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Supporting Women Crowdworkers
through Motherhood**

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ABSTRACT

This article challenges the stubborn analytical invisibility of women within platform labour studies and platform labour law, by making visible the gendered reproductive dynamics of paid and unpaid labour on digital labour platforms. The analysis is built from 5 years of research with women crowdworkers in the UK. First, the article reviews recent debates in platform labour law concerned to extend employee welfare protections to ‘independent’ platform workers, including nascent feminist interventions that seek to bring women and gender relations to the centre of those debates. So motivated, the second part of the article makes visible women’s shifting experiences of crowdworking as ‘independent’ self-employed freelancers with young children at different moments of the lifecourse, and the origins and outcomes of these women’s exclusion from labour law designed to protect women employees. Third, the analysis identifies a series of ‘digital agency practices’ and ‘tactical workarounds’ through which women crowdworkers are able to improve their everyday conditions of work and self-employment during pregnancy, maternity and beyond, in the absence of legal protection. The article also sets out women’s

suggestions for concrete changes that would improve their everyday work-lives, including the need to expand the scope of platform labour law to include provision for pregnancy, maternity, and post-maternity return – or else remain ineffective and marginal to the needs of millions of women crowdworkers worldwide.

Keywords: women; motherhood; platform labour; gender relations; law.

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SUMMARY: 1. Introduction. – 2. Legal protections for women platform workers: recent studies in platform labour law. – 3. Crowdwork gender inequalities and motherhood: multiple hardships and exclusions. – 4. Gendered reproductive constraints on crowdworker hireability and performance. – 5. Supporting women crowdworkers? Platforms eschew legal provisions for employees – 6. Self-help tactics amongst women crowdworkers in the absence of legal support. – 7. Women crowdworkers call for regulatory changes to improve their work-lives.

1. Introduction

«Women are sometimes compelled to accept precarious work because they have to undertake the unpaid care work which stems from family obligations... To keep up with the advancement of technology, labour laws must be modified to accommodate the regulatory requirements which having a workplace on a digital platform entails» (1)

The rapid ascendancy of the platform economy over the last two decades is widely heralded as a major technological disruption to established models of service delivery, industrial relations, and labour law. A globally-distributed workforce of on-demand ‘platform labour’ is marketed as instantly available to customers 24/7 and offering major cost savings relative to traditional ‘analogue’ service providers. Platforms use complex digital architectures to match clients (‘requesters’) and workers (‘suppliers’ or ‘taskers’), allocate gigs, set minimum terms of service, mediate invoicing and payment, and rank worker performance through multiple metrics based on client feedback (and upon which workflows are predicated). By severing the connection between production and employment, platforms have effectively «created a fundamental cultural shift in what it means to be employed» (2).

Estimates suggest that 163 million people worldwide secure income from paid work through digital labour platforms (3). Women comprise over 40% of this global workforce of platform workers, which equates to over 65 million women platform workers worldwide. By engaging in platform work, women with young children are argued especially to benefit from new digital opportunities for ‘entrepreneurship’ and new digitally-mediated opportunities for reconciling work and family relative to ‘analogue’ employment. Yet despite these claims, we still know surprisingly little about

(1) N. Vyas, ‘*Gender inequality-now available on digital platform’: an interplay between gender equality and the gig economy in the European Union*, *European Labour Law Journal*, 2021, 12, 1, 37.

(2) A. Rosenblat, *Uberland: How Algorithms are Rewriting the Rules of Work*, Oakland CA: University of California Press, 2018, 4.

(3) O. Kässi, V. Lehtonvirta, F. Stephany, *How many online workers are there in the world? A data-driven assessment*, *Open Research Europe*, 2021, 1, 53.

workers' lived experiences of reconciling gig work and motherhood in the platform economy, consequent from a stubborn masculinist bias and «virtual absence of women»⁽⁴⁾ within platform labour studies⁽⁵⁾. Instead, the majority of our understanding of platform work-lives and digital precarity has come from analyses of men doing gig work, or else studies that lump workers into one apparently genderless mass of 'digital labour'⁽⁶⁾. This lack of knowledge perpetuates hardships for millions of women platform workers and their families.

This article explores the gendered dynamics of labouring on digital labour platforms, and the exclusions of 'independent' women crowdworkers from multiple legal protections designed to protect women employees with children at different stages of the lifecourse (including pregnancy, maternity and post-mat leave return). The analysis is built from 5 years of research (2018-23) with 79 women crowdworkers in the UK using over 35 different popular remote crowdwork platforms to carry out online gig work beyond the public gaze, in the domestic and private spaces of their homes. The article has three main parts.

First, it begins with a critical review of recent work in digital labour studies and law that has theorised platform models of value creation; the deliberate misclassifications of platform workers as 'self-employed', 'independent' 'freelancers'; and the consequent legal exclusions of platform workers from established social protections for employees including legally-mandated sick pay, paid vacation, pensions, and right to collective bargaining⁽⁷⁾. Yet within these debates, legal protections for women platform workers at a different stages of motherhood are at best given scant attention, or at worst are entirely absent. These include established legal rights protections for women employees at different stages of motherhood (including paid time off for antenatal care, maternity leave and maternity pay, and protections against unfair treatment, discrimination or dismissal as post-maternity returners) but from which women platform workers remain exempt. The sources and outcomes of these

⁽⁴⁾ M. Gregg, R. Andrijasevic, *Virtually absent: the gendered histories and economies of digital labour*, *Feminist Review*, 2019, 123, 1, 1.

⁽⁵⁾ A.R. Barzilay, A. Ben-David, *Platform inequality: gender in the gig-economy*, *Seton Hall Law Review*, 2016, 47, 393; B. Churchill, L. Craig, *Gender in the gig economy: Men and women using digital platforms to secure work in Australia*, *Journal of Sociology*, 2019, 55, 4, 741; D. Howcroft, J. Rubery, 'Bias in, Bias out': gender equality and the future of work debate, *Labour and Industry*, 2019, 29, 2, 213; M. Gregg, R. Andrijasevic, *Virtually absent* cit.

⁽⁶⁾ A. James, *Women in the gig economy: feminising 'digital labour'*, *Work in the Global Economy*, 2022, 2, 1, 2.

⁽⁷⁾ e.g. O. Lobel, *The law of the platform*, *Minnesota Law Review*, 2016, 101, 87; V. De Stefano, A. Aloisi, *Fundamental labour rights, platform work and human rights protection of non-standard workers*, in J.R. Bellace, B. ter Haar (eds), *Research Handbook on Labour, Business and Human Rights Law*, Cheltenham: Edward Elgar Publishing, 2019; E. Kocher, *Digital Work Platforms at the Interface of Labour Law: Regulating Market Organisers*, London: Bloomsbury Academic, 2022.

exclusions are explored, and compared with nascent feminist interventions in labour law around gender inequalities in platform work (8).

Second, as a consequence of these legal exclusions, the analysis explores women's shifting experiences of crowdworking as independent self-employed freelancers during pregnancy, maternity, and after returning from maternity leave. Building on previous studies which have made visible gendered online labour market inequalities (9), women crowdworkers in this study identify multiple and shifting gendered constraints on their algorithmic visibilities and abilities to compete for gigs online at different stages of motherhood (including discriminatory client reviews, loss of clients and income, fall in platform rankings, and demotion). These exclusions and hardships were brought into even greater relief during COVID lockdown (2020/1).

