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# A Comparative Assessment of Digital Platform Worker Protection in the EU and ASEAN

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## Article

## Abstract

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The rapid rise of the digital platform economy, connecting workers with employers, has transformed labor markets globally. This paper explores regulatory approaches and policies safeguarding digital platform workers in the European Union (EU) and the Association of Southeast Asian Nations (ASEAN). While the EU demonstrates comprehensive labor protections, ASEAN's diverse economies present a tapestry of approaches. This analysis aims to provide valuable insights for policymakers, scholars, and stakeholders, shedding light on the evolving landscape of labor rights and the future of work in the digital age. This study uses a comparative research design to assess digital platform worker protection in the EU and ASEAN, highlighting differences, similarities, and emerging trends. It involves reviewing official documents and legislative texts from both regions to identify relevant policies and initiatives. This paper found that the concept of "Digital labor" extends beyond the vast digital landscape, impacting a wide range of activities, and transforming traditional tasks into digital processes managed by algorithms and automation. Platform workers in regions like the EU and ASEAN face challenges, including extended unpaid waiting times, lack of social security access, unpredictable earnings, and the downside of flexibility. The EU addresses these issues through comprehensive legislative efforts, emphasizing transparency, algorithmic oversight, and clear employment status definitions. In contrast, ASEAN's structure, based on consensus and voluntary cooperation, poses challenges. A binding regional agreement is challenging due to diverse socio-economic and cultural landscapes. Therefore, a non-binding declaration, supported by comprehensive guidelines, may offer a more practical approach. This declaration, symbolizing collective commitment, along with guidelines on best practices, could guide member states in tailoring their national policies to better protect platform workers.



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## INTRODUCTION

The digital transformation of labor markets has led to a new era of work characterized by the emergence of digital platforms that connect workers with tasks and employers with unprecedented ease and efficiency (Huseynli & Huseynli, 2022; Manggali et al., 2023). This digital platform economy, encompassing a diverse range of services (Kooos, 2022; Leonard & Simarmata, 2023), from ride-sharing and food delivery to freelance work and gig labor, has rapidly grown to become a cornerstone of contemporary labor markets worldwide (Chinoracký & Čorejová, 2019). Yet, amid the allure of flexibility, income opportunities, and technological innovation that digital platforms offer, a critical concern looms large: the protection of digital platform workers (Zuhdi et al., 2020).

Digital platform workers, often referred to as gig workers (Aleksynska, 2021; Au-Yeung & Qiu, 2022; Mäntymäki et al., 2019; Woodside et al., 2021), freelance laborers (Kim et al., 2023; Sutherland et al., 2019) or on-demand workers (Bahri, 2022; Katsabian & Davidov, 2023), constitute a dynamic and ever-expanding segment of the global workforce. These individuals perform a myriad of tasks, from providing transportation services to completing online tasks and delivering goods, all mediated through digital platforms (Wood et al., 2018). Their unique employment status, which often blurs the lines between traditional employment and self-employment (Kahancová et al., 2020), has raised pressing questions about labor rights, social protection, and the regulation of this rapidly evolving sector.

In this paper, the authors embark on an exploration of the diverse regulatory approaches and policy landscapes governing digital platform worker protection in two distinct regions of the world: the European Union (EU) and the Association of Southeast Asian Nations (ASEAN). These two regions offer a fascinating comparative lens through which the complexities and nuances of digital platform work and the efforts made to safeguard the rights and well-being of platform workers are examined.

The EU, renowned for its comprehensive labor protection and robust regulatory frameworks, has undertaken significant initiatives to address the unique challenges posed by the digital platform economy (Chivot, 2021; Hidayah & Anggraeny, 2023). On the other hand, the ASEAN region, characterized by its diversity of economies, regulatory systems, and labor market conditions, presents a complex tapestry of approaches to digital platform worker protection (ASEAN Secretariat, 2023).

This paper aims to assess and compare the regulatory responses and worker protection mechanisms implemented by the EU and ASEAN member states in the context of the digital platform economy. Through an in-depth examination of legal frameworks, policy initiatives, and practical outcomes, we seek to shed light on the convergences and divergences in these two regions and draw valuable insights for policymakers, scholars, and stakeholders alike.

The novelty of this research lies in its comparative analysis of worker protection in the digital platform economies of the EU and the ASEAN. Unlike previous studies that may focus on a single region or country, this manuscript provides a nuanced perspective by contrasting the regulatory frameworks, labor market conditions, and social protection in two culturally and economically diverse regions. It aims to enrich the ongoing discourse surrounding labor rights, innovation, and the future of work by offering unique insights into how different regions are addressing the challenges faced by digital platform workers. As we traverse the landscapes of the EU and ASEAN, we uncover a tale of two regions with their unique approaches to addressing the challenges faced by digital platform workers, offering a nuanced perspective on the global evolution of labor in the 21st century.

## METHOD

This study employs a comparative research design (Mutawalli et al., 2023; Sulaimán & Susila, 2023) to evaluate and contrast the digital platform worker protection mechanisms in the EU and ASEAN. A cross-regional analysis will be conducted to highlight differences, similarities, and emerging trends. Hence, a comprehensive review and analysis of official documents, reports, and legislative texts from both the EU and ASEAN will be carried out to identify relevant policies, regulations, and initiatives related to digital platform worker protection.

