



# Private Law and the Gig Economy

## Deadline

Please submit a 200-300 word abstract by March 31, 2021.

We anticipate holding a one-day online workshop via Zoom in early September 2021.

Papers from the workshop will likely form part of an edited collection on Private Law and the Gig Economy.

## Contact

Dr Dilan Thampapillai:

[dilan.thampapillai@anu.edu.au](mailto:dilan.thampapillai@anu.edu.au)

Dr Mark Giancaspro:

[mark.giancaspro@adelaide.edu.au](mailto:mark.giancaspro@adelaide.edu.au)

The gig economy is an emerging and important part of the broader platform economy. Companies such as Uber, Lyft, AirBnB, Amazon, AirTasker and the like are well-established market players and in turn all are reliant on gig economy workers. Notably, the recent Covid-19 pandemic has highlighted the seemingly essential nature of the gig economy as food delivery workers and other at-will workers have provided important and useful services. However, there are a myriad of concerns around fairness and exploitation within the gig economy. These concerns pertain to unfair contract terms, under-payment, precarious employment, health and safety issues, harassment and discrimination.

In recent years the focus on combating unfairness within the gig economy has focused upon whether workers can be classified as employees. Within jurisdictions such as the United Kingdom, Australia, Canada and elsewhere classification as an employee would bring with it the protections offered by labour law. However, litigation on this question has turned on a case-by-case basis with some platform companies apparently being willing to regard an adverse decision concerning an individual worker as simply part of the overall cost of doing business.

In the absence of protection from labour law, the framework of other fields of private law has emerged as the de facto regulatory scheme. Indeed, as indicated by the recent decision of the Supreme Court of Canada in *Uber Technologies v Heller* [2020] SCC 16, it is possible that the various fairness and conscience-based doctrines of private law can offer some redress. However, this is not without some complications. Important fields of law within private law, such as the law of contract, house unresolved questions around obligation, exploitation and fairness. Further, these fields of law house doctrines crafted to fit the economic conditions of the 19th and 20th centuries. The new technological and socio-legal context of the platform economy offers up situations that challenge the canonical paradigms of established doctrines. As such, the gig economy asks very difficult questions about the cogency and viability of private law in the face of new technologies and new business models.

In this call for papers we are seeking paper proposals on a range of topics pertaining to private law and the gig economy. In particular, we invite proposals on a range of topics relevant to the relationship between private law and the gig economy:

- contractual fairness and good faith
- standard form contracts, unfair contract terms, and contract construction
- unconscionable conduct and the gig economy
- misleading or deceptive conduct and the gig economy
- other illegitimate commercial practices under the Australian Consumer Law
- the application of consumer law concepts to the gig economy
- algorithmic management within the gig economy
- critical perspectives on race, gender and/or economic inequality within the gig economy
- unjust enrichment
- allocation of liability under service contracts in the gig economy
- parties to a service contract in the gig economy
- the nature of contractual relationships in a growing global gig economy
- termination of contracts (by the parties, operation of law, or other means)

Visit webpage: [law.anu.edu.au/event/workshop/private-law-and-gig-economy](http://law.anu.edu.au/event/workshop/private-law-and-gig-economy)