The emergence of online platforms in the social care and support sector: which impact for workers' rights and service users?

Discussion Note N. 2, December 2022

For many persons with disabilities, receiving high-quality, accessible and affordable care and support services is crucial to fully enjoy their human rights, live a meaningful life and actively participate in the community and society of which they are part. Over the years, the way services have been organised and delivered has varied as a consequence of several factors, such as the different theoretical models of disability that have been developed and adopted over time, the evolution in the legal frameworks regulating the care and support sector as well as the structural transformations that have characterised our society. Among the latter, changes induced by technological development have had - and continue to have - a strong impact on various work sectors including the social care and support one. One of the phenomena that has been taking hold as a direct consequence of technological advancement is that of online platform work. This phenomenon is also slowly affecting the social care and support sector, thus changing the way care and support services are organised and delivered. Online platforms can potentially help persons with support needs - and their families - to access both care and non-care services in a better, far more flexible and potentially cheaper way than existing offerings. They can offer valuable solutions to satisfy users' demand for care and support, especially when it comes to short-term needs, as well as help tackle some of the challenges currently affecting the social care and support sector. Despite this, possible negative implications can emerge, especially related to workers' rights in the sector.

Considering its role, interest and expertise in the field of service delivery for persons with disabilities and its desire to contribute to the debate on innovation in the social care sector, in recent years the European Association of Service Providers for persons with Disabilities (EASPD) has been monitoring the latest developments regarding the online platform work and its potential role in the care and support sector. EASPD is a European non-profit organisation representing the views of over 20,000 social services and their umbrella associations. It promotes equal opportunities for persons with disabilities through effective and high-quality service systems. In February 2020, a first discussion note on the topic presented in this paper was developed in order to carry out a first assessment of the potential impact of online platforms on social care and support. On that occasion, the analysis was particularly focused on the human rights and quality assurance aspects related to care and support services offered through online platforms. With this follow-up document and in light of the recent information on regulations and issues concerning online platforms, EASPD aims to shed further light on the potential benefits and possible negative implications that platform work can have on the social care sector. The paper particularly focuses on the consequences online platforms can have on the working conditions of online care workers as well as on the impact this new form of service delivery can have on service users.

**European Association of Service providers
for Persons with Disabilities**

1. INTRODUCTION

The digital revolution characterising present days is investing all aspects of our society. The nature, infrastructure and organisation of work are not excluded from this transformation.

The use of digital technologies can offer a wide range of opportunities, both in terms of improving the organization of work and the quality of services provided, which, in turn, can lead to a better quality of life of service beneficiaries. At the same time, the digital transformation can give rise to many risks, especially as regards working conditions, which, if not properly addressed, can have negative impacts on service users, workers and the society as a whole. For this reason, it is extremely important that these changes are carried out carefully, taking into account the views and needs of service providers and their beneficiaries. This is especially true when the digital transformations affect work sectors such as the social care one, which involve a direct interaction between service providers and individuals who need support and/or who can be in a vulnerable position, as in the case of many people with disabilities. In this regard, it becomes crucial that people in need of care and support and social service providers are informed and consulted through the whole transformation process.

Across Europe, one of the phenomena that has recently undergone a rapid expansion as a consequence of the development of digital technologies and the diffusion of communication and information technology tools has been that of platform work. The term "platform work" refers to a new way of organising work on online (labour) market places that match supply and demand of labour.[1] Online platforms enable producers of goods and services and consumers to meet, make an exchange in return for payment and, sometimes, build lasting commercial relationships.[2] Recently, this phenomenon has been increasingly influencing the social care sector, with some differences in its forms and extension among European countries. In this sector, online platforms connect clients with care and support needs with service providers, generally individuals, who are requested to carry out specific tasks or solve specific problems in exchange for payment. While it is true that, for a series of reasons that will be better explored within this paper, this trend can lead to positive changes in a sector that is currently affected by numerous challenges, the negative impacts it can have on both workers and service recipients when specific conditions are not met should not be underestimated. As a consequence of this, the European Commission (EC) is currently monitoring the continuous development and expansion of this phenomenon keeping the topic high on its policy agenda. Over the last years, several initiatives concerning platform work have been launched at the EU level, especially with regard to the working conditions of platform workers. For instance, in November 2019, the Council adopted the Recommendation on access to social protection for workers and the self-employed, including reference to platform workers. On 9 December 2021, under the Action plan to implement the European Pillar of Social Rights, the EC proposed a directive to protect the rights and improve the working conditions of platform workers.[3]

A better regulation and monitoring of this phenomenon will be key to keep track of its development and implications over the coming years. This is especially true when it comes to the care and support services

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[1] Trojansk A., *Towards the "Uber-isation" of Care? Platform work in the sector of long-term home care and its implications for workers' rights*, European Economic and Social Committee (EESC), Workers' Group Research Report, 2020.

[2] Sangeet P. C., *The architecture of digital labour platforms: Policy recommendations on platform design for worker well-being,* International Labour Organization, 2018.

[3] European Commission (EC), *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work*, COM/2021/762 final, Brussels, 09 December 2021.

sector, where it is particularly important to make sure that online platforms offer services that contribute to the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) for all persons with disabilities; as well as to ensure decent jobs for care and support workers operating through these platforms.

