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Abstracts

THE POSSIBILITY OF CONTEMPORARY JAPANESE LABOUR LAW TO REGULATE WORK UNDER THE GIG ECONOMY

Chih-Cheng Chang

This article addresses the transformation of the concept of “workers” under Japanese labour law and the relevant judicial precedents, and – by adopting a predictive perspective – points out that contemporary Japanese labour law might not effectively protect gig workers from a variety of social risks. Ultimately, this article suggests that Japan should adopt a temporary special regime to regulate the working conditions of the emerging gig workers, which could help avoid the current difficulties regarding classification, as well as correct the shortcomings of contemporary Japanese labour law.

FACING DIGITAL PRECARIOUSNESS IN THE PLATFORM ECONOMY – ON THE WAY TOWARDS A MORE SUSTAINABLE FUTURE OF WORK

Nastazja Potocka-Sionek

The ongoing process of digitalisation and globalisation is deeply transforming labour market and working relationships. Emerging forms of work (crowdwork) go far beyond the traditional model of employment relationship, posing numerous challenges in terms of social protection. The gig economy exacerbates common tendencies towards the informalisation of employment, and opens the gate to a new stage of precariousness. Are crowdworkers doomed to be an extremely vulnerable group of workers – a “cybetariat”? Does the algorithmic model of management redefine the notion of subordination? How should the current legal framework be reshaped in order to ensure a sustainable and equitable future of work? These are just a few intriguing, key questions that the platform economy raises.

RIDERS ON THE PRECARIOUS DIGITAL WORK. FOODORA AND THE RIDERS' COLLECTIVE ACTION IN ITALY

Angela Rauseo

Starting from the case of the collective action taken in Turin by the so-called “riders” of the food delivery platform Foodora, this contribution aims to analyse the impact of this strike on the Italian industrial relations system. Two aspects are considered: on the one side, the analysis is focused on the influence of the legal status of these workers on the freedom of association and the right to strike. On the other side, the ability to organise and collectively represent interests is examined. Although the riders’ self-organised body of representation is not allowed to access the procedure for the repression of anti-union behaviour, the attempt to give voice to these workers reveals the possibility to open up collective bargaining perspectives in this field.

TO DARE OR NOT TO DARE? CLASSIFICATION OF WORKERS AND THE HUNGARIAN LABOUR LAW

Ildikó Rácz

The purpose of this paper is to highlight some problems in the so-called “gig economy”, concerning especially the classification of workers, with regard to the Hungarian context (more accurately, the so-called ‘third’ employment category in a general way, not only from the gig-economy perspective). In fact, the classification of workers in the gig economy has recently been the subject of a heated debate. This is not the first time labour law regulation has been confronted with similar problems. The debate about the introduction of a third category of workers to cover the ‘grey area’ between self-employed and employees had already arisen before the gig economy became a subject of public debate. At the same time, we cannot underestimate the importance of the problem. The contribution focuses on the recent proposal of introducing such a third category into Hungarian law, the “person similar to an employee”. It describes the main protection rules, as well as the planned scope of this category, and the potential of its application. It explains why the proposal had been rejected, in the Hungarian political debate, just a few years ago, and why it could give rise to disputes once again.

CAPITAL AND LABOUR IN TIMES OF “FLOATING SIGNIFIERS”.THE (FALSE) DEBATE ON THE “NEW ECONOMY” IN THE UBER CASE

Marialaura Birgillito

This article sets out to examine how recent transformation technologies have modified society and social patterns. The new approach, the “new economy” model, hinges upon a new paradigm of relationships between “users” in the digital economy, based on the independent contractor status. This article focuses on the working relationships in the Uber case and on the working conditions of its “riders”, who are nevertheless workers. Moreover, the analysis wants to go in depth into their legal qualification, their working conditions, and the level of control exerted by the platform. The aim is to verify whether “independent” relationships between “actors” are part of the “4.0 revolution” and of the opportunities it reportedly offers in terms of wealth, or whether they are rather a legal way to escape labour law standards and regulation. These arguments could lead to the conclusion that the practice implemented in the case examined is fraudulent. They could also entail that the approaches aimed at reshaping the traditional paradigms of labour in the new economy are not acceptable, at least in the Uber case, as this article attempts to demonstrate.

