

PLATFORM EMPLOYMENT – A PHENOMENON OF LABOR LAW

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Abstract. The article deals with the problems of legal regulation of the work of platform workers, which is an important aspect of modern labor law. Platform workers are part of a growing economy sector that operates through digital platforms such as taxi-hailing or food-delivery apps. Despite significant advantages such as flexible working hours, this type of employment also brings with it elements of precarious jobs, which necessitates legal intervention to safeguard the rights of these workers.

Enhancing the quality of life for platform workers, it is proposed to establish basic protection of their social and labor rights. The article deals with examples from international practice, including EU directives and legislation from countries such as Singapore, Spain, India, Belgium, and Portugal. These examples demonstrate different approaches to solving the problem, such as introducing mandatory social contributions for platform companies and granting collective bargaining rights to employees.

Furthermore, a nuanced consideration of the Social Code of the Republic of Kazakhstan alongside the Labor Code is crucial for a comprehensive understanding of platform employment, as the Social Code provides a detailed framework for regulating the civil-legal relationships inherent in platform work.

Special emphasis is placed on substantiating the need to develop and adopt the Law "On Legal regulation of labor of platform workers" in Kazakhstan. The article provides a general description of the proposed draft law with an emphasis on specific issues that should be reflected in it. Among them are the definition of the legal status of platform workers, the establishment of minimum wage standards, and ensuring the rights to social insurance and safe working conditions. The adoption of such a law will contribute to the creation of fair working conditions for all market participants and increase welfare support for platform workers in Kazakhstan.

Keywords: platform workers, employees, self-employed, social protection, foreign experience.

ПЛАТФОРМАЛЫҚ ЖҰМЫСПЕН ҚАМТУ - ЕҢБЕК ҚҰҚЫҒЫНЫҢ ФЕНОМЕНІ РЕТІНДЕ

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Аннотация. Мақалада қазіргі еңбек құқығының маңызды аспектісі болып табылатын платформалық жұмысшылардың еңбегін құқықтық реттеу мәселелері қарастырылды. Платформа жұмысшылары таксиге қоңырау шалу немесе азық-түлік жеткізу қолданбалары сияқты цифрлық платформалар арқылы жұмыс істейтін экономиканың өсіп келе жатқан секторының бөлігі болып табылады. Жұмыс кестесінің икемділігі сияқты маңызды артықшылықтарға қарамастан, жұмыспен қамтудың бұл түрі өзімен бірге тұрақсыз жұмыспен қамту элементтерін әкеледі, бұл осы жұмысшылардың құқықтарын қорғауды қамтамасыз ету үшін құқықтық араласу қажеттілігін тудырды.

Платформа қызметкерлерінің өмір сүру сапасын арттыру мақсатында олардың әлеуметтік-еңбек құқықтарын базалық қорғауды белгілеу ұсынылды. Мақалада халықаралық тәжірибеден алынған мысалдар, соның ішінде Еуропалық Одақтың директивалары мен Сингапур, Испания, Үндістан, Бельгия және Португалия сияқты елдердің заңнамалары қарастырылады. Бұл мысалдар платформалық компаниялар үшін міндетті әлеуметтік

жарналарды енгізу және қызметкерлерге ұжымдық келіссөздер жүргізу құқығын беру сияқты мәселені шешудің әртүрлі тәсілдерін көрсетті.

Сонымен қатар, Қазақстан Республикасының Әлеуметтік Кодексінің Еңбек Кодексімен қатар егжей-тегжейлі қарау платформалық жұмыспен қамтуды жан-жақты түсіну үшін шешуші мәнге ие, өйткені Әлеуметтік Кодекс платформалық жұмысқа тән азаматтық-құқықтық қатынастарды реттеу үшін толық негізді қамтамасыз етеді.

Қазақстанда «Платформа қызметкерлерінің еңбегін құқықтық реттеу туралы» заңды әзірлеу және қабылдау қажеттілігін негіздеуге ерекше назар аударылды. Мақалада ұсынылған заң жобасының жалпы сипаттамасы, онда көрсетілуі тиіс нақты мәселелерге баса назар аударылды. Олардың ішінде-платформалық қызметкерлердің құқықтық мәртебесін анықтау, ең төменгі жалақы стандарттарын белгілеу, әлеуметтік сақтандыру және қауіпсіз еңбек жағдайларына құқықтарды қамтамасыз ету. Мұндай заңның қабылдануы нарықтың барлық қатысушылары үшін әділ еңбек жағдайларын жасауға және Қазақстандағы платформалық қызметкерлердің әлеуметтік қорғалуын арттыруға ықпал ететін болды.

