



# Study to gather evidence on the working conditions of platform workers

Executive summary

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## **Introduction**

**Platform work is a small but diverse and seemingly growing form of labour.** Platform work differs from many traditional patterns of work, and while it may increase labour market access and lead to innovation and entrepreneurship, and in so doing help achieve EU policy objectives, it also challenges existing labour and social law frameworks. European policymakers and stakeholders have highlighted the need for better understanding of platform work so its potential can be maximised and its harms minimised.

Against this background, this study combines fieldwork and desk research, and both legal and socioeconomic perspectives, for each of the 28 EU Member States, plus Norway and Iceland, as well as for the EU level. The primary goal is to **assess, in view of the particular challenges faced by platform workers, whether EU action is required to improve their working conditions and social protection, and if so, what form such action could take.**

## **Conceptualisations**

Platform work is understood as **all labour provided through, on, or mediated by online platforms in a wide range of sectors, where work can be of varied forms, and is provided in exchange for payment.** It features a triangular relationship between platform, platform worker and client, using online intermediation. The intermediation largely uses technology and algorithms, is often intransparent, and may significantly affect working conditions, for example, by its impact on the allocation and organisation of work, and the evaluation of platform workers. **This 'black box of intermediation' is a distinguishing feature of platform work.**

Platform work refers to very heterogeneous forms of work. We can distinguish between platform work types based on three primary factors:

- **Location:** whether a task is performed online (from anywhere with an internet connection) or on-location;
- **Complexity:** higher- or lower-skill requirements;
- **Allocation of work:** primarily determined by platform, platform worker, or client.

Platform work can be grouped with other types of non-standard work or self-employment. **Non-standard work** refers to arrangements that diverge from a full-time, open-ended employment contract with one employer. Platform workers rarely have an employment contract with the platform and are mainly considered self-employed in practice. This self-employment can be bogus or genuine, but it is often difficult to distinguish between them, and there may also be differences across countries, types of platform work, and even individuals using the same platform in the same city.

The size or prevalence of platform work is much debated and estimates vary widely. According to the COLLEEM II survey data<sup>1</sup> for 16 EU countries, an average of 11% of the adult population has performed platform work at least once. Those who rely on platform work for their main income are far fewer, averaging 1.4% of adults. The most common platform work tasks include online clerical and data entry. Men are much more likely to perform transportation and delivery services, while women perform more translation and certain on-location services (e.g. housekeeping or beauty services). The survey also finds that **those performing platform work as a primary or secondary occupation** (relying

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<sup>1</sup> COLLEEM II survey (second wave), Joint Research Centre, European Commission (2019)

on it for a large proportion of their income) **are less likely to be employees** than those performing platform work sporadically. Having noted that, platform workers' employment status is often unclear even to the platform workers themselves, which means that self-reporting of status can affect the reliability of aggregate data.

