

The Gig Economy and its Impact on Social Security and Social Protection of Employees

La Gig Economy y su Impacto en la Seguridad Social y Protección Social de los Trabajadores

VOLODYMYR BIELOUSOV *Joint-stock company Closed non-diversified venture corporate investment fund “LEO INVEST HRUP”
03035, 14 Lypkivskoho Str., Kyiv, Ukraine*

ANATOLII MYKOLAIETS *Department of Public Administration
Interregional Academy of Personnel Management
03039, 2 Frometivska Str., Kyiv, Ukraine*

HANNA PLATONOVA *Law Association “LEX PARTNERS”
04071, 56 Yaroslavska Str., Kyiv, Ukraine*

OLEZIA BUHLAK *Scientific Research Institute of Public Law
03035, 2A Heorgiya Kirpa Str., Kyiv, Ukraine*

ANASTASIIA CHERNYSH *Department of Labor Law and Social Security Law
Taras Shevchenko National University of Kyiv
01033, 60 Volodymyrska Str., Kyiv, Ukraine*

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Abstract	Resumen
Nowadays, the gig economy is spreading rapidly around the world, and it has become an excellent alternative to standard labour relations. It combines the characteristics of labour and civil law, and gig contracts concluded between specialists and relevant customers contain features of both labour and civil law contracts. The purpose of this study is to identify the features, advantages and disadvantages of the gig economy; its impact on social security and social protection of employees; and to find ways to overcome the problems associated with the rapid growth of the gig economy in terms of social protection of employees. Ways of solving the existing problems in this area and the steps that need to be taken were proposed. Both international labour legislation and the legislation of individual countries, including Ukraine, need to be amended accordingly.	En la actualidad, la Gig Economy se está expandiendo rápidamente en todo el mundo y se ha convertido en una excelente alternativa a las relaciones laborales estándar. Combina las características del derecho laboral y civil, y los contratos de gig celebrados entre especialistas y clientes relevantes contienen elementos de ambos tipos de contratos. El propósito de este estudio es identificar las características, ventajas y desventajas de la Gig Economy; su impacto en la seguridad social y protección social de los trabajadores; y encontrar formas de superar los problemas asociados con el rápido crecimiento de la Gig Economy en términos de protección social de los trabajadores. Se propusieron formas de solucionar los problemas existentes en esta área y los pasos que deben tomarse. Tanto la legislación laboral internacional como la legislación de países individuales, incluida Ucrania, necesitan ser modificadas en consecuencia.
Keywords	Palabras clave
gig economy; gig contract; social security; social protection; gig specialist	gig economy; contrato gig; seguridad social; protección social; especialista gig

1. INTRODUCTION

Today’s realities force us to respond quickly to changes in public attitudes, business and economic phenomena. Living at such a frantic speed helps to create a mechanism to increase the

efficiency of employees and their motivation to perform tasks much faster and better with a mandatory focus on results. Accordingly, in the course of such rapid transience and sharp changes in economic sentiment, the phenomenon of the “gig economy” has emerged and has rapidly taken over the business field. This phenomenon is often referred to as a tool for freelancers, as its essence is to engage in various tasks and projects on a temporary basis.

This phenomenon is most common in the fields of programming, law and online marketing. However, it has recently been spreading to the creative and scientific sectors. For example, in the US, more than 30% of employees work according to the principles of the gig economy (Gavrysh & Buchkovsky, 2020).

The characteristics of the gig economy include a direct move away from the usual 9:00 to 18:00 schedule, a move away from working in an office as a full-time employee, and the ability to work on many different projects at the same time. Moreover, such opportunities and corresponding pay encourage employees to complete tasks faster and really work for the result, rather than sitting through all the hours of the working day. At the same time, both parties involved get what they want: the company gets projects completed on time, and the employee gets paid on time. Those involved in such activities work on the basis of new principles and standards that require greater involvement and responsibility. Such activities are not limited to standard routine and require continuous development and self-improvement. Improving the skills of employees increases both the number of orders and tasks and the level of payment for these orders. It also affects the reputation of the worker and increases their expertise.

