European Parliament resolution of 16 September 2021 on fair working conditions, rights and social protection for platform workers – new forms of employment linked to digital development (2019/2186(INI))

The European Parliament,

– having regard to Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services¹,


– having regard to Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services³,

– having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, GDPR)⁴,

– having regard to the European Pillar of Social Rights,

– having regard to the Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed⁵,

– having regard to the Council conclusions of 24 October 2019 on ‘The Future of Work: the European Union promoting the ILO Centenary Declaration’¹,

– having regard to the Council conclusions of 13 June 2019 on ‘The changing world of work: reflections on new forms of work and implications for the safety and health of workers’²,


– having regard to the Commission communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102),

– having regard to the Commission communication of 19 February 2020 entitled ‘A European strategy for data’ (COM(2020)0066),

– having regard to the Commission White Paper of 19 February 2020 entitled ‘On Artificial Intelligence - A European approach to excellence and trust’ (COM(2020)0065),

– having regard to the Commission communication of 14 January 2020 entitled ‘A strong social Europe for just transitions’ (COM(2020)0014),

– having regard to the Commission communication of 2 June 2016 entitled ‘A European agenda for the collaborative economy’ (COM(2016)0356),

– having regard to the Commission consultation document of 24 February 2021 entitled ‘First phase consultation of social partners under Article 154 TFEU on possible action addressing the challenges related to working conditions in platform work’ (C(2021)1127),

– having regard to its resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect³,

– having regard to its resolution of 17 December 2020 on a strong social Europe for Just Transitions⁴,

– having regard to its resolution of 22 October 2020 on the employment and social policies of the euro area 2020⁵,

⁵ Texts adopted, P9_TA(2020)0284.
– having regard to its resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies¹,

– having regard to its resolution of 20 October 2020 with recommendations to the Commission on the Digital Services Act: Improving the functioning of the Single Market²,

– having regard to its position of 10 July 2020 on the proposal for a Council decision on guidelines for the employment policies of the Member States³,

– having regard to its resolution of 10 October 2019 on employment and social policies of the euro area⁴,

– having regard to the its resolution of 19 January 2017 on a European Pillar of Social Rights⁵,

– having regard to its resolution of 15 June 2017 on a European Agenda for the collaborative economy⁶,

– having regard to its resolution of 15 June 2017 on online platforms and the digital single market⁷,

– having regard to the its resolution of 4 July 2017 on working conditions and precarious employment⁸,

– having regard to the mission letter of 10 September 2019 of Commissioner Nicolas Schmit and to the 2021 Commission work programme,

– having regard to the opinion of the European Economic and Social Committee of 18 September 2020 entitled ‘Fair work in the platform economy’,

– having regard to the opinion of the European Committee of the Regions of 5 December 2019 entitled ‘A European framework for regulatory responses to the collaborative economy’,

– having regard to the European Social Partners’ Framework Agreement on Digitalisation of June 2020⁹,

– having regard to International Labour Organization (ILO) Recommendation No. 198 on Employment Relationship,

¹ Texts adopted, P9_TA(2020)0275.
⁴ OJ C 202, 28.5.2021, p. 35.
– having regard to the Commission study of 13 March 2020 entitled ‘Study to gather evidence on the working conditions of platform workers’,
– having regard to the Commission Joint Research Centre (JRC) report entitled ‘The changing nature of work and skills in the digital age’,
– having regard to the Commission JRC report entitled ‘Platform Workers in Europe’,
– having regard to the study entitled ‘The platform economy and precarious work’ published by its Directorate-General for Internal Policies on 11 September 20201,
– having regard to the study entitled ‘The Social Protection of Workers in the Platform Economy’, published by its Directorate-General for Internal Policies on 7 December 20172,
– having regard to the Cedefop report of 24 September 2020 entitled ‘Developing and matching skills in the online platform economy’,
– having regard to the Cedefop briefing note of 30 July 2020 entitled ‘Online working and learning in the coronavirus era’,
– having regard to the Eurofound study of 24 September 2018 entitled ‘Employment and working conditions of selected types of platform work’,
– having regard to the Eurofound policy brief of 23 September 2019 entitled ‘Platform work: Maximising the potential while safeguarding standards?’,
– having regard to the Eurofound research report of 21 September 2020 entitled ‘Back to the future: Policy pointers from platform work scenarios’,
– having regard to Eurofound’s web repository of the platform economy3,
– having regard to the ILO report of 23 February 2021 entitled ‘World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work’,
– having regard to the ILO report of 20 September 2018 entitled ‘Digital labour platforms and the future of work: Towards decent work in the online world’,

