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and social protection law
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ABSTRACT

This paper explores the complex interplay between social protection law and gender differentiation in the context of digital labour platform work. Focusing on economic working conditions, we explore how social protection laws impact gender dynamics within the rapidly evolving field of the digital economy. Drawing upon empirical evidence and legal analyses, we examine how social protection frameworks intersect with gendered experiences and vulnerabilities in digital platform work. Through a gender-sensitive lens, we question the implications of social protection laws on issues such as income security, access to benefits, and workplace rights for women and gender minorities engaged in platform labour. Furthermore, we investigate the potential of social protection legislation to mitigate or exacerbate existing gender disparities in digital work environments. By shedding light on these critical

dimensions, this paper aims to significantly contribute to policy discussions and legal interventions, fostering gender equity and social inclusion in the digital labour platform economy.

Keywords: digital platform; working conditions; labour law; gender; education.

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SUMMARY: 1. Introduction. – 2. Definitions and Research Objective. – 3. Literature Review. – 4. Data and Results. – 5. Conclusion and Policy Recommendations.

1. Introduction

Tremendous structural changes led to significant changes in the employment structure, working conditions and qualification skills, pushing to more labour market flexibility in previous years. The outbreak of the financial crisis in 2008 can be considered the first serious challenge of the global labour market in the 21st century. The economic crisis has resulted in rising unemployment rates and the rise of non-standard employment (NSE) forms, which have become a contemporary feature of labour markets worldwide. Fortunately for most developed countries, the crisis was quickly overcome, which also had a positive impact on the labour market, which simultaneously faced the accelerated development and challenges of digital technology.

The growth of mobile phone technology and the internet, progress in artificial intelligence, and the growth of the data economy have driven the expansion of digital platforms that facilitate work. Today, people and companies from all locations can easily access the internet to quickly discover and hire freelancers equipped to provide a wide array of services from a distance. These services include but are not limited to crafting a website design, translating legal paperwork, managing social media platforms, sorting pictures or developing a machine learning algorithm. Digital platforms or digital platform work has significantly developed in the last decade and have become even more prominent since the outbreak of the COVID-19 pandemic. Not only are the numbers of platforms and workers associated with them increasing, but also the types of work handled by platforms and the business models they use are becoming increasingly diverse. The platform work can be explained as an invisible “black box” which matches the demand and supply of paid work through an online platform using an algorithm. Three parties are involved in the matching process: the client demanding work, the platform which manages the algorithm and the person who provides the work through the platform ⁽¹⁾. It has been driven by technological advances and changes in how people approach work. It is understood as the matching of the supply and demand for paid work through an online platform. Now, the share of platform work is still

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⁽¹⁾ Eurofound, Eurofound Talks podcast: Episode 9 – Platform work (2023) <https://www.eurofound.europa.eu/en/resources/podcast/2023/episode-9-platform-work>.

relatively small (around 3,0% of total employment on average in the EU in 2022 ⁽²⁾), concerning total employment but is increasing rapidly. Over the last ten years, platforms have experienced a five-fold growth, gaining even greater prominence following the onset of the COVID-19 pandemic ⁽³⁾ ⁽⁴⁾.

The platform work is a form of non-standard work, which typically categorises workers as self-employed or “independent contractors”. That means they are excluded from the scope of labour rights in most countries. As a result, they do not have regular working hours and are not offered employment-related benefits such as sick leave, health insurance, or pensions ⁽⁵⁾. Platform workers are generally not governed by usual employment standards, such as minimum wage rates or statutory entitlements, between workers and their employers. Instead, both the risks and the costs of providing labour are transferred to the worker. This has a destructive effect on working standards, not just for platform workers but for workers in competing enterprises whose terms and conditions are likely to be undermined ⁽⁶⁾.

The platform work has created new opportunities for many while raising important questions about labour regulations, worker rights and social protection. Namely, the platform economy (PE) is mostly characterised by poor labour working conditions and rights, low wages, lack of social security, growing gender, race and social inequalities and social exclusion and is criticised as a failure ⁽⁷⁾. Any non-standard job that hinges on a flexibility model driven by employers, transferring financial costs and risks from the employer to the worker, disproportionately affects vulnerable groups. The PE is resulting in a weakening in labour protections and social gains for marginalised women workers. The impact of PE on gender inequality varies across different contexts and platforms. This paper gives an analysis of trends in the EU countries. At the same time, PE gives us great opportunities and future development possibilities, but it also raises fears and questions about workplace social protections.

⁽²⁾ Eurostat, *Employment statistics - digital platform workers*, *Statistics Explained*, 2023, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Employment_statistics_-_digital_platform_workers#Working_conditions_of_digital_platform_workers_in_the_last_month

⁽³⁾ International Labour Organization, *World Employment and Social Outlook*, 2021: The Role of Digital Labour Platforms in Transforming the World of Work.

⁽⁴⁾ M. Kumar, *Women gig workers, policymakers and platforms: the pandemic's impact across several G20 economies*, in *Global Perspectives on Women, Work, and Digital Labour Platforms. A collection of articles from around the world on women's experiences of digital labour platforms*, Digital Future Society, 2022, 82-86; Eurostat, *Employment statistics - digital platform workers; Statistics Explained*, 2023, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Employment_statistics_-_digital_platform_workers#Working_conditions_of_digital_platform_workers_in_the_last_month

⁽⁵⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, in *Global perspectives on women, work, and digital labour platforms. A collection of articles from around the world on women's experiences of digital labour platforms*, Digital Future Society, 2022, 14-22.

⁽⁶⁾ S. Fredman et al., *International Regulation of Platform Labor: A Proposal for Action*, *Weizenbaum Journal of the Digital Society*, 2019, 11, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3345808.

⁽⁷⁾ R. B. Collier, V. Dubal, and C. Carter, *Labor Platforms and Gig Work: The Failure to Regulate* (September 19, 2017), IRLE Working Paper No. 106-17, UC Hastings Research Paper No. 251, Available at SSRN: <https://ssrn.com/abstract=3039742> or <http://dx.doi.org/10.2139/ssrn.3039742>.

