



Universität
Basel

Juristische
Fakultät



Regulating the digital Economy

**Labour and social security status of platform work in Switzerland – status quo and legal
policy developments**

Kurt Pärli, Professor of Private Social Law, Faculty of Law, University of Basel
Presentation at the University of Strasbourg, 11 December 2023

Overview

I) **Platform Business in Europe (EU)**

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

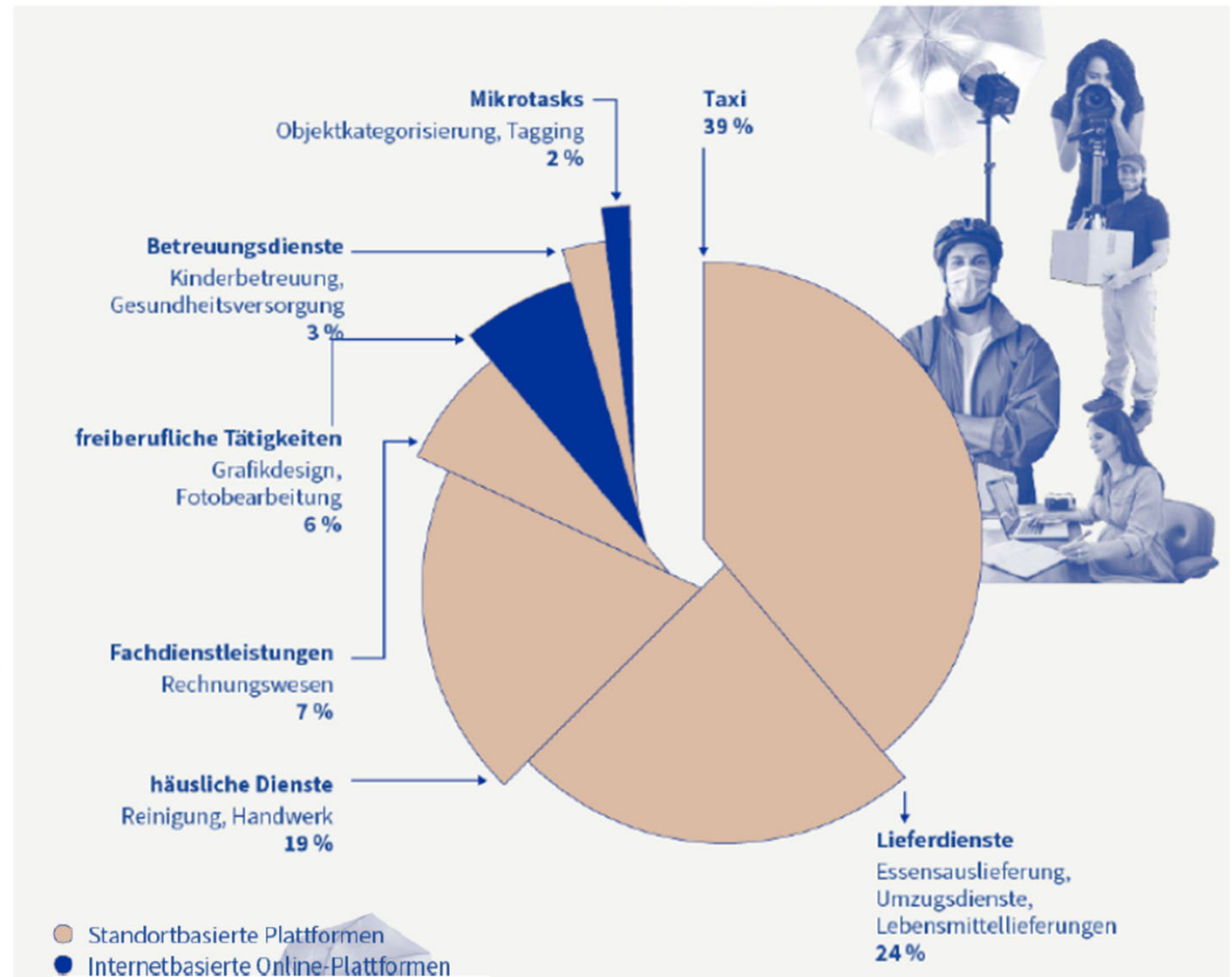
Digital platform economy in the European Union

Distribution in the EU:

- Approx. 500 platforms
- 28 Million employees in 2022, 43 Million in 2025

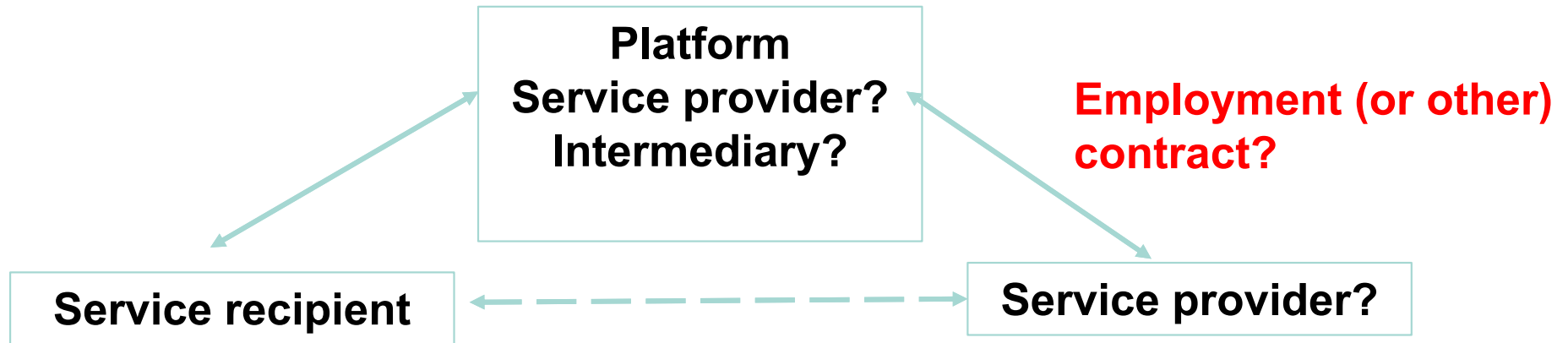
Income, status, social security

- 55% earn less than the net minimum wage
- 41% of working time is unpaid
- 7% employed, 93% «self-employed»
- 5 Million are incorrectly categorised (almost 1/5th)



Source: <https://www.consilium.europa.eu/de/infographics/digital-platform-workers/>

How does the platform business work?



