

When There Are More Than Two Options for Gig Worker Protections: Evaluating  
Policy Approaches through a Normative Lens to Protecting Innovation and  
Workers in the Gig Economy

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### **Abstract**

The relatively recent rise of the gig economy has left its participants occupying a challenging space in the working world. Gig workers, who are neither employees nor contractors, are being left without the basic worker and labour protections that contractors and full-time employees receive. Policy discussions around this issue are emerging but there is growing concern that over-regulation could stifle innovation. Current policy approaches propose to address the issue of gig worker protection by classifying workers as either employees or as part of a new category of employees called a “dependent contractors”; however, other, more fitting approaches for protecting workers and innovation in the gig economy may exist. Using textual narrative synthesis to uncover alternate approaches, this paper endeavours to identify and analyze additional approaches and determine which, if any, are more appropriate to addressing the issues. After a comprehensive search of the available data, eleven approaches, categorized along a spectrum of non-action to complete overhaul, were found and assessed for their strengths and weaknesses with regard to protecting both workers and innovation. Following a review and analysis of the identified approaches, it was determined that classifying employer by function, Universal Basic Income, and flexicurity were the concepts best suited to protecting both workers and innovation in the gig economy.

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## Prologue

I was a stay-at-home mom from 1997-2007. During that period I wanted to find a way to work when it worked best for my family and me. The popular options at the time were home sales of products like Mary Kay cosmetics, Pampered Chef kitchen gadgets, or Creative Memories scrapbooks and supplies. It was tough to truly earn a decent wage, as oftentimes one needed to invest money up front by buying the products for demonstrations. Most sales reps of home based businesses like these, myself included, failed to find customers beyond friends and family. In my case, I could sell only so many kitchen gadgets to my friends and family before I put our relationship at risk. Fast-forward 20 years and here I am giving advice to my children about how to find a summer job: they tell me it's not the same as when I was a kid. They say you can't just go into a place of business, fill out an application, and start working the next week like in the "old" days. They complained that managers wanted people with experience, but how were they supposed to get experience without a job?

I was not entirely convinced it was so difficult to find a summer job until I came across an article about TaskRabbit, an online marketplace connecting consumers to get on-demand help with tasks, which described the struggle Millennials had finding flexible work. Students were earning a living through this platform by doing task work from their laptops or even smartphones. Some were making enough money to pay for school. I started seeing more stories about people earning extra money in the sharing economy by doing things like sharing their spaces on Airbnb or their car with Uber. People were leaving their corporate jobs to earn money doing what they loved at a time when it was most convenient for them to work. For example, a Goldman Sachs programmer left his job to take care of dogs by posting his service on DogVacay

(Gerstner, 2014). He earns approximately \$4,000U.S. per month boarding three dogs per night and another \$1,000-\$3,000 by training and walking dogs. This led me to start this journey of researching the gig economy as I thought about the opportunities I could have had as a stay-at-home mother, and the opportunities I can now encourage my children to explore.

I have been offered an incredible opportunity. While working on this degree, I was asked in a job interview for ATB Financial<sup>1</sup> to pitch an idea to attract millennial customers and strengthen the ATB community. I thought what better way than to build a gig economy platform to help Alberta business owners get work done and provide work to help young people gain experience, build their network, help pay tuition, student loans, or earn extra money to travel. I pitched the idea, and then was hired to build it. I view this research as an opportunity to strike a balance between protecting innovation and protecting gig workers. This is important work as there is a perception that regulation to protect workers may be a risk to innovation. Harris and Krueger (2015) claim, “the emergence of new forms of work that could benefit workers, businesses, and consumers could be slowed, or even stopped, by a legal regime for classifying workers that does not accommodate these innovative arrangements” (p. 5). The perception is an issue as gig companies fight legislation in court instead of looking for ways to collaborate and find solutions that work for policymakers, innovators, and workers.

If ATB had to treat workers on their gig platform as employees, I likely would not be building it. Determining the status of these task-based workers was an exercise I experienced with our Legal, Risk, Compliance, and Human Resources teams. In order to make the gig workers employees there would be additional costs such as contributions to Canada Pension Plan

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<sup>1</sup> ATB Financial is a provincial bank in Alberta, Canada with an increasing focus on investing in banking technology and innovation.

and Employment Insurance, and paid time off. There would be ancillary costs such as contracting and maintaining records. These costs could impact the amount of time we have to test the concept, prove market fit, and get the business off the ground since we have a limited budget to get through the proof of concept phase. Some gig workers seek work-life balance and would therefore have erratic work schedules. What happens if they find what equates to full-time work one month, but decide not to work the following several months? There are other complications as well. Who would be considered the employer? The gig company, ATB Gigs in this case, or the service seeker, the person posting the gig?

We are addressing a few of the labour concerns by building into the platform a minimum wage of \$20 CAD/hour, which is significantly higher than the current \$13.60/hour minimum wage in Alberta. We are also exploring ways for gig workers to opt in to benefits and paid time off. Our business owner customers may use this platform for task work initially, but could utilize it to source talent for full-time work. Although ATB Gigs is primarily a tool for their business owner customers, ATB plans to use the ATB Gigs platform to source talent for their own full-time work as well. One of the learnings from the internal pilot was that it was challenging for team members to come up with ideas for gigs. ATB has a supportive culture that allows team members to spend five per cent of their time on passion projects or helping other team members outside of their area. The type of work that will be offered by ATB will be gigs like secret shopper, event help, and seasonal data entry projects. Team members looking to “try out” a prospective employee can create gigs for them to perform. ATB Gigs will be a way for gig workers to earn a living wage, have flexible work options, and if it moves past the proof of concept phase will likely offer benefits. For ATB business owner customers, they will have

access to a talent pool with various skills that they can access on an as needed basis which is a benefit for many who have not yet reached the point of being able to afford their first employee.

### **Introduction**

Information and communication technology (ICT) has been transforming the way we work for decades. Email and video conferencing made global communication more efficient. Enterprise software has enabled companies to grow by organizing and storing information that can be instantly shared thus facilitating entry into new far-flung markets. ICT has rapidly caused shifts in not only the way organizations operate, but “also to the emergence of new forms of employment located in the grey and often uncharted territory between employment contracts and freelance work” (Prassl & Risak, 2016, p. 4). According to Ranstad (2016), a human resources consulting firm report, “almost half of organizations are currently committed to building a variable workforce over the next five years...by 2025, the majority (85%) anticipate that commitment to an agile workforce will increase dramatically” (p. 4). In addition, manual jobs are being automated, and some predict technology will make the need for professionals such as lawyers, computer programmers, and accountants obsolete. Emerging ‘gig economy’ companies are pitching themselves as a solution to both address the desire for organizations to create an agile workforce, and provide flexible, short term jobs for workers which can help them upskill.

Some of the ways companies are looking to fill the gaps is through the gig economy. The gig economy can be defined as “systems that break up a traditional company ‘job’ into individual ‘gigs’ that independent workers are paid to do for a defined time” (Botsman, 2017). This is done

through an online platform which includes a reputation system where users are rated on their performance. It is predicted to grow not only because of automation and a corporate desire for a flexible workforce, but also because of slowing job growth, stalled unemployment, and part-time workers seeking more hours (Canada, 2014).

With gig platforms, those hiring can connect with those looking for jobs almost instantly since "transaction costs" are greatly reduced. Shirky (2008) describes transaction costs as “when an activity becomes more expensive, either in direct costs or increased hassle, people do less of it” (p. 193). Gig platforms lower the “cost” of the activity of hiring, incentivizing people to do more of it. The amount of information on users through social media accounts, built in reputation systems that help build social capital, network effects that make platforms more valuable as it gains more users, ‘click to accept’ legal agreements, electronic payment systems, and a large pool of digitally connected people, all help reduce transaction costs to enable users to connect efficiently.

When hiring someone for a task without a platform such as TaskRabbit, considerable time can be spent trying to find the appropriate person. The service seeker would need to post an ad, go through responses, call or meet with the potential worker to determine if they are trustworthy and qualified, ask for and call their references, negotiate a price, arrange a day and time for the service to be completed, and arrange for payment which may not be as efficient as having the funds directly deposited. Upwork eliminates or reduces many of these transaction costs by creating a transparent system with profiles of gig workers that include performance ratings and reviews, so people can have a sense of who they may be engaging. A service seeker can instantly see reviews and the number of transactions a gig worker has satisfactorily provided

as well as search other social media sites to learn more if they so choose. This builds trust more quickly than by traditional means, thereby facilitating a faster transaction. Upwork enables the service seeker to efficiently post multiple listings. The details of the task can be outlined in the post, which reduces the need for negotiation, and payments are handled securely through the site. Platforms like Upwork saves companies money by avoiding some of the costs of human resources. Additionally, online social tools allow “action by loosely structured groups (to) operate without managerial direction” (Shirky, 2008, p.47). Gig platforms bring a large pool of people together to access one another, transact, and accomplish work efficiently.

There are several benefits of these platforms. Service seekers can efficiently find workers who are qualified or appear qualified and available for their tasks within their timeframes. They can also source talent with the “try before you buy” concept. Since relationships can be built during the gig, a service seeker may hire a gig worker for a full-time position because they have had an opportunity to work with them. There are also benefits for the gig workers; they can efficiently find work that fits their schedules. They can up-skill, try new areas of interest, and grow their network. However, there are also negative impacts, the reality is workers on many of these platforms engage in a “race to the bottom”, such as when people desperate for work underbid the market to increase their chances of getting the task. Some workers are earning a few dollars an hour. “The effective hourly rate (of Mechanical Turk) hovers around the median of U.S. \$2.25” (Fort, Adda, Kohn, Zhou & Farri, 2011, p. 4). The wages for gig workers are not protected, they are lacking protections against discrimination, unsafe working conditions, and typically don’t have access to benefits or paid time off.

“Whether by choice or necessity, a growing number of Americans are working without a safety net and have difficulty planning and saving for retirement, health care needs, or on-the-job injuries. The nature of work is changing rapidly, but our policies largely remain tied to a 20th century model of traditional full-time employment” (Lowry, 2017).

In addition, work that was previously not feasible, can now be offered, providing more opportunities. For example, from my professional life, one of our test participants is expanding his business to two other towns in Alberta. Due to the expansion, his team is currently operating at maximum capacity. He wanted to know what other opportunities existed in these new markets but did not have the time to research it himself or have his staff look into it. Hiring a consulting company to do it would have come at a high cost. He used our platform to provide 10 hours of work to a young Albertan to compile a list of opportunities in those cities. This may lead to future work, possibly full-time, to capitalize on those opportunities. With reduced transaction costs, not having to go through an extensive hiring process, businesses can take on projects they would not normally consider.

### **Purpose of the Study**

The primary focus of this study is to examine the various policy approaches suggested for addressing challenges related to labour protections of gig economy workers, in particular, looking at ways to strike a balance that protects both gig workers and innovation through these technological intermediaries. In a Canadian Centre for Policy Alternatives report of Greater Toronto Area participants, 55 per cent say they participate in the gig economy “because it’s the only way to make a living right now” (Block and Hennessy, 2017, p. 6). With the growth of the

gig economy in which gig workers participate out of necessity, addressing labour issues is becoming more pressing. There is a concern policy for worker protections will inhibit innovation. Carboni (2016), believes “to choose workers over the business (classify as employees) is to stifle technological advancement and an evolving economy...the crux of this argument is the cost to provide benefits, which are typically reserved for full time employees to gig workers who may only work the odd weekend” (p. 10-11). Innovation start ups must be able to get started, grow, and be sustainable while policy regarding gig workers is being defined and legislated.

Currently much of the research on labour protection compares proposed approaches to either classifying gig workers as employees or to the idea of adding a third category to employee and contractor classifications (see Figure 4). If labour concerns in the gig economy are a modern problem, perhaps modern solutions should be examined.

This paper will locate and examine the available approaches through textual narrative synthesis and identify mutually beneficial solutions through a “protectionist normative lens”, which, for the purposes of this paper, is defined as a normative view of striking a balance between protecting gig workers and innovation. The criteria for protection for gig workers is does the approach guarantee a minimum wage, benefits, and advocacy or an ability for workers to advocate for themselves. The criteria for protection for innovation is does the approach impede or have the perception of impeding innovation by hindering entrepreneurs from starting, growing, or sustaining? For example, if there is the perception that a company would be reluctant to start because gig workers are mandated to be categorized as employees, that would be considered an argument for hindering innovation.

Criteria for Protection	
Workers	Innovation
Earn a living wage	Ability to start
Access to benefits	Ability to grow
A voice for advocacy	Ability to achieve sustainability

Figure 1. Criteria for Protection. Defines the criteria to analyze the approaches.

Further, this study widens that lens to examine a broader range of approaches in order to assess their strengths and weaknesses at protecting gig workers and innovation in the gig economy by answering the following research questions:

**RQ1:** What are the policy approaches that have been proposed for addressing labour concerns in the gig economy?

**RQ2:** What are the strengths and weaknesses of these approaches from a gig worker perspective and from an innovation perspective?

**RQ3:** Using a normative lens, which approaches protect both the gig worker and innovation most effectively?

As outlined, the gig economy has many benefits. It is important to widen the lens on this issue and examine several approaches. Time taken debating is time gig workers are left without protections.

## Limitations

Personal bias is always a concern within any study; however, because I initially came to into this field from the perspective of both a potential gig worker, (having been a service seeker) as well as a gig company, I am able to see multiple sides of the issue. The focus on task working sites means this paper will not cover platforms that share assets; neither will labour issues outside of platform work be discussed.

There are limitations associated with using a systematic review that may impact the final findings of this study.

1. The study is conducted at a single point in time. “By their nature they become outdated as soon as new evidence in their subject area becomes available, which is often prior to the publication of the review itself” (Brown and Sutton, 2010, p. 671).
2. The outcome of the study may not be feasible. Several of the approaches require government cooperation with regard to the creation of programs to provide financial education or re-training or assistance programs that might pay citizens an income regardless of whether they are working and contributing to taxes or not.
3. The outcome of the study does not address taxes and fees circumvented by platform companies the impact of the gig economy on existing businesses such as taxi companies and recruitment and temp agencies; or the perception that employers will hire gig workers instead of permanent full-time employees to reduce costs.

Despite these limitations, there is valuable information available in the existing literature to begin a discussion of protecting workers and innovation in the emerging gig economy. What follows is a preview of the literature that will help set the stage for examining the current concepts and ideas surrounding the protection of gig workers and innovation.

### **Preview of literature**

The gig economy is a fairly recent phenomenon that has emerged over the past decade. Research in this area started gaining traction around 2011-2012 with the bulk of the studies coming from the last two years (see Appendix A rubric). This analysis starts by taking a look at the historical perspective of how technology changed the nature of work in what became known as the Industrial Era, which resulted in the organization of the workplace to meet the needs of the time. With the transformation of today's workplace due to internet-based technology, organizational structures have evolved, resulting in the emergence of the gig economy. As such, the first section of the literature review examines the emergence of the gig economy.

These platforms promised many benefits, initially heavily touted in popular media. With that in mind, the second section of the review covers these claims and illustrates, in contrast to popular media, a growing concern about the lack of labour protections which arose and was illustrated early on in academic literature. In the past two years the focus of popular media has shifted to also spotlight these concerns.

