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LABOUR LAW STATUS OF PLATFORM WORKERS – BETWEEN AUTONOMY AND SUBORDINATION***

The paper deals with the theoretical and fundamental conceptual foundation of new forms of work arrangements, i.e. so-called "platform work", considering its practical application. The idea of matching the supply and demand for paid work through an online platform in the era of "platform capitalism" creates several legal discrepancies calling for urgent policy and legal answers. In the paper, we aim to analyse the so-called "platform work", which is staying halfway between traditional subordinate work and self-employment, by applying the legal normative and comparative method, along with the holistic approach to the research subject regarding the identification of its legal nature. The standard elements of the employment relationship – a contract-based relation, the performance of work on another's behalf, payment of remuneration and subjection to direction and supervision i.e. subordination – need to be considered in terms of the technological changes, transformations in the organisation of companies and, consequently, the flexibility of work arrangements. The importance of adjustment of the labour law theory and practice to a new reality by addressing the "products" of the gig economy represented in new digital forms of work supports the principles of social justice, equity, and dignity at work. The labour law needs to follow changes in the economy and society by expanding the scope of its core concepts to address the regulatory gaps and perform its mission of protection of employment-related rights and freedoms.

Keywords: gig economy, platform work, legal status, subordination, autonomy.

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1. INTRODUCTION AND BACKGROUND OF THE STUDY

Considering the lack of normative regulation in most legal systems, the issues of platform work definition and its legal nature are undoubtedly linked to the constitutional grounds of basic labour law principles, on the one hand, and the juridical interpretation on the case-by-case basis, on the other. At first glance, it could be further considered as a theory dichotomy between the supremacy of "rules" over "principles" and vice versa. According to some scholars, the legal nature of new forms of work, such as, certainly, platform work, need to be discussed in the light of particular socio-economic facts i.e. current politics of labour law (Pietrogiovanni, 2020, p. 323), for the reason of which the Dworkin's theory of law will be particularly analysed in the article. It means the interpretation of basic constitutional provisions of labour relations in the context of "their best political moral light" considering the overall system i.e. "totality of laws as legal sources, institutions, moral standards, and goals of society" (Nalbandian, 2009, p. 373-374). Inevitable changes in economy and society call for a redefinition of the traditional labour and social institutions and for providing adequate protection to all subjects concerned. The so-called "gig" or platform economy emerged along with the transformation of the organisation of work, where the non-standard, flexible job arrangements have been promoted over the traditional full-time, stable work. Economic, demographic and sociological changes, followed by globalization and technological development, led to profound changes in the world of work. It presupposes the holistic understanding of most contemporary legal relationships, including the labour ones.

The article aims to address the issue of a new form of work, the so-called "platform work", particularly in the context of the question of how the new technologies and economic changes impact on standard structure of employment relationship and the basic workers' rights. After all, do we need the redefinition of the standard employment relationship and could we identify the adequate concept for understanding the nature of the threefold relationship between the online platform, service providers, and clients? The highlighted advantages of platform work, such as life-work balance and inclusion of vulnerable workers in the labour market over the disadvantaged presented as undefined legal status, particularly regarding the labour rights protection mechanisms (wage and dismissal protection, social security and union rights), call for an urgent regulation of this form of work. After the overview of international i.e., the International Labour Organization insights into platform work, regional (EU) and comparative standpoints regarding platform work towards policy and legal framing, theoretical and conceptual grounds of the core element of employment relationship, i.e. subordination, will be analysed in terms of determination of legal nature of platform work . Additionally, the existence of consequences i.e. sanctions to the service provider regarding its autonomy of working hour arrangement (flexibility of work schedules) and the possibility to reject the job demand might also be the question to address in this regard. Along with the holistic interpretation, the method of conceptual analysis, accompanied by the normative and comparative approaches to the research subject, will be applied.

