform to enable organisations or individuals to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment». In addition, it is generally based on a three-parties structure or 'triangular relationship'<sup>3</sup>, since it involves a 'client', a 'worker' and a 'platform'.

As clearly pointed out<sup>4</sup>, such form of organising work might be identified in both on-location work (as on-demand work via App or, more appropriately, gig work<sup>5</sup>) and crowdsourcing. In other words, such jobs are either digital or physical.

In the first case, activity is performed according to the traditional scheme, since it is closely connected to the traditional dimension of space and time. At this regard, technology plays an innovative role in assenting a job opportunity and controlling the worker's performance.

In the second case, activities are carried out exclusively online, by the use of digital tools. It might potentially include all social categories, also the disadvantaged ones, since it enables people to work potentially everywhere and make it possible to perform work to those, who normally are excluded from the labour market because of their social position or personal needs and difficulties (as in the case of working-parents, especially mothers, or people with disabilities). The variety of workers should be inevitably considered as a crucial aspect of the analysis: in fact, thanks to this perspective, the overview on the phenomenon might be broader.

## Introductory remarks on the problematic implications of platform work

As highlighted by scholars, platform work raises significant issues. The topic, in fact, prompts a very wide debate, concerning

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<sup>3</sup> E. Ales, *Protecting Work in the Digital Transformation: Rethinking the Typological Approach in the Intrinsically Triangular Relationship Perspective*, in E. Ales, Y. Curzi, T. Fabbri, O. Rymkevich, I. Senatori, G. Solinas, *Working in Digital and Smart Organizations*. Palgrave Macmillan, Cham, 2018, 11-28.

<sup>4</sup> See <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/platform-work>.

<sup>5</sup> G.A. Recchia, *Working for an internet Platform: new challenges for courts*, *Legal Issues in the Digital Economy: the Impact of Disruptive Technologies in the Labour Market*, (edited by V. Fili, F. Costantini), Adapt University Press, Cambridge Scholars Publishing, 2019, 23; M.A. Cherry, *Beyond Misclassification: The Digital Transformation of Work*, *Comparative Labour Law & Policy Journal*, 2016, 37 (3), 544-577; V. De Stefano, *The Rise of the «Just-in-Time Workforce»: On-Demand Work, Crowdwork and Labour Protection in the «Gig economy»*, *Comparative Labour Law & Policy Journal*, 37(3), 471-504.

problems of different fields of interest, as those on personal data processing and privacy, or the correct classification of such work within traditional schemes<sup>6</sup>. In order to trace the boundaries of the present analysis, one aspect, however, seems to be of fundamental importance, and regards the risks on health and social conditions to which are exposed platform workers. This aspect is closely connected to the classification of platform work within the scheme of the employment relationship, autonomous work one or as a 'third *genus*'. In fact, the protection standards, even those concerning worker's health and safety, might vary from work category to work category. Therefore, the higher the protection ensured, the more important the distinction becomes.

From the perspective of the Italian legal framework, it has to be pointed out that the Legislator has recently established a specific regulation on so-called 'riders' into the Law n. 128/2019. As it is well known, the activity performed by riders consists in good (especially food) delivery and it is organised through a digital platform, that enables the match between supply and demand. According to art. 1, of the overmentioned Law, those workers have to be qualified within the scheme of 'hetero-organization' that is, more specifically, a collaboration based on a strong link between worker and client, similar to the one that characterised the employment relationship but still definable in terms of a para-subordination. The most significant aspect is, that for such category, the protection standards are close to the ones provided for the traditional employment relationship.

One of the main issues arising from the new discipline of Law n. 128/2019 concerns the possibility to extend such regulation to the entire category of platform workers. In fact, as highlighted before, the phenomenon is multifaceted and includes a wide variety of workers,

<sup>6</sup> Garofalo D, *La prima disciplina del lavoro su piattaforma digitale (D.L. n. 101/2019 conv. In L. 128/2019)*, Il Lavoro nella giurisprudenza, being published (the article has read thanks to the kind courtesy of the author); Dagnino, E. (2015), *Uber law: prospettive giuslavoristiche sulla sharing/on-demand economy*, Adapt Labour Studies, e-Book series, Bergamo, Adapt, available at <http://www.bollettinoadapt.it/uber-law-prospettive-giuslavoristiche-sulla-sharingondemand-economy/>; V. De Stefano (2016), *Introduction: crowdsourcing, the gig-economy and the law*, CLLPJ, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2767383](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2767383); G.A. Recchia, *Contrordine! I "riders" sono collaboratori eterorganizzati*, Il Lavoro nella giurisprudenza, 2019, 4, 403-411; G.A. Recchia, *"Gig economy" e dilemmi qualificatori: la prima sentenza italiana*, Il Lavoro nella giurisprudenza, 2018, 7, 726-734

activities and working modalities. In case the regulation might be considered as exclusively directed to so-called ‘riders’, there should be a violation of art. 3 Italian Constitution<sup>7</sup>.