Therefore, the legislative analysis is of utmost importance. This paper will point out the growing problems in platform work at the aggregate level in countries of the European Union and explain how they can be reduced using the influence of social protection and labour laws. The platforms are creating new opportunities, mainly for vulnerable groups of society. Since female workers are generally considered the vulnerable gender, the research's emphasis is focused on women's position as platform workers. Demonstrating discriminatory treatment on digital labour platforms is notably challenging ⁽⁸⁾. Numerous jurisdictions have established anti-discrimination rights within the framework of traditional employment relationships and addressed discrimination issues in the context of platform work, which raises complex regulatory questions.

The paper is structured in the following way. After the introduction, the second chapter provides a theoretical background regarding definitions of the main terms and research objectives. The third chapter focuses on previous research on gender differences in working conditions in digital labour platform work. The fourth part provides an analysis of economic working conditions and social protection legislation. The last, fifth chapter discusses the results and explains the main limitations of our findings and concludes the paper.

2. Definitions and Research Objective

The PE work is based on the performance of individual tasks or projects rather than a continuous employment relationship. A more significant task is usually divided into smaller subtasks, or “micro-tasks”⁽⁹⁾, that are independent, homogenous and contribute to producing a specific output. These tasks are carried out separately, resulting in a widespread, even global, division of tasks⁽¹⁰⁾. *The European Foundation for the Improvement of Living and Working Conditions* (Eurofound) defines platform work as «a form of employment that uses an online platform to enable organisations or individuals to access other organisations or individuals to solve problems or to provide services in exchange for payment» ⁽¹¹⁾. Platform work includes work done on online labour platforms and is a subset of internetwork ⁽¹²⁾.

⁽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, 1 - 21, <https://doi.org/10.54648/ijcl2018001>.

⁽⁹⁾ Tasks on microtask platforms are brief, straightforward, and repetitive in contrast to the specialized tasks found on freelance platforms.

⁽¹⁰⁾ Eurofound, Eurofound Talks podcast: Episode 9 – Platform work (2023) <https://www.eurofound.europa.eu/en/resources/podcast/2023/episode-9-platform-work>

⁽¹¹⁾ W. P. De Groen, et al., *Employment and Working Conditions of Selected Types of Platform Work*, www.eurofound.europa.eu.

⁽¹²⁾ A. Piasna, W. Zwysen, and J. Drahokoupil, *The Platform Economy in Europe Results from the Second ETUI Internet and Platform Work Survey*, *ETUI Working Paper*, 2025, 5.

The entire matching process between the client and the service provider takes place entirely digitally. In this way, the world of work is changing significantly, and traditional forms of employment relationships are being alienated. It is not entirely clear whether and how the trilateral relationship between the platform, clients and workers fits into existing legal structures. Such triangular relationships are not new in European labour markets – temporary work agencies are based on a similar model. Nevertheless, the presence of digital technology differentiates this form of employment from what has existed so far.

The most common terms used to denote platform work are “sharing economy”, “platform economy”, or “gig economy”. The platform workers are often called the “gig” workers. The “gig” economy, also known as the "freelance economy" or "on-demand economy," refers to a labour market characterised by short-term, temporary, or freelance work arrangements where individuals work on a project-to-project basis, often as independent contractors rather than traditional employees. In the “gig” economy, people take on tasks or jobs, typically facilitated by digital platforms or apps, and are compensated for their services or skills. Digitally mediated labour marketplaces, or labour platforms, use digital technology to connect workers with consumers for one-off tasks or jobs that are completed either virtually or in person by an on-demand workforce ⁽¹³⁾. “Gig works” offers increased flexibility but at the same time it is marked by comparatively low wages, limited benefits, and a lack of job stability ¹⁴.

According to the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the main characteristics of platform work are⁽¹⁵⁾: 1) paid work is organised through an online platform; (2) three parties are involved: the online platform, the client and the worker; (3) the aim is to carry out specific tasks or solve specific problems; (4) the work is outsourced or contracted out; (5) jobs are broken down into tasks; (6) services are provided on demand. From the list of activities classified as internetwork, only some can potentially be performed through labour platforms, namely remote “click works,” remote professional work, on-location work, delivery work and transport ⁽¹⁶⁾.

When platform work first emerged in the EU, large, well-known US platforms such as Uber dominated the scene. There are two broad types of digital labour platforms: (1) ‘geographically tethered’ or ‘location-based’ platforms, and (2) ‘online labour platforms’ or ‘cloud work’ or ‘online work’ or ‘crowd work’ platforms. First, the work is required to be done in a particular location in person by workers. Examples include delivery driving (e.g. Deliveroo), taxi and transportation (e.g. Uber, Lyft), household services/home repair (e.g. Task Rabbit), and domestic work and care provision (e.g. care.com). In the second, by contrast, the work can be performed from

⁽¹³⁾ S. Fredman et al., *International Regulation of Platform Labor* cit.

⁽¹⁴⁾ M. Kumar, *Women gig workers, policymakers and platforms* cit.

⁽¹⁵⁾ W. P. De Groen, et al., *Employment and Working Conditions* cit.

⁽¹⁶⁾ A. Piasna, W. Zwysen, and J. Drahokoupil, *The Platform Economy in Europe* cit.

anywhere via the internet, remotely by workers (e.g. data categorisation or online freelancing). These activities might encompass a range of responsibilities, including translation, legal, financial, and patent-related services, as well as design and software development, carried out through freelance and contest-driven platforms. Alternatively, one may engage in short-term tasks like image annotation, content moderation, or video transcription as a crowd worker on microtask platforms ⁽¹⁷⁾. Eurofound (2022) distinguishes between digital labour platforms (e.g. TaskRabbit, Freelancer, Deliveroo, Uber or Wolt), which are marketplaces where labour is traded through a matching algorithm, and platforms providing access to non-labour goods and services (e.g. Airbnb, Booking.com or Etsy) or facilitating non-commercial transactions (e.g. LinkedIn, Couchsurfing), which do not constitute platform work ⁽¹⁸⁾.

