

Platform work directive

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ETUC Confederal Secretary

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Platform Work Directive :

- ⇒ Effective presumption of employment
- ⇒ Revolutionary chapter on algorithmic management
- ⇒ Other useful provisions for trade unions





Presumption of employment





The core issue ➡ Correct employment status





The platform work model blurred the lines between:

- **Workers** (with all workers' rights and protections)
- **Self-employed** (with all the entrepreneurial freedoms)



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- **Workers** (with all workers' rights and protections)
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The platform work model is characterised by:

- **Bogus Self-Employment** (with no protections and only illusions of freedom)





**“The persistence of bogus self-employment
depends entirely on how Member States
transpose the Directive.”**

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Presumption of employment with a reversed burden of proof

- All Member States must introduce it.
- Those Member States who have it ALREADY must evaluate:



Presumption of employment with a reversed burden of proof.

- All Member States must introduce it.
- Those Member states who have it must evaluate:

⇒ Are the procedures **appropriate and effective**?

(Cost effective for workers? Swift? Not clogging up the judiciary system?)

⇒ Is it **procedural facilitation** for persons performing platform work?

(How does it differ from the procedure that you have now in place?)





What is the right procedure?

Administrative  Judiciary



ETUC argues that administrative procedures, based on the presentation of facts, would be effective and appropriate:

- Reduces the burden on courts, ensuring quicker resolutions.
- Simplifies the process for workers, removing unnecessary legal hurdles.
- Clarifies the process for platforms creating their desired legal certainty.



!! Article 6: Supporting measures

- Guidance for all parties to explain the (new) procedures.
- Targeted controls (from individual to collective solution).
- Training for competent authorities (including technical expertise).





Algorithmic Management



- ⇒ “Revolutionary”
- ⇒ “Shifting paradigm”
- ⇒ “Fortifying workers’ rights ”





New rights for trade unions and ALSO for the self-employed

PPPW  Workers





New rights for self-employed

PPPW  Workers

Reminder!!!!

Persons performing platform work = **Self-employed AND Workers** (AND everything in-between)



Article 9 – Transparency of AMS and ADMS

⇒ Info about all decisions made by the algorithm (Art 9.1. a;b;c)

- Their existence...
- What they monitor...
- Who receives the data (third parties)...
- Grounds for decisions having an impact on workers...

⇒ When the info should be received (Art 9.3)

- Prior to implementation...
- First working day....

⇒ Who has access to all that info??



Article 11 – Human review.

- ⇒ Right for PPPWs to human review for **all decisions** taken by ADMS
- ⇒ Access for PPPWs to a person to **discuss and clarify** the decision
 - “the person” must speak the language of that country
- ⇒ Rights for PPPWs and their representative to request a **review** of the decision
 - DLP has two weeks for a written answer
 - Adequate compensation due if the decision was wrong or can not be rectified
 - ADMS should be modified or discontinued (to prevent NEW wrong decision)



Article 12 – Occupational health and safety

⇒ Measures only concerning ADMS and platform workers

- Prevention measures
- Evaluation of psychological and ergonomic risks

Art 12.3.

*‘Digital labour platforms shall not use AMS and ADMS in a manner that puts **undue pressure** on **platform workers** or otherwise puts at **risk the safety and physical and mental health of platform workers**.*

!!! TU must argue that this is discriminatory

⇒ Scope for extending measures for all PPPWs





BEYOND presumption and algo-management



Article 17: Access to relevant information on platform work

⇒ Info available to PPPWs, authorities & representatives of PPPWs

- Number of PPPWs (level of activity, employment status)
- Average duration of activity, number of hours, income,
- Intermediaries chain
- General conditions



Article 17: Access to relevant information on platform work

⇒ Info available to PPPWs, authorities & representatives of PPPWs

- Number of PPPWs (level of activity, employment status)
- Average duration of activity, number of hours, income,
- Intermediaries chain
- General conditions } Every update

Every 6 months



- **Administrative OR judiciary**
 - ➡ New right for the TU to represent outside labour courts
(*civic court in case of data protection dispute*)



- **Administrative OR judiciary**
 - ⇒ New right for the TU to represent outside labour courts
(*civic court in case of data protection dispute*)
- **One or several PPPWs**
 - ⇒ Possibility of class action
(*How does it differ from the procedure that you have now in place?*)





Article 20: Communication channels

- Secure **digital channel** for PPPWs & Reps
- Monitoring **X** providing content moderation



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- Secure **digital channel** for PPPWs & Reps
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⇒ Third party CAN be responsible for the channel
(*Platform can outsource it to TUs*)