Түйінді сөздер: платформа қызметкерлері, жұмыскерлер, өзін-өзі жұмыспен қамтығандар, әлеуметтік қорғау, шетелдік тәжірибе.

ПЛАТФОРМЕННАЯ ЗАНЯТОСТЬ – ФЕНОМЕН ТРУДОВОГО ПРАВА

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Аннотация. В статье рассматриваются проблемы правового регулирования труда платформенных работников, что представляет собой важный аспект современного трудового права. Платформенные работники являются частью растущего сектора экономики, который функционирует через цифровые платформы, такие как приложения для вызова такси или доставки еды. Несмотря на значительные преимущества, такие как гибкость рабочего графика, этот вид занятости также приносит с собой элементы неустойчивой занятости, что вызывает необходимость правового вмешательства для обеспечения защиты прав этих работников.

В целях повышения качества жизни платформенных работников предлагается установить базовую защиту их социально-трудовых прав. В статье рассматриваются примеры из международной практики, включая директивы Евросоюза и законодательства таких стран, как Сингапур, Испания, Индия, Бельгия и Португалия. Эти примеры демонстрируют различные подходы к решению проблемы, такие как введение обязательных социальных взносов для платформенных компаний и предоставление работникам прав на коллективные переговоры.

Кроме того, детальное рассмотрение Социального Кодекса Республики Казахстан наряду с Трудовым Кодексом имеет решающее значение для всестороннего понимания платформенной занятости, поскольку Социальный Кодекс обеспечивает подробную основу для регулирования гражданско-правовых отношений, присущих платформенной работе.

Особое внимание уделено обоснованию необходимости разработки и принятия в Казахстане Закона «О правовом регулировании труда платформенных работников». В статье приводится общая характеристика предложенного законопроекта с акцентом на конкретные вопросы, которые должны быть в нем отражены. Среди них – определение правового статуса платформенных работников, установление минимальных стандартов оплаты труда, обеспечение прав на социальное страхование и на безопасные условия труда. Принятие такого закона будет способствовать созданию справедливых условий труда для всех участников рынка и повышению социальной защищенности платформенных работников в Казахстане.

Ключевые слова: платформенные работники, трудящиеся, самозанятые, социальная защита, зарубежный опыт.

Introduction

In his address to the people of Kazakhstan titled "The Economic Course of a Fair Kazakhstan" on September 1, 2023, President Kassym-Jomart Tokayev emphasized that platform employment is increasingly in demand in the current environment. Consequently, it is necessary to create effective mechanisms to protect the labor rights of individuals in this category. The regulation of platform employment is comprehensive¹. Therefore, developing a legal framework to regulate and safeguard the labor rights of platform workers is essential to enhance the labor legislation concerning this unconventional form of employment that relies on online platforms and digital technologies.

In this context, it is essential not only to analyze the Labor Code of Kazakhstan but also to consider the Social Code, specifically paragraph 2 of Article 102. This article defines the civil-law relationships involved in platform work, distinguishing them from labor-law relations unless the platform worker hires others as employees, in which case labor law provisions apply. A comprehensive analysis must incorporate both labor and civil law perspectives to address the complexities of platform employment fully.

Over the past decade, economic, technological, and demographic changes have significantly expanded platform employment globally. The critical issues now facing the labor market revolve around the legal regulation of this employment model and the assessment of its quality. Currently, regulation is predominantly managed unilaterally by the platforms themselves. This form of self-regulation can result in unfair competition among platforms, breaches of personal data confidentiality, and information asymmetry. While digital labor platforms offer significant employment potential, they also contribute to the spread of precarious employment conditions. Although platform workers might not always fit neatly into the category of "employees," as defined in the Labor Code, this does not negate the need

for protective measures. To enhance the quality of working life for platform employees, there is a pressing need for government intervention and the implementation of new labor law standards. Such measures would ensure essential protections for employees, promote transparency, and establish equitable conditions for all participants in platform employment [1].

