
How much autonomy in autonomous work? – legal status and social protection of ‘freelancers’ in Poland

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1. Introduction. 2. Digital transformation and new forms of work for high-skilled professionals. 3. Legal status of freelancers from Polish perspective. 4. Collective bargaining as a response? 5. Final remarks.

Abstract

One of the main problems of so-called ‘freelancers’ in Poland (high-skilled professionals performing online work through digital platforms) underlined by the pandemic is the fact that they have been faced with the lack of legal measures adequate to guarantee their social protection as they are classified by the platforms mainly as self-employed. The question that naturally arises is – how to guarantee fundamental social rights to the self-employed and protect their autonomy at the same time? In this paper, the author deals with this question, by analyzing the answers given by the Polish government in the latest reform of the collective labour law – an introduction of a new category of “persons performing paid work” that gave the right to association also to workers whose working performance is not based on labour law contracts. The analysis leads to the question of the boundaries between the protection of social rights and the guarantee of autonomy on the other hand.

Keyword: Online platform work; Self-employment; Collective labour law; Social protection; Right to association.

1. Introduction.

The transformation of the organisation of work caused by the digital revolution has brought into light new forms of performance of work. This revolution has influenced almost every sector of economic activity, from services like food delivery and transportation to highly skilled IT professionals doing remote ‘gigs’ worldwide. Rapid technological changes enforced the growth of new types of work in order to respond to the evolving needs of users and industry. A significant transformation in the way work is provided can be witnessed also in the new technologies sector, where the relation between the parties involved in the

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working performance differs significantly from the classical concept of the employment relationship

Recently, owing to the influence of the COVID-19 pandemic on the labour market, we are witnessing a widespread of the digital forms of work and growing use of information and communications technologies (ICT) in the process of performing and managing work, that allows the work to be conducted outside the company. Contemporary homework does not only refer to industrial sector, but it also relates to remote workers (teleworkers) or high-skilled professionals working through digital platforms.¹

What is being called “digital work” in general, may refer to different legal provisions and various forms of work. They may vary from typical self-employment, through non-standard employment and so-called “intermediate categories”² towards a traditional employment relationship.³ Certainly, this phenomenon questions the traditional understanding of subordination versus autonomy of the worker in the organisation of the working process, while the use of new technologies may influence not only the working performance itself but also the legal status of the worker and the rights and obligations of the parties of the contract (whether classified as employment relationship or self-employment or an intermediate category).⁴

This transformation of the working performance has begun with the 4th industrial revolution and in the XXI century has led to the stage, in which the traditional institutions and principles of labour law are being applied (with more or less success)⁵ to “working anytime, anywhere”⁶ and “24/7/365 availability” working conditions⁷.

One aspect of this transformation is the growing sector of digital platforms. It has undoubtedly forced the European legislators, the doctrine and the jurisprudence to examine the questions of legal status and fundamental labour rights regarding new forms of work,

¹ ILO, *Working from home*,

https://www.ilo.org/global/topics/non-standard-employment/WCMS_743755/lang--en/index.htm, (last access 22.2.2021).

² International Labour Office, *Non-standard employment around the world: Understanding challenges, shaping prospects*, Geneva, 2016, 8, at the following link: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/--publ/documents/publication/wcms_534326.pdf (access 22.2.2021).

³ Valenduc G., Vendramin P., *Work in the digital economy: sorting the old from the new*, ETUI, Brussels 2016, 29-38, <https://www.etui.org/sites/default/files/16%20WP%202016%2003%20Digital%20economy%20EN%20Web%20version.pdf> (access 22.2.2021).

On the division of self-employment into independent and dependent self-employment see Supiot A., *Beyond employment. Changes in Work and the Future of Labour in Europe*, in Oxford University Press, 2001, 22. On economically dependent workers see Perulli A., *Study on economically dependent work/para subordinate (quasi-subordinate) work*, European Parliament 2002, https://www.europarl.europa.eu/meetdocs/committees/empl/20030619/study_en.pdf (access 22.2.2021).

⁵ See Bellace J.R., *Rethinking Labour Law for the Twenty-First Century*, in Perulli A., Treu T. (eds.), *The Future of Work: Labour Law and Labour Market Regulation in the Digital Era*, Wolters Kluwer 2020, 37-48; Unterschütz J., *Digital Labour Platforms: Dusk or Dawn of Labour Law?*, in Wratny J., Ludera-Ruszel A. (eds.), *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, 319-341.

