

Platform economy and precarious work: Mitigating risks

KEY FINDINGS

Recent research consistently points to the **unclear employment status of platform workers as the main challenge in platform work**, given that platform work is performed in a triangular relationship and platform workers enjoy considerable flexibility. Platforms typically specify that workers are self-employed, irrespective of the conditions under which they work. This may be a misclassification. There is also consensus among stakeholders and researchers that platform workers, above all, those in online and lower-skilled platform work, face **aggravated** risks (e.g. contractual terms, working conditions).

To address the unclear status challenge in the longer-term, researchers agree on the **need for a more uniform and broader definition of 'worker' across the EU**, which would take economic dependency into account. Further, proactive and increased enforcement of CJEU rulings on the current EU concept of 'worker' **by national enforcement agencies** may in the shorter run contribute to reducing bogus self-employment and undeclared work. The **European Labour Authority** can play a key role here.

Whereas the European Commission (2020) study reaffirms that all **EU labour legislation needs to be modernised, other literature looks at the medium-term and proposes two main legislative pathways to tackle** the challenges of platform work in the medium run:

- (i) Based on the Employment chapter and Art. 153(2)(b) and Art. 153(1)(b) TFEU, **a directive on fair working** conditions in the platform economy with a rebuttable presumption that the platform worker is employed as worker, a **single directive ensuring equal treatment between all forms of non-standard work and standard work** or an **adjusted Temporary Work Agency directive** for online crowdwork;
- (ii) Based on the internal market chapter and Art. 114 TFEU, a **regulation** on the **digital services** facilitated by **online (work intermediation) platforms**, regulating some fundamental rights and obligations concerned with the contractual relationship and use of data, applicable to all users (platform workers regardless of their employment status and clients regardless of their status as consumer or undertaking).

The OECD and the European Parliament (2020) studies consider **uniform reporting by the platforms** to the Member States on the transactions they facilitate as a key priority including the development of model rules for reporting. Other measures, widely supported by **all stakeholders** including policymakers, social partners and platforms, are **new ways of social dialogue, global collective agreements with global platforms** and the **adoption of Codes of conduct**.

To conclude, a multi-pronged, well-coordinated and monitored European policy approach is needed to mitigate adverse effects of platform work.



Introduction

Platform work is paid work that is **intermediated or facilitated by an online platform** and carried out **on-location** [e.g. food delivery on Foodora (*lower-skilled*), repair work on Handy (*higher-skilled*)] or **online** [e.g. microwork on Amazon Mechanical Turk (*lower-skilled*), graphic design on the freelance platform Upwork (*higher-skilled*)].

Platform work is **high on the public and policy agenda** in the European Union. In 2016, the Commission [*Communication on a European agenda on collaborative platform*](#) underlined that platform work blurs the boundaries between consumers and providers and between employees and the self-employed, challenging regulatory frameworks. In 2017, the European Parliament called for action in its resolutions on the [*European Pillar of Social Rights*](#) and on [*online platforms and the digital single market*](#). Recent EU policy initiatives, such as the [*Directive on Transparent and Predictable Working Conditions*](#) (TPWC), and the [*Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services*](#) (P2B) apply to some platform workers and increase transparency. In its [*Work Programme 2020*](#), the European Commission reiterates the need to improve labour conditions for platform workers (without specifying any envisaged actions), while announcing the adoption of a digital services act in the course of 2020). Shortly after the outbreak of the COVID-19 crisis in spring 2020, the European Parliament issued a [*written question*](#) to the European Commission, expressing its concerns on the health and labour protection of platform workers in the food delivery sector and inquiring whether a policy proposal would be presented soon.

The **objective of this briefing** is to present an overview of recent literature with a focus on policy recommendations. Thus, it feeds into the ongoing policy discussion on **how to best mitigate the risks of platform work**. It complements an analysis for the European Parliament entitled '*Platform economy and precarious work*' (forthcoming in July 2020).

