“Connecting the dots” between the Platform Work Directive and the existing EU social *acquis*: a missed opportunity for the Platform Work Directive?

By Ilda Durri

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Rue du Luxembourg 3 | B-1000 Brussels Tel: 32(0)2 537 19 71 | e-mail: info@ose.be

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Dr. Ilda Durri is researcher at the European Social Observatory (OSE).

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Introduction

Platform work emerged as a novel phenomenon in the world of work, using technological tools to match, and in many instances also organise, the demand and supply sides of labour. Rapidly, this "new" form of work captured the attention of scholars, social partners, regulators, and judicial bodies. While acknowledging the opportunities associated with platform work, they primarily highlighted the risk that this form of work poses to decent working conditions. Given this key challenge and the potential for platform work to grow in the future (Global Commission on the Future of Work 2019; Eurofound 2020), with an increase in the number of workers involved and expansion into new sectors (Prassl 2024), regulatory and judicial action has been taken at the national and supranational levels.

The EU institutions began to pay attention to the legal challenges posed by online platforms in 2015-2016, first with the publication of the Communication on the Digital Single Market Strategy (Ratti 2021; European Commission 2015) and then with the Communication on the European Agenda for the Collaborative Economy (European Commission 2016). In 2017, the endorsement of the European Pillar of Social Rights (EPSR) provided an important blueprint for regulating working conditions at a time when the labour market was facing new challenges. Nevertheless, improving working conditions in platform work featured prominently in the EU agenda when the von der Leyen I political guidelines were published in 2020 (Spasova and Marenco 2023).

The EU Directive on improving working conditions in platform work, hereinafter the Platform Work Directive (PWD) (Directive (EU) 2024/2831), trod a rocky legislative path of more than two years of negotiations. This was mainly due to opposition from the hyper-rich platform companies (BBC News 2022) and some Member States in the Council of the EU, which were reluctant to allow EU involvement in this area (Crespy et al. 2025). Different EU institutions shaped differing versions, two provisional agreements failed, and just before the European Parliament elections of June 2024 (De Stefano and Aloisi 2024), a compromise text was agreed, on 11 March 2024. The PWD was adopted by the European Parliament in April 2024 (European Parliament Press release 2024), and by the Council of the EU in October 2024 (European Parliament Legislative train schedule). The new rules will apply from 2 December 2026. The adoption of this directive coincided with an important event for social rights: the Declaration on the Future of the European Pillar of Social Rights, the so-called "La Hulpe Declaration" (2024). In the spirit of implementing the Pillar, the declaration reaffirmed the commitment to ongoing action in the field of employment and social policies (European Commission Press release 2024).

Having this picture in mind, it seems that adoption of the PWD marks the end of a crucial stage in the journey to enhance working conditions in platform work. The next essential steps are the transposition and implementation of the Directive by the Member States. This paper acknowledges that adoption of the PWD is a milestone, and elaborates on several benefits it brings. However, it also warns that platform work has been viewed as a stand-alone phenomenon in the labour market. The risks associated with platform work, such as job instability, irregular working hours and income, the blurring of the boundaries between employment and self-employment, etc., are not unique to it. These issues have already been observed in broader developments, such as the spread of precarious work (European Parliament 2016), the proliferation of atypical forms of non-standard employment (De Stefano et al. 2022), ([1]) the casualisation of labour markets (De Stefano 2016), etc. Considering these common threads, this paper attempts to connect the dots between the PWD and existing EU social policy legislation, which has established solutions to issues related to the insecurity of working hours, and that of jobs (work).([2]) Three EU directives were identified for this purpose: the Working Time Directive (WTD), the Transparent and Predictable Working Conditions Directive (TPWCD), and the Fixed-Term Work Directive (FTWD). The paper concludes that the PWD should have more carefully considered this set of EU legal instruments in order to establish a comprehensive protective framework for platform workers. To elaborate on this argument, the paper is structured around two pillars: the Platform Work Directive itself, and its interrelation with the WTD, the TPWCD, and the FTWD. Section 1 is dedicated exclusively to an evaluation of the PWD, its scope of protection and its main safeguards. It focuses particularly on the legal presumption of an employment relationship and algorithmic management protections. Having as a starting point these tailor-made protections for platform work, Section 2 considers the potential added value of the WTD, TPWCD and FTWD for the regulation of platform work. Section 3 then concludes on the potential and shortcomings of the PWD itself, and on how this directive interacts with the three EU directives analysed.

1. Typical forms of non-standard employment are part-time, fixed-term and temporary agency work. In contrast, casual work is an example of an atypical form of non-standard work.

[2] None of the directives analysed in this paper touch upon the area of social security.

