

Working for Nothing in the Platform Economy: Forms and institutional contexts of unpaid labour

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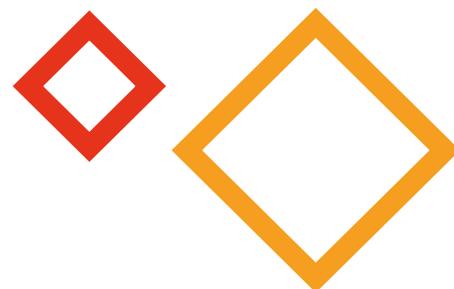
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Foreword

We are at the beginning of the digital era, rapidly advancing into a new reality that affects our understanding of time, space, and ourselves. We are already witnessing the enormous influence that fast-paced digitization has on all spheres of life. It defines how we socialise and what we read, discuss and – in the end – think and believe. It has entered our democratic processes, re-defining campaigns and policy and affecting election outcomes. In the world of work, the emergence of digital platforms has been one of the most important transformations of recent years. According to the ILO report *World Employment and Social Outlook 2021*, digital labour platforms have increased fivefold worldwide in the last decade. Estimates from 2019 reported that an average of 11% of EU citizens had carried out at least one task through a digital work platform (Colleem II Survey, 2019).

In the words of the European Commission (2021), “the COVID-19 crisis has even accelerated this digital transformation and the expansion of platform business models in the European market, where some platforms played a significant role in ensuring access to services during the lockdowns.” According to Rani and Dhir (2020), services provided through digital platforms have topped the lists of emergency services drafted by public authorities during the pandemic.

However, we also witnessed the dark side of platform work during the pandemic – how it reinforced precarious working conditions and low pay, bringing to the fore the exploitation and vulnerability experienced by many platform workers (Fairwork, 2020). Key concerns include access to social protection and income stability (European Commission, 2021).

The acceleration and growth of platform work highlight the need for national and European

social dialogue and regulatory cooperation to provide decent work and decent wages and to improve legal frameworks and guarantee better conditions for workers.

EU policymakers are trying to find ways to regulate the sector so that it benefits workers and secures platforms’ economic potential, as we enter a period of ecological and digital transition. This implies applying the principles of the European Pillar of Social Rights and its Action Plan, as well as other tools such as the EU Directive on transparent and predictable working conditions and the Council Recommendation on access to social protection for workers and the self-employed.

In this context, SOLIDAR and Katholieke Universiteit Leuven are contributing to the debate with this publication on unpaid labour in the platform economy. It investigates the areas of food delivery, care, and online freelancing platforms in Belgium, the Netherlands, France, Italy, and Poland. The report is co-authored by Valeria Pulignano and Claudia Marà (KU Leuven) and co-funded by the European Commission under the Employment and Social Innovation Programme (EaSI).

For the progressive network of civil society organisations that SOLIDAR represents, the digital revolution and the ongoing climate and environmental crises are key political priorities as we strive towards a social and sustainable Europe through a just transition. The report offers new and important insights into the current situation of platform workers. It explores the grey area of unpaid work (Pulignano and Morgan, 2020) under these new work systems and the part they play in reinforcing exploitation and precariousness in platform work.

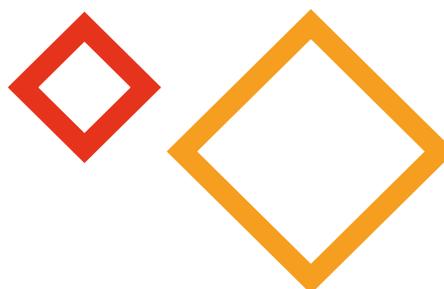
This publication offers evidence-based policy recommendations that should be of interest to

and concern for everyone with an interest in advancing the rights of workers, guaranteeing decent work, and mitigating unpaid labour in platform work, as well as in the broader aims of fostering inclusion and improving access to social justice. Like this, we will increase the resilience of our societies and economies when we need to the most, instead of doing the opposite in these times of major transformation.

We take this occasion to thank Valeria Pulignano and Claudia Marà from KU Leuven for their informative and much-needed research, which will support our advocacy work. We acknowledge also the European Commission, which through its funding in the framework of the EU Programme for Employment and Social Innovation (EaSI), made this publication possible.

We hope you will find the read interesting and the results useful in your work!

Mikael LEYI
Secretary General of SOLIDAR



Executive Summary

The advent of digital labour platforms requires researchers, civil society organizations (CSOs), and policymakers to question the impact of this new mode of labour on workers' livelihoods and the quality of their jobs. Although advocates of the digital economy claim that labour platforms offer innovative and sustainable solutions for labour market failures, a variety of research has pointed to degrading working conditions in platform work. A major, but still underexplored, challenge posed by this new mode of work is the amount of unpaid labour that platform workers are required to perform as part of their work. Policymakers at European and national level are now beginning to approach the issue with regulatory intentions – for example, the European Commission's upcoming legislative initiative on improving the working conditions of platform workers.

This paper aims to offer an in-depth account on the forms and conditions of unpaid labour in the platform economy, as these represent a crucial element in the way that working lives are precarious under platform labour regimes. We delve into three major economic sectors where platforms are thriving – food delivery, care and domestic services, and freelancing professional services; and five European countries – France, Italy, Belgium, the Netherlands, and Poland. In most cases, the platforms selected for this report are active in different countries, offering researchers a privileged position from which to perform an in-depth assessment of the differences and similarities between platforms and between countries.

Moving beyond the traditional sociological distinction between labour that is paid and productive and that which is unpaid and reproductive, we conceptualize unpaid labour as “a worker's time or effort outside the fixed hours and hourly rates of a standard employment

relationship” (Pulignano & Morgan, 2021). We systematize new typologies of unpaid labour in three sectors of the platform economy and investigate the institutional conditions that have enabled them to emerge.

Therefore, in Section 1 we illustrate how unpaid labour emerges from digital platforms in the food-delivery, care-services, and crowdwork freelancing sectors. We draw on empirical findings collected within the ERC-funded project [ResPecTMe](#) (Grant agreement number 833577) and provide a classification of the different forms of unpaid labour in various sectors of the platform economy and various countries.

The findings highlight that, in the food delivery sector, the workers who suffer the most unpaid work are those who work for platforms that remunerate piece-rate (per delivery) and that offer no job stability. However, platforms that follow hourly-pay schemes mitigate certain forms of unpaid work but still produce others in the form of labour intensification through an imposed and controlled work pace and unilateral working-time arrangements.

In the care-service sector, workers commit to unpaid work as a result of platform structures that make it hard for them to freely access information – and hence jobs. There is also scant supervision of contractual arrangements between intermediated parties, which results in informal employment that deprives workers of access to social protection coverage.

In the freelancing sector, crowdwork platforms induce unpaid work the most when they use internal algorithm-based reputation systems that engage workers in platform-only activities in such a way that they cannot be employed to compete in other markets (offline or online). Unpaid work is also prevalent when there is price dumping, which is especially common where

match-making is fully automated and platforms allow access to freelancers with diverse fiscal responsibilities or from different countries.

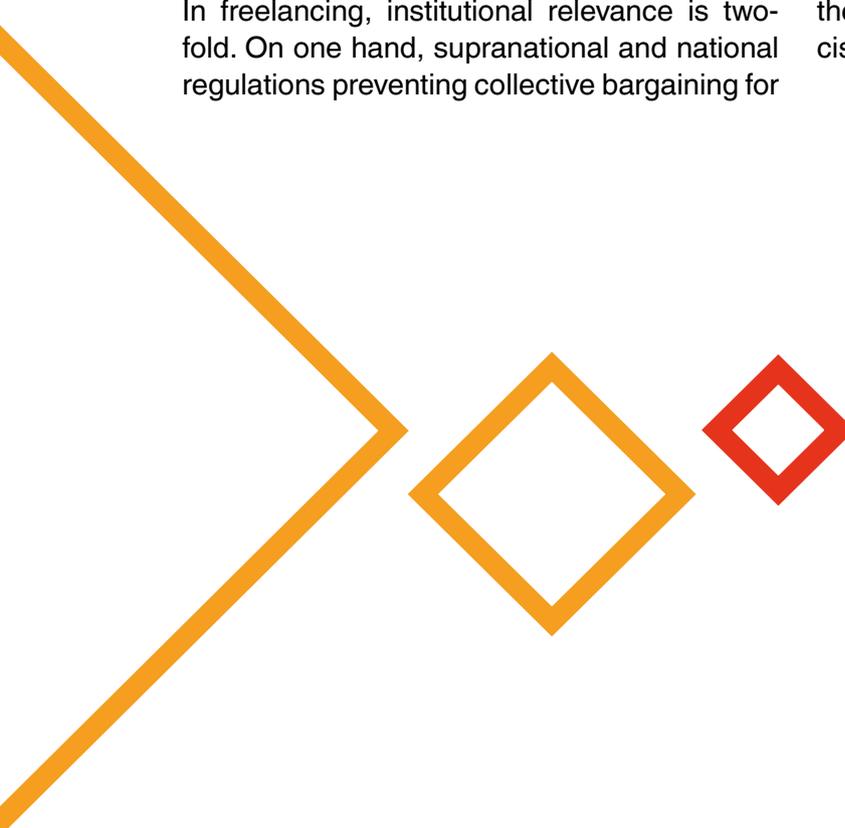
In Section 2 of this report, we show how institutional contexts in the countries studied can allow businesses to set out strategies that generate unpaid work – or that limit platforms from doing this. In the food delivery sector, which was partly shaped by platforms, the absence of regulation has facilitated platforms' circumvention of labour codes. This has been done through the widespread use of self-employment and piece-rate remunerative systems. In some cases, like Belgium, a third and highly deregulated labour status was introduced – the so-called 'peer-to-peer' status – where no traditional labour regulation applies, and platforms are free to tap into large pools of flexible workers.

