Basic information

2019/2186(INI) INI - Own-initiative procedure	Procedure completed
Fair working conditions, rights and social protection for platform workers - New forms of employment linked to digital development **Subject** 3.30.06 Information and communication technologies, digital technologies 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	BRUNET Sylvie (Renew)	20/02/2020
	Shadow rapporteur RADTKE Dennis (EPP) GUALMINI Elisabetta (S&D) VAN SPARRENTAK Kim (Greens/EFA) ZALEWSKA Anna (ECR) BILDE Dominique (ID)	

Committee for opinion	Rapporteur for opinion	Appointed
TRAN Transport and Tourism	VIND Marianne (S&D)	09/01/2020

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	SCHMIT Nicolas

Key events

Date	Event	Reference	Summary
19/12/2019	Committee referral announced in Parliament		
14/07/2021	Vote in committee		
27/07/2021	Committee report tabled for plenary	A9-0257/2021	

13/09/2021	Debate in Parliament		
15/09/2021	Results of vote in Parliament		
16/09/2021	Decision by Parliament	T9-0385/2021	Summary

Technical information	
Procedure reference	2019/2186(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/01674

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE657.498	09/02/2021	
Amendments tabled in committee		PE689.807	25/03/2021	
Committee opinion	TRAN	PE663.114	20/04/2021	
Committee report tabled for plenary, single reading		A9-0257/2021	27/07/2021	
Text adopted by Parliament, single reading		T9-0385/2021	16/09/2021	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2021)787	10/02/2022	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
VILLUMSEN Nikolaj	Committee chair	EMPL	20/01/2022	Fagbevægelsens Hovedorganisation

Other Members

Transparency

Name	Date	Interest representatives
VILLUMSEN Nikolaj	15/12/2021	EUROPEAN TRADE UNION CONFEDERATION
VILLUMSEN Nikolaj	17/11/2021	Fagligt Fælles Forbund
VILLUMSEN Nikolaj	25/01/2021	BOLT

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.