1. The Platform Work Directive as the principal instrument to govern platform work at a supranational level

1.1 Setting the scene: The purpose and the personal scope of application

The PWD has a twofold purpose: to enhance working conditions and to protect personal data in the context of platform work (Article 1 and recital 16 of the PWD). This is due to its dual legal basis in Articles 16 (1) and 153 (1) (b) of the Treaty on the Functioning of the European Union, which focus, respectively, on the protection of personal data and the improvement of working conditions. The Directive aims to achieve these regulatory goals by focusing on three main pillars: facilitating correct determination of employment status; ensuring the protection of workers with regard to algorithmic management; and providing more transparency in platform work, including in cross-border situations.

The scope of application of the directive appears to be broad and comprehensive. The PWD covers all persons performing platform work, irrespective of their contractual relationship with the platform. Workers covered can thus be self-employed, employees, and even workers with an ambiguous status who "based on an assessment of facts may be deemed to have an employment contract or employment relationship" (Article 1(2) of the PWD). In this regard, the Directive adopts a differentiated terminology which distinguishes between the different contractual statuses of platform workers. More concretely, "platform worker" refers to those workers who have or are deemed to have an employment contract or employment relationship, while "person performing platform work" also includes genuine self-employed workers who perform platform work (Article 2 (1) (c) (d) of the PWD). As Countouris and Prassl (2024) rightly point out, and as will be explained in the following subsections, the various rights contained in the directive have differing personal scopes. Therefore, not all provisions cover all persons performing platform work. A prominent example are the health and safety provisions, which apply only to platform workers who are employees.

The personal scope of application makes the PWD a pioneer compared to other legal instruments. For instance, the TPWCD extends its protective scope solely to those platform workers who are already classified as employees. Similarly, national regulatory interventions targeting platform work tend to be restrictive (Piasna 2024), as they generally only cover a specific segment of platform workers, such as location-based workers, who perform work in the local labour market and are mainly concentrated in the transport and delivery services (Real Decreto-

ley 9/2021 de 11 de mayo). In contrast, the PWD extends beyond this segment, also capturing less visible platform workers, such as domestic platform workers and online crowd workers performing work in the EU, regardless of the digital labour platform's place of establishment (Article 1 (3) of the PWD). The inclusion of genuine self-employed workers within the scope of the directive also gives it an innovative character (Rainone and Aloisi 2024), as it is the first EU labour law directive to do so.

It should be noted that the personal scope of an EU labour law instrument can be broadened or limited depending on the definition of "worker" adopted. The definition of "worker" chosen for the PWD (and some other recent social directives) ([3]) has a "hybrid" legal nature (Report Expert Group 2021), as it combines the national definition of a "worker" – according to the law, collective agreements or practice in force in the Member States – with the EU definition of "worker", as developed by the Court of Justice of the EU (CJEU) in a free movement context (Deborah Lawrie-Blum vs Land Baden-Württemberg Case 66/85; FNV Kunsten Informatie en Media v Staat der Nederlanden Case C-413/13). ([4]) This definition goes beyond national definitions and includes "forms of employment not considered under national law" (Study for the European Economic and Social Committee (EESC) 2021), which could potentially include platform workers.

1.2 The safeguards contained in the Platform Work Directive

1.2.1 Addressing employment misclassification: the legal presumption of an employment relationship

In a vast number of cases, the terms and conditions of business service agreements state that platform workers are self-employed. Nevertheless, platform operators can exercise a degree of control that closely resembles the managerial prerogatives exerted by an employer (De Stefano et al. 2020). This de facto but non-formalised employment relationship can result in the exclusion of platform workers from basic labour protections which are associated with an employment relationship, such as minimum wage, working time, collective labour rights, social security protection, etc. (De Stefano et al. 2021; Countouris 2019). The narrative of entrepreneurship presented by platform companies has been rejected, on many occasions, by higher courts in Europe and around the world, which have found the existence of an employment relationship within platform work (Hiessl 2022). Several Member States have followed suit and taken

3. Examples include the Transparent and Predictable Working Conditions Directive 2019/1152 and the Minimum Wage Directive 2022/2041.
4. According to the CJEU case law, a worker has been considered as someone who cumulatively fulfils three legal conditions (the so-called Lawrie-Blum formula): subordination, remuneration, and the performance of effective and genuine economic activities.

regulatory action at a national level. In some instances, platform companies themselves, either voluntarily or not, have classified their platform workers as employees of the company, or of the client (De Stefano et al. 2021).([5]) In light of this surge in legal developments, the European Commission decided to intervene in the debate surrounding the misclassification of platform workers, by proposing, in the PWD, a rebuttable legal presumption of an employment relationship. From the proposal stage until the final, agreed version of the Directive, the legal presumption evolved considerably: it shifted from being set at the EU level to being left to the discretion of the Member States.

