SECURING SAFER, FAIRER CONDITIONS FOR PLATFORM WORKERS: KEY REGULATORY AND POLICY DEVELOPMENTS AND CHALLENGES

Introduction

Platform work is considered one of the fastest-growing forms of work in Europe and worldwide. It is estimated that over 500 digital labour platforms have been operating in the European Union since 2022, with over 28 million people actively performing work through those platforms (European Council, 2023, as cited in ISSA, 2023). In the past few years, the European Agency for Safety and Health at Work (EU-OSHA) has published a number of reports and policy briefs (see, for instance, EU-OSHA (2021, 20222a, 2022b, 2022c, 2022d, 2022e) highlighting occupational safety and health (OSH) challenges in relation to platform work as well as relevant case studies in the area.

This policy brief presents OSH-related policy developments in platform work at both national and international levels and highlights key policy pointers. The policy brief is structured as follows: Section 2 provides key definitions and taxonomies related to platform work; Section 3 discusses the main regulatory OSH-relevant challenges associated with platform work; Section 4 presents key policy developments in response to those challenges, also highlighting key regulatory limitations; and finally, Section 5 identifies policy pointers.

1. Definitions of platform work

For this policy brief, **platform work** is defined as ‘all paid labour provided through, on or mediated by an online platform’ (EU-OSHA, 2022b). Platform work can generally be distinguished between location-based work (which has to be performed in a specific location in the physical world, for example, ride-hailing or domestic work) and online work (the provision of digital services which can be performed online, for example, data annotation or translations). Taxonomies making finer distinctions exist (see, for instance, EU-OSHA (2021)), but they go beyond the purpose of this policy brief.

A **digital labour platform** is defined as ‘an online facility or marketplace operating on digital technologies (including the use of mobile apps) that are owned and/or operated by an undertaking, facilitating the matching between the demand for and supply of labour provided by a platform worker’ (EU-OSHA, 2022b). Although a person performing platform work is commonly known as a platform worker, this policy brief applies the definition recently agreed (2024) by the Council of the European Union in the Proposal for a directive on improving working conditions in platform work, which defines a **person performing platform work** as ‘any individual performing platform work, irrespective of the nature of the contractual relationship or its designation by the parties involved’, while a **platform worker** is defined as ‘any person performing platform work who has an employment contract or is deemed to have an employment relationship’ (Council of the European Union, 2024). As will become clear in this brief, these definitions relate to the issue of employment classification of those performing platform work.

2. OSH challenges in relation to platform work

This section discusses the main OSH-related challenges associated with platform work, as reported in the literature. Platform work presents many job-specific and task-specific OSH risks and challenges, some of which are common to other forms of work, specifically other forms of precarious and casual work, and others which are very specific to the nature and the characteristics of platform work. The most relevant OSH-related challenges specific to the nature and the characteristics of platform work are summarised in Table 1. In the table task-specific OSH-related risks are not reported.

Table 1: OSH-related challenges in platform work

Employment classification	Subcontracting	Account rentals
▪ Misclassification and bogus self-employment. ▪ Limited OSH protection for self-employed.	▪ Dilution of responsibility. ▪ Lack of proper monitoring mechanisms. ▪ Use of different work models.	▪ Work performed by people without the right to work. ▪ Exclusion of any protection and right.
Pay and Incentives	**Working time**	**Safety equipment**
▪ Piece-rate pay. ▪ Gamification.	▪ Lack of application of working time regulations. ▪ Accident and vehicle insurance coverage.	▪ Costs of safety equipment borne by workers. ▪ Maintenance and replacement of equipment.
Training	**Social protection**	**Contract transparency and accessibility**
▪ Lack of access. ▪ Limited amount. ▪ Voluntary and unpaid.	▪ Lack of access to social protection schemes. ▪ Unsuitable schemes.	▪ Not regulated by labour law. ▪ Inclusion of limited liability clauses. ▪ Bogus clauses. ▪ Inaccessibility. ▪ Language use. ▪ Length.
Algorithmic management and surveillance	**Data protection**	**Collective representation**
▪ Lack of transparency and accountability. ▪ 'Black box'. ▪ Automated communication with very limited or no access to human manager. ▪ Lack of due process.	▪ Little transparency and scrutiny.	▪ Individualised work. ▪ Social isolation. ▪ Legislation limiting possibility of collective representation.

Source: Author's elaboration

In 2021, it was estimated that around 90% of individuals performing platform work were classified as self-employed (European Commission, 2021). The issue of **employment classification** is a significant challenge in relation to OSH. As self-employed, they are not subject to EU OSH regulations nor to most Member States' OSH legislation (EU-OSHA, 2022b). Although many of these workers can be regarded as genuinely self-employed, the issue of **misclassification** is prominent, as demonstrated by the many court cases across EU countries, especially in the ride-hailing and delivery sectors, of workers appearing to be actually **bogus self-employed** (Bérastégui, 2021).

But the challenges do not stop there. Even when workers are employed, they are often not employed directly by the platform. In fact, in many cases, platforms operate through a wide network of **subcontractors** who employ the workers. As has become evident in many industries (Kahmann, 2006; Wagner and Hassel, 2016), the use of subcontractors may dilute platforms' responsibilities towards workers, making it more difficult for workers to claim their rights. As platforms are not legally responsible for the OSH of subcontracted workers, they generally have limited oversight of subcontractors' work practices and exercise limited to no monitoring of the working conditions of subcontracted workers. This means that although platforms control most aspects of the work process, including payment and assignment of tasks and routes, they do not assume obligations towards the platform workers. Instead, the responsibility falls on the often-large number of subcontractors through which the platforms operate, whose working conditions may vary extensively even within the same location (Fairwork, 2022a). This

makes it extremely difficult for workers' associations and unions who play a relevant role in enforcing OSH standards (Bertolini and Dukes, 2021) to monitor basic standards. Moreover, the same platform may operate under **different employment models** in the same country, using a mixture of self-employed, subcontracted and directly employed workers, rendering the application and enforcement of OSH regulations, and the work of labour inspectorates, even more challenging (EU-OSHA, 2022f).

Another related issue is that of illegal forms of subcontracting through **account rentals**. In many countries in the EU and beyond, platform work is often used as a source of income by individuals without the right to work, such as irregular migrants. Platform work has often been considered (van Doorn and Vijay, 2021; Lam and Triandafyllidou, 2022) a relevant entry job opportunity for migrants, given that it generally does not require any certification such as a degree, diploma or technical certificate except for specific permits or licences (for example, a driving licence), registering is easy and fast, and it can be performed with limited language skills.

However, the limited oversight platforms have over the identity of who performs the work, which is generally limited to the moment of initial registration on the platform when the worker is self-employed, has enabled the creation of a black market for the rental of platform accounts, where individuals registered on a platform rent their accounts to individuals without the right to work, generally in exchange for a fee and/or a share of the earnings (Mendonça et al., 2023). In terms of OSH implications, this means that there are people performing platform work who may be working illegally and would therefore be not covered even by basic rights and protections.

A further challenge is that of **pay and pay-related incentives**. Many platform workers are paid piece-rate, meaning that the pay they receive is directly dependent on the number of tasks completed. Coupled with generally relatively low earnings per task, this can cause significant stress for workers, who feel obliged to work as hard as possible to earn enough money (EU-OSHA, 2022a). This can be further exacerbated by the many incentives and nudges used by platforms to increase workers' performance, which often go under the guise of 'gamification' (Huws, 2015; Krzywdzinski and Gerber, 2021): these ratings and bonuses further push workers to work harder. Such performance pressure leads to a high work intensity. In the case of location-based platforms such as ride-hailing or delivery, this may cause stress, fatigue and lower levels of concentration – and therefore an increased risk of accidents for the platform workers themselves. It might also have repercussions on road safety more broadly, as many workers trying to save time do not respect the speed limit or road signs, as has been widely reported (see, for instance, UCL (2022) and ETSC (2022)).