## RESULTS AND DISCUSSION

### Grasping the Notion of Digital Platform Workers and Digital Labor

Understanding the concept of Digital labor is a nuanced endeavor, characterized by ongoing scholarly discourse and a lack of unanimous consensus regarding its definition (Heeks, 2017; Kahancová et al., 2020; Woodside et al., 2021). The International Labor Organization (ILO) has sometimes been observed to use the terms interchangeably (ILO, 2021). Within the academic realm, diverse perspectives exist, contributing to the multifaceted nature of this concept. On one hand, certain researchers contend that Digital labor pertains specifically to employment activities intricately linked to the digital media industry (Dorschel, 2022; Fuchs & Mosco, 2015). Their focus centers on individuals engaged within or for sectors such as social media, online advertising, digital content creation, and related domains. From this viewpoint, Digital labor embodies activities intimately associated with the creation, dissemination, and consumption of digital content within the purview of this industry (Dorschel, 2022).

On the other hand, a broader perspective exists, where scholars argue that Digital labor transcends the confines of the digital media industry (Aleksynska, 2021; Heeks, 2017; Kim et al., 2023). According to this viewpoint, Digital labor encompasses all endeavors connected to the digital economy at large. This encompasses not only roles within digital media but also extends to online businesses, e-commerce enterprises,

freelance platforms, sharing economy applications, and similar facets of the digital landscape (Gruszka & Böhm, 2020). Advocates of this broader perspective conceive of Digital labor as encompassing any form of activity deeply intertwined with the intricate digital economic ecosystem. Consequently, it is evident that the term Digital labor remains subject to ongoing debate and interpretation within the academic discourse.

For the purposes of this study, Digital labor is defined as work or tasks executed by individuals or automated systems within the digital domain, predominantly online or within computerized systems. Notably, contemporary Digital labor extends beyond the purview of human workers, as it encompasses instances where tasks traditionally performed by humans are now executed by artificial intelligence (Acemoglu et al., 2022). Consider, for example, the scenario of processing extensive datasets comprising millions of entries. Traditionally, this would necessitate a substantial team of human data analysts, entailing significant time and effort. However, in today's digital epoch, advanced machine learning algorithms and AI-powered tools can perform this work swiftly and with remarkable accuracy.

Another illustrative example pertains to the realm of chatbots and virtual assistants. Engaging with a chatbot on a website or interacting with virtual assistants like Siri or Alexa entails communication with software designed to comprehend and respond to inquiries. These chatbots offer customer support, provide information, and address queries, all without the necessity of human intervention (Newlands, 2021). This exemplifies that Digital labor transcends human involvement.

Moreover, it is worth noting that, in general, Digital labor typically requires an internet connection and often entails an online presence (De Stefano, 2015; Fuchs & Sevignani, 2013). Nevertheless, the specific nature of Digital labor can vary, and not all forms of Digital labor mandate internet connectivity, an online presence, or reliance on online platforms (Larsson & Teigland, 2019). Certain tasks categorized as Digital labor can be executed primarily offline or within environments characterized by limited internet access (Aditya & Al-Fatih, 2021). This variance is contingent upon the nature of the work and the tools employed. For instance, digital tasks such as graphic design, software development, or data analysis involve the utilization of digital tools and software installed locally on a computer. Workers can undertake these tasks without necessitating an internet connection or an online platform. Hence, the discourse encompassing digital labor involves work reliant on digital technology, online platforms, or internet connectivity, whether executed by humans or artificial intelligence. "Digital Platform Workers" form an integral component of this overarching concept.

Digital platform workers denote individuals who perform tasks or provide services through digital labor platforms, typically via websites or mobile applications, often on a freelance or gig basis (Sanz de Miguel et al., 2021). These workers leverage these platforms to connect with clients or customers seeking specific services, such as

ride-sharing, food delivery, freelance writing, or graphic design. While often referred to as gig workers or freelancers, they typically enjoy flexibility in determining their work hours and workload. Meanwhile, Platform work is defined as a form of employment in which organizations or individuals employ online platforms to access other entities or individuals, either to address specific challenges or to provide particular services in exchange for compensation.

Given the extensive nature of this discourse, this study narrows its focus to the subject of "Digital Platform Workers" within the context of the EU and ASEAN. This inquiry centers on individuals, specifically humans, who engage with platforms to earn income. Notably, this topic represents a critical subject of contemporary discussion within the EU and ASEAN.

### Digital Platform Workers Landscape in the EU

In the EU, a proliferation of labor platforms, numbering over five hundred, facilitates the engagement of individuals in work opportunities or the hiring of services (European Commission & Directorate-General for Employment, 2021). These platforms maintain a ubiquitous presence, extending their accessibility to every EU member state, thus attesting to their widespread adoption. Notably, these platforms have experienced exponential growth in recent years, as evidenced by substantial increases in financial transactions. For instance, during the four-year period spanning from 2016 to 2020, the monetary volume generated through these platforms witnessed a nearly quintuple surge, from approximately €3 billion to an impressive €14 billion (European Commission & Directorate-General for Employment, 2021). This remarkable upswing underscores the increasing popularity and utilization of these digital platforms by a burgeoning user base.

