European Agency for Safety and Health at Work

POLICY CASE STUDY

ACTIONS BY LABOUR AND SOCIAL SECURITY INSPECTORATES FOR THE IMPROVEMENT OF OCCUPATIONAL SAFETY AND HEALTH IN PLATFORM WORK

Introduction

This case study aims at providing insights into the **roles and actions of labour and social security inspectorates in the context of digital platform work with regard to occupational safety and health (OSH)**[1], **lessons that can be learned from the issues that inspections services encountered, and the strategies that have been developed to tackle them**. The information presented in this case study was gathered through a consultation with national focal points[2] of the European Agency for Safety and Health at Work (EU-OSHA) as well as interviews with leading experts and stakeholders in selected EU Member States[3] and it was complemented with a literature review. Although the initial focus of this case study was meant to be on labour inspectorates in the light of OSH, the scope was expanded as the research revealed interesting collaborations and exchanges of information with other inspectorates and authorities.

Digital platform work, as with other forms of non-standard work, has **challenged existing labour and OSH regulations and their monitoring and enforcement** due to how the work is organised (for example, unconventional workplaces, irregular working hours) and the contractual arrangements (for example, a mix of independent and subordinate work elements is found in the same work relationship) (Páramo and Vega, 2017). Confronted with this 'new' phenomenon, initial actions by labour, social security and fiscal authorities varied: from trying to take on platform work as they did with other activities, to not taking much action at all.

Recently, a number of **court cases** seem to have given enforcement of labour and OSH regulations a new impulse, at least in some EU Member States. However, these court cases are mostly restricted to specific types of platform work (for example, food delivery, passenger transport) and depend largely on a reasoning on the extent of 'control' by platforms. In some cases, platforms have tried to adapt their business model to account for the outcomes of court cases or newly introduced policy measures, in an attempt to avoid the qualification of said control as 'legal subordination' or to avoid certain legislation from becoming applicable to their activities[4]. In some extreme cases, platforms have engaged in devising legal or other strategies and other means to actively avoid or even circumvent inspections and controls by competent authorities[5]. Different legislative initiatives taken recently have often been heralded with critical acclaim in press coverage and academic literature (see literature review). However, despite the framing in the public space, it is clear that said legislative initiatives have not been of the kind to resolve all nor even the most important issues inspection services face when trying to monitor platform work, making enforcement of the OSH regulatory framework in most cases extremely difficult or even impossible.

[1] Digital platform work is defined as all paid labour provided through, on or mediated by an online platform (see literature review).

[2] EU-OSHA has a national focal point in each Member State, nominated by the government as EU-OSHA's official representative in the country. The network of national focal points provides input to EU-OSHA's work and the mechanisms used to disseminate products and information to national stakeholders. In addition, focal points are active in the planning and implementation of EU-OSHA campaigns and nominating national experts to EU-OSHA's groups and seminars. More information is available at: https://osha.europa.eu/en/about-eu-osha/national-focal-points

[3] Several stakeholders were interviewed as part of the research performed for this case study. In total, for Belgium, we interviewed five members of labour and social inspections services (from inspectors to high-level officials) and trade union representatives, one member of the National Labour Council, two representatives of the Social Intelligence and Investigation Service, and three representatives from digital platforms. For the part on Spain, for this case study, three officials of the Ministry of Labour and Social Economy and the Labour and Social Security Inspectorate were interviewed. Poland proved to be the hardest case, with the National Labour Inspectorate officially declining to participate. Two representatives from labour unions and one Polish academic were interviewed. We also received a written reply from a Polish labour inspector who agreed to participate in the capacity of a Senior Labour Inspectors' Committee member.

[4] From the tweaking of the algorithm to the tweaking of the business model behind the platform to exiting a market altogether.

[5] Cf. Uber's development and use of the 'Greyball' and 'Ripley' applications and systems (see, among others, Isaac, 2017; Lovejoy, 2018; Matousek, 2018; Sullivan, 2017; Zaleski and Newcomer, 2018).

Challenges facing inspectorates in the context of platform work

Historically and to date, one of the main tasks of labour inspectorates is specifically to **promote and enforce health and safety, decent working conditions and social rights at work** (Bignami et al., 2013). However, although inspectorates could – and in many cases must – play a leading role in monitoring and enforcing labour law and OSH regulations in the context of platform work, severe challenges arise. First, the **mandate of labour inspectorates is historically embedded in traditional employer-employee relationships** that are clearly delineated and involve a single employer and a single employee (Mattila-Wiro et al., 2020). This is an issue in platform work, as the boundaries between the traditional legal concepts of 'employee' and 'self-employed' are blurred with regard to a number of aspects, such as the way in which work is allocated, organised, monitored and evaluated, and the triangular relationship between the platform, platform worker and client (European Commission, 2020). An early paper on this issue (Lenaerts et al., 2017) reported that social inspection services in Belgium and Spain were closely monitoring the rise of platform work but refrained from taking action: as the status of platform workers was unclear and many were considered self-employed, the inspectorates were unsure whether platform work fell within their remit. This, however, **complicates the determination of the employment status** of platform workers, and it further implies that much hinges on the outcome of court cases, which can be a lengthy process.

Labour inspectorates usually do not determine themselves whether an employer-employee relationship exists (Bignami et al., 2013). They do, however, **gather evidence** and **assess the conditions in which work is performed**. This information could lead to follow-up investigations and to court cases (or settlement of cases out of court). As per the International Labour Organisation (ILO) Recommendation 198, the determination of the employment relationship should be 'guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding how the relationship is characterized in any contrary arrangement, contractual or otherwise, that may have been agreed between the parties' (ILO, 2006, p.4). Inspectors typically consider aspects such as **hierarchical power** and **subordination of one party relative to the other** to investigate the nature of the employment relationship. This is assessed on the basis of elements such as direction (for example, who assigns tasks), control (for example, who monitors and evaluates work), and discipline (for example, who imposes penalties) (Bignami et al., 2013).