2. CONCEPT OF PLATFORM WORK AND THE GIG ECONOMY CHALLENGES

The so-called "gig economy" became a mainstream term, closely linked with technological development on the one hand, and sociological changes, on the other. Pulignano's definition of gig-economy seems to be the most precise one, where gig economy comprises a distinctly new set of economic relations that depend on the Internet, computation and data (Pulignano, 2019, p. 631). It has been grounded on the increasing of non-standard or independent work that has been supported by technological development (Nikolić&Petrović, 2018, p. 494), particularly with the emergence of IT platforms used as digital job markets matching supply with demand for, usually, short-term services. App-based "gig" platforms offer temporary, flexible jobs to independent contractors and freelancers, providing autonomy to those workers who value independence and flexibility while representing an "alternative safety net" to traditional job seekers (Oyer, 2020, p. 2). Furthermore, the platform work model could serve as the model of labour market inclusion of vulnerable workers - workers with firm family commitments, people with disabilities or health conditions, youth, older workers, retired, long-term unemployed, those with a migrant background (Pulignano, 2019, p. 630). However, in general, the concept of non-standard/independent platform labour offers the potential for providing a work-life balance, stressing the contemporary values of individuality, autonomy and freedom. Flexibility in the work arrangements schedules reduces the employer's management power but leaves the worker unprotected from traditional job risks, such as work accidents and injuries, as well as social risks i.e. unemployment, old age and illness. Among the disadvantages of platform work which are stressed in the literature are less predictable work hours, lower pay, fewer protections against social risks and job insecurity. The main advantages emphasised are autonomy and flexibility for high-skilled workers and the first step of labour market inclusion for vulnerable and informal workers (Drahokoupil, Piasna, 2019, p.22). The efficiency of platform work has been highlighted as another advantage of this model, but it is limited to the market efficiency by lowering transaction costs, not to the worker's productivity itself (Collier, et al., 2017, p.7). Given that, platform work could be considered a business model focused, primarily, on economic goals by maximising profit, neglecting the social dimension of productivity and human-centred i.e. worker-centred approach.

Platform work comprises a very different type of services that could be classified in broadly two categories considering the nature of job and qualifications required: a) services performed digitally by mostly high-skilled workers, usually cross-border, through web performed tasks such as IT programming, web development, clerical and data entry, translation, etc.; and b) services performed on location by informal, vulnerable and low-skilled workers in the delivery, transport and housekeeping sectors (Lane, 2020, p. 5). The labour law status of each of these categories differs in terms of labour rights protection and work conditions. While high-skilled workers, so-called freelancers, are considered self-employed workers in general, satisfied with their autonomy in performing work tasks, the workers who provide services on location enjoy the status of false self-employed, experiencing precarious working conditions. In both cases, greater autonomy in work task setting and tax evasion for providing services throughout an online platform result in adverse working conditions.

Addressing the platform work concept presupposes regulation of the triangular relationship between online platform, service providers and clients, where the platform company in most of the cases would argue to have the status of an intermediary, and not the status of the employer. Consequently, the service providers are considered as independent contractors, i.e. self-employed, instead of employees. In most cases, the studies show that the platform workers experience lower labour protection, lack of social security benefits provided by the employer, as well as unfavourable working conditions and representation rights (Berg et al., 2019, p. 106). On the other hand, there have been some suggestions for framing platform work according to the regulation of temporary agencies work considering the three-fold relationship between parties involved (Lane, 2020, p.8). In this regard, the service providers enjoy the status of employees. Notwithstanding, there is no universally accepted concept or internationally agreed framework regarding this new form of work/employment.