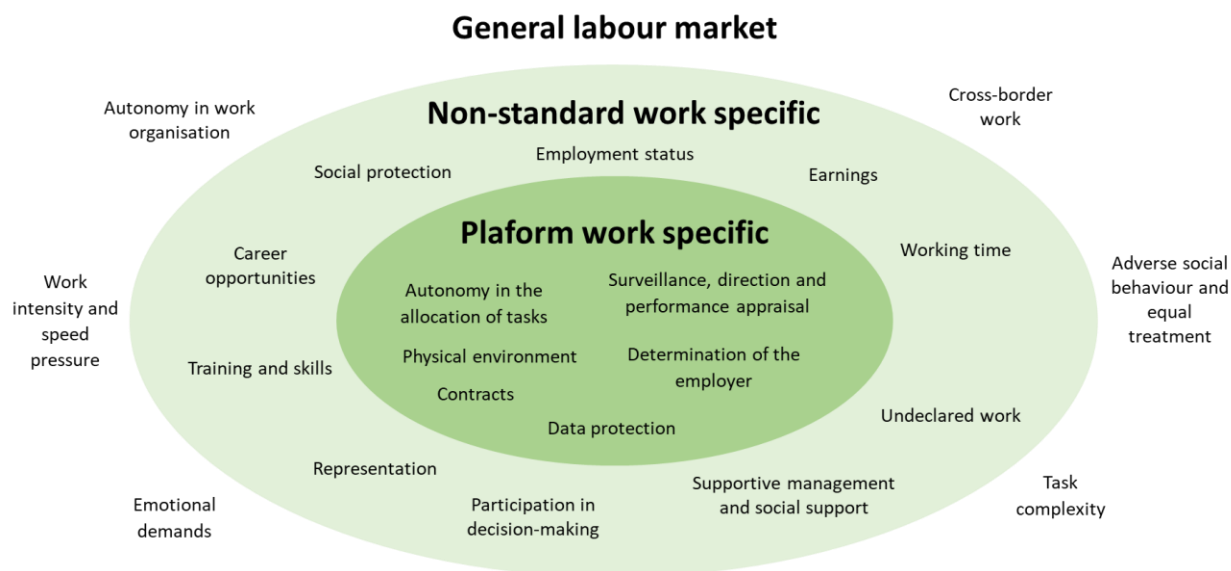
The future trajectory of platform work is also much debated. Available data and expert opinion suggests the total number of platform workers is growing and likely to continue to do so, with demand for certain services (e.g. training AI, care for the elderly or childcare) likely to grow more than for others (e.g. tasks more prone to automation, and food delivery or personal transport services). Moreover, certain characteristics of platform work are becoming more common in the overall labour market (e.g. algorithmic management).

## **Challenges for platform workers**

The challenges related to the working conditions and social protection of platform workers are mapped in accordance with a job-quality framework based on the Work, Employment and Social Relations (WES) model.<sup>2</sup> This model consists of three dimensions: **work**, **employment**, and **social relations**. We also consider 'other' challenges relevant to platform work.

Potential challenges facing platform workers were assessed and summarised by their **significance** (high, medium, low, or none), **what types of platform work seem most affected**, and their **specificity** (specific to platform work, common for non-standard work, or present in the general labour market). Figure 1 shows how many of these challenges are not specific to platform work.

**Figure 1: Challenges summary**



Challenges were found to vary a great deal across different types of platform work. For example, the physical environment differs for online and on-location forms of platform work, and autonomy in work organisation changes depending on whether the client, platform, or platform worker determines which tasks are performed, when and how. The importance

<sup>2</sup> Lamberts, M. et al. (2016), Jobkwaliteit in België in 2015. Analyse aan de hand van de European Working Conditions Survey EWCS 2015 (Eurofound), HIVA Onderzoeksinstituut voor Arbeid en Samenleving; Leuven

given to particular challenges also varies across countries, depending on their policy and legal frameworks. For example, social protection may be a greater challenge in countries where the self-employed have significantly less statutory coverage than employees. A summary of the WES dimensions and *significant* platform work challenges (of high or medium importance) follows.

**The work dimension** primarily concerns job content, working conditions and work organisation, which impact physical and psychological risks for the platform worker. The use of technology, apps and algorithms particularly affects this dimension, which therefore contains certain challenges *more specific to platform work*.

Of highest concern for platform workers are the challenges of autonomy in the allocation of tasks; of surveillance, direction, and performance appraisal; and of physical environment. Autonomy in work organisation is assessed to be of medium concern.

**The employment dimension** relates to the formal context in which a platform worker performs tasks, such as their employment status, the nature and content of their contract with the platform, the level of social protection, and the composition of their earnings. It also entails issues that directly affect a platform worker's personal life, such as working time, training and career opportunities. This dimension contains some of the most discussed challenges of platform work, including employment status, social protection and earnings, which are *also significant issues in non-standard work*.

The challenges of highest concern are employment status, determination of employer, and contracts (including type, termination, and provision of contractual information). The medium concern challenges are social protection, earnings (including wages, fees and price setting), and working time.

The **social relations dimension** concerns social relations and interactions, social dialogue and representation at work, both formally and informally. Social support is an important resource for the well-being of platform workers that can help achieve work-related goals, encourage personal growth and compensate for job demands. These challenges are *mostly common to non-standard work*.

