



# Crowd-work and work-life balance

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## Introduction

- CHAPTER  
 'Connecting Crowd-Work with Work-Life Balance: Mission Impossible?'  
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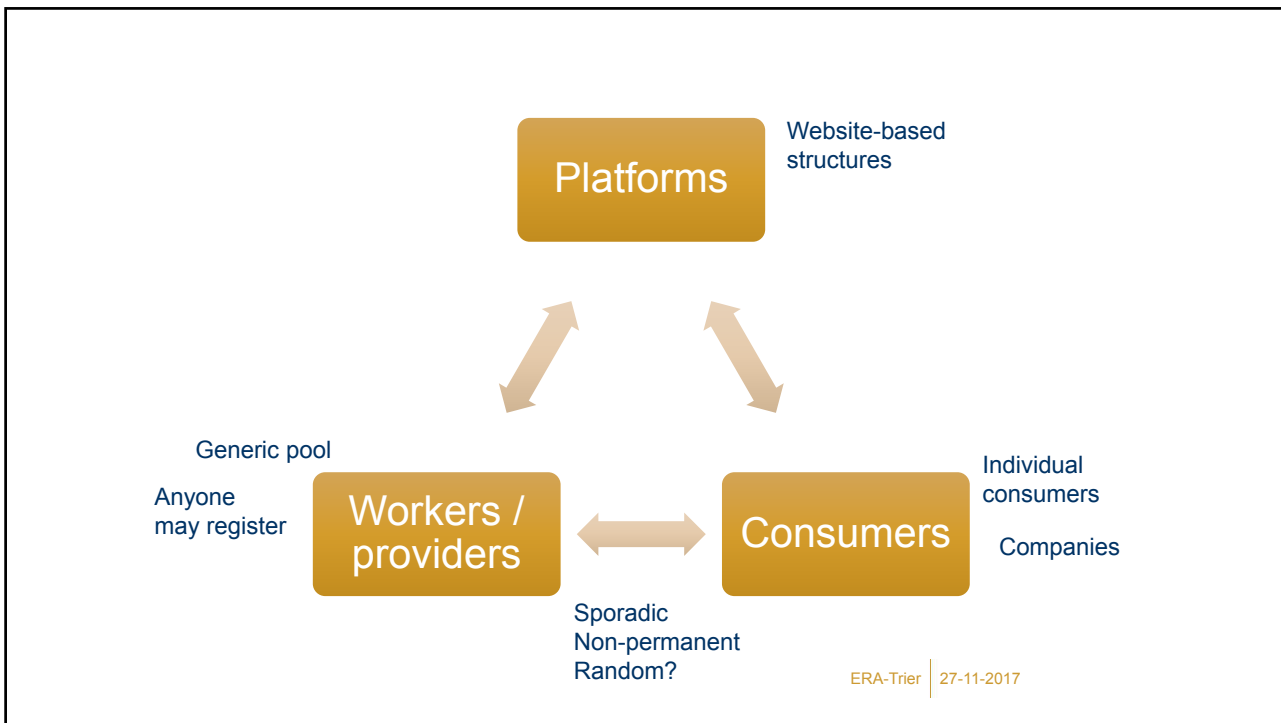
## Overview

- What is crowd-work?
- What are the main legal questions?
- Features with possible impact on work-life balance
- Conclusion

## Crowd-work, gig economy, platform work, ...

The collage features several key elements:

- Airbnb:** Logo and a street scene.
- Deliveroo:** A cyclist with a large teal delivery bag.
- Helping:** A sign for 'Clean and Tidy Home with Helping'.
- Uber:** The black and white logo.
- Lyft:** The pink and white logo.
- TaskRabbit:** An advertisement with the text 'OUTSOURCE YOUR TASKS TO A NEIGHBOUR' and a hand holding a smartphone.
- Flowchart:** A process diagram with three steps: 'Find an interesting task' (with a globe icon), 'Work' (with a gear icon), and 'Earn money' (with a dollar sign icon).
- Sharing Economy:** A central red circle containing the text 'The Sharing Economy' surrounded by small human figures.



## Process

- Workers (service providers) and consumers are linked
- remotely
- through an **algorithm**.
  
