Basic information

2021/0414(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Improving working conditions of persons working through digital labour platforms **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 **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	GUALMINI Elisabetta (S&D)	02/02/2022
	Shadow rapporteur RADTKE Dennis (EPP) ĎURIŠ NICHOLSONOVÁ Lucia (Renew) VAN SPARRENTAK Kim (Greens/EFA) ZALEWSKA Anna (ECR) LIZZI Elena (ID) CHAIBI Leila (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
TRAN Transport and Tourism	DELLI Karima (Greens/EFA)	03/10/2022

Council of the European Union

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	SCHMIT Nicolas

European Economic and Social Committee
European Committee of the Regions

Key events

Date	Event	Reference	Summary
09/12/2021	Legislative proposal published	COM(2021)0762	Summary
17/01/2022	Committee referral announced in Parliament, 1st reading		
12/12/2022	Vote in committee, 1st reading		
12/12/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/12/2022	Committee report tabled for plenary, 1st reading	A9-0301/2022	Summary
16/01/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
02/02/2023	Results of vote in Parliament		
02/02/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
19/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.913 GEDA/A/(2024)001446	
24/04/2024	Results of vote in Parliament		
24/04/2024	Decision by Parliament		
14/10/2024	Act adopted by Council after Parliament's 1st reading		
23/10/2024	Final act signed		
11/11/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0414(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 116-p2 Treaty on the Functioning of the European Union TFEU 153-p2 Treaty on the Functioning of the European Union TFEU 153-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/07945

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE731.497	03/05/2022	
Amendments tabled in committee		PE732.875	10/06/2022	
Amendments tabled in committee		PE732.905	10/06/2022	
Amendments tabled in committee		PE732.906	10/06/2022	
Committee opinion	TRAN	PE732.626	10/10/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0301/2022	23/12/2022	Summary
Text agreed during interinstitutional negotiations		PE759.913	11/03/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0330/2024	24/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)001446	11/03/2024	
Draft final act	00089/2024/LEX	23/10/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0762	09/12/2021	Summary
Document attached to the procedure	SEC(2021)0581	09/12/2021	
Document attached to the procedure	SWD(2021)0395	09/12/2021	
Document attached to the procedure	SWD(2021)0396	09/12/2021	
Document attached to the procedure	SWD(2021)0397	09/12/2021	
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Reasoned opinion	SE_PARLIAMENT	PE730.018	06/04/2022	
Contribution	FR_SENATE	COM(2021)0762	24/10/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary

EESC	Economic and Social Committee: opinion, report	CES0256/2022	23/03/2022	
CofR	Committee of the Regions: opinion	CDR0155/2022	29/06/2022	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

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**
CHAIBI Leila	Shadow rapporteur	EMPL	01/10/2024	Corporate Europe Observatory European Digital Rights
CHAIBI Leila	Shadow rapporteur	EMPL	26/09/2024	ARTICLE 19 Access Now Europe European Digital Rights
CHAIBI Leila	Shadow rapporteur	EMPL	05/09/2024	European Transport Workers' Federation
GUALMINI Elisabetta	Rapporteur	EMPL	06/12/2023	Just Eat Takeaway.com N.V.
RADTKE Dennis	Shadow rapporteur	EMPL	21/11/2023	Verband der Privaten Bausparkassen e.V.
CHAIBI Leila	Shadow rapporteur	EMPL	08/11/2023	FNV
GUALMINI Elisabetta	Rapporteur	EMPL	27/09/2023	Confederación Sindical de Comisiones Obreras Just Eat Takeaway.com N.V. UNIÓN GENERAL DE TRABAJADORES DE ESPAÑA
RADTKE Dennis	Shadow rapporteur	EMPL	06/09/2023	Representación Permanente de España en la Unión Europea
RADTKE Dennis	Shadow rapporteur	EMPL	13/07/2023	Deutscher Verband der freien Übersetzer und Dolmetscher e. V.
RADTKE Dennis	Shadow rapporteur	EMPL	13/07/2023	Bundesverband Taxi und Mietwagen e.V.
CHAIBI Leila	Shadow rapporteur	EMPL	20/02/2023	Justice Catalyst
CHAIBI Leila	Shadow rapporteur	EMPL	20/02/2023	Justice Catalyst
RADTKE Dennis	Shadow rapporteur	EMPL	16/02/2023	Lieferando
VAN SPARRENTAK Kim	Shadow rapporteur	EMPL	31/01/2023	Avaaz Foundation
RADTKE Dennis	Shadow rapporteur	EMPL	07/12/2022	European Transport Workers' Federation
RADTKE Dennis	Shadow rapporteur	EMPL	01/12/2022	Bundesverband Direktvertrieb Deutschland e.V.
RADTKE Dennis	Shadow rapporteur	EMPL	25/11/2022	EUROPEAN TRADE UNION CONFEDERATION

