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THE PHENOMENON OF DIGITAL LABOUR PLATFORMS*

Abstract

In all EU Member States the status of people employed on job platforms is not fully legally regulated. It is necessary to consider the sources of the contemporary phenomenon of electronic employment, which is not amenable to legal regulation in the Union constituting an “area of freedom, security and justice with respect for fundamental rights” (Art. 67 (1) of the Treaty on the Functioning of the European Union). The right to work in decent conditions, with adequate remuneration, belongs to this category of rights. In the discussion on employment platforms state authorities are more inclined to consider issues related to new technologies, processes and changes caused by the development and application of modern digital technologies (digitization) in almost all areas. The headquarters of trade unions mainly discuss the legal position of employees and the role of employment platforms in employment relations in the post-industrial era. Entrepreneurs and their organizations, including private institutions and employment platforms, are interested in equal treatment by national legislators in local labour markets. They are afraid of the breach of the balance favorable to their own economic interests, caused by the public interest in the possibility of using employment in atypical forms of employment. Services consisting in employment provided under employment platforms are incomparably cheaper than identical work performed by employees employed under employment contracts.

Słowa kluczowe: cyfrowe technologie zatrudnienia, elektroniczne platformy zatrudnienia, pozycja prawna zatrudnionych, rola platform zatrudnienia w stosunkach pracy

Keywords: digital technologies, electronic employment platform, legal position of employees, the role of employment platforms in employment relations

1. Introduction

Labour platforms are the fastest-growing new form of organisation of employment in the global labour market. Specialists in human capital (workforce) management estimate that in a few years, in 2027, in the US, employment in services will be dominated by freelancers (Corporaal 2019). Global online labour markets are growing at a rate of

30% per year.¹ According to statistical data, the percentage of people included in the category of “independent workers” in the United States and in five Member States of the European Union (United Kingdom, Sweden, Germany, France, Spain) accounts for 27–31% of the national workforce (national human capital; McKinsey Global Institute 2019). In all countries—except Spain, where an equal rate of full-time and part-time employment was recorded—most of the professionally active people treat modern forms of employment as an additional opportunity to multiply income. The above is confirmed by the positive attitude of people with lower income (below USD 25,000 per year) to online employment system created by the platforms. For all people, regardless of age, who want to work and are able to work, labour platforms will become a kind of “gateway,” perceived by some labour market management specialists as a *sui generis* “springboard” enabling—without unnecessary administrative restrictions—free decisions on employment for anyone interested in full-time or part-time work. Both young people (under 25 years of age)² and seniors (65+)³ have their chances.

2. Recognising the problem of employment in the post-industrial era

The rapid growth of digital forms of employment in the global labour market, initiated in the current decade of the 21st century, i.e. in the post-industrial era, is the result of the *flexibility* phenomenon developing together with a homogeneous cyber physical system during the fourth industrial revolution (*Industry 4.0*; Świątkowski 2018). The term was used in the literature of labour law and social policy already in the previous, third phase of the economic and civilisation development of the human kind. At the time, the abovementioned term was used to describe a conglomerate of activities undertaken by public institutions coordinating the activities in the areas regulated by labour law and social security law. Today, the above term is used by both entrepreneurs and workers. The former emphasise the freedom of non-compliance with rigorous, protective and costly labour law provisions, requiring compliance with protective standards in individual employment relationships and the use of social protection resulting from the absolute and universal obligation to cover employees with insurance against risks arising from work processes, conditions of its provision and the work environment. In fact, entrepreneurs are satisfied with the new, considered modern, forms of online employment, because they have much more power than in traditional employment relations based on a contract of employment. They manage an unlimited global labour market,

¹ Online Labour Index (OLI), website of the Oxford Internet Institute. In five months (May–August 2018), the online labour index increased by 15 points, from 95 to 110 points.

² In this category, the percentage of platform workers in all these Member States is above 50%. In Sweden—65%, in Spain—63%.