Assessment of the legal relation between all actors involved is particularly relevant to platform work, where platforms address the employment relationship and working conditions in their **terms and conditions**, which often tend to be open to interpretation or simply unclear and can be changed unilaterally by the platform. In the terms and conditions, **platforms usually indicate that no employer-employee relationship exists** between them and their platform workers – irrespective of the actual conditions under which the work is performed. By doing so, the **responsibilities and costs of ensuring OSH – as well as the consequences of failing to do so – are shifted onto the workers** (EU-OSHA, 2017; Lane, 2020) and, further down the road, to **society as a whole**. This categorisation of the employment relationship, however, may be a misclassification and result in a situation of bogus self-employment or even undeclared work. From both the literature and practice it is clear that especially the most vulnerable platform workers are affected by this issue (for example, low-skilled workers in parcel delivery). In the past years, there have indeed been multiple court cases on platform workers' employment status across the EU (for example, Spain, Italy, the Netherlands), and in several cases courts have ruled, following an assessment of the work arrangements, that the platform workers concerned were in fact employees following an assessment of the work arrangements.

It is clear that **investigations run by labour inspectorates are crucial not only to help determine the employment status of platform workers**, notably in cases where there is a suspicion that workers are misclassified as self-employed or in cases where paid activities are not declared at all, but also to **prevent vulnerable workers from ending up in precarious situations**, for example, as a result of a lack of sufficient prevention of OSH risks or a lack of (sufficient) health and income insurance should platform workers suffer work-related accidents or diseases. As such, actions and litigation by labour inspectorates and by other social or fiscal inspection services complement litigation before national courts (EU-OSHA, 2017). Furthermore, information campaigns and tools targeting platform workers launched by inspectorates may help raise awareness on their rights and responsibilities (Lane, 2020).

In addition, **the characteristics of platform work complicate inspections**. Platform workers are often anonymous, geographically dispersed and difficult to reach, and they may refuse to cooperate out of fear of being penalised either by the platform (for example, closing their account) or the authorities. Platform work

also involves at least three parties and such triangular relationships are difficult to capture. In addition, the activities performed as platform work are often not registered or declared, are temporary, and so on. This is problematic in so far as platforms most often are not willing to provide **data and information** on platform workers or clients (Gillis, 2017). The **limited availability of information and data** on digital platform work is **detrimental for the monitoring and enforcement of labour regulations**, including rules and regulations on OSH. In addition, this lack of information on the activities performed through platforms **complicates the detection** of the existence of a relationship between platforms and platform workers[6]. However, to assess the legal relation between the actors involved, the existence of such a relationship needs to be established.

All EU Member States have legislation in place that obliges employers to inform authorities on the hiring of an employee, the hours worked, etc. Most platforms classify their platforms' workers as self-employed. However, it seems that many platform workers do not register as self-employed. Hence, in many cases, platform work involves **'paid activities that are lawful as regards their nature but not declared to the public authorities',** which falls within the European Commission's definition of undeclared work[7]. The monitoring of such activities and the enforcement of the applicable regulations and rules encounter the same issues and impediments as with other forms of undeclared work[8]. In that respect, **detection of activities remains one of the first and main challenges**. To this end, an exchange of information between digital platforms and authorities is of vital importance[9].

This lack of data and information is particularly striking, considering that platforms gather and generate a substantial amount of data from platform workers and clients (Aloisi, 2019; De Stefano, 2019; Gillis, 2017), often in real time (Gillis, 2017). Platforms themselves point to privacy issues and to the concern that sharing data may reveal their trade secrets (European Parliament, 2020), issues that have long been resolved in other sectors.

Another challenge relates to the **unconventional workplace in which platform work is performed**. Platform workers often do not have a fixed workplace, but instead perform work in their own or clients' homes or in public spaces, or in working environments of which the details were unbeknownst to them before accepting a task and which can be difficult to access for labour inspectors and other monitoring and enforcement bodies[10]. This is common for on-location platform work such as food or parcel delivery or working as a handyman. Other platform workers do have a fixed workplace and work from their own home, for example, online platform work based on deskwork such as remote programming or online content review. The absence of a fixed, physical, conventional workplace under the control of a traditional employer (or 'traditional company'), though not unique to platform work (for example, the same can be true in cases of undeclared homework), severely complicates the application, monitoring and enforcement of OSH regulations (EU-OSHA, 2017)[11]. In most cases where inspection services have taken initiatives, such actions appear to **follow specific incidents** linked to certain types of platforms and/or certain types of platform work (passenger transport, food delivery) that are highly visible, 'disruptive' and controversial, and which were already subject to intense public, academic and policy debates.

Actions by inspectorates in selected countries

In spite of the abovementioned challenges that inspection services encounter, examples of **initiatives and actions taken by inspectorates have been identified** in the literature and through a consultation with EU-OSHA's national focal points (Belgium, Spain, Croatia, Italy, Luxembourg and Poland). All illustrate that some

[6] If legislation specifically targeting platform work obliges platforms to provide information to the authorities, information exchange is mostly with fiscal authorities and only for the past fiscal year and thus not necessarily shared with social inspection services, nor is it 'up to date'.

[7] Cf. Communication from the Commission of 7 April 1998 on undeclared work, COM(98) 219 final, not published in the Official Journal, see https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX%3A51998DC0219. This definition has since been repeated several times, for example, Communication from the Commission of 24 October 2007 Stepping up the fight against undeclared work, COM(2007) 628 final, https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0628:FIN:EN:PDF & the EC's DG Employment, Social Affairs & Inclusion's website on undeclared work: https://ec.europa.eu/social/main.jsp?catId=1298&langId=en

[8] In this regard, interviewees from Poland and Spain pointed out that many issues authorities face when monitoring platform work are not significantly different from monitoring undeclared work, bogus or false self-employment or precarious forms of labour.

[9] A case in point is Uber, which has a history of actively avoiding monitoring of or denying access to information on its activities and paid activities performed by 'Uber drivers' (Also see the inspection of Uber by the Belgian NSSO described in Gillis, 2017).

[10] See the difficulties labour and other inspection services encounter in cases where a workplace can also be qualified as a living space and, hence, the broad competence of, for example, labour inspectors to enter workplaces day and night is limited by the fundamental right to the inviolability of the home and respect for private life.

[11] Note that in some countries labour inspectorates do not inspect workers' homes (even in the case of an employee) or rarely do so; see EU-OSHA (2017) and European Commission (2020) for examples.

of the issues that inspection services encounter in the monitoring and enforcement of applicable legislation within the platform economy can be at least partially overcome, surpassed or avoided, given the resources, the will (of the administrations and the *political* will), and determination and perseverance. In this section, we take a closer look at initiatives of inspection services in Belgium, Spain and Poland.