The domains within these platforms that consistently yield substantial revenue typically revolve around logistics and transportation services, encompassing the delivery of goods and taxi services (European Commission & Directorate-General for Employment, 2021). These sectors have witnessed a pronounced surge in user engagement as more individuals rely on these online platforms to secure employment opportunities or procure essential services.

As for the revenue model employed by these platforms, their primary income derives from levying a modest percentage on the earnings generated from the jobs advertised on their platform. This fee can be imposed either upon the service seeker or the service provider, depending on the platform's policy. Furthermore, some platforms institute a membership fee for job seekers to access their platform. In essence, their revenue generation mechanism hinges on obtaining a portion of the earnings facilitated through their platform, supplemented by membership fees, thereby solidifying their financial viability (European Commission & Directorate-General for Employment, 2021).

In 2022, an excess of 28 million individuals in the EU actively participated in labor activities facilitated by one or more digital labor platforms (European Commission, 2021a). Projections for the year 2025 anticipate a substantial expansion of this figure, reaching approximately 43 million participants (European Commission, 2021a). This forecast underscores a noteworthy surge within a relatively brief three-year timeframe, reflecting the pervasive appeal and adoption of these online platforms.

Demographically, the composition of Platform Workers within the EU predominantly skews toward a younger, male demographic (Council of the EU & European Council, 2022). The representation of females remains notably limited in comparison to their male counterparts. In terms of educational qualifications, a significant proportion of EU platform workers have attained post-secondary qualifications, which encompass university degrees and vocational training (Council of the EU & European Council, 2022). However, it is noteworthy that a substantial portion of the jobs facilitated through these platforms does not necessitate the specific qualifications possessed by a majority of these workers. In fact, an estimated 70% of services offered via digital labor platforms within the EU encompass relatively straightforward tasks, such as food delivery, driving, or cleaning, which do not mandate specialized degrees. A mere 20% of tasks fall within the medium skill level category, while a mere 6% necessitate an elevated degree of expertise in specialized tasks. An additional 4% of tasks demand a blend of competencies (Council of the EU & European Council, 2022). Consequently, a prevalent pattern emerges where the qualifications of the majority of these platform workers surpass the requirements of the tasks they undertake, rendering them ostensibly overqualified for their roles.

The labor undertaken through these platforms generally does not constitute the primary source of income for these individuals; instead, it assumes the character of supplementary employment. Many platform workers concurrently maintain regular employment or alternative means of income generation, utilizing these digital platforms to augment their financial resources, akin to engaging in part-time work in addition to their primary occupation. The preponderance of platform work, approximately 83%, caters to individual clients, encompassing ordinary citizens. Conversely, a smaller fraction, roughly 17%, involves labor conducted for businesses or a combination of both corporate and individual clients (European Commission & Directorate-General for Employment, 2021).

When scrutinizing the distribution of income within this context, it becomes evident that it can be broken down into several distinct categories, each contributing variably to the overall earnings landscape. Foremost among these categories are taxi services, representing the most substantial portion at approximately 39% of the aggregate income generated through digital labor platforms. Following closely behind are delivery-related tasks, which encompass activities like food delivery, logistics, or grocery retrieval, contributing significantly to the earnings pool with a share of 24%.

Moreover, home-based services, characterized by tasks such as cleaning or crafting, form another noteworthy sector, accounting for 19% of the total earnings pie. A somewhat smaller yet considerable fraction is attributed to professional services, which encapsulate fields like accountancy, constituting 7% of the income distribution (Council of the EU & European Council, 2022).

Concurrently, the realm of creative endeavors, inclusive of graphic design and photo editing, assumes significance, comprising a notable 6% of the earnings distribution. Further, the category of human services, covering roles like childcare or healthcare assistance, contributes a modest yet discernible 3% to the income landscape. Lastly, the smallest segment of earnings, comprising merely 2%, pertains to micro-tasks that entail activities such as sorting or tagging (Council of the EU & European Council, 2022). This comprehensive delineation of income distribution underscores the varied nature of tasks and services rendered through digital labor platforms, encompassing a spectrum from transportation-related endeavors to creative and specialized undertakings, reflecting the diverse opportunities available within this digital labor ecosystem.

The majority of digital labor platforms within the EU that focus on location-specific services have been primarily attributed to the prevalence of platforms offering delivery and personal transport services. These are commonly referred to as "location-based" jobs. Conversely, approximately 36% of digital labor platforms exclusively offer online-based services, while approximately 10% of platforms cater to both online and in-person service provisions (Council of the EU & European Council, 2022).

### Digital Platform Workers Landscape in the ASEAN

In the ASEAN region, there are a substantial 103 million registered workers engaged in digital platform work. Of these, approximately 63 million are involved in online freelancing activities, while roughly 40 million partake in on-demand digital tasks (ASEAN Secretariat, 2023). The presence of digital ride-hailing platforms has significantly reshaped the labor landscape across ASEAN member states (AMS). One prominent illustration of this transformation is the impact of Grab, which originated in Malaysia and has extended its operations to countries such as Singapore, Thailand, the Philippines, and Viet Nam. Similarly, Gojek, now rebranded as GoTo, has fostered local partnerships in Viet Nam and has established operations in an extensive network of 167 cities and districts across Indonesia (Kurniawati & Khoirina, 2020).