The final section of the literature review examines the reality in contrast to the claims. Terms used by researchers such as "humans-as-a-service" or the "commodification of workers" is meant to draw attention to the seriousness of these issues. Policymakers and academics alike

are exploring possible solutions for addressing labour concerns with intermediaries. There are a few studies that compare approaches, but there is a significant gap in the literature in terms of any comprehensive comparison of approaches. With that in mind, my method for this paper is an extended literature review to examine the available literature on policy approaches and provide a summary of strengths and weaknesses to identify approaches that strike a balance between protecting gig workers and protecting innovation in Canada.

### **Preview method**

In order to undertake a comparative analysis of the various approaches for addressing labour concerns with a normative goal of trying to strike a balance between protecting both workers and innovation, I needed to locate and understand the available approaches. I did this through qualitative synthesis, specifically a form of systematic review known as textual narrative synthesis, which enabled me to take the broadest view and examine a variety of reports regardless of the quality of the study. By taking a broad approach, I may be able to discover under researched approaches that strike the balance between protecting gig workers and innovation.

I did consider other methodologies before my research questions were fully formed. I initially wanted to examine if there were characteristics that could be developed to help gig workers succeed in the gig economy and reap the benefits of the media's claims but as I delved into the literature, I learned of the downsides of the gig economy: lack of labour protections, lower wages, more hours, etc. When I first learned of these downsides and after examining the literature, I considered an ethnographic approach through participant observation. I wanted to

shadow gig workers, specifically Uber drivers, to gain a deeper understanding of their perceptions of the claims and the reality but further examination of the literature showed that these perceptions were well documented.

From there, my research questions evolved into examining the various approaches for addressing labour concerns in the gig economy. Once I narrowed in on uncovering approaches, conducting a qualitative synthesis made the most sense. Of the nine types of qualitative synthesis outlined by Barnett-Page and Thomas (2009), textual narrative synthesis was the most fitting. It allowed flexibility in locating approaches while offering structure in narrowing down the reports for analysis.

After conducting a broad search to locate available approaches, I conducted a search of the highest quality reports among those approaches using a more traditional version of systematic review which I will detail in the *Methodology* chapter. Once I narrowed down the reports to high quality studies, I took a directed content analysis angle to categorize the approaches and analyzed the strengths and weaknesses of each approach using a normative lens. The idea is to identify an approach that protects both the gig worker and innovation most effectively with these platform intermediaries.

## **Summary**

This report illustrates the policy approaches that protect both workers and innovation in the gig economy. The literature review will set the stage by giving a historical perspective of how technology impacts the way we work, the resulting emergence of the gig economy, the claims made regarding its benefits, the reality gig workers face and the labour policy approaches to

address these challenges. Examining the available documents through textual narrative synthesis and identifying mutually beneficial solutions through a protectionist normative lens is a way to start a productive conversation that can benefit all sides. The chapters that follow will start with a *Literature Review* which will give a lay of the land; next, the *Methodology* chapter will detail the process used for locating the approaches and finally, the *Findings and Discussion* section will employ directed content analysis to illustrate the strengths and weaknesses of the approaches through a normative lens. The literature that follows gives context by detailing the background, outlining the claims and reality of the gig economy, followed by the labour approaches for gig worker protection.

## **Literature Review**

Before proceeding, we need to define “gig economy” since researchers have not come to a consensus on which term to use and use several terms interchangeably. The umbrella term is considered by many to be ‘collaborative consumption’, “(a)n economic system of decentralized networks and marketplaces that unlocks the value of underused assets by matching needs and haves, in ways that bypass traditional middlemen” (Botsman, 2015). What makes the gig economy platforms efficient at connecting those offering their products and services to those wanting them is the reduced transaction cost from the integrated reputation systems that build trust and social capital. Rachel Botsman, considered an authority on collaborative consumption, has created a dictionary of commonly used terms that include “access economy”, “gig economy”, “on-demand economy”, “digital economy”, “sharing economy” and several more (Botsman, 2016). For this paper I will use the term “gig economy” as it is the most commonly

used term to describe work platforms which use technology to more efficiently enable its users, the gig workers, to earn an income.

Collaborative economy work is vast and includes many categories of workers; this paper will use the term “gig worker” to signify those providing services through gig economy platforms. This includes those who perform unskilled jobs such as dog walking or running errands as well as skilled workers like computer programmers, project managers, bookkeepers, graphic designers, etc. who require education or training in order to provide their services. “Service seekers” will be the term used to describe those who use sharing economy platforms to seek the products and services offered by gig workers. “Gig company” will be used to describe gig economy companies, those who build and operate marketplace sites. While much of the writing in popular media focuses on protecting service seekers as they must be trusting of the “strangers” they interact with through these platforms; this paper will focus on disadvantaged gig workers instead.

### **The Rise of the Gig Economy**

Collaborative consumption began its rise to prominence during the economic downturn of 2008. With the loss of jobs, unemployed workers were forced to turn to task work to make ends meet. This happened at a time when the technology existed to build and use these sharing platforms. Gig companies claimed that by using their platforms, anyone could earn money while having work-life balance and control over their schedule. This was an appealing proposition to the shrinking middle class and the scheduling challenges faced by dual income families with dependents. Further, the value of work was and is shifting for many, as noted by gig economy

scholar by Diane Mulcahy (2016) - "... the American Dream is transforming to prioritize experiences over material goods and quality of life over quantity of stuff" (para. 2). Gig economy platforms claim flexibility for workers to work when and how they want so they can have the time and resources to indulge in these experiences. In 2011, *Time Magazine* named collaborative consumption as one of their Top 10 picks for ideas that would change the world (Walsh, 2011) and according to a Pew Research report, 72 per cent of Americans have used some type of shared or on-demand online service (Smith, 2016). Technology, the internet and the economic downturn of 2008 are some of the factors that contributed to the emergence of collaborative consumption.

Furthermore, Mulcahy asserts that this shift brings new possibilities for these gigs to provide a "more meaningful and robust sense of income security than any full-time job can" (Mulcahy, 2016, para. 2). When I first learned of the collaborative economy I had similar feelings, and like Mulcahy, I believed in its benefits. I regarded the collaborative economy as a great solution to those who desired scheduling flexibility to achieve work-life balance or were looking for meaningful work by enhancing the quality of life for others. Mulcahy (2016) further suggests that workers with specialized skills, deep expertise or in-demand experience will be successful in this emerging "gig economy" while those "entrenched in a passive, complacent employee mindset that relies on their employer to provide a sense of stability, career progression, and financial security will struggle" (para. 5).

Initially, I approached this research project from the perspective of examining how to increase the success of participants transitioning from traditional jobs to ones where they can balance family needs through these gig economy platforms. However, as I dove into the literature, I discovered these claims do not necessarily reflect the reality as Mulcahy views it

because many workers are left without labour protections. Based on a survey of the literature in this area, the reality is that a lot of gig workers, including those who are skilled, end up working many hours while netting very little profit or benefit. They will oftentimes work on the schedules demanded by the service seeker in order to secure the job promoted through the platform.

Furthermore, gig workers often require resources to begin gig work (e.g. real estate holdings for AirBnB, a newer car for Uber etc.), but even with resources the worker may still struggle to obtain a stable income and continue to lack access to labour benefits and protections. In addition, policy makers are beginning to scrutinize some gig platforms for taking on some of the functions of an employer by detailing how work is to be done. For example, Uber requires drivers to drive a newer model car and drive specific routes (Uber, 2017). The lack of the protections are causing policy makers to take notice.

### **Scope of work**

Once I learned of the downsides of the gig economy, I began to deepen my search into the struggles of gig workers by locating approaches to address labour concerns. These studies tended to set the stage with examples of exploitation and protections that were lacking. The approaches suggested ranged from letting workers and entrepreneurs sort it out for themselves to changing the way government operates fundamentally. In the middle of the spectrum were suggestions for making tweaks to existing laws or examining the classification of workers. The *Methodology* chapter will go into further detail regarding the search process for policy approaches followed by the analysis of strengths and weaknesses of the approaches in the *Findings* chapter.

Excluded in this paper are those earning a living in the collaborative economy by sharing their belongings including Airbnb despite the prominent role it plays in collaborative consumption literature. Airbnb's messaging focuses on earning supplemental pay and is not typically seen as providing a primary source of income (Gerstner, 2014). My research found that those earning enough to leave their full-time work, or pay all of their living expenses, had real estate portfolios or properties not ordinarily offered by the average worker. One report detailed luxury retreats that rented for \$1,500-\$2,500 per night (Lunden, 2015) while another gave an example of earning \$30,000-\$50,000 per year by renting out spare bedrooms in a home on a vineyard (Rosenbush, 2014). The issue with these examples is that the extra income from renting a spare bedroom in a typical home is hardly going to be enough to leave a full time job for work-life balance and the average person is unlikely to own a luxury home or live on a property with a vineyard.

One of the main criticisms for legislating protection for gig workers is the fear that protecting gig workers will inhibit innovation. Uber is one of the best recognized examples of this inhibition as many municipalities (Calgary among them) and even whole countries have banned it (Rhodes, 2017). Critics of legislating protection for gig workers were concerned government involvement would deter new gig economy start-ups as implementing the provisions come at a cost that may prohibit start-ups from getting off the ground. I will go into more detail on claims of gig worker legislation inhibiting innovation in the final section of this literature review chapter.

This chapter examines the literature on society's transformation from the Industrial Era to the Digital Age, with a specific focus on the emergence of gig economies, the opportunities

presented by gig economy platforms and the reality gig economy workers face due to the controls of these platforms. This sets the stage for the rest of my paper which takes a normative perspective to identify approaches that strike a balance between protecting gig workers and encouraging innovation based on my foundational work of analyzing the strengths and weaknesses of the suggested approaches.

### **Review of the Literature**

The theme of the separate works of researchers Gummer (1999), Kador (2000), and Gill (2017), starts with a discussion of how we are entering a new era; one that goes well beyond applying new technologies to existing processes as has been done since the dawn of humanity. There is consensus among scholars that we are presently experiencing the next transformative technological shift in society. The technologies introduced during the Industrial Era caused a shift from artisans and family operated businesses to organizations with bureaucratic structures. This fundamentally changed the way people worked, lived, and were educated. The authors contend that technology today has revolutionized entire work systems, organizational structures, and processes which, in turn has substantially impacted family and daily life. They suggest that we're currently living in the midst of the transition from the Industrial Era to the Digital Age.

The structure of work in this new environment is changing from a hierarchical to a matrix organizational structure, which is necessitated in order to keep pace with the rapid changes in technology. In the past, when job functions had continuity and were predictable, a supervisor was needed to oversee employees in executing specific tasks. In the Digital Age, technology is changing the way we work so frequently and rapidly that cross-functional teams with specialized

leadership are needed to operate on a project-by-project basis. As Gummer (1999) puts it: “The new ideal is a manager who replaces the power to command and control with the empowerment of others” (p. 88).

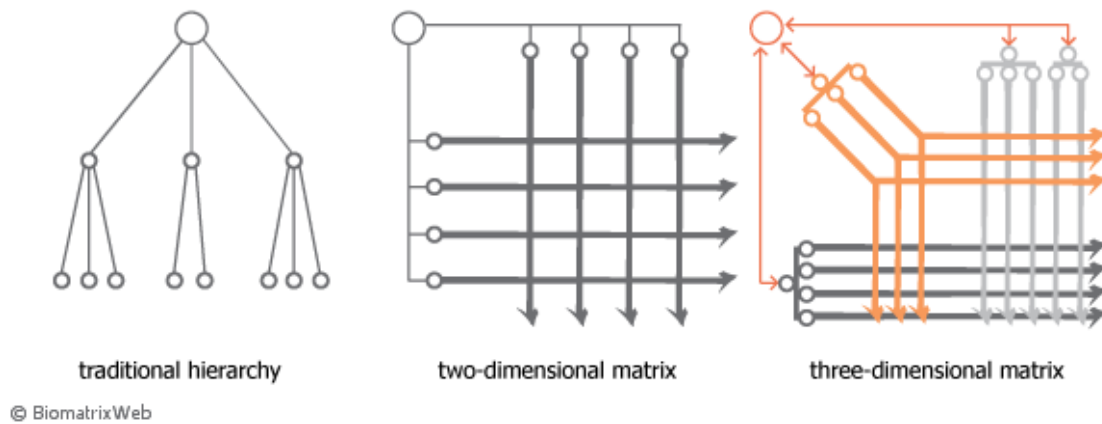


Figure 2. Organizational structures (BiomatrixWeb, 2013).

And continues with the thought that: “Shifts in the occupational structure of society are potentially the most telling indicators of significant junctures in economic history” (1999).

We are currently in a time of transformation; one where the way work is organized has changed dramatically. Workers no longer perform the same duties day-after-day, month-after-month, year-after-year, for decades. Because work is changing so rapidly, employers need a flexible workforce. Will the gig economy be the solution?

### Filling the gap.

“The Net has disrupted the economy so completely that the old model of working for one company until retirement seems quaint” (Kador, 2000). Because needed skills are changing quickly, the workforce is unable to keep up with demand. “Millions of people cannot find work,

yet sectors from technology to healthcare cannot find people to fill open positions” (Manyika, Lund, Robinson, Valentino, & Dobbs, 2015). Twenty-first century education, which consists of “production line teaching, a focus on consistency rather than creativity, discipline rather than inspiration, and compliance rather than individual thought” (Admin, 2015) cannot prepare today's workers fast enough.

Ever-changing digital technology and gaps in skilled labour markets has made it easier to become self-employed or to freelance. In Canada, 54.1 per cent of cumulative employer businesses have 1-4 employees (Innovation, Science and Economic Development Canada, 2016, p. 11). With just a laptop and very little money, almost anyone can set up a website. Recent years have seen a boom in entrepreneurship; however, “what looks like an increase in entrepreneurship is actually a new generation of ‘micro-preneurs’ or sole traders...the number of zero-employee firms (in the UK) has increased by 21.4 per cent since the recession” (Hesse, 2014). Furthermore, the development in ICT has aided in segmenting work functions and roles. The internet has made it so these functions can be dispersed geographically while being controlled centrally through intermediaries such as gig economy platforms.

Gig economy micro-preneurs are selling their goods on peer economy sites like Etsy and Ebay, sharing their spaces on Airbnb, getting paid to share their ride on Uber or Lyft, earning by looking after dogs through DogVacay, and offering their skills and services on gig economy sites like HourlyNerd, DoctorOnDemand, TaskRabbit, Upwork, AskForTask, Freelancer, and more. According to a Manyika et al. report (2015), by 2025 up to 540 million individuals worldwide could benefit by finding work from online platforms such as these.

Dr. Arun Sundararajan, Professor of Business at New York University, addressed the factors leading to this shift toward crowd-based capitalism: 1) products are being built for consumers rather than directed at business users; 2) consumerization of digital technology; 3) mass adoption of digital consumer products such as smartphones and social media; 4) the pervasiveness of high-speed internet; and 5) the maturing of the trust infrastructure that facilitates peer-to-peer exchange (Kane, 2016). Sundararajan agrees with Gummer, Kador, and Gill that this shift could lead to a widespread change in the way work is organized and gig companies believe they may be the solution to filling the employment and skills gap and Kador (2000) and Kane (2016) suggest that one casualty of this transition to the Digital Age will be the permanent job.

