



# EDICOLA INAPP

## Rassegna Stampa

### “Gig working e economia delle piattaforme”

Selezione di articoli sul tema nel periodo giugno-settembre 2019

Documento ad uso interno

*La presente Rassegna stampa è stata realizzata da INAPP in qualità di Organismo intermedio del PON SPAO in qualità di Organismo intermedio del PON SPAO con il contributo del FSE 2014-2020 Asse V Ambito di attività Informazione e Comunicazione, a supporto dell'azione 11.1.4 Ambito 1*

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**LYFT, UBER AND UNIONS TALK ABOUT EXEMPTING DRIVERS**

David Huerta, the president of the United Service Workers West, an S.E.I.U. local in California, said in a statement, "Neither Uber nor S.E.I.U. have ever pushed forward anything that would take away employee status for gig workers or advocate for independent contractor status for any gig worker." Mr. Huerta said he has attended internal and external meetings about gig workers with Ms. Hernandez. Uber and Lyft have made clear in their conversations with labor leaders that full employment status is a nonstarter, according to an industry official. An Uber spokesman cited a line from a recent op-ed article by the chief executives of Uber and Lyft that said, "Our companies are ready to provide additional protections that workers need and deserve today." A Lyft spokesman declined to comment. There is precedent for Uber's negotiating a deal with a union that stops short of granting drivers employee status. In 2016, Uber announced an agreement with a regional branch of the International Association of Machinists and Aerospace Workers to create an organization for drivers in the New York City area. That deal has drawn criticism within organized labor, but machinists' leaders argued that the agreement was the best they could achieve. Without the organization, for example, the union would have no way to contact all of Uber's New York City drivers, making it difficult to organize them. Dues are voluntary, but drivers who pay them have more say in the organization's decisions. But in California, labor groups and ride-hailing drivers, who number more than 100,000, find themselves with considerably more leverage, thanks to the state Supreme Court ruling. "We won a court case that gave workers rights," said Cesar Diaz, the political and legislative director for the State Building and Construction Trades Council. "To cut some kind of deal that takes away rights, that is not what labor unions are about." Mr. Diaz said that any move to include exemptions in the legislation could open the door to denying full employment protections to workers in other sectors. In its 2018 decision, the state Supreme Court ruled that workers should be considered employees if they performed a task that was part of the "usual course" of a company's business. Most legal experts concluded that driving was central to Uber's business and that drivers must be considered employees under the ruling, said Veena Dubal, a professor at the University of California Hastings College of the Law. This May, the state's Assembly passed a bill that would extend the ruling in certain respects and limit it in others. The court ruling applied mainly to minimum wage and overtime laws, while the legislation, Assembly Bill 5, would apply to all aspects of employment, including unemployment insurance, workers' compensation and paid sick days. At the same time, the bill exempted certain high-paying professions from the Supreme Court ruling, such as doctors and real estate agents. Over all, millions of workers in the state could be affected by the legislation, including construction workers, janitors, house cleaners, cable installers, truckers and delivery drivers. In July, the State Senate will hold hearings on the measure. Legislators working with Uber and Lyft could attach an exemption for drivers or write separate legislation to do so. Despite the S.E.I.U.'s insistence that it supports the bill and full employment status for drivers, the union appears willing to continue negotiating with Uber and Lyft. It has created what it calls a "national bargaining committee to provide national leadership on the negotiations" with the companies, according to an email dated June 21 from Ms. Conroy, an executive vice president of the union, that was reviewed by The New York Times. At stake are billions of dollars in potential costs for the two companies. Industry officials have estimated that relying on employees is about 20 to 30 percent more expensive for gig-economy companies than relying on contractors. In its filing for an initial public offering earlier this year, Uber told investors that having to classify drivers as employees would "require us to fundamentally change our business model, and consequently have an adverse effect on our business and financial condition." Lyft's filing included a similar warning. This spring, the companies won a victory when the general counsel of the National Labor Relations Board, an appointee of President Trump,

concluded that drivers are contractors, meaning they effectively lack the protections of federal labor law. The Trump Labor Department issued a similar verdict, through a so-called opinion letter, a few weeks earlier. California law would mostly supersede those decisions. To fight their legislative battle in California, Uber and Lyft have resorted to a longstanding tactic: trying to mobilize drivers. Uber sent one message to drivers about limits on protections are opening divisions in labor ranks BY NOAM SCHEIBER California's labor movement recently seemed on the verge of a new era for worker rights. A state court ruled that workers in the gig economy should have many of the protections of employment, like a minimum wage and overtime pay. And the State Assembly passed a bill codifying that ruling and adding more protections. But any celebration was premature. Behind the scenes, a few large unions had been meeting with the giants of the ride-hailing industry, Uber and Lyft, to discuss a way to exempt drivers from full employment protections, according to union and industry officials. The talks have created deep rancor within the labor ranks and set unions against one another. Exempting Uber and Lyft from classifying drivers as employees would provide huge savings in labor costs and allow the companies to avert what could be an existential threat to their business. In return, Uber and Lyft which currently classify drivers as contractors have publicly proposed to recognize a labor organization that would represent drivers' interests on certain issues. The companies have also discussed providing drivers with benefits like retirement saving and paid time off and setting certain pay standards. At a meeting of union officials within the last two weeks, the executive director of the California council of the Service Employees International Union, one of the unions in discussion with Uber and Lyft, put forth a proposal along these lines, according to two people who attended the meeting. But on a conference call on Friday with the executive director, Alma Hernandez, and several S.E.I.U. officials in California, one of the union's national leaders, Heather Conroy, appeared to reject the idea, according to a person on the call. Ms. Conroy said the union supported full employee status, including the California bill that would enshrine it. The change in the S.E.I.U.'s apparent openness to exploring less than full employment status comes amid considerable opposition to the idea both inside and outside the union. One local in California, the United Healthcare Workers West, has threatened to oppose such a proposal publicly, according to the union's president, Dave Regan. In mid-June, Héctor Figueroa, the head of a large S.E.I.U. local in New York, urged drivers through its app saying that "unless the California Legislature takes action to modernize the law, you could lose your ability to work with multiple apps and control when and where you choose to drive with Uber," then urged drivers to sign a petition. Uber said tens of thousands of drivers signed. But it's not clear how effective the tactic will be in an era of rising driver frustration over pay and arbitrary treatment, as well as regular driver protests. Not calling drivers employees would save in labor costs.

