



2019/2186(INI)

20.4.2021

OPINION

of the Committee on Transport and Tourism

for the Committee on Employment and Social Affairs

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

Rapporteur for opinion: Marianne Vind

PA_NonLeg

SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the platform economy has become an integral and rapidly growing part of the EU economy, encompassing the transport, delivery and tourism sectors, and poses challenges as well as creating opportunities; whereas transport sector platforms are extremely diverse and include multinational companies, small and medium-sized enterprises and start-ups that are active in many different EU Member States and have the potential to enhance multimodal transport and resource sharing, and facilitate efficiency and productivity increases through new business models, products and services for workers, businesses and consumers alike;
- B. whereas the platform industry has contributed to the creation of businesses and job growth, has created flexible working models such as part-time jobs, and has lowered barriers to entry into the labour market for social groups who have often been discriminated against by offering them new professional possibilities; whereas the COVID-19 crisis has increased the growth rate of this kind of business model, in particular delivery services, and has highlighted the ability of the platform economy to create job opportunities;
- C. whereas well-judged strategies are required to ensure the flexibility and efficiency demanded by workers and consumers alike on the one hand, and good, predictable working conditions for workers on the other;
- D. whereas platforms have led to structural changes in transport sector employment; whereas these changes include the rapid expansion of self-employment and flexible working models, and an increase in the number of workers in jobs where social security protection, proper working conditions and rights are not necessarily guaranteed; whereas this particularly concerns low-skilled platform-determined on-location work such as driving and delivery services; whereas several court cases and administrative decisions have concluded that transport platform workers have been misclassified;
- E. whereas many platforms have shifted social costs to workers and the public by circumventing taxes, labour laws and commercial standards for health, safety and the environment with grave socio-economic and individual consequences; 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;
- F. whereas online platforms are subject to existing EU rules in areas such as competition, consumer protection, protection of personal data and single market freedoms; whereas compliance with these rules by all players in the platform sector is essential to ensure fair competition and win the trust of both businesses and the general public to ensure they can confidently engage with online platforms; whereas a level playing field between digital transport and tourism platforms and traditional counterparts providing similar services should be guaranteed;

- G. 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 possibilities to create a sustainable, innovative and multimodal 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;
- H. 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 multimodal transport, improved connectivity in isolated areas, enhanced urban mobility or even optimisation of flow management;
- I. 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 General Data Protection Regulation (GDPR)¹ 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;
- J. whereas cyclists, who are widely used for food or high-speed urban deliveries, need particular protection as vulnerable road users who often work in unfavourable and difficult weather conditions and therefore should be provided with protective equipment and accident insurance;
1. Stresses that the competitive advantages of certain businesses operating in the platform economy over the traditional economy are unacceptable if based on insufficient social protection and tax avoidance; stresses that with a view to ensuring a level playing field between the platform economy and traditional businesses, especially small and medium-sized enterprises, platform companies, like any other company, must comply with all legal obligations, including those laid down in employment, social, fiscal and health and safety legislation in the EU and the Member States; underlines the need to adjust related policies accordingly where necessary to foster a level playing field between online platforms and traditional business models operating in the transport and tourism sectors; reiterates that all transport services must comply with EU legislation relating to the transport sector;
 2. Calls on the Commission, in cooperation with social partners, to come up with a strategy to ensure good working conditions for platform workers by aligning them, where necessary, with those of standard employees or the self-employed, with full respect for the diversity of national labour market models, the autonomy of social partners, national competencies, and the opportunities and flexibility provided by the platform economy; reminds the Commission to take a holistic approach to solving

¹ 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, OJ L 119, 4.5.2016, p. 1.

challenges related to platform workers such as employment status, working conditions, predictable working hours, access to social protection and social dialogue, while taking into account the diversity of the platform economy;

3. Stresses that all workers should have access to social protection and proper health and safety, including protective equipment and accident insurance, regardless of the type of work they do; therefore calls on Member States to implement Council Recommendation 2019/C 387/01² on access to social protection for workers and the self-employed and on the Commission to take platform workers into account in the EU strategic framework on health and safety at work for 2021-2027;
4. Calls on the Member States, in cooperation with social partners, to consider the need for clear definitions of online platforms and self-employed workers and calls on the Commission to support Member States in assessing different characteristics of work to determine the status of platform workers in a way that ensures a truly level playing field among platforms and between platforms and the standard labour market, and allows for the development of new and innovative business models while ensuring fair competition and proper working conditions;
5. At the same time invites the Commission and the Member States to consider innovative, effective and socially beneficial cross-border solutions, for example the creation of some sort of cross-border digital system that would collect contributions from platform workers' professional activities and transfer these contributions to the national social security system the professional is attached to, thus ensuring necessary country-specific social coverage and protection;
6. Emphasises the need for transparency and non-discrimination on transport, delivery and tourism platforms, specifically regarding algorithms that affect service, allocation of tasks, pricing, ranking, rating and reward systems, advertising and security of data;
7. Welcomes the significant innovations in the field of artificial intelligence, which have become integral to the business models and decision-making of platform companies and recalls that artificial intelligence usage on platforms should uphold the health, safety, privacy and working conditions of platform workers; stresses the importance of human oversight of managerial decisions and the right of workers to appeal decisions; calls on the Commission to explore the possibility of entrusting a relevant existing agency at EU level with monitoring, enforcement and sanction mechanisms in order to ensure oversight and regulatory compliance for artificial intelligence systems used in transport or tourism platforms;
8. Emphasises the importance to workers of access to data, the right to portability of data and interoperability of data between platforms in line with the GDPR and encourages Member States to make full use of Article 88 thereof to safeguard the legitimate interests and fundamental rights of platform workers;
9. Urges the Commission to cooperate with Member States that develop national projects intended to collect, store and analyse unbiased data sets related to employment practices in the various segments of the transport and tourism platform economies in order to

² Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed, OJ C 387, 15.11.2019, p. 1.

identify best practices in labour market integration and flexible working models and tackle existing workers' rights issues at national and EU level;

10. Stresses the importance of enhancing the social dialogue through the proper representation of all platform workers; calls on the Commission to carry out a revision of EU competition rules, following extensive consultation and collaboration with social and business partners in order to ensure that platform workers gain access to real collective bargaining or equivalent forms of dialogue consistent with national labour market models; emphasises the need for the Member States to ratify the relevant International Labour Organization conventions and strengthen the rights of platform workers to organise themselves in trade unions and to engage in collective bargaining;
11. Highlights that guaranteeing respect of 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 true sustainable tourism projects that ensure tourism investments and jobs benefit local communities and workers, while facilitating the fair distribution of profits;
12. 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;
13. Calls on the Commission and the Member States to support and encourage platform companies to develop training and professional development pathways in order to broaden their workers' professional options; stresses the need for regular obligatory security training and specific training in the tourism and transport sectors, taking into account the requirements and consumer expectations and ensuring that online platforms and platform workers act responsibly, particularly as regards aspects related to safety, security, health, the protection of privacy and the provision of accurate information; calls on the Commission and the Member States to provide incentives for digital careers and re-evaluate education to make it fit for the digital age, focusing policies and incentives on preparing young people for future jobs in the transport and tourism sectors;
14. Points out that the COVID-19 pandemic has significantly increased the growth rate of transport and delivery platforms and has led to an increase in the number of platform workers in these industries; recognises that platform workers in the transport and tourism sectors are exposed to health and safety risks and therefore need to be equipped with adequate protective equipment; highlights that the COVID-19 pandemic has demonstrated the need to ensure social protection such as access to sick leave and unemployment protection; calls on the Commission, the Member States and transport and tourism platforms to ensure the social protection and health and safety of platform workers carrying out transport tasks during the ongoing COVID-19 pandemic.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	15.4.2021
Result of final vote	+: 39 -: 9 0: 0
Members present for the final vote	Magdalena Adamowicz, Andris Ameriks, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Marco Campomenosi, Ciarán Cuffe, Johan Danielsson, Karima Delli, Anna Deparnay-Grunenberg, Gheorghe Falcă, Giuseppe Ferrandino, Mario Furore, Søren Gade, Isabel García Muñoz, Jens Gieseke, Elsi Katainen, Elena Kountoura, Julie Lechanteux, Peter Lundgren, Benoît Lutgen, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Tilly Metz, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Jan-Christoph Oetjen, Philippe Olivier, Rovana Plumb, Tomasz Piotr Poręba, Dominique Riquet, Dorien Rookmaker, Massimiliano Salini, Sven Schulze, Vera Tax, Barbara Thaler, István Ujhelyi, Henna Virkkunen, Petar Vitanov, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Roberts Zīle, Kosma Złotowski
Substitutes present for the final vote	Leila Chaibi, Clare Daly, Maria Grapini, Roman Haider, Jutta Paulus, Marianne Vind

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
ECR	Peter Lundgren, Tomasz Piotr Poręba, Roberts Zīle, Kosma Złotowski
ID	Marco Campomenosi, Roman Haider, Julie Lechanteux, Philippe Olivier, Lucia Vuolo
NI	Mario Furore
PPE	Magdalena Adamowicz, Gheorghe Falcă, Jens Gieseke, Marian-Jean Marinescu, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Massimiliano Salini, Sven Schulze, Barbara Thaler, Henna Virkkunen, Elissavet Vozemberg-Vrionidi, Elżbieta Katarzyna Łukacijewska
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Søren Gade, Elsi Katainen, Caroline Nagtegaal, Jan-Christoph Oetjen, Dominique Riquet
S&D	Andris Ameriks, Johan Danielsson, Giuseppe Ferrandino, Isabel García Muñoz, Maria Grapini, Rovana Plumb, Vera Tax, István Ujhelyi, Marianne Vind, Petar Vitanov

9	-
NI	Dorien Rookmaker
The Left	Leila Chaibi, Clare Daly, Elena Kountoura
Verts/ALE	Ciarán Cuffe, Karima Delli, Anna Deparnay-Grunenberg, Tilly Metz, Jutta Paulus

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Key to symbols:

+ : in favour

- : against

0 : abstention