

Regulating Precarity: Discourses, Interests, and the Shaping of Platform Workers' Rights in the EU

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Tiivistelmä: This thesis examines the development of the European Platform Work Directive, adopted in 2024, through critical discourse analysis. It focuses on the perception of platform workers’ roles and the responsibilities attributed to platform companies regarding the rights and employment conditions of their workforce. Central to this discourse is the presumption of employment for platform workers and the mechanisms for its activation. The research analyses both the initial version of the Platform Work Directive, published in 2021, and its final iteration adopted in 2024. Through a comprehensive discourse analysis, position papers from platform companies, their lobbying organisations, and trade unions are scrutinised to understand the arguments concerning the categorisation and rights of platform workers. Drawing on Foucault's and Edwards' theories on work and control and literature on lobbying in the EU, the thesis reveals how platform workers' positions are interpreted by key stakeholders. The position papers reveal several disagreements, including the balance between freedom and flexibility versus control by platform companies, the adequacy of working conditions and remuneration, the societal role of platform workers, and the economic significance of platform companies to the European economy.

The platform directive seeks to address vital issues concerning the employment status, social rights, and collective bargaining opportunities for platform workers, who are often classified as self-employed and thus outside the scope of traditional labour protections. Key changes made to the directive regarding the presumption of employment and access to social benefits, are evaluated to demonstrate how stakeholder positions may have influenced legislative outcomes. Additionally, the

role of trade unions in collective bargaining and discussions regarding representation of platform workers' interests are explored. The findings suggest that the debates surrounding the directive reflect broader societal concerns about job security and the evolving nature of work, underscoring the tension between market innovation and the safeguarding of worker rights. This analysis highlights the complex interplay between regulatory frameworks, corporate interests, and labour rights in the context of Europe's platform economy.

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1 Introduction

The nature of work has changed in many ways because of globalization and the digital revolution. As automatization and algorithmic governance both create and destroy jobs, they change the way work is managed and controlled. A part of this change has been the increase of non-standard forms of employment. Moreover, it has created the possibility to outsource and crowdsourcing work and led to the *platformisation* of work. In a platform economy, work is outsourced through an open call to a scattered crowd allocating individuals on a specific geographical area to perform tasks and algorithmically managing them (Buissink 2023).

Platformisation of work is often connected to a larger trend of the precarisation of work that happened in Europe during the turn of 21st century. The precariat refers to a social class characterized by precarious employment, lack of job security, and unstable incomes. Precarisation meant that often work had to be gained through various forms of employment and it was only available on demand and scattered since traditional full-time job-contracts were no longer available. (Standing 2014.) Atypical contracts became more popular and people working in fragmented and flexible positions were not able to get access to social benefits such as healthcare, retirement plans, or paid leave traditionally provided by the employer (Hürtgen 2021). Much like other forms of precarious work, platform workers are often engaged under minimal contracts that offer no guaranteed working hours or stable income. Classified as self-employed, they are typically excluded from basic employment protections and financial security.

According to EU estimates, new forms of work affected approximately 28.3 million workers in the EU labour force in 2022, with projections indicating this number could rise to 43 million by 2025 (Council 2024). In response to the challenges faced by digital platform workers, including difficult working conditions, unclear employment status, limited access to collective representation and bargaining, and issues related to algorithmic management, the European Commission introduced legislation on December 9, 2021. This legislation, titled “Improving the Working Conditions in Platform Work,” eventually evolved into the Platform Work Directive, which was adopted on March 11, 2024 (Commission 2021).

This thesis investigates the interests represented in the final form of the platform work directive adopted in 2024 and how it evolves from its initial version in 2021, specifically

focusing on the discourses of the most influential platform companies and lobby organizations, and trade unions positions. Central to this analysis is the question of how workers' rights and social positions are viewed by large platform corporations, and how they aim to change EU labour legislation. Additionally, the thesis examines to what extent platform companies that utilize algorithmic management, and personal data should bear social responsibility for the welfare and rights of their workers.

To achieve this, I employ critical discourse analysis as my methodological approach, analysing the broader implications behind platform companies' arguments and focusing on the perception of platform workers within a wider social context. Additionally, I will examine how the directive changed from its initial version published by the Commission in 2021 and highlight the main differences made regarding the categorisation of workers. My primary focus is on the presumption of employment and the associated social rights of platform workers. Moreover, I analyse perceptions of platform workers' agency and authority from both sides.