3 https://www.eurofound.europa.eu/data/platform-economy
having regard to the ILO’s ‘Centenary Declaration for the Future of Work’ of 21 June 2019,

having regard to the European Institute for Gender Equality’s Gender Equality Index 2020: Digitalisation and the future of work,

having regard to the Data & Society reports of February 2019 entitled ‘Workplace Monitoring & Surveillance’ and ‘Algorithmic Management in the Workplace’,

having regard to study entitled ‘Data subjects, digital surveillance, AI and the future of work’, published by its Directorate-General for Parliamentary Research Services on 23 December 2020

having regard to Rule 54 of its Rules of Procedure,

having regard to the opinion of the Committee on Transport and Tourism,

having regard to the report of the Committee on Employment and Social Affairs (A9-0257/2021),

A. whereas ‘platform workers’ refers to individuals executing work or providing services, with a greater or lesser extent of control, via a digital labour platform; whereas, accordingly, it may include both workers and genuinely self-employed persons;

B. whereas ‘digital labour platform’ refers to a company which intermediates or offers, with a greater or lesser extent of control, on-demand services, requested by individual or corporate customers and provided directly or indirectly by individuals, regardless of whether such services are performed on-location or online;

C. whereas ‘platform work’ refers to the work executed and services provided on demand and for remuneration by platform workers, regardless of their employment status, the type of digital labour platforms (on-location or online) or the level of skills required;

D. whereas there is a lack of sufficient and up-to-date European-wide data on platform work, and whereas data collection methodology varies across Member States, making it difficult to determine the extent of platform work and the number of workers concerned; whereas the further growth of platform work within the labour market is considered highly likely;

E. whereas platform work can create employment, increase choice, provide additional income, and lower barriers to entering the labour market; whereas platform work may facilitate flexibility and optimisation of resources, and provide opportunities for both people working in or through digital labour platforms and clients, and the matching of demand for and supply of services; whereas innovation in digital tools is a precondition for platform work and can contribute to growth in times of crisis and recovery; whereas platform work can offer advantages for students and those who wish to combine study

and work at the same time, as well as creating access to employment for young people not in education, employment or training (NEETs), and people with lower skill levels;

F. whereas platform work can by no means be limited to the transport of persons or food delivery, as it also consists of professional tasks, household tasks and micro-tasks;

G. whereas platform work facilitates access to the labour market through modern forms of employment and encourages the development of technologies in order to facilitate the use of platforms and bring them closer both to companies and consumers;

H. whereas platform work has also raised concerns about precariousness and poor working conditions, lack of or difficult access to adequate social protection, unfair competition, undeclared work, fragmented and unpredictable income and work schedules, lack of dispute resolution mechanisms, deskilling and lack of career advancement, as well as lack of occupational health and safety measures, especially for lower-skilled on-location platform workers and workers performing micro-tasks, as highlighted once again during the COVID-19 crisis; whereas the erroneous classification of workers as self-employed contributes to this situation;

I. whereas the COVID-19 crisis has served to highlight the role played by platform workers in ensuring business continuity for thousands of small and medium-sized enterprises (SMEs) across the EU by providing a much needed interface between key sectors such as food and transport and consumers, and the platform model has allowed for continued income for some platform workers; whereas more than 60 % of EU residents say that, even after the COVID-19 crisis, they do not intend to stop using online services, including, for example, the possibility of ordering meals online; whereas workers in non-standard arrangements are at higher health risk than workers in standard ones and platform workers in particular are often exposed to health and safety risks owing to the characteristics of work they perform, for example cyclists, who are vulnerable road users and who often work in unfavourable and difficult weather conditions, and under speed and efficiency pressure; whereas platform work should not lead to precariousness, insecurity or health and safety risks; whereas the platform workers who suffered loss of income because of the pandemic were often not eligible for income support measures, highlighting their lack of access to social protection; whereas on-location platform workers have an increased risk of contracting COVID-19;

J. whereas, if not tackled accordingly, the above-mentioned risks might jeopardise the entire European model of the social market economy and the goals of the European Pillar of Social Rights; whereas technological progress might also provide the solutions for adaptation of the European social model to the realities of the 21st century;

K. whereas digital labour platforms globally generated revenue of at least USD 52 billion in 2019; whereas about 70 % of the revenues generated were concentrated in just two

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1 https://www.dw.com/pl/ue-chce-lepiej-chroni%C4%87-pracuj%C4%85cych-zapo%C5%9Brednictwem-platform-cyfrowych/a-56676431

countries, the United States (49 %) and China (22 %), while the share was much lower in Europe (11 %) and other regions (18 %)\(^1\);