RADTKE Dennis	Shadow rapporteur	EMPL	21/11/2022	Bundesverband Taxi und Mietwagen e.V.
VIND Marianne	Rapporteur for opinion	TRAN	16/11/2022	Nordic Logistics Association
RADTKE Dennis	Shadow rapporteur	EMPL	27/10/2022	Deutsche Sozialversicherung Arbeitsgemeinschaft Europa
RADTKE Dennis	Shadow rapporteur	EMPL	27/10/2022	Bundesverband Taxi und Mietwagen e.V.
CHAIBI Leila	Shadow rapporteur	EMPL	26/10/2022	3F
RADTKE Dennis	Shadow rapporteur	EMPL	20/10/2022	Yoummday
CHAIBI Leila	Shadow rapporteur	EMPL	19/10/2022	European Youth Forum
RADTKE Dennis	Shadow rapporteur	EMPL	19/10/2022	European Tech Alliance (EUTA)
CHAIBI Leila	Shadow rapporteur	EMPL	18/10/2022	EU Tech Alliance
RADTKE Dennis	Shadow rapporteur	EMPL	11/10/2022	DAHAG Rechtsservices AG
CHAIBI Leila	Shadow rapporteur	EMPL	30/09/2022	CITUB
CHAIBI Leila	Shadow rapporteur	EMPL	29/09/2022	OBG
RADTKE Dennis	Shadow rapporteur	EMPL	08/09/2022	Temper
CHAIBI Leila	Shadow rapporteur	EMPL	06/09/2022	FedEx Express BE BV
RADTKE Dennis	Shadow rapporteur	EMPL	12/07/2022	Deutsche Sozialversicherung Europavertretung
CHAIBI Leila	Shadow rapporteur	EMPL	29/06/2022	Yoummday
RADTKE Dennis	Shadow rapporteur	EMPL	23/06/2022	Finland’s Deputy Permanent Representative
RADTKE Dennis	Shadow rapporteur	EMPL	23/06/2022	United Federation of Workers in Denmark
RADTKE Dennis	Shadow rapporteur	EMPL	23/06/2022	European Express Association (EEA)
RADTKE Dennis	Shadow rapporteur	EMPL	23/06/2022	Deutscher Gewerkschaftsbund
RADTKE Dennis	Shadow rapporteur	EMPL	22/06/2022	EUROPEAN TRADE UNION CONFEDERATION
RADTKE Dennis	Shadow rapporteur	EMPL	22/06/2022	Business Europe
RADTKE Dennis	Shadow rapporteur	EMPL	21/06/2022	Ceemet (the European tech and industry employers’ organisation)
CHAIBI Leila	Shadow rapporteur	EMPL	16/06/2022	Solidar
METZ Tilly	Shadow rapporteur for opinion	TRAN	13/06/2022	European Transport Workers' Federation
VIND Marianne	Rapporteur for opinion	TRAN	07/06/2022	Dansk Arbejdsgiverforening
METZ Tilly	Shadow rapporteur for opinion	TRAN	01/06/2022	Delivery Platforms Europe
VIND Marianne	Rapporteur for opinion	TRAN	19/05/2022	EUROPEAN TRADE UNION CONFEDERATION
METZ Tilly	Shadow rapporteur for opinion	TRAN	19/05/2022	Bolt
CHAIBI Leila	Shadow rapporteur	EMPL	19/05/2022	EUROPEAN TRADE UNION CONFEDERATION