³ Over 50% of workers in this age category were recorded in the United Kingdom (57%), Sweden (58%) and the Federal Republic of Germany (54%). In other EU Member States and in the USA, the employment rate is 34% (France), 47% (Spain) and 44% (USA) (Allon, Cohen, Sinchaisri 2018).

governed by the 19th-century “market laws,” not controlled by anyone except for supply and demand, later called “principles of free competition.” These principles initiated a new terminology, using terms such as *crowdwork*, *work on demand* or *gig economy*. They reflect the essence of the new forms of employment. It is the demand to perform a specific, often one-off task (De Stefano, Aloisi 2018a).

Labour platform, acting as an intermediary in the specific order for service, involving the performance of work, may select from an indefinite number of potential candidates (crowd), the person who will perform the order at the lowest cost. Demand for the provision of services occurs in those sectors of the economy in which the idea of online employment is now developing most dynamically—in the services sector (Amazon, AirBnb, TaskRabbit, Facebook, Google), urban passenger transport (Uber, Lyft, DiDi, Lime), courier and food delivery companies (Uber Eats, UberBlack, Deliveroo, Foodora, Take Eat Easy, Pyszne.Pl). The flexibility of entities searching for and providing the clients with workers willing to perform work, gives labour platforms almost unlimited opportunities for employment of unlimited number of persons willing to work and obliged to perform work in the periods shorter than those specified in the provisions on working time regulating hourly, daily, weekly and annual working time standards.

Labour platforms are not bound by minimum wage rates, so they pay less. They organise the provision of services consisting in work at a time when there is the greatest demand in the local labour market. They can afford it, because they have a much larger reservoir of potential workforce, significantly different from that used by traditional employers. The latter may only choose employees employed under individual employment relationships. They can be managed in compliance with established, mandatory provisions of labour law: company regulations (work regulations), multi-company regulations, agreed by social partners—trade unions and employers (collective agreements), EU (directives) and national laws (labour code and other normative acts). In addition, labour platforms are not obliged to comply with health and safety at work regulations; basically, they do not act as entrepreneurs or employers. They do not employ employees because they do not perform any service activities on their own behalf and at their risk (De Groen et al. 2018). The above statement applies also to activities performed on behalf of third parties.

So what is the role of platforms in the employment relations? The most common answer in professional literature is: platforms enable online contact with the person / persons providing services to persons reporting the demand for a specific service (Prassl, Risak 2016; Prassl 2018). From the perspective of the labour platform, the essence and sense of functioning and the condition for the success of new, modern forms of online employment, consists in enabling communication between people who need a specific service and people who want to perform this service. Platforms play a role similar to that performed by recruitment agencies.

The activities undertaken in some European Union countries by state and public authorities aimed at equalising the rights of intermediaries with employee and social

rights mean that labour platforms are increasingly trying to present the activity they conduct as enabling agreement on the provision of services using modern technologies, instruments and online contacts between potential contractors and potential clients. Comparing the role of labour platforms to the function of mediators in collective labour relations, it can be said that from the point of view of the collective labour law, regulating the protection of the interests of parties involved in collective dispute, labour platforms act as an entity participating in resolution of collective labour disputes. They participate in the relationships that create individual employment relationships as someone called a moderator (*facilitator go between*) in collective labour relations in the United States. This is a person who performs a function similar to the tasks of a mediator in individual and collective labour relations. It has no formal powers to make decisions binding upon the parties to a collective dispute: the employer and the trade union organisation or the parties to an employment contract that will be concluded. The moderator is a classic intermediary who remains in permanent contact between the parties having their own interests, which—with his considerable help—should be met. Without it, the parties will not establish a proper legal relationship. They will not resolve the dispute or enter into employment relationship.