Another closely related issue is that of **working time**. Many self-employed people performing platform work are not covered by working time regulations, which set out the maximum number of hours people should work per day and week, as well as rest periods and specific rules on night work. It is thus not uncommon for them to work many more hours than recommended by OSH regulations, potentially without adequate rest, in order to increase earnings. Again, in the case of ride-hailing and delivery workers, this has consequences not only for the workers' own health and safety but also for road safety more generally. Online workers with clients located in different time zones might work unsocial hours.

In the area of parcel or food delivery, another often overlooked issue linked to working time concerns accident and vehicle insurance cover. In some cases, working time is only taken into consideration for the time a task is performed (for example, from acceptance of delivery to completed delivery): this also means that insurance policies might not cover all the time in which the worker is logged into the platform and available to work.

A further challenge is that of **work-related equipment**. When they are classified as self-employed, many platform workers have to provide their own equipment, which might not be suitable for performing the work safely (for example, poor ergonomics of the equipment or tools; bikes, cars or vehicles that are not maintained; or non-ergonomic workstations) or they may have to buy this from the platform. Moreover, the platform is not legally responsible for correct use of the equipment; this is left completely to the worker, who is often ill-informed or unaware of how to properly use the equipment or might not take good care of it. Even if the platform provides equipment for free, they might refuse to replace it once it is worn out or broken or pay for maintenance and repair (Fairwork, 2024e).

Closely linked to equipment is the provision of and access to **OSH training**. Again, platforms are not legally required to provide OSH training to the workers they classify as self-employed. Even when training is provided, it is generally extremely brief, often superficial and covers a limited amount of information, thus not providing adequate risk prevention. In many instances, OSH training is offered on

a voluntary basis rather than being mandatory, and given that time spent in training is generally not paid, it is often skipped or only partially completed by those performing platform work (Fairwork, 2024e).

Another significant challenge is that of **social protection**. Social protection has long been an important tool to mitigate OSH risks, including accidents, injuries, sickness and health issues. In most countries, self-employed workers have more limited access to social protection compared to employees (Sieker, 2022; ISSA, 2024). But even when workers are employees, the intermittent, task-based nature of most platform work means that platform workers find it difficult to access social protection schemes often designed for people in continuous, regular employment (Behrendt et al., 2019).

Contract transparency and accessibility is also a key challenge. Contracts, which can often take the simple form of ‘terms and conditions’, are established (and modified) unilaterally by the platforms. When platform workers are classified asself-employed these contracts do not assume the force of an employment contract as self-employed are not covered by labour law. In most instances, ‘terms and conditions’ have to be accepted by the worker in order to start working, and there is limited opportunity to ask for clarification.

It is well known that these contracts typically contain several clauses to exclude platforms from OSH-related liabilities and obligations including, among others, accidents and damage (Fairwork, 2024a). Even in the case of bogus clauses which cannot be legally enforced (for example, clauses preventing workers from making a legal claim in court, or clauses excluding the platform from specific liabilities and obligations), these contribute to preventing the person performing work from claiming their rights and holding the platform accountable.

However, the issues are not limited to the exclusion of liability: in several instances, the contracts are subject to the law of the country where the platform is based rather than where the person works, making it difficult to bring the platform to court for breach of contract. Besides, in some cases, the contract is only available to the person performing platform work at the time of registration and is not accessible afterwards, again, making it difficult for the person to know exactly what their rights and the platform’s obligations are (Alyanak et al., 2023). Finally, contracts are sometimes written in dense legalese using complex jargon, even extending for several pages more than necessary, complicating their comprehension and a clear understanding on the part of the person signing it. This is further complicated by the fact that many platform workers are migrants, who are not likely to be fluent or proficient in the local language (Fairwork, 2024a).

Another well-known challenge that can be considered an OSH risk is that of **algorithmic management and surveillance**. Several authors have already commented in depth on the problems caused by algorithmic management and surveillance (see, among others, Woodcock (2021) and Wood (2021)): which include occupational overload, stress and anxiety, isolation and lack of support (EU-OSHA, 2022a). It suffices to say here that in platform work, algorithms control and monitor several aspects of the work process, often with little transparency and accountability. These include pay, assignment of tasks, routes, communication and working time. The lack of transparency in the way algorithms work, which is often regarded as a ‘black box’ (Moore and Joyce, 2020), produces a large asymmetry of information between the platform and the people performing platform work, with the latter often lacking understanding on how certain decisions are made and why. Platforms also operate forms of digital surveillance, for instance, by tracking the position of workers through customer ratings, again with little transparency and accountability (Wood and Monahan, 2019). These issues are further exacerbated by the fact that most **communication** between the platform and the person performing work is **automated**, and people have little chance to contact a human representative, let alone contest platforms’ decisions (Fairwork, 2024a). The latter problem is compounded by the **lack of due process** in disciplinary decisions, in the case of self-employed workers.

The challenges of algorithmic management and surveillance are associated to that of **data protection.** Data protection is important in OSH: the improper use of data can cause physical, material and non-material damage, which can include discrimination, identity fraud, financial loss, loss of confidentiality of personal data or other socio-economic disadvantages. Platforms harvest vast amounts of data from the people performing platform work, once again, with little transparency and scrutiny (van Doorn and Badger, 2020). Many of these data are not only used for internal operations but can also be sold for commercial purposes. Although platforms may formally respect data protection legislation, the nature of their activities and the related data they gather can often go well beyond what is accounted for in

relevant legislation, meaning that data protection is not guaranteed for many people performing platform work (EU-OSHA, 2021).

Finally, the **collective representation** of platform workers poses several issues. Collective representation has historically played a fundamental role in the improvement of working conditions, including OSH, through direct negotiations and bargaining with businesses, lobbying at policy level, and enforcing and monitoring regulatory compliance. Many people performing platform work do so in isolation from other workers, meaning that work is extremely individualised. For instance, online workers or domestic workers might never meet any of the people working on the same platform, and they might not know how to reach them. The nature of platform work thus makes collective representation and participation in union activity extremely difficult. These issues are made more challenging by trade union regulations in many countries, which prevent self-employed workers from collective representation and/or collective bargaining (Bertolini and Dukes, 2021).

3. Regulatory developments and remaining challenges

The issues and challenges discussed above have prompted several policy initiatives in EU Member States as well as at EU level. In this section we discuss the main regulatory developments relating to these challenges in EU countries, accompanied by regulatory examples from countries around the world where relevant.

Employment classification

As highlighted above, employment classification has posed a major policy challenge in the regulation of digital labour platforms. In many countries, most employment rights and protections, including for OSH, depend on the person being classified as an employee. It is thus not surprising that many policy initiatives in the EU and internationally have focused on clarifying the classification of people performing platform work, to prevent the risk of bogus self-employment. Before highlighting the different regulatory developments, it must be noted that the policy and regulatory debates have focused chiefly on two specific categories of platform work: ride-hailing and delivery. These are considered among the 'first' categories of location-based platform work to emerge and are probably the most visible to the wider public. Partly for these reasons, but also because the nature of these forms of platform work allows workers to be less isolated and atomised (Bertolini and Dukes, 2021), thus making it relatively easier for them to build collective action, most political lobbying has focused on those two categories – often at the expense of other less visible and vocal forms of platform work such as domestic work and online work. Second, it's important to note that policy developments have often followed and were triggered by relevant court cases in the respective countries, generally exposing the inadequacies and shortcomings of the existing legal framework for the correct classification of people performing platform work.