### **Claim and reality**

Gig companies claim that there are many employment benefits associated with providing services through their platforms. They promote the idea that work-life balance can be achieved with schedule flexibility and by “being your own boss” and that increased income potential can be achieved by building social capital to increase the rate offered. These benefits do exist, but research indicates those who are in a position to capitalize on them tend to be among the socioeconomically advantaged – those facing employment challenges are considerably more likely to be excluded from these opportunities. “As more workers go freelance, the competition for higher-level access is bound to intensify, including within the most democratic-seeming marketplaces” (Reader, 2017). The following section examines the claims of the gig economy and investigates the reality.

**Increased income potential.**

With the ability to set your own rate and not be restricted on the number of hours you can work in the gig economy, your income potential is theoretically uncapped as in the case of the Goldman Sachs programmer mentioned in the *Prologue* who left his job to freelance on DogVacay. Additionally, a TaskRabbit blog post from 2015 offered a couple of statistics to corroborate this idea (Gannon, 2015):

- 65 per cent of Millennial Taskers say they earn enough money on TaskRabbit to support their lifestyle and have a healthy work-life balance by working 20 hours or less per week.
- 15 per cent of Millennial Taskers earn \$6-7K/month through their use of the platform

Uber also has an example of an “Uberpreneur” who makes over \$250,000 per year selling jewellery to his passengers (Youshaei, 2015). With these success stories it’s easy to presume everyone has the potential to succeed.

Although these impressive stories exist, they are outliers and rarely the norm. For the majority of gig workers earning a living in the gig economy includes some hurdles to overcome. As mentioned previously, an Uber driver’s car must be a newer model (Uber, 2016). On Uber Driver.com’s Facebook page, a support group for Uber drivers, community members wanting to become full-time drivers, frequently ask for advice about purchasing a car. Uber drivers will oftentimes need to pay more for insurance and, in some locations, insurance policies are not valid while using a personal vehicles for commercial enterprises. Intact Insurance (2017) has “modified their underwriting guidelines to allow for ridesharing on their personal auto insurance policies... for a small additional charge” (p. 2).

Due to global competition, many gig workers are finding that they work more hours for lower wages. According to one study, 90 per cent of tasks on Amazon Mechanical Turk pay less than \$0.10 per task (Webster, 2016). Gig workers located in areas with a higher cost of living express frustration when competing in a global market, as they will oftentimes get outbid on jobs. Time spent looking for the next gig is unpaid and may take away from time that could actually be spent working. Not all workers participating in the gig economy earn a reliable income which paints a very different picture than that which is espoused by some gig economy companies.

### **Work-life balance**

Prior to the Information Age, “9 to 5” jobs were commonplace. Technology has undoubtedly created efficiencies at work, but it has not decreased our workload (Henwood, 2004). Because of technology “we now have an on-demand distributed workforce that is flexible and is equipped with smartphones connecting them as labor sources to platforms” (Kane, 2016). The downside to this is the lack of a definitive end time to the workday. Many people are finding themselves on call and unable to completely step away from work.

Additionally, the advent of the internet has enabled people to work remotely, something that is desirable for the many workers seeking scheduling flexibility and wanting to improve their quality of life. In an interview with Anderson (1993), Gerald Celente, author of *Trend Tracking – The System to Profit from Today’s Trends*, director of the Trends Research Institute, and editor and publisher of *The Trends Journal*, posits that his research shows that many people “hate their jobs”. He suggests that working from home may help improve quality of life as

workers try to balance work obligations with family obligations such as taking care of children and elderly parents, sometimes simultaneously and maintains that productivity levels remain high for those who work from home. Celente's findings are significant as more and more people are seeking opportunities to work from home, including those transitioning from employee to service provider in the gig economy.

Work-life balance is a common promise of the collaborative economy. With location and time flexibility, one could schedule their service offerings around their children's school hours and activities. An example of this claim is a TaskRabbit blog post with the title *Millennials Choose Sharing Economy for Work-Life Balance, Boss-Free Career*. It opens with the statement: "Imagine a future when you could take a vacation when you pleased, you could give yourself a raise when you knew your time and skills would be more valued and, best of all, you didn't have a boss" (Gannon, 2015). It continues on to say that survey results indicate millennials would spend their free time (implied that it was gained from the flexibility and higher earnings) on a hobby, school, or another job.

However, this same post acknowledged that "84% of millennial Taskers make themselves available to task during holidays, if the price is right" (Gannon, 2015). TaskRabbit workers have complained that with the matching algorithm introduced in 2014, it's easier for a seeker to find a Tasker than for a Tasker to find an appealing task at a convenient time (Leonard, 2015). Taskers have 30 minutes in which to accept a job match. Therefore, gig workers often feel the need to always be "on", in order to ensure they do not miss out on an opportunity. In an environment of global on-demand work, five minutes away could mean a lost job. In many instances the tasks requested do not fit into normal working hours and for those looking to be home with their

families, this can pose a challenge. While it appears work-life balance can be provided by collaborative economy platforms, the benefit lies mostly with the service seekers who are willing to pay for cleaning and odd jobs to save time.

A lack of work-life balance in the gig economy not only affects those offering unskilled services, but may also affect skilled labour as well. Dr. Juliet Webster, a visiting professor in the gender and information technology programme at the Open University of Catalonia, in her work on professional tasks (video production, software development, web content, design work, etc.) in the gig economy, suggests there are inherent problems with working in this capacity. Many gig workers “experience acute feelings of anxiety and guilt about their inability to meet the demands on them” (2016). In addition, a lot of time is spent on unpaid preparatory work and looking for jobs on platforms. Those leaving their traditional jobs for gig economy work in order to be their own boss may not find the balance promised through working gigs.

### **Labour protection and the gig economy**

*Before the Internet, it would be really difficult to find someone, sit them down for ten minutes and get them to work for you, and then fire them after those ten minutes. But with technology, you can actually find them, pay them the tiny amount of money, and then get rid of them when you don't need them anymore.* Lucas Biewald, CEO of Crowdfunder (Marvit, 2014).

A criticism of the gig economy, which is currently being examined in court and by policymakers, is the lack of a classification for full-time gig economy workers to gain similar protections granted to full-time employees. Gig workers do not qualify as employees as they tend to gain opportunities through a variety of platforms, set their own availability, and are not paid a

set wage. They also do not qualify as contractors because platforms tend to dictate wages and have “click-to-accept” agreements, which are pre-populated, non-negotiable agreements that take away the negotiating power of the gig worker.

However, gig companies claim they are merely the intermediary and are facilitating connections among users, thus they categorize gig workers as contractors and because platforms classify workers as contractors, even if the worker works full-time and exclusively with one platform, he or she is not entitled to benefits like maternity leave, paid holidays, unemployment benefits, health benefits, pensions, and insurance. Nor are they protected with regard to health and safety or from discrimination based on race, income, gender, or disability. In labour law officer Dr. Valerio De Stefano’s (2016) examination of labour protection in the gig economy, he references researchers of Amazon’s Mechanical Turk, Lilly Irani and Six Silberman’s use of the term “humans-as-a-service” which he feels aptly describes the “extreme form” of commodification of gig economy workers. De Stefano expresses that in order for opportunities in the gig economy to truly be for everyone, its workers need to be protected. Classification may better enable policy to be made, but should be considered carefully and may not be the best approach to protecting both gig workers and innovation.

### **Analysis of findings from literature review**

Because gig workers themselves are not a connected group through these intermediaries and operate independently, it is difficult for them to perceive their problems as systemic and organize themselves for their own protection (Webster, 2016). Even if they were to organize, the independent nature of their work and the openness of the platforms, which continuously add new

gig workers, makes it difficult to do things like boycott or have any leverage to negotiate for their protection. Perhaps these new work structures necessitate a new way to organize and be heard.

Policymakers are exploring ways to protect gig economy workers and some collaborative economy companies are being proactive by already incorporating protection practices. For example, platforms such as Favor, a delivery company, and Hello Alfred, a service platform, have voluntarily incorporated site-wide minimum wages (Kessler, 2015). Creating a way for diverse gig workers to connect and support one another and having a process for acknowledging, prioritizing, and resolving collective concerns is another way to ensure all providers are cared for, including those who are disadvantaged. Ontario policy researchers believe that “extending other partial or full employment protections and minimum requirements to gig workers who are ‘dependent contractors’ could go some ways towards preventing platforms from a classification race to the bottom” (Johal and Thirgood, 2016, p. 44).

## **Conclusion**

A symptom of transitioning from the post-Industrial Era to the Digital Age is the transformation of the way work is conducted. Technology is advancing remarkably rapidly leaving a skills gap that employers are struggling to fill. In addition, technology has caused people’s lives to become hectic. Unemployed and underemployed workers as well as those looking for work-life balance through scheduling flexibility are looking for other options for earning an income. This coupled with the recent economic downturn and the pervasiveness of the internet, has led to the emerging gig economy.

Gig economy companies claim that gig workers can be their own bosses by controlling their schedules and the amount of income they earn, along with work-life balance. Researchers are discovering that the reality of being a gig worker often proves the opposite of the gig company claims and that, in point of fact, gig workers who use these platforms are spending more time earning less money than in ‘traditional’ jobs and due to a lack of adequate position classification, workers do not have the protections provided to permanent employee by labour laws. Policymakers are looking to address these issues, but fear that legislation will inhibit innovation. The *Methodology* section outlines the systematic review, specifically applying the textual narrative synthesis method, to uncover the approaches for addressing labour concerns in the gig economy. The *Findings* chapter that follows applies the directed content analysis method to analyzing the strengths and weaknesses of the approaches for protecting gig workers and innovation to answer the following research questions:

**RQ1:** What are the approaches that have been proposed for addressing labour concerns in the gig economy?

**RQ2:** What are the strengths and weaknesses of these approaches from a gig worker perspective and from an innovation perspective?

**RQ3:** From a normative lens which approaches protect both workers and innovation?

The sharing economy isn’t a trend. It is here to stay as it’s moved “from an income boost in a stagnant wage market into a disruptive economic force” (Geron, 2013). Concerns have been expressed to me about ATB Gigs being used as a way to turn permanent, full-time employees into temporary gig workers; however, ATB prides itself on building a solid, award-winning<sup>2</sup>

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<sup>2</sup> ATB Financial was awarded 2nd place for “The Best Workplaces in Canada” in 2017 by Great Place to Work <https://www.greatplacetowork.ca/en/best-workplaces>

company culture that has been hard won through long-term employee/employer relationships.

The types of gigs ATB will be posting are ones that will “make the pie bigger” so to speak. That is, they are the types of jobs that would not ordinarily exist, such as having secret shoppers in the bank to report on customer experience. Gig platforms enable businesses to create work they wouldn’t otherwise have the resources to do. In the following chapter, the methodology for locating approaches using narrative textual synthesis is discussed.

### **Methodology**

The literature demonstrates how gig economy platforms offer several benefits for their workers but because the workers are neither employees nor contractors, they are vulnerable to working without many of the labour protections typically provided to employees. Suggestions for how to cope with this classification anomaly and protect gig workers range from letting the involved parties sort it out for themselves to changing how government operates fundamentally. On the other side of this debate, protection opponents are concerned that additional legislation aimed at protecting gig workers may impede innovation.

From this debate, several questions arise: would a disruptive business like Uber have started if they were required to classify their drivers as employees? Would they have been able to expand as rapidly as they did? Does increased legislation deter new start-ups?

The purpose of this study was to identify policy approaches for protecting both workers and innovation in the gig economy. A balance was sought between supporting innovative business models using digital technologies while at the same time ensuring important protections were in place for gig economy workers. This study considered several dimensions of the problem

and provides an overview of options brought forward by academics, policymakers, journalists, practitioners, and others. Once the highest quality reports of each of the approaches were identified, the directed content method was used to analyze the strengths and weaknesses of the approaches in terms of their ability to protect gig workers while also protecting innovation. This chapter outlined the procedure used to locate, identify, select, and analyze appropriate literature and is followed by a discussion and summary of findings in relation to the research questions formulated in the wake of the literature review:

**RQ1:** What are the policy approaches to addressing labour concerns in the gig economy?

**RQ2:** What are the strengths and weaknesses of these approaches from a gig worker perspective and from an innovation perspective?

**RQ3:** Using a normative lens, which approaches best protect both workers and innovation?

A systematic review of documents was employed as part of the design of the study since it is “generally motivated by the need to answer a pressing question deemed important for either policy or practice” (Hansen and Trifkovic, 2013, p. 25). After systematically conducting a broad search to identify and gather the available approaches, reports were analyzed by directed content analysis to compare policy approaches. Because this is a theoretical study, it made better sense to use data from a collection of documents, rather than employing other methods such as, conducting interviews or focus groups. The strengths and weaknesses of the approaches were viewed through a normative lens to identify which ones protected both gig workers and innovation. This chapter will review the research design and source materials, the procedures for conducting the study, and finally, an analysis of the findings.

## Research Design

This section will outline the design of the study which articulates the research problem, identifies the research questions that arose from the survey of the literature, discusses the data gathering strategies to answer the research questions, and provides a description of the method of analysis for the design of this study. The problem of gig worker protections, the need for policies, and the concern of regulation impeding innovation emerged from the literature on the gig economy. De Vaus (2001) explains that in explanatory research, asking “why?” cannot be conducted before descriptive research which confirms the “what”? He further states that “... before asking ‘why?’ we must be sure about the fact and dimensions of the phenomenon of increasing polarization” (p. 2). In this case identifying the available approaches for protecting gig workers and innovation as the “what?” Once the “what” is understood, the “why” can be asked.

An example of De Vaus’s theory would be if a critic of classifying gig workers as employees conducted a study about why classification is not the solution. If the researcher asked what the approaches were and tested the criteria of each, his or her study might demonstrate that delving into classifying gig workers as employees is too narrow. The findings of this study could demonstrate that classifying employer by function, UBI, and flexicurity strikes a balance of protecting gig workers and innovation and therefore might be the starting point for assessing a fitting approach that satisfies both sides.

With De Vaus’ comments regarding asking what before why in mind, the following questions, which arose following the initial review of the literature, indicate the ‘what’ of this study: what are the approaches, what are the strengths and weaknesses of the approaches, and

which approaches strike a balance between protecting both gig workers and innovation? Once these ‘whats’ are clearly articulate, the approaches can be reviewed in order to ask why.

The approaches for addressing labour concerns in the gig economy were uncovered through a process of systematic review, a common policy research procedure. University of Copenhagen professors Hansen and Trifkovic (2013) conducted a thorough examination of systematic reviews suggesting that “policymakers and researchers all value systematized research evidence...that present a well-established way of mapping all relevant evidence, assessing its quality and synthesizing it” (p. 1). The UK Department for International Development (DFID) concurred articulating that systematic reviews “make it easier for policy makers and practitioners to rapidly understand the body of evidence...as a strong foundation on which to base policy and practice decisions” (Department for International Development, 2013, section 5). Designing this study using a systematic review enabled me to locate the approaches and conduct an analysis in a logical and coherent way.