In the care-service sector, platforms that act across national borders are confronted with a rich diversity of family policies and care-sector regulations. If the platforms do not adapt to specific national regulations, they are driven towards informal working arrangements that are detrimental for workers.

In freelancing, institutional relevance is two-fold. On one hand, supranational and national regulations preventing collective bargaining for

freelancers lead to severe downward pressure on tariffs with a serious impact on workers' livelihoods. On the other hand, the coexistence of different self-employment fiscal regimes in different countries generates differentials in freelancers' competitiveness in relation to peers from countries with lower fiscal duties for the self-employed.

In light of our findings, we propose four sets of recommendations to European and national policymakers involved in the current debate on the regulation of digital labour platforms. These recommendations are particularly timely and pertinent considering the momentum offered by the legislative initiative on improving the working conditions of platform workers that will be presented by the European Commission by the end of 2021, after a two-stage consultation process with social partners. In the European Pillar of Social Rights Action Plan presented last March, the European Commission recognised "the blurring of traditional lines between a worker and a self-employed person, and a growing heterogeneity among the self-employed". It explicitly mentioned platform workers and their precarious working conditions. With the set of recommendations stemming from this study, we aim to contribute to the debate and offer an evidence base for decision makers both at EU and national levels.



General recommendations

Recognise and tackle **unpaid labour as a systematic feature** of platform work

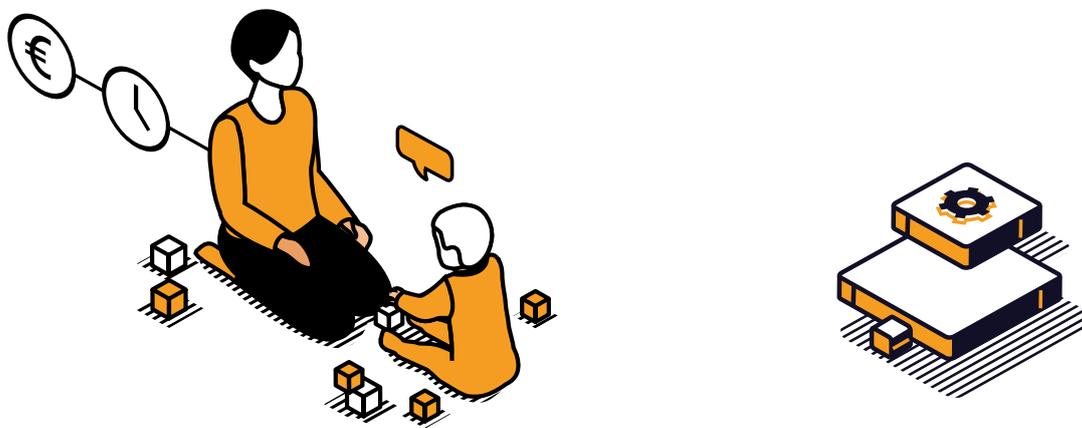
Ensure that the **principles of the European Pillar of Social Rights** fully apply to platform workers (in particular, principles n. 5, 6, 7, 8, 9, 10, and 12)

Clarify the status of platform workers and demand reclassification when it is clear that a worker should have the status of an employee, so as to ensure they are guaranteed fair working conditions and social protection

Introduce **minimum standards for wages and working time** for all platform workers, in compliance with provisions enclosed in the Directive proposal on Adequate minimum wages (2020/0310 (COD)) and the Directive on Transparent and predictable working conditions (2019/1152)

Ensure **effective workers' voice mechanisms** (collective bargaining and representation rights) for all platform workers in compliance with Directive 2002/14/EC that establishes a general framework for informing and consulting employees in the European Community

Ensure **transparency of information to all platform workers with regard to personal data collected by platforms** that have an effect on working conditions. Compliance with the General Data Protection Regulation (2016/679) should be guaranteed



Food delivery platform sector

Ensure **decent and fair earnings** through standard employment contracts and hourly pay

Improve **employment stability** by setting contractually guaranteed working hours

Ensure that work **equipment is provided and maintained by platforms free of charge**

Care services platform sector

Make **platforms responsible for the formal stipulation of employment contracts** between the matching parties. Make platforms also responsible for ensuring the **respect of fair working conditions**

Access to work should be transparent and free of charge. No fees should be demanded from workers

Freelancing platform sector

Ensure that freelancers and independent workers on platforms are granted access to **effective voice mechanisms** (collective bargaining and representation rights) in relation to the ongoing consultation on Art. 101(1) of the TFEU

Guarantee freelancers **data transparency and portability**

Work to create a **European transnational status for self-employed workers** throughout the continent, so as to align their fiscal duties and ensure equal access to social security



1. Introduction

According to the COLLEEM II survey, the number of European citizens opting for platform work is increasing steadily (Urzi Brancati, Pesole, & Fernandez Macias, 2020). As the platform economy expands, so does the new mode of work it has established. Through the use of digital technologies, and algorithmic intermediation in particular (Pesole, Brancati Urzì, Fernández-Macías, Biagi, & González Vázquez, 2018), digital labour platforms are today revolutionizing entire sectors of the economy with disruptive consequences for labour relations and working conditions (Pulignano, 2019a). Digital platforms position themselves merely as ‘optimal’ intermediaries between the supply of and demand for a wide and growing range of on-call services. They therefore impose employment responsibilities on workers (De Stefano and Aloisi 2018) who often have no other option but to carry out platform jobs informally or as a self-employed worker. Moreover, platforms reorganize and fragment labour by ‘unbundling tasks’ (Pesole et al., 2018), with enormous consequences for the predictability of working hours and earnings and the stability of income (Schor, Attwood-Charles, Cansoy, Ladegaard, & Wengronowitz, 2020).

Platform companies and policymakers have highlighted the beneficial consequences of platforms in terms of sustainability and job creation, especially for long-term labour market dropouts. But workers across Europe and much academic research have drawn attention to the precarious working conditions produced by platforms (Franke & Pulignano, 2021; Pulignano, Domecka, Vermeerbergen, Franke, & Marà, 2021). Still, an important additional challenge has received only scant attention, namely the amount of unpaid labour performed by platform workers (International Labour Office, 2021). This paper fills this gap, by revealing

the forms that unpaid labour takes in different types of platform work, identifying drivers, and analysing institutional contexts and social rights within and between the five European Union Member States investigated.

Unpaid labour is “a worker’s time or effort outside the fixed hours and hourly rates of a standard employment relationship” (Pulignano & Morgan, 2021). Moore and Newsome (2018:489) call for including “unpaid work as a dimension of precarious work”, as unpaid labour unfolds in a context of changes with important implications for the quality of jobs, working conditions, and employment relations. As a result of ongoing labour market changes, research has emphasised the need to study the rise of unpaid labour resulting from the emergence of new and flexible work arrangements (Duffy, 2017; Howcroft & Bergvall-Kareborn, 2019; Moore & Newsome, 2018). In this report, we argue that not recognising unpaid labour risks omitting key features of workers’ actual positions and activities in the contemporary labour market, jeopardising their social rights. This is especially the case in the platform economy. New work arrangements are emerging under ongoing labour market changes including digitization, and we make the case that they destabilize the traditional border between paid (productive or waged) and unpaid (socially reproductive or unwaged) work (Pulignano, 2019b). For example, in the platform economy, workers potentially spend hours finding and competing for tasks on their own time rather than being assigned tasks by managers. **The lack of institutional and political preparedness to regulate this new form of employment often means that the instruments in place at national and European level to protect and ensure workers’ rights, such as the European Pillar**

of Social Rights, are not implemented for platform work. More generally, under recent welfare and labour market reforms, workers increasingly undertake a mix of paid and unpaid work activities to respond to an employer's demands (e.g. long hours or tight control over working hours) or to advance their careers (e.g. internships). Our findings show that platform work in all three sectors studied – food delivery, care services, professional freelancing – involves unpaid labour, although at different intensities. **We distinguish two typologies of unpaid labour: time-based unpaid labour and non-time-based unpaid labour.** While the former refers to a non-remunerated temporal dimension, the latter concerns other forms of effort required of platform workers.

We first find and discuss how unpaid work emerges from the way platforms organize labour, and we elicit significant distinctions across platforms within the same sector. For instance, we illustrate that unpaid labour – especially in the form of unpaid labour time – is more evident in platforms using a piece-rate payment system and in food delivery platforms using management algorithms that rely on reputation-based ratings. Freelancers on crowd-work platforms tend to engage in time- and non-time-based forms of unpaid work when they are 'locked' in the platform and prevented – by the threat of losing reputation – from working through other platforms and the wider labour market. In the care and domestic-service sector, platform workers are led to perform unpaid labour in the form of communication with clients, as platforms hamper smooth information exchange unless fees are paid. In this service sector, evidence also points to a substantial amount of unpaid labour in the form of denied access to social protection, as most employment through platforms is informal.

We then proceed to discuss the role of national institutions in facilitating or constraining the operations of platforms that are responsible for the production of unpaid labour. Finally, we draw up a list of policy recommendations to steer the current debate on the regulation of platform work, mitigate unpaid labour, and establish better working conditions for workers in this sector.

Research strategy

This report is based on data gathered in '[ResPecTMe Project](#)', an ongoing, large-scale investigation into precariousness along the continuum between paid and unpaid work, which is funded by the European Research Council (ERC) under the European Union's Horizon 2020 programme.¹ The evidence presented is based on a total of 142 biographical narrative interviews with platform workers, 15 in-depth interviews with platform managers, trade unionists, experts, and 16 work diaries. Empirical data were collected between May 2020 and August 2021. Secondary data were collected through desk research. Interviewees, whose quotes are reported in the text of this report, are identified by pseudonyms assigned by the researchers to protect the respondents' privacy and allow them to participate in the research project anonymously.

