

To: Members of the Committee of
the Permanent Representatives of
the Governments of the Member
States to the European Union
In CC: Social attachés

[Letter sent by e-mail]

ETUC letter in opposition to the proposal for a mandate of the Czech Presidency of the EU on the proposal for a Directive on improving working conditions in platform work

Dear Ambassador,

ETUC is very concerned about the proposition by the Czech Presidency of the European Union to the Council of the European Union submitted on the proposal for a Directive on improving working conditions in platform work, which will be discussed and eventually approved at the Committee of the Permanent Representatives of the Governments of the Member States to the European Union of Wednesday (November 23rd), with a view of having the mandate of the European Council for the inter-institutional negotiations adopted at the meeting of the Employment, Social Policy, Health and Consumer Affairs Council of December 8th.

We particularly oppose to the establishment of a minimum of 3 criteria to be met by the relationship between a digital labour platform and a worker to activate the presumption of employment relationship. This proposal only makes the operation of the presumption more difficult and will also impede the access of workers to their correct status, which is one of the initial objectives set up by the European Commission.

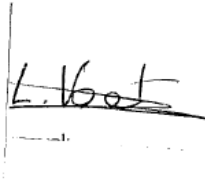
Also, making the presumption dependent on the activation of three criteria will be negative for genuine self-employed workers in Europe, who will see their freedom in the market limited by undue subordination from the digital labour platforms. As a matter of example, under this proposal genuine self-employed workers will be subject to the unilaterally decision by the digital labour platform on their tariffs and the restriction on the possibility for building an own client base, since these two conditions will not suffice to activate the presumption of employment relationship.

Furthermore, the provisions stating that criteria which is met in order to comply with national legislation should not be considered in the calculation of the number of criteria which is activated, and the power of discretion given to Member States to not apply the presumption if it is “manifest that it would be successfully rebutted”, will allow digital labour platforms to benefit from even further subordination.

ETUC has expressed its concerns to correct this detrimental approach since September, yet in the light of the latest developments and ahead of the above-mentioned discussion and potential decision at the level of Council of the European Union, we hereby call on your government to not support this proposal for mandate, which will not deliver on the three objectives of the European trade union movement on this file and which are aligned with those pursued by the European Commission:

- A legislation which finally allows workers to get the employee status in those platforms which subordinate work.
- A European legislation which protects self-employed workers from undue subordination from digital labour platforms.
- A legislation which protects companies against unfair competition.

Yours truly,

A handwritten signature in black ink, appearing to read 'L. Voet', written over a horizontal line. The signature is stylized and somewhat cursive.

Ludovic Voet
ETUC Confederal Secretary