The gig economy, also known as the “on-demand economy” or “shared workplace economy”, is an economic system in which companies and individuals use technology platforms to provide services or sell goods on a temporary contract basis. For example, in Ukraine, such a platform is Diia City. A gig-worker is a person who is assigned a task to perform work or participates in a project on a freelance basis and, accordingly, receives financial remuneration from such activities outside the traditional employment relationship between an employer and an employee (Navigating Gig Economy’s Social Safety Net, 2023).

According to the Law of Ukraine “On Stimulating the Development of the Digital Economy in Ukraine”, a gig-specialist is an individual who, under a gig contract, is a contractor and/or performer of certain work (On Stimulating the Development of the Digital Economy in Ukraine, 2021).

It is worth noting that employees are engaged on the basis of gig contracts. A gig contract is a completely new form and a new tool for engaging employees to perform certain tasks, which combines the features of labour and civil law (Kolesnyk, 2022). In accordance with the provisions of the Law of Ukraine “On Stimulating the Development of the Digital Economy in Ukraine”, a gig contract is a civil law contract under which the relevant specialist undertakes to perform tasks, works and/or provide certain services in accordance with the tasks as a customer (a Diia City resident in Ukraine), and the customer (a Diia City resident) undertakes to pay for the tasks, works and/or services performed and provide the specialist with appropriate conditions for performing tasks, works and/or providing relevant services (On Stimulating the Development of the Digital Economy in Ukraine, 2021).

Thus, it can be concluded that gig contracts prescribe a specific system of work when specialists are not directly hired in the traditional sense, but are only engaged for specific projects, where such employees solve the tasks specified in the contract within the established timeframe (Servetnyk, 2022).

However, certain challenges arise in the course of performing tasks under a gig contract. One of them is the problem of social security and social protection of employees, which is mandatory for labour relations, but has been deformed in the course of implementation of the gig economy

phenomenon in the realities of today. That is why the purpose of this study is to identify the features, advantages and disadvantages of the gig economy; its impact on social security and social protection of employees; and to find ways to overcome the problems associated with the rapid pace of implementation of the gig economy in terms of social protection of employees.

2. METHODOLOGICAL FRAMEWORK

Our scientific research is carried out using general and special scientific methods. For a thorough and objective study, the author used the following methods: the method of system analysis, synthesis, comparative legal method, dialectical method, and the method of analysis of regulatory legal acts. The method of interpretation of legal provisions was also used to formulate comprehensive conclusions and proposals for improving current legislation and overcoming existing problems in the course of performing tasks based on gig contracts.

Using the method of systematic analysis, the authors studied in detail the sources of information on the selected topic, such as scientific and journalistic articles, regulations, in order to identify the features, advantages and disadvantages of the gig economy; its impact on social security and social protection of employees; and to find ways to overcome the problems associated with the rapid pace of implementation of the gig economy in terms of social protection of employees. As a result of the systemic analysis, the author formulates certain proposals and conclusions regarding the prospects for reducing violations in the area of social security and social protection, and, most importantly, identifies and lists the challenges faced by gig-workers in the course of performing the tasks assigned to them by gig-contracts.

The synthesis method is used to formulate a general vision of the implementation of the gig economy and its impact on social protection of employees and their social security, including steps to improve current legislation with due regard for the proposals and conclusions formulated.

Using the comparative legal method, the author analyses the features, positive and negative features of the gig economy based on the conclusions of international institutions, the scientific community and gig workers themselves. On this basis, the author provides generalised recommendations for further improvement of the mechanism of social security and social protection of employees.

Using the dialectical method, the author reveals the very essence of the challenges faced by gig workers in the field of social security and social protection.

Using the methods of analysis of legal documents and interpretation of legal norms, the author identifies the characteristic inherent features of the gig economy which contribute to achieving the aim of our study.

The empirical basis of the study is international legal instruments, EU legal instruments and national regulations. A number of foreign and Ukrainian scholars have paid attention to the issues of the gig economy and its impact on social security and social protection, including Behrendt C. (2019), Nguyen Q. A. (2019), Rani U. (2019), Kolesnyk G. (2022), Majumdar S. (2021), Cunha N. (2019), Uchiyama Y. (2022), Furuoka F. (2022), Md Akhir Md N. (2022), Servetnyk A. (2022), Nova A. (2019) and others.