Moreover, the notion of risk on health need be specified, since it significantly varies whether we consider the two main forms of platform work, the work via App and the crowdsourcing.

In the first case, in fact, risks on health are not considerably different to the ones normally arising from the traditional form of work. At this regard, workers perform their activity within a conventional scheme and the internet platform has the main scope to facilitate the match between offers and demand of services (as it happens for *Uber* or *Foodora*, both representing two instances of internet platform through which the worker provides traditional services but the way the activity has to be performed is subject to the rules of the digital platform).

Otherwise, as highlighted before, crowdsourcing consists of an on-line provision of services or activities. Therefore, the risks on workers health condition might be significant connected to the new working modality based on the use of technology. From this perspective, on-line work might expose workers to significant risks with negative implications on both health and social conditions.

In particular, the epochal change in performing work may have a strong impact on workers social attitudes and provoke the arise of psycho-social pathologies such isolation, stress, technostress, technology addiction.

## **The negative impact of platform work on worker’s wellbeing**

The risks arising from platform work and affecting workers’ health and social conditions are different, whether we consider the two main forms of platform work, on-demand work and outsourcing. As mentioned before, within the first case – which include also transportation services – risks might not be different to those arising from the traditional form of work, since working modalities are similar<sup>8</sup>. Nevertheless, it

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<sup>7</sup> Garofalo D., *La prima disciplina del lavoro su piattaforma digitale (D.L. n. 101/2019 conv. In L. 128/2019)*, Il Lavoro nella giurisprudenza, being published

<sup>8</sup> S. Caffio, *Working with an internet platform: facing old and new risks*, Legal Issues in the Digital Economy: the Impact of Disruptive Technologies in the Labour Market,

has been highlighted that for transportation services these risks may be more significant for platform workers, who may have less experience or knowledge of how to manage risks, in particular because platform workers are generally younger<sup>9</sup>. Furthermore, those workers reported having experienced physical as well as sexual assaults by their clients<sup>10</sup>.

Risks on health and social conditions might be even exacerbated in outsourcing. In fact, in this case worker performs work online and might be significantly exposed to issues arising from the abuse of technologies.

The first problem is the worker's isolation, which is caused by the absence of a shared place while the worker performs his activity. Those works mostly include individual activities, generally without any contact or time for exchanges, debate or discussions with others. It is evident that the typical characteristics of platform work can trigger the emergence of psycho-social issues. At this regard, social integration and a sense of belonging through an identified profession or form of employment are of fundamental importance and if they lack, there might be negative implications on worker's wellbeing.

The misuse of technology might increasingly provoke issues such as technostress, which refers to the pathologic consequence of an abuse of technology. As pointed out, technostress, in fact, can emerge due to hard work schedules, constant connectivity, multi-tasking, lower income, inconsistent productivity and blurred work-life distinction, with the arise of work-home conflict<sup>11</sup>.

Moreover, work often takes place at home or in environments that are not proper work environments. So, ergonomic requirements might be violated, as it happens when the laptop or other tools do not meet legislative standards<sup>12</sup>.

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(edited by V. Fili, F. Costantini), Adapt University Press, Cambridge Scholars Publishing, 2019, 55.

<sup>9</sup> Eurofound, *Platform work: types and implications for work and employment*, 68, available at <https://www.eurofound.europa.eu/sites/default/files/wpef18004.pdf>; M. Tran, R.K. Sokas, *The gig economy and contingent work: An occupational health assessment*, Journal of Occupational and Environmental Medicine, 2017, 59, 63-66;

<sup>10</sup> Eurofound, *Platform work: types and implications for work and employment*, 68, available at <https://www.eurofound.europa.eu/sites/default/files/wpef18004.pdf>.

