

## Steering brief

### Scene setter

On the 30 November 2021, from 11.00 until 11.30, you will have an online meeting with [REDACTED] members of Move EU, an association of digital labour platforms active in the ride-hailing sector, at their request. Move EU has only three members: UBER, BOLT and FREE NOW. The CEO of these three companies will attend the meeting:

- [REDACTED] UBER;
- [REDACTED] BOLT;
- [REDACTED] FREE NOW.

**All three [REDACTED] will make the case that people working through platforms should remain self-employed, while being given more social rights and better social protection.**

UBER, BOLT and FREE NOW are opposed to the rebuttable presumption of the employment relationship and to a reversal of the burden of proof.

UBER, in the last twelve months, has faced a series of high-profile judicial blows to its business model of contracting self-employed drivers, in both the EU (notably in France and the Netherlands) and the UK.

[REDACTED] pivot will most probably build on Uber's White Paper on A Better Deal for European Platform Workers, published on 15 February 2021 (in your file).

[REDACTED] will probably mention the many surveys of riders that BOLT claims to have carried out, all of them indicating a preference for the self-employed status (in your file).

FREE NOW is relatively less known, but given its membership of Move EU, it is on the same line as UBER and BOLT.

The three [REDACTED] may refer to a very recent study published earlier this month (in your file) commissioned by some of them (BOLT and UBER, together with Deliveroo, DeliveryHero and Wolt) to consultancy Copenhagen Economics. The study claims that a policy that would put an end to flexibility in platform work would be highly detrimental to people working through platforms and to consumers. We consider however that the study however is based on questionable data and assumptions.

In a meeting with DG Korte on 17 March 2021, **BOLT called on the Commission to consider a European third category status and/or bringing platform work under the scope of temporary agency legislation.**

BOLT claimed that EU harmonised rules on the employment status would bring down the current 'wage premiums' over national minimum wages enjoyed by its drivers and would negatively affect the number of drivers currently working through its app.

On 5 November 2021, you had an online meeting with [REDACTED] Deliveroo, who is broadly on the same line as [REDACTED] UBER, BOLT and FREE NOW, although not member of EU Move.

In October 2021, Members of the Cabinet of Commissioner Schmit met with representatives of UBER, BOLT and FREE NOW.

On 23 November 2021, Commissioner Schmit met with, [REDACTED] of UBER.

The Commission has met with Uber representatives on at least 5 occasions since December 2019, at both Cabinet and services level bilaterally and in stakeholder fact-finding workshops.

NB1: your meeting of 30 November has been logistically organised by a public affairs consultancy, “EU Strategy” based in Brussels, close to the Berlaymont (Charlemagne), hired by EU Move (i.e: UBER, BOLT and FREE NOW)

NB2: following a decision of a Court of Appeal taken on Wednesday 24 November, it is forbidden for UBER vehicles to work in the Brussels region as of Friday 26 November, 18.00. Drivers with a licence from Wallonia and Flanders can still work, including inside Brussels.

### ***Objectives of the meeting***

- What we want:
  - Explain the objectives of our forthcoming legislative initiative on platform workers.
  - Convince your interlocutors that this legislative initiative is also in their interest.
- What the interlocutor wants:
  - Convinced you to give up on the forthcoming legislation on platform workers, especially on a rebuttable presumption of the employment relationship and on the reversal of the burden of proof.
  - Convinced you to create a specific status for platform workers.

### **Key messages**

- The platform economy brings considerable benefits. We want to make sure that these benefits are reaped, spread equally and accessed fairly, while protecting labour rights and ensuring minimum social protection.
- Challenges remain, particularly as regards the correct classification of the employment status of many people working through platforms, as well as the transparency and accountability of algorithmic management and surveillance.
- The Commission is looking into ways to improve the working conditions in platform work and is planning to adopt a legislative initiative on 8 December 2021.
- Our objective is to ensure that people working through platforms are protected by minimum standards regarding working conditions and thus contribute to a sustainable development of the platform economy.
- We need to address issues, such as access to social rights already available to other workers, but also emerging phenomena such as algorithmic management.

**Contact – briefing coordination:** [REDACTED] (SG [REDACTED])

**Contact – briefing contribution:** [REDACTED] (EMPL [REDACTED])