

CHILD LABOUR IN THE DIGITAL AGE: NEW FRONTIERS AND OLD VULNERABILITIES. LEGAL CHALLENGES AND GAPS IN THE ITALIAN FRAMEWORK

Abstract: The evolution of the digital economy has redefined the boundaries of child labour, giving rise to new forms of exploitation and vulnerability alongside traditional ones. From content production on social media to employment in the competitive video game industry, children today are exposed to risks that are often unrecognised and inadequately regulated. This paper examines the new frontiers of child labour in the digital age, with a particular focus on the Italian context, highlighting the main regulatory gaps and emerging legal challenges. In particular, it analyses the capacity of the current Italian legislative framework to prevent and combat the most insidious forms of online child exploitation. The analysis reveals the inadequacy of the Italian legal system to respond to the complexities of the new digital ecosystem. In conclusion, some guidelines are outlined for a reform aimed at strengthening the protection of minors, promoting an integrated and cross-sectoral approach.

Keywords: *Child labour; digital work; platform economy; protections; exploitation.*

1. Child labour beyond traditional boundaries

In recent decades, the concept of child labour has undergone a profound transformation, largely due to socio-economic changes brought about by digitalisation and the platform economy. Child labour no longer occurs only in traditional physical spaces (such as agriculture, crafts or informal trade) but also emerges within digital environments.

The digital revolution and the emergence of social platforms as spaces for content production and monetisation have redefined the ways in which minors participate – consciously or unconsciously – in economic circuits. The spread of social platforms such as TikTok, YouTube and Instagram, along with the world of competitive gaming, the rise of e-sports and the phenomenon of “child influencers” represents new frontiers of labour. These forms of activity generate both economic value and visibility but remain outside the scope of formal recognition of work and thus beyond the reach of legal regulation.

In this hybrid scenario, where gaming, entertainment and economic production overlap, new forms of vulnerability and child exploitation are emerging, often unrecognised and not effectively addressed. This issue is particularly critical in light of the international obligations assumed by Italy with the ratification of Convention No. 138 of the International Labour Organisation (ILO) on the minimum age for admission to employment (1973), which sets the minimum age at 15, and Convention No. 182 on the elimination of the worst forms of child labour (1999), which includes activities that may compromise the health, safety or morality of minors (Adinolfi, 2008, p. 263 ff.; Borzaga, 2008, pp. 39 ff.). Added to these is the UN Convention on the Rights of the Child (1989), which recognises the right of the child to be protected from economic exploitation and guarantees access to education, leisure and the harmonious development of the personality (Borzaga, 2018; Guarriello, 2010, p. 181 ff.; Nesi, Nogler & Pertile, 2008; Nunin, 2019, p. 823 ff.). In the absence of a clear legal definition of new digital activities, there is a risk of keeping children in a regulatory grey area, exposing them to media overexposure, precariousness and conflicts with compulsory schooling.

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This paper aims to analyse these new forms of child economic participation in the digital environment, with particular attention to the Italian regulatory context. The aim is to highlight the gaps in the current regulations and to question the ability of the law to provide adequate responses to emerging challenges. Through a critical legal analysis, the essay examines both established rules and the most recent reform proposals, outlining possible guidelines for a more effective and coherent system of protection.

2. Child labour in the digital age: new forms and new risks

Child labour in the digital context takes many different forms, often difficult to classify according to traditional labour law categories. These activities generate substantial profits, but there is a regulatory vacuum that leaves them largely unprotected.

According to a 2023 study conducted by Save the Children and AGIA ("Giovani e tempi digitali", 2023), 15% of Italian children between the ages of 11 and 17 have received compensation for online activities. Nearly half of the children involved said they found work through their parents, indicating a strong link between child labour and the family context.

One of the main sources of economic exposure (and risk) is content creation by minors. Children and adolescents become influencers followed by hundreds of thousands of followers, often with the active support of their parents or agencies to promote clothing and accessory brands, typically through apps and micro-work platforms. However, these activities frequently take place without the formal prior authorisation required by Article 4-bis of Law No. 977/1967 (amended by Legislative Decree No. 345/1999): this provision requires the Labour Inspectorate to grant authorisation for artistic or cultural activities carried out by minors (see below, paragraph 3.1)². Furthermore, the internal rules of digital platforms (terms of service) are inconsistent and easily circumvented: the age of users is often falsified, rendering control systems ineffective.