In the labour platform, the interests of all persons and / or entities involved in the expected relationship are shared. The worker is to meet the need or needs of the client for a specific service. Therefore, the labour platform acts as an assistant to both parties of the legal relationship which will be established via electronic means between them—the client and the contractor. Therefore, according to representatives of some labour platforms, the most important component of the complex legal and organisational relationship, which includes the client, the platform and the potential service provider, are forms of communication, communication applications and electronic devices through which requirements for the provision of specific services were expressed (De Stefano, Aloisi 2018a). For this reason, labour platforms often believe that their role is solely to provide online services, using modern technologies. The platform is therefore the most critical element of the system, which is the online labour market. According to Allon (Allon, Cohen, Sinchaisri 2018), the situation of the platform allows it to generate revenues from intermediation in the online employment of drivers operating under an organised Uber platform, which could be generated by a private entrepreneur only with five times larger, luxurious (such as BMW) car fleet (McKinsey Global Institute 2019).

Workers on this market are members of human capital (*human resources*). They are employed on average in 3/4 of the working time of professional work performed by employees. Their remuneration is low. They do not enjoy legal and social protection. They do not have a permanent job. Specialists in the workforce management consider this latter element to be decisive in the process of explaining the phenomenon of labour platforms.

In the post-industrial era, people want to participate in economic cooperation (*collaborative economy; collaborative consumption*) with other professionally active people

(*peer-to-peer sharing, neighbour helping neighbour*). The new phenomenon involves participation in the creation and use of goods and services produced on the global, digital labour market, understood as a virtual space where entities and persons providing services and users of the services operate (Świątkowski 2019). In the post-industrial era, a new form of online employment organised as part of labour platforms has become for some people a fetish and at the same time a challenge in which—regardless of objective inconveniences—one should participate.

In Europe, this phenomenon is still not addressed by a large number of EU Member States (Poland is one of such countries). It is incomprehensible to or neglected by other EU countries; yet accepted by entrepreneurs. At the end of the current decade of the 21st century, the most important role in preventing and counteracting the dominance of labour platforms on the global labour market is played by scientific institutions working for transnational trade union organisations. However, they do not have the decisive authority to shape this most important in the post-industrial era employment technology.

This is not the right approach to the most “hot” global issue of labour platforms in the social policy. In the post-industrial era, the authorities of economically and civilisation developed countries are obliged to implement public policies: education, employment and other related policies, facilitating the fastest possible introduction on the national labour markets of the maximum number of people who can use the latest technologies at work. It seems that perhaps sporadic replacement of some simple routine work by machines and technologies focused on implementing newer technologies will inspire the authorities of developed economies to expand the practices used so far based on the latest results of science, technology, engineering and mathematics, in other areas of employment. According to representatives of trade union organisations defending the economic and professional interests of employees, the authorities of the Member States should at least stimulate social partners to conclude collective labour agreements with labour platforms.

In this study, I am presenting the responses of the authorities of the Member States of the European Union and EU social partners presented in professional literature to changes in employment forms on the global online labour market. I am also discussing the status and content of the debate and the conclusions derived from it, addressed to the organisers and operators of labour platforms, clients of such platforms and platform workers providing services on these platforms. The addressees of these proposals are also international, European and national organisations and institutions responsible for shaping global, regional and national public policy in matters related to employment. The Declaration of 6 December 2016 adopted in Frankfurt (am Main) by six trade union organisations, four EU⁴ and two US,⁵ formulates the assumptions of a global social

⁴ Austrian Chamber of Labour (Arbeiterkammer), Austrian Trade Union Federation (ÖGB), Danish Union of Commercial and Clerical Workers (HK), German Metalworkers’, Swedish Unionen.