The rise of digital labor platforms, now a cornerstone of the digital economy, holds significant potential for creating income opportunities for the population. However, the absence of adequate legal frameworks to regulate these platforms' operations increases the vulnerability of their workers. Additionally, several challenges arise: 1) algorithmic management and control, where decisions are made by artificial intelligence, reducing the human element in management; 2) information asymmetry, where there is a lack of transparency regarding the platform's mechanisms; 3) limited bargaining power for workers in determining their working conditions; 4) insufficient social protection for platform workers; and 5) heightened vulnerability concerning safety and labor protection [1].

In this context, it is the responsibility of states to guarantee social protection and foster economic development, while balancing the needs of the "weaker" party (platform workers) with the business strategies of platform companies.

According to the findings of the ILO report titled "World Employment and Social Outlook 2021: The Role of Digital Labor Platforms in Transforming the World of Work," the number of online platforms (such as those for taxi and delivery services) increased from 142,000 in 2010 to over 777,000 in 2020. This demonstrates a threefold increase in online web platforms and a nearly tenfold increase in taxi and delivery platforms over the same timeframe².

Numerous studies delve into the regulation of digital platforms and the employment status of their workers. In the context of labor law, the most relevant are the studies of such scientists as Golovina S.Yu., Lyutov N.L., Motsnaya O.V., Nurgalieva E.N., Khasenov M.Kh.,

¹ Заявление Главы государства Касым-Жомарта Токаева от 31 марта 2020 года // Официальный сайт Президента Республики Казахстан [Электронный ресурс] https://www.akorda.kz/ru/speeches/internal_political_affairs/in_statements_and_congratulations/zayavlenie-glavy-gosudarstva-kasym-zhomarta-tokaeva (дата обращения: 12.04.2024)

² World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work. International Labour Office – Geneva: ILO, 2021. – 283 p. – [Electronic resource]. – Mode of access: <https://www.ilo.org/research-and-publications/flagship-and-major-reports/world-employment-and-social-outlook/role-digital-labour-platforms-transforming-world-work> – (Date of reference: 24.03.2024)

Rozhkova A.Yu., Serova A.V., Tomashevsky K.A. and many more etc. Among scientists from far abroad countries, it is necessary to name E. Kocher, M. Nilsen, K. Lenaerts, K. Griesbach, and J. Duggan.

Thus, Rozhkova A., in the article "Network and platform employment of labor: workers' rights" outlined the provisions for interpreting the phenomenon of "network and platform employment of labor", its legal nature, and general and distinctive indicators of labor. She examined the standards of labor laws to safeguard the social and employment rights of a "network" worker and evaluated the effectiveness of rights protection practices. Coalitions and gaps in local legal regulation have been identified due to insufficient succession and quasi-legal institutions for forming contractual relations [2]. Aimagambetov E.B., Tazhibaeva A.M. in work "Non-standard forms of employment of the population: world experience, problems, and prospects", we studied the world experience in determining non-standard types of employment arrangements to identify new forms of employment in Kazakhstan, identified critical trajectories for the formation of fresh approaches to employment in the country. They also focused on the growing need to determine the role of freelancers in the domestic labor market and the application of new methods in implementing their activities through digital labor platforms [3]. Serova A.V. contends in her article "The Role of Court Decisions in Improving the Quality of Working Life of Platform Workers" that court judgments acknowledging the labor platform's association with platform workers as employment can enhance their working conditions. She suggests that this recognition sets a precedent for a worldwide shift towards viewing platform workers as employees operating within a conventional employment framework [4].

Research methods

The research is grounded on a methodological framework consisting of a dialectical method of cognition of legal reality. The validity of confirmations and conclusions has been achieved through general scientific methods of cognition such as analysis, synthesis,

a systematic approach, and the method of comparative jurisprudence. The use of these methods enabled the identification of the essence of the mechanism of work of platform workers; to gain a deeper understanding of certain aspects of the work of these workers; to determine the essential properties of the legal standing of individuals engaged in platform work; to develop specific recommendations for improving the existing laws in the Republic of Kazakhstan.

Discussion and results

The EU Directive on Labor Rights in the Digital Economy (2024) represents a pivotal global response to the challenges posed by the decline in platform employment. Its primary objective is establishing a presumption of employment between workers and digital platforms, shifting the burden of proof from employees to employers. This means that unless a digital platform can demonstrate otherwise, it is legally considered an employer. The Directive ensures that workers engaged through digital labor platforms receive appropriate legal recognition corresponding to their actual working conditions. It provides a set of control criteria for determining the platform's status as an employer; meeting at least two of these criteria will result in the platform being legally classified as an employer. Therefore, people working on such platforms are entitled to labor and social rights depending on the employee's status [5]. Other notable international efforts in this realm include the Frankfurt Declaration on Platform Work (2016)³, the Charter of Principles for Effective Operation of the Platform (2020)⁴, etc.