The world of competitive gaming and e-sports is also attracting an increasing number of young people, often minors, who are recruited by professional teams, sponsored for online events or included in streaming platforms (Bevilacqua & Infante, 2025; Bevilacqua & Lepore, 2024; Ivaldi & Santagata, 2024; Lepore, Di Carluccio & Ghionni, 2025). These minors train intensively, participate in competitions and enter into contracts with teams, sponsors and streaming platforms, engaging in activities that, to all intents and purposes, constitute forms of work (Donini & Rota, 2025, p. 215 ff.). However, there is still no specific legislation governing access, conditions and protection in this emerging sector (Comes, 2024, p. 57 ff.; Di Carluccio, 2024, p. 1 ff.).

Given the increasing professionalisation of these activities, minors are involved in informal employment relationships, without any form of contract, insurance, social security or protection with regard to workloads. The absence of working hour limits, uncertain or inadequate remuneration, and the lack of distinction between free time and productive time constitute a condition of atypical exploitation, which can have negative impacts on the health, education and autonomy of minors. Furthermore, the widespread use of minors' images, personal data and performances for promotional purposes raises serious questions about the protection of minors' privacy, in contrast to the principles of protection enshrined in national and international legislation. The growing involvement of parents, agencies and platforms as intermediaries can sometimes generate psychological or economic pressure, in which minors are perceived as a productive resource rather than as individuals in need of protection. These situations therefore fuel borderline phenomena, straddling the line between play, entertainment and work, with consequences that go far beyond the economic sphere. Children who start working before reaching the legal age, and without the necessary safeguards, put their health and psychological

² Art. 4, Law No. 977/1967: «1. It is prohibited to employ children, except as provided for in paragraph 2; 2. The provincial labour office may authorise, subject to the written consent of the holders of parental authority, the employment of minors in cultural, artistic, sporting or advertising activities and in the entertainment sector, provided that such activities do not prejudice the safety, physical and mental integrity and development of the minor, school attendance or participation in guidance or vocational training programmes».

and physical well-being at risk, as well as their education and personal growth. This contributes to perpetuating a cycle of poverty and social exclusion that can continue into adulthood.

Early employment is often linked to the phenomenon of early school leaving, both as one of its causes and as a direct consequence.

Several studies confirm the negative impact of early (unregulated) work on education: 40.4% of 14- to 15-year-olds who work acknowledge that work interferes with their studies: they are more than twice as likely to fail or temporarily interrupt their schooling than their non-working peers (Non è un gioco, 2023).

More generally, according to ISTAT data, in 2021, 12.7% of young Italians between the ages of 18 and 24 left education prematurely, a percentage that exceeds the European Union average of 9.7% (ISTAT, 2022). A significant number of adolescents are involved in work activities during school hours, with obvious repercussions: irregular attendance, reduced time devoted to study and often unsatisfactory academic results. In many cases, these conditions culminate in a definitive departure from the education system and subsequent prolonged inactivity. Early child labour can therefore contribute to young people becoming NEETs (Not in Education, Employment or Training), one of the most significant problems facing the younger generation. In fact, it fuels social inequality and reinforces the mechanisms of inherited poverty. In Italy, in 2022, over 1.5 million young people between the ages of 15 and 29 – equal to 19% of the total – were in this situation, an alarming figure that is among the highest in Europe, second only to that recorded in Romania (Save the Children, 2022).

3. The Italian legal framework: established protections and emerging gaps

In Italy, the regulatory framework governing child labour is outlined primarily in Articles 34 and 37 of the Constitution (Treu, 1979, p. 204 ff.).

