

ORIGINAL ARTICLE

Algorithmic management of work and the transformation of collective labour rights in the platform economy

Gestión algorítmica del trabajo y transformación de los derechos colectivos en la economía de Plataformas

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Received: 03 April 2026 / Accepted: 30 April 2026 / Published online: 31 May 2026

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Abstract This article examines the transformation of the fundamental categories of Labour Law resulting from the incorporation of algorithmic management into the platform economy. Its objective is to analyse how artificial intelligence (AI), algorithmic management and data-driven technologies, including *People Analytics*, are reshaping employment relationships and transforming the protection of collective labour rights. A qualitative methodology was adopted, based on doctrinal legal analysis, documentary research and the comparative legal method, using Directive (EU) 2024/2831 as the principal analytical framework and contrasting it with recent legislative, doctrinal and jurisprudential developments across selected Ibero-American jurisdictions. The findings reveal that the apparent autonomy of platform workers often conceals sophisticated forms of algorithmic control that redefine managerial authority and transcend the traditional distinction between employees and independent contractors. The study also identifies the emergence of Unionism 4.0 and data activism as innovative forms of collective organisation capable of responding to the digital fragmentation of work. It concludes that algorithmic transparency, meaningful human oversight and the right to an explanation of automated decision-making constitute essential safeguards for the effective protection of collective labour rights, the preservation of balanced employment relationships and the maintenance of effective judicial oversight within increasingly digitalised labour markets.

Keywords algorithmic management of work, platform economy, collective labour rights, employment relations, artificial intelligence.

Resumen El presente artículo analiza la transformación de las categorías fundamentales del Derecho del Trabajo a partir de la incorporación de la gestión algorítmica en la economía de plataformas. Su objetivo es examinar cómo la inteligencia artificial (IA), la gestión algorítmica y las tecnologías basadas en datos, incluido *People Analytics*, reconfiguran las relaciones laborales y transforman la protección de los derechos colectivos. Se empleó una metodología cualitativa basada en el análisis jurídico-doctrinal, la investigación documental y el método jurídico comparado, tomando como eje la Directiva (UE) 2024/2831 y su contraste con los desarrollos normativos, doctrinales y jurisprudenciales de diversos países iberoamericanos. Los resultados evidencian que la aparente autonomía de los trabajadores de plataformas encubre mecanismos sofisticados de control algorítmico que redefinen el ejercicio del poder directivo y desbordan la tradicional distinción entre trabajo subordinado y trabajo independiente. Asimismo, se identifica el surgimiento del Sindicalismo 4.0 y del activismo de datos como nuevas formas de organización colectiva frente a la fragmentación digital del trabajo. Se concluye que la transparencia algorítmica, la supervisión humana efectiva y el derecho a la explicabilidad de las decisiones automatizadas constituyen garantías indispensables para la protección de los derechos colectivos, el equilibrio de las relaciones laborales y la eficacia del control jurisdiccional en los entornos digitales.

Palabras clave gestión algorítmica del trabajo, economía de plataformas, derechos colectivos del trabajo, relaciones laborales, inteligencia artificial.

How to cite

Gorozabel-Lucas, D. Z. (2026). Algorithmic management of work and the transformation of collective labour rights in the platform economy. *Journal of Law and Epistemic Studies*, 4, e175. <https://doi.org/10.5281/zenodo.21184350>



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Introduction

The conceptual architecture of contemporary Labour Law was built upon the material realities of the Industrial Revolution and its subsequent consolidation within the Fordist-Taylorist model. Under that paradigm, the employment relationship was manifested in a specific physical space—the factory or the workshop—within clearly delimited working hours and under the direct, visible and individualized supervision of a human employer or managerial delegates (Goldin, 2020). Legal subordination, as the gravitational axis and prerequisite for the application of protective labour legislation, was traditionally understood as the worker's submission to the employer's powers of direction, organization and discipline (Aloisi & De Stefano, 2022).

