

Convegni



Diritto, Politica, Economia

Modern Forms of Work

A European Comparative Study

edited by

Stefano Bellomo and Fabrizio Ferraro



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In copertina: Yulia Ryzhenko, *Dettaglio di un fregio antico romano in rilievo.*

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Foreword

This collective work provides the opportunity to develop a choral reflection on how the metamorphosis of the productive system, and in particular the digital revolution that is spreading, are profoundly transforming the world of work.

The idea of giving shape to a collective volume stems from the fruitful and constructive dialogue established during the Meeting of the European sub-section ELLYS, European Labour Law Young Scholars, now in its 4th edition, held in Rome, July 3rd-5th. The essays are in fact re-workings of the reports held by researchers who decided to present a paper, previously accepted by the scientific committee of the Meeting.

The title of the book *"Modern forms of work. A European comparative study"* evokes the intent to encourage a comparative reflection focused on modern work, through an observation capable of giving account of the different European and non-European points of view.

The prospects for reflection concern the main areas of labour law, namely the employment relationships law, trade union law and social security law. For reasons of consistency, it was decided to divide the writings into three subgroups.

The first set of essays contains national reports on modern forms of work, intended to merge into a broader and more extensive research that will involve many other European countries. The national legal systems of Poland, Slovenia, Spain and Portugal are hereby analysed. The authors of the reports give account of the different regulatory frameworks provided in each Country and of the legal condition of platform workers. The analysis highlights interesting parallels and common perspectives.

The second group contains some reflections regarding Critical Issues on Digitalization, Platforms and Algorithms. It deals with the different facets of the galaxy of digital work. The contributions are mostly focused on work through a digital platform, a crucial topic in the debate on the qualification of the fundamental work types and on the current breadth of the “weak or economically dependent work” area. Its increasingly widespread diffusion has gone hand in hand with the surfacing of new abusive practices, that are characterized by the intermediation of discontinuous and precarious work services, as well as by the creation of alternative systems of meeting supply and demand where there are not workers and employers, but relations without formal schemes and regulatory frames are established (P. Tullini, *C'è lavoro sul web?*, *Labour&LawIssues*, 2015; M. Weiss, *La platform economy e le principali sfide per il diritto del lavoro*, *Diritto delle relazioni industriali*, 2018, n. 3, 715 ss.; A. Perulli (ed.), *Lavoro autonomo e capitalismo delle piattaforme*, CEDAM-WKI, 2018). Specifically, within the latter, the workers operate in a highly competitive context and in fact assume an evident economic risk, resulting in a more marked wage dumping.

Also other issues are examined, strictly related to digital work, such as the role of blockchain systems in the employment relationship and the (subordinate) smart working, which in many countries represented an opportunity for job continuity to the benefit not only of companies, but also of the employees themselves. Smart working is already changing the characteristics of the employment relationship. In short, it involves the transition from a strict submission of work energies to the employer, to a series of performances aimed at specific goals and to the consequent recognition of a wider autonomy for the worker. More generally, it is a way of carrying out work that is functional to achieving a better work-life balance, with reference to both the workplace and working time. Sometimes it can also enhance productivity. During the Covid-19 pandemic emergency, smart working turned out as an effective tool in order to contain the spread of the coronavirus. Scholars and legislators emphasize the value of smart working as a true organizational measure to be used in order to strengthen the workplace safety.

The third group of essays is inserted into the section entitled “*New Balances and Workers' Rights in the Digital Era*”. These writings deal with various issues related to the wider matter of digital work. For example,

the concept of worker in EU Law is examined, in order to understand if it can represent a “chance or hindrance” in the finding of a regulation for modern forms of work. There are also reflections on issues relating to social security, jurisprudential qualification, the role of the social partners and trade unions, as well as smart working as a new frontier of well-being. An interesting parallel is also proposed with the Japanese system, with reference to the equal pay in telework.

About industrial relations, the spread of platforms and smart working can represent a barrier (C. Crouch, *The decline of collective industrial relations in contemporary capitalism, Stato e mercato*, 2012) or an opportunity. It is a barrier when it causes the individualisation of digital workers, in contrast with the synthesis of collective interests to which unions’ representation aims. On the other hand, it is an opportunity if we consider the spread, at European and trans-national level, of innovative trade union actions. Anyway, collective actions and legal interventions in some EU countries for the protection of workers on demand via app are significant.

Through the reflections of the authors, it is understood that digital work represents an unprecedented challenge for interpreters as for legislators, in search of solutions capable of accounting for specific protection needs of people who work through remote connection tools, even beyond the traditional categories, but without sacrificing too complex market balances that bring, on the one hand, a new set of problems and, on the other hand, additional opportunities for development, growth, wealth and employment.

The writings, despite the differences of approaches and methods, reveal the existence of a dense and inexhaustible dialogue between young scholars, at European and extra-European level. The analysis of new forms of work – the offspring of transnational processes of globalization and technologization – forms a fertile ground for experimenting a transnational dialogue on which young researchers can practice with excellent results, as this small volume confirms.

We would like to thank all the participants to the Meeting and those who decided to send the reworking of their papers. Special thanks also go to Dario Calderara for his help in the revision and composition of the volume.

Stefano Bellomo
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