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your name and organisation  
in the chat.**



# Meeting: Housekeeping

## How do I join computer/device audio? ->

On most devices, you can join computer/device audio by clicking Join Audio, Join with Computer Audio, or Audio to access the audio settings



**Raise hand feature:** Allows attendees to raise their hand to indicate that they need something from the host or panellists.



**Mute audio:** the hosts will control your audio and will unmute this only if you would like to contribute.



**Q&A:** Please put your questions for the panelists in the chat function. The host will select questions for the Q&A session.



**Video:** Disabled to allow for a better flow of communication and less interruption in calls dropping.



**Interactive chat is available:** Please use this platform for discussions and private communications.

# Join in the conversation: Are labour regimes keeping up with the gig economy?

1 December 2020 | 10h00 GMT



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**Sabina Dewan,**  
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Director,  
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# Agenda

## The agenda of the webinar will be as follows:

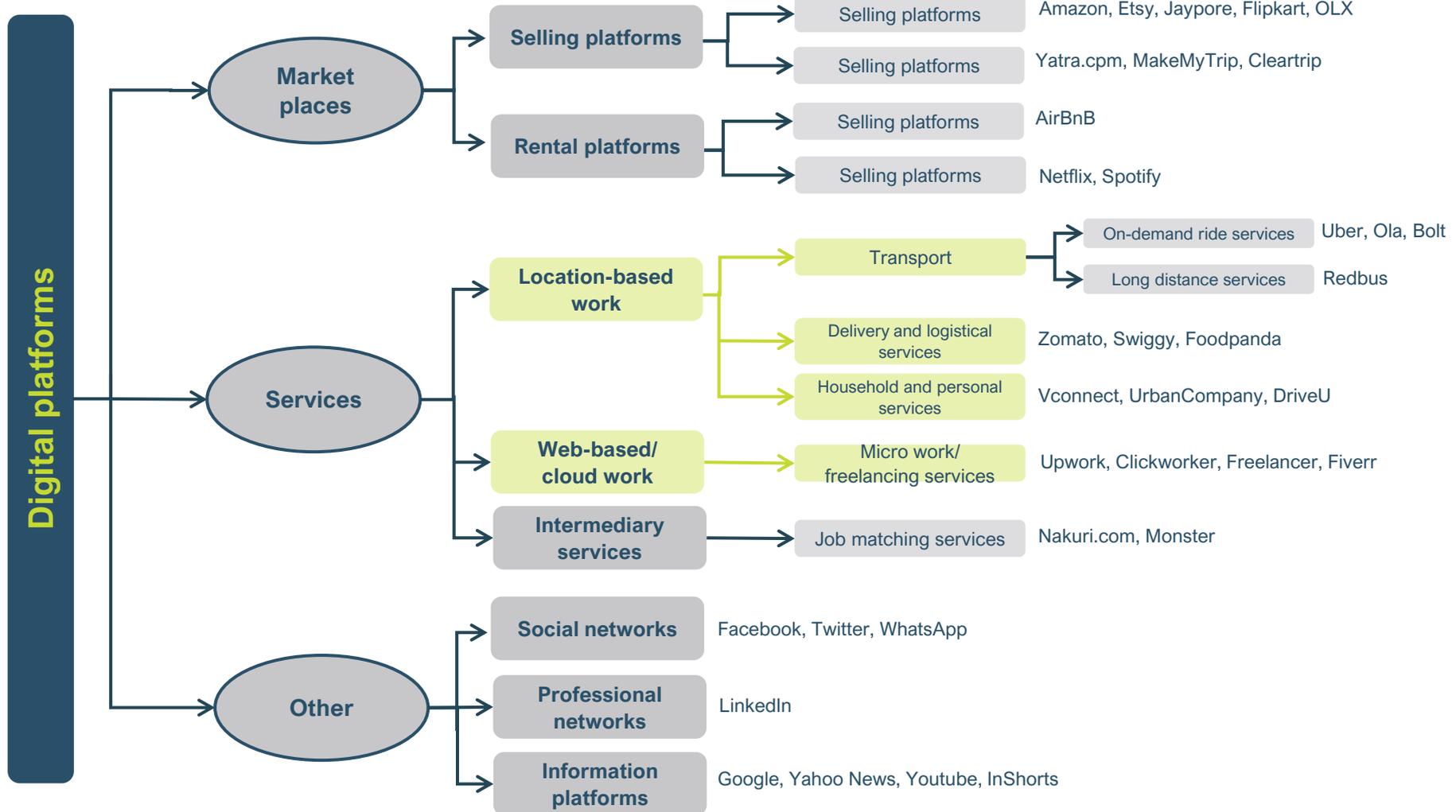
- Introduction – GIZ [10 minutes]
- Study presentation [20 minutes]
- Fairwork Foundation approach [15 minutes]
- Panel discussion [20 minutes]
- Facilitated Q&A [20 minutes]
- Wrap-up [5 minutes]