Third, in response to these legal exclusions, coupled with ineffective platform help desks, the analysis takes a more optimistic tone, to identify a series of 'digital agency practices' and 'tactical workarounds' through which women crowdworkers are able to improve their everyday conditions of work and self-employment during pregnancy, maternity and beyond, in ways that remain heavily under-researched in platform labour studies. Women crowdworkers also articulate a series of much-needed improvements in platform design and algorithmic governance, to improve their work-lives (and reduce platform labour attrition) at different stages of the lifecourse. These suggestions include calls to expand the scope of platform labour law to include provision for pregnancy, maternity, and post-maternity return for self-employed workers, or else remain ineffective and marginal to the needs of millions of women crowdworkers worldwide. Crucially however, growing calls from legal scholars to reclassify platform workers as platform 'employees' find limited support amongst women crowdworkers in this study – this reticence based on workers' anxieties around the additional reciprocal demands placed on them through that legal reclassification, and potential reductions in work-family flexibility.

(8) M. Kullmann, *Platform work, algorithmic decision-making, and EU gender equality law*, *International Journal of Comparative Labour Law and Industrial Relations*, 2018, 34, 1; N. Vyas, 'Gender inequality-now available on digital platform', *op. cit.*

(9) R. Barzilay, A. Ben-David, *Platform inequality: gender in the gig-economy*, *op. cit.*; A. Dubey, K. Abhinav, M. Hamilton, A. Kass, *Analyzing gender pay gap in freelancing marketplace*, *Proceedings of the 2017 ACM SIGMIS conference on computers and people research*, 2017, June, 13-19; A. Mateescu, J. Ticona, *Invisible Work, Visible Workers: Visibility Regimes in Online Platforms for Domestic Work*, in DD. Acevedo (ed.) *Beyond the Algorithm*, Cambridge: Cambridge University Press, 2020; P. Tubaro, M. Coville, C. Le Ludec, A.A. Casilli, *Hidden inequalities: the gendered labour of women on micro-tasking platforms*, *Internet Policy Review*, 2022, 11, 1, 1; A. James, *Women in the gig economy: feminising 'digital labour'*, *op. cit.*; A. James, *Platform work-lives in the gig economy: Recentering work-family research*, *Gender, Work & Organization*, 2024, 31, 2, 513.

2. Legal protections for women platform workers – recent studies in platform about law

Recent work in digital labour studies and law has theorised platform models of value creation in relation to the deliberate (mis)classifications of platform workers as (sham) ‘self-employed’, ‘independent’ ‘freelancers’; the consequent legal exclusions of platform workers from established social protections for employees including legally-mandated sick pay, paid vacation, pensions, and right to collective bargaining⁽¹⁰⁾; and their implications for platforms to deliver on their promises to workers of emancipatory ‘microentrepreneurship’ and work-life ‘flexibility’ vis-à-vis analogue labour markets. At the very heart of the platform labour model, platforms deliberately sever the long-standing link between production and employment. Rather than legally defined as ‘employees’, platform workers are deliberately recast by platform providers as ‘independent’, ‘self-employed’, ‘freelance contractors’, and work executed through platforms is relabelled as ‘tasks’, ‘gigs’ or ‘HITs’ (Human Intelligence Tasks)⁽¹¹⁾. Divergent from standard employment relationships, platform workers sell their labour on a one-off, as-needed basis; are paid on a project, piece rate, or hourly basis; and must supply and maintain their own capital equipment⁽¹²⁾. And rather than answer to managers in the flesh, ‘independent’ crowdworkers are managed remotely by online algorithms through apps on their smartphones, tablets and personal computers.

The distinction that platforms seek to draw is clear, platform workers are not employees. Platforms also eschew any legal responsibility as ‘employers’ – this despite workers’ terms and conditions of work being defined by extensive platform user agreements stacked in favour of clients and platform providers. Despite hefty platform fees (typically 15%-30% of workers’ wages), a lack of employee legal status means a lack of social protection, as platforms bypass legal provisions in employment law that would otherwise afford minimum wage protections, unemployment benefits, paid holiday leave, sick pay, parental leave and pensions to platform workers⁽¹³⁾. These problems are reinforced by intense competition between workers, with platforms deliberately recruiting an oversupply of labour to reduce gig worker bargaining power⁽¹⁴⁾. This pushes down compensation for work that is often intermittent with frequent periods of

⁽¹⁰⁾ e.g. O. Lobel, *The law of the platform*, *op. cit.*; V. De Stefano, A. Aloisi, *Fundamental labour rights, platform work and human rights protection of non-standard workers*, *op. cit.*; E. Kocher, *Digital Work Platforms at the Interface of Labour Law* *cit.*

⁽¹¹⁾ V. De Stefano, *Introduction: crowdsourcing, the gig-economy and the law*, *Comparative Labor Law and Policy Journal*, 2016, 37, 3, 461.

⁽¹²⁾ J. Stanford, *The resurgence of gig work: Historical and theoretical perspectives*, *The Economic and Labour Relations Review*, 2017, 28, 3, 382.

⁽¹³⁾ T. Scholz, *Uberworked and Underpaid: How Workers are Disrupting the Digital Economy*, 2017, Cambridge: Polity Press.; M. Graham, J. Shaw (eds.), *Towards a Fairer Gig Economy*, 2017, London, Meatspace Press.

⁽¹⁴⁾ D.G. Cockayne, *Sharing and neoliberal discourse: the economic function of sharing in the digital on-demand economy*, *Geoforum*, 2016, 77, 73.

unpaid job search⁽¹⁵⁾, and no guarantee of future work (hence the term ‘gig work’). And, in contrast to employees whose legal status gives them a measure of confidence and predictability of income, platform workers are subject to a constant threat of deactivation for workers whose livelihoods ultimately depend on favourable client reviews to stay visible within the platform algorithms that allocate work⁽¹⁶⁾.

Well-rehearsed debates around the platform challenge to labour law centre on the consequent exclusion of platform workers from even the most basic labour standards afforded to employees⁽¹⁷⁾, and the scope of application of labour law protection rooted in standard employee-employer relationships to ‘freelance’ or ‘independent’ platform workers⁽¹⁸⁾ whose terms of work are not governed by an employment contract, nor a human manager in the flesh. Within the grey and previously uncharted territory of digitally-mediated platform work that defies existing legal binaries of labour, scholars question whether crowdworkers are: (i) deserving of a simple extension of the protective scope of standard labour law already available to dependent labour as employees; (ii) exempt as genuinely self-employed independent contractors operating as small businesses on their own account; or else (iii) represent a genuinely novel form of algorithmically-mediated work deserving of its own legal status and regulatory apparatus⁽¹⁹⁾.

