

ADDRESSING THE CHALLENGES OF GIG WORK IN THE EUROPEAN UNION: A REVIEW OF THE PLATFORM WORK DIRECTIVE

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Abstract: The gig economy in the European Union (EU) has significantly transformed traditional labour markets, prompting critical discussions about worker rights and protections. This article presents a narrative review of the literature on gig work within the EU, focusing on the Platform Work Directive. It explores the challenges of employment status classification, rights and protections for gig workers, the role of algorithmic management, social security inclusion, the impact on platform companies, and policy implications. By synthesizing existing research, the article highlights the broader policy implications for labour protection across the EU and considers potential future developments in this rapidly evolving sector.

Keywords: Gig Economy; Platform Work; European Union; Employment Status Classification; Algorithmic Management; Labour Protections; Social Security; Directive on Platform Work

Résumé : L'économie des petits boulots dans l'Union européenne (UE) a profondément transformé les marchés du travail traditionnels, suscitant des débats essentiels sur les droits et protections des travailleurs. Cet article propose une revue narrative de la littérature sur le travail de plateforme au sein de l'UE, en se concentrant sur la Directive relative au travail sur plateforme. Il examine les défis liés à la classification du statut d'emploi, les droits et protections des travailleurs de plateforme, le rôle de la gestion algorithmique, l'inclusion dans les systèmes de sécurité sociale, l'impact sur les entreprises de plateformes, ainsi que les implications politiques. En synthétisant les recherches existantes, l'article met en lumière les implications politiques plus larges pour la protection du travail au sein de l'UE et envisage les développements futurs possibles dans ce secteur en évolution rapide.

Mots-clés : Économie des petits boulots ; Travail de plateforme ; Union européenne ; Classification du statut d'emploi; Gestion algorithmique ; Protections du travail ; Sécurité sociale ; Directive relative au travail sur plateforme

Rezumat: Economia platformelor din Uniunea Europeană (UE) a transformat semnificativ piețele tradiționale ale muncii, generând discuții esențiale despre drepturile și protecțiile lucrătorilor. Acest articol prezintă o revizuire narativă a literaturii de specialitate privind

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munca pe platformă în cadrul UE, cu un accent special pe Directiva privind munca pe platformă. Sunt analizate provocările legate de clasificarea statutului ocupațional, drepturile și protecțiile lucrătorilor pe platformă, rolul managementului algoritmic, integrarea în sistemele de securitate socială, impactul asupra companiilor de platforme și implicațiile politice. Prin sintetizarea cercetărilor existente, articolul evidențiază implicațiile politice mai largi pentru protecția muncii în UE și analizează posibilele evoluții viitoare din acest sector în continuă schimbare.

Cuvinte-cheie: Economia platformelor; Munca pe platformă; Uniunea Europeană; Clasificarea statutului ocupațional; Management algoritmic; Protecția muncii; Securitate socială; Directiva privind munca pe platformă

1. Introduction

The emergence of the gig economy has introduced a paradigm shift in the European labour market, characterized by short-term contracts and freelance work facilitated by digital platforms (De Stefano, 2016). Estimates suggest that there are around 28 million platform workers in the EU, a figure projected to increase by 52% by 2025 (Murphy & Dundon, 2023). This surge encompasses various forms of work facilitated by digital platforms, including crowd work and on-demand services (De Stefano, 2016).

While gig work offers flexibility and autonomy, it raises significant concerns regarding worker classification, labour protections, and the potential for exploitation (Kerikmäe & Kajander, 2022; Vyas, 2020). Issues such as algorithmic bias, gender inequality, and discrimination have emerged, highlighting the urgent need for comprehensive regulations to protect gig workers (Tan et al., 2021). The transformation of employment models has also led to the rise of gig worker advocacy groups, such as the National Domestic Workers Alliance Gig Worker Advocates, which prioritize fair compensation for gig workers (Hernandez et al., 2024). These groups argue that gig workers should be treated as employees rather than independent contractors, and that platforms should provide more benefits and protections to workers (Henten & Windekilde, 2018).