In the original formulation of the presumption, the Commission ([6]) required two out of five legal criteria to be met, for the person performing platform work to be presumed an employee (European Commission 2021). These criteria were centred around control and subordination, i.e. "the level of remuneration; rules for appearance and conduct; supervision by electronic means; limited choice of working hours or possibility to refuse tasks; and restricted possibility to work for a third party" (European Parliament Legislative train schedule). A more worker-friendly version of the presumption was proposed by the Parliament (European Parliament 2022), as no criteria were required to trigger it. Instead, the party seeking to rebut the presumption had to prove that two cumulative criteria were met: a lack of control and direction, and that the worker is usually engaged "in an independently established trade, profession or business of the same nature as that with which the work performed is related". The Council, on the other hand, reinstated the Commission's criteria, but split them up into seven (Council of the European Union 2023), of which three had to be met, unlike in the Commission proposal.

The final version of the presumption of employment was characterised by an absence of legal criteria; instead, leeway was left to Member States to decide how to design it. Given that employment status is a delicate matter for the Member States, this change of approach was to be expected (Durri 2023). As the design and implementation of the presumption of employment will be up to national legislators, it will likely result in a lack of uniformity across Member States (Prassl 2024). More optimistically, the broad conception of the presumption, with no rigid legal criteria, will hopefully lead Member States to develop it in light of "a fast-paced business environment" (De Stefano and Aloisi 2024; Rainone and Aloisi 2024). Platforms can be very creative in changing their business models to evade compliance with legal obligations. Member States now have the opportunity to continuously develop the presumption in light of new domestic developments in platform work, such as new business models, upcoming case law and legislation.

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[5] This is, for example, the case of Helpling, Terms and Conditions for the Use of the Platform (accessed on 29 September 2025) and Batmaid, Terms of Use (accessed on 29 September 2025).

[6] Some Member States, such as Malta, have already fully adopted the criteria envisaged by the Commission. See: https://eulawlive.com/weekend-edition/weekend-edition-no179/

It is mandatory for all Member States to introduce the legal presumption of employment into their legal systems (Aloisi et al. 2023). ([7]) The parties which seek to trigger the presumption, in either a judicial or administrative context (Article 5 (3) of the PWD), must demonstrate that there is evidence of control and direction, in accordance with national laws, collective agreements, or practices, in their contractual relationship with the platform (Article 5 (1) of the PWD). Consideration must also be given to the case law of the CJEU. Notably, the Directive highlights the importance of the facts relating to the performance of work, over and above the parties' own characterisation of the relationship (Article 4 (2) of the PWD). In this way, it transposes the international principle of the primacy of facts, as set out in ILO Employment Relationship Recommendation No. 198 of 2006 (Paragraph 9), in the context of platform work. In addition, it highlights that consideration should also be given to the use of automated decision-making and monitoring in the way work is organised.

The formulation of the legal presumption should not lead to the misconception that all persons performing platform work will automatically be reclassified as employees. This is because the presumption is moderate, rather than absolute in nature (Aloisi et al. 2023). In other words, the presumption contained in the PWD allows the party contesting the existence of an employment relationship, be this the digital labour platform or the platform worker, to rebut it and prove a case of genuine self-employment (Article 5 (1) of the PWD). Moreover, as mentioned above, the presumption cannot be activated automatically but requires proof of direction and control.

The Directive clarifies that the presumption is there to act as a legal facilitator, to alleviate the burden of proof for workers and enable them to demonstrate the existence of an employment relationship more effectively (Article 5 (2) of the PWD). This has been done because digital labour platforms have a complete overview of the facts of the case, leading to a situation of power imbalance between the parties. Notwithstanding its key contribution to tackling the classification issue, the presumption does not in any way constitute a panacea to it. The ultimate responsibility for classification remains with the judiciary, which decides on a case-by-case basis. Judicial processes can, nevertheless, adversely affect those platform workers who face financial constraints, have a migrant background, or do not have a university degree (Cefaliello 2023). They can also be time-consuming and financially burdensome.

A practical example showing that the presumption cannot resolve all employment misclassification comes from Belgium, where there was already a presumption of employment in logistics and road transport (Article 337/1 and following of Loi-programme (I) 2006). In these sectors, a work relationship is presumed to be an employment relationship when more than half

7. To date, most Member States do not make use of legal presumptions, either general ones that apply to all workers, or specific ones that extend to a certain category of worker, according to M. Kullman, Platformisation of work: An EU perspective on introducing a legal presumption, European Labour Law Journal, Vol. 13 Issue 1, 2021, pp.66-80.

of certain socio-economic criteria are met. In the light of such presumptions, Uber drivers and Deliveroo couriers were presumed to be employees of their respective companies. However, some labour tribunals found in favour of the platform companies' claims rebutting the presumption (Tribunal de travail Brussels, 8 December 2021, ruling no. 19/5070/A; Tribunal de travail Brussels, 21 December 2022, ruling no. 21/632/A). It was only in the case of Deliveroo that the Labour Court decided to overturn this decision (Cour de travail Brussels, 21 December 2023, rulings no. 2022/AB/12, 2022/AB/43 and 2022/AB/118) and uphold the presumption in favour of Deliveroo couriers being employees. Based on this experience with presumptions in the logistics and road transport sectors (Bostoen et al 2024), the platform-specific presumption introduced by Belgium to comply with the PWD (Article 337/3 of Loi-programme (I) 2006) has been met with scepticism.