Risks of platform work: Findings from recent research

International policy and research papers from organisations such as OECD and ILO have consistently viewed the emergence of platform work as part of a larger **global trend towards the digitalisation of the economy and labour markets**. A recent study for the European Commission¹ notes that the **rise of global platforms**, such as transportation platform Uber or microtask platform Amazon Mechanical Turk, is posing **significant challenges to the existing legislative frameworks and to traditional incumbents**. Policymakers and social partners have warned that this may cause **unfair competition or an unlevel playing field in several ways**:

- The services that **digital platforms intermediate or provide may be very similar to those of their traditional counterparts**, such as traditional businesses active in the same sector (e.g. taxi firms), or those of 'traditional' temporary or private employment agencies;
- Global platforms based outside of the EU may evade taxes and may not comply with the national and European regulations in place, pointing at the need to ensure **fair competition between multinationals and national businesses**, while not obstructing start-ups and smaller-scale initiatives;
- Platform work in transnational settings may give rise to **competition and inequality between platform workers from different countries** performing similar tasks, especially when online platform work is concerned. Competition between workers may hence lead to the lowering of labour standards, the undercutting of prices or create competitive advantages for low labour cost countries;
- Platform work may foster **undeclared work**, which is difficult to detect for enforcement agencies specifically when the work is performed online.

Table 1 presents a brief overview of the **main risks of platform work** for platform workers identified in recent international research (see endnote 1). The risks can be grouped into five main categories: (1) **unclear employment status**, (2) **unilateral enforcement of contractual conditions**, (3) **poor working conditions**, (4) **lack of collective voice and rights** and (5) **low access to social protection**.

The **unclear employment status of platform workers** (either worker/employee or self-employed) is the **main challenge** identified by international, European and national policymakers and social partners, and in research. Two main reasons are identified for this. First, there is **no uniform concept of 'worker' or 'employee' in the EU**. Platform work is blurring the boundaries between the traditional concepts used in labour and social protection law. This has led to different interpretations of identical cases by national judges (e.g. food delivery riders of the same platform are considered self-employed in Member State X and employees in Member State Y). Second, platforms usually **determine in their terms and conditions that platform workers are self-employed**, regardless of the actual conditions in which they work. In doing so, platforms shift risks, costs and liabilities onto the platform worker. This may be a misclassification (bogus self-employment) and affects especially low-skilled on-location and online platform work. As a consequence, many platform workers find themselves in a legal grey zone and are uncertain about their employment status.



Blurring boundaries between dependent employment and self-employment

Workers in the platform economy are a classic example of the potential ambiguity that may give rise to controversy. Platform workers are typically classified as own-account workers. However, like employees, they often have limited control over their work (for instance, in some cases they cannot fix prices, they are required to wear uniforms, they cannot choose the order of their tasks, etc.) The problem, however, is not limited to the platform economy – many hairdressers, plumbers, and gardeners have faced similar challenges in the past. In some cases, the issue may be that these workers are falsely classified as self-employed in order to avoid regulation, or to access preferential tax treatment. But this is not always the case. In many instances, employer-worker relationships are genuinely difficult to classify and may require a revision of the legislation and of what it means to be ‘an employee’, ‘self-employed’ and/or ‘an employer’. Even where individuals are correctly classified and genuinely self-employed, there may be a case for government intervention to improve their labour market outcomes, for example because these workers find themselves in a situation of monopsony (and are price takers) or are in a situation of economic dependency. [...]. Aside from the need to resolve potential ambiguities in classification, governments should consider policy avenues to give nonstandard workers greater access to collective representation, better training opportunities, and stronger social security, as well as adequate employment protection [...].

Source: [OECD Employment Outlook 2019](#), p. 64

The Eurofound (2019) and European Commission (2020) studies furthermore reveal that platform workers, **regardless of their status**, face a number of risks related to their **contractual terms and working conditions**. These studies also find that platform workers irrespective of their status are **not organised, not structurally informed or consulted, not represented**, and **not covered by collective agreements**.

Finally, international research concludes that platform workers have **limited access to social protection** through their platform work activities, both in terms of their formal and effective coverage.

