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The Future of Work, Digital Labor and Business Legitimacy

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Abstract

The increasing trend of internet technology platforms and its offerings of digital labor have revolutionized the world of work. Companies that compete in this so-called “Gig Economy” are breaking away from traditional work arrangements and using a business model that challenges current employment and labor laws. While gig economy employers boast the benefit of work flexibility, their workers face compromised fairness in regards to compensation, working conditions, and career development. This chapter discusses how the gig economy redefines the future of work, by focusing on the current state of gig-workers, and then explores opportunities for ways in which the gig economy can mutually benefit the employers and its workers.

The Future of Work, Digital Labor and Business Legitimacy

In the past decade, there has been a rapid growth of the so-called “Gig Economy”, which refers to commercial activities where people using digital platforms to sell their labor (Taylor et al., 2017). The size of online labors engaging in the gig economy is estimated to be about 4.4% of adults in the UK (Lepanjuuri et al., 2018) and 20% in the US (Petriglieri, Ashford & Wrzesniewski, 2018). The gig economy consists both online and offline mediated work via on-demand service platforms such as Amazon Mechanical Turk, Fiverr, Upwork, or Clickwork for the online gig work and Uber, deliverwoo, or task rabbit for the offline gig work. Despite measuring the overall size of the gig economy appears to be difficult as there are loop holes in such labor market that a large number of activities fall outside of measurement tools (Duggan et al., 2019), the rise of utilization of gig work worldwide is estimated to be about 26% annually on average (Kassi & Lehdonvirta, 2016).

The gig economy boasts that this new form of work offers work opportunity to individuals who want flexibility and those who are otherwise unable to achieve employment (De Stefano, 2016). However, more recently the gig economy has been described less as a new form of work, and more as a newly packaged version of Taylorism, in which productivity is fostered via fragmented labor and hyper-temporary microtasks on virtual assembly lines (Aloisi, 2015). As employment tasks are revised and employment relationships are redefined in order to transform more and more employees into independent contractors, more and more are left with "flexibility" but no protection from labor and employment laws (Stone, 2006).

One of the main advantages companies have when they are at the forefront of a trend, a market, or an entire economy, like the gig economy, is that existing regulations may be outdated, which gives companies a great deal of flexibility of what to comply to this new form of labor (Dudley, Banister & Schwanen, 2017). Particularly, with the help of technology, such as algorithmic management, firms can structure their business in a more transactional manner with limited personal interactions with the digital laborers. In addition, firms that partake in the gig economy typically experience the pressures of following tactics to drive down their costs resulting in misclassifying workers, regime shopping and employing economically vulnerable individuals – all of which contribute to the rise of neoliberal industrial relations (Zwick, 2017). By enacting on the neoliberal playbook, the gig economy operates in ways that free firms from legal responsibility of labor and employment laws, transfer risks from employers to contractors, and reduce middle-class employment at the benefit of shareholders and consumers (Zwick, 2017).

Under the neoliberal playbook, firms rely on short-term and insecure employment relations, where workers can be “fired as quickly as they are hired” (Sporton 2013: 405). In exchange, contractors or sub-contractors have the “freedom to choose one’s own job and negotiate one’s own conditions of work” (Cahill 2004: 73). However, due to disproportionate negotiating power between the firm and the individual, the terms and conditions of the employment contract are often non-negotiable (Zwick, 2017), which is a common issue in the algorithmic based management like platforms. That is, digital labors sign up for task assignments via a digital interface, where terms and conditions are given with no opportunities to interact with the platform management for discussion. Thus some view the gig economy as a mean to normalize precarious work relations through the discourse of capital exchange and altruistic social values (Cockayne, 2016).

The New Employer-Employee Relationships

As work moves beyond the boundary of the firm, employment relationships become more flexible and an increasing variety of alternative work arrangements have emerged (Spreitzer, Cameron, & Garrett, 2017). General categories of alternative work arrangements include *direct employment*, *co-employment*, and *direct contracting* (Pfeffer & Baron, 1988; Capelli & Keller, 2013), where the dimensions of flexibility ranges from standard employment to shorter-term work assignments (Johnson & Ashforth, 2008). These types of work arrangements have varying similarities and differences in the way each impact employer-employee relationships.

