

EU ministers agree their position on platform work, including algorithmic management

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Council of the EU

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Rights for platform workers: Council agrees its position

The Council is ready to start negotiations with the European Parliament on a new law that will help millions of gig workers gain access to employment rights .

Today, ministers for employment and social affairs agreed on the Council's general approach for a proposed directive to improve working conditions for platform workers .

The proposal introduces two key improvements: it helps determine the correct employment status of people working for digital platforms and establishes the first EU rules on the use of artificial intelligence in the workplace .

The gig economy has brought many benefits to our lives, but this must not come at the expense of workers' rights. The Council's approach strikes a good balance between protecting workers and providing legal certainty for the platforms that employ them.

Paulina Brandberg, Swedish Minister for Gender Equality and Working Life

Correct classification of self-employed workers

Currently, the majority of the EU's 28 million platform workers, including taxi drivers, domestic workers and food delivery drivers, are formally self-employed . Nevertheless, a number of them have to abide by many of the same rules and restrictions as an employed worker. This indicates that they are in fact in an employment relationship and should therefore enjoy the labour rights and social protection afforded to employees under national and EU law.

The Council's aim is to address these cases of misclassification and ease the way for such workers to be reclassified as employees. Under the Council's general approach, workers will be legally presumed to be employees of a digital platform (as opposed to self-employed) if their relationship with the platform fulfils at least three of the seven criteria set out in the directive. These criteria include:

upper limits on the amount of money workers can receive

restrictions on their ability to turn down work

rules governing their appearance or conduct

In cases where the legal presumption applies, it will be up to the digital platform to demonstrate that no employment relationship exists according to national law and practice.

More transparent use of algorithms

Digital labour platforms regularly use algorithms for human resources management . As a result, platform workers are often faced with a lack of transparency on how decisions are taken and how personal data is used.

The Council wants to ensure that workers are informed about the use of automated monitoring and decision-making systems. Under the new rules, these systems will be monitored by qualified staff, who enjoy special protection from adverse treatment. Human oversight is also guaranteed for certain significant decisions such as the suspension of accounts.

Next steps

The Council will begin negotiations with the European Parliament on the basis of the general approach agreed upon today, with a view to reaching a provisional agreement.

Background

The platform economy has grown exponentially in recent years, with revenues increasing from an estimated €3 billion to around €14 billion between 2016 and 2020 and the number of platform workers expected to reach 43 million by 2025.

While the growth of digital platforms has benefitted both businesses and consumers, it has led to the development of a grey zone for many platform workers when it comes to their employment status. According to the Commission, around 5.5 million workers currently classified as self-employed are in a de facto employment relationship with digital platforms and should therefore be entitled to the same labour and social rights granted to employees under EU law.

Moreover, the use of algorithms in platform work has raised questions about the processing of workers' data and the transparency and accountability of decision-making.

The Commission's proposal for a directive was published on 9 December 2021. It aims to:

ensure that people working through platforms have – or can obtain – the correct employment status in light of their actual relationship with the digital labour platform, and gain access to the relevant labour and social protection rights

ensure fairness, transparency and accountability in management via algorithms in the context of platform work

enhance transparency, traceability and awareness of developments in platform work and improve enforcement of the relevant rules for all people working through platforms, including those operating across borders

Employment and social affairs ministers have made one previous attempt to establish the Council's general approach on the platform workers directive at their meeting on 8 December 2022.

EU rules on platform work (background information)

Spotlight on digital platform workers in the EU (infographic) Spotlight on digital platform workers in the EU (infographic)

[Visit the meeting page](#)

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