

ETUC Statement before 1st stage consultation on Platform Work

This week, on Wednesday 24 February 2021, the European Commission will launch the first phase of the consultation of the social partners on improving the working conditions of workers on digital platforms.

The European Trade Union Confederation and its affiliates, representing more than 40 million workers in Europe, have high expectations for this welcome initiative and we will participate with all our determination. The coming weeks and months will be an opportunity for European trade unions to position themselves for European action in this area, and to ask ourselves what legislative tools will be needed to meet our objective, including the respect of the autonomy of social partners and the promotion of collective bargaining.

11 months after the start of the confinements due to the Covid-19 epidemic, workers active on these platforms are still denied access to almost all their social and collective rights. Recent Court cases and administrative decisions (Spain, Italy, Switzerland, Belgium, France, the Netherlands...) have shown that the platforms are still in breach of the respect of workers' rights and recognise again and again the misclassification of workers as (bogus-) self-employed while the platform behaves, with the help of its algorithmic management tool, as an employer. It is high time to turn these legal advances into political transformations.

In the coming phase, the ETUC will have two objectives: 1. to win rights for non-standard workers whether they work online or offline (including those in platform companies) and 2. to make the digitalisation of the economy compatible with the employment relationship and the respect for fundamental workers' rights. Indeed, this is an issue for the whole world of work because the managerial tool of the algorithm is reaching more and more sectors of activity. The business model of digital platform companies can no longer resemble generalised social dumping exacerbated by the algorithmic tool, but can rather have a future if we make it respect workers' rights. Some platforms such as Just Eat recently, with their decision to hire workers under employee status, show us that it is possible to combine employee status with autonomy. The hundreds of thousands of collective agreements between employers and trade unions across Europe have for decades shown that it is possible, in social dialogue, to balance work organisation and the needs of sectors. This should also be the way forward in the platform economy.

From the current situation where the most vulnerable in the relationship (workers) are forced to be self-employed without benefiting from the autonomy of this status, we must move towards a presumption of employment status and a reversal of the burden of proof. Armies of digital platform lawyers will undoubtedly work hard to prove that a worker is truly self-employed if this is the case.

In order to make these advances possible, we must dispel the illusion that these platforms act as intermediaries. They are companies that we must enforce the law, as well as the obligations of any other employer, otherwise there is no level playing field. It will therefore be necessary to link these digital platform companies to their sector of activity and to the various provisions and regulations that exist there and have been negotiated in collective bargaining by the social partners.

This week, one of the famous meals delivery and transport platforms handed over a white paper to the European Commission to continue not to apply basic workers' rights and to avoid any regulation. The ETUC wants this platform, as well as others, to respect the regulations rather than lobbying to avoid any liability. We call on these companies to take responsibility and come to the negotiating table with trade unions rather than perpetuating practices that have been repeatedly condemned by the courts.

Europe cannot leave its Member States alone to take decisions in a piecemeal fashion under the often-undisguised blackmail of the major platforms. It is with resolute action that it will show that the much-touted Social Europe is translated into reality for all workers. If certain major platforms are not capable of respecting these fundamental workers' rights and lowering their rate of profit, we are convinced that other more virtuous platforms will replace them, because there is a future in Europe for digitalisation with a human in command approach with fundamental rights as compass. Any new regulation needs to ensure that collective bargaining systems are not endangered at any costs.

In the coming weeks, the ETUC will together with its affiliates respond to the first stage of social partners consultation and give a clear message to the European legislator.