Underpinning growing calls to recognise platform workers under the remit of established labour law, Prassl and Risak have called for scholars to reconceptualise a multi-functional concept of ‘the employer’ for more effective law enforcement in the platform economy «where the employing entity or entities are defined not via the absence or presence of a particular factor, but via the exercise of specific functions»⁽²⁰⁾. These functions include: inception and termination of the employment relationship, receiving labour, providing work, coordinating and controlling the labour process, payment of wages, and undertaking economic activity in return for potential profit, whilst also being exposed to any losses that may result from the enterprise. Other scholars have called for the courts to prevent platforms’ circumventions of existing labour law by «speak[ing] about preventing an unreasonable narrowing of the scope of labour law rather than about an extension of the scope of labour law»⁽²¹⁾. These calls emerge in response to widespread worker hardships consequent from platforms bypassing legal regulations that would otherwise afford workers minimum wage

⁽¹⁵⁾ V. De Stefano, *Introduction: crowdsourcing, the gig-economy and the law*, *op. cit.*

⁽¹⁶⁾ e.g. A. Rosenblat, *Uberland* *cit.*; N. van Doorn, *Platform capitalism's social contract*, *Internet Policy Review*, 2022, 11, 1, 1.

⁽¹⁷⁾ J. Prassl, M. Risak, *Uber, Taskrabbit, & Co: Platforms as Employers? Rethinking the Legal Analysis of Crowdwork*, *Comparative Labor Law & Policy Journal*, 2016, 37, 3, 619.

⁽¹⁸⁾ M. Weiss, *The platform economy: the main challenges for labour law*, in L.M. Méndez (ed), *Regulating the Platform Economy: International Perspectives on New Forms of Work*, Oxford: Routledge, 2020, 11.

⁽¹⁹⁾ J. Prassl, M. Risak, *Uber, Taskrabbit, & Co: Platforms as Employers?*, *op. cit.*, 619.

⁽²⁰⁾ *Ibid.*, 647.

⁽²¹⁾ O.V. Chesalina, *The Scope of Labour Law in the Platform Economy*, *European and Asian Law Review*, 2021, 4, 1, 28.

protections, working time regulation, unfair dismissal, unemployment benefits, paid holiday leave, sick pay, pensions, and collective rights.

Yet within these debates in platform labour law, engagement with gender relations remains limited, and the experiences of women platform workers are at best given scant attention, or at worst are entirely absent. These analytical silences are evident across multiple high-profile and influential examples that include: Chesalina's consideration of case law on the legal status of platform workers (22); Körfer and Röthig's intervention on how to «frame a legal level playing field for crowdworkers through a comprehensive legal framework» (23); Prassl and Risak's rethinking of the legal analysis of crowdwork for platform workers «who often find themselves outside the scope of employment protective norms as a result of crowdwork platforms' business models and the conceptual straitjackets imposed by traditional tests for employee status» (24); Aloisi's discussion of how existing and new domestic and EU labour law provisions can improve the labour conditions of platform workers and concrete policy proposals for enhanced platform worker protection (25); and consideration of the compatibility of on-demand platform working with specific labour laws regulating working time, including payments for on-call time (26). In combination, these recent interventions on platform labour law and legal protections for crowdworkers are striking in their collective silence on women, working mothers, gendered relations of care, or female-dedicated legal provisions for workers' social welfare at different moments in the family lifecourse – and as if worlds of platform production exist somehow independently of domestic worlds of social reproduction (27).

The origins of these gender-blind and male-centred approaches in platform labour studies might sympathetically be understood as a function of a strong empirical research focus on geographically-tethered (or 'placed-based') labour platforms, whose highly visible, urban public-facing workforces are male-dominated. These include platform workers in food delivery, parcel delivery, ride hailing, and home maintenance segments. In contrast, women crowdworkers engaged in remote gig work from behind closed doors in the private spaces of the home remain largely invisible to clients, and more difficult to access. This invisibility is reinforced by crowdwork platform financial marketing strategies that deliberately downplay the embodied labour foundation of their 'technology company' value as a means of impressing investors. At a deeper level, these female exclusions can also be understood as part of long-standing ontological

(22) *ibid.*

(23) A. Körfer, O. Röthig, *Decent crowdwork—The fight for labour law in the digital age*, *Transfer: European Review of Labour and Research*, 2017, 23, 2, 233.

(24) J. Prassl, M. Risak, *Uber, Taskrabbit, & Co: Platforms as Employers?*, *op. cit.*, 650.

(25) A. Aloisi, *Platform work in Europe: Lessons learned, legal developments and challenges ahead*, *European Labour Law Journal*, 2022, 13, 1, 4.

(26) T. Katsabian, G. Davidov, *Flexibility, choice, and labour law: The challenge of on-demand platforms*, *University of Toronto Law Journal*, 2023, 73, 3, 348.

(27) A. James, *Platform work-lives in the gig economy* *cit.*

constructions of the economic subject as ‘male’ (28), in which women’s economic activities continue to be devalued and excluded from what is necessary or essential (29).

These analytical exclusions sit uncomfortably alongside multiple surveys that have revealed women’s significant presence across multiple digital labour platforms and service segments, estimated between 40% and 52% of crowdworkers in the EU, UK, and US (30). Applying these various figures to the total 163 million platform workers worldwide, suggests that there are more than 64 million women platform workers worldwide labouring to create value on behalf of platforms, clients and shareholders, yet whose lives remain heavily under-researched, and unprotected through standard labour law. Survey data also point to the extensive childcare responsibilities of women platform workers; their greater incidence compared with male platform workers; and the crucial role of motherhood, female majority responsibilities for childcare, and gendered penalties within previous employment that have collectively prompted women’s turn to online crowdwork (31). Yet women’s platform work-lives remain largely «hidden in the cloud» (32), and women account for less than 1% of articles to date published on platform, labour and the gig economy. This against an expansive platform labour research literature that boasts over 9.7 million articles and counting. In short, «research on gender and the gig economy is particularly sparse» (33).

In response to these masculinist exclusions in platform labour research, recent feminist interventions in platform labour law explore new possibilities for regulating platform work to tackle platform gender inequality and to reduce female platform worker hardship:

«From a regulatory point of view, there is a need to review the existing legislative framework relating to female workers to cater and adapt to the specificities of platform work, thereby striving for an inclusive labour market... Gender inequality in the traditional labour market is still a hornets’ nest. Instead of waiting for another century to correct the issues surrounding the new challenges of gender inequality in platform

(28) J.A. Nelson, *Gender, metaphor, and the definition of economics*, *Economics and Philosophy*, 1992, 8, 1, 103; M.A. Ferber, J.A. Nelson (eds.), *Feminist Economics Today: Beyond Economic Man*, 2003, Chicago: University of Chicago Press.

(29) L.M. McDowell, *Economy, culture, difference and justice*, in I. Cook, D. Crouch, S. Naylor and J. Ryan (eds.), *Cultural Turns / Geographical Turns: Perspectives on Cultural Geography*, London: Prentice Hall, 2000, 182; A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*

(30) J. Berg, *Income security in the on-demand economy: Findings and policy lessons from a survey of crowdworkers*, Geneva: ILO, 2016; U. Huws, N. Spencer and S. Joyce, *Crowd work in Europe*, Foundation for European Progressive Studies / UNI Europa, 2016; ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, Geneva: International Labour Organisation, 2021.