⁵ International Brotherhood Teamsters (IBT) Local 117, Service Employees International Union – SEIU.

program containing standards of fair employment in the labour relations of digital age: 1) minimum remuneration; 2) compliance with payment deadlines; 3) compliance with labour laws in force at the place of employment; 4) not entering into non-competition agreements with workers; 5) prohibiting workers from disclosing client's information; 6) providing the worker with all information about him obtained by the platform; 7) allowing workers to question any opinions and assessments issued about their work; 8) guaranteeing workers the right to know clients' answers to all questions related to their work; 9) providing the worker with available information about the client and the order placed by him; 10) guaranteeing workers the opportunity to associate in trade unions, negotiate collective labour agreements and organise industrial actions under applicable labour law.

The purpose of this call for decency in employment relations is to show that digital platform employment is not a business activity. Such activity is work. And work is not a commodity or modern technology that can be traded. The above call applies also to domestic labour market in Poland, and in particular to the process of digitisation of labour law in our country. The Frankfurt Declaration on Platform-Based Work (2016) sets the direction for legislative action in the field of labour law during the fourth industrial revolution in the post-industrial era.

3. Discussion regarding platforms as spheres of joint action in matters relating to paid employment

3.1. Involvement of Member State authorities in the issue of labour platforms

The latest labour law and employment policy literature focuses on issues related to participants in discussions on the phenomenon of labour platforms, the attitude and reaction of public authorities and social partners, entrepreneurs and organisations towards new forms of organisation of employment, the status of the platform and people who made contact with it (workers), employment conditions, the need for legal regulation of the situation of platform workers and representation of their professional, economic and social interests. Discussion on these topics is conducted, with varying intensity, in all Member States of the European Union. There are various groups of participants, forums, auditoriums and active participants in the above discussions. The most heated discussions are conducted in academic and trade union environments. Entrepreneurs and representatives of public and state institutions show less involvement in the discussion on legal problems of labour platforms. To a minimal extent, state legislative bodies are involved in work on platform employment issues.

De lege lata, France is in fact the only Member State of the European Union which, on 8 August 2016, decided to cover the victims of accidents at work performed within labour platforms by the provisions of the French Labour Code, granted the workers the

right to participate in vocational training and provided for the possibility to demand that employers include the acquired professional skills in the seniority of service which is decisive for obtainment of specific employee and social rights. In addition, workers were guaranteed the right to organise lawful collective disputes and industrial actions.⁶

It is difficult to consider these legal mechanisms as a deep reform of the national labour law system. The 2016 amendment did not regulate the legal status of workers. But what is important is that it defined the legal concept of “digital platform.” It used the most recognisable element, which are online instruments for communication between participants in the legal relations under which services are organised by labour platforms, consisting in the performance of work which would not be included in the category of employment relations by the state legislature in any national labour law system. The amended labour law in France does not do so either. The French legislature uses the adjective term “independent worker” (*travailleur indépendant*).

The French amendment to labour law makes it clear that the new provisions only apply to self-employed people. It defines the labour platform primarily as an enterprise enabling, regardless of its location, online contact between the clients and the worker for the purpose of selling or exchanging goods or services. It imposes on the platform an obligation to specify the technical conditions for the provision of services and the price. The latter can be determined either directly or indirectly by reference to the relevant price lists.

This is some progress because in other EU Member States the situation of platform workers is far less favourable. In most EU Member States, state authorities do not undertake any activities to regulate the legal situation of platform workers. Poland was mentioned among the countries where no public discussion on the issue of digitisation of employment is taking place (De Groen et al. 2018, p. 37).

The authorities in the UK and Ireland have initiated actions to become familiar with these modern forms of employment. Reports have been prepared, inspired by state authorities (Taylor 2017). After becoming familiar with their content, the British public authorities promised to regulate the legal status of workers, equate them with employees or even recognise them as employees. The Future World of Work and Rights of Workers (FWW & RW) Committee was formed to organise new forms of precarious employment, however it did not finish its work. Perhaps the slowing down of preparatory work, which normally should be completed with proposals for the legal regulation of the employee status of platform workers, was caused by competitive work of another state committee—the Work and Pension Committee (W&PC) that involved testing the possibility of granting to both platform workers and to self-employed the social entitlements comparable with those enjoyed by employees.

