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THE LEGAL CLASSIFICATION OF PLATFORM WORK RELATIONSHIP FROM THE PERSPECTIVE OF SOCIAL HUMAN RIGHTS

PRAWNA KLASYFIKACJA STOSUNKU PRACY PLATFORMOWEJ Z PERSPEKTYWY SPOŁECZNYCH PRAW CZŁOWIEKA

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Abstract

The development of digital platforms has significantly impacted the structure of modern employment relationships. It has led to the emergence of new forms of performing work, which often fall outside the scope of traditional labour law. The author examines the issue of platform work in the context of international and European standards for the protection of social human rights, with particular reference to Directive (EU) 2024/2831 of the European Parliament and of the Council, which introduces a presumption of the existence of an employment relationship and shifts the burden of proof onto the platform. The author also highlights the need to adapt national legal systems to the specific nature of digital work, including strengthening the protection of workers' rights in a work environment shaped by new technologies, while taking into account the principle of the dignity of the working person and social justice.

Keywords: *platform work, presumption of employment relationship, algorithmic management, false selfemployment, nonstandard employment relationships*

Abstrakt

Rozwój platform cyfrowych w istotny sposób wpłynął na zmianę struktury współczesnych stosunków pracy. Doprowadził do powstania nowych form świadczenia pracy, które często nie mieszczą się w ramach klasycznego prawa pracy. Autorka analizuje problem pracy platformowej w kontekście międzynarodowych i europejskich standardów ochrony społecznych praw człowieka, ze szczególnym uwzględnieniem Dyrektywy Parlamentu Europejskiego i Rady (UE) 2024/2831, która wprowadza domniemanie istnienia stosunku pracy oraz przesuwa ciężar dowodu na platformę. Wskazuje również na potrzebę dostosowania krajowych systemów prawnych do specyfiki pracy cyfrowej, w tym wzmocnienie ochrony praw pracowniczych w środowisku pracy ukształtowanym przez nowe technologie, z uwzględnieniem zasady godności osoby pracującej oraz sprawiedliwości społecznej.

Słowa kluczowe: *praca platformowa, domniemanie stosunku pracy, algorytmiczne zarządzanie pracą, fałszywe samozatrudnienie, nietypowe formy zatrudnienia*

1. INTRODUCTION

The development of digital platforms has significantly transformed traditional employment relationships. The organisational models of platform work are generally based on algorithmic management of the work process, which consists of the execution of individual tasks or assignments allocated in real time via mobile applications. Individuals performing such tasks engage in work solely in response to specific assignments, and their interaction with the platform is limited to communication with an IT system.

Platform work may exert a positive impact on the labour market. It can enhance productivity and promote more flexible and efficient working arrangements. It may also provide a source of income for persons traditionally excluded from the labour market, such as migrants or low-skilled workers, thereby facilitating social inclusion.

Despite the rhetoric portraying digital labour platforms as instruments fostering flexibility in employment and promoting individual entrepreneurship, platform work reveals a range of structural challenges. The most significant include: the lack of bargaining power or ability to negotiate working conditions, the uncertain legal status of individuals performing platform work (often classified as independent contractors), income instability resulting from algorithmic allocation of tasks, limited or no access to social protection systems, and the absence of institutional representation of workers' interests. Due to these characteristics, the platform economy is at times referred to as a form of digital servitude[1].

This phenomenon forms part of broader processes linked to the transformation of the labour market, such as the precarisation of employment, the fragmentation of employment relationships, and the growing individualisation of occupational risk. Platform work represents a continuation

[1] D. Georgiou, C. Barnard, The Digitalisation of Work and the EU: Jurisprudential and Regulatory Responses in the Labour and Social Field, (in:) M. De Vos, G. Anderson, E. Verhulp (eds.), The Cambridge Handbook of Technological Disruption in Labour and Employment Law, Cambridge 2024, p. 31.

of trends observed since the 1980s, including labour outsourcing, downsizing in the context of corporate restructuring, and the widespread adoption of atypical forms of employment. Of particular concern is the proliferation of so-called false self-employment, whereby formally independent contractors are, in practice, subject to the economic and organisational control of digital labour platforms, while being deprived of the protections normally afforded to workers under labour law[2]. The aim of this study is to assess the issue of the legal classification of platform work in light of international and European standards on social human rights.