3. RESULTS AND DISCUSSION

3.1. Characteristics of the gig economy, its positive and negative features

Every day, technology surprises us with its comprehensiveness and rapid implementation in all spheres of human life. The pandemic has given a significant impetus to such technological

innovations, which are already able to offer completely new ways of communication between employers and employees through online platforms. As a general rule, and in order to optimise all processes, tasks can be divided into separate stages that are controlled by the employer, or they can be given to the employee in full with a set deadline. Specific algorithms are used to distribute tasks to different specialists. Specialists, in turn, receive a fee for each completed task set out in the gig contract. However, unlike the performance of tasks on the basis of labour contracts, which provide for certain social protection and social security, the gig economy requires some improvement, as there are a number of challenges.

It is worth noting that approximately 36 million EU workers have participated in gig work, including through platforms such as Uber or Deliveroo (Nova, 2019). These figures are quite approximate, and therefore we can confidently say that gig labour and the gig economy are gaining momentum, and therefore it is necessary to analyse all the challenges faced by gig workers and other participants in this area and provide proposals for specific measures to limit the negative consequences in the field of social protection of online platform workers. Our study should examine the positive and negative aspects of the gig economy and gig labour to further formulate the necessary conclusions. The main advantages are:

- 1) Flexibility - allows people to work on their own schedule and choose projects that they are really interested in. They can choose the time and place of their work, which gives them more flexibility in ensuring a work-life balance. They are not tied to a specific office, which helps them to better plan their personal time and rest, which has a positive impact on the effectiveness of their work.
- 2) Employment - provides an opportunity for an additional source of income for those who do not have a permanent job or who are looking for a way to earn money in their spare time. It can be especially useful for students, young professionals or those with employment restrictions, for example, due to family reasons.
- 3) Expanded access - increases opportunities for access to the labour market for those who do not have access to traditional employment. This allows people with different qualifications and skills to earn money, giving them the opportunity to realise themselves in a particular field.
- 4) Entrepreneurial opportunities - enables people to become private entrepreneurs and develop their own business, paying taxes to the state and filling the state budget. This, in turn, contributes to the growth of self-employed people who can provide services and goods without the need for a large initial investment (Platform workers and social protection: International developments, 2023).

The main disadvantages of implementing gig labour and the gig economy are as follows:

- 1) Instability of income - individuals working in the gig economy can depend on an erratic flow of work and fluctuations in the market. They may face periods of under-ordering, which can lead to financial instability.
- 2) Lack of legal regulation - gig economy and gig work are less regulated compared to traditional forms of employment. This may affect the rights and protections of workers, including working hours, pay, safety and working conditions.

- 3) Competition and price reductions - if there are a large number of employees in the gig economy in a particular field, competition can lead to lower prices for work and services. This can consequently affect the income and living standards of workers in the gig economy.
- 4) Lack of social protection - Many workers in the gig economy do not have access to social protection such as health insurance, unemployment or pension schemes. They bear the costs of health insurance and other social protection on their own, which can be financially unprofitable (Uchiyama et al., 2022). This is the biggest problem associated with gig labour and the gig economy.

Based on the above, it should be noted that while the gig economy and gig labour offer flexibility, the possibility of gaining some autonomy and more opportunities for growth as a skilled worker, it also has significant power over workers through algorithms for distributing tasks among employees, the availability of employee ratings, etc. If a person works as a freelancer and is interested in receiving projects, they must be constantly in touch, respond quickly to changes and edits, or potentially be able to receive more expensive orders and perspective projects in the future. This blurs the work-life balance, especially for workers who rely on freelance work as their main source of income.