The selection of countries this report focuses on (Belgium, France, Italy, The Netherlands, and Poland) reflects the broader strategy adopted by the ResPecTMe project.² Table 1, below, shows the digital platforms studied in each of the five EU countries analysed, as well as the total number of interviews with workers conducted per platform sector.

1 The elaborations contained in this report are also included, although in a more limited version, in Pulignano V., Piasna A., Domecka M., Muszyński K., and Vermeerbergen L., Does it pay to work? Unpaid labour in the platform economy, ETUI Policy Brief, December 2021.

2 The ResPecTMe project extends beyond platform work, as it consists of a comparative study of 16 cases in total, representing three different work areas (i.e. care, creative and crowd-/gig-work) within and across eight different countries in Europe: Britain (UK), Sweden (SE), the Netherlands (NL), Germany (DE), Belgium (BE), France (FR), Italy (IT), and Poland (PL).

	Belgium	France	The Netherlands	Italy	Poland	Tot. interviews
Food delivery	Deliveroo Takeaway	Deliveroo Takeaway	Deliveroo Takeaway	Glovo Mymenu	Glovo	53
Care services	Yoopies Top Help	Yoopies Top Help (Aide au Top)	-	-	-	26
Crowdwork/freelancing	Upwork Jellow	Upwork Malt	Upwork Jellow	Upwork AddLance	Upwork	63
						142

Table 1. Platforms and country selection

Table 2 provides demographic information on our respondents and shows the percentage of each type of work contract in our sample for each platform sector studied.

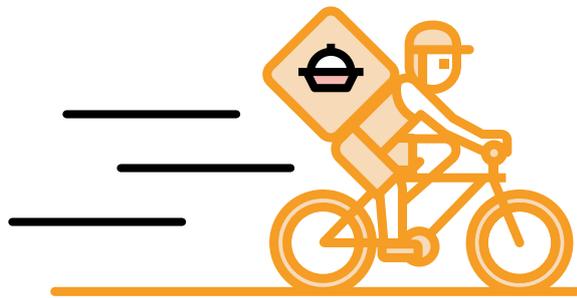
Sector	Gender: n (%)	Age (mean)	Self-employment %	Permanent contract %	Fixed-term contract %	Marginal employment % ³
Food delivery	Male = 53 (81,1%) Female = 10 (18,9%)	27.5	15%	11.4%	7.6%	66%
Care services	Male = 3 (11,6%) Female = 23 (88,4%)	30	7.7%	2.2%	7.7%	82.4%
Crowdwork/freelancing	Male = 27 (42,8%) Female = 36 (57,2%)	34	82.5%	3.7%	6.3%	7,8%

Table 2. Demographic information and contract arrangements of respondents.

³ Marginal employment includes informal contractual arrangements as well as atypical forms of employment. Examples of atypical employment are: temporary agency work, peer-to-peer (P2P) status in Belgium, casual work contracts (*contratto di prestazione occasionale*) and continued and coordinated collaboration contracts (*contratto di collaborazione coordinata e continuativa – Co.co.co*) in Italy, and civil law contracts in Poland.

2. Forms of unpaid labour

2.1 Food delivery platforms



Platform profiles

Deliveroo was born in 2013 in the UK and is active today in 12 countries worldwide. Entirely app based, Deliveroo relies on the algorithm ‘Frank’ for distributing orders efficiently on the basis of the locations of couriers, restaurants, and clients. These are constantly tracked to collect data that are fed into Frank, letting it optimize delivery services. Deliveroo has always considered its couriers as independent employees, but its contract terms have changed over the years. For example, in March 2020 Deliveroo shifted from a ranking-based regime that granted access to couriers based on their performance scores to a more flexible ‘free-log-in’ system, which allows all available couriers to be matched with an order needing delivery. The use of nudges and monetary incentives for couriers ensures Deliveroo’s capacity to meet clients’ requests in high-demand time slots. Today, workers are paid piece-rate.

Founded in Spain in 2015, Glovo today operates in 23 countries globally. Although food is the most popular of its delivery services, Glovo also delivers goods from pharmacies, supermarkets, local shops, and other commercial enterprises. Order distribution is driven algorithmically based on binary temporal and location efficiency. Glovers (Glovo couriers) are independent employees, and their ability to access shifts during which they can be assigned

orders depends on their performance-based ‘excellence score’, which they accumulate as they work on the platform. Glovers with higher excellence scores can obtain a higher number of working hours each week. They therefore have relatively high earnings opportunities compared to glovers without excellence scores. Glovers are paid piece-rate.

Takeaway is the result of a merger finalized in 2020 between two major food delivery service platforms, the UK-born Just Eat and the Dutch Takeaway. Similarly to Glovo and Deliveroo, Takeaway’s delivery infrastructure relies on algorithms that optimize spatially and temporally, but it has a different approach to workforce management. Takeaway hires its couriers as employees and pays them per hour under an employment status that varies between countries. In France, for example, workers are employed under the National Collective Agreement in the Road Transport Sector, and they enjoy guaranteed working hours. In Belgium and the Netherlands, Takeaway makes extensive use of temporary agency work and guarantees couriers a weekly minimum of two or three shifts. Workers’ performance is calculated algorithmically and supervised by mid-level managers, which contributes to job continuity.

Mymenu is an Italy-based food delivery platform operating since 2016 in six medium-to-big cities in northern Italy. The algorithmically optimized delivery system is combined with a less-automated shift distribution for couriers. This enables Mymenu to guarantee active couriers a number of shifts that varies according to their employment status, which can range from ‘occasional worker’ (*contratto di prestazione occasionale*, a form of self-employment) to ‘para-subordination’ (*contratto di collaborazione coordinata e continuativa (Co.co.co)*) and regular employment. The platform refrains from collecting evaluative data on workers’

performance, in compliance with the principles of the “Charter of fundamental rights of digital labour in the urban context”, which Mymenu signed with trade unions and local authorities in 2018 in Bologna.

Unpaid labour in the food delivery service sector

Platform couriers engage in a broad range of unpaid activities, with differences that depend on the platform they work for. Unpaid work in the form of various kinds of waiting time is prevalent and pervasive on Deliveroo and Glovo. On Takeaway, we find that unpaid work is produced primarily by the platform’s request to comply with the efficiency-driven acceleration of the work pace, which is often a precondition for securing work. Mymenu couriers commit to less unpaid work overall but are still partially subject to unpaid overtime. All platforms except for Takeaway induce further unpaid work when they oblige workers to provide for and maintain their vehicles and smartphones. (See Table 3 for a summary of forms of unpaid work in the sector.)

Time-based forms of unpaid labour

Unpaid waiting time is widespread in platform work that remunerates ‘piece-rate’ (per order delivered) and does not guarantee to assign a minimum number of orders or basic hourly pay. Examples are Deliveroo and Glovo. Because of the free login system at Deliveroo, anyone with a working smartphone and a bike can compete to be assigned an order. Hence, Deliveroo couriers wait for their smartphones to beep, signal an upcoming order and give directions to the restaurant and client. The time spent on the street waiting to be assigned an order is entirely unpaid, as the price of a delivery is based on the distance between the restaurant and the client’s location and paid piece-rate. This also occurs during peak hours, such as when you *‘work on a Saturday evening, which means*

that you do maybe one order per hour. The rest of the time you’re there waiting is unpaid’ (Cas, Deliveroo NL). Waiting time inside (and outside) the restaurant – often while operators prepare the meals – is also unpaid. It can be a few minutes, but it’s usually longer: *‘I had to wait in a restaurant for 15 minutes. I’m not paid for that’* (Marcel, Deliveroo FR).

Glovers (Glovo couriers) carry out a similar form of unpaid labour, with couriers spending unpaid working time in the hope of receiving an order while they wait at restaurants. Unpaid waiting time can be partially mitigated by a waiting-at-restaurant pay structure that reimburses couriers at 0.05 EUR per minute while they wait at restaurants. However, the clock only starts after the first five minutes: *‘the first five minutes I wait there without being paid’* (Francesco, Glovo IT). As Francesco reports, the delays at restaurants can become significant, and the remuneration insufficient: *‘56 minutes, I think, I have been there waiting after the first five minutes, so it’s an hour and a minute or something like that [...] in the meantime I got angry because I could see private clients going in and out collecting their orders’* (Francesco, Glovo IT).

Glovo also applies a piece-rate remuneration mechanism. But, in contrast to Deliveroo, couriers can book shifts twice a week for the upcoming days. While shift reservation results in reducing the number of couriers available at any one time, thereby enhancing each courier’s opportunities to receive orders, reserving a shift represents an unremunerated task that couriers have to perform in order to access work. Moreover, as the number of shifts a courier can book depends upon their scores (based on total number of orders carried out, speed of delivery, high-demand hours worked, and client satisfaction), many workers can only book a low number of shifts each week and have to rely on last-minute free shifts opening up on the app calendar to get a decent number of working hours. To access additional working slots, couriers have to *‘keep refreshing to book for the day’* (Marwan, Glovo IT). This unpaid task can stretch over many hours and

potentially result in no paid work at all on a day.

There are also similarities in the configurations of Deliveroo's and Glovo's support systems for couriers, as both platforms rely on fully automated ('bot-based') chat assistance in the platform app. The ample empirical evidence of lengthy response time from the non-human platform support points to inefficient platform assistance as a source of unpaid work: 'With Glovo I had to resort to assistance several times, and none was shorter than half an hour, forty minutes' (Francesco, Glovo IT). Workers rely on platform support for a number of reasons, ranging from troubles with orders or clients to reporting accidents. When the systems malfunction, significant unpaid work is produced in that 'we work piece-rate, so, if I lose a lot of time on one order, I don't get another order until the previous one is closed' (Vanessa, Glovo IT). Moreover, delivery time can be further slowed by errors in clients' addresses, which require couriers to search for the right place and lengthen the time spent on a single order.