The data for my analysis includes both the initial draft and the final version of the Platform Work Directive, policy papers from biggest platform companies in the EU and their lobbying coalitions, and position papers from the European Trade Union Confederation and the European Economic and Social Committee.

My research questions are the following: What underlying interests can be identified from the positions of platform companies and European social partners regarding platform workers? How are platform workers, their agency, and their rights portrayed in relation to the platform companies? And in what ways are the positions of platform companies and social partners reflected in the final version of the Platform Work Directive and the changes made to the original Commission proposal?

This thesis is divided into six sections. The second chapter reviews literature on platformisation, with particular attention to social and labour rights within the European Union and the legislative context that led to the Platform Work Directive. The theoretical framework, presented in the third chapter, draws on key concepts of power and control to understand the dynamics of platform work, and explores the roles of algorithmic management and corporate lobbying within the EU. Chapter four outlines the data and methodology,

detailing the use of Critical Discourse Analysis (CDA) to examine position papers from platform companies, lobbying coalitions, and trade unions. Chapter five presents the analysis, divided into two parts: first, a discourse analysis of how various stakeholders frame the Platform Work Directive; and second, a comparison between the European Commission's initial proposal and the final adopted version of the directive. The thesis concludes with a discussion of the implications of these findings for platform workers' rights, representation, and socio-economic position.

2 Previous Literature

In this chapter, I explore how platform work has been researched over the past decade, and how it has affected workers, with particular attention to their working conditions, daily experiences, and financial situations. Central themes covered in the chapter include the precarious dynamics of platformisation, legal debates surrounding employment classification and the impact of algorithmic management on workers' agency and autonomy. I also examine the larger social impact of platform work and the structural barriers to collective action, such as worker isolation and digital control systems that make the organization of workers difficult. Lastly this chapter outlines the context in which the Platform Work Directive was formed, and the scope of social and labour rights within the European Union and their relevance to platform work.

2.1 Studies on platformisation and precarious work

Given the rise of non-traditional forms employment, platform work has been a growing subject of research the last 10 years. Previous research has looked at different aspects of platform workers' roles and experiences. Some studies focus on the working conditions created by platforms (Anwar and Graham 2021; Maury 2023), while others explore the daily lives of platform workers (Ashford et al. 2018; Lehdonvirta 2018) and their financial situations (Joewono et al. 2021; Yao 2020). There has also been research into the legal status of platform workers and the laws that affect them (Schiek and Gideon 2018), as well as their efforts to organise and bargain collectively (Hardy and McCrystal 2022). The growing role of algorithmic control and management in platform work and its implications for workers has also been a key area of study (Rosenblat and Stark 2016).

Research on platform-based work highlights key dimensions such as financial freedom, flexibility, precarity, and vulnerability (Anwar and Graham 2021). While adaptability is often seen as an advantage, workers' ability to exercise agency is constrained by time, context, and platform-imposed structures (Vaclavik et al. 2021). Platform work is often associated with flexibility, particularly in mobility-based jobs like driving and delivery services. However, this flexibility frequently comes at the cost of job quality, with workers facing income instability, unpredictable demand, and algorithmic control (Wheatley 2021). Despite promises of autonomy and better working conditions, gig work increases precarious labour within the

informal sector, exposing workers to risks, ambiguity, and social isolation. Without formal workplace structures, they must develop their own coping strategies, skills, and habits to navigate these challenges (Elbanna and Idowu 2021). The psychological and social impact of platform work also varies based on the nature of tasks performed. For instance, platform work often leads to alienation, prompting workers to engage in identity work to maintain a sense of purpose (Bucher et al. 2021).

Although platform workers demonstrate entrepreneurial tendencies (Maury 2023), they often lack the autonomy, control, and financial rewards typically associated with business ownership. When classified as self-employed entrepreneurs, platform workers operate with minimal regulatory oversight and often without formal qualifications. This classification has been legally contested in multiple national contexts, as it excludes them from labour protections while allowing platforms to exercise significant control over their work. (Alosi 2022.)

The question of genuine self-employment is often disputed due to the authority platform companies have over their workers despite the perceived flexibility to choose assignments and manage their financial situation through efficiency. Gigs are assigned through algorithmic systems, which dictate work opportunities while bypassing traditional labour protections at both national and European levels (Marrone and Pirina 2024). Platform work is further characterized by income instability, fluctuating demand, and performance-based reward and punishment mechanisms (Buissink 2023). Without human supervisors, workers are entirely governed by algorithmic decision-making, reinforcing a system of control that limits their agency while absolving platforms of employer responsibilities.