<sup>11</sup> A. Umayr, K. Conboy, E. Whelan, *Understanding the influence of technostress on workers-job satisfaction in Gig – Economy: an exploratory investigation*, available at <https://aisel.aisnet.org/cgi/viewcontent.cgi?article=1033&context=ecis2019>.

<sup>12</sup> M. Tran, R.K. Sokas, *The gig economy and contingent work: An occupational health assessment*, Journal of Occupational and Environmental Medicine, 2017, 59, 64.



In both cases of work via App and outsourcing, even the rating system might negatively affect workers' wellbeing, since they feel pressured to perform activities in order to get a positive feedback by clients, and they are consequently exceptionally affable, tolerating inappropriate behaviour from users, which can be mentally stressful.

### **The difficult adaptability of traditional remedies to the problems arising from platform-work**

As highlighted before, some risks are linked to particular activities, such the location-based activities. In this regard, it was noted that the legal framework is not adequate, because it is based on the traditional model of the employment relationship. In fact, the legal protection is primarily directed to employees, by imposing obligations on the employer, and not to self-employed workers. On the other side, self-employed workers have to manage risks on their own account, even from an economic point of view. In other words, there is a transfer of risk from companies to workers and this seems to be the general rule in the platform economy<sup>13</sup>.

The situation is even more complicated whether we consider the issue of workers' protection in the event of an injury. Due to the classification of platform workers in terms of self-employed, they should provide some form of occupational accident insurance at their own expense, as it happens in the case of the sign of 'terms and condition' included into the contractual agreement with Amazon Mechanical Turk, according to which they are "not eligible to recover workers' compensation benefits in the event of injury"<sup>14</sup>. Consequently, the ILO has encouraged the introduction of fees in line with the minimum wages set by collective bargaining or by law.

In conclusion, referring to what was highlighted before (see paragraph 3), the problem of classifying platform work according to the traditional scheme has a significant impact on workers' protection,

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<sup>13</sup> S. Caffio, *Working with an internet platform: facing old and new risks*, Legal Issues in the Digital Economy: the Impact of Disruptive Technologies in the Labour Market, (edited by V. Fili, F. Costantini), Adapt University Press, Cambridge Scholars Publishing, 2019, 66-67.

<sup>14</sup> ILO (2018), *Digital labour and the future of the work. Towards decent work in the online world*, International Labour Office – Geneva, ILO, 2018, available at [https://www.ilo.org/global/publications/books/WCMS\\_645337/lang-en/index.htm](https://www.ilo.org/global/publications/books/WCMS_645337/lang-en/index.htm)



since standards to be given to platform-workers varies from case to case. A clear regulation in which all different types of platform work are included, appears to be necessary, in order to provide platform workers an adequate protection.

## **Reconciling digital technologies and well-being at work**

As already pointed out, the digital economy, specifically in its component of sharing or platform economy, is redrawing the production processes and, with them, the relationships between employer and worker, workers, work and leisure time.

Thus far, the paper has been focused on the critical issues and risks associated with digital platforms jobs. However, the transformation of labour markets brought about by the emergence of the digital economy may potentially produce a variety of effects, both positive and negative, on all aspects of working conditions – including employment security, wages and remuneration, working time, occupational safety and health conditions, access to social security, work organisation, work-life balance, and opportunities for training<sup>15</sup>.

In this regard, it can equally lead to increasing inequalities or to general improvements in living and working conditions, but this will depend on how it is managed and regulated.

Hence, the importance of examining which categories are the most at risk of marginalization and how digital jobs can be oriented as a positive factor for their integration, instead of a negative vector of disadvantages.

Technological advances will create new jobs (the ILO estimates that between 2014 and 2019 there will be 213 million new labour market entrants<sup>16</sup>), but will also be the cause of other losses. Therefore, although there are important and noticeable benefits to a range of workers, there are also many risks and costs that affect the livelihoods of digital workers.

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<sup>15</sup> ILO (2018), *Digital labour and the future of the work. Towards decent work in the online world*, International Labour Office – Geneva, ILO, cit.

<sup>16</sup> ILO (2014), *World of Work Report 2014*, International Labour Office – Geneva, available at [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_243961.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_243961.pdf).

For this reason, it is crucial to address emerging forms of on-demand work performances in promoting labour market inclusiveness and high-quality jobs<sup>17</sup>, in their multiple dimensions of earnings quality, labour market security, quality of working environments, and this is especially true for the weakest socio-economic groups of workers, such as aged workers, people with disabilities, working mothers and caregivers.

