Introduction
By William Cockburn, Interim Executive Director, EU-OSHA

Working conditions and occupational safety and health (OSH) in digital platform work has been an issue for the last decade. In 2014, the European Agency for Safety and Health at Work (EU-OSHA), being very ahead of its time (Uber was founded in 2012), started investigating these issues with a first expert discussion paper addressing the implications for OSH of this new form of work called back then ‘crowdsourcing’. In 2016, this work was followed by a review of regulatory and policy developments relevant to OSH published in 2017. In 2020, EU-OSHA started a major three-year research programme on digitalisation and OSH and, as part of this, investigated in further depth the implications for OSH of digital platform work. Cooperation with other EU agencies, in particular with Eurofound, and the Joint Research Centre (JRC) of the European Commission also led to joint publications. The findings of this research will be presented at this workshop.

In addition, in 2022, EU-OSHA commissioned a Flash Eurobarometer – OSH Pulse survey that offers valuable insights into a range of impacts the COVID-19 pandemic has had on workers’ health and wellbeing and related workplace measures, also in combination with the increasing use of digital technologies in the workplace. In spring 2022, a representative sample of over 27,000 employed workers was interviewed on the phone across all EU Member States plus Iceland and Norway. The findings from this survey showed that respondents working in digital platform work report a higher use of digital technology to, for example, ‘supervise or monitor their work and behaviour’ or ‘have their performance rated by third parties’; the share of respondents working in digital platform work reporting that the use of digital technologies in their workplace ‘increase(s) their workload’, ‘determine(s) the speed or pace of their work’, ‘reduce(s) their autonomy at work’, ‘increase(s) surveillance of themselves at work’ and ‘result(s) in them working alone’ was also higher than for the rest of workers.

In the meantime, improving working conditions in digital platform work has become a priority for policy-makers and is at the core of the debate at EU level, with the Commission’s proposed set of measures to improve the working conditions of platform workers including a proposal for a ‘Directive on improving working conditions in platform work’ issued in December 2021 and the European Parliament’s opinion in February 2023.

Latest EU policy developments in relation to digital platform work
By Francisco Jesús Alvarez Hidalgo, Policy Officer, European Commission, Unit ‘Health and Safety at Work’

Francisco Jesús Alvarez Hidalgo gave an overview of the main EU-level policy developments relevant to the digital platform economy and OSH.

Anticipating and managing change in the context of green, digital and demographic transitions is one of the three key priorities defined in the European Commission’s Strategic Framework on Health and Safety at Work 2021-2027. The OSH Strategic Framework announced in particular that the Commission will put forward an initiative to improve the working conditions of people working through digital platforms, including their health and safety. As part of this initiative, the Commission put forward:  

1 See: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6605
2 See: https://ec.europa.eu/social/BlobServlet?docId=249923&langId=en
A proposal for a ‘Directive on improving working conditions in platform work’, which was adopted by the EU Council in December 2021. The directive proposal includes measures to correctly determine the employment status of people working through digital labour platforms and new rights for both workers and self-employed people regarding algorithmic management.

A Communication setting out the EU approach and measures on platform work. These are complemented by actions that national authorities, social partners and other relevant actors should take at their level. It also aims to lay the foundations for work on future global standards for high-quality platform work.

Guidelines clarifying the application of EU competition law to collective agreements of solo self-employed people seeking to improve their working conditions. This includes those working through digital labour platforms. These guidelines have already been adopted.

Without prejudice to the EU OSH Framework Directive that guarantees minimum safety and health requirements throughout the EU, and to the specific directives on health and safety at work, the Commission proposal lays down, among other provisions, that digital labour platforms shall evaluate the risks of automatic monitoring and decision-making systems to the safety and health of platform workers, in particular as regards possible risk of work-related accidents, psychosocial and ergonomic risks that are the most prevalent in platform work. Automated monitoring and decision-making systems that put undue pressure on platform workers or otherwise put at risk their physical and mental health should not be used.

Member States shall put forward specific requirements to digital labour platforms to inform platform workers on the automatic monitoring systems used to monitor, supervise or evaluate their work performance through electronic means, and on the automated decision-making systems used to take or support decisions that significantly affect them, in particular with regard to their working conditions, access to work assignments, earnings, OSH, working time, promotion and contractual status, including the restriction, suspension or termination of their account.

With regard to algorithmic management, the proposed directive increases transparency in the use of algorithms by digital labour platforms, ensures human monitoring and gives the right to contest automated decisions. These new rights will be granted to both workers and genuine self-employed. The directive proposal is now being discussed by the co-legislators.

In the Communication on ‘Better working conditions for a stronger social Europe: harnessing the full benefits of digitalisation for the future of work’ that was adopted as part of the package, the Commission calls on Member States, social partners and all relevant actors to put forward concrete measures to improve working conditions in platform work. Its aim is to harness the benefits of the digital transformation and protect the European social market economy. The EU also wants to lead by example and contribute to future global standards for high-quality platform work. Platforms operate in a cross-border way and warrant a cross-border regulatory approach.

In this context, the initiatives taken by EU-OSHA are very relevant. Such workshops and debates, as well as EU-OSHA’s Healthy Workplaces Campaign (HWC) ‘Safe and Healthy Work in the Digital Age’\(^5\) starting in October 2023, certainly contribute to improving work in digital platform work.

**Challenges, risks and opportunities for OSH, policies for OSH prevention, and platform work case examples**

By Dirk Gillis, Senior Research Associate, HIVA, KU Leuven (Belgium)

Dirk Gillis presented the findings of a major research project\(^6\) commissioned by EU-OSHA that was carried out in 2021 and aimed at: providing an update of definitions and taxonomy, and an overview and assessment of the OSH risks, challenges and opportunities for digital platform workers; and mapping policies, practices, programmes, initiatives and actions aimed at addressing these OSH challenges, exploring both OSH risk prevention and OSH risk management. Four policy case examples and four case examples of different types of platform work were also produced.

