Dear all,

Please find below a flash report on Tuesday’s meeting between Commissioner SCHMIT and ETUC representatives on the proposal for a Directive on platform work.

Kind regards,

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**FLASH REPORT – Meeting between Commissioner SCHMIT and ETUC representatives on the proposal for a Directive on platform work – Videoconference – 05/04/2022**

**Participants**

**ETUC**
- Ludovic VOET, Confederal Secretary, ETUC
- Stefan GRAN, Senior Adviser, ETUC
- Ignacio DORESTE HERNANDEZ, Adviser, ETUC

**European Commission**
- Nicholas SCHMIT, Commissioner for Jobs and Social Rights
- Ana Carla PEREIRA, Social and Employment Adviser to Commissioner SCHMIT
- [Redacted]

**Main takeaways**

- ETUC welcomed the proposal for a Directive on platform work as a positive political signal to platforms and stakeholders. They however believe there are some technical aspects to be improved.
- The definition of “digital labour platforms” may be too narrow and allow some platforms to fall outside the scope of the proposal. The criteria for the rebuttable presumption may also be too narrow and not sufficiently future-proof.
- ETUC believes the algorithmic management chapter brings positive change, although it regrets its scope does not encompass all companies using AI to manage their workforce. They also regret Recital 23 (on privately provided social benefits), which they believe will result in social dependency of the SE.
- ETUC’s main criticisms relate to the rebuttable presumption. They would rather it applied to all digital labour platforms, and shift the criteria to the rebuttal stage of the procedure (i.e. platforms wanting to challenge the presumption would have to demonstrate a lack of control against the criteria).
• ETUC is also worried that leaving the triggering of the presumption to proactive workers or public authorities would result in lax applicability and difficult operationalisation. Finally, ETUC would want provisions for the platforms’ algorithms to be open to public (and SPs’) scrutiny.

• CAB SCHMIT explained that the criteria in the proposal come from CJEU and MS jurisprudence on platform work and that the overall architecture of the proposal is based on a thorough analysis of available evidence and careful balancing of stakeholders’ interests.

• CAB SCHMIT explained that the proposal requires Member States to put forward a legal framework of measures to ensure the applicability and effective operationalisation of the presumption, and that a general presumption applying to all platforms would be disproportionate and ineffective.

• CAB SCHMIT also underlined the powerful ‘signalling effect’ of the proposal, and the adjustments that platforms are expected to make to their business models as a result. This will improve working conditions and bring more legal certainty across the EU.

• CAB SCHMIT clarified that the scope of the algorithmic management chapter is limited to digital labour platforms because of a lack of consolidated evidence that this is a problem in the wider economy, as well as for proportionality reasons.