Most of the policy developments have focused on changing the rules on **the presumption of employment**. In 2021, Spain was the first country to introduce a law, the now famous Riders' Law, which reverses the burden of proof of employment status from workers to platforms. It provides for a general presumption of employment for all workers in the delivery sector, going beyond food delivery, as long as some criteria are met. Despite being hailed as revolutionary and path-changing, its introduction has been fraught with several implementation problems, which remain partly unsolved (EU-OSHA, 2022d).

Other countries have also opted to introduce rules for the legal presumption of employment by establishing criteria that would automatically trigger the presumption. In 2022, Belgium established a presumption of employment, provided a subset of a twin list of criteria is met, five of which were directly inspired by the initial (2021) EU Commission's Proposal for a Directive on improving working conditions in platform work (Van Olmen, 2022). Belgian law faced even more problems than Spain in its implementation, with no platform reclassifying workers to date (Ben Wray, 2023). Other countries such as Greece, Malta, Portugal and Croatia have also introduced legislation establishing criteria for the presumption of employment (ISSA, 2023). In all these cases, the number of criteria that need to be met and the phrasing of each specific criterion have been hotly debated and contested, highlighting the difficulties in framing platform work under existing employment frameworks.

In this respect, the Directive on Improving working conditions of persons working through digital labour platforms (2021/0414(COD)) approved in 2024is an important development. The directive is considered

part of a package of reforms at EU level to regulate the digital economy which also include the Digital Markets Act, the Digital Services Act and the Artificial Intelligence Act. Its purpose is to define the basic set of regulations on platform work applying to all Member States. In the original (2021) EU Commission proposal, two of the five criteria had to be met to trigger the presumption:

(a) effectively determining, or setting upper limits for the level of remuneration;

(b) requiring the person performing platform work to respect specific binding rules with regard to appearance, conduct towards the recipient of the service or performance of the work;

(c) supervising the performance of work or verifying the quality of the results of the work including by electronic means;

(d) effectively restricting the freedom, including through sanctions, to organise one's work, in particular the discretion to choose one's working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes;

(e) effectively restricting the possibility to build a client base or to perform work for any third party.

(EU Commission, 2021, p.34)

These criteria also became the basis for regulations on the presumption of employment in some of the countries mentioned above, either as they were (Malta) or with the addition of further conditions (Belgium, Croatia and Portugal) (ISSA, 2023). The EU Parliament subsequently proposed the elimination of all criteria, while the EU Council suggested meeting three of the seven criteria. The inability to reach a compromise resulted in the final agreement de facto leaving the decision about the conditions for the presumption of employment to the individual Member States, a solution which does not guarantee the same labour standards across the EU for those engaged in platform work (Haeck, 2024).

Nevertheless, the challenge of employment classification and its related presumption of employment have not been solved in the same way across countries. Rather than focusing on reclassification, policy reforms in several countries have opted for the **extension of employees' rights also to those performing platform work** on a self-employed basis. For instance, in France, a number of legislative reforms have extended some of the rights of employees to people performing platform work, without altering their employment status (EU-OSHA, 2022d). Similarly, in Italy, both a law reform and a subsequent collective agreement extended some of the rights of employees to those performing food delivery platform work (EU-OSHA, 2022c; Bertolini, 2024).

In some cases, **specific categories of people performing platform work have to be employed** by virtue of pre-existing specific legislation. This is the case, for instance, for ride-hailing workers in Germany and Spain, who have to follow transport regulations and thus cannot be self-employed, despite being generally employed through sub-contractors (Thelen, 2018; Fairwork 2022a, Fairwork, forthcoming). Outside the EU, in Colombia, for instance, domestic platform workers have to be employed, as by virtue of regulations in the domestic work sector they cannot be self-employed (Fairwork, 2023b).

Furthermore, some countries have employed a **third employment category** as an intermediate category between those of employee and self-employed. Outside the EU, the United Kingdom, for example, has had the third employment category of 'limb-b worker' since the 1990s, which offers some of the protections of employees in OSH matters. Although no relevant policy reform has been implemented in the country to clarify the issue of misclassification, many court cases, including the now renowned Supreme Court case against Uber, have focused on the reclassification of those performing platform work from self-employed to 'limb-b' workers (Bertolini, 2024).

Italy also has a long legal history of a third employment category, having introduced the concept of 'para-subordinate' workers[1] in the 1990s. In its 2015 labour reform, which was not focused on platform work, Italy further introduced the legal concept of 'hetero-organisation' to refer to self-employed workers managed by a third party, and granted this category of workers many of the same rights as employees

[1] Para-subordinate workers are legally comparable with self-employed workers, but the law recognises the dependent nature of the relationship and therefore grants them some of the rights of employees, including in OSH matters.

(Bertolini, 2024). However, whether platform workers fall into this category is still the topic of much jurisprudential debate (Tursi, 2024).

Other countries including Austria, Norway and Portugal, also have a third employment category in their labour law system, whose exact boundaries and associated rights and protection vary considerably (ISSA, 2023). In this respect, an interesting policy development emerged in Chile, the first country in Latin America to have implemented specific legislation for platform work. The new legislation, which came into force in 2022, defines two different categories of people performing platform work: dependent digital platform workers and independent digital platform workers. The former are entitled to many of the rights already applicable to employees; the latter, which legally constitute a new employment category, are entitled to a specific and more limited set of rights and protective measures (Fairwork, 2022c). As argued elsewhere (see, for instance, Cherry and Aloisi (2018)), the use of a third employment category, while commendable in its intention to extend rights and protections to platform workers, can 'segregate' platform workers in terms of rights and protections (and legally consider them a special category when in many instances they are not), as well as dilute their rights compared to them being classified as employees.

Subcontracting

While policy developments on employment status have gained traction in recent years, and many more are currently being proposed and debated, regulatory reforms in subcontracting appear scant. In recent years, several countries have introduced regulations to strengthen corporate social responsibility along the supply chain, often as a response to scandals in relation to child labour, human trafficking and the like. These include France, Germany, Norway and the United Kingdom. Nevertheless, these have few implications for subcontracting practices in the platform economy.

The EU Commission has also put forward a Proposal for a directive on corporate sustainability due diligence (EU Commission, 2024a), though it is unlikely to be implemented anytime soon. In all these cases, platform work was not the focus, and attention was given to human rights rather than specifically to labour rights. Despite these scant policy examples, the EU Directive on Platform Work agreed in March 2024 contains an important provision on subcontracting:

> *Persons performing platform work through intermediaries are exposed to the same risks related to the misclassification of their employment status and the use of automated monitoring or decision-making systems as persons performing platform work directly for the digital labour platform. Member States should therefore lay down appropriate measures in order to ensure that, under this Directive, they enjoy the same level of protection as persons performing platform work who have a direct contractual relationship with the digital labour platform. Member States should lay down appropriate mechanisms, including, where appropriate, through joint and several liability systems.*
>
> *(Council of the European Union, 2024, p.14)*

Although the directive mentions 'joint and several liability systems', it remains quite vague on the matter and does not address nor name the kind of legal responsibilities that should be shared. Specific regulations on subcontracting are left to individual Members States to define, risking the creation of a plethora of different regimes across the EU and a lack of clear and overarching standards.