(31) e.g. J. Berg, *Income security in the on-demand economy*, *op. cit.*; B. Churchill, L. Craig, *Gender in the gig economy* *cit.*; A. Hunt, E. Samman, *Gender and the Gig Economy: Critical Steps For Evidence-Based Policy*, Overseas Development Institute, 2019.

(32) K. Gregory, *Introducing Gigs, Economies, and Social Reproduction*, Artists in the Gig Economy Research Workshop, University of Edinburgh, 24 August 2018.

(33) R. Milkman, L. Elliott-Negri, K. Griesbach, A. Reich, *Gender, class, and the gig economy: The case of platform-based food delivery*, *Critical Sociology*, 2021, 47, 3, 360.

work, there is an option to take preventive measures to stop the deteriorating circumstances of women in this new form of employment»⁽³⁴⁾.

At the forefront of this agenda, Kullmann codifies the challenges of digital labour platforms to labour law rooted in masculinist assumptions of a ‘standard’ employment relationship, «conceptualized as a full-time, open-ended contract between a male employee and a single employer, usually linked to a workplace with clearly defined spatial and physical boundaries»⁽³⁵⁾. And in response to growing evidence of platform gender pay gaps, Kullmann also asks «to what extent EU gender equality law is fit to protect platform workers in a situation where work-related decisions are taken not by human beings but by an algorithm, where the algorithm is a potential source of the discrimination», with the aim to ‘re/calibrate’ EU regulation on equal pay and wages to better address situations of automated discrimination experienced by ‘independent’ women platform workers legally defined as ‘self-employed’ and whose identities and value within algorithms are constructed not as human-beings but merely through data attributed to them. These data include extensive use of client reviews of gig worker performance – which gives clients ‘enormous power’ to decide whether platform workers can keep their job or not⁽³⁶⁾, and which are often rooted in clients’ gendered assumptions about worker abilities and performance. Given the obfuscation of human agency within algorithmic decision-making, scholars also call for a required shift in questions of the platform applicability of EU gender equality labour laws from «who is doing the discrimination to answering how the discrimination is being effectuated»⁽³⁷⁾. Scholars propose «to apply the principle of equal pay to all platform workers, regardless of their legal status, especially where online platforms use algorithms that can lead to discriminatory outcomes... making platform work more humane»⁽³⁸⁾.

In combination, these interventions call for: more empirical studies of the online labour market experiences and wage penalties experienced by women platform workers with childcare responsibilities⁽³⁹⁾; legal possibilities for better protecting the welfare of women platform workers⁽⁴⁰⁾; and improved worker support for reconciling platform work with reproductive demands of family⁽⁴¹⁾, in ways that examine the realities of platform workers’ lives «beyond the gig»⁽⁴²⁾. This article argues that in order to advance this work, there is also a need to explore the diverse and shifting lived experiences of

⁽³⁴⁾ N. Vyas, ‘*Gender inequality-now available on digital platform*’, *op. cit.*, 49-50.

⁽³⁵⁾ M. Kullmann, *Platform work, algorithmic decision-making, and EU gender equality law*, *op. cit.*, 6.

⁽³⁶⁾ *ibid.*: 10-11.

⁽³⁷⁾ R. Barzilay, A. Ben-David, *Platform inequality: gender in the gig-economy*, *op. cit.*, 428.

⁽³⁸⁾ M. Kullmann, *Platform work, algorithmic decision-making, and EU gender equality law*, *op. cit.* 21.

⁽³⁹⁾ *ibid.*

⁽⁴⁰⁾ N. Vyas, ‘*Gender inequality-now available on digital platform*’, *op. cit.*; A. Zulfiyan, *Legal protection for women drivers in the Gig Economy: evidence from Tulungagung, East Java*, *Brawijaya Law Journal*, 2020, 7, 2, 213.

⁽⁴¹⁾ A. James, *Platform work-lives in the gig economy*, *op. cit.*

⁽⁴²⁾ N. van Doorn, A. Shapiro, *Studying the gig economy ‘beyond the gig’: A research agenda*, SSRN, 2023, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4583329

women platform workers at different stages of motherhood, and their in/eligibilities from, and demands for recalibrating, labour law designed to protect women employees during pregnancy, maternity, and post maternity return. As such, it demands an engagement with the shifting experiences of women crowdworkers – and their families – at different stages of the lifecourse.

3. Crowdwork gender inequalities and motherhood: multiple hardships and exclusions

The emergent feminist platform labour studies agenda responds critically to celebratory claims which have variously hailed crowdwork platforms as representing a fundamental challenge to stubborn gendered labour market inequalities⁽⁴³⁾ by offering women: new forms of «flexible ad hoc work»⁽⁴⁴⁾ with low barriers to entry; avoidance of misogynistic bosses through management by ‘neutral’ algorithms; and the capacity to sidestep discriminatory hiring practices rooted in conscious and unconscious biases by instead competing anonymously for online work⁽⁴⁵⁾.

Encouragingly, studies identify crowdwork platforms as allow women returners to engage in paid work tasks after significant periods of maternity leave, through work opportunities that are accessible from home, and also relevant to their prior work experience, training and core skill sets⁽⁴⁶⁾. This is in contrast to other ‘flexible’ working options, identified by as commonly available to them locally (including working as dinner ladies, at supermarket checkouts, and cleaning) which are typically oversubscribed and low paid⁽⁴⁷⁾. Likewise, the role of platform work in giving back a sense of self-esteem, especially in the face of previous failed job applications subsequent to having children. Studies also report significantly improved crowdworker abilities to reconcile irregular ‘pockets’ of paid work time around the unpredictable rhythms of family, in contrast with the fixed rigidity of 9-5 ‘core’ office hours⁽⁴⁸⁾. Platforms are also recognised as reducing the catch-22 needs of some workers to pay expensive childcare fees to enable labour market engagement, this by providing enhanced access to more family-friendly forms of working compared with previous employers – including spatial flexibility of work though homeworking, temporal flexibility of work,

⁽⁴³⁾ e.g. N. Schoenbaum, *Gender and the sharing economy*, *Fordham Urban Law Journal*, 2016, 43, 1023; C. Krieger-Boden, A. Sorgner, *Labor market opportunities for women in the digital age*, *Economics*, 2018, 12, 28, 1.

⁽⁴⁴⁾ A.M. Slaughter, *Unfinished Business: Women, Men, Work, Family*, London: Oneworld Publications, 2016; A. Hunt, *What policymakers need to know about women and the gig economy*, ODI Blog, 26 January 2017.

⁽⁴⁵⁾ R. Milkman, L. Elliott-Negri, K. Griesbach, A. Reich, *Gender, class, and the gig economy*, *op. cit.*; A. Micha, C. Poggi, F. Pereyra, *When women enter male-dominated territories in the platform economy*, *Gender & Development*, 2022, 30, 3, 575.