Unlike Deliveroo and Glovo, Takeaway and Mymenu apply hourly remuneration schemes. These substantially mitigate unpaid waiting time and also offer more stable employment arrangements that guarantee greater income stability. Yet, Takeaway balances hourly paid work with an intensified work rhythm that reduces downtime to a minimum in order to gain efficiency. Workers carry out one delivery after another without a break, to the point that '*at the very moment you've delivered an order, bam, you get a new one*' (Sander, Takeaway BE). This leads to severe work intensification. As Takeaway collects data on workers' performance (such as 'food-in-the-box' time, to monitor the speed of delivery from restaurant to client's home), it can make delivery more efficient by setting high standards. For example, it has established red lines for delivery frequency, below which a courier will receive a reprimand from the platform: '*If a rider keeps getting less than two deliveries per hour, he'll receive a warning, and then another one and eventually will be kicked out*' (Jamal, Takeaway

BE). Where Takeaway relies on temporary agency workers, as in Belgium and the Netherlands pressure on workers to meet platform's expected performance may be exacerbated by the absence of contractually guaranteed working hours. In this context, workers are assigned shifts on a weekly basis, and they must comply with management expectations to secure work in the near- to medium-term future.

Further unpaid labour on Takeaway comes in the form of obligatory unpaid breaks: '*If you do two shifts in a row, there has to be a two-hour break in between*' (Martin, Takeaway FR). In Belgium and the Netherlands, temporary agency workers hired by Takeaway are contracted on a shift basis, and when they are assigned more than one shift per day, the time that elapses in between is unpaid. Other unpaid work in Takeaway is generated when a shift is unilaterally extended without full remuneration: '*My shift was ending at 8pm and I was sent an order at 7:56, which I'd give to the client around 8:30. But I was late and [finished at] 9.00, so I worked one extra hour. And I only got paid for 30 minutes extra*' (Stefanos, Takeaway NL).

A similar phenomenon is reported at Mymenu, where workers claimed that unpaid labour is produced by the way the platform streamlines overtime. They complain that 'extra-ordinary time becomes ordinary time' (Rafael, Mymenu IT), as the platform renders overtime a structural feature of couriers' daily routine. Before starting a shift, Mymenu workers are asked to declare their availability to work overtime. If they refuse, the platform 'punishes' them by reducing their shift by half an hour with implications for their daily earnings. When overtime is accepted, remuneration for it is calculated '*by the minute worked, and they only pay you that*' (Luigi, Mymenu IT), instead of extending the shift by a whole paid half-hour following the traditional per-hour remuneration. Moreover, there are none of the pay increases that usually apply to overtime, which workers believe are their right, because '*you are doing extra, so you should be paid more*' (Luigi, Mymenu IT). Hence, while the threat of a 'pay cut' induces most workers to accept overtime on a daily

basis, income loss in overtime is produced by receiving per-minute pay.

Takeaway and Mymenu couriers, as well as Glovo and Deliveroo workers, spend unpaid time travelling to and from work, which is a form of unpaid labour. Especially in big cities, couriers often live far from the city centre, where most restaurants are based, and commuting time to and from this area can be up to *'an hour of cycling to reach the city centre, where we check in and start working'* (Brenda, Takeaway BE).

Non-time-based forms of unpaid labour

Food delivery platform couriers working for Deliveroo, Glovo and Mymenu have to carry out non-time-based unpaid tasks, such as the purchasing and maintenance of their own vehicles. A well-functioning means of transportation (be it a bike, a moped, or a car) is a precondition for securing income as a delivery courier. Yet three of the four platforms under review do not offer remuneration or any reimbursement for this. As a Belgian Deliveroo courier put it, *'Before work I repaired my bike and did a bit of maintenance myself; what I earned did not cover these costs'* (Dieter, Deliveroo BE). Conversely, Takeaway in Belgium provides couriers with electric or non-electric bikes, which it pays for and repairs. In France, only Takeaway workers

with contracts of 25 hours per week and above are entitled to company bikes, while part-timers (working less than 25 hours per week) are reimbursed with an allowance calculated at 0.06 EUR per kilometre ridden.

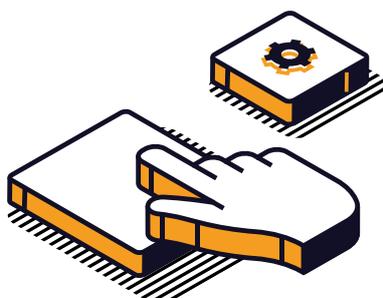
Owning a well-functioning vehicle is not sufficient to work as courier, given that order assignment is done via a smartphone app. Couriers also need to possess a well-performing smartphone that can support the latest versions of the platform apps, as well as an expensive contract with a telecom provider that offers high quantities of Internet data. As neither Deliveroo nor Glovo and Mymenu pay or reimburse workers for these expenses, this investment represents a further form of unpaid work for couriers. Takeaway, however, offers its workers an allowance calculated at 0.002 EUR per kilometre ridden during shifts and overtime.

Glovo couriers perform an additional form of unpaid work when the platform *'practically withholds 65 EUR from your first pay-check'* (Daniele, Glovo IT) to make workers pay for the work equipment (food bag and portable phone charger). The company promises to reimburse 50 EUR of this at the end of the contract. Yet, workers claim that hardly any courier gets the money back, because the platform deems the equipment too worn out.

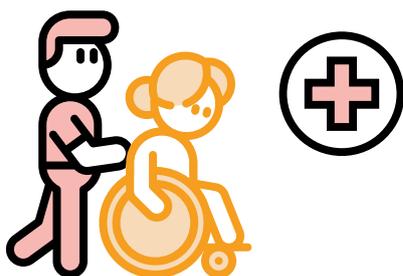


		Deliveroo	Glovo	Takeaway	Mymenu
Time-based unpaid work	Reservation time to access work		X		
	Waiting time to access orders and collect meals and for clients to appear at their doors	X	X		
	Waiting time for solutions to problems with support system	X	X		
	Searching time (in case of error) for wrong address, closed restaurant, etc.	X	X		
	Long unpaid breaks			X	X
	Extra time when last order exceeds last paid hour			X	X
	Work intensification (for high performance and job stability)			X	
	Travel time to and from work	X	X	X	X
Non-time-based unpaid work	Vehicle purchase/lease and maintenance	X	X		X
	Smartphone purchase, maintenance, and contract	X	X	X	X
	Purchase of work equipment (food box)		X		

Table 3. Forms of unpaid work in the food delivery platform sector



2.2 Care services platforms



Platforms profiles

Yoopies and Top Help/Aide au Top (Top Help from now onwards) are France-based online platforms that organize the matching of demand and supply of care services (i.e. baby-sitting, domestic work, pet-sitting, elderly/disabled care, and private tutoring). These platforms are active in both France and Belgium, and they use algorithmic matching systems based on temporal, spatial and reputation metrics. Although both platforms function as marketplaces, only Yoopies includes an online monetary transaction infrastructure that clients can use to make payments.

Care workers can register for free on both platforms and create their profiles to apply for jobs or to let clients select them. No ID verification is required to register, but both platforms encourage workers to have their ID validated as a sign of reliability for prospective clients. Care workers usually create multiple profiles on the platform to offer different services and increase their chances of accessing work.

When they register, workers are required to enter the hourly tariff they want to charge potential clients for each care service. While Top Help gives workers full autonomy to set their hourly tariffs, workers on Yoopies receive a pop-up message if the tariff entered is higher than average in the reference area. The message suggests they lower the amount they are asking for. Clients can access workers' profiles

through a directory available on the platform and either contact specific workers directly through the internal messaging app or post a job and receive workers' applications.

Yoopies and Top Help can in principle be used for free. But paying for a 'premium account' – whose cost ranges between 7 EUR and 10 EUR per month – is necessary for a worker to find a job, as this grants access to the client's contact details (i.e. phone number, email, and physical address). A premium account also pushes workers' profiles up on the online directory list, giving them greater visibility on the platform.

In France, Yoopies complies with national domestic work legislation and policies by offering optional administrative support for writing out contracts and declaring workers' salary to clients who pay a Premium account (25 EUR per month). In Belgium, the platform offers the same administrative support as in the French system, despite substantial differences in regulation. In other words, outside France, Yoopies has not yet adapted to local care- and domestic-sector institutional arrangements that sustain the formalization of care work.

Top Help, on the contrary, declines all involvement in contractual arrangements between clients and workers: it says it acts as a mere matching intermediary. An important exception is Top Help's twin-platform Top AssMat, which offers administrative support to both clients and officially registered early-childhood assistants (*assistantes maternelles*) in line with the French national regulation (Paje). The Top AssMat service is only available in France.

Unpaid labour in the care service platform sector

As care platforms are businesses seeking profits, their organizational structures include 'obstacles' (e.g. lack of access to clients' contact

details) that workers can only circumvent or overcome by carrying out different sorts of unpaid labour. Other major sources of unpaid work stem from the informality of employment relations. These are often produced through platforms as a result of missing or insufficient supervision.

Time-based forms of unpaid labour

To access work on a platform, aspiring workers have to commit to a substantial amount of unpaid labour in the form of searching for jobs and making applications. Although unpaid work in the on-platform job hunt is somewhat mitigated by an automatic notification system that pokes workers via email when new positions are available, workers still perform a great number of active searches on the platform website. When they find a potentially good match, workers usually send cover letters as a way of expressing their interest and availability for the job. In most cases, job applications fall into the void, generating frustration among respondents, who feel they have wasted time, because *'I contact clients but I never get any feedback, not a rejection and not an acceptance, just nothing at all'* (Amal, Yoopies FR).