Table 1: Main risks of platform work identified in recent literature

Dimension	Risk identified	On-location platform work	Online platform work
Employment status	<p>Concepts of ‘worker’ (employee), ‘self-employed’ and ‘employer’ are typically not defined in EU and national legislation and vary significantly between Member States. The EU and national judiciaries apply different assessment criteria to determine employment relationships and the status of workers. For the application of some EU labour legislation, the CJEU considers ‘subordination’ as the critical criterion, but not ‘economic dependency’, as is the case in some national jurisdictions.</p> <p>The assessment of ‘subordination’ is difficult to apply in platform work due to the flexibility and autonomy that platform workers have and the triangular relationship between the platform worker, the platform and the client.</p> <p>Platform workers are generally categorised as self-employed by the platforms’ terms and conditions, without consideration of the actual conditions in which they work. This may be a misclassification (bogus self-employment).</p> <p>Many platform workers find themselves in a legal grey zone until their employment status is clarified through litigation or adequate enforcement.</p>	Especially those in low-skilled on-location work risk being misclassified . Those in high-skilled work are often genuinely self-employed.	Microwork is often not seen as an economic activity. Those in high-skilled online work are often genuinely self-employed.
Contractual Conditions	<p>Unilateral enforcement of contractual conditions:</p> <p>Complex and technical language; Poor protection of some basic contractual rights (law applicable, information rights, use of data, payments, use of equipment, work histories); Low protection in case of contract suspension or termination; Poor conflict resolution mechanisms.</p>	Affects all in on-location platform work.	Affects all in online platform work.
Working conditions	<p>Poor working conditions (regardless of status):</p> <p>Low, insecure, unstable and unpredictable income; Unpredictable working times; High work pace and speed pressure; Aggravated health and safety risks (e.g. due to use of own equipment, lack of safety provisions); Limited training opportunities; Poor career prospects.</p>	Especially problematic for low-skilled on-location work .	Especially problematic for online work of any skills level (notably microwork).
Collective voice and rights	<p>Platform workers regardless of their employment status are generally not organised, not structurally informed or consulted, not represented, and not covered by collective agreements.</p> <p>Social dialogue and collective bargaining are traditionally conceived as bilateral mechanisms between employers’ and employees’ representatives while in platform work there are usually three parties.</p> <p>Platforms are not involved in social dialogue as they do not consider themselves employers.</p>	Especially problematic for high-skilled on-location work .	Especially problematic for online platform workers of any skill level .

Dimension	Risk identified	On-location platform work	Online platform work
	EU and national anti-trust legislation prevents self-employed to conclude collective agreements when this may distort fair competition.		
Social protection	Platform workers have limited access to social protection through their platform work activities, both in terms of their formal (as protection levels are generally lower for self-employed than for employees) and effective coverage (difficulties for platform workers in proving having worked a minimum number of hours in a certain period to qualify for a particular social benefit).	Affects all in on-location platform work.	Affects all in online platform work.

Source: European Commission (2020), "Study to gather evidence on the working conditions of platform workers"¹

Mitigation policies: OECD and ILO

At the global level, both the **OECD** and **ILO** have promoted global strategies aimed at tackling the various challenges of the platform economy. Both approach platform work as part of a **broader global trend towards digitalisation in the economic and labour markets**, in which multinational digital businesses play an increasing role. Both emphasise the need to ensure adequate social protection, labour and collective rights and access to training for all workers, regardless of the employment status. Whereas ILO mainly considers working conditions and social protection, the OECD has a wider focus covering also economic and taxation policies.

OECD: Under the global Future of Work Initiative, OECD calls for the adoption of a '**whole-of-government transition agenda for a Future that Works for all**', pointing at the need to overhaul existing policies and institutions that prove to be inadequate in improving conditions for non-standard workers including platform workers. In its **2019 Employment Outlook**², OECD proposes a multi-layered approach with the following components:

- **Address the key challenge of unclear employment status**, ensure correct classification of workers and reduce the greyzone between dependent employment and self-employment by adopting clearer and more harmonised definitions of employment status and by increasing law enforcement to tackle abuse by firms or workers;
- **Extend certain labour rights and protections** to non-standard workers including the self-employed in particular in the areas of fair pay, working time regulations, occupational health and safety, anti-discrimination legislation and some forms of employment protection;
- **Rebalance the bargaining power** between employers/clients and workers (including self-employed);
- **Adopt a comprehensive adult learning strategy** with specific attention to non-standard workers;
- **Reshape social protection provisions** with a focus to boosting the portability of entitlements, making means-testing more responsive to workers' needs and changing situations while introducing more universal support;
- **Address abuses of monopsony power in labour markets** and situations where few companies are in a position to fix input purchases and prices for work by means of better regulations and enforcement.