L. whereas platform work covers different realities and is characterised by a high level of heterogeneity in the activities carried out; whereas there are different categories of platform work such as online or on-location, requiring a high or low level of skills, paid per task or per hour, performed as a secondary or primary occupation, and that the profiles of platform workers and types of platforms vary widely; whereas, according to Eurofound\(^2\), in 2017 on-location work in professional services, delivery services and passenger transport and household services represented the most prevalent characteristics of platform work in selected Member States;

M. whereas most platform workers have another job or other source of income; whereas platform workers tend to be low paid, but with a few earning relatively good incomes; whereas workers in the platform economy tend to be younger and more highly educated than the wider population\(^3\);

N. whereas platform workers are generally classified as formally self-employed, regardless of their actual employment situation and while often not possessing the levels of professional independence characteristic of the self-employed; whereas, therefore, many platform workers do not benefit from the equivalent social protection, labour rights, or health and safety provisions offered by an employment contract or employment relationship in their respective Member States; whereas digital labour platforms in such cases do not pay social security contributions; whereas a small proportion of platform workers have the status of employee or agency worker; whereas a large number of court rulings and administrative decisions, including at national courts of highest instance and the Court of Justice of the European Union (CJEU), regarding on-location platform work, in particular in the transport and food delivery sectors in a number of Member States, have confirmed the existence of an employment relationship between platforms and platform workers, based on their activities and link with their platform, with consequent rights and entitlements; whereas workers should have straightforward means to clarify and confirm their employment status and should not be obliged to vindicate their rights through court proceedings;

O. whereas the misclassification of some platform workers as self-employed seen in platform work causes uncertainty and deprives workers of their access to employment rights, social protection, entitlements and the application of relevant rules; whereas more and more sectors, such as delivery, transport, human resources, health, childcare, personal and household services and tourism, are likely to be impacted by platform work or similar employment patterns and digitalisation in the future; whereas the

\(^1\) ILO, World Employment and Social Outlook 2021, ‘The role of digital labour platforms in transforming the world of work’, p. 20.


development of digital technologies in many sectors, and especially online-based trade and services, comes with opportunities and risks for companies and workers;

P. whereas new forms of work should remain sustainable and fair, and platform work should be guided by the values of the Union, ethics and a human-centric approach where digital technology remains a tool; whereas, in this regard, equipping every European citizen with digital skills is paramount in the context of the digital transition;

Q. whereas a high degree of flexibility is appreciated as one of the biggest advantages of platform work;

R. whereas Member States have developed different approaches, leading to fragmented rules and initiatives with negative effects for workers, companies, including platforms, and consumers arising from the resulting uncertainty; whereas there is a need for a legislative initiative at European level to overcome the resulting legal uncertainty, ensure and improve platform workers’ rights, working conditions and access to social protection, promote the innovation potential of sustainable platform work models, and ensure a level playing field with ‘traditional’ economic actors; whereas most platforms are active in different EU Member States and are often not based in the country where the activities performed by their workers take place;

S. whereas no definition of ‘worker’ at European level exists, while the case law of the CJEU has established criteria for determining the status of a worker and a self-employed person; whereas the characteristics of employment which enable recognition as an employment relationship or employment contract vary between Member States and are a matter of national competence; whereas a special ‘third status’ for platform workers would further distort competition between digital labour platforms and companies in the traditional economy, especially SMEs, and would not be compatible with the national classifications of workers and genuinely self-employed persons in the Member States, with unpredictable legal, administrative and juridical consequences, as well as entailing the risk of labour market segmentation; whereas platform workers should either be classified as workers or genuinely self-employed persons depending on their actual situation and should enjoy their respective rights and conditions; whereas a rebuttable presumption of an employment relationship would facilitate the correct classification of platform workers in combination with the reversal of the burden of proof, which means that where workers dispute the classification of their employment status in legal or administrative proceedings, it is for the party who is claimed to be the employer to prove that there is no employment relationship in accordance with national definitions as set out in the legislation or collective agreements of the respective Member State; whereas the rebuttable presumption of an employment relationship must not lead to an automatic classification of all platform workers as workers;

T. whereas the application of existing provisions should be ensured, in particular the Directive on Transparent and Predictable Working Conditions and the Regulation on promoting fairness and transparency for business users of online intermediation services;