Moreover, unpaid labour results from the difficulty for workers and clients of exchanging contact details on the platform unless one of the parties pays to do it through a premium account. Such an account provides access to clients' or workers' phone numbers and therefore enables smoother and more efficient communication via phone. If none of the parties subscribes to a paying account, they can only continue chatting on the internal messaging app *'to share a meeting place. Only that. If you try and add a phone number, an email address or other stuff, it's not good. Once I tried to tell the client if he wanted to talk on Facebook but I got a warning message [from the platform]'* (Céline, Top Help FR). Most selection meetings then have to take place in person, usually

at the client's home, or else *'we pick a meeting place at the station, for instance, or at a café, so we can meet the person asking for the service, and there you can finally exchange contact details'* (Wivine, Top Help BE). Thus, the platforms' lucrative subscription model crucially produces time-based unpaid work for workers, as it forces them to devote time and effort to meetings that do not guarantee getting a job.

When workers obtain a job, clients very rarely pay for commuting costs or time, which can easily rise to between 1 hour and 1 hour 30 minutes. Lengthy and unpaid commuting is a recurring subject in care worker interviews, and it is common for total transport time to outweigh hours worked. This generates frustration and also curtails workers' earning capacity: *'I was quite angry because she only paid me 20 EUR for four-and-a-half hours of work, including the transport'* (Eloïse, Yoopies FR).

Non-time-based forms of unpaid labour

Workers can decide to use their own money to purchase a premium account on the platforms and thereby *'have unlimited access to clients' contact details for the number of days paid for'* (Céline, Top Help FR). They can then beat the competition by calling clients who posted appealing jobs and increasing their visibility on the platform. Paying to access work represents a non-time-based form of unpaid labour. Most workers voice their discontent over this practice, and even those who are resigned to paying the fees complain that *'7 EUR per month may not be much, eh, but when you go work for 18 EUR in total, on the other side of Brussels, and you're not even sure you'll be back home...'* (Mireille, Yoopies BE). Top Help also offers a one-time service for calling a client *'via a green number available for only five minutes, which redirects you to the phone of the client who posted the job'* (Céline, Top Help FR). The one-time service costs 2 EUR, and it may be a waste of money if the client does not pick up.

Yoopies charges workers an additional 4 EUR fee to have their ID verified. Workers usually pay this fee, because they are aware of the importance of having a validated profile in the domestic and care sector.

As many clients resort to platforms for occasional services, especially in domestic work, workers are often confronted with missing cleaning products and basic equipment for carrying out housework. This can become another source of unpaid labour, when workers need to pay for and transport equipment and products that they would normally find in their work location. *‘Most of the time, they don’t even have the material and products to work with, so what I do for some clients, especially single men, I bring my own equipment because I know they don’t have rubber gloves, for instance, and for me it’s fundamental to wear gloves’* (Mireille, Yoopies BE).

Evidence shows that many of the jobs found via Yoopies and Top Help are carried out informally, i.e. without a regular contract, in spite of the facilitating tools offered by Yoopies. Especially when jobs are occasional, clients prefer to pay workers under the table, and this also occurs in contexts where national regulation provides incentives to declare domestic and care work, as in France and Belgium – though the incentives are more limited in Belgium. This has important implications for workers’ access to employment-based social protection. Where care-sector professions are formally regulated, but the employer does not abide by existing regulations, workers are deprived of social security protection attached to their employment status, which should be a right. The informality of jobs in regulated settings therefore results in unpaid labour for workers.

		Yoopies	Top Help
Time-based unpaid work	Job searching and applications	X	X
	Meeting potential clients in person, involving commuting to a client’s home or a meeting place	X	X
	Travel time to and from work	X	X
Non-time-based unpaid work	Paying fees to communicate with clients, apply for jobs, or increase job opportunities	X	X
	Paying a one-time fee for ID verification	X	
	Investment in work equipment and products (domestic work)	X	X
	No entitlement to social security protection when employment relation is not registered according to national regulations	X	X

Table 4. Forms of unpaid work in the care service platform sector

2.3 Crowdwork Freelancing platforms



Platform profiles

Upwork is a global crowdwork freelancing platform that matches clients and workers in a global market. Malt is a French-based crowdwork freelancing platform, which targets national markets (France, Belgium, Spain, and Germany). In France, clients fish in a pool of only French freelancers. While Upwork is open to all freelancers regardless of their employment status, Malt only allows freelancers officially registered as self-employed (*autoentrepreneurs*) in France to access the platform.

Freelancers' success on Upwork and Malt is based on algorithm-based internal reputation systems. Workers' performance scores are calculated from a combination of client reviews and other personal metrics, such as the number of missions and response readiness. Based on their overall scores, freelancers can earn badges, such as 'Top Rated' (on Upwork) and 'SuperMalter' (on Malt), that are essential for employability and securing income. Workers are required to log in frequently and accept assignments by the platform under threat of having their profile deactivated.

AddLance is a crowdwork freelancing platform that originated and is active in Italy. Jellow is such a platform that originated and is active in Dutch-speaking Belgium and also operates in the Netherlands. AddLance is open to all aspiring freelancers regardless of whether they are officially registered as self-employed, and matchmaking between workers and clients is

algorithm-based. In contrast, the automated matchmaking on Jellow is integrated with support from staff, who can be reached by phone and help find clients and freelancers. Jellow staff also manually check that all new freelancers who register on the platform are officially self-employed.

Given the local nature of Jellow and AddLance, participation is somewhat limited to language or national communities, as it is for Malt. Information on the platform is only available in the respective national or regional languages. AddLance and Jellow act as marketplaces that match the demand and supply of freelancing services but, unlike Upwork and Malt, they provide no internal transaction infrastructure. Clients can review freelancers' work on both AddLance and Jellow, but the absence of an internal scoring mechanism based on workers' overall performance limits the relevance of reputation systems for freelancers' success.

Unpaid labour on crowdwork freelancing platforms

Freelancers working on crowdwork platforms commit to varying amounts of unpaid labour according to the type of platform. On platforms such as Upwork and Malt, where platform-specific reputation is key to success, unpaid work is more prevalent as a result of internal scoring mechanisms. To different extents, workers on Upwork, Malt, and AddLance perform unpaid work in the form of price dumping, which results from increased competition brought about by the algorithmic automation of matchmaking between clients and freelancers. In some cases, this is worsened by the worldwide market they establish (Upwork). Where (human) staff guidance integrates automatic matching, freelancers can more easily afford to charge the same prices as in offline markets, as happens on Jellow. Moreover, unpaid work is generated on platforms in innovative forms, such as through earnings-based fees (Malt and Upwork) and pay-to-apply schemes (Upwork and AddLance). The next sections look in detail at the various forms of unpaid labour.

Time-based forms of unpaid work

On crowdwork platforms such as Upwork and Malt, where freelancers' *'reputation is crucial'* (Paulo, Upwork FR), good profiles in the offline labour market do not automatically lead to successful profiles on the platform. This is because reputation systems on those platforms do not only rely on freelancers' professional value as reviewed by clients. They also depend on meeting the platform's requirements, including the number of missions accomplished through the platform and their economic relevance, response rapidity, and other considerations. In other words, freelancers' profiles are subject to patterns of standardization that 'lock in' (Wood and Lehdonvirta 2019; Pulignano et al., 2021) freelancers to the platform but have little or no meaning in the offline market – and hence can rarely be exported outside the platform. However, as building an on-platform reputation is vital for success, freelancers strive to meet platforms' internal standards, and they carry out a number of unpaid time-based and non-time-based tasks in order to do so.

An example of time-based unpaid work is the acquisition of platform badges ('Top Rated' on Upwork and 'SuperMalter' on Malt) that validate freelancers' success on the platform. Gaining them often requires workers to engage in unpaid tasks. As Claire puts it: *'I found out that the only thing that I hadn't done that would get me this badge was to add a link to another platform on my profile. They offered Stack Overflow, GitHub and some other stuff I've never heard of. Very IT, very developer tools. So I was like, "I don't have these accounts." And I was like: "I can't believe I'm not gonna get a 100% profile because I don't have one these accounts." So I just created one [...] Never used it but created it, added it to my account and then the next day I got this badge'* (Claire, Upwork BE).

On Upwork and Malt, clients' reviews are essential to freelancers' reputations and *'even one bad feedback can ruin your profile'* (Paulo, Upwork FR). Workers are induced to put up with unpaid additional requests because *'clients are like: "Oh, but this was also a part of*

the project, and this, and that. So at the end you keep doing things for free just for the sake of getting good reviews' (Laura, Upwork BE). Workers are aware that the platform system leaves *'minimum space for negotiation from the side of the freelancer'* and this mechanism enables clients *'to ask the impossible of freelancers'* (Paulo, Upwork FR). In some cases, the threat of a bad review puts such pressure on freelancers that they agree to deliver an entire project at a significantly reduced price: *'She [the client] told me there was a big problem with my translation, that it was very bad [...] so I proposed to be paid only half of what agreed – 800 EUR instead of 1,600'* to avoid a negative review that would have crushed her profile on the platform (Milena, Malt FR).

As crowdwork platforms' core objective is to facilitate clients' access to rich pools of freelancers, they establish a fierce and *'direct competition between us [freelancers]'* (Max, Malt FR). On Upwork, Malt and AddLance, where freelancers' profiles are aggregated and matched with clients through fully automated algorithmic operations, competition is fuelled to a degree unimaginable in the pre-platform world (Shevchuk et al., 2021). When clients post a job on the platform, workers need to *'respond to the various positions in a very proactive way'* (Jessica, Upwork IT), because rapidity in answering new job positions is crucial. Hence, workers *'keep refreshing the webpage and looking for the last ones [jobs] that were published so that my application can be taken into account'* (Jessica, Upwork IT). Freelancers consistently suggest that, given the endless list of applications filed for the same task, clients select on a 'first come, first served' basis. This requires freelancers to *'spend a lot of time searching and less working, and this is not acceptable'* (Matylda, Upwork PL), given that the application time is unpaid. Where workers cannot actively look for jobs, such as on Malt, where it's only up to clients to send proposals to freelancers, the same *'competition reasoning'* applies. This produces a feeling of *'being taken into a spiral, into a whirl'* where you *'feel stressed because I know it [the job proposal] needs to be responded to'* even if it arrives *'on*

a Friday evening at 7pm while you're making dinner for your family' (Max, Malt FR). In other words, competition on platforms establishes a sort of 'fear of missing out' syndrome that forces workers to accept a lot of unpaid work in the hope of getting a job. On Jellow, competition among freelancers (and the unpaid labour that stems from it) is mitigated by the existence of platform staff, who integrate the automated matching system with personalized guidance in order to find the best match for clients and workers – which is not necessarily the fastest or the cheapest.

