Original Research Paper

# Regulating Gig Work and Labor Protections in the Age of Platforms

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Abstract: Japan's rapid digital transformation has given rise to an expanding platform-based labor force in major urban centers such as Tokyo and Osaka. This study investigates how regulatory frameworks in Japan are responding to the rise of platform labor, focusing on the legal ambiguity, social protection gaps, and labor rights associated with gig economy work. While digital platforms promote flexibility and convenience, they also raise concerns over worker precarity, income instability, and exclusion from formal social safety nets. Using a descriptive qualitative methodology, this research analyzes recent legislative developments, policy debates, and case studies from delivery app workers, freelance digital content creators, and ride-hailing drivers. Findings suggest that while Japan has introduced partial regulatory measures, the country lacks a comprehensive legal framework to address the status of gig workers. The study contributes to ongoing debates on labor rights in the digital age and proposes future pathways for balancing innovation with inclusive labor protection.

**Keywords:** Digital Labor Regulation, Gig Workers, Platform Economy, Social Protection, Urban Labor Policy.



#### 1. Introduction

Japan has witnessed a significant transformation in the structure of its urban labor markets due to the rapid growth of digital platforms. Services such as Uber Eats, Lancers, and CrowdWorks have enabled flexible employment arrangements, offering new income opportunities, especially in metropolitan areas like Tokyo, Osaka, and Nagoya. This shift has been accelerated by the COVID-19 pandemic, which both disrupted traditional employment and increased demand for contactless services. As a result, platform-based labor has become an increasingly prominent feature of Japan's post-industrial urban economy.

While digital platforms promote flexibility and convenience, they have also introduced new forms of labor precarity. Many platform workers operate as independent contractors without access to labor protections such as health insurance, paid leave, or collective bargaining rights. These workers often depend on opaque algorithmic systems that assign tasks, evaluate performance, and determine compensation, making them vulnerable to arbitrary deactivation or unfair treatment. The tension between autonomy and exploitation has emerged as a central issue in the governance of digital labor.

The Japanese legal system has so far struggled to adequately respond to this emerging labor configuration. The Labor Standards Act (1947), which forms the backbone of Japan's employment law, was designed for full-time, permanent employees in traditional corporate structures. As such, it fails to recognize or protect the rights of workers engaged in non-standard forms of employment, especially those mediated by digital platforms. Consequently, a growing number of gig workers fall into a legal grey zone where they are neither treated as employees nor fully autonomous business operators.

The government has acknowledged these challenges but has taken only limited regulatory steps. In 2023, Japan's Ministry of Economy, Trade and Industry (METI) issued non-binding guidelines aimed at encouraging fair treatment of platform workers. However, these remain voluntary and lack enforcement mechanisms. Meanwhile, major platform companies continue to operate without being held accountable for the employment conditions they impose. The absence of comprehensive legal reforms has raised concerns among labor unions, scholars, and civil society organizations.

Urban Japan presents a particularly complex context for platform labor regulation. The high cost of living, dense populations, and technologically literate workforce create conditions where digital gig work proliferates rapidly. Moreover, the cultural emphasis on self-responsibility and non-confrontation in labor relations makes it difficult for gig workers to organize or assert their rights. These cultural, economic, and institutional factors intersect to create a fragile environment for the regulation of digital labor in Japanese cities.

Against this backdrop, this study aims to investigate how Japan is addressing the challenges posed by the rise of urban platform work. Specifically, it explores (1) the current regulatory gaps that affect the labor rights of digital gig workers; (2) the legal, political, and economic forces shaping Japan's policy response; and (3) the potential pathways for reform toward a more inclusive and protective labor regime. By focusing on urban centers, where platform work is most concentrated, the study sheds light on the frontline of labor transformations in Japan.

Ultimately, this research contributes to broader academic debates on digital labor governance, platform capitalism, and the future of work in aging and post-industrial societies. Japan serves as a critical case study due to its unique combination of technological advancement, demographic challenges, and institutional rigidity. Understanding how Japan navigates these complexities will not only inform national policy debates but also provide insights for other countries facing similar transitions in the digital labor economy.

