




# Institutions for digital labour platforms: results of a study conducted in Poland

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## Abstract

**Motivation:** The development of labour platforms is one of the manifestations of the platformisation of the economy. Their growing popularity has revealed institutional vulnerabilities, particularly with regard to the weak position of platform workers, related to their ambiguous status, controversial regulations of labour platforms including algorithmic control of tasks performed, the rate and method of payment for services rendered, insufficient knowledge of how platforms operate. They are all the subject of intense discussion, also at the EU level.

**Aim:** The identification of desired directions of changes in the institutional environment of labour platforms in Poland — as expected by the society — against the background of the ongoing discussion on this subject in other countries and at the EU level.

**Results:** A diagnostic survey conducted on a large sample of Polish citizens aged 18–70 revealed that the most expected changes that would improve the quality of the institutional environment of labour platforms are: the introduction of a minimum payment for work services and the adoption of the independent worker status, the introduction of universal rules regulating digital platform operations, as well as the introduction of training and information materials on how labour platforms work. Poles attach less importance to the right of platform workers to establish trade unions.

*Keywords:* platform work; gig economy; regulations; Poland

*JEL:* J21; K31; O33

## 1. Introduction

Labour platforms are one of the manifestations of the transformation of labour, caused by technological change affecting the labour market (Krzyminiewska, 2021, pp. 573–585). According to Silberman and Jonhston (2020, p. 17), a labour platform is any digital information system (or interconnected collection of such systems) that connects, or acts an intermediary between, on one hand, parties providing work or the products of work (“workers” or “providers”), and, on the other, parties seeking work or the products of work (“customers”). The exact number of workers is not known, but it is estimated that — in the first half of 2021 — their number in the EU amounted to 28.3 million people working via platforms (European Commission, 2021b, p. 76). Huws et al. (2019, p. 10) argue that relatively high levels of platform work in Central, Eastern and Southern Europe can be explained by lower living standard and poverty. Platform work tends to be a supplementary source of income, often occasional, and the need for extra income is a major incentive for seeking platform work. Platform workers are not significantly different from the typical self-employed freelancer or part-time worker, so they do not constitute a distinct category, but rather give evidence that sources of work income are expanding and diversifying (Huws et al., 2019, pp. 8–19).

As Dazzi (2019, pp. 67–122) emphasises, despite the global nature of labour platforms, national institutional determinants are fundamental to their development and contribute to the potential impact that they exert on actors operating in the platform segment. This means that this type of work is not equally popular everywhere and the workers performing it may have different experiences relating to how other income-earning opportunities, which may be more traditional, compare to platform work in their country, which contributes to variation in how they evaluate platform-coordinated work. Todoli-Signes (2017, pp. 193–205) points out that differences in how national legislations regulate labour platforms are also a source of risk for their owners. This also creates a need to conduct research into the labour platform segment at a national level, despite the global nature of the operations of many platforms.

The issue is reflected in the *European Parliament Resolution* (2021, pp. 53–66) calling on the European Commission to investigate the situation of labour platforms and ensure fair transparent conditions for platform workers in the EU member states and in the draft European Commission Directive on improving working conditions in platform work (European Commission, 2021a).

The adequate institutional infrastructure is the foundation for ensuring decent working conditions and, in the long term, for the sustainable development of labour platforms. This infrastructure should, in addition to the fundamentals, take into account the expectations of society. This will allow institutional cohesion to be maintained. In Poland, few regulatory initiatives on work platforms have been undertaken so far (European Commission, 2021b, pp. 34–35) and they only related to transportation platforms. The aim of the article is to identify de-

sired directions of changes in the institutional environment of labour platforms in Poland — as expected by the society — against the background of the ongoing discussion on this subject in other countries and at the EU level. The conclusions are based on the results of a diagnostic survey conducted among adult residents of Poland.

## 2. Literature review

The institutional determinants of labour platforms and their operations relate primarily to: the definition of the status of the platform worker and the resultant specifics, including the way in which control is exercised over the tasks performed, the issue of wage guarantees and the right to organise and protect workers' interests, e.g. trade union rights and the right to protest.

Recently, strikes, log-offs, and demonstrations, as well as the institutionalisation of legal action of platform workers on various platforms around the world, have become the focus of analysis that addresses issues relating to the platform worker status, algorithmic management, worker grievances about pay, general working conditions. This draws research into the institutional sphere of this segment, in particular the areas mentioned above. In 2015–2020, most protests in Europe were connected with pay or employment status (Bessa et al., 2022, pp. 7–8, 25; Joyce et al., 2020, pp. 4–5).