**China Daily pag.6 · 26-07-2019**

### **STARTUP USES AI TO PAIR 'GIG ECONOMY' WORKERS WITH JOBS (P.LI)**

Startup uses AI to pair gig economy workers with jobs By PAMELA LIN in Hong Kong pamelactlin@chinadailyhk.com With a passion to connect people, veteran entrepreneur Xania Wong who has started four businesses is breaking the glass ceiling while making an impact in society "I think doing business is not just about financial satisfaction, it's also about making social changes," Wong said. Her fourth startup, Jobdoh a hiring platform that connects employers with on-demand and temporary workers currently has about 200,000 users, including employers and temporary-job seekers. The platform, which she launched in 2014, targets the expanding "gig economy", which focuses on temporary positions and short-term contracts. Wong tested the project on hotels and events companies, and received favorable reviews. Jobdoh has a series of questionnaires for job-seekers that include work-experience questions, psychological quizzes, and inquiries about how frequently they use the company's app, and then Jobdoh

uses artificial intelligence to process the data and produce scores for the jobhunters. "We have a proprietary formula to develop a score for everybody who applies for the job, and the scores depend on the type of jobs they applied for," Wong said. The system has drastically reduced the screening time for employers by narrowing down the suitable candidates for the post based on analyses of their data. Users can also upload videos to introduce themselves to create a deeper understanding between employers and employees. Jobdoh will ask employers for their business registration, and individual employers need to provide proof of their address. As for job-seekers, identity cards and photos are needed to prove they can work in Hong Kong legally. Starting innovative businesses is nothing new for Wong. In 2012, her expertise in wine and spirits led to the creation of her third business, Xantana Wine Society, which she's still operating. It provides customized wine solutions for users through the app Wine2Go, with which users can choose a wine based on the flavor and their mood or location. Xantana Wine Society also hosts tastings and other wine events. It was at this time that Wong discovered it's difficult to find short-term employees in the hospitality, industry, and this discovery laid the foundation for Jobdoh. Opportunities in Myanmar Serendipitously, on a trip to Myanmar, Wong sensed the untapped opportunities in the country, which has a large population of young people and two existing wineries that served a diversified drinking culture there. "But I was a bit too early at that time as the internet penetration in Myanmar in 2013 was very low," Wong said. In 2016, when Wong was operating both a wine business and Jobdoh, she revisited Myanmar and realized the time was ripe for the country to embrace the convenience engaged by the accelerated internet access and the growing number of smartphone users. According to World Internet Stats, the internet penetration in Myanmar has spiked from 0.3 percent in 2010 to nearly 30 percent now. In addition, smartphone penetration has soared since 2014, with a growth rate of more than 90 percent. Wong first reached out to schools and universities in Myanmar. Because of the language gap, she chose to visit some universities in Yangon to introduce Jobdoh, and she happened to have a chance meeting with the headmaster of Yangon University of Foreign Languages. "After like five minutes of our presentation, he said he likes our software and would like to use it to improve the placement of students," Wong said. Jobdoh has partnered with the Yangon University of Foreign Languages and Thanlyin Technological University, where Jobdoh gained access to over 8,000 students with foreign language, technical and engineering skills. Wong also brought back her wine services to the country, and her team just held a wine-tasting event in Myanmar. "Myanmar's infrastructure is gradually being set up due to the Belt and Road Initiative. The internet penetration is growing rapidly; they all created a good business environment in Myanmar," Wong said. She added that Jobdoh also helps Chinese companies in Myanmar hire Chinese-speaking Burmese. Connecting people Now focusing on fintech, Jobdoh is improving its payroll system to provide faster payment to employees and convenience in wage transfer and payroll service. It has implemented projects in Thailand, Indonesia, Malaysia, Vietnam, Singapore, Taiwan, and the Chinese mainland as well as Hong Kong and Macao. Looking back, Wong found her businesses were all associated with connecting people. The first one was about "speed dating" for the Asian Canadian community in Canada. Speed dating involves planned events that pair up singles with a large number of potential boyfriends or girlfriends in a short period of time. "We held events to connect all my single guy friends. It was pretty successful and we made some money," Wong said. But the business shut down after she left. The second business Wong started was her first full-time business to connect retail investors with growth-potential startups and businesses. Wong hoped to provide a sustainable vehicle for retail investors that was unlike investing in stocks and other financial products. Unfortunately, the timing to launch the venture wasn't right. "It was in 2008 when the financial crisis hit, and it was very difficult to raise capital for startups around in Hong Kong," Wong said. After working on it for more than a year, the company's staff finally had to move on. Looking back on her business adventures, Wong said it has been a lonely but inspiring journey. "I don't like to see myself as a female entrepreneur. I just look at myself as a general

entrepreneur," she said. Everything is a challenge even though you have a team, including balancing the number of workers and employers, and being involved in company's decision-making, Wong said. With years of making strides forward in startup ecosystem, Wong shared her observation on diversities among male and female entrepreneurs. She said females tend to have psychological barrier internally that they may be less competitive than men generally. "I've seen that guys could be more aggressive with their goalsetting, which makes them present a better story than the females do," she added. However, as females are driving more than half of the global economy, which continues to rise, they are taking major parts in the groups. "A female on the team could help to better understand at least 50 percent of the market," Wong said. INNOVATION Editor's note: One company is gaining traction in the growing trend of employers and employees who are seeking mutual short-term commitments. In China Daily Hong Kong's fourth and final report in its series on female entrepreneurs, Pamela Lin talks to Xania Wong about how her company, fobdoh, has succeeded in this field via rigorous screening and artificial intelligence. 66 I think doing business is not just about financial satisfaction, it's also about making social changes."