U. whereas SMEs are the backbone of Europe’s economy, representing 99% of all businesses in the EU;
V. whereas platform work reproduces gender inequalities from the general labour market, such as the gender pay gap and gender segregation in occupations or sectors; whereas platform work can be an opportunity to increase the participation of women in the labour force; whereas, however, the representation of women and men varies across the different types of services and platforms, with men more represented in platform work with higher work autonomy and women more likely to perform more precarious platform work with limited work autonomy; whereas people with significant caring and family responsibilities are therefore at a disadvantage and this is likely to have negative consequences, in particular for women; whereas women platform workers, in particular drivers and those providing cleaning and care services in private residences, are exposed to the risk of sexual harassment and gender-based violence and might refrain from reporting this because of a lack of reporting tools, the absence of contact with a human manager or fear of negative ratings and loss of future work;

W. whereas platform work has been a growing phenomenon since its emergence, facilitated by the development of digital technologies in recent years, providing workers, customers and businesses with new opportunities and choices when it comes to the place, time, flexibility and frequency of their relations, including work and the provision of services; whereas, according to the ILO global report, for the majority of on-location-based workers and one third of online-based workers, platform work on digital labour platforms is their main source of income, with higher proportions in developing countries and for women; whereas, nevertheless, in the EU it still represents a small share of the general labour market, with an estimated 11% of the EU workforce having provided services via on-location or online labour platforms at least once, and 1.4% of them doing this as their main job as of 2019; whereas the benefits of digitalisation must be shared broadly and equitably between platforms, workers, clients and society at large; whereas strong safeguards are necessary in order to ensure that platform work provides decent working conditions and to prevent labour market segmentation;

X. whereas platforms acting as employers have to observe all their obligations as employers and abide by their sectoral responsibilities;

Y. whereas digital labour platforms use tools such as apps, algorithms and AI as part of their business model in order to match supply and demand, and to manage workers to varying extents; whereas algorithmic management presents new challenges for the future of work and can create power imbalances and opacity about decision-making, as well as technology-enabled control and surveillance which could exacerbate discriminatory practices and entail risks for privacy, workers’ health and safety and human dignity; whereas algorithmic management must be fully transparent and under

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3 EIGE, Gender Equality Index 2020: Digitalisation and the future of work, p. 114.
4 ILO, World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work, p. 22.
human oversight in order for workers to be able to challenge decisions through effective procedures where necessary and must not be based on biased datasets related to gender, ethnic background or sexual orientation, so as to avoid any risk of discrimination in its outcomes; whereas more vulnerable groups such as women, minorities and persons with disabilities have a higher risk of rating bias;

Z. whereas the issue of non-paid work is particularly sensitive in the platform work environment;

AA. whereas the creation of cooperatives could constitute an important instrument of the bottom-up organisation of platform work and could encourage competition between platforms;

AB. whereas there is a great need for integrated transport solutions based on a wide range of services, emphasising the system rather than its components, and whereas platforms can play a role in facilitating mobility as a service (MaaS), logistics as a service (LaaS) and collaborative mobility; whereas such digitalisation could create major opportunities to create a sustainable, innovative and multi-modal transport sector, including through public transport innovation; whereas a forward-looking framework for platform companies must also address potential environmental and health concerns and maximise mobility efficiency, and whereas an in-depth assessment of the environmental impact of platforms in the fields of transport and tourism should therefore be conducted, given that not enough is known about their positive and negative impacts;

AC. whereas the multiplication of digital intermediation and collaborative platforms is radically changing passenger and freight transport, notably through the provision of new services for enterprises and individuals, the development of multi-modal transport, improved connectivity in isolated areas, enhanced urban mobility or even the optimisation of flow management;

AD. whereas high-speed wireless and fixed connectivity is essential for the further development of digitalised transport services; whereas the EU is setting the regulatory standards for the use of digital services and products, as it did with the GDPR and the European digital strategy, but lags behind in creating competitive conditions for new digital companies and platforms to develop and grow in the EU;

**European legal framework**

1. Notes that the current European framework is unsatisfactory and regrets the fact that EU legal instruments are often not applied to many platform workers as a result of their misclassification and do not sufficiently address the new realities of the world of work; stresses the need to improve the working conditions of all platform workers working through digital labour platforms, including the genuinely self-employed; is concerned that this fragmentation may place many platform workers in a legally precarious situation, resulting in those workers enjoying fewer or more limited rights than should be guaranteed to all workers; considers that inadequate regulation might lead to different interpretations, thereby creating unpredictability and the resultant negative impact on both businesses and workers;

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2. Notes that the meaning of the terms ‘worker’ and ‘self-employed’ are not uniformly defined in all Member States; further notes that the boundary between these two terms is sometimes ambiguous for new forms of work, and that some self-employed persons or workers are therefore at risk of being misclassified and of not enjoying the rights inherent to their status; takes the view accordingly that workers in digital labour platforms should have the same rights and the same access to social protection on an equal basis with non-platform workers of the same category, with full respect for the diversity of national labour market models, the autonomy of social partners and national competences;