# Are labour regimes keeping up with the gig economy?

December 2020

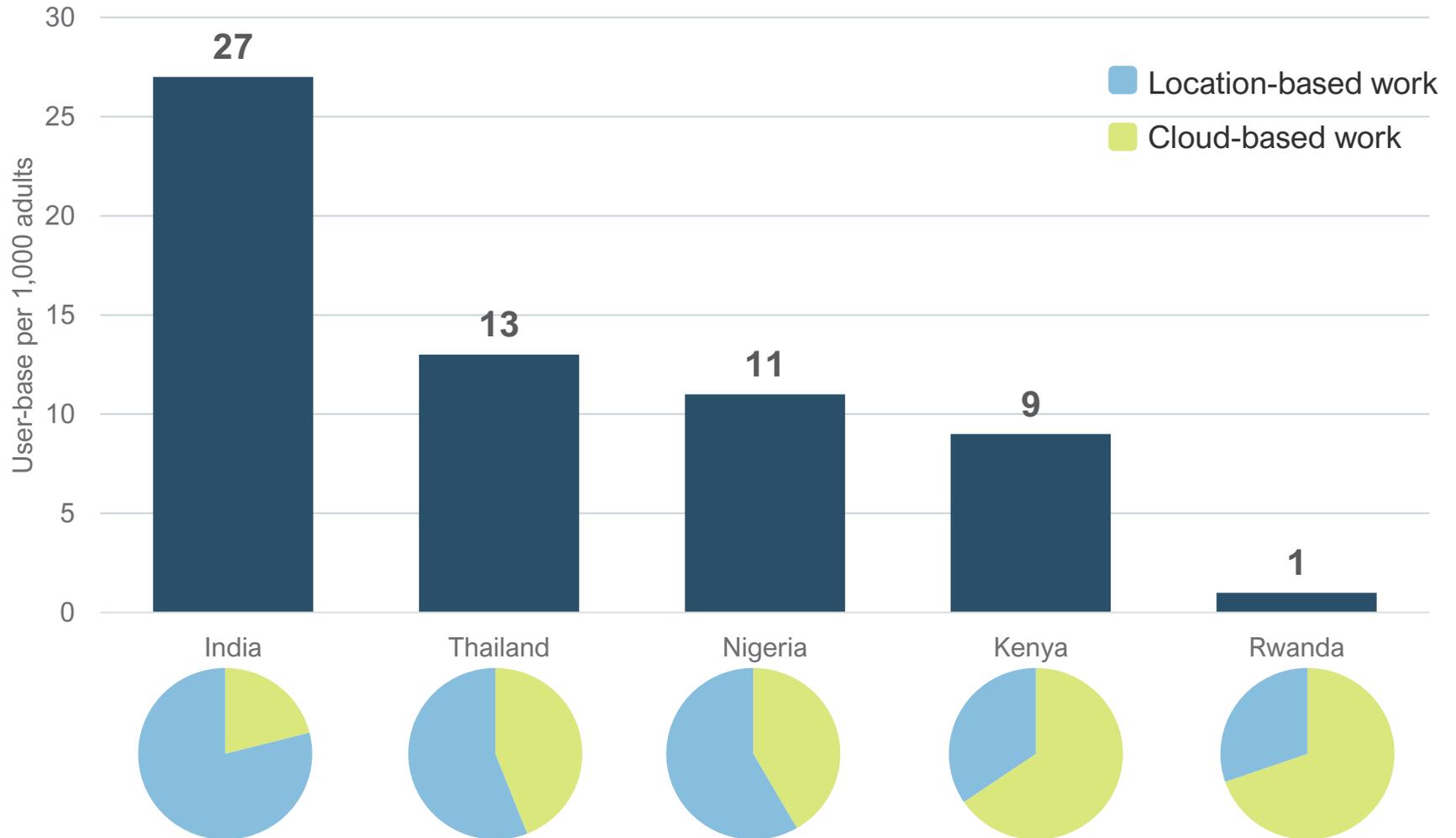


# Which types of platforms provides work for online workers



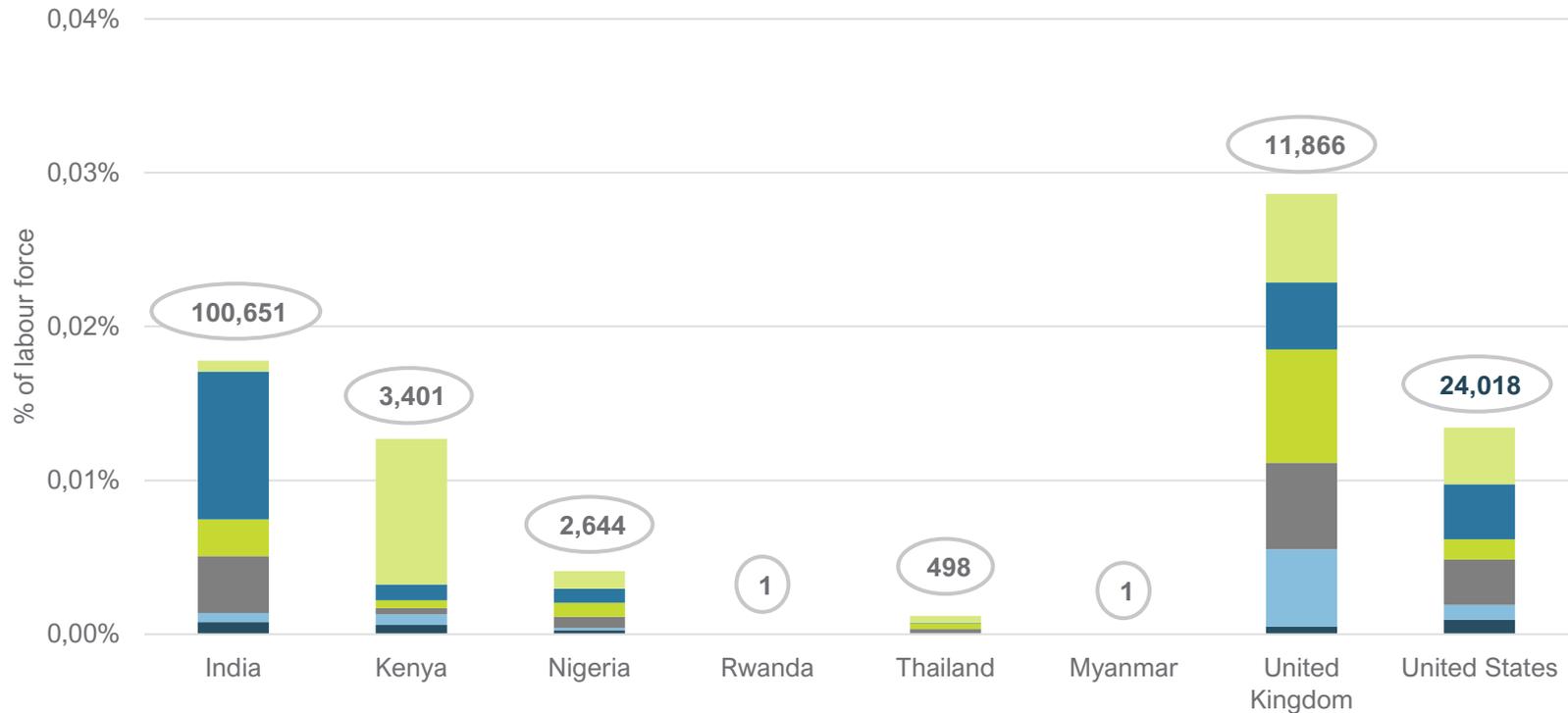
# Scope of online work economy and types of platforms

February 2020



# What kinds of work do people do on these platforms?

Estimates based on average daily workers for 2019



- Clerical and data entry
- Creative and multimedia
- Software development and technology
- Professional services
- Sales and marketing support
- Writing and translation

Average daily workers

# Characteristics of digital work

**Global discourse assessing digital work are rife with assumptions, sometimes unsubstantiated ones...**

- **Assumption 1:** The gig economy still constitutes a small share of overall employment, so it doesn't matter.
- **But:** Evidence suggests that more and more people are relying on online work for generating/ supplementing their income. The pandemic is accelerating this trend.
  - “Gig or contingent workers represent approximately 15-25% of the global workforce today.” This could be as high as 40% by 2020 (Gartner)
  - Estimated 50 million gig workers around the world (Fairwork Foundation)
  - Gig economy is projected to grow to \$455B by year end 2023 in Gross Volume Transactions (Mastercard)

# Characteristics of digital work

**Global discourse assessing digital work are rife with assumptions, sometimes unsubstantiated ones...**

**Assumption 2:** People entering the gig economy in the Global South were already in precarious jobs, so a gig economy job is no worse.

