

Unlocking the Gig Economy: Clarifying Gig Workers' Employment Status

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ABSTRACT

This study explores the rapidly growing gig economy, a dynamic sector driven by digital platforms that connect market demand with skilled talent. Despite its widespread attention across various academic fields, the lack of a clear and universally accepted definition of gig work has led to ongoing ambiguity regarding the employment status of gig workers. This research aims to clarify this issue by conducting an in-depth analysis of existing literature on gig work, with a particular focus on Uber. Uber classifies its drivers as independent contractors, but our analysis suggests that the company operates as an institutional entrepreneur, challenging traditional classifications of employment. We argue that Uber drivers occupy a unique and precarious position, characterized by limited autonomy and algorithmic oversight, which falls outside standard definitions of independent contractors, employees, or entrepreneurs. This study highlights the urgent need for a clear and comprehensive classification framework for gig workers to address the confusion faced by stakeholders in the evolving gig economy.

Keywords: Gig Economy, Entrepreneurship, Gig Workers, Uberization, Platform Work, App-Based Economy, Algorithms, Precarious Workers.

Déverrouiller l'économie des petits boulots : Clarification du statut d'emploi des travailleurs de la gig economy

RÉSUMÉ

Cette étude examine la croissance rapide de l'économie des petits boulots, un secteur dynamique alimenté par des plateformes numériques qui mettent en relation la demande du marché et les talents qualifiés. Bien que ce secteur suscite une attention considérable dans divers domaines académiques, l'absence d'une définition claire et universellement acceptée du travail de petits boulots a entraîné une ambiguïté persistante concernant le statut d'emploi des travailleurs concernés. Cette recherche vise à clarifier cette question en menant une analyse approfondie de la littérature existante sur le travail de petits boulots, avec un accent particulier sur Uber. Uber classe ses chauffeurs comme des travailleurs indépendants, mais notre analyse suggère que l'entreprise agit comme un entrepreneur institutionnel, remettant en question les classifications traditionnelles de l'emploi. Nous soutenons que les chauffeurs d'Uber occupent une position unique et précaire, caractérisée par une autonomie limitée et une surveillance algorithmique, qui échappe aux définitions standards des travailleurs indépendants, des employés ou des entrepreneurs. Cette étude souligne l'urgence de développer un cadre de classification clair et complet pour les travailleurs de la gig economy, afin de résoudre la confusion rencontrée par les parties prenantes dans cette économie en évolution.

Mots clés : Économie des petits boulots, Entrepreneuriat, Travailleurs de la gig economy, Uberisation, Travail via plateformes, Économie basée sur les applications, Algorithmes, Travailleurs précaires.

INTRODUCTION

The COVID-19 pandemic introduced unprecedented transformations to the global economy and labour landscape. In response to lockdowns and social distancing mandates, businesses and institutions rapidly embraced digital technologies to sustain their operations. This digital revolution has brought about substantial alterations in corporate functioning, notably promoting gig and remote work arrangements. Blackham (2018) noted that the disruptive digital technologies and algorithms has precipitated a shift towards precarious, non-traditional employment structures within the gig economy. In this framework, workers engage in project-based, flexible, and temporary roles, deviating from the conventional notion of full-time employment.

Nonetheless, the conceptual elucidation of the gig economy's organizational structure and framework remains in its nascent stages, necessitating a comprehensive exploration of its labour-related implications. Scholars have employed various terms such as gig economy, platform economy, on-demand economy, and sharing economy to delineate this emerging work paradigm. Simultaneously, they have underscored the nuanced distinctions among these non-standard employment arrangements. The absence of a consensus definition for the gig economy has engendered ambiguity and limitations, affecting multiple stakeholders, including workers, employers, and policymakers. This underscores the imperative for the differentiation of gig worker profiles and the establishment of a universally accepted definition for the gig economy.

This study conducts an in-depth examination of the current body of literature concerning gig work, with a specific focus on Uber, a prominent technology-driven company emblematic of the contemporary non-traditional employment landscape. The primary objective is to scrutinize the official classification of Uber's driver-partners, evaluating whether they should be categorized as independent contractors, employees, or entrepreneurs, as explored in prior research (Casagrande et al., 2021). In light of the escalating prevalence of gig work within the globalized digital work environment, this investigation aims to furnish valuable insights that can benefit researchers, policymakers, and social workers seeking to comprehend and navigate this evolving economic landscape.

