

OPEN LETTER TO CO-LEGISLATORS

Brussels, 6 December 2022

Re: The sector's priorities on the proposal for a Directive on improving working conditions in platform work

Ahead of the vote of the Committee of Employment and Social Affairs (EMPL) by the European Parliament, and of a possible general approach by the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO Council), on a proposal for a Directive on improving working conditions in platform work, HOTREC and CEEMET would like to share their priorities and concerns with the co-legislators.

Overall, we encourage co-legislators to advance on a balanced and proportionate approach regarding the Platform Workers Directive, which will protect both workers and businesses.

Our main priorities are the following:

- **Scope:** restrict the scope to digital labour platforms and clearly leave other businesses out of the scope
- **Legal presumption:** establish robust EU criteria to trigger the legal presumption, that is easily applicable by the companies at national level. Avoid automatic reclassification and preserve the willingness of the truly self-employed to keep their status.
- **Rebuttal procedure:** must be realistic and done according with national legislation.

I) Scope

The definition of the scope should be narrowed, compared to the Commission proposal. HOTREC and CEEMET defend that the scope should cover those digital labour platforms that provide a commercial service as a digital intermediary between supply and demand. The service should be provided through digital intermediation and organisation by the digital labour platform. Our sectors are not platforms, and we should not be covered by the scope!

II) Legal presumption

In our opinion, the legal presumption should be based on robust criteria, that are easy to apply by companies at national level. A majority of the criteria should be met to trigger the presumption. Such a scheme would target those businesses which avoid national social security and tax schemes on a general manner.

The automatic reclassification of self-employed into employees is not acceptable. Bogus self-employed should be considered employees. But the true self-employed should be able to keep their status if willing to. Self-employment is a strong driver of economic development, innovation and prosperity. Questioning the raison d'être of self-employment by imposing a framework to end self-employment cannot be of anyone's interest. This would affect consumers and all sectors of the economy.

It is also to note that the European Commission recognised that out of the 28 million people working in platforms, only 5.5 million of them are likely to be at risk of misclassification.

III) Rebuttal procedure

The rebuttal procedure should respect legislation at national level. HOTREC and CEEMET fundamentally disagree that EU criteria is included in the legislative piece to support the rebuttal procedures at national level. This would interfere in the national definitions of self-employed or employee – which goes against the spirit of the legislator.

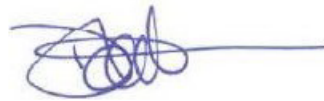
We also consider that once the legal presumption is established, the suspension of the legal consequences of the presumption until the end of the rebuttal procedure should be applied. Any other solution would not be proportionate and would again impact sectors dealing with platforms.

We count on the support of the co-legislators to listen to our main priorities and concerns. We remain at your disposal to discuss any potential doubts.

Yours sincerely,



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Director General of HOTREC



Delphine Rudelli
Director General of CEEMET

[Association of Hotels, Restaurants, and Cafés in Europe \(HOTREC\)](#) is the umbrella association of Hotels, Restaurants, Bars and Cafés and similar establishments in Europe, which brings together 46 National associations in 35 countries, and is the voice of European hospitality. HOTREC's mission is to represent and champion its interests towards the EU and international institutions, foster knowledge sharing and best practices among its members to further promote innovation, and act as a platform of expertise for the hospitality sector

[Council of European Employers of the Metal, Engineering and Technology-based Industries \(CEEMET\)](#) is the voice of national employers' organisations of the Metal, Engineering and Technology-based (MET) industries, representing 200,000 member companies across Europe and providing direct and indirect employment for 35 million workers. As the recognised EU level Social Partner for our sector, Ceemet is focusing on labour market policy and industrial relations