Two challenges in this category are assessed as significant for platform workers: representation (high concern), and adverse behaviour and social treatment (medium concern). Notably, the latter is also a concern in the general labour market.

The **'other' dimension** covers challenges that do not fit within the previous categories but are nevertheless important for platform workers: undeclared work, cross-border issues, and data protection. Each is assessed as a medium challenge, but these are some of the least understood issues in platform work.

## **National tools and responses to platform work challenges**

**Mapping national responses** to platform work helped us understand which strategies exist and how effective they are. Responses were listed by category, with legislation, case law and administrator/inspectorate action constituting **top-down responses**, and collective agreements, platform actions, and platform worker actions considered **bottom-up responses**. Descriptive data for each response was also provided, such as who initiated the response, the degree of implementation, and so on.

There were **177 responses from the 30 countries, including** regional and local levels. The number of responses **varied widely from country to country**, from zero to nineteen. This variation may reflect how some countries consider platform work to be less of a challenge, or have adopted a 'wait and see' approach, or that some gave fewer but more

wide-reaching responses. In some countries (e.g. Iceland, Malta, and Bulgaria), platform work has hardly registered as a topic of concern, whereas in others (e.g. Spain, Germany, Italy, and France) numerous stakeholders have taken concerted action. Most responses concerned employment status (54), representation (46), earnings (32), and social protection (31), indicating that policymakers and social partners are likely to be especially aware of challenges in these areas.

### **Top-down responses**

**National legislation specific to platform work is very rare** in the EU28, Iceland and Norway. Working conditions and social protection of platform workers do not generally constitute the direct material scope of national statutory legislation. France is the only country that has enacted national legislation with a view to improving the labour and social rights of platform workers.<sup>3</sup>

Other recent national legislation has indirectly tried to regulate working conditions and social protection of platform workers, either through defining the employment status of the platform workers, by regulating the working conditions and social protection for persons in non-standard employment, or by strengthening rights and protection of the self-employed. Such legislation mostly concerns specific business sectors, such as personal transportation services (provided by platforms such as Uber) and food delivery services (from platforms such as Deliveroo).

Rather than focusing on working conditions or social protection, **national legislation has, especially initially, primarily aimed to ensure fair competition and effective market functioning** in specific market segments such as personal transportation. Two main approaches entail deregulating the traditional business sectors, and explicitly applying existing standards and requirements to the new (platform) entrants. **National legislation may also focus on proper registration of platforms and taxation** for platform work alongside other sources of income.

**Case law on platform work was reported in 16 of the 30 surveyed countries.** Many cases are ongoing, and many rulings are being appealed, so it is difficult to draw clear and firm conclusions. Initially, **numerous cases in national courts concerned competition law issues and the personal transport sector.** Most court cases considered whether the services provided by Uber or similar platforms amount to taxi/transport services, or those with different standards and requirements, for example limousine or information society services.

**National labour courts play a key role in defining the employment status of platform workers,** with many cases ruling on this, especially those providing personal transport and food delivery services. However, courts have reached different conclusions from similar evidence. These contradictory rulings reflect the different facts and arguments raised in court, and the discretionary power of labour judges, who assess facts on a case-by-case basis. Overall, national case law has thus far only modestly improved clarity on employment status of platform workers.

**Inspectorates and administrators have targeted undeclared work, social protection contributions and coverage, safe working conditions and even employment status,** with authorities in Belgium, Denmark, France, Sweden and the UK particularly active. However, inspectorates often struggle to address platform work, which

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<sup>3</sup> Given the timeframe of the study, some of the most recent developments at national level (e.g. in some sectors late 2019 in Italy) could not be included and analysed – demonstrating the fast-changing nature of the policy and regulatory framework of platform work.

typically occurs in private spaces (homes) or dispersed public spaces (city streets), rather than a 'normal' static workplace.

