The sharing economy: what’s in a name?

- A. Acquier [2018]: *Platform Capitalism and the Re-birth of the Putting-out System*: “Instead of building a competitive advantage from complex and unique assets, platforms massively outsource them and compete with ordinary resources”

- But how does all this work?
Sharing economy’s algorithms and consumers

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<th>Transportation</th>
<th>Finance</th>
<th>Consumer goods</th>
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Sharing economy’s algorithms and workers

- Uber
- Amazon Mechanical Turk
- TaskRabbit
Work, working, hiring

- “It’s an intuition, gut feel, chemistry…”
- “It’s like meeting your wife for the first time…”
- “We come from the same region, we attended the same school…”

- What are we talking about?

Sharing economy’s algorithms and platform models

1. Work on demand via app

1. Crowdwork via platform

1. Work intermediation

→ Robo-recruiting and the problem of “hiring” through platform intermediaries
**Labour law implications/responses**

- Are gig-workers to be considered as employees?
- Are they quasi-subordinate workers?
- Who is their employer?
- Are they genuine self-employed persons?

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**Is the sharing economy preventing discrimination?**

- The apparent neutrality of algorithms
  - Ratings’ anonymity
  - Algorithmic management
- Multiplying biases (choices and ratings)
- Conscious and unconscious discriminatory practices
- Algorithmic discrimination
  - Training data (previously biased): “garbage in, garbage out”
  - Proxy discrimination (membership in a protected class)
EU equal treatment and anti-discrimination law: market regulation or fundamental rights?

- Anti-discrimination and free movement principles
- Equal pay
- Equal treatment and the employment relationship
- The personal scope of EU anti-discrimination law: are self-employed included?
- Is EU law helping preventing algorithmic discrimination?
  - Reproducing discrimination → Treating people differently may be justified by certain reasons, that may be encoded in the algorithm
  - Opacity → Lack of access and accessible data (e.g., personalised prices or offers)

Open questions

- The “comparator” problem (CJEU C-313/02, Whippel)
- The “single source” doctrine (CJEU C-256/01, Allonby)
- The information gap (CJEU C-415/10, Meister)

→ Enforcement deficiencies: who is liable?
→ Equality law beyond labour law