Digital labour platforms become so popular because of their agility and possibility to reshape the approach to work compared to traditional businesses. They serve as connectors between businesses, clients, and workers, revolutionising labour processes and carrying significant implications for the future of work. As they generate new opportunities in working conditions, especially for vulnerable groups (e.g. women, young individuals, those with disabilities, and marginalised groups worldwide), they also present certain challenges. This article will investigate these challenges, with a specific emphasis on the position of women as platform workers.

3. Literature Review

Digital platform technology influences more and more various aspects of our personal and professional lives. It underpins the interconnected and digitised world we live in and influences how we communicate, work, learn, and entertain ourselves. Its impact extends across various industries, promoting efficiency, innovation, and connectivity in our daily lives. Evgeny Morozov ⁽¹⁹⁾ argues that digital platform technology has become so crucial in mediating economic processes and directing their distributional outcomes that these digital infrastructures should be treated as a public good. Around the world, platform companies use a variety of controls over platform workers, ranging from masked employment relationships to directories and marketplaces that place relatively few constraints on how workers and clients interact with one another ⁽²⁰⁾. While the digital economy has opened opportunities for flexible

⁽¹⁷⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*; J. M. Berg, M. Furrer, E. Harmon, U. Rani, and S. Silberman, *Digital Labour Platforms and the Future of Work Towards Decent Work in the Online World*, International Labor Office, 2018.

⁽¹⁸⁾ *Gender Differences in Motivation to Engage in Platform Work*, <https://www.eurofound.europa.eu/publications/report/2018/employment-and-working-conditions-of-selected-types-of-platform-work>.

⁽¹⁹⁾ E. Morozov, *Digital Public Infrastructure: The Social Democratic Project of the Twenty-First Century*, Wiso Direkt, 08/2020, Friedrich-Ebert-Stiftung.

⁽²⁰⁾ A. J. Wood, et al., *Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy*, *Work, Employment and Society*, 2019, 33, 56.

and remote work, it has also brought to light challenges related to the growing problem of various forms of inequality. Some studies ⁽²¹⁾ highlight increasing socioeconomic inequalities (age, gender, race, education level, etc.) within the development of platform work.

In their article ⁽²²⁾ Rani et al., explore how digital labour platforms are changing the world of work by illustrating findings from the ILO report ⁽²³⁾, but mainly concentrating on women workers. Approximately 40% of the female participants rely on platform work as their primary source of income, with an additional 18% engaging in gig-type tasks through online platforms ⁽²⁴⁾. For the remainder, platform work is a supplementary income source alongside their other employment rules. A significant portion of workers engage in their duties during the evening or night hours. Approximately 78% of female workers on microtask platforms operate during these late hours, with even higher percentages observed in developing nations, reaching up to 85% significantly affecting their equilibrium between work and personal life. However, due to the flexibility of the work, women are otherwise highly motivated to work online because it enables them to achieve balance. This is especially the case in developing countries or countries where childcare costs are extremely high, or there is limited access to childcare facilities. Although in this way women are enabled to earn and at the same time take care of family and household, they face a double burden ⁽²⁵⁾ and are alienated from society and social life. According to the ILO global survey of crowd workers (2017) and workers on freelance platforms (2019-20), individuals typically working on online platforms claim high levels of education, with over 60% holding either undergraduate or postgraduate degrees. A greater percentage of women possess postgraduate qualifications or higher, surpassing the figures for men. Moreover, women in developing nations exhibit even higher educational attainment, with 80% holding such degrees, compared to 61% in advanced economies ⁽²⁶⁾.

⁽²¹⁾ R. Brazilay, A. Ben-David, *Platform Inequality: Gender in the Gig-Economy*, in *Seton Hall Law Review*, 2017, 47, 393-431.

⁽²²⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*

⁽²³⁾ See more detailed in: ILO, *World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*, which includes ILO surveys and interviews conducted with around 12,000 workers from 100 countries around the world working on freelance, contest-based, competitive programming and microtask platforms, and in the taxi and delivery sectors. See also in R. Brazilay, A. Ben-David, *Platform Inequality: Gender in the Gig-Economy*, *op. cit.*; N. van Doorn, *Platform labor: on the gendered and racialized exploitation of low-income service work in the 'on-demand' economy*, in *Journal Information, Communication & Society*, 2017, 20, 6; U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*; M. Kumar, *Women gig workers, policymakers and platforms: the pandemic's impact across several G20 economies*, *op. cit.*

⁽²⁴⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*, 17.

⁽²⁵⁾ J. M. Berg, M. Furrer, E. Harmon, U. Rani, and S. Silberman, *Digital Labour Platforms and the Future of Work Towards Decent Work in the Online World*, *op. cit.*

⁽²⁶⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*, 17.

There was a general opinion that working on platforms would reduce the gender inequality gap, but the ILO (2021) research rejected this. The gender structure of employment on platforms is like that of the standard labour market. Women face significant obstacles when attempting to enter the platform economy, as evidenced by their limited involvement in ride-hailing and delivery services, which constitute a majority of the gig workforce ⁽²⁷⁾. Instead, women tend to be concentrated in traditionally feminised fields such as domestic work, healthcare services, beauty services, and online tutoring. Of all the people who entered the sample, only 40% of women work on online platforms, and in developing countries, only 2 out of 10 people are women ⁽²⁸⁾. In the US, half of the jobs on online platforms are done by women.

There is also a large gender segregation in terms of the type of jobs performed by women despite high educational attainment among women. ILO's (2021) research confirms that talks about technology, creative design, and multimedia are predominantly undertaken by men, mirroring the occupational segregation prevalent in the IT sector. This pattern is also evident in national surveys conducted in Russia and Ukraine ⁽²⁹⁾. Jobs predominantly performed by women encompass professional services, covering the legal sector, translation, editing, writing, as well as sales and marketing roles ⁽³⁰⁾. A deeper look into the data and adjusting for various fundamental factors (e.g. gender, marital status, household size, children under six years of age, educational level, migration status, main platform, etc.) shows that there appears to be a lack of conclusive evidence regarding a gender pay gap on freelance platforms. Overall, particularly in developing nations, women tend to have marginally higher average hourly earnings than men for paid tasks on microtask platforms. This trend primarily stemmed from women having higher qualifications than men and engaging in tasks better paid in certain regions ⁽³¹⁾. Therefore, regarding gender employment relationships, as stated by ILO, the scope of platform work raises challenging inquiries concerning the regulation of discrimination issues ⁽³²⁾.