In response to these challenges, the European Commission proposed the Directive on Platform Work, aiming to improve working conditions and clarify employment status (Silberman, 2023; Veale et al., 2023). The Directive seeks to address false self-employment, regulate algorithmic management practices, and enhance transparency and accountability of digital labour platforms. However, its implementation faces hurdles, including debates over definitions, cross-border issues, and the complexities of aligning with existing EU social *acquis* and national regulations (Aloisi, 2022; Cavallini & Avogaro, 2019).

This article employs a narrative literature review to synthesize existing research on gig work and the proposed EU Directive on Platform Work. By providing a comprehensive understanding of the topic, it aims to contribute to the ongoing discussions on labour protections in the gig economy.

2. Methodology

This study utilizes a narrative literature review approach, allowing for a qualitative analysis of diverse sources to provide an in-depth understanding of the gig economy and the proposed Directive on Platform Work (Green et al., 2006). Relevant literature was identified through systematic searches of academic journals, books, policy papers, and official EU documents published between 2015 and 2024.

Key search terms included „gig economy,” „platform work,” „EU Directive on Platform Work,” „employment misclassification,” „algorithmic management,” „labour protections,” „social security,” and „collective bargaining.” The selection focused on sources discussing the gig economy in the EU, employment status classification, rights and protections for gig workers, algorithmic management, the impact on platform companies, policy implications, and themes directly related to the provisions of the Directive.

The literature was reviewed thematically to identify common issues, debates, and gaps in understanding. The analysis involved summarizing key findings, critically evaluating perspectives, and integrating insights to provide an overarching narrative of the complexities surrounding gig work and the potential impact of the Directive.

3. Clarification of Definitions

A fundamental aspect of the Directive is the clarification of definitions concerning „digital labour platforms” and „platform workers” (Aloisi, 2022). The Directive defines a digital labour platform as any natural or legal person providing a commercial service that involves organizing work performed by individuals at the EU level (European Parliament, 2024). By establishing clear definitions, the Directive aims to encompass a wide range of platform-mediated work, ensuring that workers are not excluded from protections due to technicalities.

The scope includes both online and location-based platforms, recognizing the diverse nature of gig work (European Commission: Joint Research Centre et al., 2018). This broad approach seeks to prevent platforms from exploiting loopholes and emphasizes the EU's commitment to addressing the gig economy comprehensively.

4. Employment Status Classification

A central issue in the gig economy is the misclassification of gig workers as self-employed rather than employees, allowing platform companies to circumvent labour laws (Friedman, 2014; Todoli-Signes, 2017). This misclassification results in workers lacking minimum wage guarantees, health insurance, and other essential protections, shifting risks and costs onto the workers themselves (Kalleberg & Dunn, 2016).

The Directive introduces a legal presumption of employment for platform workers (Aloisi, 2022). Workers are presumed to be employees unless the platform

can prove otherwise, effectively shifting the burden of proof onto the platforms. This measure aims to simplify the process of determining employment status and reduce legal uncertainties (Silberman, 2023).

Courts and regulators have historically struggled to apply traditional employment tests to gig work arrangements, leading to inconsistent rulings and legal uncertainty across different jurisdictions (Pinsof, 2016). The control test may not adequately capture the nuances of platform work, where control is often exerted indirectly through algorithms (De Stefano, 2015). By introducing the presumption of employment, the Directive seeks to overcome these challenges and provide a uniform approach across the EU (Aloisi, 2022).

5. Rights and Protections for Gig Workers

Gig workers often operate without the security of minimum wage guarantees, social protections, or adequate health and safety measures (Bajwa et al., 2018). The precarious nature of gig work means that income can be unpredictable, and workers may bear the costs of tools, equipment, and insurance (Kalleberg & Dunn, 2016). The lack of employer-provided benefits leads to economic insecurity (Yoel & Hasym, 2021).