Departing from these considerations and contrary to other labour law instruments, the PWD contains bold provisions on remedies and enforcement (Countouris 2024), and emphasises the importance of having "an effective rebuttable legal presumption" (Article 5 (2) and recitals 31 and 32 of the PWD). To ensure effective implementation of the presumption, a framework of supporting measures has been established (Article 6 of the PWD). Supporting measures can take the form of guidance for digital labour platforms, persons performing platform work, social partners and national authorities; controls and inspections by national authorities; the provision of appropriate training for national authorities. Additionally, the Commission will have to assess the implementation of the PWD by the Member States, with a focus on the "effectiveness of the rebuttable presumption" as outlined in domestic law (Article 30 of the PWD). While it is true that Member States can set out the modalities of the presumption, they must do so without impairing its effectiveness, i.e. they should not introduce burdensome criteria that would hamper the correct determination of employment status.

Addressing the issue of employment classification and bringing platform workers within the scope of labour law is a crucial first step in equipping these workers with basic labour rights (Prassl 2018). Nevertheless, ensuring decent working conditions in platform work requires wider protections to be applied. The PWD recognises a cutting-edge feature associated with platform work, namely the use of algorithmic management, and stipulates important safeguards in this regard.

1.2.2 Algorithmic management and other protections

The PWD deserves praise as it constitutes the first piece of legislation to address algorithmic management in the workplace (Ponce del Castillo and Naranjo 2022). This could be because platform work is perceived as "the cradle of algorithmic management systems" (Aloisi and Potocka-Sionek 2022). The governance of AI in the realm of platform work, followed by the

adoption of the EU AI Act (Regulation (EU) 2024/1689), have led to the development of broader ambitions for a dedicated legal instrument on the use of AI at work (ETUC Press release 2023). Von der Leyen, in her mission letter to the Executive Vice-President-designate for People, Skills and Preparedness, Mînzatu, outlined that an initiative on algorithmic management at work is warranted (Mission letter 2024).

The PWD's set of algorithmic management protections has been introduced to tackle challenges related to "automated monitoring systems", which are used to monitor, supervise, and evaluate workers, but also those linked to "automated decision-making systems", which include decisions with significant impact on workers. These automated systems form the crux of algorithmic management, of which there is nonetheless no legal definition in the Directive (Aloisi and Potocka-Sionek 2022; Ponce Del Castillo and Naranjo 2022). The algorithmic management safeguards introduced by the PWD apply to all persons performing platform work, regardless of their employment status. This is because automated practices will impact the working conditions of both self-employed and employed platform workers equally.

The algorithmic management chapter of the Directive starts by importing and strengthening the rules contained in the General Data Protection Regulation (GDPR) on processing personal data (Regulation (EU) 2016/679), in a platform-specific context. These rules also apply to all persons performing platform work. Personal data can be processed by digital labour platforms by means of automated monitoring and decision-making systems. The PWD sets some red lines in this regard and explicitly forbids the processing of certain personal data and biometric information (Article 7 (1) of the PWD), unlike the GDPR, which allows for some exceptions (Durri et al. 2025). Personal data, such as those on a person's emotional state, those relating to private conversations, or data used to predict the exercise of fundamental rights, etc., should not be processed or collected by digital labour platforms. Furthermore, digital labour platforms must carry out an impact assessment of the impact that the processing of personal data by means of automated systems has on the protection of the personal data of persons performing platform work (Article 8 of the PWD). In this process, platforms should ask for the opinions of persons performing platform work and their representatives. Additional safeguards for persons performing platform work, in addition to GDPR protections, include an acknowledgment that consent to personal data processing cannot be expected to be freely given by persons performing platform work, including self-employed workers (Recital 39 of the PWD). The situation regarding self-employed workers was unclear before the adoption of the PWD (Durri et al. 2025).

In line with the GDPR provisions, the PWD also ensures the right to portability of personal data generated through automated systems and related to work performance, such as ratings and reviews (Article 9(6) of the PWD). It is the responsibility of digital labour platforms to provide the tools for effective exercise of the right to data portability.

In addition to data protection rights, the Directive has a three-fold objective and aims to provide more transparency, fairness, and accountability in the use of technologies in platform work. To counter the opacity inherent to automated decision-making and monitoring systems, and to ensure more transparency, platform workers have been granted some information rights, which are more detailed and specific than the general information required by the GDPR. Platform workers are entitled to be informed about the use of automated systems, the actions monitored and the purpose of monitoring, the categories and grounds for decisions taken, especially if they have a detrimental effect on workers, etc (Article 9 of the PWD). Given the potential detrimental impact of automated systems, especially in producing discrimination, platforms are required to put in place human resources to monitor and evaluate them (Article 10 of the PWD). By ensuring human review over such systems, the directive integrates the so-called "human-in-the-loop approach" (De Stefano and Aloisi 2021). As it is crucial to monitor the impact that automated monitoring and decision-making have on the health and safety of workers, human resources must evaluate whether current safeguards can counter the identified risks and ensure that preventive and protective measures are in place (Article 12 of the PWD). Guaranteeing fairness when deploying technological tools in the realm of platform work, is thus understood as providing for some human control over automated decision-making and monitoring.