⁶ Messenger J. et al., *Working anytime, anywhere: The effects on the world of work*, ILO-Eurofound Research report, Luxembourg 2017, https://www.ilo.org/global/publications/books/WCMS_544138/lang--en/index.htm (access 22.2.2021).

⁷ Von Bergen C. W., Bressler M. S., Proctor T. L., *On the Grid 24/7/365 and the Right to Disconnect*, in *Employee Relations Law Journal*, 45, (2), 2019, 2.

situated somewhere in between the subordination and autonomy.⁸ The analysis of the working conditions of these atypical workers led European courts to the conclusion that the traditional distinction between subordination and autonomy might not be applicable anymore, regarding the complexity and variety of “grey zones” and “intermediate categories” that we have to deal with in the labour market 4.0. The pandemic and its consequences have influenced this vulnerable group to a significant extend and forced the governments to apply particular legal measures that would be addressed to these atypical forms of work.

Both European and national responses to these questions differ in various EU countries, but establish a common ground for further comparative analysis and research in the battle for human-centred approach to working performance and the realisation of the ILO’s goals for the next decades.⁹

The aim of this article is to present the legal situation of high-skilled professionals performing work online through digital platforms (in Poland often referred to as freelancers and for the scope of this article used in this sense) with special regard to one of the measures taken by the Polish legislator in terms of collective labour law in order to improve the level of protection of workers in Poland independently from their legal status.

In the first part, the author analyses the legal status of high-skilled online platform workers from European and Polish legal perspective, compared to the legal situation of on-location platform workers and their judicial recognition. In the second part, the latest amendment of the Polish Act on trade unions is being presented and examined as a possible tool to guarantee a higher level of protection for persons performing “digital work” outside the employment relationship. In this case, the term “social protection” is used in its broader meaning, including social security rights and working conditions.

2. Digital transformation and new forms of work for high-skilled professionals.

As it has been widely examined, the digital platform work cannot be defined as a homogeneous category, as it can be misleading and inappropriate to ignore some important differences between forms of performing and organizing work through digital platforms.¹⁰

According to the typology proposed by Eurofound,¹¹ platforms can be divided on the basis on the criteria such as the level of skills necessary to perform work, the scale of the task

⁸ See the latest judgments of the European courts: Italian Court of Cassation (Corte di Cassazione) of 24 January 2020 n. 1663/2020; the judgment of the Supreme Court of Spain (Tribunal Supremo) of 25 September 2020 n. 805/2020; the judgment of the Supreme Court of the United Kingdom from 19 February 2021, case UKSC 2019/0029, the judgment of the Tribunal of Palermo of 20 November 2020, n. 3570/2020; the order of the Court of Justice of the European Union of 22 April 2020, *Yodel Delivery Network*, Case C-692/19, ECLI:EU:C:2020:288, with the comment from the Author in: Author 2021.

⁹ Global Commission on the Future of Work, *Work for a Brighter Future*, International Labour Office – Geneva: ILO, 2019, p. 28 and following, https://www.ilo.org/global/publications/books/WCMS_662410/lang-en/index.htm (access 22.2.2021).

¹⁰ De Stefano V., Aloisi A., *European legal framework for “digital labour platforms”*, Luxembourg, Publications Office of the European Union, 2018, 14: https://publications.jrc.ec.europa.eu/repository/bitstream/JRC112243/jrc112243_legal_framework_digital_labour_platforms_final.pdf (access: 15.02.2021).

¹¹ <https://www.eurofound.europa.eu/data/platform-economy/typology> (access: 15.02.2021).

