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Work and Legal Guidelines in the Age of Digitalisation and Green Transition

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Chapter 5
Problems of Labour Regulation on Digital Platforms in Eastern and Southeastern European Countries

Arnas Paliukėnas and Haroldas Šinkūnas

Abstract This chapter examines the legal and socio-economic challenges of regulating digital platform work in Eastern and Southeastern European countries. It focuses on Moldova, Ukraine, Bosnia and Herzegovina, Serbia, Montenegro, and Albania, offering comparative insights into national regulatory approaches, informal labour dynamics, and employment status misclassification. While digital platforms provide flexibility and new income opportunities, they also perpetuate undeclared work, legal ambiguity, and gaps in social protection. The analysis reveals that most countries in the region lack specific legal frameworks for platform workers, resulting in their widespread classification as self-employed and exclusion from labour rights and benefits. The chapter evaluates attempts at national and international reform, including the European Commission's directive negotiations and Ukraine's Diia City regime, highlighting divergent strategies and implementation barriers. Case studies reveal the prevalence of intermediary employment models, inconsistent contract types, and algorithmic control over work processes. The chapter emphasises the growing need for national legislative solutions that balance labour flexibility with adequate protection and legal clarity. It concludes that addressing informal work and legal misclassification is key to ensuring fair conditions in the platform economy, requiring political will, institutional capacity, and stronger worker representation.

Digital labour platforms promote innovative services and new business models, and offer many opportunities for customers and businesses. They can help to effectively match labour supply and demand and provide livelihood or additional income opportunities for various groups of people, including those who face barriers to access to the traditional labour market (e.g. young people, disabled people, migrants, members of racial and ethnic minorities or persons with care duties). Digital platform work expands the potential of building or expanding a customer base, sometimes cross-border. It helps business companies reach consumers, diversify revenue, create new lines of products/services, which contributes to business growth. For

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consumers, digital platforms mean better access to products and services that would otherwise be difficult to access, as well as new and wider choices. For consumers, this means better access to products and services that would otherwise be difficult to access, as well as new and wider choices. Nevertheless, it is also the case that digital platforms are introducing new forms of work organisation and therefore endangering the existing rights and obligations related to labour law and social protection (Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work, COM/2021/762 final).

Digital platforms are characterised by a different structure, services, work organisation methods, and control systems, so it is impossible to grant the status of an employee or a self-employed to all digital platform workers without reservations. Thus, there cannot be a uniform legal regulation applicable for all digital platforms and for all cases, especially since digital platform workers do not want to possess the same status. Although different countries and researchers offer different methods of categorising digital platform workers, they all agree that the legal status-related issues must be resolved through the adoption of relevant legislation.

It should be noted that the European Commission undertook the initiative to define the legal status of digital platform workers. On 11 March 2024, the Ministers of Employment and Social Affairs of the European Union approved the preliminary agreement reached by negotiators of the Council Presidency and the European Parliament on 8 February 2024 on the directive on work on digital platforms. This directive aims to improve the working conditions for digital platform workers and to regulate the use of algorithms on digital platforms.

The text of the directive, which would regulate the status of persons working on digital platforms, as well as other important issues of digital platform work, has been discussed by the European Commission since 2021. On 9 December 2021, a draft of the directive "On improving working conditions in platform work" was prepared. However, individual provisions of the directive were opposed by the EU member states—France, Germany, and Greece.

On 7 June 2023, the Committee of Permanent Representatives (COREPER I) adopted a proposal for the directive of the European Parliament and of the Council on improving working conditions in platform work, which established the criteria for identifying employment relationships, providing for at least three mandatory criteria for qualifying particular employment relationship. Although the European Parliament supported the position favourable to workers, when most of the work on digital platforms should be treated as salaried work, the Council did not approve the draft directive on 8 February 2024 since it was opposed by France, Germany, Greece, and Estonia.

However, the Member States reached a new preliminary agreement on the directive on 11 March 2024. One of the major points of disagreement in the negotiation of a new agreement was the establishment of criteria for identifying the employment status of platform workers. The section on the employment status of platform workers has been significantly amended in the new agreement, compared to the original draft of the directive. It no longer sets out the criteria for identifying one's employment status. The new agreement stipulates that the Member States will

establish a legal presumption of employment in their legal systems, and this presumption will be applied after establishing factual circumstances proving the presence of control and management on digital platforms. These factual circumstances shall be determined with consideration of the national law and collective agreements, as well as the jurisprudence of the Court of Justice of the European Union. Digital platform workers, their representatives or national authorities will be able to rely on this legal presumption to claim that their employment status has been misjudged, and the onus of proving the absence of an employment relationship will be on a digital platform.

This agreement is the first step in regulating algorithm-based management in the workplace and setting the minimum EU standards to improve working conditions for millions of platform workers across the EU. It also aims to ensure that workers are adequately informed about the use of automated monitoring and decision-making systems, including in relation to their employment, working conditions and income.

After assessing the course of amendments to the previous draft directive and the new agreement, it can be concluded that the provisions of the new agreement mean maintaining the *status quo*, i.e. when the status of a platform worker will continue to be decided within the states through legal acts and court decisions. Nevertheless, the problems of regulating digital platform work will not be solved at the EU level. The directive no longer provides the criteria for identifying one's employment status, and the responsibility rests with each EU member state. The EU member states will establish a legal presumption of employment in their legal systems, which will come into play if facts which confirm the control of an employee and his/her subordination to an employer are confirmed. When identifying one's employment status, it is necessary to assess the relationship between a person providing services and a person controlling the former, i.e. to decide whether a person operates as employed or self-employed. These facts should be determined on the basis of the national law and collective agreements, including case law.

Eastern and Southeastern European countries—Serbia, Bosnia and Herzegovina, Albania, Moldova and Ukraine—are not EU member states, so the EU directive discussed above will not have any direct legal consequences on them, and the countries will be able to independently decide on the status of digital platform workers, at least in the nearest future.

This chapter focuses on the challenges of labour regulation on digital platforms in Eastern and Southeastern European countries, understood here as a diverse group of countries located in the geographical regions of Eastern and Southeastern Europe, which share a number of structural characteristics related to the development of digital labour markets. The selected countries—Serbia, Bosnia and Herzegovina, Albania, Moldova and Ukraine—are not members of the European Union and thus provide a relevant comparative field for analysing regulatory gaps, labour market fragmentation and institutional responses outside the EU legal framework. Although these countries differ in terms of historical legacy (e.g. former Yugoslav vs. post-Soviet), economic integration paths and institutional reforms, they are grouped together in this chapter because they face similar structural constraints in regulating

non-standard forms of employment, including digital platform work. Moldova and Ukraine are discussed in more detail in separate subsections due to the availability of original empirical material collected in these countries and their role in earlier chapters of this book. Other countries—Serbia, Bosnia and Herzegovina, and Albania—are presented in a joint comparative subsection to highlight cross-country similarities in regulatory challenges. While Albania and other Western Balkan countries have distinctive social and legal development paths, they share common difficulties in addressing digital platform work due to weak institutional enforcement, fragmented labour laws, and high levels of informal employment.

Digital platforms in Eastern and Southeastern Europe rely less on algorithms than the similar digital platforms in the EU. As in the EU, most domestic platforms represent themselves as intermediaries between a worker and a customer, but not as employers. Unlike in the EU, digital platforms in Eastern and Southeastern European countries employ a relatively large proportion of workers illegally, and the basis of labour relations between workers and platforms, even within the same platforms, is very different, which causes several problems. The governments of these countries, however, pay little attention to digital platforms. The following subsections provide the more detailed analysis of the situation in different Eastern and Southeastern European countries.

5.1 Moldova

There is relatively little information in national sources about the prevailing form of employment on digital platforms in Moldova. The available sources allow to conclude that the forms of employment on digital platforms in Moldova are similar to those observed in international markets. Digital platform work and freelancing are not widespread in the Republic of Moldova. Relatively few Moldovans, especially those living outside Chisinau, use the Internet for economically productive purposes (Raja et al. 2018).