Ensuring them wide participation in innovation activities is paramount because these under-represented groups of the population may frequently be the least equipped to seize new opportunities because of discrimination within the labour markets, the persistence of stereotypes, or the higher barriers they face<sup>18</sup>.

These workers can be defined as disadvantaged in the labour market because they comparatively earn lower employment rates than prime-age men (aged 25-54) with a gap, on average, around 22% for mothers with young children, 45% for people with disabilities and 32% for workers aged 55-64<sup>19</sup>.

In addition, considering that low employment rates are often linked with social exclusion, insufficient levels of well-being, poor working conditions and limited career prospects, it emerges the importance of exploring how this “new jobs” could affect labour market inequalities in helping to reduce the persistent difficulties.

## Platform jobs and active ageing workforce

The transformation process induced by digital jobs imposes workers to face the constant technological and IT evolution to support the rapid changes of the organization and new needs in terms of work-health-life-balance<sup>20</sup>.

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<sup>17</sup> For references about “job quality” see the influential J.E. Stiglitz, A. Sen, J. Fitoussi (2009), *Commission on the Measurement of Economic Performance and Social Progress*, Paris, which identified eight dimensions of well-being; for a development of the notion see S. Cazes, A. Hijzen, A. Saint-Martin (2015), *Measuring and Assessing Job Quality: The OECD Job Quality Framework*, OECD Social, Employment and Migration Working Papers, 174, OECD Publishing.

<sup>18</sup> OECD (2018), *Opportunities for All: A Framework for Policy Action on Inclusive Growth*, OECD Publishing, Paris, 108.

<sup>19</sup> *Ibidem*, 230.

<sup>20</sup> This has become one of the most significant tasks for Human Resources, see S. Young Lee, J. Brand (2005), *Effects of control over office workspace on perceptions of the work environment and work outcomes*, in *Journal of Environmental Psychology*, 25, 323-333.

If, on one hand, most of the platform workforce belongs to the so-called Generation Y or Millennials (those who were born between 1980 and 2000<sup>21</sup>), we cannot forget, on the other hand, that the ongoing demographic changes are increasing life expectancy, allowing people to live, and work, longer.

The increase in average life expectancy in addition to low birth rates and a marked demographic aging process<sup>22</sup> contribute to alter the dynamics of the labour market and also jeopardize the long-term sustainability of welfare systems because of the increased imbalance between active and inactive population.

This is confirmed by the EU Commission report, “The 2015 Ageing Report”, according to which in the EU an increase in the old age dependency ratio (percentage of people aged 65 or over compared to those aged 15-64) is expected to be between 27.8% and 50.1% in the 2013-2060 period. This would imply a transition from four to two working age people for each person over the age of 65<sup>23</sup>.

In this context, active ageing measures, developed according to the indications of the World Health Organization to strengthen the link between the psycho-physical well-being of the elderly and their activities, aims at enhance the potential of the most advanced phase of human existence<sup>24</sup>.

The relevance of that kind of measures emerges just considering all the efforts made by the EU authorities in order to achieve higher employment rate of older workers (see the Lisbon Strategy<sup>25</sup>, the 2012 European Year for Active Ageing and Solidarity between Generations<sup>26</sup>

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<sup>21</sup> W. Strauss, N. Howe (2000), *Millennials Ri-sing: The Next Greatest Generation*, Vintage Books, New York.

<sup>22</sup> Eurostat (2011), *The greying of the baby boomers. A century-long view of ageing in European populations*, Luxemburg; Eurofound (2013), *Role of Governments and Social Partners in Keeping Older Workers in the Labour Market*, Dublin.

<sup>23</sup> EU Commission (2015), *The 2015 Ageing Report, Economic and budgetary projections for the 28 EU Member States (2013-2060)*, Publications Office of the European Union, Luxembourg.

<sup>24</sup> G. Reday-Mulvey (2005), *Working beyond 60. Key policies and Practises in Europe*, Palgrave Macmillan, Basingstoke, 33.

<sup>25</sup> Available at [https://www.europarl.europa.eu/summits/lis1\\_it.htm](https://www.europarl.europa.eu/summits/lis1_it.htm).