The aim of this paper is to address the potential and the implications of online platforms in the social care sector, specifically in areas related to workers' rights. Firstly, the document provides a definition of online platforms and sharing economy and explores their specificity in the context of the social care sector. It then gives an overview of how platform work can impact the social and care sector. In this section, the positive and negative consequences online platforms can have on both workers and service recipients are discussed. Finally, the paper presents some conclusions highlighting its main findings and emphasising the need to ensure that the growth and spread of this new form of employment in this specific sector does not adversely affect the rights of both workers and service users.

It is important to highlight that there is still little data on how online platforms are changing the social care sector, therefore it is difficult to assess precisely their actual impact on it. The collection of reliable data would be a crucial step to help better define the state of play of this phenomenon and develop effective strategies to address the main challenges it can generate.

2. DEFINING PLATFORM WORK AND THE COLLABORATIVE ECONOMY

According to Eurofound (2018), platform work can be defined as "a form of employment that uses an online platform to enable organisations or individuals to access other organisations or individuals to solve problems or to provide services in exchange for payment". The main characteristics of platform work are considered the following:
- Paid work is organised through an online platform;
- Three parties are involved: the online platform, the client and the worker;
- The aim is to carry out specific tasks or solve specific problems;
- The work is contracted out;
- Jobs are broken down into tasks;
- Services are provided on demand. [4]

As regards online platforms, nowadays, there is no consensus on a single definition yet. However, the European Risk Observatory describe them as "digital 'locations': online spaces where users can obtain information or interact socially or economically. They are, in a way, the digital version of public squares, social clubs or marketplaces".[5] [6]

While, today, different typologies of platform work do exist – depending on the scale of the tasks executed, format of service provision, skills level required, the actor "allocating" the work, and the
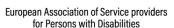
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[4] European Commission (EC), *First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work*, C(2021) 1127 final, Brussels, 24 February 2021.

[5] European Association of Service Providers for Persons with Disabilities (EASPD), *Buying Social Care & Support from Online Platforms: What way forward for positive change?*, Discussion Note, Brussels, February 2020.

[6] Garben S., *Protecting Workers in the Online Platform Economy: An overview of regulatory and policy developments in the EU*, European Agency for Safety and Health at Work, Luxembourg: Publications Office of the European Union, 2017.

matching process[7] - a general distinction between on-location labour platforms and online labour platforms can be made.[8] In the first case, tasks are carried out by workers in person in specified physical locations (tasks can include, for instance, passenger transport, delivery and home services, domestic work and care provision); in the second case, tasks or work assignments are performed by workers online or remotely (this concern, for example, translation work, tagging pictures, IT or design projects).

Providing estimates about the dimension of this phenomenon seems to be quite difficult because of the lack of available data. Moreover, different definitions and methodologies are used to measure the number of platforms workers and types of online platforms, making this exercise particularly challenging. However, some estimates show that today over 28 million people in the European Union work through one (or more) of these digital labour platform, a figure that is expected to grow rapidly. Indeed, according to the latest projections, in 2025 that number is likely to reach 43 million people.[9]

This new form of employment that is taking hold more and more across Europe is part of what has been defined as the "collaborative economy", sometimes also referred to as the "sharing economy". The European Commission defines the collaborative economy as "business models where activities are facilitated by collaborative platforms that create an open marketplace for the temporary usage of goods or services often provided by private individuals. The collaborative economy involves three categories of actors:

1. Service providers who share assets, resources, time and/or skills – these can be private individuals offering services on an occasional basis ('peers') or service providers acting in their professional capacity ("professional services providers");
2. Users of these; and
3. Intermediaries that connect – via an online platform – providers with users and that facilitate transactions between them ('collaborative platforms').

Collaborative economy transactions generally do not involve a change of ownership and can be carried out for profit or not-for-profit"[10].

As will be shown in the following section, this new economic model started to expand more and more also in the social care sector, with its own specific characteristics. Its expansion has been particularly driven by two factors:

1. Firstly, the emergence of a growing need for care and support characterising present time with a demand for quality social services constantly increasing. With the existing/tradition social services-sector often struggling to meet this demand (In particular due to underfunding), digital platforms have been moving in to fill the gap, therefore redefining the way care services are organised and delivered.
2. Secondly, the outbreak of the Covid-19 pandemic, which has naturally spurred digitalisation in health care and social care sector, with some variation across European countries. The rise in the

[7] Eurofund, *Employment and working conditions of selected types of platform work*, Publications Office of the European Union, Luxembourg, 2018.

[8] European Commission (EC), C(2021) 1127 final, 24 February 2021.

[9] www.consilium.europa.eu, *EU rules on platform work,* Accessible at: EU rules on platform work - Consilium (europa.eu) (last access: 13 Janury 2023).

[10] Hunt A, *What the 'Uber-isation' of domestic work means for women*, available at: https://odi.org/en/insights/what-the-uber-isation-of-domestic-work-means-for-women/.

use of online platforms indeed facilitated the delivery of services that would otherwise have remained inaccessible due to the restrictions imposed by the pandemic.