⁽²⁷⁾ ILO, *World Employment and Social Outlook 2021*.

⁽²⁸⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*, 18.

⁽²⁹⁾ A. Shevchuk, D. Strebkov, *Freelance platform work in the Russian Federation: 2009–2019*, ILO Working Paper 2021, 38. ILO, https://www.ilo.org/global/publications/working-papers/WCMS_815254/lang--en/index.htm; M. Aleksynska et al., *Work on Digital Labour Platforms in Ukraine : Issues and Policy Perspectives*, ILO 2018; M. Aleksynska; A. Bastrakova, and N. Kharchenko, *Work on Digital Labour Platforms in Ukraine: Issues and Policy Perspectives*, 2018, ILO, https://www.ilo.org/travail/WCMS_635370/lang--en/index.htm. Accessed: March 10, 2024.

⁽³⁰⁾ ILO, *World Employment and Social Outlook 2021*.

⁽³¹⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*, 20

⁽³²⁾ U. Rani, N. Gobel, R. Kumar Dhir, *Experiences of women on online labour platforms: insights from global surveys*, *op. cit.*, 20.

The Gender and Platform Work global report ⁽³³⁾ by Fairwork (2023) finds that women workers' experiences in platform work are indeed both produced by and reproduce gender-based discrimination. The report highlights that women workers face unequal access to platform work, that they earn less than a living or even minimum wage and that they are conducting unpaid work in the gig economy, especially in the feminized sector of platform work such as domestic, beauty, and care work. The Report also stress that women workers report unsafe working conditions, including sexual harassment and violence and experience gender-based discrimination and abuse by platforms and consumer ⁽³⁴⁾.

As previously mentioned, the emergence of the platform economy has ushered in a new era of employment, challenging traditional notions of work and labour relations. This paper delves into the legal issues surrounding working conditions and social protection rights in the platform economy, synthesising key findings and highlighting areas of contention and potential avenues for legal reform.

Recent research in emerging evidence and policy debates, such as the study by Joyce et al., ⁽³⁵⁾ emphasises the significance of well-founded empirical analysis; it highlights the importance of comprehending the motivations behind entering platform work, the accompanying conditions, and the social protections provided to platform workers. Despite policymakers contending with the unique characteristics of platform employment amid a changing employment environment, the discourse frequently lacks empirical support, resulting in conjectural debates and disjointed policy endeavours. Scholars stress the necessity of nuanced analyses grounded in empirical evidence to inform policy responses effectively. International organisations and scholars stress the need for adaptive social protection systems to accommodate the evolving nature of work, including platform employment. A study by Behrendt et al. highlights the gaps in social security coverage for platform workers and calls for equitable and sustainable financing mechanisms to ensure adequate protection for all workers. Similarly, Sieker ⁽³⁶⁾ argues that the accessibility of social protection systems shapes countries' responses to platform work, with wide access correlating to integrative policy approaches. Consequently, national perspectives and legislative responses were raised.

National legislatures grapple with incorporating platform workers into existing labour law regulation and social protection frameworks. The France case elucidated by

⁽³³⁾ Fairwork, *Gender and Platform Work: Beyond Techno-solutionism*, 2023, 3, is based on research into working conditions on online platforms spanning four years, 38 countries, over 190 unique platforms, and interviews with more than 5000 platform workers.

⁽³⁴⁾ Fairwork, *Gender and Platform Work: Beyond Techno-solutionism*, 2023.

⁽³⁵⁾ S. Joyce, M. Stuart, C. Forde, and D. Valizade, *Work and Social Protection in the Platform Economy in Europe*, in *Advances in Industrial and Labor Relations*, 2019, 25, Emerald Publishing Limited, Leeds, 153-184, <https://doi.org/10.1108/S0742-618620190000025009>.

⁽³⁶⁾ F. Sieker, *Platform work and access to social protection across major European countries* in *Journal of International and Comparative Social Policy*, 2022, 38, 3, 193-207, doi:10.1017/ics.2022.13.

Daugareilh ⁽³⁷⁾ Offers a detailed portrayal of legislative endeavours to incorporate platform workers into the social security framework. Nonetheless, contrasting viewpoints regarding employer accountability and voluntary corporate actions hinder endeavours from guaranteeing comprehensive social safeguards. These legislative strategies risk fragmenting social advantages and eroding the solidarity inherent in conventional social security systems. Pei ⁽³⁸⁾ outlines the legal challenges inherent in the platform economy, emphasising the need for substantial legal reforms to address precarious labour conditions and income volatility platform workers face. Moreover, Pei underscores the role of socio-cultural factors and educational awareness in shaping platform labour relations, calling for proactive adaptation to foster equitable and inclusive employment practices.

As the platform economy reshapes the labour landscape, navigating the legal terrain surrounding working conditions and social protection rights remains paramount. Concrete efforts are needed to address gaps in social security coverage, promote responsible corporate practices, and enact adaptive legal frameworks that uphold the rights and dignity of all workers in the platform economy.

The research part of the paper analyses the gender economic and legal characteristics of digital platform work and points to the new opportunities and challenges that arise with it.

4. Data and Results

4.1. Gendering Economic Digital Platforms Working Conditions

Advancements in mobile phone technology, the internet, artificial intelligence, and the expanding data economy have pushed the explosion of digital platforms enabling remote work. Presently, individuals and businesses worldwide can easily tap into the internet to immediately engage freelancers capable of offering diverse services remotely. We are witnessing the strong development of new forms of flexible labour market, characterized by a high level of precariousness. The term “precarious employment” is used to describe different forms of non-standard employment associated with low pay and dangerous working conditions ⁽³⁹⁾ work that departs from the model of a full-time, year-round employment relationship with a single employer

⁽³⁷⁾ I. Daugareilh, *Social protection and the platform economy: The anomalous approach of the French legislator*, *Special Issue: Social protection for digital platform workers in Europe*, 2021, 74, 3-4, July-December 2021.