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Definitions and taxonomy

Digital platform work is all paid work provided through, on or mediated by an online platform, that is, an online marketplace operating on digital technologies that facilitate the matching of demand for and supply of labour. The taxonomy developed includes three dimensions:

- The format of labour provision: It can be provided online and be entirely virtual, or on-site and be provided in person. From an OSH perspective, the physical environment in which the work is performed strongly determines both OSH risks and their management.
- The skill level required to execute the task: lower-skilled or higher-skilled, which captures the task content, scale and complexity.
- The level of control exercised by the platform, which can range from minimal to a highly significant degree of control. This dimension signals the hierarchical power and managerial prerogatives a digital platform deploys in its relationship with platform workers, in particular regarding the allocation, organisation and evaluation of work. The level of control gives an indication of the degree of subordination that platform workers are subjected to. Subordination is the key legal criterion used in the determination of the employment status and consequently the applicable OSH regulations. It also indicates the reliance of digital labour platforms on algorithmic management.

OSH opportunities and challenges

Digital platform work brings employment opportunities to workers in geographical areas where such opportunities are lacking or to marginalised groups of workers, but it also entails a number of challenges and risks for workers’ OSH that need to be addressed.

As the activities that are performed as platform work are highly similar to those carried out outside of the platform economy, their OSH risks are similar as well. Depending on the type of platform work, workers experience different types of risks, to different degrees. Platform work, however, tends to be concentrated in sectors and occupations that are generally considered more dangerous. Looking only at the work activities, the physical risks of platform work depend on the precise task at hand and whether it is performed on location or online. Platform workers engaged in on-location platform work face a variety of physical risks. The physical risks associated with online platform work are similar to those of office-type teleworkers.

Regarding psychosocial risks, again these are linked to the nature of the tasks themselves (such as tasks involving direct contact with clients in their home). However, most platform workers experience stress. This is driven by the manner in which tasks are allocated, monitored and evaluated (digital surveillance, algorithmic management, and nudges and penalties to influence workers’ behaviour) and the conditions in which platform workers operate (e.g. having to be available at short notice, being dependent on positive reviews by clients to get work assigned). Some platform workers may be faced with violence, harassment, cyberbullying and abuse and be exposed to crime.

In addition, the specific characteristics of digital platform work aggravate the OSH risks and complicate the implementation of OSH prevention and management:

- Employment status and contractual arrangements: The determination of the employment status of platform workers has been identified as the main challenge to be addressed. Most digital labour platforms qualify their relationships with platform workers as services contracts, and the platform workers themselves as independent contractors/self-employed. This, however, may not be in accordance with the factual circumstances in which these platform workers operate. From the OSH perspective, the core issue is that the self-employed are not covered by the existing regulatory frameworks at the EU level or by national OSH legislation in most Member States. This means that the responsibility for OSH risk prevention and management is pushed onto self-employed platform workers.
- Algorithmic management and digital surveillance: The use of algorithmic management tips the power balance that exists among the platform, the client and the platform workers at the disadvantage of the platform workers. Algorithmic management also undermines platform workers’ autonomy, job control and flexibility, which causes exhaustion, anxiety and stress, and has a negative impact on platform workers’ health and wellbeing. Algorithmic management is used to coordinate and maximise the workload and can thus lead to occupational overload, with workers being assigned too many tasks or tasks that are not in line with their skills, which in turn causes stress and anxiety. Research finds that higher levels of algorithmic management are associated with higher levels of OSH risks, in particular on the psychosocial wellbeing and mental health of digital platform workers.
- Individualisation of work, professional isolation (both physical and social) of platform workers, work–life conflicts and an overall lack of social support: These issues aggravate the OSH risks in platform work and are associated with an overall dissatisfaction with one’s job and personal life, stress, depression and burnout. These issues also complicate OSH risk prevention and management. For instance, the fact that platform workers have few or no opportunities to directly engage with other platform workers limits worker organisation and collective bargaining, as well as worker participation in the development of an OSH
management system. As the platform workforce is anonymous, globally dispersed and characterised by a high labour turnover, this creates difficulties in identifying and accessing the platform workforce and also complicates the implementation of preventive measures or access to OSH services provided by OSH professionals.

- Job and income insecurity: Platform work consists of a sequence of temporary, short-term assignments that do not guarantee any long-term relationship with a single employer. Most platform workers have little or no control over how many tasks they execute, nor over how much they earn per task. In those cases where the platform worker can set the pay, fierce competition among workers may lead them to set a very low rate. As a result, the income earned through platform work tends to be unpredictable and volatile.

All in all, digital platform workers encounter severe work-related physical and psychosocial health and safety risks that are hardly prevented and managed.

**Case studies of four types of platform work**

As digital platform work involves heterogeneous forms of work, it is difficult to settle on universal conclusions regarding its OSH challenges or implications. Based on the logic of the platform work taxonomy presented above, four examples of platform work were developed with the aim of exploring in detail OSH challenges and opportunities, practices regarding worker protection, safety and health, and the management of OSH:

- Parcel delivery.\(^7\) The main physical risks involve ergonomic risks; accidents, slips, trips and falls; workplace violence; exposure to extreme weather; and exposure to hazardous materials or substances. The main psychosocial risks are an excessive workload; long working hours; isolation; and verbal abuse and harassment.

- Handiwork,\(^8\) which involves a range of professional and household tasks, such as plumbing, painting, electricity, small repairs and gardening. The main physical risks include exposure to hazardous substances, electricity, extreme temperatures and noise; working at heights; accidents, slips, trips and falls; working with various tools; lifting heavy or awkward objects; and working in awkward positions. The main psychosocial risks follow from an excessive workload; long working hours; isolation and verbal abuse.

- Online content review.\(^9\) which involves the screening of user-generated content, such as text, images or videos, in terms of illegal or abusive content, according to a predefined set of guidelines and rules, and decisions as to whether this content can stay online or should be taken down. The main physical risks follow from excessive screen time, ergonomic issues and prolonged sitting. The main psychosocial risks relate to exposure to violence, crime, abuse and illegal content, isolation, excessive workload and time pressure.