<sup>26</sup> See Decision No. 940/2011/EU of the European Parliament and of the Council, September 14, 2011, on the European Year for Active Ageing and Solidarity between Generations (2012); EU Commission, *The EU Contribution to Active Ageing and Solidarity between Generations*, EU Publication Office, Luxemburg, 2012.

and more recently, the Europe 2020 Strategy<sup>27</sup>), as well as the interventions adopted by many EU Countries aimed at postpone the pension age<sup>28</sup>. Even the Eurofound highlighted that greater participation in the labour market cannot be achieved without the necessary adaptation of the work itself to the changing needs of long-term workers<sup>29</sup>.

Therefore, the concept of sustainable work has been identified as a multidimensional approach to interpreting and responding to changes in terms of work and society in general. Sustainable work can be considered the key to making the labour market a good match for aging people as well and, moreover, to encourage an increase in employment rates by making jobs more adaptable to different ages<sup>30</sup>.

According to Eurofound, the main dimensions related to sustainable work throughout the working life are quality of work and individual circumstances (needs and abilities). These two dimensions should both flow into an integrated model. The quality of work, in fact, can have a strong impact on health and well-being of workers, on the development of skills and on the work-life balance; individual circumstances (including health and care needs) may also change throughout the working life and impair the ability to work.

Having a look at the specific situation of platform workers, we can consider their distribution among age groups. In the European area, young people are overrepresented among platform workers compared to the general population. On average older workers aged 55 and over, account for 11%-17% of platform workers<sup>31</sup>.

Despite crowdwork is more widespread among young workers, technological developments associated with the digitalisation of work may offer opportunities for older workers as well.

The changes occurring in the working world, along with the aging of society in Europe, might produce innovative implications not only

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<sup>27</sup> Available at <https://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%202007%20-%20Europe%202020%20-%20EN%20version.pdf>.

<sup>28</sup> G. Reday-Mulvey (2005), *cit.*

<sup>29</sup> Eurofound (2014), *Foundation Focus, Sustainable work: towards better and longer working lives*, issue 16, Dublin, Ireland.

<sup>30</sup> *Ibidem*, 4.

<sup>31</sup> See U. Huws, N. Spencer, D. Syrdal, K. Holts (2017), *Work in the European gig economy: Research results from the UK, Sweden, Germany, Austria, the Netherlands, Switzerland and Italy*, FEPS, UniGlobal and University of Hertfordshire; R. Florisson, I. Mandl (2018), *Digital age. Platform work: Types and implications for work and employment– Literature review*, *cit.*, 20 ff.

on working conditions across all ages but even in relation to sustainable work in the future when younger cohorts of workers will reach older ages<sup>32</sup>. For example, the use of nonstandard and temporary contracts – at the moment mostly limited to younger employees – may spread to other age groups with potential consequences on labour protection, as well as on social security.

At the same time, rapid population aging also infers job reallocation issues as it will significantly increase the number of elderlies who will need support in remaining within the labour market or finding new jobs. Moreover, the extension of life expectancy may lead to a reallocation of labour across sectors and occupations as the overall consumption patterns change with a shift from durable goods toward services, such as health care<sup>33</sup>.

Despite the emerging problems brought about by digitalization and technological diffusion may nonetheless offer many opportunities such as working remotely with the potential reduction of physically demanding work. It could facilitate greater access to employment for older workers, too<sup>34</sup>.

The platform economy could be a way to encourage older workers to expand choices that enable them to remain economically active for a longer period and create a lifelong active society.

Of course, those who want or have to remain economically active should be able to access assistance to do so, for example through flexible working arrangements that include reduced working hours and telework. This way, the platform work should fit well, as it provides new and innovative means of adapting jobs and workplaces to facilitate the continued employment of aging workers and those who have or develop disabilities over the course of their working life.

However, not all adults have enough skills to face these challenges. For example, the Survey of Adults Skills – PIAAC (conducted between 2012 and 2015) shows that around 15% of adults had no prior computer

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<sup>32</sup> Eurofound (2017), *Working conditions of workers of different ages: European Working Conditions Survey 2015*, Publications Office of the European Union, Luxembourg, 4.

<sup>33</sup> OECD (2018), *Opportunities for All: A Framework for Policy Action on Inclusive Growth*, OECD Publishing, Paris, 93.