Direct employment is commonly associated to standard workers, full-time employees who work on-site with a fixed or agreed schedule. Full-time employees are the “standard” employment relationships to that which researchers compare with alternative work arrangements (Spreitzer, Cameron, & Garrett, 2017). However, overtime this category has also become more flexible with limited physical, temporal, and administrative attachments (Pfeffer & Baron, 1988). Firms may offer flexible work schedules to full-time employees to help employees juggle work and family demands (Kossek & Michel, 2011). By offering flextime, firms are more likely to attract and retain high-skill workers who reciprocate higher levels of productivity, engagement, quality work and lower levels of absenteeism or turnover (Kossek & Michel, 2011). Flextime, however, can come at a cost for full-time employees, for example in the form of autonomy paradox (Mazmanian et al., 2013). In the case where firms view flexible schedules as burdensome, allowing workers to have the autonomy to work where and when they want can make workers feel inclined to be available all the time through electronic communication. This increased stress of being always "on" (Barley et al., 2011; Perlow, 2008) may cause workers to feel pressured to intensify their work effort (Kelliher & Anderson, 2010). Full-time employees who use flextime may also be stigmatized as less motivated by their employer (Rogier & Padgett, 2004) and as such, studies have shown employees may experience lower wage growth (Coltrane et al., 2013) and receive poorer performance reviews (Judiesch & Lyness, 1999).

Other work classifications under direct employment include part-time workers. They often do the same work as full-time employees but receive less salary and benefits and little career advancement (Spreitzer, Cameron, & Garrett, 2017). Part-time workers, for example, can be seasonal employees and on-call employees, who have the power to accept or decline work offers but have little power over the conditions in which they work in, such as when shifts are cancelled or added last minute with little advance notice. Some may prefer a part-time schedule over full-time to attend to their education, their family, or to fulfill their desire to be mentally engaged while retired (Dingemans & Henkens, 2014). Thus, these part-timers may exhibit similar levels of supervisor satisfaction, social integration, and affective commitment as full-time employees

(Spreitzer, Cameron, & Garrett, 2017). However, schedule flexibility for part-time employees tend to mean they receive less benefits compared to full-time employees (Wittmer & Martin, 2010). This can negatively impact the life satisfaction of workers who are forced into part-time status or are forced to work multiple, low paying part-time jobs to make ends meet (Sturman & Walsh 2014).

A growing alternative work arrangement is *co-employment* or agency work, where the employment relationship is between the client organization, a staffing agency, and the worker. Agency work can be in the form of temporary work on a short-term contract or a long-term contract (Barley & Kunda 2006). Firms may use co-employment to reduce administrative costs by hiring employees with specialized skills for specific projects, while individuals may work for a staffing agency to have more flexibility, to use as a mean for employment after being laid off, or to leverage the chance of finding a full-time opportunity with a client firm (Spreitzer, Cameron, & Garrett, 2017). Agency workers with career development opportunities have been found to share similar levels of affective commitment to full-time employees and higher levels of satisfaction with supervisor-coworker relationships (Broschak et al., 2008). However, when agency workers see little probability for securing full-time employment, their job satisfaction and organizational commitment decreases (DeCuyper et al., 2009b). While flexible employment relationship offers firms more agile business models, such flexibility can cause significant challenges for workers when it comes to fairness, well-being, and career development. These implications become more complex under the category of *direct contracting*, where employment relationships are mediated by platforms.

Considering employer-employee relationships in terms of the gig economy is challenging, because workers are labelled as independent contractors, not employees. An independent contractor is defined as a direct relationship involving just the client organization and the worker as his/her own employer controls the work process (Cappelli & Keller, 2013). With the independent contractor classification, businesses utilizing the gig economy normally recruit workers with no entitlement to a fixed number of working hours, minimum wage, overtime, paid sick or annual leave, notice in case of termination, or anti-discrimination laws. Therefore, platform businesses often totally or partially do not cover social security costs, Medicare, Affordable Care Act, workers compensation, and unemployment insurance (Aloisi, 2015; Greenhouse, 2015; Stone, 2006).

This said, some firms operating in the gig economy face strict labor and employment laws, and therefore must adjust their standard practices in order to remain competitive in certain countries. Uber, for example, has faced criticism from Australian politicians regarding its meal delivery service, Uber Eats, for not providing its drivers and cyclists with appropriate gear, for not offering paid sick leave, and for having low wage rates (Brook, 2018). Uber responded to this by arguing that if they were to accommodate for gear and sick leave, in addition to increased wage rates, it would have to sacrifice its flexible work arrangements – which Uber defended is an important reason why many of its drivers and cyclists work for Uber in the first place (Brook, 2018). Due to Uber's deliberate choice to not improve working conditions and compensation, restaurants in Australia have banned Uber Eats (Brook, 2018), rendering Uber Eats less competitive in the Australian market.