**Avvenire pag.19 · 30-07-2019**

**Int. a R.Podda: "PER I RIDERS SPOSTARE IL DIBATTITO SULLE TUTELE" (C.Arena)**

Spostando il dibattito sui riders, e più in generale sui lavoratori della gig economy, dalla dicotomia lavoratori indipendenti o subordinati, alla necessità di garantire diritti previdenziali e assicurativi e metodi di ingaggio più trasparenti. Eavvocato Roberto Podda, socio dello studio legale K&L Gates ed esperto del settore, è convinto che serva un intervento legislativo di lungo respiro che prenda come modello le "umbrella company" americane. Il Decreto dignità avrebbe dovuto affrontare la questione, ma ci sono stati una serie di rinvii tecnici. Adesso si punta ad inserirla nella nuova Legge sul salario minimo, è un'avia percorribile? La battaglia sul salario minimo sarà al calor bianco. Sono contrari sia i sindacati, che temono la fuga dai contratti collettivi, sia le imprese. Il salario minimo per i riders significherebbe dare loro diritto di cittadinanza come lavoratori subordinati e la maggior parte degli imprenditori sarebbero in difficoltà. Ci sono infatti molti piccoli operatori e startup con margini risicati di profitto che soccomberebbero. Ci si interroga sempre sul solito dilemma: se i riders debbano essere lavoratori autonomi o subordinati. Ma il problema non è questo: occorre spostare il dibattito sulle tutele e sui diritti minimi. In che modo si tutela un universo così variegato e in continuo movimento, visto l'elevato turn over e il lavoro a "cottimo"? Serve una soluzione legislativa che ma «Per i riders spostare il dibattito sulle tutele» Bari prenda a modello esperienze che altrove hanno funzionato. In Italia negli ultimi due anni il dibattito è stato superato a destra dai progressi delle parti sociali che hanno capito il cuore della questione. La carta di Bologna elaborata dal Comune nel 2018 sostanzialmente prende atto dell'incapacità di arrivare ad una soluzione sulla forma di contratto e si limita ad individuare delle tutele quali l'indennità minima per il lavoro notturno o in condizioni climatiche avverse, gli straordinari, il riconoscimento di un compenso minimo orario sulla base del contratto nazionale trasporto e logistica, assicurazioni per malattia e infortunio, diritti sindacali. La carta è stata sottoscritta da molti operatori ed è un ottimo punto di partenza. Poi c'è chi si è spinto oltre come la toscana "La consegna" che ha deciso di assumere i riders. La legge della Regione Lazio voluta dal presidente Zingaretti può essere un modello? Si inserisce nello stesso solco della carta di Bologna. Punta a tutelare i lavoratori digitali riconoscendo loro il diritto ad avere un trattamento giusto ed equo, istituisce un fondo per la tutela della sicurezza con un milione di euro. La legge è stata contestata per "eccesso di competenza" ma il governo non l'ha impugnata. Perché di fatto manca un progetto nazionale. Ha accennato ad esperienze internazionali da importare, quali? Negli Usa per dare omogeneità e tutela ai lavoratori della gig economy sono nate le "umbrella company" che vengono pagate dal committente, trattengono quello che serve per i contributi previdenziali e sanitari e versano il netto al dipendente. Solo in un secondo momento

queste company hanno iniziato a svolgere un ruolo di contrattazione sindacale. In Italia è esattamente l'inverso: le organizzazioni sindacali specifiche dei riders si sono organizzate per far sentire la propria voce e chiedere diritti e chiarezza. Servirebbe un intervento del legislatore per la previdenza e assistenza complementare. Un sistema in cui sia il lavoratore che l'impresa pagano una quota senza che si crei un aggravio per la previdenza pubblica. Il tavolo di confronto che Di Maio ha convocato quasi subito dopo il suo insediamento è caduto nel vuoto. La politica deve assumersi le sue responsabilità, avere fantasia e coraggio. Gli altri strumenti di tutela già ci sono: diritti sindacali, meccanismi di democratizzazione delle piattaforme digitali, in particolare per quanto riguarda gli algoritmi alla base dei turni di lavoro. In Italia c'è la legge contro il caporalato, servirebbe estenderla a quello digitale. "Se tu sei bravo secondo i miei parametri ti premio facendoti lavorare di più, se non lo sei ti penalizzo" è una forma di caporalato. I meccanismi premiali devono essere chiari e almeno in parte concordati con i lavoratori. La bozza di decreto legislativo presentata dal governo era rivolta solo ai riders, era limitata e limitativa. L'idea di riunire attorno allo stesso tavolo datori di lavoro e lavoratori era giusta, poi però è mancata la capacità di andare oltre, di fare da guida. Serviva una conoscenza approfondita del settore, con la collaborazione di esperti. Solo così si può arrivare ad una legge astratta e generale che sia in grado di affrontare anche le sfide del futuro. I numeri boom del Food delivery in Italia 556 milioni Il giro d'affari nel 2019 del mercato della consegna cibi a domicilio tramite le piattaforme online 93% 555.000 Le città italiane sopra i 50mila abitanti con almeno un servizio di consegna a domicilio Le ricerche mensili sulla piattaforma Just Eat, prima in Italia davanti a Deliveroo con 142mila Primo comparto mercato online La consegna dei cibi a domicilio attraverso le piattaforme Web è il primo comparto del mercato online nel 2019: con 566 milioni di euro, registra un tasso di crescita del 56% in un anno, come conferma l'Osservatorio eCommerce B2c del Politecnico di Milano e di Netcomm. Boom per tutte le piattaforme che proliferano da Milano, città al top per le richieste di cibo, a Roma e Torino, incalzate da Napoli, Lecce e Palermo. Oggi il 93% dei centri con oltre 50mila abitanti ha servizi di consegna a domicilio, (74% nel 2017) e il 47% degli italiani può ordinare online (33%). Pizza, gelato, hamburger, ramen e wok i piatti più ordinati più per la cena che per il pranzo, dove tra le app la più popolare è Just Eat con 555mi1a ricerche mensili e Deliveroo con oltre 142mila. La domanda "cena a casa" supera in Italia di quattro volte le ricerche su Google "cena al ristorante". Il boom del cibo a domicilio nelle case degli italiani ha portato però secondo un'analisi Coldiretti/Censis un'accesa competizione sui costi tra le diverse piattaforme con offerte gratuite di trasporto, promozioni e ribassi, che rischia a volte di ripercuotersi sull'intera filiera, dal personale ai conti dei ristoratori fino ai loro fornitori dei prodotti agricoli e alimentari.