To ensure accountability of the platform companies, the Directive grants platform workers the right to challenge unjust decisions taken by platforms, which must be reviewed by humans (Article 11 of the PWD). Platform workers enjoy the right to receive an explanation for any decision taken or supported by an automated system, and if the explanation is unsatisfactory, they can request a review of the decision. In the latter case, platform workers are entitled to a reasoned reply. If the reply is in their favour, the platforms must review their decisions. If this is not possible, they must grant compensation to the workers for any damage caused.

Notably, the Directive also includes provisions on collective labour rights, setting out the right to information and consultation, as well as the right to collective bargaining. The Directive explicitly acknowledges the fundamental nature of these labour rights, in accordance with, among other things, the Charter of Fundamental Rights of the EU (Article 7 (1) (d) of the PWD) – a significant improvement on the version proposed by the Commission (Stylogiannis 2023). Most of these

provisions apply to all persons performing platform work, hence also to genuine self-employed workers (Prassl 2024). The application of collective labour rights to self-employed platform workers is a groundbreaking development in EU labour law.

Previously, the right to information and consultation on decisions involving automated systems was provided only to workers' representatives. This right can now be found in Articles 13-15, which additionally state that, in the absence of workers' representatives, platforms must directly inform platform workers (Article 14 of the PWD). Restrictions nevertheless apply to the representatives of self-employed platform workers, something which leads to a fragmented regulatory landscape and is detrimental to the exercise of the right to collective bargaining (Article 15 of the PWD; Durri et al. 2025).

The right to collective bargaining has now been explicitly enshrined in a platform work context (Article 25 of the PWD). More concretely, Member States must "take adequate measures to support the role of social partners and encourage the exercise of the right to collective bargaining in platform work, including measures to ascertain the correct employment status of platform workers and to facilitate the exercise of their rights related to algorithmic management set out in Chapter III of this Directive". In order to facilitate the exercise of the right to collective bargaining between persons performing platform work, who frequently work in isolation, the PWD requires Member States to ensure that platforms enable communication channels between workers (Article 20 of the PWD). It then imposes a negative obligation on platforms to refrain from interfering in such communications.

Finally, the Directive stipulates transparency obligations for platform operators, which must declare platform work to the authorities of the Member State where work is carried out (Articles 16-17 of the PWD). To this end, platform companies must provide national authorities and platform workers' representatives with data, such as on the number of platform workers, their contractual status, the applicable terms and conditions, etc.

2. The added value of three EU labour law directives for platform work

2.1 Disrupting the insecure nature of platform work

Work relations in platform work are often characterised by insecure working conditions, such as insecure working hours, work (jobs), income, employment status, fundamental labour rights, health and safety risks (Cefaliello and Inversi 2022; Bogg and Buendia Esteban 2022), inadequate social security coverage (Schoukens et al. 2022), etc. Such insecurities are at the heart of the concept of precarious work (International Labour Office-Geneva 2016; Standing 2011). These precarious conditions are not new, but can be traced back to past work practices (Prassl 2018), with casual work arrangements being a notable example (Durri 2023). ([8]) When platform work emerged, the insecure traits of some forms of work were further exacerbated. For instance, the work of many platform workers can last just a few minutes (De Stefano and Aloisi 2020), ([9]) with no guarantee of continuity, which also makes it challenging to ensure a minimum income. Against this background, platform work could be labelled "a bad successor of casual work" (Durri 2023).

In the EU arena, regulatory efforts have been made to counter the challenges associated with insecure work. This paper will focus on these normative responses, which attempt to disrupt two types of insecurities – insecurity regarding working hours, and insecurity regarding future work (or jobs). Insecurity of working hours is generally understood to be related to a low number of working hours, combined with unpredictability, and over which workers usually lack control. This insecurity can be inextricably linked to uncertainty regarding the continuity of employment (International Labour Office-Geneva 2016), which has been referred to as work or job insecurity. The Transparent and Predictable Working Conditions Directive (TPWCD) (Directive (EU) 2019/1152) constitutes the most pertinent legal instrument here, as it contains a set of protections to counter such challenges. Additionally, some protection measures against working time and job insecurity were already in place prior to the adoption of the TPWCD. These can be found in "older" legal tools, such as the Working Time Directive (WTD), and the Fixed-Term Work Directive (FTWD). To help complete the puzzle of comprehensive regulation of platform work, it is essential to connect the dots between the existing EU social acquis, namely the TPWCD, the WTD, and the FTWD, on the one hand, and the PWD, on the other.

