Improving working conditions of persons working through digital labour platforms

2021/0414(COD) - 11/11/2024 - Final act

PURPOSE: improve the working conditions of people working through digital platforms.

LEGISLATIVE ACT: Directive (EU) 2024/2831 of the European Parliament and of the Council on improving working conditions in platform work.

CONTENT: this directive seeks to **improve working conditions and the protection of personal data in platform work** by:

- introducing measures to facilitate the determination of the correct employment status of persons performing platform work;

- promoting transparency, fairness, human oversight, safety and accountability in algorithmic management in platform work; and

- improving transparency with regard to platform work, including in cross-border situations.

Employment status

Member States will have appropriate and effective procedures in place to verify and ensure the determination of the correct employment status of persons performing platform work.

The contractual relationship between a digital labour platform and a person performing platform work through that platform will be **legally presumed** to be an employment relationship where facts indicating direction and control, in accordance with national law, collective agreements or practice in force in the Member States and with consideration to the case-law of the Court of Justice, are found. Where the digital labour platform seeks to **rebut the legal presumption**, it will be for the digital labour platform to prove that the contractual relationship in question is not an employment relationship.

Persons working in digital platforms, their representatives or national authorities may invoke this legal presumption and claim they are misclassified it is up to the digital platform to prove that there is no employment relationship.

Moreover, Member States will provide **guidance** to digital platforms and national authorities when the new measures are being put in place. They will also provide for effective controls and inspections conducted by national competent authorities.

Algorithmic management

The directive ensures that workers are duly informed about the use of **automated monitoring and decision-making systems** regarding their recruitment, their working conditions and their earnings, among other things.

It also bans the use of automated monitoring or decision-making systems for the processing of certain types of personal data of persons performing platform work, such as:

- biometric data or their emotional or psychological state;

- any personal data in relation to private conversations, including exchanges with other persons performing platform work and the representatives of persons performing platform work;

- data to predict the exercise of fundamental rights, including the freedom of association, the right of collective bargaining and action or the right to information and consultation as laid down in the Charter;

- any personal data to infer the racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, emotional or psychological state, trade union membership, sex life or sexual orientation.

Transparency with regard to automated monitoring systems

Member States will require digital labour platforms to inform persons performing platform work, platform workers' representatives and, upon request, national competent authorities, of the use of automated monitoring systems or automated decision-making systems. Digital labour platforms will provide the information in the form of a written document, which may be in electronic form. The information will be presented in a transparent, intelligible and easily accessible form, using clear and plain language.

Human oversight

The directive guarantees human oversight and evaluation regarding automated decisions, including the right to have those decisions explained and reviewed.

Safety and health

Digital labour platforms will evaluate the risks of automated monitoring or decision-making systems to their safety and health, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks.

Access to information

Digital work platforms will be required to **declare** work performed by platform workers to the competent authorities of the Member State in which the work is performed. They will make the following **information** available to the competent authorities and to representatives of persons performing platform work: (i) the number of persons performing platform work through the digital labour platform concerned disaggregated by level of activity and their contractual or employment status; (ii) the general terms and conditions, determined by the digital labour platform and applicable to those contractual relationships; (iii) the average duration of activity, the average weekly number of hours worked per person and the average income from activity of persons performing platform work on a regular basis through the digital labour platform concerned.

ENTRY INTO FORCE: 1.12.2024.

TRANSPOSITION: 2.12.2026 at the latest.