- Remote programming,\(^10\) which involves the process of writing and testing code that allows computer applications and programmes to function properly. This includes professions such as web and multimedia developers, software developers and applications programmers. The main physical risks follow from ergonomic risks, prolonged sitting, sedentary behaviour and excessive screen time. The main psychosocial risks relate to isolation, an excessive workload and time pressure.

Platforms intermediating online content review and parcel delivery typically exercise a significant degree of control regarding task allocation, organisation and evaluation of work, particularly in comparison with platforms intermediating handiwork and programming tasks. Only minimal information and support is provided by the platforms about health and safety standards. No general policies regarding OSH were found in the platforms under investigation, despite some anecdotal evidence that positive changes are being made. For instance, some platforms do appear to have some procedures in place in case of accidents or injuries and many offer a voluntary worker-paid insurance policy against work-related accidents and illnesses. In some cases, the platforms interviewed mentioned that they are willing to address OSH issues further, but fear requalification of the labour relation between the platform and its platform workers if they provide training, personal protective equipment (PPE) and so on.

**Review of regulation and policy initiatives**

Previous mappings of policies, regulations, programmes, actions and initiatives related to digital platform work revealed a lack of attention for OSH aspects. Some ‘bottom-up’ initiatives and actions were found but very few ‘top-down’ policies and programmes. Only a few examples of measures identified directly target OSH. A consultation of EU-OSHA’s national focal points was performed to capture additional regulatory initiatives relevant

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from an OSH perspective. It confirmed that the levels of awareness about digital platform work and its OSH implications significantly differed across EU countries and underlined the differences in approaches taken by different actors within these countries to address them. Digital platform workers are usually not considered when it comes to OSH measures in EU countries. Although the challenges of digital platform work are a priority at both the EU and the Member State levels, few regulations, policies, strategies, programmes, initiatives and actions directly target OSH. Although a somewhat larger number of measures address OSH indirectly, for example by clarifying the nature of the labour relationship, OSH issues in digital platform work remain largely unaddressed.

Four case studies presenting examples of policy measures and responses to challenges in platform work were developed on Spain’s so-called Riders’ Law,11 the French legislative framework on digital platform work,12 a local answer (Bologna Charter) and national regulatory framework in Italy,13 and actions by the labour and social affairs inspectorates in Belgium, Spain and Poland.14

**Recommendations from the study**
- Focus efforts on getting a good understanding of OSH challenges and opportunities in digital platform work by gathering knowledge and data, including targeted data collection on OSH prevention and management in platform work (e.g. by introducing registration and reporting obligations for platforms), and examining the opportunities provided by algorithms to integrate OSH prevention measures into their design.
- Introduce measures to help reduce or eliminate information asymmetries and power imbalances between digital labour platforms and digital platform workers by: facilitating the determination of the employment status of platform workers; opening up the algorithmic ‘black box’ to shed light on the functioning of the platforms’ algorithms and the repercussions of algorithmic management for platform workers; and creating opportunities for dialogue among digital platform workers and among platform workers, platforms, social partners, OSH authorities and so on.
- Increase efforts to raise awareness about OSH risk prevention and management in digital platform work and foster respect for fundamental OSH principles by targeted awareness-raising and information campaigns for platform workers, digital labour platforms, trade unions, authorities and competent inspection services.
- Increase transparency in order to facilitate the work of OSH actors by including provisions in policy and legislation on digital platform work to support the identification of platforms and platform workers and the exchange of data between platforms and the authorities, and by ensuring transparency about the functioning of platforms’ algorithms, which is critical given their impact on OSH. The proposed EU directive on platform work is an important step forward in both areas.
- Strengthen monitoring and enforcement of OSH regulations by ensuring that respective authorities have the knowledge, means and resources required.
- Inform and involve platform workers and their representative organisations in OSH risk prevention and management by making consultation of workers by platforms on OSH issues mandatory.

### Diversity and OSH in the digital platform economy

**By Dr Karolien Lenaerts, Research Manager & Head ad interim, HIVA, KU Leuven (Belgium)**

Karolien Lenaerts presented the findings of an expert article15 commissioned by EU-OSHA not yet published at the time of the workshop.

The composition of the digital platform workforce is very heterogeneous. The article focuses on three vulnerable groups: women; people with disability and chronic diseases; and migrants and members of minority groups. The research shows that women’s presence in the digital platform economy is increasing but they are still under-represented, while migrant workers are over-represented in platform work requiring low skills, and people with disability are not very present, with high variation depending on the type of disability.

Platforms can constitute an opportunity in terms of reducing barriers to access to the labour market. Indeed, in terms of skills, it is easy to register and create a worker account, and in general there is no need to prove qualifications, neither are there recruitment or selection procedures, which gives opportunity to work to low-skilled people and migrants, for example when waiting for their diploma to be acknowledged. The reliance on technology

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also facilitates communication and helps in overcoming linguistic gaps. In terms of working time, digital platform work offers flexibility and the possibility to choose work tasks, which is an opportunity for workers who, for a variety of reasons, need regular breaks. In terms of physical environment, it also allows the possibility to adapt it to one’s own requirements (e.g. absence of architectural barriers for people with a disability, proximity to home, etc.). As for the social environment, digital platform work requiring little contact with peers or third parties may be an advantage for people having difficulties with interpersonal relations and can help in avoiding discriminations against this group of workers.

However, digital platform work can also build barriers. One of them is related to task assignment: workers (especially with low skills) may have low control on the choice of tasks; workers may need to sustain a high reputation to keep being assigned tasks, resulting in performance pressure and dependency on ratings by clients/third parties; and they may also face high (global) competition in task allocation. There are also issues with the ‘supply chain’ of workers, whereby workers with good reputation get tasks assigned that they ‘subcontract’ illegally to other workers. A further issue is that algorithmic management of tasks is more difficult to deal with for women (having low flexibility for care needs) and people with disabilities (who may need more breaks). All these issues can be a source of psychosocial risk factors and stress.