Of fundamental importance is the work on **new international corporate taxation rules for the digital economy**, conducted in the frame of the **OECD/G20** (Inclusive Framework on BEPS)³, in which the **EU** has played a prominent role. At the end of January 2020 an outline for the architecture of such a new taxation

regime was adopted. By the end of 2020, global consensus is envisaged on the technicalities for a unified approach which will establish **new taxation rights for national jurisdictions** in cases where companies (including digital labour platforms) are not physically but virtually present and rely on local consumers for their business. The new rules will clarify where and on what basis corporate taxes will have to be paid in transnational situations, while establishing profit allocation rules among the different jurisdictions to avoid double taxation. **The EU has been at the forefront of this major international reform**, which largely aligns with the European Commission's 2018 proposal for a long-term solution to corporate taxation⁴ (based on the concept of a digital permanent establishment or presence). Reaching consensus by the end of 2020 is imperative to avoid the introduction of varying national taxation solutions in Member States, which may create obstacles in the internal market. At the same time the **OECD** is preparing Model Rules for Reporting⁵ by platform operators on their transactions and income, and a framework for an automatic exchange of information between national tax administrations.

ILO: The **ILO's Global Commission** calls for a **human-centred agenda for the Future of Work**⁶ requiring a strong commitment from governments and social partners and more systemic working relations with the World Trade Organisation and Bretton Woods Institutions, with emphasis on fair fiscal policies and the need to reinforce international cooperation to fight tax evasion and increase transparency. To address the challenges posed by the platform economy the ILO proposes **several pathways for action**:

- Establishing a **Universal Labour Guarantee** for all workers regardless of their contractual arrangement and employment status, ensuring minimum workers' rights, an adequate living wage, limits on maximum working hours and protection of health and safety at work;
- Adoption of an **international governance system for digital labour platforms** requiring platforms (and clients) to respect certain minimum rights and protections for all their workers; the governance system could contain the infrastructure to facilitate payments of social security across borders and establish a system of dispute resolution;
- Adopting a **human-in-command approach** to artificial intelligence ensuring that final decisions affecting work are taken by human beings and adopting rules on the use of data and algorithmic accountability in the world of work;
- Ensuring **freedom of association** for all workers including the self-employed and those in the informal economy, and collective representation of platform workers;
- Universal entitlement for **lifelong learning** that enables people to acquire skills, to reskill and upskill;
- Provision of **universal social protection schemes** for life, based on social protection floors that guarantee a basic level of protection to everybody in need, complemented by contributory social insurance schemes providing increased levels of protection.

Recommendations to mitigate the risks: Selected research

Table 2 presents recommendations **identified in selected research** for **possible risk mitigation strategies to address the challenges of platform work**. They vary in terms of their scope (e.g. working conditions, internal market, competition), proposed instrument (e.g. legislative versus non legislative measures), feasibility (short versus long run) and support among stakeholders. They are not to be seen as stand-alone recommendations, and can - at least partially - be combined (e.g. extension of the Temporary Work Agency Directive with a focus on equal treatment in addition to a legal act to tackle the problem of an unclear employment status). **In order to be effective, a European mitigating strategy should be multi-pronged, well-coordinated and monitored.**

With regards to regulatory instruments, there is wide consensus among stakeholders and in research that national and EU **regulatory instruments** are **inadequate** due to the transnational nature of platform work and outdated concepts. However, suggestions such as the revision of the concept of worker at EU level and the extension of the protection of working conditions to single self-employed who work in an economic

dependency comparable to workers have received opposition from some EU Member States as well as employers' organisations.

Researchers have proposed **the adoption of EU legislation on platform work** (based on Art. 153(2)(b) and Art. 153 (1)(b)); options include a **specific Directive on fair working conditions in platform work**; a **single Directive on non-standard work ensuring equal treatment in working conditions with standard work**; and **an adjustment of the Temporary Agency Work Directive specifically for online platform work**.

The 2020 European Commission study affirms that (older) **EU labour legislation needs an update** so as to take into account platform work practices in an employment context. The study also observes **similarities in increasing transparency and improved contractual rights** for platform workers based on a comparative analysis of the TPWC Directive (adopted under Art. 153 TFEU, applicable to workers) and the P2B Regulation (adopted under Art. 114 TFEU, applicable to some self-employed platform workers who provide services to consumers). The 2020 European Parliament study recommends the adoption of a **digital services act** (based on Art. 114 TFEU), which would set minimum standards that (labour) platforms have to respect when engaging with their users (e.g. platform workers) and which could either apply only to digital labour platforms or to all digital platforms (e.g. e-commerce, sharing apps, etc.).