Pay and working time

Besides the already mentioned legislative developments towards reclassification, which in most cases, would automatically see minimum wage and working time regulations automatically applied to platform workers, other regulatory reforms have emerged in this policy area. For instance, in Italy, the 2020 sectoral collective agreement for self-employed workers in food delivery established a minimum hourly pay (while continuing to allow piece-rate pay) as well as pay increases in case of night work, work in festive days and adverse weather conditions. Further, the agreement establishes minimum pay for those who have made themselves available through the app but have not received any work. With the specific purpose of reducing road risk, the number of productivity bonuses is capped on a yearly basis. Finally, the agreement establishes the **right to refuse** work and the **right to disconnect**, without being penalised in any way by the platform (CCNL Rider, 2020). The right to refuse and to disconnect were also established in France through Law 1428 of 2019, which covered people performing work in the transport and delivery sector (EU-OSHA, 2022d). Company-level collective agreements in the Nordic

countries have also introduced regulations on minimum pay and working time. For example, in Denmark, the 2022 collective agreement between the translation services platform Voocali and the union HK supports minimum hourly pay and guaranteed pay for assignments, including cancelled assignments, to freelance workers (Eurofound, 2022).

Equipment, and health and safety training

Similarly to pay and working time, policy efforts in the direction of reclassification would also grant platform workers rights in relation to safety equipment and training, in line with those granted to employees in their respective jurisdictions. However, in line with similar policy developments as regards pay and working time, several new regulations seek to extend those rights to those performing platform work, regardless of their employment status. For instance, in Italy, the collective agreement mentioned above establishes that safety equipment for delivery workers should be provided free of charge, and it also obliges platforms to provide training (CCNL Rider, 2020). In France, under the 2016 El Khomri law, those performing platform work should be reimbursed by the platform for training undertaken as well as for professional certifications they might pursue (EU-OSHA, 2022d).

Social protection

The area of social protection, which includes accident and injury protection as well as health and sickness protection, is one of the policy areas where the issues of platform work have been most hotly debated. It is worth remembering that many welfare states already provided some kind of social protection coverage to the self-employed, even before the advent of platform work. Nordic countries such as Denmark, Finland, Iceland and Sweden have long provided comprehensive social security cover, regardless of employment status (European Commission, 2017), thus making social protection issues for those performing platform work less of a policy concern (Thelen, 2018). Other countries including Croatia, Hungary, Luxembourg and Slovenia also provide comprehensive social security coverage for the self-employed (ISSA, 2023).

In the past decades, several countries have also gradually extended social security cover to the self-employed. For instance, Ireland has extended protection from old age and widow's pensions (1988) to maternity (1997), invalidity (2017) and unemployment (2019). In 2012, Portugal extended unemployment cover, under certain conditions, to many self-employed categories, while it has also improved protection in sickness and care allowances. Other countries, such as Spain and Italy, have provided at least partial social protection to self-employed workers who work in a condition of economic dependence (ISSA, 2023).

Specifically for platform work, a few countries have also introduced regulations to cover social protection for those performing work through a digital labour platform. In France, the 2016 El Khomri law mentioned above introduced voluntary accident insurance if the person meets a minimum income threshold (EU-OSHA, 2022d). In 2019, in Italy, a law reform obliged platforms in the food delivery sector to provide statutory accident insurance (Bertolini, 2024). In 2022, the Belgian Labour Deal also made it compulsory for platforms to provide accident insurance to those performing platform work (Van Olmen, 2022). Finally, individual company-level collective agreements such as those involving the food delivery platform Just Eat in Denmark (which, however, already employed its workers) and the temporary work platform Temper in the Netherlands have also introduced a range of social protection benefits (ISSA, 2023).

Algorithmic management and surveillance

Algorithmic transparency and accountability are some of the most prominent topics in policy debates on platform work. Several jurisdictions have introduced new regulations in relation to algorithmic transparency as part of policy reforms to address platform work. Spain's Riders Law, mentioned earlier, included in its provisions the obligation to inform workers and workers' representatives of the inner workings of algorithms used in any decision-making process related to work. Importantly, this provision applies to all workers, meaning it includes all people performing platform work, and is thus not confined to those working in the food delivery sector, as are most of the other measures included in the law. Nevertheless, the type and level of detail of the information that the platform must share remain partly unclear and are likely to require further regulations (EU-OSHA, 2022e). Similarly, the Italian sectoral collective agreement in the delivery sector establishes some basic transparency rules in relation to rating systems used by platforms in the sector (CCNL Rider, 2020).

More progress is likely to come from the implementation of the EU directive on improving working conditions in platform work. An entire chapter of the directive is specifically devoted to algorithmic management and Article 12 is specifically devoted to the OSH implications of algorithmic management (Council of the European Union, 2024). The directive establishes a requirement for platforms to inform workers and workers' representatives of the functioning of the algorithm, Unlike the Spanish law, it clearly states what information should be shared. Further, the directive obliges platforms to have adequate human oversight over automated decision-making and for decisions, and the right to a human explanation for workers subjected to those decisions. In relation specifically to OSH matters, the directive establishes the requirement for platforms to evaluate risks associated with automated monitoring and decision-making systems and to take suitable measures to mitigate those risks. Finally, it establishes that:

> *Any decision to restrict, suspend or terminate the contractual relationship or the account of a person performing platform work or any other decision of equivalent detriment shall be taken by a human being (Council of the European Union, 2024, p.51).*

All these important provisions in relation to algorithmic management and surveillance constitute, at present, the most comprehensive policy development to improve algorithmic transparency and accountability.

Data protection

Data protection legislation in EU countries is mostly regulated by the EU General Data Protection Regulation (GDPR) enacted in 2016. Although not specifically designed for platform work, it establishes the general legal principles for data protection regulation across the EU. On a few occasions, such as the renowned court case against Uber and Ola in Amsterdam, it has been used in courts to oblige platforms to disclose information on the data used to monitor and surveil workers as well as establish basic rules for automatic decision-making (IER, 2023). Nonetheless, the type of data and capacity of platforms to harvest large amounts of data from those performing work calls for stricter and more encompassing regulations on data protection. In this respect, the 2024 directive on improving working conditions in platform work introduced further regulations in data protection specifically tailored to platform work. Specifically, the directive establishes the obligation to share any impact assessment on the use of personal data in automated decision-making with workers' representatives (Council of the European Union, 2024). However, it is still not clear how this requirement will be implemented in practice and whether it will make a substantial difference in the collection and use of personal data by platforms.

Collective representation

In most European countries, the right of the self-employed to collectively organise and to be represented by a union is guaranteed, albeit with limitations in some cases (see, for instance, France below). In a few countries including Austria, Germany, Italy, Slovenia and Spain, the right to collectively organise receives constitutional protection under the right of freedom of association (Rummel, 2021; Gramano, 2021; Garcia-Muñoz,2021; Kresal, 2021; Hiessl, 2021).

Nevertheless, the regulatory environment becomes more complex in the case of the right to collective bargaining. While in some countries such as Sweden and Italy, self-employed people have historically been allowed to collectively bargain, in others including France, Ireland, Poland, and the United Kingdom, they have not. In others still, like Spain and Germany, neither law nor jurisprudence have been clear on the collective bargaining rights of the self-employed (Rummel, 2021; Garcia-Muñoz, 2021). Finally, in cases like that of Austria, only very specific categories of self-employed have been allowed to collectively bargain (Hiessl, 2021).

