

Brussels, 16/01/2023

## **Subject: Directive on improving working conditions in platform work**

Dear Member of the European Parliament,

In view of the upcoming vote in plenary on 19 January on the proposal for a Directive on improving working conditions in platform work, Ceemet, the European Tech and Industry Employers, call on MEPs to vote against the mandate presented by the EMPL Committee in order to allow for amendments to be put forward in plenary.

We are of the opinion that it is still possible for the European Parliament to come to a more balanced approach than which is currently on the table.

Especially problematic for Ceemet are article 4 on the legal presumption and article 5 on the possibility to rebut the legal presumption.

While the EMPL report explicitly states in article 4 that the legal presumption shall not lead to an automatic reclassification, the report allows for the application of a general legal presumption where every person working for a Digital Labour Platform – including the genuinely self-employed – is at risk of being presumed to be an employee. This presumption will be applied at the request of competent authorities, a person performing platform work or a trade union without any prior investigation. It is then up to the platform to rebut this presumption, which will create a lot of additional administrative burden on companies.

On article 5, Ceemet strongly believes that the rebuttal of the presumption should respect legislation at national level. EU criteria, even if not mandatory, cannot be used in this article, otherwise there would be an interference in the national definitions of self-employed or employee. This goes against the spirit of the legislator. The EMPL report moreover states that there can be no suspensive effect in relation to challenging administrative or judicial decisions determining the employment status of a person performing platform work. This strongly interferes on the procedural prerogatives of the Member States. As is the norm in administrative proceedings, challenging such a decision has, of course, a suspensive effect. A special interest in deviating from the rule here and changing the suspensive effect is not apparent. In any case, with a binding final decision on the status, contributions would have to be duly paid.

### **About Ceemet**

Ceemet represents the metal, engineering and technology-based industry employers in Europe, covering sectors such as metal goods, mechanical engineering, electronics, ICT, vehicle and transport manufacturing.

Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.

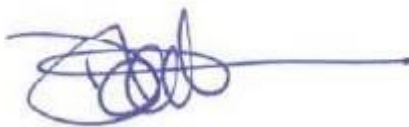
Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.

Concretely, Ceemet suggests to include the following points in the text:

- On article 4, the legal presumption of an employment relationship should be based on robust criteria to fully respect national competences, the diversity of labour market traditions in Member States, and the autonomy of social partners.
- The rebuttal procedure in article 5 must be possible under realistic conditions and done in accordance with national legislation.
- Finally, on the definition of a digital labour platform, we believe that companies should only be covered by the definition if the digital intermediation between the provider of a service and the acceptance of this service is the essential and predominant part of the company's business model.

We count on your support in plenary, in order to allow for amendments to be put forward and for a more reasonable approach to be reached. One that protects the truly self-employed and puts an end to illegal business processes.

Yours sincerely,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal line extending to the right.

Delphine Rudelli  
Ceemet DIRECTOR GENERAL