



European Union proposes expansion of platform workers' rights

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Digital labor platform workers in the European Union (EU) could be given employment rights under a proposed directive issued by the European Commission. The proposal follows an earlier 2021 consultation and aims to improve the working conditions of platform workers. If agreed to, platform workers would be entitled to minimum wages (where they exist); collective bargaining; working time; paid leave; improved access to protection against workplace accidents, unemployment and sickness benefits; and old-age pensions. The directive also would require digital labor platforms to be more transparent when using algorithmic systems to manage platform workers.

Highlights

Definition of digital labor platforms and platform work. Digital labor platforms include any person providing commercial services that meets certain criteria, for example, a service provided at a distance using electronic means. Platform work includes any work organized through a digital labor platform that is performed by an individual on a contractual basis between the platform and individual.

Rebuttable presumption of employment status. A digital labor platform will be presumed to be the employer of platform workers if they exercise certain controls (these are defined by the directive), entitling the worker to employment rights.

Disclosure of platform work and correct determination. Digital labor platforms would have to provide information to national authorities about their business and use of platform workers, and implement procedures to correctly determine the employment status of individuals performing platform work, and rectify any misclassification.

Minimum rules for using algorithmic management. Digital labor platforms would have to inform platform workers about the use of automated monitoring and decision-making systems, and their impact on working conditions (for example, task allocation and bonus awards). In addition:

- Digital labor platforms would have to provide in-person monitoring and evaluation of automated decision making, to ensure they do not put undue pressure on platform workers, or risk their physical and mental health.
- Platform workers would be entitled to an explanation about the decisions taken by automated systems that significantly affect their working conditions, and to discuss and clarify the facts, circumstances and reasons for such decisions.
- Digital labor platforms would have to provide their workers with a written statement of reasons for any decision to restrict, suspend or terminate their account, or refusal to remunerate their work. Platform workers could request the digital labor platform to review any such decision and provide a substantiated reply within one week.

Protection of platform workers from adverse treatment. National laws would have to protect platform workers from adverse treatment and dismissal for applying their rights under the directive.

Related resources

Non-Mercer resource

- [Commission proposals to improve working conditions of people working through digital labor platforms](#) (European Commission, 9 Dec 2021)

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- [European Union consults on digital labor platforms](#) (25 Feb 2021)

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