Further questions:

- Tax law? Social security law? Public labour law? Agency work?
- Unfair competition law?
- Which forum (jurisdiction) / applicable law / arbitration clauses

What are the problems?

- «false self-employment»
 - No protection against dismissal
 - No paid holidays etc.
 - No collective agreements (e.g. antitrust problems)
 - No application of labour protection law (maximum working hours, health protection, etc.)
 - No or insufficient social security
- Problems regarding place of jurisdiction and applicable law for internationally active platforms (e.g. with Uber: arbitration clause, permissible or not?)
- «Algorithmic management»
 - Lack of transparency
 - Surveillance
 - No possibility to contest automated decisions

Overview

I) Platform Business in Europe (EU)

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

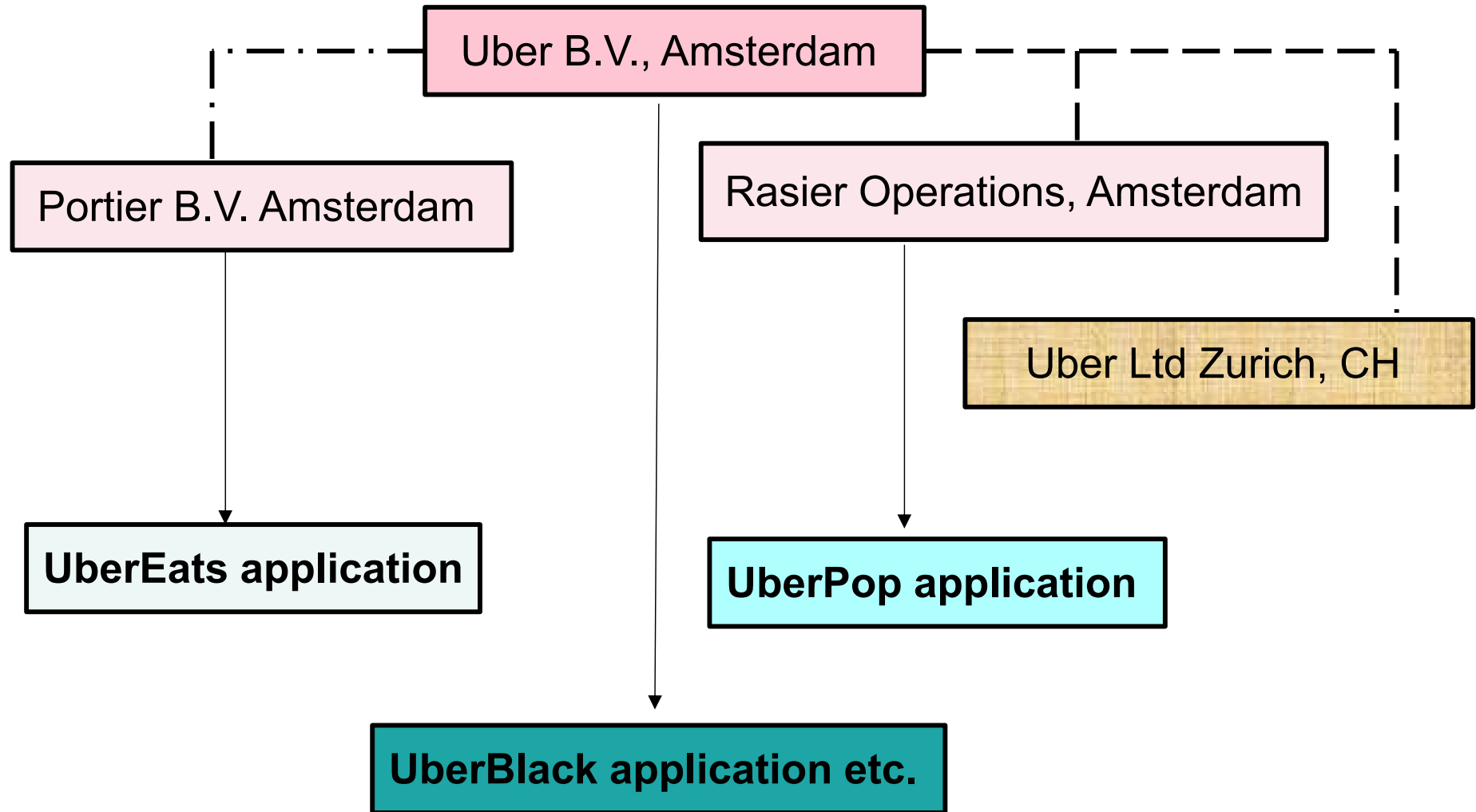
II) Lets talk about UBER

Uber's activities in Switzerland

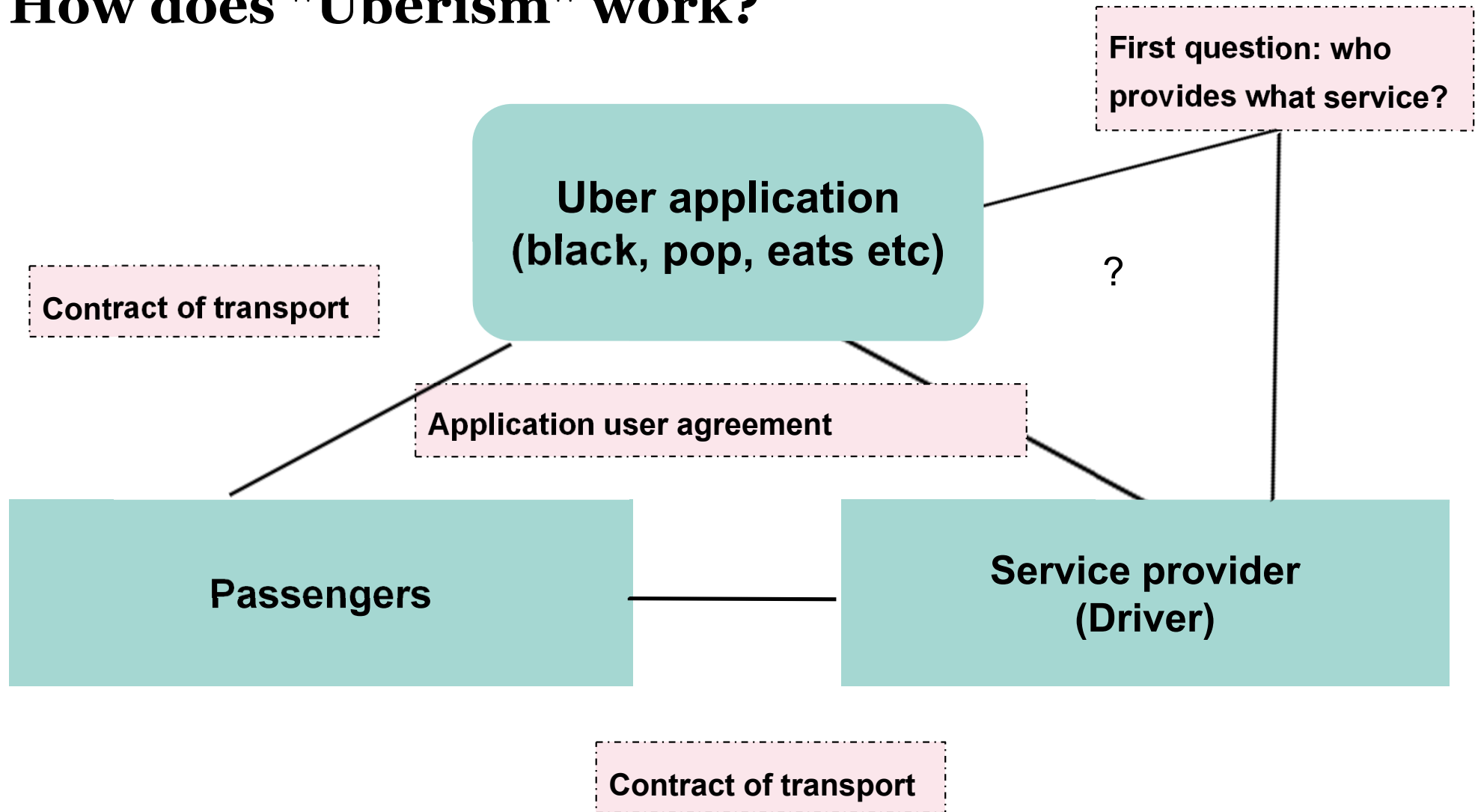
- UberPoP from 2014 to 2018
- UberBlack etc. since 2014
- UberEats since 2019

Uber's structure / see the following slide

The Uber-Komplex



How does "Uberism" work?



What matters: who defines and controls the service?

Decision of the CJEU, Case C-434/15

Initial situation :

- Dispute between Elite Taxi and Uber Systems Spain, is Uber breaking Spanish law on unfair competition?
