



UNIMORE
UNIVERSITÀ DEGLI STUDI DI
MODENA E REGGIO EMILIA



Cycle of seminars organised as part of the PhD Course in Labour, Development and Innovation, Unimore - Marco Biagi Foundation

Visiting professor call

Marco Biagi Department of Economics

Academia in Times of Transition: The Impact of Digitalisation on Our Work

David Mangan

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Biography: Prior to entering academic work, I practised as a lawyer (barrister & solicitor) in Canada. Since obtaining my Ph.D. from the London School of Economics, I have held academic positions in Canada, Ireland, and the UK where I was Associate Professor and Deputy Associate Dean (International). Currently based at [Maynooth University \(Ireland\)](#), I founded and am Director of the [Centre for Technology Law & Policy](#), Chair of the joint Irish/French law degree program with the Catholic University of Lyon ([Etudes Juridiques](#)), co-lead for the Irish Law Firm Work Placement Program, and lead for incoming exchange students. My research focuses on labour/employment and private law obligations (contract, tort), particularly the effect of information technology in these areas. Other research achievements include: [Society of Legal Scholars' Best Paper Prize](#); keynote addresses delivered in EU countries such as [Hamburg, Germany](#) (to labour lawyers and judges) and [Budapest, Hungary](#) (to an academic and public audience). I have participated in the [Roger Blanpain Lecture at KU Leuven](#), having given the [lecture myself in 2022](#). I am a member of the Editorial Board of the [European Labour Law Journal](#), and one of its European Developments editors. I am also co-editor of the Wolters Kluwer blog [Global Workplace Law & Policy](#), and a member of the Editorial Board of the [Italian Labour Law e-Journal](#). I am also a Ph.D. supervisor with [Advance CRT which is funded by Research Ireland](#). I am an Adjunct Professor at Osgoode Hall Law School (Professional Development) in Toronto (Canada) and at the Université Catholique Lyon, Faculty of Law (France). I have held visiting professorships in: Belgium (Global Professor at KU Leuven, Faculty of Law), Italy (State University of Milan, University of Pescara-Chieti), and Poland (University of Warsaw). I have professional qualifications as a lawyer (Barrister & Solicitor) and teacher, and also hold the following degrees: B.A. (Hons.), B.Ed., J.D., LL.M., Ph.D..

Overview

The purpose of these seminars is to provide Ph.D. candidates with an opportunity to enhance their legal knowledge and to further develop skills which are important for postgraduate study, as well as an academic career. The seminars are organised according to topics that, it is hoped, will be of interest to candidates.

The cycle of lectures will be taught in English.

Teaching material will be in English.

Lecture 1

May 26 (9:00 to 13:00) – Room 32, MBF

The role of our work as academics in society

Items covered:

- Understanding how academic writing fits with the practice of law/a practical or societal

- application
- Considering how our work may be accessible to the general public.

Required readings:

- Matthew Craven, Gerry Simpson, Susan Marks, and Ralph Wilde, "[We are Teachers of International Law](#)" (2004) 17 *Leiden Journal of International Law* 363-374.
 - Background on the context of this article can be found here: [Iraq War](#).

These questions can guide your reading:

1. What were the authors' concerns?
2. Was the original *Guardian* letter academic activism?
3. Were the authors overstepping their 'boundaries' in writing the letter?
4. Was there an imperative to acting no matter the repercussion?

[US Government letter to Harvard University, 11 April 2025.](#)

[Harvard University response to US Government letter, 14 April 2025.](#)

Supplementary readings:

- Anthony Bradney and Fiona Cownie, "The Changing Position of Legal Academics in the United Kingdom: Professionalization or Proletarianization?" (2020) 47 *Journal of Law and Society* 227.
- William Twining, Ward Farmsworth, Stefan Vogenauer, Teson Fernando, "The Role of Academics in the Legal System" in Mark Tushnet and Peter Cane (eds) *The Oxford Handbook of Legal Studies* (OUP, 2005).

Lecture 2

June 3 (14:00 to 17:00) – Room 32, MBF

Privacy Inside and Out

Privacy in society: privacy at work

With this lecture, we discuss this longstanding topic that continues to pose challenges. The topic of privacy arises in academic settings when we are looking to conduct studies that involve humans. We will consider how there are different views (i.e. an American and a European view). Discussion of a right to privacy is often dated back to the 1890 article by Samuel Warren and Louis Brandeis, "The Right to Privacy". How far have we come since this article's publication? The following questions guide our discussion:

1. What does the public understand about a legal protection of privacy?
2. In your opinion, will privacy be a concern in 10 years?
3. Is there a difference between an American and a European understanding of privacy?
4. Does being in an employment relationship mean that an individual surrenders the scope of their right to privacy?
5. Is there a difference between a right to privacy, and a right to data protection (considers sections 7 and 8 of the [EU Charter of Fundamental Rights](#))?
6. How do the AI Act and the GDPR interact (if at all) in relation to workers' privacy?

Privacy and work – the right to disconnect

1. How has the right to disconnect been discussed within the EU?
2. What 'right' is protected in the right to disconnect?
3. In some Member States (such as Austria), there is an argument that there is no need

for the right to disconnect. Is it needed?