Moldova has several domestic platforms, such as *Freelancing.md* and *Rabota.md*, which are used to advertise services and find customers. However, these platforms should be treated as specialised job posting sites rather than digital labour platforms since they do not mediate between freelancers and customers (European Training Foundation 2021).

Moldovan workers use several types of digital platforms. First, these are ride-hailing services provided through an application for potential customers and drivers (*Yandex.Taxi* (www.taxi.yandex.md), *iTaxi* (www.itaxi.md) and *AlfaTaxi* (http://alfataxi.md)) Second, the country has several food delivery platforms, including Moldovan companies "StrausMD32" and "iFood", as well as the international food delivery platform "Glovo". It should be noted that they operate differently than similar ride-hailing platforms in other Eastern Partnership countries and the EU: in order to provide drivers or couriers with the necessary application on mobile phones and the access to online requests from customers, drivers/couriers must enter into an

employment contract with platforms which are registered as limited liability companies in Moldova (European Training Foundation 2021).

In this regard, Moldova is an exception since most taxi and delivery service workers are considered employees. This is due to the lack of a legal framework for flexible independent work with several customers. Although the situation is criticised by digital platforms operating in Moldova, this approach provides greater protection for employees (European Training Foundation 2021).

The situation on digital platforms other than taxi and delivery service providers is much more complicated because neither platform work nor the activities of freelancers in general are recognised and regulated in Moldova. In the absence of specific legal provisions on the recognition of freelance work, potential employers/customers and workers in Moldova have several options for declaring their economic activities:

1. to conclude employment contracts (*contract individual de muncă*) regulated by the Labour Code. However, Moldova's labour code is considered one of the most worker-protective pieces of legislation in the region and does not favour flexible or casual employment arrangements.
2. to operate as an individual entrepreneur (*Intreprindere Invidivuala*) whose activities are regulated by the Civil Code. This option is not attractive for platform workers due to the high administrative burden of setting up an individual company and high business-related taxes (similar to the taxes paid by legal persons).
3. to establish a service contract (*Contract de prestări servicii*) regulated by the Civil Code. This comes with several drawbacks for both platforms and platform workers. Tax rates are very similar to those applicable to income from economic activities based on employment contracts (thus, there is no economic incentive to prioritise employment contracts as in most other countries) (European Training Foundation 2021).

Unlike in the case of an employment contract, a service provider is not entitled to social benefits, such as annual leave or pension which depends on one's wages and is paid to persons working under an employment contract. In addition, many Moldovan platform workers, especially those providing remote services, take the risk of operating in the "grey" economic zone and working informally. As a result, freelancers in Moldova are often punished for "illegal business activities" and tax evasion (European Training Foundation 2021).

In August 2020, the State Tax Service of Moldova issued a notice clarifying that freelancers, including those working on digital work platforms, fall within the definition of persons providing professional services, and taxes are levied on all their labour income, professional activity income, commissions, bonuses and other similar benefits at a personal income tax rate of 12% (Moldovan Tax Authorities 2020).

Tax requirements and administrative rules are not always optimal for the self-employed. Generally, employment under a civil contract in most states means that a contractor (a workers) is responsible for paying taxes. The approach to taxation may vary depending on the type of a contract or the legal status of a platform worker and specific agreements between platforms, workers and regulators.

This shows that there is a lack of appropriate legal regulation which would enable flexible self-employment activities with multiple customers and would create incentives for formal work on digital platforms in Moldova. Labour relations in Moldova are regulated by the Labour Code (Labour Code of the Republic of Moldova, 2003). The provisions of this code are not flexible, which may be an obstacle to its application to digital platform work. Flexibility in working hours, schedules and locations is one of the biggest advantages of digital platform work. It reduces market entry barriers, makes it easier to balance platform work with other commitments, and makes digital platform work a particularly attractive option for earning additional income. Nevertheless, worker safety becomes a major trade-off for those who select this occupation as their main job. Digital platform work is often highly competitive, tasks require a lot of unpaid time, and workers do not have access to the same social benefits as workers with employment contracts regulated the Labour Code. In Moldova, this compromise is not as clearly expressed as in the EU Member States, given the underdeveloped social support system. Thus, operating without an employment contract or without declaring a business activity is an acceptable option for many workers since the benefits of higher earnings are felt only in the short term. These factors should be taken into account when developing a new platform work regulation system in Moldova (Danish Trade Union Development Agency 2023).

One of the causes of limited employment contracts on digital platforms in Moldova is the lack of flexible labour regulations. To address this issue, the amendments to the Labour Code were approved in May 2020. The Labour Code was supplemented with a new chapter on remote work (Chapter IX1). The new provisions regulate remote work, the conclusion, amendment and termination of individual employment contracts allowing remote work, the specifics of organising remote work, and social protection in remote work. This is an important step which encourages employers to allow flexible working conditions in remote work. In addition to these provisions, the Labour Code was supplemented with certain clauses regarding flexible work schedules. Workplace flexibility refers to offering "flexible work arrangements" by introducing various options which change the time and/or place where work is usually performed (The 'Expanding Choices: Gender Responsive Family Policies for the Private Sector in the Western Balkans and Moldova' Project, the UN Population Fund (UNFPA), the Austrian Development Agency (ADA), the operational unit of the Austrian Development Cooperation, the Ministry of Labour and Social Protection and Chamber of Commerce and Industry of the Republic of Moldova 2022).

Although Moldovan national labour law allows for flexible working arrangements, including telework, various loopholes which discourage workers from taking advantage of work schedules that best suit their needs can be identified. Specifically, this refers to Article 100^1 of the Labour Code which stipulates that a flexible work schedule is set by an employer who has approved an employee's request, if this option is provided for in the collective labour agreement, the internal rules of the Labour Code, business establishment act or another normative act. When interpreted from an employee's perspective, this provision seems to deny the principle of respect for both parties' equal rights and interests in labour relations. Thus, as long

as the implementation of flexible working arrangements remains at an employer's discretion, it is possible that flexible working practices will not be widespread in Moldova.

It should be noted that in some EU countries, such as Denmark, France, Sweden and others, many social problems of digital platform workers are resolved through collective bargaining. For instance, the first collective agreement with the *Hilfr* platform was signed in Denmark in April 2018. The 3F-*Hilfr* agreement regulates the working conditions of cleaners on the *Hilfr* cleaning service platform (Munkhom and Schjoler 2018). Under this agreement, cleaners automatically become employees after 100 h of work, unless they decide otherwise. By entering into this agreement, the parties clearly demonstrated the attempts to incorporate digital platforms into the Danish labour model are significant.

The contract does not prevent a cleaner from selecting "an employee's" status without providing 100 h of service or from maintaining "a freelancer's" status after providing 100 h of service. This is a major innovation in collective agreements. The agreement gives workers themselves a free choice whether or not to be covered by the agreement. The essence of this innovation is that the agreement gives a worker an unlimited choice of status (whether of an employee or a freelancer) in the relationship with a platform organiser. This is not in accordance with the principles of determining a worker's status in Danish labour and employment law. In addition, a platform may reject the application for the status of an employee by cleaners who have worked less than 100 h, if a fair and objective reason for such rejection is provided. Employed cleaners are entitled to a minimum hourly wage in line with the sectoral agreement. An employer has the right to apply higher hourly rates, but not lower. The agreement gives an employee several new rights: partial payment in case of delay in cancelling accepted cleaning work, pension contributions paid by *Hilfr*, vacation with pay, sick leave, protection against the removal of one's profile (or other unavailability of the profile) without a valid reason and only after receiving a written notification, and a clear right to daily breaks and daily and weekly rest periods (Marenko 2023). Later, some other collective agreements, such as the *Just Eat* agreement, according to which *Just Eat* food delivery couriers are considered employees, were established.