The proposed Directive aims to extend fundamental labour rights to gig workers, trying to tackle the most critical issues related to fairness and protection. Fair remuneration, in this regard, includes minimum wage guarantees to protect the workers from exploitation and also keep their incomes stable. Rajkumar Chaudhary & Prajapati, 2024. In addition, it also guarantees access to social benefits including unemployment benefits, sick benefits, and medical aid, thus improving the social security coverage for gig workers (Katiyatiya & Lubisi, 2024). The Directive also takes up issues of health and safety where appropriate measures should be provided to protect workers against work risks (Bajwa et al., 2018). Furthermore, it strengthens the right to workers' representation by facilitating collective bargaining and enabling gig workers to join trade unions and engage in collective action without breaching competition laws (Stylogiannis, 2023). These provisions address the power imbalance between platforms and workers, promoting a more equitable and sustainable gig economy (Pilatti et al., 2024).

High-profile cases involving companies like Uber and Deliveroo have highlighted the challenges gig workers face regarding employment rights (Pietrogianni, 2019). While some court rulings have favoured workers, these victories are often limited in scope, emphasizing the need for comprehensive legislative solutions (Deon, 2020).

6. Algorithmic Management and Transparency

Algorithmic management uses computer algorithms to assign tasks, monitor performance, and make decisions traditionally handled by human managers (Jarrahi et al., 2021). In the gig economy, platforms employ algorithms to

distribute work efficiently, but this often lacks transparency and can lead to worker dissatisfaction (Bucher et al., 2021).

Workers may not understand how decisions are made or have the ability to contest them, leading to a sense of alienation (Weber et al., 2023). The opaque nature of algorithms can perpetuate biases and discrimination, as decision-making processes may reflect underlying prejudices encoded in the software (Ananny & Crawford, 2018).

The Directive addresses worries related to algorithmic management, mainly by introducing transparency-enhancing and accountability measures: requiring platforms to be more transparent about how algorithms affecting working conditions-assignment, evaluation, etc.-actually work; and making significant decisions impacting workers (deactivation, disciplinary actions, etc.) subject to human review for oversight and appeal (Renzi, 2023; Ponce del Castillo & Naranjo, 2022). To prevent unfair treatment, the Directive enforces non-discrimination policies, addressing algorithmic biases related to gender, race, and other protected characteristics (Tan et al., 2021). Additionally, it prioritizes the protection of workers' personal data and privacy rights, aligning these requirements with the General Data Protection Regulation (GDPR) (Ananny & Crawford, 2018). Collectively, these provisions aim to mitigate the adverse effects of algorithmic management and ensure fair treatment for gig workers.

Algorithmic transparency and non-discrimination are crucial in gig work as they affect the relationship between digital platforms and gig workers. Algorithmic transparency refers to the ability of gig workers to understand the decision-making processes of algorithms used by digital platforms (Sun & Li, 2024). Non-discrimination refers to the fairness and impartiality of algorithms in making decisions about gig workers (Sun & Li, 2024).

Studies have shown that algorithmic transparency can lead to increased trust and motivation among gig workers ((Sun & Li, 2024). When gig workers are aware of the decision-making process of algorithms, they are more likely to perceive the algorithm as fair and rational (Sun & Li, 2024). This perception can lead to increased motivation to engage in positive work behaviors (Sun & Li, 2024).

However, algorithmic complexity can negatively moderate the relationship between algorithmic transparency and transactional contract fulfilment (Sun & Li, 2024). When algorithms are too complex, gig workers may find it difficult to understand the decision-making process, leading to a decrease in their perception of algorithmic fairness and rationality (Sun & Li, 2024). This can ultimately lead to a reduction in employees' proactive service performance (Sun & Li, 2024).

Furthermore, algorithmic transparency can also lead to increased accountability and the right to know for gig workers (Sun & Li, 2024). This can empower gig workers to be accountable for the decisions made by algorithms and to challenge the fairness and rationality of decision-making processes (Sun & Li, 2024). However, „the establishment of a designated feedback avenue is essential for enabling employees to offer their perspectives and proposals regarding algorithmic governance at their convenience” (Liang et al., 2024).