2.2 Platform workers

In this thesis, platform workers are defined as individuals who perform work mediated by digital platforms and are subject to forms of algorithmic management and control. According to the 2021 legislative proposal by the European Commission, intended to improve working conditions for platform workers, a 'digital labour platform' is defined as any natural or legal person providing a commercial service that meets the following criteria (Article 2(1)):

(a) The service is provided, at least partially, via electronic means, such as a website or mobile application. (b) The service is delivered upon request by a recipient. (c) The service

necessarily and essentially involves the organisation of work performed by individuals, regardless of whether that work is executed online or at a specific location. Platform workers form a rapidly expanding segment of the workforce, engaging in tasks facilitated by digital platforms, such as ride-hailing, food delivery, care work, and various forms of freelance labour. Although platform work is marketed as flexible and autonomous with low entry barriers, it is frequently characterised by precarious working conditions. Many platform workers experience a lack of job security and limited access to social protections typically associated with traditional employment models (De Stefano, 2016).

Studies by the International Labour Organization (ILO) highlight significant gaps in social security coverage for platform workers, particularly in areas such as health insurance, unemployment benefits, pension schemes, and employment injury protection. These gaps arise due to workers being classified as self-employed, the challenges of determining contributions under task-based payment models, and the informal nature of platform work. The lack of coverage is especially pronounced for those relying solely on platform work for income. When platforms are exempt from contributing to social security, the financial burden shifts to workers or taxpayers, raising concerns about equity and placing additional strain on social welfare systems. (ILO 2023.)

The precarious nature of platform work raises critical questions about balancing flexibility with social rights and the extent to which workers can improve their conditions. While digital platform companies promote adaptability and innovation, these often come at the expense of workers' rights, leaving individuals without fundamental protections.

Platform workers are easily replaceable due to the crowdsourcing model in which they operate. A single task may be offered to multiple workers, creating intense competition. This is further compounded by an oversupply of workers, leading to insufficient work availability for everyone. In this competitive environment, workers are expected to treat their lives as enterprises, assuming personal responsibility for their well-being (Herrería and Martínez-Rodríguez 2016). Governed by competition and insecurity, workers must constantly seek sufficient income in an increasingly unstable labour market. This relentless competition is framed as freedom, yet it restricts workers' ability to negotiate better conditions, especially as crowdsourcing and an oversupply of labour depress wages.

Platform work has been presented as an opportunity for migrant workers, particularly those facing language barriers and administrative burdens. Migrant workers, though a diverse group, often encounter barriers in the traditional labour market and have fewer employment opportunities. As a result, they are more likely to turn to platform work, particularly in its most precarious forms. The reasons for this include language and cultural challenges, administrative and regulatory restrictions, the need for flexibility, and broader socio-economic circumstances (ETUI 2024). Recent ethnographic research has explored the dependence of migrant workers on platform labour. Many migrant platform workers are in a vulnerable position due to unstable legal statuses often tied to income requirements. Studies suggest that digital platforms are now major employers of migrant labour, offering rapid onboarding and flexible work arrangements that align with fluctuating migration patterns (Van Doorn and Vijay 2021). While this accessibility makes platform work an attractive option, it is frequently marked by exploitation and unstable conditions. Migrant workers in the gig economy are particularly vulnerable to labour exploitation. As many scholars argue, they are not only subjected to poor working conditions but are also disproportionately affected by racialised immigration policies and restrictive labour market regulations. The intersection of labour exploitation, border control policies, and immigration laws creates an environment where migrant workers are especially exposed to the precarity of gig work. (see Maury et al. 2024 and Stingl and Orth 2024.)

Platform work has been associated with social dumping, a practice that raises concerns about labour cost disparities and their impact on fair competition and employment standards. Social dumping is commonly linked to the exploitation of migrant workers, often involving companies subcontracting work to low-wage countries or hiring temporary workers under conditions that undermine established labour protections (Novitz 2022). The issue of social dumping is relevant within the European Union, where labour standards vary significantly between member states. Economist André Sapir (2015) defines social dumping as the “downward pressure on social conditions due to competition from countries with weaker labour protections.” Bernaciak (2015) expands on this definition, arguing that social dumping is not solely about wage differences but reflects a broader trend of prioritising short-term employer profits over long-term investment in labour rights.