Joyce et al. (2022, pp. 1–20) observed that unrest and worker protests in the gig economy resemble the methods used by trade unions in the nineteenth century rather than in recent decades. Since the institutional power of digital platform workers is assessed as very low (Boavida et al., 2022, pp. 52–53; Tassinari & Maccarrone, 2017, pp. 353–357), the possibility of how best EU bodies and individual states can respond to these problems is debated.

Carelli et al. (2021, pp. 29–52) distinguished four options of the possible labour law response for digital platforms: 1) absence of labour regulations in situations where there is no subordination of the worker as an employee, 2) the need for entirely new legislation, due to the inadequacy of labour law created for typical enterprises 3) recognizing that it is a new and specific labour relation, however, all labour rights should be extended to cover it, 4) the application of the current labour legislation when the platform, of hybrid nature (market and hierarchy, e.g. Uber), manifests direction or control of the services. The EU, on the other hand, leans towards more effective enforcement of the existing law and an unambiguous legal framework (Aloisi, 2022, pp. 4–29; European Commission, 2021a), while taking into account the national nature of labour market regulations in the EU countries.

The political context and local nature of the regulatory response to labour platforms is discussed by Koutsimpogiorgos et al. (2020, pp. 525–545). Some countries, such as China, emphasise the need to develop the third way for the gig economy outside the industrial relations system, due to the need to protect the competitive position of the platform segment (Wei & Mac Donald, 2021,

p. 22). Differences in the approach that countries or regions adopt are important because of the global reach of many labour platforms. The determinants placed outside the labour market may also be relevant. Muszyński et al. (2022, pp. 1–22), for example, identified a connection between product market competition and working conditions offered by platforms, which implies the need for a broader regulatory response.

The legal status of platform workers is one of the most heatedly debated, due to the difficulty in positioning them between the clear employment contract and the self-employment model. The European Commission (2021a, p. 24) uses the phrase “intermediate employment status”, assuming that different solutions will be adopted in different countries. Stojković Zlatanović and Ostojić (2021, pp. 272–273) indicate the need to create and interpret laws in such a way that they shape the rules and policies implemented towards platform work, which is particularly true for the platform worker status. Rolf et al. (2022) point out that often, with the acquiescence of governments, platforms become policy hubs in their own right, which leads to a variety of organisational experiments and delays the development of a level playing field for platforms. Aloisi (2022, pp. 4–29), on the other hand, argues that regulators should resist the idea of uniform platform work, subject to universal regulations, which would become obsolete too quickly and usually contain loopholes. What therefore remains to be determined is the scope of general uniform rules (e.g. the obligation to define the platform worker status and the application of the law relevant to this status) adopted at the EU level and the ILO recommendations with national regulations falling within this framework, but compatible with the national system of labour market regulation.

De Stefano et al. (2021, pp. 18–23) analyses the forms of contracts for platform workers in a number of countries and shows the dynamics of this legislative area, where different solutions are used. However, researchers often point to the overall weakness of the law containing loopholes in which platform workers are located, with minimised labour standards typically proposed for this group (Webster & Zhang, 2022, pp. 1–13). In the same context, Bilić and Smokvina (2022, p. 55) write about a possible disguised employment relationship, as an evasion of the obligations held by platforms towards service providers.

In the countries where the discussion is advanced, e.g. Denmark, the conditions under which a platform worker can be granted the employee status (e.g. number of hours worked, degree of dependence on the platform, etc.) are usually specified; in many cases, however, such solutions are absent and the courts are involved in resolving disputes involving the platform worker status (Naumowicz, 2021, pp. 177–189). Furthermore, it is not uncommon that the courts of different countries rule differently in similar cases (Aloisi, 2022, p. 4–29). For this reason, there is a noticeable trend towards the europeanisation of the definition of worker by, for example, applying the principle of primacy of facts (European Commission, 2021a, p. 15).

Another fundamental sphere that requires protection of the interests of platform workers is the rate of payment for the service, which is often lower compared to the market rate or not paid in full (e.g. due to objections to the quality of workmanship), leading to the assessment of platform work as precarious. In addition, some of the time spent by platform workers waiting and competing for tasks is not remunerated. Rates below the guaranteed minimum for courier work were identified, for example, by Rolf et al. (2022, pp. 1–13). Pulignano and Marà (2021, p. 12), researching the problem at the EU level, distinguished two typologies of unpaid labour: time-based unpaid labour and non-time-based unpaid labour. This is particularly burdensome and difficult to eradicate when it involves platform workers providing services informally, which is common in domestic and garden work and care services. Referring to the European Pillar of Social Rights, the authors argue in favour of the introduction of minimum standards for wages and working time for all platform workers and the elimination of payment that platform workers are obliged to make for equipment (a vehicle, a telephone, etc.), a phone contract, special clothing, and access to customers. In the case of online freelancers, they call for a revolutionary solution involving 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. What seems very complicated due to the predominance of employment regulation at national level, however, is a manifestation of the europeanisation of the definition of online platform worker. A minimum supranational standard seems inevitable due to online freelancers working in the international (not only European) space.