Low-skilled workers and women (who may have a higher need for flexibility because of caring duties) seem to be particularly vulnerable groups. There is indeed an over-representation of women and illegal migrants in low-income digital platform jobs. In fact, algorithmic management seems to reinforce the same inequalities between worker groups already known in the labour market. The reliance on digital technology may also create a digital divide negatively affecting people with low digital skills.

In conclusion, digital platform work creates opportunities by reducing barriers to access to the labour market, however some barriers may remain for vulnerable groups. It is important to raise awareness for this, and it is important to target digital platform workers as well as workers associations.

Finally, it was mentioned that Karolien Lenaerts will start research commissioned by EU-OSHA on digital platform work in the healthcare sector and the implications for OSH.

**Surveillance of platform workers**

**By Annarosa Pesole, independent expert, formerly advisor to the Italian Ministry of Labour on digital platform work (Italy)**

Annarosa Pesole presented preliminary findings relevant to digital platform workers that are part of a broader expert article commissioned by EU-OSHA on the surveillance of remote workers (to be published on EU-OSHA’s website in the last quarter of 2023).

The surveillance of workers has always been present in work, but nowadays it is performed through technological, digital means. What is new when it comes to the adoption of technology in surveillance is that workers’ data collection is not only used to monitor but also to forecast, and in some cases even steer (manipulate), workers’ behaviours, for example by recommending course of actions, through rating, penalties and incentives, awards and gamification. These data can be *sold* into ‘behavioural futures markets’, thus surveillance becomes profitable (through the so-called behavioural surplus).

What is at stake in terms of impact on workers:

- Workers’ data protection and privacy issues (no control over own digital identities, no control over own data shared with third parties and for what purposes). A limitation of the General Data Protection Regulation (GDPR) in this regard is that it is meant for individuals’ data protection, but there is also a need for protection of workers’ data as a collective.
- Impoverishment of working conditions (reduction of autonomy and freedom at work, increase of routinisation and standardisation of process, work intensification).
- Workers’ health and safety: Higher surveillance leads to less flexibility and more stress, fear, anxiety, and blurred private and working life.
- The risk of algorithmic bias and discrimination reinforces inequalities (perpetuating social biases with limited scope for redress).
- Weakening of workers’ bargaining power (controlling and influencing workers’ attitudes and behaviours).
- Reduction of freedom of association (restriction on workers’ interactions).
- Labour rights: With commodification of work and labours’ externalisation instead of hiring employees, the digital platform economy results in a tendency to subcontract to (bogus) self-employed workers.
With regard to policy interventions, they mostly address the consequences, for example by reclassification of workers’ employment status and regulating the transparency of algorithms, trying to repair for the unfair treatment or discrimination suffered by workers under algorithmic management and surveillance. However, little has been proposed for regulating the ‘causes’ of unfairness: that is, the profitability for platforms of data (the behavioural surplus). There is indeed a need not only to impose algorithmic transparency but also for workers to have transparency about their data being collected and their disclosure. And actual compliance of digital platforms with regulation should also be better monitored.

In 2022, a new law was introduced in Italy (D.Lgs n.104/202216):

- It applies to all workers (not only digital platform workers) under algorithmic management (including ‘weak’ autonomous workers, but excluding self-employed).
- Employers must declare the use of automated monitoring and decision-making systems for any aspect of the employment relationship (recruitment, discipline, assignment of tasks, evaluation, dismissal, etc.) and for each aspect the employers must provide specific information about the aim and purpose of the data processing, the logic and functioning of the systems, the type of data used and parameters to programme or train the systems, and the quality control measures and cybersecurity level.
- Workers are entitled to receive all information 24 hours before the beginning of the employment relationship.
- Workers’ data access has been reinforced and extended to workers’ representatives.
- The same information and data access rights have been granted to the Ministry of Labour and the National Labour Inspectorate.
- The law exempts data and information protected by trade secrets.

Additionally, a law from 2021 (Legge 29 dicembre 2021, n. 233 (art. 27, comma 2 decies)) established the mandatory declaration for digital labour platforms of platform work performed by platform workers irrespective of their employment status.

The Italian proposal aims to put in place mandatory human control and supervision (human in the loop), the prohibition of use of automated decision-making systems in dismissal procedures, and ex ante and ex post impact assessment of automated monitoring and decision-making systems.

However, issues are the actual enforcement of the legislation and its limited national scope not applicable to global platforms.

Practical tools and recommendations for OSH prevention

By Dr Iván Williams Jiménez, Independent researcher (United Kingdom)

Iván Williams Jiménez presented an overview of the initiatives, tools and recommendations which digital labour platforms, platform workers and policymakers can implement to prevent and manage occupational safety, health, and wellbeing risks commissioned by EU-OSHA.17 This overview provides continuity to previous EU OSHA’s studies on digital platform work highlight the main issues. This piece of research provides updates on practical measures signposting safer, healthier, and more responsible practices and improved OSH standards. However, most initiatives collected are still rather poor on the OSH side and mainly target on-location platform workers rather than online platform workers — and there is room for improvement.

The COVID-19 crisis has provided the evidence that when there is will to improve working conditions of digital platform work, a way forward can be found. Still, the examples of measures introduced by digital platforms during the pandemic mainly focused on limited aspects such as social distancing, PPE, the delivery of hygiene products or wage support.

The initiatives collected in this project were initiated by a variety of actors, including policy-makers, digital platforms, social partners, workers and NGOs. It also includes initiatives from platforms and interest groups, collective agreements, social dialogue initiatives and other forms of worker organisation’s initiatives to improve the working conditions of platform-based digital labour.