The COVID-19 pandemic deeply impacts labour market activities and the nature of the job performing, by implementing social distance policies, where platform work became the dominant work model. The self-employed and workers in the informal sector have been mostly affected by the crises, so governments agreed to adopt specific protection measures to improve access to social security benefits for all categories of workers. Additionally, the national governments are focused on providing support to the most disadvantaged and vulnerable groups in the labour market to avoid a further rise in inequalities. This support included revisiting existing regulatory frameworks to ensure equal treatment of workers, regardless of their employment status, to secure adequate working conditions for all workers, both those in standard and nonstandard employment (ILO, OECD, 2020, p. 5). In this regard, at the international level, the consensus has been reached regarding the development of the post-Covid socio-economic model, where all workers regardless of their employment status should be an integral part of the "building back better" concept, with special reference to fixed-term employment, part-time and on-call work, temporary agency work and other multiparty employment relationships, as well as disguised and dependent self-employment (ILO, OECD, 2020, p. 41). It certainly would include workers who perform jobs through the digital labour platform, and whose expansion has further been prompted by the Covid 19 pandemic and public health crisis. Thus, it could be inferred that the international policy consensus has been reached, and it represents the policy ground for the further legal framing of platform work model in national jurisdictions.

3. TOWARDS REDEFINITION OF TRADITIONAL WORK ARRANGEMENTS: INTERNATIONAL, REGIONAL (EU) AND COMPARATIVE APPROACHES

Advocated "flexibility" and "autonomy" in most forms of legal relationships, including the labour ones, along with the processes of globalization and digitalization, caused the spread of new forms of employment. The new business model was established where new technologies offered a way to hire one category of workers (mostly IT specialists), while all other company services have to be provided through independent contractors, representing a form of extreme outsourcing (Todolí-Signes, 2019, p. 4). On the other hand, along with

this phenomenon, the notion of the so-called "crowdsourcing" was formed as well, which involves recruiting the outside workers but with the implication that a call goes out to a large group of potential "virtual workers" (Lyutov&Voitkovska, 2021, p. 95). The recruiting process has been carrying out by an online platform. The work concept presupposes multi-fold relationships where the rights and obligations of all parties concerned are not clear and some of them could be characterised as "grey zones" in the law. This business model was aimed at the introduction of a new legal relationship lagging far beyond the standard subordinate labour.

The new forms of employment turn out to be difficult to classify through the traditional dichotomy between a clear contract employment and labour or self-employment model. The reason is the fact that the workers' status lies halfway between subordination and autonomy. However, there are some attempts in international discourse to extend the labour protection to the so-called "dependent self-employed workers"[396], where the focus is on the elements that need to be achieved in order to determine "genuine worker status" (De Stefano, et al., 2021, p. 5). Additionally, the notion of disguised employment[397] was highlighted as important for this determination. In this regard, the International Labour Organization, as the part of the Future of Work Centenary Initiative, prepared in 2015 the Report tacking the issue of non-standard forms of employment that includes temporary employment, part-time work, temporary agency work and other multi-party employment relationships, disguised employment relationships and dependent self-employment (ILO, 2015, p. 1). The declared aim was to address decent work deficits in non-standard employment by plugging the regulatory gaps, particularly regarding equality of treatment, prevention of employment misclassification, and regulation of the obligations and liabilities in contractual arrangements involving multiple parties. Although there is no universally defined regulatory concept in terms of overcoming the decent work gaps in the field of non-standard employment, there are some theory suggestions, represented in the concept of "Universal Work Relation" (Countouris, 2019, p. 2). The idea was to overcome the worldwide accepted division between contract subordinate employment and independent self-employment by broadening the scope of labour law protection to cover other less visibly subordinate labour relationships. This concept has been grounded on the broader definition of worker, meaning that the key element for qualification is the engagement of personal labour by another, where the protection is excluded for those who perform "genuine own-account business" (Countouris, 2019, p. 15). The elements of subordination and contract-based relationship are considered less important for the qualification and labour protection, stressing the importance of the performance of work on another's behalf. Furthermore, advocating through the International Labour Organization, some legal scholars proposed several approaches to reform the contemporary labour law in order

[396] Dependent self-employed workers are defined as workers who provide work or perform services to other persons within the legal framework of a civil or commercial contract, but who, in fact, are dependent on or integrated into the firm for which they perform the work or provide the service in question'. (Böheim & Mühlberger, 2009, p. 183).