This phenomenon is particularly evident in the gig economy, where platform companies frequently misclassify workers as self-employed, thereby excluding them from social security, collective bargaining rights, and other key protections. Bernaciak (2024) highlights that social dumping fosters unfair competition by rewarding companies that reduce labour costs through deregulation rather than by investing in decent working conditions. This practice not only harms workers but also creates a race to the bottom, where businesses that comply with labour standards struggle to compete with those using exploitative employment models.

The European Trade Union Confederation (ETUC 2015) and other labour organisations have criticised this trend, arguing that without stronger EU-wide regulations, social dumping will continue to erode labour protections and deepen inequalities across member states. In the case of platform work, these challenges are further exacerbated by the fragmented and highly flexible nature of gig employment.

By classifying workers as self-employed, companies avoid employment-related expenses such as social security contributions, paid leave, and workplace protections. This digital governance system enables companies to manage and discipline workers through automated decision-making, removing the need for direct human supervision. (Barrios et al. 2022.)

However, the classification of platform workers as self-employed means they are excluded from national and European labour legislation. As a result, they lack access to minimum wage protections, healthcare benefits, and other social entitlements (Marrone and Pirina 2024). This exclusion leaves platform workers in a precarious position, where they must navigate economic uncertainty without the safeguards available to traditional employees. In countries like Finland, migrant platform workers face pronounced vulnerabilities, exacerbating their existing financial and social insecurities. On a global scale, platform capitalism and border regimes significantly influence labour dynamics, crafting a planetary labour market while regulating mobility and rights. (Maury et al. 2024.)

2.3 Employees' social and working rights in the European Union

Trade unions have historically played a central role in shaping workers' rights across EU member states, and these rights have been safeguarded through numerous international agreements and institutions. The International Labour Organization (ILO) Conventions and

Protocols have established standards of basic principles and rights at work. Within the EU, labour rights are protected by a range of legal frameworks and agreements, such as the Treaty on the Functioning of the European Union (TFEU), the Treaty on the International Social Security (TISS), the European Social Charter (ESC), and the European Convention on Human Rights (ECHR). These rights are further enforced and examined through institutions like the European Trade Union Confederation (ETUC), the European Works Councils (EWCs), and social policy agreements, including the recently adopted European Pillar of Social Rights (EPSR). Many of these regulations were introduced in the industrialised world after World War II, during a period when the standard employment model involved permanent, full-time contracts with employer-provided benefits (De Stefano 2016). For example, the European Framework Directive on Safety and Health at Work (89/391/EEC) asserts that “the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work (European Council 1989)”. The most recent of these, the European Pillar of Social Rights (EPSR), was adopted in 2017, as an initiative aimed at strengthening workers’ social rights across the EU. Being a soft-law instrument, the EPSR is not legally binding but offers a guiding framework for improving working conditions, ensuring fair wages, preventing abusive employment contracts, and enhancing social dialogue (European Commission 2017).

At the same time, the EU’s competition policy has increasingly adopted neoliberal principles, prioritising deregulation and free markets to benefit the economy rather than enhancing social protections (Buch-Hansen and Wigger 2010). European social rights agreements are often challenged by free market policies, as companies advocate for fewer regulations, and soft law is not binding. The struggle between economic liberalisation and workers' rights is not new. In the late 1960s, significant left-wing momentum aimed to transform the European Economic Community (EEC) into a “Workers' Europe.” The Social Action Programme sought to advance labour rights, improve working conditions, and promote social justice across member states. However, as Andry (2022) notes, these ambitions were soon overshadowed by the neoliberal turn of the 1970s. Since then, EU policymaking has consistently favoured market-driven principles, often sidelining social protections. This persistent prioritisation of economic liberalisation has shaped European integration, restricted the development of a truly social Europe, and entrenched precarious labour conditions. (Andry 2022).

The political will of corporations to improve working conditions for platform workers remains weak. In the absence of regulatory intervention, companies have little incentive to

offer greater security or better standards. Consequently, platform workers remain vulnerable, underscoring the urgent need for stronger labour protections and collective bargaining mechanisms. Without decisive action, the neoliberal trajectory will continue to erode the foundations of social Europe, reinforcing a model where economic efficiency is prioritised at the expense of workers' rights and well-being.