<sup>34</sup> Eurofound (2017), *Working conditions of workers of different ages: European Working Conditions Survey 2015*, cit., 69.

experiences or did not have basic ICT skills, while around 14% had low levels of problem-solving skills in technological environments<sup>35</sup>.

For these reasons, strengthening the existing measures for life-long learning to reskilled or upskilling over life will be of the utmost importance in order to be ready for the significant changes that lie ahead<sup>36</sup>.

### **“Accommodate” digital work for disabled people**

Starting from the acknowledgement of population aging, we can foresee a consequent rise in the number of workers with health disease. Hence, the importance to underline that attaining employment is a crucial matter for the inclusion and participation in society for people with health problems and/or disabilities too.

More in general, across Europe, a large portion of the population suffers from a disability and consequently risks being excluded from the labour market<sup>37</sup>.

A recent study<sup>38</sup>, for the first time, investigated and revealed the features and habits of people with disabilities who carry out crowd work and shows as health conditions influence the decision to carry out gig work: for 10% of these workers crowd work provides a way to continue working and earning an income despite their disability.

In this way, platform work allows labour to be organized in new ways, through the exploitation of economic and technological efficiencies. As such, crowd work may offer a valid opportunity even for people with disabilities to enter into or remain within the labour market.

Indeed, it certainly provides advantages such as: work from home; avoid the use of transportations; autonomously manage with what pace one wants; carry out each task thus setting a flexible work schedule; use personal adaptive technologies and even choose not to reveal one’s disability status.

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<sup>35</sup> OECD (2016), *New markets and new jobs, Background report for the 2016 Ministerial Meeting on the Digital Economy*, OECD Publishing, Paris.

<sup>36</sup> OECD (2018), *Opportunities for All: A Framework for Policy Action on Inclusive Growth*, cit., 102.

<sup>37</sup> A. Scharle, M. Csillag (2016), *Disability and labour market integration*, Analytical Paper, EU Commission, Publications Office of the European Union, Luxembourg.

<sup>38</sup> Cfr. K. Zyskowski, M. Ringel Morris, J.P. Bigham, M.L. Gray, S.K. Kane (2015), *Accessible Crowdwork? Understanding the Value in and Challenge of Microtask Employment for People with Disabilities*, in *Proceedings of the 18th ACM Conference on Computer Supported Cooperative Work & Social Computing*, 1682 ff.

However, some features of platform jobs, such as the lack of health insurance benefits or social security protections, may limit the potential of crowd work as a career.

Consequently, it is important to strengthen initiatives supporting the integration of people with a disability in the labour market, focusing on appropriate measures.

In this respect, one of the fundamental pieces of protection against the discrimination in employment and working conditions of disabled people is the legal provision of reasonable accommodations, that are specific solutions that the employers are obliged to put in place to “accommodate” the needs of workers with disabilities, offering them a substantial equality<sup>39</sup>.

In the search for effective tools that promote work integration of people with disabilities – as imposed by the rules that require employers to guarantee reasonable accommodations – the path of work through the platform could prove successful.

In fact, it allows to: a) avoid work placement with architectural barriers and without environmental facilitators; b) adapt the characteristics of the jobs to be assigned to people with disabilities, also with reference to reasonable accommodation; c) find good practices of job inclusion of people with disabilities (these are for example some of the principles provided by the guidelines on the targeted placement of people with disabilities in the Italian legislation)<sup>40</sup>.

## Platform work and work-life balance solutions

In order to guarantee job sustainability, active policies that include employment strategies for the so-called working caregivers are paramount too<sup>41</sup>.

<sup>39</sup> See for example EU Directive 2000/78/EC, UN Convention on the Rights of Persons with Disabilities, the Charter of Fundamental Rights of the European Union (2000), the Social Pillar, the Digital Agenda for Europe; in the Italian legislation, d.lgs. no. 151/2015 and d.lgs. no. 216/2003.

<sup>40</sup> C. Spinelli (2016), *La nuova disciplina dell’inserimento al lavoro delle persone disabili (d.lgs. n. 151/2015) nel quadro della normativa internazionale e dell’Unione europea*, in E. Ghera, D. Garofalo (Eds.), *Semplificazioni-Sanzioni-Ispezioni nel Jobs Act 2*, Cacucci, Bari, 11 ff.

<sup>41</sup> The crucial importance of work-life balance already emerges from the European Social Pillar, where principle n. 9 states that «*parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way*».