**la Repubblica pag.10/11 · 22-08-2019**

### **PER 20MILA RIDER SOLO PROMESSE DECRETO IMPRESE ULTIMA BEFFA (M.Patucchi)**

Decreto imprese ultima beffa di Marco Patucchi ROMA «I rider sono il simbolo di una generazione abbandonata». Era il giugno di un anno fa, l'alba del governo gialloverde, e Luigi Di Maio con i galloni di vicepremier, ministro del Lavoro e ministro dello Sviluppo Economico, apriva il tavolo di concertazione con sindacati e aziende del settore. Un avviso ai naviganti: questo esecutivo si occuperà dei più deboli, dei dimenticati, e i giovani (o meno giovani) che a cavallo di biciclette e scooter consegnano la cena a domicilio, sono un emblema. Ma come in un infinito gioco dell'oca, il percorso di Di Maio è tornato alla casella di partenza: dopo un anno di nulla, l'ultimo atto formale da ministro è il Decreto imprese varato "salvo intese" a inizio agosto, che contiene anche le norme sui rider e che, tardivo sforzo di mantenere una qualche promessa, si è perso nel crepuscolo del governo Conte. Niente di nuovo per gli oltre 20mila "ciclisti" che vediamo sfrecciare giorno e notte nelle strade delle nostre città, con la scatola colorata porta-vivande, ormai disillusi dai tanti annunci senza seguito. Peralto, le stesse misure contenute nel decreto, erano state

bocciate dai rider: «Il provvedimento è nettamente al ribasso rispetto alle promesse e alle versioni precedenti che ci erano state presentate dal governo», sottolinea la Riders Union di Bologna, uno dei primi e più affollati sindacati della categoria. Sotto accusa la permanenza, anche se pro quota, del cottimo. Nel testo previste inoltre una "paga oraria", a patto che si accetti almeno una chiamata in quell'ora, e l'assicurazione Inail obbligatoria. Gli addetti delle piattaforme di "food delivery" in Italia sono oltre 20mila, per un giro d'affari di 350 milioni di euro nel 2018. Una ricerca realizzata dalla Statale di Milano spiega che il 115% dei rider lavora per pagarsi gli studi e che il 61% è rappresentato da stranieri (in prevalenza africani). Sempre secondo i dati dell'università milanese, il 54% dei ciclofattorini lavora oltre 40 ore a settimana e il 29% oltre il 50%. Secondo un'altra rilevazione, questa volta di Bankitalia, per il 34% dei rider si tratta della fonte principale di reddito. Insomma, la nuova frontiera del lavoro (precario) e non solo un giro di paghette per arrotondare le entrate. Da qui la sacrosanta richiesta di diritti e tutele che ha portato i rider a proteste e a iniziative provocatorie, come la pubblicazione della lista dei vip che non pagano la mancia. Le uniche proposte concrete sono arrivate in questi mesi dalla magistratura, con la sentenza della Corte d'Appello di Torino che ha stabilito il diritto ad una retribuzione calcolata sul quinto livello del contratto nazionale della logistica, e da alcune Regioni (Piemonte, Emilia-Romagna, Marche e Umbria) che hanno approvato e trasmesso al Parlamento proprie proposte di legge sulla Gig economy. Regolarmente trascurate. I testi regionali introducono un trattamento economico non inferiore ai minimi previsti dal contratto collettivo o dalla contrattazione collettiva più affine; il divieto del cottimo; l'esclusione di algoritmi per l'assegnazione del lavoro e per la valutazione delle prestazioni; il diritto alla malattia, alla maternità, alla "disconnessione" temporanea dalla piattaforma; tutele sulla libertà di opinione e contro le discriminazioni. Stessi contenuti nella legge regionale approvata dal Lazio, ma non trasmessa alle Camere. E, magari, proprio quest'ultima potrebbe diventare terreno di confronto nella formazione di un eventuale governo giallorosso: da una parte il leader del Pd (e governatore proprio della Regione Lazio) Nicola Zingaretti e, dall'altra, Luigi Di Maio (o chi per lui) del fronte pentastellato. «È un bene che anche il governo provi a colmare il vuoto normativo che riguarda i rider aveva detto l'assessore al Lavoro del Lazio, Claudio Di Bernardino, a proposito del Decreto imprese ma lo sta facendo nel modo sbagliato, senza concertazione. Non vogliamo fare i primi della classe e, anzi, crediamo che in materie come queste si debbano evitare forme di concorrenza o di competizione». Se son rose, fioriranno. Ma i 20mila rider italiani non hanno più alcuna voglia di ascoltare promesse. Nessuna traccia dell'ultimo provvedimento Continua a tardare la pubblicazione in Gazzetta Ufficiale del Decreto imprese varato dal governo, con la formula "salvo intese", il 6 agosto scorso. Il provvedimento coinvolge circa 31 mila lavoratori: contiene le misure di regolarizzazione del lavoro dei rider; fondi per i contratti di solidarietà alla Whirlpool di Napoli; la reintroduzione di un'immunità penale (parziale) per proprietari e amministratori della ex Ilva; fondi per le aree di crisi industriale; la proroga a tutto dicembre delle retribuzioni per i lavoratori socialmente utili; la stabilizzazione dei precari dell'Anpal.