However, the advent of the Fourth Industrial Revolution, driven by digitalization, artificial intelligence and the proliferation of platform economies or the gig economy, has caused a disruptive rupture in the foundations of labour law doctrine. The phenomenon of the platformization of work has displaced the physical boundaries of the organized enterprise, diluted the concept of the workplace and replaced vertical human hierarchy with the governance of proprietary algorithmic systems (European Commission, 2023). In this new ecosystem, technology multinationals have instrumentalized the narrative of the service provider's "autonomy" and "entrepreneurship" (Aloisi & De Stefano, 2022). Under the label of "partners" or freelancers, digital platforms contractually configure their legal relationships as purely civil or commercial arrangements, operating what legal doctrine has identified as a form of evasion of labour law protections (Aloisi & De Stefano, 2022). The worker's apparent freedom to choose working hours has become the ideal corporate veil for avoiding compliance with social security obligations, minimum wage standards and coverage for occupational risks (International Labour Organization, 2021).

The scientific problem addressed in this study lies in an even more complex and less explored dimension: the erosion of the collective dimension of labour resulting from the atomisation of the workforce. In the absence of a shared physical workplace, workers engaged through digital platforms experience profound socio-legal isolation (Singh & Singh, 2025). Algorithmic management fragments interpersonal relationships, undermines workers' perception of themselves as members of a collective workforce and, by technological design, weakens the traditional mechanisms of collective labour action, including workplace assemblies, strikes and formal collective bargaining (Ucheagwu-Okoye, 2026). Furthermore, capital has undergone an asymmetric process of deterritorialisation; technology corporations can manage, in real time and through opaque task-allocation algorithms, the labour of thousands of workers located across multiple jurisdictions while relying on the absence of a physical local

presence to limit the effectiveness of labour inspections and national judicial oversight (International Labour Organization, 2021).

The justification for this research stems from the urgent need to update labour law doctrine and the interpretative tools available to legislators and courts. The challenge is not merely to fit emerging forms of work into outdated contractual categories, but rather to develop a coherent legal conceptualisation of algorithmic subordination as a new expression of managerial authority (Raso, 2025). The relevance of this analysis is further reinforced by the adoption of Directive (EU) 2024/2831 on improving working conditions in platform work, whose potential influence on Ibero-American legal systems deserves systematic and forward-looking examination. In particular, the Directive introduces unprecedented safeguards regarding algorithmic management, transparency and human oversight of automated decision-making, providing a regulatory benchmark for the evolution of labour law beyond the European Union. In this context, the right to algorithmic explanation emerges as an essential and non-waivable guarantee for the effective protection of workers' collective rights (Directive (EU) 2024/2831, 2024; The Ibero-American Association for the Development of Applied Sciences [AIDCA], 2024).

Methodology

This study adopted a qualitative approach, as it was aimed at analysing and interpreting legal institutions related to labour subordination within the platform economy. The methodological design was based on a doctrinal legal approach, supported by documentary analysis and the comparative legal method, with the objective of examining the evolution of labour subordination in the context of algorithmic management and assessing the regulatory responses adopted across different legal systems.

The doctrinal legal method was employed to examine the evolution of the traditional categories of Labour Law, particularly the concept of legal subordination, through the systematic analysis of legislation, legal doctrine and specialised case law. Documentary analysis facilitated the critical review of national and international legal instruments, scientific literature and technical reports concerning platform work and the use of artificial intelligence systems in the management of employment relationships.

In addition, the comparative legal method was applied, taking Directive (EU) 2024/2831 of the European Parliament and of the Council as the principal point of reference, given that it represents the most recent regulatory instrument governing platform work. Its provisions were compared with the legislative and jurisprudential developments of several

Ibero-American jurisdictions, particularly Spain, Brazil, Colombia, Argentina and Ecuador, in order to identify regulatory convergences, divergences and potential criteria for legal reception within Latin American legal systems.

