



The G20 Journey Dynamics: The Challenge of Labor Law for New Platform Workers

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Abstract. In recent years, digital technologies have significantly transformed in several sectors of our life. But the one which gets hit the most is in economic sector. Digital technologies have been shaking the traditional foundations of labor markets to the core. Then without realizing it, the new platform worker has now become an important part of contemporary life. It has created unprecedented opportunities for workers, business, and society. This research project will address the G20 journey on employment and explores two important questions: (1) What is platform workers? (2) does country need protect the new platform workers? This study uses mixed design to platform workers. Legal research methodology is built to explore and to address the relevant information, analyzes, interpret, and applies them to resolving issues in the development of regulations in the new worlds of work. In addition, the case studies will be used to explore and to sharpen the results of an analysis.

Keywords: G20, International Law, New Platform Workers

1 Introduction

The G20 was officially born in 1999 when the finance ministers of G-7 countries such as the United States, Britain, Italy, Japan, Germany, Canada, together with the central bank governors proposed to expand the reach of dialogue on major economic and financial policy issues. They then invited several countries from various regions around the world to a meeting in Berlin. At this meeting they emphasized their invitation to jointly build informal mechanisms for systemic dialogue with other countries. This announcement marks the birth of the Group of 20, which consists of 19 countries such as Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, England, United States and European Union [1].

The forum was deliberately born to be an economic institution different from other international economic and financial institutions by considering the economic interests of developed and developing countries which together represent two-thirds of the world's population and around 85 percent of the global Gross Domestic Product (GDP). The group, which consists of Ministers of Finance and Central Bank Governors representing nineteen countries and the European Union, initially focused on

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reforming problems in the global economic, monetary, and international financial systems [2].

However, when world economic conditions at that time began to show a better direction, in 2009, at the 2009 G20 Summit in Pittsburgh, United States, the G20 formulated the goals of the G20 forum more clearly, namely creating strong, sustainable, and balanced economic growth. In order to achieve this objective, the matter was revisited during the G20 Summit held in Cannes, France in 2011. As a result, an accord was reached, emphasizing the imperative for the G20 to assume the responsibility of harmonizing their policies and generating political consensus. These measures are deemed crucial in addressing the economic challenges arising from interdependent global conditions [3]. The issue of employment in the global economy is something that cannot be separated. So next, this study will explain the development of the G20 regarding employment.

2 Methods

In this study, I will address the G20 Presidency's journey on employments issues then I employ Legal research methodology is built to explore and to address the relevant information, analyzes, interpret, and applies them to resolving issues in the development of regulations in the new worlds of work.

3 Results and Discussion

3.1 The G20 Journey on Employment

The financial crisis that occurred from 2007 to 2008, commonly referred to as the subprime mortgage crisis, was a significant reduction in liquidity within worldwide financial markets. This crisis had its roots in the United States, namely stemming from the collapse of the US housing market. It is anticipated that this phenomenon would have a detrimental impact on the global financial system, resulting in the collapse or significant distress of numerous prominent investment and commercial banks [4]. Similar to the financial markets, the labor sector also saw significant upheaval as a result of the emerging crisis in 2008. Employment, competencies, and occupations Hence, the G20 has consistently prioritized the issue of job creation from its inception. In 2008, during the G20 Summit held in Washington DC, there was a predominant emphasis on the financial system. However, six months later, during the G20 Summit in London, the leaders of the G20 recognized the significance of employment in attaining a durable recovery. Subsequently, employment and competencies have emerged as the central themes in each G20 Leaders' Declaration. The G20 employment and labor ministers have convened on a regular basis to devise strategies and share exemplary approaches in order to tackle the persistently elevated levels of unemployment rates and the associated labor market difficulties within the G20 nations. The establishment of the G20 Employment Task Force took place in Cannes in 2011

with the aim of providing assistance to the G20 labor ministry process. Subsequently, in 2014, this process underwent a transformation and became known as the Employment Working Group. In the period spanning from 2007 to 2017, there has been a noticeable rise in the significance attributed to implementation pledges and targets pertaining to G20 employment within the G20 process. It is important to acknowledge that the legitimacy of the G20 is contingent upon its capacity to generate tangible outcomes and substantial effects. Consequently, G20 governments, along with the Business World 20 (B20) and the Labor Party 20 (L20), are placing growing emphasis on taking concrete measures to enhance transparency and accountability in national follow-up processes. Hence, in 2014, the International Organizations Employers (IOE) and Business at OECD (BIAC) together initiated the inaugural G20 Monitoring Report. This report aimed to evaluate the extent to which G20 member nations had implemented their respective pledges. The monitoring reports from the year 2014 indicate a combination of positive and negative outcomes [5]. The paper highlights the implementation of the G20 Moscow Labor Ministers' Declaration of 2013 and the subsequent initiatives undertaken by numerous nations, indicating a positive trend in adherence to this commitment. In certain regions, despite the widespread implementation of various efforts, a significant proportion of governments, specifically 25 percent, fail to uphold their pledges [6]. Furthermore, it might be argued that the situation is considerably more dire. In certain nations, governmental measures have imposed restrictions on the utilization of diverse work modalities, despite the explicit dedication of the labor minister to fostering such kinds of employment.

