

PERFORMANCE OF DEPENDENT WORK THROUGH DIGITAL PLATFORMS

ABSTRACT

This thesis discusses the issue of work performance through digital platforms, especially regarding whether it is possible to classify such activity as "dependent work", particularly with regard to the laws of the Czech Republic. The thesis responds to the current legal "vacuum" surrounding the performance of work through digital platforms and the legal status of persons who perform such activity (referred to in the thesis as workers). The mentioned legal "vacuum" stems primarily from the absence of sufficient legal regulation in the given area and the "unconventionality" of such a way of performing work. Digital platforms describe their workers as independent entrepreneurs, and this practice is quietly tolerated by the Czech Republic (e. g. administrative authorities). However, there can be more than reasonable doubts about the veracity of such proclamation. Therefore, the thesis firstly analyzes the characteristics and conditions of dependent work according to the laws of the Czech Republic, which are then applied to the reality of the performance of work through digital platforms. Due to the number of their types, as well as the various systems that the platforms implement, three representatives were chosen for the purposes of this thesis, which are the digital platforms UBER, *Amazon Mechanical Turk* and Topdesigner.cz.

The thesis analyzes these digital platforms and the way work is performed through them, and this performance is then confronted with the characteristics and conditions of dependent work. This is also done with regard to foreign legal systems, which are better prepared for the reality of digital platforms than the Czech Republic (e. g. France, Germany or the United Kingdom). Attention is also paid to current foreign case law, especially from the USA, Great Britain and Germany.

In the final part of the thesis, the current legal regulation of the legal status of persons performing work through digital platforms is evaluated. At the same time, a possible legal regulation of the legal status of these persons *de lege ferenda* is proposed, in the form of alternatives consisting in the creation of a new category of employees (following the example of Germany) or creating a new category of dependent work, namely "semi-dependent" work, which would allow workers to enjoy the freedom offered by the performance of work through digital platforms, but at the same time provide workers with minimum standards of protection.

KEY WORDS

Amazon Mechanical Turk, crowdworking, digitization, digital platforms, on-demand work
Topdesigner.cz, UBER, Labor Code, dependent work