(micro or macro), the place in which the work is performed (online or on-location), the matching process and the party responsible for work allocation. Based on these criteria, we need to notice that in the latest jurisprudence regarding the legal status of platform workers most cases were brought by low-skilled on-location platform workers against platforms operating mainly in transportation and food delivery services (e.g. Uber, Foodora, Glovo). The claims were filed by so-called ‘drivers’ or ‘riders’, asking a recognition of their legal status as an employment relationship, instead of being classified as self-employed as the platforms claimed. The rulings prove that in different European countries (e.g. Spain, Italy, UK) specific groups of platform workers managed to organize themselves against the platforms and successfully obtained a recognition of their legal status as employees.¹²

But on the other hand, we need to bear in mind that similar difficulties in defining the legal status of the workers may arise and should also be examined regarding digital high-skilled workers of web-based online platforms, engaged in what is being referred to as ‘crowdwork’ (e.g. Upwork). Also in case of this type of platforms, workers are generally being classified as self-employed independent contractors, with negative consequences for their social protection and fundamental rights.¹³ As it has been shown in the analysis of the results of the survey conducted by ILO on 3500 microtask platform workers from 75 countries, the microtask platforms also tend to classify their workers as self-employed depriving them of the protections of labour and social security law¹⁴. The lack or limited access to social protection including accidents at work and health and safety provisions or the protection against dismissal, put the platform workers among the most vulnerable groups in the 4.0 labour market, leading to questions about the future of decent platform work and actions for the extension of social protection to all workers regardless of their employment status¹⁵.

The digital platforms offering professional services (such as Upwork, Freelancer, 99 designs or use.me in Poland), gather high-skilled independent professionals (Ipros¹⁶), which are often being referred to as freelancers.¹⁷ Taking into consideration the new forms of subordination and execution of the power of control (including the scoring systems, algorithmic management and digital reputation), as highlighted by the European courts with reference to on-location platform workers, a similar examination of the boundaries between subordination and autonomy should be conducted in case of high-skilled platform workers performing their work online. . . We may ask then, why their voice is not heard..

¹² As indicated above in the cited jurisprudence, nt. (8).

¹³ ILO, *Policy responses to new forms of work: International governance of digital labour platforms*, Geneva 2019, 3-4 https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_713378.pdf (access: 15.02.2021).

¹⁴ Berg J., Furrer M., Harmon E., Rani U., Six Silberman M., *Digital labour platforms and the future of work. Towards decent work in the online world*, International Labour Office 2018, XV.

¹⁵ ITUC, *COVID-19: Urgent economic stimulus and workplace measures required*, <https://www.ituc-csi.org/covid-19-urgent-economic-stimulus?lang=en> (access: 15.02.2020).

¹⁶ <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/independent-professionals> (access: 15.02.2021).

¹⁷ Naumowicz K., *Digital Nomads on Polish Labour market - legal situation, risks and expectations*, in Perulli A., Treu T. (eds.), *The Future of Work: Labour Law and Labour Market Regulation in the Digital Era*, Wolters Kluwer 2020.

To address this question, we should bear in mind significant differences in the workplace and marketplace bargaining power according to the type of the digital platform. As demonstrated in a well-known working paper on the future of trade unions regarding platform workers,¹⁸ in case of crowdwork both micro and macrotask platform workers have low or fairly low bargaining power. As far as the association power is considered, it is believed that the classification of platform workers as independent contractors is not compatible with trade union membership.¹⁹

In this light, in order to examine the actual possibility of collective actions for these categories of platform workers, the analysis of the Polish legislation on this matter may give an important insight to the question above.

3. Legal status of freelancers from Polish perspective.

In the Polish legal system, the most common forms of performing work on the labour market are an employment relationship (regulated by the Labour Code)²⁰, civil law contracts (regulated by the Civil Code)²¹ or individual entrepreneurship (regulated by the Law on Entrepreneurs)²², commonly referred to as self-employment²³. Only the employment relationship, as defined in the article 22 of the Polish Labour Code, is considered a subordinate work, in which an employee performs work under the supervision of other (an employer), in time and place indicated by the employer and in exchange of remuneration. The main characteristics that help to distinguish the employment relationship from other forms of work, are the power of control of the employer over the employee, and the obligation of the employee to perform work personally.²⁴ In case of self-employment or civil law contracts, theoretically, the working performance should be characterized by a significantly higher level of autonomy. Establishing a civil law contract instead of the employment relationship (in case the circumstances of the working provision meet the characteristics indicated in the article 22 of the Labour Code), is considered an offence against the rights of an employee.²⁵

¹⁸ K. Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe*, ETUI 2018, 10:

<http://grupo.us.es/iwpr/wp-content/uploads/2018/07/WorkingPaper2018.05VandaeleTradeunionsPlatformeconomyWeb.pdf>, (access 22.2.2021).

