Consultation meetings with platforms and platform workers’ representatives

20 & 21 September 2021

Following the second stage consultation of social partners, the Commission held two meetings with the representatives of digital labour platforms and people working through platforms on 20 & 21 September 2021. The aim of the meetings was to collect views and opinions of relevant stakeholders regarding the possible avenues of EU action, in the context of its work on a legislative initiative to improve the working conditions in platform work,

25 organisations were invited for each of the meetings, representing a variety of platforms and platform workers’ associations, covering a wide range sectors and services (ride hailing, delivery, household services, professional services, clickwork, student jobs etc.), different sizes, business models, geographical locations etc.

The following digital labour platforms were present at the meeting: Bolt, Wolt, Uber, Delivery Hero, Deliveroo, Heetch, Scribeur, Testbirds, Workis, Glovo, Zenjob, Voocali and the Association of Freelance Platforms (API).

Platform workers were represented by the following organisations: Riders & Derechos, United Freelancers, Collectif des livreurs autonomes de Paris (CLAP), Les Coursiers Bordelais, Austrian Trade Union (on behalf of GPA-DJP), Riders Union FNV, Intersyndicale National VTC, Couriers’ Association, Lithuania, European Alternatives, UILTuCS Uil, Unión General de Trabajadores, Riders Union Reggio Emilia, 3F Transport.

Platform companies said that they share the overall goal of the Commission, which is to ensure decent working conditions of people working through platforms. They were however opposing the proposed means to achieve this objective, notably the rebuttable presumption and the reversal of the burden of proof. They pointed to the variety of business models and a general desire of people working through platforms to keep their self-employment status. They argued that the platforms would be willing to offer better conditions, i.e. social protections, insurance, fair compensation within the self-employed model, without the risk of reclassification. The participants called for more legal certainty, some of them proposed an ethical charter as a self-regulation tool. Regarding the algorithmic management, they agreed that more transparency is need, notably on processes, key deliverables, allocation of tasks etc. Some participants asked for more clarity on the definition of algorithms for the purpose of the initiative and argued that ratings portability should not create incentive to introduce ratings.

Platform workers’ representatives challenged the platforms’ classification of people working through them as self-employed, noting that such people are not entrepreneurs, but are controlled by the platforms. They highlighted that platforms impose the status of self-employment and the pay rates. Most of the participants were in favour of the introduction of a rebuttable presumption of employment status, combined with a reversal of the burden of proof. Many participants explicitly reiterated their opposition to a third status in platform work and welcomed the Commission intention not to introduce such a status in its upcoming
proposal. In relation to the algorithmic management, platform workers representatives pointed out that algorithms are not neutral and lead to optimisation of work in such a way that people working through platforms risk their health. As the income of people working through platforms depends on the speed of fulfilling the tasks, many of them have to perform as fast as possible. This increases physical risks, such as from road accidents. They also pointed out that people working through platforms should have the right to know how their behaviour influences task allocation by algorithms. Some participants underlined that algorithms need to be transparent not only to courts but also to the people working through platforms and the inspection services of Member States. They also called for the mass collection of private data by platforms to be stopped. Some of them noted the importance of data portability across platforms. Many of the participants underlined the importance of ensuring collective bargaining rights for the people working through platforms. They stressed that some drivers and riders seek help, but many more are in such a precarious position that they do not have the possibility to come forward to defend their own interests.