Another international meal delivery company, named Foodora, has taken a different approach. In Norway, for example, Foodora's services remain competitive due to the adjustments it made to meet certain Norwegian laws such as providing paid sick leave, health insurance, and holiday pay to its workers (Foodora, 2018b). On the other hand, Foodora is still criticised for its working conditions and wage levels. Foodora’s Operation manager responded to this by stating that the company has taken into consideration personal costs for its couriers by creating partnerships with companies to provide cheap alternatives for telephone subscription plans and bicycle maintenance services (Greenhouse, 2018). The working conditions workers face from Foodora in Scandinavia can be argued as better relative to its competitors. However the question is whether or not the working conditions are good enough.

Some pointed out that the undefined employer-employee relationship is detrimental to the platform’s as well as gig workers’ well-being. For instance, while the digital laborers are often seen as independent contractor and are solely responsible for the task output, they on the other hand do not have direct relationship with the clients (only via the respective platforms with restricted interaction possibilities), which effectively shrink their contractual freedom, nor they have an entire control of the work process as an independent contractor would have (Aloisi, 2015). These provisions are inconsistent with the declared independent contractor status of turkers (De Stefano, 2016). With this being said, a bulk of business risk is shifted to workers, and potential costs such as benefits or unemployment are avoided (Aloisi, 2015). Currently, most of gig workers if not all are not considered (by legal definitions) employees, and whether a worker should be considered an employee of a contractor often depends on facts emerging from the employment relationship (Stone, 2006). Researchers and authors, such as Greenhouse (2015) claim that, in contrast to claims of platform business representatives, many platforms actually have relatively traditional employment relationships, asserting that they should therefore be treated as such. Workers are starting to confront some platform companies for inappropriately classifying them as contractors although they do not enjoy the amount of freedom that the label is supposed to entail.

These challenges virtually all reflect a seemingly unfair distribution of power between the worker and the platform (Kingsley et al., 2015; Fieseler et al., 2017). Some digital laborers have attempted to improve these challenges with additional platforms/software (Irani & Silberman, 2014; Fieseler et al., 2017), such as Turkoptican, which serves as a place to pose and answer questions from peers in the same workforce (Irani & Silberman, 2014), or to change the currently unequal employment dynamics (Fieseler et al., 2017). Others report that legal benchmarks should be enforced in regard to pay, such as minimum wage standards (Fieseler et al., 2017) or mechanisms that allow for negotiations between requesters and workers (Kingsley et al., 2015). Further, representation is considered necessary to ensure ethical and mutually beneficial work settings (Fieseler et al., 2017). Taken together, the complexity of employer-employee relationship due to the triangular relationships between the platform organizations, the clients (task providers), and the gig workers needs to be addressed and modifications of the current employment practices based on traditional models are needed (Spreitzer, Cameron, & Garrett, 2017).

A possible solution that has been proposed, in the United States, to fill the regulation gap affecting the gig economy is to introduce a new form of work that acts as an intermediate category between employment and independent contractors (De Stefano, 2016). For instance, researchers, such as Harris and Krueger (2015) have advocated for new legal classifications for independent workers to help balance these employer-employee relationships. A so-called 'dependent contractor' employment classification has been suggested in several countries to provide on-demand platform workers an intermediate status (Weber, 2015). The proposal suggests that this new category of workers would be subject to certain regulations while the employers would be responsible for certain costs, such as reimbursement of expenses and workers' compensation but not Social Security and Medicare taxes (De Stefano, 2016). In countries like Germany, Canada, and France, such a proposal has already been rewritten into law, as a mean to expand on worker categories and challenge the boundaries of existing labor protection laws (De Stefano, 2016). However, there is an ongoing discussion around whether the dependent contractor employment classification, which often cover those who derive all or most of their income from a single client would be appropriate for the gig economy (Kuhn & Maleki, 2017). More recently, a modification of independent worker employment classification, under which firms would be required to cover some employment benefits such as social security taxes, has been suggested (Harris & Krueger, 2015).

Such an approach may take relatively long time to effect changes and complicate issues surrounding classification, especially in terms of legal definitions, along with changing criteria based on national regulations (De Stefano, 2016).