- Preliminary ruling proceedings before the CJEU in Luxembourg :
 - Does Uber provide a transport service (national competence) or a service within the meaning of the European Services Directive (EU competence)?

Decision of the CJEU :

- Uber has a decisive influence on the conditions under which Uber drivers provide the service (maximum price, payment by the customer, etc.).
- Uber is much more than a simple intermediary between drivers and passengers (nothing to do with Booking, for example).
- The drivers are not carrying out an independent activity "that would exist independently of this platform".

Internet platforms - the big business

Uber, the world's largest taxi company, owns no vehicles. Facebook, the world's most popular media owner, creates no content. Alibaba, the most valuable retailer, has no inventory. And Airbnb, the world's largest accommodation provider, owns no real estate. Something interesting is happening (Tom Goodwin, 2015)

Source: <https://techcrunch.com/2015/03/03/in-the-age-of-disintermediation-the-battle-is-all-for-the-customer-interface/>

"

Overview

I) Platform Business in Europe (EU)

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

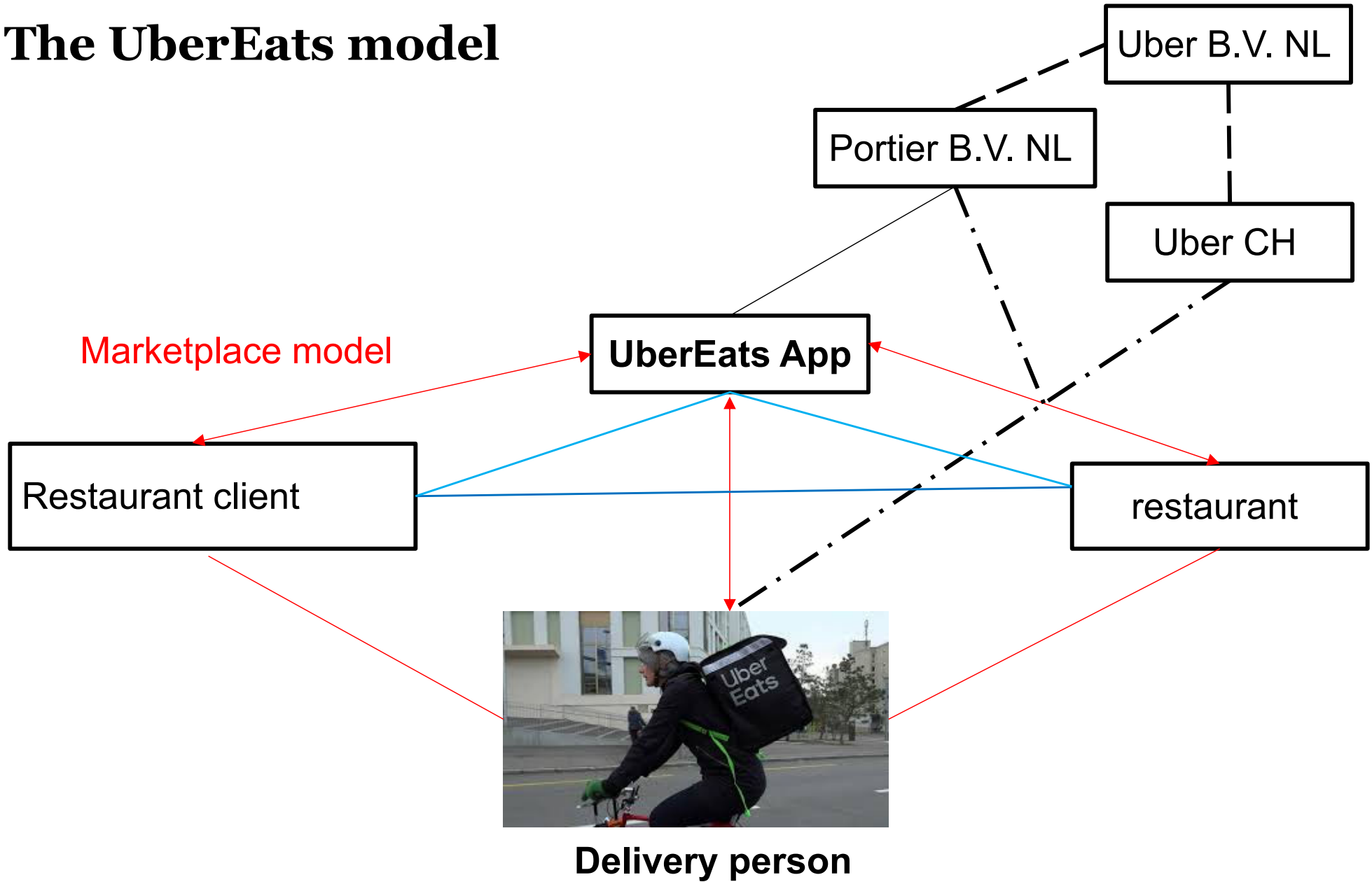
III) Uber Court decisions and their legal foundations