In 2021, the European Commission launched an action plan with 20 principles targeting working conditions and social rights, including a statement that “employment relationships that lead to precarious working conditions shall be prevented, including by prohibiting abuse of atypical contracts (European Commission 2021).” The Commission’s proposed directive on improving working conditions in platform work was developed to address these concerns, highlighting the need for better worker protections in the gig economy since many digital labour platforms operate in a legal grey area, exploiting gaps between existing labour laws and modern employment models (Kenney and Zysman 2019).

2.4 Contesting collective bargaining in platform work

Despite the growing presence of platform work in the labour market, unionized platform workers remain a minority. Studies highlight the structural barriers that hinder unionization efforts among platform workers (see Ilsøe and Larsen 2023, Drahoukoupil and Piasna 2021). Unlike traditional employees, platform workers often lack opportunities for socialization and collaboration with colleagues, making it difficult to foster a sense of collective identity and solidarity (Ilsøe and Larsen 2023). A key challenge is the nature of platform work itself. Workers typically operate in isolation, performing tasks on demand without fixed schedules or designated supervisors. The absence of communication channels further limits their ability to connect with others in similar roles. As Ilsøe and Larsen (2023) observe, this results in lower levels of worker socialization and weak participation in labour organizations, significantly complicating collective bargaining efforts.

The absence of formal employment classification and traditional workplace settings poses significant obstacles to achieving collective agreements (Rodríguez Fernández 2022). The algorithmic and crowdsourced nature of platform work worsens these challenges by dividing the workforce and encouraging competition rather than cooperation. Unlike in conventional workplaces, where employees can interact directly with colleagues and employers, platform

workers are mostly disconnected from other workers and wider social dialogue mechanisms (Drahokoupil and Piasna 2021). These structural barriers make it increasingly difficult for platform workers to organise, push for better conditions, and negotiate fairer labour rights. Without regulatory interventions or innovative union strategies, the difficulties surrounding collective representation in platform work are likely to continue. Despite these challenges, some efforts have been made to limit the power of platform companies. Trade unions show a growing interest in discussing and determining the conditions of platform work (UNI Europa 2024). There are examples that show that in some EU countries, trade unions have been able to resist and control aspects of algorithmic management: in Spain, trade unions CCOO and UGT reached an agreement with Just Eat to enhance AI system transparency and establish communication channels with workers, while prohibiting profiling. Similarly, in Italy, CGIL, CISL, and UIL negotiated for greater transparency and human oversight over AI systems. (De Stefano and Taes 2023.)

However, in most cases, platform companies have avoided social dialogue through collective bargaining. Additionally, platform companies have been reluctant to embrace the role of employer and negotiate with trade unions. They often do not view trade unions as appropriate representatives of their workers, instead portraying themselves as neutral entities uninvolved in the control of working conditions, claiming superior understanding of the position of platform workers. Rather than joining established employer unions, major platform companies have formed their own lobbying coalitions at the EU level. Companies like Bolt, Uber, Deliveroo, Delivery Hero, FreeNow, Glovo, and Wolt do not belong to traditional European employer coalitions. Instead, they are represented by specialized lobbying groups such as MoveEU and Delivery Platforms Europe. While employer organizations like SMEunited and SGI Europe may occasionally align with platform companies on certain issues, no platform companies hold membership in these organizations. (Piasna 2024.) Hence, platform companies aim to establish an alternative group to define labour conditions. Leading platforms have opted to avoid employers' organizations and directly lobby policymakers instead (Lamannis 2023). Instances of assertive lobbying, like Uber's activities in the European market, have drawn public scrutiny (Uber Files 2 2022). This strategy enables platform companies to influence legislation in private and indirect manners, bypassing tripartite negotiations. At the EU level, platform companies have managed to organize direct meetings with both EU officials and national government members, resulting in direct connections with top politicians (Uber files 2 2022).

2.5 Context of the legislation

The EU, sometimes perceived as a rigid entity in response to recent technologies, has in the last 5 years been able to find consensus in regulating the digital landscape through the enactment of the General Data Protection Regulation (GDPR) and the European data strategy. However, these legal regulations took years to process. In 2021 the European Commission launched the platform directive, aiming to protect platform workers' rights and social protection. Under the directive, if the platform workers meet two out of five criteria, they are considered employees rather than self-employed. This classification ensures that workers are entitled to specific rights, safety conditions, and benefits under EU law. The regulations were designed to combat misclassification, providing a framework for reclassifying platform workers as employees and fostering information exchange between workers and governments.