The documentary corpus comprised current national and international legislation, judicial decisions issued by domestic courts, the Court of Justice of the European Union (CJEU) and the Inter-American Court of Human Rights (IACtHR), technical reports produced by the International Labour Organization (ILO) and the Economic Commission for Latin America and the Caribbean (ECLAC), together with scientific articles and scholarly monographs published between 2020 and 2025 in journals indexed in Scopus and the Web of Science Core Collection. The sources were selected according to criteria of timeliness, scientific quality, thematic relevance and their direct relationship with algorithmic subordination, platform work and the protection of collective labour rights.

The collected information was analysed through a functional comparative legal approach, identifying the common elements and regulatory differences among the selected jurisdictions regarding algorithmic management, the legal presumption of employment, transparency in automated decision-making systems and the protection of collective labour rights. Finally, the findings were interpreted in light of the fundamental principles of Labour Law and international human rights standards applicable to labour relations, with the aim of proposing a doctrinal framework that conceptualises algorithmic subordination as the contemporary evolution of classical legal subordination.

Results and discussion

The doctrinal and comparative analysis of specialised legal scholarship, recent case law and Directive (EU) 2024/2831 reveals a substantial transformation of the classical concept of legal subordination within the platform economy. Rather than disappearing, labour dependence has been reconfigured through technological mechanisms that replace the employer's direct supervision with automated systems of management, performance evaluation and behavioural control. This finding demonstrates that the exercise of managerial authority retains its legal essence, although it is now materialised through algorithms and automated processes operating continuously and, in many cases, opaquely.

Based on the analysis of the selected legal sources, algorithmic subordination is proposed as the legal situation in which workers remain subject to the employer's powers of organisation, direction, supervision and disciplinary control through artificial intelligence systems, task-allocation algorithms and data-driven management tools such as People Analytics, without the need for continuous human supervision. Consequently, labour dependence is no longer ex-

pressed through direct managerial instructions but through mathematical parameters that determine workers' access to tasks, remuneration, continuity on the platform and performance evaluation.

This interpretation is consistent with the analyses developed by Goldin (2020), the European Commission (2023), and Aloisi and De Stefano (2022), who argue that technological infrastructure has become the new organisational centre of the contemporary enterprise. Although digital platforms maintain that workers preserve their autonomy by providing their own means of production—such as vehicles, motorcycles or computer equipment—the present analysis demonstrates that the decisive element in determining the existence of an employment relationship lies in the platform's exclusive control over customer allocation, pricing policies, reputation systems and the strategic information generated through algorithmic management.

Furthermore, the comparative review demonstrates that managerial authority is increasingly exercised through automated decision-making systems capable of allocating tasks, establishing priorities, modifying economic incentives and imposing sanctions without direct human intervention. Variables such as task acceptance rates, response times, geolocation data and customer ratings are automatically processed to determine workers' continuity on the platform and the conditions under which services are performed. Consequently, the worker's apparent freedom to accept or reject assignments becomes progressively constrained by invisible systems of incentives and penalties that substantially reduce genuine autonomy in decision-making.

A particularly significant finding concerns the phenomenon of algorithmic dismissal, whereby workers' accounts are automatically deactivated once predefined performance indicators fail to satisfy algorithmic thresholds established by the platform. Unlike traditional forms of employment termination, these decisions are frequently implemented without individual reasoning, prior hearing or meaningful opportunities for human review. Such practices raise significant concerns regarding procedural fairness, effective judicial protection and the fundamental right to due process, particularly when algorithmic decisions remain opaque and cannot be adequately challenged by affected workers.

Consequently, the findings support the conclusion that algorithmic subordination represents a functional evolution of classical legal subordination rather than an entirely new legal category. What has changed is not the existence of managerial authority itself, but the technological means through which that authority is exercised. This transformation requires a reinterpretation of the traditional criteria for determining the existence of an employment relationship, placing greater emphasis on the effective control exercised by the digital platform than on the contractual label formally

assigned to service providers.