In **Spain**, campaigns targeting bogus self-employment in platform work have been developed as part of the 2018-2020 Labour and Social Security Inspectorate Strategic Plan[12]. The plan presents a range of **operational measures directly targeting platform work**, such as providing the inspectorates with the technical means necessary to facilitate the identification of those involved in digital platforms, preparing and issuing an operations manual to assist inspectorate officials in their work, and to train specialists in this area, and conducting a specific campaign to inspect platforms. Furthermore, the Central Services of the Labour and Social Security Inspectorate (ITSS, Inspección de Trabajo y Seguridad Social) developed a *guide on the collaborative economy* to facilitate the investigations of the inspectors. Bogus self-employment has a dramatic effect on the applicability of rules and regulations on OSH, on both the worker's side and the employer's side. As we will see, the situation in **Poland** is particular as from a legal viewpoint working under 'civil contracts' is not considered working under an employment contract or as working as self-employed, which raises additional questions regarding the applicability of the OSH regulatory framework[13]. Finally, the **Belgian case** is relevant given the recent Belgian legislative framework on platform work, the case of the cooperation between a platform and a so-called social bureau for artists, and a pending court case involving a (food delivery) platform.

Spain

According to members of the ITSS who were interviewed, the actions that took place in Spain prior to 2017, which were initiated mainly after official complaints from platform workers, made it clear to the ITSS that the platform economy was a new and rising phenomenon that needed scrutiny. Initial dispersed actions showed a different approach, depending on, for example, regional divisions of the ITSS involved, and as a result often lead to different case outcomes. Consequently, in 2017, the ITSS decided to harmonise the monitoring of the platform economy and started aggregating information from different sources (for example, previous cases, information obtained via workers who filed complaints with trade unions or information obtained from the platforms' websites).

One of the outcomes of this exercise was the compilation of the **'guide on the collaborative economy'**, developed explicitly to assist ITSS inspectors in the monitoring of platform work and the enforcement of applicable legislation. This guide can be considered a good example that could be picked up by other EU Member States' inspection services. According to statements from a Spanish labour inspectorate, this guide includes, among other things, information on specific investigation procedures for inspections of platform work as well as indicators that focus on aspects such as: an analysis of the app and the platform management (for example, the monitoring by the platform of working hours, consequences for workers declining one or more 'orders', 'recommendations' from the platform that imply instructions and commands, etc.)[14].

In line with ILO Recommendation 198[15], the Spanish legislation provides that the qualification of the relationship between different actors stipulated in a contract is not relevant when the facts do not support this qualification. Even if a platform worker is registered as self-employed, the question remains if said self-employment is real, and thus supported by the facts, and hence legitimate. The implications for the monitoring and enforcement of the OSH regulatory framework are similar to other cases of bogus or false self-employment in other sectors and in cases of undeclared work. One key difference between other sectors and the platform economy is the *means of control*: the use of algorithmic management.

In that respect, a recent legislative initiative, the so-called Riders' Law (Royal Decree Law 9/2021, of 11 May 2021, ratified by Law 12/21 of 28 September 2021)[16] has introduced a legal presumption of the existence of 'employment relationship' in cases where there is an activity consisting of the delivery or distribution of products

[12] Cf. https://www.mites.gob.es/ficheros/ministerio/plandirector/National_Plan_for_Decent_work.pdf

[13] Even more so, since the overall Polish legal framework seems to extend certain rights and obligations regarding OSH to other workers, besides employees. However, the extent to which such is the case is the subject of an ongoing debate among lawyers and academics. To the best of our knowledge, said debate has not yet been decided upon definitely by any court of law.

[14] This guide, for obvious reasons (one of which is the amount of both operational and strategic information therein), is for internal use only and therefore cannot be published or otherwise publicly disseminated. Proof of this is the fact that certain platforms keep changing the information on their website or available through the platform or app and (allegedly) sometimes even change the algorithm in order to avoid the qualification of control or legal subordination. One option could be to provide guidance on how to compile a similar guide for other countries. Sharing such information would be welcome since in many cases inspectors and monitoring and enforcement authorities seem to lack some of the essential knowledge about platforms.

[15] See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312535

[16] See EU-OSHA (2021). Also see: https://apps.eurofound.europa.eu/platformeconomydb/riders-law-105142

or merchandise combined with direct, indirect or implicit control of the organisation or its management and the service and/or the working conditions are managed by an algorithm through a digital platform. Under this law, platforms are required to provide competent inspection services with information and insight into the functioning of their algorithm. Also, the guide on the collaborative economy elaborates procedures and indicators that help inspectors to assess situations and relations, both factually and legally when monitoring platform work(ers)[17].

The **ITSS has been active, adaptive and successful in monitoring the platform economy and enforcing applicable legislation**. In 2019-2020, the ITSS identified **11,013 false self-employed workers on a single platform** alone[18]. Such actions, dating from before the Riders' Law, clearly indicate **inspection services *can* monitor and enforce compliance in spite of issues regarding the qualification of the labour relation between worker and platform**.

The successes of the ITSS are the result of a **predetermined strategy**. According to Spanish officials, the ITSS College has also been providing **training courses for inspectors on platform work and e-commerce** since 2017 on a regular basis (every six months). The courses involved officials who had participated in the relevant investigations and independent experts. Actions by the ITSS were organised in a coordinated manner, unifying investigation procedures. Given that such investigations are difficult and time- and resource-intensive, some actions were coordinated by a Special Unit at the Central Services, for example, when different regional ITSS divisions were involved.

Poland

As mentioned before, the situation in Poland is interesting for several reasons. First, certain provisions in the **Polish legal framework on OSH**, from the Constitution to labour law provisions, potentially have a **very broad application**. A second interesting point is the legal concept of **working under 'civil contracts'**[19], which is not considered as working under an employment contract or as working as self-employed, nor is it considered, by Polish legal doctrine and practice, as a third or intermediary category between an employee or a self-employed worker. Third, Poland seems to be one of the first countries were the platform economy boomed and where **platforms started using 'partners' or subcontractors**, thus installing another actor between the platform and the worker performing the paid activities[20]. For example, Uber drivers can either **work directly through Uber as self-employed entrepreneurs** or **work through a so-called 'Uber partner firm' as workers under a civil contract** (see box) (Koziarek, 2019). In the latter case, the partner firm is responsible for OSH. Civil contracts fall within the remit of the labour inspectorates, according to some of the consulted stakeholders.