RADTKE Dennis	Shadow rapporteur	EMPL	18/05/2022	European Youth Forum
RADTKE Dennis	Shadow rapporteur	EMPL	18/05/2022	Austausch Bundesverband für selbständige Wissensarbeit e.V.
VIND Marianne	Rapporteur for opinion	TRAN	11/05/2022	Nordic Logistics Association
RADTKE Dennis	Shadow rapporteur	EMPL	11/05/2022	Östereichischer Gewerkschaftsbund
RADTKE Dennis	Shadow rapporteur	EMPL	11/05/2022	LT Drivers and Couriers
RADTKE Dennis	Shadow rapporteur	EMPL	11/05/2022	Move EU - The European Association of On-Demand Mobility
CHAIBI Leila	Shadow rapporteur	EMPL	10/05/2022	World Employment Confederation-Europe
CHAIBI Leila	Shadow rapporteur	EMPL	09/05/2022	Independant.co
VIND Marianne	Rapporteur for opinion	TRAN	05/05/2022	EUROPEAN TRADE UNION CONFEDERATION
ĎURIŠ NICHOLSONOVÁ Lucia	Shadow rapporteur	EMPL	27/04/2022	EUROPEAN TRADE UNION CONFEDERATION
CHAIBI Leila	Shadow rapporteur	EMPL	25/04/2022	ETUC
CHAIBI Leila	Shadow rapporteur	EMPL	19/04/2022	Gorillas
GUALMINI Elisabetta	Rapporteur	EMPL	12/04/2022	Council of European Employers of the Metal, Engineering and Technology-based Industries Deliveroo Delivery Platforms Europe Direct Selling Europe European Federation of Food, Agriculture and Tourism Trade Unions European Youth Forum FREENOW HOTREC, Hotels, Restaurants & Cafés in Europe Smart UNI Europa Österreichischer Gewerkschaftsbund
CHAIBI Leila	Shadow rapporteur	EMPL	04/04/2022	Independants.co
CHAIBI Leila	Shadow rapporteur	EMPL	31/03/2022	Heetch (Heetch)
CHAIBI Leila	Shadow rapporteur	EMPL	31/03/2022	Heetch (Heetch)
ĎURIŠ NICHOLSONOVÁ Lucia	Shadow rapporteur	EMPL	30/03/2022	BUSINESSEUROPE
GUALMINI Elisabetta	Rapporteur	EMPL	29/03/2022	BUSINESSEUROPE Bolt Confederazione Cooperative Italiane Delivery Hero SE Delivery Platforms Europe EUROPEAN TRADE UNION CONFEDERATION European Confederation of Workers' Cooperatives, Social Cooperatives and Social and Participative Enterprises Move EU - The European Association of On-Demand Mobility SOLIDAR The Adecco Group Uber Wolt Enterprises World Employment Confederation-Europe
CHAIBI Leila	Shadow rapporteur	EMPL	25/03/2022	Flink

CHAIBI Leila	Shadow rapporteur	EMPL	22/03/2022	IWGB
CHAIBI Leila	Shadow rapporteur	EMPL	11/03/2022	Just Eat Takeaway.com N.V.
RADTKE Dennis	Shadow rapporteur	EMPL	06/10/2021	Move EU (Bolt, Free Now & Uber)
RADTKE Dennis	Shadow rapporteur	EMPL	14/04/2021	International Labour Organisation
RADTKE Dennis	Shadow rapporteur	EMPL	11/03/2021	Bitkom e.V.
RADTKE Dennis	Shadow rapporteur	EMPL	04/03/2021	Uber
RADTKE Dennis	Shadow rapporteur	EMPL	12/11/2019	Zenjob

