

Improving working conditions of persons working through digital labour platforms

2021/0414(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 554 votes to 56, with 24 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

The purpose of this Directive is to improve working conditions and the protection of personal data in platform work by: (a) introducing measures to facilitate the correct determination of the **employment status** of persons performing platform work; (b) promoting **transparency, fairness, human oversight, safety and accountability** in algorithmic management in platform work; and (c) improving transparency in platform work, including in cross-border situations.

Presumption of employment relationship

Member States should have appropriate and effective procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship. The contractual relationship between a digital labour platform and a person performing platform work through that platform should be **legally presumed** to be an employment relationship when facts indicating control and direction, according to national law, collective agreements or practice in force in the Member States are found. Where the digital labour platform seeks to rebut the legal presumption, it should be for the digital labour platform to prove that the contractual relationship in question is not an employment relationship.

Member States should develop appropriate guidance, including in the form of **concrete and practical recommendations**, for digital labour platforms, persons performing platform work and the social partners to understand and implement the legal presumption including on the procedures for rebutting it.

Algorithmic management

Digital labour platforms should not, by means of **automated monitoring systems** and by means of any automated system used to support or take decisions affecting persons performing platform work, process any personal data on the emotional or psychological state of the person performing platform work, process any personal data in relation to their private conversations, collect any personal data while the person performing platform work is not offering or performing platform work, process any personal data to predict the exercise of fundamental rights, including the right of association, the right of collective bargaining and action or the right to information and consultation, as defined in the Charter. It should not process personal data to infer racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, the emotional or psychological state, trade union membership, a person's sex life or sexual orientation.

Digital labour platforms should oversee and, with the involvement of workers' representatives, regularly, and in any event every two years, carry out an evaluation of, the impact of individual decisions taken or supported by automated monitoring and decision-making systems.

Persons performing platform work should receive concise information about the systems and their features that directly affect them, including their working conditions where applicable, at the latest on the first working day, prior to the introduction of changes affecting working conditions, the organisation of work or monitoring work performance, or at any time upon their request.

Any decision to restrict, suspend or terminate the contractual relationship or the account of a person performing platform work or any other decision of equivalent detriment should be **taken by a human being**.

Safety and health

Digital labour platforms should: (i) **evaluate the risks** of automated monitoring or decision-making systems to their safety and health, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks; (ii) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment; (iii) introduce appropriate preventive and protective measures.

Where there are no representatives of platform workers, Member States should ensure that digital labour platform directly inform the platform workers concerned on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring or decision-making systems.

Access to information

Digital work platforms should make the following information available to the competent authorities and to representatives of persons performing platform work:

- the number of persons performing platform work through the digital labour platform concerned disaggregated by level of activity and their contractual or employment status;
- the general terms and conditions, determined by the digital labour platform and applicable to those contractual relationships;
- the average duration of activity, the average weekly number of hours worked per person and the average income from activity of persons performing platform work on a regular basis through the digital labour platform concerned;
- the intermediaries the digital labour platform has a contractual relationship with.