Nonetheless, in the past few years, the rapid spread of self-employment, particularly 'dependent' self-employment[2], often not exclusively in relation to the emergence of platform work, has led some countries to introduce legislative reforms in the direction of granting collective bargaining rights to at least some categories of self-employed workers. In Ireland, a number of reforms have gradually allowed different categories of self-employed to enter collective bargaining. Most importantly, a 2017 amendment to competition regulations extended the right to collective bargaining to some categories

[2] The ILO defines 'dependent self-employment' as follows: "Under dependent self-employment […] the worker performs services for a business under a contract different from a contract of employment but depends on one or a small number of clients for their income and may receive direction regarding how the work is to be done." (ILO, 2016 – available at https://www.ilo.org/resource/other/disguised-employment-dependent-self-employment).

of self-employed workers (in the Irish legislation the 'false self-employed workers' and the 'fully-dependent self-employed workers') (Kerr, 2021), thus potentially extending the right to collective bargaining to a large share of platform workers. In Poland, where until recently, collective bargaining rights were reserved almost exclusively to employees, a 2019 legislative reform extended collective bargaining rights also to many self-employed. Despite this legislative effort, this has not translated into any progress in practice for the self-employed, due to a number of institutional limitations (Pisarczyk, 2024). In France, where numerous collective representation rights, including the right to strike, have been limited to employees, the El Khomri law mentioned earlier extended many collective rights specifically to platform workers, albeit not going so far as to grant collective bargaining rights (Kessler, 2021; EU-OSHA, 2022d).

In many cases, limitations to the right of collective bargaining have been justified on the grounds of breach of competition legislation, which in EU countries, is derived from EU competition law. In this regard, a landmark development has come from the 2022 EU Commission's adoption of new guidelines on collective agreements for solo self-employed (EU Commission, 2024b). The new guidelines, which have partly been inspired directly by issues with platform work, clarify that:

> *Competition law does not apply to solo self-employed people that are in a situation comparable to workers[3]. These include solo self-employed people who: (i) provide services exclusively or predominantly to one undertaking; (ii) work side-by-side with workers; and (iii) provide services to or through a digital labour platform.*
>
> *The Commission will not enforce EU competition rules against collective agreements made by solo self-employed people who are in a weak negotiating position. This is for instance, when solo self-employed people face an imbalance in bargaining power due to negotiations with economically stronger companies or when they bargain collectively pursuant to national or EU legislation.*
>
> *(EU Commission, 2024b).*

The EU Commission guidelines thus open the floor for collective bargaining rights to be extended to self-employed people performing platform work across the EU, clearly stating that EU competition rules should not constitute a limitation. To what extent these change the situation in different EU countries is yet to be seen, but the adoption of these new guidelines has been highly welcomed by European trade unions (ETUC, 2022).

4. The Fairwork project

To date, there are no regulations specifically concerning platform work at international level. The International Labour Organisation (ILO) has published several reports on platform work – including many also focused on OSH matters (see, for example, ILO (2021, 2024a)) – that show an increased interest in this rapidly growing type of work globally. But the ILO is yet to enact any international regulations. Progress in regulations has mostly been stifled by the impossibility of multiple stakeholders and business representatives reaching an agreement on basic standards and due to the opposition to regulations of several country representatives (Huw, 2022). In 2021, the ILO Governing Body reached an agreement to discuss issues related to decent work in platform work, with the prospect of adopting international regulations by 2026. Nevertheless, in 2022, the ILO experts meeting (ILO, 2024b) failed to reach a decision on the creation of an international convention on platform work. Only in March 2023 did the ILO Governing Body decide to add a discussion on standards of decent work in the platform economy to its 2025 agenda (Fairwork, 2023a). At the moment of writing, the future of an ILO convention on platform work, which would be the first of its kind, is still highly uncertain; in any case, it is unlikely to come into force before 2027, and it will be even longer before ILO member countries implement it in their national legislation.

In this international regulatory vacuum, an action-research project called Fairwork, based at the Oxford Internet Institute, University of Oxford, and at the Berlin Social Science Centre (WZB), is taking action. In consultation with a wide range of stakeholders[4], Fairwork has introduced a set of principles of fair

[3] Employees.

[4] The Fairwork project does not receive any funding from platforms, and does not have any official partnership with any of them. Nevertheless, several platforms engage in collaboration with the Fairwork project and apply its principles, and many more have an established dialogue with the project. In this sense, platforms can be seen as Fairwork project's stakeholders.

work with OSH implications applicable to digital labour platforms at the global level. The project has also established a methodology to help improve working conditions, including some OSH aspects, in the platform economy globally by evaluating and ranking them. The principles include Fair Pay, Fair Conditions, Fair Contracts, Fair Management and Fair Representation (Fairwork, 2024b, 2024c, 2024d, 2024e) provides a detailed list of what they entail). Each principle includes a basic and a more advanced threshold, as indicated in Table 2.

Table 2: Fairwork principles for location-based labour platforms*

Principle	Threshold
1. Fair Pay	1.1 Ensures workers earn at least the local minimum wage after costs.
	1.2 Ensures workers earn at least a local living wage after costs.
2. Fair Conditions	2.1 Mitigates task-specific risks.
	2.2 Ensures safe working conditions and a safety net.
3. Fair Contracts	3.1 Provides clear and transparent terms and conditions.
	3.2 Ensures that no unfair contract terms are imposed.
4. Fair Management	4.1 Provides due process for decisions affecting workers.
	4.2 Provides equity in the management process.
5. Fair Representation	5.1 Assures freedom of association and the expression of workers.
	5.2 Supports democratic governance.

Source: Fairwork (2024a)

*A separate set of principles has been developed for online work platforms; see: https://fair.work/en/fw/principles/cloudwork-principles/

Each platform being evaluated (see Fairwork, 2024b) receives a score of 1 for each threshold for which Fairwork has collected enough evidence that the threshold is being met so that a platform can obtain a score from 0 to 10. For each principle, the more advanced threshold is assigned only if the more basic threshold is met. The final scores are then published into country league tables (see Fairwork, 2024c) and the study is repeated each year.

As of March 2024, Fairwork has published 673 platform ratings in 39 countries, in 5 continents (Fairwork, 2024d). Overall, the Fairwork scores indicate that the vast majority of platforms worldwide do not meet basic standards of fairness in the working conditions (including OSH-related aspects) they provide. Only a small percentage of platforms across the world meet each of the Fairwork principle thresholds, suggesting an urgent need for change and for more rights and protections for people performing platform work worldwide.

But the Fairwork project does not aim only to evaluate labour standards on digital labour platforms. Platforms can also improve their overall score by engaging directly with Fairwork and implementing the recommended policy changes in each threshold. Through engagement with Fairwork, 299 policy changes have been implemented by over 64 digital labour platforms worldwide (Fairwork, 2024d). Many of these changes are directly aimed at mitigating OSH risks, including the provision of free equipment, the provision of vehicle repair and maintenance services, the creation of rest spaces, the introduction of health and safety training, the improvement of accident insurance protection, the introduction of data protection policy, increased transparency in the use of algorithms, the enactment of an anti-discrimination policy and the creation of mechanisms for collective representation.

Moreover, Fairwork has constantly engaged with policy-makers and policy stakeholders in the different countries where it is operating, promoting its fair work principles as global basic labour standards for platform work. These include government and ministerial representatives, MPs, regulation authorities, unions and union confederations, local and regional government officials, international organisations, business federations, non-governmental organisations and civil society organisations. Through formal and informal meetings, the provision of evidence and evidence-based policy recommendations, and

participation in policy-related events and workshops, Fairwork aims to foster more awareness in the policy arena on the issues and challenges faced by people performing platform work worldwide and the potential policy solutions suitable for different local contexts (Fairwork, 2024d).