8. "Casual work" includes work practices which can be short-term, e.g. daily or hourly work, but also longer-term work with very unstable working hours, such as, notably, zero-hours work.
9. De Stefano V., Aloisi A. (2020) Il lavoro che vogliamo, governare le technologie per reinventare il futuro, Laterza, p.155.

2.2 The Transparent and Predictable Working Conditions Directive as a meaningful legal tool to render work more predictable

The TPWCD represents a crucial legal leap, stemming from the EPSR and replacing the previous Written Statement Directive (Directive 91/533/EEC), in order to keep pace with novel developments in the world of work. This prominent legislative act touches upon several labour law angles. Firstly, it highlights those workers who were overlooked (Bednarowicz 2019), and even excluded, by EU legislation in the past. More concretely, the Directive considers the situation of vulnerable non-standard workers, in particular those with uncertain and insecure working hours, such as zero-hours and other casual workers. Within its personal ambit fall a diversity of workers, such as domestic workers, casual workers, platform workers, voucher-based workers, etc (Paragraph 8 Preamble of the TPWCD).

Another significant advancement brought about by the Directive was its emphasis on the issue of working conditions, in particular work with an unpredictable schedule, something else which was not touched upon by other EU labour law instruments (Barnard 2012). Importantly, the TPWCD introduced a concept of "worker" which is arguably broader than the definition of "worker" incorporated in previous labour law instruments. This concept combines the national definition of "worker" with a reference to the case law developed by the Court of Justice of the EU (CJEU) on this notion (Article 1(2) of the TPWCD). ([10])

At the core of the material scope of the directive are safeguards which specifically target work with "entirely or mostly unpredictable" patterns (Para. 30-34 Preamble; Art. 4 (2) (m); Art.10 of the TPWCD). Additionally, it stipulates some more general rights for all workers. This set of general and tailor-made rights can help ensure predictable working conditions in the realm of platform work. For instance, in order to grant workers some predictability in the performance of their work, the Directive requires them to be given reasonable advance notice before the beginning or cancellation of work. Furthermore, reference hours or days when work should be performed must be stipulated, from the start of employment. These entitlements constitute cumulative obligations for employers; in case of non-compliance, work can be turned down without adverse consequences (Article 10 (1) of the TPWCD). What is more, the TPWCD lays down the right to request transition to more predictable and secure employment, after working for six months for the same employer (Article 12 and Recital 36 of the TPWCD). If the employer accepts the request, this right can enhance the working time and job security of platform workers. Employers can,

10. For the definition of "worker" applied by the CJEU, see Case 66/85, Deborah Lawrie-Blum v Land Baden-Württemberg, 1986; Case C-232/09, Dita Danosa v LKB Līzings SIA, 2010, etc.

nevertheless, reject such requests, by merely stating the reasons for their refusal in writing. Predictability can be further enhanced by ensuring workers minimum or fixed working hours, after a certain period of service. However, the Directive does not go this far; such a legal measure has been laid down in the Dutch legislation (Article 7:610a of the Dutch Civil Code).

The PWD reflects a legal vacuum with regard to protections against unpredictable work patterns. In its preamble, the TPWCD is merely mentioned as a "legal instrument [which] provides for minimum standards in working conditions and labour rights across the Union" (Paragraph 10 Preamble of the PWD). Thus the TPWCD safeguards are not explicitly acknowledged in the core text of the PWD. In light of this, it is essential to have a better interplay between these two legal instruments, in order to provide platform workers with clarity regarding the rights available to them against unpredictable work schedules.

2.3 The Working Time Directive and the CJEU case law shed light on the concept of stand-by time

The Working Time Directive was originally adopted in 1993 (Council Directive 93/104/EC). Since then, it has been subject to various evaluations and regulatory amendments, as the concept of working time has evolved in the world of work (Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council 2017). The current version dates back to 2003 (Directive 2003/88/EC). Over the years, the CJEU has developed a wide corpus of decisions clarifying crucial aspects of working time. In a large number of cases, ([11]) the Court has clarified the boundaries of the notion of "working time", which has been defined as the time during which workers become significantly hampered in conducting their personal tasks. Recent judicial developments have broadened the understanding of the "workplace" concept (RJ v Stadt Offenbach am Main Case C-580/19), which goes beyond spatial boundaries, and has now expanded to include any place where the worker performs work under the instructions of the employer. Furthermore, the CJEU has ruled that the time that workers without a fixed workplace spend travelling to and between jobs should be counted as working time (Federación de Servicios Privados del sindacato Comisiones obreras CC.OO v Tyco Integrated Security SL and Tyco Integrated Fire & Security Corporation Servicios SA Case C-266/14).

11. Case C-518/15, Ville de Nivelles v Rudy Matzak, 2018 ; Case C-580/19, RJ v Stadt Offenbach am Main, 2021; Case C-344/19, D.J. v Radiotelevizija Slovenija, 2021; Case C-214/20, MG v Dublin City Council, 2021.

