

## Ius Laboris Webinar

# **‘Atypical’ work arrangement – a look ahead**

**Thursday 8 March 2021**

**15:00 (CEST) / 9:00 (EDT)**



# SPEAKERS

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# GIG ECONOMY

# THE RISE OF THE 'GIG ECONOMY'

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## WHAT'S THE DESTINATION?

- There is no universally accepted definition of the 'gig economy', but it's often associated with:
  - flexibility
  - technological innovation, particularly algorithms allocating work through app platforms
- Its rise predates coronavirus, with Uber founded in 2009 and going through an IP in 2019, but coronavirus has accelerated new ways of working by disrupting traditional employment models
- It has led to extensive litigation, as illustrated by cases in the UK alone:
  - Uber claims began in 2015 and were decided by the Supreme Court in 2021
  - Deliveroo claims began in 2016 and are ongoing before the Court of Appeal
- Recent years have seen major court decisions and legislative proposals around the world:
  - Significant legal challenges on every continent except Antarctica
  - European Commission's consultation on platform work
  - Proposition 22 ballot initiative in California



# QUESTIONS

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- What factors determine if people working in the gig economy are employees:
  - control over if and when they work?
  - control over how they work?
  - the contract or legislation?
- Might people working in the gig economy fall into an intermediate category and enjoy some but not all employment protections:
  - traditional employment rights such as the minimum wage and paid holiday?
  - health and safety rights?
  - coronavirus stimulus measures?
- What counts as working time:
  - time logged onto the app?
  - time spent performing a particular task?





## REMOTE WORKING



# REMOTE WORK – TRENDS AND CHALLENGES

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## EVOLUTION OF REMOTE WORK

- Some employees don't want to return to the office – safety, convenience, personal preference
- Some employees move away and can't return
- Some employees even leave the country without telling the employer
- Some employers don't want all employees to return to the office, shrink their office space, prefer virtual work
- Employers don't necessarily know where their employees are, or who they live with
- Employers start hiring employees who are only, or primarily, remote
- Employers start hiring employees in other jurisdictions, to do work of the 'home' jurisdiction (e.g. Brazilian resident hired to work remotely as employee of Canadian software company)
- To avoid 'employment' obligations, employers start using remote workers as 'independent contractors'

# QUESTIONS

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- Does an employee have the right to demand that they work remotely? Does an employer have the right to demand that an employee work remotely? Can they change their mind, and terminate a remote working arrangement?
- What can an employer demand to know about where a remote employee lives, their living arrangements, and who they live with?
- What happens when you employ someone in Country B to perform remote work for Country A (tax, social security, workers' comp, qualifications)





# SERIES: INFORMAL AND ATYPICAL WORK PATTERNS

<https://iuslaboris.com/serie/informal-and-atypical-work-patterns-is-this-the-future/>

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## Informal and Atypical Work Patterns

