

To: Members of the Committee of
the Permanent Representatives of
the Governments of the Member
States to the European Union

[Letter sent by e-mail]

Subject: Improving the working conditions of platform workers is our joint goal!

Dear Ambassadors,

I am addressing you again on behalf of the European Trade Union Confederation, representing the interests of workers across Europe.

From our past exchanges and letters, it has been well documented that since 2019 we have been deeply concerned about the state of working conditions in the platform economy and the growing issue of bogus self-employment. With a proposal of the Directive to improve the working conditions in the platform economy, we have set a joint European objective to correctly determine the employment status of people working through digital labour platforms and protect rights for both workers and self-employed to harness the quality job-creating potential through the platform business model.

Looking at the state of play of the Triologue negotiations regarding the core issue, the employment status, we fear that instead of improving the current situation, the Council puts in place a set of obstacles for workers to achieve justice.

Today, to achieve reclassification to their correct employment status, workers and/or their representatives need to go to Court in the country where the employment relationship is based, and the proceedings are based on national law. Although, it is worth noting that, in the overwhelming majority of cases, these legal actions yield favourable outcomes for workers, it is not an ideal system, as it relies on resources (awareness, knowledge, money and time) on the side of vulnerable workers.

The Council position would even add a further step to this process, that is the precondition to comply with three out of seven criteria to launch the presumption of employment relationship and this, without shifting the burden of the proof to platforms.

After having triggered the presumption of the employment relationship, there would be the need for workers to await and defend their correct determination of the status again, in what would be a second procedure – this time in the form of a rebuttal, where the burden of proof would be shifted correctly to the platform.

We urge you to consider the EP position, which does not operate with automatic reclassification but effectively improves the procedure to access workers' rights for all platform workers while protecting the right of genuinely self-employed workers and the right of the platform to rebut the claim of the worker where they find it unjustified.

Furthermore, we repeat our strong opposition to the creation of the third category of workers. All employees must be treated equally. We cannot give up on workers' rights and protection to ensure the profitability of certain business models. All responsible platforms across Europe will suffer from irreversible unfair competition if we allow *workers' rights a la carte*, undermining the right to social security and fiscal obligations.

Lastly, strong collective bargaining and access to representation for all platform workers in the platform economy must be ensured throughout the Directive. By doing so, you will contribute to a fairer, more equitable, and more competitive European economy, the objective that has been constantly repeated in the conclusions of EU Summits.

Together with our members in each Member state, we remain available for any exchanges, and we count on you to make steps towards a strong Directive that protects workers' right and sets the level playing field in the platform economy.

Sincerely yours,

Ludovic Voet

Confederal Secretary

