

THE ALGORITHMIC MANAGEMENT OF PLATFORM WORKERS IN EUROPEAN UNION LAW – SUMMARY

This doctoral dissertation analyses the issue of the classification of platform work relationships in the EU law. Platform work is an atypical form of employment, occurring on a global scale. This sphere has emerged as a result of technological developments and socio-economic changes, and is also present in the labour market within the EU. The essence of this type of employment lies in the performance of work by individuals using digital platforms, for the benefit of other platform users, who request specific services. The digital platform allocates these requests and commissions their fulfilment. Platform work occurs in various sectors and involves multiple tasks. Most often, it is performed by self-employed individuals. However, over the past decade, those who work in this manner have started to assert that they are, in fact, employees of the platforms. This, in turn, led to the emergence of the first court cases concerning the legal status of platform workers. Social relations arising within the framework of platform work are not regulated at the European Union level. However, a draft of platform directive is currently being prepared and aims to improve working conditions through digital platforms, mainly through clear determination of the legal status of this form of employment. The draft introduces definition of platform workers and establishes a presumption of the existence of an employment relationship, based on facts indicating the platform's management and control over the person performing the work. This act is highly anticipated in the EU labour market, thus drawing considerable interest in the legal literature and public opinion. However, to fully understand the future EU model of platform work relations, it is necessary to interpret the terms used in the draft platform directive. Both the definition of an employee and the employment relationship (derived from the presumption of employment) require reference to the jurisprudence of the CJEU, which defines these definitions at a general level, concerning all employment relationships. Reading the definitions provided in the directive in this way, reveals that the platform work relationship is based on the subordination of the worker to the platform, although in a specific manner, as it occurs through algorithmic processes. To evaluate the proposed regulations, it is necessary to compare them with cases concerning the legal status of platform workers, previously addressed by the national courts of EU member states. This approach allows for an assessment of the adequacy of the element of worker subordination in the factual circumstances present in such cases. This doctoral dissertation, therefore, describes platform work in the EU labour market and then identifies and interprets the conceptual

framework used in the draft platform directive. It also analyses the rulings of national courts regarding platform work relationships. The observed patterns and the conclusions drawn, provided the basis for describing the category of algorithmic subordination of platform workers and evaluating the adoption of this model within platform work. This doctoral dissertation represents an attempt to embed a theoretical legal concept in the practical realities of judicial cases in EU member states. The analysis conducted in this doctoral dissertation leads to the conclusion that, at the level of EU law, algorithmic subordination of platform workers is not a correct method of qualifying the existence of an employment relationship from a theoretical-legal perspective – however, with the adoption of the platform directive, the practice of national courts will tend towards assigning employee status to individuals performing platform work.