2. THE LEGAL NATURE OF PLATFORM WORK

The traditional model of the employment relationship is based on a bilateral arrangement between the worker and the employer. In this framework, the worker undertakes to perform subordinate work, while the employer is obliged to pay remuneration and to provide working conditions in accordance with applicable labour law. In the case of platform work, this structure becomes significantly more complex. In addition to the person performing the work (the service provider) and the recipient of the service (the client), a third party is involved i.e. the digital labour platform. The status of the latter does not fall within the traditional legal categories of labour law[3]. The platform does not formally act as an employer; however, its functions go beyond merely intermediating between the parties[4]. This is especially the case for location-dependent digital labour platforms, such as Uber or Glovo, which coordinate and manage the performance of services in the offline, physical environment.

[2] A. Aloisi, V. De Stefano, Your boss is an algorithm, Oxford 2022, p. 87.
[3] G. Gospodarek, Status niezależnego usługodawcy a trójpodmiotowy model świadczenia usług w gig economy, Praca i Zabezpieczenie Społeczne 2019/2, p. 11.
[4] B. Rogers, Employment Rights in the Platform Economy: Getting Back to Basics, Harvard Law & Policy Review 2016/10/2, p. 480.

In the literature an analogy between the model of platform work and the model of temporary agency work (which is likewise based on a triangular relationship) has been drawn: the temporary work agency acts as the formal employer, the user undertaking as the beneficiary of the work performed, and the temporary agency worker as the person carrying out the work[5]. In the case of temporary agency work, however, legislation clearly regulates the division of duties and responsibilities between the agency and the user undertaking. Taken together, those duties and responsibilities constitute the full set of employer functions within the employment relationship. In platform work, no such legal framework exists. Although platforms formally present themselves as providers of intermediation services, in practice their activities encompass a range of functions typically associated with that of an employer. They determine the conditions under which tasks are to be carried out, manage their allocation, monitor performance quality, apply rating systems, and may unilaterally decide to terminate cooperation and deactivate workers' accounts[6]. Such activities exhibit features of managerial control and continuous oversight, which constitute defining elements of an employment relationship under labour law.

The diversity of organisational models used by platforms (such as location-based platforms and microtask platforms) makes it difficult to uniformly classify the legal relationship between the platform and the person performing the work[7]. Under the current legal framework, the primary condition for

[5] J. Unterschütz, Zatrudnienie tymczasowe a praca w ramach cyfrowych platform zatrudnienia, (in:) T. Duraj (ed.), Zatrudnienie tymczasowe jako nietypowa forma świadczenia pracy, Łódź 2022, s. 64-66.

[6] D. Georgiou, C. Barnard, The Digitalisation of Work and the EU: Jurisprudential and Regulatory Responses in the Labour and Social Field, (in:) M. De Vos, G. Anderson, E. Verhulp (eds.), The Cambridge Handbook of Technological Disruption in Labour and Employment Law, Cambridge 2024, p. 36. See also P. Nowik, Big data analytics in the algorithmic management process: The case of transport platforms in the gig economy, (in:) Z. Hajn, M. Kurzynoga (eds.), The Importance of International and European Law in the Regulation of Labour Relations, Acta Universitatis Lodziensis. Folia Iuridica 107, pp. 22-23.

[7] See more broadly L. Ratti, Długa droga ku regulacji pracy za pośrednictwem platform cyfrowych w Unii Europejskiej, (w:) Ł. Pisarczyk, E. Brameschuber, J. M. Miranda Boto (eds.), Rokowania zbiorowe a rynek platform cyfrowych. Tradycyjne narzędzie dla nowych modeli biznesowych, Warszawa 2022, p. 93.

access to labour law protection is the possession of employee status. However, this model fails to adequately address the challenges posed by platform work, as individuals who are formally classified as self-employed or independent service providers remain outside the scope of labour law, even when they perform work under conditions of subordination. As a result, such workers are excluded from protection in key areas such as minimum wage, working time, paid annual leave, and employment security.

