











# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive 2021/0414(COD)	Awaiting committee decision
Improving working conditions of persons working through digital labour platforms	
Subject 3.30.06 Information and communication technologies, digital technologies 4.15.04 Workforce, occupational mobility, job conversion, working conditions 4.15.12 Workers protection and rights, labour law	
Legislative priorities <a href="#">Joint Declaration 2022</a>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Employment and Social Affairs</a>		02/02/2022
		 <a href="#">GUALMINI Elisabetta</a>	
		Shadow rapporteur	
		 <a href="#">RADTKE Dennis</a>	
		 <a href="#">ĐURIŠ NICHOLSONOVÁ Lucia</a>	
		 <a href="#">VAN SPARRENTAK</a>	
		 <a href="#">LIZZI Elena</a>	
		 <a href="#">ZALEWSKA Anna</a>	
		 <a href="#">CHAIBI Leila</a>	
	Committee for opinion  <a href="#">Transport and Tourism</a>	Rapporteur for opinion	Appointed 09/02/2022
		 <a href="#">VIND Marianne</a>	
Council of the European Union European Commission	Commission DG <a href="#">Employment, Social Affairs and Inclusion</a>	Commissioner SCHMIT Nicolas	
European Economic and Social Committee European Committee of the Regions			

Key events

09/12/2021	Legislative proposal published	<a href="#">COM(2021)0762</a>	Summary
17/01/2022	Committee referral announced in Parliament, 1st reading		

### Technical information

Procedure reference	2021/0414(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 153-p1; Treaty on the Functioning of the EU TFEU 116-p2; Treaty on the Functioning of the EU TFEU 153-p2
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting committee decision
Committee dossier	EMPL/9/07945

### Documentation gateway

Legislative proposal		<a href="#">COM(2021)0762</a>	09/12/2021	EC	Summary
Document attached to the procedure		SEC(2021)0581	09/12/2021	EC	
Document attached to the procedure		SWD(2021)0395	09/12/2021	EC	
Document attached to the procedure		SWD(2021)0396	09/12/2021	EC	
Document attached to the procedure		SWD(2021)0397	09/12/2021	EC	
Economic and Social Committee: opinion, report		<a href="#">CES0256/2022</a>	23/03/2022	ESC	
Reasoned opinion	SE_PARLIAMENT	<a href="#">PE730.018</a>	06/04/2022	NP	
Committee draft report		<a href="#">PE731.497</a>	03/05/2022	EP	
Amendments tabled in committee		<a href="#">PE732.875</a>	10/06/2022	EP	
Amendments tabled in committee		<a href="#">PE732.905</a>	10/06/2022	EP	
Amendments tabled in committee		<a href="#">PE732.906</a>	10/06/2022	EP	

### Additional information

Research document	<a href="#">Briefing</a>	10/02/2022
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## Improving working conditions of persons working through digital labour platforms

PURPOSE: to improve the working conditions of people working through digital platforms.

PROPOSED ACT: Directive of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the digital transition, accelerated by the COVID-19 pandemic, is shaping the EU economy and its labour markets. Digital labour platforms have become an important part of this emerging new social and economic landscape. Today, more than 28 million people in the EU work through digital labour platforms, and it is estimated that there will be 43 million by 2025.

It is estimated that nine out of ten platforms active in the EU currently are estimated to classify people working through them as self-employed. While most of these people are truly autonomous in their work, many are in a subordinate relationship to the platforms, for example in terms of pay levels or working conditions.

Digital labour platforms use automated systems to match supply and demand for work. These practices, often referred to as algorithmic management, sometimes mask the existence of subordination and control by the digital labour platform over the people doing the work. It is also felt that difficulties in enforcement and lack of traceability and transparency, particularly in cross-border situations, sometimes exacerbate poor working conditions or inadequate access to social protection.

This proposal follows the Commission's commitment to examine ways to improve the labour conditions of platform workers and supports the implementation of the European Pillar of Social Rights Action Plan.

**CONTENT:** the proposal aims to improve the working conditions of persons performing work via a platform by: (i) ensuring a correct employment status; (ii) promoting transparency, fairness and accountability in the algorithmic management of platform work and (iii) improving the transparency of platform work, including in cross-border situations.

#### Employment status

The proposed directive aims to ensure that people performing work through digital platforms are granted the legal employment status corresponding to their actual working arrangements. It provides a list of criteria for checking whether the platform is an employer. If the platform meets at least two of these criteria, it would be legally presumed to be an employer.

Those who, as a result of correct determination of their employment status, will be recognised as workers will enjoy improved working conditions including health and safety, employment protection, statutory or collectively bargained minimum wages and access to training opportunities and gain access to social protection according to national rules.

The proposal also provides for a legal presumption of an employment relationship (including a reversal of the burden of proof) for persons working through digital labour platforms that control certain elements of the performance of work. Platforms would be allowed to rebut this legal presumption but would then have to prove the absence of an employment relationship under national definitions.

This framework is expected to benefit both the false and the genuine self-employed working through digital labour platforms.