¹⁹ *Ibidem*, 18. See also Unterschütz J., *Collective Bargaining for Platform Workers: a Hope for new Developments?*, in *Hungarian Labour Law E-Journal*, 2, 2020, 83.

²⁰ Act from 26 June of 1974 – Labour Code (Journal of Laws from 2020 item 1320).

²¹ Act from 23 April of 1974 – Civil Code (Journal of Laws from 2020 item 1740).

²² Act from 6 March of 2018 – Law on Entrepreneurs (Journal of Laws from 2021 item 162).

²³ Although the term “self-employment” is causing controversy among the doctrine as. See more on the interpretation of the term ‘self-employment’ in the Polish legal Framework, Ludera-Ruszel A., *Samozatrudnienie ekonomicznie zależne a konstytucyjna zasada ochrony pracy*, in *Roczniki nauk prawnych*, 1, 2017, 43-61.

²⁴ See Jaśkowski K., Maniewska E., *Komentarz aktualizowany do Kodeksu pracy*, 2019, LEX/el., commentary to article 22.

²⁵ Article 281 point 1 of the Polish Labour Code.

Another important aspect that has to be mentioned regarding “digital work”, is the fact that the work performed online with the use of digital tools might have different legal forms, including telework or remote work.

Telework has been regulated in the Polish Labour Code as a particular type of the employment relationship, in which the information and communication technologies (ICT) are used for presenting the results of work to an employer, but the working performance is still considered subordinate, even though the work is regularly performed outside the employer’s premises.²⁶ Remote work, instead, has been introduced to the Polish legal system, only during the COVID-19 pandemic with the anti-crisis legislation - in the Act of 2nd March 2020 on specific solutions related to the prevention, counteraction and eradication of COVID-19, other infectious diseases and crisis situations caused by them.²⁷ According to the article 3 of the mentioned Act a remote work has been defined as work performed by the employee outside the place of its permanent performance, but with no reference to ICT in the working performance. Telework and remote work in the light of Polish legislation are simply forms of performing work within the employment relationship, therefore persons performing telework or remote work, based on Polish legislation, are classified as subordinate with the level of protection provided for employees.

What is significant, there is no particular regulation regarding platform workers and their legal protection in Poland.²⁸ The question of their legal status has to be examined, as such, based on the classical dichotomy between subordinate and autonomous work, with no intermediate categories recognized by the legislator (as the academic discussion on this matter has not yet been followed by legal actions of the legislator).²⁹

From this point of view, in the light of Polish legislation, a freelancer engaged in platform work would be considered either an independent contractor or an employee. Online platform workers, referred to as freelancers, tend to perform work outside the employment relationship,³⁰ which means that in the light of Polish legal framework their legal status is not regulated by labour law and they are not granted the rights and social protection of those with the employee’s status.

If they are considered individual entrepreneurs, their working performance should be characterized by a higher level of autonomy.³¹ But what we might notice, analyzing the

²⁶ Naumowicz K., Report on the state of Polish legislation of modern forms of work, in Bellomo S., Ferraro F., *Modern forms of work: a European comparative study*, Roma: Sapienza Università Editrice 2020.

²⁷ Journal of Laws 2020 item 374 with the following amendments.

²⁸ Świątkowski A.M., *Elektroniczne technologie zatrudnienia ery postindustrialnej*, Kraków: Wydawnictwo Naukowe Akademii Ignatianum w Krakowie, 2019, 95.

²⁹ On the proposal of ‘employment law’ that would cover employment relationships and other legal forms of performing work outside the employment relationship see: Gersdorf M., *Prawo zatrudnienia*, LexisNexis 2013.

³⁰ Report “Freelancing in Poland” 2020, <https://useme.com/pl/blog/raport-freelancing-w-polsce-2020,205/>. See also Mandl I., Kilhoffer Z., et al., *Employment and working conditions of selected types of platform work*, Eurofound, 2018, s. 5:

<https://op.europa.eu/en/publication-detail/-/publication/8a892648-c782-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-77270770>, 20 (access 5.12.2021).