Box: Working under 'civil contracts' and its relation to OSH

In Poland, workers can be employees, self-employed or work on the basis of a **civil contract**. The latter can be a service contract, an agency contract or a contract for specific work – all of which are governed by civil law. A person performing paid activities under civil law is a **'contractor'**. However, a contractor under civil law is neither an employee nor required to register as self-employed. Furthermore, such civil contracts are not considered a **'**third category' or 'dependent self-employment', although they do share characteristics with provisions applicable to employees (for example, mandatory minimum hourly rate) and with those applicable to the self-employed (for example, no relation of subordination between client and contractor)[21].

[17] Examples of such indicators include the recruitment process, an analysis of the data the platform processes (for example, working hours, the monitoring of worker location and movement, means of control – for example, 'recommendations' from the platform, that in fact imply instructions and commands, consequences of declining an order, consequences of the clients' assessments – etc.), price of the service, etc. (Source: interview conducted by Ann Coenen of the Belgian Federal Public Service Employment, Labour and Social Dialogue in the framework of the Conference on Health and Safety in the Platform Economy that took place on 6 October 2021 in Brussels; interviewees: Juan Andres Martinez and Almudena Núñez-García Bada from the Spanish National Anti-Fraud Office).

[18] See https://apps.eurofound.europa.eu/platformeconomydb/riders-law-105142 and https://spainsnews.com/the-labor-inspectorate-has-registered-11013-false-self-employed-workers-from-glovo-and-demands-16-2-million-euros/. Numbers for 2020-2021 include + 650 inspections leading to the requalification of 20,000 workers. (Source: interview with Juan Andres Martinez and Almudena Núñez-García Bada from the Spanish National Anti-Fraud Office.)

[19] This notion stems from the era when Poland was still a member of the Council for Mutual Economic Assistance (Comecon) and the legal system was fundamentally different, a historical fact that is not without relevance to present-day legal debates, for example, on (the extent of) the applicability of the OSH legal framework and other provisions of social law.

[20] According to Kozlowska (2019), such intermediaries offer a convenient solution to avoid issues with the government on how drivers are hired and their work is taxed. 'Uber declined to share data about how many of its drivers in Poland work through partners, but conversations with drivers and experts suggest that most drivers are in the intermediary system' (Kozlowska, 2019, para. 6).

[21] To complicate the matter, in situations where workers under Polish 'civil contracts' are posted to other EU Member States, the Polish Social Security Office (ZUS, Zakład Ubezpieczeń Społecznych) will in many if not all cases issue A1 certificates for employees. Although matters on social security are not necessarily legally meaningful in matters of labour law, it does indicate how difficult it seems, even for Polish legal institutions, to qualify said labour relations categorised as 'work under civil contracts'.

An academic explained that civil contracts are often used to avoid falling within the scope of labour law. Distinctive of the situation in other EU Member States, discussions regarding the (re)qualification of labour relations are thus most often about the distinction between employment contracts and civil contracts and less so about bogus self-employment (in contrast to, for example, the situation in Spain). As a result, the qualification of the employment relationship itself is less of an issue with respect to **OSH** in Poland than elsewhere.

Regarding the Polish legal framework on OSH, Article 66(1) of the Polish Constitution states that Everyone shall have the right to safe and hygienic conditions of work[22] According to consulted experts and trade union representatives, the consensus is that this principle should be applied as broadly as possible, the implications thereof however, remain grounds for debate in the legal doctrine and practice. The Labour Code defines the means of implementing this right (Articles 207[23], 208 and 304). In general, the Labour Code is only applicable to employees, but several provisions regulate employers' **OSH obligations for those working under civil contracts and the self-employed.** For example, Article 304 states that employers are obliged to comply with the OSH obligations listed in Article 207(2) of the Labour Code for natural persons who do **paid activities** on a basis **other than an employment relationship**, as well as persons doing an economic activity on their own account, and students and trainees, who are not their employees, whether they perform said activities in 'the employing establishment' or in a place specified by the employer. *'Pursuant to Art. 304 of the Labour Code, the employer is obliged to ensure safe and hygienic working conditions, as referred to in Article 207 § 2 of the Labour Code, for natural persons performing work on a basis other than an employment relationship in the workplace or in a place designated by the employer, as well as for persons conducting their own business activity in the workplace or in a place designated by the employer. The obligations set forth in Article 207 § 2 shall also apply mutatis mutandis to entrepreneurs who are not employers and who organise work performed by natural persons on a basis other than employment relationship or who are self-employed. Also, if work is carried out in a place to which persons not involved in the work process have access, the employer is obliged to apply the measures necessary to ensure the protection of life and health of such persons. It should be noted that occupational health and safety obligations are imposed on employers as well as on the aforementioned non-employer entrepreneurs'*[24].

Article 207(2) of the Labour Code indicates the basic obligations of an employer in the field of OSH. These include protecting the health and life of employees by ensuring safe and hygienic working conditions with appropriate use of the achievements of science and technology. Nevertheless, the applicability of said provisions to 'civil contracts' remains unresolved in Polish legal doctrine, as per the interviewed academic.

Many if not most Uber drivers in Poland seem to work with Uber partner firms[25]. A consulted academic expert explained that many of those firms use leased cars[26]. In order to make their business model profitable, these cars need to be used as much as possible, which in turn puts pressure on their drivers to take on as many assignments as possible and work long hours. This creates **significant safety and health risks**, notably as drivers may then refrain from turning down tasks or taking breaks out of **fear of not being assigned future work**, or they **keep working when tired or sick**. In addition, drivers working through partner firms often work for the legal minimum pay (as the partner firm deducts a fee for its own operation), which is not attractive for Polish workers but is for **migrant workers** without many alternative work options. In other words, while at first sight it may appear that working with an Uber partner firm under a civil contract is preferable to working with Uber directly, further investigation shows that this is not necessarily the case.

As reported by EU-OSHA's national focal point and several interviewed experts, the Polish National Labour Inspectorate **conducted two inspections at Uber Poland in 2019 as well as 27 inspections at entities cooperating with the Uber Group and with other platforms** engaged in food delivery and passenger transport (GIP, 2020). The inspections were initiated following complaints from both citizens and workers, as well as information provided by the Polish police, boarder control and Road Transport Inspection, the latter of which had previously carried out inspections (for example, driving licences) (GIP, 2020). Inspections were

[22] See https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm. It is argued that this Article must be read in the light of Articles 24 ('Work shall be protected by the Republic of Poland. The State shall exercise supervision over the conditions of work'), 38 ('The Republic of Poland shall ensure the legal protection of the life of every human being') and 68, 1 ('Everyone shall have the right to have their health protected') of the Polish Constitution.