⁽³⁸⁾ R. Pei, *Labor Rights Protection under Platform Economy: Legal Challenges and Innovative Explorations*, *Science of Law Journal*, 2023, 2, 131-136, <http://dx.doi.org/DOI: 10.23977/law.2023.021219>.

⁽³⁹⁾ A. Obadić, V. Viljevac, *Temporary Employment: Worrysome Myth or the Reality of the EU Labour Market?*, Proceedings of FEB Zagreb 10th International Odyssey Conference on Economics and Business, 2019; A. Obadić, *Influence of technological change and digital technology on job polarization and occupational change*, in G. Družić, and T. Gelo (eds.), *Conference Proceedings of the International Conference on Economics of Decoupling (ICED)*, 2020.

(40). With the rise of the “sharing” or “gig” economy, new companies are using technology to initiate connections between workers offering *ad hoc* labour and third parties in need of tasks performed (41).

In general, very limited and questionable data on the share of digital platform work, workers and clients involved in platform work and on the tasks, revenue and value-added created, are available across Europe. Possible explanations refer to the novelty of this employment form, a general lack of administrative data and the unclear definition of what constitutes platform work. Considering all these difficulties regarding the formally organised data availability for digital platform work, for the analysis of macroeconomic working conditions, we have used internationally registered data from the ETUI survey (42) and the Eurostat data obtained from the pilot survey(43).

The ETUI survey was carried out via computer-assisted telephone interviewing (CATI) and addressed to a representative sample of adults (aged 18-65) residing in the country of the interview. The total number of interviews included was 24108 respondents from 14 EU countries. The data are available only for the aggregate level of analysed countries. Approximately one-quarter of platform workers fall into the category of “main” platform workers. Platform employment constitutes a substantial portion of this group's working lives. The ETUI classification criteria for “main” platform work are dependent upon their working hours and earnings, encompassing individuals who report dedicating over 20 hours weekly to digital labour platforms or obtain more than 50% of their income from such work (44).

According to an ETUI survey, young people (aged 18-24) are significantly overrepresented within the platform workforce, with 24% and 26% of “main” platform workers. As far as gender composition is concerned, men indeed prevail among internet

(40) R. Brazilay, A. Ben-David, *Platform Inequality: Gender in the Gig-Economy*, *Seton Hall Law Review*, 2017, 47, 393-431.

(41) M. Carboni, *A New Class of Worker for the Sharing Economy*, 22, <https://perma.cc/RY6C-7KRS>.

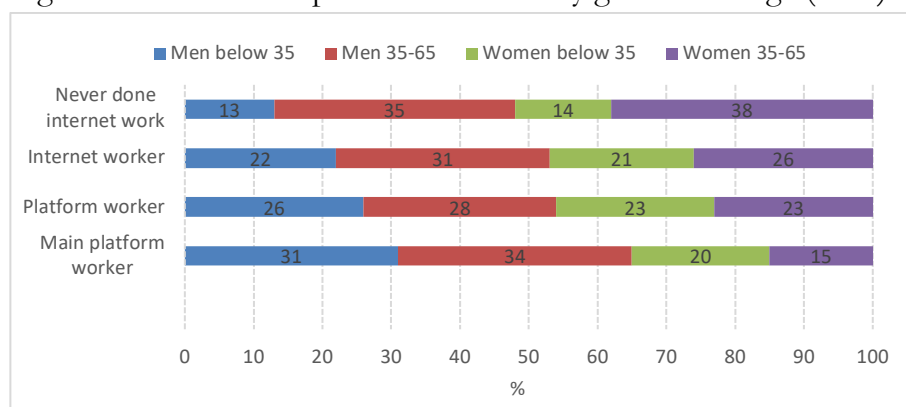
(42) The second wave (the first wave was in 2018-2019) of the ETUI Internet and Platform Work Survey (ETUI IPWS) was carried out in Spring 2021. Geographical coverage was also expanded in comparison to the first wave which was based on 5 countries from central and eastern Europe (Bulgaria, Hungary, Latvia, Poland and Slovakia). The second wave covered 14 European countries, ensuring a balance in terms of geographical areas and labour market regimes (other than Nordic countries) and including Austria, Bulgaria, Czechia, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Poland, Romania, Slovakia and Spain (A. Piasna, W. Zwysen, and J. Drahokoupil, *The Platform Economy in Europe*, 9).

(43) The pilot data collection on digital platform employment consisted of a small-scale preliminary survey. It was designed to evaluate and refine the research methodology, questionnaire design, data collection procedures, and overall feasibility of a full-scale survey. The specific questions on digital platform employment were included as a module questionnaire in the EU Labour Force Survey (LFS), and countries participated voluntarily. The data were transmitted by 16 EU countries: Belgium, Denmark, Ireland, Greece, France, Italy, Cyprus, Latvia, Hungary, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia and Finland, and one EFTA country, Norway (Eurostat, *Employment statistics - digital platform workers, op. cit.*).

(44) A. Piasna, W. Zwysen, and J. Drahokoupil, *The Platform Economy in Europe*, 53.

(53% male) and platform (54% male) workers, with the share of women being lowest among “main” platform workers (35%), (see Figure 1).

Figure 1. Internet and platform workers by gender and age (in %)



Source: Piasna (2022) according to ETUI IPWS survey.

The gender disparity in platform labour is striking. Women comprise a significant majority of on-location workers, accounting for 64% of this group, primarily composed of young women delivering care services. Gender balance characterizes platform-based “click work” or “microtasking”. However, in the transport sector, 82% of workers are male, while remote professional activities are predominantly male at 68%.

