Key policy recommendations

Actions undertaken in the framework of the EU project "Platform Reps" have allowed ETUC and its member organisations to discuss and research in depth collective and legislative approaches towards digital labour platforms.
This was done in light of the ongoing discussions by the European co-legislators on the proposal for a Directive on improving working conditions in platform work.
The actions focused on the challenges identified for granting protection to workers and on the possibilities for the enaction of effective legislation at national level.

Twelve country reports analyse the situation at national level in terms of trade union organising and collective bargaining strategies, as well as the applicable legislation and the interplay with the proposals of the ETUC[1] and that of the European Commission.
The list below presents a summary of recommendations that emerged in the framework of the project and that have been discussed by ETUC member organisations throughout the various actions of the project.
These recommendations should apply to all Member States of the EU.

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1. See in particular:
- the ETUC resolution on the proposal of the European Commission of a Directive on improving working conditions in platform work and way forward ahead of the ordinary legislative procedure - https://rb.gy/zy2llg
- ETUC's replies to the first stage and second stage consultation of social partners on possible action addressing the challenges related to working conditions in platform work - https://rb.gy/0ii0iu and https://rb.gy/ew8hbi
- Open letter to the President of the European Commission Ursula von der Leyen for an ambitious European legislative initiative on improving the working conditions in platform work - https://rb.gy/kjhr2h

Platform Reps

Key policy recommendations

SYNDICAT EUROPEAN TRADE UNION
CONFEDERATION

ORGANISING STRATEGIES AND CAMPAIGNING

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- Consider expanding organisation efforts to less visible sectors where platforms dominate (such as domestic services).
- Collaborate from the early stages with emerging movements and organisations that have an on-the-ground presence.
- Bear in mind and, if necessary, counter (mis)perceptions of entrepreneurship that are prevalent among some workers; for young workers, working in platforms is often the only job they have ever had – they do not know the conditions of "normal" employment; some workers have misconceptions about unions and are unlikely to join unless they were previously involved in union activities.
- Enhance efforts aimed at the most vulnerable workers, especially migrant workers. This can include information and consultation or legal advice, but also broader support schemes such as language courses, civic integration, etc. Collaboration with civil society organisations representing and defending the rights of migrants could also be explored.
- Continue establishing a presence in platforms (especially in sectors not yet covered by collective bargaining): higher union density would further empower unions to negotiate better working conditions.
- Continue to create inclusive structures, including new local collectives in different cities as well as physical and digital spaces for discussion between workers and trade unions.
- Gather the specific needs and collective demands that different groups of workers face.
- Build capacity to investigate algorithmic management practices.

COLLECTIVE BARGAINING AND SOCIAL DIALOGUE

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- Work to extend the sectoral collective agreements to as many workers as possible, considering they are the main tool for ensuring good access to rights.
- Push for expanding the collective bargaining framework to all digital labour platforms, and not only those that may be more visible (on-location work).
- Prevent non-representative unions from exerting the right to sign collective agreements.
- Ensure platforms' compliance with the signed collective agreements.

ADVOCACY WORK

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- Strongly lobby to stop fake intermediary companies that operate illicitly.
- Advocate for improving the capacity and ensuring the accountability of the labour inspectorate, including in dealing with reclassification cases, and other investigations where platforms may be breaking the law.
- Guarantee the implementation of the EU Directive without undermining industrial policy mechanisms that already function well.
- Integrate provisions considered in the ETUC's proposal, which may not have been taken on board by the EC proposal, like the establishment at national level of a list of digital labour platforms concerned by the scope of the Directive, which should be updated every time a new platform matches the definition.
- Push policy proposals that would make platforms (and employers, more broadly) abide by their obligation to provide information on their algorithmic management practices and ensure constant control of the algorithms.
- Guarantee that national legislations follow the proposal of the European Commission when transposing it to national level, in particular when it comes to the scope that encompasses all digital labour platforms, and not only delivery platforms.
- Campaign for clearer and easier procedures for (undocumented) migrant workers to obtain a residence and a work permit.

LITIGATION STRATEGIES

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- If the final Directive is not enforced or enforceable properly, deploy strategic litigation strategies on misclassification cases to advocate for a strong national implementation of the legislation to regulate digital labour platforms.
- Fight bogus representation: given the platforms' advanced efforts at repressing and substituting union actions, legal guarantees are necessary to give voice only to legitimate organisations (the definitions of worker representation bodies provided in the EC Directive proposal being unacceptable[2]).
- In cases where workers are granted an employment contract, but the conditions are nevertheless of bad quality, consider solutions to tackle the abuse of the two-hour contracts and other precarious contracts.
- Litigate against platforms' union-busting practices.

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2. These key policy recommendations were drafted in March 2023, before the final text of the Directive was approved.