These platforms have catalyzed substantial employment opportunities within the region. Grab boasts a vast network encompassing over 2.8 million riders and collaborates with an impressive 2 million merchant partners. Meanwhile, GoTo, the rebranded version of Gojek, has cultivated an extensive network, with around 2 million riders and an additional 900,000 merchant partners contributing to its ecosystem (ASEAN Secretariat, 2023).



A unique and distinguishing feature in ASEAN is the prevalence of online motorcycle taxi services as a mode of public transportation, a phenomenon that remains relatively uncommon among EU member states. In many ASEAN countries, services like Gojek and GrabBike have gained popularity, offering a convenient means of commuting in densely populated urban areas. This sharp contrast underscores the differences in transportation systems and cultural dynamics between the two regions, demonstrating the adaptability of ASEAN nations in addressing the transportation needs of their urban populations. The transformative influence of digital platforms is not confined to ride-hailing alone. Other delivery platforms, exemplified by entities like Borzo and Deliveroo, and logistics platforms, including industry players such as Lalamove and GOGO, have similarly expanded their footprint. Collectively, these platforms engage millions of rider partners, further amplifying the digital labor landscape across the ASEAN region.

Simultaneously, it is essential to acknowledge that the expected number of crowdworkers, encompassing those involved in digital tasks conducted and delivered online, is experiencing a notable and consistent increase within the ASEAN region. This escalating trend has seen the crowdworker population swell from a recorded figure of 867,160 individuals in the year 2020 to a projected estimate of approximately 1,155,407 in 2022 (ASEAN Secretariat, 2023).

In contrast to the EU, the ASEAN region lacks comprehensive data that provides insights into various facets of platform workers' livelihoods. This includes data related to their average income, typical working hours, gender composition, and educational qualifications. Despite this data gap, it is noteworthy that a substantial proportion of digital labor platforms in ASEAN closely resemble their EU counterparts in terms of their core operational focus. These platforms predominantly concentrate on location-specific services, which can be attributed to the prominence of services such as delivery and personal transportation. This genre of platform-based work is commonly characterized as "location-based" jobs.

While the absence of detailed data in ASEAN limits our ability to make precise comparisons with the EU, the shared emphasis on location-based services underscores a common thread in the digital labor landscape across these two regions. These platforms play a pivotal role in facilitating local and immediate service provisions, contributing to the dynamic evolution of work in the digital era. Despite the scarcity of data in ASEAN, this alignment with the EU in terms of platform operation orientation sheds light on the universality of certain trends and preferences within the global digital labor ecosystem.

#### **Digital Platform Worker Issues in the Regions**

The issue surrounding platform workers in both the EU and the ASEAN region is notably intricate and multifaceted. This complexity arises from the intersection of a

myriad of economic, labor-related, legal, and social factors, all of which interplay and contribute to the intricacy of this challenge.

### 1. Employment Classification

The complex issue of employment status within the digital platform work sphere is not unique to the EU but also pertains to the ASEAN region. Both regions grapple with similar dilemmas and challenges when it comes to classifying platform workers. The key question of whether these workers should be recognized as traditional employees, self-employed individuals, or something in between carries significant consequences for their labor rights (Mahfud et al., 2022) and protections.

In the EU, a substantial proportion of platform workers are predominantly labelled as self-employed or independent contractors. This categorization stems from the prevailing viewpoint among digital platforms that they essentially serve as intermediaries connecting clients and service providers. This perspective posits that the workers themselves should be deemed “independent contractors,” implying a high degree of autonomy over their work schedules and methods.

This classification, however, does not tell the whole story. Digital labor platforms can exhibit substantial diversity in their operational dynamics. Some platforms grant workers considerable freedom, allowing them to dictate their work hours, source their own clients, and set their prices. In such cases, categorizing them as “self-employed” is justifiable. However, in other scenarios, particularly within low-skilled job sectors, the relationship between platform and worker more closely mirrors that of traditional employment. On these platforms, management exerts control over compensation and working hours, and may even monitor worker activities (De Ruyter & Rachmawati, 2020; Graham et al., 2017). In instances where workers depend heavily on a single platform for their primary income source, the “self-employed” label becomes incongruous with the nature of the work. This inconsistency creates a problematic situation, as workers in this category lack the legal protections usually afforded to traditional employees and are unable to exercise the autonomy associated with self-employment.

Misclassification issues are not unique to the EU; they also pervade the ASEAN region. Similar concerns about the correct employment status classification plague the digital platform labor ecosystem within ASEAN. As in the EU, the ASEAN region struggles with defining and clarifying the employment status of platform workers, often leaving them in a precarious and uncertain position regarding their labor and social rights.

