A FAIR GIG

Addressing the working conditions of platform workers and the policy approach to the Platform Economy in Europe

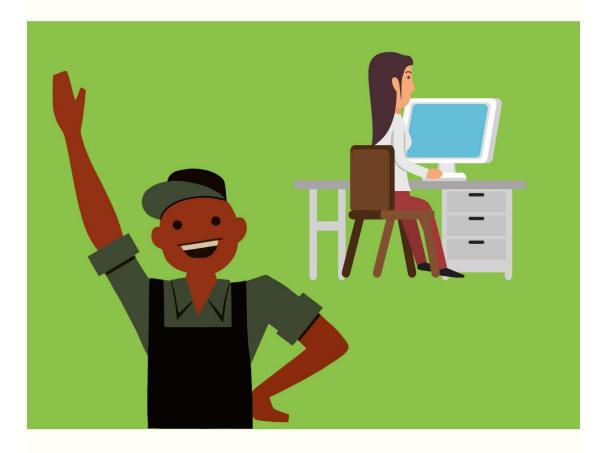




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Introduction from the author



Given that there are currently a number of policy and legislative initiatives that are being planned at the European and national levels, it is an appropriate time to provide some sign posts and underline what politicians, decision-makers and opinion formers should be focusing on with regards to the Platform Economy.

There is a lack of understanding with regards to the positive impact that the Platform Economy has for individuals and businesses, as well as the economy and the broader society. These realities are often lost behind the negative headlines and one-sided image spread by groups that want to discredit the Platform Economy

movement which is experiencing exponential growth.

The European Commission, European Parliament and national politicians need to enter into a dialogue with platforms, trade associations and gig workers in order to harness the power and potential of this wave that is transforming the world of work and the potential that is being created for European citizens. We have a golden opportunity in our hands: let's not waste it. The future of work and European prosperity depends on us doing things right.

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Executive Summary

Given that the terms "Platform Economy" and "Gig Economy" are frequently used but still not well understood it is important to underline what we mean by them, the size of the sector and the exponential growth that we are witnessing: particularly due to the COVID-19 crisis. The Platform Economy can also boast a number of advantages from supporting the European Single Market, facilitating self employment and helping to combat the black economy, to addressing housing, overcrowding issues and environmental concerns.

When it comes to choosing jobs in Europe, flexibility and deciding over your own time are increasingly important elements, and it is for this reason that the Platform Economy is becoming more attractive.

Furthermore, on the issue of EU legislation it is clear that a one size fits all approach will not work across all countries in Europe. Similarly, it is vital that we do not stifle the growth of a new economic sector; we must find a new approach to defining "employers" and "employees"; adopt a Code of Conduct for the sector; ensure a level playing field; avoid a two-tier society; ensure algorithmic transparency; shape the rules on digital markets (DMA) and digital services (DSA) as well as AI in the right way; heighten quality, trust and reputation; guarantee access to financial services for Platform Economy workers; and take the right approach on tax.

This study is intended as a White Paper for decision-makers, stakeholders and practitioners. We look forward to further collaboration as we shape the future.

About the Platform and Gig Economy

Increased digitalisation has led to the development and expansion of the Platform Economy and Gig Economy in Europe as well as globally. This is changing the way we work, as well as how we buy, sell and share goods and services. This disruption and growth has inevitably attracted the attention of decision-makers and legislators as well as businesses, workers and consumers at the national and European levels. This White Paper was drafted within the context of the European Parliament's report on platform workers as well as the European Commission's plans to adopt a proposal for legislation before the end of 2021, in addition to the related work on the Digital Markets Act (DMA), Digital Services Act (DSA), Al Services proposal and DAC 7 tax changes.

Platform Economy companies need to collaborate with politicians, authorities and other stakeholders - as well as vice versa - in order to address issues in a way that is proportionate, workable and fair for all. Similarly, it is important that innovation is not stifled and thus opportunities that will benefit European citizens, businesses and the economy as a whole are not missed.

Furthermore, the Platform Economy and Gig Economy are part of a broader shift in the labour market which is seeing companies and workers alike demanding more flexibility, as individuals demand more choice and more control over how, when and where they work. This reality has been heightened by the COVID-19 pandemic which has seen a sharp increase in people working remotely as well as job losses in certain sectors.

