Platform Work Trilogues: A chance to improve conditions for platform workers

In advance of the next trilogue meeting on 12 December, our coalition of civil society organizations and cooperative organizations wish to stress that the future of the platform economy and the future of work is at stake. As we see monopolistic digital platforms deploy huge resources to try and influence the negotiations in their interest, it is critical that the protection of social rights is upheld. As representatives of platform workers marginalized groups and socially responsible platforms who will be impacted by the Platform Work Directive, we call for the strong protection of workers' rights.

Platform work is too often based on bogus self-employment, which represents an unacceptable violation of workers' rights including access to social protection and security, minimum wages, and health and safety guarantees. Moreover, it creates an unfair competitive environment for platforms that respect their workers' rights, such as platform cooperatives. More specifically, we would like to react to two of the cornerstones of the digital platforms' narrative: the myth of flexibility and the threat of increased inefficiency and service costs.

Flexibility:

Flexibility is often presented by digital platforms as the panacea that compensates for the lack of guarantees and social rights that derives from the self-employed misclassification. This narrative is based on the false assumption that platform workers are in full control of the organisation of their own work. Yet too often it is flexibility only for the platform and not for the platform worker.

Studies have shown that turning down gigs negatively impacts the possibility of platform workers to gain access to future work as the algorithm penalizes their performance assessment, based on which access to work is awarded.[1] Furthermore, platform workers are also typically on low pay and so turning down work is not a realistic option for those relying on it to survive. People who work through platforms, should be granted real flexibility and control over their work if they are to be classified as self-employed.

Increased costs:

The second aspect is the supposed threat of increased inefficiency and services' costs if the Directive is adopted. Affordable prices and efficiency of services should never come at the expense of workers social rights and fair working conditions, and those who declare to be in favour of the European Social model as claimed by Uber,[2] should be aware of this. Any potential increase in costs for consumers should reveal more about the lack of sustainability of the platforms' business model, which relies on the misclassification of the work relationship and poor working conditions to exist and make profits.

Platform work is often precarious, and it is most often performed by people from marginalised and vulnerable backgrounds, including youth, racialised persons and people from a disadvantaged socio-economic background. Workers with limited acquired formal education or from marginalised groups make up 55% of platform workers,[3] in contrast to the narrative presented by the digital platforms that they are

[1] https://www.solidar.org/en/publications/working-for-nothing-in-the-platform-economy-thematic-publication
[2] https://www.ft.com/content/1d2ca0e1-b3f0-4fcb-b0c0-a2504b48b605
[3] https://www.youthforum.org/files/220420-PP_Platform-Work.pdf

providing flexibility to students picking up part-time shifts. Platform work can also be characterised by quality and high social standards, as proved by workers-owned platform cooperatives which put the workers interest at the core of their concern. Platform cooperatives provide sustainable business alternatives that do not compromise the social rights of their workers to sustain themselves.[4]

To conclude, digital platforms should not build their business model at the expense of workers' rights and the first objective of the Directive is to improve working conditions. With the platform economy expected to grow by 52% in the coming years, we call for the negotiators to adopt an ambitious Directive and to take the golden opportunity currently in front of them to make a real difference for platform workers, and those to come. For this to happen, **we call on the negotiators to include in the Directive:**

- **A rebuttable presumption of employment with a reversed burden of proof**:
- Those working for digital labour platforms must be recognised as workers without having to go through lengthy proceedings before administrative or judicial authorities. The burden must be on the platform to activate the rebuttal of this presumption and not on the shoulders of individual workers.
- Workers who are genuinely self-employed must not be, legally or in practice, controlled by and/or subordinated to the platforms.

- **Equal treatment of all workers:**
- All workers must be treated equally. Workers doing the same work for the same digital labour platform must have the same employment status. There can be no third category of workers.

- **Transparency of working conditions and algorithmic management**
- Any use of algorithms by platforms must be done so in a transparent way, with clear explanations on which decisions are being made by algorithms, to ensure fair working conditions. Decisions like ending an employment relationship cannot be left to an algorithm or any other artificial intelligence (AI) mechanism.

[4] https://cecop.coop/works/cooperatives-fight-for-better-working-conditions-in-platform-work