In Indonesia, the Supreme Court Decision Number 841 K/Pdt.Sus/2009 established a legal precedent by ruling, in a case involving a taxi driver and a taxi company, that the taxi company could not be considered an employer due to the absence of salary and direct control (Fairwork, 2021). Nevertheless, some argue that

this ruling might not be directly applicable to ride-hailing and courier platforms because they offer incentives rather than traditional wages. Subsequently, in 2019, Minister of Transportation Regulation Number PMN 12 of 2019 was enacted, specifically addressing the safety of motorcycle users serving the public interest. This regulation stands as the first comprehensive legal framework explicitly addressing online motorcycle taxi services in Indonesia, albeit it exclusively covers the use of motorcycles in peer-to-peer services and does not address the employment classification within this context (Izzati, 2022). Similar to the EU, the majority of platforms in Indonesia still classify workers as self-employed, independent contractors, or partners.

In Malaysia, the definition of an employee is primarily outlined in two key legislations, namely the Employment Act of 1955 and the Industrial Relations Act of 1967. According to these legislations, it may appear that platform workers, often lacking formal employment contracts, fall outside the scope of the definitions for "employees" and "workmen" (Abd Samad et al., 2023; Ching et al., 2022). However, recent amendments to the Employment Act of 1955 introduced a provision known as the presumption of employment (as per section 101c of the Employment (Amendment) Act 2022). This provision allows for the potential classification of platform workers as employees if they meet the stipulated criteria. Nonetheless, the practical application of this provision lacks clarity and is subject to debate among legal practitioners, especially regarding its relevance to platform workers, as it has the potential to fundamentally transform the entire concept of platform work and the status of platform workers (Ching et al., 2022; Makhtar et al., 2022).

In the Philippines, rather than offering a clear-cut classification of whether riders should be categorized as freelancers or employees, DOLE Labour Advisory No. 14, Series of 2021, introduced assessments to evaluate the connection between platform companies and riders. This approach faced criticism as being ineffective. The absence of specific regulations is attributed to the fact that the Labor Code of the Philippines has not yet incorporated the characteristics of platform work within its statutes (Viajar, 2022).

In both regions, there is a pressing need for clear and adaptable regulatory frameworks that account for the dynamic nature of platform work. While the EU has seen some specific rules emerge in certain member states, these primarily address specific types of platform jobs, such as driving or delivery services. The absence of comprehensive, universally applicable rules exacerbates the problem of misclassification, leading to numerous court cases and legal procedures. These disputes, while often resulting in workers being reclassified as employees, place a heavy burden on those who lack the resources or capacity to navigate the complex legal landscape. This predicament is particularly acute for vulnerable workers, including those with limited incomes, young workers, and immigrants.

In both the EU and the ASEAN region, the absence of explicit and universally applicable rules and the difficulties associated with asserting one's rights underscore the urgency of addressing the issue of misclassification among platform workers. The challenges faced by these workers transcend regional boundaries and demand a coordinated effort to ensure fair and equitable treatment in the evolving landscape of digital platform work.

## 2. Algorithmic Management

Digital labor platforms, both in the EU and the ASEAN region, predominantly integrate algorithmic management into their operational models. This innovative approach allows them to efficiently match clients with service providers while responding dynamically to fluctuations in supply and demand (Möhlmann et al., 2021; Park & Ryoo, 2023). This algorithmic system is primarily applied within low-skilled on-location platform work, although the specific practices may vary among different platforms. These algorithms play a multifaceted role in platform operations, encompassing functions such as worker selection, price determination, task allocation, performance assessment, and more (Boudreau et al., 2015; Gal et al., 2020).

From a positive perspective, this algorithmic management ensures a level of organization and service delivery that was hitherto unparalleled (Lakhani et al., 2010). It optimizes work allocation and service provisioning, catering to the ever-evolving demands of the digital era. However, the impact of these algorithmic systems is not uniformly advantageous for all stakeholders, and in certain instances, they can give rise to issues that are detrimental to workers' interests (Möhlmann et al., 2023; Park & Ryoo, 2023). In some cases, these algorithmic models might inadvertently lead to unfair practices, such as discriminatory selection criteria based on gender or race (Gal et al., 2020; Robert et al., 2020).

To illustrate, consider a scenario wherein an individual works as a platform-based taxi driver. Algorithms closely monitor and rate the driver's performance, a practice that can have far-reaching consequences (Kellogg et al., 2020). If a driver's performance falls below a certain threshold, the platform may automatically curtail their access to work opportunities, effectively rendering them idle for a day or even several days. In more severe cases, the platform may hide the driver's profile from potential clients. This practice is notably exemplified by ride-sharing platforms, which employs algorithms to deactivate drivers from their app or impose penalties for subpar performance (Wiener et al., 2023). Additionally, platforms use subtle reminders to encourage drivers to enhance their performance. Furthermore, these platforms can unilaterally withhold payment for work already completed, offering minimal or no explanation for such actions. Consequently, platform workers often feel compelled to continuously accept work assignments, as they fear that declining tasks could adversely impact their ratings and, in turn, diminish their chances of securing future jobs. This

dynamic results in computer algorithms exerting substantial influence over the working conditions and decisions of these platform workers, who experience a reduced sense of agency in their work (Cameron & Rahman, 2022; Curchod et al., 2020; Karanović et al., 2021).

