

CONFEDERATION

**SYNDICAT**

**EUROPEAEN**

**TRADE UNION**



# NORDIC CONFERENCE ON THE PLATFORM ECONOMY - COPENHAGEN

## Ensuring the rights of platforms workers

**The fact that the work is carried out online does not mean that the worker (employee or freelancer) has virtual rights or that the platform is free from all responsibilities**

# CHALLENGES POSED BY PLATFORMS

- ❖ Work in the ‘real world’ (*Uber, Helping, Deliveroo*) **VS** work online by a “virtual cloud” of workers (*Amazon Mechanical Turk*).
- ❖ “Microwork” (*AMT*) **VS** “Online Freelancing” (*Upwork*)
- ❖ Direct employer (*Crossover*) / Employment agencies (*Staffmatch*) / So called “Intermediaries” between consumers and workers (*Uber, Helping, etc.*)

Online platform takes a cut of the worker’s remuneration or revenues.

Most of the time no application of minimum wage / collective agreements or other employment rights or labour laws (some cases of internal rules).

# EU COMMISSION STRATEGY

Communication “*A European agenda for the collaborative economy*” 2 June 2016

- ❖ Providing guidance for member states
- ❖ Traditional approach on internal market rules, avoid unjustified barriers, and seeking growth and job creation opportunities
- ❖ Under EU law: workers = employees but national definitions exist
- ❖ “*Whether an employment relationship exists or not has to be established on the basis of a case-by-case assessment*”
- ❖ This lacks a more comprehensive strategy (collective bargaining power for workers, right to organise, cartels, protections for self-employed)

# ETUC DEMANDS

- ❖ **Enforcement:** recognition of an employment relationship (legal arsenal)
- ❖ **Wider definition of workers** = classical employees + atypical forms of work (ILO)
- ❖ **Measures to protect real freelance workers**, these workers share many of the same risks that face employees are in need of similar protections
- ❖ EU legal **framework on online platforms** aimed at enabling the enforcement of employment rights of 'employees', and outlaw work at rates less than minimum wage, or relevant collective agreement

# ETUC DEMANDS

- ❖ Training **rights**, parental leave, sick leave (social protection)
- ❖ **Fair terms and conditions** for crowd working and collaborative working
- ❖ Ensure that online platforms acting as an **employment agency** are subject to the same rules as employment and temporary-work agencies
- ❖ Ensure **health and safety policies** for platforms workers

# ETUC DEMANDS

- ❖ **Fight discriminations** in employment for example on the basis of gender, age, sexual orientation, religion etc. (for example make it an offence for a platform to operate a discriminatory worker reputation system). Keep an eye on ratings and algorithms!
- ❖ Ensure that platforms are required to put in place measures to ensure **workers' right to bargain collectively** for decent pay, terms and conditions
- ❖ Ensure that the various online platforms, cloud working and collaborative working does not become a vehicle for **tax avoidance and the non-payment of social security** (Challenge for the EU internal market)



# WHAT ABOUT THE SOCIAL PILLAR

- ❖ Jean-Claude Juncker: *"I will want to develop a European Pillar of Social Rights which can serve as a **changing realities of the world of work**"*
- ❖ It should address the issue of platforms workers
- ❖ EU commission plans to review the Written Statement Directive and to ensure access to social protection for self-employed

# HUGE OPPORTUNITIES FOR UNIONS

- # Organising platforms workers (IRL and online)
- # New type of social dialogue / collective bargaining with new types of negotiating partners
- # New trade unions issues (data protection and management, copyright, algorithms)
- # International strategies (crowdworking)

# THANK YOU

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