The first issue of labor and employment first appeared at the G20 Summit in Toronto, Canada, in 2010. During the fourth meeting of G20 country leaders, the issue of employment was for the first time included in the discussion agenda. Likewise, the participation of civil society organizations such as Business 20 (B20) in holding the Young Entrepreneurs Summit [7]. Since 2010, the issue of employment has moved very rapidly in line with the challenges of global economic and political dynamics. The inclusion of labor and employment issues is a milestone in building awareness among G20 member countries of the huge gap between the characteristics of the global north and global south workforce. These differences are reflected in the priorities of each G20 EWG Presidency. Like the G20 member countries, Australia, Turkey, and Argentina, are the three G20 organizing countries that have been successful in prioritizing the issue of labor protection for vulnerable populations, starting from women through the Brisbane Women's Targets 2014 [8], youth through the Antalya Youth Target 2015 [9]. Also, Mendoza in Argentina in 2018 pushed for a G20 agreement on participation strategies, including including Persons with Disabilities (PwD) in the labor market and encouraging equal treatment of female workers in the digital economy [10].

3.2 Does Country Need Protect the New Platform Workers

Platform work refers to a novel mode of organizing remunerated labor by means of digital platforms. Online platforms have become a popular means of accessing a di-

verse range of paid services through the utilization of platform workers. Two prominent platforms in Indonesia that exemplify this phenomenon are Go-Jek and Grab. The platform economy offers numerous advantages for both laborers and customers. Digital platforms have the potential to facilitate self-employment and income generation for individuals, irrespective of their socioeconomic standing, due to their lenient admission criteria and adaptable work schedules. In Europe, the European Commission has reported that the platform economy in the European Union (EU) generated estimated revenues of up to €20 billion in the year 2020. Within the European Union (EU), the number of digital labor platforms exceeds 500, accommodating a substantial workforce of over 28 million individuals engaged in platform work. Nevertheless, Europe faces numerous obstacles, one of which is the prevalent classification of platform workers as self-employed by the platforms themselves. In the majority of European legal regimes, individuals in this context have a lack of or restricted availability to labor safeguards, including but not limited to collective bargaining privileges, health and safety provisions, and social security programs. Furthermore, the stability of job and income is frequently uncertain and influenced by algorithms that are beyond the agency of people. The conditions of work exhibit variability based on the specific platform, the characteristics of the task, and the level of proficiency necessary for task execution [11].

According to the research published by the International Labour Organization (ILO), individuals employed via platforms frequently find themselves positioned towards the lower echelons of the income spectrum, often engaging in precarious types of employment. Furthermore, individuals belonging to this group often experience a disproportionate impact from various societal dangers and catastrophes. To achieve a development approach that prioritizes the well-being of individuals, it is imperative to address the vulnerabilities associated with it. This entails not only providing social safety to platform workers, but also ensuring that they are afforded sufficient labor protection concurrently [12]. One of the factors that should be considered is the provision of sufficient compensation. The implementation of a legally enforceable minimum wage and the establishment of collectively bargained salary floors can serve as effective measures to mitigate exploitation and alleviate the issue of poverty among employees. However, it is important to note that the majority of platform workers are typically not included in such arrangements. It may be prudent to contemplate the potential expansion of mechanisms aimed at ensuring sufficient remuneration for some workers. The topic of discussion pertains to the regulation of working time. Historically, the primary focus of discussions surrounding working time has revolved around the matter of prolonged working hours. Hence, labor legislation commonly include provisions that restrict working hours and mandate intervals for rest and recovery, encompassing weekly rest and paid annual leave. However, it is noteworthy that such regulations often do not extend to platform workers. Platform workers frequently find themselves in a situation where they must be readily available in order to seize new job opportunities or tasks. This requirement is essential to avoid missing out on potential work. Additionally, it is worth noting that workers on specific microtask platforms typically dedicate approximately one third of their time to

unpaid activities, such as task seeking. In a similar vein, those employed within taxi platforms typically devote an average of 65 hours per week to their employment, resulting in elevated levels of work intensity and a heightened susceptibility to work-related injuries. These injuries, in turn, can have significant ramifications for the overall safety and well-being of these workers within their working environment. Occupational safety and health. Within the context of platform work, the burden of occupational safety and health obligations is frequently shifted from the employer to the individual workers. Unfortunately, these individuals often find themselves lacking the necessary training and resources to effectively implement measures that would guarantee the safety of their working conditions and environment. In certain instances, heightened competitiveness among employees might lead to the adoption of shortcuts and the undertaking of avoidable hazards. It is imperative to consider the implementation of specific measures that would expand occupational safety and health (OSH) regulations to encompass platform workers. This is particularly crucial in light of the recognition of the fundamental concept and right to a safe and healthy working environment in 2022. The concept of employment protection. Employees who hold official employee status are typically safeguarded by employment protection legislation, which serves to shield them against unwarranted termination by their employers. This legislation also provides avenues for redress in cases of wrongful dismissal. Nevertheless, the majority of platform workers are not afforded the same labor law safeguards. Indeed, it is common for terms of service agreements on digital labor platforms to exhibit characteristics of "contracts of adhesion," wherein the platform retains the authority to deactivate a worker's account without the obligation to provide an explanation, occasionally without prior notice. The combination of labor and social safeguards enhances the ability of states to address both the mechanisms of distribution and redistribution in order to mitigate inequities and implement more efficient strategies to manage external disruptions. Furthermore, there are other favorable interactions that exist between these two elements of worker protection. The enhancement of occupational injury and disease prevention, as well as the provision of sufficient incomes and reasonable working hours, contributes to the enhanced financial viability of social security systems. National policies should prioritize a comprehensive examination of the ideal balance between wages, social protection, and fiscal policies. This analysis should aim to determine the most effective approach for ensuring sufficient, inclusive, and sustainable protection for all workers, taking into account various labor market conditions and socio-economic factors.