Qualitative synthesis, specifically textual narrative synthesis, was the method employed to gather the data. Textual narrative synthesis is a review where a study’s characteristics, context, quality, and findings are described according to a standard format that compares similarities and differences across studies (p. 3). This was a useful method for locating, and comparing and contrasting gig economy policy reports; however, I preferred the definition offered by BetterEvaluation.org (2014). Although the site defines textual narrative synthesis similarly as “dividing the studies into relatively homogenous groups, reporting study characteristics within each group, and articulating broader similarities and differences among the groups,” it also recommended the inclusion of “grey literature” which are studies and papers that have not been

published in peer-reviewed journals. Including grey literature enabled me to have the flexibility to locate both regulation in practice and regulation in theory, as well as identify lesser known approaches which may be worth considering.

Edwards, Russell, and Scott (1998) warned that only using studies of a certain methodological quality could detract from findings because in some instances, ‘weaker’ designed studies could prove more feasible and offer equally valuable insights. The authors proposed that researchers not reject studies based on design alone, but instead attach a weighting to evidence that might otherwise be lost.

Edwards et al. further explained that systematic reviews offered insights based on available evidence as an examination of what is known and what is unknown. A systematic review was not meant to be a description of everything on the subject (p. 4). This paper was designed to provide a comprehensive list of approaches to regulating labour protection in the gig economy, but not an exhaustive and detailed analysis of the studies themselves. The aim was to uncover the approaches in order to analyze them for their strengths and weaknesses in striking a balance, not to determine if a study conducted on a specific approach was conducted reliably. Once the approaches were identified, possible future research could take a deeper dive into the approach and perhaps its feasibility, something that is not a concern with this study.

Still, systematic reviews have their limitations. Garg, Hackam, and Tonelli (2008) described these limitations as: the analysis is only as reliable as the studies themselves; biases may be inherent in inclusion criteria; interpretation of the results and the criteria for determining homogeneity may be subjective; and finally, it may be difficult to determine the amount of rigour

of the review. Because the objective was for a comprehensive search of approaches, I was not concerned with the reliability of the studies in the first step.

After the available approaches were uncovered, the studies were narrowed by assessing quality and reliability by means of directed content analysis. The directed approach to content analysis is used to “validate or extend...a theoretical framework” (Hsieh and Shannon, 2005, p. 1281). In this study, the coding categories were identified through a normative lens to strike a balance with protecting both workers and innovation in the gig economy. The criteria of the strength of the approaches for the gig workers were protecting the ability to earn a living wage, benefits, and advocacy. The criteria of the strength of the approaches for innovation were protecting the ability to start and the ability to grow and be sustainable.

To mitigate Garg et al.’s concerns about the limitations of the interpretation being subjective, I illustrated how to overcome the limitations of determining the rigour of the review by conducting a replicable study. I have articulated the design of this study as restating the research problem and how a survey of the literature led to the emergence of the research questions, how the data gathering strategy located the approaches, and how the method of analysis chosen would lead to answering the research questions. The next section will take a deeper dive into the sources.

### **Source Materials**

The design for conducting the search was to start broad and locate what might be conceivable approaches, categorize the approaches, identify the most prominent reports within each category and analyze their strengths and weaknesses through a protective normative lens.

Criteria for inclusion were based on the quality of the study, reputation of the author(s), and number of citations. When the search terms resulted in hundreds of thousands of results, I realized the terms were too broad to be effective and felt the search was adequately comprehensive.

### **Inclusion Criteria**

The inclusion criteria were based on the terms that made up the research questions. For example, this study is an examination of labour protections in the “gig economy”, which is service based, and not the “sharing economy”, which involves the sharing of assets. For the purpose of this paper, a ‘policy approach’ is a written concept for recommending government involvement in the interactions between gig workers and gig companies. The policy approaches uncovered (see Appendix B) were very wide ranging. Some advocated doing nothing. Others suggested amendments to existing legislation that would require gig companies pay gig workers a minimum wage, and finally another approach recommended systemic changes such as the implementation of the Dutch flexicurity system, which is described in greater detail in *Findings and Discussion*.

Academic reports, policy briefs, conference papers, articles, newspapers, books, magazines, case studies, and dissertations regarding policy approaches were also considered for inclusion. Studies that encompassed approaches with practical, real world examples, as well as theoretical approaches were included in the interest of exploring several ways to address labour concerns whether put into practice or not. My study included approaches not yet put into practice

because the emerging gig economy has created a unique situation that may require a more contemporary approach.

Additionally, by examining ‘grey literature’, I was able to consider what non-traditional approaches, if any, could be useful in providing labour protection for today’s gig workers. Because ‘grey literature’ is a highly recommended aspect of textual narrative synthesis, conference proceedings, theses, commercial documentation, and government reports were also included. And finally, because the initial search was so broad and returned so much information, I also included global studies.

Quantitative studies generally rely on random or representative sampling to generalize findings from the sample to the population. The qualitative researcher is more apt to elect purposive or theoretical sampling to increase the scope or range of data exposed (random or representative sampling is likely to suppress more deviant cases) as well as to uncover the full array of multiple perspectives (Lincoln and Guba, 1985, p. 40).

### **Exclusion Criteria**

There were only a few exclusions in the first step of conducting a comprehensive search of available approaches. Once the approaches were uncovered, the studies selected for analysis were chosen using a more detailed set of criteria as discussed below.

1. Protection, specifically for freelancers working outside of gig platforms, and thusly outside the gig economy, were not included. This paper does not include sharing economy sites, such as AirBnB, as those sites are focused on renting,

lending, swapping, sharing, bartering, and gifting instead of providing labour in the form of a service.

2. Documents and reports that focused exclusively on sharing economy platforms were not included because of their focus on providing an exchange for assets rather than labour. For example, Etsy is not considered a gig economy platform because Etsy sellers are offering the purchase of an asset and not a service. Thus, anything related to the collaborative economy oriented around asset sharing will be excluded.
3. Additionally, current labour policy does not have a provision for sharing or loaning assets. A gig economy worker is monetizing their time and not a physical asset, as such this paper primarily focused on gig economy workers. Labour protection concerns with temp agencies were excluded as they are considered a “brick and mortar” business that is not part of the gig economy.
4. The concern of companies replacing employees with gig workers is outside of the scope of this paper.
5. Lastly, the documents were confined to sources in English.

## **Procedures**

Hansen and Trifkovic (2013) identified six broad patterns within existing systematic review practices: 1) the structure and methods for conducting the review; 2) the criteria for including primary studies; 3) the comprehensiveness of the search; 4) the criteria used in

assessing the quality of the individual studies; 5) the questions addressed; and 6) the usage of the review (p. 1).

## RESEARCH DESIGN:

### Protecting Innovation and Workers in the Gig Economy

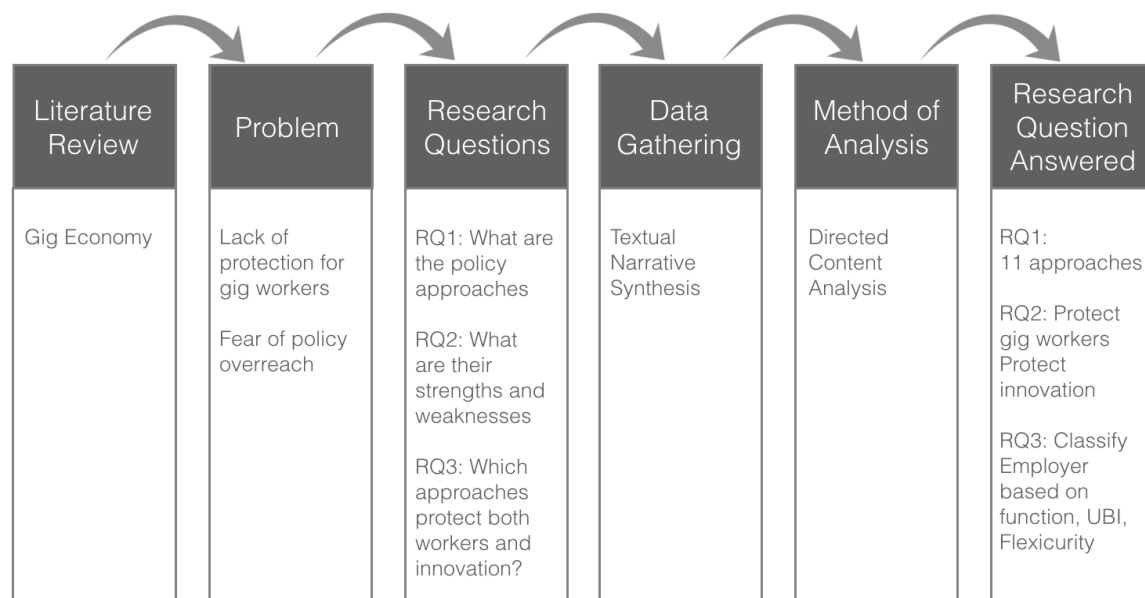


Figure 3. Research Design

Further, Hansen and Trifkovic (2013) included five criteria for the organization and systematization of research results: 1) the existence of a research protocol which guarantees that the review process can be replicated; 2) that the search and selection of primary research to be included in a systematic review is comprehensive enough to include both electronic and print sources, as well as unpublished material and grey literature; 3) that clear criteria for inclusion of primary research must be established; 4) inclusion of an analysis of quantitative *and/or* qualitative primary research; and 5) inclusion of a synthesis of the information contained in the

primary research (p. 9-10). The authors suggest that a systematic review should go beyond a simple summary of research findings. I included a comparison and an analysis of the strengths and weaknesses of the reports (see Appendix C). The details of these steps are included in the *Procedures* section below.

“The main defining characteristic of *systematic* reviews is the existence of a protocol that ensures reproducibility and provides the essential procedures for conducting the review” (Hansen and Trifkovic, 2013, p. 1). This section lays out the steps used to source materials for my systematic review so they can be reproduced. The first stage of my search started with a database and Google Scholar search followed by a Google search for grey literature, and a search of the reference list from the sources identified for inclusion. Once identified, I searched for other works by the authors and looked at conference programs for other speakers on the topic.

I conducted a Boolean search in the above listed databases and on Google scholar for the terms that represented the gig economy with terms used to describe regulation and innovation to help find articles pertaining to approaches for regulating the gig economy. I used quotes around the gig economy synonyms in conjunction with AND and parentheses and OR around various terms for regulation such as law, policy, and regulation. Here is an example: “access economy” AND (law OR policy OR regulation). I used Mendeley as a reference management tool. Once I exhausted my search in the pertinent databases I skimmed the descriptions and abstracts and sometimes the introductions and conclusions (if the abstracts did not give enough information) then marked the relevant ones with a star in Mendeley. Within ‘Favorites’ I began to categorize the articles by approaches and put them into folders. After gathering the articles and organizing them into folders by approaches I read them looking for references to other studies or artifacts as

well as for thought leaders. Then I searched for those and further works. I continued this process until no new approaches were found.

For a comprehensive search, I started broad then eliminated reports as I honed in on the reports to be included in the analysis. My initial search included the number of terms used to describe the ‘gig economy’. These terms included: ‘sharing economy’, ‘on-demand economy’, ‘labour economy’, ‘access economy’, ‘peer economy’, and ‘micro-preneur’ (Botsman, 2015). I initially thought it was important to search for all of these terms since any could have been used to describe the gig economy. However, I learned that the terms ‘on-demand economy’, ‘labour economy’, ‘access economy’, ‘peer economy’, and ‘micro-preneur’, showed little to no results when searching for policy approaches. ‘Gig economy’ and ‘sharing economy’ were the most commonly used terms, so I focused my search using those terms.

I searched the following databases: Business Source Premier, Business Source Complete, EconLit, Nexis, PAIS International (Public Affairs Information Service), ProQuest Business Collection Complete, ProQuest Dissertations and Theses and also used Google Scholar as well as Google to source grey literature. The databases did not show results for my search criteria so I relied more heavily on Google Scholar, Google, and the reference sections of the studies I found.

My broad search identified eleven approaches: do nothing, make gig workers franchisees, require a minimum wage, offer portable benefits, unionization, classify as employees, create a third employee classification, classify employer by function, Universal Basic Income (UBI), flexicurity, and shared regulation. I grouped the approaches by placing them into four categories:

1. Laissez Faire - do nothing and franchise;

2. Amend Existing - minimum wage, portable benefits, and unionization;
3. Classification - classify as employees, create a third classification, and define the employer by function; and
4. Holistic - Universal Basic Income, flexicurity, and shared regulation.

Although I examined over 800 sources to locate the eleven approaches, it is possible I missed an approach.

Once an approach was identified, I conducted an additional search of the keywords. For example, when I came across the study that suggested considering gig workers as franchisees, I searched “gig economy” AND “franchisee”. To be considered for further analysis, the reports listed must have suggested gig workers be considered franchisees. If both terms were used in the report but did not suggest gig workers be considered a franchisee, it was not considered for further analysis for this paper.

While going through the 800+ sources, I identified studies to be included in the analysis if the author was a professional such as an academic, professional researcher, or a political professional, and if the study referenced works by such. I then prioritized those with an h-index score. The Waterloo Library defines the h-index as capturing “output based on the total number of publications and the total number of citations to those works, providing a focused snapshot of an individual’s research performance.” Some reports that did not have an h-index score were included for analysis because reports for that approach did not exist, as were reports that weren’t written by an academic, professional researcher, or political professional.

Finally, of the remaining reports, those chosen for thorough analysis were those whose thesis, or had a chapter whose thesis, was about that approach. This resulted in many of the

reports being eliminated and left approximately 2-3 reports for analysis per approach. In summation, I started broad to facilitate a comprehensive search of approaches, then searched the approaches for additional reports. I then eliminated reports that were not written by an academic, professional researcher, or political professional. Finally I chose those with a higher h-index score to proceed to the next step. Of the remaining reports, I chose the ones whose thesis was about that approach.

### SEARCH RESULTS:

#### Protecting Innovation and Workers in the Gig Economy

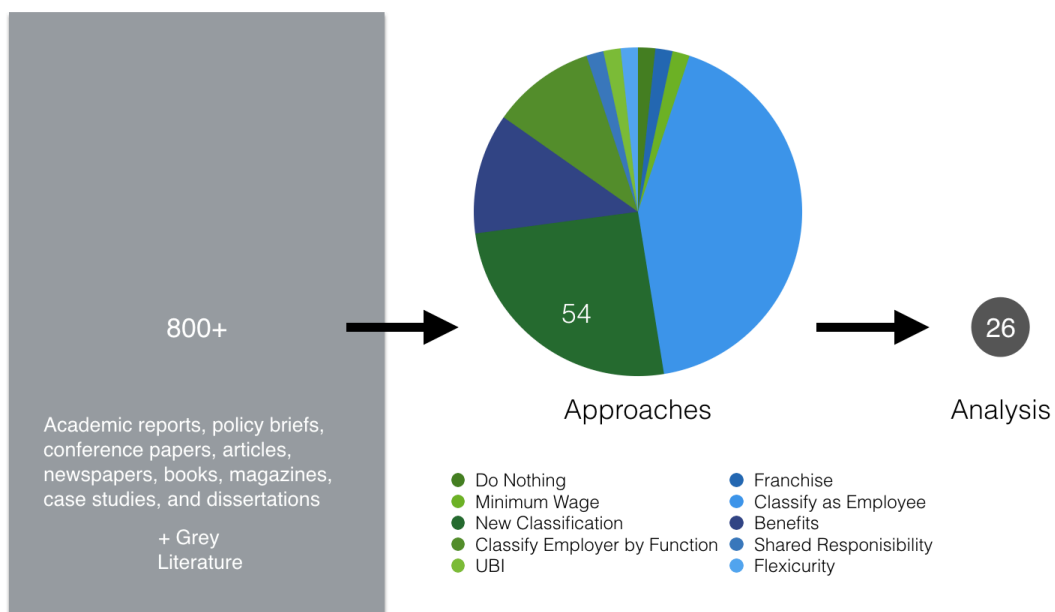


Figure 4. Search process

### Challenges

While coding generally refers to content within a document or interview transcript, in this case the unit of analysis was the document itself. Coffey and Atkinson (2013) define coding as “a mixture of data [summation] and data compilation ... breaking the data apart in analytically relevant ways in order to lead toward further questions about the data” (p. 29–31). The challenge with coding is it “is not a precise science; it’s primarily an interpretive act” (Saldana, 2013). The protection criteria and measurement of strengths and weaknesses are open to interpretation. A reader may not believe a perception of mandatory minimum wage for gig workers is a deterrent to innovation.