Based on international documents, the Supreme Court of the Republic of Kazakhstan recognized the courier of the Glovo platform as an employee in an employment relationship in December 2021. Simultaneously, the judicial board established signs indicating the presence of hidden labor relations⁵. It is noteworthy that the Supreme Court, in its ruling, refers to the judicial practice of foreign countries, which overwhelmingly refers to similar legal relations to hidden labor relations.

Concerning the adoption of the IC of the Republic of Kazakhstan, a new Article 146-1 was introduced in the Labor Code of the Republic

³ *Frankfurt Paper on Platform-Based Work: Proposals for platform operators, clients, policy makers, workers, and worker organizations.* – 2016. – [Electronic resource]. – Mode of access: https://www.igmetall.de/download/20161214_Frankfurt_Paper_on_Platform_Based_Work_EN_b939ef89f7e5f3a639cd6a1a930feffd8f55cecb.pdf. – (Date of reference: 15.04.2024)

⁴ *The Charter of Principles for Good Platform Work.* – 2020. – [Electronic resource]. – Mode of access: <https://www.weforum.org/reports/the-charter-of-principles-for-good-platform-work> – (Date of reference: 16.03.2024)

⁵ *Постановление судебной коллегии по административным делам Верховного Суда Республики Казахстан от 6 декабря 2021 г.* – [Электронный ресурс]. – Режим доступа: <https://sud.gov.kz/rus/content/2021-god-0> (дата обращения: 19.03.2024)

of Kazakhstan: "Peculiarities of labor regulation of employees employed by an individual entrepreneur or a legal entity operating using Internet platforms and (or) a mobile application for platform employment". This article contains reference norms and some exceptions from the general norms of labor legislation: the absence of restrictions in setting the contract term, and freedom of contract in matters of remuneration, working hours, and rest time⁶. That is, according to this innovation, relations with the participation of Internet platforms will be regulated if the platform is only used by an individual entrepreneur or a legal entity that employs employees. But in practice, the platform's business model is different: an employee registers on the platform and works directly without an intermediary – an individual entrepreneur or a legal entity.

Labor researchers argue that the formulation of a legal regulatory framework for platform employment should encompass several key stages: developing a conceptual foundation, classifying platform workers and the digital labor platforms that facilitate their employment, and selecting the most suitable and effective regulatory model for each classification group [6]. We concur with this perspective and wish to highlight that, given the wide range of scholarly opinions on this issue, it is improbable that such a comprehensive regulatory framework will be developed shortly. Nevertheless, we believe it is necessary to deeply analyze and develop a conceptual framework with a clear definition of terms related to platform employment. Since there are no defined signs by which a person could be identified as a person working through digital labor platforms, Serova A.V. correctly suggests calling platform workers «platform workers». The developers of the draft law "On amendments and additions to certain legislative acts of the Republic of Kazakhstan on the regulation of collective relations in the field of labor" propose to include in the Labor Code of the Republic of Kazakhstan (hereinafter referred to as the Labor Code of the Republic of Kazakhstan) in Article 1, subparagraph 43–1) the concept of "a worker is an employee, or another person engaged in labor activity regardless of the form of contractual relations if such work is the only or main way of earning for this person"⁷.

This definition solves several tasks

simultaneously: Firstly, in Kazakh labor legislation, the term "employee" is suitable only for persons in labor relations with legal entities or individuals, and it is not correct to call all platform workers by this term, which includes not only employees but also self-employed. Secondly, the term "worker" is broadly used since it includes not only "employee" but also "other persons".

Thirdly, it is important to highlight that the term "worker" encompasses individuals who rely on their job as their sole or main source of income. Consequently, platform workers are those who depend on platform work as their exclusive or primary means of earning a living. Similarly, not all platform workers can be called "workers" since several platform workers work under a civil contract and are not subject to labor legislation. The definition given in the draft mentioned above law states: "regardless of the form of contractual relations," which is generally correct, but concurrently, it ought to be remembered that work through the platform is never formalized through an employment contract. Employees receive only information about the need to provide services, which deprives them of the right to defend their rights [7].