The initiatives by digital platforms included measures such as access to work-related insurance, healthcare assistance, policies to improve road safety, provision of PPE, strategies to improve physical safety as well as mental health (for example, measures to protect online content reviewers from psychological harm — related to

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16 See: https://www.gazzettaufficiale.it/eli/id/2022/07/29/22G00113/sg
the next presentation by Patricia Murray), policies against violence and harassment, tailored OSH training and awareness-raising resources, industry pledges and codes of conduct.

Initiatives by digital platform workers were mainly informal initiatives such as informal exchanges of information on work-related issues (e.g. informal safety measures and precautions to protect themselves from task-specific risks) between peers on social media, chat forums or face-to-face for on-location platform workers such as riders. Certain groups of platform workers have also organised somewhat more formally to cooperate, negotiate working conditions and organise a representation of their collective.

Policy initiatives, as discussed in previous presentations, focused on better regulating algorithmic management, working time, the right to information of workers on technological change, improving road safety and accident prevention for on-location platform workers, calls for evidence and public consultations, labour inspection actions and awareness-raising campaigns.

The article produced is not only targeted at experts and policy-makers but it also provides a compilation of recommendations for digital platforms and platform workers, as well as short, easy-to-read fictional stories and scenarios based on the initiatives collected and the research conducted.

The recommendations to digital platforms include:
- improving effective access of safe mechanisms for platform workers to express OSH concerns,
- extending OSH considerations as part of platforms’ corporate financial transactions,
- reviewing transparency practices in the platform economy,
- introducing OSH features and functionalities into app-based systems,
- exploring or piloting worker-centred management practices,
- mainstreaming gender considerations in platforms’ organisational policies and practices,
- investing in industry-specific OSH training and awareness resources,
- reviewing how terms of service can be more fit-for-purpose,
- introducing occupational safety, health and wellbeing policies,
- providing appropriate PPE, and
- prioritising mental health and wellbeing practices.

The recommendations to digital platform workers proposed are:
- participating in online and in-person mutual support and community-gathering initiatives,
- advocating and calling for a right to be involved, regularly informed and consulted,
- benchmarking what works well in addressing and tackling specific occupational risks,
- engaging through formal or informal mentor or ‘buddy’ schemes, and
- raising platform workers’ voices on their first-hand experiences.

A guide on risk assessment for content moderation work

By Patricia Murray, Senior Psychologist (Organisational)/Inspector, Health and Safety Authority (Ireland)

Patricia Murray presented a study investigating the psychosocial risk factors of content moderation workers in Ireland that resulted in the production of a guidance document on ‘Risk Assessment for Content Moderation’, to be published in 2023.

A content moderator (also called online content reviewer in EU-OSHA’s work) is a person detecting content not to be published, that is, carrying out a surveillance task. Surveillance itself is stressful, in particular when it entails exposure to potentially traumatic content, and especially if you do not know what to expect and how bad it may be (novel, unknown, uncertain, cyclical, different degrees of social and personal violation). Content moderators are also exposed to additional stress factors such as: being subject themselves to surveillance/monitoring of their performance (by their manager); high intensity of work, both in terms of speed and time pressures (also related to hourly pay rates); lack of teamwork and so on. Sometimes the stress they suffer does not come from their main tasks, for which they should be trained, but from ancillary tasks. Some issues they face are also linked to employment contracts, teleworking conditions or remuneration.

Content moderation is an emerging work area and there is little expertise on long-term consequences and risks related to content exposure. In Ireland, content moderators are mainly employed by big companies or intermediary companies, under various types of contracts, full-time and part-time. The jobs in the area attract a multifaceted
workforce but this tends towards younger, inexperienced, non-professional workers, that is, ‘ naïve ’ to the effects of work systems and OSH generally, with low power of action and no benchmark for insights, meaning possibly vulnerable workers. Other groups of vulnerable workers from diverse backgrounds and cultures are also involved in such jobs, such as refugees or people previously exposed to trauma.

Relevant aspects affecting OSH to consider are the characteristics of the workforce (type, preparedness, workers’ rotation to reduce exposure time, consultation and exit assessments) and the organisational systems in place (support, training, relations, roles, company climate, management competence).

The initiative by the Health and Safety Authority is based on a two-year programme that involved comprehensive inspection and assessment of content moderator jobs, consultation with content moderators themselves and with psychological societies, as well as information exchange with EU-OSHA. The result is a guide that is evidence-based and covers recruitment and selection, preparedness and cognitive pre-screening, technology controls (to prevent, for example, blurring of work and life), organisational and team controls (such as timing, worker rotation, queue screening), mandatory health and safety sessions, independent dynamic risk registration and consultation, reviewing and case reporting, inspection records and job design.

**Perspectives from other EU bodies**

**Perspective from the European Foundation for the Improvement of Living and Working Conditions (Eurofound), by Dragos Adascalitei, Research Officer**

Even though there is still an issue of lack of data, we have achieved a good base of knowledge on the platform economy with regard to scale, heterogeneity, turnover and demographic profiles of workers. With respect to the later aspect we know that workers on the platform economy tend to be younger, more likely to be men and more educated than offline workers. Women increasingly join the platform economy (part of a broader trend in EU labour markets of increased women’s participation). We also know that a high share of migrant workers is engaged in platform work. The lower value assigned to experience with regard to scale undermines the principle of rebuttable presumption of employment.

Since 2010, two phases can be distinguished in how the digital platform economy has developed. A first emergent phase (2010-2020) was mainly characterised by voluntary initiatives, weak regulation mainly through court case law, high growth rate and expansion to new services. A consolidation phase started in 2020 with legislative changes at the national level, a slower pace of growth, and oligopolistic markets and adaptations in business models.

Eurofound has developed a database of regulatory initiatives (around 300), from which an east/west divide emerges. Indirect interventions (information and awareness) aimed at increasing transparency and cooperation drive more concrete and direct interventions (legal initiatives, collective bargaining agreements, provision of insurance and social protection, codes of conduct, etc.) aimed at establishing minimum standards and give a symbolic sign of the possibility to regulate the sector.

