

The background is a vibrant, abstract composition of colors including green, blue, and yellow, with a prominent diagonal teal line. In the bottom right corner, a person wearing a red jacket and a white and black helmet is riding a bicycle, viewed from a side-rear perspective. An orange arrow points from the end of the text towards the person.

# Platform Work Directive.

Platform workers are already mentioned in some EU laws such as the transparent and predictable working conditions directive. However, there are many issues pending to resolve in regard to these workers access to social protection. EU member states have different approaches to platform work. National responses to platform work are diverse and are developing unevenly across Europe. In particular, courts anywhere in the EU are called to decide on the employment status on a case-by-case basis.



Up-coming EU legislation  
aiming to improve the  
working conditions of  
persons performing  
platform work.



In 2021, the European Commission proposed a Directive on improving working conditions in platform work. This was the Commission's attempt to regulate the growing gig economy. Recently, on 11 March 2024, Member States' employment and social affairs ministers agreed on a text for a new Directive.



# Addressing false self-employment in platform work.



According to the expected legislation, EU Member States will establish a legal presumption of employment within their own legal systems, to be triggered when facts indicating control and direction between a worker and the platform are found. Persons working on digital labour platforms, their representatives or national authorities may invoke the legal presumption or claim they are misclassified.



Member states must also provide guidance for all parties concerned to understand and implement the legal presumption. The burden of proof lies with the platform, meaning that when the platform wants to rebut the presumption, the onus will be on it to prove that the contractual relationship is not an employment relationship.



Currently, there are many EU platform workers which are classified as self-employed. This self-employed status is not valid in cases where these workers are subject to the same rules and restrictions as an employed worker. By establishing an effective presumption, EU member states will make it easier to correct instances of false self-employment classification.





# New rules on algorithmic management.



The agreement reached also ensures that platform workers are duly informed about the use of automated monitoring and decision-making systems regarding their recruitment, their working conditions and their earnings, among other aspects of their employment. It also bans the use of automated monitoring or decision-making systems for the processing of certain types of personal data of persons performing platform work, such as biometric data or their emotional or psychological state.



Further, platforms will have to ensure human oversight and evaluation on important decisions that directly affect the persons performing platform work, including the right to have those decisions explained and reviewed.



Next steps.



The text of the agreement will now be finalised in all the official languages and formally adopted by both the EU Parliament and Council. After the formal steps of the adoption have been completed, EU member states will have two years to implement the provisions of the directive into their national legislation.



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