In summary, algorithmic transparency and non-discrimination are essential in gig work as they affect the relationship between digital platforms and gig workers. By providing algorithmic transparency, digital platforms can increase trust and motivation among gig workers while also increasing accountability and the right to know. However, algorithmic complexity can negatively moderate the relationship between algorithmic transparency and transactional contract fulfilment, highlighting the need for digital platforms to provide clear and concise algorithmic policies and support for gig workers (Sun & Li, 2024).

7. Social Security Inclusion

Gig workers frequently fall outside traditional social security systems, limiting their access to unemployment benefits, healthcare, and pensions (Rajkumar Chaudhary & Prajapati, 2024). The classification of gig workers as self-employed means they are often responsible for their own social insurance contributions, which can be burdensome given their typically lower and irregular incomes (Montebovi et al., 2020).

The Directive aims to integrate gig workers into national social security schemes by requiring platforms to contribute to social security on their behalf (Wynn & Paz-Fuchs, 2019). It introduces measures to adjust eligibility criteria within social security systems, ensuring that non-standard workers, including gig workers, gain access to essential protections (Naik, 2023). In increasing flexibility, it also supports the principle of portability of benefits; workers will be able to keep their social security rights when switching between jobs or platforms. According to the Directive, employer contributions for social security funds will have to be paid by platforms to further make gig workers' benefits compatible with those of regular employees (Hsieh, Adisa, et al., 2023; Mangold, 2024).

By redefining employment relationships, the Directive may significantly impact gig workers' access to social security systems, reducing economic insecurity and reinforcing the social safety net (Aysan, 2020).

8. Impact on Platform Companies

The implementation of the Directive provides platform companies with a major challenge in terms of labour costs and the need to rebalance their business models (Mangold, 2024). In this respect, some platforms reclassify workers, accepting them as employees and rearranging the corresponding contractual arrangements and HR practices (Mangan et al., 2023). Others will adapt operational models in an effort to retain flexibility, to some extent, within the boundaries set by labour regulations, through redefinition of service offerings or focusing on less heavily regulated markets. Platform companies will also seek judicial contestation, which will involve questioning the provisions of the Directive through courts or lobbying for exemptions to delay or mitigate the effect of regulations (Kenney & Zysman, 2019; Aloisi, 2022).

While the Directive may level the playing field by ensuring all platforms adhere to the same labour standards, increased operational costs could impact prices for consumers or earnings for workers if platforms attempt to offset expenses (Hassel & Sieker, 2022). Platforms might explore hybrid models that combine elements of traditional employment and gig work or increase the use of automation to reduce reliance on human labour (Radović-Marković, 2021).

9. Cross-Border Issues

The transnational nature of platform work gives rise to thorny issues related to cross-border employment and the functioning of the EU single market (Aloisi et al., 2023). Workers and platforms usually operate in multiple jurisdictions, so enforcement becomes complicated, and questions arise about which laws should apply. The Directive henceforth seeks to harmonize these regulations to establish consistent labour protection across all member states and to lower regulatory arbitrage opportunities that employers seek (Purcell & Garcia, 2021). It also dictates cooperation between member states themselves through sharing information and by taking joint actions to ensure effective enforcement of its provisions (Aloisi, 2022). Moreover, the Directive has sought to protect the integrity of the single market and ensure that platforms do not leverage divergences in national regulation to the detriment of workers' rights (Drahokoupil & Fabo, 2016).

Cross-border platform work in the EU presents complex challenges for labour law, social security, and taxation, affecting approximately 4.3% of the working-age population who often face precarious conditions and unclear employment status (Kurianov, 2023). The platform economy challenges current labor regulations based on traditional employer-employee relationships established during the industrial age (Nilsen, Kongsvik, & Antonsen, 2022). Drawing on research and qualitative interviews, studies identify four regulatory gaps and introduce the concept of „regulatory escape,“ suggesting that addressing the power of platforms requires an expansive view of regulation encompassing all forms of socioeconomic influence (Nilsen, Kongsvik, & Antonsen, 2022).