**But:** Evidence suggests that even people in formal work engage in gig work to supplement their income, or sometimes move out of formal work entirely because gig work seemingly offers greater flexibility and has low barriers to entry.



# Characteristics of digital work

**Global discourse assessing digital work are rife with assumptions, sometimes unsubstantiated ones...**

**Assumption 3:** Gig work offers more and better opportunities for women.

**But:** Women don't have access to the technology, skills or equal access to the same range of opportunities in the gig economy.

Sometimes patriarchy and gender biases hide behind the guise of flexibility.



# Characteristics of digital work

1. From a bilateral to a trilateral employment relationship  

2. Relationship between platforms and workers

	Price setting	Autonomy over work accepted	Oversight and control	Exclusion	Restriction of trade
Transportation and delivery services platforms	Prices are set by platform	Platforms exert significant control over work done	Platforms (i) limit the number of hours that a worker can spend on the platform and (ii) track their workers	Workers face exclusion if they do not accept rides or if their rating is too low	Platforms try to limit multihoming
Household and personal service platforms	Prices are more negotiable, with workers able to set their own rates	Workers can choose to bid for work or can be requested by customers	Workers are screened and trained, which suggests an employee relationship		Workers are not restricted to the platform
Cloud-work platforms	Prices are negotiable, and workers can set their own rates	Workers can mostly choose which work to bid for	Most platforms provide limited screening, though some do include tools to monitor work of workers		No restrictions on trade evident

# What does “labour regimes” refer to?

- **Social Protection**
  - Social Security: Health, disability, pensions, maternity, etc.
  - Active labour market programs – job search assistance and training; other investments in human capital
- **Labour regulations**
  - Collective bargaining
  - Notice periods
  - Working hours
  - Leave
  - Health and safety
  - Minimum wages
- **Enforcement**

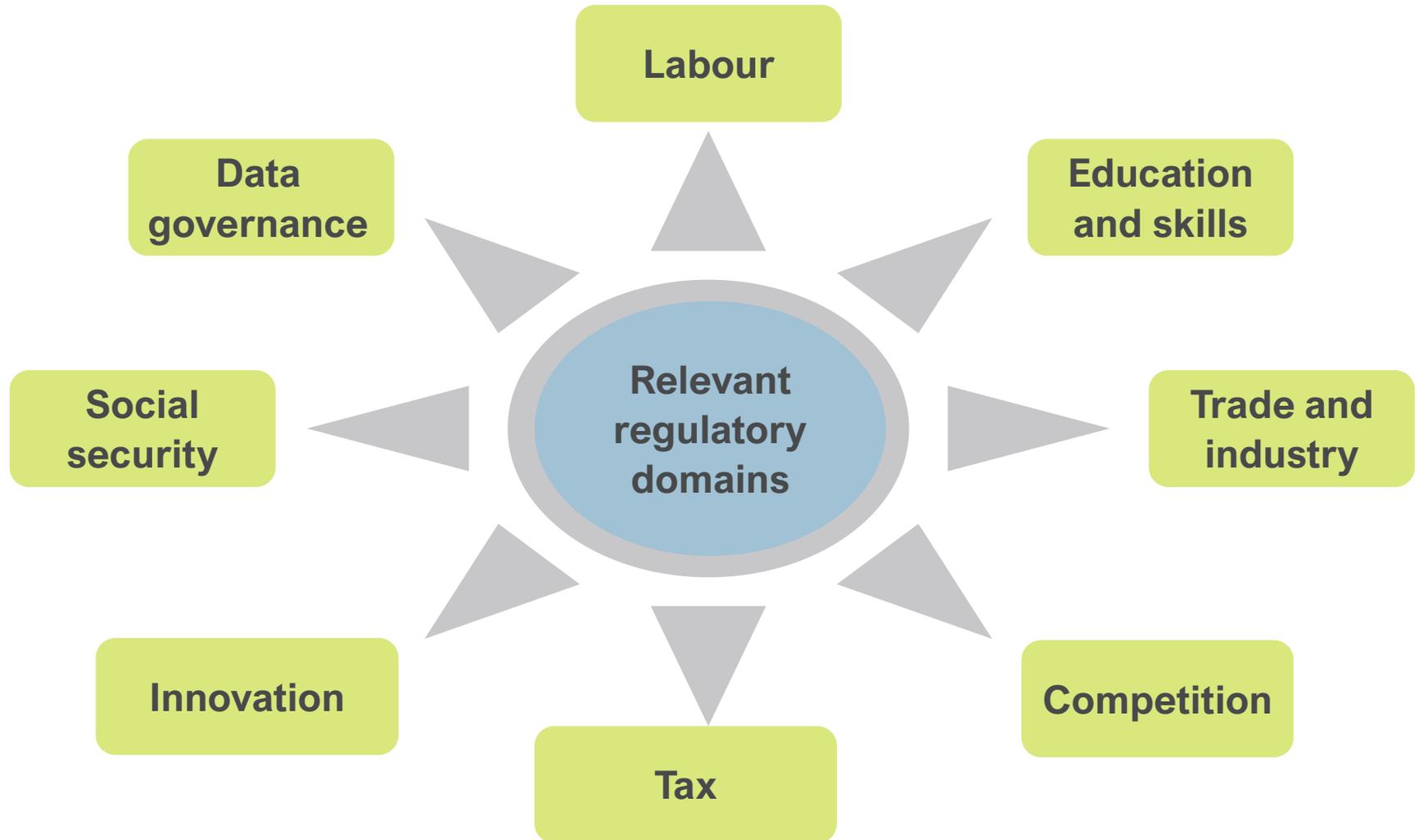
# What do labour regimes currently provide?