Another challenge was generating very few results from database searches (see Appendix A rubric). This was challenging because it took more time and effort to determine the quality of the studies. I located on Google Scholar. Another challenge was categorizing studies that examined several approaches. I ended up putting them into their own tab on the spreadsheet then going back to them to see if the study favoured an approach in one of the other categories or if the author had a primary focus in other works. Those reports were added to the appropriate tabs. Some fell into a category versus an approach such as making amendments to existing policies. Others fell into a couple of categories. For example, University of San Diego School of Law, Professor Orly Lobel’s proposes four paths for reform which includes classification, holistic approaches, as well as protections for all workers regardless of employment status. This caused me to consider the categories I created. In the end, the bulk of the reports fell into an approach and the approaches had a natural category fit such as the various classification angles. I believe that searching within the defined scope, searching references, and including grey materials, I

have located all of the approaches within the scope of this study at the specific time frame of the search conducted.

Another challenge of the study was whether these concerns are prevalent in Canada in particular with Uber. Although there are lawsuits in Canada against Uber regarding employee classification, many of the exploitation examples are U.S. examples. Examples of lacking protections in Canada with site like Upwork and TaskRabbit would have given more depth to the problem this study is trying to address. Because the United States doesn't have a universal healthcare program, their workers may be more vulnerable. However, in Canada, there may still be concerns of lacking wage protections, potential unsafe working conditions, discrimination, a lack of paid time off, and lack of disability insurance or workers compensation with gig work. Future research to determine whether Canadian and U.S. populations have similar reported litigation occurrences may give relevance to the U.S. examples in the Canadian context. If not, reasons may be due to cultural differences, social policy differences, etc.

An unanticipated outcome of my search was coming across a term that was frequently repeated, "precarious work". Precarious work is broad and is not necessarily part of the gig economy. Vosko (2006) (as cited in Law Commission of Ontario, 2010) defined precarious work as "low wages, a lack of benefits, an atypical employment contract and a greater risk of illness and injury." I used the steps outlined above with the term "precarious work" in a Boolean search with AND and the synonyms for gig economy in order to keep the focus on these technological intermediaries. However when used with the term 'gig economy' and its synonyms little was found with regard to policy approaches. If I didn't have enough quality reports for identifying the

labour concerns in the gig economy I may have expanded my search to include “precarious work” to help articulate the labour issues.

While there are several reports on Uber’s and Airbnb’s court battles and initial bans in cities and even whole countries, locating reports about protecting innovation aside from these was not a straightforward process. With a decade of experience as a former business owner who worked in a few start-ups and is currently working as an intrapreneur, I thought of ways regulation could impede launching or scaling and conducted various searches along those veins. I found reports that mentioned the cost of regulation and the cost of categorizing gig workers as employees as impediments to innovation. There were few reports focused on impeding innovation in the gig economy, however, there were reports regarding regulation in general or in other industries impeding innovation. There were many studies regarding antitrust laws and protecting innovation by taking steps to prevent monopolies.

## **Analysis**

This section will describe how the rubric (see Appendix A) was constructed and how the categories were identified. Following will be a discussion of the process of analysis and how it relates back to the research questions. While the goal of the procedures section was to address the first research question of identifying the labour approaches, the goal of this analysis section is to address the second research question of comparing the strengths and weaknesses of the approaches from the gig worker and innovation perspectives.

To examine the approaches for how to address labour concerns in the gig economy, a rubric (see Appendix A) that outlined the concepts, demonstrated similarities and differences,

and outlined the challenges of each approach as stated by the authors of the studies was created.

The rubric evolved as the approaches were discovered. The approaches initially fell into one of the following categories: 1) unionization, 2) classify as employees, 3) new classification, 4) minimum wage, and 5) portable benefits plan. Additional approaches were added as they were discovered. For each approach, information about the author, publication, argument, and how the document was located was noted. Here is an example:

RQ: What are the labour approaches to the gig economy?								
Labour Approaches								
Author	Publication Information				Argument	Source		
Author(s)	Title	Type of Publication	Date	Number Cited	Type of Argument	Database	Location	Search Terms
Keune M Se	Deconstructing fl	Book	2014		Criticism of Flexicurity	Early		
Bedard, E	New labour legis	Online articl	2015		Eliminate all exempti	Early		
Gollmitzer,	Work Flows and F	Conference	2009		1. Revise existing leg	Early		
Harris S Kr	A Proposal for Mc	Policy Brief	2015		New worker classifica	Business Source Comple	"gig econom	
Coyle, D.	PRECARIOUS AN	National Inst	2017		The need to reshape	Business Source Comple	"gig econom	
Acevedo, D	Regulating Empl	Employee R	2016		Require platforms to	Business Source Comple	"sharing eco	
Kurin, J	A Third Way for A	Journal of B	2017		Protect platforms not	Law Journal	Google Sch "labour polic	
De U Camp	The Policy Implica	Book - Chap	2017		Putting the four cases	-	Google Sch labour AND	
Andrias, K	The New Labor L	Yale Law Jou	2016	256 downl	Unionization	-	Google Sch labour AND	
Berg J	Income Security i	Comparative	2016		Classify as employee	-	Google Sch labour AND	
Riley, J	Regulating Work	Sydney Law	2017	78 downl	Regulate the relations	-	Google Sch labour AND	
Cherry M A	Dependent Cont	American Ur	2016	301 downl	Hybrid classification	-	Google Sch labour AND	
Lobel, O	The Gig Economy	San Diego L	2016	491 downl	4 pronged approach	-	Google Sch labour AND	
Maselli I, Le	Five things we ne	Belgium Thi	2016	11,980 do	Overview of options	-	Google Sch labour AND	
Sanders, D	Worker Character	Southern La	2016		Independent Worker	-	Google Sch labour AND	
Korfer A, R	Decent crowdwo	Journal	2017		Support for labour ur	-	Google Sch labour AND	
Drahokoup	The platform eco	Research pa	2016	235 downl	Amend existing legis	-	Google Sch labour AND	
Meyer H	Inequality in the s	Opinion	2016		Broad policy changes	-	Google Sch labour AND	
Erickson, K	Regulating the Sh	Policy Review	2016		Overview of the aia d	-	Google Sch labour AND	

Figure 5. Rubric

Each document was given a relevance rating whereby the studies were analyzed for quality by taking the researcher's credentials into consideration along with checking the citation index for frequency of use of their study. Academic documents were rated more highly than

blogs and opinion pieces. The highest value was given to the dedication of the document toward the approach. If a study mentioned the approach but its thesis was not about the approach, it was not rated as highly as the reports that did. Initially I documented the method and theoretical framework for each of the studies was documented but the lack of studies that met the inclusion criteria allowed for the omission of that step. The studies were analyzed for quality by taking the researcher's credentials into consideration along with checking the citation index for frequency of use of their study.

The rubric also included the geographic location of the study, the date, and inclusion. The rubric included location to inform of the country in which the approach is being practiced or considered. The location matters because the type of government may have an impact on implementation of the approach. The date was included in the rubric to track changes and trends, "even subtle changes in a draft can reflect substantive developments in a project" (Bowen, 2009, p. 30). Finally, inclusion will be tracked to identify if the affected parties participated in the study. For example, additional insight may occur if a suggested approach to address labour issues in the gig economy included gig workers in the study.

Once the quality reports were identified, an analysis of approaches was conducted using those reports. The goal of the analysis was to identify approaches that protected both gig workers and innovation. The strengths and weaknesses of the approaches (see Appendix C) were tested against the criteria for protecting gig workers and innovation. The criteria for gig worker protection was if the approach provided minimum wage, benefits, and the ability to unionize. It was important to include all three, as one without the other two would leave the gig worker unprotected. For example, if a gig worker had employment insurance but did not earn at least a

minimum wage, they would live below the poverty line. The criterion for protecting innovation was if the approach did not deter a gig company startup from starting, growing, or sustaining. In this study, costs were the main deterrent to innovation as it could result in the start up not having enough time to prove the concept, not having enough resources to grow or be sustainable. In the example of Lyft, a rideshare company, they “lost \$127 million in the first half of 2015 on \$46.7 million in revenue” (Newcomer and Barinka, 2015, para. 1). According to court documents, “Lyft would owe its drivers \$126 million in reimbursement expenses for the last four years if the ride-hail service classified them as employees rather than independent contractor” (Hawkins, 2016, para. 3). Therefore, classifying Lyft drivers as employees would not protect innovation. The goal of the analysis was to identify approaches that protected both gig workers and innovation by meeting all of the protection criteria (see Appendix C).

The U.S.C Research Guide (2017) described two main groups of research methods in social sciences, the empirical-analytical group and the interpretative group (p. 3). The empirical-analytical group takes a similar approach used in the natural sciences and focuses on objective knowledge. The interpretive group focuses on “understanding phenomenon in a comprehensive, holistic way” (p. 3). My study aligned with the interpretive group to “make meaning” of the various approaches. This required minimizing personal biases and biases in sampling for careful interpretation.

This study used a systematic review of documents dealing with labour issues and the gig economy. To analyze the documents I followed Hansen and Trifkovic’s (2013) process for systematic review. I narrowed my focus specifically to the sub-category of textual narrative synthesis and created a rubric to give an overview of the approaches for regulating the gig

economy and to compare and contrast the approaches. I followed Hansen and Trifkovic's approach because it incorporated the rigour of traditionalists such as Cochrane and Campbell as well as unconventional approaches such as the inclusion of grey literature. I took a systematic approach to the search process and procedure ensuring to include all of the variations for the term "gig economy" while searching labour policy approaches. Once the approaches were uncovered, I conducted an additional search of each approach to look for more studies regarding that approach in order to answer **RQ1: What are the policy approaches to addressing labour concerns in the gig economy?**

I then began to eliminate reports which did not meet the criteria for a quality study, I then constructed a rubric for analysis giving an example of the approaches to identify the strengths and weaknesses of each of the approaches to answer **RQ2: What are the strengths and weaknesses of these approaches from a gig worker perspective and from an innovation perspective?**

With this information I was able to identify approaches that strike a balance for protecting gig workers while protecting innovation in the gig economy which addresses **RQ3: From a normative lens which approaches protect both workers and innovation?** The next chapter, *Findings, Analysis, and Discussion*, goes into greater detail outlining the approaches and their strengths and weaknesses for protecting both workers and innovation.

### **Findings and Discussion**

Gig workers are oftentimes left without wage protections, benefits, paid time off, protection against discrimination, guaranteed safety, and a collective voice to advocate for their own protections. Meanwhile, gig companies are concerned worker protection legislation will

impede their progress and deter start-ups. This report endeavors to identify policy approaches and analyze the strengths and weaknesses of the approaches through a normative protectionist framework as described in the *Discussion* section. As outlined in the *Methodology* chapter, this study has systematically uncovered eleven approaches to addressing labour concerns in the gig economy using textual narrative synthesis to address the first research question, **RQ1: What are the policy approaches that have been proposed for addressing labour concerns in the gig economy?** The reports were categorized in a rubric (see Appendix A) then assessed for quality to be selected for inclusion in the analysis of the strengths and weaknesses of the approaches to address the second research question, **RQ2: What are the strengths and weaknesses of these approaches from a gig worker perspective and from an innovation perspective?** To address the third research question, **RQ3: From a normative lens which approaches protect both workers and innovation?** The protectionist normative framework was applied to understand which approaches protect both gig workers and innovation in the gig economy.

The findings are organized below by category with the approaches as subheadings under the relevant category. The categories are: Laissez Faire (approaches: do nothing and consider gig workers franchisees), Amend Existing System (approaches: require a minimum wage, provide portable benefits, allow gig workers to unionize), Classification (approaches: classify gig workers as employees, create a third classification of employees, classify platform companies as employers based on function), and Holistic (approaches: require shared responsibility, implement Universal Basic Income, and flexicurity) (See Appendix B for detailed description). This chapter will explain the reasoning behind the categories, discuss the advantages and disadvantages of the

approaches for the gig worker and the platform company, followed by a discussion of the results of the analysis.

## Data Presentation

This section will identify how the categories emerged and describe the approaches to address the first research question of what approaches have been proposed for addressing labour concerns in the gig economy? The categories follow a spectrum in order of minimal change to existing policy frameworks (Laissez-faire and Amend Existing System) to approaches that recommend almost a complete overhaul (UBI and flexicurity).

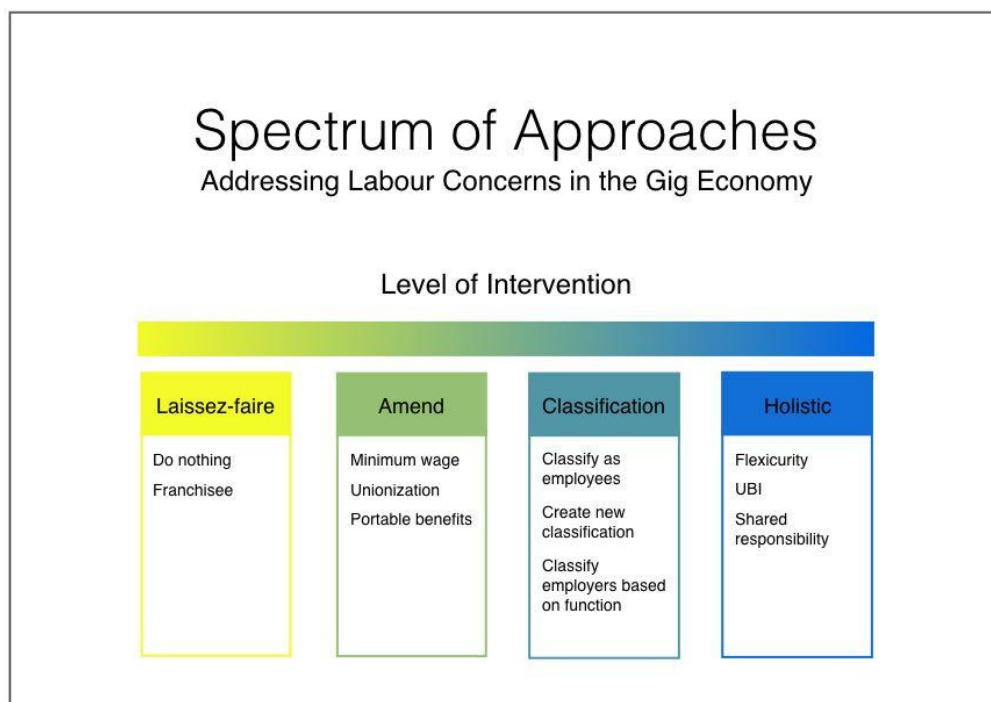


Figure 6. Approaches for addressing labour concerns in the gig economy

The analysis which covers the strengths and weaknesses of the approaches will follow in the ‘Data Analysis’ section.