[397] According to the ILO, disguised employment lends "an appearance that is different from the underlying reality, with the intention of nullifying or attenuating the protection afforded by law". (ILO, 2016, p. 3).

to provide increased protection to workers currently falling outside the scope of labour law: a) to expand the notion of subordination with broader interpretation, b) to introduce a new form of the employment relationship, so-called "quasi-subordination", in order to include a vast number of non-standard forms of work where the degree of protection is varying and, c) to extend labour rights beyond the subordinate contract of employment (Countouris, 2019, p. 11-14). Also, there are suggestions of labour law reform regarding the degree of protection by advocating the extension of all or most labour rights beyond the contract of employment/determined worker status or by limiting it to some labour rights, such as anti-discrimination, health and safety rights (Countouris, 2019, p. 13).

On the other hand, in the regional, i.e. European Union law, the Directive 2019/1152 on Transparent and Predictable Working Conditions has been adopted recently, aiming to provide broader protection to workers in non-standard forms of employment, including those in new forms of work, such as platform work. The focus has been on the obligation to inform the workers regarding their working status and working conditions. Article 11 stipulates the obligation of Member States to prevent abusive practices when applying on-demand or similar employment contracts by limiting the use and duration of employment contract and by setting the rebuttable presumption of the existence of an employment contract with a minimum number of paid hours based on the average hours worked during a given period. Moreover, right to training, right to redress, protection against adverse treatment or consequences, and protection from dismissal have been also foreseen in the EU Directive 2019/1152. However, the unclear employment status of most non-standard workers, particularly platform workers, still stay challengeable in the European Union (EU) policy and practice, where the uniformly accepted concept of "worker" in the EU is dominantly missing. The same is for the concept of "self-employed persons" and the recently stressed concept of "economically dependent self-employed". The suggestion to tackle the issues of the gig economy and its job derivates, including the platform work, in the long run is presented on the need for a uniform and broader definition of "worker" across the EU (Hauben et al., 2020, p. 1). The protection needs to be provided considering the determined status of "worker", regardless of the employment contract form, where the elements of worker qualification have to be determined broadly. In the meantime, in the middle run, the scholars agreed to take the legislative measures in this regard by proposing a single directive to ensure equal treatment in all forms of work, both standard and non-standard, or by adjustment of the Temporary Work Agency Directive for online platform work (Hauben et al., 2020, p. 1). Besides these approaches, there is also the proposal to adopt the special regulation of platform work on the EU level by setting some fundamental rights and obligations for all parties concerned (Hauben et al., 2020, p. 1).

At the national levels, currently, there is an ongoing scholarly and policy debate regarding the status of workers in atypical i.e. non-standard labour relationships. The increase of digital/online platform work in the time of COVID-19 pandemic invoke the attention of policymakers and social partners regarding the actual conditions in which platform workers perform their work tasks. In most national legal systems, platform workers are considered as independent contractors, i.e. self-employed, where their status has been determined in advance by the platform's terms and conditions, which caused poor protection of their