3. PLATFORM WORK IN THE CARE AND SUPPORT SERVICES SECTOR

The social care and support sector in Europe is responsible for offering all types of social services to people with support needs, such as older people, persons with disabilities and children, homeless persons, migrants, persons with mental health problems, etc. These services play a key role in enabling people to enjoy their human rights on an equal basis and in supporting them in having more control over their lives. Nowadays, the social care sector is characterised by the growing tendency of providing the relevant services in people's homes and local communities, rather than in large segregating settings (such as retirement homes and residential institutions). This can primarily be explained by the impact of the UN Convention on the Rights of Persons with Disabilities (UNCRDP) on the role of service provision. In the last few years, many online platforms have been created that aim to facilitate the provision of such services for the respective target audiences.[11] Most of the platforms used in this sector fall under the category of on-location services that platform workers provide at the client's home. This type of service delivery can therefore contribute to empowering and enabling people to live more independently, remaining at their homes and having better access to the services they need.[12]

While examining platform work in the social care sector, it is important to observe the specific characteristics that each actor involved in it does have. More specifically:

- Service providers are individuals – who may or may not be trained care workers- that the platform provider has approved for providing care locally in private households. Considering that, as will be better explained later on, the formal employment status of platform workers is generally rather unclear, the platforms may qualify them as self-employed service providers rather then workers. Moreover, their profiles may vary according to their level of qualifications and working arrangements[13].
- Users are individuals who require care and support at their personal home and who may have different needs and demand different types of services. Their distinctiveness from normal clients in this case is given by their need for service provision, to enjoy lives like others, for instance to live independently and participate in society. However, it should be taken into account that, sometimes, those requiring a service through the platforms may not be the care seekers themselves, especially when these are people with higher support needs, but their family members, friends or relatives that are in charge of organising the service, ideally in close consultation with the care seeker. This represents a unique feature compared to most other

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[11] European Association of Service Providers for Persons with Disabilities (EASPD), op.cit.

[12] Lundgren A., Ormstrup Vestergård L., Bogason A., Jokinen J.C., Penje O., Wang S., Norlén G., Löfving L., Heleniak T., *Digital Health Care and Social Care Regional development impacts in the Nordic countries*, Nordregio Report 2020:14, Stockholm, Sweden, 2020.

[13] Trojansk A., op. cit.

platform services and a factor which can potentially influence how these platforms address their users. [14]

- The intermediary is represented by the online platform that is responsible for connecting the service providers and the individual. The degree to which platforms organise and determine the interaction between the two parties may vary on a case-by-case basis. Sometimes, platforms may only act as portal for job offers without being involved in the conclusion of the contract between the carer and the user; consequently, they may charge a subscription fee to providers and/or clients in order to make a profit. In other cases, platforms remain involved throughout the whole process acting as mediators, payment processors and guarantors. These models are usually more attractive as platforms are allowed to receive a commission fee for each service provision that takes place.[15]

This new economic model can certainly bring innovation to the social care sector and provide new opportunities for people in need of care and support and services providers. However, rules are needed to guarantee specific conditions are satisfied, for instance, that employment conditions are fair, that social protection is ensured and that services offered are effective and of high quality.[16]

The European Commission is continuously monitoring the economic development and the evolving regulatory environment around platform work as well as encouraging the exchange of good practices among EU countries. As a matter of fact, the consequences that the collaborative economy and, therefore, the use of online platforms may have on this specific sector may be different from those that could be experienced in other work fields. This is because the social care sector has particular characteristics that should be considered when examining the role of platform work. For instance, there is a closer relationship between the service provider and the client and "trust" between these two actors takes on a much more important role than in other sectors. In addition to this, care seekers are usually willing to establish with the service provider a long-term relationship rather than require one-off service. This can indeed help them to be better supported in their needs and more in control of their lives. Furthermore, workers in the area of care and support do need at least a certain level of qualification having to deal with individuals that can be in a vulnerable position and can have delicate, complex and evolving needs. This is a strong contrast compared to platforms in the most common sectors such as passenger transport or food delivery where workers are not requested to have high-level skills.[17] Moreover, it is well known that many online platforms, including those active in care and support, are for-profit companies, operating with an Uber-type business model and often disconnected from the local communities in which they operate. In this case, the company's primary interest is to make and increase its profit rather than to ensure that persons with support needs have access to high-quality services and that their rights are protected[18].

In the following paragraphs, a closer look at the implications of platform work in the social care sector is presented. Both the positive and negative impacts it can generate on care seekers and professionals in social care and support are examined and discussed.

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[14] *Ibidem.*
[15] *Ibidem*.
[16] European Commission (EC), *The collaborative economy*, available at: collaborative-economy-factsheet_en.pdf.
[17] Trojansk A., op. cit.
[18] European Association of Service Providers for Persons with Disabilities (EASPD), op.cit.

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4. THE IMPACT OF PLATFORM WORK ON THE CARE AND SUPPORT SECTOR

4.1 The potential benefits of online platforms on social care and support services

This section will show how platform work can positively affect the social care and support sector providing complementary services to the existing ones. It is important to highlight that the picture here presented is not complete since, as mentioned in the introduction of this paper, there is no sufficient data on this phenomenon in the social care sector yet, thus making it difficult to accurately analyse its impact on it. However, the overview offered can be useful to reflect on some positive turns that the use of online platforms could have in order to guide policymakers in properly regulating the phenomenon to make sure the rights of service providers and care & support seekers are protected and respected and the services offered are of high quality.