In the context of the situation in Moldova, it should be noted that labour relations and the social dialogue between employers and workers are regulated by Moldovan Law No. 1129 on Trade Unions (2000), Law No. 976 on Employer Organisations (2000), and Law no. 245 on Organising the National Consultation Commission and its activities. Thus, Moldova has a legal framework for the proper development of collective bargaining, but so far there has been no collective bargaining concerning the status of workers on digital platforms. This is due to the low trust of workers in trade unions, the illegal nature of work on digital platforms, and the frequent treatment of platform work as temporary. Taking this into account, it is necessary to change the attitude of digital platform workers towards trade unions because they can ensure better working conditions for digital platform workers through collective bargaining in the absence of the proper state legal regulation.

At the same time, it should be mentioned that digital platforms can alleviate the problems of unemployment and underemployment in Moldova. In addition, the employment opportunities offered by digital platforms, including the demand for high-skilled and well-paid work for international clients, can also help reduce emigration and brain drain from Moldova. Easy access to the global labour market can help to better match labour supply and demand and improve workers' skills (Ermsone 2019).

To improve the legal regulation of the activities of platform workers in Moldova, the first important step is to recognise platform work and the benefits it can deliver to the labour market, education and training development. However, the political debate in Moldova is at a very early stage compared to the EU Member States. Many initiatives launched at the EU level (in the case of Moldova, the European Pillar is worth mentioning) are aimed at improving work and skills development, and the right to social protection is recognised as one of the fundamental rights. Modernisation of the social protection system is a long-term process embedded in national development strategies, and some improvements can be observed in the public sector, especially in health care. The current tripartite discussions on amending Moldova's Labour Code aim to improve the regulation of temporary work with a view to expanding social protection.

5.2 Ukraine

Ukraine is a pioneer of the digital revolution, and is ranked first in Europe and fourth in the world in terms of the number of workers on digital platforms. At least 3% of the Ukrainian workforce works online on more than 40 different national and international labour platforms (Bertolini et al. 2022).

Unlike in Moldova, a very large proportion of persons employed on digital platforms in Ukraine are qualified professionals (IT experts, designers, programmers, translators, etc.). Their social protection situation is much better because they are often better educated, know their jobs well, have in-demand skills, earn higher wages, and are, therefore, less vulnerable. Nevertheless, there is another group of people, i.e. couriers, food delivery persons, transporters, whose situation due to their poorer education and the nature of the work they perform is completely different, much more complicated, and they obviously need better protection.

Digital platform workers are rarely employed under employment contracts in Ukraine. They mostly work under civil contracts as service providers. Therefore, platform workers do not enjoy the rights and privileges of traditional workers, such as paid holidays, social benefits and protection against immediate dismissal.

With the outbreak of the war with Russia, the situation of Ukrainian platform workers became even worse since they had to worry not only about the safety of their families, but also about how to earn a living under significantly more difficult working conditions. This is what happened to many workers in the food delivery sector: when the war broke out, a large number of platforms suddenly stopped

operating, many of them owe their workers wages for the last week of work. Later, only food delivery platforms *Glovo* and *Bolt Food* resumed their operations to provide the essential services to the residents of the war-torn Ukrainian cities.

Ukrainian platform workers are facing not only financial problems. Their journeys have become unsafe, the Internet connection has been less stable, they have device charging disruptions, etc. However, digital platforms do not make any direct commitment to their workers, do not share the risk, do not compensate for lower wages. Digital platform workers are also responsible for their work equipment and inventory, such as cars for drivers, bicycles and bags for couriers (Bertolini et al. 2022).

Digital platform workers in Ukraine went on strike several times and required better working conditions, but it was of no use since platform managers did not agree to start any dialogue. After the protests of 72 platform workers in Ukraine (mainly from *Glovo*, *UberEats* and *Dominos Pizza*), about 30 digital platform workers decided to establish a union called the Independent Courier Union. They adopted a charter, but the union was not registered by the state, and eventually, due to the high turnover of platform workers, the activities of the union were terminated (Hadwiger 2022).

The Federation of Trade Unions of Ukraine (FTU), the largest federation of this type, expressed great concern about the platform economy, and set the objective of formalising digital platform work and giving workers the right to collective bargaining in its 2021–2026 strategy (Hadwiger 2022). However, this objective has not yet been achieved. It should also be noted that due to the martial law in Ukraine, strikes are prohibited, so digital platform workers must not defend their rights in this way.

Thus, the main problem that concerns the legal status of digital platform workers in Ukraine is the lack of legal regulation, which creates the conditions for illegal work and leads to the absence of any legal and social guarantees for platform workers.

The problems discussed above are not unknown to the politicians of the state. In recent years, there have been attempts to adopt amendments to legal acts, to introduce various initiatives. The Parliament has repeatedly tried to pass provisions which would enshrine zero-hours contracts, at-will employment and reduced overtime pay. Each time, such initiatives failed due to the opposition of the Federation of Trade Unions. Article 22 of the Constitution of Ukraine enshrines the principle of non-regression which stipulates that the rights already established cannot be limited or abolished, but only strengthened and expanded. Given this, it is very difficult to establish more flexible employment contracts and adopt any other changes which would help regulate the work on digital platforms and the status of digital platform workers.

Nevertheless, the Law "On promoting the development of the digital economy in Ukraine" entered into force on 14 August 2021 (Verkhovna Rada of Ukraine 2021). The Law on Amendments to the Tax Code of Ukraine was adopted in December 2021. The amendments provided the conditions for transforming the taxation framework and paved the way for the entry into force of the Law "On promoting the development of the digital economy in Ukraine". This law establishes a special

legal regime for the development of the IT industry. The *Diia City* is the single economic and legal IT space. Companies which join this legal regime become residents of the *Diia City*. The *Diia City* is a special legal regime designed to create favourable conditions for IT business development in Ukraine. The major objective of the *Diia City* is to increase the investment attractiveness of the IT sector in the Ukrainian economy (President of Ukraine, Official website 2022).

The *Diia City* provides business-favourable tax conditions, where taxes are much lower than in the case of an employment relationship. Contracts established in *Diia City* are recognised as completely legal, and the residents of the *Diia City* can breathe easier without fearing that the relationship could be recognised as an employment relationship. The peculiarity of this regime is that not only companies operating on the territory of Ukraine can become residents of the *Diia City*. One of the requirements for a *Diia City* resident is registration on the territory of Ukraine, but the location of business does not necessarily have to be Ukraine. Only legal persons can become residents of the *Diia City* (DLF Attorneys-at-Law 2021).

Article 5, Paragraph 1 of the Law stipulates that a legal person registered in the territory of Ukraine in accordance with the procedure established by Ukrainian legislation, regardless of this person's residence and the location of business activity, can be a resident of the *Diia City* if meets all the following requirements: (1) performs one or more types of activities specified in Part 4 of this article (development, modification, testing and technical support of software, including computer games; other work in all stages of the software development life cycle, including domain business analysis, development of software specifications, user interface development, etc.); (2) the average monthly wages of the participating employees and other persons working on the platforms is at least the equivalent of EUR 1200 for each calendar month, counting from the next calendar month following the calendar month in which the status of a resident of the *Diia City* was acquired; (3) the average registered number of employees and specialists within a legal person is at least nine people; (4) the amount of qualified income of a legal person received during the first three calendar months following the calendar month in which the legal person acquired the status of a resident of the *Diia City* is not less than 90% of the amount of its total income for this period, and the amount of qualified income received for each calendar year when being a resident of the *Diia City* is at least 90% of the total income of the legal person for the same period (Verkhovna Rada of Ukraine 2021).