⁽⁴⁶⁾ e.g. A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*

⁽⁴⁷⁾ *ibid.*

⁽⁴⁸⁾ e.g. *ibid.*; M. Wallis, *Digital Labour and Social Reproduction—Crowdwork in Germany and Romania*, *Spheres: Journal for Digital Cultures*, 2021, 6, 1.

annualised platform work hours, and term-time only working to make space for childcare during school holidays, all without the need for line-manager sign-off.

However, the everyday reality for women platform workers is also contradictory, with feminist studies also identifying new forms of online labour market disadvantage. Platform gender pay gaps are evident across multiple crowdwork platforms. As identified by the ILO these include a gender pay gap amongst US-based Amazon M-Turk crowdworkers (N=564, 48% female), in which women earn on average 82% of male Turkers average hourly earnings despite similar levels of educational qualification and weekly working hours⁽⁴⁹⁾. Similarly, Dubey et al.'s analysis of 37,599 crowdworkers (19% female) on 'a popular freelancing platform', showed that women earn 62-89 cents for every \$1 male workers earned, a pattern evident across multiple job categories (administrative, design, business services, networking management, sales and marketing, writing and translation, software development)⁽⁵⁰⁾. Similar patterns are found in other large crowdwork surveys, including Barzilay and Ben-David's analysis of 4 600 online taskers' requested rates and work hours on 'a global online work platform', which showed that women's average hourly requested rates are 37% lower than men's, after controlling for feedback score, experience, hours of work and educational attainment⁽⁵¹⁾. Building on these familiar patterns, other studies point to multiple, digitally-mediated precarities, vulnerabilities, hardships evident amongst women platform workers across multiple task segments, platforms, household situations, urban locations, and national welfare regimes⁽⁵²⁾.

4. Gendered reproductive constraints on crowdworker hireability and performance

To understand the everyday mechanisms through which such gender inequalities in patterns of platform remuneration and advancement are re/produced on crowdwork platforms, research by the author over the last 5 years has explored the gendered responsibilities of care, uneven household divisions of labour, and client feedback as a response to workers' motherhood responsibilities and identities. This through engagement with 79 women crowdworkers in the UK accessing paid work through 35

⁽⁴⁹⁾ A. Adams-Prassl, J. Berg 2017, *When home affects pay: an analysis of the gender pay gap among crowdworkers*, Geneva: ILO

⁽⁵⁰⁾ A. Dubey, K. Abhinav, M. Hamilton, A. Kass, *Analyzing gender pay gap in freelancing marketplace*, *op. cit.*

⁽⁵¹⁾ R. Barzilay, A. Ben-David, *Platform inequality: gender in the gig-economy*, *op. cit.*

⁽⁵²⁾ See e.g. *ibid.*; A. Dubey, K. Abhinav, M. Hamilton, A. Kass, *Analyzing gender pay gap in freelancing marketplace*, *op. cit.*; A. Hannák, C. Wagner, D. Garcia, A. Mislove, M. Strohmaier, C. Wilson, *Bias in online freelance marketplaces: Evidence from Taskrabbit and Fiverr*, *Proceedings of the 2017 ACM conference on computer supported cooperative work and social computing*, 2017, 1914; A. Rosenblat, *Uberland* *cit.*; C. Cant, *Riding for Deliveroo*, Cambridge: Polity Press, 2019; B. Churchill, L. Craig, *Gender in the gig economy* *cit.*; A. Mateescu, J. Ticona, *Invisible Work, Visible Workers*, *op. cit.*, 57; A. James, *Women in the gig economy: feminising 'digital labour'*, *op. cit.*; P. Tubaro, M. Coville, C. Le Ludec, A.A. Casilli, *Hidden inequalities: the gendered labour of women on micro-tasking platforms*, *op. cit.*

different crowdwork platforms (including PeoplePerHour, Upwork, Freelancer, Copify, Appen, Fiverr, YunoJuno, Worksome, Textbroker and TimeEtc). Highlighting the presence of women crowdworkers beyond female-appropriate care work platforms, women in this study work across an impressively diverse range of platforms, segments, and task offerings ranging from Web Development, Design, Video Photo & Audio Writing, Admin, Marketing and PR, Business Support, Social Media, Creative Arts, Mobile, Translation, Search Marketing, Extraordinary, to Software Development. The majority of these women are mothers with young families, who collectively care for 147 children, and have experience of crowdworking through pregnancy, maternity leave, and as post-maternity leave returners that remains largely unresearched in platform labour studies. Workers identify five dimensions of gendered reproductive constraint on their abilities to compete for crowdwork, to build and maintain a high platform ranking or score, and to remain visible within the algorithms that platforms use to route out tasks, list eligible taskers to requesters, and enable differential gig work opportunities. Workers' platform rankings are based on reputational data that combines client feedback from previous tasks, frequency of gigs completed, responsiveness to clients, and other performance metrics ⁽⁵³⁾. But workers' abilities to live up to client and platform expectations of the 'ideal platform worker' commonly fall short ⁽⁵⁴⁾, as a function of:

1. Types of gig that women taskers with young children can engage in, with a common inability to commit to higher paying gigs that require quick turnaround and/or sustained periods of uninterrupted working.
2. Constraints on when women are able to search for lucrative gigs, based on times of the day when they are simply unavailable due to the school run, meal times, bathtimes, or bedtimes.
3. Common inability to meet platform expectations of instant response to existing clients with potential for negative client feedback in the case of any delay.
4. Constrained abilities to respond to platforms' algorithmic 'behavioural nudges' intended to encourage workers to maintain a high acceptance rating of gigs offered ⁽⁵⁵⁾.
5. Time constraints to commit to a regularity of platform work that meets the weekly workflow thresholds needed for ongoing visibility within the algorithm upon which future workflows are predicated, and a frequent need to use private childcare or informal family childcare arrangements to enable the completion of gigs in practice.

As an outcome of these self-identified 'motherhood penalties', women express common anxieties about 'dropping out of the algorithm' and ranking lower in requester search listings. Women crowdworkers in this study also identify multiple and shifting

⁽⁵³⁾ A.J. Wood, M. Graham, V. Lehdonvirta, I. Hjorth, *Good gig, bad gig: autonomy and algorithmic control in the global gig economy*, *Work, Employment and Society*, 2019, 33, 1, 56.

⁽⁵⁴⁾ A. James, *Women in the gig economy: feminising 'digital labour'*, *op. cit.*

⁽⁵⁵⁾ cf. B. Churchill, L. Craig, *Gender in the gig economy* cit.

gendered constraints on their algorithmic visibilities and abilities to compete for gigs online at different stages of motherhood. In addition to common instances of an immediate or protracted loss of clients during pregnancy as clients anticipated a potential drop off in their ‘quality of service’ and tasker responsiveness, maternity leave returners also identify a subsequent loss of clients due to childcare clashes with scheduled client meetings. This includes a loss of repeat clients with significant prior working histories, alongside frequent drops in hourly rates as maternity leave returners, necessitating longer hours as a means of securing similar platform income levels as they had prior to maternity leave. These outcomes typically bookend self-identified drops in platform ranking during maternity leave, when crowdwork was paused or significantly curtailed, necessitating a post-maternity leave profile / work history rebuild similar to that faced by new platform entrants. As an outcome of these constraints, women crowdworkers describe how their net income on platforms is effectively reduced relative to workers without childcare commitments, and male gig workers whose partners are the primary caregivers. Some women also explained how their platform profiles had previously been deactivated, as a result of multiple and sustained childcare constraints on their platform work histories and performance, yielding significant reductions in their household income.