Hence, for workers in the gig economy to be rightfully protected, the gig economy should not be woven into the law as a separate silo in the economy but rather the gig economy should be used as a reference point in comparison with the broader trends in the labor markets "such as casualization of work, demutualization of risks, and informalization of the formal economy" (De Stefano, 2016, p.499). There also needs to be cooperation between regulators and labor market operators to ensure that opportunities of development and employment do not happen at the expense of decent work conditions. Yet at the forefront of advocacy for labor protection is the dire need to have jobs in this sector, first and foremost, be recognized as work, in order to prevent workers from being perceived as extensions of a mediated platform – to essentially combat dehumanization.

The Impact on Individual Career Development

In a traditional job setting, careers are seen as a process that requires deep personal investments in one's work and mark one's achievements not only through monetary gain, but through advancement within a particular field or across fields (Savickas, 2005). Rewards of a career often include money, benefits, healthcare, career satisfaction, and opportunity to progress (Parker et al., 2016). While we may see our career using some objective career criterion (Savickas, 2013), such as the sequence and sum of positions one occupies from school through retirement. On the other hand, we may also see our career using a subjective lens, through which patterning job experiences into a cohesive whole to impose meaningfulness and that guides, regulates, and sustains their work behavior (Savickas, 2005). Individuals repeatedly revise their identity to adaptively integrate significant new experiences into this ongoing perception (Heinz, 2002).

For much of the twentieth century, the prevailing employment paradigm was that employees had a long-term relationship with a firm and enjoyed long term job security. The gig economy somewhat sidesteps and firm-commitment to career-long relationships is relatively low, leaving employees to fend for themselves but still required to revise and constantly upgrade their skills. Workers need to retool, learn new skills, and/or reposition themselves in relation to the changing requirements of work, and when considered contractors, they are expected to do all of this themselves (Stone, 2006).

The anonymity involved in many digital labor platforms has been reported to impede the development of the social capital necessary for career and skill progression (Fieseler et al., 2017). It is important to differentiate between different types of digital labor. This work can range from projects where the purpose and the scope of potential contributions are clearly communicated to projects where the laborer is unaware of the impact of his or her contributions (Zittrian, 2009). When involved with the later, which are common, critics argue that workers do not know the value or purpose of their work and have no ability to organize or appeal the decisions of employers (Horton, 2010). Their anonymity hinders their ability both to network, to build work references, and to seek organizational support. The effect of gig economy participation on long-term career outcomes is particularly unclear. A defining attribute of gig economy jobs is that opportunities for advancement within the firm are limited. These jobs might therefore stagnate workers' career progression (Greenwood, Burtch, & Carnahan, 2017).

Flexibility is perhaps the most prominent benefit of gig work, and this flexibility may allow the worker to pursue other opportunities outside the gig economy (Greenwood, Burtch, & Carnahan, 2017). However, research mentioned thus far has highlighted that this alleged benefit is not entirely beneficial. Additionally, this flexibility may not be as characteristic of this work as claimed. For example, workers are not required to work regularly or to accept any particular task, but they are typically required to follow rules and guidelines, and in some cases, a certain percentage or number of tasks (De Stafano, 2016). This further emphasizes the idea that gig work may not differ as much from traditional work as was once thought — the main and perhaps only difference is that the platform aspect enables organizations to redefine workers in potentially beneficial, and potentially harmful ways.

The workforce engaged on digital on-demand service platforms is often characterized by commodification, low cost, minimal institutionalization, and increasing anonymity (Ashford et al., 2018). Digital workers are not paid by working hours or hierarchical position, but based on the timely completion of granular work tasks, and their working conditions are largely the responsibility of the platform provider (Fieseler, Bucher, & Hoffman, 2017). Theories associated with digital labor tend to fall into idealized, oppositional binaries. On the one hand are celebrations of user-generated content emerging out of the free time and willful contributions of millions of people (Fish & Srinivasan, 2011). In this light, digital labor can be described as a coordinated system of collective intelligence that fosters fulfillment through work (Terranova, 2009). On the other hand, are accounts of exploitation that highlight the dystopic impacts of capitalist labor and outsourcing (Fish & Srinivasan, 2011). These descriptions liken the digital economy to “electronic sweatshops” or “free labor” (Terranova, 2009), claiming that digital labor is used as a toll for organizational profit and power (Fish & Srinivasan, 2011).