When initially searching for approaches, the prominent suggestions were classifying gig workers as employees and creating a new classification worker. Investigating further into approaches minimum wage and unionization surfaced followed by portable benefits plan, define employer by function, and flexicurity. With the addition of the ‘do nothing’ approach, I decided to create categories. With eight approaches, the data was getting difficult to discuss. When looking at categorizing the approaches, similarities became apparent, combining classify as employee, new classification, and classify employers were all forms of classification. Minimum wage, unionization, and portable benefits seemed to be outliers. Ultimately they were suggestions for amending the existing system. When looking at ‘do nothing’ and flexicurity, they seemed to be on the opposite ends of the spectrum. The categories that emerged were Laissez-faire, Amend, Classification, and Holistic. Universal Basic Income and shared responsibility fit within the holistic category, and treat gig workers as franchisees fit into Laissez-faire.

The approaches address the first research question of uncovering the approaches to strike a balance with protecting gig workers and innovation. With this information, the second research question regarding the strengths and weaknesses of the approaches can be explored.

## **Data Analysis**

With the approaches identified, the groundwork has been laid to examine them from a normative lens. In this section I will go over the strengths and weaknesses of the approaches to

identify which strikes a balance with protecting both workers and innovation. I will begin by restating the current situation, explaining the reasoning behind a normative approach, outlining the procedure, and comparing the approaches through a protectionist normative framework to identify those that are mutually beneficial in protecting both gig workers and innovation.

Legislators around the world are grappling with how to address labour concerns in the gig economy. Since gig workers are neither employees nor contractors they are left without the protections of employees or the negotiating power of contractors. “Uber and other companies doing business in the ‘access economy’ see themselves not as employers, but as conduits between those who need jobs done on-demand and those who can and will do work on an ad hoc basis” (Holloway, 2016, p. 299). They further contend that workers have the freedom to gain work from multiple platforms. Platform companies are concerned regulation will be cost prohibitive. They spend millions of dollars in legal fees fighting to operate and in some cases avoid operating in locations with what they perceive has extensive regulation. This leaves citizens without access to these innovative solutions for finding work and getting work done. What is the solution? Can workers and innovation be protected through legislation?

“Normativity allows for questioning the world we experience in order to render judgement on it so that we can say what measures are not being met, what standards are being overlooked” (Pietrzyk-Reeves, 2017, p. 178). The laws created for the Industrial Era are not meeting the needs of workers obtaining jobs through these technological intermediaries. It is a modern challenge which perhaps needs a modern solution. “[N]ormative theory provides a value-based view about what the social world ought to be like or how it ought to work...[it] proposes goals and standards that should be achieved, or at least are desirable even if they cannot

be achieved at the moment” (Pietryzk-Reeves, 2017, p. 177). The challenge of striking a balance with protecting gig workers and innovation is being examined through a normative lens in this report because its chief concern is exploring what “ought to be”; what ought to be done to protect both workers and innovation? Normative theory gives room for examining what is desirable even if it cannot currently be achieved. It is based on speculation and logic.

The benefit of examining policy approaches through a normative lens is creating an environment for creative solutions to be explored. Exclusively taking an empirical approach that examines “what is” and “what can be verified” might create limitations that could stifle creativity in finding a modern solution for this modern dilemma. This is not to say a normative approach should be taken exclusive of empirical research. As Bauböck (2008) suggests “empirical research can be guided by normative theory; and normative theory can be improved by empirical research” (p. 40). This report is meant to initiate discussions around exploring balanced approaches and can be strengthened by future empirical studies.

When analyzing the approaches, the objective was to identify the strengths and weaknesses of protecting gig workers and innovation. The criteria for protections for workers included whether the approach provided a living wage, benefits, and advocates for protecting workers or a voice for workers to advocate for themselves. Innovation criteria included a the perception of the ability to start the enterprise and the perception of the ability to grow and sustain. The criteria were used to assess the strengths and weaknesses of the approach (see Appendix C for strengths and weaknesses of the approaches).

According to Morse, Swanson, and Kuzel (2001), validity “is achieved through the process of demonstrating trustworthiness...that the findings are real and that there is little to no

reason to doubt their truth” (p. 197). They further contend that reliability “implies that some research finding can be replicated or repeated” (p. 197). Boyatzis (1989) concurs “reliability is consistency of judgment that protects against or lessens the contamination of projection” (p. 146). The reliability of the assessment of the strengths and weaknesses of the approaches can be identified by the consistency of testing the protection criteria against the approaches. “Taken together, characteristics of validity, reliability, and evidence of a study...completed under conditions of rigor establish the trustworthiness of a project” (Morse et al, 2001, p. 197).

The first test was the relevance of the study. Reports that were dedicated to applying their approach to the gig economy were included in the rubric (see Appendix A). None of the approaches were analyzed with grey literature as each included academic or professional studies. Those stemming from peer reviewed or professional journals by an author with a strong reputation were included in the study. There were few studies in each approach that met all of these criteria. This process can be replicated, however, the result will likely not be identical. The disadvantage of a systematic review is that it takes place at a certain point in time. New studies are being published as the cause advances.

## **Discussion**

“Normativity allows for questioning the world we experience in order to render judgement on it so that we can say what measures are not being met, what standards are being overlooked” (Pietrzyk-Reeves, 2017, p. 178). Normative political theory allows for discussions about what “ought to be” in order to create an ideal to strive for. This ideal may or may not be

attainable but can be useful in critiquing existing norms” (p. 179). The ideal in this case is something that would protect both workers and innovation in the gig economy.

The basis for this framework in this report is advocating for both the protection of gig workers as well as organizational innovation. Developed in ancient Greece, normative political theory laid the foundation for political research. The primary normative source for this report is Pietrzyk-Reeves’ (2017) study on the need for a normative conversation. “It is argued that political philosophy can be practical, but before it becomes oriented towards practical goals, it should deal with purely deductive-fact insensitive principles” (Pietrzyk-Reeves, 2017, p. 173). Applying this lens may help identify creative approaches to a modern problem.

Hsieh and Shannon (2005) identify three approaches to qualitative content analysis. For this study the directed content analysis they described was applied. The goal of the approach is to “validate or extend conceptually a theoretical framework or theory” (Hsieh and Shannon, 2005, p. 1281). The first step was to “identify key concepts and variables as initial coding categories” (p. 1281). In this case, the key concepts are the eleven approaches. The next step was to identify the common themes and categorize them. The eleven approaches were classified into four categories ranging in levels of intervention. Once the categories were identified, the strengths and weaknesses of the approaches were analyzed to support and extend the normative theory. The test for validity was whether the approaches met the protection criteria.

Conducting a directed content analysis to analyze the approaches, the principles upon which this normative lens is based for gig workers is: how do these approaches protect gig workers’ ability to earn a living wage, possess benefits, and have an advocate or a voice to advocate for themselves? For organizational innovation it is: how do these approaches ensure

new organizational innovations have an ability to start and an ability to succeed. Success in this case is defined by scalability and sustainability in order for the benefits of innovation to be more accessible. Since labour is a multijurisdictional matter, any approach will be affected by jurisdictional consideration not to mention local history, context, and politics. The outcome of this normative study in the Canadian context was that classifying employers based on function, Universal Basic Income, and flexicurity protected both gig workers and innovation. If the data were subject to feasibility it may have resulted in a different outcome.

## FINDINGS:

### Protecting Innovation and Workers in the Gig Economy

APPROACHES	WORKERS			INNOVATION		
	Living Wage	Benefits	Voice	Ability to Start	Ability to Grow	Sustain
Laissez-faire				✓	✓	✓
Franchise				✓	✓	✓
Minimum Wage	✓					
Portable Benefits Plan		✓				
Unionization			✓			
Classify as Employee	✓	✓	✓			
New Classification	✓	✓	✓			
Classify Employer	✓	✓	✓	✓	✓	✓
Shared Regulation				✓	✓	✓
UBI	✓	✓	✓	✓	✓	✓
Flexicurity	✓	✓	✓	✓	✓	✓

Figure 7. Analysis. The findings of the data.

A surprising finding was how the approaches that required the most intervention did not

impede protecting innovation. A different assessment may have led to another outcome. If the categories were identified in a different way than being on a spectrum of least intervention to more, the results may have varied. Additionally, a normative framework constructed by another researcher may have resulted in different outcomes. My experience as an entrepreneur and a gig company likely influenced me to gravitate toward approaches that protected innovation.

A limitation of the studying the documents is that they were gathered at a single point in time. Essentially even at the time of this writing new studies will have been published. The normative lens in this study was mine alone. A mixed method approach including a survey of Canadian gig workers and innovators to identify their desired protections may have made this a more representative study.

## **Summary**

“[E]mployees agree to be economically dependent on their employers by relinquishing control over many aspects of their work lives and, in return, employers must provide workers with a degree of economic security” (Harris and Krueger, 2015, p. 7). Contractors have autonomy and can negotiate on their own behalf. Workers in the gig economy find themselves in the middle. They can be economically dependent on platforms and relinquish control but don’t have the autonomy of contractors. Lawmakers are exploring options to protect gig workers. Applying textual narrative synthesis to identifying approaches to protecting gig workers resulted in identifying eleven approaches. Directed content analysis created four categories to apply the normative lens when uncovering approaches to protect workers and innovation in the gig economy. Classifying employers based on function, UBI, and flexicurity was the outcome of this

normative approach. The following concluding section is a discussion of the findings and recommendations for the future research.

## **Conclusion**

The gig economy has emerged from a culmination of technological advances such as the proliferation of mobile devices, social media, and increased computing power and know how which has reduced the transaction costs of connecting service seekers with gig workers. There are benefits for gig workers, service seekers, and arguably society at large: workers have the potential to create work-life balance with control over their time while earning a living; service seekers can quickly source talent with the right skills to get work done when they need it; and society benefits by having a flexible workforce with up-skilling opportunities. With the many benefits to various stakeholders, the gig economy is worth protecting as well.

The challenge lies in the classification of gig workers who are neither employees nor contractors and are therefore left without basic labour protections. Policy approaches to address these issues are underway. Should policymakers be asking, what are the policy approaches that have been proposed for addressing labour concerns in the gig economy? This will be discussed in the summary of findings section, as well as, the strengths and weaknesses of each approach from a gig worker perspective and an innovation perspective. From a normative lens which approaches protect both workers and innovation? This section will cover contributions to the field and provide recommendations for future research, but first a summary of findings.

## **Summary of Findings**

An examination of the literature highlighted the need for public policy to offer gig workers basic protections such as guaranteeing a minimum wage, benefits, and a voice for advocacy. The main approaches being debated were classify gig workers as employees or create a third category. Widening the lens asked for an examination of available approaches beyond the two. An analysis of the studies unearthed that in the Canadian landscape there are a few solutions that can be incorporated to achieve protecting gig workers and innovation: classifying the employer based on function, universal basic income and flexicurity which addresses the third research questions of which approaches protect both workers and innovation in the gig economy.

### **Contributions to the field**

Armed with the available approaches, policymakers can work with innovators to discover approaches that benefit all stakeholders. If dialogue around protecting platform workers continues to increase, this paper can be used as a starting point for discussions. It can also be used to inform the design of ATB's platform as well as others.

Future research can examine feasibility, which was not addressed in this study, of approaches in Canada. Albert (2016), conducted a CAM analysis to analyze the feasibility of four approaches: unionization, classify gig workers as employees, portable benefits, and create a new classification of worker, the "dependent contractor". Albert found portable benefits and the new classification to be a feasible policy alternative in the U.S.

### **Future Direction**

One of the drawbacks of conducting contextual narrative synthesis is that the documents are from a certain point in time. Future research with new findings may emerge. The common practice of classifying gig works as employees to creating a new classification has been studied in depth. Future research can employ other methods to identify additional approaches.

## **Conclusion**

The challenge of the emerging gig economy is that gig workers are neither employees nor contractors, leaving them without benefits and protections. This study has addressed the research questions by identifying the policy approaches for addressing these concerns, comparing the strengths and weaknesses of each approach through a normative lens of protecting both gig workers and innovation in the gig economy. Eleven approaches were identified and sorted across four categories: Classifying employer by function, UBI, and flexicurity were determined to protect both workers and innovation.

A mixed methods approach to identify the Canadian normative lens may have resulted in a different normative framework. Conducting primary research with sources of literature using gig workers and innovators as participants may have resulted in a different outcome. In light of this normative study, organizations will be informed on how to consider protecting gig workers and innovation. For example, ATB Gigs will have a minimum living wage of \$20/hour. We are exploring future options to provide opt in benefits and savings plans.

Studies comparing approaches tend to compare classifying gig workers as employees with creating a new classification. Researchers can use this study as a starting point to compare other approaches. Policymakers can also use this study to widen the lens on examining approaches for addressing labour concerns in the gig economy as well as protecting innovation.

While it is a fact that technology is replacing jobs, technology is also creating them and transforming the way we work.

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## Appendix A

Concrete detail about search procedure, keywords, results of the search

Started with searching key terms from the research question such as “policy” and “gig economy” in the library databases specifically looking for articles that mentioned an approach. Moved the search to Google Scholar which had more results. Skimmed over 800 documents looking for approaches.

Location (Database, Google Scholar, etc)	Terms	Total number of sources	Total number of relevant sources
Business Source Complete	"gig economy" AND policy AND labour	4	2
EconLit	"gig economy" AND policy AND labour	0	0
Nexis	"gig economy" AND policy AND labour	0	0
PAIS International	"gig economy" AND policy AND labour	0	0
ProQuest Business Collection	"gig economy" AND policy AND labour	0	0
ProQuest Dissertations	"gig economy" AND policy AND labour	0	0
Business Source Complete	"sharing economy" AND policy AND labour	9	1
EconLit	"sharing economy" AND labour AND policy	0	0
Nexis	"sharing economy" AND labour AND policy	0	0
PAIS International	"sharing economy" AND labour AND policy	0	0
ProQuest Business Collection	"sharing economy" AND labour AND policy	0	0
ProQuest Dissertations	"sharing economy" AND labour AND policy	0	0
Google Scholar	"labour policy" AND "gig economy"	522	23
Google Scholar	"labour law" AND "platform workers"	23	2
Library search	labour AND policy AND "gig economy"	64	2
Google Scholar	"government initiatives" AND "gig economy"	10	0
Google Scholar	"policy recommendations" AND "gig economy"	63	0
Google Scholar	"policy approaches" AND "gig economy"	13	0
Google Scholar	"policy approaches" AND "gig platform"	27	0
Google	labour law for the "gig economy"	648,000	

RQ: What are the labour approaches to the gig economy?