What is obvious is that different regimes will be needed across the European Union to reflect national sentiment and local rules while allowing the Platform Economy to flourish. An ultra-liberal free-for-all will not be possible or welcomed in Europe: it will be crucial that workers 'rights, social protection and the quality of jobs available are addressed. Similarly, the platforms themselves will need to pay taxes, take responsibility and engage in human contact with workers. Understanding this paradigm and adapting to it - is important for the success of the Platform and Gig Economy as a whole in Europe.

What is the Platform Economy?

There is a great deal of confusion about what the Platform Economy actually is, and the term is used by different people to mean different things. To clarify - in its broadest sense - the Platform Economy can be defined as economic activity facilitated by technology. This term therefore covers the increasing number of platforms which bring people together to provide services as well as buy, sell and share goods. Such platforms are typically online matchmakers or technology frameworks which link supply and demand. These platforms do not own the means of production, but they create the means of connection.

At the same time, the Gig Economy refers to various forms of temporary jobs whereby organisations and independent workers engage in short-term work arrangements. The definition therefore covers freelancers, consultants, independent contractors and professionals, as well as temps (temporary contract workers). Some work through online platforms, while others connect with partners and contacts off-platform. There is also an important sub-division between local and remote Gig work. Local gigs require the worker to be present in person, while remote work, also known as the "human cloud", allows tasks to be done anywhere in the world. Being such a broad category, the situation of Gig economy participants is particularly varied. Some workers treat their gigs as their main source of income, while others treat them as secondary. Some Gig workers are highly skilled, earn good money and this mode of work is their choice, while some are unskilled and see fewer alternatives to Gig work. These differences mirror the traditional economy and society as a whole in this sense.

How large is it in the European Union?

Although it is difficult to put exact figures on the size of the Platform Economy in Europe, a COLLEEM II survey data found that an average of 11% of the adult population has performed platform work at least once. This figure is accepted by the European Institutions. Those who rely on platform work for their main income are currently far fewer, however. Based on the findings of different studies this is between 1% and 5% of the adult working population in Europe.

Nonetheless, the size of the Platform Economy has grown rapidly. The European Commission acknowledges that digital labour platforms play a key role in the digital transition of the European economy and are a growing phenomenon. They also highlight that the size of the digital labour Platform Economy in the EU has grown almost fivefold from an estimated EUR 3 billion in 2016 to about EUR 14 billion in 2020. This growth sees no sign of slowing either, with some researchers estimating that 30-50% of the European population could be involved in some form of Platform work by the end of the decade.

The advantages of the Platform Economy

Decision-makers and stakeholders in Brussels and at the national level understand that digital labour platforms bring innovation, create jobs, help the economy and enhance the EU's competitiveness. They provide additional income to people - workers, the self-employed, customers and businesses - including to those whose access to traditional labour markets may be more difficult (this category includes young people and migrants). It should also be underlined that there is a significant number of people in Europe who value the flexibility of platform work, and do not want a traditional 9 to 5 job.

Some of the advantages of the Platform Economy can be explored in more detail and these cover the facilitation of the Single Market, self employment possibilities, and disrupting sectors for the better by making them more efficient, increasing individual control as well as improving opportunities and financial benefits for all Europeans.

Supporting the European Single Market

Online platforms have created significant benefits for consumers and businesses while driving innovation, and helped the European Union's internal market become more efficient. It should not be forgotten that the Platform Economy has also facilitated cross-border commerce and trading within as well as outside the EU. This has opened new opportunities to a variety of European businesses and traders by facilitating their expansion and access to new markets. The Platform Economy is also expected to be a key driver in helping European SMEs do business across borders in the future.

Self employment

There are a number of platforms like Cool Company, Gigger, Workamo, CXC and BillFactory who are very well received by consumers in the self-employment and freelance sectors. These operators allow individuals to send bills for freelance work, but without the need and hassle of setting up their own company. Self-employment companies take care of all the social contributions, tax payments, insurance and pension contributions, for a fee, so that individuals who do not want to be involved with these activities do not have to. Their services are increasingly being sought by companies too, who want a third-party expert to deal with all the administration involved in utilising project workers.

