



Council of the European Union
General Secretariat

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

Brussels, 05 April 2022

WK 4903/2022 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
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 by the Commission

Delegations will find attached the presentation given by the Commission at the Working Party meeting on 5 April 2022.

WK 4903/2022 INIT

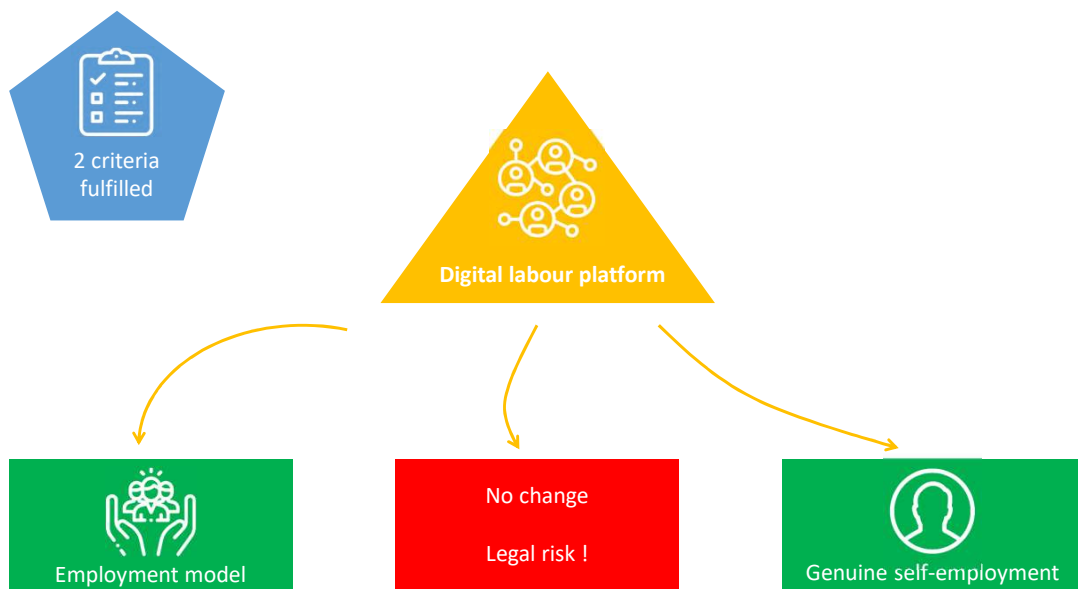
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Platform work proposal

Rebuttable presumption

SQWP, 4 April 2022



Individual action



- administrative procedure (where applicable)
- dispute resolution (where applicable)
- court procedure



- 2 criteria fulfilled



- need to prove that no employment relationship under national definitions

- if in favour of employment relationship:

no suspensive effect

Action by enforcement authorities



- e.g. labour inspectorates



- 2 criteria fulfilled

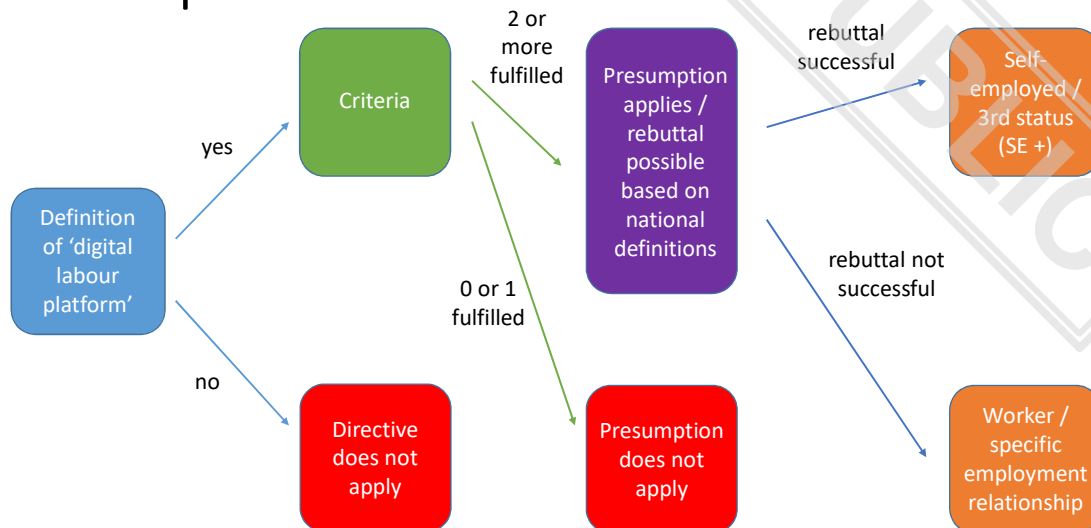


- need to prove that no employment relationship under national definitions

- if in favour of employment relationship:

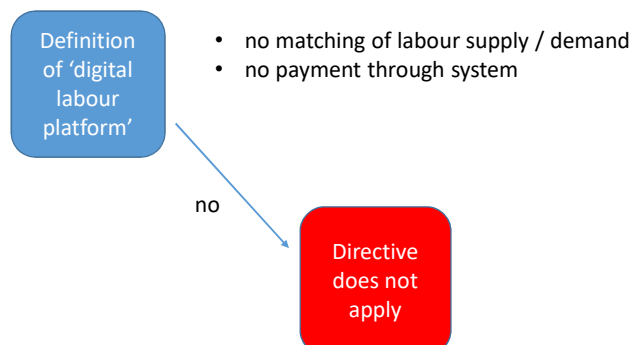
no suspensive effect

3-step assessment



Case 1: online reservation system

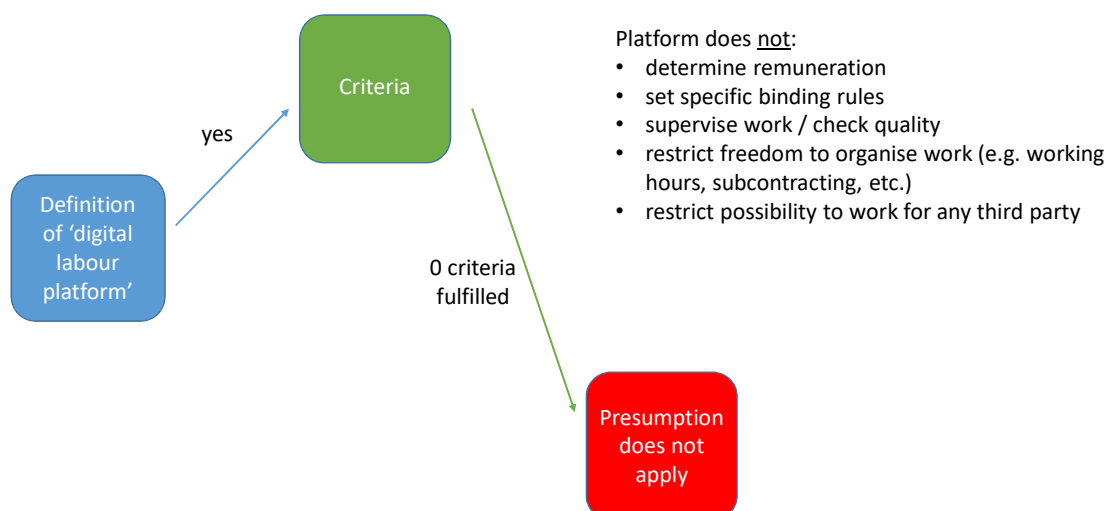
- client chooses timeslot with his/her hairdresser or personal trainer



Case 2: home repair platform

- client indicates task to be done (e.g. painting, plumbing) via the platform
- platform submits task description to potential service providers registered with the platform
- interested service providers submit quotes / prices
- client selects service provider
- transaction is concluded and paid through platform

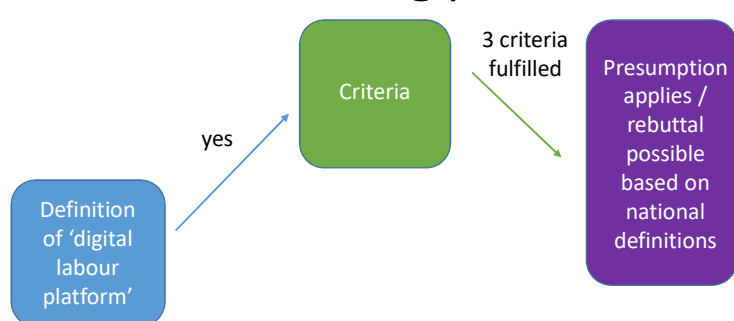
Case 2: home repair platform



Case 3: cleaning platform

- client indicates hours and timing of cleaning to be done
- platform proposes cleaners which have previously indicated their availability for certain hours
- transaction concluded and paid through platform
- platform sets level of remuneration (e.g. EUR 12 / hour)
- platform has rules on clothing and equipment to be used
- platform checks time spent at the client's home through geo-tracking

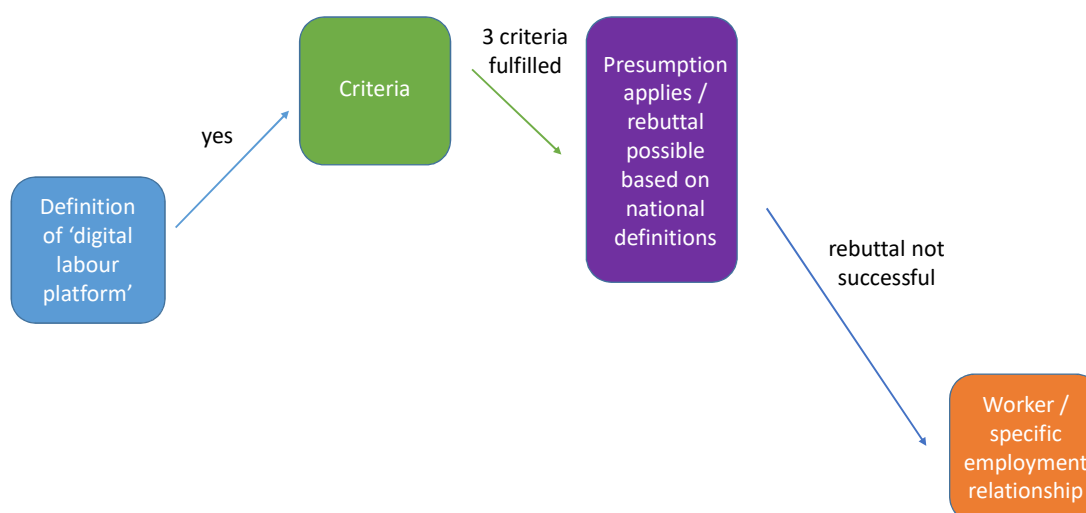
Case 3: cleaning platform



Case 3: cleaning platform – option A

- National legislation defines ‘employment relationship’ through a concept of legal subordination which comprises the following elements:
 - Authority to issue instructions
 - Supervision of work
 - Power to impose sanctions
- rebuttal not likely to be successful

Case 3: cleaning platform – option A



Case 3: cleaning platform – option B

- Consolidated national case-law excludes an employment relationship in cases where the worker can choose his/her working hours
 - rebuttal likely to be successful

Case 3: cleaning platform – option B