3. Stresses, furthermore, that platform workers working in different Member-States, or combining regular employment with platform work in different Member States, might be subject to entirely different regulations for the same work;

4. Believes that this legal uncertainty must be urgently addressed for the benefit of workers, companies, including platforms, and consumers; believes that any proposal must recognise the heterogeneity of platforms and of platform workers, as well as the different national labour legislation, social security and health systems, the need for sustainable digital labour platform models and respect the status of platform workers who are genuinely self-employed; takes the view that there should be a European framework, based on a comprehensive impact assessment and consultation with the relevant actors, that safeguards platform work offering decent working conditions, while at the same time tackling precarious forms of platform work and which could be complemented by national legislation or collective bargaining agreements; stresses that any EU legislative initiative should promote innovation, the creation of new business models, cooperatives, start-ups and SMEs, as well as decent jobs; emphasises that the opportunities and flexible working arrangements provided by digital labour platforms should remain possible provided they are not detrimental towards social protection and workers’ rights;

5. Notes that cases of misclassification are most prevalent in digital labour platforms that strongly organise, directly or by means of an algorithm, the conditions and remuneration of platform work; calls on the Commission, with the aim of facilitating the correct classification of platform workers, to introduce into its forthcoming proposal a rebuttable presumption of an employment relationship for platform workers, in accordance with national definitions as set out in Member States’ respective legislation or collective agreements, combined with the reversal of the burden of proof and possibly additional measures; stresses, therefore, that whenever platform workers dispute the classification of their employment status in legal proceedings before a court or administrative body according to national legislation and practices, it is for the party who is claimed to be the employer to prove that there is no employment relationship; stresses that the rebuttable presumption of an employment relationship must not lead to an automatic classification of all platform workers as workers; considers that the classification of workers should be based on the facts relating to the actual performance of work and criteria, in accordance with national legislation, and not on the parties’ description of the relationship; stresses that such a rebuttable presumption ensures that workers who are genuinely self-employed are able to remain so and can continue to access work through platforms; further calls on the Commission to clarify that establishing a new EU so-called third status between worker and self-employed person cannot be considered, as it would not help to solve the current problems and risks further blurring already confused concepts, and to ensure that platform workers are
either classified as workers or as self-employed persons, in accordance with national law;

6. Emphasises that legislation in the Member States and at European level is far from matching the speed at which the digital transformation is evolving, leading to lack of regulation when it comes to new employment methods, with a direct impact on workers’ rights and the functioning of online platforms;

7. Stresses that any regulation regarding online platforms must respect the principle of subsidiarity and the different approaches of the Member States, given the existing differences between platforms, from the number of workers to the extent to which they cover the rights of workers, and must stand the test of time and digital transformation;

8. Welcomes the Commission’s intention to present a proposal for a legislative initiative to improve the working conditions of platform workers by the end of 2021, as announced in the European Pillar of Social Rights Action Plan and preceded by a two-stage consultation of the social partners; calls on the Commission, if the social partners do not express the wish to initiate the process provided for in Article 155 of the TFEU, and on the basis of the conclusions of public consultations, to put forward a proposal for a directive on platform workers in order to guarantee rights for all platform workers, and to address the specificities of platform work to ensure fair and transparent working conditions, guarantee a healthy and safe working environment, give access to adequate and transparent social protection, as well as their right to organise, to establish, freely join and be represented by, inter alia, trade unions and negotiate collective agreements, access to training and skills, as well as ensuring data protection in line with the GDPR and transparent, ethical and non-discriminatory algorithmic management, while also ensuring a level playing field in all Member States and creating a predictable and stable business environment that fosters investment and innovation;

9. Calls on the Commission 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, for, inter alia, social security contributions, responsibility for health and safety, liability for income tax payments, due diligence and corporate social responsibility are met and a level playing field with other companies active in the sector can be preserved;

10. Stresses the need to better combat bogus self-employment by means of a directive, so as to cover platform workers who are fulfilling the conditions characteristic of an employment relationship based on the actual performance of work, and not on the parties’ description of the relationship;

11. Stresses that the major impact of online platforms is not limited to benefits offered to consumers, but is instead a wide-scale impact that affects the whole supply chain, including suppliers, manufacturers, distributors and consumers, and must be accordingly taken into account when legislation is being discussed;

**Fair and transparent working conditions**

12. Calls on the Commission, when exploring ways to improve working conditions to:
– ensure that collective bargaining frameworks function properly and efficiently; and