Helping to combat the black economy

There are a number of jobs which have often been paid with black money in the past and are synonymous with the shadow economy across different parts of Europe. Examples include the building and construction sectors, hairdressing and beauty services, as well as help with domestic services. This means that workers do not have any social provisions, sick pay or pension cover. It also means that potential tax money does not enter state coffers to pay for schools and hospitals. Rather than being seen as perpetuating this reality, the Platform Economy is addressing these concerns.

People were often paid in cash (or kind) for carrying out a service and this went undeclared as a result. The marketisation of such work through digital marketplaces, however, now means full traceability.

Furthermore, since digital platforms are facilitated by digital payment systems there is an increased opportunity to bring undeclared work out of the shadow economy.

The high percentage of online transactions, and the use of digital payment systems means that the platform economy is able to play a role in turning black jobs white. Working together, platform operators, tax authorities and politicians can develop a framework and a set of rules which benefit everyone.

Addressing housing and overcrowding issues

At present a number of big cities are overpopulated and experiencing serious housing shortages - particularly for homes available at reasonable prices - while smaller towns are losing inhabitants because most jobs are in the big cities. The Platform Economy is addressing this unsustainable situation by allowing people more flexibility and empowering them to live where they want and work via a platform instead of cramming into a city centre for several hours every day.

An environmental impact

Linked to the point above, people choosing to work via a platform instead of a 9 to 5 job can lead to less traffic - particularly at traditional peak hours - that is made up of people travelling to and from work. The Platform Economy can therefore address this issue and help to smooth out these travel peaks.

A force for good: some examples from the Platform Economy

When it comes to influencers, platforms are helping to match brands with a wide range of individuals in an easy, efficient and cost effective way. At the same time, they ensure that all taxes and social security payments are made, often through a direct sourcing or self-employment company. In the same way, platforms are helping companies to find models locally while also ensuring that they are safe, photographers are vetted, and that models keep more of the money they earn, and receive it within a shorter time frame.

When it comes to the tutoring/teaching, beauty and health sectors, platforms match professionals with work opportunities while creating a new marketplace for existing companies as well as freelancers. The platforms also provide a management function which allows individuals to plan their time as well as receive hints, tips and advice.

For delivery services and ride sharing, independent contractors can decide the amount of work they want to do, where and at what times. In effect, platforms give them the ability to choose when and how they want to earn money.

All these examples highlight how the Platform Economy is disrupting sectors as well as making them better and safer as well as more efficient and cost effective for users and companies alike.

What do workers in the Platform and Gig Economy across the

EU think about their jobs?

The Platform Economy covers an extremely broad and diverse set of activities: architects, health care professionals, programmers and IT experts, musicians, marketeers, lawyers, builders and construction workers, models, cleaners and delivery drivers all make up the Platform Economy. There is no single area of work that is more popular than another and the range and diversity of tasks is expanding all the time.

Based on qualitative and quantitative data from workers in the Platform Economy, the overwhelming message consistently received is that flexibility and deciding over your own time is a key element of choosing this route. Doing something that you enjoy - which is meaningful and interesting - and being your own boss are themes that appear regularly too across Europe. Flexibility to work with different people, different companies and from different locations is equally valuable. This is also something that has been brought into focus as many companies and organisations are demanding a return to the 9 to 5 office lifestyle as COVID-19 restrictions ease across Europe.

It is also interesting to highlight that individuals working in the Platform Economy in Europe feel that the benefits significantly outweigh any negatives. 70% of people state that they do not want to earn an income the traditional way via a 9 to 5 job and one permanent employer. Platform workers also report higher happiness and satisfaction levels with their work than people in traditional full-time employment, despite the fact that they are more likely to work more than 45 or even 60 hours a week, and earn slightly lower salaries on average.

It can also be stated that the increased level of autonomy to choose when and where to work, how long to spend, and what work to perform results in a better work – life balance and the opportunity for individuals to combine multiple jobs in their own "portfolio". This is particularly relevant since in surveys a huge percentage of Europeans say they are not engaged and unhappy in their current job, while many say they actually hate their current employment (a Gallup survey puts this figure at a staggering 85%).

