DISCRIMINATION IN THE ON-DEMAND ECONOMY

1

THE CHANGED WORLD (OF WORK)

THE FOUR INDUSTRIAL REVOLUTIONS

| 1750 | 1800 | 1850 | 1900 | 1950 | 2000 |

FIRST (1784)
Mechanical production, railroads, and steam power

SECOND (1870)
Mass production, electrical power, and the advent of the assembly line

THIRD (1969)
Automated production, electronics, and computers

FOURTH (NOW)
Artificial intelligence, big data, robotics, and more to come
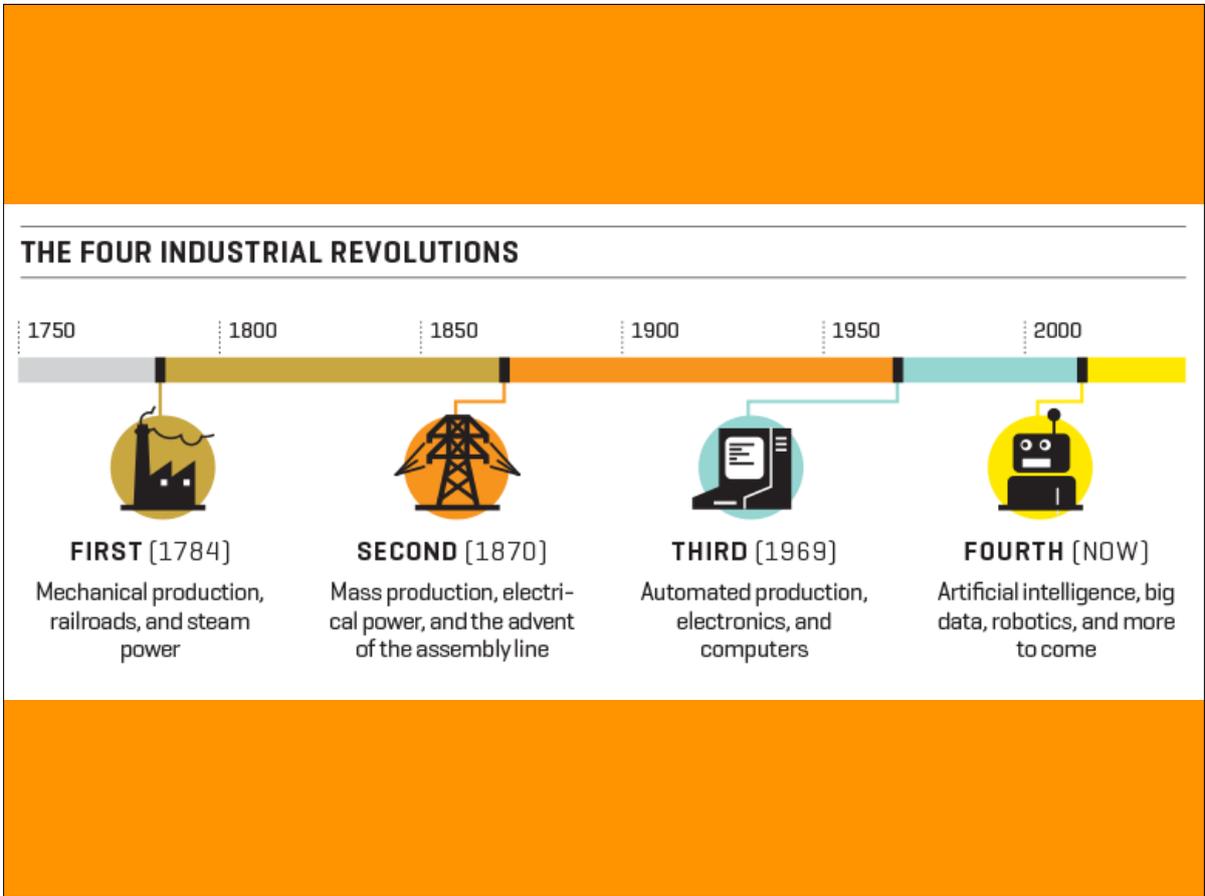
RULES FOR A FLAT WORLD

Why Humans Invented Law and How to Reinvent It for a Complex Global Economy

GILLIAN K. HADFIELD

2

WORKING IN THE ON-DEMAND ECONOMY

SHARING ECONOMY (SUNDARARAJAN 2016)

1. market-based

2. high-impact capital

3. crowd-based networks

4. blurring lines personal and professional labour & services

5. blurring lines fully employed & casual labour, independent & dependent employment, work & leisure

ONLINE PLATFORMS: AT THE HEART OF THE DIGITAL ECONOMY

Online platforms bring many benefits to the 315 million Europeans who use the Internet every day. They allow market participants to exploit the advantages of digitisation and e-commerce. They have also changed the manner in which films, music and other creative content is distributed.