Fieseler and colleagues (2017) explored the relationship between employers, workers, and platform providers, focusing on the power of platform providers to design settings and processes that affect workers’ fairness perceptions, focusing on workers’ awareness of the new institutional setting, frames applied to the mediating platform, and a differentiated analysis of distinct fairness dimensions. One of the most marketable and favorable structural features of digital work is autonomy (Kost, Fieseler, & Wong, 2018). However, many other structural features of digital labor are lacking.

Researchers report worker issues with unaccountable and arbitrary rejections, low pay (Irani & Silberman, 2014; Fieseler et al., 2017), uncertainty about payment, fraudulent tasks, prohibitive time limits, long pay delays, and uncommunicative requesters and administrators (Irani & Silberman, 2014). Further, on many platforms, workers have limited options of seeking recourse in cases of unfair treatment. Accordingly, digital labor is held to be susceptible to a number of labor abuses (Kneese & Rosenblat, 2014).

Fairness as the New Currency for the Employment Relations in the Gig Economy

Labor conditions must be fair to ensure reliable and optimal economic outcomes. Individuals remain loyal and committed to an organization, even if the outcomes are less desirable, if the process of deciding on these outcomes is perceived as fair (Fieseler et al., 2017). Platform providers exert significant influence over the quality and quantity of tasks available to microworkers as well as overall working conditions (Kingsley et al., 2015). Therefore, the perceived fairness of work facilitated by digital labor can be expected to be shaped by the features of these platforms (Fieseler et al., 2017). Variance in influence, autonomy, or voice, ultimately affect the perceived fairness of the labor facilitated by these platforms (Fieseler et al., 2017). Past research has examined how contract workers' perceptions of human resource management (HRM) systems from their client and contractor organization may affect performance, intrinsic motivation, service-oriented citizenship behavior, and organizational commitment to both the client and contractor organization (Coyle-Shapiro et al., 2006; Kuvaas & Dysvik, 2009; Kuvaas, Buch, & Dysvik, 2012). Future research should explore to what extent digital workers are affected by the lack of training and development opportunities in the gig economy if their work outside the gig economy has better opportunities.

More specifically, does the HR architecture outside the gig economy buffer the negative effects from the absent HR architecture in the gig economy? Another important aspect is time; tasks and projects are rather short in the gig economy, while other non-standard work arrangements are longer. The question arises regarding how long a project has to last for companies to provide HRM support and for workers to feel entitled to receive HRM support. Furthermore, we have to ask what effect incongruence between perceptions of whether workers are entitled to HRM support, has on working relationships. Workers could feel entitled while companies feel they do not have to provide HRM support. Time is an important factor that is independent from the workers' skill level, uniqueness, or strategic value, but will increase in importance alongside the increase of the online labor market.

There are evident differences between employees native to the platforms' home country and employees who are being "empowered" by these platforms and who are native to countries with less robust infrastructure. Fish and Srinivasan (2011) expressed concern that both of their organizations of interest tackle their social goal through scale-driven approaches that lack attention to the diverse agenda of the communities they aim to empower. Some argue that access to labor in less-developed countries promotes dignity, and that an infusion of money can empower a poor society (Fish & Srinivasan, 2011). Virtual work poses no physical threat to workers, has no environmental impact, and does not require robust host country institutions of local entrepreneurial talent (Horton, 2010). Others argue that these platforms are based in San Francisco, one of the most expensive cities in the world, at the center of one of the densest populations of managers of digital content and venture capital. Their recruitment of global labor speaks less to empowerment and more toward a desire to evade regulation and overhead costs (Fish & Srinivasan, 2011).

With these differences in mind, it is interesting to find that across studies with workers of different demographics, they all tend to view their chances of being treated fairly online as being as good or better than what they can obtain offline (Horton, 2010). Most microworkers report an uncritical, even positive view of their relationship with the platform. Individuals are glad that the platform exists as a source of income (Fieseler et al., 2017; Irani & Silberman, 2014). That being said, worker perceptions of fairness are not measures of actual fairness (Horton, 2010). As the gig economy grows and as firms increasingly operate in a market with undefined regulations, ethical considerations can be a source of guidance for how firms assess fairness in their currently established or developing business model.

Conclusion

The emergence of a gig economy calls for our society to reevaluate and redefine current work arrangements and employment regulations. The current business model adopted by many employers within the gig economy forces a vulnerable group of individuals to accept low pay, poor working conditions, and in general unfair practices. As demand for digital labor increase, the gig economy would only sustain by ensuring higher fairness standards to combat potential mistreatment and dehumanization.

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