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В издании представлены авторские статьи, посвященные проблемам этики искусственного интеллекта. Авторский коллектив — 20 человек, среди которых доктора и кандидаты наук, молодые исследователи (студенты и аспиранты философского факультета МГУ и других вузов различных специальностей), а также студенты из других стран. Альманах предназначен как для специалистов в области этики, так и для всех интересующихся гуманитарным осмыслением развития и внедрения систем искусственного интеллекта.

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Издатель Воробьев А.В. г. Москва, ул. Профсоюзная, 140–2–36. 8(925)772–03–76

Фернандо Кастелланос

Национальный Университет Коста-Рики

Загадка прекариата: труд и государственная политика в гиг-экономике Коста-Рики (2023–2024 гг.)

ORCID: <https://orcid.org/0009-0001-6590-5789>

Аннотация: Данное исследование представляет социологический взгляд на влияние крупных технологических платформ гиг-экономики, таких как знаковые примеры Uber и Didi, на трудовое законодательство Коста-Рики. В нём выявляются недостатки Национальной Ассамблеи страны в разработке государственной политики и законов, регулирующих работу этих приложений и защищающих работников от прекаризации. Таким образом, исследование направлено на анализ текущего состояния государственной политики в отношении цифровых платформ в Коста-Рике, а также на выявление сохраняющейся неспособности соответствующих государственных органов и организаций создать надёжную правовую базу для защиты прав работников, использующих приложения, в секторах транспорта и доставки Коста-Рики.

Ключевые слова: государственная политика, цифровые платформы, транспортные и доставочные платформы, цифровая экономика, неустойчивость развития рынка труда.

*Fernando José Méndez-Castellanos. The precarity puzzle: labor and public policies in Costa Rica's Gig Economy (2023-2024)*¹
National University of Costa Rica

¹ This article is an abbreviated and updated version of previous research presented at the Moscow State University for the congress of «Ethics in the Age of Digitalization & AI», in April 2025, as a result of the author's experiences at the research programs of the Sociology Department of the National University of Costa Rica. The original title of the research was “‘Analysis of public policies addressing the precarization and uberization of work in Costa Rica's digital platform economy during 2023 and 2024’”.

Abstract: This research presents a sociological perspective on the impact of large-scale technological platforms of the gig economy—such as the emblematic cases of Uber and Didi—on labor legislation in Costa Rica. It highlights the shortcomings of the country’s National Assembly in the creation of public policies and laws to regulate the operation of these apps and protect workers from labor precarization. Thus, the investigation aims to diagnose the current state of public policies regarding digital platforms in Costa Rica, while also exposing the ongoing inability of relevant governmental and state entities to establish solid legal frameworks to protect the rights of app-based workers in Costa Rica’s transportation and delivery sectors.

Keywords: government policy, digital platforms, transportation and delivery platforms, digital economy, labor market instability.

Introduction. Digital platforms have arrived to stay for a long time. In most of the world, from Western countries to Latin American ones, transnational companies of private transportation and delivery have imposed themselves in the daily landscape of cities and towns, extending a new and unparalleled business model that defies in unseen ways existing labor legislations and institutions. The industry-based labor standards that operated during the industrial times, formally established in labor codes all around the world, are nowadays threatened by new ambiguous, unstable, and ultra-flexible forms of work that have been brought about by digitalization: as Palacios (2025) acknowledged, in Latin America — but not only — legislation is falling behind these new challenges posed by the increasingly unpredictable dynamics of work, including those of the digital era.

Labor codes are petrified and static, keeping their juridical base of the industrial times, while legislation is on a stalemate; work, on the contrary, has become something dynamic, slippery, ever more difficult to track, define, and regulate. In many Latin American societies of the twenty-first century, labor no longer operates under the stable monopoly of the Welfare State, but under the risky conditions of a growing number of business models like Uber that have propagated themselves on the periphery of existing institutionality and labor law.

The upcoming digital era, the pandemic, and the neoliberal state policies of the last decades are bringing about the collapse of labor societies as they were known, with the growing importance of flexibility over security (Álvarez-Uría & Varela, 2013) and of work on demand over stability and full employment. Latin American labor societies are therefore experiencing phenomena that are very symptomatic of what Ulrich Beck (1998) baptized as a *risk society*: the juridical and cultural concepts that defined labor in salary-based societies of the early industrial period, such as *subordination*, *profession*, and *full employment*, are no longer representative of many of today's dynamics of work. There is, on this sense, a growing number of informal labor schemes that, much like digital platforms' atypical characteristics (International Labour Organization, 2021), remain on the outskirts of existing legal frameworks, since they possess no contract, no formal employer relationship, no special and temporal limits, and no clear boundaries between free time and labor time, thus exempting workers from any legal protection.