[23] This Article contains several provisions, such as that safe and hygienic working conditions must be provided in accordance with the state of the art of science and technology in general, the obligation to observe the recommendations of labour inspectors, etc.

[24] Information provided in writing by a Polish Inspector.

[25] As reported by interviewees. Also see https://us.boell.org/en/2019/10/17/web-partner-companies-keeps-uber-out-trouble-poland

[26] See https://www.uber.com/pl/en/drive/vehicle-solutions/. It might be noteworthy to mention that Uber developed vehicle leasing activities in several countries, offering discounts for leasing or renting vehicles.

carried out by labour inspectors from the Regional Labour Inspectorates in Warsaw, Kraków, Łódź, Wrocław, Poznań, Gdańsk, Katowice, Lublin, Kielce, Rzeszów and Olsztyn, and covered 265 workers, including 68 migrant workers (GIP, 2020).

The main issues under investigation were **undeclared work**, **OSH** and **compliance with workers' rights**[27]. Several irregularities were detected: a failure to declare workers to compulsory social insurance (unemployment) and to pay contributions in a timely manner, violations of the provisions on the minimum hourly rate, failure to pay remuneration at least once a month, failure to determine the method of confirming working hours, use of civil contracts when employment contracts should have been offered, lack of a notice about the system and schedule of working time and the settlement period, admitting workers to work without valid medical certificates certifying the absence of contraindications to work in a given position or without subjecting them to OSH training, and failure to assess and document occupational risks associated with passenger transport.

Seventeen notices, four verbal orders and six orders containing administrative decisions were sent to the inspected entities to remove the revealed violations of regulations; **nine persons responsible for these infringements were fined** (PLN 10,800 = ~ €2,335), and **in six cases, educational measures were applied** (instruction, warning, etc.) (GIP, 2020).

Furthermore, in many cases, the platform workers involved were **third-country nationals** from Armenia, Azerbaijan, Belarus, Ecuador, Egypt, India, Kazakhstan, Kyrgyzstan, Libya, Malaysia, Morocco, Romania, Russia, Saudi Arabia, Serbia, Tunisia and Ukraine (GIP, 2020). Among food delivery riders, illegally residing third-country nationals or third-country nationals legally residing (for example, tourist or student visa) but not holding valid work permits were detected, often working under the identity of another person. When such workers experience a work-related accident or health issue, they are not covered by any income or health insurance. The inspections led by the Polish National Labour Inspectorate identified 26 illegally residing workers, of whom 22 persons were from Ukraine, 2 from Kyrgyzstan, 1 from Russia and 1 from India (GIP, 2020). As is often the case with precarious workers or in situations of labour exploitation, workers are faced with strong incentives, be they merely perceived or real, not to inform competent authorities when their rights are violated or violations are imminent, rendering their situation even more precarious. On this note, the inspections performed indeed revealed that migrant workers often did not receive any written confirmation of contracts and were not provided with a contract translated into a language that they could understand prior to signing the contract (GIP, 2020).

In spite of this unique legal framework, according to a Polish inspector, the situation for monitoring OSH in the platform economy proves complicated. That being said, it is clear the Labour Inspectorate is aware of the issues and threats to workers' rights that arise in the platform economy[28]. Nevertheless, and in contrast to, for example, the Spanish ITSS, the Polish inspection services seem to be unsure on how to (best) monitor the platform economy and enforce applicable legislation therein, as well as about their competences for the monitoring of platform work, in spite of the assessment (also made by the ITSS) that 'the problem with platform work is another (digital) manifestation of flexibility and fragmentation of work' and hence 'remedies should be similar to those used in reference to other types of atypical forms of employment'. Currently, the Labour Inspectorate, together with other stakeholders (for example, social partners) is researching the possibility of amending Article 304 of the Labour Code in light of a possible extension of this provision to all forms of work[29]. The consulted inspector further said that due to the lack of separate legal regulations in the EU and the novelty

[27] From the interviews it was clear that Polish authorities encounter similar issues as their counterparts in other countries: legal uncertainty about the qualification of the workers concerned, lack of information exchange and data provided.

[28] Among the issues reported by the consulted inspector were: the tripartite relationship between the platform and the 'buyers and sellers of services'; the uncertainty of receiving remuneration; the lack of OSH training mechanisms for digital platforms; the division of work into micro-tasks; lack of a traditional place to carry out the work; varying flexibility of platform work; and the varying autonomy of persons carrying out platform work. Specifically with regard to OSH, it was reported it 'should be emphasised that many characteristics of the economy of online platforms have an impact on OSH. Virtually every one of them is a source of risk and increases the occupational hazards associated with the work compared with a situation where the same work would be carried out in traditional employment. The tripartite relationship between the platform and its users blurs the responsibility for ensuring OSH. The uncertainty of pay, in turn, forces work to be carried out at a fast pace and increases the risk of accidents' and that 'the risk may be the same regardless of the form of work, but the associated risks will be higher in the online platform economy than in traditional employment. Therefore, the delimitation of risks or their elements specific to the economy of online platforms is essential to identify their source and develop preventive measures, both at the macro level (legal solutions) and the micro level (organisational solutions at the level of platforms, persons performing platform work and their clients)'.

[29] Other points up for discussion are: amending the Labour Code legally qualifying platform work as an employment relationship and digital platforms as employers; making civil law contracts subject to contributions (for example, compulsory sickness insurance for self-employed platform workers); introducing an obligation for platforms to ensure health and safety during the execution of the work and to provide the necessary clothing and tools in accordance with health and safety regulations; and to provide training regarding the performance of work financed by the platform.

of platform work, no targeted inspections of platform work and platforms are planned by the Polish Labour Inspectorate.

The Polish case presents a good example of the extension of OSH obligations outside the archetypical labour law dichotomy as well as of the initiative taken by the authorities and in concertation with social partners to revise certain legal provisions. However, the outcome of this exercise is far from clear. Despite inspectorates' awareness of the issues that are typical for the platform economy, the National Labour Inspectorate believes that it does not have the right tools to inspect digital labour platforms. Interviewed Polish academics and trade unionists highlighted that, in their view, the digital platform economy falls within the scope of the competences of the labour inspection services.