What needs to be covered in European legislation

Certainly, the Platform Economy is very diverse and made up of on-location as well as online platforms, where the activities carried out are very different. Therefore, it is not so easy to find a common solution and a 'one-size-does-not-fit-all' approach will not work across all countries in Europe. As such, we need to take an approach which covers the following points while adapting to the different national situations.

Do not stifle the growth of a new economic sector

Online platforms are a market-driven cure to the imperfections of the EU's incomplete Single Market. As such, European legislators should ensure that they create the conditions for the Platform Economy to develop and grow in the right way. As they have rightly pointed out, platform work can create employment opportunities, increase choice, provide additional income, and lower barriers to entering the labour market. They have also acknowledged that platform work facilitates flexibility for both workers and clients, and the matching of demand for and supply of services, as well as innovation in digital tools, which is a useful vector for growth in times of crisis and recovery.

Definition of employer and employee

Given the changes that are underway as labour markets change across Europe, a more flexible approach needs to be taken to the concept of an "employer" and an "employee" which goes beyond traditional definitions which are ill-suited to the future of work.

Many of the individuals using the Platform Economy for work in the food delivery, transportation, building and domestic service sectors are independent contractors. While in the self-employment sector platforms are taking responsibility and allowing workers and employers to use their services to ensure that taxes and social security payments are made and paid correctly. At the same time, many platforms provide pure matching services and therefore should not be viewed as an employer. An important aspect of determining whether a platform company is an employer or not rests on the degree of control that the platform exerts on the execution of the work: are they offering "matching" or "management" services?

As a result, platforms which facilitate economic transactions but should not be weighed down by irrelevant rights and responsibilities just to shoe-horn their activities into an outdated labour market concept. Furthermore, there is no reason why platform workers should not benefit from the equivalent social, labour, health and safety protection that are connected to an employment contract in most European countries today. This outdated reality needs to change.

Code of Conduct

A European Code of Conduct represents a better approach to the Platform Economy than heavy-handed legislation, since the differences across Europe need to be taken into account. A Code of Conduct also addresses the trust deficit and negative perception which currently exists around the

Platform Economy, and is often cited by consumers as well as users and public authorities. This is the approach that is being taken by Platform Economy/Plattformsföretagen. It will be important for this Code of Conduct to be updated regularly, and for legitimate actors to work in close cooperation with other stakeholders like tax authorities, employment agencies, politicians in local and national government as well as government departments in order to draft a charter that operators can sign up to and follow. This needs to be tailored and act as a trust mark for actors who meet the required standards.

A level playing field

The Platform Economy may be relatively new, but it should not be treated as something separate from the rest of the economy. In this way, the same rules and regulations should be extended to allow the Platform Economy to complement the traditional labour market. As such, the platform economy can also be a vehicle which helps more young people and immigrants into the job market: an area where government schemes and extensive amounts of tax money have largely failed in Europe.

The experience, knowledge and skills people learn in the Platform Economy should be valued and allow them to transfer into the traditional economy if they wish. The Platform Economy is also a channel that older workers can use to find something useful, meaningful and self-fulfilling to do. A level playing field would help to remove some of the mental barriers associated with the Platform Economy too.

Two-tier society

Linked to the previous point, increasingly in Europe we are witnessing the development of a two-tier society. High barriers to labour market entry mean a cosy, protected environment for those on the "inside" as part of a collective agreement and shielded by a vast social net in many European countries. However, there is significantly less for those on the "outside". This is leading to an increase in the gap between the "haves" on protected, long term contracts and those who do not have anything. The Platform Economy is therefore playing a role in creating new opportunities in European labour markets which do not function perfectly and are in need of greater flexibility from an employer and an employee perspective. It should be understood that the objective is not a race to the bottom via the Platform Economy but rather the opposite.

Algorithmic transparency

While technology facilitates a great deal and automation takes over many of the tasks that are repetitive, dangerous and dirty, it is important that a certain level of human engagement is maintained and that decisions made by automated systems and AI need to be impartial, and based on ethical assessments. As such, it will not be acceptable to dismiss workers by algorithm in Europe. All platforms should commit to respecting algorithmic transparency, taking responsibility and control for the systems used, as well as upholding security and privacy.