### **Bottom-up responses**

**Bottom-up responses focus more on the challenges of representation, earnings, physical environment and working time**, and especially involve food delivery.

**Eight formal collective agreements between platforms and platform workers were identified**, with more pending. In several cases trade unions (e.g. Germany's NGG and IG BAU, and the Norwegian Transport Union) assisted platform workers in organisation and negotiations, while in other cases platform workers organised independently. These agreements cover a single platform, groups of similar platforms in a country, or even national sectoral level (e.g. logistics).

**Platform workers have organised strikes and demonstrations to improve working conditions.** Some have also created or joined cooperatives and collectives (e.g. the *Koeriers Kollektief* [Courier's Collective] in Belgium and cooperative SMart in multiple countries). These aim to improve the collective voice and social protections, among other goals.

**Some platforms have taken action to address working condition challenges** faced by platform workers, or manage criticism of their practices. Several platforms have modified their terms and conditions or specific practices to avoid legal challenges such as lawsuits on employment status. Others have registered with national authorities or trade associations, either voluntarily or through legal necessity, thereby formalising their participation in labour markets.

**Other forms of self-regulation have emerged**, such as platforms creating partnerships to provide platform workers with insurance and training. Some platforms have signed on to charters or codes of conduct, agreeing to abide by certain principles and decent work standards. Some of these initiatives appear to be innovative and promising in addressing working conditions and social protection. The Frankfurt Declaration,<sup>4</sup> Crowdsourcing Code of Conduct,<sup>5</sup> and *Carta dei diritti fondamentali del lavoro digitale nel contesto urbano*<sup>6</sup> [Charter of fundamental rights of digital work in the urban context] are examples covering various forms of platform work.

In a few cases, platforms have taken punitive or 'union-busting' actions against platform worker organisation. But others have encouraged platform workers to organise and engage in social dialogue.

### **Instruments and actions at EU level**

European institutions have released communications and initiated research specific to platform work. Recent EU labour legislation explicitly refers to platform work as a type of non-standard work and introduces material provisions with specific relevance for platform workers who have an employment relationship.

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<sup>4</sup> Fair Crowd Work (2016), "Frankfurter Erklärung zu plattformbasierter Arbeit | Vorschläge für Plattformbetreiber, Kunden, politische Entscheidungsträger, Beschäftigte und Arbeitnehmerorganisationen", Declaration, Frankfurt, December

<sup>5</sup> IG Metall (2019), "Report of the activities of the Ombuds Office of the Code of Conduct for Paid Crowdsourcing, 2017-2018", IG Metall, January

<sup>6</sup> Comune di Bologna (2018), "Carta dei diritti fondamentali del lavoro digitale nel contesto urbano", May

This study maps the relevance of EU law to platform work challenges. Twenty-one EU instruments were selected for in-depth analysis, based on their probability of impacting the working conditions and social protection of platform workers, and grouped as follows:

- **Non-standard work:** Part-time Work Directive, Fixed-term Work Directive and Temporary Agency Work Directive;<sup>7</sup>
- **Health and safety:** Health and safety for fixed-term work Directive and Pregnant Workers Directive;<sup>8</sup>
- **Individual labour rights:** Written Statement Directive, Transparent and predictable working conditions Directive (TPWC) and Working Time Directive;<sup>9</sup>
- **Collective labour rights:** Information and consultation Directive, Insolvency Directive, Collective Redundancies Directive and European Works Council Directive;<sup>10</sup>
- **Work-life balance:** Parental Leave Directive and Work-life Balance Directive;<sup>11</sup>
- **Social protection:** Recommendation on access to social protection;<sup>12</sup>
- **Various aspects of non-discrimination:** Employment Directive, Race Directive, Gender equality in employment Directive, Gender equality in access to goods and services Directive, Gender equality of self-employed Directive and Gender equality in social security Directive.<sup>13</sup>

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<sup>7</sup> Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work (OJ L 14, 20.1.1998); Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work (OJ L 175, 10.7.1999); Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9–14)