- Exchange of user data
- Revenues
- Seller
- Advertiser
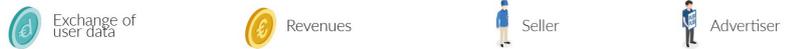
ONLINE MARKET PLACES (e.g. Amazon, eBay, Allegro, Booking.com)
APP STORES (e.g. Apple App Store, Google Play)
COLLABORATIVE ECONOMY PLATFORMS (e.g. AirBnB, BlaBlacar)
VIDEO SHARING PLATFORMS (e.g. YouTube, Dailymotion)
PAYMENT SYSTEMS (e.g. PayPal, Apple Pay)
INTERNET SEARCH ENGINES (e.g. Google, Bing)
SPECIALISED SEARCH TOOLS (e.g. Kelkoo, Twenga, Google Local, TripAdvisor, Yelp)
LOCATION-BASED BUSINESS DIRECTORIES (e.g. Google or Bing Maps)
NEWS AGGREGATORS (e.g. Google News)

DEPENDENCE ON BIG PLATFORMS
Concerns have been raised over the central position of some platforms and their relative bargaining power when negotiating the terms and conditions with other market players (particularly SMEs or content providers).

ILLEGAL CONTENT
On many online platforms, users can still find illegal content, despite protections already put in place.

TRANSPARENCY
Many platforms connect customers and providers of goods and services. In some cases it may not be clear whether the platform has a commercial interest in promoting certain providers in its search results.

SWITCHING
Concerns exist with regard to the ability of users to switch from one platform to another given the difficulties in transferring their data.

USE OF DATA
Platforms generate, accumulate and control an enormous amount of data about their users, and use algorithms to turn this into usable information.

on-demand
&
crowd work

➤ information society services v. ancillary services

➤ ancillary services, if platform:

1. imposes the price

2. decides on key contractual terms

3. owns the key assets used to provide the underlying service

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discrimination –
what role for EU law?

3
ALGORITHMIC DISCRIMINATION

Who runs the world? Algorithms! The secret code that is controlling your everyday life

- Algorithms can be helpful, from Facebook friend suggestion to detecting cancer
- But, experts are now concerned over lack of transparency and accountability
- Some can be nefarious, experts say, arguing that they are not 'inherently fair'
- Are used to determine who is on 'no fly list,' or to decide who gets a job
- Experts say there needs to be a standards of ethics to govern their behaviour

By AFP

PUBLISHED: 06:22 BST, 11 February 2017 | UPDATED: 21:37 BST, 13 February 2017

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As Uber CEO Travis Kalanick told Wired in 2013, "[Uber is] not setting the price. The market is setting the price. … We have algorithms to determine what that market is."
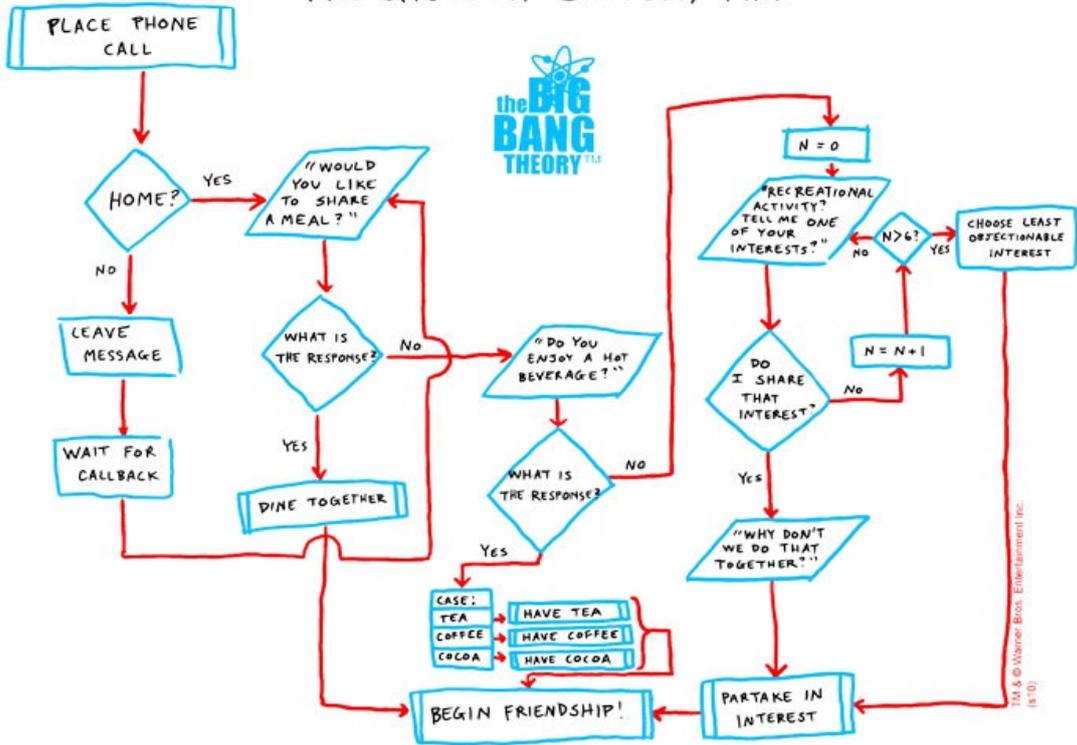
"