On the platform, relationships are formalized not just through employment contracts but also via other types of contracts. This necessitates a clear definition of the term "platform worker" as an umbrella concept, which includes both "platform employees" and "platform self-employed." Therefore, a platform worker is an individual who performs work without an employment contract, relying solely on this work for their income and providing services through online platforms.

International experience indicates that platform workers hold either permanent positions as employees or operate as self-employed individuals, thus falling under labor laws. Instances arise where platform workers are uncertain about their employment status, possibly identifying themselves as employees due to consistently providing services through the same platform. This underscores the ongoing ambiguity surrounding the employment status of platform workers, even from their perspective. Consequently, the pressing matter of determining the employment status of platform workers arises, as their entitlements

⁶ Трудовой Кодекс Республики Казахстан от 23 ноября 2015 года №414-V ЗРК. – [Электронный ресурс]. – Режим доступа: <https://adilet.zan.kz/rus/docs/K1500000414> (дата обращения 10.01.2024)

⁷ Законопроект «О внесении изменений и дополнений в некоторые законодательные акты РК по вопросам ...». – [Электронный ресурс]. – Режим доступа: https://www.gov.kz/uploads/2023/7/1/d630a81bcbbb93b37ecb60423c755435_original.797683.pdf?ysclid=ltw36f2kfb373059712 (дата обращения 13.04.2024)

to social and labor legislation hinge upon it. Simultaneously, without clarifying their employment status, transitioning to insurance models becomes challenging.

Another significant issue lies in selecting an appropriate term to designate the platforms themselves, which serve as the means through which Kazakhstani citizens exercise their constitutional right to freedom of work. There are terms in the scientific literature: "online platforms", "digital employment platforms", "digital labor platforms", and "digital labor platforms". In most cases, the term "digital labor platforms" is found - digital networks that algorithmically coordinate transactions in the field of labor services [8].

Legal experts define a digital labor platform as follows: It is an information system, access to which is provided through the information and telecommunications network "Internet" and through which the organization of labor activities of platform workers is carried out [7]. If we compare the two definitions, we can conclude: "A digital labor platform is an information and telecommunications digital network that organizes the labor activities of platform workers and algorithmically coordinates transactions in the provision of labor services." Digital labor platforms (DLP), on the one hand, reduce barriers to entry into the labor market for a specific category of the population. On the other hand, they usually rely on the labor force of independent contractors, whose terms of employment, representation, and social protection are unclear and, in most cases, disadvantaged⁸.

There are two primary ways to work with platforms: online, web-based platforms, and geolocation-based (in-situ) platforms. Online platforms enable workers to complete tasks from any location at any time, while in-situ platforms require workers to be in a specific area, often referred to as on-site platforms [9]. Studies show that platform employees usually do not receive adequate social protection. About 40% of the employees of the online platform have health insurance, less than 15% have insurance against occupational accidents

and unemployment, and only about 20% have old-age protection. Similarly, workers on domestic platforms also face inadequate social protection: just over half are insured by health insurance, less than a third are insured against occupational accidents and less than 20% are insured for retirement benefits (ILO, 2021) [8]. In this regard, almost all authors researching the problems of platform workers are unanimous in the need for fair protection of platform workers. In addition, not only employees of the platform participate in the discussion, but also the self-employed, who are entitled to at least social protection. Classifying employment as subordinate or independent has a significant impact on the social protection available to employees of the platform; therefore, it is very important to determine their job status. The lack of a definitive legal framework governing the operation of digital platforms in Kazakhstan, Russia, other CIS countries, the Eurasian Economic Union and the European Union has led to numerous labor disputes. Court decisions in these cases are not universally used on all digital platforms. Therefore, Kazakhstan needs to create a legal mechanism to regulate the operation of the platform⁹.

Legislation defining the standards for recognizing labor relations on digital platforms has been passed in nations like Belgium, Italy, and Spain in response to these issues (Derave, Rogiens, and Segaezt, 2022 [10]; Italian Law No. 128⁹; Spanish Law 12/2021¹⁰). If certain criteria are satisfied, they have instituted a rebuttable presumption of employment relationships. This approach is also reflected in the Directives of the European Union (EU) (European Commission, 2024) [11]. A third, intermediate category has been introduced in some countries for workers who are eligible for social protection benefits and fundamental labor rights¹¹.