These judicial interpretations have proved insightful when applied to several cases in which the Court had to rule on whether stand-by time – i.e. the time during which the worker is available to work but is not actually working – should be categorised as working time or as a rest period. Stand-by time constitutes "on-the job inactivity" (Supiot 2001) and can easily blur the boundaries between working time and rest time. Given this ambiguity, many workers find themselves in situations where their stand-by time goes unpaid (Pulignano et al. 2021).

Instances of "time-based unpaid labour" are frequently encountered in platform work. For example, platform workers who work via apps are not usually paid for the time spent logging into the app(s) and waiting to be assigned tasks (International Labour Office-Geneva 2021). The UK Supreme Court has held that such waiting time should qualify as working time, if three conditions are met: the worker must be (a) logged into the app, (b) willing to accept trips, and (c) within the area where he/she is licensed to operate (Uber BV and others v Aslam and others, Case No. [2021] UKSC 5). Another example of the stand-by time experienced by platform workers is time waiting to pick up orders in restaurants, or to deliver them to customers. During these periods, workers are significantly hampered in managing their free time and remain under the instructions of the employer. There is a risk that these platform workers are at work, without being paid (Mangan 2022). These frequent stand-by time, or availability, situations can also adversely impact the health and safety of workers (Riesenhuber 2012; Barnard 2012). In such instances, key judicial findings by the CJEU, which provide a broad understanding of concepts such as "working time" and "workplace", and highlight the need to pay for stand-by time, can be insightful to solve a key challenge faced by many platform workers: unpaid stand-by time.

Once again, the PWD simply acknowledges the significance of the CJEU case law on stand-by time in its preamble. However, this recognition does not seem to correctly transpose the corpus of CJEU rulings to a platform work context. More concretely, the main takeaways of the CJEU extensive case law on the subject are not mentioned. Neither is there any acknowledgement of the specific stand-by time scenarios experienced by platform workers. The Directive should have made it clear that, in addition to actual working time, stand-by time, which restricts workers' personal commitments, should also be remunerated. The existence of this legal gap in the PWD demonstrates that unpaid stand-by time is still a grey area for many platform workers (Gruber-Risak 2022).

2.4 The Fixed-Term Work Directive: A blueprint ensuring job stability

Platform work can resemble very short fixed-term work, as both are characterised by insecurity regarding having work for the future, or even the next day, or hour. Platform work further exacerbates this insecurity, as tasks can last as little as a few minutes. Some scholars have highlighted best practices introduced by legal instruments on atypical work, in particular on fixed-term work, which can be relevant for platform work (Aloisi 2022; Rosin 2021). Indeed, the Fixed-Term Work Directive contains an important legal provision to deal with insecurity as to future work: the anti-abuse clause (Clause 5). The aim of this clause is to limit abuses related to the use of successive fixed-term contracts (Barnard 2012), and to promote the use of permanent contracts. ([12]) To achieve this, the Directive requires Member States to adopt one or more of three measures: (a) an objective reason for the renewal of a fixed-term contract, ([13]) (b) a maximum duration for successive fixed-term contracts, and (c) a limitation on the number of renewals of such contracts (Clause 5 (1) of the Framework Agreement). If an abuse is detected, it is up to the Member State to determine the consequences, such as converting the fixed-term contract into an indefinite one (More 2017).

In the context of platform work, the anti-abuse clause could constitute a valuable legal tool for achieving some work stability, but only if it is updated. This update is crucial given the short-term nature of tasks underpinning the platform work model (Novitz 2021). The measures contained in the FTWD were designed to respond to traditional forms of flexibility, and platform work can bring extreme flexibility to work arrangements. The update should touch upon the legal measures provided to prevent abuses, in particular the stipulation of a maximum duration for successive fixed-term contracts, and the limitation on the number of renewals of such contracts. A maximum duration of a number of years, or a small number of permitted renewals, cannot provide platform workers with some work stability. The TPWCD, for instance, requires six months of on-demand contracts, before the worker can request transition to a more secure form of employment (Article 12 of the TPWCD). Concerning the number of renewals permitted in a platform work context, the considerable number of tasks that can be performed in this specific context should be taken into account. An update is also warranted of the consequences when abuse is detected in the use of

12. Order of the Court in Joined Cases C-362/13, C-363/13 and C-407/13, para.55; Case C-212/04 Adeneler, para. 61.
13. An explanation of "objective reasons" can be found in Judgment of the Court (Third Chamber) of 23 April 2009, Kiriaki Angelidaki and Others v Organismos Nomarchiakis Autodioikisis Rethymnis (C-378/07), Charikleia Giannoudi v Dimos Geropotamou (C-379/07) and Georgios Karabousanos and Sofoklis Michopoulos v Dimos Geropotamou (C-380/07), para.96; Adeneler case, para.69; Order of the Court (Third Chamber) of 12 June 2008, Spyridon Vassilakis and Others v Dimos Kerkyraion, Case-364/07, para.88-89.

successive contracts/tasks. When abuse has been identified, platform workers should be at least guaranteed a sufficient volume of work. This "sufficient volume" of work can be understood as a certain number of guaranteed or fixed working hours, once the maximum duration of work has been reached.