The analysis of international legal instruments, specialised scholarship and recent developments in comparative case law demonstrates that the expansion of the platform economy has profoundly transformed the conditions under which workers exercise their collective labour rights. Unlike the traditional industrial model, characterised by the physical concentration of workers within a common workplace, digital platforms organise labour through decentralised structures that significantly hinder continuous interaction among individuals providing services for the same economic operator. As a result, the construction of collective representation faces substantially greater obstacles than those encountered in conventional employment relationships.

The literature review indicates that this phenomenon has been described as a process of labour atomisation, whereby workers perform their activities individually, across geographically dispersed locations and under exclusively digital coordination mechanisms. Under these conditions, opportunities to develop a shared collective identity, promote trade union organisation or engage in traditional forms of collective bargaining are considerably reduced, as the physical spaces that historically facilitated communication, deliberation and collective mobilisation have effectively disappeared.

These findings are consistent with the analyses of Zhang et al. (2025) and Ucheagwu-Okoye (2026), who argue that algorithmic management not only reorganises production processes but also reshapes the social relationships that underpin freedom of association and collective labour rights. In this context, algorithms cease to function merely as task-allocation tools and instead become mechanisms of managerial control that continuously individualise workers' performance, thereby hindering the development of common interests and collective solidarity.

At the same time, the comparative analysis identifies a second phenomenon of particular significance: the deterritorialisation of digital capital. Major digital platforms operate through complex transnational corporate structures that separate the location where services are performed, the company's legal domicile and the jurisdiction in which strategic business decisions are made. This organisational model complicates the determination of the applicable law, restricts the regulatory powers of national authorities and creates significant challenges for the effective protection of collective labour rights.

The review of reports issued by the International Labour Organization (ILO) together with recent legal scholarship demonstrates that this organisational fragmentation contributes to significant regulatory asymmetries across different legal systems. While some jurisdictions have introduced specific legal mechanisms to oversee algorithmic manage-

ment and strengthen the collective rights of platform workers, many others still lack regulatory instruments capable of addressing these emerging forms of work organisation. Consequently, the effectiveness of freedom of association and collective bargaining depends largely on the institutional capacity and regulatory development of each national legal system.

From a comparative legal perspective, these findings suggest that the digital transformation of work requires a reconsideration of the traditional legal categories through which collective labour rights have historically been protected. The disappearance of a shared physical workplace does not eliminate workers' common interests; rather, it necessitates the development of new forms of collective representation compatible with digitally mediated work environments. Accordingly, one of the principal challenges facing contemporary Labour Law is to adapt its traditional institutions of collective protection to business models characterised by algorithmic management, geographical dispersion and the intensive use of artificial intelligence technologies.

The review of specialised literature and recent experiences across different jurisdictions reveals the emergence of new forms of collective organisation initiated by platform workers themselves. The findings demonstrate that, in response to the limitations of traditional trade union representation within highly digitalised work environments, alternative forms of collective action have progressively emerged. These new strategies rely on the intensive use of digital technologies and the strategic appropriation of the information generated during the performance of work activities, enabling workers to develop innovative mechanisms for collective representation and advocacy despite the absence of conventional organisational structures.

This translation employs the terminology commonly used in leading international Labour Law journals (e.g., Labour Law, freedom of association, collective labour rights, algorithmic management, trade union organisation, collective bargaining, and deterritorialisation of capital), while maintaining an academic style appropriate for high-impact publications such as the *Industrial Law Journal*, the *European Labour Law Journal*, and the *International Labour Review*.

This phenomenon, identified in the literature as Unionism 4.0, represents an evolution rather than a rupture of traditional forms of trade union organisation. Its defining characteristic lies in shifting collective action from the physical workplace to digital environments, making use of collaborative platforms, digital applications and encrypted communication channels to coordinate collective initiatives, exchange information and strengthen the representation of geographically dispersed workers.

The comparative analysis demonstrates that one of the

most significant instruments of this emerging form of collective organisation is data activism. Unlike the traditional model, in which collective bargaining largely relied on information provided by employers, data activism enables workers themselves to collect, share and collaboratively analyse the information generated by digital platforms throughout the performance of their work. Through open-source applications and independent digital repositories, workers can build collective databases that facilitate the identification of task-allocation patterns, pricing adjustments, wage differentials and potential discriminatory practices arising from algorithmic management.