The platform can nevertheless independently demonstrate that there is no commercial link, though. The directive also establishes several rights for platform workers, such as the right to know how automated control and decision-making systems affect working conditions, the

⁸ *Современные подходы к занятости: распространение модели устойчивого партнёрства в глобальной платформенной экономике.* – [Электронный ресурс]. – Режим доступа: www.far.ru/org/science/ir/News/2021-09-10-newtoy.aspx (дата обращения 10.01.2024)

⁹ *Italian Law No. 128.* – [Electronic resource]. – Mode of access: <https://www.sipotra.it/wp-content/uploads/2020/01/Year-in-review-Year-to-come-Italian-Law.pdf> – (Date of reference: 15.03.2024)

¹⁰ *Spanish Law 12/2021.* – [Electronic resource]. – Mode of access: https://commission.europa.eu/document/download/fec7da06-d2ef-4e20-94b2-a75d121c2774_en?filename=Commission%20decision_second%20payment_ES.pdf – (Date of reference: 16.03.2024)

¹¹ *Platform workers and social protection: International developments.* – [Electronic resource]. – Mode of access: <https://www.issa.int/analysis/platform-workers-and-social-protection-international-developments> – (Date of reference: 18.03.2024)

right to transparency regarding their use and functions, and the right to request revisions the choices these systems have made¹².

An ongoing challenge yet to be adequately addressed revolves around safeguarding the labor rights of platform workers to fair employment conditions. There is widespread acknowledgment that platform workers are entitled to access information regarding the algorithms' operational rules and criteria governing task assignments, performance evaluations, and data on their work. However, the opacity surrounding these aspects results in the violation of workers' rights, prompting heightened scrutiny from European Union member states in recent times. Certain nations have shown a commitment to addressing the necessity of instituting fundamental social safeguards for individuals engaged in platform-based work. Argentina, for example, is now drafting legislation known as the Estatuto del Trabajador de Plataformas Digitales Bajo Demanda, which is targeted to on-demand digital platform workers and includes full social security measures. Similarly, Belgium has established a range of social measures, including occupational accident insurance coverage for self-employed individuals⁹.

In India, the Social Security Code has been expanded to encompass platform workers through the implementation of a dedicated funding mechanism. This development was discussed by Majumador (2021) and further explored by Deraeve, Ragiors, and Segaezt (2022)¹³.

As mentioned earlier in this article, a crucial aspect of the legal framework surrounding platform employment involves determining the status of platform workers and digital labor platforms. As of June 2021, almost 90% of platforms designated their staff as independent contractors, affecting their general employment rights and eligibility for social security benefits. Thus, this classification has resulted in court decisions attempting to reclassify these contractors as workers, implying that platform development businesses frequently create a condition that serves their interests, greatly lowering the costs associated with their registration as employees. As a result,

we propose that simply fixing classification concerns will not overcome all challenges concerning the social protection of platform workers. We need laws that establish an effective mechanism for regulating these workers' work and social protection, regardless of their status. Also, given the heterogeneity of platforms, in European countries, some applicants to the court defended their rights, and some did not. Certainly, adopting a personalized approach when assessing legal claims is pragmatic, given the intricate examination of various circumstances and factors. Nonetheless, regrettably, such individualized approaches can yield divergent conclusions even within the confines of a single jurisdiction. These circumstances served as a good reason for establishing in the EU Directive a rebuttable presumption of labor relations, shifting the burden of proof to challenging the existence of subordination authority between workers and the employer on the platform. Many countries have also begun to amend their labor laws to provide certain benefits to platform employees. For example, in Belgium and Portugal, amendments were made to labor legislation in (2023) recognizing employees of the platform as employees who are fully entitled to labor benefits¹⁴. In the Canadian province of Ontario, the new labor Law (2022), without defining the status of a platform employee, provided them with some labor benefits (minimum wage, dispute resolution mechanism) [12].

In analyzing the regulatory frameworks of various countries, it is essential to address France's approach to platform workers, particularly in the context of tax and social security obligations. In France, platform companies are required to share detailed information about the income of platform workers with social security and tax authorities. This transparency ensures that platform workers contribute to social security systems and comply with tax obligations, even when they are classified as self-employed.

Such a system offers several advantages, including improved access to social benefits for platform workers, who might otherwise remain outside the scope of traditional labor protections.