The law provides that a digital platform can employ individuals under both employment contracts and GIG contracts. Article 16 of the Law "On promoting the development of the digital economy in Ukraine" stipulates that when hiring an employee, a *Diia City* resident may enter into a special form of employment contract which is aimed at ensuring the conditions of initiative and independence with consideration of the employee's individual abilities and professional skills. The contracts increase the mutual responsibility of the parties. The term of the employment contract, the rights, duties and responsibilities of the parties (including material responsibilities), the terms of material support and work organising, termination of the contract (including before the end of the term) and other conditions may be determined by mutual agreement of the parties. If an employer loses the status of a

Diia City resident, the employment contract is not terminated, and the loss of the status of a *Diia City* resident does not affect the validity of the employment contract, including its individual provisions.

The Law also provides that a GIG contract can be concluded with an employee. A contract is not considered a contract within the scope of civil law if it does not clearly state that it is a GIG contract. The term of validity of a GIG contract, as well as the rights, duties and responsibilities of the parties to the contract, the wages of a GIG specialist, the terms of termination of the contract and other conditions are determined in a GIG contract. Services (work) provided (performed) under a GIG contract may include particular functions typical of certain positions, such as a chief engineer, a responsible person organising work related to personal data protection, etc. (Verkhovna Rada of Ukraine 2021). Pursuant to Article 17, Part 8 of the Law, in the absence of evidence that a resident of the *Diia City* has misled a person regarding the legal nature of the transaction, the conclusion and/or execution of a GIG contract cannot be considered as the conclusion and/or execution of an employment relationship. Disputes between GIG specialists and residents of the *Diia City* are settled in accordance with the civil procedure.

The analysis of the legal norms shows that the Ukrainian legislator allows the parties to freely decide which type of contract can legitimize their mutual relations. At the same time, it provides for a minimum wage regardless of the type of contract. This Law is assessed from two positions: supporters of labour law claim that it narrows the rights of digital platform workers and the latter become vulnerable since, for instance, pursuant to Article 18, paragraph 5 of the Law, any of the contract parties has the right to notify in writing (electronically) the other party about the cancellation of the contract no later than three calendar days before the termination of the contract during the first 3 months of the validity of a GIG contract; others argue that this provides flexible working conditions for both digital platforms and platform workers.

As already mentioned, the Law "On promoting the development of the digital economy in Ukraine" is intended for regulating the activities of companies and workers in the IT sector. Professionals in the IT sector are highly qualified and earn high wages, so they are not as vulnerable as digital platform workers in other sectors. They usually do not need special work tools, do not fall under algorithmic control. They usually perform specific, time-consuming tasks, less communicate with customers, have lower risks of accidents at work, etc. All this determines that ordinary legal regulation is appropriate for them.

However, the situation is completely different with other digital platform workers, such as couriers, transporters, food carriers, etc., because these persons usually do not receive the 1200 EUR remuneration provided for in the above-mentioned law. Moreover, their relationships with digital platforms are fundamentally different since their behaviour and workflow are largely controlled by digital platforms. i.e. digital platforms provide workers with orders, control the time of fulfilment of orders, set requirements for work tools and clothing, apply different control and monitoring algorithms, and the work itself is much more dangerous.

The emergence of an employment relationship (when an employee, defined by legal acts as a natural person who works in a company, institution, organization or for another natural person) is associated with the conclusion of an employment contract (Verkhovna Rada of Ukraine 2023).

A freelancer is a person who is self-employed or works under other conditions provided for by law (for example, under a civil law contract), as defined in Article 4 of the Law of Ukraine "On Employment of the Population" (Verkhovna Rada of Ukraine 2012).

The majority of digital platforms refer to their workers as freelancers, but this concept does not correspond to the above-mentioned legal norm since digital platforms provide their workers with work, rather than workers find tasks independently. Thus, work on digital platforms is currently regulated by the terms and conditions suggested by platforms which unilaterally apply legal terminology, but do not formally create any legal relationship (neither work nor civil) with users of their services. Cooperation with platform service users is disguised and presented as providing access to information or information services. Thus, digitalisation of labour relations is accompanied by an increase in the scale of the shadow economy in the labour market, and a decrease in the level of social protection for the working population (Sacharuk 2020). This is because digital platforms promote the growth of multitasking (performance of low-paid micro-tasks that do not require high professional qualifications and do not correspond to a worker's level of education) and overemployment (work) which goes well beyond normal working hours (Azmuk 2019).

Ukrainian labour law specialists Novikov and Lukianchikov (2019) offer several options for regulating work on digital platforms:

1. recognition of a new category of digital platform workers, inclusion of digital platform work into the scope of labour legislation, and development of target legal norms which would consider the nature of work;
2. introduction of a special normative legal regulation for excluding digital platform workers from the scope of the current labour legislation, but granting the certain level of legal protection for digital platform workers;
3. allowing digital platforms to create their own regulations based on the major principles of civil legislation for the use of hired labour.

The first option is considered to be optimal since the relationship between digital platforms and their workers usually has the features of an employment relationship, but their mutual relationship may also correspond to civil legal relationship in particular cases.

This position was supported by the courts of England, Italy and other countries where the courts explained the legal nature of the mutual relations between digital platforms and their workers. For instance, the London Employment Tribunal issued the decision of 12 November 2016 in the case of Aslam v. "Uber" (Employment Tribunals, Case Nos 2202550/2015), which stipulates that the "Uber" drivers shall not be considered the self-employed, but the employees. The court reached this decision taking into account the facts that: (a) the "Uber" drivers did not have the

absolute right to accept and reject orders; (b) the "Uber" platform hired the drivers; (c) the "Uber" platform controlled the relevant information (a passenger's name, contact details and the intended destination) and did not provide it to drivers; (d) the "Uber" platform required drivers to accept orders and not cancel them, and applied penalties (for example, termination of contracts) to those who did not comply with the procedure; (e) the "Uber" platform determined the route of the trip, and the drivers had to follow it; (f) the "Uber" platform set the price of the drive, and a driver could not negotiate with a passenger; (g) the "Uber" platform imposed many requirements on drivers (e.g. a limited choice of acceptable vehicles), told the drivers how to do their job and controlled them in the process of the service provision; (h) the "Uber" platform applied the rating system to the rate the drivers; (i) the "Uber" platform imposed discounts, sometimes even excluding a driver, whose wages could be affected; (j) the "Uber" platform initially applied the guaranteed wage scheme, but later abandoned it; (k) the "Uber" platform handled passenger complaints about the driver performance; (l) the "Uber" platform reserved the right to unilaterally change the working conditions for drivers.

The decision of the Palermo Tribunal of 20 November 2020 is no less significant. In its decision, the Palermo Tribunal relied on the decision of the Court of Justice of the European Union (CJEU) of 20 December 2017, C-434/15, in which the activities of the "Glovo" platform were recognised as business activities aimed at transporting people and delivering food and drinks. The CJEU examined the intermediary services, provided by the "Uber" platform, and found that the services were provided by non-professional drivers who used their own vehicles for work. Nevertheless, the Court took into account the fact that the platform provided the drivers with the access to the application, without which they could not provide the services, and their services would not be used by potential customers. The Court also considered the influence of "Uber" on the terms of service which, for instance, cover setting a maximum price for the service, reception of payments from customers and subsequent transfers to drivers, driver control, and the requirements for the service and the quality of vehicles. Having examined the case, the Palermo Tribunal indicated that when hearing the cases of this type, it is extremely important to trace the digital nature of a platform, i.e. to find out whether it is a business activity. A platform can be considered a company, and the people working on its behalf can be considered workers. On the other hand, if we consider the activities of a platform only as intermediate activities between customers and service providers, the nature and conditions of a contract can be treated in a completely different way.

Thus, a contract may be qualified as an employment contract or a service contract, depending on the tests applied in each jurisdiction, particularly the intensity of the influence of a platform, the work performed, the economic dependence of the parties, and the permanence of an agreement. Considering the purpose and the nature of the service provided, the Tribunal decided that the "Glovo" platform should be recognised as a business activity.