BACKGROUND OF THE STUDY

The transition toward a gig-oriented work model has been greatly empowered by the advancements in information and computer technologies (Veen et al., 2019). This transformation has given rise to a multitude of terminologies used to characterize the digitized labour market. However, it is essential to recognize that the gig economy is concurrently reshaping the employment landscape by reducing

traditional forms of employment and giving rise to less stable and secure work arrangements. This new paradigm often entails extreme working conditions and compensation structures.

In this rapidly evolving context, there is a growing resurgence of interest in investigating the intricate relationship between work and the organization and management of the workforce. This renewed focus is driven by the dynamic changes occurring in the contemporary work environment.

Defining Gig Work and Worker Profiles

Recent scholarly investigations highlight the expanding presence of gig workers within the labour force, with one in four individuals participating in gig work to varying degrees (Watson et al., 2021). Rideshare drivers, who offer transportation services using their vehicles, represent a notable segment of gig workers due to the flexibility and autonomy and freedom in their occupation. These drivers are concurrently classified as sharing economy workers and gig workers. The inherent diversity of gig work engenders distinct experiences and opportunities for workers, constraining their capacity to voice concerns and negotiate improved working conditions (Goods et al., 2019). Consequently, gig workers have turned to conventional strategies like grassroots campaigns and legal action to address exploitative aspects of this evolving work model. Therefore, establishing a consensus definition for the gig economy is imperative, enabling workers to collectively organize and advocate for enhanced working conditions.

A comprehensive analysis was conducted by Watson et al. (2021) to differentiate gig worker profiles and establish a universally accepted definition for the gig economy. Their study identified five distinct categories of gig workers: Gig Service Providers, Gig Goods Providers, Gig Data Providers, Agency Gig Workers, and Traditional Gig Workers. These classifications align closely with the definition offered by Codagnone and Martens (2016), which characterizes the gig economy as “as digital marketplaces for non-standard and contingent work; where services of various nature are produced using preponderantly the labour factor (as opposed to selling goods or renting property or a car); where labour (i.e., the produced services) is exchanged for money; where the matching is digitally mediated and administered although performance and delivery of labour can be electronically transmitted or be physical”.

METHODOLOGY FOR RESEARCH ARTICLE COLLECTION

The primary objective of this research is to determine the employment status of gig workers by closely examining the available classifications, including entrepreneurs, independent contractors, or employees. To attain this goal, the study conducts a comprehensive review of the existing literature within the realm of gig work. In the process of gathering relevant research articles for this investigation, the study utilized specific search terms, namely 'Gig work and entrepreneurship' or 'Gig work and Independent contractor,' to query the Google Scholar database. Initially, a total of 97 articles were identified as potentially pertinent to the study, with a specific emphasis on addressing whether Uber drivers can be categorized as entrepreneurs or independent contractors. Subsequently, a rigorous screening process was applied,

entailing an assessment of the alignment between article abstracts and the study's objectives. As a result of this screening, numerous articles that did not align with the research objectives were excluded from the study.

FINDINGS AND DISCUSSIONS

Uberization & Entrepreneurship

As the landscape of employment undergoes rapid transformations, Zero-Hour contracts have gained prominence and significance due to their ability to reduce transactional costs. This shift has been facilitated by advancements in technology and mobile computing, enabling widespread accessibility via the internet—a phenomenon often referred to as 'uberization.' As articulated by Casagrande et al. (2021), this 'uberized' labour paradigm is characterized by meticulous oversight through digital algorithms, supplanting human intermediaries with mobile apps and technology. Work tasks are structured and executed with a Taylorist logic. Moreover, it incorporates elements akin to toyotism, exemplified by a just-in-time inventory system, as it functions within an on-demand economy. Here, algorithms empower platforms to seamlessly match end-user demand with service supply, facilitated by gig workers through the utilization of apps. Freelancers and entrepreneurs now offer their labour services on these platforms, enticing individuals with promises of flexible schedules, autonomous work environments, and potentially boundless earnings.