¹² Commission proposal for a Directive on improving working conditions in platform work. – 2021. – [Electronic resource]. – Mode of access: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6605 – (Date of reference: 18.03.2024)

¹³ India's Code of Social Security (CoSS). Majumador. – 2021. – [Electronic resource]. – Mode of access: <https://www.indiacode.nic.in/handle/123456789/16823?locale=en#:~:text=India%20Code%3A%20Code%20on%20Social%20Security%2C%202020&text=Long%20Title%3A,connected%20therewith%20or%20incidental%20thereto.> – (Date of reference: 20.03.2024)

¹⁴ Programming document 2021–2024: Work programme 2023. Eurofound. – [Electronic resource]. – Mode of access: <https://www.eurofound.europa.eu/en/publications/2023/programming-document-2021-2024-work-programme-2023> – (Date of reference: 24.03.2024)

By making income reporting mandatory, France ensures that platform workers are not left in a legal gray area, thus reducing the risks of tax evasion and ensuring that workers receive proper social protection, including health insurance and pensions.

For Kazakhstan, adopting elements of the French system could provide a way to enhance the protection of platform workers. In particular, the requirement for platforms to report workers' income could help integrate these workers into the social security system, ensuring that they benefit from the same protections as other workers. This would align with international best practices and address the gaps in labor protections for platform workers, as noted in the article.

Conclusion

After reading the scientific literature on labor studies and examining global approaches to regulating platform workers, numerous findings arise. Primarily, there is a pressing need to redefine the notion of "worker" within the Labor Code of the Republic of Kazakhstan to encompass individuals engaged in non-conventional forms of employment. However, considering the provisions of the Social Code, which defines platform employment as a civil-law relationship, the current legal framework may already provide sufficient flexibility to address the unique status of platform workers. Thus, rather than revising the definition of "worker," the focus should shift to ensuring that platform workers are protected under labor and civil law.

The first conclusion of the article, calling for a revision of the term "worker", should be reconsidered in light of these legal distinctions. The Social Code clearly outlines the civil-law nature of platform work, offering an alternative legal basis for regulating the sector. Therefore, a revision of the Labor Code may not be necessary if the Social Code is adequately applied to ensure protections for platform workers.

Secondly, a new Law of the Republic of Kazakhstan "On legal regulation of labor of platform workers" should be developed and adopted, which provides for the following:

- all the signs inherent in employees engaged in the provision of labor services on platforms;
- provide the self-employed on the platforms

with a legal status separate from the status of employees;

- extend comprehensive benefits to employees, including pensions, annual leave, paid sick leave, and adherence to regulated working hours and rest periods, following labor laws. Ensure provision for compensations in instances of deviations from standard working conditions, encompassing overtime and similar scenarios;

- provide self-employed workers with basic rights such as a pension, reimbursement of work-related expenses, compensation for accidents and other health damage caused during work and obtaining health insurance. Confirms their right to participate in collective bargaining;

- employees and employers must make a mandatory joint contribution to future pensions. In this regard, it is possible to learn from the experience of Singapore, where the mandatory contribution rate for employees of the platforms starts at a lower level of 2.5 and 3.5 in 2024, with an annual increase of an average of 3.5 percent over four years to equalize these indicators to 17% for employees and 20% for employers¹⁵;

- provide the status of an online delivery worker and related benefits. You can use the experience of Spain, where all employees of the delivery platform who are under the "direct or indirect" control of the digital platform and algorithms are assigned the status of an employee. At the same time, the Spanish Law on Riders should be studied in detail [13];

- Digital platforms ought to transparently disclose details regarding the algorithms and artificial intelligence systems they employ, elucidating their effects on various aspects such as working conditions, hiring processes, and compensation structures.

Thirdly, in some European countries, the practice of relying on court decisions in determining employment status in each specific case is insufficient for protection; therefore, a legislative definition of several concepts related to platform employment is needed.

Fourth, to learn from the experience of France, where platforms are required to share detailed information about employees' income with social security and tax authorities.

¹⁵ Protection of digital platform workers in Singapore and Spain / Research Office Legislative Council Secretariat. – [Electronic resource]. – Mode of access: https://app7.legco.gov.hk/rpdb/en/uploads/2023/IN/IN17_2023_20230831_en.pdf – (Date of reference: 02.04.2024)

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