Moreover, the regulations set by the EU also address transparency in algorithms, monitoring, and decision-making systems, ensuring protection of workers' personal information. The directive prohibits the collection of personal data related to emotional or psychological states, private conversations, trade union activities, racial or ethnic origin, migration status, political opinions, religious beliefs, health status, and biometric data (except for authentication purposes). To enhance oversight, the directive imposes obligations on digital labour platforms to declare their work to national authorities. This move aims to facilitate access to crucial information for national authorities, especially when platforms operate across multiple member states.

Initially published in 2021, the platform work initiative reached a triilogue provisional agreement in December 2023. However, the Council failed to reach consensus on the legislation on February 4th, as opposition from France and abstentions from Germany, Ireland, and Estonia blocked its adoption. This caused notable frustration within both the Commission and the Parliament.

The negotiations resumed, and on February 8th, 2024, the Council and the Parliament reached a provisional agreement on platform work regulation. This was approved by employment and social affairs ministers at the Council meeting on March 11th, 2024. It was then adopted in the European parliament on April 24th. On that day, the Council confirmed the passing of the Platform Work Directive (European Parliament 2024).

The ultimate form of this legislation, however, diverts notably from the initial proposal put forth by the Commission, signalling a dilution of the original directive. Amendments to the

presumption of workers' classification resulted in a more flexible approach and allowed national authorities more decision-making power regarding legislation.

The member states were tasked to establish a presumption of employment, though criteria for this were ultimately left out of the legislation, leaving room for national interpretation. France, a long-standing opponent of any employment characterisation for platform workers, eventually accepted the legislation, despite remaining against it, with Germany abstaining from the vote. France's statement on June 12th, 2023, on the proposed Directive highlighted the national intent to protect the unique model intended to improve working conditions for persons performing platform work, regardless of their employment status. France expressed opposition to Article 4, which concerns the assessment of work performance and control by digital labour platforms. The disagreement focused on the concern that platforms could be automatically classified as employers if they direct how tasks are carried out, potentially disregarding genuinely self-employed individuals who use these platforms.

Dennis Radtke, a shadow rapporteur from the typically right-leaning European People's Party, played a pivotal role in gathering support for the directive. Radtke, who has a history of working for trade unions (DE), publicly criticised France and Germany for their stances on the directive. Other influential MEPs included Sylvie Brunet (Renew Europe) and Leila Chaibi (The Left). (Spasova and Marengo 2023.)

Despite commitments to ensure that platform workers receive the same rights and working conditions as those in traditional employment, many EU policymakers have actively supported and facilitated the expansion of platform companies across Europe. Platform work is often framed as an inevitable component of the future labour market, closely tied to technological progress and economic innovation. This perception has allowed companies like Uber and Deliveroo to thrive while lobbying successfully for favourable regulations. From early on, high-ranking EU officials have reinforced the idea that platformization is not only unavoidable but desirable. In 2015, Elżbieta Bieńkowska, then Commissioner for Internal Market and Services, dismissed opposition to platform work, likening it to “fighting print in medieval times.” Similarly, Jyrki Katainen, then Commissioner for Jobs, Growth, Investment, and Competitiveness, compared resistance to the rise of platforms like Uber to “horseback riders trying to ban cars.” Such statements illustrate the strong institutional support for

platform work and suggest that efforts to regulate it are often seen as obstacles to innovation rather than necessary protections for workers.

Platform companies have capitalized on this narrative by engaging in aggressive lobbying to shape EU labour regulations in their favour. Uber and Deliveroo have spent millions of euros lobbying EU institutions and national governments to prevent restrictive policies that would strengthen worker protections (Corporate Europe Observatory 2019). Uber's lobbying efforts have been particularly evident in France, Germany, and the UK, where it has sought to block or weaken local regulations designed to improve working conditions for gig workers, with Uber representatives having very close connections to national governments. Internal documents from the Uber Files reveal extensive efforts to cultivate relationships with key EU decision-makers and to push for policies that prioritize platform business models over worker protections (Uber Files 1 and 2).