### Labour Approaches

Author	Publication Information				Argument	Source		
Author(s)	Title	Type of Publication	Date	Number Cited	Type of Argument	Database	Location	Search Terms
Keune M Se	Deconstructing fl	Book	2014		Criticism of Flexicurity	Early		
Bedard, E	New labour legis	Online article	2015		Eliminate all exempti	Early		
Gollmitzer,	Work Flows and F	Conference	2009		1. Revise existing legi	Early		
Harris S Kru	A Proposal for Mc	Policy Brief	2015		New worker classifica	Business Source Comple	"gig econom	
Coyle, D.	PRECARIOUS AN	National Inst	2017		The need to reshape	Business Source Comple	"gig econom	
Acevedo, D	Regulating Empl	Employee Ri	2016		Require platforms to	Business Source Comple	"sharing eco	
Kurin, J	A Third Way for A	Journal of B	2017		Protect platforms not	Law Journal	Google Sch	"labour polic
De U Camp	The Policy Implica	Book - Chap	2017		Putting the four cases	-	Google Sch	labour AND
Andrias, K	The New Labor L	Yale Law Jou	2016	256 downl	Unionization	-	Google Sch	labour AND
Berg J	Income Security i	Comparative	2016		Classify as employee	-	Google Sch	labour AND
Riley, J	Regulating Work	Sydney Law	2017	78 downlo	Regulate the relations	-	Google Sch	labour AND
Cherry M A	Dependent Cont	American Ur	2016	301 downl	Hybrid classification	-	Google Sch	labour AND
Lobel, O	The Gig Economy	San Diego L	2016	491 downl	4 pronged approach	-	Google Sch	labour AND
Maselli I, Le	Five things we ne	Belgium Thi	2016	11,980 do	Overview of options	-	Google Sch	labour AND
Sanders, D	Worker Character	Southern La	2016		Independent Worker	-	Google Sch	labour AND
Korfer A, R	Decent crowdwo	Journal	2017		Support for labour ur	-	Google Sch	labour AND
Drahokoup	The platform eco	Research pa	2016	235 downl	Amend existing legis	-	Google Sch	labour AND
Meyer H	Inequality in the s	Opinion	2016		Broad policy changes	-	Google Sch	labour AND
Erickson, K	Regulating the Sh	Policy Review	2016		Overview of the aia d	-	Google Sch	labour AND

RQ: What are the labour approaches to the gig economy?								
Labour Approaches								
Author	Publication Information				Argument	Source		
Author(s)	Title	Type of Publication	Date	Number Cited	Type of Argument	Database	Location	Search Terms
Freedland, Zou, M	Some Reflections The Regulatory C	Industrial La International	2017		Labour Law	-	Google Sch	labour AND
Carboni, M	A New Class of W	Richmond Jo	2016	65 downlo	Include for protection	-	Google Sch	labour AND
Arthur, D	Basic income: a r	Parliament o	2016		New classification	-	Google Sch	labour AND
Prassl J, Ris	The Legal Protect	Book	2017	2 citations	Universal Basic Incom	-	Google Sch	labour AND
Munkøe M	Regulating the Eu	European Ed	2017	1 citation	Four Approaches	-	Google Sch	labour AND
Howard J	Nonstandard Wo	Research pa	2016	5 citations	Classification and twe	-	Google Sch	labour AND
Wilkinson A	Using strategic fo	European Jo	2016		Classification and twe	-	Google Sch	labour AND
Rogers B	Employment Righ	Harvard Law	2016	22 citation	Multifaceted approac	-	Google Sch	labour AND
Todoḷi ḷ-Sig	The 'gig econom	Research pa	2017	1 citation	Platform workers are	-	Google Sch	labour AND
Grosheide	MINIMUM FEES F	Columbia Jo	2015	1 citation	New classification	-	Google Sch	labour AND
Donini A, F	Towards collectiv	Article	2017		Wage regulation	-	Google Sch	"labour law"
ETUI-ETUC	Shaping the new	Conference	2016		Extend existing and c	-	Google Sch	"labour law"
William Alb	HOW GOVERN	Master stude	2016		Many: Adapt existing	-	Google Sch	"labour law"
De Stefano	The Rise of the J	Geneva Inte	2015	79 citation	Unionization, expand	-	Google Sch	"policy recor
ITIF (Inform	Three Paths to Up	Conference	2016		Include gig workers a	-	Library sear	labour AND
Warner, M	Sen. Mark Warner	Senatorial Pr	2015		New worker classifica	-	Library sear	labour AND
Kang, C	Washington Post:	Senatorial Pr	2015		"hour bank" benefits,	-	Google	Sen Mark Wa
Warner, M	Senator Warner C	Senatorial Pr	2015		"hour bank" benefits,	-	Google	Sen Mark Wa
Warner, M	Legislation to Tes	Senatorial Pr	2017		Amend existing	-	Google	Sen Mark Wa
Clark, C	Senator Urges La	Research pa	2017		Portable benefit plan	-	Google	Sen Mark Wa
O'Toole P	Pay Close Attenti	Journal	2015		Links to US Sen Mark	-	Library sear	labour AND
Dagnino E	Labour and Labo	Research pa	2016		Worker classification	-	Library sear	labour AND
					a) untie connection to	-	Google	labour law fo

RQ: What are the labour approaches to the gig economy?								
Labour Approaches								
Author	Publication Information				Argument	Source		
Author(s)	Title	Type of Publication	Date	Number Cited	Type of Argument	Database	Location	Search Terms
Schiller B	Obama's Chief La	Fast Comp	2017		Portable benefit plan	-	Google	labour law fo
Stangler C	Uber, But for Ben	Newsweekly	2017		Portable benefit plan	-	Google	labour law fo
Prassl J	Work in the Gig E	Oxford blog	2016		Functional concept o	-	Google	labour law fo
Azihari F	Will Europe's Lab	Research pa	2016		Classify as employee	-	Google	labour law fo
Balaram B,	Good Gigs: A fair	Government	2017		Collaboration with go	-	Google	labour law fo
Hempel J	Gig economy wo	Wired	2016		Reclassify as employe	-	Google	labour law fo
Ornstein D,	UK Employment	International	2017		Classify as employee	-	Google	labour law fo
Stern S	We have the laws	The Guardia	2017		Enforce existing laws	-	Google	labour law fo
Kennedy J	Labor Law and th	Research pa	2016		Modernize laws, tem	-	Google	labour law fo
Prassl J, Ris	Uber, Taskrabb	Research pa	2016	30 citation	Classify employer	-	Google	labour law fo
Groff AL, C	Platforms Like Ub	Computer L	2015	2 citations	Counter arguments -	-	Google Sch	classify "gig
Philbeck TD	Can We Build a R	Book: Surv	2017		Multiple: "One prop	-	Google Sch	"flexicurity" A



## Appendix B

### Eleven approaches

#### **Laissez Faire**

Supporters of this approach argue that intervention is not needed. Holloway (2016), a Wake Forest law school student, is concerned that a vocal minority could put innovation that benefits many at risk. This paper proposes that given some guidance, “market solutions...may develop freely if allowed” (p. 327). He suggests gig platform companies take action in order to preserve the independent contractor designation of their workers. These suggestions include clarity in communication, tools to improve the workers chances of success, encourage collaboration across gig platform companies, allow gig workers to set their own rates, allow subcontracting, create portable reputations, and engage constructively with gig workers’ unions (Holloway, 2016). By empowering workers, they have fewer reasons to file complaints and more autonomy over their working lives.

***Amend existing system.*** This category encompasses the case for introducing minimum wage, portable benefits, and unionization for gig workers.

***Minimum wage.*** Grosheide and Barenberg’s (2015) work covers four potential remedies for addressing minimum wage in what they coin as “U-turns” - laws that “swerve around the social harms of Uber-ization (converting employees to contractors) while maintaining its social benefits (flexibility)” (p. 193). The first three are based on the Court of Justice of the European Union’s existing precedents to decide who determines minimum rates. Taking a normative approach, the

fourth is their proposed ideal. The first U-turn grants self-employed (gig economy workers included) associations power to unilaterally establish the minimum rate. The second U-turn allows collective bargaining agreements to state minimum fees. The third is a direct mandate of minimum wages by the government. The fourth is what the authors believe to be the most “compelling” and “transformative”. It draws on the United States Supreme Court’s notion of “labor groups” – “combinations of employee associations and self-employed ‘labor groups’ to set minimum fees unilaterally or bilaterally” (p. 194). The authors believe this approach, the “fourth U-turn” is best because negotiation does not happen exclusively in the interest of the self-employed or exclusively in the interest of employees, but in the interests of both self-employed and employees.

***Portable benefits plan.*** Essentially a portable benefits plan is a plan that covers workers regardless of their employer or job. In the Aspen Institute Future of Work Initiative’s *Portable Benefits in the 21<sup>st</sup> Century*, authors Rolf, Clark, and Watterson (2016), examined historical models and then proposed a solution they felt could meet today’s needs by leveraging today’s technology. They examined multi-employer plans, the Black Car Fund (workers compensation benefits for Black Car taxi drivers), the Ghent System (unemployment benefits held by the trade union), group insurance, and Securechoice Retirement Plans (state sponsored retirement saving plan), and concluded that none of these existing models alone provided the perfect solution, but parts of each of them might. They proposed a benefits solution with three core tenets: 1) Portability – benefits stay with the worker regardless of the company or companies they are affiliated with. 2) Pro-rated – companies pay a fixed rate depending on volume of work or

income into a benefits program for the worker. 3) Universal – benefits cover any type of worker but is primarily focused on those who do not have affordable coverage. They recommend a base coverage of workers compensation, health insurance, and retirement plans, and potentially enhanced plans for optional insurances (dental, vision, etc.), paid vacation and sick leave, upskilling, and even something like an income-smoothing tool (p. 4). Gig workers, service seekers, and/or the gig companies could pay into the base coverage.

***Unionization.*** Gig workers face challenges when trying to organize with traditional employee-employer unionization methods. They are oftentimes spread out geographically and their level of engagement with the platform varies. Some are able to connect through social media but are unlikely to successfully engage in collective bargaining. The Fight for \$15 is a grassroots organization advocating for a livable wage. Their campaign director, Scott Courtney, suggests a different approach, “envision[s] a giant, nationwide organization of (all) low-wage workers” (Andrias, 2016, p. 83). In other words, the solution is not unique to gig workers. Andrias (2016) suggests all workers should have the right to collectively bargain and should do so for their sector.

## **Classification**

The suggested approaches for classification are: classify gig workers as employees, create a third classification of “dependent” contractor, and classify gig companies as employers based on function. Concerns over gig workers taking on the bulk of expenses and risks without benefits and protections have resulted in a movement for classifying gig workers as employees. In many

instances the discussion of classification revolves around how to classify a worker, and whether they are an employee or a contractor. The challenge with this approach is a gig worker typically does not fall into either category. They are not considered an employee since they are not working full-time hours for one employer. It's challenging to classify them as a contractor since gig workers typically do not have the ability to negotiate their compensation and terms of service on their own behalf and are unable to carry their coveted and hard earned rating with them if the platform company decides to ban them from the site. There is also the added complexity of gig workers essentially working for two “employers”, the platform provider and the person requesting and paying for the service. The platform provider in some regard acts as an employer by placing restrictions on the way gig workers work.

*Classify gig workers as employees.* Aloisi (2016) describes these platforms as a “commoditization of work” and contends, “we are facing a digital version of Taylorism, i.e., the efficient exploitation (and expropriation) of work at the detriment of security, education, and skill development of workers” (p. 658). For example, where opponents of employee classification argue that workers enjoy the flexibility to choose when they work, employee classification supporters disagree and argue that gig workers have to work more hours in order to earn the same wages. They oftentimes feel the need to be available around the clock to service the needs in this “on-demand” economy. Supporters argue that because platform companies control wages, offload expenses to workers, and use “click to accept” agreements which restrict the workers’ ability to negotiate, gig workers should be considered employees.

***Create a third classification of "dependent" contractors.*** Supporters of this approach disagree with classifying gig workers as employees. They feel a third category should be created, the “dependent” contractor.

If workers meet the following criteria they would be classified as a “dependent” contractor (Hass, 2016):

1. Possess at least some material and/or infrastructure necessary for the conduct of the activity, independent of the employer’s material and/or infrastructure;
2. Work subject to at least some of their own criteria, subject to organizational, technical and procedural criteria that the employer provides, such as business production cycles, scheduling and other employer or end-client requirements;
3. Perform the activity autonomously, that is without being subject to the close supervision of the employer and regardless of the time needed to carry out the task;
4. Receive remuneration based on the quantity and quality of the work performed.

“Under a dependent contractor classification, regulators and courts can more easily distinguish among the three classifications, using them to decide and explicitly state which groups of people should be covered by each regulation” (Hass, 2015, para 4).

***Classify gig companies as employers based on function.*** Classifying workers as employees or creating a third category, as mentioned above, are common approaches. A rarely examined approach is defining what it means to be an employer. Typically legislation will state an employer is one who employs an employee, then continue to define what it means to be an

employee. As has been illustrated, there are challenges with applying the definition of employee to gig workers. Prassl and Risak (2016) argue that to classify an employer, instead, enables policymakers to provide protections for workers of platforms that act as an employer.

5 Functions of an employer (Prassl and Risak, 2016):

1. Inception and termination of the employment relationship
2. Receiving labour and its fruits
3. Providing work and pay
4. Managing the enterprise-internal market
5. Managing the enterprise-external market

They contend that this model allows the flexibility to address modern situations in a variety of contexts. Workers can have protections regardless of the number of employers they work for or the number of hours worked. In the Discussion section of this paper I will apply this model to a gig platform to illustrate.

## **Holistic**

A holistic approach is one that has the ability to reach beyond gig workers. This category encompasses: shared responsibility, Universal Basic Income, and flexicurity.

***Shared responsibility.*** The Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA) drafted a proposal for a collaborative approach to protecting workers and innovation in the gig economy, one in which the responsibility of protecting workers is shared between gig platform companies and the government. They recommend collaboration around

creating a unified vision in the form of the ‘Charter for Good Work in the Gig Economy’, developing a wider infrastructure and encouraging sustainable business models (Balaram, Warden, and Wallace-Stephens, 2017). Balaram et al, breaks these down by suggesting services for educating gig workers on employment rights and how to become financially savvy, by ensuring a fair appeals process, by collaborating with platforms to provide training and development opportunities, by supporting growth by investing in innovation research and development and nurturing platforms that embed a social purpose into their mission, and by modernizing the Competition Act (p. 8).

***Universal basic income.*** Universal basic income (UBI) is a payment to all individuals regardless of employment status to help meet basic needs. The key features of UBI are that it’s universal, unconditional, and adequate (Arthur, 2016). It is *universal* because it is paid at the same rate to all individuals regardless of employment status, income, or owned assets. It is *unconditional* because behavioural conditions such as actively searching for work, participating in drug tests, etc. are not conditions of receiving the benefit. It is *adequate* meaning a person could theoretically have their basic needs met without any additional income. UBI is not a new idea. It has come to the forefront of policy discussions due to fears of technological advancements replacing jobs, rising inequality, the rise of the gig economy, and the political threat to free trade (Arthur, 2016).