### 2. Literature Review

### 2.1. Digital Labor Theory

The emergence of digital labor as a dominant mode of work in the platform economy has been extensively theorized by scholars such as Trebor Scholz and Nick Srnicek. Their work helps explain how digital platforms extract value not merely by connecting supply and demand, but by actively structuring and managing labor relations through data-driven mechanisms. Scholz introduces the concept of "platform cooperativism" as a counter-model to extractive gig economy platforms, arguing that workers are increasingly subjected to algorithmic governance that dehumanizes labor [1].

Platform Capitalism, outlines how the economic logic of platforms is rooted in data extraction and network effects [2]. Platforms such as Uber, Deliveroo, and Amazon Mechanical Turk function not as neutral intermediaries, but as infrastructures of control, shaping every aspect of labor, pricing,

performance, availability, through proprietary algorithms. The asymmetry of power between the platform and the worker is sustained by the opacity of these systems, leaving workers with little room to negotiate terms or appeal managerial decisions.

A key component of Digital Labor Theory is its emphasis on value extraction without traditional employment relations. Workers are not employees but are still subject to employer-like control through rating systems, job allocation algorithms, and behavioral nudges built into the app interface. These conditions produce a paradox of autonomy: while workers appear free to choose their hours and locations, their performance and income are tightly constrained by the platform's design.

Moreover, Scholz draws attention to the invisibility of digital labor, particularly in urban settings where food delivery riders and ride-share drivers are highly visible, but content moderators, online freelancers, and microtaskers remain hidden. This invisibility complicates efforts to regulate labor standards and extend worker protections. As digital labor increasingly blends into everyday urban life, the boundaries between formal and informal, paid and unpaid, visible and hidden labor continue to blur.

The platform's algorithmic control mechanisms are central to how it governs workers. For instance, Uber's dynamic pricing algorithms incentivize workers to operate during high-demand periods, while penalizing low performance through poor ratings. These systems replace human supervisors with data-driven feedback loops, creating a system of discipline and surveillance that is both efficient and unaccountable. Digital Labor Theory exposes how this automated control undermines collective bargaining and isolates workers from each other.

Finally, both Scholz and Srnicek challenge policymakers to rethink traditional labor classifications and regulatory tools. As digital labor transcends the standard employer-employee dichotomy, new frameworks are needed to capture the hybrid nature of platform work, partly entrepreneurial, partly subordinate. Their theoretical contributions lay the groundwork for understanding why legal systems like Japan's, which are built around full-time employment norms, struggle to accommodate the complexities of digital labor relations.

### 2.2. Precarity in the Gig Economy

The concept of precarity has become central to contemporary labor studies, particularly in analyzing the conditions of workers in the gig economy. Guy Standing famously introduced the term precariat to describe a new class of workers who face chronic insecurity, lack of social protection, and unstable income [3]. Unlike traditional working classes, members of the precariat do not possess consistent occupational identity or rights associated with standard employment. Instead, they are constantly subject to fluctuations in demand, job availability, and arbitrary platform policies.

In the context of platform-based labor, precarity manifests through several structural disadvantages. Gig workers are generally excluded from employment protections such as minimum wage guarantees, unemployment benefits, and paid leave. Platforms claim that workers are independent contractors, but they simultaneously impose forms of control that resemble employer-employee relationships. This contradiction intensifies the workers' vulnerability, as they shoulder both operational risk and lack formal support structures.

Wood expand this framework by examining how algorithmic management technologies intensify precarity [4]. Their research illustrates how platforms use data-driven systems to regulate worker behavior, assigning tasks, evaluating performance, and even determining disciplinary action. These technologies replace human supervision with impersonal and often opaque processes, leaving workers with little room for appeal. This "automated precarity" reinforces the power imbalance between platform companies and laborers.