Despite the fact that the EU directive proposal has not been adopted yet, a growing number of initiatives on platform work but also new national regulations bring clarity on a number of issues (i.e. employment status, algorithmic management, etc.). The principle of rebuttable presumption of employment has already been adopted in some EU Member States such as Belgium, Spain and Malta. In the following years, a shift towards more regulation is expected.

Platform work is now consolidated as a significant type of employment with consequences for the broader labour market, the so-called platformisation of the labour market. Emerging issues in the platform economy relate to dualisation, new business models and subcontracting practices.

**Perspective from the Joint Research Centre of the European Commission, by Enrique Fernandez Macias, Senior Research Manager**

In 2016, the JRC started working on the back-then so-called collaborative economy to provide evidence on what was at the time an emerging phenomenon. The acronym of the COLLEEM survey was based on this initial terminology. COLLEEM started as a pilot survey to try to first refine the conceptualisation and operationalisation of the concept of platform work. A first outcome was to move away from the terminology ‘collaborative economy’ to ‘platform work’ and ‘digital platforms’. The concepts and operationalisation that resulted from this first study have become adopted relatively widely. The survey also aimed at providing an initial quantification and a typology of the platform economy as well as to explore the employment and working conditions of this new type of work.
The survey sought to measure platform work as a main form of work, meaning performed as regular work with enough significance in terms of time spent and amount of income generated. The data of the first COLLEEM survey were collected in 2017 through an online survey. Main platform work was found to be performed by between 1% and 2% of the working-age population. As for the categories of secondary, marginal and sporadic types of platform work, this varied across countries but these were slightly more significant in terms of people involved, however obviously much less significant in terms of the implications for the workers. A typology of different types of tasks carried out in online platform work was also developed. A task approach was used as platforms generally coordinate labour in the form of tasks.

The second wave of the COLLEEM survey sought to consolidate the methodology developed as well as to see if some trends could be identified between the first and second survey waves. The data of the second COLLEEM were collected in 2018 using essentially the same methodology (online survey). The findings indicated a consolidation of this type of work as the percentage of people working in the platform economy was similar to the first survey. Although the methodology had been slightly improved to have a better measurement of tasks, the fact that it was an online survey limited the proper representativeness of the working-age population, proper inferential statistics and proper estimation of the incidence of platform work.

The survey methodology was therefore revised to obtain results statistically representative of the entire working-age population. A more standard methodology was adopted, similar to Eurostat's Labour Force Survey and Eurofound’s European Working Conditions Survey. The interviews were performed at worker’s homes instead of through an online survey, which has the advantage to receive better information. Indeed, a limitation of online surveys is not only that they are more problematic in terms of terms of sampling and representativeness, but also that replying to an online survey from home on one’s own tends to generate worse-quality responses compared to being surveyed by an interviewer who can clarify concepts. Additionally, the survey questionnaire was revised to not only look at platform work but also the phenomenon of platformisation of work more broadly. The reasons for this were: first, as the percentage of people mainly working through platforms was only 1-2%, a full sampling of the working-age population would have been necessary to study only a very small proportion of people; second, because some of the practices common in the digital platform economy such as coordinating labour and using algorithmic forms of digital monitoring and management are slowly spreading into workplaces in conventional occupations. Therefore, a number of questions were adapted to investigate how much the use of digital platforms is expanding outside the platform economy to conventional workplaces to perform functions like digital monitoring of workers and some forms of algorithmic management, such as assigning tasks to workers or any other type of managerial functions. The third edition of COLLEEM therefore became a broader survey, carried out however in only two EU Member States (Germany and Spain), and was renamed the ‘Algorithmic Management and Platform Work survey (AMPWork)’. The survey measures the prevalence and conditions of platform work, as well as the level and implications of digital monitoring and algorithmic management in conventional occupations, based on a statistically representative survey on the workforce in Germany and Spain.19

Perspective from the European Institute for Gender Equality, by Vytautas Peciukonis, Research Officer

The European Institute for Gender Equality published a study on AI, platform work and gender equality. The study investigates working conditions, work patterns and work–life balance of women and men engaged in platform work drawing on an online panel survey in 10 Member States, and EU and national policy approaches to regulating platform work through country-level case studies in the same 10 countries.

According to this study, platform workers are typically young (31 years old on average), highly educated and with care responsibilities, especially among women. Much of platform work is split along well-known gendered lines, but gaps are smaller than in the traditional labour market as women dominate in childcare and elderly care services, and men in construction, software development and transportation.

The study highlighted contrasting motivations to engage in platform work, whereby women are more likely to engage in platform work to get additional income or for the flexibility it allows to combine work with family commitments, while men are more likely to do so for the opportunities to work globally and expand their client base to different cities or countries.

Unpredictable income and working hours were the main disadvantages of platform work for 33% of women and 29% of men platform workers, followed by unpredictable working hours and low/unfair pay, both reported by more women than men. Platform workers were also vulnerable to intersecting forms of unfair treatment (mainly age and gender but also body shape/weight, language/accent, nationality/ethnic origin, religious beliefs and

19 Survey results are available at: https://publications.jrc.ec.europa.eu/repository/handle/JRC133016

http://osha.europa.eu
illness/disability), reported more by women than men platform workers overall. The pandemic strongly affected platform workers and exposed their poor access to social protection.

In conclusion, the following policy recommendations could be formulated:

- Extend working hours regulations and work–life balance measures to women and men platform workers, irrespective of employment status, and promote equal sharing of care responsibilities between women and men.
- Ensure that women and men platform workers can access social protection, irrespective of their employment status.
- Address the legal uncertainty in the employment status of platform workers to combat disguised employment.