– better implement the prohibition of exclusivity clauses, and ensure all platform workers are permitted to work for different platforms (multi-app) and not be subject to adverse treatment for doing so, in line with the Directive on Transparent and Predictable Working Conditions;

– ensure the portability of certifications of competencies and foster the interoperability of ratings across platforms;

– improve rights in case of restriction, suspension or termination by the platform by ensuring all platform workers have the right to a prior reasoned statement, and, if this is disputed, a right of reply and to effective and impartial dispute resolution providing the possibility to re-establish compliance or rebut the statement, also including group claims;

– address the current lack of transparency while observing trade secrets in accordance with Directive (EU) 2016/943\(^1\), in particular Recitals 13 and 18, and Articles 3 and 5 thereof, by ensuring the provision of essential information regarding working conditions and rules of cooperation, the method of calculating the price or fee, the assignment of tasks and transparency in the event of a change in the terms, conditions and procedures for temporary or permanent deactivation, if any, which should be preceded by consultation; believes that the aforementioned communication should be made in a clear, comprehensive and easily accessible manner, provided both to workers and their representatives in compliance with existing EU and national legislation on workers’ rights;

– where AI is used, ensure platforms are transparent about the way AI is used and the algorithmic parameters which influence working conditions, in particular with regard to task distribution, ratings and interactions, and the provision of intelligible and up-to-date information concerning the functioning of the algorithm in view of the way tasks are assigned, ratings are granted, the deactivation procedure and pricing; take account of the fact that algorithms must always have human oversight and that their decisions must be accountable, contestable and, where relevant, reversible;

– examine the possibility of creating in-platform, optional and easily accessible features allowing workers to privately and securely identify each other and communicate between themselves should they be interested in doing so;

13. Calls on the Commission to examine the extent to which existing Union rules are applicable to the digital labour platform market and ensure adequate implementation and enforcement; calls on the Member States, in collaboration with social partners and other relevant stakeholders, to assess, in a proactive way and based on the logic of anticipation, the need to modernise existing legislation, including social security systems, so as to stay abreast of technological developments while ensuring workers’

protection; calls on the Commission and the Member States to coordinate social security systems with a view to ensuring the exportability of benefits and aggregation of periods in accordance with Union and national legislation;

A healthy and safe working environment

14. Stresses that platform workers may be subject to increased health and safety risks for both on-location platform work (such as road accidents or physical injury caused by machinery or chemicals) and online platform work (for example related to ergonomics of computer workstations), which are not limited to physical health but can also affect psycho-social health with unpredictable working hours, intensity of work, competitive environments (rating systems, work incentives through bonuses), information overload and isolation as emergent risk factors; underlines that the Commission proposal must address the occupational health and safety of platform workers in line with the European health and safety legal framework and enable them to exercise their rights, including a right to disconnect, in line with the implementation of the European Social Partners Framework Agreement on Digitalisation without being disadvantaged for so doing; stresses that all on-location platform workers need to be equipped with adequate personal protective equipment and that those active in transportation and delivery need to have guaranteed accident insurance; underlines that digital labour platforms need to put in place safeguards to protect platform workers against violence and harassment, including gender-based violence and set up effective reporting mechanisms;

15. Considers that all platform workers should be entitled to receive compensation in case of work accidents and occupational diseases, and be provided with social protection, including sickness and invalidity insurance coverage; welcomes, in this respect, the initiatives of some digital labour platforms to provide, as a first step, insurance as well as occupational health and safety measures until a legislative framework has been established and stresses the important role collective agreements can play in this context;

Adequate and transparent social protection

16. Strongly believes that formal and effective coverage, adequacy and transparency of social protection systems should apply to all workers including the self-employed; calls on the Member States to fully and immediately implement Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed, and to take measures in order to ensure the social protection of platform workers; calls on the Commission to scrutinise Member States’ progress in this regard in the framework of the European Semester’s country-specific recommendations;

17. Recalls that social protection is a solidarity-based safety net that is beneficial not only to the individual but also to society as a whole; stresses that platform workers face unique challenges in satisfying eligibility requirements and qualifying for social security benefits, which in turn impacts their future prospects and the financial viability and solidarity of social security systems; considers that platform workers should have access to all branches of social security in accordance with their status; recalls in particular the importance of Member States ensuring, and where necessary extending, access to, social protection to self-employed platform workers including for people transitioning from one status to another or who have both statuses in order to guarantee the portability of accumulated social rights and entitlements and for schemes covering
maternity and equivalent parental benefits, and unemployment, accident, long-term care, invalidity, sickness, healthcare and old-age benefits;

