



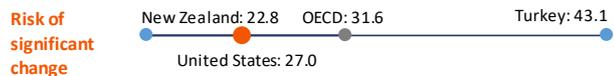
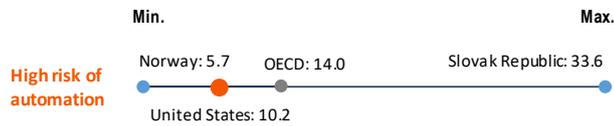
THE FUTURE OF WORK

How does the UNITED STATES compare?

OECD Employment Outlook 2019



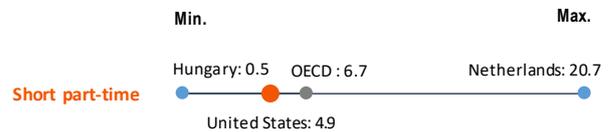
Jobs at risk of automation



Note: High risk of automation corresponds to a likelihood of automation of 70% or more. Jobs at risk of significant change are those with likelihood of automation between 50 and 70%. Percentages. Data refer to 2012 or 2015, depending on the country.

Source: OECD Employment Outlook 2019: The Future of Work, <https://doi.org/10.1787/9ee00155-en>.

Non-standard forms of work



Note: Short part-time (i.e. working 1-19 hours per week) as % of dependent employment. Self-employment as a % of total employment. Data refer to 2017.

Source: OECD Employment Outlook 2019: The Future of Work, <https://doi.org/10.1787/9ee00155-en>.

The quantity of jobs may not fall, but job quality and disparities among workers may worsen

Despite widespread anxiety about job destruction driven by technological change and globalisation, a sharp decline in overall employment is unlikely. While certain jobs may disappear (14% are at high risk of automation in the OECD), others will emerge, and employment has been growing overall. However, transitions will not be easy. There are concerns about the quality of some of the emerging new jobs and, without immediate action, labour market disparities may grow, as certain groups of workers face greater risks than others.

- The United States has one of the lowest rates of non-standard forms of work among OECD countries. In particular, the United States has the lowest rate of self-employment among OECD countries with 6.2% compared to an OECD average of 14.2% (figure above).
- The self-employment rate is further evidence that despite the attention it has attracted in the policy debate, the platform economy still accounts for a very low portion of the labour force. In the United States, for example, the most recent evidence indicates that platform workers accounted for about 1% of total employment in May 2017.

A key challenge is to extend labour law protections beyond standard employees

Labour market regulation plays an important role in protecting workers, but many non-standard workers are weakly covered or not covered at all. The rights and protections of non-standard workers can be strengthened by: tackling false self-employment, including scaling back tax incentives to misclassify workers; extending protections to workers in the grey zone between self- and dependent employment, including many platform workers; and addressing excess employers' market power.

- In recent cases concerning worker classification, courts have acknowledged that standard common law tests tend to yield ambiguous results. The OECD Employment Outlook 2019 suggests that one option to overcome this difficulty is to treat everyone in the "grey zone" as an "employee unless it can be proved that these workers are unambiguously self-employed." This route was followed by the California Supreme Court in a recent case (Dynamex Operations West, Inc. v. Superior Court, 4 Cal.5th 903 (2018)).
- Many non-standard workers in the United States, including platform workers, are forced to sign pre-dispute arbitration agreements, often binding them to dispute

resolution systems that are not designed in such a way to guarantee impartiality. An alternative dispute resolution system could be more effective if provided or supervised by an administrative agency, for example as stipulated in the 2017 Freelance Isn't Free Act in New York.

- The OECD Employment Outlook 2019 suggests that non-compete covenants – contract clauses preventing workers from working for a competitor after they separate from the employer – could be used to reduce competition in the labour market, especially in the case of particularly vulnerable workers. Almost 30 million US workers are currently covered by non-compete agreements, and many of these agreements are imposed broadly on workers with no access to trade secrets. Limiting the scope of non-compete covenants can be achieved by banning them for certain types of jobs, pay levels or skill requirements, as well as by appropriately sanctioning the abuse of illicit clauses.

Collective bargaining, though under strain, can help shape the future of work

Collective bargaining can help workers and companies define new rights, adopt and regulate new technologies and foster labour market security and adaptability. Yet it is challenged by increases in non-standard work, on top of a decades-long weakening of union representation leaving employers without a clear counterpart. Better including non-standard workers calls for tailored adaptation of regulations and stronger efforts by social partners.

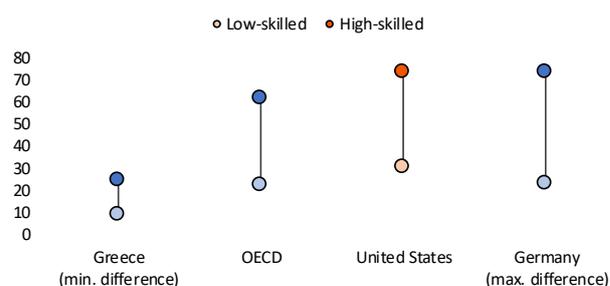
- New vehicles for representing workers' interests have been developing in the United States, such as Worker Centers or the Freelancers Union. While these forms of workers' organisations can improve links and communication between non-standard workers, they cannot replace unions. In particular, they do not have the legal mandate to bargain collectively on behalf of their members or the ability to deliver on negotiated agreements. Co-operation between traditional and new forms of workers' organisation is now emerging in some contexts.

Adult learning is key to help the most vulnerable navigate a changing labour market

Adult learning is becoming increasingly important to help individuals to maintain and upgrade their skills throughout their working lives. Yet most adult learning systems are ill equipped for this challenge. 40% of adults train in a given year on average across the OECD, but those who need training the most, including non-standard workers, train the least and training is not always of good quality.

- 50.5% of adults in the US participated in formal or non-formal job-related adult learning in the previous year (OECD average 40%) (see [Priorities for Adult Learning dashboard](#)).
- The gap in participation between high and low-skilled adults is large in the US at 43 percentage points, just above the OECD average of 39.3 (figure below).

Adult training systems fail to reach the low-skilled



Note: Share of adults who participated in training over the previous 12 months, in percentages. Data refer to 2012 or 2015.

Source: OECD Employment Outlook 2019: The Future of Work, <https://doi.org/10.1787/9ee00155-en>.

Accessing social protection can be very difficult for non-standard workers

Social support may not be available to workers in less secure forms of employment. In some countries, workers engaged in independent work or short-duration or part-time employment are 40-50% less likely to receive any form of income support during an out-of-work spell than standard employees. Unless access gaps are closed, further increases in non-standard employment will have negative consequences for inclusiveness and equity.

- In the United States, access to social protection is particularly difficult for own-account self-employed and casual workers, who typically have no access to unemployment benefits and restricted access to sickness benefits as well as protection against work accidents.

Contacts: **Stefano Scarpetta** (+33 1 45 24 19 88; stefano.scarpetta@oecd.org) or

Andrew Green (+33 1 85 55 47 87; andrew.green@oecd.org),

Directorate for Employment, Labour and Social Affairs

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