Despite its achievements, the Fairwork project has important limitations. Improvements in working conditions always depend on the platforms' willingness to engage and collaborate. Further, despite running in 39 countries, the project only includes a fraction of the countries and digital labour platforms operating worldwide, so it does not cover the majority of people performing platform work. Thus the voluntary engagement and the limited breadth of platforms scored by Fairwork cannot be considered a substitute for international ILO regulations, though the Fairwork principles can help inform a potential international convention on platform work (Fairwork, 2022b).

5. Policy pointers

This policy brief has highlighted many of the OSH-related challenges associated with platform work, as well as national and international policy developments in the field. It is clear that despite important policy reforms, there is still a long way to go before ensuring these OSH challenges are met with suitable regulatory responses. In this section, we present key OSH-relevant policy pointers for both national and international policy-makers.

Policy pointer 1 — Employment classification criteria should be clearly defined and be made 'future-proof'

As most labour law frameworks and OSH regulations set out comprehensive employment rights and protections only for those classified as employees, and misclassification has been rife in the platform economy due to uncertain classification criteria, it is paramount for legislation to establish well-defined criteria that match the characteristics of platform work. These criteria should be made 'future-proof', in the sense that they are not easily circumvented by changes in the business model or organisational structure of the platform that void existing regulations, as platforms are already doing in multiple countries.

Policy pointer 2 — Given the dependent nature of most platform work, a number of rights and protections should be extended to those who will continue to be classified as self-employed

The specific nature of platform work makes most individuals performing platform work, regardless of their employment status, highly dependent on the platform for their work. Therefore, policy efforts should be made to extend to these workers many of the same rights and protections that those classified as employees enjoy (including minimum pay, working time, safety equipment, training, contractual clarity, social protection, due process, algorithmic transparency, anti-discrimination and collective representation).

Policy pointer 3 — Where possible, rights and protections should be made less dependent on employment status to cover the emerging 'hybrid' categories

In most countries, employment rights and protections are dependent on the worker being an employee, while a number of countries have introduced a third employment category, generally with an intermediate level of protection between employees and self-employed. As work in future will increasingly create the need for 'hybrid' categories, of which platform work is only one, rights and protections should be made as independent as possible from employment classification, and instead be granted to all those performing work.

Policy pointer 4 — The use of subcontractors in the platform economy should be adequately regulated and monitored, even considering joint liability with the platform

Subcontracting is often used by platforms to make them exempt from direct responsibilities towards workers. Regulations should give more responsibility to platforms in the management and control of subcontractors, including the establishment of joint liability for working conditions and clear monitoring and disciplinary mechanisms over subcontractors, also through the mandatory use of inspections and audits. Clear criteria should be established on who can be a subcontractor, including the possibility of creating a national registry or a licensing scheme.

Policy pointer 5 — In establishing employment status criteria, care should be taken to not include the benefits and protections provided by the platforms

Many platforms may be discouraged from providing free safety equipment, training, insurance or other benefits and protections, because in most countries the provision of these may make them liable to be considered employers, even when they rely on a self-employed workforce. These benefits and

protections should not be included in employment classification criteria, or specific exemptions should be provided through legislation to encourage or at least not prevent platforms from providing OSH-related benefits and protections.

Policy pointer 6 — Social protection schemes should be partly redesigned to take into account the specific characteristics of platform work, specifically its intermittent, casual and piece-rate nature

As with many other forms of casual and temporary employment, the characteristics of platform work often make it very difficult for those performing it to access social security schemes, including health care, sickness, retirement or parental leave, because entitlement criteria and claim requirements are often incompatible with the conditions in which many individuals perform the platform work. Social protection schemes should be made more inclusive, by taking into account the casual and often piece-rate nature of most platform work.

Policy pointer 7 — Algorithmic transparency should be clearly defined, and the functioning of algorithms should be made accessible to all relevant stakeholders

Policies should be developed to open the algorithmic 'black box' to scrutiny. Proprietary rights should not constitute a limit to allow workers and relevant stakeholders to understand the basic functioning of algorithms and the outcomes they produce. As algorithms influence many OSH-relevant risks, platforms should be obliged to inform workers and their representatives how the algorithms work, the outcomes they produce and the OSH risks involved. Regulations should allow for negotiation between work councils and unions over the functioning of algorithms and other automated management tools.

Policy pointer 8 — The use of algorithms and other automated management tools, including artificial intelligence (AI) tools, should be subjected to adequate scrutiny, including impact assessment on its consequences for OSH purposes

The increased used of algorithms, AI tools and other forms of automated management have the potential to improve productivity and efficiency, but they can also be the cause of important OSH risks to workers. All organisations (and not exclusively digital labour platforms) using these tools, even when complemented by humans (that is, semi-automated) should make an proper assessment of the OSH risks involved and provide suitable mitigation mechanisms.

Policy pointer 9 — Standards should be set on automated communication, and workers should be able to always contact a human representative of the platform within a reasonable timeframe

Although automated communication can be efficient in many instances, it should not prevent workers from being able to communicate with the (human) platform managers when they have a problem. Workers can have accidents or be subjected to several physical and mental health risks which cannot be adequately addressed through automated communication. Regulations should establish that workers have the right to talk to a human representative of the platform in a timeframe which is reasonable for their communication needs. If automated communication systems are used, regulations should establish basic standards, including modality, time of response and type of content.

Policy pointer 10 — Public authorities should develop adequate enforcement and inspection mechanisms for the policies implemented

Without adequate enforcement and inspection mechanisms, policies risk remaining unrealised. Given the specific characteristics of platform work, authorities should provide labour inspectorates and other relevant enforcement bodies with adequate legal tools, resources and expertise (including on AI and algorithms) to properly enforce OSH and other relevant regulations, and provide platforms with clear guidelines on how to comply with relevant regulations.

References

Alyanak, O., Cant, C., López Ayala, T., Badger, A., and Graham, M. (2023) '*Platform work, exploitation, and migrant worker resistance: Evidence from Berlin and London*', The Economic and Labour Relations Review, pp. 1-22. https://www.cambridge.org/core/journals/the-economic-and-labour-relations-review/article/platform-work-exploitation-and-migrant-worker-resistance-evidence-from-berlin-and-london/30DF1A5FD18F4B86983332ABE401E88E?utm_campaign=shareaholic&utm_medium=copy_link&utm_source=bookmark

Behrendt, C., Nguyen, Q. A., & Rani, U. (2019). Social protection systems and the future of work: Ensuring social security for digital platform workers. *International Social Security Review*, *72*(3), 17-41. https://socialprotection.org/sites/default/files/publications_files/Int%20Social%20Security%20Review%20-%202019%20-%20Behrendt%20-%20Social%20protection%20systems%20and%20the%20future%20of%20work%20%20Ensuring%20social%20security.pdf

Bérastégui, P. (2021). *Exposure to psychosocial risk factors in the gig economy: A systematic review* (ETUI Report 2021.01). Brussels, European Trade Union Institute. https://www.etui.org/sites/default/files/2021-01/Exposure%20to%20psychosocial%20risk%20factors%20in%20the%20gig%20economy-a%20systematic%20review-web-2021.pdf

Bertolini, A. (2024). Regulating platform work in the UK and Italy: Politics, law and political economy. *International Journal of Comparative Labour Law and Industrial Relations, 40*(1), 131-154. https://kluwerlawonline.com/journalarticle/International+Journal+of+Comparative+Labour+Law+and+Industrial+Relations/40.1%20%5bpre-publication%5d/IJCL2024005

Bertolini, A., & Dukes, R. (2021). Trade Unions and Platform Workers in the UK: Worker Representation in the Shadow of the Law. *Industrial Law Journal, 50*(4), 662-688. https://academic.oup.com/ilj/article/50/4/662/6408608

CCNL Rider. (2020). Contratto collettivo nazionale di lavoro per la disciplina dell'attività di consegna di beni per conto altrui, svolta da lavoratori autonomi, c.d. rider.