- **Improving and complementing existing social care and support services**
  The use of online platforms can foster innovation and promote the development of services that are designed around the needs and wishes of individuals, services that are based on a user-centred approach, and that can therefore improve the well-being as well as enabling – in theory – a better quality of life of service users. This can consequently turn into an opportunity to promote and foster greater social inclusion, allowing people to have the necessary means to actively participate in the life of their communities and society. The European Economic and Social Committee (EESC), in its opinion on the European Commission Communication on the digital transformation of health and care in the digital single market[19], has clearly highlighted the need to promote a person-centred approach, stating that "in the course of the changes generated by digital transformation, people must be at the centre of care"[20].
  Online Platforms can also help improve the redistribution of power towards service users, who are no longer perceived as passive recipients of care. Instead, they become active players in the choice, organisation and delivery of services, alongside professionals. Adopting this type of approach in the care and support sector is crucial as it can help empower care seekers (such as people with disabilities) – who are therefore free to take independently their decisions on the support they need - and make sure their dignity, autonomy and independence are promoted and respected. This emphasis on patient empowerment is also rooted in the disability rights movements, which emphasise the importance of users having choice and control over the nature of the care and assistance they receive.

- **Promoting the independence, well-being and quality of life of individuals**
  Being flexible and user-driven, online platforms can allow beneficiaries - such as people with disabilities - to maintain their independence, letting them design their own support plan and choose more community-based and home-based solutions. This is crucial to allow people to be more autonomous and have more control over their lives and the decisions affecting them, in line

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[19] European Commission (EC), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enabling the digital transformation of health and care in the digital single market; empowering citizens and building a healthier society*, com/2018/233 final, Brussels, 25 April 2018.
[20] European Economic and Social Committee (EESC), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enabling the digital transformation of health and care in the Digital Single Market; empowering citizens and building a healthier society*, COM(2018) 233 final, Brussels, 2018.

with the principles and articles of the UNCRPD. According to article 19 of the Convention, indeed, people with disabilities should be recognised with the equal right to live independently and fully participate and be included in the community. As further explained by the Committee on the Rights of Persons with Disabilities in its General Comment No. 5, this *"means exercising freedom of choice and control over decisions affecting one's life with the maximum level of self-determination and interdependence within society."*

- **Ensuring a better accessibility, availability and affordability of services**
  One of the main barriers preventing persons with disabilities from fully enjoying their human rights concerns the issue of accessibility. The UNCRPD introduces a holistic and integrated human rights approach to address obstacles faced by persons with disabilities and calls for the removal of all socially constructed barriers which are the main cause of the social exclusion of persons with disabilities. The use of online platforms can have the power to increase accessibility of products and services people need across their life, thus helping them to live independently, as mentioned previously. It is also important to highlight that, even when people are supported to live within their home and community, the risk for them of remaining isolated and segregated might remain considerable if they are not provided adequately with services that are affordable and available. Services offered through online platforms are often at a cheaper price. Indeed, by removing "expensive" intermediaries between carers and care seekers by setting a lower commission rate, breaking down barriers to entry and expanding the pool of available workers, platforms may reduce prices for services. This is extremely important since, in order to ensure that every person with a disability - even people with significant support needs - are supported to enjoy an independent and meaningful life within the community, support services have to be available to all people. Services provided through online platform can therefore complement existing offering making sure everyone can more easily access and benefit from them.
  Over the years, the EESC adopted several opinions as regards care provision in the EU specifically highlighting the need to have "high quality, accessible, equitable and affordable care services". This is also in line with the European Pillar of Social Rights[21], launched by the European Commission in 2017 as a tool to promote social rights, which clearly enshrines the right to care and the right for everyone to have access to quality formal care services based on need.

- **Provision of better workload management**
  Online platforms can also allow professionals in the social care sector to work more independently, choose their working hours and with whom they work for. It can help workers track their working hours better and ensure that they are paid for each hour they work; something which is not always the case in traditional social service provision formats where it is common for many workers to work extra time.
  Online Platforms can also be very beneficial to the quality of life and work-life balance of the carers of persons with support needs, generally family members and very often women. For instance, thanks to the flexibility offered by online platforms, family carers can buy care and support services based on their own private and professional needs and wishes, including respite

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[21] European Commission (EC), *European Pillar of Social Rights*, Brussels, 2017.

or support outside of traditional day care hours. Moreover, it is known that waiting lists for care and support services are very common throughout Europe. Online platforms can provide practical solutions to persons with support needs and/or carers by filling in this important gap, complementing existing and traditional service providers.

- **Fighting undeclared work**
  Currently, the social care sector faces significant challenges, such as chronic underfunding, staff shortages, few opportunities for workforce training and career advancement and wages below average. Moreover, in almost all EU countries job growth lags behind increasing demand, a factor that has been making working conditions harder both mentally and physically, consequently leading care workers to leave the sector – a trend that has been exacerbated by the Covid-19 pandemic, which negatively affected health and safety for both care recipients and workers. All these elements have contributed to making the social care sector very "unattractive".
  In addition to this, it is well known that the social care sector is characterised by a high level of informality, insecurity and, in many cases, the exploitation and abuse of workers without legal recourse to justice. Indeed, the majority of the care workforce (80%) is represented by women who often come from migrant or ethnic minorities or that are family members of the person in need of support who are forced to take the role of carer in the absence of adequate formal care and support services. This of course can have negative effects on the mental health and the income of informal carers, as it has been clearly pointed out in the EU Care Strategy[22]. Moreover, since the role of informal carers is not recognised and not renumerated, there can be negative impacts on the quality of care and support offered to people with significant support needs as well. Because of all these reasons, it would be key to foster the "formalisation" of informal care. Platform work can be an opportunity to formalise the hiring process and employment relationship and help create formal jobs for the millions of people who work undeclared in the sector. More formalisation, together with more flexibility and independence, job creation and better workload management can also help increase the attractiveness of the sector and encourage more young people to take up this career path.