Commonly identified weaknesses or ambiguities in platform rules and regulations make it impossible for platform workers to deal with such issues as: faulty communication with the platform, non-transparent rating systems of platform workers (which determine the number and type of subsequent tasks), algorithmic management issues — the suspension or closing of the platform worker's account for any or no reason, refusal of payment for submitted work without explanation, personal data protection — including ratings and evaluations, collected on platforms, uncommunicative or unresponsive clients and platform operators (Aloisi & Potocka-Sionek, 2022, pp. 29–50; Silberman & Jonhston, 2020, pp. 6–9). These have become a source of poor opinions of platform mediated work. The Autor et al. (2020, p. 62) identified need to increase transparency of the contemporary labour market and the necessity to improve access to information.

In Poland, platform workers do not have a separate legal status and they usually work as self-employed. Theoretically, at least in some cases, they may also provide services as natural persons (not being entrepreneurs) concluding contracts regulated by the Civil Code. For many reasons though, including taxes and social insurance, this might be an inconvenient solution (Kozak-Maśnicka & Pisarczyk, 2022, p. 216). Gig workers who do not enjoy the formal status of entrepreneurs are usually engaged on the basis of civil law contracts (e.g.

a contract for services). They are neither entrepreneurs nor employees. They do not enjoy labour law protection. Over recent years, they have been covered by some basic protection standards (e.g. a minimum hourly rate).

It is often the case that the employee status is not applied, although the nature of the service provided would justify it. Platform workers are treated as “other workers” (non-employees) (Kozak-Maśnicka & Pisarczyk, 2022, p. 218). The change of the status from platform worker to employee would entail treating the platform as an employer rather than an intermediary, as is often the case today, and this would give rise to obligations typical of an employer (Naumowicz, 2021, pp. 177–189).

According to Potocka-Sionek and Aloisi (2021, pp. 35–64), social dialogue and collective bargaining promoting fair working conditions seem to be a better response to non-standard forms of work than legislation, which tends to evolve more slowly. As argued by Kozak-Maśnicka and Pisarczyk (2022, pp. 214–215), who examined the legal aspects of labour platforms, in Poland the interests of workers (including platform workers) are secured neither by statutory standards nor by collective agreements. The law recognised the full trade union rights of a specific category of workers called “workers performing paid work” (not only for employees) was adopted in Poland as of 1.01.2019. Kozak-Maśnicka and Pisarczyk (2022, pp. 218–219) conducted a detailed analysis of the legal context of how those regulations affected platform workers. However, Świątkowski (2019, pp. 52–53) argued that new technological advancements created new opportunities for social dialogue and they should be taken into account in this case. There are examples, e.g. in India, of thriving trade unions associating platform workers. Platform workers from India, however, constitute the largest group in the global market of online services via digital platforms, which gives them considerable bargaining power (Kuriakose & Iyer, 2021). Due to the crisis of collective bargaining in Poland the possibility for non-employees to bargain collectively is mainly theoretical. It is not even certain that Poles actually recognise the need for such dialogue.

Similarly to other countries, Poland also struggles with the problem of unpaid or underpaid work (Pulignano & Marà, 2021, pp. 18–28). It can be concluded that the labour platforms segment in Poland requires the development of adequate institutions. The opinions of society should be taken into account during this process.

### 3. Methods

The opinions of Poles regarding changes in the institutional infrastructure of labour platforms were elicited with the use of an online survey (CAWI). The study involved the collection of primary data, which was commissioned to the National Research Panel Ariadna, guaranteeing a high quality survey procedure. The survey was conducted on 2–6.07.2021 on a sample reflecting Poland’s adult population structure in terms of gender, age and place of residence. Due

to the potentially low penetration of the population with knowledge about platform work, the sample size was set at over 3000 respondents. 3165 correctly completed questionnaires were received.

