



**The Winchester School Jebel Ali
United Nations Human Rights Council**

*“Adequately protecting and reinforcing the
rights of workers in the gig economy”*

Letter from the Chairs

I warmly welcome all delegates committed enough to open this background guide to the United Nations Human Rights Council (UNHRC). If you're looking to be a walking encyclopaedia of your country's stance on an issue, this is the perfect place to start. If not, I still suggest you go through it to avoid being overwhelmed by the former type of delegate in committee.

On behalf of rest of the dias (which includes myself and my two brilliant co-chairs Manas and Shenushi), we are very excited to hear all your different ideas about two topics that have so much room for discussion that, we are sure, despite all our best efforts, we will be wishing we had more time to entertain. We urge you to recognize the importance of the debate we ought to have when we meet, for which we are certain that you will walk out of the conference as more confident, knowledgeable, diplomatic, and thoughtful individuals.

With that being said, I wish you luck with the research you'll be doing in the next couple of weeks and highly suggest that you don't delay it to the end as it may lead to lots of unrequired pressure. Having a calm and open mind, ample amount of research as well as willingness to solve the problem at hand will definitely lead to a fruitful conference for everybody to enjoy, with memories, and hopefully, new friends that will last a long time. We can't wait to see you in committee.

Thank you and regards,

Ayaan Iqbal | Head Chair of the United Nations Human Rights Council

Vocabulary

Gig Economy : Capitalist-oriented market where independent workers take up temporary freelance commitments. Gig economy workers are employed to complete a task or project, rather than being tied to a salary, as is traditionally common.

Independent Contractor : Worker independent of any organisation, with full work autonomy. Typically contracted on short-terms contracts/projects.

Wage Theft : The unlawful and unethical withholding of wages or employee benefits to the deserved employee, by contract or law.

Zero-Hour Contracts : Also known as casual contracts, it is where the pay is adjusted according to the hours worked. The higher the hours, higher the pay.

Universal Basic Income (UBI) : A widely-encouraged form of fiscal reform intended to reduce income inequality. The idea is that all citizens receive a regular, unconditional sum of money from the relevant governmental authorities, forming a sort of safety net for all individuals.

Fair Labor Standards Act (FLSA) : Established in 1938, it is a US labour law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector.

Right to Disconnect : The understanding that once workers are past their regular working hours, they can disconnect from work-related communications, to reduce overwork and burnout

Algorithmic Management : Managing and monitoring workers using virtual platforms/algorithms, which can potentially harm morale, job security and working conditions.

Redundant Employment Protections : Measures used to protect the displacement of workers, particularly in industries prone to automation.

Introduction to Agenda

The Fourth Industrial Revolution has truly brought about immense change in the way humans interact with their surroundings. Cloud Technology, Artificial Intelligence, Virtual Reality and Automation are some of the most recognizable consequences of this ever-evolving era. However, one feature that has gone somewhat under the radar is the emergence of the gig economy, which has completely redefined the relationship not only between buyer and seller, but also employer and employee.

The term “gig economy” comes from the music industry, where venues book performers on short-term contracts, known as “gigs”. This is an aptly-fitting term which perfectly explains how the industry works.

In this industry, individuals take up temporary positions for platforms such as Uber and Airbnb, with the aim of providing cheaper and more efficient services. However, it is very flexible and can even extend to tasks such as programming code, freelancing and education, to name a few.

Despite being a little over a decade old, McKinsey estimates that 58 million Americans identify as independent workers. There is no doubt that the pandemic helped popularise this type of culture as well. As lay-offs and home-bound labour became common, remote work exploded in popularity, leading to the current work landscape we see today. Therefore, it is safe to say that the convenience of the gig economy has caught on at a rapid pace, and for good reason.

For consumers, it allows for a layer of convenience unmatched by the traditional interactions between buyer and seller. For workers, it brings a sense of freedom and flexibility, as workers are not bound to a single contractor (or their demands). That is why it is quite unfortunate that this has to come with a catch, that potentially hurts those who engage in this type of work, in a worse way than before.

Background of the Agenda

Despite the success and popularity of the gig economy, there are some glaring concerns which need addressing.

Since the market runs on temporary and short-term positions filled by independent contractors and freelancers, there is little to no job security due to the overwhelming supply available in the gig economy. This allows employers to have an unfair advantage, which is unfortunately realised and exploited. In other words, independent contractors have very little bargaining power, due to their replaceable nature.

Another major issue is that since the contractors technically aren't a part of the company, employers see this as an opportunity to avoid paying benefits, with companies such as Uber, Amazon and Airbnb notorious for this type of work. In addition to this, these types of workers aren't given as much respect as the traditional employee either, with worse working conditions and timings. Bad working hours and conditions, with little pay or paid vacation combined put gig workers in the worst position possible.

