

Political roadmap of the upcoming European initiative on “Improving the working conditions of platform workers”¹

Resolution adopted at the extraordinary virtual Executive Committee meeting on 9 February 2021

On 29 October 2020, the Executive Committee of the ETUC adopted a Resolution on the protection of the rights of non-standard workers and workers in platform companies (including the self-employed)². This resolution addressed the rights that we want to obtain for non-standard workers, and addresses the challenges of digital labour platforms.

The resolution focused on various aspects of two key areas: **workers' rights** and **employers' responsibility**.

- In terms of **workers' rights**, the ETUC wants to impose the rights to organise, to be represented by a trade union and to collective bargaining access to minimum wages, social protection and respect for working conditions for all workers, in this case for all non-standard workers and workers in platform companies (including the self-employed), on the basis of the presumption of an employment relationship.
- **Platform companies** must be recognised as employers, with all the **legal obligations** that this entails in terms of payment of income tax, financing of social protection, responsibility for health and safety, due diligence and corporate social responsibility and their workers should be acknowledged as workers. Democratic control of the operation of the algorithm applications must be at the heart of the public debate and must be discussed through information, consultation and participation of workers and negotiated through collective bargaining.
- The resolution of October 2020 gave the ETUC secretariat a mandate on the political priorities when negotiating with European institutions on this topic.

The ETUC has therefore initiated exchanges with the European Parliament rapporteur of the own-initiative report on “Fair working conditions, rights and social protection for platform workers - New forms of employment linked to digital development (INI)”. The ETUC has also been in touch with the shadow rapporteurs to this report.

The ETUC secretariat has also put forward the aforementioned political proposals in the European Commission's exchange with Social Partners on Platform Work (17 November 2020). The hearing of the Committee on Employment and Social Affairs “on working conditions of platform workers” (30 November 2020), was another opportunity used by the ETUC secretariat.

¹ The title here is the terminology used by the European institutions. Its use doesn't change the messages agreed at October 2020 ETUC Executive Committee, calling on one hand to broaden the scope to non-standard workers and not to focus on the narrowed focus on platform work; and on the other hand refusing the terminology platform workers as there is no platform sector per se, and platforms can't elude their responsibilities as employers (this is why we speak about workers in platform companies). We will continue to use this agreed terminology in our documents.

² Available at: <https://www.etuc.org/en/document/etuc-resolution-protection-rights-non-standard-workers-and-workers-platform-companies>

A policy debate of the employment and social policy ministers “on human-centric work: Ensuring fair working conditions and social protection in the Platform Economy” was held on 3 December 2020, however social partners were not involved.

In the work program for 2021, the European Commission plans to work on “Improving the working conditions of platform workers” (legislative initiative, including an impact assessment; consultation of the social partners under Article 153 TFEU, Q4/Q1 2021).

This resolution aims at presenting to affiliates the expected timeline of initiatives of the European Parliament and the European Commission on workers in platform companies. Furthermore, it aims to reach an agreement on the roadmap to answer the social partners’ consultation, which will foreseeably follow up on the provisions of the article 153 of the Treaty on the functioning of the European Union (TFEU).

European Parliament own-initiative report:

- **Mid-February:** Publication of the EMPL report “Fair working conditions, rights and social protection for platform workers - New forms of employment linked to digital development (INI)”.
- **4 March:** Consideration of draft report.
- **12 March:** Deadline for tabling amendments to the report of the European Parliament.
- **14-15 June:** Vote at the Employment Committee.
- The ETUC Secretariat will continue to contribute to this process on the basis of the Resolution adopted at ETUC Executive Committee on 29 October 2020.

European Commission initiative:

- **24 February:** Publication of the first stage of the social partners’ consultation (Article 153 TFEU)
- **3 March:** The ETUC will circulate, to the Executive Committee and the ad-hoc group “Non-standard workers and platform companies”, a first draft reply based on the ETUC resolution adopted in October 2020.
- **8 March:** meeting of the ETUC ad-hoc group to discuss the draft reply
- **10 March:** deadline for amendments
- **15 March:** The ETUC will circulate an amended version of the first draft reply
- **22-23 March:** An Executive Committee discussion and adoption of the ETUC reply to the first stage of the social partners’ consultation.
- **April-May-June (tbc):** Possible opening of second stage social partners’ consultation (the calendar will be updated for this phase in due time)
- **4th quarter 2021:** Possible publication of the initiative of the European Commission on “Improving the working conditions of platform workers”.

The deadlines proposed above are tight, however this would allow for sufficient time to hold discussions with the affiliates, before the March Executive Committee.

Two key questions, which we can already identify as critical for advancing in our discussions relate to extend of the initiative and the scope of the two-stage consultation.

- As affiliates already flagged up in the Executive Committee in October, the ETUC will have to discuss whether an EU-wide initiative is needed, and if this is the case, on which aspects and dimensions of the initiative? What parts are to be dealt with at national level and what parts need EU-level action? To help in this discussion, the secretariat is working with a team of legal experts to elaborate

what action is needed to ensure the ETUC demands laid in our resolution are achieved. The outcomes of this legal expertise will be shared with the concerned ETUC Standing Committees and ad-hoc group. As stated above, the replies to the consultation will be submitted to the Executive Committee for discussion and adoption before they are submitted to the European Commission.

- What will be included by the European Commission in the scope of the two-stage consultation of the social partners (Article 153 TFEU) and what aspects will be left aside? The ongoing narrative on self-employed active in platforms puts the ETUC at risk of a narrow scope for the consultation whereas some topics might be tackled in other fora (e.g. collective bargaining, social protection). An important element for the ETUC to assess whether there is a mixed legal basis for the initiative, with some parts under Vice-President Vestager responsibilities and other under Commissioner Schmit. The ETUC strongly believes that protecting and improving the working conditions of workers in platform companies has little to do with Competition Law.

Please note that in the begin of January, the European Commission launched an inception impact assessment on “Collective bargaining agreements for self-employed – scope of application EU competition rules”. A public consultation on this topic is foreseen for the second quarter of 2021. A Commission proposal adoption foreseen for the second quarter of 2022. This initiative is a separate process than the one we are following here. As it is strongly interlinked with protecting and improving the working conditions of workers in platform companies, we will follow closely the topic with the ETUC colleagues working on collective bargaining (under responsibility of Deputy General Secretary Esther Lynch) and on competition law (under responsibility of Confederal Secretary Isabelle Schömann).

Finally, the secretariat is following-up on the request from affiliates in our discussion at Executive Committee in October 2020. This concerned the need to be visible, vocal and campaigning on this topic in affiliate trade unions but also in the outside world. With the aim of making visible the demands of trade unions for workers in platform companies and show that trade unions are and will be relevant actors that can't be circumvented. Therefore, ETUC will organise an online discussion with the affiliates on 10 February, the scope would be to brainstorm a communication and visibility strategy on the topic.