Competition on a platform produces unpaid work in a second important way. Knowing the large number of competitors potentially applying for the same job, freelancers are induced to offer their services for a *'very, very low budget'* (Nadia, AddLance IT). To increase their chances of being selected among *'about 20 of us in the pipeline, we tell ourselves that we can have a chance, so we work and do all this unpaid stuff to start with [...] and at the end we make an invoice'* (Pierre, Malt FR). This invoice does not usually account for all the time spent on the project. Trying to be cheaper than other competitors does not make freelancers' work lighter, but rather leads to a phenomenon of work intensification that can result in *'working 70 hours a week'* for *'only a minimum wage'* (Pierre, Malt FR). Although this *'makes the clients come back'*, these expectations generate frustration, and *'it devalues your work'* (Pierre, Malt FR). However, the extent to which fees are squeezed also depends on (more or less official) entry barriers set up by platforms. On a platform like Upwork that functions in English and is accessible to everyone everywhere in the world, regardless of official freelancing status, downward pressure on tariffs is common because of the great wage disparities between countries and continents. For clients who are *'willing to pay next to nothing, [...] there's always someone from India who's willing to work that'* (Paulo, Upwork FR). In comparison to Upwork, on platforms like AddLance and Malt, where the market of reference is primarily national and regional, price dumping is relatively mitigated. Here, 'unfair' competition on tariffs

can still be practised on national platforms if no entry barriers are set up for workers who are not officially registered as freelancers and do not have to pay tax or social security contributions on the income they earn from platform work. This problem is prevalent on AddLance, probably also due to the existence of hybrid employment arrangement available for occasional work (*'contratto di prestazione occasionale'*) in Italy. In contrast, Jellow and Malt require freelancers to have an official self-entrepreneur's registration number in order to create a profile on the platform.

Non-time-based forms of unpaid work

The complex reputation systems embedded in Upwork and Malt induce workers to do non-time-based unpaid work by forcing them to pay a share of their own earnings to the platform. The platforms withhold a fee in proportion to the payment that clients transfer to the freelancers via the internal monetary transaction systems, which are similar on Upwork and Malt. As freelancers' reputation scores on platforms are highly dependent upon the number of missions accomplished and paid through the platforms, workers can only consent to carry out this form of unpaid work. Platforms' transaction fees range between 5% and 20%. On Upwork, when a new collaboration begins, freelancers pay a 20% fee on the first 500 USD earned (all transactions are in USD). When earnings from the same client exceed 500 USD, the rate is halved to 10%. It is further halved to 5% when earnings from the same client reach 10,000 USD. Similarly, Malt takes 12% of freelancers' earnings on transactions with clients that workers have been collaborating with for less than three months. *'When you do a new assignment with that client afterwards, you are no longer taxed at 12% but at 5%'* (Pierre, Malt FR).

On AddLance and Upwork, freelancers have to invest their own money to apply for jobs. Both platforms require workers to purchase platform currency ('connects' on Upwork and 'credits' on AddLance). This is necessary, in

variable amounts, for sending applications to clients who have posted tasks on the platform. Workers voice their discontent at being *'the only ones who pay [...] because it's me who has to shoulder the platform costs'* instead of clients (Marta, AddLance IT). The fees are paid in platform currency, namely 'credits' on AddLance and 'connects' on Upwork. Converted into euros, the sums range between 2 EUR and 8 EUR depending on how much is earned from the job. Especially at the onset of their 'platform career', freelancers have to invest in platform currency without any guarantee that this will yield paid work. *'The first money I got, I invested in buying more connects, and at the beginning I made many applications and wasted all the connects, because none of them was successful'* (Viola, Upwork IT).

Of the four platforms studied, only on Jellow are freelancers insulated from the two non-time-based forms of unpaid work mentioned above, as the platform does not charge workers for job applications, nor does it impose transaction fees. (No internal transaction system is incorporated into the platform.)

However, freelancers on all platforms carry out further unpaid work when they invest time and money in training and educational programs to expand their skills *'with the idea of also offering this new competence in combination project management'* (Marina, AddLance IT). Diversifying skillsets allows platform freelancers to apply for a broader variety of jobs and become more appealing to clients who are looking for one-stop-shop workers.

		Upwork	Malt	AddLance	Jellow
Time-based unpaid work	Doing extra tasks to achieve high platform scores and badges	X	X		
	Doing extra tasks to keep clients satisfied and rates high	X	X	X	
	Doing unpaid tasks to earn good reviews or avoid bad reviews	X	X		
	Lowering own rates to stay competitive	X	X	X	
	Constantly monitoring job offers and making unpaid applications	X	X	X	
	Sending free samples of work	X	X	X	
Non-time-based unpaid work	Paying platform commissions	X	X		X
	Purchasing platform currency to apply for jobs	X		X	
	Investing own money and time in training	X	X	X	X

Table 5. Forms of unpaid work in the crowdwork freelancing platform sector

3. Underpinnings and institutional conditions of unpaid labour: a sectoral perspective

3.1 Food delivery services

Platforms have entered the on-demand food delivery service sector by standardising the provision and payment of delivery services and mediating these actions through the digital platform. Unlike Uber, which entered an existing market (i.e. transport) and challenged the sector's mature regulatory structures, Deliveroo, Glovo, Takeaway, and Mymenu entered – at different times – a relatively new market (i.e. food delivery). Deliveroo and Glovo have helped shape the market through a strategy that aims to attract restaurants by targeting fast and fully tracked delivery times through an app-based infrastructure that enables the use of a large disposable workforce. Takeaway and Mymenu have grown by relying on a more stable workforce, which has been made efficient through reputation mechanisms.

In the absence of sector-specific regulations at national or supranational level, the four platforms have had their hands free to use their preferred strategies to overcome market uncertainty. Deliveroo and Glovo have used an 'exit' strategy, by counting on a highly flexible labour force and systems – such as Deliveroo's 'free-login' and Glovo's 'excellence score' – that allow quick responses to fluctuations in demand. Takeaway and Mymenu have been attractive to workers by complying with existing labour regulations and have used labour time intensification to stay efficient and competitive.

The two distinctive platform strategies ('exit' and 'compliance') have been used by platforms to overcome uncertainty in a specific institutional context. For example, Deliveroo in Belgium has transitioned to the free-login system to retain its capacity to use self-employed workers, in particular those with 'peer-to-peer' (P2P) employment status.⁴ As the P2P status only applies to the exchange of services between private citizens, national tax authorities and unions deemed it incompatible with Deliveroo's old way of functioning, under which workers were clearly being paid by the platform. By adopting the free-login system, which allows workers to be paid by clients directly, Deliveroo could continue to use P2P status for its couriers.

Deliveroo's and Glovo's use of a self-employed workforce has been the subject of litigation in France, Belgium, the Netherlands, and Italy. Courts have been repeatedly consulted by trade unions and workers seeking redress over the platforms' unfavourable working conditions. In 2021, the Dutch Court of Appeal confirmed a 2019 ruling that Deliveroo couriers are entitled to an employment contract and to social security rights as dependent employees (De Stefano & Wouters, 2020). The Dutch government has not yet shown interest in dealing with the issue directly, but reforms of social protection coverage for the self-employed are planned in the foreseeable future. In France, the Paris Labour Court claimed in 2020 that Deliveroo

4 Introduced in 2017 by the De Croo law, the 'peer-to-peer' status established a new employment category for the exchange of services between citizens over platforms for earnings under a certain threshold (6.340 EUR in 2021). Until 2020, the P2P status benefitted from a tax-free regime, but the rule was overturned in 2019 by the Belgian Constitutional Court. Taxation for this category is today set at 10%. In order to use this employment status, platforms have to register on a national list of 'recognized' platforms.

couriers should be reclassified as employees. A year later, the ruling was overturned by the French Court of Appeal, which found that they were genuinely self-employed. In line with the latest court decision, the 2021 Frouin Report – commissioned by the French executive to receive advice on how to regulate couriers' status – envisions the application of portage salarial as a possible solution. This would introduce an 'artificial' employment relation with a third party (the portage salarial agency) without forcing delivery platforms to formally employ their workforce.

Similarly, Glovo's use of self-employment status has been repeatedly under attack in Italy. After a case brought by workers and trade unions, the Palermo Court ordered the reclassification of a Glovo courier as an employee in November 2020. At the beginning of 2021, the Milan attorney general found Glovo (and other platforms) guilty of employment misclassification and condemned the platforms to high fines. Unlike other countries, in 2019 the Italian government made an attempt to regulate the sector (Decree 128/2019) and established that food delivery platform couriers should be classified as 'para-subordinate' employees (*contratto di collaborazione coordinata e continuativa*). This status provides them with social protection coverage and sets out guaranteed minimum hourly pay when workers are on call. As the effectiveness of the rule depends on workers' appeals to the Court, its application to date has been very limited. On the contrary, Glovo found no major opposition in Poland, where the platform outsources workforce management to intermediaries that 'hire' couriers through highly flexible and precarious civil law contracts (Muszyński, Pulignano, & Marà, n.d.).