Suggested readings:

Right to privacy in general

- Samuel Warren and Louis Brandeis, [“The Right to Privacy”](#) (1890) 4 Harvard Law Review 193-220.
 - The article does not need to be read in its entirety.

Right to privacy and work

- Michele Mole & David Mangan, [“Just more surveillance’: The ECtHR and workplace monitoring’](#) (2023), 14 *European Labour Law Journal* 694.
- Frank Hendrickx, [‘Privacy 4.0 at Work: Regulating Employment, Technology and Automation’](#) (2020) 41 *Comparative Labor Law & Policy Journal* 147
- Article 29 Working Party, [‘Opinion on data processing at work’](#) (2/2017).

Right to disconnect

- David Mangan, [‘Your right to disconnect is about to start’](#) *Global Workplace Law & Policy* (19 September 2024).

Supplemental readings:

- Gloria González Fuster and Hielke Hijmans, [“The EU rights to privacy and personal data protection: 20 years in 10 questions”](#) VUB Brussels Privacy Hub Discussion Paper (13 May 2019)

Lecture 3

June 4 (14:00-17:00): – Room 32, MBF

The Digital Industrial Revolution

This lecture considers the research into platform work, and asks whether there is a larger picture that has not been widely discussed.

Platform Labour

Based on research conducted through the ERC-funded project [ResPecTMe](#), we have found that the numerous regulatory advantages enjoyed by labour platform companies centre around a key premise: the creation of a formidable framework aimed at reducing service provision costs. This premise directly affects the individual carrying out the work integral to the service offered by these online platforms. The structural aspects of online labour platforms effect a narrow construction of what qualifies as remunerated labour. For this reason, we challenge the characterisation of these technologies as positive disruptions to an orthodox view of labour. Instead, we see the number of ways that work necessary to participate in the labour “opportunities” available on these labour platforms is unpaid as a matter for urgent legislative engagement.

There are pathways through the law that would limit the incidence of unpaid work by revisiting three areas of the legal framework: working time, safety and health, and access to work/labour intermediation. Reclassification, as outlined in Platform Work Directive, can reduce the opportunities for unpaid work due to misclassification. The areas we have identified are not necessarily fully addressed by the proposed directive.

Questions to guide your reading of the Platform Work Directive (Directive (EU) 2024/2831)

The Commission situates this directive in the context of digitalisation. It discusses digitalisation as follows: “Digitalisation is changing the world of work, improving productivity and enhancing flexibility, while also carrying some risks for employment and working conditions. Algorithm-based technologies, including automated monitoring and decision-making systems, have enabled the emergence and growth of digital labour platforms.” (Recital 4)

1. As a summary of digitalisation of work, is this an appropriate statement? Is it missing anything in your opinion?
2. How is platform work defined?
3. What role do the court decisions on employment status of platform workers have on this directive?
4. What is the scope of the directive? Put another way, to what does the directive apply?
5. How does someone fall under the scope of the proposed directive?
6. The Commission proposes a rebuttable presumption regarding status. How does this work? Make reference to recitals and provisions of the proposed directive.
7. To be compliant with the Directive, can Member States create a threshold for qualifying to be a platform worker, or must the Directive apply to all platform workers from the first day of their work?
8. Employer monitoring is identified as an issue. How does the Directive address this concern?
9. What are digital communication channels in the Directive?

Platform to Business Directive

How do the P2B and PWD interact? Specifically, how are solo self-employed platform service providers who are not classified as platform workers under the PWD dealt with by this Regulation?

Regulation 2019/1150 (P2B) (fairness and transparency for online intermediation services) “ensure[s] that **business users** of online intermediation services and corporate website users in relation to online search engines are **granted appropriate transparency, fairness and effective redress possibilities**.”

- Applicable since 12 July 2020; and the first general framework for online intermediary services.
- “**Online intermediation services are key enablers** of entrepreneurship and new business models, trade and innovation...” (Recital 1)
- “**Online intermediation services can be crucial for the commercial success** of undertakings who use such services to reach consumers.” (Recital 2)

Lecture References:

- Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work.
- Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services.
- David Mangan, Karol Muszyński, Valeria Pulignano, [“The platform discount: addressing unpaid work as a structural feature of labour platforms”](#) (2023) 14 *European Labour Law Journal* 541.
- Miriam Kullmann, [“‘Platformisation’ of Work: An EU Perspective on Introducing a Legal Presumption”](#) (2022) 13 *European Labour Law Journal* 66.

Further Readings

- European Parliament, Committee on Employment and Social Affairs, *Draft Report with recommendations to the Commission on the Right to Disconnect*, 2019/2181(INL), 28 July

2020,

- Frank Hendrickx, "From Digits to Robots: The Privacy-Autonomy Nexus in New Labor Law Machinery" (2019) 40 *Comparative Labor Law & Policy Journal* 365.

Student reception hours

- I am happy to meet students. We can arrange to meet at a mutually convenient time. Please email me at dmangan@osgoode.yorku.ca to set up a time.

Coordinator of the cycle of seminars

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