Cherry, M. A., & Aloisi, A. (2018). A critical examination of a third employment category for on-demand work (in comparative perspective). In N.M. Davidson, M. Finck & J.J. Infranca (Eds.), *The Cambridge Handbook of the Law of the Sharing Economy* (pp. 316-327). Cambridge Law Handbooks. Cambridge University Press. https://www.cambridge.org/core/books/abs/cambridge-handbook-of-the-law-of-the-sharing-economy/critical-examination-of-a-third-employment-category-for-ondemand-work/98C82D773DD07455EA9178DE4ACEA399

Council of the European Union. (2024, March 8). *Proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work - Analysis of the final compromise text with a view to agreement*. https://data.consilium.europa.eu/doc/document/ST-7212-2024-INIT/en/pdf

ETSC. (2022, November 11). *Road collisions more likely for takeaway riders in the gig economy*. European Transport Safety Council. https://etsc.eu/road-collisions-more-likely-for-takeaway-riders-in-the-gig-economy/

ETUC. (2022, September 29). *Collective bargaining boost for self-employed*. 29 September. European Trade Union Confederation. https://www.etuc.org/en/pressrelease/collective-bargaining-boost-self-employed#:~:text=Restrictions%20on%20the%20right%20of,long%2Drunning%20trade%20union%20campaign

EU Commission. (2024a). Corporate sustainability due diligence: Fostering sustainability in corporate governance and management systems. https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en

EU Commission. (2024b). Communication from the Commission: Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons (2022/C 374/02). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0930(02)

EU Commission. (2017). Access to social protection for people working on non-standard contracts and as self-employed in Europe: A study of national policies. https://op.europa.eu/en/publication-detail/-/publication/fb235634-e3a7-11e7-9749-01aa75ed71a1/language-en

EU Commission. (2021). Proposal for a Directive of the European parliament and of the Council on improving working conditions in platform work (COM/2021/762 final). https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52021PC0762

EU-OSHA. (2021). Digital platform work and occupational safety and health: a review (European Risk Observatory Report). https://osha.europa.eu/sites/default/files/2021-11/OSH_policies_online_platform_economy.pdf

EU-OSHA. (2022a). Digital platform work and occupational safety and health: overview of regulation, policies, practices and research. https://osha.europa.eu/sites/default/files/2022-03/Digital_platform_work_OSH_policies_report_0.pdf

EU-OSHA. (2022b). Digital platform work: occupational safety and health policy and practice for risk prevention and management. (Policy brief). European Agency for Safety and Health at Work. https://osha.europa.eu/sites/default/files/Digital_platform%20work_EN.pdf

EU-OSHA. (2022c). Italy: a national and local answer to the challenges of the platform economy. (Policy case study). European Agency for Safety and Health at Work. https://osha.europa.eu/sites/default/files/2022-02/A_national_local_answer_challenges_platform_economy_Italy.pdf

EU-OSHA. (2022d). France: lessons from the legislative framework on digital platform work (Policy case study). European Agency for Safety and Health at Work. https://osha.europa.eu/sites/default/files/Lessons_from_French_legislative_framework_digital_platform_work_EN.pdf

EU-OSHA. (2022e). Spain: the ‘riders’ law’, new regulation on digital platform work (Policy case study). European Agency for Safety and Health at Work. https://osha.europa.eu/sites/default/files/2022-01/Spain_Riders_Law_new_regulation_digital_platform_work.pdf

EU-OSHA. (2022f). Actions by labour and social security inspectorates for the improvement of occupational safety and health in platform work (Policy case study). European Agency for Safety and Health at Work. https://osha.europa.eu/en/publications/actions-labour-and-social-security-inspectorates-improvement-occupational-safety-and-health-platform-work

Eurofound. (2022). Collective Agreement bewteen Voocali and HK. https://apps.eurofound.europa.eu/platformeconomydb/collective-agreement-bewteen-voocali-and-hk-106111

European Commission. (2021). *Study to support the impact assessment of an EU initiative to improve the working conditions in platform work* (Final report). Luxembourg, Publications Office of the European Union. https://op.europa.eu/en/publication-detail/-/publication/454966ce-6dd6-11ec-9136-01aa75ed71a1/language-en

Fairwork. (2022a). *Fairwork Germany ratings 2021: Labour standards in the platform economy.* Berlin, Germany; Oxford, United Kingdom. https://fair.work/wp-content/uploads/sites/17/2022/04/Fairwork_Report_Germany-2021_EN-revised.pdf

Fairwork. (2022b) *A global manifesto for fairer platform work.* Oxford, United Kingdom; Berlin, Germany. https://fair.work/wp-content/uploads/sites/17/2022/10/ILO-Manifesto_Final-Draft-1.pdf

Fairwork. (2022c). *Fairwork policy brief: New regulation of platform work in Chile: a missed opportunity?* Santiago, Chile; Oxford, United Kingdom. https://fair.work/wp-content/uploads/sites/17/2022/03/Policy-brief.-New-regulation-of-platform-work-in-Chile-a-missed-opportunity-EN.pdf

Fairwork. (2023a, March 31). *ILO includes an international convention on platform workers on its agenda*. https://fair.work/en/fw/blog/ilo-international-convention-platform-workers-agenda/

Fairwork. (2023b). *Fairwork Colombia ratings 2023: The mobilities of gig work in Colombia*. Bogotá, Colombia; Oxford, United Kingdom; Berlin, Germany. https://fair.work/wp-content/uploads/sites/17/2023/11/Fairwork_Colombia_Report_2023.pdf

Fairwork. (2024a). *Fairwork annual report 2023: State of the global platform economy*. Oxford, United Kingdom; Berlin, Germany. https://fair.work/wp-content/uploads/sites/17/2024/02/Fairwork-Annual-Report-2023.pdf

Fairwork. (2024b). *Methodology*. Fairwork. https://fair.work/en/fw/methodology/#:~:text=The%20Fairwork%20project%20uses%20three,and%20interviews%20with%20platform%20management.

Fairwork. (2024c). *Ratings*. Fairwork. https://fair.work/en/fw/ratings/

Fairwork. (2024d). *Impact*. Fairwork. https://fair.work/en/fw/impact/

Fairwork. (2024e). *Location-based platform work principles.* Fairwork. https://fair.work/en/fw/principles/fairwork-principles-location-based-work/

Fairwork. [Forthcoming]. *Fairwork Spain ratings 2023: Labour standards in the platform economy.* Madrid, Spain; Oxford, United Kingdom; Berlin, Germany.

Garcia-Muñoz, A. (2021). Chapter 12: Spain. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Gramano, E. (2021). Chapter 8: Italy. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Haeck, P. (2024, March 11). EU finalizes gig work rules after countries back deal. Poltico. https://www.politico.eu/article/european-union-gig-work-labor-estonia-greece-germany-france/#:~:text=Member%20countries%20will%20still%20be,%22social%20dialog%22%20model%20intact

Hiessl, C. (2021). Chapter 3: Austria. In B. Waas & C. Hießl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Huw, T. (2022). The platform economy discussion at the ILO: first a failure, now a future? Barcelona, Digital Futures at Work Research Centre.