⁶ JORF n°0184 du 9 août 2016 texte n° 3 LOI n° 2016–1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels; <https://www.legifrance.gouv.fr/eli/loi/2016/8/8/ETSX1604461L/jo/texte> (access: 19 August 2019); <https://www.legifrance.gouv.fr/eli/loi/2016/8/8/2016-1088/jo/texte> (access: 19 August 2019).

In both of the above-mentioned countries, France and the United Kingdom, what was originally intended to regulate the employment status of workers was postponed.

The authorities of other countries, Belgium and Estonia, first set out to regulate the tax obligations of labour platforms (European Commission, European Agenda for the collaborative economy {COM(2016)356}, Brussels). They recognised the potential of modern employment technologies, but did not take comprehensive legislative action in respect of labour platforms. The government of Slovenia presented a draft amendment to the Road Transport Act (RTA), which was to grant official status to persons employed by the global Uber platform as private drivers. It seems that, as in the case of the last two countries, it was more about taxation of the activities of individuals than regulation of their legal situation.

In Sweden, Denmark, Latvia and—as I have already pointed out—also in Poland no actions have been taken to organise the situation of workers on local labour markets and to regulate their legal status as platform workers. In the case of the Nordic countries, Denmark, Finland and Sweden, the state authorities have limited competences in legislative matters related to employment, because the issues of the labour market, employment, wage regulation and the status of workers are largely negotiated by social partners. In Poland and Latvia, however, the passive attitude of these authorities was noted by the authors of the report prepared by the EU institution—the European Foundation for the Improvement of Living and Working Conditions—EFIL & WC (De Groen et al. 2018, pp. 37–38). This is generally presented as an attempt to take unspecified measures aimed solely at improving the unspecified living and working conditions of some Union citizens living in those countries.

3.2. Business organisations

Business organisations in the EU countries are engaging in discussions on the phenomenon of labour platforms only in matters that directly relate to their most vital interests. They see labour platforms solely as unfair competition in the businesses in which they are or could be involved. This is obvious because—as I mentioned before—labour platforms have developed rapidly as they ensure for entrepreneurs a significant reduction in the cost of doing business. Claim of unfair competition are raised against the platforms not only because of a serious reduction in the wages of private drivers providing transport services on behalf of Uber, but also—as I mentioned before—because of the lack of taxation of the activities of private drivers employed not only on a part-time basis, but also more often treating employment for Uber as their main job. Practically in all EU countries, also in Poland, taxi drivers' corporations were organising protests and boycotts aimed at encouraging public authorities to take decisive actions aimed at eliminating the Uber labour platform from local, mainly urban, labour markets.

One of the main arguments to justify the need to eliminate the labour platforms are considerations regarding the quality of services rendered and the lack of legal liability for the consequences of damages caused to clients by platform workers.

Only in few cases, sporadically described only in the press published in the United Kingdom, some positive aspects of using labour platforms by local communities are presented.⁷ As might be expected, supporters of this atypical form of employment pay attention to potential opportunities to improve services, freedom of choice and greater autonomy of platform workers.

3.3. Trade unions

Most trade union organisations associating employees strongly oppose unusual forms of employment, considered modern. Trade unions not only take action to exert pressure on the authorities of the Member States, aimed at equalising the rights of employees and self-employed in the exercise of trade union rights (as was the case in Poland),⁸ but they also develop and initiate their own various ideas of joining trade union organisations by workers or enabling them to set up their own trade unions within the platforms to negotiate collective labour agreements and to bargain collectively.