basic socio-economic rights, particularly in terms of predictive working hours, decent remuneration, health, and safety protection, protection from dismissal, social benefits, collective and union rights. The platform itself has been presented as an intermediary and the relation between the online platforms and service providers has been regulated by commercial/civil law contracts. The unregulated and dominantly precarious work conditions have become the subjects of litigation in some states in order to fill the regulatory gaps and make adjustments to a new digital reality in socio-economic relationships. In France, for instance, the Paris Court of Appeal in 2019 made the decision where the Uber-taxi drivers, who were driving for a company for a significant period of time have been considered as workers – economically dependent and, after all, in a subordinate position to the Uber company which was entitled to set the remuneration for the trip (Lyutov&Voitkovska, 2021, p. 100). Furthermore, in March 2021 the Supreme Court of the United Kingdom ruled that the platform Uber drivers are workers and entitled to labour law protection associated to their status (Adams-Prassl et al., 2021, p. 7). In the judgment it has been highlighted that the flexibility of working hour arrangement and the possibility to deny the work task does not influence the status of the worker in the period when the job is being performed (Adams-Prassl et al., 2021, p. 8). After the Supreme Court in Madrid in September 2020 ruled "the presumption of employment" for the platform and delivery workers, in July 2021, the Spanish Congress approved the new "Rider Law", which considers riders to be employees and set an obligation for platform companies to inform works council regarding rules and instructions on which the algorithms or artificial intelligence systems are based in terms of a decision-making process that may affect working conditions, access to and maintenance of employment (Aranguiz, 2021). In Russia, the legislative labour reform has been taking place in the context of the COVID-19 crisis, by setting the standards of remote work. In this regard, different types of remote work have recently been presented in the Draft Labour Code – standard remote work, temporary remote work, and combined remote work (Lyutov&Voitkovska, 2021, p. 91). Along with this, the need to regulate the online platform work has been stressed as important to handle. Scholars suggested several models to approach the issue, such as the one of applying the legislative standards of remote work to certain types of platform work or to revise the Labour Code in a way to include the new category of workers, i.e. economically dependent contractors, which would also cover the category of platform workers (Lyutov&Voitkovska, 2021, p. 109-110).

In Serbia, approximately 2.6 per cent of the labour force are platform workers (Team Gigmetra, Jun 2020). The labour status of these workers remains unclear, considering that the Labour Act regulates only the relationship between two parties concerned, based on certain types of employment contracts stipulated by the law. The type of employment contract that could be applied to platform workers is the one that regulates remote work. According to the Serbian legislation, a remote work contract contains the provisions regarding the organisation of working hours, supervision model, work equipment provided by the employer or employee itself, as well as the mechanisms for compensation of employee's costs for performing remote work (Labour Act, Article 42). On the other hand, as it has been stressed in the literature, the significant difference between platform work and remote work is the involvement of one more party – an

online platform that connects the parties (Lyutov&Voitkovska, 2021, p. 96). Given that, the platform workers are classified as independent contractors, and the type of remote work stipulated by the Labour Act has not been applied to the engagement of workers through an online platform. However, the possible model of applying the domestic remote work concept on platform workers presupposes the interpretation of online platform, i.e. software as work equipment, not the intermediary, and the owner of the platform application as an employer. It means, if the owner of the platform application is the company that develops the software, it will be consider as an employer, and if the owner is the company/person that provides the service and enters into a legal relationship with the clients, it will be classified as an independent contractor. In order to tackle the issue of platform work, while unions advocated the importance of mitigating the risks of precarious work conditions, the Serbian Government announced the adoption of a new law in 2022 regarding the flexible forms of employment in which the focus will be on the tax treatment of freelancers, meaning that the labour status of a very heterogeneous group of platform workers would not be the subject of the regulation.