#### Algorithmic management

The proposal ensures the right to transparency regarding the use and operation of automated monitoring and decision-making systems, as well as human monitoring of the impact of automated systems on working conditions, so as to protect workers' fundamental rights and health and safety at work. It also provides for appropriate channels to discuss and request a review of automated decisions. These new rights will be granted to both employed and genuinely self-employed workers.

#### Enforcement, transparency and traceability

The proposal aims to improve transparency and traceability of platform work to support competent authorities in enforcing existing rights and obligations in relation to working conditions and social protection. It clarifies the obligation of digital labour platforms which are employers to declare platform work to the competent authorities of the Member State where it is performed.

The proposed Directive will also improve labour and social protection authorities knowledge of which digital labour platforms are active in their Member State by giving those authorities access to relevant basic information on the number of people working through digital labour platforms, their employment status and their standard terms and conditions.

The Commission estimates that actions to tackle the risk of misclassification should lead to between 1.72 and 4.1 million people being reclassified as employees. 484 million, as they would be covered by sectoral laws and/or collective agreements.

Transparency				
CHAIBI Leila	Shadow rapporteur	EMPL	11/03/2022	Just Eat Takeaway.com N.V.
CHAIBI Leila	Shadow rapporteur	EMPL	22/03/2022	IWGB
CHAIBI Leila	Shadow rapporteur	EMPL	25/03/2022	Flink
?URI? NICHOLSONOVÁ Lucia	Shadow rapporteur	EMPL	30/03/2022	BUSINESSEUROPE
CHAIBI Leila	Shadow rapporteur	EMPL	31/03/2022	Heetch (Heetch)
CHAIBI Leila	Shadow rapporteur	EMPL	31/03/2022	Heetch (Heetch)

CHAIBI Leila	Shadow rapporteur	EMPL	04/04/2022	Independants.co
CHAIBI Leila	Shadow rapporteur	EMPL	19/04/2022	Gorillas
CHAIBI Leila	Shadow rapporteur	EMPL	25/04/2022	ETUC
?URI? NICHOLSONOVÁ Lucia	Shadow rapporteur	EMPL	27/04/2022	EUROPEAN TRADE UNION CONFEDERATION
VIND Marianne	Rapporteur for opinion	TRAN	05/05/2022	EUROPEAN TRADE UNION CONFEDERATION
CHAIBI Leila	Shadow rapporteur	EMPL	09/05/2022	Independant.co
CHAIBI Leila	Shadow rapporteur	EMPL	10/05/2022	World Employment Confederation-Europe
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VIND Marianne	Rapporteur for opinion	TRAN	19/05/2022	EUROPEAN TRADE UNION CONFEDERATION
METZ Tilly	Shadow rapporteur for opinion	TRAN	19/05/2022	Bolt
CHAIBI Leila	Shadow rapporteur	EMPL	19/05/2022	EUROPEAN TRADE UNION CONFEDERATION
METZ Tilly	Shadow rapporteur for opinion	TRAN	01/06/2022	Delivery Platforms Europe
VIND Marianne	Rapporteur for opinion	TRAN	07/06/2022	Dansk Arbejdsgiverforening
METZ Tilly	Shadow rapporteur for opinion	TRAN	13/06/2022	European Transport Workers' Federation
CHAIBI Leila	Shadow rapporteur	EMPL	16/06/2022	Solidar
CHAIBI Leila	Shadow rapporteur	EMPL	29/06/2022	Yuummday
JONGERIUS Agnes	Member	14/09/2021	ETUC	
JONGERIUS Agnes	Member	15/10/2021	ETUC	
JONGERIUS Agnes	Member	05/11/2021	FNV	
JONGERIUS Agnes	Member	09/12/2021	SOLIDAR	
JONGERIUS Agnes	Member	09/12/2021	ETUC	

JONGERIUS Agnes	Member	14/12/2021	ETUC
JONGERIUS Agnes	Member	18/01/2022	Committee of Regions
JONGERIUS Agnes	Member	19/01/2022	Move EU
JONGERIUS Agnes	Member	02/03/2022	Academic experts
JONGERIUS Agnes	Member	08/03/2022	ETUC
LENAERS Jeroen	Member	30/03/2022	Move EU - The European Association of On-Demand Mobility
JONGERIUS Agnes	Member	30/03/2022	Academic experts
AL-SAHLANI Abir	Member	06/04/2022	Teknikföretagen
BRUNET Sylvie	Member	27/04/2022	TaskRabbit Inc
PLUMB Rovana	Member	11/05/2022	Delivery Platforms Europe
BRUNET Sylvie	Member	16/05/2022	TAXIS 4 SMART MOBILITY
LEXMANN Miriam	Member	17/05/2022	Wolt Enterprises
LENAERS Jeroen	Member	25/05/2022	Public Matters Temper
BRUNET Sylvie	Member	02/06/2022	Deliveroo
BRUNET Sylvie	Member	02/06/2022	Europtimum Conseil