In response to the growing presence of platform workers, certain nations have enacted legislation to elucidate the application of criteria used to ascertain the presence of an employment connection inside the realm of digital platforms. According to Law No. 12/2021 in Spain, it is presumed that workers engaged in delivery and transport platforms are classified as dependent workers. This presumption is based on the fact that these workers are subject to implicit or indirect dependency on algorithms. However, the platform is allowed to provide evidence to the contrary [13]. Law No. 128, enacted on November 2, 2019, in Italy, serves to enhance the presumption of an employment contract while introducing an additional alternative. Platform workers who

are self-employed may also be eligible for coverage. In the case of individuals who are self-employed, it is stipulated by law that they are subject to the provisions of the collective agreement pertaining to their respective area of business. In the absence of a collective agreement, the legal framework establishes a "minimum level of protection" that encompasses the acknowledgment of specific entitlements for self-employed platform workers, such as the provision of industrial accident and occupational sickness insurance coverage [14]. In 2022, Belgium implemented a legal presumption pertaining to the existence of an employment connection. In the United States, specifically in the State of California, it is often presumed that an employment contract exists unless the platform can provide evidence that it does not exert any form of control over the worker, the workers are operating their own independent businesses, or the tasks being performed fall outside the primary activities of the platform [15]. Undoubtedly, as elucidated earlier, it is imperative for all nations to undertake the crucial task of affording legal safeguards to those engaged as New Platform Workers.

4 Conclusion

1. The establishment of the G20 Employment Task Force took place in Cannes in 2011 with the objective of providing assistance to the G20 labor ministry process. Subsequently, in 2014, this task force underwent a transformation and became known as the Employment Working Group. In the period spanning from 2007 to 2017, there has been a noticeable rise in the significance attributed to implementation pledges and targets pertaining to G20 employment within the G20 process.
2. Providing legal protection to those who work as New Platform Workers is very important and must be carried out by all countries. Some countries already made, such as **Spain with** Law No. 12/2021, **Italy with** Law No. 128 (2 November 2019), **Belgium** that established in 2022 a legal presumption of an employment relationship and **USA, in the State of California**,

References

1. <http://www.g20.utoronto.ca/docs/g20history.pdf>
2. <https://www.oecd.org/newsroom/g20-gdp-growth-second-quarter-2023-oecd.htm>
3. <https://sherpag20indonesia.ekon.go.id/public/en/history-of-the-g20>
4. Brian Duignan, "Financial Crisis of 2007-08", <https://www.britannica.com/money/topic/financial-crisis-of-2007-2008> access on 10 september 2023.
5. <https://www.oecd.org/investment/g20.htm>
6. http://www.g20.utoronto.ca/2013/2013_G20_Labour_and_Employment_Ministers_Declaration.pdf
7. Kirton, J. (2013, December 17). Explaining G20 Summit Success. Retrieved November 22, 2022, from <http://www.g20.utoronto.ca/biblio/kirton-aiia-2013.html>

8. ILO, 22 April 2019, Women at Work in G20 countries: Progress and policy action since 2018. Retrieved from https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS_713373/lang--en/index.htm
9. OECD, Februari 2020, Options for Monitoring the Antalya Youth Target <https://www.oecd.org/employment/youth/OECD-ILO-Options-Antalya-Youth-Target-G20.pdf>
10. ILO, 7 September 2018, ILO Director-General praises G20 commitment on future of work, retrieved from https://www.ilo.org/tokyo/fow/WCMS_644556/lang--en/index.htm.
11. European Labor Authority, "EU Proposed Directive to Protect the Rights of Platform Workers", https://eures.ec.europa.eu/eu-proposes-directive-protect-rights-platform-workers-2022-03-17_en, access on 11 September 2023.
12. ILO. 2021. Digital Platforms and the World of Work in G20 Countries: Status and Policy Action, Report Prepared for the Employment Working Group under Italian G20 Presidency.
13. <https://www.boe.es/buscar/act.php?id=BOE-A-2021-15767>
14. <https://www.gazzettaufficiale.it/eli/gu/2019/11/02/257/sg/pdf>
15. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB5

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