4.2 The negative implications on online care workers and service users

Despite the potential benefits mentioned above, platform work can also present challenges for both services providers and beneficiaries. Assessing the negative impact the use of online platforms can have on the social care sector is extremely important since it can help have a clearer idea of the eventual risks and plan strategies and policies that can mitigate them.

- **Employment status of online workers and legal responsibility**
In the majority of online platforms, people offering services through them are categorised as self-employed, regardless of the actual conditions in which they work. Platforms justify this employment arrangement by defining themselves as purely an intermediary rather than an employer. While there may

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[22] European Commission (EC), *EU Care Strategy*, Brussels, September 2022.

be some benefits related to this type of employment status, such as increased flexibility and more favourable tax regimes, moving from an employment to a self-employed status often comes with considerable risks. Moreover, while platform workers in the social care sector might be specifically attracted by this type of work arrangement because of the advantages it can bring, it is also true that very often they have limited awareness of the consequence this can have on their employment rights and social protection. Indeed, as it will be also explored in the following paragraphs, self-employment always comes with lower income security, fewer training and peer-to-peer support opportunities, higher personal liability risks, and fewer social protections like sick pay and parental leave. Sometimes it also happens that people working through platforms may not receive a formal written contractual agreement, but have to accept the work-related terms and conditions stipulated by the digital labour platform, which may lack transparency and clarity and can be changed without any prior consultation or notice. This can further contribute to making their working conditions more precarious. Indeed, as labour and social rights are generally significantly different between employees/workers and the self-employed at EU level and in the Member States, this unclear employment status can represent a key challenge[23].

In addition to this, with most online platforms claiming to only connect independent workers with clients and not to be their employers, it can be very difficult to know who has legal responsibility over the service provided, as well as to know how to regulate such services. In the context of the social care sector, this can bring several challenges. Most existing social service providers are anchored in the community and are regulated – albeit not always well - by local and regional authorities who fund them. This clearly defines the roles and responsibilities of each stakeholder, with the aim of ensuring a high quality of service and that public funding is well spent, including in the interest of the end user. If the public authority decides to regulate online platforms in a way in which they no longer make the profit they require, which organisations will be there to provide the much-needed care and support services? This legal grey-zone and the collaborative economy could put at risk the continuity for social care and support, which is of course a crucial element to the implementation of the UNCRPD. It is important to ensure that Public Authorities act and take responsibility over the - potentially positive - development of online platforms, to ensure both quality of service and decent working conditions, including through regulation[24].

- **Benefits and social protection**

As mentioned above, platform workers are often classified as independent workers, meaning that they do not have the same rights and benefits to which salaried employees are usually entitled to. Platforms are often limited in their ability to offer such protections by regulatory constraints that only provide for such benefits in the traditional employment context. Additionally, even when platform workers have statutory eligibility to benefits, they may not be able to access them in practice. Workers are also limited in their ability to transfer benefits when moving between platforms. This aspect brings to light a further issues, namely the one concerning gender equality. If indeed the self-employed status of people working through platforms has implications for access to parental leave, it is well known that this issue particularly affects women, who represent 80% of the care workforce. Although the flexibility offered by platform work may be more advantageous for the women in the households purchasing the services, who may thus

[23] Hauben (ed.) H., Lenaerts K. and Waeyaert W., *The platform economy and precarious work*, Publication for the committee on Employment and Social Affairs, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.
[24] EASPD, op.cit.

be relieved to some extent of the burden of caring responsibilities, the same is not true for the domestic workers providing them, potentially intensifying inequalities and power differentials between women.

Another element to highlight is that there is also little evidence of legal protection or health and safety support for the independent workers active on online platforms in case of occupational accidents or, even worst, in case of abuse. Protection against the risks of work accidents is particularly relevant for on-location platform workers, such as the majority of online care workers. However, since platforms do not see themselves as employers and therefore responsible for workers, they tend to shift the safety risks and costs onto the latter. The lack of health and safety coverages can also be particularly problematic considering that many care and support workers are often already isolated and can be in vulnerable positions themselves. For instance, as already mentioned, a high percentage of workers are people from migrant backgrounds, who may not always be fully aware of their labour rights.

- **Control and rating of performance**

As seen above, the greater autonomy and flexibility potentially offered by platform work represents one of the main attractive factors for workers when looking at this type of employment arrangement. However, it is also true that online platforms can exert a rather high level of control and surveillance over workers, which can severely affect their autonomy and well-being. Indeed, new technologies allow platforms to continuously monitor workers while they perform their activities. In the context of care and support where, as already mentioned, platform work falls mainly under the category of on-location platform work, platforms can monitor the exchange of services by determining whether care workers arrive at the client's home on time, whether they check social media or answer calls while at work, and whether they walk, rather than sit, while carrying out specific tasks. Very often, however, workers have little information about how they are being monitored, thus creating an imbalance of power between them and the platforms. Another element to consider is that observations of workers' activities are used by platforms to rate their performance. Although this can be useful in monitoring the quality of services offered by online workers, it can become problematic if these performance evaluations are based solely on automated decision-making systems and algorithms. Indeed, this type of appraisal may not take into account specific situations outside the workers' control that could negatively influence their activities and, consequently, their rating. It is also true that this factor may harm the service user as well. If a rating, given in an automated manner, does not reflect the true quality of the service offered, the service user may find himself in a situation where he has to make a choice based on inaccurate information. This may therefore lead him to choose a service that does not adequately respond to his needs and wishes.