The Palermo Tribunal found that the claimant carried out his activities for the delivery company for about 8 h a day, his activities were organised and fully controlled by the digital platform, through which he could provide the service. In

addition, the delivery assignments were based on an algorithm that evaluated the location of a food hauler in relation to a restaurant and/or a delivery location. The platform controlled the performance of work by using a rating system, which included various parameters. The points were awarded with consideration of work efficiency, feedback from users or partners, and employee experience. Time reservation for delivery services depended on a hauler's rating: persons with higher rating had more freedom to reserve a more favourable shift time. In addition, several management-related working conditions were considered. For instance, to perform the work, a hauler was required to always have a mobile phone with a battery charge of at least 20% when he was logged into the platform application account. If a person did not meet these criteria, the algorithm did not assign any tasks. After examining the above circumstances, the Tribunal recognised that the person was subordinate to the platform as an employer.

The court practice discussed above suggests that there cannot be an unequivocal decision regarding the status of digital platform workers because digital platforms are very different not only in their activities, but also in work organising and control mechanisms, i.e. in some cases, platforms provide detailed requirements for service provision, control the process and demand appropriate behaviour from their workers, while in other cases they simply play the role of an intermediary and are minimally involved in the specifics of service provision. Thus, the activities of digital platforms cannot fall under the same regulation, especially because platform workers treat platform work from different positions: some treat it as their main job, while others use it as a secondary source of income generation and work only a few hours a week or a month. Therefore, it would not be appropriate to grant equal status to the different categories of platform workers.

Here we come to the conclusion that when solving the problems with the status of digital platform workers, recognition of a new category of digital platform workers, inclusion of digital platform work into the scope of labour legislation, and development of target legal norms which would consider the nature of work would be relevant. Unfortunately, no country has yet created an ideal legal mechanism for regulating work relations on digital platforms.

As already mentioned, the European Commission has been trying to define the status of digital platform workers for several years, but after assessing the course and direction of the amendments to the draft directive "On improving working conditions in platform work", as well as the new agreement, it can be concluded that the provisions of the new agreement mean the maintenance of the *status quo*, when the status of a platform worker will continue to be decided within a state both through legal regulation and judicial practice. It seems that the problems of regulating digital platform work are not going to be solved in a strictly unified manner at the EU level, at least in the near future. The directive will no longer set out any common and uniform criteria for identifying one's employment status, as this responsibility will now fall on each EU Member State. The EU Member States will establish a legal presumption of employment in their legal systems, and this presumption will come into play when the facts indicating the control and subordination of a worker are established. When identifying one's employment status, it is necessary to

understand the essence of the relationship between a person who provides the services and a person who controls the former one, i.e. it is necessary to establish whether a person who provides the services is employed or self-employed. These facts should be established with consideration of national law, collective agreements and the emerging case law. This will undoubtedly lead to differences in Member States, with some of them considering digital platform work as self-employment and others—as employment.

In December 2023, the EU leaders decided to start accession negotiations with Ukraine, so Ukrainian legislation will have to comply with the EU law. In compliance with the EU legal regulation discussed above, Ukraine will have to establish a legal presumption of employment, which will come into force when the facts indicating the control and subordination of a worker are established.

While conducting literature analysis, we could not find the examples of the Ukrainian court practice on the issue under consideration. However, the Ukrainian government has recently proposed the amendments to the labour law with a view to reducing the scale of undeclared work. These proposals recognise any work as work performed under an employment contract regardless of the type of contract (even a civil law contract) established between the parties if the contract contains the following features:

1. a person performs work which requires a specific qualification or profession and is under the control of another person in whose interests the work is performed;
2. a company provides the person with means of production and/or work tools (e.g. vehicles, fuel);
3. a person is regularly paid in cash or in kind;
4. a company regulates a person's work and vacation time (*LigaZakon* 2019).

If the Parliament passed these amendments, they could have an impact on platform companies because civil law contracts with platform workers could be reclassified as employment contracts. In this case, platform workers would be entitled to the same rights and privileges as traditional workers, and platform companies would have to bear the additional burden of taxes and social protection.

In addition, various studies are being conducted in Ukraine to solve the problem of the status of platform workers. For instance, during the implementation of the IEP project of the National Academy of Sciences of Ukraine on the creation of a new quality of working life in the conditions of digital transformations, an expert survey, which involved 110 highly qualified specialists, was conducted between August and October 2021. The survey revealed that formalisation of the employment relations, prevention of the shadow economy and proper representation of workers' interests are the key determinants of the effective regulatory policy which could help ensure legal and social protection for digital platform workers in Ukraine. This is a fundamental point because the inclusion of platform workers in the national social and legal protection systems undoubtedly requires prevention of the shadow economy through business legalization and formalization. A separate task is the creation of the relevant forms and mechanisms for permanent defending of the collective interests of digital platform workers and the establishment of these forms

and mechanisms in legal acts. Among the potential bodies which can act as effective defenders of the rights and interests of digital platform workers, trade unions have become the undisputed leader (as noted by 38.2% of the experts in the survey). 23.6% of the respondents believe that the process of ensuring the effective social and legal protection requires the establishment of state institutions with special competence. Among the potential bodies which can defend the rights and interests of platform workers, experts directly indicated platform workers themselves (14.6% of the experts), public human rights organisations in the area of digital technologies (12.7% of the experts) and insurance organisations with public legal status (10.9% of the experts). These results confirm, on the one hand, the perspective and relevance of creating the network trade unions; on the other hand, they reveal the relevance of expanding the range of activities of traditional trade unions into the area of the platform economy through creating and implementing the regulatory and organizational management policies which would ensure the social and legal protection for platform workers (Panjkova and Kasperovič 2022).

5.3 Bosnia and Herzegovina, Serbia, Montenegro and Albania

The platform economy in Bosnia and Herzegovina is at an early stage of development, although there are both international and domestic digital platforms such as *Fix.ba*, *Glovo*, *Korpa*, *mojTaxi*, *Šetnja.ba*, *StudenTime*, *Žuti Taksi*, and *Daibau.ba* (*Fairwork* 2023b). Platform work in Bosnia and Herzegovina became popular during the COVID-19 pandemic, although it was not a completely new phenomenon in the labour market. The most advanced and popular sector is food delivery. For many people who were laid off during the pandemic, it was an opportunity to find work. In addition to delivery platforms, Bosnia and Herzegovina has some other digital labour platforms. Workers can conclude contracts for providing various services, such as taxi, apartment cleaning, repairs, etc. Platforms mainly attract young people and workers with less opportunities to establish themselves in the labour market (*Fairwork* 2023c). Bosnia and Herzegovina, like many other countries, is facing the problem of reconciling traditional labour laws with the unique work dynamics on digital platforms. The traditional legal framework focuses on the labour relations based on long-established norms which may not adequately address the specific needs and vulnerabilities of platform workers.

Digital platforms operating in Bosnia and Herzegovina use various forms of employment: (a) "standard" open-ended, full-time employment contracts; (b) part-time work; (c) self-employment (including platform workers and freelancers, although BiH labour legislation does not recognize them as different categories); (d) temporary work (including fixed-term contracts, seasonal and casual work); (e) informal or undeclared work; (f) internships and student work (including volunteering) (Oruč et al. 2023).

Given the situation when platform work is still not recognised as a specific form of employment relationship by national legislation, platform workers are often categorised as independent contractors, which further increases their insecurity and vulnerability. Given the situation where platform work is still not recognized as a specific employment relationship by national legislation, platform workers are often categorized as independent contractors, which further increases their insecurity and vulnerability. In the case of contractual relations with a platform, workers often enter into service contracts; they are considered self-employed, which means that they themselves cover the costs of social insurance and labour protection. Thus, platform workers are in a less favourable position than other private sector workers.