Speaking of pay, income volatility is also prevalent in the gig economy, with workers often experiencing major fluctuations, instead of a steady and reliable stream of income. If this type of worker is to become more popular, it needs to be dependable as well as meritocratic. While this has been realised, it also has a solution in the form of algorithmic management.

Algorithmic Management helps analyse labour, with task allocation, performance evaluation and rating systems being some of the most popular uses. Unfortunately, this advancement is used against workers instead of aiding them, therefore encouraging ethical and transparent usage is an area in need of improvement.

Improving the experience for gig workers is difficult as well, as there is very little trade union activity for these types of workers, due to their highly individualised work. This, coupled with

the lack of legislation available mean that if the market wants this style of service to be made more popular, then a huge effort is required on the legal front.

However, for this to happen, it is important that a sense of community is established, with a supportive and united workforce. Doing so can help eliminate biases and bring about useful social and economic change, such as safety nets.

Key Stakeholders

United States Department of Labor - Since the gig economy is most prevalent in the United States of America, it is likely that their legislation will set a precedent on the classification and work conditions of gig workers.

Founded in 1913, the Organization has made an effort under the Biden Government, proposing a rule late last year making it more difficult for companies to treat workers as independent contractors. The proposal entitled workers to better benefit and legal protections.

This proposal is in addition to the Fair Labour Standards Act, established in 1938 by the 75th United States Congress, which helped create the forty-hour work week, minimum wage and prohibited child labour.

Uber - Uber is a California-based tech startup most famous for being in the food delivery and ride-hailing business. A huge part of their business model (similar to other couriers such as the likes of Deliveroo, Lyft and AirBnB) depends on gig workers. However, recent legal battles in the UK and US has forced the company to deem these individuals to be classified as workers or employees, enabling them to have support from their employers.

Having said that, it is unlikely that the company will accept the rulings, particularly the one dished out by the Department of Labour in the US, and will use their position in the market to enforce regulatory capture.

Amazon - Amazon is a Washington-based conglomerate founded by Jeff Bezos in 1994. Since starting out in a humble garage selling books, Amazon has broken into various services, such as e-commerce, music and web-services.

The company is also notorious for unrealistic targets, hazardous working conditions, impossible work hours and illegal union busting. For these reasons, it was important for Amazon's position in the market to be scrutinised, and put under the microscope.

Key Issues

1. **Classification of Workers:** The classification of workers in the gig economy depends on factors like the tasks displaying involvement, the level of control the platform has over the worker or even the independence that the worker has. Now an important thing to keep in mind is the fact that the status of a worker can easily be nuanced considering the unique aspects of the gig economy.

2. **Job Security:** First and foremost, it is important to note that the gig economy is still in a stage that it is evolving and keeping in mind that gig workers are known as “independent contractors” implying the fact that they do not have the same legal protections as the typical employee. The best way to protect the workers’ rights and maintain their jobs is by addressing issues like unfair dismissal, wage theft or even workplace discrimination.

3. **Access to Benefits:** Now as earlier mentioned, the workers of the gig economy do not receive the same legal protections as the typical employee. Due to that fact, the employers can exclude benefits such as health insurance, paid time off and even retirements which are often absent in the gig economy and due to the lack of access to benefits like these, it potentially risks the workers’ financial stability, physical wellbeing, emotional wellbeing and job loss.

4. **Algorithmic Management:** Now looking at the rapid development of the gig economy, many gig platforms rely on algorithms to manage as well as track the workers, one important thing to note about these algorithms is that they have been given the capability to make decisions about their pay, other job opportunities and even termination which really raises a major question about the transparency and bias brought about by the lack of human involvement.

Questions to consider

- What classifications do gig workers belong to – as independent contractors or employees?
- Are gig workers entitled to traditional labour protections (ie. minimum wage, overtime pay, and workplace safety), and how can these be effectively enforced and monitored?
- Given the decentralised nature of gig employment, should gig workers have the ability to engage in collective bargaining and unionisation? How might these rights be made possible?
- How can the algorithms utilised for worker evaluations, performance reviews, and job allocation be made transparent and equitable?
- What safeguards are in place to guarantee that gig workers can seek legal recourse in the event that they are subjected to unfair treatment or exploitation?
- What systems may be established to allow gig workers to speak out for their rights and participate in collective bargaining?

Past UN Actions

- Bodies of the UN, such as the United Nations Capital Development Fund, have conducted studies in Asia exploring the landscape of the gig economy.
- The International Labour Organization has written papers discussing the right to bargain for workers in the gig economy.
- Having said that, given the relative recency of the gig economy, there has yet to be any concrete measure taken by the UN in reforming the gig economy.

