

A SOCIAL AGENDA FOR DIGITAL WORK

SHAPING THE PLATFORM ECONOMY IN EUROPE

The platform economy is already an integral part of the European economy, and its economic and social importance will continue to increase significantly in the future. Estimates by the European Commissions' Joint Research Centre indicate that on average 10% of the adult population in Europe already used online platforms for the provision of labour services. Nevertheless, the Commission's Digital Single Market Strategy largely disregards the social dimension of the digital economy and its impact on the life and work of millions of Europeans. This is fatal, not only from an employment policy perspective; it also promotes unfair competition between the platform economy on the one hand and the offline economy on the other, at the expense of "traditional" companies, workers and social security systems.

For the S&D Group this approach is unacceptable. **The European Digital Agenda must become a Social Digital Agenda**, which goes beyond technical aspects and takes full advantage of the related employment and growth potentials. New types of employment and platform work can offer a better work-life balance, additional income and new chances for people distant from the labour market.

However, there is also the risk that new working arrangements in the platform economy undermine current social and employment standards and give rise to precarious forms of employment. Therefore, it must be ensured that all platform workers enjoy the same social and employment rights, the same health and safety protection as well as the same access to lifelong learning as workers in the traditional economy. Flexibility and self-determination of new working models in the digital age should not become a synonym for ever more sophisticated exploitation and performance surveillance of workers.

Therefore, the S&D Group calls on the European Commission and the member states to shape the development of the platform economy in a socially just and sustainable manner.

Employment and social policies must keep pace with the digitalisation of labour markets. A comprehensive legal framework is necessary to guarantee all workers in the platform economy social protection and social rights, and to establish a level playing field for the platform economy and the offline economy based on same rights and obligations for all actors.

The S&D Group calls for:

1

The application of existing legislation and labour law, such as the Directive on Temporary Agency Work, to the platform economy where possible and an adaptation of Union legislation where necessary. All upcoming legislation must take new forms of digital employment into account.

2

The reversal of the burden of proof of an employment relationship: If platform-based-work involves the provision of services, an employment relationship with the platform should be deemed to exist. This legal assumption could be rebutted by the platform who has all relevant information of both the worker and the recipient of the provided services.

3

The classification of workers in the platform economy based on the primacy of facts and not on its ostensible appearance or terms and conditions defined by the platforms. Clear criteria are necessary to identify employment relationships in the digital world of work such as the setting of remuneration levels, quality controls as regards to work outcomes, the drawing up of ratings, the handling of the communication between recipients etc. to provide guidelines for member states to apply their national definitions.

4

The assertion that all platform workers have the fundamental right to exercise the freedom of association and collective bargaining. Individual platform workers must be excluded from anti-cartel-measures. At the same time, they must be able to get in touch with other platform workers and organisations representing their interests.

5

Access of trade unions to digital workplaces and the right to bargain on behalf of single self-employed workers in the digital economy.

6

A better enforcement of minimum standards on remuneration applicable in the member states where the work is provided, including all elements of remuneration rendered mandatory by law or collective agreement as well as forms of non-monetary remuneration.

7

The prohibition of the arbitrary exclusion of workers from the assignment of tasks or the arbitrary deactivation of a user account as well as the prohibition of unjustified clauses, which for example ban platform workers from taking on other employment, in particular with other platforms.

8

The prohibition of contractual conditions and arrangements that provide for shorter forfeiture and limitation periods, that require workers to make a payment in return for receiving work assignments and that prohibit workers from making direct contact with recipients.

9

A ban of zero-hour contracts.

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Guaranteeing the right to strike: Platforms shall not assign platform workers to replace workers who are on strike or to perform duties on the premises of recipients affected by strikes or lock-outs.

11

Fairness and transparency of ratings, which constitute the digital market value of platform workers, as well as their transferability to other platforms. Workers must have the right to access their performance ratings and to be involved in establishing the criteria on which those ratings are based.

12

Platforms and platform work comply with health and safety regulations and the rules on maximum working periods, daily and weekly rest periods and breaks.

13

Periods during which platform workers are connected to the platform count as working time.

14

Platforms provide their workers with obligatory training and education as well as any required protection gear at the expense of the platform.

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Access for platform workers, including those whose contract has come to an end, to effective and impartial dispute settlement procedures and are entitled to legal redress, including appropriate compensation, if their rights are infringed.

The S&D Group considers these measures crucial for shaping the platform economy in the interest of workers, businesses and society. We insist that the Commission takes them up in its new work programme and makes use of its right of initiative. **Europe urgently needs a social agenda for digital work to shape a socially just and sustainable platform economy.**