Fair working conditions, rights and social protection for platform workers - New forms of employment linked to digital development

2019/2186(INI) - 16/09/2021 - Text adopted by Parliament, single reading

The European Parliament has adopted by 524 votes to 39, with 124 abstentions, a resolution on fair working conditions, rights and social protection for platform workers – new forms of employment linked to digital development.

Platform workers are usually officially classified as self-employed, although they do not have the level of professional independence of self-employed workers. As a result of this erroneous classification, many platform workers do not enjoy social protection, employment rights or health and safety provisions equivalent to those provided by an employment contract or employment relationship in their Member State.

European legal framework

Deploring the fact that EU legal instruments are often not applied to many platform workers, Parliament insisted on the need to **improve the working conditions of all platform workers** who work through digital labour platforms, including those who are genuinely self-employed.

Members believe that workers on digital labour platforms should have the **same rights and access to social protection** as workers in the same category who do not work via a platform, while respecting the diversity of national labour market models, the autonomy of social partners and national competences.

Parliament proposes to create a European framework that safeguards platform work with decent working conditions, while tackling precarious forms of platform work. This framework could be complemented by national legislation or collective bargaining agreements.

Reversal of the burden of proof

To facilitate the correct classification of platform workers, Members called on the Commission to introduce in its future proposal a **'rebuttable presumption' of an employment relationship** in the case of platform workers, combined with a reversal of the burden of proof. Thus, in the event of legal proceedings, it would be up to the employers to prove the absence of an employment relationship.

This presumption of an employment relationship should not lead to all platform workers being automatically considered as employees but should ensure that workers who are genuinely self-employed can remain so and continue to find work on platforms.

The Commission is invited to recognise the status of digital labour platforms either as employer, (temporary) employment agency or intermediary, linked to their sector of activity, in order to ensure all obligations a particular status entails.

Fair and transparent working conditions

When exploring ways to improve working conditions, the Commission should, inter alia, ensure that collective bargaining frameworks function properly, better enforce the prohibition of exclusivity clauses

and ensure that all platform workers are allowed to work on different platforms, ensure the portability of skills certifications and improve rights in case of restriction, suspension or termination by the platform by ensuring that all platform workers have the right to a prior reasoned statement.

The Commission should examine the extent to which existing EU law is applicable to the digital labour platform market and ensure its adequate implementation and enforcement.

A healthy and safe working environment

The resolution highlighted that platform workers may be exposed to increased health and safety risks, both for platform work carried out on site (road accidents, physical injuries caused by machinery or chemicals) and for platform work carried out online (ergonomics of computer workstations).

The Commission's proposal should therefore address the issue of occupational health and safety of platform workers and ensure that these workers can exercise their rights, including the right to disconnect, without suffering negative consequences. On-site platform workers should be provided with adequate **personal protective equipment** and transport and delivery workers should be guaranteed accident insurance.

Members believe that the coverage, adequacy and transparency of social protection systems should apply to all workers, including the self-employed. In addition, freedom of association and the right to collective bargaining should be guaranteed for all workers. The resolution also stressed the need for training to be provided to workers by the digital labour platform on the use of its website or application, the tasks to be performed and health and safety at work.

Algorithms and data management

Members stressed that the use of algorithms in the workplace must be **transparent, non-discriminatory, trustworthy and ethical** for workers. In particular, task assignment, ratings, deactivation procedures and pricing, as well as any changes to them, should be explained in an understandable way and communicated in a clear and up-to-date manner and be part of social dialogue.

Any algorithmic decisions should be ethical, accountable, contestable and, where appropriate, reversible. They should comply with the right not to be subject to a decision based solely on automated processing, which means that there must be **human oversight**. The Commission and the Member States are invited to ensure appropriate protection of platform workers' rights and well-being, such as non-discrimination, privacy, autonomy and human dignity in the use of AI and algorithmic management.