To address concerns that certain business models undermine minimum standards that others apply, **MEP Joachim Schuster presented a draft for a Directive** in 2018 as contribution to the policy discussion. The draft contains the following key elements⁷:

- **Admissibility of contractual agreements:** The unequal negotiating position and power disparities between platforms and their workers, combined with legal grey zones, have led to contractual practices and working conditions that are not acceptable (e.g. forms of non-monetary remuneration, unjustified incompatibility clauses, prohibition mechanisms to prevent workers to get in contact with each other, arbitrary exclusion or of workers from the assignment of tasks or arbitrary deactivation of a user account);
- **Rebuttable legal presumption:** The core of the directive is the legal presumption that, if platform-based-work involves the provision of services, an employment relationship between the platform and the platform worker exists. This legal presumption can be rebutted by the platform;
- **Assessment criteria:** It must be ensured that the assessment of the rebuttable legal presumption of an employment relationship is based on the actual nature of the economic activity.

Whereas targeted legislative action at EU level is necessary to tackle the risks of platform work, it may not be feasible in the short run. **Other recommendations** have been formulated in research; these along with the main legislative recommendations are presented in Table 2.

Table 2: Mitigation policies suggested in selected research

Source/type of platform work/ field of recommendation	Potential mitigation policies identified
Risak (2018) ⁸ All types of platform work Unclear employment status of platform workers	Introduce a Directive on fair working conditions in the platform economy based on the Employment chapter and Art. 153 (2) (b) in connection with Art. 153 (1) (b) TFEU, with a broadier notion of worker/employee considering economic dependency and with a rebuttable legal assumption that the underlying contractual relationship is an employment contract between platform worker and platform. The Directive should contain provisions on (i) minimum information obligations of the platforms, (ii) the establishment of the place of work as the place where the platform worker is physically performing his work, (iii) in cases when the client is not a consumer but a business, equal treatment in

Source/type of platform work/ field of recommendation	Potential mitigation policies identified
New Directive on fair working conditions in the platform economy	<p>terms of working conditions with the workers employed by the client (similar to the Temporary Agency Work Directive), (iv) adjusted definition of working time which includes stand-by time, (v) minimum pay rates, (vi) collective rights and (vii) other rights specific to platform work such as the use of rating systems and the portability of social protection rights;</p> <p>Guide enforcement by expanding the indicators of employment relationship to include: controlled access to the platform, fixed prices, platform branding, platform processes payments, platform takes up quality control/provides ratings;</p> <p>Identify the employer using the concept of a functional employer (proposed by Prassl) recognising that the function of employer can be simultaneously shared by the platform and the client (abundance of principle of one single employer) in a triangular relationship;</p> <p>Avoid the introduction of an intermediate category other than worker and self-employed in EU law.</p>
Countouris & De Stefano (2019) ⁹ All types of platform work Unclear employment status of platform workers Adjustment of the concept of worker	<p>Propose a new legal conceptual framework based on the idea of personal work relation which suggests that a person is a worker if they mainly provide personal labour and are not genuinely operating a business on their own account. This would better reflect the worker's position as it captures market position better than other indicators, such as autonomy or economic dependency.</p>
De Stefano & Aloisi (2018) ¹⁰ All types of platform work Unclear employment status of platform workers Enforcement and adjustment of the concept of worker in existing legislation	<p>Ensure effective enforcement and close legal loopholes that facilitate abuse and reinforce the binary divide between employees and the self-employed in EU labour and social law;</p> <p>Avoid the creation of intermediate in-between categories for platform work;</p> <p>Use and fine-tune existing concepts of 'worker' and existing EU and national labour legislation as the starting points to regulate working conditions in platform work, to take into account the diversity of digital labour platforms (rather than adopting a single instrument for all digital labour platforms).</p>
European Parliament, authors: Chris Forde, Mark Stuart, Simon Joyce, Liz Oliver (2017) ¹¹ Unclear employment status Employment classification	<p>Ensure a shift from an exclusionary approach to employment classification and social protection towards an inclusive approach that recognises emergent sources of vulnerability (such as economic dependency) alongside subordination;</p> <p>Reverse the burden of proof in determining employee status, so that, in cases where platform workers challenge misclassification, it is incumbent upon employing entities to prove that persons carrying out paid work are not employees (rebuttable assumption).</p>
Garben (2019) ¹² All types of platform work Unclear employment status of platform workers and non-standard work	<p>Take a holistic approach to combatting poor-quality work and non-standard work in general (incl. platform work);</p> <p>Draw together the existing EU measures in the field (part-time and fixed term, temporary agency work) into one single Directive based on Art. 153 (2) (b) TFEU in connection with Art. 153 (1) (b), upgrade them and enlarge their scope, with the specific aim to provide a solid minimum floor of all workers' rights at EU level and ensure equal treatment in terms of working conditions between non-</p>