**Representation and collective bargaining rights**

18. Recalls that freedom of association and the right to collective bargaining are fundamental rights for all workers, and believes a directive on platform workers should ensure that these rights are effective, applied in full and enforced; is concerned by the occurrence of imbalanced and asymmetrical relationships between digital labour platforms and workers, who often lack the individual bargaining power to negotiate fair terms and conditions; notes further that there are also practical issues such as a lack of common means of communication and opportunities to meet online or in person, which can prevent collective representation in practice; notes also the potential for innovative approaches to open up new avenues for social dialogue and organisation via digital solutions; calls on the Commission to address such impediments in its proposal; stresses the need for platform workers and platforms to be properly organised and represented in order to facilitate social dialogue and collective bargaining;

19. Underlines that cooperative legal forms could be an important tool for the bottom-up organisation of platform work, which may also have a positive impact on internal democracy and workers’ empowerment;

20. Regrets the legal difficulties in collective representation faced by platform workers, and is aware that the solo self-employed are generally considered ‘undertakings’, and as such are subject to the prohibition on agreements that restrict competition; acknowledges in this regard the inception impact assessment published by the Commission¹, and the planned initiative to address this obstacle, in addition to the legislative initiative to improve the working conditions of platform workers while respecting existing collective bargaining systems; is convinced that EU competition law must not hinder the improvement of the working conditions (including the setting of remuneration) and social protection of solo self-employed platform workers through collective bargaining, and urges the Commission to clarify that collective agreements fall outside the scope of competition law in order to ensure they can unionise and negotiate collectively, and to guarantee a better balance in bargaining power and a fairer internal market;

**Training and skills**

21. Stresses the importance of training, and in particular the need for training to be provided to platform workers by digital labour platforms on the use of their website or the application, the tasks performed and occupational health and safety; stresses further that platform workers, in particular those who are less qualified, should be given access by the platforms to further training enabling skilling and re-skilling to improve their employability and career paths; calls for the facilitation of the recognition, validation and portability of attainments in the field of non-formal and informal learning, but also in the recognition of the skills acquired during platform work; believes in this regard that a ‘certificate of experience’ should be issued for platform workers who have participated in such training, which could be uploaded on individual learning accounts;

¹ [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=PL_COM%3AAres%282021%29102652](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=PL_COM%3AAres%282021%29102652)
in this regard, calls on the Commission to address platform workers’ education and training in the forthcoming proposals on a European approach for micro-credentials and individual learning accounts; highlights some strategic partnerships established by platforms to ensure access to training for platform workers (such as language courses, personalised coaching and video coaching) to enable them to take the next steps in their careers; believes such best practices should be mainstreamed across platforms in all sectors;

22. Underlines that digital competences are of the utmost importance; believes that investment in vocational education and lifelong learning is necessary in order to ensure that workers are equipped with the right skills for the digital age; calls on the Member States to adapt their education and training systems to the digital labour market, with a view to promoting digital literacy and skills, as well as fostering entrepreneurship; highlights that the labour platform economy has so far developed mainly in urban areas; calls on the Commission and the Member States to take action to combat the digital divide and ensure access to digital services for everyone; stresses, in this context, the importance of deploying 5G broadband in rural areas;

23. Stresses the need to ensure the same access to lifelong learning for platform workers as is enjoyed by workers in the traditional economy, in line with national law and practice, while encouraging innovation, promoting competitive and inclusive growth, and guaranteeing a level playing field for businesses;

*Algorithms and data management*

24. Considers that the use of algorithms in work should be transparent, non-discriminatory, trustworthy and ethical for workers; underlines that algorithmic transparency and non-discrimination should apply to task assignment and distribution, price-setting, advertising, ratings and interactions; furthermore, points out that algorithmic management functions, in particular task assignment, ratings, deactivation procedures and pricing, and any changes thereto, should be intelligibly explained and communicated in a clear and up-to-date manner and should be part of social dialogue, while respecting trade secrets in accordance with Directive (EU) 2016/943, in particular Recitals 13 and 18, and Articles 3 and 5 thereof; stresses that all algorithmic decisions must be ethical, accountable, contestable and, where relevant, reversible and highlights the importance of regular controls by the relevant authorities in this regard in accordance with national law to prevent erroneous AI output; reiterates that any algorithmic decisions must comply with the right not to be subject to a decision based solely on automated processing, as enshrined in Article 22(1) of the GDPR, which means that there must be human oversight; stresses that incentivising practices, such as exceptional bonuses, or punitive practices, such as ratings impacting working time and leading to the assignment of less work, must not lead to risky behaviours or health and safety risks, including mental health; is convinced that non-discriminatory algorithms are those which prevent gender, racial and other social biases in the selection and treatment of different groups and do not reinforce inequalities and stereotypes;