Another significant concern revolves around the inability to transfer one's reputation or ratings from one platform to another. On digital platforms, a worker's reputation is a pivotal determinant of their access to job opportunities. However, a pressing issue arises in that the positive ratings earned on one platform remain confined to that specific platform. These ratings cannot be carried over if a worker seeks to register on a different platform, necessitating the establishment of a reputation from scratch. This setup disproportionately favors existing platform workers with stellar ratings, as they consistently secure the most desirable job assignments (Graham et al., 2017). In contrast, newcomers who lack a substantial rating history or have received negative reviews face significant challenges in gaining a foothold within the platform economy (Wiener et al., 2023).

These issues surrounding algorithmic management not only curtail professional mobility but also weaken the bargaining power of platform workers. They impede genuine competition between platforms, rendering established workers "superstars" while newcomers encounter considerable hurdles. These complexities resonate within both the EU and the ASEAN region, as platform work undergoes transformative changes that demand careful consideration of workers' rights and fair practices within the digital economy. The shared challenges in these regions underscore the global nature of these issues and the need for a coordinated approach to address them effectively.

### 3. Working Conditions

The complexities surrounding the working conditions of platform workers resonate not only within the EU (Dunn, 2020) but also in the ASEAN region. Both regions experience challenges related to the precarious nature of platform work, which is characterized by unstable schedules and income insecurity. This predicament is especially prevalent in the form of "zero-hour contracts," which lack guarantees of minimum working hours or fixed incomes. In both the EU and ASEAN, this unpredictability poses challenges for workers in terms of life planning and financial management (Aloisi, 2022; Soriano & Cabañes, 2020).

Unpaid waiting time is another shared concern, as platform workers in both regions spend considerable hours waiting for tasks without earning income (Durri, 2023). This issue is particularly pronounced in the case of low-skilled location-based tasks. In the EU, the waiting time for such tasks can be as extensive as the time spent performing the actual work. In ASEAN, a similar pattern emerges. Despite these protracted waiting periods, workers do not receive compensation for their idle hours

due to their classification as self-employed, leading to reduced overall earnings (Cini, 2023; Woodside et al., 2021).

The challenge of accessing social security systems is also a shared concern, especially for platform workers classified as self-employed. In both regions, these workers often lack access to social security systems that provide coverage for various contingencies, including sickness, accidents, unemployment, workplace safety, and retirement pensions (ASEAN Secretariat, 2023; Sieker, 2022). This vulnerability exposes them to financial risks in the event of illness, accidents, job loss, or retirement. In EU member countries, the availability of social protection systems for platform workers (those classified as self-employed) can be categorized into four levels: comprehensive coverage, substantial to comprehensive coverage, partial to no coverage, or complete lack of coverage (Sieker, 2022). Within the ASEAN region, certain regional platforms have engaged in partnerships with various stakeholders to safeguard the well-being of their partners. For instance, Foodpanda in Singapore collaborated with the National Trade Union Congress (NTUC) and Igloo to offer cost-effective microinsurance. Additionally, in the Philippines, Foodpanda partnered with the GT Foundation to grant eligible partners and their dependents access to free surgical procedures for six specified medical conditions.

The Badan Penyelenggara Jaminan Sosial (Social Security Administration) in Indonesia has partnered with certain platforms to boost the registration of partner riders. Nonetheless, the platforms' role is restricted to aiding in the setup of riders' accounts, with the financial contributions being the sole responsibility of the riders themselves. The Social Security Organization of Malaysia collaborates with various platforms. As an illustration, riders affiliated with Foodpanda will make an annual contribution of RM232.80 (equivalent to approximately US\$53) to access medical and educational benefits, among other offerings, while the platforms themselves provide a subsidy of RM23.3 (about US\$5.3) per rider to cover one-year protection (Tan, 2022).

Flexibility, while giving an advantage, is a common issue in both regions. The autonomy to set one's own hours can lead to extended and unpredictable working hours, affecting the work-life balance of platform workers. The blurred line between work and personal time raises concerns about burnout, strained relationships, and a diminished overall quality of life (Rosenblat & Stark, 2016).

#### 4. Decent Pay

A notable concern revolves around the lack of uniform minimum payment requirements on digital labor platforms in the EU. While some platforms may set minimum rates for specific tasks, many do not offer explicit guidelines, leaving workers uncertain about their potential earnings. This uncertainty arises from both the absence of specified minimum pay rates and the potential disparity between the platform's offered rate and the standard minimum wage typically associated with regular employment. Consequently, workers often lack transparency regarding their income,

and this issue is compounded by a study conducted by the EU Commission, which highlights that a substantial portion of platform workers earns less per hour than the statutory minimum wage after accounting for taxes and deductions (European Commission & Directorate-General for Employment, 2021).

Another significant challenge relates to the platforms' control over earnings withdrawal, with the frequency and conditions of withdrawal often determined by the platforms. This includes dictating when and how much a worker can access his/her earnings and the potential imposition of fees for withdrawal (Aleksynska et al., 2019). Additionally, some platforms may require workers to reach specific earnings thresholds or await client approval before disbursing payments. These conditions, combined with the discretion given to clients for rejecting work without detailed justification, create financial uncertainty and limit workers' control over their earnings (Aleksynska et al., 2019; Silberman & Johnston, 2020).