**il Sole 24 Ore pag.21 • 05-09-2019**

## **GIG ECONOMY**

Gig economy Rider equiparati ai cococo ma è solo una possibilità Per i rider il decreto legge 101/2019 stabilisce da subito l'equiparazione (facoltativa) con i cococo. Compensi in parte legati alle consegne. Falasca e Prioschi -a pagina 25 Status di co.co.co non vincolante per i lavoratori della gig economy DECRETO CRISI In vigore da oggi le regole per i collaboratori delle piattaforme Spazio alla contrattazione collettiva sulle modalità di retribuzione dei rider Giampiero Falasca Entrata in vigore in due tempi delle nuove regole per i lavoratori della gig economy e i fattorini che consegnano cibi e beni a domicilio (i cosiddetti rider). Le norme del decreto legge 101/2019 pubblicato ieri in Gazzetta Ufficiale, infatti, sono in vigore da oggi solo per la parte in cui si precisa che ai lavoratori delle piattaforme anche digitali (tutti, non solo quelli impegnati



nella consegna di cibo e prodotti) si applicano le norme contenute nell'articolo 2, comma i del Dlgs 81/2015, uno dei decreti attuativi del Jobs act. Con questa previsione il legislatore sceglie di rafforzare e sostenere gli orientamenti della giurisprudenza che hanno considerato lecito l'utilizzo del contratto di collaborazione coordinata e continuativa per i lavori della gig economy. La norma, tuttavia, non individua una qualificazione vincolante e definitiva per tali rapporti, ma deve essere letta come un semplice "suggerimento" del legislatore. Suggerimento che, in quanto tale, potrà essere smentito, caso per caso, in presenza di elementi di fatto utili a conferire una qualificazione differente dal lavoro parasubordinato ai singoli rapporti. Entreranno in vigore in un periodo più lungo precisamente, dopo 180 giorni dall'approvazione della legge di conversione del decreto le regole di natura retributiva dedicate espressamente a una specifica categoria dei lavoratori digitali, i rider, intesi come i «prestatori occupati con rapporti di lavoro non subordinato» che svolgono attività di consegna di beni per conto altrui, in ambito urbano e con l'ausilio di veicoli a due ruote o assimilabili, attraverso piattaforme anche digitali. La principale forma di tutela stabilita dal decreto, da questo punto di vista, riguarda il meccanismo di calcolo del corrispettivo: i collaboratori potranno essere retribuiti in base alle consegne effettuate purché in misura non prevalente. La retribuzione base oraria dovrà essere riconosciuta a condizione che, per ciascuna ora lavorativa, il fattorino accetti almeno una chiamata. I contratti collettivi potranno definire schemi retributivi modulari e incentivanti, che tengano conto delle modalità di svolgimento della prestazione e dei diversi modelli organizzativi; al fine di evitare i tanti nodi interpretativi che accompagnano le nuove regole, sarebbe opportuno che tali intese fossero sottoscritte prima dell'entrata in vigore effettiva delle nuove norme. Il decreto si preoccupa, inoltre, di estendere ai rider la copertura assicurativa Inail contro gli infortuni sul lavoro e le malattie professionali. I relativi adempimenti dovranno essere attuati dalle imprese che si avvalgono delle piattaforme digitali, che sono individuate anche come il soggetto che a proprie spese dovrà attuare le misure previste dal Testo unico sicurezza sul lavoro. Il premio di assicurazione a carico delle imprese soggette all'obbligo di copertura dovrà essere determinato (come prevede l'articolo 41 del Dpr 1124/1965) in base al tasso di rischio corrispondente all'attività svolta, tenendo conto come base di computo del limite minimo di retribuzione giornaliera in vigore per tutte le contribuzioni dovute in materia di previdenza e assistenza sociale.

**Financial Times pag.12 · 09-09-2019**

### **RATINGS SYSTEMS RETURN TO HAUNT THE GIG ECONOMY (A.Hill)**

Ratings systems return to haunt the gig economy I like questionnaires, oddly, but I seem to have spent hours recently filling in or fending off requests for ratings and reviews. Over-eager Airbnb hosts, useless utilities, hit-and-run couriers, family-run hotels with a TripAdvisor obsession, airlines, restaurante, even public toilets, whose panel of germridden grumpy-to-smiley faces is the only survey I always avoid. All want me to quantify my satisfaction. So when a woman with a branded lanyard and clipboard asked me to rate the rental company on a scale of one to 10 after I dropped off our car, I was ready for her. I had arrived first off the plane, but the car I had reserved had been unavailable and it had taken 40 minutes to upgrade me to another model. So, on balance, I thought a modest but respectable seven was in order. The woman frowned. "Eight is better," she pointed out, superfluously, and handed me a card. "You will receive a survey," it read. "Only a nine or a 10 really makes a difference." This I know to be untrue. When California's labor commissioner ruled Uber drivers were employees not contractors in 2015, one piece of evidence was that the ride-hailing group could "deactivate" a driver if his or her rating fell below 4.6 out of 5. Boston University academics who studied 600,000 Airbnb properties, found nearly all had a rating of 4.5 or 5 stars; hardly any ranked below 3.5. Plainly, if the pass rate is 70 per cent or more, the rating that "really makes a difference" is anything lower, because low marks can condemn a rental property, put a driver on

