Rethinking the regulatory frameworks of work, employers, and labour relations

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Renew the contract of employment-test!

… to clarify the distinction employee / independent contractor in platform work
The contract of employment-test

Platform workers

Employee?  Independent contractor?

Employer duties:
Labour law, tax/social security, tort/insurance
Collective agreements

....
(Some basic protection)

A necessary distinction!
A grey area

Criteria indicating employment

- Duty to perform personal work
- Supervision and control
- Employer’s equipment, location etc.
- The employer is responsible for the result
- Remuneration as a wage
- A stable relationship, terminable on specific terms
- Mainly work for one employer

Platform – worker relation

- Freedom to log off, choose tasks
- Workers’ equipment etc.
- Private locations
- Remuneration from customer per task
- Multiple customers
- «Loose» relation to platform

Need for clarity and predictability!
A required renewal

**Why?**
- Flexible test
- Emipirically based criteria
- Non-exhaustive list
- Purposive approach

Adaptive to new forms of work!

**How?** A *broad purposive approach!*
A broad purposive approach

**Individual perspective**

Labour law

Need for protection?

Dependency and subordination?
- Control of work performance, directly and indirectly

Freedom or precarity?

**Market perspective**

Contract law

Market law

Platform involvement in the underlying service
- Control of product, price and terms

**Nordic labour market values**

A renewed distinction for platform work
A market perspective

Intermediary? ICT service?

Platform

Provider of underlying service?

Worker
• Control of price/pay
• Control of terms vis-à-vis customer
• Control of work performance

Customer

Indicate involvement in the underlying service!
Nordic labour market

Values

Strong labour market actors!

.. of collective autonomy

.. against precarious work arrangements

Employment the dominating form of work!
- Society and company level!

High level of social protection!

Contract of employment

Legal protection

.. against precarious terms of employment
A renewed distinction for platform work

Intensity of platform control:

• of work performance, directly or indirectly?
• of price/pay?
• of other contractual terms vis-a-vis customer?

Indicate dependency, subordination and involvement in the underlying service
An Employment Status Nemnd (Board)

.. to ensure easy access to clarify employment status
• Low costs, quick decision
• Supplement to courts
Thank you for your attention!