

30. March 2021

RULING OF THE FEDERAL LABOR COURT: CROWDWORKERS ARE - UNDER CERTAIN CIRCUMSTANCES - EMPLOYEES

THE PLACEMENT OF ORDERS VIA DIGITAL PLATFORMS IN THE FORM OF SO-CALLED CROWDWORKING SERVES TO OUT-SOURCE (MOSTLY) SMALL-SCALE ACTIVITIES TO A LARGE NUMBER OF PEOPLE WHO ARE MOSTLY UNKNOWN TO THE CLIENT - THE "CROWD" - WHEREBY THE ORDERS ARE (FREQUENTLY) PLACED VIA THE OPERATOR OF AN ONLINE PLATFORM. THE MODERN DIGITAL STRUCTURING OF WORK (INEVITABLY) LEADS TO QUESTIONS ARISING ABOUT THE LEGAL STATUS OF THOSE INVOLVED IN IT. IN THE CONTEXT OF CROWDWORKING, THE STATUS OF CROWDWORKERS AS SELF-EMPLOYED OR EMPLOYEES HAD NOT BEEN CLARIFIED UNTIL NOW. THE FEDERAL LABOR COURT (*BUNDESARBEITSGERICHT* - BAG) HAS NOW RULED IN A JUDGMENT DATED 1 DECEMBER 2020 THAT A CROWDWORKER IN THE CASE TO BE DECIDED WAS NOT SELF-EMPLOYED BUT HAD TO BE CLASSIFIED AS AN EMPLOYEE (CASE NO.: 9 AZR 102/20). ([more...](#))