In addition to this, evaluation systems are usually based on a one-way evaluation, with clients evaluating service providers, but not vice versa. Receiving a negative evaluation can obviously compromise the reputation of workers, limiting their access to work and putting their pay or future jobs at risk. In the context of social work, the use of evaluations can bring additional challenges. Indeed, in contrast to other services, clients do not necessarily rate the care they receive themselves, but may delegate this task to family members or other persons. Such a situation may lead to distortions with regard to the rating. In addition to this, it should be taken into account that discrimination patterns affecting the real economy tend to be reproduced in the digital economy. Workers' discrimination according to gender, race or other characteristics is therefore a real threat to care platforms' working conditions, especially as culture and moral concepts may affect the perception of long-term home care practices. Biased ratings can therefore

fail to reflect the workers' actual performance. Ratings also contribute to increasing carers' dependency on a single platform because they are usually not transferable to a different provider. Switching the platform becomes more difficult for carers especially because ratings are important to succeed in attracting clients, to achieve higher earnings and to gain from a high visibility according to the platform algorithm. Such barriers to carers' mobility between platforms clearly weakens their position[25].

Lastly, it often happens that online workers have little control over the jobs that an algorithm assigns them or that they can be even punished by platforms if they reject to perform a task (for instance, platforms may limit their chances to find future jobs). While it is true that this risk may affect workers in the social care sector less due to its specific characteristics, it cannot be excluded that the use of algorithms may give rise to negative implications. As stated at the beginning of this paper, care services are most likely to fall under the category of on-location platform work. In this case, workers offer or select their tasks independently, without an algorithm-determined matching. While algorithms may apply to sort and list the available carers, the choice of the contract partner remains with the two parties, which allows carers to reject certain clients and vice versa. Such a model is adapted to initiating a long-term relationship between clients and workers rather than a one-off service and refers back to the specific character of care work compared to other services. However, while such algorithmic business models have not become very common in the European care market yet, platforms based on short-term on demand care services and platform-determined matching can give rise to potential negative implications for carers' working conditions[26].

- **Use of personal data**

It is important to mention that the continuous monitoring of online platforms workers can also raise questions of privacy and protection of personal data. Indeed, through the users interactions and workers' tasks execution, platforms are able to collect a considerable amount of information from both workers and clients, which are usually processed and used for the purpose of work-allocation, organisation and evaluation. However, these data can be perceived as confidential, putting workers' and service users' privacy at risk. Considering that platforms may also decide to sell these data to other companies, the implication this issue can generate can become quite delicate.[27]

It is therefore a priority to ensure that the introduction of new technologies in social services is agreed and regulated through legislation that protects data and control their use.

- **Remuneration and conflict resolution**

Platform work can also lead workers to face a certain level of income insecurity. Indeed, if it is true, as highlighted above, that online platform work can represent an opportunity to increase the earning level of care workers who normally receive very low wages (this, by removing "expensive" intermediaries between carers and care seekers by setting a lower commission rate), it is important to underline that certain conditions must be guaranteed for this purpose. For example, it would be important to ensure

[25] Trojansk A., op. cit.
[26] Trojansk A., op. cit.
[27] Hauben (ed.) H., Lenaerts K. and Waeyaert W., *The platform economy and precarious work*, Publication for the committee on Employment and Social Affairs, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.

predictable, fair and stable commission fees so that care workers can know in advance what level of pay they can expect. This is important especially because care workers tend to provide services over an extended period: if payments between the same carer and client are continuously made through the platform, the latter remains in an important power position.[28] Other factors that can negatively affects worker's earnings are:

- o limited possibilities to seek recourse if the client refuses to pay for an already performed task.
- o Unpaid time to which platform workers are subjected. This, for example, may include the time spent looking for clients, searching for tasks, waiting for replies from clients or the platform, which are not always remunerated. Considering that online care work mainly takes the form of on-location platform work, unpaid commuting times to clients' homes, unpaid hours for searching for tasks online and additional expenses for tools and equipment may relatisize the gains from higher earnings.
- o Limited possibilities of appeal for workers when they receive negative ratings. As explained previously in this paper, online platforms use rating systems to evaluate workers' performance. This can have a significant impact on a worker's level of pay and future chances of finding another job, especially when they are negatively evaluated and have no room for contesting the rating.

The platform's ability to provide transparency over the real costs and income for carers are therefore crucial to provide care workers with control over their work. Equally important is to grant them the power to set their own rates, which would also better reflect their levels of skills and experience (if adequate checks are ensured).

Conflict resolution between workers and clients is another key point that determines carers' working conditions on platforms. A fair and transparent procedure can be crucial to protect carers in the case of disputes between the worker and the client. This will also allow workers to secure themselves from unfair actions by platforms. As a matter of fact, with all the data they possess, online platforms often intervene as arbiters in case of conflict between clients and workers; however they do not generally provide functional resolution mechanisms or tend to judge disproportionately in favour of clients.

- **Upskilling**

An important challenge affecting platform workers concerns their limited possibilities for reskill and upskill and for accessing training opportunities. This is due not only to the lack of training options offered by platform providers - who see themselves only as intermediaries and not as employers, thus not responsible for the development of workers' skills - but also to the fact that self-employed status does not allow workers access to many other types of training measures. Considering that care work is a profession that requires a certain level of skills, social competences and training standards, this can be particularly problematic. This is especially true in the case of providing care and support to persons with more significant and/or complex needs, such as many persons with intellectual disabilities. Lack of training can in fact lead to a lowering of the quality of care services offered and qualified care staff, which, in the case of persons with high care needs, can be very dangerous. The training of professionals is also considered one of the key principles to promote the implementation of the UNCRDP and de-institutionalisation more generally.