The initiators of ideas for promoting and developing trade union activities among workers who are not employees are trade union organisations operating in most EU Member States. They take care of their own economic interests. Actions for the “unionisation” of non-employee workers began in Germany in IG Metall after separating certain functions they carried out from the organisational structure of enterprises in this industry and transferring them to labour platforms. Trade union organisations in Belgium, France, Ireland and the United Kingdom followed the example. They treated the outsourcing in the metal industry in Germany as the beginning of the global plan of entrepreneurs aimed at weakening the legal protection of employees while increasing production requirements for them.

EU trade union organisations in Estonia, Spain, the Netherlands and Italy have spoken out in favour of liberalisation of legal regulations related to negotiating employment conditions within platforms. Trade union organisations from the Nordic countries (Denmark, Finland and Sweden) paid particular attention to the extension of this entitlement to non-employee workers.

⁷ The Confederation of British Industry (CBI), assessing the level of flexibility of the domestic labour market, listed the labour platforms as one of the most important factors stimulating innovation, growth and economic development. In its opinion, the dynamically increasing importance of labour platforms in the labour market is closely related to the acceptance of modern forms of employment by the British society. It is progressive and liberating at the same time. It offers freedom and flexibility to anyone willing to provide services (De Groen et al. 2018, p. 38).

⁸ The right to form and join trade unions is granted to employees, regardless of the basis of the employment relationship and to other workers mentioned in Art. 2(1) of the Act of 23 May 1991 on trade unions (Dz.U. 2019, item 263 consolidated text). Freedom to form and join trade unions by persons in gainful employment not mentioned in this provision is based on the judgment of the Constitutional Tribunal of 2 June 2015, K 1/13, Dz.U. 2015, item 791.

3.4. Private institutions

Non-government organisations operating in the same industry as platforms comment on employment platforms less often. The Dutch Federation of Private Employment Agencies (FPEA) calls on the state authorities of this country to regulate the legal status of platform workers.⁹ It clearly indicates that the purpose of the above call is not to consider these persons as self-employed, but to grant them legal status as employees. It presents the reasons for this proposal. Just like the business organisations, in relation to workers the federation acts in a role similar to employers. Workers employed by it under employment contracts or civil law contracts are seconded to work with entrepreneurs users. In the latter case, the implementation by the state authorities of its proposal would put it in a more favourable position compared to employment platforms on the labour market. The costs of employment of persons in civil law relations with the federation's member institutions—temporary employment agencies—would be lower than costs that would be incurred by labour platforms in the case of employment of persons considered by the provisions of national labour law as employees. By submitting the proposal to regulate the status of platform workers because of the need to equalise the opportunities of other participants in legal transactions, ABU contributes to maintaining the status quo on the labour market. If its proposal was taken into account, it would only change the roles between institutions providing broadly defined employment services.

Dutch labour platforms joined this debate in the last months of 2017. By expressing their opinion on the benefits of employment under employment relationships established by platform workers, they clearly emphasised that they act on the labour market only as *intermediaries* between clients and service providers. They do not feel responsible for the working condition, the legal position of workers in relations with the clients ordering specific activities, the remuneration of workers, their legal protection and social protection.

Representatives of the platforms emphasised that persons applying for benefits within the platforms are fully responsible—along with the state of which they are citizens—for their social situation. Employment platforms cannot provide social protection to workers without violating their own market position. As a gesture of “goodwill,” representatives of platforms, strongly opposing to being recognised as employers of platform workers, called on the state authorities to facilitate the purchase of a collective social insurance package that could cover all platform workers at an appropriately reduced price (helpink position paper: Committee of Social Affairs and Employment Roundtable Meeting, The Hague 2017).

⁹ Position paper—Algemene Bond Uitzendondernemingen (ABU), Committee for Social Affairs and Employment Roundtable Meeting, 16 November 2017, The Hague.

4. The phenomenon of Uber platform: A symbol of a new form of employment

People establish relationships with labour platforms not regulated by applicable law, because they felt “obliged” to participate in the global concept of “sharing economy.” The idea of participation in the global movement of human solidarity, expressed in the process of economic cooperation (*collaborative economy*; *collaborative consumption*) with other people who are in an identical or worse life situation, which affected most of the global community in the world after the economic crisis in 2008 is appealing almost to everyone.