Belgium

One option suggested in the academic and policy literature to remedy at least some of the issues related to OSH and OSH risk prevention and management in digital platform work is to look at the rules applicable to temporary agency work, which is also characterised by triangular work relationships (European Commission, 2020; Gillis, 2017). From that perspective, the Belgian example of the cooperation between Deliveroo and SMart[30] from a few years ago has drawn significant attention. In **2016**, SMart and Deliveroo (and other food delivery platforms that quickly ceased to exist) concluded an agreement that allowed food delivery riders to choose between **working directly for the platform as self-employed** or **through SMart as employees**. In the latter case, SMart would conclude temporary (short-term) labour contracts with these workers, who thus qualified as employees, and then hire them out to Deliveroo. Being employees, these platform workers were covered by the labour and OSH legislation applicable to employees in Belgium. Moreover, SMart ensured that these platform workers received a minimum wage, minimum three-hour shifts, work-related accident insurance, OSH training and other benefits (Drahokoupil and Piasna, 2019), all in accordance with Belgian labour law.

At the end of **2017**, Deliveroo announced it would terminate the collaboration with SMart, changing its remuneration system and the algorithms used to allocate work. This was around the time when trade unions were on the verge of **closing a collective agreement** with SMart. Furthermore, the government announced in this period that a **new legal framework** would be introduced (see box). This new regime promised more legal certainty and flexibility, for the platform, and thus the cooperation with SMart may no longer have been necessary. One consulted stakeholder said that there was a new shareholder with Deliveroo who demanded the termination of the cooperation with SMart. Whatever the reason may have been, since the end of the cooperation, Deliveroo provides (a rather limited) insurance for its riders.

These developments, however, caused such controversy that the then Minister of Employment, Labour and Social Dialogue, Kris Peeters, ordered the **labour and social security inspectorates** to investigate Deliveroo. More specifically, in reply to a range of parliamentary questions about Deliveroo's intentions to change its model to working with self-employed platform workers only, the Minister stated: 'We must seize all opportunities that the new economy offers us, but always with full respect for the rules of our social legislation ... In Davos, I urged the vice president of Deliveroo to postpone their switch to self-employment status as of February 1. She refused because, she said, according to legal advice obtained, the company was correctly applying the Belgian legislation. ... To this I replied that in Belgium the labour and social security inspectorates would then investigate whether this constituted an abuse of the social legislation. On the other hand, I pointed out that occupying the company's offices [by disgruntled riders] is not the right way to negotiate. We have also sent a mediator, whom I continue to support with a view to handling the conflict correctly. I regret that Deliveroo has not waited to make the switch. In yesterday's meeting with the labour and social security inspectorates, I urged them to take action as soon as possible. … The favourable fiscal regime can only apply to those who are not professionals. … At the transition to the self-employed status one can rightly wonder whether this [the riders] does not concern pseudo self-employed and therefore de facto employees'[31].

This investigation of the labour and social security inspectorates mainly relied on in-depth interviews with 115 former and current Deliveroo riders. **The 18-month investigation finally led to the initiation of judicial proceedings** against Deliveroo, launched by the public prosecutor at the labour court[32]. The main issue at stake is **the (ambiguous) employment status of the riders**, **including the application of OSH obligations**

[30] The 'Société Mutuelle pour Artistes' (SMart) was founded in 1998 (cf. https://smartbe.be/fr/a-propos/historique/). SMart is a 'social bureau for artists', a Belgian legal entity that functions more or less as a temporary work agency for artists.

[31] See Belgian Chamber of Parliamentarians, Summary Report, Plenary Sitting, 1 February 2018. Available for consultation at: https://www.dekamer.be/doc/PCRA/pdf/54/ap213.pdf

[32] The public prosecutor at the Labour Court is a typical Belgian authority with no exact legal counterpart in most if not all other countries; see https://www.om-mp.be/fr/votre-mp/auditorats-travail

that are applicable to employees only. The trade unions are heavily involved in this process, notably by encouraging riders to join the lawsuit by providing legal representation paid for by the unions. As the outcome of the court case was still pending at the time of writing, interviewed experts and stakeholders were reluctant to share detailed information on this case. The court ruled on 8 December 2021 that the employment status of the riders is self-employed, which is considered a great victory for Deliveroo. It is unclear whether this decision will be appealed.

Box: The Belgian regulatory framework on platform work

With the Programme Act of 1 July 2016, the Belgian government introduced a 'special regime' for the 'sharing'/'collaborative' *economy* (Gillis, 2017)[33]. The regime provides that, if all conditions listed below are met, income obtained from paid activities performed within the framework of the 'sharing'/'collaborative' economy (i) would not be qualified as professional income, but would instead (ii) be subject to a special fiscal law regime (that is, taxed at an effective tax rate of 10%, exempt from VAT) and (iii) be subject to a special social law regime (that is, exempt from social security contributions). Platform workers who qualify for the regime do not have to register as self-employed.

The conditions to qualify for this regime are: (i) total income generated through this type of work is €5,000 annually or less (in 2016; gross, indexed); (ii) services are provided by and to private persons[34], (iii) worker and client are matched exclusively via a platform licensed or organised by the federal government[35]; (iv) all sums are paid by or through the platform; and (v) the services provided differ from the normal professional activities of the provider.

What is striking about this regime is that workers who fall within its scope do not have the status of employee or of self-employed under the regime (with regard to fiscal and social law, the regime did not allow for a qualification as either employee or self-employed *provided and as long as all conditions were met*). However, as soon as one or more conditions are not or no longer met (for example, the threshold on remuneration is passed, the workers concerned are obliged to register (or rather: they should have already been registered) as self-employed. According to the consulted stakeholders, the regime thus creates legal uncertainty: it only applies when all conditions are met – which can be difficult to assess – and it may even retrospectively no longer apply. This makes it incredibly difficult to determine, monitor and enforce the applicable rules (Gillis, 2017). One platform representative stated that their platform notifies workers before reaching the threshold, but acknowledged that the platform does not have data on paid activities workers performed through other platforms.