These challenges are reinforced by multiple issues of reduced female health and safety experienced by women platform workers, including working long hours (including late nights and regular weekends) in the latter stages of pregnancy, to meet client deadlines and avoid negative feedback, and to build up additional savings to offset insufficient maternity pay. Women also describe multiple and common instances of sexual harassment and gendered cyberviolence evident amongst women remote crowdworkers working from home ⁽⁵⁶⁾. Especially problematic is the common requirement by platforms for workers to include a headshot in their profiles. As an outcome of this, multiple workers describe the hassle of male requesters using crowdwork platforms to send inappropriate messages, make comments on taskers’ physical appearance, inviting workers to take on sexually suggestive work tasks, and abusing women taskers’ contact information (personal phone number, home address). These in turn are often accompanied by threats to leave negative feedback on the platform for noncompliance, with multiple women concerned to not to complain for fear of a reduced platform ranking and hence reduced future workflow and income.

5. Supporting women crowdworkers? Platforms eschew legal provisions for employees

Underpinning these hardships, workers point to a lack of legal support from established labour law designed to protect the health and safety of working mothers

⁽⁵⁶⁾ See A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*; E. Stringhi, *Addressing gendered affordances of the platform economy: the case of UpWork*, *Internet Policy Review*, 2022, 11, 1, 1.

during pregnancy, maternity, and post-maternity leave return – and from which multiple women had received support in previous periods of employment prior to platform working.

During pregnancy, whilst UK employers must give pregnant employees time off for antenatal care and pay their normal rate for this time off (including antenatal or parenting classes if recommended by a doctor or midwife), no such provision is legally required of platform providers in support of platform workers. Similarly, platforms are also exempt from legal requirements for employers to ‘assess the risks to the employee and their baby caused by long working hours’ and that ‘where there are risks, the employer should take reasonable steps to remove them’ or ‘suspend the employee on full pay if they cannot remove any risks’. Contrast this with multiple instances of women late night working during pregnancy as a means of completing underspecified gig work tasks to avoid a negative review, with zero provision for platform health and safety risk assessment, or suspension during late pregnancy on full pay. Workers also identify the additional physical demands of crowdworking during pregnancy, working with nausea and morning sickness, pelvic pain, high blood pressure, extreme fatigue, leg cramps, indigestion, bladder problems, feeling faint, and constipation. Yet platforms offer no paid sick leave arrangements for platform workers in pregnancy. Likewise, the major gulf between legal provision for employee protection against unfair dismissal during pregnancy, versus the experiences of multiple women crowdworkers who have received unfair client feedback based on client perceptions of reduced quality of service during provision, or loss of clients, or platform profile deactivation during pregnancy.

Workers also explained their limited maternity leave support options as a function of their ‘self-employed independent contractor’ status, which meant they did not qualify for Statutory Maternity Pay. As self-employed workers instead they were eligible only for the Statutory Maternity Allowance (SMA), but for which in multiple cases workers did not yet have the track record of National Insurance contributions required (Table 1). The reduced rate maternity allowance was also commonly identified as inadequate, and ‘a fraction of my usual weekly platform earnings’. Also to note that while Statutory Maternity Pay starts automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the baby is due, an equivalent pre-maternity allowance does not exist for self-employed workers under the SMA. In several other cases, women crowdworkers admitted that they were ‘completely confused about what I’m even eligible for’.

As an outcome of these exclusions multiple women crowdworkers commonly cut maternity leave short and returned to work soon after giving birth – and much earlier than they would have preferred – in response to a lack of liveable maternity income, combined with a lack of savings accrued through prior platform working. These experiences were often contrasted negatively with earlier periods of maternity leave in previous employment. In several cases, women crowdworkers had worked ‘right up until my due date (to avoid losing all my clients)’, and then returned to platform work

within a few weeks of giving birth. This was explained as a means of maintaining income in the absence of employer or state support, and retaining clients, but with self-identified negative impacts on their parent-child relationship, plus stress and anxiety of working so close to having given birth, and /or working at home with a newborn baby copresent. In some cases, women identified having had no maternity leave at all, because they ‘just needed the money’. And whilst UK legislation requires that women employees return to the same job post maternity leave, again this is not protected for platform workers who saw a drop in their platform ranking, reduced abilities to compete for work, reduced hourly rates, client review downgrading, and in some cases deactivation due to inactivity as a result of childcare. In other words, they did not return to the ‘same platform job’.

These exclusions and hardships were brought into even greater relief during COVID lockdown (2020/1) as women crowdworkers with children faced new demands of homeschooling alongside platform work, with no legal access to furlough support. Reinforcing earlier experiences of exclusion from legally-mandated support for women employees during pregnancy, maternity and post maternity return, multiple women platform workers in this study found themselves also ineligible for the UK’s Self Employed Income Support Scheme (SEISS) designed to support self-employed workers in replacement of furlough. SEISS payments’ through the UK Government’s Self-Employed Income Support Scheme, were advertised as 3 pay-outs at 80%, 70% and 70% of previous ‘usual earnings’ for ‘self-employed workers not trading to their full potential in lockdown’. Crucially however, SEISS payments were calculated on the basis of workers’ previous 3 years of income in self-employment (2016-2019), during which time multiple study participants had experienced significant work interruptions through maternity leave, or childcare responsibilities for older children. This reduction in the size of SEISS payouts was identified as a ‘double whammy of failed government support’, by multiple women crowdworkers who had also been ineligible for Statutory Maternity Pay (and in some cases even the lesser Statutory Maternity Allowance that targets self-employed workers), during their earlier maternity leave.

Reinforcing these legal exclusions, workers also point to a lack of female-targeted support from platforms, in relation to commonly identified issues of gender discrimination, discriminatory downgrading by clients, maternity periods of platform inactivity, and post-maternity leave return profile rebuild. Distinctive across the multi-page user agreements for the 35 crowdwork platforms identified in this study (which workers are required to sign up to in place of any formal employment contract), is zero reference to multiple terms that include: ‘pregnancy’, ‘maternity’, ‘female harassment’, ‘gender discrimination’, ‘female health and safety’, or ‘misogyny’. Where these terms are identified by platforms in their larger public facing statements on maternity support and returner programmes, these refer only to the much smaller number of workers formally employed by platforms to run their HR, financing, management operations as employees – not to the millions of women platform workers use who use those

platforms as a means of accessing gig work opportunities ‘independently’. This study also identifies multiple instances of women engaging with ineffective platform helpdesks which are themselves often outsourced to other platform workers who have limited discretion to deal with complex disputes raised by fellow platform workers ⁽⁵⁷⁾. This lack of support from platforms and law makers has in turn motivated multiple women to develop a range of individual and collective self-help tactics to improve their work-lives.

