



Council of the European Union
General Secretariat

**Interinstitutional files:
2021/0414 (COD)**

Brussels, 08 February 2022

WK 1744/2022 INIT

LIMITE

SOC

EMPL

MI

DATAPROTECT

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	Presidency
To:	Delegations
N° Cion doc.:	ST 14450 2021 INIT
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work - Presentation made by the Commission at the informal videoconference of members of the Working Party on Social Questions on 8 February 2022

Delegations will find attached the presentation given by the Commission on the above proposal during the informal videoconference of the members of the Working Party on Social Questions on 8 February 2022.

WK 1744/2022 INIT

LIMITE

EN



Commission proposal for a Directive on

Improving working conditions in platform work

SQWP meeting on the Communication and IA, 8 February 2022

The package adopted on 9 December includes:

- A **proposal for a Directive** on improving working conditions in platform work, including measures on employment status misclassification, algorithmic management rights and provisions on transparency and traceability;
- an accompanying **Communication** outlining the interplays between the proposed Directive and other relevant EU initiatives, and calling on stakeholders to complement EU action;
- **draft guidelines** on the application of EU competition law to solo self-employed persons in a weak position (incl. those on platforms).

PUBLIC

The accompanying Communication

Political and socio-economic context



- The Communication describes the **setting and trends** which point to the need for EU action on platform work:
 - ongoing digital transition;
 - rapid growth of the EU's platform economy;
 - challenges and opportunities of platform work;
 - calls from stakeholders (incl. Council, Parliament and social partners) to tackle the problem of poor working conditions and inadequate access to social protection in platform work.

Legal and policy context

- The Communication explains the **interplays and complementarities** between the proposed Directive and existing and forthcoming initiatives:
 - EU labour and social *acquis*;
 - General Data Protection Regulation (GDPR);
 - Platforms-To-Business (P2B) Regulation;
 - proposal for an Artificial Intelligence Act (AIA);
 - draft guidelines on the application of EU competition law to solo self-employed people in a weak position.

Taking action – Member States

- The Communication calls on stakeholders to complement EU action with concrete measures at national and sectoral level.
- It calls on **Member States** to:
 - provide advice and guidance to people working through digital labour platforms on the fiscal, social security and/or labour law obligations of their platform activity;
 - set up dedicated information channels, such as information websites and hotlines, to provide said advice;
 - ensure improved transparency for the digital labour platforms active in their territory on the national rules governing the classification of employment status;
 - facilitate the development of small and medium-sized digital labour platforms, for example by providing access to templates, including relevant and sufficiently comprehensive information on the applicable legal framework;
 - support social partners in reaching out and representing people working through digital labour platforms, in line with national practices and traditions and the autonomy of social partners.

Taking action – Digital labour platforms

- The Communication calls on **digital labour platforms** to:
 - promote **social dialogue**, by actively supporting the collective representation of people working through them;
 - facilitate the exercise of the **right to data portability** under the GDPR by ensuring the technical possibilities for such portability, and to extend the possibility to transmit/port data to reputational data. This could be achieved through an industry-led Code of Conduct.
 - cooperate across industries and develop common IT-based formats and solutions to further improve the transparency and traceability of platform work, for example within the proposed Code of Conduct.

Taking action - Commission

- In the Communication, the **Commission** commits to:
 - support the sharing of good practices in the context of its mutual learning programme, as well as to support the activities of the European Labour Authority within the scope of its mandate;
 - continue to support Member States with the application of, and guidance on, social security coordination rules, where necessary.
 - through EU programmes (such as Horizon Europe), continue to invest in research that can identify innovative and high quality forms of work and examine risks and opportunities for people working through digital labour platforms and businesses alike.

International dimension

PUBLIC

- The Communication also looks at the policy context beyond EU borders.
- It encourages all stakeholders to engage in building a **global governance for platform work**, including through bilateral relations with **US** and **Canada**.
- It identifies the **ILO**, **OECD**, **G7** and **G20** as relevant fora for carrying out discussions on global standards in platform work.