Individuals performing work through platforms often operate under conditions that indicate the presence of subordination. This is reflected in the inability to negotiate remuneration rates, the unilateral determination of terms of cooperation by the platform, algorithmic management of task availability, and the assessment of work quality by an automated system. In practice, these workers are economically dependent on the platform as their primary or sole source of income. This form of subordination, inherently linked to the employment relationship, means that the worker, to a significant extent, becomes an instrument of the employer in the sense that, under an employment contract, the worker is required to align their personal goals with the interests of the employer. However, human labour is not a commodity, and therefore should not be treated in an instrumental or purely utilitarian manner[8].

Therefore, all forms of work, regardless of the formal status of the person performing the work or the technological context in which the work is carried out, must be assessed through the lens of the worker's dignity and the actual nature of the employment relationship. It is essential to establish criteria for determining the existence of an employment relationship, irrespective of the declared legal form. Of particular importance is the need to ensure minimum

[8] H. Collins, Is the Contract of Employment Illiberal?, (in:) H. Collins, G. Lester, V. Mantouvalou (eds.), Philosophical foundations of Labour Law, Oxford 2018, pp. 53-54; K. Bomba, Minimalne wynagrodzenie za pracę jako instrument realizacji społecznych praw człowieka, Warszawa 2022, s. 3-5.

legal protections for individuals for whom platform work constitutes a primary source of livelihood, rather than a secondary or occasional activity[9].

3. PLATFORM WORK UNDER INTERNATIONAL AND EUROPEAN SOCIAL HUMAN RIGHTS STANDARDS

Social human rights, including the right to just and favourable working conditions, social security, and freedom of association, constitute fundamental guarantees that protect the individual against organisational and economic subordination. Their function goes beyond the mere redistribution of resources; they are also aimed at safeguarding human dignity, realising the principle of equality, and ensuring that persons performing work have a genuine ability to influence the conditions under which their work is performed. These rights apply to all individuals engaged in dependent gainful work, regardless of whether they hold the formal status of an employee.

In accordance with Article 6(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)[10], the States Parties recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. This provision affirms that work is not merely a means of subsistence, but also a sphere for the realisation of personal freedom and human dignity. States Parties are obliged not only to refrain from interfering with access to work, but also to take positive measures to prevent situations in which individuals are deprived of genuine choice and social security,

[9] G. Spytek-Bandurska, Praca platformowa – kontrowersje wokół praktyki jej stosowania, (in:) T. Duraj (ed.), Stosowanie nietypowych form zatrudnienia z naruszeniem prawa pracy i prawa ubezpieczeń społecznych – diagnoza oraz perspektywy na przyszłość, Łódź 2023, pp. 178-179.
[10] United Nations, International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1996 by General Assembly resolution 2200A (XXI), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights (access 15 July 2025).

for example, through the artificial classification of workers as self-employed, despite the fact that in practice they perform subordinate work.

Article 7(a) of the ICESCR provides a more detailed specification of these standards. According to this provision, the States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant.

Article 7 of the ICESCR establishes the obligation of States Parties to ensure that all workers enjoy the right to fair remuneration, which enables them to provide for themselves and their families at a level consistent with a decent standard of living. This provision also affirms the principle of equal pay for work of equal value, and calls for the elimination of all forms of discrimination in employment. However, the functioning of the platform economy systematically violates these standards. The remuneration of individuals performing services via platforms, once operating costs (such as fuel, equipment depreciation, consumables, and platform commissions) are deducted, often falls below the statutory minimum wage. Under such conditions, labour income fails to meet the threshold of a decent living, leading to persistent economic insecurity in clear contradiction to Article 7(ii) of the Covenant.

The organisation of platform work in practice also departs from other elements of the decent work standard set out in Article 7 of the Covenant. Such work is generally not subject to working time regulation, nor does it provide a right to rest, or predictable pay periods. Platform workers are often required to maintain prolonged and constant availability, for which they receive no remuneration. This model violates the principle that work should be paid and undermines the equality of the parties.

A particularly problematic aspect is algorithmic management, i.e. the use of automated systems to organise and supervise work. This includes the automated

allocation of tasks, evaluation of service quality, and, in some cases, unilateral decisions to deactivate worker accounts. These processes are frequently non-transparent, which exacerbates information asymmetry and limits workers' ability to exercise their rights. As a result, this leads to systemic violations of the fundamental guarantees enshrined in Article 7 of the Covenant.