The ETUI IPWS also shows that remote professional platform workers are notable for their generally higher levels of education, with over half possessing tertiary qualifications. On the other hand, the proportion of workers with lower qualifications is highest among those engaged in transport-related tasks. Delivery and on-location platform workers share similarities with transport workers in their low representation of highly educated individuals. However, they do show a relatively higher proportion of workers with intermediate qualifications⁽⁴⁵⁾. Earnings from internet and platform work tend to be markedly low, representing only a minor portion of most workers' overall income. The lowest pay rates are observed in click work, where the median worker earns €50,00 per month, followed by delivery (€100,00) and transport (€113,00). A small group, comprising around 5-10% of internet and platform workers, achieves substantial earnings, particularly through accommodation rental, remote freelance work, and transport-related tasks⁽⁴⁶⁾. Unfortunately, the ETUI survey did not investigate earnings by gender.

According to Eurostat pilot data collection conducted in 2022 on digital platform employment (DPE), among 17 EU and EFTA countries for which aggregate data is available, 3.0% of all people aged 15 to 64 performed at least one hour in DPE in the last 12 months. Among them, the majority (80.1 %) reported only one type of digital

⁽⁴⁵⁾ *ibid.*

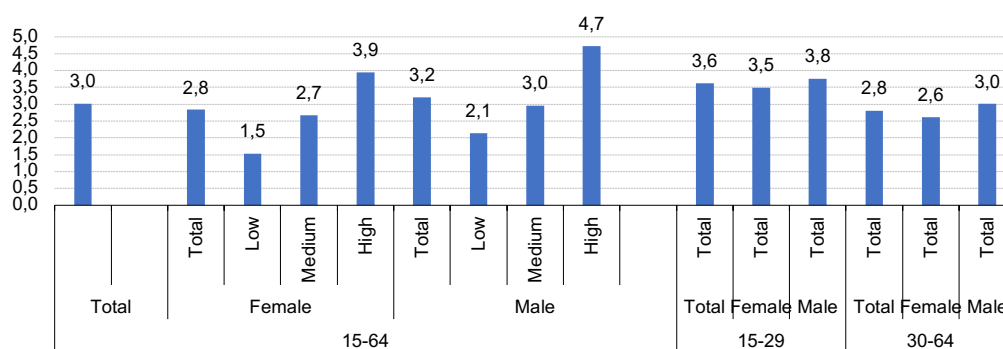
⁽⁴⁶⁾ *ibid.*

platform activity while 15.5% worked in two different categories of digital platform employment, 3.3% in 3 categories and the remaining 1.0% in 4 categories or more ⁽⁴⁷⁾.

Concerning the type of tasks or activities, 1.0% of individuals aged 15-64 indicated engagement in transport services, encompassing the delivery of food or other items for compensation via internet platforms or apps within the past year. Following closely, the category of 'goods selling' ranked second, with 0.7% of individuals in the same age group reporting involvement in selling items acquired, purchased, or manufactured expressly for resale. Subsequently, the category of 'taxi services' was reported by 0.4% of individuals. Regarding the type of task or activity, 1.0% of all reported working at least one hour in transport services, i.e., the delivery of food or other goods for pay or profit through an internet platform or app in the last year. Further it was followed by the category 'taxi services' with 0.4% of all people aged 15-64 ⁽⁴⁸⁾.

For a deeper understanding of the demographic characteristics of digital platform workers in 2022, Figure 3 illustrates the share of people who reported engaging in digital platform employment within the past 12 months, segmented by gender, age, and educational attainment. The data reveals that males aged 15-64 were more likely to work in digital platform or app-based work (3.2% of all males aged 15-64) compared to females within the same age bracket (2.8%). Additionally, among age groups, a higher proportion of young individuals aged 15-29 participated in digital platform work (3.6%) compared to those aged 30-64 (2.8%).

Figure 2. Digital platform workers for at least 1h in the last year by age, sex and level of education (in % of all people in each category)



Note: The data refers to the aggregate of 17 countries included in the pilot survey.

Source: Eurostat (2023) according to pilot study.

The data reveals that males aged 15-64 showed a higher likelihood to work through digital platform or app-based work (3.2% of all males aged 15-64) compared to females within the same age group (2.8%), indicating a gender difference of 0.4% points.

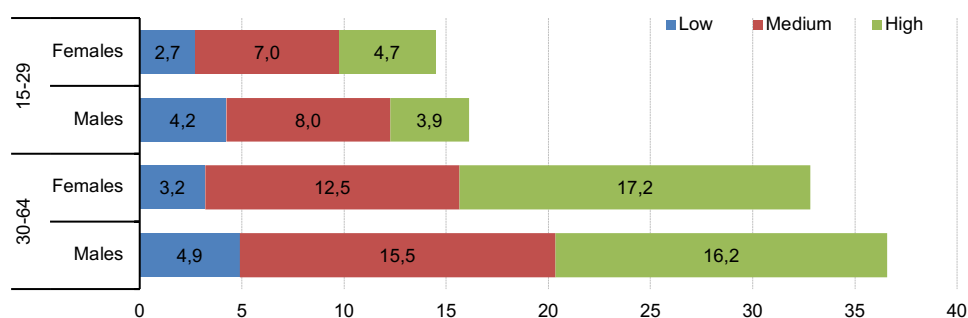
⁽⁴⁷⁾ Eurostat, *Employment statistics - digital platform workers*, *op. cit.*

⁽⁴⁸⁾ *ibid.*

This trend was consistent across both younger individuals aged 15-29 and those aged 30-64, with respective gender differences of 0.3 and 0.4% points. Looking at age groups, individuals aged 15-29 shown a greater proportion of digital platform workers (3.6%) compared to those aged 30-64 (2.8%). Specifically, within the younger age group, 3.5% of females and 3.8% of males reported engaging in digital platform employment within the past 12 months, contrasting with 2.6% and 3.0% for their female and male counterparts aged 30-64, respectively.

Interestingly, people with a high level of education i.e., those that attained a tertiary degree, recorded a higher share of digital platform employment than people with a medium level of education i.e. upper secondary at most or with a low level i.e. lower secondary at most. Females and males aged 15-64 with a high level of education recorded a share of 3.9% and 4.7% respectively, compared with 3.0% or less for females and males with a medium or low level of education ⁽⁴⁹⁾. Figure 3 shows the distribution of people who worked at least one hour through a digital platform or app during the last year by age, sex and level of education.