Takeaway and Mymenu have so far been insulated from the stormy judiciary procedures

faced by Deliveroo and Glovo in recent years. Both platforms implement employment strategies more compliant with existing labour market regulation, albeit with some differences across the platforms and the countries of activity. Takeaway classifies couriers as regular employees in all the countries under scrutiny (the Netherlands, France and Belgium). However, whereas couriers in the Netherlands and Belgium are mostly hired through temporary agencies, in France, where the platform started business officially in January 2021, Takeaway has been offering open-ended contracts in the framework of collective road transport agreements. As Jerome Pimot, leader of the Paris-based couriers' collective CLAP, stated, 'starting on a different foot at once enabled Takeaway to avoid potential future legal annoyances, such as litigation and protests, and promote a fruitful marketing strategy based on the good image of a platform that is mindful of its workers'.⁵ A Takeaway manager in Belgium echoed the French workers' representative, arguing that, 'We do not intend to face court cases. We want to be correct towards our well performing workforce, which we retain on the basis of the reputations they score' (interview with Takeaway manager BE). Boosting reputation-based competition amongst regular workers paid by the hour is consistent with the platform's plan to avoid getting involved in litigation. Yet, in Belgium, Takeaway's extensive use of temporary agency work allows it to prevent a solid union presence in the firm. Under Belgian regulations, temporary agency workers are entitled to vote for union representation within the client organization (Håkansson, Pulignano, Isidorsson, & Doerflinger, 2020). But this only applies when they work for the same employer for a minimum number of consecutive days. This is very rarely the case for Takeaway workers, who are assigned shifts at the platform's will and without statutory guarantees of job stability.

5 « Livreurs salariés chez Just Eat : coup marketing ou avancée majeure ? », Maddynews. March 3rd 2021, retrievable at : <https://bit.ly/3Cn3nbg>

Mymenu, too, follows extant labour regulations, such as hourly pay, as part of a broader market strategy directed at maintaining a market niche of gourmet and high-level restaurants (Muszyński et al., n.d.). Compliance with labour market regulations is key for the Italian platform to offer quality food delivery services to its (mostly) upper-class clientele and sustain an image as a relatively ethical platform.



Regulation of payment types and unpaid waiting time

As outlined in Section 2.1, piece-rate remuneration in food delivery services is associated with high levels of unpaid time, especially in the form of waiting time. In Italy, Decree 128/2019 expressly outlaws piece-rate pay as the prevalent remunerative mechanism and makes minimum hourly pay the norm. But the lack of regulation in France, the Netherlands, and Poland leaves room for platforms to continue operating such pay schemes, while the Belgian P2P regime openly endorses it.

Belgium	Peer-to-peer (P2P) status entails no taxation for earnings up to about 5500 €/year until 2020 and 10% taxation from Jan. 2021. There is no social protection coverage. The status applies to workers on officially registered platforms (e.g. Deliveroo). The status is under review. Workers earning above the threshold or active on non-registered platforms have full or complementary self-employment status. This obliges them to pay trimestral 'provisional social contributions' based on their previous year's earnings and regardless of their current earnings.
France	Representative rights for platform workers were introduced in the 2019 Loi d'Orientation de mobilité (elections for work councils from 2022). Platform workers have self-employed status ('auto-entrepreneur') with trimestral social contributions proportional to their current trimestral earnings. The 'Rapport Frouin' recommends 'portage salarial'.
Italy	Occasional work status ('prestazione occasionale') applies to workers earning less than 5000 €/year. Above that threshold, workers have self-employed status, with semestral 'provisional social contributions' calculated on the previous year's earnings. 'The Riders' Decree' (128/2019) establishes employee status as the default status unless the social parties reach a collective agreement. Negotiations are ongoing, so the applicability of the decree is still pending.
Poland	There is widespread use of 'mandate civil law contracts' (a form of self-employment), which grant rights to social protection coverage despite low fiscal contributions. Workers are hired through intermediary agencies. No steps have been taken by the government to regulate the sector.
The Netherlands	Workers have self-employed status. They are not obliged to pay social contributions (only income tax) or social protection coverage. No steps have been taken by the government to regulate the sector.

Table 6. Regulations by country for the food delivery service sector

3.2 Care services platforms

Market and labour regulations vary substantially between countries, according to the way governments have fashioned family policies over the last decades to foster women's participation in labour markets.

In the mid-2000s, both France and Belgium introduced voucher systems (in France called CESU – *Chèque emploi service universel*) that boosted the formalization of care activities through highly subsidized marketization (Carbonnier & Morel, 2015). In France, state subsidies come in the form of 50% tax credits for clients, while the Belgian state directly subsidises vouchers at 70%, lowering the price for clients at the moment of purchase. The two voucher systems differ in several features.

The first distinction concerns the personal care services, which include elderly care assistance; disability assistance; childhood assistance and private tutoring; and domestic services ranging from house cleaning to ironing, cooking, and gardening (Baga, Cylus, Rand, & Rossow, 2020). Coverage differs significantly in France and Belgium. In France, all services are subject to the same form of tax-credit regulation. But in Belgium, only domestic tasks can be carried out within the scope of the voucher system (Carbonnier & Morel, 2015). In Belgium, personal care services such as assistance to the elderly or to people with disabilities are usually provided through profit and non-profit organizations with employee staff. Alternatively, they are provided by so-called Local Employment Agencies (ALE/PWA) that aim to reintegrate long-term labour market dropouts and other welfare beneficiaries (Farvaque, 2015). Baby-sitting and private-tutoring services fall outside the scope of regulation.

The second distinction concerns the form of employment the voucher system establishes. In Belgium, the system is 'triangular' (Safuta & Camargo, 2019), in that it relies extensively

on the use of intermediary agencies that hire domestic workers and remunerate them on the basis of hours worked – that is, based on the vouchers paid by their clients. In France, two forms of employment are in place: direct employment – the most common – in which private citizens act as employers of the household worker; and employment through intermediaries, as in the Belgian case. In order to receive tax credits, French clients need to declare the household work they buy. When intermediaries are used to purchase services, they usually provide administrative services for declaration purposes. But when household workers are directly employed, the clients (employers) need to carry out the declaration themselves.

The French household service market combines the vast availability of potential workers and bureaucratic support for clients to declare domestic work. As declared work entails minimum wages and social protection coverage, platforms that support employment declaration significantly reduce unpaid work. Yet, the optional take-up of administrative services offered by the platform to clients leaves room for informal work, according to our empirical findings. Indeed, the data show no major difference between Yoopies and Top Help workers in France with regard to formal employment, which points to the inefficacy of the platforms' loose and optional declarative support. Furthermore, in combination with the two platforms' low entry barriers, the lack of obligation to declare work relations established via the platform generates fertile terrain for the use of workers in an irregular position. Because of their vulnerable situation, they have little power to negotiate better (and regularly declared) working conditions. Therefore, they carry out different forms of time-based and non-time-based unpaid labour.

In Belgium, however, the risk is high that Yoopies and Top Help end up boosting informal work as a consequence of two major conditions. First, neither of the platforms offer Belgian clients

administrative support to declare the work they pay for through the platform. In fact, in Belgium such support only applies to domestic work, as the national voucher system only covers this sub-sector. Second, and relatedly, most work carried out via platforms is either traditionally regulated as subordinate work (e.g. personal care for the elderly and people with disabilities),

with no other legal framework for direct employment by families, or else it is not regulated at all, as is the case with private tutoring and baby-sitting. Thus, when matched on platforms, the contracting parties can – except for domestic services – only arrange work agreements informally. This deprives workers of social protection coverage and minimum wage standards.

France	A voucher system (CESU) is usable for all care and domestic services. Double employment options include direct employment with the client as employer and employment through an intermediary. Full social security is paid for all voucher-paid employees. There is a similar, but distinct, system (Pajemploi) for early-childhood assistants (<i>assistante maternelle</i>).
Belgium	A voucher system is usable for domestic services only. Employment takes place only through intermediaries (profit or non-profit voucher agencies for domestic services). Personal care services are provided by profit and non-profit organizations with regularly employed staff or by local ALE staff. There is no regulation for private tutoring and baby-sitting.

Table 6. Regulations by country for the food delivery service sector

3.3. Crowdwork freelancing platforms

Freelancing as professional independent work has grown quickly in the past decades. Commentators claim that digitization and online platforms have accelerated the trend (Haake, 2017). State policies across the EU have been reshaping self-employment status to increase its attractiveness, by lowering fiscal dues or extending state-provided social protection coverage (Fulton, 2018). As shown in Section 2.3, crowdwork platforms reorganize the freelance labour market in ways that can constrain freelancers' capacity to compete.

Platforms have restructured competition among freelancers in many ways. In the absence of national or supranational provisions regulating entry to platforms, most freelancing platforms have lifted all barriers to allow both

officially registered self-employed and casual independent workers to compete in their online markets. This is consequential in that unregistered workers can undercut official freelancers in price, as they disregard fiscal obligations on their platform jobs. This phenomenon emerges vividly on freelancing platforms where competition is somewhat limited to national or linguistic communities, such as in the case of AddLance in Italy.

On international platforms like Upwork, undercutting is crucially exacerbated by the worldwide dimension of the online market. With clients and workers all over the world, prices can easily be dumped by freelancers based in countries with lower purchasing power. It is not always easy for workers in richer countries to escape downward price spirals, especially when starting a career on platforms. Even when

competition is limited to the European continent, the national varieties of self-employment status produce the risk of price dumping for freelancers. Take, for instance, Polish and Belgian IT freelancers on Upwork. Polish freelancers on Upwork can work under the ‘task-specific civil law contract’ regime, in which workers do not have to make side payments (fiscal duties and social protection contributions). In Belgium, however, self-employment status requires freelancers to contribute 20.5% of their earnings for social security every trimester. Therefore, when applying for the same job, Belgian platform freelancers have to severely cut their prices to stay competitive. The unbridled price competition facilitated by online platforms reduces freelancers’ ability to earn a decent income and requires them to carry out more tasks and projects at the same time. This leads to forms of unpaid labour connected to labour intensification and extensification.