Article 34 establishes the right to compulsory and free education for at least eight years, creating a constraint that prevents children from entering the labour market at an early age. This provision is a fundamental safeguard to ensure equal educational opportunities and prevent the exploitation of young people. Article 37, on the other hand, although focused on female labour, introduces a principle of special protection for mothers and children, imposing on the ordinary legislator the obligation to set a minimum age for paid work and to adopt specific measures for the protection of child labour. Together, these provisions create a multi-level system of protection, combining the right to education with the principle of substantive equality and the need to avoid all forms of labour exploitation during childhood. The result is a regulatory framework that not only prohibits child labour before the completion of compulsory education but also imposes high standards of protection in cases where minors are admitted to work after reaching the minimum age.

Law No. 977 of 1967 deals more specifically with access to work (De Cristofaro, 1993, p. 473 ff.; Di Carluccio, 2022, p. 923 ff.; Pasqualetto, 2013, p. 21 ff.; Spagnuolo Vigorita, 1971, p. 643 ff.). It stipulates that access to work is only permitted from the age of 15, provided that compulsory schooling has been completed, which formally ends at the age of 16. The law distinguishes between children (under 15) and adolescents (15-18, no longer subject to compulsory schooling). Only minors aged 16 or over, and deemed fit for employment following a medical examination, may be admitted to work.

In practice, therefore, legitimate entry into the world of work is permitted from the age of 16, with specific exceptions for cultural, artistic, entertainment or advertising activities.

3.1 The protection of minors in cultural, artistic, sporting or advertising activities

Italian law provides specific regulations for the participation of minors, particularly those under the age of 14, in cultural, artistic, entertainment or advertising activities. Such participation does not always fall within the traditional boundaries of “work” in the strict sense but may nevertheless involve remunerated or work-like activities, exposing the minor to psychosocial and media risks. For this reason, the legislator has provided for special safeguards.

This is the context for Decree No. 218 of 20 November 2006 of the Ministry of Labour and Social Security, entitled “Determination of the limits and methods of employment of minors under the age of fourteen in cultural, artistic, sporting or advertising activities”. The decree implements Article 4, paragraph 2, of Law No. 977/1967 on the employment of children and adolescents, establishing that the participation of minors in such activities may be authorised on an exceptional basis, provided that certain safeguards are in place.

In particular, with regard to participation in television programmes or artistic and cultural activities, the decree establishes that the activity must be compatible with the personality and psycho-physical development of the minor; it must be authorised in advance by the competent Territorial Labour Directorate (now the National Labour Inspectorate); it must guarantee respect for the dignity, psycho-physical integrity and privacy of the minor. Furthermore, the conditions of participation must exclude any risk of exploitation, stress or media overexposure, while guaranteeing school attendance and the right to rest and play. Authorisation is granted on a case-by-case basis, taking into account the opinion of parents or guardians and, if necessary, social services. The aim is to balance the opportunity to participate in artistic experiences with effective protection of the person in training.

The inclusion of minors under the age of 14 in atypical work contexts, such as entertainment or the media, is therefore only permitted in exceptional cases, within a regulatory system that focuses on the principle of comprehensive protection of minors. Ministerial Decree 218/2006 complements constitutional and international standards (in particular the 1989 UN Convention on the Rights of the Child) to ensure that any work or partially similar activity is functional to the development of the minor, never detrimental to their integrity or subordinate to economic or media interests.

4. Disconnect between regulatory protection and socio-economic reality

Compliance with the regulatory threshold established by the legislator in relation to the minimum age for access to work is not fully implemented in practice. Despite explicit prohibitions and safeguards, a significant number of minors are still involved in work activities before reaching the legal age (Save the Children Italia, n.d.). These situations, which are often hidden and difficult to trace, occur in family, craft or informal contexts, where child labour takes ambiguous forms and escapes the control of the competent authorities.

Partial but indicative data comes from the research “Non è un gioco” (It’s not a game), conducted by Save the Children Italia in collaboration with the Di Vittorio Foundation, which estimates that approximately 336,000 minors between the ages of 7 and 15 have had at least one work experience, equal to 6.8% of the total for that age group (Save the Children Italia, 2023, p. 20 ff.). The figure becomes even more significant when one considers that 20% of respondents aged between 14 and 15 stated that they had worked despite not yet having reached the legal age: one in five adolescents. Among these, over 10% started working at the age of 11 or younger. Among 14-15-year-olds in work, 27.8% performed dangerous or potentially harmful activities, such as night shifts, continuous work during the school year or activities perceived as risky by the young people themselves.