Finally, it is important to note the 2016 special regime did not include any provisions on OSH. Although a 'new' regime introduced by the Act of 18 July 2018 on economic recovery and the improvement of social cohesion[36] did contain an exception to the OSH legal framework, in April 2020 the Belgian Constitutional Court annulled the 2018 Act in its entirety[37]. As a result, the special regime as it was introduced in 2016 (which did not contain said exception) is now back in force.

[33] The Belgian legislation explicitly opted for the term 'sharing economy'. See: Programmawet van 1 juli 2016, B.S. 4 juli 2016, *B.S.* 4 juli 2016, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2016070101&table_name=wet

[34] A professional could make use of this regime if the activities performed through the platform differed from their normal professional activities and vice versa a professional could make use of services provided through this regime if these services were not used for their professional activities.

[35] The Royal Decree of 12 January 2017 stipulated the conditions for a platform to be licensed. Foremost, the platform was to be organised 'within' a company or non-profit organisation that was established in accordance with the legislation of a Member State of the EEA or of a third country with which Belgium has concluded an international agreement on equal treatment of companies and non-profit organisations. The Royal Decree also provided conditions for the members of the board and of the management of the company or organisation that organises the platform.

[36] Wet van 18 juli 2018 betreffende de economische relance en de versterking van de sociale cohesie, *B.S.* 26 juli 2018 See https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2018071803&table_name=wet. More specifically, the Act regulated *three* regimes that were explicitly excluded from the vast core of labour law, including 'platform work'. Under this scheme, platform workers could earn up to €6,000 annually (in 2018; gross, indexed), fully exempt from taxes and social security contributions. Several other restrictions imposed by the 2016 framework were relaxed. Regarding OSH, an exception was introduced in Article 2 of the Act on the well-being of workers in the performance of their work. This Act – which is the main Act governing OSH in Belgium – is usually applicable to employers and workers. With the 2018 Act, its application was extended to 'persons who perform work under the authority of another person, other than in terms of an employment contract'. This means it also applied to certain platform workers.

[37] GwH, Arrest nr. 53/2020 23 April 2020 (https://www.const-court.be/public/n/2020/2020-053n.pdf). The Constitutional Court ruled that the different treatment of similar activities depending on whether these are performed within or outside of these special regimes cannot be justified (for example, unfair competition vis-à-vis self-employed performing similar activities at higher costs).

Conclusions

Although policymakers, social partners and researchers have underlined, the **important role labour (and social security) inspectorates could and should play** in the application and enforcement of existing regulations applicable, the examples presented here have uncovered **many important challenges**, of which one of the core issues remains the **ambiguous employment status of platform workers**. In that light, several of the stakeholders consulted in this case study have pleaded for **a more performant qualification system of the employment relationship and easier pathways to requalification in case of bogus or false self-employment**. Furthermore, many called for more research on the possibility of **making the core of the legal framework on OSH applicable to platform workers regardless of the qualification** of the labour relation. The **European Commission's proposed directive (10/12/2021) on improving working conditions of platform workers** could be a first step in this direction. This new instrument would indeed materially reshape work through digital platforms as one of the three main aspects it addresses is the employment status misclassification [38]. The Polish case is an interesting example here, given the broad application of the OSH regulatory framework, which other countries may draw inspiration from. **The Spanish case for several reasons is a best practice in its entirety:** from persistent and **coordinated actions** to the structural **awareness raising** and the importance of **capacity building and training of inspectors**. Nevertheless, even then key challenges remain, not in the least regarding detection of certain types of platform activities and (thus also) the monitoring and the enforcement of provisions on OSH.

Clearly, besides the qualification of the labour relation issue, most inspectorates and OSH authorities seem hesitant or unable to monitor platform work and enforce OSH regulations due to a **lack of data and information regarding platform workers and clients, which constitutes another major issue**. Here also, the Spanish case illustrates clearly that investigations in the field help gather strategic and operational information (for example, on other parties involved in platform work[39]), which, in turn, can feed into court cases that can help clarify the competences of inspectorates and OSH authorities in relation to platform work in the long run. As illustrated, the **importance of information exchange and a close collaboration among and between competent authorities and other stakeholders** is crucial and cannot be overestimated, as illustrated by the Belgian case (cooperation between authorities, labour and social security inspectorates, and social partners in the Deliveroo case).

The nature of platform work also challenges the **traditional tools and approaches used by labour inspectorates and other (social) inspection services** to address work-related safety and health risks (Mattila-Wiro et al., 2020). In this regard, efforts are needed to strengthen inspectorates' capacity to monitor and detect breaches of labour law (Lane, 2020) and to ensure that labour inspection is continuously updated and modernised (Páramo and Vega, 2017). Again, the Spanish case, with the development of internal and external information campaigns, technical manuals, trainings for labour inspectors and concerted monitoring actions, etc., is interesting and can serve as an example and best practice for inspection services of various other Member States. Training on how to detect platform (workers') activities, how to identify users and how to understand common practices (with particular attention to the role of algorithms) is crucial so that inspectors are capable of analysing work relationships and how work is allocated, monitored and evaluated in platform work (Páramo and Vega, 2017). Stakeholders have pointed out that increasing both the number of inspections and of inspectors is key in this regard. Finally, the research revealed that in many Member States, the resources and capacity of inspectorates competent for the monitoring and enforcement of the provisions on OSH are all too often insufficient (see De Wispelaere and Gillis, 2021).

Indeed, such a gap was recently clearly revealed during the COVID-19 crisis: while some types of platform work (for example, taxi services) plummeted, other forms of platform work, typically those involving direct contact with the public such as food and parcel delivery, boomed[40]. As food and parcel delivery involves contact with many different clients, the risk for public health, and of workers and clients in particular, cannot be overestimated, especially when applicable OSH and COVID-19 measures are not respected. In that regard, it is clear that the inability to monitor and enforce such rules and regulations is potentially detrimental for both the health of workers and clients, as well as for their families, and the public at large. In that sense, inspectors

[38] The new instrument addresses three main concerns: employment status misclassification; fairness, transparency and accountability in algorithmic management; and enforcement of the applicable rules. See https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=10120&furtherNews=yes

[39] For instance, the so-called platform 'partners' which in the regular economy would merely be called subcontractors.

[40] See, for instance, https://www.eurofound.europa.eu/publications/blog/charting-a-positive-path-for-platform-workers

should be seen as essential workers, similar to so many other essential workers in the frontline during the pandemic. In that respect, it is worth recalling a firm statement made in an editorial in The Lancet (2020, p.1587): 'We must ensure that essential workers can do their jobs safely, and that they have adequate health care and paid sick leave to safeguard their health beyond extraordinary pandemics. Essential workers are just that—essential—and by protecting their health, we protect the health and wellbeing of us all.'