In terms of work-life balance initiatives, in addition to those aimed at parents by the political action of many governments<sup>42</sup>, active policies that include employment strategies for the so-called working carers are also fundamental to guarantee job sustainability. In fact, to increase the participation within the working life (even up to a more advanced age) while still being able to fulfil family responsibilities, it is necessary to rethink ways to reconcile work and private life, according to a broader perspective that takes the needs of workers into account<sup>43</sup>.

However, we should not forget that the most recent studies on gender differences in the labour market indicate parenting as one of the most influential factors in this field<sup>44</sup>. Having a child significantly reduces the chances of women of continuing to work and improve their career prospects while a similar impact does not exist for men. This increases the gap between work paths and income trends along the working life.

Even across platforms, research has found significant differences in gender participation rates<sup>45</sup>. The results highlight that in Countries where platform jobs more often constitute the main source of income, the majority of workers are male. In other countries where platform jobs are mainly a supplementary form of income, the rate of female workers is higher, which “*may reflect cultural attitudes and preconceptions about the societal role of women*”<sup>46</sup>.

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<sup>42</sup> E. Kossek, M. Valcour, P. Lirio (2014), *The Sustainable Workforce: Organizational Strategies for Promoting Work-Life Balance and Wellbeing*, in Cooper C., Chen P. (Eds.), *Wellbeing: A Complete reference Guide*, Oxford: Wiley-Blackwell, 295 ff.; E. Galinsky, K. Aumann, J.T. Bond (2011), *Times Are Changing: Gender and Generation at Work and at Home*, available at [www.familiesandwork.org](http://www.familiesandwork.org).

<sup>43</sup> F. Romano (2017), *Sustainable work: appunti di ricerca per un'analisi giuridica*, in E. Dagnino, F. Nespola, F. Seghezzi (Eds.), *La nuova grande trasformazione del lavoro*, ADAPT Labour Studies, e-Book series n. 62, 263 ff.

<sup>44</sup> Eurostat (2018), *The life of women and men in Europe – A statistical portrait – 2018 edition*, available at <https://ec.europa.eu/eurostat/web/products-digital-publications/-/KS-01-18-904?inheritRedirect=true&redirect=%2Ffeurostat%2Fpublications%2Fdigital-publications>.

<sup>45</sup> See among others for Sweden N. Angelov, P. Johansson, E. Lindahl (2016), *Parenthood and the Gender Gap in Pay*, in *Journal of Labor Economics*, vol. 34, issue 3, 545 ff.; for the U.S., C. Goldin, S.P. Kerr, C. Olivetti, E. Barth (2017), *The Expanding Gender Earnings Gap: Evidence from the LEHD-2000 Census*, in *The American Economic Review*, 107(5), 110-114; for Denmark H.J. Kleven, C. Landais, J.E. Sogaard (2018), *Children and Gender Inequality: Evidence from Denmark*, NBER Working Paper 24219; for Italy, Inps (2017), *XVI Rapporto annuale*, available at [https://www.inps.it/docallegatiNP/Mig/Dati\\_analisi\\_bilanci/Rapporti\\_annuali/INPS\\_XVI\\_Rapporto\\_annuale\\_intero\\_030717%20.pdf](https://www.inps.it/docallegatiNP/Mig/Dati_analisi_bilanci/Rapporti_annuali/INPS_XVI_Rapporto_annuale_intero_030717%20.pdf).

<sup>46</sup> S. Kuek, C. Paradi, C. Guilford C., T. Fayomi, S. Imaizumi, P. Ipeiritos (2015), *The global opportunity in online outsourcing*, World Bank Group, Washington DC, U.S.

Nonetheless, gender roles and the stereotype that women, despite their level of education, should take care of children, housework and elderly relatives, play an important role when women make the decision to do crowdwork as it allows them to stay at home. Thus, platform work enables women to engage in some form of work, earn an income, while still managing other responsibilities and performing housework. In addition, the high cost of child and elderly care often prevents parents (especially women) from taking up a job outside the household<sup>47</sup>.

However, crowdwork often represents a trap, adding a double burden to the workload of women. Women with young children on average spend just 5 hours less than the average sample as a whole, working on platforms. Many of these women work at night (36% from 10 p.m. to 5 a.m.) and during the evening (6 p.m. to 10 p.m.; 65%), and 14% of them work for more than two hours during the night for more than 15 days a month<sup>48</sup>.