4. LEGAL NATURE OF THE PLATFORM WORK: BLURRING OF THE BOUNDARIES BETWEEN SUBORDINATION AND AUTONOMY

At the beginning of the 21st century, globalisation and technological development caused the change of patterns in business and work organisation by introducing the model of decentralisation of production, i.e. outsourcing. Outsourcing is a phenomenon that corresponds to the model of production where the main company transfers to a third-party production resources, such as labour force, part of the production process, know-how, special equipment, etc. In the following phase the company uses the third-party results as part of the whole production process. In practice, at the bottom of the pyramid are workers whose status is mainly unclear and unregulated, engaged as independent contractors or as non-standard workers. In the era of the digital revolution, many large companies shifted their production from goods to data and information and developed novel economic activities, such as market management, innovation and research. As has been pointed out in the literature, the decentralization of production has two dominant forms – outsourcing of production and services and staff leasing (Bronstein, 2009, p. 64). Together with the expansion of the Internet, the third form emerged, the so-called "crowdsourcing". Crowdsourcing implies the usage of the Internet to attract and divide the work tasks among participants in order to achieve determined results, i.e. to gain knowledge, goods, or services from a large group of people and to complete the "production" process. In labour law doctrine, the intervention of third parties in the employer-employee relationship creates the intermediary relationship (Bronstein, 2009, p. 65), where the rights and obligations of all parties concerned are of vague nature and some of them could be classified as disguised employment relationships. In that regard, since decades ago, in practice, many employers used to engage workers through the intermediation of the other entity. This was the case with labour cooperatives in Latin American countries that have claimed to be intermediary, but the cooperativists were actually subordinated

workers, which has been confirmed in the rulings of the courts in Brazil and other Latin American countries (Bronstein, 2009, p. 58). On the other hand, besides this "negative" practice, the cooperative model of economic activities has been used as an alternative option for workers and enterprises in the informal sector to legalize their status and reclaim some rights and benefits that are otherwise lacking. This practice became common for self-employed, including "gig" workers, who create the special form of the contemporary cooperative model, so-called "platform cooperative" – a worker-owned cooperative which enable sharing of risks and benefits, negotiation of better contracts and work conditions and designing of their own app-based platforms through worker cooperatives (Esim & Katajamaki, 2017, p. 5-6). The platform cooperative model could serve as the concept of doing business to eliminate the intermediary company, which is often responsible for the "creation" of the unregulated market with non-standard employment relationships, increase of self-employment and deterioration of work conditions.

In the relationships formed as part of the contemporary decentralization production process, it is challenging to determine the element of subordination. The subordination is a key element in defining the standard employment relationship along with employment contract, the performance of work on another's behalf and payment of remuneration, which could also exist in other forms of civil/commercial contracts. In general, the element of subordination has been defined as the performance of work for and under the authority of the employer in terms of applying normative, management and disciplinary provisions that are set by the employer itself. By setting the neoliberal concept of economy and production, and with the expansion of digital markets and the fourth industrial revolution, the mechanism of employer's power and control is exercised de facto through the market (Digennaro, 2020, p. 11). In these circumstances, the online platform could be defined as the online market for matching the demand and supply for services and also as work equipment and/or service-control tool, while the entity/company that owns the online platform/the application and its algorithm could be considered as an employer. In this regard, the application by its algorithm connects clients and service providers, assigns the work tasks, calculates prices, and also sets sanctions for service providers if the clients negatively evaluate the performance of work of a particular service provider. The normative elements of subordination in platform relationship exist because the service provider needs to accept the terms and conditions for performing the work tasks when he logs into the application, management power of the platform owner also exists all the time when the provider is on the platform, and disciplinary sanctions could be applied when the service provider has been negatively evaluated several times. The fact that service providers could log in and log out "freely" by autonomously setting working hours, i.e. enjoy the organizational flexibility concerning the time and place of work, does not preclude the other undoubtedly determined elements of subordination in relation to the platform. Furthermore, in standard employment relationships, when workers are managed by objectives, the control of the expected outcome, which is the case here, instead of direct supervision, may be also found.

In labour theory, the concept of subordination is mainly defined and universally accepted as a system of employer's control over employees with the differences regarding