Shaping the Digital Services Act (DSA), Digital Markets Act (DSA) and Rules on Artificial Intelligence (AI)

It is essential that the Platform Economy upholds the highest standards and measures are needed to prevent the trade and exchange of illegal goods, services and content online. Online services that are misused by manipulative algorithmic systems to amplify the spread of disinformation, terrorist content and for other harmful purposes, are also anathema to legitimate businesses. These challenges have a significant impact on fundamental rights online and the creation - and maintenance - of a fair and open online platform environment should be supported. At the same time, targeted advertising should not be restricted since this could limit revenue streams for companies and individuals. Furthermore, too many rules and regulations - ostensibly designed to limit the power of large platforms - will overburden smaller operators and SMEs, effectively stifling the growth and innovation that policymakers want to achieve.

All stakeholders need to support the goals of the DSA, DMA and Al proposals and work together in creating a safer digital space in which the fundamental rights of all users of digital services are protected; as well as establishing a level playing field to foster innovation, growth, and competitiveness in the EU.

Quality, trust and reputation

Quality, trust and reputation lay at the heart of the success of the Platform Economy. It is vital that workers, consumers and businesses feel that platforms are taking responsibility, treating workers and partners correctly, as well as paying taxes and delivering a quality service that exceeds that of the traditional economy. Yet it is important for the market and consumers to decide this, not heavy-handed legislation. Taking the wrong approach will only succeed in preventing the growth of the sector in Europe in a positive way.

Ensure access to financial services for platform workers

A current significant barrier to Platform Economy workers taking more than just a marginal role in society is that the banking sector and finance infrastructure is geared towards strict, traditional structures in Europe. Bank customers are often either "private" or "corporate" customers. Furthermore, issuing loans to individuals is based on them having a fixed term employment contract and a regular, stable source of income. This is something that the majority of platform workers cannot provide and therefore securing a loan to buy a car or an apartment is extremely difficult. As such, many Platform Economy workers see themselves as being marginalised from society. This means that earning money from the Platform Economy remains a necessary sideline rather than a realistic full-time option for many.

It is extremely positive, however, that European banks for freelancers and platform workers are being created along with a host of new companies which provide the whole sector with financial services from insurance to accounting and instant-payment systems. These new companies should be supported and facilitated by legislation, rather than hindered.

No mandatory collective agreements or minimum wages

While many countries in the European Union have strong unions and highly regulated labour markets and even collective bargaining agreements, the changing world of work means that specific agreements and minimum wages should not be mandated.

Ensuring fair salaries and good conditions for platform workers can be achieved through competition within the sector, Codes of Conduct, transparency on salaries and cooperation between honest actors in the sector through stakeholder initiatives like Platform Economy/Plattformsföretagen. There is certainly a place for trade unions in ensuring that wages and working conditions are acceptable while all parties involved take their responsibilities seriously, but there can never be purely one approach mandated to achieve this across the whole of Europe.

The right approach on taxation

There should be no special waivers, allowances or special treatment for the Platform Economy when it comes to taxation. All that is required is a level playing field.

Trying to amend the national tax codes across Europe to favour the Platform Economy and platform workers would take an exceptionally long time and there is no guarantee of success given that general support is in short supply and singling out the platform economy for special treatment would not be very popular.

Furthermore, the adoption of DAC7 in March 2021 introduces new reporting obligations for digital platforms. The new EU tax transparency rules will oblige platform operators to disclose data on income derived by sellers via platforms, as from 2023. This is welcomed and platforms need to follow these rules while working closely with national authorities to ensure the smooth and effective implementation of these laws from an operational perspective.

Conclusion

Our aim is to maintain, protect and facilitate what is good with the Platform Economy while changing what needs to be amended in collaboration with decision makers and other stakeholders. Addressing problems with other partners, from both the public and private sectors, in a spirit of cooperation and openness will allow us to co-create a future framework which is better for business, consumers and the whole of society.

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We do hope that this study contributes to the debate at the European level since we are embarking on a new period of dialogue and cooperation to shape the future Platform Economy and create a policy and legal framework that is fit for today's world of work.

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