³¹ Wratny J., *New Forms of Employment. A Panoramic View of the Issues*, in Wratny J., Ludera-Ruszel A., *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, 5-7.

statistical data from online surveys³² of platform workers especially while taking into consideration the working conditions, is that the level of the autonomy represented by them differ significantly, leading to questioning the actual autonomy in the working performance (including e.g. the time of work, remuneration, selection of clients and tasks, holidays).

In fact, in the Polish labour market we may observe an overuse of non-standard forms of employment, including civil law contracts and B2B cooperation, in order to substitute the traditional employment relationship with a business model that reduces risks, costs and responsibilities for the employers.³³ This phenomenon has been increased by the digital revolution and the growing role of platform work.³⁴

4. Collective bargaining as a response?

In the latest reform of the collective labour law in Poland a significant change of the concept of social partners and the protection of employment in general has been introduced to the Polish legal system. In 2018 with the amendment to the Act on trade unions³⁵ a new category of “persons performing paid work” has been granted the protection of collective labour law.³⁶ A person performing paid work has been defined as “an employee or a person performing work for remuneration on a basis other than employment relationship, if he does not employ other people for this type of work, regardless of the legal basis of employment, and has such rights and interests related to the performance of work that may be represented and defended by the trade union”.³⁷

According to the amended article 2 of the Act on trade unions, persons performing paid work have been granted the right to establish and join trade unions. It has significantly extended the scope of protection, in comparison with the previous provision of the article 2 that granted the right to establish and join trade unions only to employees (regardless of the basis of the employment relationship), members of agricultural production cooperatives and persons performing work on the basis of an agency contract, if they are not employers. This provision has been partially found inconsistent with the Polish Constitution, by the judgment of the Constitutional Tribunal of 2 June 2015.³⁸ According to the ruling, the above-mentioned provision was declared unconstitutional to the extent that it restricted the

³² Report “Freelancing in Poland” 2020 is an online survey conducted by one of the online platform use.me that gathered data from over 1000 freelancers, <https://useme.com/pl/blog/raport-freelancing-w-polsce-2020,205/> (access 22.2.2021).. The analysis of the previous surveys results: Naumowicz K., Digital Nomads on Polish Labour market - legal situation, risks and expectations, in Perulli A., Treu T. (eds.), *The Future of Work: Labour Law and Labour Market Regulation in the Digital Era*, Wolters Kluwer 2020.

³³ Wojciuk M., *Labor taxation versus employment models in Poland*, *Optimum. Economic Studies*, 2, 92, 2018, 139.

³⁴ Unterschütz J., *Digital Labour Platforms: Dusk or Dawn of Labour Law?*, in: Wratny J. Ludera-Ruszel A., *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, p. 336.

³⁵ Act of 23 May 1991 on trade unions (Journal of Laws from 2019 item 263, consolidated text) amended by the Act of 5 July 2018 amending the act on trade unions and certain other acts (Journal of Laws from 2018 item 1608).

³⁶ Baran K. W., Commentary to art. 1(1), in Książek D., Lekston M., Tomanek A., Baran K. W. (eds.), *Komentarz do ustawy o związkach zawodowych*, in: *Zbiorowe prawo zatrudnienia. Komentarz*, Warszawa 2019.

³⁷ Article 1¹ point 1 of the Act on trade unions (translated by the Author).

³⁸ Journal of Laws 2015 item 791.

freedom to form and join trade unions of persons performing paid work not mentioned in the provision of the article 2 (which was inconsistent with the art. 12 and 59 of the Constitution of the Republic of Poland,³⁹ that guarantee the freedom for the creation and functioning of trade unions and the freedom of association in trade unions).

The amendment of the Act on trade unions has also introduced the term “legal relationship” (instead of employment relationship) in those provisions that refer to the protection against unequal treatment of persons referred to in art. 2, due to belonging to a trade union or staying outside of it or performing a trade union function (art. 3), and the protection of trade unionists against dismissal, based on their union membership or participation in union activities (art. 32). The term “legal relationship” must be, then, understood as either employment relationship but also other legal relationships, e.g. civil law relationships or self-employment, which has significantly extended the protection of the collective labour law provisions in the Polish legal framework.⁴⁰ The Polish legislation on this matter reflects the international dispute advocating the extension of trade union rights beyond the employment relationship.⁴¹