3 Theoretical Frameworks

This chapter examines theoretical perspectives on power relations of workforce and corporations drawing on the ideas of Foucault and Edwards. The chapter further explores how algorithmic management transforms labour governance by automating decision-making processes, impacting worker transparency and job security. Additionally, the analysis addresses the influence of corporate lobbying on EU policymaking, highlighting how platform companies engage in regulatory entrepreneurship to shape favourable legal frameworks. These efforts prioritize flexible labour models while often sidelining worker protections, intensifying power imbalances within the industry. Through these frameworks, the chapter provides a comprehensive analysis of power, control, and influence relevant to platform work.

3.1 Concepts of power

To understand the regulation and rulemaking around platform workers, it is crucial to understand power relations. The concept of power has been examined in many ways; political scientists have been particularly interested in how it can shape political decisions and drive social change (Avelino 2021). Since it is a complex and contested idea it has been subject to multiple definitions and interpretations as well as divides. Classic theories often divide power into both power over others and power to achieve something. Power, as described by Dahl (1957), can mean domination, making someone do something they wouldn't normally do. Moreover, power can be seen both as rooted in agency and both collective and individual actors as well as structures of domination. Weber (1978) sees power as something related to actor-specific resources and self-interests, while Parsons (1969) has defined it also as the capacity to mobilize for collective goals. In Giddens's definitions, power is rooted in structures of domination. In its structural form power can include social norms, structures and shapes and institutions that create a dispositional power that cannot be identified directly. Power shapes people's beliefs and preferences, and the way power is conceptualized also influences how moral responsibility for decisions and their consequences is attributed (Hayward and Lukes 2008.)

For the purpose of this thesis, I will draw on the conceptualizations of power by Michel Foucault and Richard Edwards to analyse power relations in platform work and the discourses

surrounding platform workers. Both theorists offer valuable perspectives on how power operates, is internalized, and is used as a mechanism of control.

Foucault's understanding of power moves beyond traditional notions of domination and control. Rather than being exercised solely in a top-down manner by a singular institution, power is dispersed and embedded throughout society. As Foucault states: "Power is everywhere; not because it embraces everything, but because it comes from everywhere (Foucault 1978, p. 93)". Power, in this sense, is socialized and embodied, exceeding a state-centric perspective. It exists through each individual, shaping behaviours, identities, and self-perceptions. The way platform workers are spoken about and how they perceive themselves reflects the broader power structures. Foucault adds to these definitions by linking power to knowledge and its relationship to identity, individuality, conscience, and self-awareness (Haugaard 2012). Power is not only exercised externally but is also internalized, shaping individuals' understanding of their roles and constraints within a system.

Foucault also explores power through mechanisms of surveillance. In *Discipline and Punish*, he argues that modern institutions have developed technical forms of control that move beyond direct coercion giving an example of the *panopticon*. Instead of constant direct supervision, individuals internalize discipline and regulate their own behaviour in anticipation of being observed. This phenomenon establishes power as a source of social discipline that shapes individual actions. (Foucault 1975.) Foucault's notion of body politics further explains how individuals become objects of knowledge and control. As he states that: "the 'body politic' is a set of materials and techniques that serve as weapons, relays, communication routes, and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge (Foucault 1975, p. 28)." This is particularly relevant in platform work, where biometric data and algorithmic surveillance serve as mechanisms of control that regulate workers' actions. Workers are not just managed but categorized and assessed through the data they produce, transforming them into quantified subjects of power.

Foucault also argues that power is both productive and repressive, and that resistance can emerge from discourse. Discourses do not simply serve power; they can also challenge it: "Discourses are not once and for all subservient to power or raised up against it... We must make allowances for the complex and unstable process whereby a discourse can be both an

instrument and an effect of power, but also a hindrance, a stumbling point of resistance and a starting point for an opposing strategy (Foucault 1998, p. 100–101).” Thus, how platform workers are described, and how they articulate their own experiences, can serve as both a reinforcement of power and a means of resistance. Discourses shape the ways in which workers understand their position and potential for collective action.