the scope and degree of control that have been determined differently in different national jurisdictions. Contrary, the notion of worker's autonomy has not been the focus of labour law theorists while it gets the importance in contemporary moral, political and legal philosophy. To discuss the principle of justice, including the social justice as its integral part, on the one hand, and nature of the liberal state, on the other, many philosophers used the concept of autonomy as the basis for their normative philosophical discussion in terms of interpretation and implementation of legal norms. Among eminent political philosophers that influenced the concept of law and justice, Ronald Dworkin's standpoint will be particularly stressed as a possible model of discussing the nature of autonomy and, consequently, the nature of autonomy in platform work. According to Dworkin, the autonomy of individuals means "to treat people as equals" (Dworkin, 2015, p. 7), wherein the context of platform work presupposes equal treatment of all workers regardless of their employment status/employment contract. Moreover, the issue of platform work comes down to the problem of applying legal norms in terms of interpretation of traditional labour law institutes in light of societal, political, and economic changes. Dworkin developed the original legal interpretative theory that overcomes the dichotomy between Natural Law and Legal Positivism, arguing for the "law as integrity". In his most prominent work, The Model of Rules, he defended the thesis of rights and obligation interpretation as an integrated system of "Rules, Principles, and Policies". Dworkin argues that when lawyers and judges interpret the law they use standards not only as the function of rule but also as principles, policies and other sorts of standards (Dworkin, 1967, p. 22). In the context of platform work definition and legal nature shaping, Dworkin's "policy standards" are of crucial importance. From his point of view, the so-called "policy" standard "sets out a goal to be reached, generally the improvements in some economic, political or social feature of the community" (Dworkin, 1967, p. 23). On the one hand, the goals of contemporary community/society emphasized in the international and regional documents are the decrease of inequality, improvements in working conditions and sustainable economic and societal development. On the other hand, however, the interconnection is mutual – economic growth largely depends on policies related to intellectual property rights, labour market regulation, competition, economic openness, business barriers, research, education, democracy, etc. (Petrović&Nikolić, 2018, p. 9). Furthermore, the anti-discrimination practice was stressed as a goal to be reached, particularly in terms of inequality elimination among different categories of workers, including those engaged in non-standard employment relationships. Having said that, Dworkin's theory of law, where he claims that "the general theory of law must be normative as well as conceptual" (Flores, 2015, p. 160) could be used as a starting point for the policy and legal framing of platform work, i.e. by redefining the traditional labour institutes (concept of the standard employment relationship, particularly the element of subordination) according to current economic, political and societal reality. Law, including labour law, must follow these changes, and according to Dworkin's "policy standard model" of interpretation of the constitutional and legislative labour norms, the new non-standard employment relationships could be also covered by the traditional labour institutes.

5. CONCLUSION

Generally, the employment-related laws have not protected platform work - certainly not at the same level as the standard work relationship. Platform workers' status is one of the most pressing issues from a policy, as well as from the legal theory and jurisprudential standpoint. The legal gap in most national jurisdictions still remains – the mainly unclear definition of "self-employed", particularly in respect to the subcategory of "economically dependent self-employed", as well as differences in the scope and degree of employer's control over the employees represented in the concept of subordination as an element of the standard employment relationship. Therefore, the policy and legal answer to the platform workers' status currently is grounded on the determination of the existence of the employment relationship by the supranational and national courts, i.e. "on the basis of a case-by-case assessment". The era of the digital revolution profoundly changed employment and industrial relationships. The new business model along with the changed work organization represented in production decentralization, particularly "crowdsourcing", emerged while new forms of employment relationships, the so-called "non-standard" forms of employment, rapidly became the new reality in the labour market streaming to replace the standard employment relationship. Empirical studies have shown that crowdworkers/platform workers face the same vulnerabilities as traditional workers, while labour protection is dominantly lacking, so the aim of this article has been to contribute to the ongoing debate on digital labour platforms and the status of platform workers. Pietrogiovanni (2020, p. 323) argues the reciprocal relationship between the socio-economic facts and norms by encouraging labour law theorists and practicians to use "alternative heuristic tools" when interpreting legal norms. Given that, the article points to Ronald Dworkin's theory of law as suitable enough to approach the issue of platform worker status in terms of redefinition of the traditional labour institutes. Dworkin's policy standards as an element of interpretation of legal norms along with rules and principles and partially his understanding of autonomy as equality have been emphasized as a possible ground for legal nature shaping and framing of platform work in legal doctrine and jurisprudence.

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