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[28] Hauben (ed.) H., Lenaerts K. and Waeyaert W., op.cit.

Furthermore, although online platforms may ensure qualification and background checks of the self-employed workers they register, this does not seem to be the norm, resulting in the de-skilling of workers in the care and social support sector. Qualification checks would also reduce the flexibility that differentiates online platforms from traditional providers, which might explain why many online platforms - especially for-profit ones - would be cautious about including such checks. In addition, online platforms

often use reputation systems that are not transferable and that do not allow workers to transfer their skills, knowledge, and experience, to other platforms. This can therefore limits mobility between digital work platforms and potentially also from platform work to traditional employment, resulting in possible underutilisation of skills.

Apart from the skills required to perform the actual task, care workers working through platforms would also need to have skills related to the use of the digital labour platform (e.g., operating the digital labour platform, self-marketing, reputation building, etc). This is especially true if we consider that the social care sector is characterised by an ageing workforce. Being digital skills mostly developed before entry into platform work, when online platforms do not offer this kind of training, it might be difficult for care workers to have access to this type of work arrangement.

Care platforms would therefore need to find effective ways to offer or at least to ensure access to relevant trainings for carers to meet quality standards for the provided care. On the other hand, such measures would further blur the line between the platform's role of an "intermediary" versus an "employer".

- **Availability and continuity of services**

At a time when many social work and support jobs are considered unattractive and shortages are high, it is important to consider how online platforms will affect the number of available care and support workers (and vice versa). This is especially true because, as has been shown in this paper, the business model of the collaborative economy is often based on shifting risk onto the worker, forcing them to become self-employed, often without adequate protection. There is a need to ensure an appropriate balance of risk versus availability of work, shared between consumer, platform and worker. For instance, in a traditional employment relationship, the risk of periods of low demand is borne by the employer; if demand is low, the worker is still paid (in the short and medium term). In the platform economy, the risk is mainly borne by the worker, especially since workers generally do not have access to safety nets. Moreover, workers are often not protected against removal from a platform. An important response of platforms to this situation would therefore be to develop tools for clients and workers to replace an unavailable operator, while allowing operators to schedule appointments in advance. This problem, therefore, affects both platform workers and people seeking a service. In the absence of operators available to offer their services, people may find themselves in a situation of insecurity, where they are never sure if they will find someone available to meet their needs. This problem mainly affects rural or peri-urban areas, where the shortage of personnel is most evident. This can therefore create a divide depending on where the service user lives.

Another point to mention is that in order to ensure the accessibility of online services - that should certainly be user-friendly and meet specific accessibility criteria - it is also necessary for people to have the adequate digital skills. If we consider the care and support sector, with the digital divide higher for persons with disabilities than with persons without disabilities, this is a very problematic issue. Training and re-training of both people with disabilities, their families and service providers, other than of the staff working in the sector is therefore fundamental. Again, this issue can affect to a greater extent rural areas, where people usually are less digitally trained. Another challenge in rural areas might be linked to the lack

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of proper infrastructures to guarantee digital connectivity which can of course limit internet access of clients and their possibility to get the services they need.

A last issue to consider is that platform work is often based on satisfying "individual needs of the moment", prioritising a short-term logic. This can be particularly problematic in relation to the social care sector where the establishment of a long-term relationship between the care provider and the care seeker is fundamental in order to better support and empower some people with disabilities, especially those with more difficult needs.

- **Social environment and relationships**

Another criticism that is usually made against the use of platform work concerns the fact that this type of work arrangement may contribute to the professional and social isolation of workers. Indeed, the possibilities for platform workers to connect with each other, interact and build a community seem to be quite scarce.[29] Workers do not automatically have the opportunity to build networks and provide or receive peer-to-peer support unless the platform actively decides to provide such opportunities. However, social ties and interactions and the self-perception of workers as a collective force are essential prerequisites for collectively improving working conditions. In the context of care work, this may further exacerbate an already existing problem.[30] Indeed, it must be considered that in this sector, the isolation of workers does already constitute an important issue that needs to be tackled. In a sector characterised by informality in which very often the care work is performed by the family members – mostly women - of the person requiring support, caring responsibilities may heavily affect other aspects of carers' life, such as social relationships, causing them to feel lonely or isolated. Moreover, taking into account that care work takes place mainly on-location, for instance at the care seeker's home, the creation of social links between workers can be challenging. In this case, platform work, which does not provide meaningful opportunities for interaction between workers, could only worsen this situation, further leading to dispersion and a lack of shared identity among carers.

Furthermore, as it will be discussed in the following paragraph, the difficulties for workers to connect can limit their right to collective bargaining and, therefore, their power to negotiate with platforms.

- **Representation**

"Representation" concerns "*the rights of platform workers to freely associate, to be represented at the company or sector level, to be informed and consulted, to bargain collectively and conclude collective agreements with the platform (or end-user company) on their working conditions, including pay rates and social protection*".[31] Platform workers often do not benefit from the traditional instruments available in many societies to ensure that workers' voices are heard and matter and that their rights are respected, such as representation and right to collective agreements. This is made difficult particularly because of three main factors:

- The employment status of the worker: when online platforms are categorised as self-employed, according to EU competition law, they are not allowed to conduct collective bargaining and conclude collective agreements concerning tariffs, as these may constitute "cartels" under Article

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[29] Digital Future Society, *Home care and digital platforms in Spain*, February 2021.
[30] Trojansk A., op. cit.
[31] Hauben (ed.) H., Lenaerts K. and Waeyaert W., op.cit.

