

## Digital workers: better working conditions and protection of rights

- New rules to combat false self-employment in platform work
- Human oversight on all decisions affecting working conditions
- Platforms to share more information with national authorities

### **MEPs voted on measures to improve conditions for workers on digital labour platforms, particularly on their employment status and automated systems monitoring their work.**

The Employment Committee adopted on Monday a draft negotiating mandate on new rules to improve the working conditions in platform work. They would regulate how to correctly determine the employment status of platform workers and how digital labour platforms should use algorithms and artificial intelligence to monitor and evaluate workers.

#### **Employment status**

A person performing platform work can be either an employed worker, and enjoy related labour rights, or be genuinely self-employed and able to determine how to carry out the service. The adopted rules aim to combat false self-employment as it may lead to precarious working conditions and lack of social protection but also to unfair competition, especially for SMEs.

To this end, MEPs agreed that the employment status defined by the platform can be challenged by the worker, a trade union or a national authority, in which case the worker is presumed by law to be employed. In the event of a dispute between the platform and a worker, the platform - rather than the worker- would have the responsibility to prove that they do not employ the worker.

MEPs also introduced a list of non-mandatory criteria to determine a worker's employment status, such as a set salary, defined time schedule and working time, rating systems, tracking or supervision of a worker, rules regarding appearance or conduct, restricted options to work for any third party or restricted freedom to choose accident insurance or a pension scheme.

#### **Algorithmic management**

While digital labour platforms monitor and evaluate their performance, workers do not have access to information on how the algorithms work, which personal data are being used and how their behaviour affects decisions taken by automated systems.

MEPs want to prohibit automated systems from taking important decisions and want member states to ensure there is human oversight on all decisions significantly affecting working conditions.

They made algorithmic management more transparent by obliging platforms to give information to workers on how the monitoring is being used and how it affects their employment relationship, health, safety and working conditions as well as on terminating accounts, promotion or task allocation. Platforms will be also obliged to assess the impact of decisions taken or supported by automated monitoring and decision-making systems on working conditions, health and safety and fundamental rights.

To strengthen the workers' position, MEPs also introduced provisions to step up the exchange of information between competent labour, social protection and tax authorities in cross-border cases and dissuasive penalties.

### Digital labour platform

MEPs back the [Commission proposal](#) that the rules should apply to all digital labour platforms, irrespective of their place of establishment and provided that the work is performed in the EU. They clarified the definition of a digital labour platform to include platforms providing outsourcing or the allocation of tasks for a large pool of customers online (crowd-work or micro-work-platforms). MEPs also distinguished between ride hailing digital labour platforms, which are covered by the new rules and taxi dispatch services, regulated under national laws.

### Quote

[Elisabetta Gualmini](#) (S&D, IT), the lead MEP said: "Too many platform workers today are bogusly self-employed, stuck in limbo with no labour rights and social protection. With this report, we are making sure that they are recognised as either employees or self-employed, depending on their actual conditions of work. Moreover, this is a first crucial step towards protecting all workers against the abuse of algorithms. Automated decision-making systems cannot be black boxes; social partners will be able to negotiate how algorithms take decisions regarding working conditions."

### Next steps

The text adopted with 41 votes to 12 will constitute a negotiating mandate for the upcoming talks with EU governments.

### Further information

[Steps of the procedure](#)

[Committee on Employment and Social Affairs](#)

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