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

Uber Court decisions and their legal foundations

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

The UberEats model



PostCom's decision / Federal Administrative Court

- The UberEats service falls (**not**) within the scope of postal legislation.
- Food parcels whose final form allows them to be processed by post meet **not** the criteria for a postal item.
- The nature of the contents is irrelevant (**relevant**) to the properties of a package.
- Portier B.V. **doesn't** meet (s) the criteria for the obligation to register in accordance with Art. 4, para. 1 of the Postal Act.
- Portier B.V. must **not** register with PostCom
- Service providers subject to the obligation to register must in particular guarantee compliance with the working conditions customary in the sector (but not Uber Eats, Uber Portier B.V.)

Uber Court decisions and their legal foundations

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

The case of X. v Rasier Operations S.A. (UberPop)

The facts:

- Contract between UberPop Driver - Rasier Operations B.V.
- The driver worked an average of 50 hours for Rasier from April 2015 to December 2016.
- access denied to the App due to negative customer reviews

Legal considerations :

- Prior requests
 - Validity of the arbitration clause
 - Competent court
 - Applicable law
- Main questions :
 - Is there an employment contract between Rasier BV and the driver?
 - If so, does blocking access to the application constitute unfair dismissal and entitle the employee to compensation?

Uber Court decisions and their legal foundations

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

Principal judgment of the Federal Court in the Uber case concerning cantonal legislation on taxis and hire services

Federal Court decision 2C_34/2021 of 30 May 2023

- Taxi legislation canton of Geneva (Enterprise "Entreprises de diffusion de courses" or "Enterprise de transport")
- Uber CH = informing the authorities of an intermediary activity
- An Uber driver addresses an authority (his account had been blocked)
- Questions for the cantonal authorities:
 - Uber CH = transport company or intermediary?
 - Contract between driver and Uber B.V. (NL)
 - ... scope of the agreement between Switzerland and the European Union ? Freedom to provide services limited to 90 days per year?
 - Applicable regulations concerning spare parts?

Federal Court decision 2C_34/2021 of 30 May 2023 (continued)

- Obligation to hire drivers under an employment contract
- Ban on carrying on business in Switzerland
- Cantonal Court and Federal Court:
 - Employment contracts
 - Subordination
 - Driver evaluation systems for customers = Uber B.V. guidelines
- The rest of the story:
 - The drivers are hired by a third-party company

Uber Court decisions and their legal foundations

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

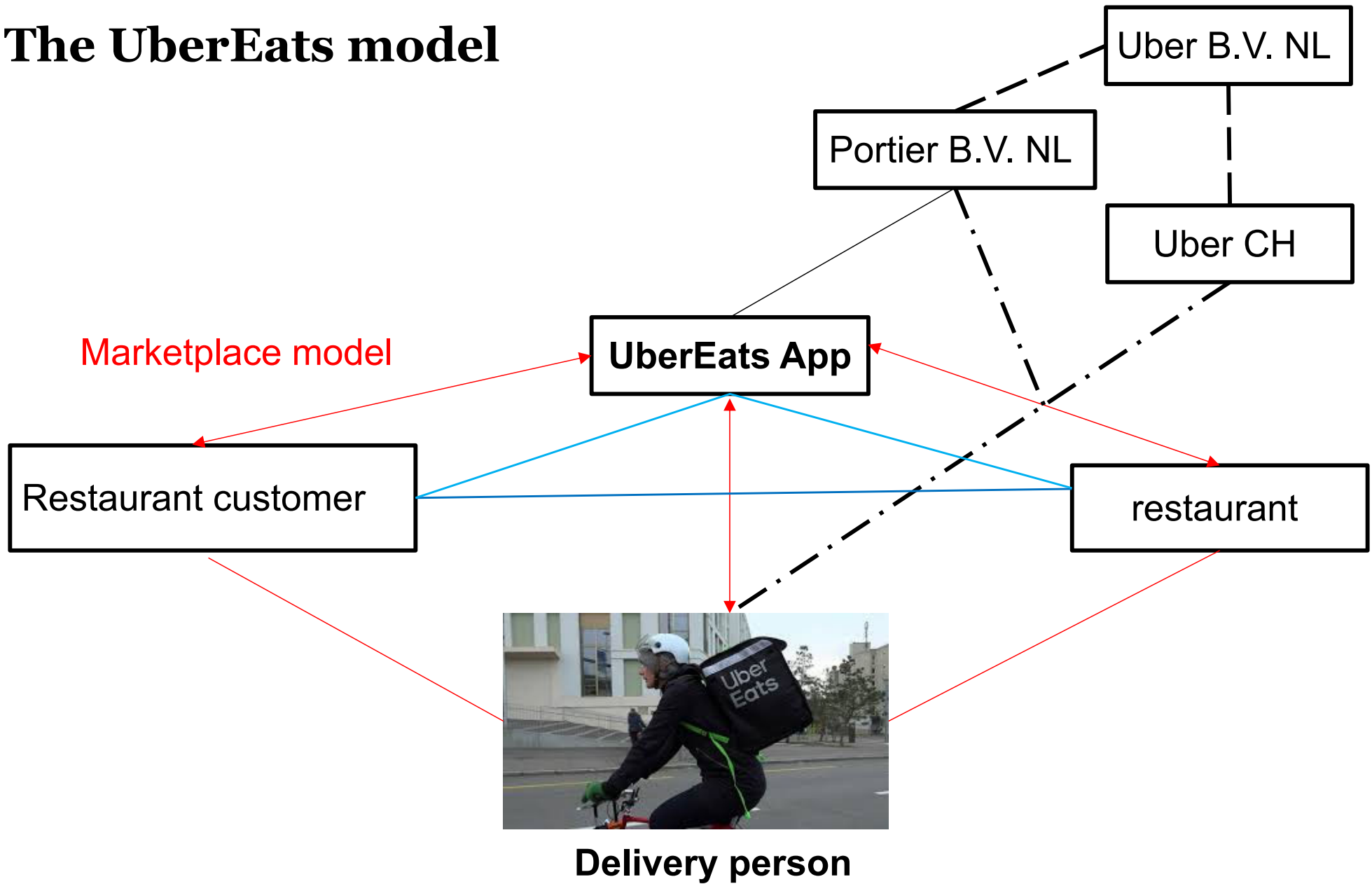
Federal Court decision 2C_575/2020 of 30 May 2022