Conversely, in the ASEAN region, a parallel set of challenges are experienced by platform workers. The absence of standardized minimum payment requirements and varying practices among digital labor platforms contribute to earnings uncertainty. This issue is exacerbated by the lack of transparency regarding minimum wage standards, which, in some instances, can lead to workers' smaller earnings compared to their counterparts' in traditional employment (Fairwork, 2021; Izzati, 2022; Makhtar et al., 2022; Soriano & Cabañes, 2020).

Similarly, the control exerted by platforms over earnings withdrawal, including the timing and conditions of withdrawal, mirrors the EU scenario. Workers in Southeast Asia may face limitations on how frequently they can access their earnings and may need to meet specific earnings thresholds or gain client approval before receiving payments. This practice, along with potential fees for withdrawals, can hinder the financial stability of platform workers.

##### 5. Access to Collective Bargaining

Representation and organization play a pivotal role in empowering platform workers by enabling them to effectively voice their concerns and advocate for their interests. In essence, they serve as mechanisms through which these workers can collectively articulate their needs and preferences within the context of their employment (Barton et al., 2021; Lin, 2022; O'Sullivan, 2017). In the context of the EU, some limited examples, like the Danish cleaning labor platform Hilfr, demonstrate that collective agreements can be established, offering a path for workers to gain collective representation. However, these instances remain the exception rather than the rule. A comparative perspective reveals that ASEAN countries may exhibit similar patterns, with only a minority of platforms having mechanisms for collective representation (ASEAN Secretariat, 2023; Graham et al., 2017). The situation in ASEAN mirrors the EU in that platform workers often have to contend with platforms that do not explicitly recognize their right to engage in collective bargaining.

Nevertheless, workers in both regions have shown remarkable resilience in their pursuit of collective representation. Grassroots initiatives, like the formation of online forums and worker organizations, have emerged as channels for platform workers to voice their concerns and advocate for their rights. For instance, Uber drivers in the EU have organized themselves through platforms like UberPeople.net, echoing the experiences of their counterparts in ASEAN. Similarly, the TurkoOpticon website provides a platform for workers on platforms like Amazon Mechanical Turk to engage in discussions about collective representation. Rider organizations, such as CLAP in Paris, have developed to champion the interests of platform workers, exemplifying cross-regional similarities in worker-led initiatives.

#### **Platform Worker Protection Initiatives in the EU and ASEAN**

Several EU member states have indeed enacted legislation pertaining to the realm of digital platform employment (Aloisi, 2022; Durri, 2023; Sanz de Miguel et al., 2021; Sieker, 2022). However, these regulations are typically characterized by their limited scope, primarily targeting specific categories of platform work, such as ride-sharing services or food delivery applications (Aloisi, 2022). In essence, these regulations tend to address only particular facets of the broader digital platform work landscape, leaving a significant portion of this evolving sector unregulated and unaccounted for.

In recent years, the European Commission and the European Parliament have been actively involved in shaping the legislative framework for the digital single market, a sphere encompassing various pivotal regulations pertinent to platform work (Sanz de Miguel et al., 2021). However, challenges persist in relation to platform work, even with the existing regulatory measures in place. Moreover, the EU has been proactive in establishing rules and regulations within the domains of employment and social policies, often manifesting as directives and softer policy initiatives. Nonetheless, these endeavors exhibit notable limitations in effectively addressing the unique challenges encountered by platform workers. In broad terms, many regulations primarily concentrate on the rights of traditional workers rather than the self-employed. While some legal provisions tackle issues common to all platform workers, their legally binding power may be inadequate. Additionally, certain regulations only pertain to specific facets of platform working conditions, and some proposed initiatives remain subject to modification during the legislative process. Distinct regulations might apply depending on whether platform services cater to individuals or businesses despite similarities in the nature of the work.

In 2019, the European Council convened to deliberate on new forms of work and subsequently reached official conclusions on the matter (Council of the EU, 2019). Within these conclusions, they urged the European Commission to explore the potential necessity for new laws that would ensure the safety and rights of workers in these evolving forms of work. Subsequently, the European Commission initiated a series of studies and consultations aimed at evaluating the working conditions



prevalent in platform work. Moreover, in December 2021, the European Commission introduced a proposal for a directive designed to enhance working conditions within platform work (European Commission, 2021b). This proposed directive seeks to establish the accurate employment status of individuals engaged in digital platforms and ensure that platform workers have access to relevant labor and social protection rights. The proposal posits that a person is presumed to be a worker if they meet three of the seven specified criteria outlined in the proposal.

Furthermore, the Directive strives to enhance transparency within digital platforms by regulating the use of algorithms, mandating human oversight to assess the fairness of working conditions, and affording individuals the right to challenge decisions made by automated systems. These newly proposed rights are intended to be applicable to both platform workers and those who are unequivocally self-employed (European Commission, 2021b).

Additionally, the Commission's proposal aims to augment transparency within these platforms by mandating the reporting of work to national authorities and requiring platforms to divulge vital information regarding their operations and the individuals working through them to the national authorities (European Commission, 2021b). This multifaceted approach represents the EU's comprehensive strategy to address the intricate challenges faced by platform workers and facilitate fair and transparent working conditions in the digital platform economy. Following an extensive series of deliberations, the Council has undertaken substantial revisions to the initial draft of the proposed legislation. In February 2023, the European Parliament endorsed its position on this legislative proposal. Subsequently, in June 2023, the Council also concluded its position regarding this proposal.