Huws, U. (2015, February 4). *A review on the future of work: Online labour exchanges or crowdsourcing.* OSHwiki. https://oshwiki.osha.europa.eu/en/themes/review-future-work-online-labour-exchanges-or-crowdsourcing

IER. (2023, April 6). *Uber and Ola Cabs suffer defeat in far reaching ruling*. Institute of Employment Rights. https://www.ier.org.uk/news/uber-and-ola-cabs-suffer-defeat-in-far-reaching-ruling/#:~:text=Uber%20and%20Ola%20found%20to,platform%20security%20%26%20expose%20trade%20secrets.

ILO. (2021). *The role of digital labour platforms in transforming the world of work. World employment and social outlook* (ILO Flagship report). International Labour Organisation. https://www.ilo.org/publications/flagship-reports/role-digital-labour-platforms-transforming-world-work

ILO. (2024a). *Realizing decent work in the platform economy* (ILC.113/Report V(1)). International Labour Organisation. https://www.ilo.org/resource/conference-paper/realizing-decent-work-platform-economy

ILO. (2024b). *Meeting of experts on decent work in the platform economy.* International Labour Organisation. https://www.ilo.org/meetings-and-events/meeting-experts-decent-work-platform-economy

ISSA. (2023, November 2). *Platform workers and social security: Recent developments in Europe.* International Social Security Association. https://www.issa.int/analysis/platform-workers-and-social-security-recent-developments-europe

ISSA. (2024, February 9). *Social security for the self-employed in Europe: Progress and developments.* International Social Security Association. https://www.issa.int/analysis/social-security-self-employed-europe-progress-and-developments

Kahmann, M. (2006). The posting of workers in the German construction industry: responses and problems of trade union action. *Transfer: European Review of Labour and Research*, *12*(2), 183-196. https://journals.sagepub.com/doi/10.1177/102425890601200206

Kerr, A. (2021). Chapter 7: Ireland. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Kessler, F. S. (2021). Chapter 5: France. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Kresal, B. (2021). Chapter 11: Slovenia. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Krzywdzinski, M., & Gerber, C. (2021). Between automation and gamification: forms of labour control on crowdwork platforms, *Work in the Global Economy*, *1*(1-2), 161-184. https://bristoluniversitypressdigital.com/view/journals/wge/1/1-2/article-p161.xml

Lam., L., & Triandafyllidou, A. (2021). Road to nowhere or to somewhere? Migrant pathways in platform work in Canada. *Environment and Planning A: Economy and Space*. https://cadmus.eui.eu/bitstream/handle/1814/75198/Migrant_pathways_Art_2022.pdf?sequence=1

Mendonça, P., Clark, I., & Kougiannou, N. (2023, May 4). *'I'm always delivering food while hungry': how undocumented migrants find work as substitute couriers in the UK.* The Conversation. https://theconversation.com/im-always-delivering-food-while-hungry-how-undocumented-migrants-find-work-as-substitute-couriers-in-the-uk-201695

Moore, P. V., & Joyce, S. (2020). Black box or hidden abode? The expansion and exposure of platform work managerialism, *Review of International Political Economy*, *27*(4), 926-948. https://eprints.whiterose.ac.uk/148823/3/MOORE%20JOYCE%20BLACK%20BOX%20TO%20SEND.pdf

Pisarczyk, Ł. (2023). Uphill struggle: collective bargaining for the self-employed in Poland. *Transfer: European Review of Labour and Research*, *29*(4), 475-489. https://journals.sagepub.com/doi/10.1177/10242589241231767

Rummel, J. (2021). Chapter 6: Germany. In B. Waas & C. Hiessl (Eds.), *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights,* Bulletin of Comparative Labour Relations, Volume 109.

Van Olmen, C. (2022, December 12). Belgium: Labour Deal 2022: Better protection for digital platform workers. L&E Global. https://leglobal.law/2022/12/09/belgium-labour-deal-2022-better-protection-for-digital-platformworkers/#:~:text=The%20first%20measure%20introduces%20a,to%20self%2Demployed%20platform%20workers

Waas, B., & Hiessl, C. (Eds.). (2021). *Collective Bargaining for Self-Employed Workers in Europe: Approaches to Reconcile Competition Law and Labour Rights*. Bulletin of Comparative Labour Relations Volume 109. Kluwer Law International BV. https://law-store.wolterskluwer.com/s/product/collective-bargaining-for-selfemployed-workers-in-europe-v109/01t4R00000OTkUzQAL

Sieker, F. (2022). Platform work and access to social protection across major European countries. *Journal of International and Comparative Social Policy*, *38*(3), 193-207. https://www.cambridge.org/core/services/aop-cambridge-core/content/view/F536D706EF94F7D836D6DE7120456C16/S2169976322000134a.pdf/div-class-title-platform-work-and-access-to-social-protection-across-major-european-countries-div.pdf

Thelen, K. (2018). Regulating Uber: The politics of the platform economy in Europe and the United States. *Perspectives on Politics*, *16*(4), 938-953. https://dspace.mit.edu/bitstream/handle/1721.1/124884/Thelen%20Regulating%20Uber.pdf;jsessionid=AEEBF8FE7409DA1D309CD4CFAD36D832?sequence=1

Tursi, A. (2024, March 15), *Riders e collaboratori etero-organizzati in cerca di tutela previdenziale. Qual è la soluzione più corretta?*. IPSOA. https://www.ipsoa.it/documents/quotidiano/2024/03/16/riders-collaboratori-etero-organizzati-cerca-tutela-previdenziale-qual-soluzione-corretta

UCL. (2022, November 10). *Road collisions more likely for takeaway delivery riders working in the gig economy.* UCL News. https://www.ucl.ac.uk/news/2022/nov/road-collisions-more-likely-takeaway-delivery-riders-working-gig-economy#:~:text=Gig%20riders%20are%20three%20times,at%2011%25%20versus%206%25

Van Doorn, N., & Badger, A. (2020). Platform capitalism's hidden abode: producing data assets in the gig economy. *Antipode*, *52*(5), 1475-1495. https://onlinelibrary.wiley.com/doi/epdf/10.1111/anti.12641

Van Doorn, N., & Vijay, D. (2021). Gig work as migrant work: The platformization of migration infrastructure. *Environment and Planning A: Economy and Space*, OnlineFirst. https://journals.sagepub.com/doi/pdf/10.1177/0308518X211065049

Wagner, B., & Hassel, A. (2016). Posting, subcontracting and low-wage employment in the German meat industry. *Transfer: European Review of Labour and Research, 22*(2), 163-178. https://journals.sagepub.com/doi/10.1177/1024258916636012

Wood, A. J. (2021). *Algorithmic management consequences for work organisation and working conditions* (No. 2021/07). JRC Working Papers Series on Labour, Education and Technology. https://www.econstor.eu/bitstream/10419/233886/1/1757203559.pdf

Wood, D. M., & Monahan, T. (2019). Editorial: Platform surveillance. *Surveillance & society*, *17*(1/2), 1-6. https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/13237

Woodcock, J. (2021). The limits of algorithmic management: on platforms, data, and workers' struggle. *South Atlantic Quarterly*, *120*(4), 703-713. https://repository.essex.ac.uk/34613/1/The%20Limits%20of%20Algorithmic%20Management%20Preprint%20Woodcock.pdf

Wray, B. (2023, May 11). *Gig Economy Project – Is Belgium's platform work law "a dead letter"?*. Brave New Europe. https://braveneweurope.com/gig-economy-project-is-belgiums-platform-work-law-a-dead-letter

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