<sup>8</sup> Council Directive 91/383/EEC of 25.06.1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (OJ L 206/19 of 29.07.1991), Council Directive 92/85/EEC of 19.10.1992 (OJ L 348/1 of 28.11.1992) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

<sup>9</sup> Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, Directive EU 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L186/105 11.07.2019), Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9–19)

<sup>10</sup> Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 080, 23/03/2002 p. 29 – 34), Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (OJ L 283, 28.10.2008, p. 36–42), Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ L 225, 12.8.1998 p.16–21), Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees

<sup>11</sup> Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ L 68, 18.3.2010, p. 13–20), Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79–93)

<sup>12</sup> Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (OJ C 387, 15.11.2019, p. 1–8)

<sup>13</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16–22), Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22–26); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006, p. 23–36), Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37–43), Directive 2010/41/EU on gender equality of self-

We further considered the General Data Protection Regulation<sup>14</sup> (GDPR) and Regulation 2019/1150 on promoting fairness and transparency for business users of online intermediation services<sup>15</sup> (P2B). Competition law and collective bargaining as well as data protection are handled separately in two reflection papers annexed to the study.

### **Scope of EU action**

The EU has the ability, where justified, and in accordance with the principles of subsidiarity and proportionality, to set minimum requirements in the area of social policy. However, and especially regarding working conditions, social legislation and policy for platform workers remains mostly under Member States' competences. In this context, the EU has gradually taken legislative action, mostly in the areas of employment and working conditions.

In terms of personal scope, the assessed EU legislation that regulates working conditions under Article 153 TFEU applies to '**workers**', referring to people with an employment relationship or contract. The personal scope of the assessed EU directives in many cases hinges on national legislation defining the concepts of 'worker', 'employee', 'employment contract', or 'employment relationship'. Through its extensive case law, however, the Court of Justice of the European Union (CJEU) has gradually developed an EU-wide concept of 'worker' determined by the criteria of 'subordination' or 'direction'. This helps ensure the effectiveness of some directives that rely on national definitions of 'worker'.

In this context, the following considerations are central:

- Platform workers who are classified as workers (including bogus self-employed platform workers) fall within the remit of EU labour legislation.
- Platform workers who are self-employed fall outside the scope of EU labour legislation.

Still, **platform work profoundly challenges the binary divide of 'workers' and self-employed** that has been the cornerstone of labour legislation at national and international level for decades. Evidence suggests varying approaches and interpretations between EU Member States, and even within the same Member State for labour and social law. Overall, the determination of self-employed versus 'worker' has a crucial impact on applicable legislation and hence on the working conditions and protection against social risks of individual platform workers.

In assessing the material scope of the legislation, **two instruments were found to be particularly relevant and adequate** for one or more significant challenges in the area of working and employment conditions for platform workers: the Transparent and predictable working conditions Directive (TPWC) and GDPR. Neither instrument, however, addresses all (significant) challenges of platform workers and may require further adjustments to content and/or complementary action regarding enforcement, especially in the case of GDPR. The TPWC Directive's legal base in Article 153 TFEU means it is limited in personal scope to workers and hence does not apply to the genuine self-employed. The TPWC Directive, however, is relevant to challenges including protection against abusive practices, obligatory information provision, the right to parallel employment, protection against 'dismissal' (suspension, termination and other restrictions), the right to effective legal redress and

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employed (OJ L 180, 15.7.2010, p. 1–6), Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ L 6, 10.1.1979, p. 24–25)

<sup>14</sup> 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)

<sup>15</sup> 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 services (OJ L186/57 11.07.2019)



several rights relating to working time. GDPR applies to all natural persons, and is relevant for establishing the right to access personal data, including data concerning work allocation, work performance and evaluation, and the right to data portability. As both are fairly new, our assessment is preliminary.

Platform work generally qualifies as **non-standard employment**, and several of its challenges are common to all types of non-standard work. EU legislation has tackled these challenges, particularly through the non-standard work directives, and the new TPWC Directive and Work-life Balance Directive. The Council Recommendation on access to social protection is also of particular interest to the protection of rights of persons in non-standard forms of employment, the genuinely self-employed, and persons transitioning between labour market statuses. Enforcement of the relevant EU legislation, and the issue of the minimum qualifying periods applicable to social protection and parental leave schemes, are of particular relevance for platform workers who work digitally with limited human supervision, at varying locations and often on fragmented and small-scale tasks.