Pursuant to Article 8 of the ICESCR, the States Parties undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

Article 8 of the International Covenant on Economic, Social and Cultural Rights imposes on States Parties the obligation to guarantee freedom of association, including the right to form and join trade unions, the autonomy of trade union activity, and the right to strike. Any restrictions on these rights may only be imposed by law, and solely to the extent that they are necessary and proportionate in a democratic society.

In the context of platform work, the realisation of these guarantees remains largely illusory. The lack of formal employee status for individuals performing services via platforms results in their exclusion from statutory collective protection mechanisms. The lack of transparency of algorithmic decision-making processes, such as governing access to work, performance evaluation, and account deactivation, leads to profound information asymmetry. There are no effective mechanisms for challenging algorithmic decisions or for enforcing

rights through collective forms of worker organisation. Such a model of work management effectively precludes meaningful social dialogue and stands in contradiction to the standards set out in Article 8 of the Covenant.

States Parties are under an obligation to address and remedy such practices. The protection of freedom of association and the right to strike should not depend on the formal legal status of the person performing the work, but rather on the actual nature of the legal relationship and the degree of economic dependency on the platform.

In the European system for the protection of human rights, the right of every working person to decent living conditions, trade union protection, and collective bargaining, regardless of the form of employment, is primarily enshrined in the European Social Charter (ESC)[11] adopted by the Council of Europe in 1961, and subsequently revised in 1996[12]. According to Article 4(1) of the Charter, with a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake: to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living. In light of this provision, every worker is entitled to remuneration that ensures a decent standard of living for themselves and their family. This protection also extends to individuals engaged in atypical forms of employment, provided that they perform work under organisational or economic subordination.

Article 5 of the ESC, concerning the right to organise, provides that with a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. Consequently, states are obliged

[11] Council of Europe, European Social Charter (ESC), adopted on 18 October 1961 in Turin, https://rm.coe.int/168006b642 (access 15 July 2025).
[12] Council of Europe, European Social Charter (revised), adopted on 3 May 1996 in Strasbourg, https://rm.coe.int/168007cf93 (access 15 July 2025).

not only to formally recognize the right to freedom of association, but also to prevent its actual restriction.

Article 6 of the European Social Charter, concerning the right to collective bargaining, imposes an obligation on States Parties to establish legal and institutional frameworks conducive to social dialogue and to ensure the effective possibility of engaging in collective action, including strikes. According to this provision, with a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake: 1) to promote joint consultation between workers and employers; 2) to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements; 3) to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes; and recognise: 4) the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

In the literature[13] the strong interconnection between the right to collective bargaining (Article 6 of the ESC) and the right to strike and freedom of association (Article 5 of the ESC) has been highlighted. At the same time, it is observed that collective bargaining serves as a foundation for the effective exercise of other fundamental labour rights guaranteed by the Charter, including the right to fair working conditions (Article 2 of the ESC), the right to safe and healthy working conditions (Article 3 of the ESC), and the right to fair remuneration (Article 4 of the ESC). Collective labour rights are intended to correct the imbalance of power between employers and workers, by supporting the exercise of individual labour rights and ensuring the practical realisation of the concept of decent work. In the absence of

[13] B. Kresal, Rokowania zbiorowe dotyczące pracowników platformowych a Europejska Karta Społeczna, (in:) Ł. Pisarczyk, E. Brameschuber, J. M. Miranda Boto (eds.), Rokowania zbiorowe a rynek platform cyfrowych. Tradycyjne narzędzie dla nowych modeli biznesowych, Warszawa 2022, p. 100.

collective representation, including trade union activity, collective bargaining, and the right to strike, workers would be reduced to isolated individuals, competing against one another for assignments and offering their labour under conditions that seriously endanger the right to fair remuneration and the broader concept of decent work or even render the realisation of these rights impossible. This applies equally to platform workers[14]. From the perspective of the European Social Charter, classifying platform workers as independent contractors, despite their lack of influence over working conditions, the inability to refuse assignments without risking negative consequences, and the absence of guaranteed minimum remuneration, constitutes a violation of the standards related to the right to fair remuneration, as well as the right to organise and to engage in collective bargaining. This practice undermines protection against arbitrariness and contributes to the marginalisation of these individuals in the labour market.

