

„Employment in the platform economy¹”

The dissertation examines the topic of undertaking paid activity through online (digital) platforms. The analysis presents the genesis of the sector of online labour platforms, which emerged from the sector of online collaborative platforms. The dissertation conducts an in-depth study of the so-called situations of platform work provision, analysing platform legal relationships and the different forms of organising and performing platform work on certain online (digital) platforms. The focus of the considerations was on questions concerning the legal status of persons undertaking platform paid activity, i.e. platform workers. The main concern was centred around the attempt to answer the question of when platform workers should be considered employees and when they should be considered independent service providers (self-employed persons), through an appropriate distribution of legal emphasis and adequate argumentation. To this end, empirical research has been carried out, numerous reports have been studied and dozens of foreign court judgments have been analysed in cases concerning the establishment of an employment relationship between an online labour platform and a platform worker. Getting acquainted with the aforementioned materials made it possible to elaborate in detail on the features of a classic employment relationship under Article 22 of the Labour Code, from the perspective of the specifics of platform work, in contrast to the features of a (one-person) business activity. In addition to the analysis of platform work in terms of the possibility of considering platform workers as classic employees - it has been shown that sometimes platform work is performed within the framework of well-known forms of employment. In other words, it has been proven that platform work performed on certain online (digital) platforms is a well-known form of employment and therefore it should be considered reasonable to apply to such platform work - current legal regulations (dedicated to e.g. temporary work). The dissertation also leaned into the issue of the use of new technologies based on artificial intelligence solutions in employment relations. First and foremost, the focus is on modern forms of the exercising of managerial powers by the employer (the employing entity), which are currently being exercised through algorithm-based technological solutions (e.g. automated decision-making and rating systems). The considerations relating to modern ways of exercising managerial powers in employment should be regarded as detached from the legal basis for the performance of work in the activity-based sense and thus as having universal application, i.e. far beyond the platform economy sector. The dissertation provides numerous conclusions of a legal nature, the most important of which is that platform work is not a new and hitherto unknown form of employment, but is simply a form of employment, performed in a technologically advanced manner.

¹ Written in Polish.