UberEats

Starting situation :

- The Geneva Cantonal Employment Office has decided that Uber Switzerland (Uber CH), which is headquartered in Zurich, operates a branch in the canton of Geneva and that this branch must be entered in the commercial register.
- The delivery drivers are in a relationship of dependency with Uber CH. It is therefore an employment relationship and can be considered to be a hire of service. (agency work)
- UberEats transfers instruction rights to restaurants

The UberEats model



Federal Court decision 2C_575/2020 of 30 May 2022

UberEats (continued)

Publié 5 décembre 2022, 10:43

Économie Genève veut mettre au pas Chaskis, le livreur d'Uber Eats

Le Canton veut soumettre un sous-traitant du géant du repas à domicile à une CCT nationale. La société a fait opposition en justice.

- The Federal Court... .
- no hire of services, but...
- working relationship between Uber and delivery drivers

- What next?
 - Uber CH has not hired drivers
 - A third-party company, Chaskis S.A., is the employer of the drivers.
 - Hiring services?



Les coursiers de Chaskis opèrent pour le compte d'Uber Eats.

The decision of the Geneva Administrative Court of 7 December 2023 (1)

The competent Geneva authorities have qualified this constellation as a service lease.

Basis: Federal law on service hiring

Hiring services = a triangular relationship:

- Employment contract between employer and employee
- Service lease contract between the employing company and the company hiring the services

Legal consequences:

- obligation to obtain official authorisation
- Security deposit of CHF 100,000
- Minimum requirements for employment contracts
- Applicability of the binding collective labour agreement for service leasing

The decision of the Geneva Administrative Court of 7 December 2023 (2)

The court examined whether there was a hiring of services between Chaskis and Uber Portier B.V..

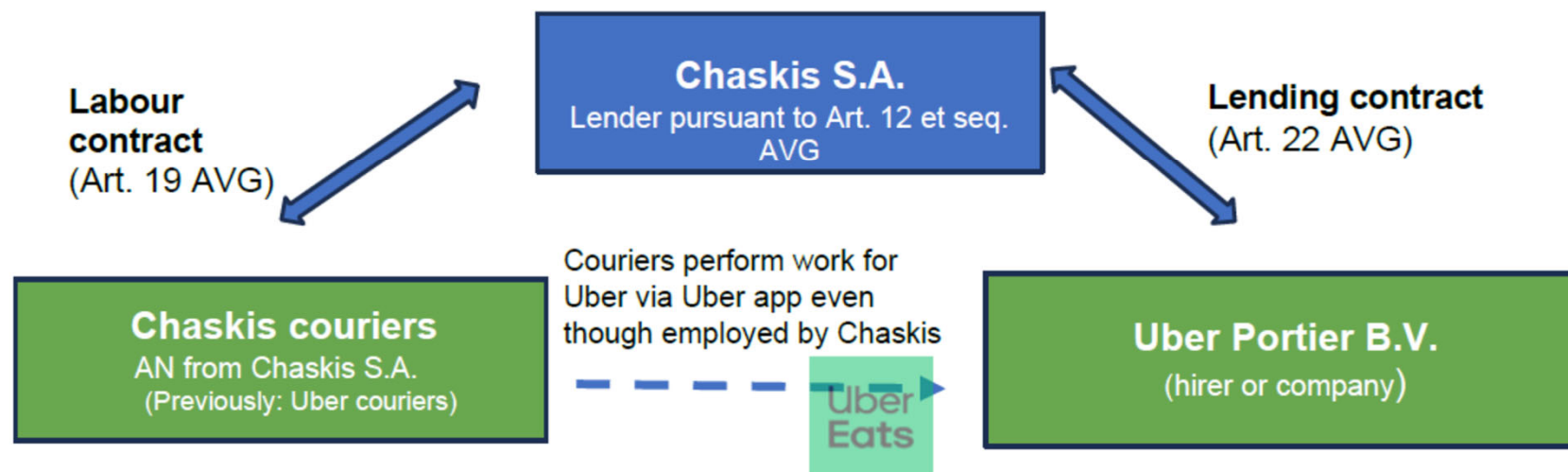
Hiring of services occurs when the employer (Chaskis) leaves significant management authority to the company leasing the services (Uber Portier B.V.).

Criteria:

- Integration of workers into the service provider company in terms of organisation, time and purpose.
- the worker carries out the work using tools belonging to the company hiring out the services - the company hiring out the services bears the risk of poor performance itself (vis-à-vis the customer)

Hiring of services? The App as the boss?

- Geneva Labour Office & Court considers Chaskis to be a **labour hire company** (Art. 12 ff. AVG)
- Staff leasing requires a **tripartite relationship**



Consequences of the ruling

- This case is pending before the Federal Supreme Court.
- the rental of services prohibits "payment by the minute". In other words, delivery personnel must be paid for the time they wait. This does not apply to Chaskis, which pays by the hour.
- However, in order to do so, it must apply for authorisation from the cantonal and federal employment offices.
- What's more, its activities will be governed by an extended national collective bargaining agreement, the Service Hire Agreement, which is more favourable to employees than the current agreement for bicycle couriers.