3.2. The impact of the gig economy on social security and social protection of employees

Despite the many advantages of gig work, working in this segment can put workers in unstable and difficult situations. When a person is given the opportunity to take on multiple projects to increase their income, they are effectively working overtime. This, in turn, leads to financial instability and insecurity. Since gig contracts are not purely labour contracts, they are not covered by standard social security, occupational safety and health. There are numerous cases when employees in the gig economy are denied pensions, health insurance, workplace accident insurance, sick leave, vacation, etc. Under such conditions, employees are obliged to work when they are sick, which leads to poor performance of the tasks themselves and further burnout of the employee. Many platforms and other employers are also reluctant to provide training, as they fear that it will lead to gig workers being recognised as hired employees (ILO et al, 2023).

Existing gig work platforms often take advantage for their own purposes and budgetary savings of the inability and failure of social security and welfare systems to provide adequate support to vulnerable groups, including the risk of resorting to various forms of discrimination and gender role-playing. Gig workers are often not protected by workplace equality legislation, which is mostly designed for officially employed workers. In this regard, it is also worth mentioning women who, in most cases, take on the responsibility for childcare and take on home-based work to support themselves financially. This is done in order to combine childcare, household duties and work. Due to insufficient financial and social security, potential employers take advantage of these difficult conditions and reduce pay for the same tasks, etc. (Bin Othman Mohd, 2022).

Trade unions are an important driving force for defending workers' rights. However, since gig specialists are physically isolated from each other and often do not communicate with each other at all, even within the same online platform, they face difficulties that a union could help them overcome. In general, potential models of collective bargaining can be developed for workers in the gig economy who currently do not have the support of trade unions, but this requires the creation of appropriate mechanisms and the introduction of this possibility within the framework of the law (Behrendt et al., 2019).

The lack of regulation of these processes encourages companies to exploit the workers who work for them by calling them private entrepreneurs. They deny any connection with these individuals,

while also denying them proper social security and social protection. Moreover, there are court cases from several countries that have stated that gig workers should be treated as employees. And the so-called false self-employment entails detrimental consequences for gig workers in terms of complete social insecurity.

Some companies in the gig economy sector use the exploitation of workers as part of their business strategy to avoid paying taxes, refuse to take responsibility for their employees and participate in social protection programmes. They exploit various fiscal weaknesses and take advantage of tax loopholes inside the EU to pay as little tax as possible and concentrate wealth in their hands. In addition, they hope that EU member states will provide them with assistance in the event of an economic downturn (ILO & OECD, 2020).

From the above, we can confidently say that social security is a driving force for ensuring decent working conditions in the labour market in general. Therefore, a basic level of protection should be present and enshrined both at the international level and at the level of individual states. This requirement is also in the interest of fair competition between enterprises, as well as the protection and efficiency of labour markets.

The basis for adequate and sufficient social protection for gig workers is a proper policy, the completeness of the regulation of this issue in legal acts, and the implementation of the necessary mechanisms and processes to ensure transparency in the provision of social protection to workers. Ensuring adequate coverage of platform workers, regardless of their employment status, involves a number of challenges, such as accessibility, data transfer, awareness and mobility, similar to other groups that are difficult to reach. An important aspect is the ease of access to social protection programmes and services that may be difficult for workers in the gig economy to access. This may include aspects such as understanding of rights and benefits, the registration process, and access to information on social protection and workers' rights. It is also important to address the transfer of data and information about work, income and working conditions between workers and platforms. This can ensure transparency and openness about working conditions and benefits, as well as facilitate the understanding and assessment of risks and opportunities (ISSA Guidelines on administrative solutions for coverage extension, 2022).

In our opinion, we can identify the main key aspects of protecting gig-workers as a result of the active spread of the gig economy and its impact on all areas of our lives:

1. Ensuring the main components of labour protection.

The legal regulation of work and part-time work in the gig economy is necessary primarily to ensure adequate social protection of workers in relatively new forms of employment. In these circumstances, it is particularly important to prevent misclassification of workers and to prevent so-called "tricky" self-employment, which is in fact private enterprise. There must be an appropriate classification of employment status, a mechanism for transparency of rules implemented through algorithms and data to protect workers' rights. These aspects are key elements of ensuring the rights of employees (World employment and social outlook 2021..., 2021). It is important to note that the determination of employment status is crucial for the establishment of social security and protection of employee rights, given that the nature of labour and social protection is inextricably linked to the dependent or independent nature of employment. This issue has led to a significant number of court disputes, which, although they settled the disputed legal relations, did not result in large-scale changes in legislation and changes in the operation of other online platforms.