5. Final remarks.

The redefinition of the personal scope of protection in the Act on trade unions, by including other persons performing paid work on a different basis than employment relationship, has been inevitable as a consequence of the judgment of the Constitutional Tribunal. It extends the protection and collective rights to civil law relationships and – to some extent – also to some categories of self-employed, and as such enters in the ongoing debate of the EU on the possibility to extend collective labour rights beyond subordination (e.g. for the solo self-employed)⁴². But the new terminology introduced by the legislator leads to controversies and problems in their interpretation, regarding the application of protection standards for trade union activity such as the protections of the stability of the legal relationship or the range of “rights and interests related to the performance of work that can be represented and defended by a trade union” in case of non-employees. For this reason, there is a need for further specification and adaptation of the mechanisms of protection of the employment relationship to other forms of working performance, as indicated in the

³⁹ The Constitution of the Republic of Poland of 2nd April 1997 (Journal Of Laws No. 78, Item 483).

⁴⁰ See more on the extended protection of „legal relationship” and the guarantee of stability of a legal relationship, Baran K.W., Czerniak-Swędziol J., *Reflections on the Protection of Employment Relationship of Trade Unionists under the Amended Trade Unions Act*, in Wrątny J., Ludera-Ruszel A. (eds.), *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, 299-318.

⁴¹ Eg. based on a “personal work relation”, see Countouris N., De Stefano V., *New trade union strategies for new forms of employment*, ETUC, Brussels 2019, 66-67:

https://www.etuc.org/sites/default/files/publication/file/2019-04/2019_new%20trade%20union%20strategies%20for%20new%20forms%20of%20employment_0.pdf (access: 5.12.2021).

⁴² https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1237 and https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12483-Collective-bargaining-agreements-for-self-employed-scope-of-application-EU-competition-rules_en

amended provisions⁴³. In order for the extended protection to be working for the benefit of platform workers, the legal rules and procedures regarding collective bargaining including the right to strike have to be adopted to the particularity of the working performance and collective organization of categories of workers other than employees.⁴⁴

The question that occurs in reference to the legal status of freelancers is how to guarantee fundamental social rights to the self-employed and protect their autonomy at the same time.

Nonetheless, it needs to be mentioned that from the observation of the collective actions taken by platform workers (mainly drivers and riders of the food delivery platforms), we may notice a need for this type of protection of common interests as rights to association, collective bargaining and strike, that were mainly reserved for employees⁴⁵. The results of the online survey on “Fair Digitalisation and Workers Participation” conducted by ETUC in 2017-2018, demonstrate that respondents are expecting the trade unions to change organising and recruitment principles and practices in order to become more attractive to workers engaged in the digital economy, particularly as regards to online platform workers, workers in the app economy and dependent self-employed workers.. With regard to the expected role of the trade unions, legal protection and social security were the major concerns indicated by online platform workers, 100% of which responded to be in favour of trade unions providing legal assistance to platform workers and more than 80% of respondents expect trade unions to negotiate or even mediate conflicts between platform workers and the platforms.⁴⁶

But legal status of freelancers and protection of their work performance are not a simple act of labour law whether individual or collective, but an interdisciplinary problem of civil and competition law at the same time, as we have to bear in mind the fact that these are still “independent contractors”, even though their real independence is often blurred by their working conditions.

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⁴³ Baran K.W., Czerniak-Swędziol J., *Reflections on the Protection of Employment Relationship of Trade Unionists under the Amended TradeUnions Act*, in Wratny J., Ludera-Ruszel A. (eds.), *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, 315-316.

⁴⁴ See Haipeter T., Owczarek D., Faioli M., Iudicone F., *Don't gig up! Project. Final report*, 2020, 21-22, <http://www.dontgigup.eu/wp-content/uploads/2020/04/Final-Report-3.pdf> (access: 15.02.2021).

⁴⁵ See J. Unterschütz, *Digital Labour Platforms: Dusk or Dawn of Labour Law?*, in Wratny J., Ludera-Ruszel A. , *New Forms of Employment. Current Problems and Future Challenges*, Springer 2020, 328-329.

⁴⁶ *Ibidem*, 50-52.

- Bellace J.R., *Rethinking Labour Law for the Twenty-First Century*, in Perulli A., Treu T. (eds.), *The Future of Work: Labour Law and Labour Market Regulation in the Digital Era*, Wolters Kluwer 2020, 37-48;
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