Uber was established in 2010. It was treated as an opportunity to show the collective response of the progressive part of people to the recent global recession. The creation of this global labour platform was inspired by the catchy idea of cooperation in the creation and use of goods and services produced on the common, digital labour market. The most popular feature pointed out by Uber was the ability of the initiators and organisers of this platform to blur the boundaries between working time and free time, and between people providing services consisting in performing work and people using such services. Uber is still trying to make the impression that private persons who own passenger cars are not taxi drivers. In the case of Uber, the platform’s permanent relationships with workers acting as drivers and providing transport services to interested persons—Uber’s clients—have never been disclosed. Uber has always claimed that it acted solely as a neutral moderator, enabling one-time relationships established via modern technology, between two private persons, the driver of his own vehicle and a person wishing to travel with him from point A to point B.

Uber drivers were indoctrinated with slogans such as: “be your own boss,” “make money on your terms,” “the app will guide you.” The platform motivated them to continue working with increasingly intense incentives: “make more money, don’t stop,” “demand is very high in your area.” At the same time, however, the app organising the work of drivers did not inform them about long distance routes and their profitability.

Uber assured that the biggest advantage of employment is total autonomy in matters relating to making decisions about reporting readiness to perform work and then accepting subsequent orders, transmitted electronically. Empirical studies on the employment conditions of Uber drivers are to prove that modern technologies, application and algorithm (De Stefano, Aloisi 2018b) manage the work performed by the drivers.

Opinions issued to individual drivers by people using their services are also analysed and evaluated by an electronic system that constantly supervises the performance of individual activities. The apps not only control and calculate the route, but also monitor and correct the speed and frequency of stops. Technological devices suspend or terminate the registration accounts of drivers who have been awarded by clients a lower number of points than required. The score not only refers to the quality of the service, but also includes, depending on the individual views of the passenger, all other factors determining the amount of points awarded. No one controls the

reliability of passenger's discretionary decisions. This means that all kinds of prejudices such as those relating to race, skin colour, accent, language skills, gender, can be successfully taken into account in the decision-making process regarding the number of points awarded. Hence, the criteria used by the client are clearly incompatible with the principle of equal treatment and the prohibition of discrimination on unlawful grounds (Kullmann 2018).

Uber labour platform aims to enter the stock exchange. It is to be valued at USD 120 billion. The above amount consists of profits obtained from employment—without having to comply with labour laws in force in the countries where services involving the transport of persons are provided—of more than 3 million drivers in the world. Only three thousand drivers are employed by Uber under employment contracts.

5. Conclusion

It can be concluded that in all EU Member States, including France, the status of platform workers has not been fully regulated. It is necessary to consider the sources of the modern phenomenon of online employment that is not subject to legal regulation in the European Union, which is an “area of freedom, security and justice with respect for fundamental rights” (Art. 67(1) of the Treaty on the Functioning of the European Union). The right to perform work in decent conditions, with adequate remuneration, belongs to this category of entitlements.

In the discussion on labour platforms that provide transport, courier and food delivery services to clients, i.e. in the service sector, where Uber, UberBlack and Uber Eats are best known, state authorities are more likely to consider issues related to new technologies, processes and changes caused by the development and use of almost all areas of modern, digital technologies (digitisation). Trade union organisations mainly speak about the legal position of workers and the role of labour platforms in employment relations in the post-industrial era. Entrepreneurs and their organisations, including private institutions and labour platforms, are interested in equal treatment by national legislators on local labour markets. They are afraid of violation of the balance favourable to their own economic interests, caused by public interest in the chance of using employment in atypical forms of employment. Employment services based on labour platforms are incomparably cheaper than identical work performed by employees employed under employment contracts.

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