Bosnia and Herzegovina's labour legislation cannot be considered state-wide legislation since legislation power (regulation of labour law) is held by three administrative units (the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District), each of which has the autonomy to enact labour legislation in its territory. This leads to certain differences in the labour market policies. Nevertheless, labour laws in all three administrative units pass similar regulations, apart from some differences in their implementation (e.g. different participating institutions, different tax and benefit systems, etc.). In addition, the 10 cantons of the Federation of Bosnia and Herzegovina have legal systems which cannot revoke the rights granted to a person, but can introduce additional rights or provide more detailed regulations (e.g. the registers of self-employed persons). Thus, the absence of comprehensive and unified legislation leads to legal uncertainty. In view of this, labour relations, and thus the roles and responsibilities of employers and workers, are regulated by all labour laws (issued by three administrative units) (Labour Law for Federation of Bosnia and Herzegovina 2016; Labour Law for Republic of Srpska 2000; Employment Law of Brčko District 2019).

None of these laws recognises the specific status of platform workers. They cover only traditional forms of work where employment contracts are concluded. The laws allow regulating particular elements of labour relations through collective agreements and employment contracts. Self-employed persons, such as independent entrepreneurs, are treated in compliance with special craft regulations in two administrative units, while company law applies in the third unit (Zakon O obrtu i srodnim djelatnostima, 2009; Law on Craft-Entrepreneurial Activity for Republic of Srpska 2011; Law on Enterprises of Brcko District of Bosnia and Herzegovina. Law On Enterprises of Brcko District of Bosnia and Herzegovina 2011).

When it comes to digital platforms in Bosnia and Herzegovina, the most important things to analyse are part-time work and student employment. The current legal framework of the Federation of Bosnia and Herzegovina and Republika Srpska does not allow full-time employees to enter into additional part-time contracts, so full-time employees cannot earn additional income from working on digital platforms. Consequently, platforms are inclined to conclude contracts for temporary and casual work with full-time workers, or to avoid signing a contract altogether.

Furthermore, the labour laws in all three administrative units do not regulate or even recognise student work in Bosnia and Herzegovina. Both full-time and part-time students must comply with this regulation. Full-time students follow their

curriculum, they have the status of a student, and the state usually covers or subsidizes their tuition costs. On the other hand, part-time students can be employed or unemployed and be registered with a local employment service. They follow a curriculum tailored to their work commitments. This means that part-time students are allowed to enter into part-time employment contracts, while full-time students must be registered with a student employment centre or service, but only to be able to do temporary or irregular work. The current regulation allows students to be employed temporarily and irregularly, but this right is limited by the short duration of the employment relationship which may last up to 60 days per year in the Federation of Bosnia and Herzegovina and 90 days per year in the Republic of Srpska (Law on Craft-Entrepreneurial Activity for Republic of Srpska 2011, Article 204).

Summarising, it can be stated that the full implementation of flexibility for platform workers in Bosnia and Herzegovina is hindered by the limitations in the country's labour law. As a consequence of these limitations, some platform workers work illegally.

The situation in Montenegro is similar. Digital platform workers are considered self-employed but not employees. The labour and social laws, which regulate such areas as the establishment of employment relationships, payment of social insurance contributions, sick leave, pregnancy, maternity/paternity and childcare leave, the right to join trade unions, working hours, safety and health protection at work, are hardly applied (Ivanovic 2022).

Self-employment in Montenegro is regulated by the Labour Law, in which remote platform workers are not unequivocally recognised as self-employed persons: although in theory they are subject to the Personal Income Tax Law, in practice they do not have a formal status of self-employed persons and are registered as unemployed (European Training Foundation 2023).

In addition, the Law on Foreigners of Montenegro, which regulates the conditions of entry, departure, movement, stay and work of foreigners in Montenegro, provides that a foreigner can work in Montenegro on the basis of a permit for temporary residence and work or must have a certificate of work registration; a foreigner can do only the works which a permit for temporary residence and work or a certificate of work registration has been issued for, and work only for an employer indicated in the documents mentioned above. In view of this, the Law on Foreigners does not give foreigners the right to do digital platform work in Montenegro, i.e. to operate in the so-called "gig" economy, and the Ministry of Foreign Affairs of Montenegro does not keep any official records of this category of foreigners, so basically these people operate on digital platforms illegally (Ivanovic 2022).

Albania's labour market is characterised by very low wages, but digital platform workers tend to earn more than those working in the construction or agricultural sectors. There were approximately 4447 digital platform workers per 100,000 inhabitants in Albania in 2023. Ensuring good working conditions on digital platforms is a challenge compounded by legal gaps, the lack of practices to exercise labour rights, and low expectations of workers.

Platform workers in Albania are mainly young people with primary and secondary education, and students who want to earn extra money while studying. Less in

demand in a complicated labour market with many unemployed people in Albania, young people work on digital platforms for a short period of time (e.g. a few months), and want quick money rather than have long-term platform career aspirations. As a result, digital platforms constantly face the problems of a lack of consistent workforce and high worker turnover (European Training Foundation 2023).

The ILO estimates that nearly 56.7% of the total employment in Albania may be informal (Euronews Albania 2021). The term and concept of "a platform worker" is relatively new in the Albanian labour law system, and the companies operating in this sector are not yet properly represented in the market. This creates an uncertain environment for digital platform work. Although traditional work patterns are adequately defined in the Labour Code, they are often circumvented since the labour market is dominated by illegal work. Unstable social relations between employers and workers lead to the situation when employers do not fulfil their formal obligations, and workers are not entitled to social benefits. Although digital platforms were expected to improve the situation and promote sustainable work in Albania, it is still unclear whether this will be the case since most companies believe that formal work entails more costs than benefits, and if a platform has formal workers when other platforms do not, the former platform will be uncompetitive because platforms with informal workers (direct competitors) will incur lower costs (*Fairwork* 2023a).

Serbia is situated in the Central and Eastern European region, which is characterised by a high adoption of digital labour platforms, compared to the rest of the European continent. Serbia has 3.52 digital workers per 1000 population, compared to 1.72 in the United States (Kassi and Lehdonvirta 2016).

However, digital workers in Serbia cannot be salaried employees or operate on a service contract basis since digital platforms are not registered as employers in Serbia. The only option offered by the domestic legislation is the registration of a business entity or self-employment. Therefore, a third of digital platform workers obtain their legal status in this way. Those who select this option usually decide to operate as self-employed persons and only in rare cases establish companies. About two-thirds of digital platform workers in Serbia operate in the shadow economy because they have no option to act as independent workers and/or freelancers: although laws recognise these categories of persons, the status of an independent worker/a freelancer is only available to a limited number of professionals (e.g. artists, journalists, priests). Due to the lack of legal provisions, platform workers are often registered as unemployed at the State Employment Service or considered inactive residents, so their work is invisible (Andjelkovic et al. 2019).

Digital platforms in Serbia define themselves as intermediaries which facilitate exchanges between users and service providers who are treated as independent contractors. In addition, the operation of digital platforms in Serbia is based on several models. The first is that platforms allow restaurants or shops to offer their products through mobile or web applications without involving a platform in the delivery of products. This model is practiced in the food delivery sector. Tucker E. calls this model of work organising "the aggregator model" (Tucker 2020).

In Serbia, this model is used by *Glovo* and *Wolt* that offer advertising and marketing services to local restaurants and shops, handle payments for deliveries, but are not involved in work organising or monitoring the delivery. Restaurants or shops organise the delivery service themselves, customers can see that the delivery is organised by a product provider and can only receive information about the approximate time of delivery since an intermediary platform is not engaged in tracking deliveries. Platform workers who operate under this model have a contractual relationship with a restaurant or a shop, and have no contractual relationship with the intermediary platform. When a platform gets involved in providing delivery services, the work organising model becomes triangular. The essence of the triangular model is that digital platforms act as intermediaries between customers (clients and restaurants or shops) and service providers who are independent contractors. In fact, platform companies are more than intermediaries in the latter case since they exercise various levels of control over drivers and couriers: they control access to tasks, determine remuneration, require compliance with the rules of behaviour or appearance, check the quality of work, limit the choice of work, regulate working hours, and interfere in acceptance and rejection of assignments (Starcevic 2023).