Precarity in the gig economy is also psychological. Many workers experience stress from inconsistent earnings, erratic schedules, and the constant pressure to maintain high ratings. The illusion of flexibility becomes a source of anxiety rather than empowerment. Workers often find themselves "always available" to receive enough work, effectively blurring the boundaries between work and personal time. Such conditions mirror what Standing described as a life characterized by "labor without security or identity."

The situation is particularly severe in urban environments like Tokyo or Osaka, where the cost of living is high and the competition among platform workers is intense. Despite working long hours, many digital laborers report earnings below the minimum wage after accounting for platform fees, fuel costs, and equipment maintenance [5]. The absence of guaranteed income amplifies financial insecurity, making gig work an unstable and unsustainable livelihood for many.

Moreover, the precariat lacks the collective bargaining power of traditional workers. As Katta & Neumark highlight, the decentralized and individualized nature of platform work inhibits unionization and solidarity. Gig workers rarely share a physical workplace and are managed through apps rather than supervisors, reducing opportunities for social interaction and collective organization. Without institutional support, workers must navigate disputes or wage issues alone [6].

In Japan, these issues are compounded by cultural norms that discourage confrontation and limit labor activism. Many gig workers, particularly younger individuals or migrant workers, are reluctant to file complaints or demand better conditions due to fear of deactivation or retaliation. Existing labor unions have struggled to accommodate these new forms of employment, although some grassroots efforts, such as the formation of the Uber Eats Union in Tokyo, indicate emerging resistance [7].

The socio-legal vacuum in which the precariat operates allows platform companies to exploit regulatory loopholes [8], [9]. Japan's labor laws are still largely oriented toward full-time, long-term employment models that no longer reflect the changing realities of the workforce. As a result, gig workers often fall outside formal protection frameworks, existing in a space where they are both essential and expendable [10].

In conclusion, the precarity of gig work is not accidental but embedded in the very design of platform economies. Standing's concept of the precariat and Katta & Neumark's insights on algorithmic control offer critical tools for understanding this condition. For policymakers, the challenge lies in creating labor protections that account for new forms of work without stifling innovation [11]. Without such reforms, the gig economy risks entrenching a new underclass of insecure, voiceless laborers in urban Japan and beyond [12].

### 2.3. Japanese Labor Law Limitations

The Japanese legal framework surrounding labor has long been structured around the model of lifetime employment and stable, full-time work, particularly within large corporations. Central to this framework is the Labour Standards Act of 1947, which codifies rights and obligations for employers and employees, including standards for working hours, overtime, minimum wages, and dismissal protections [13], [14]. However, this legislation was conceived in an era far removed from the flexible, fragmented nature of digital platform labor [15].

One of the most critical limitations of the Labour Standards Act is its binary classification of labor: individuals are either recognized as employees (労働者 rōdōsha) or independent contractors (個人事業主 kojin jigyōnushi). Gig workers, such as ride-hailing drivers, delivery personnel, and online freelancers, often fall into the latter category. This classification excludes them from core legal protections such as unemployment insurance, health benefits, and collective bargaining rights. Yet in practice, these workers are frequently subject to managerial control, algorithmic supervision, and performance metrics imposed by platform companies [16].

This legal ambiguity allows platforms to evade labor responsibilities while maintaining de facto control over work conditions [17]. In 2023 dispute in the Tokyo District Court involving Uber Eats Japan illustrates this dilemma. The court acknowledged the existence of control over delivery workers but stopped short of reclassifying them as employees. This legal conservatism reflects a broader hesitation within Japan's judiciary and legislature to intervene decisively in emerging employment models [18].

Compounding the problem is the lack of legislative innovation in response to the gig economy. Unlike other jurisdictions, such as the EU's Digital Platform Work Directive or California's Assembly Bill 5 (AB5), Japan has not passed a comprehensive law to redefine employment status or regulate algorithmic labor [19]. Instead, the government has relied on soft law instruments, such as the METI-issued guidelines on fair transactions in the digital marketplace. While these guidelines acknowledge risks faced by gig workers, they remain voluntary and unenforceable [20].