UBER CASE IN THE BRAZILIAN LEGAL SYSTEM:WHAT SOCIAL PROTECTION IS THERE FOR INFO-DRIVERS?

Gemma Pacella

On 13 February 2017, the *Vara do Trabalho* of Belo Horizonte ruled that Uber drivers are employees. The challenge of this essay does not take into consideration the classification or misclassification of the relationship between Uber and its drivers; it rather focuses on the social protection that should be guaranteed to drivers.

The Uber case is the best-known example of work created from, and developed on an online platform organisation: this is integrated into a context of so-called “cybermediaries”, i.e. online brokerage, offering a no-boundaries organisation model, where time, space, and services have no boundaries. Therefore, in terms of working time, drivers need protection against a platform that is always operational; in terms of remuneration, they are entitled to receive the wage established by the Brazilian legal system for the professional drivers category. However, adopting a systematic point of view, we can draw two main considerations: not every legal system is the same, and not every digital platform is the same. As a consequence, the aim of this essay is not to identify a law that applies to each and every platform and in all legal systems. The aim is instead to analyse a specific case with its own contractual relationship within a specified legal system, and to suggest a social protection scheme for our modern times’ info-workers.

THE “EMPLOYER OF LAST RESORT” AS A POLICY FOR WORK

Claudio Gnesutta

The structural characteristics of current unemployment (and joblessness) have revived the need for a collective intervention, through the State, in defence of society. Among the economic policy proposals advanced in the academic context, the proposal that the State, assuming the role of “employer of last resort”, guarantees its citizens the right to work, and therefore to survival and social inclusion, has gathered momentum. This note examines, using a simple framework, the constraints that the economic and social structure imposes on an economic policy that aims to a tight full employment (in the sense of Minsky, 1965). To overcome the tension between the distribution conflict of the social dividend, on the one hand, and the opportunity to exploit the complementarity between market and the non-market activities, on the other, it is essential that the action of the employer of last resort is not confined to the simple use of public spending, but is the “core” of a policy for labour to which the other economic policies (industrial, financial, fiscal, salary and, last but not least, the organisation of public administration) are redirected.

MINSKY'S PROPOSAL FOR A STATE ACTING AS AN “EMPLOYER OF LAST RESORT”

Enrico Sergio Levrero

Concerns about the possibility of a long-term stagnation following the 2007 crisis, as well as the negative effects on consumption, of low wages and of precarious employment, have once again led to focusing on Keynesian policies against poverty, including that of the State acting as an Employer of Last Resort (ELR), advanced by Minsky. After briefly summarising Minsky's proposal and roughly calculating the financial resources needed to implement it in Italy, the aim of this paper is to discuss the obstacles that such a proposal may encounter, and the possible measures to be adopted to overcome them. The conclusion that will be drawn is that a mix between Keynesian demand policies, as described by Beveridge, and the ELR system may be the best measure to guarantee full employment, provided that an institutional framework favourable to this goal is set.

UNIVERSITY DROPOUT

Carmen Aina, Giorgia Casalone

The benefits associated to investments in tertiary education are well-grounded. University graduates have better labour market outcomes and health conditions, are more satisfied with their job, and actively participate in civic life and politics. Although statistics and research confirm these advantages, the share of people that reach the highest level of education is still narrow; even amongst individuals who start university after obtaining a high-school diploma, only a small share achieve a university degree. Thus, this paper aims to discuss, after a brief introduction about the theoretical frameworks, the determinants of university dropout; focus is placed on Italy, a country where this phenomenon is particularly worrying. The literature review shows that cultural constraints play a greater role than economic and financial constraints in determining higher education outcomes. Finally, we propose some policy interventions that may tackle this issue.