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***“Universal criminalization of homelessness and
effective reform of the homeless”***

Vocabulary

Homelessness: The state of lacking permanent and stable housing.

Criminalization: The action of turning an activity into a criminal offence by making it illegal.

Effective reform: An improvement or set of improvements made to a system, law, organisation, etc. in order to make it more modern or effective.

Human rights: They are rights that are inherited to all human beings, regardless of race, nationality, language, sex, religion, or any other status.

Stakeholders: In the context of the agenda, the stakeholders are the governments of countries that have a part in the agenda.

Introduction of the Agenda

Homelessness has been and still remains a significant social challenge across the globe impacting individuals, families, communities as well as the general public. It is crucial to come up with and find effective solutions to address the root causes, as well as the consequences of homelessness as it has now become elusive.

In recent years, the concept of criminalising homelessness has gained a lot of attention due to its rapid growth giving a lot of room for raising ethical concerns. The criminalization of homelessness basically refers to measures that are taken to prohibit life-sustaining activities for the homeless, these may refer to things such as sleeping, eating, sitting and asking for money or even access to resources in public areas. Criminalization techniques include actions such as carrying out sweeps where the main objective is to confiscate tents, bedding or personal property of the homeless or making panhandling illegal and finally establishing rules such as making it illegal for people to share food with the homeless in public spaces.

These measures lead to the rise of ethical questions in correlation to the equitable treatment of all the people of our society while making us explore an alternative which focuses on an aim to uplift the homeless rather than penalise. It is crucial to weigh the potential benefits as well as the drawbacks requiring careful consideration of the simple human rights as a global citizen along with the ethical implementations.

Background of the Agenda

Key Stakeholders

United Arab Emirates: While criminalising the homeless has not been explicitly implemented in the United Arab Emirates, some argue that there are existing laws and regulations that could indirectly penalise individuals experiencing homelessness.

United States: As per recent research, an estimated 552,830 people were counted as homeless in the United States. The United States continues to take measures that are worrisome and potentially detrimental to homeless people. The "criminalization vs. reform" debate unfolds against a backdrop of persistent homelessness in major cities like Los Angeles and New York, fuelling arguments on both sides.

United Kingdom: According to multiple studies, there has been a strong highlight on potential deterrents and public safety benefits from criminalising certain behaviours associated with homelessness. However, critics argue such measures risk violating human rights, further stigmatising vulnerable individuals, and failing to address the root causes like poverty and mental illness.

France: Although France is known for its strong social safety net and philosophical commitment to human rights, they often find themselves at crossroads in the debate over homelessness criminalization versus effective reform. While homelessness persists in major cities like Paris, the nation's history and values make criminalization a very sensitive and controversial topic.

Russia: Russia's approach to homelessness balances between criminalization and reform. While the nation has a large amount of extensive social services and constant efforts for social benefit, the issue remains persistent, particularly in major cities like Moscow and St. Petersburg.

China: While the government emphasises social stability and public order, concerns about visible homelessness in major cities like Beijing and Shanghai fuel the debate surrounding criminalization and reform of the homeless. China is a nation undergoing rapid urbanisation and

economic transformation however, critics raise concerns about human rights and the ineffectiveness of criminalization of homelessness.

Germany: In Germany, homeless people will rarely have to fear criminal prosecution. Even though homeless people are more likely to commit offences such as trespass, prosecution will only become a possibility where there is a complaint and the accused will not face severe punishment, but instead moderate fines. Only special activities like aggressive begging, public nuisance and defecation in public will lead to police action, whereas silent begging, mere drinking in public and being homeless in general does not entitle the authorities to intervene.

North Korea: The number of homeless on the streets of North Korea is growing as people face increasingly severe economic struggles in the wake of the COVID-19 pandemic. Criminalization of homelessness, as we understand it in other countries, is unlikely due to the focus on collective responsibility and centralised control. However, internal regulations and social pressure from the public might discourage individuals from living outside the authorised systems.

Syria: Criminalising homelessness in Syria would be insensitive to the immense challenges faced by its people. Criminalization, often associated with public order concerns, seems unlikely in Syria due to the overwhelming humanitarian crisis and the focus on immediate survival for displaced populations

India: Unlike most countries, Homelessness is considered a crime in the country under some laws. For example, under the Delhi Police Act 1978, any person found under 'suspicious circumstances between sunset and sunrise' can be apprehended by the police.

Key Issues

Questions to Consider

Can criminalization and reform co-exist effectively?

What are the ethical implications of criminalising homelessness?

How can we ensure effective reform addressing the underlying causes of homelessness?

What role can we as communities play in supporting and reforming the homeless population?

What are the alternative approaches to addressing homelessness besides criminalization and reform?

How have countries previously approached homelessness through both criminalization and reform efforts?

Past UN Action

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