Consequently, the final legislative text is slated for negotiation amongst the EU Commission, Council, and Parliament. While an exact timeline for the completion of the Directive remains unspecified, there is an expectation that this process will culminate before the current terms of the Commission and Parliament conclude in the spring of 2024. In the event of this timeline being upheld, and in accordance with the conventional procedural course, it would necessitate the 27 Member States to enact adjustments to their respective laws by spring 2026. This affords them an approximate two-year window for the implementation of the requisite modifications following the full establishment of the Directive.

In contrast to the EU, where supranational regulations possess the authority to harmonize laws and enforce compliance among member states, ASEAN relies on consensus and voluntary cooperation (Caballero-Anthony, 2022; Lee, 2022). This means that the establishment of binding regional agreements necessitates the concurrence of all member states, each of which may have unique and sometimes conflicting perspectives on labor regulations and worker protection. Negotiations aimed at standardizing rules for platform workers in a region as culturally and

economically diverse as ASEAN can be challenging, as it requires the alignment of multiple national interests and legal frameworks. Additionally, the regional body's limited mandate and lack of supranational authority render it incapable of imposing binding regulations on its member states without their collective consent. As a result, the process of adopting regional binding agreements related to platform worker protection within ASEAN is complex and time-consuming, given the need to harmonize often disparate national regulations and secure unanimous approval from all member states.

In the contemporary landscape of the ASEAN, to date, there appears to be a conspicuous absence of concerted initiatives spearheaded either by ASEAN's institutional apparatus or its member states to forge a regional accord tailored to platform workers. Arguably, the most judicious approach to address the heterogeneity in protection standards for platform workers across the region would be the formulation and adoption of a convention. Such a convention, endowed with the force of law, would obligate all signatories, in this case, the member states of ASEAN, to adhere to a standardized set of regulations. This would invariably ensure a consistent baseline of rights and safeguards for platform workers, irrespective of the specific ASEAN nation in which they operate.

However, the intricacies of crafting such a convention cannot be understated. Given the diverse legal, economic, and socio-cultural milieus of the individual ASEAN members, aligning their interests and priorities into a unified legal instrument would pose considerable challenges. The complexities encompass not just the substantive provisions of such a convention, but also the mechanics of its enforcement and the resolution of potential disputes.

Drawing upon historical precedents within the ASEAN framework, it appears more pragmatic to anticipate an agreement that assumes a softer legal character. The modus operandi of ASEAN, characterized by its emphasis on consensus and non-interference, suggests that a declaration might be the more feasible route. Such a declaration, while not legally binding in the strictest sense, would symbolize the collective commitment of the member states to uphold certain principles and norms related to the protection of platform workers.

Furthermore, complementing this declaration, there could be a concerted push towards the conceptualization and adoption of comprehensive guidelines. These guidelines, collaboratively developed, would delineate best practices, benchmarks, and recommendations for the protection of platform workers. While they might lack the enforceability of a convention, they would serve as a valuable framework for member states, guiding their national policies and regulations in this sector.

## CONCLUSION

The intricacies of Digital labor are not just defined by the vast digital landscape but also by the real-world implications it carries for workers. At its core, it encompasses an array of activities, from those rooted in the digital media industry to broader realms impacted by the digital economy. This highlights the transformative role of technology, where tasks once dependent on human intervention are now seamlessly managed by algorithms, chatbots, and virtual assistants. Yet, as we dive deeper, it is evident that the digital labor landscape is fraught with challenges, especially for platform workers. In regions like the EU and ASEAN, issues abound—from extended unpaid waiting times, the absence of social security access for many, to the unpredictability of earnings and the pitfalls of flexibility. These challenges underline the double-edged nature of Digital labor: while it offers unparalleled opportunities for growth and innovation, it also presents significant hurdles for those at its forefront.

The ever-evolving digital ecosystem has brought forth the unique challenges and needs of platform workers, prompting regional entities like the EU and ASEAN to grapple with formulating effective regulatory responses. The EU's proactive approach is evident in its comprehensive legislative efforts, from establishing a digital single market framework to proposing specific directives aimed at enhancing platform workers' rights and working conditions. Notably, the EU's proposal underscores the significance of transparency, algorithmic oversight, and clear employment status definitions. The legislative journey, marked by revisions and endorsements, anticipates a culmination by 2024, mandating member-state compliance by 2026.

On the other hand, ASEAN's structure, characterized by consensus and voluntary cooperation, presents a distinct set of challenges. The absence of a binding regional agreement mechanism, coupled with the diverse socio-economic and cultural landscapes of its member states, complicates the pursuit of standardized platform worker protections. While a legal convention would be ideal, the practicalities of ASEAN's operations suggest that a non-binding declaration, supplemented by comprehensive guidelines, might be a more pragmatic approach. Such a declaration, symbolizing collective commitment, coupled with guidelines outlining best practices, could guide member states in tailoring their national policies to better protect platform workers.

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