***Flexicurity.*** The term ‘flexicurity’ is made up of the combination of the terms ‘flexibility’ and ‘security’. It is a model where citizens can move flexibly from one job to another because of

supports offered by the government. The Danish flexicurity model “promotes adaptability of employees and enterprises” (<http://denmark.dk/en/society/welfare/flexicurity>) by “[enhancing] the flexibility of labour markets, work organization and labour relations on the one hand, and to enhance security - notably for weaker groups in and outside the labour market, on the other hand” (Withagen and Tros, 2004, p. 169). The focus is more on creating security around employment versus focusing on an individual’s responsibility to create security around the job. Provisions are made for by the government for re-training and up-skilling, social security income, and active labour market policies (assisting the unemployed with finding work). Employers also offer flexible contracts that make it easier to hire and let go of workers. With flexicurity there is fluidity with workers migrating between organizations with flexible and atypical work time arrangements without the worry of its impact on job security and advancement as well as a provision for extensive unemployment benefits (Sultana, 2013, p. 147).

## Appendix C

### Strengths and Weaknesses of the Approaches When Viewed Through a Normative Lens

#### Laissez Faire

The Laissez Faire approaches have the least focus on overt protection of gig workers. This approach gives platform companies the most autonomy and flexibility when it comes to protecting innovation, but it can come at the cost of protecting gig workers. The platform companies are only incentivized to take the initiative to provide protections if it would make them more competitive in the landscape with other platforms. Because provisions come at a cost, there is little incentive to do so. It would take pressure from users to implement these protections. Supporters of this category believe if protections are important to workers then a competitor can come in and build a platform with protection which will lead workers to leave the platforms without protections, especially if there is a low barrier to entry. There are examples of gig platform companies offering the benefits to differentiate themselves, such as TaskRabbit who gives their workers access to discounted health insurance. In addition, Lyft has a partnership with Freelancers Union which empowers its drivers to negotiate for better benefits plans.

Supporters of the Laissez Faire approach tend to view gig workers as micro-preneurs, someone in control of their own destiny who, if they work hard enough, will succeed. They tend not to address the gig workers who are not there by choice but are only completing gigs to pay the bills in between full-time employment. However, this is not borne out in the data, according to a McKenzie (2016) report of respondents from the U.S. and EU, 14% (23 million) earn their primary income from the gig economy out of necessity, and 16% (26 million) earn supplemental

income out of necessity (p. v). Although Holloway's (2016) report falls under the Laissez-faire approach, he does suggest ways to support workers such as making provisions for their reputations to be portable and supporting unionization.

Another concern with the Laissez-faire approach and with the gig economy in general, is that employers could turn to these platforms to replace costly existing employees with gig workers, especially the most vulnerable lower skilled worker. These gig workers may not have the resources to afford the protections they once had as an employee. From a normative perspective of trying to strike a balance, the 'do nothing' approach does little to protect gig workers.

The other approach under this category was one that suggested classifying gig workers as franchisees. In the classic sense, franchisors have many controls when it comes to branding, processes, and pricing. Franchisees will pay a fee which can range from a few thousand to over a million dollars. In exchange they are buying a proven business model which reduces the risk associated with pure entrepreneurship. The weakness of this approach when applied to gig workers is franchisees have an opportunity to capitalize on the upside and create profit through utilizing more human capital. However, gig workers can only work so many hours and do not have many opportunities for creating an upside. They will still be left without basic protections. Kurin's (2017) report suggests franchising as a solution so that "gig companies as franchisors would be able to maintain the necessary control over their brand without having to provide the same compensatory benefits to franchisees as they otherwise would for employees" (p. 197). She concludes her study with a section dedicated to explaining how "employing the franchise business model may better serve gig companies" (p. 197). From a normative perspective of

striking a balance, this approach and the Laissez-faire category as a whole falls short in providing protections for gig workers.

### ***Amend Existing System***

***Minimum wage.*** This is a plausible approach, but it's not without complexity. Legislators can implement a minimum wage and allow portable benefits and gig workers to unionize. In Grosheide and Barenberg's (2015) study, the only result from the search which focused exclusively on minimum wage, turning to examples in Europe and North America, they examined four approaches to implementing minimum wage in the "Uber-ized" economy as they called it (mentioned in detail above under the Categories subsection of Findings). Regardless, the challenge arises when trying to determine a minimum wage for global platforms, in addition, each State in the U.S. and each Province in Canada sets their own minimum wage. The gig economy is starting to reach a level of maturity, but making minimum wage a requirement for all platforms could be a deterrent for new entrepreneurs in this space as implementing a system which would address all of the different minimum wage requirements would likely come at a high cost. Implementing minimum wage alone still would not offer enough protections for some gig workers because any extra income received would offset the unemployment benefits they may be currently receiving. Therefore, this approach falls short of striking a balance with protecting both gig workers and innovation.

***Portable benefits.*** Portable benefits can be a way to ensure a base level of workers

compensation, insurance, retirement, and paid time off. From a normative perspective portable benefits for all workers regardless of employment or contractor status would offer workers some protections. The cost is often transferred to the end user but if this universal there is no competitive disadvantage to implement. Furthermore, if portable benefits are in place for workers, it becomes easier for them to leave their current job and become more entrepreneurial because they still have a safety net with regard to their insurance coverage. However, a portable benefits plan doesn't address minimum wage and unionization concerns.

***Unionization.*** If gig workers could organize, they would be able to negotiate things like group rates for insurance and benefits. The challenge with unionization is gig workers are dispersed geographically and with variable working hours and working conditions, making it difficult for them to organize. The various business models and multitude of platforms with varying degrees of control also impedes effective unionization. In general, unionization is on the decline, “[w]hile they once bargained for more than a third of American workers, unions now represent only about a tenth of the labor market and even less of the private sector” (Andrias, 2016, p. 5). From a normative lens unionization could address many of the challenges, but it would take time and a great deal of effort to ensure its success. Not only would unions need to advocate for minimum wage and benefits, they would need to address workplace safety and protections against discrimination. Getting workers the protections they need through unionization would likely be a long and arduous process.

Advocating for minimum wage, portable benefits, and unionization independently would likely not be enough to provide all of the protections needed. It's also not a simple matter to

package all three given the differences between platforms and the variety of jurisdictions.

Implementing these approaches would be a start toward offering protections, but how would gig workers be guaranteed these protections without either being classified as employees or having a third classification created? They would still be open to be interpreted as independent contractors.

### ***Classification***

***Classifying gig workers as employees.*** Classifying gig workers as employees would certainly provide protections to gig workers, however, in some cases it presents challenges to innovation. There are many different business models within the gig economy. Determining the litmus test for which should treat their workers as employees is another issue altogether. What about those who are paid per deliverable or those who offer professional services on a project by project basis? Challenges also occur with casual workers. Additionally, scaling could prove challenging for new platforms paying the high costs associated with making workers employees. However, having said this, there are companies such as Honour, a senior care start-up, and Hello Alfred, a home management start-up who classify their workers as employees. CEO of Hello Alfred, Marcela Sapone, acknowledges that labour costs are 30% higher as a result but feels the investment is worthwhile (Taylor, 2017).

Rogers (2016) suggests going “back to basics” and uses Uber as a case study for classifying gig workers as employees. With Uber, there certainly is a case to be made. They control certain aspects of work such as requiring cars to be newer, wages, determine how work is to be done, and they have the power to terminate the relationship with the worker. Rogers (2016)

further argues the big picture by declaring, “(b)asic employment duties...prohibit excessive concentrations of wealth or power, encouraging a more egalitarian and democratic political economy” (p. 483). He does, however, make the counterargument to classifying gig workers as employees. He discusses costs being passed down to customers and that excessive expenses could hinder the growth of the company right when they are trying to prove their business model. He further acknowledges that the “companies’ core innovations lie in exploiting network effects among their riders and drivers...and may not gain the critical mass needed to fully exploit those network effects and build an optimally efficient market” (p. 508). His sympathy for Uber stops there. He suggests if classifying drivers as employees leads to Uber’s extinction that the technology is still there for other companies to utilize. In the case of Uber it may make sense to classify drivers as employees, however, there is a case to be made that the costs for other platforms especially new offerings could deter innovation. From a normative perspective classifying gig workers as employees may not be the best solution to strike a balance with protecting gig workers and innovation.

Carboni (2016), believes “to choose workers over the business (classify as employees) is to stifle technological advancement and an evolving economy” (p. 10-11). The crux of this argument is the cost to provide benefits, which are typically reserved for full time employees to gig workers who may only work the odd weekend.

***Create a third category.*** Supporters of a third category purport flexibility in provisions which could meet both worker and platform company needs. It could provide benefits for gig workers

by allowing them to come together to collectively bargain for minimum wage and benefits and to pool together to reduce insurance premiums. The dependent contractor could receive protections against discriminatory practices. Platform companies could implement administer tax withholding to reduce the administrative burden of workers. However, the proposed solution by Carboni (2016) is rather complicated and arguably not scalable. Carboni suggests a default to employee classification and opting into the third category if both parties choose. The benefit of these platforms is the on-demand aspect afforded because of the simplicity of the click-wrap agreements. Negotiating the details of each contract is not scalable. In actuality, providing a third category is a way for platform companies to feel like they have options. Carboni even acknowledges that “[t]he written evidence requirement does put an added burden on the parties, mainly the employer, wishing to create such a relationship” (p. 47).

Creating a third classification of employees is challenging with so many different models within the gig economy. What about those who are paid per deliverable? Supporters of classifying gig workers as employees believe creating a third category of worker is not enough to ensure they still do not get mistakenly classified as independent contractors as there are already issues with misclassification. Adding a third classification could further muddy the waters (Carboni, 2016. P. 30).

Supporters of the third category admittedly support a default to employee status with employers and platform companies carrying the burden of proving a worker is an independent contractor (Harris and Krueger, 2015, p. 25). Harris and Krueger (2015) recommend extending the rights granted to this third category to independent workers as well (p. 22). The sentiment of California Judge Vince Chhabria is that employment does not need to be redefined instead “we

just need to enforce the existing regulations ‘aggressively’ and ‘adapt them where and as needed’” (Aloisi, 2016, p. 686). As mentioned above with costs being passed on to customers, Harris and Krueger (2015) contend that creating a third category and requiring platform companies to provide benefits and protections to workers could cause the costs of such to be shifted to workers (p. 25). From a normative lens, creating a third category of worker could strike a balance, but the complexities involved in ensuring the protection of both gig workers and innovation are not straightforward.

***Classify employers based on function.*** In many of the studies (Cherry and Aloisi, 2016; Holloway, 2016; Lobel, 2016; Prassl & Risak, 2016; Rogers, 2016), regardless of approach or category, this quote by Judge Chhabria, presiding over a classification case against Lyft, a rideshare company, is mentioned either in part or in whole: that the jury will be “handed a square peg and asked to choose between two round holes. The test the California courts have developed over the 20th Century for classifying workers isn't very helpful in addressing this 21st Century problem" (Prassl and Risak, 2016, p. 2). This analogy represents the challenge of determining the status of gig workers. Prassl and Risak (2016) agree and constructed another approach, classifying employers based on function. “(B)y adopting a functional concept of the employer, we suggest, the courts might be able to sidestep the current impasse, and allocate rights and responsibilities in a flexible, yet coherent manner” (p.2). This approach eliminates the challenge of classification for the different types of gig economy platforms. Platform companies can be put to the test.

This approach allows platform companies to choose to relinquish some of the controls to workers in exchange for avoiding the costs associated with classifying workers as employees. In the case of Uber, they will have the option to allow workers to drive older cars for example, or allow drivers to maintain their ratings outside of Uber's platform in order to avoid classifying drivers as employees. If Uber decides those controls are necessary to operate profitably, they can decide to maintain the controls and give their drivers employee status. From a normative lens, this approach strikes a balance between protecting gig workers and innovation.

### **Holistic**

***Shared responsibility.*** The shared responsibility proposed by Balaram et al (2017) is interesting and would be helpful for not only gig workers and innovation, but the community as well. The authors criticize classification stating that “[t]he law cannot guarantee gig workers more power over decisions that affect them or a larger share of the value they created” (Balaram et al, 2017, p. 3). They contend the outdated concept of employment should not be viewed as providing a secure foundation, instead good work is a right all should be privy to. Their general approach moves away from a “heavy-handed” or “light-touch” approach to regulation, and instead focuses on collaboration. They suggest a provision for services that can help gig workers succeed not only on platforms but in life. Its collaborative approach can ensure all sides are heard, and its provision for investment in innovation can help new start-ups as well as potentially advance society. Although the shared responsibility approach supports gig workers in many ways, the weaknesses of this approach lies in not providing for wage protection, protection against discrimination, safe working conditions, and benefits. Although there are provisions for investing

in innovation, this approach alone does not strike a balance since workers are not granted full protections.

***Universal basic income.*** Universal basic income (UBI) has been gaining support in recent years from the fear of artificial intelligence replacing jobs, the rise of precarious work, as well as increasing income disparity. When viewing UBI from a normative lens to strike a balance, it is an approach that has merit. UBI enables gig workers to smooth out their income which can be sporadic. People looking to balance their work schedules with their life demands may be more likely to do so if their basic needs can be met. More people engaging in freelance work through platforms would also be a benefit to gig economy companies. Making it universal takes the stigma out of it, and also when basic needs are covered people have more free time and are more inclined to innovate. Think having to do a low skill jobs just to cover your expenses takes up a lot of time and energy.

The downsides to UBI doesn't necessarily pertain to gig workers or innovation. Implementation would be a challenge as major policy reform would be needed to implement it. Others feel getting it approved would be a challenge. For example, it is controversial in the U.S. as it does not sit well with ardent capitalists when UBI is proposed as the "capitalist road to communism" (Arthur, 2016, p. 10). Thus, a current barrier to implementing UBI in the U.S. is gaining enough support for adoption. However, a surprising finding was that libertarians are supporters of UBI. Scholars like Matt Zwolinski recommend governments deal with poverty through UBI instead of intervening in the markets through instruments like mandatory minimum

wage (Arthur, 2016). Because this study is taking a normative approach which does not seek feasibility, implementation is not a concern.

***Flexicurity.*** Flexicurity is supportive of workers because it not only offers income support for the unemployed, but “transforms transition periods into opportunities for upskilling and re-skilling” (Sultana, 2013, p. 149). Re-skilling is important with rapid technological advances. Gig economy platforms can create opportunities for workers to gain experience with their newly acquired skills. The transition from unemployment to full-time employment can be a big step. By taking on tasks and avoiding pure unemployment workers can keep active in the market and take smaller steps toward more permanent work. Philbeck (2017) remarks that workers are incentivised to stay with their employer because “switching costs’ are prohibitive” (para. 28). Those relying on their income cannot afford to do without wages, and those with benefits are too invested to leave. These “steps” can also help those looking to transition.

Platforms benefit from flexicurity as the market also expands because gig platforms “incentivise older workers and parents to remain active in the labour market” (Sultana, 2013, p. 149). This demographic currently has the option of full-time work which includes benefits, or work part-time without benefits. Flexicurity enables flexible work that provides benefits. This would be a strength for platforms if the volume of transactions increased due to an increase in this demographic of workers.