

Legal Status of Persons in Platform Economy

Abstract

The thesis focuses on the legal status of persons who are involved in the platform economy. Under certain circumstances, these persons, called service providers in the thesis, are on the borderline between the legal status of an employee and the legal status of a self-employed entrepreneur. One of the causes of this unclarity is the practices of some digital platform providers that are applied to the service providers. These practices are commonly used by the employer to their employees rather than between business partners. For instance, these practices can include the control mechanisms, the evaluation system, or the unilateral determination of price and the way of service providing.

The focal point of this thesis lies in an analysis of legal status of service providers resulting from the legal relationships that are concluded on digital platforms. Due to the unavailability of the contracts that are the base of these legal relationships, it is the terms and conditions of the particular digital platform providers that are used for the analysis. The labour law regulation is applied to the legal relationships defined in this way focusing on the question, whether the activity of service providers fulfils the characteristics of dependent work. Subsequently, for the purposes of this assessment and possible inspiration, selected foreign judicial and tribunal decisions concerning the determination of the legal status of service providers are also analysed. The thesis also deals with the protection of the service provider as a self-employed entrepreneur provided by civil law and provided by the new, but not yet effective, Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 that relates exclusively to providers of online intermediation services.

The thesis also makes a contribution to the assessment of the legal framework applied to the service providers' legal status and to the proposals *de lege ferenda* taking into account especially the specifics of this status in the platform economy. The proposal of partial amendment to the work out of the employer's workplace and several variants of the amendment to definition of dependent work are submitted. Drawing on the French and German legal regulation, the thesis puts forward a new category of self-employed entrepreneur who is economically dependent on the platform. This category would have some rights that have been provided only to employees so far.