Source/type of platform work/ field of recommendation	Potential mitigation policies identified
A single Directive applicable to all non-standard workers who are 'workers' (i.e. employees), ensuring equal treatment with standard work	standard and standard work. This could be limited to employees or include also single dependent self-employed (similar to Risak and De Stefano et. al. mentioned above).
<p>Ratti (2017)¹³</p> <p>Online platform work and crowdwork/microtask work</p> <p>Unclear employment status of platform workers and temporary agency work</p> <p>A single Directive applicable also to digital labour platforms facilitating online platform work</p>	<p>Extend the Temporary Agency Work Directive to digital labour platforms intermediating online crowdwork by interpreting and/or adjusting the concepts and definitions. Platforms can be considered Temporary Work Agencies 'employing the platform worker' and clients as the user firms, while the current definition of a comparable worker is sufficiently broad to include any potential or hypothetical worker occupying the same job at the client, in order to ensure equal treatment of the platform worker with the workers employed by the client.</p>
<p>European Parliament study (2020) based on European Commission study (2020)</p> <p>All types of platform work</p> <p>Unclear employment status of platform workers and poor contractual terms and conditions</p> <p>A single Regulation governing basic terms of the contractual relationships between platforms, platform workers and clients (consumers and undertakings)</p>	<p>A single Regulation based on the internal market chapter and Art. 114 TFEU governing the basic terms of the contractual relationships between (digital labour) platforms, platform workers (regardless of their employment status) and clients (regardless of their status as consumer or as an undertaking). This could be an extension of the new 2019 Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services to all types of digital 'intermediation' and all types of platform work or a new Regulation specifically for digital labour platforms.</p> <p>The basic rights could include: (i) obligatory and timely provision of information about the terms and conditions of collaboration and of the changes to the terms, (ii) advance notification, and right to an explanation in case of refusal to open an account, temporary suspension and permanent termination of the collaboration, (iii) access to effective and timely dispute-resolution mechanisms, (iv) specific rights on personal data protection and use of algorithmic management, (v) collective representation and (vi) access to and portability of work histories and ratings.</p>
<p>European Commission study (2020), see endnote 1</p> <p>All types of platform work</p> <p>Poor working conditions</p> <p>Revision of all EU labour legislation on working conditions for employees</p>	<p>Adjust concepts, material provisions, enforcement modalities so as to take account of the platform work practices of EU labour law Directives on non-standard work, working time, health and safety, work-life balance, information and consultation of workers;</p> <p>Further adjust the Transparent and Predictable Working Conditions Directive and take account of the more advanced rights that are guaranteed to some self-employed platform workers under the Regulation on Promoting Fairness and Transparency for Business Users referred to above (e.g. grounds of contract termination to be included into list of essential aspects, minimum notification period in case of contract termination, internal complaint handling system).</p>
<p>Cherry (2019)¹⁴</p> <p>Online platform work: microtasking</p> <p>Poor working conditions, International convention</p>	<p>Treat online crowdwork as a separate sector similar to seafarers and take the International Maritime Convention as an inspiration to adopt a similar international convention on crowdwork.</p>