All other assessed EU legislation (collective labour rights, health and safety, and working time) has varying relevance for platform workers, but only applies when there is an employment relationship. Furthermore, these instruments **are not adapted to the specific working environment of the platform workers**, and/or use concepts that are not entirely fit for the purpose of regulating platform workers' working conditions.

While somewhat broader in scope than platform work, P2B is an important step: an EU legislative action addressing challenges specific to platform practices. **P2B has great relevance for platform workers**, particularly regarding fair and transparent intermediation when they are classed as 'business users' of information society intermediation services. P2B is to some extent comparable with the TPWC, covering as it does issues such as obligatory information provision, the right to notice in case of contract revision, and restrictions on termination or equivalent measures. In personal scope P2B applies to 'business users' – self-employed natural persons who exchange services or goods with clients (legal persons) via an online intermediary service – which includes a portion of self-employed platform workers. However, it is unclear at present how many platform workers will be affected. Further limitations to personal scope are also evident. P2B, for example, defines online intermediation services as 'information society services', which does not include all types of platforms through which 'work' is allocated and organised.

The assessment of the EU instruments finds that:

- With the adoption of the TPWC Directive, which has now to be transposed into national law by August 2022, platform workers who have an employment relationship, and bogus self-employed platform workers that have been reclassified as such by national judiciaries, will have access to a wider scope of protected labour rights, specifically in relation to working conditions. However, there still needs to be better enforcement of their collective labour rights as enshrined in current EU legislation.
- **Self-employed platform workers who are economically dependent on a single platform, and who work solo and in precarious situations, appear to be the most vulnerable and least protected** by individual and collective labour rights, or by social protection legislation at both national and EU level. For the small amount of self-employed who qualify as business users of information society intermediation services, P2B should soon ensure access to comparable (and in some respects better than) protections of working conditions to those provided for by EU labour legislation.

- The TPWC Directive and P2B have only very recently been adopted and it is necessary to ensure their effective implementation.

## Gap analysis

We analysed the extent to which national responses and selected EU instruments address the most significant challenges of working and employment conditions facing platform workers. The national and EU-level responses were rated by the extent to which they addressed the individual challenges. For national responses we considered the percentage of countries with one or more relevant responses, whereas for EU legislation, we considered its personal scope, relevance, and adequacy.

Table 1: Summary of gap analysis

		Not addressed	Partially addressed	Largely addressed	Fully addressed	Indeterminate		
Specificity of challenges	Significant challenges	Countries w/responses (all national, regional, local)			EU-level (selected tools)			Remaining gap?
		total	on-location	online	Personal scope	Relevance	Adequacy	
Platform work	Autonomy in the allocation of tasks	0%	0%	0%	W			YES
	Physical environment	33%	33%	0%	W			YES
	Surveillance, direction & performance appraisal	20%	17%	3%				Indeterminate
	Contracts	23%	13%	3%				Indeterminate
	Determination of employer	37%	37%	0%	W, SE*			YES
	Data protection	7%	7%	0%	NP			NO
Non-standard work	Employment status	37%	37%	0%	W, SE*			YES
	Representation	50%	50%	3%	W			YES
	Social protection	43%	30%	3%	W, SE			YES
	Earnings	40%	40%	3%	W			YES
	Working time	27%	23%	3%	W			YES
	Undeclared work	20%	7%	0%				Indeterminate
General labour market	Autonomy in work organisation	0%	0%	0%	N/A	N/A	N/A	Indeterminate
	Adverse social behaviour	10%	10%	0%	W, SE			YES
	Cross-border work	10%	10%	0%				Indeterminate

Note: In 'countries w/responses', the 'total' column refers to the percentage of countries with any relevant response, not the sum of on-location and online. P2B and GDPR could significantly influence these assessments, especially those deemed indeterminate. **N/A**: Assessed tools are not applicable to the challenge, **NP**: natural persons, **W**: workers, **SE**: self-employed. \*Workers and self-employed are both in the personal scope of legislation, but certain additional limitations may effectively limit which platform workers are covered (See 7 of the study for a full key).