Article 22: Protection against adverse treatment

- Protection against any adverse treatment

➡ MS will need **Trade Union help** to identify examples

- *Lower rate*
- *Longer distances (less attractive offers)*
- *Lower number of offers*

Link to Article 6

*Capacity building for
competent authorities*



Transposition Traps:

Presumption ➡ Weak or complex national procedures

Oversight ➡ Lack of trained authorities

Transparency ➡ Limited algorithmic disclosure due to trade secrets

Health & Safety ➡ (bogus) Self-employed & third status excluded

Enforcement ➡ Weak sanctions, limited redress



ETUC Priorities

Presumption ➡ New and swift procedures

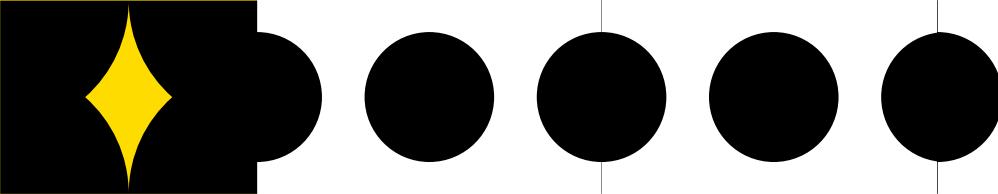
Oversight ➡ Means to train competent authorities

Transparency ➡ Full algorithmic disclosure available to TUs

Health & Safety ➡ Extended to PPPWs

Enforcement ➡ Strong sanctions





ETUC Next Steps

- **22nd January 2026** - Online Webinar on Transposition Guide
- **March 2026/2028** – New EU project
 - ⇒ Deep dive into algo management
 - ⇒ Data Analysis using real cases
 - ⇒ Beta version of Trade Union trans-border cooperation





ETUC Resources

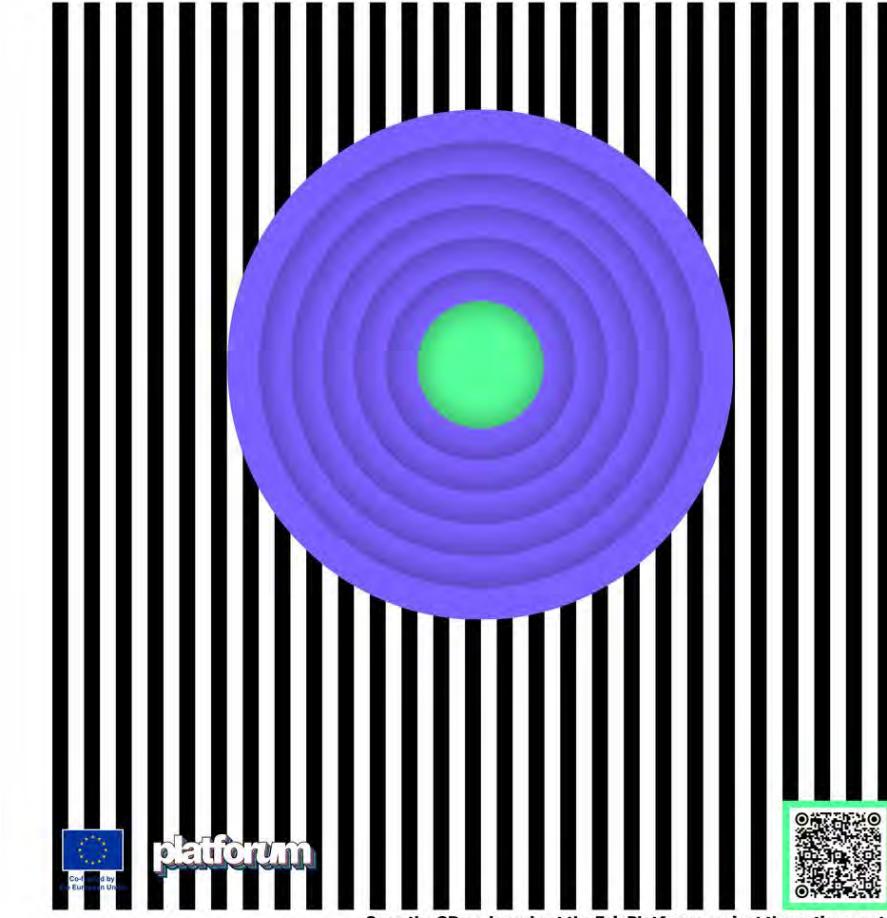
Negotiating the Algorithm

Trade Union Manual



Strategic Foresight

Which workers
in Europe are vulnerable to Uberisation?





Thank you.