- 101 TFEU[32]. Clearly, when the employment status is unclear, the issue can be even more complicated. However, in its study on the working conditions of platform workers[33], the European Commission has observed that while EU legislation and Court of Justice of the European Union (CJEU) case-law exclude the self-employed workers from collective bargaining where free and fair

  trade is prevented or distorted, it does not seem to object to collective action from self-employed platform workers on some specific issue of particular relevance, such as the terms and conditions of their contractual relationship, contract termination, or the use of algorithm systems to rate workers' performances. This means that agreements concluded between representative bodies of self-employed platform workers and the platforms on these matters do not contravene anti-cartel legislation. The right to bargaining collectively would be key for care workers to address workforce challenges that characterised the sector and that can be easily replicated if not exacerbated in an online environment. In the recently published European Care Strategy, the EC has clearly call on *"Member States and EU-level and national social partners to foster effective social dialogue and to conclude collective agreements for the care sector with the objective of providing care workers with fair working conditions and adequate wages"*[34].

- The lack of common identity between workers: as highlighted in the previous section, platform work usually leads to more isolation as it is carried out at dispersed locations and the task/work allocation, organisation and evaluation is based on purely digital interaction. This can weaken the power and lower the opportunities for workers to organise themselves and make their voices being heard.

- The right to form unions: in some European countries, legislation specifically prevents the self-employed to form or join trade unions. Considering that most of online platform are categorised as such, it can be rather difficult for them to enjoy this right. In recent years, this trend has undergone slight changes with trade unions in several countries taking efforts to increase their coverage in the field of platform work by opening access to self-employed and platform workers. Certain mainstream unions and unions for precarious workers have been particularly active in this regard, especially in Germany, the United Kingdom and France. Although these more broadly oriented unions may address the common concerns of care workers within and outside platforms, this instrument may be insufficient to address some specific challenges affecting platform carers. This is due in particular to the fact that, if online platforms keep refusing to act as "employer-like", it can be hard to make progress in this respect[35].

  In addition to this, in some countries platform workers have launched initiatives themselves.[36] For instance, they have formed collectives to organise information campaigns, foster exchange among platform workers, draft codes of conduct, or facilitate negotiations between workers and

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[32] Judgment of the CJEU, *Case C-67/96, Albany International BV v Stichting Bedrijfspensioenfonds Textielindustrie*, ECR I-5751, 21 September 1999.
[33] European Commission (EC), *Study to gather evidence on the working conditions of platform workers*, VT/2028/032, Final Report, Brussels, 13 March 2020.
[34] European Commission, *European Care Strategy*, Brussels, September 2022.
[35] Trojansk A., op. cit.
[36] Eurofund, *Employment and working conditions of selected types of platform work*, Publications Office of the European Union, Luxembourg, 2018.

platforms. Despite this, most of these collectives have remained quite limited in their scope, thus achieving little success in terms of improving working conditions.

CONCLUSIONS

This section has provided an overview over challenges that would need to be addressed in order to make sure that care and support services offered through online platforms can complement existing ones in a valuable, effective and safe way. The analysis has shown that it is certainly true that online platforms can potentially bring innovation and have a positive impact on some aspects of the care and support sector. For instance, it has been shown how they can improve the accessibility of services for care seekers, encourage the creation of services that are more user-centred and that can therefore support people in living more independently as well as provide some support to carers of people with support needs, who usually are family members – mostly women – that most of the time take on this role out of necessity. From the point of view of service providers, when certain conditions are met, platform work can provide opportunities to increase the attractiveness of a sector that today attracts fewer and fewer workers because of its precariousness as well as improve the situation of care workers by formalising their employment status. Nevertheless, it is clear that online platforms can also give raise to several negative implications in the social care sector, especially with regard to the rights of online care workers. For instance, even in cases where the employment relationship is formalised with an employment contract, this does not necessarily imply decent working conditions. Access to social protection schemes, to health and safety coverage and to an adequate remuneration can be particularly at risk. Moreover, issues of discrimination, conflict resolution and representation would need to be addressed and properly tackled. As per the consequences on the service users, platform work can create new barriers for care seekers – especially persons with disabilities - when they do not have adequate digital skills to allow them to access and use online services, it can negatively affect the relationship between carers and care-seekers and, under certain circumstance, the quality of services as well. For people with more complex needs, challenges might even be more severe since they usually need services that meet certain specific standards, that are available in the long-term period and for which an ongoing relationship with service providers can be created, elements that online platform work cannot always guarantee.

While it is true that the use of online platforms in the social care and support sector in Europe is not hugely widespread yet, this phenomenon is growing more and more, thus making it crucial to observe its continuous developments. In the next future, it would be particularly important to make sure that the rights of care workers as well as the need to protect often vulnerable care seekers are put at the core of platform activities. In order to ensure this, it is important that policymakers promptly act in this regard, ensuring that platform work is properly regulated and continuously monitored.
Furthermore, it should not be forgotten that not addressing these issues may have negative consequences for the entire European labour market as well as for society. Indeed, this would mean to exacerbate labour market segmentation, increase inequalities and have less economically active individuals who could, instead, contribute to the economic growth of Europe.

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