- Demand-driven work
- Large pool of potential workers
- Flexibility
- Supervision is often done by consumer ratings
- Work can be performed online or offline

## Definitions of crowd-work

- The process of obtaining needed services, ideas, or content by soliciting contributions from a large group of people, especially an online community, rather than from employees or suppliers.
- On-demand performance of tasks by persons selected remotely through online platforms from a large pool of potential and generic workers.
- Big diversity, e.g.:
  - *Work is location dependent v on-line*
  - *Generic / low-skilled work v high-skilled work*
  - *Platforms are for profit v non-profit*

## Important question

- Are the workers in the platform economy *employees* or *independent contractors*?
- Or is there a **third category**?
  - Like in the UK: *workers*?

## Employment status?

- case-by-case assessment
- considering all the relevant facts and circumstances
- 'for a certain period of time a person performs services for and under the direction of another person in return for which he receives remuneration'
- Essential elements:
  - personal performance of labour or services
  - under direction/control
  - remuneration
  - (dependence)

## Arguments against employment (as presented by Uber)

1. no legal obligation on the part of driver to drive any Uber registered vehicle or to use the Uber App
2. no right to instruct a driver to drive his vehicle, and driver has a choice of where to drive and which passengers to transport
3. a driver may employ another driver to drive
4. drivers are free to work whenever they like on anything else, including direct competitors
5. driver (and not Uber) is required to supply a vehicle and to carry all associated expenses
6. the risk of profit or loss is borne by the driver as an independent contractor (Uber helps them to 'grow their business')

## Arguments for employment (as determined by courts)

- SA: Uber controls the conduct of drivers and how they do the work through a system of ratings by the customer and by setting clear standards and performance requirements
- SA: Uber controls the actual conditions under which business is done, including pricing and the number of drivers in a city or at specific locations such as the airport
- SA: Drivers render a personal service
- SA: Drivers are dependent on the ability to drive for Uber
- UK: Uber is not a technology company, but a transportation company and for that end, it employs drivers. So, Uber drivers are the essential part of Uber's service.
- UK: Uber does the marketing for itself (marketing is not done for the benefit of any individual driver)
- UK: "business consists of man with a car seeking to make a living by driving it"

## Court rulings

- ET ruling in London (*Aslam v Uber BV, 28 October 2016*): 'Uber drivers are workers'
- Appeal (*Uber BV v Aslam, 10 November 2017*): 'Uber drivers are workers'
- Court ruling in South Africa (7 July 2017): 'Uber drivers are employees'



## Features with possible impact on work-life balance

- Possibility to perform work on distance (telework)
- Flexibility / autonomy
- Holding multiple jobs
- Ranking systems
- ...

## Possibility to perform work on distance ('telework')

Not present in all forms of crowd-work

Mixed impact:

"digital technology makes the reconciliation of work and family life easier"

But also:

It tends to blur the boundaries between work and private life.

## Flexibility

Workers decide *whether and when* to work

=  
greater work-life balance ?

No work = no pay

Impact on internal ranking

Because of low payment, workers might have to work *more* hours in order to earn a significant amount of money

Work is demand driven, so working during rush hours

Often, long hours online searching paid tasks

## Holding multiple jobs



Because of low payment, crowd-work cannot (yet) replace 'normal' jobs in terms of income security

- Most workers use platforms to complement their main occupation

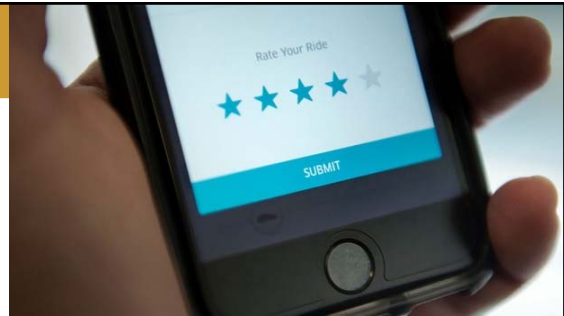


Negative impact on work-life balance



## Rating systems

- Rating systems as “endless probation periods”



- Taking up care leave or short absence leave (and cancel tasks once accepted) can have a negative effect on the rating

## Conclusions

- Crowd-work is presented as a great opportunity to earn extra income besides the main responsibilities
- Flexibility and autonomy are stressed as the main assets of crowd-work
- But for now crowd-work means vulnerable / unprotected self-employment or ‘workers’ with minimal rights
- Narrative: ‘Flexibility is only possible in self-employment’

Thank you!