The outsourcing of work through platforms has led to the development of a 24-hour economy. The consequence is a stretching of consecutive hours of work (paid and unpaid) which contribute to putting an additional burden on workers, especially female, given their disproportionate workload of care responsibilities and household work<sup>49</sup>.

The sense that workers have of having to be available at all times when working on platforms blurs the lines between their private and professional life. Moreover, workers may find they cannot enjoy their spare time, since there is a constant pressure to be on call to accept potential upcoming projects. They typically have no control of their time or work schedule and, instead, have to be available constantly, with consequences not only for their work-life balance, but also in terms of income security and management of other jobs<sup>50</sup>.

In most cases, on-demand work, despite the benefit of giving workers the option of taking up jobs when they fit well with career paths

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<sup>47</sup> D Anxo, C. Franz, A. Kummerling (2013), *Working Time Distribution and Preferences Across the Life Course: A European Perspective*, in *Economia & lavoro*, 2, 77 ff.

<sup>48</sup> ILO (2018), *Digital labour platforms and the future of work: Towards decent work in the online world*, International Labour Office – Geneva.

<sup>49</sup> ILO (2017), *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, International Labour Office – Geneva.

<sup>50</sup> D. Martin, J. O'Neill, N. Gupta, B. Hanrahan (2016), 'Turking in a global labour market', *Computer Supported Cooperative Work: CSCW: An International Journal*, 25(1), 39–77; R. Smith, S. Leberstein (2015), *Rights on Demand: Ensuring Workplace Standards and Worker Security In the On-Demand Economy*, National Employment Law Project, New York.

and personal commitment plans, is not “voluntary” and the reason why individuals embark on this type of work is solely brought about by a lack of alternatives<sup>51</sup>.

Indeed, a regular working schedule and regular salaries are paramount for individuals with family responsibilities, especially for women<sup>52</sup>. This multiplication of duties, however, reduces the time that female workers can devote to work. Therefore, their lower availability to perform work compared to men has repercussions on their overall salary. In other words, just like in the case of standard work performances, women end up having less time to spend on the job and therefore have fewer earning possibilities. The flexible management of working time can be of help but this aspect alone cannot be the solution that solves the problem of low female participation in the labour market.

For this reason ILO recommends expanding time sovereignty of platform workers by strengthening a greater autonomy of their working schedule. Exploiting technology to achieve a balance between work and personal life can help them address the pressures that come with the blurring of boundaries between working and private schedules<sup>53</sup>.

On the other hand, ILO underlines that the economic and social imperative of gender equality can no longer be questioned and, at the same time, that gender equality begins within the household. For this reason, it recommends the adoption of policies that promote the sharing of care and domestic responsibilities between men and women, by establishing and expanding leave benefits for both parents and investing in public care services to ensure a balanced division of care work, not only between men and women but also between the State and the family<sup>54</sup>.

## Final remarks

In conclusion, in order to ensure that platform work might offer workers a chance and become an instrument of inclusion within the labour market, from the one hand, it seems to be necessary to ensure a minimum protective standard to all, regardless of the belonging to

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<sup>51</sup> Eurofound (2018), *Work on demand: Recurrence, effects and challenges*, Publications Office of the European Union, Luxembourg.

<sup>52</sup> *Ibidem*.

<sup>53</sup> ILO (2019), *Work for a brighter future – Global Commission on the Future of Work*, International Labour Office – Geneva, 12.

<sup>54</sup> *Ibidem*.

the legal category. From the other hand, specific interventions by the legislator are needed, aimed at preventing and contrasting the risks on workers' well-being<sup>55</sup>.

In addition, the spreading of digital jobs in general, and platform jobs in particular, brings a diversification of employment arrangements and a transformation of working conditions.

A whole uniformity is neither necessary nor possible, but diversification may nonetheless endanger the attainment of decent work.

Following the ILO teaching, ensuring decent work on digital labour platforms could be possible, even for weaker workers, keeping in mind that none of the negative outcomes is inherent to the concept of crowd work itself. On the contrary, reconfiguring the terms of microwork in order to improve conditions for workers could be possible.

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<sup>55</sup> M. Weiss, 2018, *Digitalizzazione, smart working, politiche di conciliazione. La Platform economy e le principali sfide per il diritto*, *Diritto delle Relazioni Industriali*, 3/XXVIII, 2018, 719

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