The relevance of the anti-abuse clause for on-demand contracts was recently reaffirmed in the TPWCD (Article 11 (a) of the TPWCD). The Directive suggests that, in order to limit abuses with on-demand contracts, Member States can restrict the use and duration of such contracts. These legal measures resemble those envisaged in the FTWD, the difference being that they can be applied from the first on-demand contract, and do not require prior successive contracts.

The FTWD is only mentioned briefly in the preamble to the PWD, as a legal instrument which offers minimum standards on working conditions and labour rights (Paragraph 10 Preamble of the PWD). Therefore, the model envisaged by the anti-abuse clause of the FTWD is not considered by the PWD as a tool to counteract the job insecurity inherent to platform work.

3. Conclusion

At the 2025 International Labour Conference, the International Labour Organisation (ILO) decided that an international labour standard on platform work would be adopted in 2026 (International Labour Conference 2025). The standard will take the form of a convention on decent work in the platform economy, together with a recommendation. As no international regulatory action has yet been taken on platform work, the Platform Work Directive remains the most far-reaching response to platform work at a supranational level, with the potential to influence global standards.

The personal scope of this EU directive is ambitious in that it covers all persons who perform platform work, across all sectors of the economy. Remarkably, the Directive is groundbreaking for its coverage of genuine self-employed workers and the long-neglected category of "invisible" workers, such as online crowd workers performing microtasks. Furthermore, the rebuttable legal presumption of an employment relationship, a key tool in the fight against misclassification, withstood various efforts to remove it, and now has a central place in the core text of the directive. In the event of incorrect legal classification, platform workers can make use of this procedural facilitation, with an alleviated burden of proof. The algorithmic management chapter constitutes the most innovative part of the directive, as it introduces new rights on algorithmic management at work, thus setting the stage for further guarantees in this sphere. Additionally, platform workers enjoy safeguards concerning the protection of their personal data and the exercise of their collective labour rights. Finally, the Directive also features a robust enforcement system.

On the other side of the coin, appraisal of the PWD is not so straightforward. Notwithstanding the advanced protections provided by the Directive, some issues can be highlighted. For example, the legal presumption is no panacea for the major misclassification problem. In order to activate the presumption, proof of control and direction in the contractual relationship with a digital labour platform must be provided. With regard to collective labour rights, the limitations that apply to self-employed platform workers when exercising the right to information and consultation create a fragmented regulatory landscape. On top of this, obstacles to exercising the right to collective bargaining also persist in practice for platform workers.

The situation becomes even more complex when contemplating the manifold challenges associated with platform work. Addressing all these challenges, in order to ensure a comprehensive regulatory framework for platform work, is like attempting to complete a complicated puzzle. Some pieces of this puzzle, i.e. normative responses designed to counter insecure working conditions such as insecure work and working hours, have already been identified. This paper has assessed how the puzzle pieces fit together, or in other words, how to connect the dots between the PWD and existing social acquis, namely the WTD, FTWD and TPWCD.

The PWD does not explicitly exclude the application of these three directives, as was the case with the reciprocal exclusion between the Temporary Agency Work Directive and the Fixed-Term Work Directive (Oreste della Rocca v Poste Italiane SpA Case C-290/12). Instead, the PWD acknowledges the importance of this set of legal instruments for the working conditions and labour rights of platform workers. However, this mere acknowledgement has not been elaborated further, and can only be found in the preamble of the directive, which does not have the same legal value as the legal provisions contained in the body of the text. Consequently, the PWD does not adequately incorporate pivotal safeguards that could bring important improvements to the insecure working conditions inherent to platform work.

As this paper has shown, platform workers will not be explicitly aware of the legal protections in place to make their work more predictable. The PWD does not offer a solution to the frequent stand-by time experienced by platform workers, nor has it taken up the work security system contained in the FTWD. As the Directive takes no action on these issues, the protection available to platform workers will remain incomplete, scattered and confusing, and in practice, therefore, weakened. Against this background, it can be contended that completing the puzzle of thoroughly regulating platform work is in no way "a finished task" (Aloisi et al. 2023). In particular, the PWD missed the opportunity to reap the benefits of existing EU social acquis containing crucial safeguards against insecure working hours and jobs.

Although the PWD missed an opportunity, there is still hope. Hope lies in the potential of the upcoming ILO convention on decent work in the platform economy to address the Directive's existing shortcomings. Hope also lies with the Member States, whose approach to implementation – ideally favouring more favourable provisions over minimum compliance – could still steer platform work towards a more equitable future.

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