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# Regulating webcamming as platform work – A focus on algorithms to forget about sex... and work

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## Abstract

The EU Platform Work Directive (PWD) seeks to improve working conditions in platform work by addressing transparency in algorithmic management, and reclassification of platform workers as employees.

Yet, debates have largely centred on male-dominated platform industries (Acevedo, 2020). Little attention has been paid to typically feminine sectors (Milkman et al., 2021). Online sex work is another heavily gendered type of platform labour which remains underexplored. These workers contend with challenging labour conditions due to the unique regulatory challenges because their work is both platform work and a form of sex work (Rand & Stegeman, 2023). This type of labour may necessitate different types of policy solutions than those presented for male-dominated industries.

This presentation examines the relevance of the PWD to adult webcam industry (AWI) as online sex work and platform work. Particularly it discusses whether the PWD offers meaningful labour and digital protections for webcammers. This research combines a legal analysis of the PWD and interpretations from the European Court of Justice, and empirical socio-legal research on the AWI to assess how the PWD could be implemented and how it may impact webcam workers.

The presentation firstly dives into the PWD's applicability regarding whether webcamming platforms qualify as "digital labour platforms", and performers as "platform workers". This is complicated by the fact that there are few legal analyses on the status and conditions of those engaged in webcamming (Berg, 2020; Marston, 2020; Rand, 2018), and because webcamming often remains in a legal grey area which may be included or excluded from the legal framework on sex work (Lannier, 2024). Further obstacles to the PWD's applicability will be discussed, such the fact that many webcamming companies are headquartered outside the EU.

Secondly, the presentation analyses the potential impact of the guarantees based on the PWD, if applicable, for webcammers. Its primary focus on transparency and algorithmic management could foster improved communication between webcammers and platforms (Majic et al., 2024), such as through the clarification of the functioning of their algorithms. However, its impact on working conditions and affordances-key to ensuring fundamental rights

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(Caminhas, 2024; DeLacey, 2024)-might remain limited, as the PWD does not consider the impact of the payment ecosystem (Franco, 2024) and the effects of restrictive content moderation.

This analysis contributes to ongoing discussions on the intersection of labour law and digital economies, shedding light on the often-overlooked rights of sex workers in the gig economy.

**Keywords:** adult webcam industry, platform work directive, sex work