Human rights standards relating to fair remuneration, freedom of association, and collective bargaining have served as the foundation upon which, in subsequent decades, the development of international protective instruments has been based, including the ILO Employment Relationship Recommendation No. 198[15]. Recommendation No. 198 does not establish a uniform concept of the employment relationship, but calls upon Member States to develop and implement a national policy on the employment relationship, in consultation with the most representative employers' and workers' organisations, and to conduct regular reviews of this policy to ensure the effective protection of workers. To this end, paragraph 12 of Recommendation No. 198 identifies two key criteria that may assist Member States in determining the existence of an employment relationship: subordination or dependence.

[14] B. Kresal, Rokowania zbiorowe dotyczące pracowników platformowych a Europejska Karta Społeczna, (in:) Ł. Pisarczyk, E. Brameschuber, J. M. Miranda Boto (eds.), Rokowania zbiorowe a rynek platform cyfrowych. Tradycyjne narzędzie dla nowych modeli biznesowych, Warszawa 2022, p. 100.

[15] International Labour Organization, Employment Relationship Recommendation, 2006 (No. 198), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312535 (access 15 July 2025).

Furthermore, paragraph 13 sets out a list of indicators of the existence of an employment relationship, including, for example, the fact that the work involves the integration of the worker in the organization of the enterprise[16]. At the same time, the Recommendation does not provide a definition of self-employment, treating it as a residual category encompassing various forms of work arrangements other than an employment relationship. As a result, the definition of self-employment is open and relative, depending on the concept of the employment relationship adopted in each Member State[17].

According to the Recommendation No. 198, the determination of an employment relationship should not be based on the label or designation of the contract agreed between the parties, but rather on the actual conditions under which the work is performed. Labour law must be effectively applicable to all persons who in practice perform work, regardless of their formal status. This approach is consistent with the foundations of social human rights and reflects the principle that the very act of performing work by a human being warrants the provision of appropriate legal protection[18]. The blurring of traditional legal status distinctions, based on the categories of employee, self-employed person, independent contractor, temporary agency worker, and full-time or part-time worker, necessitates the prioritisation of personal rights, which must be safeguarded regardless of the form in which work is performed[19]. The International Labour Organization emphasises in Recommendation No. 198 the need to develop clear, effective, and coherent national policy guidelines, which should be the result of broad-based social

[16] See more broadly V. De Stefano, M. Wouters, The International Labour Organisation and the Future of Work, (in:) M. De Vos, G. Anderson, E. Verhulp (eds.), The Cambridge Handbook of Technological Disruption in Labour and Employment Law, Cambridge 2024, p. 19.
[17] Z. Hajn, The international Labour Organisation's Recommendation No. 198 and self-employment workers, (in:) Z. Hajn, M. Kurzynoga (eds.), The Importance of International and European Law in the Regulation of Labour Relations, Acta Universitatis Lodziensis. Folia Iuridica 107, p. 44.
[18] I. Armaroli et al, Platform work, (in:) P. Manzella, M. Tiraboschi (eds.), The Prevention System and Insurance Coverage in the Context of the IV Industrial Revolution, Mediolan 2021, s. 96.
[19] M. De Vos, Technology and Law for the Future of Work We Want, (in:) M. De Vos, G. Anderson, E. Verhulp (eds.), The Cambridge Handbook of Technological Disruption in Labour and Employment Law, Cambridge 2024, p. 11.

dialogue. These guidelines are intended not only to ensure the protection of workers' rights, but also to support economic growth and the creation of decent jobs. Recommendation No. 198 forms part of the ILO's broader strategy aimed not only at the protection of labour rights, but also at promoting sustainable socio-economic development in the context of globalisation.

4. LEGAL CLASSIFICATION OF PLATFORM WORK UNDER DIRECTIVE (EU) 2024/2831 ON PLATFORM WORK

The EU's approach to the social challenges associated with platform work was, for a considerable time, characterised by fragmentation and limited scope, focusing primarily on individual sectors[20]. The adoption of Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work marked a paradigm shift in the EU's approach to regulating platform work[21]. One of the main objectives of Directive (EU) 2024/2831 is to establish a harmonised EU legal framework aimed at the correct determination of the employment status of individuals performing platform work. The recitals of the Directive emphasise the need for an accurate legal classification of the relationship between the platform and the person performing the work. It is underlined that the misclassification of a worker as self-employed may result in the denial of labour rights and a weakening of social protection (Recitals 6 and 26). This issue becomes particularly visible in the context of indirect employment relationships, as mentioned in Recital 25, which points out that fragmented responsibility and lack of transparency regarding which entities bear obligations towards

[20] See more broadly L. Ratti, Crowdwork and Work On-Demand in the European Legal Framework, (in:) M. T. Carinci, F. Dorssemont (eds), Platform Work in Europe. Towards Harmonisation?, Cambridge 2021, p. 189.
[21] O.J. UE L 2024/2831.

the person performing the work expose such individuals to the risk of incorrect classification of the legal relationship.