This evolving labour landscape represents an amalgamation of multifaceted concepts. Among these, entrepreneurship has garnered substantial attention in both research literature and the media. The distinction between work and employment is becoming increasingly apparent, affording certain individuals new prospects for entrepreneurial, self-directed endeavours (Holland & Brewster, 2020). It is paramount to subject the relationship between entrepreneurship and the gig economy to critical examination, especially in the context of a global economic milieu that frequently positions entrepreneurship as the sole economic avenue, potentially eclipsing other avenues of economic possibility.

Uber as an Institutional Entrepreneur

The neo-institutional theory offers a valuable perspective on the notion of institutional change and entrepreneurship, shedding light on Uber's role as an institutional entrepreneur. In the era dominated by ride-hailing applications, these platform-based solutions present a challenge to conventional government-driven transportation solutions, consequently giving rise to new institutional arrangements characterized by altered commuting practices and a shift away from traditional public transport systems toward ride-hailing apps. Neo-institutionalism posits that institutional change can transpire when existing institutions are contested, destabilized, and potentially reshaped by enterprising individuals referred to as institutional entrepreneurs. These entrepreneurs actively exploit opportunities arising from the shortcomings of established institutions, driving transformative changes in institutional

arrangements that diverge from the status quo. In line with this perspective, Uber can be regarded as an exemplar of an institutional entrepreneur due to its role in challenging and reshaping the traditional taxi industry by introducing a novel model for ride-hailing services (Ramizo, 2021).

Characteristics of Uber work

➤ Algorithmic control over price, earnings and behaviour

Uber, a well-known ridesharing platform, utilizes digital algorithms to oversee various aspects of its drivers' operations, encompassing pricing, earnings, and behaviour (Cram & Wiener, 2020). Following each ride, customers have the opportunity to rate drivers, with drivers being required to uphold a minimum rating of 4.6 out of 5, a criterion communicated through the app (Cram et al., 2020). Nonetheless, drivers have limited influence over pricing and driving dynamics, making it challenging for them to enhance their income through experience or strategic driving decisions. Uber adopts a pricing structure where riders are charged a fixed rate, while drivers are remunerated based on the distance covered and time spent driving. This payment model creates a situation where the company has an incentive to exert control over drivers (Wiener et al., 2021). Consequently, Uber drivers often find themselves operating at or below minimum wage levels, as they encounter constraints in expanding their customer base or augmenting their earnings. Furthermore, drivers lack the autonomy to select their passengers and can face penalties for declining ride requests or choosing less efficient routes. While Uber portrays its drivers as enjoying entrepreneurial autonomy, the practical reality reveals that the company wields substantial influence over their behaviour and income.

➤ Fictitious freedom, flexibility and Autonomy

The narrative surrounding the ascent of the "gig economy" accentuates the notions of flexibility and freedom conferred upon workers, including the ability to determine their own time, establish work schedules, and engage with multiple employers (Shibata, 2019). Nonetheless, this discourse tends to overemphasize the extent of freedom and self-governance available to Uber drivers while downplaying the extent of control wielded by Uber over their actions and earnings (Mishel & McNicholas, 2019). Despite being categorized as independent contractors, Uber drivers grapple with limited agency in various facets of their work, encompassing aspects such as pricing, passenger selection, and route selection. Their capacity to augment earnings through experience or strategic driving choices is similarly constrained. This loss of autonomy, coupled with Uber's remuneration system that compensates drivers based on actual miles driven and time expended rather than a fixed wage, often results in many drivers earning at or below minimum wage levels. This predicament has sparked calls for a reclassification of their employment status from independent contractors to employees (Eisenbrey & Mishel, 2016). While the discourse within the sharing economy frequently invokes the idea of entrepreneurship, it is pivotal to recognize that Uber drivers do not enjoy the same scope for autonomy and risk-taking as small business owners. Consequently, it is imperative to accurately categorize them based on their affiliation

with Uber (Makó et al., 2021). In summation, although the gig economy promises a degree of flexibility, the actuality is that Uber drivers contend with limited autonomy and substantial corporate control.

➤ **Surveillance and close supervision**

Uber drivers undergo continuous monitoring through algorithmic systems that assess various dimensions of their performance, encompassing metrics like acceptance rates, trip duration, driving speed, and customer evaluations, among other factors. These systems rely on digital sensors and algorithms to oversee and appraise workers' actions, furnish feedback, and ensure compliance with established guidelines. This practice of scrutinizing employee behaviour to guarantee adherence to rules and protocols is a commonplace managerial approach, with compliance potentially leading to either incentives or penalties. For instance, the Uber driver application actively observes driver conduct during rides and can generate automated emails to drivers who engage in abrupt braking, offering suggestions for a smoother braking technique (Cram et al., 2022; Pregoner et al., 2021; Woodside et al., 2021).