A major problem that encourages price dumping on platforms is the impossibility for European freelancers to engage in collective bargaining and set minimum tariffs. As Article 101(1) of the TFEU stipulates, independent professionals are considered to be ‘undertakings’, so collective engagements would breach competition law.

Moreover, platforms also restructure competition among freelancers through their internal algorithmic reputation mechanisms. On platforms such as Upwork and Malt, success on a platform (i.e. access to work) is dependent upon platform-specific reputation, which workers can gain by complying with platform requirements that are sources of unpaid labour, as outlined in Section 2.3. As reputation is solely connected to the platform, workers cannot ‘export’ their ratings and reviews to other platforms or to the traditional labour market. This lack of reputation portability locks workers into the platform and limits their competitiveness in other market arenas.

EU Level Impossible to set minimum tariffs (Art. 101 TFEU)	Belgium	Full or complementary self-employed status with obligation to pay trimestral ‘provisional social contributions’ calculated on previous year’s earnings, regardless of current earnings
	France	Self-employed status (<i>auto-entrepreneur</i>) with trimestral social contributions proportional to current trimestral earnings
	Italy	Casual work status (<i>contratto di prestazione occasionale</i>) applicable to earnings below 5000 €/year) and self-employment status for annual earnings above that threshold. Semestral ‘provisional social contributions’ calculated on previous year’s earnings
	Poland	Self-employment based on specific-task civil law contracts with no fiscal or social security contributions applicable
	The Netherlands	Self-employed status, with no obligation to pay social contributions (although this is recommended), but compulsory income tax

Table 8. National contexts for the freelancing sector.

4. Recommendations: How to limit unpaid labour and ensure decent working conditions in platform work

This section aims to summarize our findings and draw recommendations for national and EU policymakers. We first develop a cross-sectoral set of recommendations applicable to platform work in general and then tailor sector-specific recommendations (i.e. food delivery services, care services, freelancing services). We think it is crucial to consider platforms' actions in the economic and sectoral contexts they help to reshape.

4.1 Cross-sectoral recommendations

All platform work entails unpaid labour that workers need to carry out in order to access and accomplish remunerated activities, though the intensity varies between sectors. First and foremost, we recommend the following:

Recognize **unpaid labour as a systematic feature of platform work** and take this into account in future regulations.

Fully **apply the principles of the European Pillar of Social Rights to platform workers** (in particular with regard to principles n. 5, 6, 7, 8, 9, 10, and 12).

As platforms seek to benefit by mainstreaming independent work schemes that circumvent existing labour regulations, we call on policymakers to:

Clarify the status of platform workers and reclassify them in clear dependent or subordinated positions with standard employment contracts. Make platforms comply with sectoral regulations and collective agreements when applicable.

Introduce minimum standards for wages and working time for all platform workers. In line with Principle 6 of the European Pillar of Social Rights, workers who use platforms to access work should be given equal access to the currently discussed Directive proposal on Adequate minimum wages (2020/0310 (COD)). A revision of the Directive on Transparent and predictable working conditions (2019/1152) should be envisioned to make it include platform work.

Ensure effective voice mechanisms (collective bargaining and representation rights) for platform workers in compliance with the Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community. Workers shall be granted the right to decide, inter alia, upon the reputation systems that organize work on platforms. To do this, social dialogue and negotiation systems shall be established at sectoral and platform level.

Ensure transparency of information to all platform workers with regard to personal data collected by platforms that have an effect on working conditions. The General Data Protection Regulation (2016/679) should be complied with.

4.2 Recommendations for the food delivery platform sector

Unpaid labour in food delivery platform work is prevalent when work is remunerated piece-rate and no working time stability is ensured over the medium and long term. Furthermore, couriers engage in permanent forms of unpaid labour due to a lack of provisions and to the maintenance of work equipment that is necessary to perform their work. We recommend policymakers do the following:

Ensure decent earnings through standard employment contracts and pay on an hourly basis. This should be done in compliance with national and sectoral minima, as foreseen in the Directive proposal for Adequate minimum wages (2020/0310 (COD)).

Improve the employment stability of platform couriers by setting a floor of contractually guaranteed working hours. This should be independent of the workers' performance and in compliance with the Directive on Transparent and predictable working conditions (2019/1152).

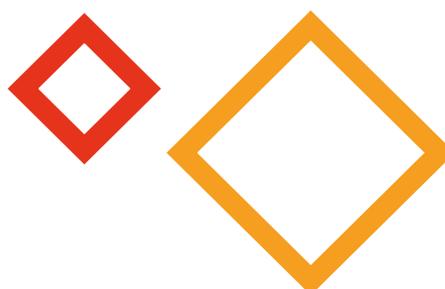
Ensure that platforms offer to provide and maintain work equipment free of charge, including vehicle, fuel, phone, phone contract, and special clothing.

4.3 Recommendations for the care services platform sector

Unpaid labour in the care and household service sector is primarily related to two factors. One is platform structures that limit workers' access to client information. Another is platforms' timid or non-existent compliance with the regulations organizing the sector in national contexts. Policymakers should:

Make care service platforms responsible for the formal stipulation of employment contracts between the matching parties (i.e. clients and workers). Also make platforms responsible **for ensuring that fair working conditions are respected**, in accordance with the national regulations of the care sector and care occupations. If care and household services are not subject to direct employment between clients and workers in a country (e.g. elderly care assistance in Belgium), platforms should refrain from intermediating in these services, so as to avoid introducing informality into the sector.

Make sure that access to work is transparent and free of charge. No fees should be demanded for workers to get in contact with potential clients.



4.4 Recommendations for the crowdwork freelancing platform sector

In the freelancing sector, online platforms push workers to perform unpaid labour when they organize work through reputation and when they facilitate races to the bottom in tariffs, especially when platforms operate worldwide. Policymakers should take action and also do the following:

Ensure that freelancers and independent workers on platforms are granted access to effective voice mechanisms through the creation of representation structures and inclusion in collective bargaining. They should be afforded presence in policy and regulatory processes (in relation to the ongoing consultation on Art. 101(1) of the TFEU).

Guarantee that freelancers working remotely on platforms enjoy data transparency in respect of digital protection law, as well as data portability of ratings and portfolios that are necessary for career progression and upskilling.

Envision the creation of a European transnational status for all self-employed workers, including an alignment of social contributions and fiscal duties, as well as equal access to social security.



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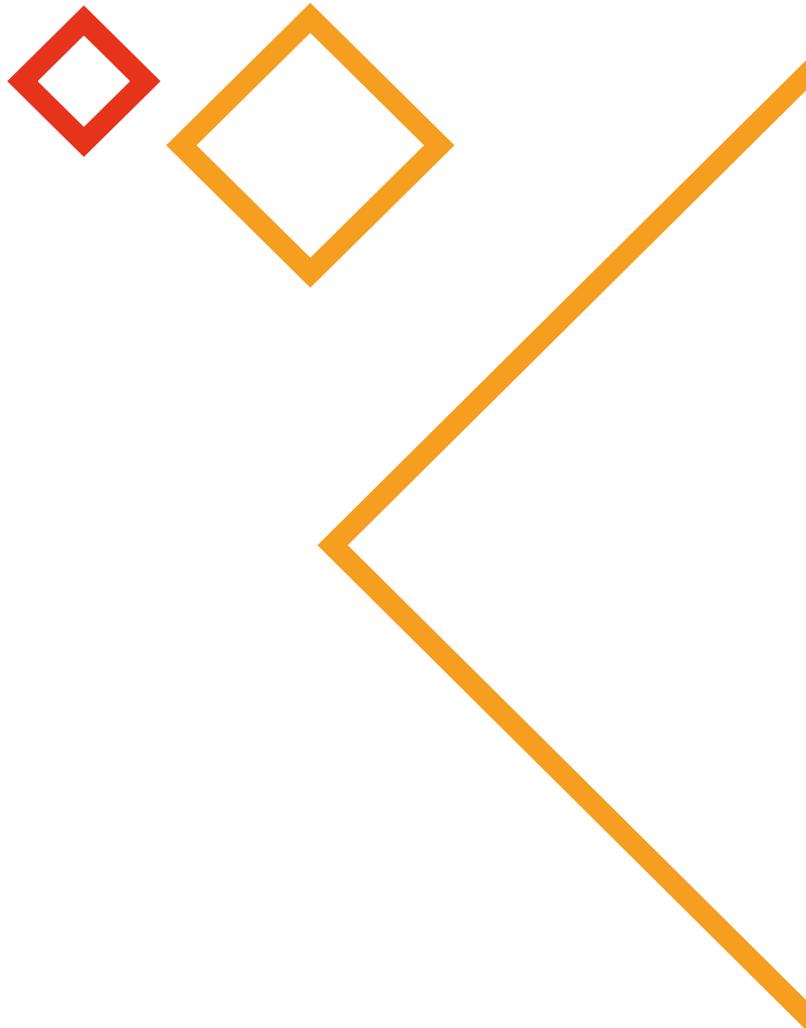


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The pandemic contributed to bringing to the fore the conditions of great vulnerability endured by many categories of platform workers. EU policymakers are trying to identify ways to regulate the sector in a way that is beneficial to both the people and the economy.

In this context SOLIDAR and Katholieke Universiteit Leuven are happy to contribute to the debate with a publication on Unpaid Labour in the Platform Economy covering Food delivery, Care and Online Freelancing Platforms in Belgium, the Netherlands, France, Italy and Poland, co-authored by Valeria Pulignano and Claudia Marà (KU Leuven).

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