⁽⁵⁷⁾ A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*; A. James, *Platform work-lives in the gig economy*, *op. cit.*

Table 1 – comparing the prenatal and postnatal legal protections for pregnant women: employees versus women crowdworkers (UK)

Pregnancy & maternity rights	Employee (www.gov.uk, UK Health & Safety Executive)	Independent contractor (as documented in this study)
Paid time off for antenatal care	Employers must give pregnant employees time off for antenatal care and pay their normal rate for this time off. Antenatal care can also include antenatal or parenting classes if recommended by a doctor or midwife.	No paid time off for antenatal care. No paid time off for parenting classes. Time away from the platform also means a potential reduction in algorithmic visibility.
Maternity leave	<p>Employees are entitled to maternity leave which is the right to take up to 52 weeks off work and <u>return to the same job</u></p> <p>Compulsory Maternity Leave: if the employee is not taking Statutory Maternity Leave, they must take 2 weeks off after the baby is born - or 4 weeks if they work in a factory.</p> <p>Maternity leave will start automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the baby is due.</p>	<p>Platform workers are not entitled to maternity leave – and their return to platform working is commonly at a much lower ranking in the platform algorithm (with reduced hourly rates and workflow)</p> <p>Multiple instances of women platform workers working right up to due date, and immediately after giving birth.</p> <p>Multiple instances of women platform workers working when ill.</p>
Maternity pay / maternity allowance	<p>Statutory Maternity Pay will start automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the baby is due.</p> <p>Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get: 90% of your average weekly earnings (before tax) for the first 6 weeks. For the next 33 weeks, payment is made at £156.66 pw or 90% of your average weekly earnings (whichever is lower).</p>	<p>Women platform workers do not qualify for Statutory Maternity Pay. Statutory Maternity Allowance for self-employed workers is paid at a lower rate: £27 to £156.66 a week. The full payment requires workers to have been registered with HM Revenue and Customs (HMRC) for at least 26 weeks in the 66 weeks before your baby is due paid Class 2 National Insurance contributions for at least 13 of the 66 weeks before the baby is due.</p> <p>Multiple instances of women platform workers in this study not meeting this criteria (i.e. not qualify for SMP <u>or</u> SMA)</p>
Protection against unfair treatment, discrimination or dismissal	<p>When the employee tells their employer they're pregnant, the <u>employer should assess the risks to the employee and their baby. Risks could be caused by: long working hours.</u> Where there are risks, the <u>employer should take reasonable steps to remove them.</u> The employer should suspend the employee on full pay if they cannot remove any risks.</p> <p>Employees are protected by law against unfair treatment and dismissal due to pregnancy and maternity, regardless of how long they have worked for their employer. Employers must set out the reason for your dismissal in writing. If dismissal can be linked to your pregnancy or maternity, employees can make a claim to an employment tribunal for unfair dismissal and discrimination.</p>	<p>Multiple instances of platform workers working long hours during pregnancy. No assessment of risks to workers by platform. No suspension of women at risk on full pay.</p> <p>Unfair treatment, discrimination: multiple instances of platform workers immediately losing work on announcing pregnancy due to discriminatory behaviour by clients.</p> <p>Dismissal – some instances of platform workers terminated from platform during pregnancy / maternity (but with no legal comeback based on employment law).</p>

6. Self-help tactics amongst women crowdworkers in the absence of legal support

In response to these legal exclusions, coupled with ineffective platform help desks, women crowdworkers in this study identify a series of ‘digital agency practices’ and ‘tactical workarounds’ through which they are able to improve their everyday conditions of work and self-employment, and reduce their vulnerabilities during pregnancy, maternity, and as post-maternity returners. Their aim is to better navigate platform user agreements, algorithmic systems of control, and client feedback in ways which begin to make their everyday work-lives easier in the absence of legal protection.

During pregnancy, for fear of client loss or downgrading, multiple women chose not to reveal their pregnancy to clients or platform. Where clients had raised issues about the quality of gigs completed (e.g. in terms of perceptions of workers’ lesser availability and responsiveness during pregnancy), some women deliberately fail to submit a pay claim for work completed⁽⁵⁸⁾: this because the dashboard option for clients to leave negative feedback only becomes available once a gig is listed as completed and the tasker submits their final claim for payment. The loss of income from one gig is identified as a price worth paying in order to maintain a high feedback score for algorithmic visibility, and thereby to secure future workflow. Other women sought PT employment prior to pregnancy (both alongside platform working or else through a pause in platform working), as a means of accessing improved maternity rights and/or pay as a legally-recognised employee. During maternity some women chose to maintain a threshold of weekly platform work hours to limit a reduction in platform ranking which often necessitated use of family members providing informal unpaid childcare to enable platform working – albeit in ways not recognised or compensated by the platforms. Others cut their maternity leave short and returned to work quickly, to reduce a drop in platform ranking through inactivity – because ‘there is no maternity pause button on the platform’.

Extending this tactical repertoire, post-maternity returners commonly took on a quick succession of short turnaround low-paying gigs to secure client feedback (often also expanding their advertised task profiles and specialisms), to re-establish a credible tasker profile and build algorithmic visibility, in ways which often repeat women’s earlier experiences as platform new entrants. Here, workers accept a short-term pay hit in lieu of a perceived longer-term gain through rebuilding online reputational capital through positive client feedback. Although, workers also criticised the lack of portability of those platform work histories between platform providers.

In response to post-maternity leave returner penalties, other tactics are evident around targeted selection of sympathetic clients who recognise and accept workers’

(58) A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*

childcare commitments and hence are unlikely to penalise them in feedback scores for family constraints on availability. To this end, some women include public statements of their childcare responsibilities on their platform profile pages. Crowdworker tactics amongst women with pre-school children also extend to platform selection based on geographies of requesters and time zone, to offer better fit of client demands around childcare commitments (e.g. overseas clients enabling night working in UK real time once children are asleep in bed). Tactics also include tag team childcare amongst groups of women gig workers, through their collective use of jungle gyms and soft play facilities with Wi-Fi with the aim to give each member of the group longer blocks of uninterrupted work time. Only in a few instances did women identify any use of private childcare – whose associated ‘childcare fees are astronomical’ and would otherwise ‘wipe out my earnings from the platform’.

In terms of maximising income, some women crowdworkers choose to increase their hourly fee to include the costs of childcare needed in order to ‘make gig work pay’. But this also meant that their hourly rate was seen by many clients as less competitive. For other women, platform income just breaks even with the costs of childcare in a zero-sum game. Taking work offline is identified as a double-edged sword: on the one hand reducing the hefty fees that platforms take for each gig completed, but on the other hand, undermining the threshold regular flow of gigs through the platform needed to retain algorithmic visibility. Registering across multiple platforms or ‘multi-apping’ (to counter limited and/or uneven workflow opportunities on a single platform) is similarly problematic for the same reason. In recognition of this, an alternative work-care strategy involves two or more women working under a single profile, to compete more effectively for gigs based on a more extensive combined work history and combined client reviews, and to provide greater flexibility to complete work around unpredictable childcare events – all without a loss of algorithmic visibility in requester search results. Other tactics involve some women accepting gigs and then ‘subbing out some work’ (reintermediation) to other crowdworkers during unforeseen childcare demands and during school holidays – and in some cases, also during maternity leave. The loss of income is balanced against the longer-term benefit of positive client feedback, to enable improved algorithmic visibility ⁽⁵⁹⁾. And to avoid gender discriminatory client feedback, studies also show that one third of women crowdworkers have done work under a username that kept their female identity hidden ⁽⁶⁰⁾.