Figure 3. Digital platform workers by age, sex and level of education (as % of all digital platform workers for at least 1h in the last year, aged 15-64)



Note: The data refers to the aggregate of 17 countries included in the pilot survey.

Source: Eurostat (2023) according to pilot study.

It is striking that a significant portion, one-third (33.4%) of digital platform workers were individuals aged 30-64 who possessed a high level of education.

When examining working conditions and payment according to Eurostat pilot data among all 17 countries, the situation is not as favourable as one might assume. Among digital platform workers who completed tasks or activities for pay or profit in the last month, 33.5% worked for 1 to 9 hours, 22.2% worked for 10 to 29 hours, and 22.7% worked for more than 30 hours, while 21.7% worked for less than 1 hour during the month⁽⁵⁰⁾. Another notable discovery concerns income from digital platform

⁽⁴⁹⁾ *ibid.*

⁽⁵⁰⁾ *ibid.*

employment as over half of the workers (52.2%) reported that their platform income formed less than a quarter of their total personal earned income in the last month. On the contrary, slightly less than one-fourth (23.4%) reported that their platform income accounted for three-quarters or more ⁽⁵¹⁾.

Considering the social insurance coverage, the situation is even worse. More than half of the digital platform workers reported that they were not covered in case of unemployment, sickness, and work-related accidents. The share of digital platform workers covered by at least one platform or app in case of unemployment and sickness was respectively 6.3% and 6.4%, and 8.3% in case of work-related accidents ⁽⁵²⁾. Gender differences were observed in this regard: females were more inclined to initiate and offer their work or service independently (56.6%) compared to males (45.7%). Additionally, males were more likely to receive tasks directly from the platform or app (29.1%) than females (17.6%) ⁽⁵³⁾.

The results of our research, which analysed both surveys conducted, led to very similar results showing that working conditions on digital platforms in all EU member states are still very insecure, poorly paid, and belong to the type of precarious employment. For that reason, for several years, EU members have been working intensively on strengthening the legal regulations in the field of work on platforms, which will be discussed in more detail in section 4.2. Croatia is one of the few member states that succeeded among the first. Since January 2023, through changes to the Labor Act, Croatia has regulated platform work, introduced a higher level of protection through the introduction of joint and several obligations, introduced the assumption of an employment relationship, and developed an information system for monitoring platforms (see Case of Croatian JEER System in box).

⁽⁵¹⁾ *ibid.*

⁽⁵²⁾ *ibid.*

⁽⁵³⁾ *ibid.*

Case of Croatian JEER System

According to the transitional provisions of the Labor Act, employers who work through digital work platforms have time until July 1, 2024 to fully harmonize their operations with the new legal requirements, which also refer to registration and data entry into the *Unique Electronic Record of Work System* (*brv. Jedinstvena elektronička evidencija rada - JEER*). The data in the system are still not complete because during 2024 there is still a transitional period regarding the mandatory registration of aggregators in the unified electronic work record system. However, during the first three months of 2024, aggregators started registering in JEER System. The System already has a large amount of data, concerning the number of digital work platforms, the number of their aggregators, and the number of physical persons performing work. At the end of March 2024, the number of registered digital work platforms is 3 (the Ministry is still waiting for the registration of the fourth large platform in the Republic of Croatia, which should significantly increase the number of data on aggregators and employees); the number of registered aggregators is 882 and the number of physical persons (employees) is 8,617 (when the fourth platform will be registered, the Ministry expects around 10,000 platform workers).

Concerning the types of contractual relationships in which physical persons perform work via digital work platforms, the highest number of work contracts concluded with an aggregator (8,322) was recorded, the number of self-employed persons is much smaller (571), while even fewer are accounted for by performance contracts of student jobs (119) and work contracts (76), and several of them also work through contracts for the occasional work of full-time students (8).

Note: the information is gathered from Josipa Klišanin, Ministry of Labour, Pension System, Family and Social Policy, Directorate for Labour and Occupational Safety and Health, Head of Sector.

4.2. Gendering Digital Platform Social Protection Legislation

The platform economy stands out for its intended nonappearance of worker protections. The absence of formal employee status consciously excludes platform workers from various public social insurance systems, which is crucial for ensuring sufficient and lasting protection⁽⁵⁴⁾ guaranteed to all “regular” workers.

A legislative initiative was launched to regulate the status of platform workers at the EU level. In October 2024, the text of the European Parliament's and the Council's Directive on improving working conditions in platform work (Platform Work Directive) was finally adopted⁽⁵⁵⁾. After the first Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work (COM/2021/762) from 2021, text passed several changes before the negotiations with the European Parliament began on 11 July 2023, and it was concluded with an agreement reached on 8 February 2024. Finally, in April 2024, the European Parliament adopted the Platform Workers Directive to enhance employment law protections for

⁽⁵⁴⁾ A. Hunt, E. Samman, *Domestic Work and the Gig Economy in South Africa: Old wine in new bottles?*, *Anti-Trafficking Review*, 2020, 15, 102–121, <https://doi.org/10.14197/atr.201220156>, Accessed: March 15, 2024.

⁽⁵⁵⁾ Council of the European Union, Proposal for the Directive of the European Parliament and of the Council on improving working conditions in platform work - Analysis of the final compromise text with a view to agreement, Brussels, 8 March 2024. Available at: <https://data.consilium.europa.eu/doc/document/ST-7212-2024-ADD-1/en/pdf>. Accessed: October 17, 2024.

platform workers across the EU. The member states will have two years to implement the directive into their national legislation when the text is published in the Official Journal of the EU. This legislative development addresses employment classification's complexities within the EU member states' platform. The Platform Work Directive addresses the pervasive issue of employment status classification among platform workers, a segment comprising a substantial portion of the EU's workforce. Presently, a significant proportion of the EU's approximately 28 million platform workers, spanning diverse sectors such as transportation, domestic services, and food delivery, are officially self-employed. However, in practice, their employment conditions often mirror traditional employees. This classification allows platform companies to circumvent their obligations and evade the associated costs of genuine employment. The directive aims to rectify this by addressing misclassification and facilitating the reclassification of affected workers as employees, ensuring they receive the appropriate labour protection. The directive's most important intervention is the obligation for Member States to establish a legal presumption of employment in their legal systems, to be triggered when facts indicating control and direction are found.