**Summary of the discussion points**

**Risks of digital platform work**

- A Dutch initiative to measure platform work quality in 2021 showed that the platform economy is heterogeneous and spreads to many sectors, therefore it is difficult to draw a unified picture. This is in line with the findings of EU-OSHA’s research.
- Platform workers are exposed to a combination of physical, psychosocial and organisational risks. For instance, riders are exposed to the risks of being under time pressure, driving fast, having to manage contact with clients and so on.
- Platforms shift financial as well as OSH risks and responsibility onto workers, for example the costs of maintenance of riders’ bikes and the safety risks in case of poor maintenance. Also, while the platform takes into account the drive between the restaurant and the client, it does not take into account the drive between the place where the rider gets the order and the restaurant, resulting in invisible work and a loss of income.
- For risks in delivery work, additional risks mentioned were the use of transport vehicles in an illegal way, for example using electric bikes at a speed of 50-60 km/h (double what is allowed in Norway, for example), the use of other individuals’ identities and work accounts, and driving in traffic working over 60 hours a week or on top of working hours performed in another main job when working for a platform is a side job.
- The risk of sexual harassment in platform work has not received enough attention. An intersectional study on sexual harassment in platform bicycle riders was mentioned according to which one-third of women riders were exposed to sexual harassment while men riders were not found to be exposed. More such studies would be useful as this would enable to have stronger evidence to address this specific risk for this specific worker group in this specific situation.
- Tools to report violence should be available to platform workers. Mechanisms of information collection, preserving anonymity of workers to avoid stigma, and effective prevention and management of violence of platform workers are needed.
- As the algorithms may be biased, they can reinforce inequalities. There is a need for transparency about algorithms. The legislation on data transparency, when in place, is not always implemented.
- The over-representation of young and highly educated workers in the platform economy means a risk of getting trapped in platform work for highly educated workers, resulting in a loss of human capital at the macro level.
- The discussions also addressed the issue of lack of data on the dimension of the digital platform economy, as well as on platform workers in general and in particular on their OSH conditions. There is a need for further research, data and case studies about OSH in the platform economy. One of the barriers highlighted was that platforms do have data but are reluctant to share them.

**Regulatory framework and policy initiatives**

- In many cases, establishing the distinction between employees and self-employed platform workers is not clear cut. Some workshop participants reckoned that the categorisation of employees versus self-employed relies on anachronistic labour categories, although today’s reality is far more nuanced and ambiguous. In many cases, there is ambiguity about platform workers’ employment status. There is a need to regulate such typology of work. It is crucial to ensure clarity and legal certainty.
- One option mentioned to overcome employment status ambiguity was that regulation could address the job level rather than workers (e.g. regulation focusing on equipment standards for all platform jobs).
- Legislation needs to be precise and detailed in addressing responsibilities. However, the difficulty to regulate global platforms performing cross-border activities was highlighted.
- There is also an issue of poor compliance with legislation, when in place. In countries where some social rights are extended to all categories of platform riders, for example, there is a need to check compliance in particular in the case of self-employed platform workers.
- There is also a need to better enforce Article 22 of the GDPR granting data subjects the right to not be subject to decisions based ‘solely’ on the automated processing of personal data if the decision has significant legal consequences or a ‘similarly significant’ effect on the data subject.
About algorithms’ transparency, there is a need for more pressure on platforms to share information. This is also necessary to enable unions’ activity. Business secrets should not be a reason not to share data and algorithms. If overcoming the difficulty to have full transparency about algorithms is a lengthy process, another difficulty is to understand and interpret the algorithms.

The value of having EU legislation was mentioned. EU legislation reflects regulatory developments of countries leading in terms of regulatory advances and pushes the development of regulation in countries not having any yet. There is also a need for dissemination of good practices.

However, developing legislation is not enough, monitoring mechanisms are also needed. The difficulties in enforcing the legislation were discussed.

The importance of the advisory role of the Labour Inspectorate was emphasised, as well as its role in checking the employment status of platform workers, although the difficulty for labour inspectors to carry out their activity in platforms was also highlighted.

Additional national examples to those included in EU-OHAS’s research were mentioned:
- The Norwegian parliament has introduced changes to the Working Environment Act concerning the employee and employer concept and employer responsibility. An employee is anyone who performs work for and subordinates to another. In the decision, emphasis must be placed on whether the person in question makes their personal labour available on an ongoing basis, and whether the person in question is subordinated through management, leadership and control. It shall be assumed that there is an employment relationship unless the platform demonstrates that there is an independent employment relationship.
- In Greece, the legislation defines four criteria to classify workers as employee or self-employed. A legislative initiative aimed at closing the gap between employees and self-employed applies the same treatment to both categories. It also introduces platform workers’ right to collective bargaining and strike, and platforms’ obligation to provide PPE to their workers.
- It was mentioned that the Dutch Supreme Court was about to pronounce its judgement on Uber in the Netherlands on Friday 24 March 2023. Expectations were that the presumption of self-employment of Uber workers would be rejected, that the power of the Data Protection Authority would be strengthened to ensure the transparency of algorithmic management, and that the Labour Inspectorate may be called on to perform online risk assessments. The Belgium Court seemed to go in the opposite direction.
- The discussions in Ireland are about defining vulnerable workers and focusing on precarious work in order to structure policy-making.
- Spain adopted the so-called Riders’ Law, which provides a legal presumption of a dependent employment relationship for digital platform workers in the delivery sector. But debate about the misclassification of platform workers as self-employed and the fact that OSH legislation does not apply to them is still ongoing.
- In France, after the COVID-19 pandemic some quick-commerce companies hired riders with an employment contract. However, this business model seemed not to be sustainable as it was replaced by platforms or shifted to subcontracting practices.
- As described in EU-OHAS’s research, in France, the El Khomri law obliges platforms to bear the costs of an insurance against work-related accidents and diseases in the case of self-employed platform workers meeting certain conditions and who voluntarily adhere to such an insurance. However, the uptake of such an insurance by platform workers is low. Also, the participation rate of platform workers in elections of worker representatives is low.
- The difficulties to identify platforms and maintain official registries were mentioned, one of the reasons being that platforms frequently change forms and register as a different type of activity. The Finnish Institute of Occupational Health (FIOH) has compiled a list of digital labour platform companies operating in Finland that is publicly accessible. FIOH maintains the list, checking it every six months, and anybody can make proposals to the list. The list has been used by various actors such as Statistics Finland and ministries.