probationand, potentially, get somebody fired. This is where the galaxy of cheerful star ratings becomes an increasingly chilly piece one strangely familiar to anyone who has suffered through a points-based career appraisal. Employers have spent the past few years unpicking or outlawing old-fashioned and oversimplified systems for assessing staff performance. It has been obvious for decades that such "stack ranking" can fuel vicious internal politics and undermine teamwork. But only recently has the shadow of Jack Welch's "vitality curve" the bell-shaped graph that condemned those in the bottom tenth to oblivion started to fade away. In its place, groups such as Accenture and Deloitte, as well as Mr Welch's own alma mater General Electric, have developed cosier coaching and feedback systems. According to Accenture, whose late chief executive Pierre Nanterme pledged a radical overhaul of the old system in 2015, the time senior managers used to waste haggling over forced rankings is now spent providing more frequent and transparent assessments of performance. This shift is mere common sense. Any review system is prone to what experts call the "idiosyncratic rater effect", which is a polite way of saying that bias and discrimination can pollute the outcomes. That applies in particular to "rank-and-yank" assessments, but also to poorly presented feedback. As Marcus Buckingham, a consultant, and Cisco's Ashley Goodall wrote in Harvard Business Review earlier this year: "Because your feedback to others is always more you than them, it leads to systematic error, which is magnified when ratings are considered in aggregate. Having tested such methods to soul-destroying destruction in some of the biggest organisations in the world, it is not merely perverse but positively dangerous to disinter their flaws so they can haunt the gig economy. Discrimination has been one of the first ghosts to re-emerge. Researchers who looked at Uber, concluded that while its rating system was outwardly neutral, it could be a vehicle for, say, racial bias. Academics feel the ratings effect personally. The authors of another paper about Uber pointed out that their own students' evaluations were "relevant for the renewal of teaching contracts, promotion or future applications", and are also suspected of bias. Their study suggested solutions could include giving Uber drivers the opportunity to challenge a bad rating, or appointing a third party who could audit reviews for potential bias. Uber does let drivers rate users, who can themselves be kicked off the app if their bad behaviour pushes their rating below par. This leads to the mutually assured insincerity of high ratings on both sides (the flaw in Airbnb's review system identified in the Boston study) and leaves neither customer nor provider much the wiser. The grim alternative is not much better, though, and I will bear it in mind before I next submit a low mark. It is that everyone slips back into a swamp of personal performance ratings, where customers are cast in the role of rankers-and-yankers, remotely and unwittingly ruling on the fate of individuals just like them.

**Financial Times pag.12 · 12-09-2019**

### **CALIFORNIA BILL CHALLENGES GIG ECONOMY (P.Mcgee)**

The California Senate has passed a bill that threatens the gig economy model, making it tougher for the likes of ridehailing companies Uber and Lyft to classify their drivers as independent contractors. Assembly Bill 5 was set to head to the State Assembly floor yesterday, where it was expected to pass. If signed into law by Gavin Newsom, California's governor, it will take effect on January 1. Mr Newsom has previously indicated he would sign the bill if it reached his desk. However, he told the Wall Street Journal in an interview published yesterday that he was still involved in discussions with Uber, Lyft and similar companies about a possible deal. Shares of Uber and Lyft moved higher after his comments. The new law would pose a challenge for ride-hailing and food delivery companies, which classify drivers as independent contractors rather than employees. That has allowed them to avoid paying a certain level of wages, as well as health benefits and paid holidays. "This is a huge win for workers across the nation!" said the California Labor Federation in a tweet. "It's time to rebuild the middle class and ensure ALL workers have the basic protections they deserve." Bob Schoonover, president of SEIU California, a coalition of more than 700,000

workers, said the Senate's passage "has set the stage for a major breakthrough for workers that are excluded from basic pay and protections no matter how hard they work". The law will not automatically turn contractors into employees but will make it more difficult for gig economy companies to prove that workers are not staff. Stili, the uncertainty around the bill ahead of Tuesday's vote was enough for investors to send Uber and Lyft shares to record lows last week as it became clear the bill could prompt other states to follow suit. Uber declined to comment but said it would respond if the bill passed the assembly floor yesterday. Lyft could not be immediately reached for comment. The ride-hailing groups say they are not opposed to giving their drivers benefits but the "flexibility" of how, when and where they work is central to their asset-light business models. Together with DoorDash, a food delivery service, Uber and Lyft have pledged \$90m on a ballot initiative to seek an exemption from the law. They are looking for "a third way" to maintain flexibility but agreeing to support things such as a "minimum earnings floor", sick leave and paid time off. In a blog on August 29, Uber wrote: "Uber is ready to do our part. That is why we have been at the table in California with other ride-share companies, lawmakers, the governor's office and labour unions to propose a truly innovative framework that we believe would preserve Uber's key benefit for drivers (flexibility) and key benefit for riders (reliability), while improving the quality and security of independent work." "This is a huge win for workers across the nation" California Labor Federation

**il Foglio pag.3 · 12-09-2019**

### **IN DIFESA DELLA GIG ECONOMY**

Mentre il governo rosso-giallo si accinge a regolamentare i rider, il Senato della California lo supera a sinistra con una norma che qualifica i lavoratori delle piattaforme come dipendenti a tutti gli effetti. Se il provvedimento, sostenuto anche dal governatore democratico Gavin Newsom, passerà anche alla Camera, la Gig Economy subirà la sua prima vera sconfitta proprio nel luogo dove ha mosso i primi passi. Le maggiori tutele del lavoro dipendente rispetto a quello occasionale comporterebbero secondo le piattaforme un incremento dei costi del 20-30 per cento. Come nel nostro paese, la legge potrebbe superare i paletti messi dalle corti per delimitare i rispettivi ambiti con una sorta di "ego te baptizo piscem": a dispetto dell'assenza di un vero vincolo di subordinazione, anche coloro che prestano occasionalmente i loro servizi grazie all'intermediazione delle piattaforme potrebbero essere trattati alla stregua degli operai di un'acciaieria. Il problema di questo approccio è che si fonda interamente su una visione statica. Non riconosce né che l'economia dei lavoretti esiste solo in forza della sua flessibilità, né che questa flessibilità è ciò che ne ha determinato il successo non solo tra i consumatori, ma anche tra i lavoratori (altrimenti avremmo una penuria di gig worker!). I consumatori si spostano con Uber o Lyft, ricevono il pasto tramite Deliveroo o Glovo, trovano un posto dove passare la notte con Airbnb perché queste realtà rendono possibile l'incrocio tra domanda e offerta in modi nuovi e inediti. Diversi economisti, tra cui l'appena scomparso Alan Krueger, hanno mostrato che i collaboratori delle piattaforme vivono la flessibilità come una parte essenziale del loro impegno. E' ovvio che, potendo avere flessibilità e tutele, preferiscono entrambe, ma dovendo scegliere la maggior parte chiede flessibilità: se venisse meno il pilastro su cui poggia l'economia delle piattaforme, finirebbe per entrare in crisi il loro stesso modello di business e soprattutto l'intensa attività di ricerca e sviluppo che le ha generate. La legge in discussione in California rischia di accontentare qualcuno nell'immediato, infliggendo un costo a tutti nel lungo termine. In difesa della Gig Economy La California vuole combattere la flessibilità modello Uber.