References

Aloisi, A. (2019), "Negotiating the digital transformation of work: non-standard workers' voice, collective rights and mobilisation practices in the platform economy", EUI Working Paper, No. 3. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3404990

Bignami, R., Casale, G. and Fasani, M. (2013), "Labour inspection and employment relationship", International Labour Organisation, Working Document Number 28, Labour Administration and Inspection Programme (LAB/ADMIN), Geneva. Available at: https://www.ilo.org/global/topics/labour-administration-inspection/resources-library/publications/WCMS_217603/lang--en/index.htm

De Stefano, V. (2019), "'Negotiating the algorithm': automation, artificial intelligence and labour protection", Comparative Labour and Policy Journal, 41(1), pp. 1-32. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3178233

De Wispelaere, F. and Gillis, D. (2021), "COVID-19 and the fight against undeclared work - Lessons learned and to be learned", Working Paper, HIVA - KU Leuven, Leuven. Available at: https://hiva.kuleuven.be/en/news/newsitems/working-paper-COVID-19-and-the-fight-against-undeclared-work

Drahokoupil, J. and Piasna, A. (2019), "Work in the platform economy: Deliveroo riders in Belgium and the SMart arrangement", ETUI Working Paper. Available at: https://www.etui.org/publications/working-papers/work-in-the-platform-economy-deliveroo-riders-in-belgium-and-the-smart-arrangement

EU-OSHA (2017), "Protecting workers in the online platform economy: an overview of regulatory and policy developments in the EU". Available at: https://osha.europa.eu/en/publications/protecting-workers-online-platform-economy-overview-regulatory-and-policy-developments

EU-OSHA (2021). "Spain: the 'Riders' Law', new regulation on digital platform work".

European Commission (2020), "Study to gather evidence on the working conditions of platform workers". Available at: https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8280

European Parliament (2020), "The platform economy and precarious work", Luxembourg. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652734/IPOL_STU(2020)652734_EN.pdf

Gillis, D. (2017), "Some thoughts on the social law challenges in the sharing economy from a Belgian perspective", presentation at the conference 'Ads, Apps and Social Debts' organised by L'Institut du droit des assurances et du travail (IDAT) et le Centre du droit de l'entreprise (CEDIDAC) de l'Université de Lausanne in Lausanne, Switzerland. Available at: https://bibliotest.ugent.be/publication/8572349

GIP (2020), "Pismo Głównego Inspektora Pracy p. Wiesława Łyszczka z dnia 29.06.2020 skierowane do Pana Stanisława Trociuka", Zastępcy Rzecznika Praw Obywatelskich. Available at: https://www.rpo.gov.pl/sites/default/files/Odpowied%C5%BA%20GIP%2C%2029.06.2020.pdf

ILO (International Labour Organisation) (2006), "R198 - Employment Relationship Recommendation, 2006 (No. 198). Recommendation concerning the employment relationship". Available at: https://www.ilo.org/legacy/english/inwork/cb-policy-guide/employmentrelationshiprecommendationno198.pdf

Isaac, M. (2017), How Uber Deceives the Authorities Worldwide, The New York Times, 3 March. Available at: https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html

Koziarek, M. (2019), "Poland Case Study Report", Don't GIG up. Available at: http://www.dontgigup.eu/resources/

Kozlowska, H., (2019), A Web of 'Partner' Companies Keeps Uber Out of Trouble in Poland, OneZero, 17 October. Available at: https://onezero.medium.com/a-web-of-partner-companies-keeps-uber-out-of-trouble-in-poland-ee8a82fffcd2

Lane, M. (2020), "Regulating platform work in the digital age", *Going Digital Toolkit Policy Note*, No 1. Available at: https://goingdigital.oecd.org/toolkitnotes/regulating-platform-work-in-the-digital-age.pdf

Lenaerts, K., Beblavý, M. and Kilhoffer, Z. (2017), "Government Responses to the Platform Economy: Where do we stand?", CEPS Policy Insights, No 2017-30/July 2017. Available at: https://www.ceps.eu/ceps-publications/government-responses-platform-economy-where-do-we-stand/

Lovejoy, B. (2018), Uber had secret program called 'Ripley' that would nuke entire office's electronics to thwart police raids, 9to5Mac, 11 January. Available at: https://9to5mac.com/2018/01/11/uber-ripley-police-raids/

Matousek, M. (2018), Uber reportedly disrupted government investigations for almost 2 years with a 'secret' system called 'Ripley', Business Insider, 11 January. Available at: https://www.businessinsider.com/report-uber-system-disrupted-government-investigations-2018-1

Mattila-Wiro, P., Samant, Y., Husberg, W., Falk, M., Knudsen, A. and Saemundsson, E. (2020), "Work today and in the future : Perspectives on Occupational Safety and Health challenges and opportunities for the Nordic labour inspectorates", Finnish Government. Available at: https://julkaisut.valtioneuvosto.fi/handle/10024/162419

Páramo, P. and Vega, M. L. (2017), "New forms of work and labour inspection: The new compliance challenges", IUSLabor, 2/2017. Available at: https://www.upf.edu/documents/3885005/58976718/New+forms+work_Paramo_Vega.pdf/92b01c9f-89e8-04a7-ea4d-b44ecb8331dd

Sullivan, J. (2017), An update on "greyballing", Uber, 8 March. Available at: https://www.uber.com/newsroom/an-update-on-greyballing

The Lancet (2020), "The plight of essential workers during the COVID-19 pandemic", Vol. 395, No 10237, p. 1587. Available at: https://doi.org/10.1016/S0140-6736(20)31200-9

Zaleski, O. and Newcomer, E. (2018), Uber's Secret Tool for Keeping the Cops in the Dark, Bloomberg, 11 January. Available at: https://www.bloomberg.com/news/articles/2018-01-11/uber-s-secret-tool-for-keeping-the-cops-in-the-dark

Authors: Karolien Lenaerts (HIVA-KU Leuven), Dirk Gillis (HIVA-KU Leuven), Willem Waeyaert (EFTHEIA).

Project management: Maurizio Curtarelli, Emmanuelle Brun, European Agency for Safety and Health at Work, (EU-OSHA).

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