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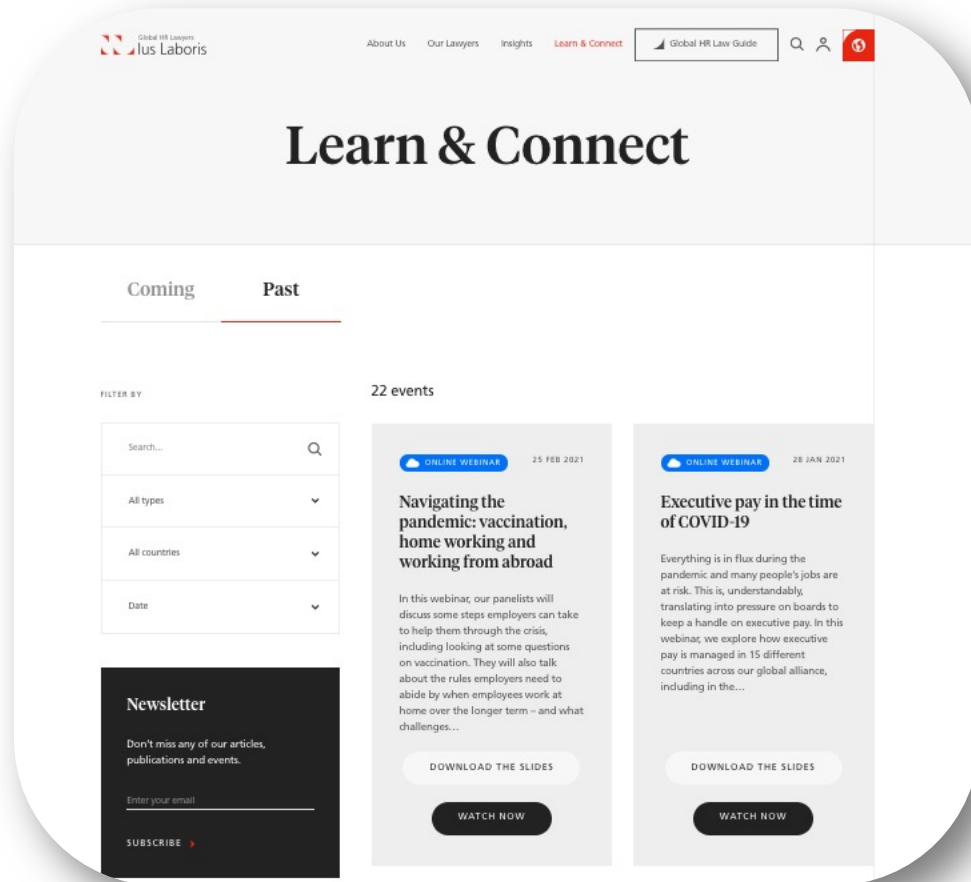
- UNITED KINGDOM | 22.02.21  
Supreme Court in the UK confirms that Uber drivers are...
- UNITED STATES | 11.02.21  
California Supreme Court says 2018 'ABC Test' for worker classification...
- UNITED STATES | 01.02.21  
Driving in reverse? Uber/Lyft drivers seek to undo California's Proposition...
- NEW ZEALAND | 29.12.20  
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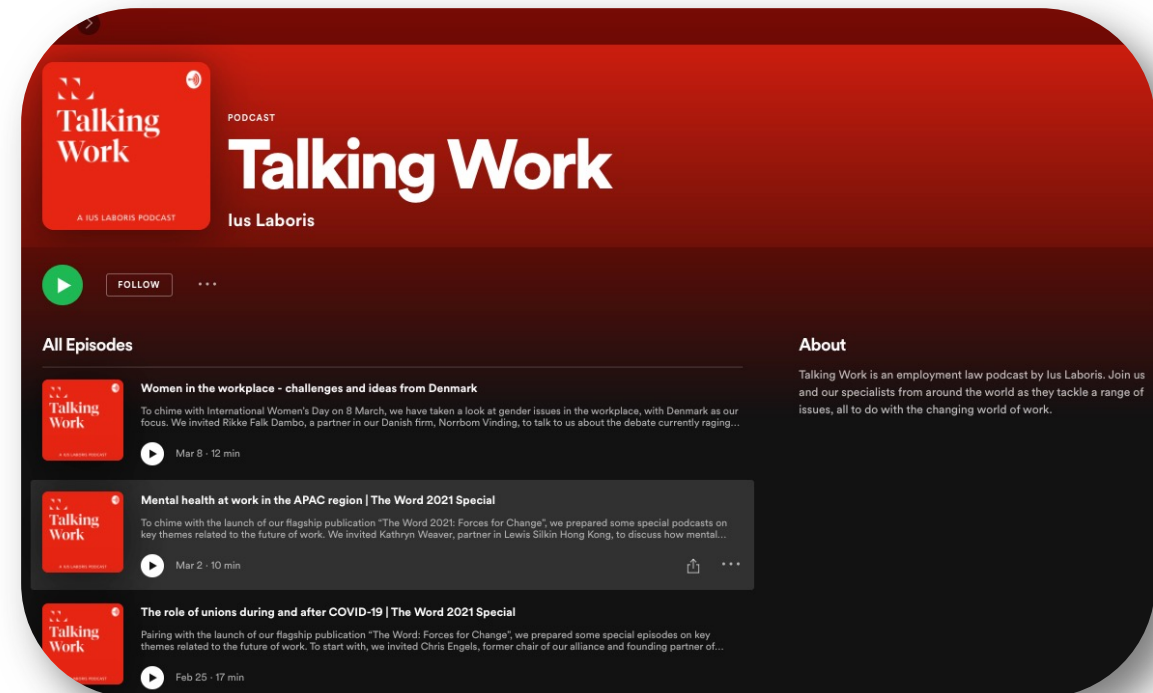
1. What is 'atypical' work? >
2. The Five Megatrends >
3. The role of the state >
4. What's happening now? >
5. The way forward >

# WEBINARS & PODCASTS

**Webinars:** <https://iuslaboris.com/learn-connect/>



**Podcast series – Talking Work:**  
[https://open.spotify.com/show/0NpiCVfvpZrjPiVJLeEXmv?si=Xe5nbn2hToWe9uR4pK\\_Jjg](https://open.spotify.com/show/0NpiCVfvpZrjPiVJLeEXmv?si=Xe5nbn2hToWe9uR4pK_Jjg)





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