In response to the aforementioned risks, Article 1(1)(a) of the Directive establishes a legal framework to improve working conditions in the platform economy, in particular by introducing measures to facilitate the determination of the correct employment status of persons performing platform work.

Article 4(2) of the Directive provides a clear clarification that the ascertainment of the existence of an employment relationship shall be guided primarily by the facts relating to the actual performance of work, including the use of automated monitoring systems or automated decision-making systems in the organisation of platform work, irrespective of how the relationship is designated in any contractual arrangement that may have been agreed between the parties involved. Article 5 of the Directive introduces a legal presumption of the existence of an employment relationship, which operates in favour of the person performing platform work. The burden of rebutting this presumption lies with the platform (Article 5(1)), and the presumption shall not result in an increased burden of proof on the worker (Article 5(2)). The presumption is procedural in nature and is intended to facilitate the enforcement of rights, rather than to establish an automatic legal classification of the relationship (Recital 33).

Pursuant to Article 5(3) of the Directive the legal presumption shall apply in all relevant administrative or judicial proceedings where the determination of the correct employment status of person performing platform work is at issue.

According to Article 4(1) of the Directive Member States shall have appropriate and effective procedures in place to verify and ensure the determination of the correct employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice, including through the application of the legal presumption of an employment relationship pursuant to Article 5.

Article 6 of the Directive imposes an obligation on Member States to establish a framework of supporting measures in order to ensure the effective

implementation of and compliance with the legal presumption. More specifically, Member States are required particularly to develop appropriate guidance, including in the form of concrete and practical recommendations, to develop guidance and establish appropriate procedures for national competent authorities, and to provide for effective controls and inspections conducted by national competent authorities. Such support is essential due to the information asymmetry and the limited access of workers to data controlled by the platforms, as highlighted in Recital 30. Furthermore, in line with Recital 29 ensuring the determination of the correct employment status of persons performing platform work should not prevent the improvement of conditions of genuine self-employed persons performing platform work.

6. CONCLUSIONS

Platform work represents one of the most dynamic and, at the same time, most problematic areas of contemporary labour relations. While the platform economy may promote employment flexibility, innovation, and social inclusion, its current model often results in the systemic violation of social human rights. It contributes not only to the economic marginalisation of a significant group of workers, but also to the erosion of solidarity within social security systems and the weakening of democratic mechanisms in the workplace. The key challenge remains to ensure that individuals performing platform work receive genuine legal protection, reflective of their actual professional situation, regardless of the contractual form under which the work is carried out.

In light of the standards set by the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, and ILO Recommendation No. 198, it is essential to move away from classifying the employment relationship based on the formal status of the person performing the work and instead focus on the factual circumstances in which the work is carried out, including the degree of subordination and economic dependence. In this context, Directive (EU) 2024/2831 constitutes a significant step toward

rebalancing the power asymmetry in platform-mediated work relationships and strengthening the enforceability of labour rights.

The effectiveness of these regulations will, however, depend on their consistent and coherent implementation at the national level, taking into account the specific characteristics of the platform-based model of work organisation. What is required is not only the adaptation of legal provisions and administrative procedures, but also the strengthening of oversight over algorithmic management of work and the ensuring of access to collective forms of representation and negotiation. National regulations should be based on the recognition that platforms are not merely neutral intermediaries, but entities that organise the work process, and therefore bear responsibility for working conditions.

The primary objective of regulation concerning platform work should be to give effect to the principle that every person performing work, regardless of its technological context, is entitled to decent and fair working conditions, social protection, and the ability to collectively express and defend their interests. This factor is essential to ensure that the digital transformation of the labour market proceeds in a way that is consistent with the idea of social justice and with respect for the inalienable dignity of the human person.

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