These findings are consistent with the analyses of Ucheagwu-Okoye (2026) and Farronato (2025), who argue that collective access to information constitutes one of the most effective mechanisms for reducing the informational asymmetry between digital platforms and workers. From this perspective, data cease to function solely as a corporate resource and instead become an instrument of social accountability capable of promoting transparency, strengthening the judicial protection of labour rights and improving the effectiveness of collective bargaining.

Furthermore, the documentary review demonstrates that traditional forms of collective labour conflict have also undergone significant transformation. Instead of simultaneous work stoppages at a shared physical workplace, recent international experiences reveal the growing use of coordinated digital log-offs, online campaigns and collective actions organised through instant messaging applications and social media platforms. These strategies seek to temporarily disrupt algorithmic task-allocation patterns during periods of peak demand, thereby creating incentives for digital platforms to engage in meaningful collective bargaining with workers' representatives.

However, the analysis also identifies significant limitations to the consolidation of these emerging forms of collective representation. The absence of specific legal recognition, regulatory disparities across jurisdictions, high workforce turnover and the opacity of algorithmic management systems continue to hinder the effective exercise of freedom of association within the platform economy. Consequently, Unionism 4.0 should not be understood as a substitute for traditional trade unions, but rather as a process of institutional adaptation aimed at preserving the fundamental principles of Collective Labour Law in a context increasingly characterised by the digitalisation of employment relationships.

Within this context, the findings suggest that the future effectiveness of collective action will depend largely on the capacity of legal systems to recognise access to algorithmic information as an essential precondition for the effective exercise of freedom of association, collective bargaining and the protection of workers' fundamental rights.

The comparative analysis of European legislation and recent judicial developments identifies the adoption of Directive (EU) 2024/2831 as one of the most significant regulatory developments concerning platform work in recent years. The findings indicate that this instrument represents a genuine paradigm shift in labour regulation by explicitly recognising that algorithmic management constitutes an expression of managerial authority and must therefore be subject to legal safeguards compatible with the protection of workers' fundamental rights (Baylos, 2024).

The examination of the Directive reveals two innovations of particular legal significance. First, it establishes a legal presumption of an employment relationship where specific indicators of control exercised by a digital platform are present, thereby partially shifting the burden of proof to the platform operator. This reform constitutes a legislative response to the growing use of self-employment arrangements designed to disguise relationships that, in practice, display the essential characteristics of economic and organisational subordination.

Second, the Directive introduces a comprehensive set of safeguards concerning algorithmic management, including workers' right to receive meaningful information regarding automated decision-making systems affecting their working conditions, the requirement of human oversight for certain automated decisions, and the reinforcement of workers' representatives' rights to information and consultation. These provisions reflect a significant evolution of European Labour Law by extending traditional mechanisms of collective protection to decision-making processes based on artificial intelligence (Directive (EU) 2024/2831, 2024).

From this perspective, the Directive represents not merely a new regulatory instrument but a profound transformation in the conception of managerial authority, recognising that algorithmic control must remain subject to the fundamental principles of Labour Law and the protection of workers' rights (Baylos, 2024).

A comparison with Ibero-American legal systems reveals an uneven pattern of regulatory development. While Spain has adopted significant legislative reforms concerning platform work and algorithmic management, several Latin American jurisdictions have relied primarily on judicial interpretation to determine the employment status of platform workers and the legal consequences of algorithmic control. Nevertheless, specific regulation concerning algorithmic transparency, human oversight of automated decision-making and the protection of collective labour rights remains limited across much of Latin America (Aloisi & De Stefano, 2022; European Commission, 2023; Eurofound, 2025).