In the group of respondents reflecting the structure of the general population of Poles aged 18–70, 51% were women and 49% were men. By age: 13% were 18–24, 23% were 25–34, 38% were 35–54, and 26% were 55–70 years of age. By place of residence: 38% were residents of large cities with more than 50,000 inhabitants, 25% were residents of cities with up to 50,000 inhabitants, and 38% were residents of rural areas. The first stage of the survey identified respondents who had heard about the possibility of generating income from platform work. This group contained 66% of respondents, or 2099 people. At a confidence level of 95% and a standard error=0.84, the confidence interval was between 64.32% and 67.68%. This group of respondents was further investigated.

Since the survey was conducted using an online survey technique, it should be assumed that, similarly to other studies, the group of potential labour platform workers might be over-represented, as they are internet access holders and users (Huws, et al., 2019, p. 8; OECD, 2019, p.17; Piasna, 2020, p.15; Piasna & Drahokoupil, 2019, pp.10–12). Responses to questions aiming to evaluate the characteristics of working through platforms and the preferred directions for changes to current legislation were expressed on a five-point Likert scale: from 1 — I agree completely, to 5 — I disagree completely. There was an option allowing respondents to add their own answer. Conclusions were formed based on selected descriptive statistics: arithmetic mean ( $X$ ), dominant ( $D$ ), and standard deviation ( $SD$ ).

## 4. Results

In order to diagnose the institutional constraints to offering and performing services coordinated by digital platforms, Table 1 presents the structure of respondents' opinions regarding the subject matter. Such aspects as premises, equipment and English language skills were omitted as they are non-institutional. The characteristics were ranked by the frequency of indications — the sum of the first and second level of the scale (in the questionnaire the answers were placed in a different order).

The majority of respondents (the sum of responses from levels 1 and 2 of the scale) agreed with the statement that the scale of platform work is limited by insufficient information and advertising campaigns on the income generating opportunities offered by digital platforms. This corresponds with the second most frequently recognised reason — lack of knowledge of the income generating potential of the provision of services via digital platforms (54% of respondents). The third most frequently indicated limitation — insufficient knowledge of the terms and conditions for the provision of services via a digital platform — was indicated by 52% of respondents (the average score for these

three characteristics was  $X=2.5$  with an SD close to 1). In addition, almost half the respondents claimed that unclear rules regarding digital work mediating platforms were another cause that limits the scale of work service provision via platforms. What emerges is a picture of a society that does not have sufficient access to information and the necessary knowledge about the relatively new phenomenon of platform work and the rules governing the operations of digital labour platforms. Half of the respondents identified the risk of underpayment or non-payment as a factor constraining the use of digital platforms for work service provision, which can be considered a valid concern. A much smaller percentage identified poor opinions about using digital platforms to provide work services and the absence of relevant tax legislation as limiting factors.

In the responses that respondents volunteered as their own explanation of the factors limiting the scale of platform work provision, they identified (at least 3 similar suggestions): lack of trust in customers and intermediaries, stereotypes, prejudices, fear of change and a new way of earning income, limited opportunities to provide this type of service in smaller cities and towns, low payment for platform workers / high platform commissions, and the need to register as a one-man business. Several respondents again pointed out the lack of access to reliable information and opinions on platform work.

After the initial diagnosis of the institutional factors limiting platform work, selected proposals for institutional change were evaluated. Table 2 provides the structure of the responses together with descriptive statistics. The proposed institutional changes were ranked according to the frequency of indications (sums of the first and second levels of the scale).

The largest percentage (sum of shares of level 1 and level 2 responses,  $D=2$ ), namely 57%, considered two changes to be desirable: the introduction of a minimum payment rate for work services via digital platforms and the adoption of the independent worker status, which would enable platform workers to render services without having to register a business. These changes are also the issues most frequently discussed in international literature. A slightly lower percentage of respondents (56%,  $D=2$ ) indicated the need to introduce general rules uniformly regulating the use of digital platforms, which can imply that navigating between different labour platforms can be problematic and is directly related to the previously mentioned shortage of information and transparency. For these indications, the mean score was  $X=2.4$ , while SD was close to 1. Slightly more than half of the respondents (with the lowest SD) also considered the introduction of training and information guides for those interested in platform work to be necessary, further confirming the previous conclusion. Interestingly, the lowest percentage identified the creation of opportunities for platform workers to organise into associations and trade unions as a factor that would encourage them to take advantage of the income generating potential of digital platforms; this was also the issue about which most respondents were undecided (40%). Apparently, they did not recognise the need to self-associate. The open question elicited only a few suggestions that were expressed by several



respondents: the introduction of an allowance for the equipment, work insurance, the use of a uniform price list, and improved security.

