

Annual Report on the Activities of the Ombuds Office of the Code of Conduct for Paid Crowdfunding for the Year 2021

According to Section 8 of the Rules for the Ombuds Office of the Code of Conduct for Paid Crowdfunding, the Ombuds Office hereby submits its aggregated annual report for the year 2021.

The ombudsman office works voluntarily. It is/was staffed in 2021 by:

- Dr. Silke Kohlschitter (Vice President of the Frankfurt am Main Labor Court)
- Roland Szabados (German Crowdsourcing Association)
- Dr. Arne-Christian Sigge (content.de); representative in the event of a complaint against content.de: Ines Maione (Clickworker GmbH, from 30.06.2021)
- Mariya Vyalykh (IG Metall Headquarters, Crowdsourcing Project)
- Olaf Hoffmann (crowdworker)

During the reporting period, the Ombuds Office held 2 conference calls to discuss the submitted proceedings and once met in person.

One of the proceedings of 2020 that had still been open was settled. In this case, an amicable settlement was reached through the mediation of the Ombuds Office.

In the year 2021, 61 cases were brought to the Ombuds Office. In all cases, the complaints were brought forward by crowdworkers.

13 disputes were settled amicably through the mediation of the Ombuds Office. In 15 cases, the complaining party did not pursue the proceedings further. In 6 cases, the Ombuds Office advised the parties involved and in one case submitted a settlement proposal that was accepted.

In one case, the Ombuds Office was not the proper authority, as the platform against which the complaint was directed only cooperates with one of the platforms that had signed the CoC but does not belong to its circle. In 22 cases, the Ombuds Office had been contacted before a direct attempt of resolution with the platform took place, or so soon after the initial contact that the response from the platform had not yet been received. In two cases, decisions were issued that deemed the complaint unfounded.

As of December 31, 2021, 12 proceedings were still open. Of these, 11 have by now been closed.

In 2021, the Ombuds Office received complaints from 13 countries, most of them in English.

As a result of numerous complaints that failed to include sufficient information, the Ombuds Office has developed an improved and more detailed "complaint intake form".

Some of the questions referred to the Ombuds Office were of fundamental importance.

1.

On the question of whether remuneration is earned if the language skills of a certain level are a prerequisite for admission to certain projects, and these language skills are not available, the Ombuds Office took the following view:

If a crowdworker claims to have certain language skills that as a matter of fact he or she does not possess, and if these language skills are a decisive prerequisite for being admitted to the relevant projects in the first place, the following will apply: the results obtained without the required language skills are not in accordance with the contract and of no use for the platform's customer. Payment cannot be demanded for a service that is neither in accordance with the contract nor of use for the contracting party.

2.

The question of whether a platform is entitled to block an account if a crowdworker maintains several user accounts in violation of the GTC, providing that a breach of the GTC entitles the platform to terminate the contractual relationship,

was affirmed by the Ombuds Office.

At the same time, the Ombuds Office has pointed out that

the prohibition on maintaining multiple user accounts does not necessarily imply that it is forbidden that two crowdworkers acting independently of each and using different user accounts may not maintain a joint bank account, as may occasionally be the case with spouses, for example.

The Ombuds Office further elaborated that

the right to block an account does not at the same time mean that a remuneration is no longer owed. The latter is only the case if the reason for the blocking affects the work results, and as a consequence the results can not be used.

Frankfurt am Main, March 2021