Other Members

Transparency		
Name	**Date**	**Interest representatives**
JONGERIUS Agnes	22/01/2024	FNV
JONGERIUS Agnes	12/12/2023	FNV
LEXMANN Miriam	16/11/2023	Bitkom e.V.
JONGERIUS Agnes	24/10/2023	FNV
JONGERIUS Agnes	12/07/2023	FNV
FRANSSEN Cindy	18/01/2023	ETUC
WALSH Maria	12/01/2023	Deliveroo
JONGERIUS Agnes	14/12/2022	Vereniging VNO-NCW
FRANSSEN Cindy	13/12/2022	Europese Commissie
BRUNET Sylvie	09/12/2022	JustEat Takeaway
LENAERS Jeroen	07/12/2022	European Transport Workers' Federation
WALSH Maria	06/12/2022	FREENOW
BRUNET Sylvie	23/11/2022	European Transport Workers' Federation
VIND Marianne	23/11/2022	IRU
JONGERIUS Agnes	23/11/2022	IRU
VILLUMSEN Nikolaj	22/11/2022	EUROPEAN TRADE UNION CONFEDERATION
WALSH Maria	15/11/2022	Deliveroo
BISCHOFF Gabriele	11/11/2022	Vorwerk SE & Co. KG
BISCHOFF Gabriele	31/10/2022	Bundesverband Taxi und Mietwagen e.V.
LENAERS Jeroen	27/10/2022	CNV
BRUNET Sylvie	26/10/2022	FREENOW
GEUKING Helmut	19/10/2022	Herr Pilgram Wolt, Laurin Sepoetro Wolt Dr. Robert Lokaiczyk, CEO von appJobber
ORVILLE Max	19/10/2022	FREENOW
AVRAM Carmen	18/10/2022	TAZZ Romania
LENAERS Jeroen	14/10/2022	FNV
WALSH Maria	12/10/2022	Ceemet

VIND Marianne	12/10/2022	3F Bruxelles
BRUNET Sylvie	12/10/2022	Europtimum Conseil
SKYTTEDAL Sara	10/10/2022	Almega
JONGERIUS Agnes	29/09/2022	Vereniging VNO-NCW
AVRAM Carmen	19/09/2022	EMAG Romania
JONGERIUS Agnes	15/09/2022	ETUC
BISCHOFF Gabriele	15/09/2022	DGB
FRANSSEN Cindy	07/09/2022	ACV
JONGERIUS Agnes	12/07/2022	FNV
VILLUMSEN Nikolaj	10/06/2022	Fagligt Fælles Forbund Blik og Rør Byggefagenes Samvirke
BRUNET Sylvie	02/06/2022	Deliveroo
BRUNET Sylvie	02/06/2022	Europtimum Conseil
LENAERS Jeroen	25/05/2022	Public Matters Temper
JONGERIUS Agnes	19/05/2022	ETUC
VILLUMSEN Nikolaj	19/05/2022	EUROPEAN TRADE UNION CONFEDERATION
LEXMANN Miriam	17/05/2022	Wolt Enterprises
BRUNET Sylvie	16/05/2022	TAXIS 4 SMART MOBILITY
PLUMB Rovana	11/05/2022	Delivery Platforms Europe
BRUNET Sylvie	27/04/2022	TaskRabbit Inc
JONGERIUS Agnes	25/04/2022	Academic experts
AL-SAHLANI Abir	06/04/2022	Teknikföretagen
WALSH Maria	30/03/2022	Deliveroo
LENAERS Jeroen	30/03/2022	Move EU - The European Association of On-Demand Mobility
JONGERIUS Agnes	30/03/2022	Academic experts
WALSH Maria	30/03/2022	Deliveroo
VILLUMSEN Nikolaj	25/03/2022	HK Danmark
JONGERIUS Agnes	08/03/2022	ETUC
JONGERIUS Agnes	02/03/2022	Academic experts
JONGERIUS Agnes	19/01/2022	Move EU
JONGERIUS Agnes	18/01/2022	Committee of Regions
JONGERIUS Agnes	14/12/2021	ETUC
JONGERIUS Agnes	09/12/2021	SOLIDAR
JONGERIUS Agnes	05/11/2021	FNV
JONGERIUS Agnes	15/10/2021	ETUC
BISCHOFF Gabriele	06/05/2021	Wolt Enterprises
BISCHOFF Gabriele	29/03/2021	Bundesverband Taxi und Mietwagen

Final act

Directive 2024/2831
OJ OJ L 11.11.2024

Summary

Corrigendum to final act 32024L2831R(01)
OJ OJ L 28.02.2025

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.

Improving working conditions of persons working through digital labour platforms

2021/0414(COD) - 09/12/2021 - Legislative proposal

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

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the digital transition, accelerated by the COVID-19 pandemic, is shaping the EU economy and its labour markets. Digital labour platforms have become an important part of this emerging new social and economic landscape. Today, more than **28 million people in the EU** work through digital labour platforms, and it is estimated that there will be 43 million by 2025.

It is estimated that nine out of ten platforms active in the EU currently are estimated to classify people working through them as self-employed. While most of these people are truly autonomous in their work, many are in a **subordinate relationship to the platforms**, for example in terms of pay levels or working conditions.