Although not exhaustive, these figures clearly highlight the need to strengthen detection and control systems so that the phenomenon of child labour does not remain hidden and without adequate institutional attention. The absence of systematic monitoring tools contributes to making many situations of exploitation or irregularity invisible, preventing the full protection of the rights of children and adolescents.

In addition, existing regulatory instruments were designed for “traditional” work and do not take into account new digital modalities. At present, no Italian legislation expressly provides for rules on the employment of minors on digital platforms.

This regulatory gap is reflected in the limited effectiveness of safeguards and practical difficulties in applying the rules, making targeted legislative intervention necessary.

There are numerous regulatory issues that overlap with traditional ones and are compounded by specific problems.

The activities of minors as content creators or professional gamers, for example, do not easily fall within the definitions of subordinate or self-employed work provided for in the Civil Code.

There is no regulation for digital activities: the law does not distinguish between recreational and economically oriented activities, even in the case of profit. There are no rules governing maximum working hours, contractual arrangements or the rights to privacy of minors online.

As reported, supervisory mechanisms also remain inadequate: Labour Inspectorates are not equipped to monitor activities that take place exclusively online, often in the absence of formally identifiable employer; excessive workloads and prolonged digital working conditions can harm minor's health, while privacy violations and image exploitation are widespread, and exacerbated by media exposure; educational risks are equally significant, particularly regarding possible interference with the right to education, enshrined in Article 34 of the Constitution.

5. Towards a new paradigm: challenges and prospects for reform

In light of the critical issues outlined above, there is a clear need for a comprehensive review of the regulatory framework to address the specific characteristics of digital child labour.

The concept of work needs to be broadened to include activities that are not traditionally classified as such (Iervolino, 2021, p. 26 ff.; Rota, 2021, p. 1 ff.; Torsello, 2021, p. 52 ff.) but have similar effects in terms of exposure to the market, fatigue, stress and reduced time for study and play.

A separate category could be introduced into child labour law: digital work by minors, recognising the specific nature of these activities and regulates their duration, remuneration, responsibility and parental control.

It is necessary to introduce legislation regulating the prior authorisation of minors' online activities, the allocation of part of the proceeds to a restricted fund (as is the case for underage actors and models), and the protection of image and personal data, in accordance with EU Regulation 679/2016 (GDPR) and Italian privacy legislation.

Numerous cases in Italy show parents posting content of their minor children on social media to obtain sponsorships (so-called "sharenting")³. One of the first rulings on this issue in Italy was handed down by the Court of Rome (order of 23 December 2017): the judge ordered not only the removal of the images, but also the payment of a sum of money to the children. In the case examined, which is not an isolated one, a 16-year-old boy took action against his mother, who was overly inclined to write posts and comments about him on the web; since then, she has been unable to do so, under penalty of a fine of €10,000. The Data Protection Authority reiterated that the interests of the child must prevail over any economic interests of the parents. Furthermore, it clarified that the reference age and the limit above which minors can decide independently whether to publish content representing them is fourteen years of age, recognising their right to give valid consent, as the consent of both parents is required below this age threshold (Iadecola, 2025, p. 1 ff.)⁴.

An integrated surveillance system is needed. The National Labour Inspectorate, the Children's Ombudsman, the Data Protection Authority and digital platforms should collaborate through memoranda of understanding to monitor suspected cases of online child labour.

Finally, digital education should be permanently included in school curricula, not only as technical literacy, but also as training in digital citizenship, responsibility in online contexts and awareness of rights.

³ Among other bills, the Italian Senate is examining Bill No. 1136/2024 to protect minors from excessive online presence. Among other things, the bill allows social media accounts to be opened only after the age of 15.

⁴ Provision no. 10076481 of 13 November 2024, Data Protection Authority. This provision stipulates that the consent of both parents exercising parental responsibility is required even where the parents, although no longer living together, have been granted joint custody of their children.

6. Bill No. 1771/2024: a first step towards regulating digital child labour

With the aim of filling the existing regulatory gap, Bill No. 1771 was presented on 12 March 2024⁵. The bill aims to amend Law No. 977/1967 by extending it to the employment of minors on digital platforms.