**il Manifesto pag.9 · 12-09-2019**

### **TUTTI I "GIG WORKERS" SONO LAVORATORI SUBORDINATI (R.Ciccarelli)**

Il governatore della California Gavin Newsom ha approvato martedì scorso un disegno di legge che cambia una delle regole fondamentali dell'economia dei lavoretti (gig economy): le aziende come Uber e Lyft, quelle che consegnano a domicilio e tutte quelle che operano mediante piattaforme digitali e eterodirigono la forza lavoro con l'algoritmo dovranno trattare i lavoratori a contratto come subordinati dal prossimo primo gennaio. Se approvata dall'assemblea dello Stato, dovrebbe essere una formalità, la legge interesserà almeno un milione di lavoratori in outsourcing e in franchising che avranno accesso alle protezioni di base come un salario minimo e l'assicurazione contro la disoccupazione. In più saranno riclassificati come lavoratori subordinati che possono lavorare anche in maniera intermittente ma con un contratto di lavoro invece che come appaltatori, se l'azienda esercita il controllo sui loro compiti. La legge potrebbe influenzare altri stati americani. Su questa strada si era avviata New York, che ha approvato solo il salario minimo ma non la classificazione come dipendenti dei gig workers, lo Stato di Washington, l'Alaska e l'Oregon. Le aziende potrebbero boicottare i nuovi diritti facendo lavorare gli addetti molto di meno nelle ore in cui c'è meno traffico e meno chiamate. Oppure inizieranno a licenziare i lavoratori che saranno costretti ad assumere. E ancora: potranno evitare di accettare nuovi autisti come hanno fatto Uber e Lyft quando a New York è passata la legge sul salario minimo. Il disegno di legge non è stato sostenuto da tutti gli autisti in California. Alcuni si sono opposti perché temono la difficoltà di mantenere un orario di lavoro flessibile necessario per portare a termine anche altri lavori. Il testo riconosce tuttavia il loro diritto a organizzarsi in maniera autonoma. Negli ultimi mesi le aziende hanno cercato di riconoscere il salario minimo e i diritti sindacali, ma non lo statuto di lavoratori dipendenti delle piattaforme. Il tentativo è fallito, ma non è escluso. In Italia invece si discute di una proposta che lascia il lavoro a cottimo. Sulle strade di San Francisco Afp che possa riprendere quota una volta approvata la legge. Così facendo si correrebbe il rischio di creare una categoria intermedia agli impiegati e ai freelance: il gig worker tutelato a metà. Uber, Lyft e DoorDash hanno speso 90 milioni di dollari per finanziare una campagna finalizzata all'esonero dalla legge. A gennaio presenteranno un disegno di legge alternativo. Se invece passerà la legge voluta dal governatore Newsom Uber la contesterà in tribunale. La battaglia è solo all'inizio. È quella che in Italia Luigi Di Maio, quando era al ministero del lavoro, ha scelto di non fare per evitare lo scontro con le aziende. Ha optato per una misura, ora in discussione in parlamento, che riconosce ai soli rider alcuni diritti, ma lasciando praticamente intatto quello che contestano: il lavoro a cottimo. Dello statuto da lavoratori parasubordinati nemmeno l'ombra. L'idea era apparsa sulla sua scrivania per qualche ora nel 2018, ma è stata rimossa.

**Wall Street Journal Usa pag.1 · 12-09-2019**

#### **BUSINESS & FINANCE-UBER VOWS TO FIGHT CALIFORNIA LEGISLATION ON GIG ECONOMY**

Uber Vows to Fight California Legislation On Gig Economy Gov. Gavin Newsom, a Democrat, has said he would sign a bill if it gets to his desk. Both ride-hailing companies have relied on drivers who earn wages based on the rides they complete versus the hours they work, and who have been responsible for their own car expenses. Under the bill, known as Assembly Bill 5, the drivers could be entitled to benefits that include a minimum hourly wage and workers' compensation. The bill requires companies that want to treat a worker as a contractor prove that the worker is independent and free to perform the services provided without company control, that those services are outside the employer's usual course of business, and that the contractor works independently in the same type of business as the contracted work. Uber and Lyft had worked together to try to exempt themselves from the legislation, saying it could upend their businesses. Lyft said in a message to its drivers Wednesday that they "may soon be required to drive specific shifts, stick to specific areas, and drive for only a single platform." But Tony West, Uber's chief legal officer, said