In terms of ensuring proper working conditions, there were some developments in the European legal framework in 2021. The European Commission proposed to adopt a directive directly related to ensuring proper working conditions on various online platforms and creating a presumption of an employment relationship. In general, the following criteria for monitoring compliance with decent

working conditions must be met to establish the presumption. These include the payment of wages on time, the existence of and compliance with established rules of conduct, control over the performance of tasks, freedom to organise work and working hours, and restrictions on clients. It should be noted that this presumption can be easily overturned if the company or online platform proves that there is no employment relationship with the employee (Platform workers and social protection: International developments, 2023). This directive aims to ensure transparency in the receipt and distribution of tasks through algorithms, as there have been situations where many workers have expressed concerns about the lack of transparency of algorithmic management methods that use data platforms, which could potentially violate their rights.

Furthermore, labour protection should include adequate wages, working hours, occupational safety and health, and employment protection. The minimum wage and collectively agreed minimum wages are legally binding instruments that can help prevent worker exploitation and combat workplace poverty. They set a minimum level of pay that should be paid to workers for their labour. However, many workers on platforms are often excluded from such agreements and do not receive a guaranteed minimum wage. This can be a problem, as such workers may find themselves in a vulnerable position where their pay may be much lower than in traditional jobs (G20 Policy Principles on Adapting Labour Protection for More Effective Protection..., 2022).

Traditional working time issues usually focus on excessive working hours. Therefore, labour laws typically contain provisions limiting working hours and requiring periods of rest and recuperation, including weekly days off and paid annual leave. However, these norms are generally not applicable to workers in the gig economy. The problem is that platform workers are often forced to stay in touch in order not to lose their jobs when new vacancies or tasks appear (Nguyen & Cunha, 2019).

Moreover, the responsibility for ensuring safe working conditions often falls on the employees themselves, rather than on the respective companies. Due to the lack of necessary knowledge, such provision is insufficient and unlawful, and entails unnecessary risks on the part of gig workers. That is why it is necessary to envisage and establish penalties for safety provisions at the national and international level to ensure the right to a safe and healthy working environment is fully ensured (World employment and social outlook 2021..., 2021; Extending social security to self-employed workers..., 2021). If we cover the statement about the mandatory nature of employment protection, this aspect means that when an employee has an official legal status of an employee, he or she is legally protected (including protection against unlawful dismissal).

2. Providing social protection.

It does not matter whether gig workers are employees or registered as private entrepreneurs, they should be covered by the law's requirements for a basic level of social protection. A basic level of social protection includes access to healthcare, continued income security in case of pregnancy, social protection and financial support in case of work-related injury or disability, etc. As with other hard-to-reach groups, it is important to establish effective mechanisms for registration, collection of contributions and payments to ensure adequate social protection for all workers (ISSA Guidelines on communication by social security administrations, 2022).

However, the existing court practice and the development of this industry are bearing fruit. Many countries are introducing gig work into their labour market and providing gig workers with full social insurance. In Argentina, a statute for gig workers is being actively developed, which will contain references to social security in its key provisions. Belgium has taken the above-mentioned EU directive as a basis and developed a social and labour framework for gig workers, including insurance for them. In turn, the Indian Social Security Code contains provisions on social protection and financing of gig workers (Majumdar, 2021).

An important condition for ensuring social protection is the adaptation and improvement of national policy and the entire legislative framework in the area of social protection. This can be done in several ways:

- Introducing simple but effective mechanisms for registration, collection of contributions and provision of benefits. This area is based on two elements: simplified tools provided by social security and contribution collection authorities, and interconnection between the online platform and contribution collection authorities aimed at automatic payment of contributions at source. This area requires significant investment, as well as multi-stage mental work to achieve the desired effect;
- The exchange of data between public authorities, gig workers and platforms is an important step, as employees can work for hire or take specific orders through platforms. For this purpose, a system for exchanging data on employees, their length of service, employment records, and payments should be actively functioning. If there is no such exchange, there is a high probability of incomplete coverage by social protection and social security in the future, especially with regard to pension payments;
- Awareness and informing - awareness campaigns are crucial to encourage platform workers to be formally employed and covered by social security (ISSA Guidelines on administrative solutions for coverage extension, 2022);
- A procedure for transferring a gig worker from one company or employer to another, between them and vice versa - this is important to ensure, given the need to transfer payments, complete employment records and ensure proper social protection during such transitions. Failure to do so may result in incomplete social protection coverage for gig workers, especially for long-term benefits such as pensions. This can create gaps in social protection during the transition from active work to retirement. These issues are particularly pronounced when the gig worker and the platform they work on are located in different jurisdictions or countries. This can lead to difficulties in determining who is responsible for social protection and retirement benefits, as well as coordination issues between different social protection systems (Platform workers and social protection: International developments, 2023).
- Ensuring cross-border protection of gig workers in the course of their work, regardless of the jurisdiction of the platform or the client. It is important to take into account the mobility of rights and benefits to effectively protect the rights of gig workers working on online platforms.

Given that these workers often work in different countries, it is necessary to ensure access to social benefits regardless of their location. In this context, it is important to consider various aspects such as the portability of social protection rights and benefits between different jurisdictions. This means that gig workers should be able to receive social benefits regardless of where they are located and not lose their rights and benefits due to moving or working in another country. Ensuring the mobility of rights and benefits includes the development of international standards, the establishment of mechanisms for interstate cooperation and the exchange of information between different social protection systems. This approach will ensure that gig workers can continue to enjoy social protection regardless of their geographical location and movement.

3.3. Proposals for overcoming the problems in the field of social security and social protection of gig employees

The problems associated with the impact of the gig economy on the social security of gig employees require a comprehensive approach and the use of various strategies. Here are some ways to address these issues:

- 1) Legal and regulatory framework - an important step is the development and implementation of legal norms that take into account the specifics of the gig economy and ensure social protection of gig workers. This may include recognising their status, establishing minimum standards of working conditions, rights to leave, social insurance, and access to pension programmes.
- 2) Developing new models of social protection - this may include adapting existing programmes and creating new forms of social insurance that take into account the flexible nature of the gig economy and the needs of gig workers.
- 3) Collective negotiations and unions - gig workers can form unions and collectively bargain with platforms to secure better working conditions and social protection. This may include setting standards for pay, working hours, safety, and participation in social protection programmes.
- 4) Support and training for gig workers - support and training measures may be necessary to ensure the social protection of gig workers. This may include providing access to training programmes, counselling services, additional resources and support to improve financial literacy and career planning.
- 5) International cooperation - The challenges associated with the gig economy and the social protection of gig workers require international cooperation. Countries can share experiences, develop common standards and cooperate in developing policies aimed at protecting the rights and social protection of gig workers.
- 6) Establishing an obligation for companies to knowingly pay wages and taxes to employees and discourage black freelancing.
- 7) Conducting active educational activities for both companies and gig specialists.
- 8) If a gig employee wants to become a regular employee, the company should satisfy such a request - this should be provided for in the current labour legislation of a particular country.

4. CONCLUSION

Thus, based on the above, it is safe to say that the gig economy is a completely new sphere of relations. Gig labour is a key element of this phenomenon, and consists in the performance of tasks, services and projects by an employee on the basis of a gig contract for a certain year. The positive features of the gig economy are its flexibility, a wide range of opportunities for business development, adaptability to the realities of the labour market, and the guarantee of additional sources of income. Negative aspects include the lack of proper social protection and social security, some income instability, insecurity of labour rights, and high competition, which leads to lower wages for the same work.

In order to address these gaps and provide social protection to the migrant workforce, it is necessary to develop new models of social protection adapted to new realities and challenges, to create trade unions and promote active negotiations for social security guarantees, to improve existing legislation and to engage in active international cooperation. These ways can help improve the social protection of gig workers and reduce the inequalities arising from the spread of the gig economy. However, addressing these challenges will require joint efforts by governments, platforms, trade unions, and the active participation of gig workers.

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