



PES Presidency Declaration

A strong Directive for effective platform workers' rights

Adopted by the PES Presidency on 15 December 2022

Only two months ago, on 14 October, in Berlin, we made clear in our Congress resolution *Leading progress through change* that “*We defend all workers, and fight to ensure that platform workers have the same rights as other workers.*”

Is a teenager on a bike delivering food for an online platform an entrepreneur? Our 2019 Spitzenkandidat, Frans Timmermans, clearly put the question during the European Elections campaign. And this is an important one. It concerns over 28 million workers in the EU today and possibly as many as 43 million by 2025.

Since 2017, we have been active to tackle the issue with our Ministers, to stress the need to address the issue, and during the European Elections campaign, to bring platform work in the EU’s political debate. We scored some victories for platform workers already.

Right after the 2019 elections, we pushed platform work regulation in the Commission’s work programme. In 2021, Commissioner Nicolas Schmit delivered an ambitious proposal for a Directive on improving working conditions in platform work. He put forward a concrete proposal to clarify the status of platform workers, a presumption of employment which opens the way for platform workers to be recognised employee status, unless platforms can prove they really are self-employed. This clarification system makes the directive one of the most important pieces of legislation for today and tomorrow’s work. Too often, platform workers do not have any minimum standards of remuneration, training, working hours, health and safety nor legal and social security. While submitted to the supervision of the platforms’ algorithms, they are selling their workforce for ever-smaller part-time jobs, with no safety net or assurances of future hiring, making work ever more precarious.

For us the answer is clear: if platform workers are supervised like employees, they must then be guaranteed the full rights associated with this status in national law. If they are truly self-employed, as platforms advocate, then they must be able to make full use of their entrepreneurial freedom. There can be no intermediate status without weakening both workers’ rights and entrepreneurial freedoms. Our family fights for a Directive that clarifies the status of workers, puts the burden of proof on the employer, protects workers against algorithm abuse and ensures the respect of collective rights.

The S&D group is leading the Directive in the European Parliament, with Rapporteur Elisabetta Gualmini, and is fighting to defend Nicolas Schmit’s proposal and further raise the level of protection it will grant to platform workers. Our Group in the European Committee of the Regions successfully pushed an own initiative opinion strongly supporting the Directive and the rebuttable presumption of employment. Our network

of PES Employment and Social Affairs Ministers is mobilized to prevent watering the directive down in Council.

Both in Parliament and Council we are reaching a key stage. Following a successful vote in the Employment Committee of the European Parliament on 12 December, the Council must adopt its general approach on the Directive put forward by the European Commission. Across institutions, we are fighting for an effective Directive that grants platform workers access to standard labour rights and does not leave loopholes open for bogus self-employment in platform work.