HOW DISINFORMATION CAN AFFECT RATING SYSTEMS ON PLATFORM WORKERS

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Abstract

Considering the limited number of regulations addressing employment conditions within digital platforms, this poster aims to discuss potential risks and consequences currently faced by platform workers.

Firstly, considering its rating system technology, it is clear how the platform-based algorithm relies on customers assessments in order to manage services. As a result, the AI technology calculates the average score provided by customers and selects the highest rated workers.

However, such performance rates are not objective as they are based on peoples' opinions and expectations, which may be influenced by inappropriate considerations. Moreover, even though customers are not contracting partners, the rating system provides them with a disproportionate level of control and disciplinary power. The platform determine an average score to deliver top-quality service, while it 'turns off' the accounts of those workers performing below that score, which in practical terms implies for them to be fired.

The combination of subjective customers and algorithm assessments of workers' performances can be regarded as disinformation, since there is no actual fact-checking and the AI technology exerts full power, with the risk to seriously damage workers' reputation and their ability to keep their job or find new employment.

Therefore, workers have no power to determine their success due to the strong influence exerted upon customers and algorithm's central role in the management system. In order to protect workers from invasive control, it is important to introduce human control over such system and prevent unfair sanctions against workers' right to work.

The supporting document

- Alvino I., I nuovi limiti al controllo a distanza dell'attività dei lavoratori nell'intersezione fra le regole dello Statuto dei lavoratori e quelle del Codice della privacy, Labour & Law Issues, vol. 2, no. 1, 2016
- Colapietro C., Digitalizzazione del lavoro e tutela della riservatezza della persona, in Tullini P., Web e lavoro, profili evolutivi di tutela, Giappichelli Editore, 2017
- Consiglio A., *Il lavoro nella digital economy: prospettive su una subordinazione inedita?*, Labour & Law Issues, vol. 4, no. 1, 2018
- Del Federico C., Il trattamento dei dati personali dei lavoratori e il Regolamento 2016/679/UE.

 Implicazioni e prospettive, in Tullini P., Web e lavoro, profili evolutivi di tutela,

 Giappichelli Editore, 2017
- Donini A., Il mercato dei servizi sul web: il rapporto di lavoro su piattaforma digitale, in Tullini P.,

 Web e lavoro, profili evolutivi di tutela, Giappichelli Editore, 2017
- Donini A., *Profilazione reputazionale e tutela del lavoratore: la parola al Garante della Privacy*, Labour & Law Issues, vol. 3, no. 1, 2017
- Hearn A., Structuring feeling: Web 2.0, online ranking and rating, and the digital "reputation" economy, Ephemera, theory & politics in organization, volume 3 / 4, 2010
- Nuzzo V., *Customer satisfaction e contratto di lavoro subordinato*, Giornale di diritto del lavoro e di relazioni industriali, n. 165, 2020, 1
- Ogriseg C., Il regolamento UE n.2016/679 e la protezione dei dati personali nelle dinamiche giuslavoristiche: la tutela riservata al dipendente, Labour & Law Issues, vol. 2, no. 2, 2016
- Pacella G., Il lavoro nella gig economy e le recensioni online: come si ripercuote sui e sulle dipendenti il gradimento dell'utenza?, Labour & Law Issues, vol. 3, no. 1, 2017

- Romei R. e Sciarra S., *The protection of employees' privacy: a survey of italian legislation and case law*, Comparative Labor Law Journal, vol. 17, 1991
- Smorto G., La tutela del contraente debole nella platform economy dopo il Regolamento UE 2019/1150 e la Direttiva UE 2019/2161, Giornale di diritto del lavoro e di relazioni industriali, 2018
- Tebano L., Employees' Privacy and employers' control between the Italian legal system and European Sources, Labour & Law Issues, vol. 3, no. 2, 2017
- Thierer A., Koopman C., Hobson A., Kuiper C., *How the Internet, the Sharing Economy, and Reputational Feedback Mechanisms Solve the "Lemons Problem"*, University of Miami Law Review, Vol. 70, No. 3, Articolo 6, Primavera 2016
- Topo A., "Automatic Management", reputazione del lavoratore e tutela della riservatezza, Lavoro e Diritto, Fascicolo 3, Estate 2018

Statute of Worker, 1. 300/1970

General Data Protection Regulation, 2016/679/UE

Directive Proportionality test before adoption of new regulation of professions, 2018/958/UE

Directive on the protection of persons who report breaches of Union Law, 2019/1937/UE

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