The battle in Social Security Matters

Legal basis	Authority	Decision	Stadium
Postal Act	Federal Postal Commission /Federal Ad.Court	Portier B.V. (UberEats) provides (not) a postal service	Final
Employment law (CO)	Vaud Cantonal Court	UberPop = employment contract Rasier B.V. = Employer	Final
Taxi Act (Geneva)	Swiss Federal Supreme Court	Uber B.V. (Taxi9 = Employer	Final
Hiring of services Act	Swiss Federal Supreme Court	Uber Eats B.V. porter = Employer No hire of services	Final
Hiring of services Act	Cantonal Administrative Court Geneva	Chaskis SA and Uber Portier B.V (Uber Eats) = Rental services	Contested
Old-age insurance	Swiss Federal Supreme Court	Uber Switzerland = no employer	Final
Old-age insurance law (and accident law)	Swiss Federal Supreme Court	Uber B.V. = Employer of Uber drivers Rasier Operations = Employer of UberPop drivers	Final

Income from gainful employment and social security

	Employee	Independent
Old age / disability insurance	<ul style="list-style-type: none"> • Mandatory • Half employer / half employee contributions (total: 10.25%) 	<ul style="list-style-type: none"> • Mandatory • Contributions paid by the self-employed person (between 5.196% and 9.65%)
Occupational pension provision	<ul style="list-style-type: none"> • Mandatory from an annual salary of CHF 22,050.--. • Equal funding for employers and employees 	<ul style="list-style-type: none"> • No obligation • Optional insurance available
Accident insurance	<ul style="list-style-type: none"> • Compulsory for all employees • Premiums paid by employers 	<ul style="list-style-type: none"> • No obligation • Optional insurance available
Unemployment insurance	<ul style="list-style-type: none"> • Mandatory • Half employer / half employee contributions (total: 2.2% up to an annual salary of CHF 148,200) 	<ul style="list-style-type: none"> • No obligation • No voluntary insurance available

Self-employed or employed?

The question:

- Contribution for income from gainful employment
 - Independent?
 - An employee?

Legal criteria :

- Is there **dependency** between the service provider and the beneficiary in **terms of business management and work organisation?**
(= indicator of salaried activity)
- Does the service provider assume an **entrepreneurial risk?**
(= indication of self-employed activity)

Relevant:

- Existence of a subordinate relationship

Not relevant :

- Agreements between the parties
- Contractual qualification (a mandate may also give rise to income which, for AHV purposes, is considered to be income from an employed activity)

Decisions of the Federal Court of 16 February 2023

Uber is an employer, but which Uber?

- Federal Tribunal: 147 V 174: Uber Switzerland is not the employer of the drivers
- Zurich Cantonal Court, Uber B.V. and Rasier Operations B.V. are the employer of the drivers

Federal Supreme Court 16.2.23 :

- Uber B.V. has a "permanent establishment" in Zurich = Uber B.V. must pay Social Security contributions

Statut des chauffeurs

Uber devra payer des cotisations AVS

Après des mois d'attente et de débat, le Tribunal fédéral a tranché: les chauffeurs Uber exercent une activité lucrative dépendante.

Publié: 22.03.2023, 17h38



Le risque économique pratiquement inexistant qu'assument les chauffeurs Uber plaide en faveur de l'exercice d'une activité salariale dépendante.

KEYSTONE/Martial Trezzini

Le Tribunal fédéral confirme que les chauffeurs Uber exercent une activité lucrative dépendante. En conséquence, les sociétés Uber B.V. et Rasier Operations B.V. sont tenues de payer les cotisations AVS pour les chauffeurs UberX, UberBlack, UberVan et UberPop.

En 2019, la Caisse de compensation du canton de Zurich avait estimé que les chauffeurs de ces quatre filiales exerçaient une activité dépendante. La société Uber Switzerland GmbH, établie sur les bords de la Limmat, devait donc établir les décomptes de cotisations AVS pour ces employés. Cette décision a été annulée par la suite devant le Tribunal fédéral.

Overview

I) Platform Business in Europe

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

IV) EU-measures in the field of platformwork

Regulations

- Regulation on artificial intelligent (algorithmic management as «high risk»)
- General regulation on data protection (Art. 22, automated decision)
- Regulation about fairness and transparency in platform business (p2b)

Directives

- Directive 2019/1152/EU on transparent and predictable working conditions
- **Directive on improving working conditions in platform work**

Softlaw (selection)

- European Commission: Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons
- European Pillar of Social Rights (EPR)
- Council Recommendation on access to social protection for workers and self-employed

Legislative projects

- «Initiative» of the parliament for a directive on the right to disconnect

Overview of the platform directive

Chapter	Articles	Content (Keywords)
I) General Provisions	1-3	Subject matter and scope, definitions, intermediaries
II) Employment status	4-6	Determination, legal presumption , supporting measures
III) Algorithmic management	7-15	Limitations of process data, impact assessment, transparency, human oversight of automated systems, human review, health & safety, information, consultation, representation
IV) Transparency	16-17	Declaration of platformwork, access to relevant information
V) Remedies and enforcement	18-24	Right to redress, support for persons performing platform work, communication channels, access to evidence, protection from dismissal and against adverse treatment, supervision and penalties
VI) Final provisions	25-32	Promoting of collective bargaining , non-regression and more favourable provisions, dissemination of information, collective agreements on processing personal data, transposition and implementation

Overview

I) Platform Business in Europe

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

Political Initiatives in Switzerland

- A parliamentary initiative called for action to be taken against abusive conditions in platform work (rejected)
- Both the Federal Council and the National Council rejected a postulate calling for a report on working conditions and accidents at work in the platform economy
- The adoption of the EU Platform Work Directive also led to parliamentary activities
 - The Federal Council.... is will ‘closely monitor’ developments in the EU and its member states (= doing nothing)
 - The Federal Council also intends to closely monitoring developments at the international level for the regulation of artificial intelligence and will take the necessary measures as needed

Taking the will of the parties into account: Grossen parliamentary initiative

Grossen demanded that a third paragraph should be added to Art. 12 ATSG, third paragraph with the following wording:

‘For the distinction between self-employed and employees, the degree of organisational subordination and entrepreneurial risk **as well as any party agreements** shall be taken into account’.