Earlier attempts to secure consensus on the Platform Work Directive under the Spanish Presidency faced resistance from 12 Member States, including France, which expressed reservations regarding specific provisions of the proposed legislation. However, renewed efforts were undertaken to broker an agreement. The resultant provisional deal retains key elements from previous proposals. These include establishing a presumption of salaried status for platform workers, with platforms assuming the burden of proof to demonstrate otherwise. Additionally, the directive introduces regulations concerning algorithmic management, stipulating that workers cannot face adverse employment decisions solely based on automated algorithms. The directive mandates human oversight on significant decisions affecting platform workers to ensure fairness and accountability in the workplace.

Despite the comprehensive provisions aimed at safeguarding the rights of platform workers, the compromise reached on the directive needs to incorporate European-wide criteria for identifying potential employment relationships. Instead, the determination of such relationships will be subject to national laws and collective bargaining agreements.

In summary, the Platform Work Directive represents a significant stride in EU labour law, providing comprehensive protections for platform workers and setting a precedent for regulating algorithmic management practices in the workplace. Through this dialogue, policymakers and stakeholders are encouraged to explore innovative regulatory frameworks that can adapt to the evolving nature of work in the digital age.

5. Conclusion and Policy Recommendations

The results of macroeconomic variables of working conditions according to two available surveys on digital platform work led to similar conclusions and provided unequivocal answers to our research questions. Young people (18-24) are significantly overrepresented within the platform workforce. The share of women among primary platform workers is much lower, but their domination prevails in delivery care services. Remote professional platform workers have higher levels of education and lower levels of qualification, which are highest among those engaged in transport-related tasks. Earnings from internet and platform work tend to be markedly low, but there is no data availability according to gender. Regarding working conditions and social insurance coverage, the situation worsens considerably. Over half of the workers stated a share of platform income corresponding to less than a quarter of the total personal earned income in the last month. Over half of digital platform workers stated they lacked protection in unemployment, illness, and work-related accidents.

Legal research highlights several fundamental limitations, such as gender inequality and lack of conclusive evidence on the gender pay gap. Despite initial expectations that digital platforms would reduce gender inequality, research from the ILO demonstrates persistent disparities. Women face obstacles entering the platform economy, with limited participation in riding and delivery services dominating the gig workforce. Moreover, there is gender segregation in job types, with men dominating technology-related fields while women are concentrated in traditionally feminised sectors like domestic work and healthcare. In determining the existence and extent of a gender pay gap on the platforms despite adjustments for various factors, conclusive evidence remains elusive, particularly in developing countries where women may have marginally higher earnings due to higher qualifications and engagement in better-paid tasks. A critical gap that has to be further discussed is gender-based discrimination and unsafe working conditions. Women workers report unsafe working conditions, sexual harassment, and violence, indicating systemic issues of gender-based discrimination and abuse by platforms and consumers.

Policymakers struggle to develop comprehensive and effective policy responses to the challenges posed by platform employment. The discourse lacks empirical support, leading to conjectural debates and disjointed policy efforts. National legislatures face difficulties incorporating platform workers into existing labour law regulation and social protection frameworks, risking fragmentation and solidarity erosion of social benefits.

The new Platform Work Directive represents a significant shift in future regulation. In terms of labour law regulations and potential developments, the labour law fair practices that are described as fair treatment of employees, including fair wages, reasonable working hours, and non-discriminatory practices by developing the new directive could involve stricter enforcement of existing labour laws or even the creation of new regulations specifically tailored to the platform economy at the national level.

This could include defining clear guidelines for fair pay and benefits for workers, ensuring access to adequate healthcare and retirement benefits, and protecting their rights against unfair termination of the employment contract or discrimination. The new directive as legislation of minimum harmonization allows the national regulations at the EU level to introduce a stricter regulatory regime to protect platform workers. On

Possible developments in the regulation could increase oversight by labour regulatory bodies, potential fines or penalties for platforms that violate fair labour practices, and the establishment of mechanisms for platform workers to report abuses or violations. Most of the platforms use algorithms to match workers with tasks or consumers. However, these algorithms can sometimes perpetuate biases, leading to unfair treatment or discrimination against certain groups of workers. Developing this proposition may involve implementing measures to audit and regulate these algorithms to ensure they are fair and unbiased.

As we accentuated before in this paper, workers often lack the protections and benefits that traditional employees enjoy, such as healthcare, paid sick and mother leave, and unemployment insurance. Developing regulation could involve extending existing labour protections to platform workers or creating new legal classifications that guarantee them rights and benefits like traditional employees.

Possible consequences could include resistance from gig economy platforms, who may argue that increased regulation could restrain innovation or lead to higher consumer costs. There may also be challenges in enforcing new regulations, primarily if platforms operate across multiple jurisdictions with different labour laws. Additionally, there could be unintended consequences, such as some platforms scaling back operations or reducing opportunities for gig workers in response to new regulations. Overall, striking a balance between protecting gig workers' rights and maintaining the flexibility and convenience of the gig economy will be vital in implementing these propositions effectively.

Ultimately, we can conclude that platform work triggers certain controversies due to insecure working conditions (not having regular working hours, not paid sick time, not having access to extended health coverage or pensions, etc.). The platform work economy has fuelled debates about labour rights, worker protections, and the classification of platform workers. Some argue platform workers should have more employment benefits and protections, while others support flexibility and autonomy. In such a way, the platform economy provides opportunities for individuals seeking additional income or flexibility. Still, it can also pose challenges related to job security, access to benefits, and income stability.

To address gender inequality in the platform economy, platform companies and policymakers must ensure fair practices, reduce algorithm bias, provide better protections and benefits for gig workers, and promote inclusivity and diversity in platform leadership. Raising awareness and advocating for gender equality within the platform economy is crucial for fostering positive change. In summary, the complexities

and challenges inherent in legal research on employment relations in the platform economy include persistent gender inequalities, fragmented policy responses, and the need for substantial legal reforms to ensure equal rights for all workers.

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