The main points of the proposal are: temporary authorisation (max. 6 months) from the Labour Inspectorate for digital activities, renewable and subject to monitoring; extension of labour law to child influencers, with mandatory contracts and traceability of remuneration when income or duration thresholds are exceeded; protection of income, whereby remuneration must be paid into an account in the minor's name, managed by a guardian appointed by the court until the minor reaches the age of majority; right to be forgotten (minors who have reached the age of 14 must be able to request the removal of content, expressing effective consent to its publication). There are also plans to adopt a regulatory code for platforms, to be adopted jointly by AGCOM, the Children's Ombudsman and the Data Protection Authority⁶, as well as raising the age of digital consent from 14 to 16, with an amendment to the Italian Privacy Code (Legislative Decree No. 196/2003), in line with Article 8 of the GDPR.

The proposal is currently being examined by the Commission, and if approved, it would represent an important step towards a more modern regulatory framework that is more in line with digital challenges. France has already taken the lead over Italy (Rota & Vitaletti, 2023, p. 37 ff.). On 19 October 2020, it passed a pioneering law regulating the commercial exploitation of the image of children under the age of 16 on online platforms. This law was then supplemented in 2023 (Loi 9 juin 2023, n. 451 «visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux»).

The French law formally recognises the online activity of minors as work, assigning specific responsibilities to parents.

The law requires prior authorisation from the public authorities for minors to work online; financial protection with mandatory deposit of earnings into a restricted account; the right to be forgotten; and greater attention to the psychological and educational impact of online exposure.

7. Conclusions

Child labour in the digital age is not a marginal or residual phenomenon, but a concrete, widespread and rapidly changing challenge. As highlighted in this paper, the ways in which children participate in the digital economy – as content creators, professional gamers or influencers – often fall outside the traditional parameters of labour law, generating new forms of vulnerability and exploitation that are difficult to detect and protect against.

Italy has a solid regulatory framework, but one that is strongly anchored to a 20th-century conception of child labour, centred on physical environments and manual activities. There is therefore an urgent need for legislative reform that recognises the specific nature of the digital world, upholds the principles enshrined in international conventions and strengthens control and prevention mechanisms.

Labour law is now called upon to deal with hybrid, often informal forms of employment that oscillate between play and professional activity, between personal expression and economic production. The lack of legal classification of these activities leaves children and adolescents exposed to considerable risk in terms of health, education, safety and identity development.

⁵ See more. <https://www.camera.it/leg19/126?tab=&leg=19&idDocumento=1771>.

⁶ Meanwhile, on 23 July 2025, the Council of the Communications Regulatory Authority (Agcom) definitively approved the Guidelines and Code of Conduct for influencers. The Code applies to content creators defined as “relevant”, i.e. those who reach at least 500,000 followers or one million views per content. These influencers are treated as audiovisual media service providers, with the full application of the relevant regulations contained in Legislative Decree No. 208/2021. The Code stipulates that influencers under the age of 18 are subject to the relevant provisions in force, including the provisions of Law No. 977/1967. The rules for minors are reinforced to avoid subliminal or misleading messages (and penalties are increased in the event of violation of these rules).

It therefore appears necessary to initiate a process of regulatory review and institutional coordination aimed at integrating specific instruments for digital child labour into Italian legislation; provide clear and transparent rules for the contractualisation of minors in the digital sector, with particular attention, for example, to e-sports and content creation; define time limits and measures to protect health and psychological and physical well-being; strengthen the protection of minors' privacy and image rights; promote an integrated cross-sectoral approach involving inspection bodies, supervisory authorities, educational institutions and the digital platforms themselves.

Only through systemic intervention will it be possible to build an effective protection system capable of responding to the challenges posed by the digital economy, while respecting the fundamental principles enshrined in international conventions on the rights of children and adolescents.

The protection of minors must be reaffirmed as a guiding principle, including in the virtual space. In the absence of targeted interventions, there is a real risk that the creativity, expressiveness and digital freedom of young people will become “normalised” tools of exploitation, legitimised by a legal vacuum that can no longer be ignored.

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