The transformative power of technology reshapes markets and social interactions, necessitating meaningful discourse on governance systems to ensure decent and safe working conditions (Nilsen, Kongsvik, & Almklov, 2022). According to Grabher and van Tuijl (2020), platforms accelerate the shift from long-term employment to gig work, transforming professional careers into contractual portfolios shaped by online reputation capital (as cited in Makó et al., 2022). New global initiatives on „soft regulation,“ such as the World Economic Forum's Charter of Principles for Good Platform Work, promote the participation and advocacy needs of platform workers, equal working conditions, social security, decent earnings, learning opportunities, and data management (Makó et al., 2022).

Recent legal developments have led to worker reclassifications and new regulatory initiatives in some countries (Aloisi, 2022). The EU has introduced measures like the Directive on transparent and predictable working conditions to

address these issues (Aloisi, 2020, 2022). However, challenges remain in adapting existing labor and social security paradigms to the platform economy (Aloisi, 2020).

Addressing cross-border issues is essential for the Directive's success and the integrity of the EU's single market.

10. Policy Implications and Future Developments

The Directive represents a significant policy development with implications beyond gig work (Aloisi, 2022). By setting new standards for labour protections in the digital age, it may influence regulations in other sectors undergoing technological transformation. The Directive could serve as a catalyst for broader reforms aimed at adapting labour laws to the realities of a changing economy (Garben, 2019).

The Directive is aimed at improving the working conditions of gig workers. This may be achieved through a broad array of policies and technological innovation, including measures to increase collective bargaining power, protection against discrimination and retribution, and the introduction of specific legislation addressing the unique needs of various types of gig workers (Hsieh, Adisa, et al., 2023; Hsieh, Karger, et al., 2023). Still, the effective implementation of these measures depends on the overcoming of various challenges.

First, policies have to keep up with the fast pace of technological evolution, including new developments in algorithmic management and the rise of new platform models (Ananny & Crawford, 2018). Second, the realization of the Directive's objectives will only be possible through active cooperation between platform companies, workers, policymakers, and other stakeholders, establishing a dialogue and possibly introducing new governance structures (Aloisi, 2022). Ultimately, individual member states are expected to face distinct national challenges in the execution of the Directive, thereby requiring customized strategies and assistance from the European Union (Cavallini & Avogaro, 2019). Tackling these obstacles will be essential for guaranteeing the successful enhancement of the rights and conditions of gig workers as intended by the Directive.

Comparatively, the EU's approach is more proactive and comprehensive than in regions like the United States and ASEAN countries (Gebert, 2023). In the U.S., regulatory efforts are fragmented, with state-level initiatives like California's AB5 facing legal challenges and pushback from the industry (Larkin, 2021). The UK's efforts, such as the Taylor Review, have been criticized for their limited impact on improving gig workers' rights (Deon, 2020).

The EU's Directive may serve as a model for other regions seeking to balance innovation with worker protections, highlighting the importance of regulatory frameworks that adapt to new forms of work while safeguarding fundamental rights (Gebert, 2023).

11. Conclusion

The gig economy presents complex challenges requiring nuanced policy responses. The EU's proposed Directive on Platform Work is a significant step toward addressing issues of employment classification, labour protections, algorithmic management, and social security inclusion. By providing clearer definitions and extending rights and protections to gig workers, the Directive seeks to promote fairness in the labour market.

Success will depend on effective implementation and cooperation among stakeholders, including platforms, workers, and EU institutions. Addressing potential unintended consequences, such as increased costs for consumers or reduced flexibility for workers, will be essential.

Future policy developments should continue to adapt to the evolving nature of work, ensuring technological advancements contribute to decent work and economic growth. Ongoing research, dialogue, and international cooperation will be crucial in shaping a fair and equitable gig economy that benefits all participants.

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