The digitalization and the advent of digital platforms have certainly been an important step towards this transformation of work in the region. The so-called *Uberization* of labor, a phenomenon that extended with Uber from the entrails of Silicon Valley, constitutes the beginning of an unprecedented process of labor precarization in the region, as an important part of existing literature has agreed upon (Haidar & Garavaglia, 2022; Radetich, 2022; Mora et al., 2024).

On this sense, Costa Rica, just as the rest of the region, faces a new and unparalleled challenge to its healthcare, pension and social security systems, which must adapt themselves to integrate these new flexible, ambiguous and fragmentary labor schemes of digital platforms into its coverage, even if the platforms conceal the employer relationship and deny it, thus depriving drivers and delivery workers of social protection and minimum labor guarantees according to the Labor Code. The *uberization* of labor represents, consequently, a clear trend towards precarization (Radetich, 2022): it implies that transnational companies can exploit legal loopholes created by technological advances to overpass local legislations and to have free access to cheap workers without assuming any responsibility in social protection or recognizing any la-

bor bond to the labor force that guarantees their great incomes, as is the case of apps like Didi, Uber, Glovo, amongst others.

The Welfare State institutions that ensured the protection of labor now face the challenge of covering a growing number of workers who are not juridically recognized as such and, thus, have no formal access to the protection of the Labor Code and the institutions that guarantee workers' social protection. In Costa Rica, where the labor force is composed of 2,39 million active workers, almost 40% of them were working informally at the end of 2024 (INEC, 2025), while by 2022, there were all around the country some 40.000 drivers and delivery workers on this business model, being accountable for a 0,44% of GDP (Ramírez, 2024).

These workers, as demonstrated by Artavia et al. (2023), face nonetheless important challenges in their daily lives: low wages, absence of social security and insurance for vehicles, strong dependence on the activity to sustain their families, arbitrary actions of platforms concerning the definition of remunerations, and great difficulties in contributing to the pension system.

Digital platforms in Costa Rica and the regulatory attempts of the National Assembly. Digital platforms have consolidated their presence in the daily lives of most Costa Ricans and constitute a profitable market for the Costa Rican economy. According to Brenes et al. (2024), these platforms have a growing importance in all urban areas of the country, especially in the Central Valley, and by 2024, 30% of the population used Uber, 23% used Rappi and Uber Eats, and 18% used Didi. These technologies, which have an increasingly important role in urban displacement and in the national distribution of goods, have long defined themselves as mere tools and mediators between consumers and sellers, as a technological business model that creates value just by facilitating exchanges between two groups (Da Silva & Núñez, 2021).

This narrative, which often overemphasizes mediation as the main function of these platforms, has been intensively propelled by these apps in order to systematically capitalize on loopholes that allow them to disguise subordinated labor and exert direct control over the workforce (Mora et al., 2024), therefore operating with a mass of workers

who have no juridical protection during their activity. There have always been peripheral workers coexisting with the salary-based society; nevertheless, the case of digital platforms is different, since they represent a defiance of the existing labor standards. In other words, digital platforms represent a new transnational paradigm of labor exploitation that intends to surpass existing institutional and juridical apparatus of Latin American national states (Radetich, 2022).

However, national states have not always remained without a response to these abrupt changes. State policies regarding the regulation of labor differ from country to country: in Spain, there is since 2021 a formal legal recognition of employer obligations towards delivery workers, who are legally protected by national security systems and receive minimum wages (Lahera & Riesco-Sanz, 2024); Chile, in 2022, was the first Latin American country to approve legislation concerning drivers and delivery workers alike, establishing minimum labor guarantees such as right to unionize, minimum wages and protection equipment (FLACSO, 2025); and, most recently, Mexico regulated labor conditions of all digital platform workers, establishing formal employer obligations to all digital platforms and apps. Costa Rica, on the other hand, has followed a very different path: a decade after the enigmatic arrival of Uber to the country, there are still significant shortcomings in the national policy concerning the regulation of these apps.