But while such tactics help individual women to maintain algorithmic visibility, gig workflows, and income streams at the individual level, they do not challenge larger structures of constraint, including platform design, algorithmic architectures, legal

⁽⁵⁹⁾ *ibid.*

⁽⁶⁰⁾ Hyperwallet, *The Future of Gig Work is Female*, 2017, available at: https://www.hyperwallet.com/app/uploads/HW_The_Future_of_Gig_Work_is_Female.pdf

exclusions from employee social protections, and uneven gender divisions of unpaid labour in the home which perpetuate an assumed female majority burden of childcare.

7. Women crowdworkers call for regulatory changes to improve their work-lives

«Every country, at present, has plethora of opportunities to introduce legislation for the protection of workers and the betterment of workplace conditions since the gig economy is at a nascent stage. This opportunity, if seized in a positive way, can improve the conditions of workers» ⁽⁶¹⁾.

In contrast to widespread celebration of ‘new’ and ‘emancipatory’ algorithmically-mediated work opportunities for women in the platform economy, this article points to a potential digital re-inscription of stubborn ‘analogue’ gendered labour market inequalities, and force us to question the extent to which digital labour platforms genuinely challenge long-standing gendered labour market inequalities and exclusions. Once the novelty of the sophisticated artificial intelligence, platform architectures, and digital algorithms used to govern these women’s work lives is acknowledged, the constraints of motherhood and care on women’s patterns of platform job search, working hours, pay, and labour market advancement are far from novel – at least to feminist scholars. These hardships are even more problematic when we consider the prior hardships that women have commonly experienced prior to platform work, in ‘mainstream’ employment. These include inappropriate questions at job interviews, bad bosses, lack of maternity provision by previous employers, redundancy during pregnancy, non-provision of family-friendly working, demotion after maternity leave, and /or company cultures of long hours working and misogyny ⁽⁶²⁾. In sum, women platform workers have often been failed on multiple levels, previously as employees and then as independent freelance workers, in ways which fly in the face of characterisations of platform work as a positive choice for women.

In response, women crowdworkers express support for a series of improvements to platform design and algorithmic governance. These include allowing workers to use anonymous avatar profile images, better platform policing of bad requesters, and exclusion of abusive male requesters with track record of abuse directed towards female taskers. They also suggest limiting visible reviews on each worker’s profile to the most recent 5 or best 5 – this to minimise the negative algorithmic effect of negative feedback from unreasonable customers, which for multiple women is often rooted in gendered assumptions around quality of service in relation to childcare, and/or couched in sexual overtones. Likewise, introduction of a living wage that recognises the childcare costs of

⁽⁶¹⁾ N. Vyas, ‘*Gender inequality-now available on digital platform*’, *op. cit.*, 39.

⁽⁶²⁾ e.g. M. Graham, V. Lehdonvirta, A. Wood, H. Barnard, I. Hjorth, D.P. Simon, *The risks and rewards of online gig work at the global margins*, Oxford: Oxford Internet Institute, 2017; J. Berg, M. Furrer, E. Harmon, U. Rani, M.S. Silberman, *Digital labour platforms and the future of work*, Geneva: ILO, 2018; A. James, *Women in the gig economy: feminising ‘digital labour’*, *op. cit.*

engaging in platform work, and compensates workers for the childcare that in turn enables platform revenues to be generated. Workers also point to the need for better and targeted training for new platform entrants and maternity returners, better task pricing guidelines, auto filtering of gigs based on workers' stated time availabilities (workers are penalised for declining gigs offered), improved platform helpdesks, a maternity pause button to avoid any drop in platform ranking through inactivity during maternity leave, cross-platform transferability of online work histories, and a need for more female-founded and 'female-managed platforms who do it differently and more humanely'.

In contrast, recent interventions in platform labour law that seek to legally reclassify platform workers as employees (who thereby become eligible for legally-mandated worker welfare provision) find limited support amongst women crowdworkers in this study. Workers commented instead that legal employee status would increase their reciprocal legal responsibilities vis-à-vis their newly recognised 'employer' in ways that reduce their 'flexibility' of work commitment, hours, and simultaneous enrolment across multiple platforms in ways that did not appeal to them. Rather, workers articulated a need for 'better legal protection of self-employed women platform workers', also to include a broader focus beyond legal protections around minimum wage, working time, sick pay, pensions and collective rights – this to include paid time off for antenatal care, maternity leave and maternity pay, and protections against unfair treatment, discrimination or dismissal during pregnancy, maternity, and post-maternity return. These worker views are consistent with calls to «prevent an unreasonable narrowing of the scope of labour law»⁽⁶³⁾ in ways that unfairly exclude platform workers – this alongside worker calls for an expanded focus of platform labour law to explicitly include worker protections during pregnancy, maternity and post-maternity return.

Without this shift in focus, legal interventions designed to improve the work-lives of platform workers will remain partial, ineffective and marginal to the needs of millions of women crowdworkers worldwide with young families – many of whom simply stick it out for as long as their children are pre-school age, and then quit platform work as their personal circumstances allow, often through a return to mainstream employment. This challenge also extends to the much-debated European Platform Workers' Directive (or PWD)⁽⁶⁴⁾, which aims to regulate unfair labour practices in the platform economy through a focus on workers' rights to know how data on them is automatically collected and used by platforms, and a rebuttable legal presumption of 'employment' based on facts of platform control and direction. Yet after years of refinement and debate around a 'minimum floor of rights' (with a particular focus on minimum wages, sick pay, and union representation), feminist discussion around gender

⁽⁶³⁾ O.V. Chesalina, *The Scope of Labour Law in the Platform Economy*, *op. cit.*

⁽⁶⁴⁾ See A. Aloisi, V. De Stefano, 'Gig' workers in Europe: the new platform of rights, *Social Europe*, 16 March 2024. <https://www.socialeurope.eu/gig-workers-in-europe-the-new-platform-of-rights>.

relations, pregnancy, maternity and post-maternity leave return remain at best implicit, or worst wholly sidelined, as a focus of workers' rights within the PWD. And given the devolution of ultimate decision-making within the Platform Workers' Directive to national legal modalities and case law within Member States, geographical complexities also emerge. These relate to the potential rebuttal of legal obligations of platform providers and clients based on the spatial in/congruence of worker location (where work is done), versus client location (where work is commissioned from), versus platform HQ location (where the platform labour process is controlled from), versus platform registration of revenues (where profits accrue). In short, where best to legislate in support of women crowdworkers?

In the absence of effective legal support for the social welfare of women platform workers, worker hardships will persist – with positive change instead reliant on an expanded research evidence base to identify the 'business case' for platforms investing in, supporting and retaining women crowdworkers (through e.g. enhanced platforms profits, improved client retention, reduced worker turnover and increased shareholder dividends). Sadly however, that evidence base still remains partial.

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