

National approaches to platform work

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Online platform

An online tool (website and/or app) that:

- Connects platform worker and client.
- Ensures quality of services.
- Facilitates payment.

Platform worker

An individual who offers, through an online platform, to perform personally short-term tasks.

Platform client

An individual who uses the platform to access a service.

Platform work and social security

Features of the *traditional* employment relationship

- No freedom to decide when to work.
- Open-ended contract.
- Full-time work.
- Always professional.
- Work performed personally.
- Remunerated

Social security systems were designed focusing on this

Features of platform work

- Freedom to decide when to work.
- Temporary work.
- Part-time work.
- Sometimes not professional.
- Work performed personally.
- Remunerated.

French approach: Specific regulation of platform work

- **Specific law on platform work:**

 - Yes, concerning labour accidents insurance for self-employed platform workers.

- **Judicial decisions on legal status of platform workers:**

 - Contradictory decisions (employee and self-employed status).

- **Current law:**

 - Employees and the self-employed are covered by different schemes (except pensions). Schemes for the self-employed offer lower benefits.
 - Allows proportionate contributions for the micro self-employed.
 - Inclusion of the self-employed in the system for employees through joining a cooperative.

British approach: Self-employed with some extra rights

- **Specific law on platform work:**

No

- **Judicial decisions on legal status of platform workers:**

- Agreement on self-employed legal status, but contradictory decisions on the variety of self-employed (worker or independent contractor).

- **Current law:**

- The self-employed are not covered under certain schemes (e.g. unemployment). But comprehensive social assistance schemes.
- Two varieties of self-employment:
 - Worker (limb 'b' worker): Right to maternity and sick pay.
 - Independent contractor: No right to those benefits.
- Self-employed with earnings of less than £6,000 per year pay low contributions (£150 per year) but may still be insured as other self-employed.

Spanish approach: Under-used intermediate category

- **Specific law on platform work:**

 - No.

- **Judicial decisions on legal status of platform workers:**

 - Contradictory decisions (employee and self-employed status).

- **Current law:**

 - If platform workers are classified as employees:

 - Great differences on amount of benefit, entitlement and duration between part-time workers and full-time workers.

 - If platform workers are classified as self-employed:

 - Existence of a sub-category of self-employed: Economically dependent self-employed.

 - No regulation of self-employed or employees with low earnings:

 - Self-employed: Minimum contribution of €300 per month.
 - Part-time employees: Contribution may be very low, depending on salary.

German approach: Non-coverage of self-employed and employees with low earnings

- **Specific law on platform work:**

- No.

- **Judicial decisions on legal status of platform workers:**

- No judicial decisions yet.

- **Current law:**

- If platform workers are classified as employees:

- Regular employees (with earnings above €450): Regular coverage
 - Mini-jobs: Employees with earnings under €450. They are excluded from many social security schemes.

- If platform workers are classified as self-employed:

- Regular self-employed: Excluded from coverage by most social security schemes.
 - Employee-like (e.g. homeworkers): Same protection than employees.

Dutch approach: First steps towards greater clarity

- **Specific law on platform work:**

No.

- **Judicial decisions on legal status of platform workers:**

- July 2018: Platform worker of 'Deliveroo' is a self-employed. However, decision should be taken with caution: Concerns student with very low earnings.
- January 2019: Platform workers of 'Deliveroo' are employees. Decision concerns trade union claim.

Issue still unsolved, awaiting new decisions.

- **Current law:**

- Universal scheme for pension and care.
- Potential of legal form 'rariteiten'.

Challenges presented by platform work

- How social security systems deal with work producing low earnings (or non-professional work)?
- How social security systems deal with self-employed without employees?

Next step: Are the EU rules on social security coordination ready to face platform work?

EU coordination rules seem to be designed with a focus on **stable working patterns** and on **only two categories** (i.e. employee and self-employed). Platform work, in contrast, is often **non-professional, non-regular, on-demand** and **highly mobile**, and may be classified in an **'intermediary' category**.

Examples:

- The rules focus on 'work' and 'non-marginal work', and without providing clear definitions of these concepts.
- The rules on determining the legislation applicable assume that the situation is regular/stable.

Danger: Countries with residence-based schemes may provide coverage even when other Member State is competent (as in Bosmann).

Thank you

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