DISCUSSIONS ON THE EMPLOYMENT STATUS OF UBER DRIVERS

Uber driver as an entrepreneur

A debate ensues among researchers concerning the linkage between Uber employment and entrepreneurship. Certain scholars contend that Uber driving constitutes a manifestation of entrepreneurship, while others maintain it embodies a form of precarious employment. Ray et al., (2021) revealed that under specific conditions, the gig economy can facilitate entrepreneurship. This occurs when workers can leverage the platform's freedom and autonomy to engage in other entrepreneurial endeavours. Nonetheless, the authors also noted that the gig economy may inhibit entrepreneurship in other ways, such as by reducing social safeguards and intensifying competition. In addition to this, Browder et al. (2019) investigated the motives and consequences of Uber drivers in the United States. They noticed that a significant proportion of drivers view their employment as entrepreneurial, with the platform's flexibility and autonomy allowing them to explore further entrepreneurial endeavours. These results show that the gig economy can provide a path to entrepreneurship for a subset of people.

In contrast, Casagrande et al., (2021) argue that Uber driving does not constitute entrepreneurship and has no historical relation to concepts of entrepreneurship. Several studies support this viewpoint, which characterises Uber drivers as precarious workers with flexible arrangements, as opposed to the usual notion of 'entrepreneurs.' Further, a review of data from an Italian poll of Uber drivers finds that these drivers have limited control over their employment and are subject to the company's decisions, further highlighting their divergent perspectives. This line of reasoning asserts that the gig economy lacks the necessary conditions for entrepreneurship to flourish. Therefore, it is evident that the connection between Uber employment and entrepreneurship is complex and context dependent. While some drivers view their profession as a sort of entrepreneurship, others view it as a form of precarious employment

devoid of the conditions necessary for entrepreneurial endeavours. The impact of the gig economy on entrepreneurship is correspondingly multifaceted, yielding both positive and negative outcomes contingent on specific circumstances.

Uber driver as an employee/Independent contractor

The employment status of Uber drivers has evolved into a multifaceted and contentious issue, marked by conflicting assertions. On one side, proponents argue that Uber drivers should be categorized as employees, thus gaining entitlement to benefits and legal protections, while Uber contends that its drivers function as independent contractors. Dubal (2017) unveiled that the predominant sentiment among drivers is not that of independent contractors, but rather one akin to employees. The authors of the study underscored that the misclassification of drivers as independent contractors carries significant repercussions, impacting their access to essential benefits and legal safeguards. Moreover, this misclassification could potentially shape the overarching framework of the gig economy. Reinforcing these findings, Newaj (2023) yielded similar results regarding the employment status of Uber drivers. Their research illuminated that Uber drivers, contrary to being independent contractors, function as employees who are subject to the company's control and supervision. This observation has profound implications not only for the regulation of the gig economy but also for the safeguarding of workers' rights.

Furthermore, Woo & Bales (2017) explored the legal and ethical dimensions of the gig economy, advancing arguments that the misclassification of gig workers, including Uber drivers, as independent contractors deprives them of critical benefits and legal protections, such as minimum wage guarantees and unemployment insurance. The authors also posited that the gig economy may accentuate inequality and erode social cohesion. Collectively, these studies advocate for the classification of Uber drivers as employees rather than independent contractors. This stance is underpinned by the level of control and supervision exercised by the company over drivers, as well as the drivers' own perceptions of their employment status. The misclassification issue extends its implications beyond the drivers themselves, affecting their access to benefits and legal protections, and potentially influencing the regulatory and structural dynamics of the gig economy on a broader scale.

Court verdicts regarding employment status of uber drivers

In a significant legal verdict in 2020 by the California Superior Court, it was definitively established that Uber drivers are to be regarded as employees rather than independent contractors (*People of the State of California v. Uber Technologies, Inc.*). This decision hinged on the precedent set by the California Supreme Court's *Dynamex* ruling, which introduced a novel framework for discerning whether a worker qualifies as an employee or an independent contractor. This framework comprises an evaluation of three core criteria, commonly known as the "ABC" test:

A. The degree to which the worker operates independently and free from the control and directives of the hiring entity, both as delineated in the contractual agreement and in practice.

