Regulating and protecting work on digital labour platform. Towards a techno-regulation approach
OVERVIEW


2. Transformations of law in *cloud society*. The paradigm of techno-regulation.

3. An integrated system for protecting *crowdwork*. 
THE EUROPEAN LEGAL FRAMEWORK

- The European Commission, on 2 June 2016, produced a European Agenda for the Collaborative Economy to establish a new paradigm of protection for digital workers.

- On 15 June 2017 a European Parliament Resolution recommended that the Commission verify to what extent the Directive on temporary agency work could be applied to digital work platforms.

- Court of Justice of the EU judgement on the «Uber case» which recognizes the service offered by Uber in the transport sector.

THE DIGITAL INTERMEDIATOR: DIRECT APPROACH VERSUS INDIRECT APPROACH

The doctrine (Risak, 2017; Coutouris, De Stefano, 2019) is based on two approaches: DIRECT AND INDIRECT.

INDIRECT APPROACH, ON WHICH OUR MODEL IS BASED.

Main features:
- transparency requirement;
- consumer protection and fair competition;
- reputational feedback system.

Other Authors (De Stefano, Wouters 2019) supported the applicability to the digital work platforms of the international discipline on private employment agencies (ILO CONVENTION N. 181/1997)
“(…) the question of new forms of work must be approached from a point of view diametrically opposed to traditional approaches: that is, from the assumption that every effort which defines a contractual area – which is, by nature, fluid and changeable – is futile. The issue must be addressed by focusing “on the side of safeguards” rather than on the definition of the contractual relationship”

Marco Biagi, Progettare per modernizzare (introduzione alla documentazione progettuale raccolta in T. Treu, Politiche del lavoro, il Mulino, 2001)
Digital labour platforms are an example of phenomena typical of the information society: contexts in which economic and social interaction is mediated by ICT, in which our activities are enabled and materially conditioned throughout their development by digital technologies.

In such scenarios the technology tends to be configured not only as an object of regulation, but also as an integral part of the regulatory process.
SIC IMPLEMENTATION

• Every person involved is able to monitor the information relative to the state of the production process.

• Not only record and decentralise information, but also monitor its correctness in accordance with the requirements of the agreed institutional regulatory framework.

• Reputational alert finalized to signal the violation.

• The SIC is also able to create a personalized register of each crowdworker’s job realized through the platform.

• Introduction to the SIC of a public app downloadable free by any potential crowdworker.
THE DIGITAL WORKER’S PERSONALIZED REGISTER

• A personalized register is created by the APP for each worker, through which each company deducts part of the earnings accumulated in an updated version of the traditional end-of-relationship treatment.

• Conceptually, such a system could supplement a guaranteed minimum income with the personal Activity Account (CPA).

• The income for the inactivity phases (RePI) calculated on the basis of the information in the App would be financed by the deductions paid by companies and could complement a conditional minimum income and forms of social security and welfare financial support.

• Public App could integrate a model for each person in search of work. By including this device as a public SIC APP, the system offered by the ICC would cover all types of work: permanent, contingent, digitised, etc.
Open questions for debate:

- Hybrid nature of platform-mediated activities: discipline problems.
- Choice of law and jurisdiction according to criteria of convenience (for example tax).

It is important to adopt regulatory strategies at European level and models such as the SIC.