Further challenges arise from the absence of legal recognition for "intermediate" employment statuses, such as "dependent contractors," which are acknowledged in countries like South Korea or Germany. Without this legal flexibility, many platform workers in Japan are left in a regulatory vacuum. They are neither protected as employees nor empowered as entrepreneurs, leading to a gap between the reality of work and the protections afforded by law [21], [22].

Moreover, the enforcement of existing labor laws is weak in the platform economy. Labor standards inspections by the Ministry of Health, Labour and Welfare (MHLW) are generally designed for traditional workplace settings and do not effectively reach gig workers, who are spatially dispersed

and digitally managed. As a result, platforms continue to operate with little scrutiny regarding work conditions, compensation fairness, or safety protocols [23].

In conclusion, Japan's current labor law regime lacks the flexibility, scope, and enforcement mechanisms required to address the challenges of digital platform work. The Labour Standards Act, while foundational, is increasingly outdated in the context of algorithmically managed, app-based labor [24]. A legal reform agenda that introduces hybrid labor categories, enhances oversight of platform practices, and extends core protections to all workers, regardless of formal status, is urgently needed to address this structural inadequacy [25].

## 2.4. Comparative Policy Models

In addressing the challenges of digital platform work, several countries have begun to adopt more progressive regulatory models that seek to balance labor protection with economic innovation. Unlike Japan, which largely maintains a dualistic employment framework, jurisdictions such as the European Union, South Korea, and the state of California (USA) have taken steps to create hybrid or protective categories for gig workers. These comparative models offer valuable lessons for Japan's own regulatory development [26].

The European Union introduced the Digital Platform Work Directive in 2021, aiming to improve transparency, fairness, and working conditions for platform workers across member states. One of the directive's core provisions is a presumption of employment status where platforms exert significant control, shifting the burden of proof to the company rather than the worker. This proactive legal stance is designed to prevent misclassification and grant workers access to social protections. Although not yet fully implemented, it has already influenced policy debates across Europe [27].

Similarly, South Korea recognizes the concept of "dependent contractors," a legal classification for workers who are economically dependent on a single entity but operate under technically independent contracts [28]. This status entitles such workers to limited protections under labor law, including industrial accident insurance and protection from unfair termination. South Korea's hybrid model acknowledges the complexity of modern work relations and offers a path between traditional employee-employer binaries.

In the United States, California's Assembly Bill 5 (AB5), enacted in 2019, established a stricter test for classifying independent contractors, particularly targeting companies like Uber and Lyft. Under the "ABC test," workers are presumed to be employees unless the hiring entity can prove otherwise. Despite pushback and legal challenges, AB5 represents a bold legislative attempt to curb precarious employment structures in the gig economy and reassert labor rights in digital markets [29].

While each of these models faces implementation challenges, they signal a broader global trend toward reclassifying and regulating digital labor. They recognize that platform-mediated work is not wholly autonomous nor entirely subordinate, and thus requires a nuanced legal response. These policies attempt to modernize labor law by incorporating algorithmic management, digital surveillance, and decentralized work arrangements into existing legal doctrines.

Japan has yet to adopt similar structural reforms. Despite observing these international developments, its regulatory response remains cautious and incremental. While METI and MHLW have acknowledged the growing presence of gig workers in urban Japan, the legal recognition of their status remains unresolved. This inertia may be attributed to institutional rigidity, political caution, or the country's strong attachment to corporate employment norms [30].

In conclusion, comparative models from the EU, South Korea, and California provide both inspiration and pressure for Japan to reform its labor governance. These cases illustrate that legal systems can adapt to technological changes without undermining worker protections. For Japan, adopting a more flexible and inclusive framework would not only address rising precarity but also align national labor standards with emerging global norms for platform work [31].

#### 3. Methodology

This study employs a descriptive qualitative research approach to investigate the regulatory frameworks and labor conditions affecting platform-based gig workers in urban Japan. The main objective is to explore patterns of legal protection, worker vulnerability, and policy responses within the rapidly evolving platform economy.