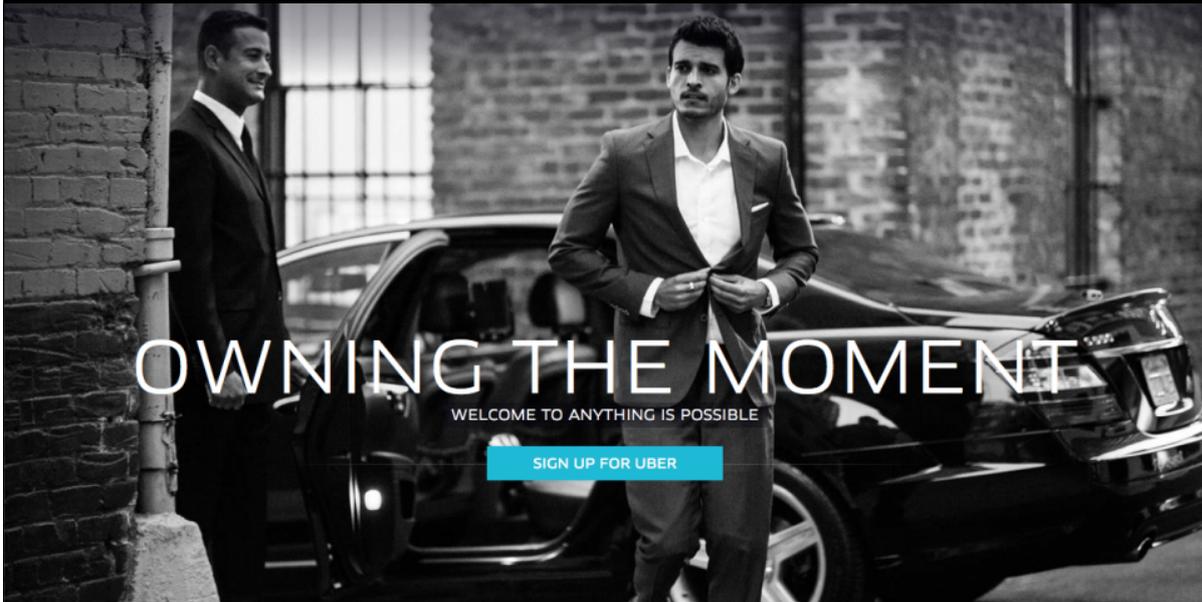a process or set of rules to be followed in calculations or other problem-solving operations, especially by a computer.'

-Oxford English Dictionary

THE FRIENDSHIP ALGORITHM
DR. SHELDON COOPER, Ph.D

Uber's automated management system

OWNING THE MOMENT
WELCOME TO ANYTHING IS POSSIBLE

SIGN UP FOR UBER

Discrimination by algorithm: scientists devise test to detect AI bias

Researchers devise test to determine whether machine learning algorithms are introducing gender or racial biases into decision-making
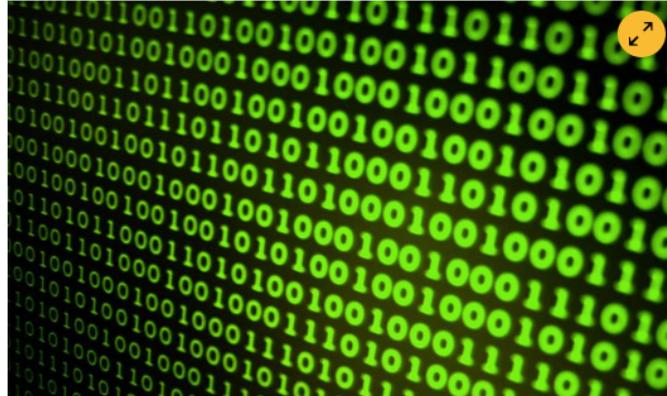
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Hannah Devlin, Science correspondent

@hannahdev

Monday 19 December 2016 07.30 GMT

The test is aimed at machine learning programs, which learn to make predictions about the future by crunching through vast quantities of existing data. Photograph: Alamy

There was the voice recognition software that struggled to understand women, the crime prediction algorithm that targeted black neighbourhoods and the online ad platform which was more likely to show men highly paid executive jobs.