Digital labour platforms use automated systems to match supply and demand for work. These practices, often referred to as ‘algorithmic management’, sometimes mask the existence of subordination and control by the digital labour platform over the people doing the work. It is also felt that difficulties in enforcement and lack of traceability and transparency, particularly in cross-border situations, sometimes exacerbate poor working conditions or inadequate access to social protection.

This proposal follows the Commission's commitment to examine ‘ways to improve the labour conditions of platform workers’ and supports the implementation of the European Pillar of Social Rights Action Plan.

CONTENT: the proposal aims to **improve the working conditions of persons performing work via a platform** by: (i) ensuring a correct employment status; (ii) promoting transparency, fairness and accountability in the algorithmic management of platform work and (iii) improving the transparency of platform work, including in cross-border situations.

Employment status

The proposed directive aims to ensure that people performing work through digital platforms are granted the legal employment status corresponding to their actual working arrangements. It provides a **list of criteria for checking whether the platform is an ‘employer’**. If the platform meets at least two of these criteria, it would be legally presumed to be an employer.

Those who, as a result of correct determination of their employment status, will be recognised as workers will enjoy improved working conditions – including health and safety, employment protection, statutory or collectively bargained minimum wages and access to training opportunities – and gain access to social protection according to national rules.

The proposal also provides for a **legal presumption** of an employment relationship (including a reversal of the burden of proof) for persons working through digital labour platforms that control certain elements of the performance of work. Platforms would be allowed to rebut this legal presumption but would then have to prove the absence of an employment relationship under national definitions.

This framework is expected to benefit both the false and the genuine self-employed working through digital labour platforms.

Algorithmic management

The proposal ensures the right to transparency regarding the use and operation of automated monitoring and decision-making systems, as well as **human monitoring** of the impact of automated systems on working conditions, so as to protect workers' fundamental rights and health and safety at work. It also provides for appropriate channels to discuss and request a review of automated decisions. These new rights will be granted to both employed and genuinely self-employed workers.

Enforcement, transparency and traceability

The proposal aims to improve transparency and traceability of platform work to support competent authorities in enforcing existing rights and obligations in relation to working conditions and social protection. It clarifies the obligation of digital labour platforms which are employers to **declare platform work to the competent authorities of the Member State** where it is performed.

The proposed Directive will also improve labour and social protection authorities' knowledge of which digital labour platforms are active in their Member State by giving those authorities access to relevant basic information on the number of people working through digital labour platforms, their employment status and their standard terms and conditions.

The Commission estimates that actions to tackle the risk of misclassification should lead to between **1.72 and 4.1 million people** being reclassified as employees. 484 million, as they would be covered by sectoral laws and/or collective agreements.

Improving working conditions of persons working through digital labour platforms

2021/0414(COD) - 23/12/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Elisabetta GUALMINI (S&D, IT) on the proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Correct determination of the employment status

The report stated that Member States should have appropriate and effective procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to applying the presumption of an employment relationship for the purpose of ascertaining the existence of such a relationship as defined by applicable law, collective agreements or practice in force in the Member States.

Legal presumption

A person performing platform work should be either a **platform worker** or a **genuinely self-employed person**. The contractual relationship between a digital labour platform and a person performing platform work through that platform should be legally presumed to be an employment

relationship and therefore digital labour platforms should be presumed to be employers. To that effect, Member States should establish a framework of measures, in accordance with their national legal and judicial systems, in order to ensure that the legal presumption can be relied upon

by competent authorities and bodies that verify compliance with or enforce relevant legislation as well as by persons performing platform work and their representatives.

Member States should provide for an **inspection** by labour inspectorates or the bodies responsible for the enforcement of labour law every time a person performing platform work is newly recognised as platform worker, within one month of such recognition, in order to verify the status of the other persons performing platform work for the same digital labour platform.

Algorithmic management

Members consider that the use of algorithmic scheduling systems heightens the use of precarious, short shifts and unstable and unpredictable schedules. Algorithm-based technologies may produce power imbalances and opacity about decision-making, as well as technology-enabled surveillance which could exacerbate discriminatory practices and entail risks for privacy, workers´ health and safety and human dignity and may lead to adverse consequences for working conditions and the exploitation of workers.