The quadrilateral work organising model is the most common in Serbia. The model involves a new actor—a third-party contractor. The quadrilateral model is based on a commercial contract between a digital labour platform and a third-party contractor who acts as an employer that manages the workers on the platform. The role of third-party contractors in relation to workers is ambiguous. Formally, they are employers, but in practice they do not perform any employer functions: digital platforms organise work, determine remuneration, and control workers through algorithms. Even the decision to hire or fire a worker cannot be made by a third-party contractor without the consent of the platform since platforms are the only party that can activate or deactivate workers (i.e. worker accounts). A third-party contractor acts as a staffing agency and a payroll service that charges platform workers for the services. The fee varies from platform to platform, with some of them charging a flat 10% fee, others—3–10% fee, while food delivery platforms typically charge a scale of a certain percentage which depends on the amount of the revenue (Starcevic 2023).

Although the flexible forms of work enshrined in Serbian labour law are narrowly applied, the practice reveals that they are widely used by third-party contractors. For example, certain legal forms of business organisations are exempt from VAT up to a certain revenue threshold, so third-party contractors usually close their companies every 3 months and open new ones, re-employ the same persons, and thus evade tax paying.

It is worth noting that some Serbian platforms which receive complaints from workers handle, albeit reluctantly, these complaints, and in some cases terminate contracts, while others return all the money they owe workers. Despite individual cases, all digital labour platforms tend to insist that they are not a party to any relationship between a third-party and a worker, and are, therefore, not responsible for any wrongdoing by a third-party contractor (Starcevic 2023).

Considering this, it can be concluded that digital platforms have found a new way to prevent the establishment of labour relations by severing any contractual relationship with workers and using an intermediary employer. Therefore, Serbia needs the regulation of platform work which would cover the diversity of work organising and strategies that are currently used by digital platforms to evade their responsibilities as employers. This requires improving platform labour regulation to ensure that labour laws assign accountability and responsibility to digital platforms, regardless of their organisational model.

Illegal work on digital platforms undermines the sustainability of the existing social protection systems. Anticipating an increase in the number of freelancers, including digital workers, some European countries, such as France and Belgium, have reformed and adapted their social protection systems. Freelancers in these countries have the same protection as traditional employees. Meanwhile, the issue of the distribution of social protection costs between workers and platforms (as potential employers) requires greater involvement of the state. In the current circumstances, the state is expected to play a significant role and take over part of employers' responsibility in providing social insurance benefits. Digital platforms workers appreciate flexibility and the ability to adjust to other commitments. In this respect, they have an advantage over traditional workers who cannot plan their time in the same way. Judging by the flexibility of working hours and work-life balance, digital work in Serbia reflects European trends. The eight-hour workday, or the 40-hour work week, is one of the greatest achievements of the traditional regulation of labour relations. Work-life balance is another important aspect since it is a guarantee of meaningful and creative work which leaves time for leisure and relaxation.

The statistical data show that 83% of digital platform workers usually work 40 h a week or less. Thus, a workweek of most digital platform workers does not differ significantly from a workweek of traditional employees. This is in line with digital labour patterns in other European countries (Pesole et al. 2018).

Studies also show that digital platform workers who work more than 40 h a week tend to be entrepreneurs or have their own business, and digital work is their main source of income. Digital platforms work often involves non-standard work in the evening or at night. Nevertheless, digital platform workers value their freedom of choice when it comes to their working hours. The freedom to select the convenient working time allows most digital platform workers to combine work on the platforms with other commitments. An important feature of digital platform work is working from home, which makes it an attractive option for those who like working independently and away from the office. However, one must keep in mind that digital platform work can eventually worsen their work-life balance. An agreement which obliges a worker to work permanently "within four walls" blurs the line between work and leisure and opens space for fatigue, constant exhaustion and a lack of social contact, which digital platform workers often indicate as the negative aspects of their work. Despite its drawbacks, digital platform work in Serbia still retains the characteristics of traditional work with flexible working hours (Pesole et al. 2018).

Nevertheless, two-thirds of platform workers in Serbia do not pay taxes or social protection contributions, which they would have to pay as self-employed persons to be entitled to a retirement benefit and/or health insurance. This eventually attracted the attention of the tax authorities that began to investigate the payments received from abroad. In October 2020, the Serbian Tax Inspectorate began to require platform workers to retroactively pay taxes for the last 4 years. The "freedom" of the self-employed in Serbia comes at a price. Not only do they pay twice as much social insurance contributions as employees in the traditional employment relationships, but also must pay an employer's share of the contributions. They are also not entitled to sickness, maternity/paternity or unemployment benefits. In response, digital platform workers established an association which sent a demand to the government leaders to clarify the status of platform workers. However, the Ministry of Finance issued a statement to defaulters and explained that they will have to pay taxes and contributions regardless of their status in the future (*Deutsche Sozialversicherung Europavertretung* 2021).

Albania and Serbia want to attract so-called digital nomads, while Montenegro is considering following suit. Efforts are being made to find ways to bring freelancers, including platform workers, into the tax system. But the proposals for specific taxes for freelancers were rejected after the protests in both Montenegro and Serbia. In 2021, the Serbian government established a working group to examine the regulation of digital platform work, but it focuses on the problem of undeclared work rather than on working conditions and misclassification of digital platform workers (European Training Foundation 2023).

It should be mentioned that one of the first attempts to define the status of platform workers was the "Charter of Principles of Good Platform Work" approved by digital platforms in early 2020. This document was jointly approved by the largest Internet platforms (*Cabify*, *Deliveroo*, *Grab*, *MBO Partners*, *Postmates* and *Uber*) to establish the principles for improving the situation of platform workers and strengthen the cooperation between platforms and social partners. (*Mashina* 2024).

The charter consists of eight chapters, each dedicated to one corpus of platform worker rights. The Charter states that "The Government, platforms and users/customers share responsibility for ensuring adequate working conditions for platform workers with consideration of the domestic working practices. Platforms should have policies or guidelines consistent with domestic working practices to help protect workers from health and safety risks, and should strive to protect and promote the physical and mental well-being of workers." This legal construction, however, defines good intentions of digital labour platforms, but not their legal obligations. The charter defines the major concepts—a platform, a platform worker and a customer (an employer's customer). For example, next to the definition of the term "a platform worker", there is a footnote indicating that the term "a worker" (on a platform) is used as a general term and should not imply any form of employment relationship between a worker and a platform. This indicates that digital platforms do not recognise employment relationships with workers (*Mashina* 2024).

Platform work is much more intensive than salaried work. Self-employed platform workers tend to work longer and more intensively, which means that their

workload is high. The algorithmic control allows couriers to reject orders, but this affects the quality of their subsequent tasks, so couriers practically have no choice but to accept orders from the platform almost non-stop, without having a rest, which means excessive work intensity. This is especially true for economically disadvantaged workers with more family responsibilities who are often online 24/7 to accomplish more tasks (Shevchuk et al. 2019).

A worker's rating provided by a platform's rating system determines the various rewards introduced by the platform, and those with high ratings have more privileges in addition to being able to receive higher wages. For instance, the higher is the rating of a worker, the more opportunities the worker must filter out low-quality, financially unattractive orders, so all workers strive to maintain the highest ratings, which they try to improve by increasing their working hours.

Flexible working hours and the "part-time" payment method, offered by platforms, create a relaxed and autonomous working atmosphere which attracts many new workers who seek freedom and good pay. But platforms have a built-in management model that rates and evaluates worker performance which in its turn, is tied to the payment workers receive. Therefore, workers must work hard to maintain the high performance on the platform. In the longer term, enjoying a free work schedule, workers find themselves in a never-ending "rush game", a vicious circle. Thus, the control of the work process on digital platforms leads to high intensity of work and high workload, which negatively affects workers' physical and mental health. This is especially true for full-time platformers who see platform work as their only job and main source of income, which makes them even more dependent on platform income and control over the work process (including longer working hours) conducted by a platform (Huang 2023).