The initiative was successful... Parliament will have to decide soon

Why this is the wrong way?

- Many people who work in the interest of and in the service of another party, whether via a platform or in a conventional way, have little bargaining power and are effectively forced to sign a party agreement. This opens the floodgates to abuse and bogus self-employment
- inconsistent with regulatory efforts to avoid social dumping (undeclared work and the (much too low) minimum wage standards in the parcel delivery services sector and the regulations on minimum wage protection in the Posted Workers Act (PWA)
- Problems in transborder-employment situations
- Legal uncertainty (effects to labour law, tax law and so on)

Overview

I) Platform Business in Europe

II) Let's talk about Uber

III) Uber Court Decisions and their legal foundations

IV) EU-measures

V) Political initiatives in Switzerland

VI) Conclusion and reflection

Conclusion and reflections (1)

The rulings handed down by the Federal Court on 16 February 2023 have clarified the situation in a number of respects, but....

- The facts are from 2014, the years later are not comparable (Uber has changed the business model).
- Applicability of agency work regulations (hiring a service) is unclear (tripartite and often quadripartite relationships)

Legal disputes between Uber and the authorities on the one hand, and between Uber and the drivers on the other, occur at various levels

- Various authorities and courts are involved
- Questions of public economic law arise (the taxi sector is subject to strict regulations that vary from one region of Switzerland to another).
- UberEats falls not under the Postal Act
- Hiring of Service Act

Conclusion and reflections (2)

Questions of international law arise, as Uber B.V. operates from its headquarters in the Netherlands.

- The admissibility of arbitration clauses and the jurisdiction of employment tribunals, as well as the connecting points (Anknüpfungspunkte) in social security law.

As far as the employment contract and social security liability are concerned, the impression is as follows:

- I feel like I'm in a fairytale from tousand and one night . Uber always has to tell a new story to avoid being held responsible as an employer.

And furthermore...

<https://ius.unibas.ch/de/personen-1/paerli-kurt/forschungsgebiete/digitalisierung-sharing-economy/>

I. Beiträge in Zeitschriften

2024 Neue Richtlinie zu Arbeitsbedingungen bei Plattformarbeit in der EU – Hintergrund, Übersicht, Analyse und Bedeutung für die Schweiz, in: Jusletter vom 24. Juni 2024.

The Uber-story goes on: Neue Urteile zu Uber Eats, Besprechung von BVGer A-4350/2022 vom 3. Januar 2024 und Cour de Justice des Kantons Genf, Chambre administrative, Urteil vom 5. Dezember 2023, ATA 1306/2023, in: SZS 3/2024, S. 159-163.

2023 Das Bundesgericht bestätigt: Arbeitgeberstellung für Uber B.V. betreffend Uber-Taxifahrer – Fortsetzung folgt..., Besprechung von BGer 9C_70/2022 vom 16. Februar 2023, in: SZS 4/2023, S. 183-193.

Das Bundesgericht bestätigt: Arbeitgeberstellung für Uber B.V. betreffend Uber-Taxifahrer – Fortsetzung folgt..., Besprechung von BGer 9C_70/2022 vom 16. Februar 2023, in: SZS-OnlineFirst vom 11. April.

2022 Klärende Bundesgerichtsurteile zur Causa Uber – weiterhin (viele) offene Fragen, in: SZS-OnlineFirst vom 11. Juli (erscheint auch in gedruckter Fassung in SZS 4/2022).

Über Uber-Urteile und immer neue Uber-Geschichten..., in: SZS-OnlineFirst vom 15. Februar.

2021 Impacts of Digitalisation on Employment Relationships and the Need for more Democracy at Work, in: Industrial Law Journal, dwa029, S. 1-25.

Besprechung von Kantonsgericht Waadt, Arrêt CACI VD 23.04.2020 und Verwaltungsgericht Genf, Arrêt du 29. Mai 2020, ATA/553/2020, UberPop-Fahrer und UberEats-Kuriere sind Arbeitnehmer, in: ARV 2/2021, S. 103-115.

2020 Arbeits- und sozialversicherungsrechtliche Aspekte der Plattformökonomie: Status Quo, Analyse und Ausblick, in: Basler juristische Mitteilungen, Nr. 3/2020, S. 141-178.

> Die EGMR-Rechtsprechung zum Schutz der Privatsphäre und vor Überwachung am Arbeitsplatz, in: Europäische Zeitschrift für Arbeitsrecht 2/2020, S. 224-235.

2019 > Commentaire des arrêts de la Cour de justice de l'Union européenne c-434/15 du 20 décembre 2017 (Asociacion Profesional Elite Taxi contre Uber Systems Spain sl) et c 320/16 du 10 avril 2018 (Uber France sas) in: Revue de droit comparé du travail et de la sécurité sociale 2019/2, S. 98-107 (zusammen mit Anne Meier).

> Commentary on Court of Justice of the European Union judgments C-434/15 Of 20 December 2017 (Asociacion Profesional Elite Taxi v Uber Systems Spain SL) and C-320/16 of 10 April 2018 (Uber France SAS) in: Revue de droit compare du travail et de la sécurité sociale 2019/4, S. 191-198 (zusammen mit Anne Meier).

L'ubérisation du travail en Suisse, in: Revue du droit comparé du travail et de la sécurité sociale 2019/2, S. 68-75.

Digitalisierung – Herausforderungen für die juristische Ausbildung, in HAVE 1/2019, S. 100.

2018 Uber-Urteile des Sozialversicherungsgerichts, in: Jusletter vom 3. September 2018, S. 1-8.

Unselbständigerwerbende Taxifahrer bei Anschluss an Vermittlungszentrale, Bemerkungen zum Urteil des Bundesgerichts 8C_571/2017 vom 9. November 2017, in: Jusletter vom 12. Februar 2018, S. 1-10.

2017 Gibt es ein Recht auf Arbeit?, in: Basler juristische Mitteilungen 3/2017, S. 117-139.

Sozialversicherungsrecht im Zeitalter der Robotik, in: AJP 2/2017, S. 225-231.

Das Einkommen von Uber-Fahrern im Lichte des Sozialversicherungsrechts, Jusletter vom 12. Juni 2017, S. 1-14.