According to the database of Delfino (2025), even though there is no legal framework in Costa Rica concerning digital platforms, between the presidential term of 2018-2022 and the first two years of the current administration of 2022-2026, 9 legislative proposals have been presented to the Congress to regulate the digital economy, two of them presented by the presidents of each administration. In the period of analysis selected for this research, from 2023 to 2024, there have been five legislative proposals to regulate digital platforms in Costa Rica. Nonetheless, it is of the interest of this investigation to focus only on three of them: the files n.º 23.110 and n.º 23.736 from the Liberal Progressist Party (PLP in Spanish) and the Social Democratic Progress Party (PPSD in Spanish) respectively — both of them approved in the Commission of Economic Affairs of the National Assembly but still waiting for the general approval of the deputies— and the file n.º 24.500

of the leftist Frente Amplio Party, which is the only legislative proposal that explicitly addresses labor conditions (Asamblea Legislativa de Costa Rica, 2022, 2024a, 2024b).

On the first hand, the first two legislative proposals that have been approved by the Commission are openly reluctant to recognize any possible employer relationship between digital platforms and drivers and delivery workers. Both projects emphasize and retake the entrepreneurial discourse of platforms, denying the imperative that these apps have any responsibility in regards to the cheap Costa Rican labor force that generates their wealthy income, as well as portraying workers as mere independent service sellers, an idea that has been already rejected by many national studies that demonstrate, instead, a more or less generalized situation of dependence of workers to the apps (Artavia et al., 2023).

Besides this, both proposals try to solve for the first time, some of the gig economy's greatest challenges: these legislative bills intend to fix the taxation gap in which transnational digital companies operate nowadays, as well as to regulate, in a general way, the functioning of digital platforms in the country. Alongside this, the financial gap created in social security systems could be significantly solved with these projects; nevertheless, the contribution to pension and healthcare systems will not be assumed by digital platform companies, but by workers themselves.

On the other hand, the legislative proposal from Frente Amplio Party addresses, for the first time, much like Spanish legislation does, the regulation of working conditions and rights for delivery workers, thus becoming the first project of this kind in Costa Rica. Unfortunately, the project has low support compared to other legislative initiatives in Congress, as well as it lacks a holistic view of the digital economy problems that other laws in the region have and where the subordinated labor status of drivers and delivery workers is recognized alike, as in the case of Chile and Mexico.

The judicial rulings: the path to judicialization of working rights in the digital era. The absence of a regulatory framework for the operation of digital platforms and the labor conditions of the digital economy has led to a phenomenon that is commonly known as *judi-*

cialization, that is, the decision-making processes exerted by the courts over politically important topics that usually correspond to Congress. In the clear absence of consensus in the Congress over how to address the dilemma of working conditions and guarantees for drivers and delivery workers, it was the judiciary, through the sentence n.º 2023000212, that determined for the first time in 2023 that Uber did have an effective employer relationship with a driver, condemning the app to pay vacations, wages, and social security to him. However, although this judicial ruling favored the driver on his claim for working rights against the app, it is necessary to emphasize that the resolution does not extend to the rest of Uber's drivers and can only apply to the specific case of the above-mentioned person.

Nevertheless, this judicial ruling demonstrates the possibility of applying already existing labor codes and standards to digital platform workers, even if it has to be done through particular demands, which implies a high level of judicialization of the digital platform workers' rights. In this case, the sentence implies that the Labor Code of Costa Rica, on article 18, can be used in order to determine an effective employer relationship and a state of dependence and subordination of digital platform workers to apps like Uber.

Conclusions. Labor, as conceived by industrial societies of the late nineteenth and early twentieth century, faces new and nonconventional challenges to its continuity: labor codes and legislations are nowadays falling short regarding the dynamic character acquired by work in Latin American societies after the neoliberal period and the arrival of transnational digital companies. Costa Rica, ten years after the advent of one of the most iconic digital platforms of the Western Hemisphere, Uber, is still facing with a legislative stalemate that affects its capacity to regulate these new technologies. Unlike Chile, Mexico, and Spain, Costa Rica remains unable to regulate working conditions and establish legally recognized guarantees for drivers and delivery workers. As the use of these technologies grows every year and digital platforms get unprecedented visibility in the country's cities, the National Assembly remains either ineffective or unwilling to design an effective policy to regulate the effects of these apps and formalize their status in the Costa Rican economy.

To summarize, digital platforms have reshaped the most common juridical and cultural understandings of work, threatening the bases of the existing labor codes and institutions with new labor models that eliminate the juridical recognition of workers as such. On the other hand, political institutions charged with the responsibility of regulating digital platforms have repeatedly demonstrated shortcomings and a chronic inability to protect the digital platform workers' rights, leading to an important judicialization of the digital economy's problems.

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