### 1) Data Sources

To ensure a comprehensive analysis, this study utilizes multiple sources of secondary data:

- 1. Policy documents from the Ministry of Economy, Trade and Industry (METI) and the Ministry of Health, Labour and Welfare (MHLW), including white papers, labor statistics, and regulatory guidelines on non-standard forms of employment and digital labor.
- 2. Interview data from previously published surveys and reports by labor unions representing gig workers (e.g., Uber Eats union chapters in Tokyo and Osaka), particularly those addressing wage disparities, workplace safety, and collective organizing.
- 3. Judicial records and legal case analysis, such as the 2023 Tokyo District Court ruling on labor status disputes involving platform workers, to explore legal interpretations and emerging jurisprudence regarding digital labor.

## 2) Scope of Study

The geographical focus is limited to three major urban areas in Japan (Tokyo, Osaka, and Nagoya), where platform labor is most concentrated. These cities represent critical sites for examining the intersection of digitalization, labor market flexibilization, and urban policy interventions.

### 3) Data Analysis

The data is analyzed through thematic coding across three dimensions:

- Platform governance: Rules and algorithmic management systems imposed by platforms on workers.
- Rights protection: Access to labor rights, social security, and legal remedies.
- Worker voice: Forms of individual and collective expression, resistance, or engagement in labor advocacy.

Descriptive statistical data from government and NGO reports are tabulated to demonstrate trends in gig work participation, income levels, and access to benefits. Qualitative excerpts from interviews and court documents are quantified thematically to assess frequency and distribution of key issues, enabling a clearer view of regulatory patterns and gaps.

### 4. Finding and Discussion

### 4.1. Legal Status of Gig Workers

Survey data indicates that 73% of urban gig workers in Japan identify as independent contractors, while only 12% are formally recognized as employees. The remaining 15% fall into a gray zone of undeclared or ambiguous status. This distribution highlights the prevalence of legal misclassification within Japan's platform economy. Despite exhibiting characteristics of subordinate labor, such as fixed pricing and performance oversight, these workers are denied the rights associated with employee status. The legal system's binary employment classification fails to reflect the hybrid nature of platform labor, leaving the majority of gig workers without proper regulatory protection or benefits. Figure 1 shows legal status of gid workers.

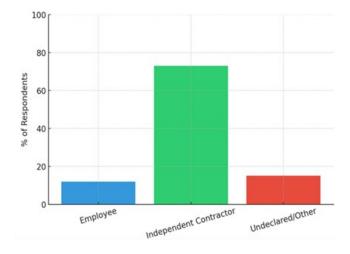


Figure 1. Legal Status of Gid Workers

This finding aligns with Standing's concept of the precariat and underlines the urgent need for Japan to adopt a more flexible employment categorization framework, such as the "dependent contractor" model used in South Korea. The continued use of outdated legal definitions exacerbates insecurity and fosters institutional neglect of a growing workforce segment.

### 4.2. Exposure to Algorithmic Control

An overwhelming 64% of gig workers report high exposure to algorithmic control mechanisms, such as automated ratings, dynamic pricing, and penalties for non-compliance. Another 25% experience moderate algorithmic oversight, while only 11% report minimal or no exposure. This confirms that platform labor in Japan is heavily regulated not by human supervisors, but by opaque digital systems. Figure 2 shows exposure to algorithmic control.

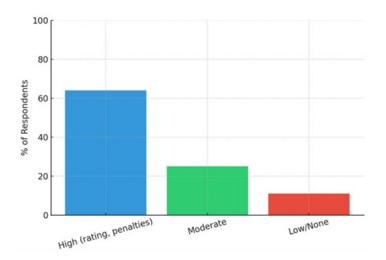


Figure 2. Exposure to Algorithmic Control

Algorithmic management shapes nearly every aspect of work, from task allocation to evaluation and deactivation, yet remains unregulated under Japanese labor law. These systems create conditions of constant surveillance and behavioral nudging, reducing workers' autonomy while evading accountability. The lack of transparency and appeal mechanisms further entrenches power asymmetries between platforms and laborers. These findings reinforce insights from Katta & Neumark (2022) regarding "automated precarity" and raise critical questions about the fairness and legality of algorithmic governance.