2016 > Neue Formen der Arbeitsorganisation: Internet-Plattformen als Arbeitgeber, in: ARV 4/2016, S. 243-254.

2015 > Schutz der Privatsphäre am Arbeitsplatz in digitalen Zeiten – eine menschenrechtliche Herausforderung, in: Europäischer Zeitschrift für Arbeitsrecht (EuZA) 1 (2015) 48 ff.

2014 Recht auf Vergessen bei Suchmaschinen, in: digma 4 (2014) 162 ff.

Der Wandel der Arbeitswelt in der Schweiz, in: Institut für Innovation und Technik IIT 20 (2014), online: > <http://www.iit-berlin.de/de/publikationen/der-wandel-der-arbeitswelt-in-der-schweiz/> (zusammen mit: Apt Wenke/Peter Martin/von Stokar Thomas/Bovenschulte Marc).

2013 > Passing and Passing on in the Digital World – Issues and Solutions for the Digital Estate, in: IADIS 2 (2013) 34 ff. (zusammen mit: Brucker-Kley Elke/Keller Thomas/Pedron Claudia/Schweizer Matthias/Studer Melanie/Wohland Pia).

2010 Videoüberwachung am Arbeitsplatz zulässig (Bemerkungen zum Urteil der strafrechtlichen Abteilung des Bundesgerichts vom 12. November 2009 (6B_536/2009)), in: digma 2 (2010) 76 ff.

13. Dezember 2024 Labour and social security status of platform work in Switzerland – status quo and legal policy developments, Work and Social Justice: Challenges and Opportunities in the Digital Age, Laboris, Netzwerk Arbeitsforschung Schweiz, Zürich

1. November 2024 Directive européenne sur l'amélioration des conditions de travail des personnes travaillant via une plateforme numérique, Le travail de plateforme en Suisse : un état des lieux, Université de Neuchâtel, Faculté de droit, Neuchâtel

11. April 2024 Platform Work Directive, New Employment Relations: Untying The Knot(s), Lissabon

4. April 2024 The project for a regulation on platform work in the European Union: An innovative approach – but would it work (and how)?, ILERA 10th Africa Congress, Mosi-oa-Tunya

25. September 2023 Arbeitsbedingungen in der digitalen Welt: Welche neuen Rechte und Pflichten sieht das EU-Massnahmenpaket zur Plattformarbeit vor?, Internetwirtschaft: Regulierungsflut aus Brüssel – Wo steht die Schweiz?, Seminar des Europa-Instituts an der Universität Zürich, Zürich

10. November 2021 > Personalauswahl und Überwachung durch Algorithmen – zum (Un)wohl der Arbeitnehmenden?, SLTA Student Chapter Basel, Basel

2. November 2023 Digitalisierung, demographischer Wandel, Krisen: Herausforderungen an das soziale Recht – Aktuelle und zukünftige Entwicklungen des Arbeits- und Sozialversicherungsrechts, Wer hat recht?, supported employment schweiz, 14. Fachtagung, Windisch

6. Mai 2021 Les effets de la digitalisation sur le partenariat social, Work in the Digital Era – Legal Challenges, XIII European Regional Congress of the International Society for Labour and Social Security Law, online, Lissabon.

16. März 2021 Autonomy and the need for more democracy in the world of work, 18th International Conference in Commemoration of Prof Marco Biagi - Beyond Employment: Protecting Autonomous Work, Online Conference, Modena.

16. März 2021 Moderne Arbeitsformen und Sozialversicherungsschutz – Neue Fragen und alte Probleme, Schulthess Forum Sozialversicherung in Unternehmen, Zürich.

27. November 2020 Home-Office – eine arbeitsrechtliche Herausforderung, Workshop Digitale Transformation und industrielle Beziehungen in der Schweiz, Seminar für Soziologie, Basel.

26. Oktober 2020 Work from home – legal aspects, Syndicam office hour, Zürich.

27. Januar 2020 Arbeits- und sozialversicherungsrechtliche Fragen der Beschäftigung über Internetplattformen, Vortragsreihe Basler Juristenverein, Basel.

9. Januar 2020 Digitalisierung und Robotisierung der Arbeitswelt – Rechtliche Herausforderungen, Uni-Infotag 2020, Basel.

13. Dezember 2019 How can social dialogue contribute to the enhancement of gig workers' rights? SNIS Project Final Conference – Gig economy and its Implications for Social Dialogue and Workers' Protection. Main outcomes from a cross-national comparative research project in Switzerland, Germany, Greece and United Kingdom, mit Jean-Michel Bonvin, Nicola Cianferoni und Luca Perrig, Genf.

6. Juni 2019 Apps and Chips: Zum (Un)Wohl der Arbeitnehmenden, Law & Robots Tagung 2019, Basel.

10. Mai 2019 Les effets de la digitalisation sur le partenariat social, Colloque - L'oit et le droit social en suisse : 100 ans et après?, ILO_OIT_Genf.

8. Mai 2019 Digital delocalizations and collective labor rights, Interdisciplinary research seminars on WORK, first semester 2019, to mark the 100th anniversary of the ILO (1919 - 2019), organized by the Contact Group FNRS - work and social emancipation - Working paper for the theme "the present role of spatial dimension in the (re)composition of work relationships", mit Anne Meier, Leuven.

30. April 2019 Democratisation of the world of work through digitalisation - What does this mean for participation and social partnership?, Labour Law, Brüssel.

05. September 2018 Digitalisation and the need for data and privacy protection as an issue of well-being at work, ISLSSL-Conference Torino, Turin (ITA)

05. Dezember 2017 Digitale Revolution und sozialpolitische Herausforderungen, Luzerner Kongress Gesellschaftspolitik 2017, Luzern

20. November 2017 Digitale Plattformen – Arbeits- und sozialversicherungsrechtliche Herausforderungen, Vortrag im Rahmen der Veranstaltung Digitale Prekarisierung, Arbeitsrecht und digitaler Gendergraben, Base/

25. Oktober 2017 Digitale Arbeitswelt – Herausforderungen für den Sozialstaat, Konsequenzen für die Sozialversicherungen, SVSP-Jahrestagung, Bern



Universität
Basel

Juristische
Fakultät



**Thank you very much
for your attention**

kurt.paerli@unibas.ch