**While very few responses target working conditions and social protection for all platform workers**, over half of all national responses specifically concerned personal transportation and (food) delivery platforms. This may reflect a lack of awareness of online platform workers, or the difficulty of addressing challenges associated with online platform work at national level.

Overall the gap analysis suggests the following:

- Virtually no significant challenges are entirely resolved by national or EU responses and instruments. The sole exception is data protection, but even for this challenge, proper enforcement must be ensured.
- National responses at least partly address the most significant challenges for on-location platform workers, but do very little for online platform workers.
- Platform workers meeting the criteria for worker status are generally better protected, yet even here EU tools are not always fit for purpose because of the differences between traditional and platform work.

- In spite of recent legislative initiatives, the impact of assessed EU instruments is still limited in addressing the working conditions and social protection challenges of platform workers, in particular when they are self-employed.

## **Conclusions and policy pointers**

All platform workers, irrespective of their employment status, could benefit from measures that aim for better (or more suited to platform work) protections in terms of:

- (i) obligatory and timely provision of information about the terms and conditions of collaboration, including on work allocation, organisation and evaluation, as well as on a series of other dimensions specifically related to platform work businesses;
- (ii) advance notification, and for the right to an explanation in cases of refusal to open an account, and of both temporary and more permanent termination of the collaboration;
- (iii) access to effective and timely dispute-resolution mechanisms;
- (iv) appropriate and transparent data protection when collecting and processing personal and behavioural data;
- (v) 'collective' rights, including rights to be represented, informed and consulted, and the right to conclude agreements; and
- (vi) effective application of the non-discrimination principle.

**The most vulnerable forms of self-employment, non-standard work and indeed all forms of work share many significant challenges with platform work.** Policymakers should be aware of these commonalities and consider broader approaches rather than specific measures.

**Employment status remains a core issue when addressing working conditions and social protection challenges for platform workers at national and EU levels.** Most platform workers are self-employed, which excludes them from the personal scope of much labour and social legislation at national and EU levels. In the types of platform work that are more prone to bogus self-employment, determining specific platform workers' employment status is frequently challenging; case law moves very slowly on this issue and has not offered much clarity. Policymakers may therefore consider actions that make it easier to identify and reclassify bogus self-employed platform workers, and clarify which platform practices are incompatible with self-employment.

**Challenges related to intermediation, including algorithmic management, are largely unaddressed, especially at national level.** Intermediation in platform work can entail surveillance, performance appraisal, and intransparent contracts. These features seem to be growing beyond platform work as well. GDPR, P2B, and the TPWC Directive are extremely important for increasing transparency and addressing such issues. However, P2B only impacts a portion of self-employed platform workers, and the TPWC Directive can only help platform workers with an employment contract. While the actual impact of these tools on platform work is not yet fully clear, EU institutions may consider further modifications or clarifications to ensure more platform workers fall within their personal scope, and enforcement is effective.

**Online platform workers are less visible and receive little attention,** despite them being probably the most numerous, and doing a form of work that is often inherently cross-border. This implies that national authorities will find it difficult to address the challenges of this type of work, while it is a more natural fit for EU action.

**Besides regulatory options, the EU and Member States could consider promoting voluntary codes of conduct or charters for platforms** to commit to upholding fair working conditions, for example to ensure dispute resolution mechanisms are available to all platform workers, in a similar way to P2B requirements.

**Finally, lack of data and the very recent adoption of relevant responses and instruments limit our understanding of platform work.** Coordinated action by policymakers would ensure that high-quality data contribute to evidence-based actions, social security coordination, and prevention of abuses and undeclared work. Moreover, new national and EU legislation discussed in this study should be closely monitored to assess whether it is sufficient, or if amendments or entirely new instruments are required.