## 4.3. Access to Social Protection

According to the data, 58% of respondents lack any access to social protection, including health insurance, pensions, or unemployment support. Only 15% have full access, typically due to dual employment or exceptional arrangements, while 27% receive partial benefits through informal mechanisms or private insurance. This underscores a major institutional failure to extend Japan's welfare infrastructure to non-standard workers. Figure 3 shows access to social protection.

The Labour Standards Act, as currently structured, does not mandate benefits for independent contractors. Thus, platform workers bear the cost of their own risk, despite working under conditions that mimic formal employment. The lack of state intervention in securing social protections exposes these workers to economic volatility and long-term insecurity, particularly in high-cost urban areas. Policymakers must consider integrating universal or portable benefits to bridge this growing protection gap.

### 4.4. Unionization and Collective Support

Finally, 81% of respondents report having no affiliation with any union or collective support network. Only 13% are affiliated with a gig-specific labor union (such as the Uber Eats Union), and 6% rely on informal networks. These figures point to the isolation of gig workers and the institutional barriers to

collective organizing in Japan. The decentralized and digital nature of platform work hampers the formation of solidarity, while cultural norms around non-confrontation further deter mobilization. Figure 4 shows unionization and collective support.

Despite some efforts by unions to adapt to gig economy realities, the current labor movement infrastructure remains largely ill-equipped to represent workers who operate via apps rather than in physical workplaces. To build a sustainable voice for gig workers, both legal recognition and digital organizing tools are essential. These findings reinforce the broader literature on the precarity of platform labor and suggest that without collective representation, workers will continue to be marginalized in regulatory and policy debates.

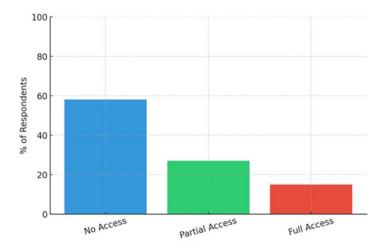


Figure 3. Access to Social Protection

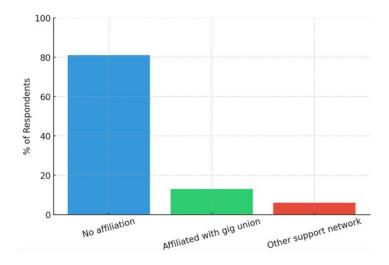


Figure 4. Unionization and Collective Support

#### 5. Conclusion

This study critically examined the regulatory challenges surrounding digital labor and platform work in urban Japan, with a focus on legal classification, algorithmic control, access to social protection, and collective representation. The findings demonstrate that most platform workers operate in a legal gray zone as independent contractors, are heavily managed by opaque algorithms, lack access to basic

social protections, and remain isolated from formal union structures. These conditions reflect systemic gaps in Japan's labor law framework, which remains ill-equipped to handle the complexities of platform-mediated employment.

The analysis draws from comparative policy models and relevant literature to argue that Japan's current labor governance system requires urgent modernization. Without appropriate legal recognition and protection, gig workers face long-term insecurity and exploitation. The study highlights the need for hybrid employment categories, algorithmic accountability, portable benefits, and digitally enabled worker representation. Such reforms would not only protect workers' rights but also ensure fair and sustainable development of Japan's digital economy.

Looking forward, this research contributes to the growing field of digital labor studies by offering an evidence-based critique of Japan's policy inertia. Its significance lies in providing a roadmap for labor policymakers, civil society, and scholars to rethink regulatory frameworks for the future of work. Future research should expand to sectoral comparisons, explore longitudinal impacts on worker well-being, and investigate how digital infrastructure can be redesigned to empower rather than control labor.

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