Source/type of platform work/ field of recommendation	Potential mitigation policies identified
Lianos et al. (2019) ¹⁵ All types of platform work Collective representation Adjustment EU competition law	Different scenarios to adjust EU competition rules such as: to expand the definition of 'worker' under EU competition law to include false self-employed and/or self-employed with poor negotiation powers or single self-employed working for their own account but not having a business; to explicitly regulate that collective agreements concluded by self-employed who have businesses fall outside the remit of EU competition law under certain conditions.
Eurofound (2019) ¹⁶ All types of platform work Collective Representation New forms of cooperation	Foster cooperation between traditional representative bodies and new actors such as the platforms and associations of self-employed.
ILO (2019) ¹⁷ All types of platform work Codes of conduct	Use the ILO 2017 Tripartite Declaration of Principles concerning multinational enterprises and social policy (MNE Declaration) as a starting point and guidance for global digital labour platforms to adopt Codes of conduct and complaint handling procedures.
Berg et al. (2018) ¹⁸ Online platform work and crowdwork Codes of conduct	In the absence of collective bargaining agreements, Codes of conduct could be adopted for microtask platforms. A framework is proposed with 18 criteria for decent and fair microwork and 3 additional criteria to adapt social protection for crowdwork. The criteria concern, amongst others, (i) clear contractual conditions, (ii) representation, (iii) fair payment, (iv) use of rating systems, (v) dispute resolution mechanisms and (vi) access to personal data.
European Parliament (2020) All types of platform work Enforcement, monitoring Diverse instruments	Expand the mandate of the EU Observatory on the online platform economy established under the P2B Regulation to all types of platform work or creation of an EU Observatory devoted to platform work/digital labour platforms; Enhance the role of the European Labour Authority in cross-border platform work and online platform work; Promote the adoption of Codes of conduct and share good practices from stakeholders such as the Crowdsourcing Code of conduct and the Charter of Principles for Good Platform Work adopted under the auspices of the 2020 World Economic Forum; Adopt uniform minimum standards for reporting by platforms to Member States on the individual services provided by platform workers who are working in the EU and on the clients; Promote global agreements on fair working conditions with multinational platforms similar to those adopted by UNI Global and multinationals in the traditional economy.

Another consensus in literature is the **need for further data collection and research on the topic**. The current lack of available and consistent data presents a major obstacle to research and policy on platform work and comparative analyses. To overcome these challenges, the **OECD recommends combining administrative surveys with data from other sources**. In addition, Eurofound recommends **applying a common approach, based on a single conceptualisation**, elaborated by Eurostat or another supranational body.

Views from European social partners and global platforms

EU social partners but also **multinational platform businesses** have in recent years been actively involved in the public policy debate on platform work by means of many policy papers and statements, research and participation in the EU public consultation processes. ETUC and BusinessEurope underline the importance of collective bargaining, but have diverging views on the necessity to adopt an EU definition of ‘worker’.

In its 2019-2023 action programme¹⁹ **ETUC** calls for widening the trade unions’ representation base to include among others the self-employed and platform workers. ETUC supports a **broader EU concept of ‘worker’** which includes the economic dependency criterion, actions to **end the misclassification of platform workers** and an extension of **(statutory) minimum wage coverage** to non-standard workers including the self-employed. ETUC repeatedly points at the need to adjust and extend EU labour legislation, the Directives on the information and consultation of workers and the Temporary Agency Work Directive to platform work and to adopt specific EU legislation such as a Directive on privacy at work and Directives on musculoskeletal disorders and psychosocial risks. ETUC considers the **adoption of transnational company agreements** through collective bargaining as one of the main pathways. ETUC furthermore favours the adoption of **an EU framework on crowdworking** with minimum standards of pay, protection against unpredictable and irregular working hours, maximum working time, and access to occupational training and social protection, as put forward in the ETUC resolution on digitalisation: *“Towards fair digital work”*, adopted in 2016²⁰. In the context of the **COVID-19 lockdown** in spring 2020, ETUC identified several cases of abuse of couriers delivering food and goods for platforms and calls for better protection²¹.

BusinessEurope pleads for a **level playing field between traditional and digital businesses** with a primary role for the EU in avoiding divergent approaches and regulations at national level while emphasising that well-functioning national practices and legislation should not be undermined²².

Global platforms generally hold the view that they are not posing any distinct problem to the economy when compared to traditional business and oppose specific or new EU legislation concerned with online platforms. Platforms have consistently held that their workers are independent contractors. BusinessEurope **strongly opposes an EU-wide definition of worker or employee** and is of the opinion that regulating minimum wages and minimum labour rights concerning probation periods, working time schedules or training should remain a Member State competence²³. BusinessEurope favours **solutions through collective agreements**, while platform businesses have strongly pleaded for **self- and co-regulation** by means of adopting **voluntary Codes of conduct** or concluding **agreements with associations of independent workers**. BusinessEurope and platforms plead for more accessible, affordable and reliable **social protection** that is more **neutral to employment status** and ensures the portability of entitlements, and for an **extension of social protection to the self-employed**.

- ¹ European Commission (2020), "Study to gather evidence on the working conditions of platform workers", available at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8280>.
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