

ADDRESSING INEQUALITY IN THE WORLD OF GIG WORK: THE ROLE OF TRADE UNION IN THE SUCCESSFUL LITIGATION OF WORKERS STATUS IN THE CASE OF UBER BV V. ASLAM (2021)

Christophorus Ariobumi Praditya (18/423172/SP/28146)

Abstract: Rapid development of digital technology has reinvented how business is conducted. Emerging from the heart of this change is the gig economy. The gig economy is the collection of markets that match providers to consumers on a gig (or job) basis in support of on-demand commerce. Working under a ‘flexible’ arrangement with an ‘independent contractor’ status, a gig worker is prone to exploitation as the business model does not provide them with minimum wage or health protection due to their status. To elevate the rights of those gig workers, there is an increasing effort to first establish the ‘worker’ status from around the world - one of them being Uber BV v. Aslam case that has become the milestone for the struggle of the gig workers in a fight with the global gig behemoths. Seeing the humongous impact it has made towards gig workers, this study examines the role of trade unions behind the successful litigation of the ‘workers’ status in the case of Uber BV v. Aslam and how it has changed the landscape of employment rights globally.

Keywords: gig economy, gig workers, trade union, Uber BV v. Aslam

Abstrak: Pesatnya perkembangan teknologi digital telah menemukan kembali bagaimana bisnis dilakukan. Yang muncul dari inti perubahan ini adalah *gig economy*. *Gig economy* adalah kumpulan pasar yang mencocokkan penyedia jasa dengan konsumen berdasarkan suatu tugas atau pekerjaan untuk mendukung perdagangan berdasarkan permintaan. Bekerja di bawah pengaturan 'fleksibel' dengan status 'kontraktor independen', *gig workers* sangatlah rentan terhadap eksploitasi karena model bisnis *gig economy* tidak memberi mereka upah minimum atau perlindungan kesehatan karena status mereka. Untuk mengangkat hak-hak para *gig workers* tersebut, ada upaya yang semakin meningkat untuk terlebih dahulu menetapkan status 'pekerja' dari seluruh dunia - salah satunya adalah kasus Uber BV v. Aslam yang menjadi tonggak perjuangan para pekerja gig di pertarungan dengan perusahaan *gig* global. Melihat dampak besar yang ditimbulkannya terhadap *gig workers*, studi ini mengkaji peran serikat pekerja dibalik keberhasilan litigasi status ‘pekerja’ dalam kasus Uber BV v. Aslam dan bagaimana hal itu telah mengubah lanskap hak-hak ketenagakerjaan secara global.

Keywords: *gig economy*, *gig workers*, serikat pekerja, Uber BV v. Aslam