- **Employment test:** Common characteristics considered (generally aligned with common law):
  - i. Control and oversight
  - ii. Provision of tools
  - iii. Ability to delegate work
- **Labour regimes do not provide for platform workers.** Our scan of the labour regulation showed that none of our focus countries make separate provisions for online work or gig workers specifically.

# What do labour regimes currently provide?

- General similarities in labour regulation:
  - **Collective bargaining:** Safeguarded and important for dispute resolution
  - **Notice periods:** Safeguarded for termination of contract, but fewer requirements in the case of termination due to redundancy
  - **Working hours:** Generally established around 40 to 60 hrs p/w (depending on the type of work done) – but subject to agreement between employee and employer
  - **Leave:** Minimum amounts of leave safeguarded (**Rwanda** = Max. 21 days; **Kenya** = Min. 21 days; **Nigeria** = Min. 12 days; **India** = Min. 12 days; **Thailand** = Min. 6 days; **Myanmar** = Min. 6 days + Max. 10 earned ).
  - **Health and safety:** Employers are responsible for maintaining safe work environments and are liable for damages arising from the failure to do so. Wider application than other prescriptions in the regulation – applies to all persons that are present in a workplace
  - **Minimum wages:** **Kenya** = Differences per sector and location; **Nigeria** = National; **Rwanda** = Set by Ministerial Order; **India** = Guidance on min. wage, not enforceable, **Thailand, Myanmar, Philippines** = National
- **Enforcement:** Enforcement of labour regulation challenging and non-compliance common place

# What do we need?



# Toward the regulation of the gig economy

## Principles for regulating gig work in the digital economy

- 1. Follow tiered approach calibrated to the level of market development and existing public interests** – countries where platform work constitutes small and almost insignificant portion of national work have limited public interest in regulation. Countries with high levels of digital adoption have larger platform markets and a greater need for regulation.
- 2. Differentiate location-based work from cloud work** – location-based work tends to have a larger economic presence and tends to involve other functional regulation (e.g. transport) and legal entities that more likely to be domiciled locally. Whereas cloud work platforms usually are domiciled offshore with very limited economic presence.
- 3. Migrate from traditional to digital supervisory tools** – traditional regulatory and supervisory tools work best for traditional business models and analogue decision-making. Platforms are digital by default, use algorithmic decision-making and require new regulatory and supervisory approaches.
- 4. Balance national agency with regional/global cooperation** – governments must strike a balance between national regulation where they are able to enforce it and reliance on regional/global cooperation where national enforcement can be counter-productive or ineffective.

### About Cenfri

Cenfri is a global think-tank and non-profit enterprise that bridges the gap between insights and impact in the financial sector. Cenfri's people are driven by a vision of a world where all people live their financial lives optimally to enhance welfare and grow the economy. Its core focus is on generating insights that can inform policymakers, market players and donors who seek to unlock development outcomes through inclusive financial services and the financial sector more broadly.