that while the bill inserts a new legal test into California labor law over how to classify a worker, it doesn't. Please turn to page B2 BY ALEJANDRO LAZO AND SEBASTIAN HERRERA SACRAMENTO, Calif.-California lawmakers passed landmark employment legislation that challenges the business model of gig-economy companies such as ride-hailing giants Uber Technologies Inc. and Lyft Inc. But Uber immediately signaled defiance, saying it didn't plan to change its practices in response to the measure. The legislation, which intends to force companies to reclassify certain contract workers as employees, is considered a serious threat to Uber and Lyft, already losing billions of dollars a year combined, as their business models have relied on flexible labor and minimal worker costs. The bill's passage in the state Assembly on Wednesday, after the state Senate's passage the night before, reflects the degree to which the large Democratic majority in Sacramento has increased scrutiny of tech companies in recent years, as well as the strength of labor unions in the state. Given California's size and history of creating influential business regulations, it also is the first significant step in a new paradigm for a changing workforce, fueled by people who have forgone benefits for the sake of flexibility and occasional incentives. Uber, Lyft To Fight State Bill organize. In fact, the bill currently says nothing about rideshare drivers." Anticipating Uber's stance, lawmakers in Sacramento added increased enforcement mechanisms last week allowing for some city and district attorneys to enforce the bill, an addition Uber fought hard in the capitol this week. In a news conference held after the bill's passage, Assemblywoman Lorena Gonzalez, the bill's author, said the enforcement methods were added after Mr. West came to her office and expressed Uber's position that it wouldn't reclassify its workforce and settle challenges through arbitration and other means. "I thought a lot about that conversation and thought how unfair it is for any company in California to sit in a legislator's office and say we don't care what you do, we're going to break the law," she said. Analysts say Uber and Lyft could be forced to introduce hourly schedules and a minimum wage for drivers in California. Drivers who work 40 hours or more-or the equivalent of full-time jobs-could be entitled to further benefits. Both companies likely would offset the costs by raising prices, with analysts predicting as much as a 30% increase on average for riders. Raising fares could weaken ridership, and costs could multiply if other states enact similar rules. In August, Uber, Lyft and delivery service DoorDash Inc. promised to spend a combined \$90 million on a ballot measure in next year's election if a deal couldn't be struck with lawmakers on the bill. Continued from the prior page automatically reclassify drivers and the company will continue to respond to claims of worker misclassification in arbitration and in court. "Contrary to some of the rhetoric we've heard, AB5 does not automatically reclassify any ride-share drivers from independent contractors to employees," Mr. West said in a call with reporters after the legislation passed. "AB5 does not provide drivers with benefits, nor does it give drivers the right.

**The New York Times - International Edition pag.7 · 13-09-2019**

### **STORM OF DEBATE GREETS 'GIG' WORKER BILL (K.Conger/N.Scheiber)**

Employers see confusion over law meant to shield California contractors BY KATE CONGER AND NOAM SCHEIBER After months of bickering over who would be covered by a landmark bill meant to protect workers, California lawmakers have passed legislation that could help hundreds of thousands of independent contractors become employees and earn a minimum wage, overtime pay and other benefits. But even before California's governor, Gavin Newsom, had signed it into law, the battle over who would be covered flared up again. Uber, one of the main targets of the legislation, declared that the law's key provisions would not apply to its drivers, setting off a debate that could have wide economic ramifications for businesses and workers alike in California and potentially well beyond, as lawmakers in other states seek to make similar changes. "California sets off a chain reaction," said Dan Ives, a managing director of equity research at Wedbush who tracks the ride-hailing industry. "The worry is that the wildfire spreads." In

California, religious groups said they feared that small churches and synagogues would not be able to afford making pastors and rabbis employees. Winemakers and franchise owners said they were worried they could fall under the law, too. Even some of the contractors for the app-based businesses that have been at the center of this debate said the change could hurt them if companies like Uber, Lyft and DoorDash decided to restrict how often they could work or cut them off entirely. Under the bill, workers are likely to be classed as employees if the company directs their tasks and the work is part of the company's main business. In California, at least one million people work as contractors and are likely to be affected by the measure, including nail salon staff members, janitors and construction workers. Unlike contractors, employees are covered by minimum-wage and overtime laws. Businesses must also contribute to unemployment insurance and workers' compensation funds on their employees' behalf. For months, lawmakers have jockeyed to exempt a variety of job categories, including doctors, insurance agents and real estate agents. Carrying out the mandate will most likely be anything but orderly. Companies in dozens of industries must decide whether or not to comply pre-emptively or risk being sued by workers and state officials. Some workers may find that their schedules and job descriptions change, while others may be out of a job altogether, if their employers cut back on hiring as costs rise. Mr. Newsom has said he intends to sign the bill but has indicated that he would be open to negotiating changes or exemptions with businesses like Uber and Lyft if they were willing to make other concessions. That has added to the air of uncertainty. Litigation is also likely. Uber said Wednesday that it was confident that its drivers would retain their independent status when the measure took effect on Jan. 1. "Several previous rulings have found that drivers' work is outside the usual course of Uber's business, which is serving as a technology platform for several different types of digital marketplaces," said Tony West, Uber's chief legal officer. To classify drivers as contractors, legal experts said, Uber would have to prove that it didn't direct and control them and that they typically operated independent driving businesses outside their work for Uber. Historically, if workers thought they had been misclassified as contractors, it was up to them to fight the classification in court. But the bill allows cities to sue companies that don't comply. California may be only the beginning. Legislators in Oregon and Washington State said they believed that the recent approval gave new momentum to similar bills that they had drafted. While much of the debate on the California legislation has been about the effect on fast-growing businesses like Uber, Lyft and DoorDash, it could apply to many kinds of employers, including those that long predated the so-called gig economy. Religious groups said some congregations could struggle to pay full employment benefits for their leaders. "For smaller ones that operate on very small budgets, it could force them to lay off their rabbi or maybe only hire them part time," said Nathan Diament, the public policy director for the Orthodox Union Advocacy Center. Even drivers for Uber and Lyft have been split on the bill. Some of them visited lawmakers' offices in Sacramento to plead their case for employment status. Others objected to the bill, worrying that it would take away their ability to switch their work on and off just by opening an app. "I'm torn. Drivers are so split on the issue," said Harry Campbell, a driver and the founder of the publication The Rideshare Guy. Uber and Lyft have long maintained that converting drivers to employees

EMPLOYMENT, PAGE 8 JUSTIN SULUVAN/ GER V INIAGES  
A protester at Uber's headquarters in San Francisco in May. The company has said a new law for contractors would not require employee status for drivers. .)'