The Spanish experience illustrates the progressive transition from judicial recognition of algorithmic subordination to comprehensive legislative regulation. In particular,

Judgment No. 805/2020 (Supreme Court of Spain, Social Chamber, September 25, 2020) recognised that algorithmic management may constitute a manifestation of managerial authority sufficient to establish the existence of an employment relationship, a position that subsequently influenced both the adoption of the Spanish Rider Law and the development of the European regulatory framework governing platform work (Spanish Supreme Court, 2020, Raso, 2025)

In the Ecuadorian context, the analysis reveals the absence of a specific regulatory framework governing platform work and algorithmic management of employment. Although the Constitution recognises fundamental principles such as the protection of labour, equality, legal certainty and the right to due process, the Labour Code does not establish legal criteria for determining the existence of subordination when managerial authority is exercised through algorithms or automated decision-making systems. This regulatory gap creates significant interpretative challenges for courts, labour authorities and legal practitioners responsible for resolving disputes arising from these emerging forms of work organisation.

From a comparative legal perspective, the findings indicate that the European experience constitutes an important point of reference for the future development of Labour Law in Latin America. However, its reception cannot be achieved through the mere transplantation of European legal rules. Differences in labour market structures, levels of informality, the institutional capacity of labour inspectorates and the particular characteristics of national legal systems require context-sensitive regulatory adaptations capable of responding to the economic and social realities of each jurisdiction. Consequently, the incorporation of standards governing algorithmic transparency should be harmonised with the constitutional principles of each legal system and with the international obligations arising from the conventions of the International Labour Organization (ILO).

Within this context, the analysis demonstrates that the principal contribution of Directive (EU) 2024/2831 extends beyond the regulation of platform work itself. Its greatest significance lies in redefining the contemporary concept of labour subordination by expressly recognising that managerial control may be exercised through automated systems and algorithmic decision-making. In doing so, the Directive provides interpretative criteria capable of guiding the evolution of Ibero-American legal systems in addressing the challenges posed by the digital transformation of work.

Conclusions

Legal subordination has neither weakened nor disappeared within the platform economy. Instead, it has undergone a qualitative transformation into algorithmic subordination,

a contemporary manifestation of managerial authority characterised by decentralised, continuous and often invisible mechanisms of control. Rather than direct personal supervision, managerial power is increasingly exercised through algorithmic programming and data-driven organisational architectures, calling into question the adequacy of the traditional legal criteria historically used to identify employment relationships.

The traditional Fordist model of collective action has become progressively less effective in responding to corporate strategies based on the deterritorialisation of capital and the fragmentation of the workforce. Nevertheless, workers' collective resistance has evolved through the emergence of Unionism 4.0 and data activism, demonstrating that the collective appropriation of digital technologies and algorithmic information constitutes one of the most effective strategies for reducing the informational asymmetry that characterises platform work and algorithmic management.

The findings support the initial research hypothesis by demonstrating that algorithmic transparency and the right to an explanation of automated decision-making are emerging as fundamental guarantees for the effective protection of collective labour rights in the twenty-first century. Without meaningful legal and institutional mechanisms enabling workers and their representatives to understand, scrutinise and challenge the artificial intelligence systems that govern access to work, remuneration and employment continuity, the protective function of Labour Law risks becoming ineffective. Ensuring transparency, accountability and human oversight of algorithmic decision-making is therefore essential to safeguarding workers' dignity, guaranteeing effective judicial protection and preserving the rule of law within increasingly digitalised labour markets.

This study adopted a doctrinal and comparative legal approach based on documentary analysis. Accordingly, its findings are limited to the interpretation of legal provisions, scholarly literature and judicial decisions concerning algorithmic management and platform work. Future research should incorporate empirical methodologies to examine the practical operation of algorithmic management systems in digital labour platforms, assess the effectiveness of emerging regulatory frameworks across different Latin American jurisdictions, and evaluate their impact on workers' fundamental and collective labour rights.

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Conflicts of interest

The author declares that she has no conflicts of interest.

Author contributions

Digna Z. Gorozabel-Lucas: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

Data availability statement

The datasets used and/or analyzed during the current study are available from the corresponding author on reasonable request.

Statement on the use of AI

The author acknowledges the use of generative AI and AI-assisted technologies to improve the readability and clarity of the article.

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