21 However, in both cases, it seems that workers are reimbursed only after proving that their annual turnover meets the threshold.


23 The French El Khomri law gives the right to an insurance against work-related accidents and occupational diseases to self-employed platform workers who earn at least 13% of the annual social security ceiling of sales revenue through platform work. The law obliges platforms to bear the costs of this insurance. There are two options for the platform workers to have access to this insurance: either they themselves take out an insurance and are then reimbursed by the platform, or they sign up to the insurance scheme that the platform has arranged for itself and offers to its platform workers. However, in both cases, it seems that workers are reimbursed only after proving that their annual turnover meets the minimum threshold.

24 A list of platform companies that mediate work is now available for viewing and complementing for everyone | Work-life knowledge service: http://www.worklifedata.fi (tyoelamatieto.fi).
Initiatives and tools to improve OSH in digital platform work

- How to best reach workers to raise their OSH awareness was discussed. One way to engage with platform workers may be through digital applications provided by the unions.

- The difficulty related to linguistic barriers was also highlighted in particular to reach on-location platform workers who are usually migrants. EU-OSHA’s work on reducing linguistic barriers (e.g. its research on the topic, as well as information material such as the NAPO videos26) was mentioned to help overcome these barriers.

- The critical issue of performance of the risk assessment was raised. Risk assessment is a cornerstone to prevention and it starts with the most critical step, which is to identify the risks in platform work. The feasibility of developing a risk assessment tool for digital platform work was discussed, taking into account the challenges related to the fact that digital platform work may lack the necessary OSH knowledge or willingness to implement such a risk assessment tool. Even OSH actors such as OSH practitioners and labour inspectors may lack specific knowledge related to OSH in digital platform work.

- In Denmark, the Labour Inspectorate meets with platforms and in general platforms are interested to improve OSH. However, as also mentioned by other workshop participants, they are faced with the paradox that platforms step back when it comes to bearing responsibilities as they fear to be considered as having employer responsibility for their platform workers if they take care of their platform workers’ safety and health.

- In Finland, FIOH’s research project ‘Fair work on platforms’26 has opened an online discussion forum about platform work. Currently there are about 65 participants from authorities, unions, research bodies and companies. The forum enables sharing information (about events, publications, etc.) and knowledge, and getting to know other participants to facilitate possible future collaborations. This initiative could be replicated in other countries.

- As per the GDPR, workers have the right to ask platforms to give them their data. In the United Kingdom, some associations encourage platform workers to ask for their data from platforms and to share these data with them. This allows these associations to gather and analyse information about platform work that is otherwise not available.27 Such an initiative could be implemented for OSH purposes.

- Along these lines, the data collective ‘Digipower.academy’28 aims at empowering workers via their data and helps platform workers to analyse their own data requested from the platform. In Geneva, Switzerland, Digipower.academy offered Uber drivers to perform an analysis of their data (e.g. their real working hours compared to those registered by the platform) to help Uber drivers verify Uber’s calculations. Indeed, following Switzerland’s Federal Court decision in 2022 that Uber has the status of employer, Uber had offered individual compensation packages to drivers for the back-dated pay and expenses they were due. Digipower.academy’s calculations were different from Uber’s ones, showing about 20% more working time, and were therefore useful to help workers claim what they were due. Digipower.academy now operates in several countries and collaborates with research projects of various universities and institutions. This is a huge opportunity to perform research, based on the willingness to contribute of many platform workers, and could help fill the lack of data on digital platform work and OSH.

- In France, a recording of accidents in digital platform work is done by checking newspapers’ reports. Although not exhaustive, it provides useful information to improve knowledge about platform work accidents.

- In Norway, the guaranteed contract hours (10 hours minimum) of platform workers may have some buffering effects on performance ranking related to shift availability. Indeed, complaints from the platform workers were not as high since the employed platform workers have key performance indicators, which balances freelancers turning down long distances with employed platform workers having to accept all assigned tasks. There is also a high demand for the service, so everyone has enough tasks to do.

- Also in Norway, there is a ‘walking shift’ implemented by one delivery platform applicable in case of extreme weather conditions that pose a risk to cyclists and an agreed practice that they cannot be sanctioned for refusing to perform the task if they deem it risky.

- Addressing platform workers’ needs by (local) public services was also mentioned to be helpful, such as the riders’ check points in the Milan municipality, and increasing taxation to platforms accordingly.

Closure of the workshop

Thanks to the excellent speakers’ presentations and the active participation of the attendees, both in-person and remotely, the workshop was a great opportunity to exchange knowledge and to discuss gaps, needs and options to best address them. EU-OSHA will continue to contribute to knowledge development and awareness raising in relation to digital platform work and OSH. EU-OSHA’s European Healthy Workplaces Campaign (HWC) ‘Safe and

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28 See: https://digipower.academy/
Healthy Work in the Digital Age running from 2023 to 2025 will contribute to this by disseminating knowledge and translate this into practical resources. The HWC will focus more in depth on five priority areas,29 the one related to digital platform work to be promoted from February 2024 to May 2024. Another priority area is the one on worker management through AI,30 which investigates the so-called platformisation of work, whereby new forms of worker management practices first implemented in the digital platform economy are now increasingly applied in conventional workplaces. The campaign material will be available on the campaign website31 and includes publications, OSHwiki articles, case studies, infographics, a social media toolkit with messages accompanied by visuals and videos ready to be published on social media, Napo films32 and so on. This material will be freely accessible in several EU languages once the HWC is officially launched during the European Week in October 2023.

All the presentations are available here.

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29 OSH in relation to: Digital platform work; Automation of physical and cognitive tasks through advanced robotics and artificial intelligence; Remote and hybrid work; Worker management through artificial intelligence; and Smart digital systems for OSH. All publications are available at: https://osha.europa.eu/en/themes/digitalisation-work


31 See: https://healthy-workplaces.osha.europa.eu/en