

## Employment relationships in the platform economy must be identified and recognized

FinUnions supports the Commission's objective to improve working conditions in platform work. The Commission put forward a proposal for a [directive](#) in December 2021.

The proposal for a directive is part of a broader package which aims to respond to the changing world of work and to problems related to different forms of commissioning, such as employment security and collective bargaining rights.

FinUnions and European trade unions' organisations defend people's right to decent employment and the economic security it provides. This has a direct impact on people's ability to build their lives on a more secure economic basis. As the platform economy becomes more widespread, it is important to improve the status of people working in the platform economy and to ensure that they enjoy the same conditions and rights as elsewhere in working life.

The aim of the EU directive should be to oblige member states to ensure that the legal status of the worker is as it should be. It must be ensured that employment relationships are better identified and that the work cannot be carried out under a legal relationship other than an employment relationship if the arrangement fulfils the criteria of an employment relationship. The burden of proof should not be on the employee.

Action at EU level is necessary both to improve minimum protection for workers and to ensure the functioning of the internal market. From the point of view of fair competition, it is problematic if work that meets the characteristics of an employment relationship is not recognised as an employment relationship in some member states.

The European Court of Justice as well as courts in several EU countries have ruled that various types of partnership or commissioning arrangements are employment relationships. A person working in the platform economy may be directly or indirectly subject to the management and supervision of the employer or platform operator, with no real possibility of deciding independently on the time or price of the work.

At the same time, however, the rights that come with the employment relationship are lacking, such as occupational health and safety at work, job security, employee insurance and earnings-related social security.

The need to remedy this situation is also justified by the International Labour Organisation (ILO) in its [employment protection recommendation](#) (No 198-2006). The Recommendation calls for measures to prevent employment relationships from being disguised as other agreements.

It is important to focus on converting arrangements that meet the criteria of an employment relationship into employment relationships, as this prevents the creation of a new category, the so-called third category, between employees and entrepreneurs.

If new, separate rights are created, specifically for those working in the platform economy, there is also the problem of reinforcing this way of working as a non-employment relationship, in contrast to the rulings of the courts and the ILO recommendation.

SAK and STTK will take a more specific position on the details of the directive as the preparation of the directive progresses, also taking into account the European Trade Union Confederation's (ETUC) advocacy and preparatory work.

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