B. Whether the worker engages in activities that fall outside the customary scope of the hiring entity's core operations.

C. Whether the worker maintains an autonomous and established trade, profession, or business that aligns with the nature of the services rendered.

Furthermore, in March 2021, the UK Supreme Court upheld a verdict affirming that Uber drivers hold the status of workers, entitling them to fundamental rights such as minimum wage compensation and paid leave (*Uber BV and others v Aslam and others*). In this ruling, the court dismissed Uber's contention that its drivers should be categorized as independent contractors. The court's reasoning rested on the determination that, in practice, drivers possess limited or negligible bargaining power to negotiate the terms under which they provide their services.

These legal pronouncements suggest that Uber drivers may possess a stronger legal basis for classification as employees, rather than independent contractors. Nevertheless, it is crucial to acknowledge that this matter remains contentious, with certain parties contending that the very essence of flexibility within the gig economy could be jeopardized if drivers were to be designated as employees.

The actual status of Uber drivers

Upon conducting a thorough examination of a diverse array of research studies and legal judgments, it becomes apparent that discerning the definitive employment status of Uber drivers presents a formidable challenge. This line of work amalgamates elements from various employment paradigms, effectively eluding straightforward classification within any single category. Instead, it assumes a hybrid character, encompassing aspects from multiple employment classifications. In this context, we align our findings with Casagrande et al., (2021), who underscores that Uber drivers exhibit characteristics of precarious, exploited employees. Their status does not neatly conform to the traditional delineations of employee status as defined by labour laws. They exist in a realm where they experience an illusion of autonomy and flexibility in determining their work schedules and timing. However, this seeming independence is counterbalanced by the intense monitoring and oversight exerted by algorithmic systems, resulting in an employment relationship that defies conventional classification.

IMPLICATIONS OF THE STUDY

Understanding the actual employment status of gig worker has far-reaching consequences for both individuals and society as a whole. The potential to address the issue of worker misclassification, which has been a major worry in the gig economy, is one of the most significant effects. By establishing gig workers' employment status, they can get the same employment benefits and protections as regular employees, such as the minimum wage, overtime pay, workers' compensation, and unemployment benefits. The real employment status of Uber drivers can also shed information on the nature of work in the gig economy. Despite being classified as independent contractors, gig workers are susceptible to a significant amount of managerial control and surveillance, as revealed by this understanding. In addition,

policymakers can utilise this information to comprehend the obstacles faced by gig workers in terms of job security, income stability, and access to benefits.

Furthermore, clarifying the job status of Uber drivers can promote fair competition and a level playing field in the labour market. If Uber drivers were classified as employees, Uber would have to compete on a more level field with traditional employers, leading to better working conditions and more equitable compensation for all workers. Overall, comprehending the actual employment status of gig workers, especially Uber drivers, is critical in ensuring fair treatment, protecting worker rights, and fostering a more equitable and just labour market. We suggest that the agencies charged with enforcing the nation's labour and employment laws conduct fair, fact-based inquiries when determining worker classification status. Such inquiries must recognise that companies assigning work via an app should be treated no differently than those assigning work the traditional way. Using technology to assign and direct work should not enable companies to avoid compliance with workplace protections.

CONCLUSION

In summary, the rise of the gig economy has reshaped the operational and employment paradigms of businesses, driving significant growth in gig and remote work arrangements. Despite its transformative potential, the absence of a standardized definition and a clear classification system for gig workers has led to widespread uncertainty and challenges for employers, policymakers, and workers alike. This lack of clarity exacerbates vulnerabilities for gig workers, who often face precarious conditions, limited social protections, and ambiguous legal statuses. Establishing a consensus-driven definition and a comprehensive classification framework is essential to address these issues. Such measures will not only enhance our understanding of the diverse and complex forms of gig work but also foster equitable treatment, greater job security, and more informed policy decisions. This endeavour is critical for ensuring transparency, fairness, and sustainability in the evolving landscape of employment and labour relations, ultimately enabling the gig economy to thrive as an inclusive and balanced ecosystem.

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