Concerns have been growing about AI's so-called "white guy problem" and now scientists have devised a way to test whether an algorithm is introducing gender or racial biases into decision-making.
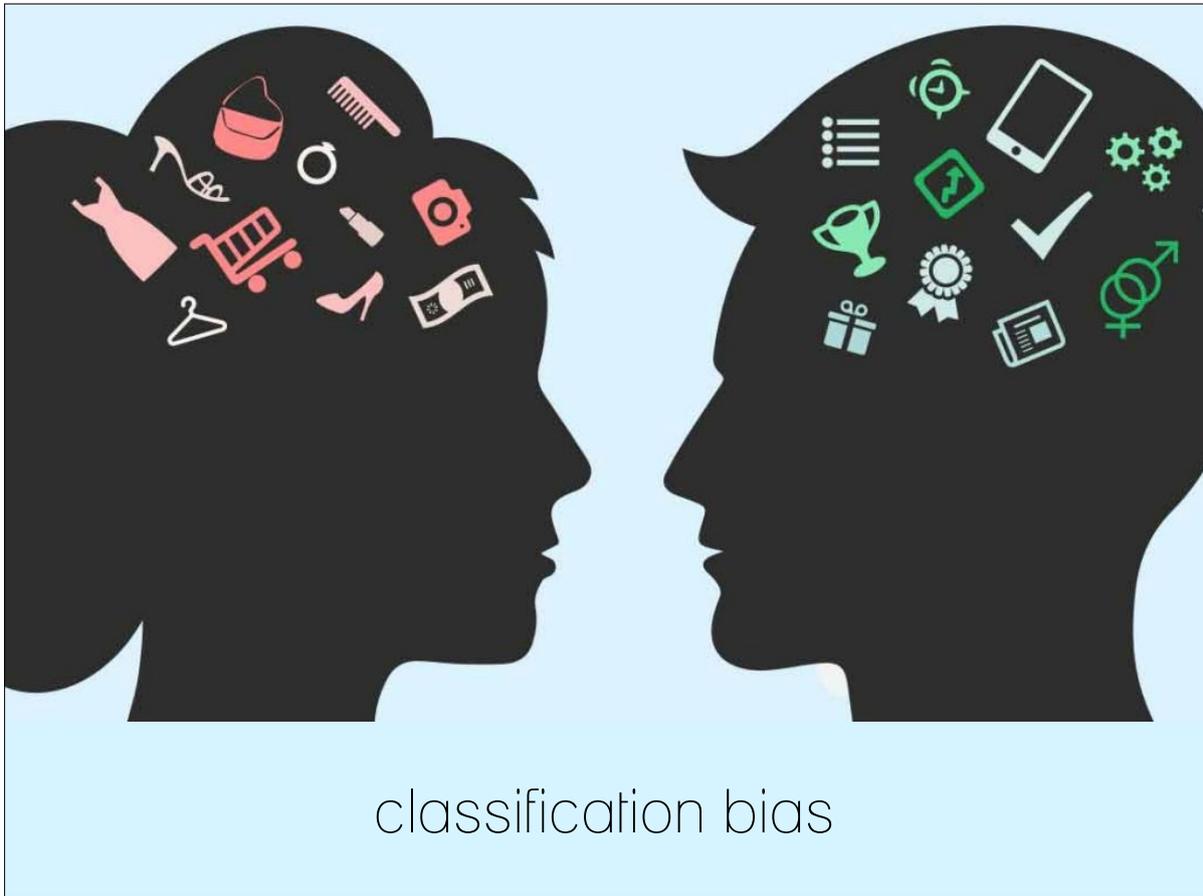
causal relationship or correlation?

4

EU LAW: IN NEED FOR AN UPDATE?

> "firms can circumvent […] antidiscrimination laws through the use of algorithms that automatically develop and refine categories in which people of certain race, marital status, age, sexual orientation, or religion are lumped together"
>
> -Ezrachi & Stucke

classification bias

5

CONCLUSION &
QUESTIONS

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