Although platform workers have the option to plan their working hours, they commonly work unsocial hours (evenings, nights or even weekends) to optimise their income, or are forced to work unsocial working hours due to time differences with customers. Thus, high work autonomy and flexibility may lead to unsocial working hours. This may have negative effects on workers' work-life balance and well-being (Shevchuk et al. 2019).

Worker surveys confirm that work flexibility can either encourage workers to work and feel better or harm their health and well-being (Ojala et al. 2014). This is explained considering the fact that the work schedules set by workers themselves can appear unrealistic, which can lead to an increased workload and the negative effects on health, well-being and work-life balance. The importance of drawing boundaries between work and leisure for recovery and sleep must apply to all types of work, including platform work.

All this clearly shows that, as in the case of traditional labour relations, platform work must be rationed. However, none of the countries under consideration has the laws to regulate the maximum duration of the working time for digital platform workers. Working hours are not limited by digital platforms. For instance, the study conducted in Ukraine indicates that 7% of platform workers tend to work more than 85 h per week (Aleksynska et al. 2018). Employees working under an employment contract are not allowed to work that many hours because it is prohibited by law.

As for the legal status of digital platform workers in all the countries under consideration, it should be stated that the problem of illegal work should be solved first. This can be done through involving digital platforms. Platform technologies allow full recording of transactions and evaluating the degree of individual involvement of all market participants. In view of this, proper registration and taxation of platform work requires only political will and specific technological solutions which, for example, would link platform payment systems with tax authority systems. The further development of electronic systems, such as the Universal Income Declaration System for natural persons, is another step in reducing illegality. Policies to promote and regulate platform work must be comprehensive and cover the incentives and benefits for different economic actors. For instance, the attempts to requalify platform workers as employees may face resistance from both platforms and their workers since this would mean less flexibility for both parties. Therefore, the primary aim of the policies should be to ensure the protection for workers while maintaining the innovation potential and flexibility of digital platforms.

Summarising, it can be concluded that the employment relationships established on digital platforms are not stable since they can be broken after completing a specific task and do not guarantee constant income. This confirms the relevance of ensuring the legal and social protection for workers in this segment of the labour market. The problems are primarily related to the radical incompatibility between the social and legal protection systems and mechanisms applied to traditional salaried workers and workers in the platform economy. Protection of the self-employed on digital platforms against platform arbitrariness and/or non-fulfilment of obligations is necessary, but should not be equated with social protection for workers. Compared to the normative regulation of other forms of employment, labour law itself provides the wide complex of social guarantees and protection measures, but this is a feature of the social function of labour law that is not characteristic of civil or economic law since labour law considers the rights of employees but not of self-employed persons who work under civil contracts.

If employment on digital platforms has the features of an employment relationship, it should be regulated accordingly, and a digital platform worker should have the status of an employee and the corresponding social guarantees. If the work is performed under a civil contract, workers should not be entitled to social guarantees since their presence would eliminate the essential differences between labour and civil contracts. The entitlement to social insurance under an employment contract is related to a number of restrictions, such as subjection to internal regulations, work regime, disciplinary influence of an employer, etc., which are not present in civil contracts. A person can independently decide on the most suitable form of work.

The lack of consensus on the status of platform workers is due to the similarity of labour relations to civil legal relations. Labour relations have been regulated by the norms of civil law, and an employment contract has been considered one of the many types of civil contracts. Civil law was considered the main branch of the Roman law. Nevertheless, the Roman law also covered the rudiments of labour relations with its labour hire contracts when a free person used to sell his labour. Labour was considered a commodity, so the nature of a contract between a worker and an

employer was no different from property contracts: one party sells labour, while the other buys it. Labour and the work process are treated as property, and civil law regulates legal relations related to property. An employment contract was considered a type of civil property contract, and there was no question of any independent labour law. Later they began to be separated, and currently labour and civil contracts are clearly demarcated and regulate different relationships.

The fact of the existence of labour relations between parties is disclosed by the following objective features: there is an agreement between the parties; a certain work function (i.e. the work which requires a certain profession, qualification, skills is performed or a certain position is held) defined by qualitative characteristics is carried out under the agreement; one of the parties works in obedience to the work order established by the other party; the work is paid. But laws do not prohibit concluding labour contracts regulated by civil law or carrying out independent activities to earn income or gain other economic benefits (The Supreme Court of Lithuania 2023).

After analysing the features of digital platform work in Moldova, Ukraine, Serbia, Albania, Bosnia and Herzegovina, and Montenegro, it can be stated that in addition to misclassification of digital platform workers and identification of their employment status, undeclared work is a serious problem. The lack of the statistical data makes it difficult to discuss the status of digital platform workers in these countries. There is no uniform, general employment status of platform workers either within individual countries or in the Eastern European region because domestic platforms can offer different types of contracts: some of them hire full-time or part-time workers by formalising their relationship in accordance with the Labour Code (by themselves or through temporary employment agencies), while others hire workers through third parties or offer service provision contracts.

If workers work for an intermediary, they benefit from social protection and employment rights, and their employer pays social contributions. Meanwhile, the self-employed must pay all taxes or social contributions themselves. The legal status of remote platform workers varies from country to country. For instance, the work of freelancers in Albania is regulated by the laws on social and health insurance, and income tax (European Training Foundation 2023). If freelance work is the main source of a worker's income, the worker is considered self-employed. To promote small businesses, governments introduce preferential tax regimes which also benefit people who work remotely through digital platforms. Serbia has no legal definition of the status of the self-employed and requires freelancers to register as entrepreneurs (Andjelkovic et al. 2019).

Freelancers who provide services to foreign companies in Bosnia and Herzegovina must report their income, but the lack of a regulatory framework leaves the employment status of freelancers unclear. (European Training Foundation 2023).

In general, the lack of monitoring and enforcement (and in some cases—proper regulation) of the new forms of employment (including platform work) leaves much room for illegality and manipulation which manifest in undeclared work and income across all types of platforms. Such manifestations can take many different forms.

Neither platforms nor authorities are inclined to verify the validity of the contracts of intermediary companies with platform workers. Thus, platform workers continue to work and get paid even after the termination of a contract, but they are no longer registered with authorities and are not entitled to any social or health care guarantees or benefits. Few platforms ensure that their contracts with intermediary agencies include mandatory social, health and retirement contributions to comply with applicable legal regulations. Serbia has frequent cases when several platform workers use the same account. In this case, one person registers the account with the platform and the tax inspectorate, but orders are executed by several persons to whom the account owner pays in cash. Persons working under service contracts tend to under-report their income. Due to the fact that platform work is hardly regulated (or regulations are not effective), the status of platform workers is unclear, the tax obligations and social protection rights are fragmented, and the working conditions are unstable (Andjelkovic et al. 2019).

It is obvious that many innovative forms of employment have disadvantages compared to the traditional forms of employment. First, given the lack of regulation in this area, new forms of work, including platform work, allow and sometimes even promote undeclared work and tax evasion. Given that the innovative forms of employment are often highly digitalised, online payments and open markets can be expected to provide more transparency and reliability than traditional cash payments in the shadow economy. However, appropriate political action is needed to implement the effective control.

The incentives for workers to formalise their work and income can also arise from the regulation of the areas which are not directly related to employment. Trust in government and social dialogue are the key components that are necessary for developing new policies. The political will and regulatory efforts should be accompanied by adequate institutional organisation, communication and clear information about the rights and responsibilities of all economic actors.

In addition, it must be recognised that many new forms of work, including platform work, in the EU Member States and the USA provide significantly worse social protection and labour rights for workers than traditional forms of work.

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