25. Calls on the Commission and Member States 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, including prediction and flagging tools to predict behaviour, real-time monitoring of progress, performance- and time-tracking software, automated behavioural nudges and undue surveillance.
practices; stresses that workers should always be informed and consulted prior to the use of such devices and practices; believes that the training of algorithm developers in ethical, transparency and anti-discriminatory issues should be encouraged;

26. Is concerned about the weak respect of intellectual property rights for the creative works of self-employed platform workers, and calls on the Commission and the Member States to tackle this problem and ensure the proper enforcement of applicable legislation;

27. Believes that workers should be informed of client reviews; stresses that workers should have the right to contest non-payment and to have that contestation reviewed by a platform employee;

28. Calls on the Commission and the Member States to ensure that waiting time and being available on the platform is considered as working time for platform workers in an employment relationship;

29. Recalls that all online platforms must ensure full compliance with EU legislation, including non-discrimination and data protection law; stresses that platform workers, and with their agreement, their representatives, should have full access to all data concerning their own activities, understand how their personal information is processed, be informed on any classification or evaluation of the worker by the platform which may impact their terms of employment or working conditions and have the right to export their ratings; calls on the Commission and the Member States to ensure that platform workers have the effective right to data portability, as enshrined in Articles 20 and 88 of the GDPR; believes that the possibility of a portable skills, client feedback and reputation ratings certificate, recognised between similar platforms, should be explored;

30. Notes that the nature of the platform work and the absence of a defined workplace can lead to subletting of workers’ accounts and undeclared work; believes that reliable verification processes of the platform user’s identity should be guaranteed without obligatory processing of biometric data;

31. Stresses that the potential efficiency advantages of online labour platforms over the traditional labour market should be grounded in fair competition; stresses that, with a view to ensuring a level playing field between the labour platform and traditional businesses, especially SMEs, the platform economy, like any other economy, must pay taxes and social contributions and comply with employment and social legislation; underlines the need to adjust related policies accordingly where necessary;

32. Calls on the Commission to ensure that platform workers and those in any similar form of employment, made possible by technological innovation, are included in the proposals for establishment of a European social security number (ESSN) and that fair mobility rules are applied to platform work in a non-discriminatory manner;

33. Recognises that the labour platform economy can be used for social purposes; calls on the Commission and the Member States to promote social economy models in the labour platform economy and to exchange best practices in this regard, given that social enterprises have proven to be resilient during the COVID-19 crisis;
Other recommendations

34. Recalls that a considerable number of platforms are working on implementing internal regulations and programmes in order to create a more secure environment for their workers and considers that such practices should be encouraged by EU and national actions in the field; calls on the Commission to consider establishing a European quality label following a thorough impact assessment, which would be granted to platforms implementing good practices for platform workers in order for users, workers and consumers to make informed decisions, and which would highlight platforms with quality working conditions based on collective agreements and a high degree of transparency;

35. Notes that data pertaining to the quantity of platform workers, as well as their distribution by sector, is still fragmented; calls on the Commission, with the collaboration of the Member States, to collect robust and comparable data on platform workers in order to get a more accurate idea of the scale of digital labour platform activity and deepen the knowledge of the working and employment conditions of platform workers, including social security coverage and income range;

36. Calls on the national public employment services and the European Employment Services (EURES) network to communicate better on the opportunities offered by the labour platforms;

37. Calls on the Member States to encourage innovative forms of platform work in compliance with Union and national legislation, and calls on the Commission to reflect quality working conditions in its upcoming legal framework and maintain flexibility while ensuring workers’ rights;

38. Calls on the Member States to ensure that platform workers are able to refuse a work assignment if this takes place outside the reference hours and days or if they have not been informed of the work assignment within the agreed minimum period of notice, without suffering any adverse consequences as a result of their refusal;

39. At the same time, invites the Commission and the Member States to consider innovative, effective and socially beneficial cross-border solutions, ensuring social coverage and protection;

40. Highlights that guaranteeing respect for workers’ rights is an essential component of sustainable tourism policy; underlines the increasingly important role of digital platforms and data collection in tourism activities; stresses, therefore, the fundamental role the collection of data on platform workers will have in achieving truly sustainable tourism projects which ensure that tourism investments and jobs benefit local communities and workers, while facilitating the fair distribution of profits;

41. Recalls that women make up only 22 % of workers in the transport industry and also represent a minority of platform workers in the transport and tourism industries, with anecdotal evidence suggesting that female platform workers in the transport industry have worse employment and working conditions than their male counterparts;
42. Instructs its President to forward this resolution to the Council and the Commission.