

**Fourth Study Commission  
Public and Social Law**

**Questionnaire 2024**

**Digital Revolution Impact on the Labour Market: Platform or Gig  
Economy and Artificial Intelligence**

1. Provide a brief description of the presence of the “gig” or “platform” economy in your country. If possible, base your answer on official public data or academic reports, although we recognise that in some cases data may not be available.

Presently, analysis of persons working in the United Kingdom’s gig economy varies significantly as to size. Variance flows from the gig economy being an amorphous creature, one without a clearly defined shape or form. There is no universally agreed definition of the term, though it is usually taken to refer to the provision of labour via digital platforms that facilitate the exchange of labour for money by matching providers and customers, on a short-term and payment by task basis.

In September 2023, the Chartered Institute of Personnel and Development (CIPD) estimated the United Kingdom gig economy at just under half a million people, amounting to approximately 1.4% of the total workforce. By contrast, the Trades Union Congress identified by a 2021 study that 14.7% of workers in England and Wales, or 4.4 million people, work for gig economy platforms at least once a week.

The gig economy in the United Kingdom is diverse. The CIPD identified nearly a quarter of a million people undertaking desk-based services, such as web development, and around 100,000 people working in delivery services.

2. How does this development affect the traditional employee/employer relationship? What is the status of platform or gig workers in your country: employees, independent contractors or a third category? Is there any jurisprudential divergence regarding the status of these workers? Cite relevant examples.

Employment law is devolved in Northern Ireland and is a matter for the Northern Ireland Assembly, unlike in the other devolved regions of the United Kingdom, where employment law is common to England, Scotland and Wales.

Domestic employment law distinguishes between three types of people. First, those employed under a contract of employment. Certain legal rights, including the right not to be unfairly dismissed, are limited to these people. Second, those self-employed people who are in business on their own account and undertake work for their clients or customers. Third, an intermediate class of workers who are self-employed and provide their services as part of a profession or business undertaking carried on by someone else. People in the third group enjoy rights including the national living wage (presently £11.44 per hour for those aged 21 and over) and the right to paid annual leave.

In recent times, domestic courts and tribunals have considered whether gig workers fall into the second or third categories. Ultimately, an individual assessment of the degree of control over a gig worker is required.

In *Pimlico Plumbers v Smith* [\[2018\] UKSC 29](#) the company's engineers wore branded uniforms, drove company vans, and had to closely follow administrative instructions. On the other hand, they looked after their own tax affairs and were entitled to reject any particular offer of work from Pimlico. The Supreme Court, the United Kingdom's apex court, found that a lower tribunal was entitled to conclude that Pimlico could not be regarded as a client or customer of the engineers as the degree of control exercised by Pimlico was inconsistent with the gig workers being clients. Mr Smith was a "worker" under relevant employment law.

In *Uber BV and Others v Aslam and Others* [\[2021\] UKSC 5](#) the Supreme Court considered the legal implications of a common gig economy platform: a carefully designed app coordinating a large on-demand workforce. Uber's position was based upon written agreements with drivers purporting to limit Uber's role to that of a provider of technology services and, additionally, acting as a payment collection agent for the driver. Uber contended that drivers were not workers as the contract for transport services was entered into exclusively between the passenger and the driver. The Supreme Court disagreed. The drivers were workers and Uber was required to pay them the national living wage. Additionally, as workers they were entitled to at least twenty-eight days' paid holiday. The position was considered through employment statute and not contract. Status was to be determined by looking at how the relationship operated in practice. The greater the level of the employer's level of control, the stronger the case for classifying the individual as a worker. The Supreme Court confirmed a lower tribunal's conclusion that Uber exercised a high degree of control over drivers, evidenced by Uber's exclusive right to determine the

renumeration paid to drivers and the tight control it exercised over a driver's decision before they accepted a ride.

Even with the benefit of the clarity provided in the *Uber* decision, there remain difficult cases to determine. Gig economy platforms exist on a spectrum, with some truly acting as neutral intermediaries facilitating genuine entrepreneurship, and others exercising tight control over their workforce.

3. What is the impact of artificial intelligence on the labour market of your country? If possible, base your answer on official public data or academic reports. Outline the positive and negative impacts.

The Government commissioned PricewaterhouseCoopers ("PWC") to undertake [research](#) on the potential impact of artificial intelligence ("AI") on the United Kingdom labour market in 2021. PWC reported that 7% of jobs were at high risk of being automated in the next five years, rising to 30% after twenty years. However, PWC also reported that many jobs would be created through AI-related productivity and economic growth. The conclusion was that the most plausible assumption is that the long-term impact of AI on employment levels in the United Kingdom is broadly neutral, but that the potential impact is unclear.

The Government issued an [inquiry report](#) in April 2023 which highlighted the impact AI could have on productivity within the United Kingdom. It noted research identifying that four out of five United Kingdom organisations said that the use of AI tools had made their employees more productive, improved their decision-making and made their processes more efficient. Additionally, AI and related technologies may have a positive impact on helping people access the labour market who have otherwise found it difficult to find and stay in employment, such as disabled people.

The manufacturing sector was highlighted by the inquiry report as being at risk of losing the most jobs over the next twenty years, with job losses also expected in the transport, logistics and retail sectors. In contrast, the health and social work sector was highlighted as most likely to see the largest job gains, while gains are also expected in the professional and scientific, education and information sectors. Employment in lower paid clerical roles is likely to be lost, with job gains in managerial and professional occupations.

4. Do you have any laws regulating and/or relevant judicial decisions about artificial intelligence on the labour market. What are the challenges for employers, such as

privacy, transparency, secrecy, plagiarism, and the claim that artificial intelligence will be replacing workers? What are the concerns of employees?

At present, there are no United Kingdom regulations relating to the use of AI in the workplace.

The [Data Protection Act 2018](#) implemented Regulation (EU) 2016/679, the General Data Protection Regulation (“GDPR”). Consequent to the United Kingdom leaving the European Union, the GDPR is retained in domestic law as the [UK GDPR](#). It offers people some protection from automated decision making that has significant effects on their lives. Article 22(1) of the Regulation limits the situations in which people can be subject to “solely automated decisions”. This means decisions made by automated systems without any human influence on the outcome. There are exceptions which allow such decisions to be automated in some circumstances and one exception is when the decision is necessary for a contract.

The adoption of AI and new technology in the workplace is often necessary, but there are concerns that all too often it is implemented without involving workers in how it is deployed, or what it is being deployed for. Consequently, workers can end up feeling anxious when surveillance AI is increasingly used for setting targets and monitoring their performance.

Automated decision making via AI is now used to select candidates for interview, day-to-day line management, performance ratings, shift allocation and deciding who is disciplined or made redundant. Employee organisations have expressed concern as to the expanding role of AI and tech-driven workplace surveillance with an accompanying lack of transparency as to how new technology is being used to make decisions that directly affect employees.