## 5. Conclusion

The EU documents attach increasing importance to the need for transparency in the operation of digital platforms, but they are also clear that it is platforms that are obliged to provide such transparency. The information that digital platforms disseminate mainly through advertising can be misleading, as it presents such platforms as an innovative way to earn income from work (Prassl, 2018, p. 85). Other sources of information and knowledge about how digital platforms operate, such as education or information campaigns (including, for example, social campaigns) are underestimated. The existence of the problem was confirmed by research conducted in Poland, where the major institutional barriers to the growth of digital labour platforms were identified to be access to information about those platforms and the lack of knowledge of the rules or interpretation of their provisions, i.e. issues that help workers prepare to join a new segment of the labour market. Importantly, the limited scale of the operations of labour platforms does not translate into poor reputation; rather, digital labour platforms just remain an unfamiliar environment.

The expected institutional changes, the introduction of which could stimulate interest in platform work in Poland, correspond with the changes discussed in other countries. These involve the platform worker status and a minimum rate of payment for work services, which additionally emphasises the importance of these factors. Studies conducted in Poland identified the need to consider a new status of the independent worker/subcontractor (possibly the dependent entrepreneur) as an intermediate form between the employment relationship and self-employment. The introduction of an intermediate status is also proposed in the EU documents.

Probably, the most difficult problem to resolve will involve the reconciliation of the society's expectation of uniform general regulations for the platform segment, including the definition of the platform worker status and the minimum payment rate, and the diversity of platforms and potential relationships they generate. What is important is that Poles expect universal legislation regulating the operations of digital platforms, which may also concern the platform worker status and the payment rate. On the other hand, grass-root initiatives, supported, for example, by self-organisation of platform workers, should not be expected. Although trade organisations of platform workers, such as Fair Crowd Work, which has an information and advisory function, already operate in Europe, studies conducted in Poland show that this change is unlikely to be initiated by platform workers. Undoubtedly, however, they should be adequately represented.

Aloisi (2022, pp. 4–29) argues that innovation should be a synonym for not only flexible jobs but also sustainable and high-quality ones. Flexibility should

not mean a competitive edge gained through business strategies based on side-stepping employment or social security policies. The pursuit of the idea of sustainable growth of digital labour platforms in the EU requires both the effort and rational compromises so that fair institutions for labour platforms can be developed and maintained up to date with technological change.

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## Appendix

**Table 1.**

**Structure of responses to the question: To what extent do you agree that the following developments/characteristics limit the scale of work services coordinated via digital platforms? (N=2099)**

Development/characteristic limiting work services rendered via digital platforms	Response structure (%)					Descriptive statistics		
	1	2	3	4	5	X	D	SD
insufficient information or advertising campaigns on income generating opportunities offered by digital platforms	18	38	27	13	4	2.5	2	1.04
lack of knowledge of the income generating potential of the provision of services via digital platforms	16	38	29	13	4	2.5	2	1.04
insufficient knowledge of the terms and conditions for the provision of services via a digital platform	13	39	31	13	4	2.5	2	1.00
risk of non-payment or underpayment	15	35	32	14	4	2.6	2	1.04
unclear rules regarding digital work mediating platforms	13	36	33	14	4	2.6	2	1.02
absence of relevant tax legislation	10	28	44	14	4	2.7	3	0.95
poor opinions (the internet, friends) about using digital platforms to provide work services	10	26	43	17	4	2.8	3	0.98

Notes:

X — arithmetic mean; D — dominant; SD — standard deviation.

Source: Own preparation.

**Table 2.**

**Structure of responses to the question: To what extent do you agree with the statement that the following changes in current legislation would encourage you to use — more frequently or to a greater extent — the opportunities to render work services via digital platforms? (N=2099)**

Type of institutional change	Response structure (%)					Descriptive statistics		
	1	2	3	4	5	X	D	SD
adoption — in Poland — of the independent worker status, which would eliminate the need to register a business once the income threshold for non-registered activity is exceeded	21	36	32	8	3	2.4	2	1.00
introduction of a minimum payment rate for work services (equivalent to the minimum wage)	21	36	31	8	3	2.4	2	1.01
introduction of general provisions uniformly regulating the use of digital platforms	18	38	32	8	3	2.4	2	0.96
introduction of training and information guides for those interested in rendering work services via digital platforms	14	38	35	11	3	2.5	2	0.95
increase in the level of non-taxable income from undeclared activity (currently up to 1/2 of the minimum wage per month)	14	36	38	9	3	2.5	3	0.95
creating opportunities for platform workers to organize into associations and trade unions that represent them with a digital platform	11	33	40	12	4	2.6	3	0.96

Notes:

X — arithmetic mean; D — dominant; SD — standard deviation

Source: Own preparation.