Algorithmic management that entails automated decision-making that has significant effects on individuals without input from human managers is unlawful under Union law

Human oversight of automated systems

The committee report stresses, in this regard, that Member States should ensure that digital labour platforms provide for human oversight of all decisions affecting working conditions. Digital labour platforms should evaluate the risk of discrimination resulting from decisions taken by those systems, including in replicating gender, racial and other social biases in the selection and treatment of different groups.

Human review of decisions significantly affecting working conditions

Member States should ensure that platform workers have the right to receive an explanation from the digital labour platform for any decision taken or supported by an automated decision-making system that significantly affects the platform worker's working conditions. The explanation should be presented in a transparent and intelligible manner, using clear and plain language in due time and at the latest on the first day of application of the decision.

Cooperation in cross-border cases

The report states that competent labour, social protection and tax authorities should exchange information with respect to persons performing platform work in a Member State different from that in which the digital labour platform is established. For cases having a cross-border relevance, the European Labour Authority should facilitate and support cooperation between the competent national authorities in charge of monitoring the enforcement of labour mobility and social security coordination legislation.

Subcontracting liability

In order to prevent undeclared work as well as the misuse of subcontracting (such as rented identities to migrants or minors) as a means by which to circumvent this Directive, Member States should introduce legal provisions on subcontracting that provide for joint and several liability and effective access to redress across subcontracting chains, ensuring that the contractors in a subcontracting chain may be held liable to pay wages, social security contributions and financial penalties in addition to or in place of the direct employer.

Improving working conditions of persons working through digital labour platforms

2021/0414(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 554 votes to 56, with 24 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

The purpose of this Directive is to improve working conditions and the protection of personal data in platform work by: (a) introducing measures to facilitate the correct determination of the **employment status** of persons performing platform work; (b) promoting **transparency, fairness, human oversight, safety and accountability** in algorithmic management in platform work; and (c) improving transparency in platform work, including in cross-border situations.

Presumption of employment relationship

Member States should have appropriate and effective procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship. The contractual relationship between a digital labour platform and a person performing platform work through that platform should be **legally presumed** to be an employment relationship when facts indicating control and direction, according to national law, collective agreements or practice in force in the Member States are found. Where the digital labour platform seeks to rebut the legal presumption, it should be for the digital labour platform to prove that the contractual relationship in question is not an employment relationship.

Member States should develop appropriate guidance, including in the form of **concrete and practical recommendations**, for digital labour platforms, persons performing platform work and the social partners to understand and implement the legal presumption including on the procedures for rebutting it.

Algorithmic management

Digital labour platforms should not, by means of **automated monitoring systems** and by means of any automated system used to support or take decisions affecting persons performing platform work, process any personal data on the emotional or psychological state of the person performing platform work, process any personal data in relation to their private conversations, collect any personal data while the person performing platform work is not offering or performing platform work, process any personal data to predict the exercise of fundamental rights, including the right of association, the right of collective bargaining and action or the right to information and consultation, as defined in the Charter. It should not process personal data to infer racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, the emotional or psychological state, trade union membership, a person's sex life or sexual orientation.

Digital labour platforms should oversee and, with the involvement of workers' representatives, regularly, and in any event every two years, carry out an evaluation of, the impact of individual decisions taken or supported by automated monitoring and decision-making systems.

Persons performing platform work should receive concise information about the systems and their features that directly affect them, including their working conditions where applicable, at the latest on the first working day, prior to the introduction of changes affecting working conditions, the organisation of work or monitoring work performance, or at any time upon their request.

Any decision to restrict, suspend or terminate the contractual relationship or the account of a person performing platform work or any other decision of equivalent detriment should be **taken by a human being**.

Safety and health

Digital labour platforms should: (i) **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; (ii) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment; (iii) introduce appropriate preventive and protective measures.

Where there are no representatives of platform workers, Member States should ensure that digital labour platform directly inform the platform workers concerned on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring or decision-making systems.

Access to information

Digital work platforms should make the following information available to the competent authorities and to representatives of persons performing platform work:

- the number of persons performing platform work through the digital labour platform concerned disaggregated by level of activity and their contractual or employment status;

- the general terms and conditions, determined by the digital labour platform and applicable to those contractual relationships;

- 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;

- the intermediaries the digital labour platform has a contractual relationship with.