Richard Edwards examines power and control in the workplace, particularly the hierarchical relationships between employers and employees. Edwards’ concept of contested terrain (1979) highlights that the workplace is not a neutral or harmonious environment but a site of continuous conflict between workers and management. Capitalists maintain dominance over workers through evolving mechanisms of control, which can be applied to the governance of platform workers. Capitalists seek to maximize labour output while minimizing costs, leading to workplace structures that prioritize control over worker autonomy. Edwards identifies several forms of control that have evolved over time: simple control, which means direct oversight and authority by supervisors; technical control, which involves the use of machinery and technology to structure and regulate work; and bureaucratic control, which refers to the implementation of policies and rules that standardize work processes while limiting worker input. In the context of platform work, algorithmic management introduces a new dimension of technical control. Workers are isolated from each other and governed by automated systems rather than direct managerial oversight. Edwards’ framework helps to understand how digital platforms restructure labour control, reinforcing hierarchy while making resistance more difficult. Furthermore, Edwards discusses how bureaucratic control appears to offer fairness but ultimately reinforces worker subjugation. As he states: “Bureaucratic control is its implicit tyranny. Workers are treated fairly within the rules but have no say in establishing the rules (Edwards 1979, p. 22).” This is especially relevant to platform work, where algorithmic management determines access to gigs, performance evaluations, and disciplinary actions without worker input. The ability to unionize or collectively negotiate is further weakened by the isolated nature of platform work, limiting avenues for resistance. Edwards also discusses the fragmentation of the working class, particularly in the American context, and how divisions based on race, gender, and class have historically weakened labour movements. He notes that employers exploit these divisions to prevent collective action. This observation aligns with the reality of platform work, where many workers belong to precarious social groups, such as migrants or individuals with unstable legal status, further complicating their ability to organize.

3.2 Algorithmic management

Algorithmic management refers to the use of computer-programmed procedures to manage and coordinate work processes. In digital labour platforms, algorithmic governance is used extensively to control workforce operations, from hiring and task assignments to performance evaluations and job terminations (Baiocco and Fernández-Macías 2022). The rise of algorithmic management has enabled platform companies to automate human resource functions while minimising costs. This digital governance system allows companies to manage and discipline their workers through automated decision-making, reducing the need for direct human supervision (Barrios et al. 2022). The effectiveness of algorithmic governance relies on the collection and processing of vast amounts of data. This data is sourced from GPS tracking, internal communication logs, work histories, and even external digital behaviour, such as social media activity (De Stefano and Taes 2023). These systems collect and analyse vast amounts of data, monitoring workers' behaviours, work patterns, and even reputational indicators such as ratings (Jarrahi et al. 2021). By continuously analysing these inputs, algorithms can enforce discipline, predict worker behaviour, and optimise productivity and replace traditional managerial oversight, automating decisions that would otherwise be made by human supervisors

Working under a platform means submitting to its algorithmic control, often without a clear understanding of how decisions are made. Workers typically have little access to information regarding their performance, or the criteria used to assess them. This suggests that workers internalised the mechanisms of surveillance and adopt their actions to fit the algorithmic expectations. This ties with Foucault's internal surveillance mechanisms (Foucault 1975.). Platforms create a situation of control where workers must adhere to algorithmic decisions while lacking insight into the rationale behind them. Platform workers don't fully understand how they are monitored, but they know that their behaviour is tracked (Jarrahi et al. 2021). This monitoring directly impacts their earning potential by influencing the number of gigs offered to them and their access to work, therefore workers adapt their actions to fit algorithmic expectations, reinforcing control through self-discipline.

The shift toward algorithmic governance represents a fundamental transformation in labour management. With human oversight increasingly substituted by automated systems, workers operate in an environment where performance monitoring, task allocation, and job security

are dictated by opaque, data-driven processes (Jarrahi et al. 2021). While platforms benefit from efficiency and scalability, workers face challenges such as job insecurity, lack of transparency, and limited avenues for contesting unfair decisions.

Edwards' (1979) notion of "contested terrain" highlights workplaces as sites of conflict between workers and management, where bureaucratic control institutionalises hierarchy through formal procedures replacing direct oversight. Platform work exemplifies this through rating systems and automated deactivations, further isolating workers. Companies aim to maximise the value of labour while minimizing workers resist and algorithms are a mechanism for this (Kellogg et al 2020).

Despite the intrusive control mechanisms, Edwards (1979) argues that workers historically resist hierarchical control, demonstrating that dominance is never absolute. Resistance manifests through collective actions like protests and online groups that emphasise worker rights and undermine algorithmic control. Online chat groups facilitate information sharing, while individual tactics like manipulating GPS data or logging in without accepting tasks disrupt the supply-demand balance. These strategies, however, can cause unintended consequences for peers, reflecting tensions between collective and individual resistance. (Newlands 2020.). Through collective and individual resistance, workers challenge algorithmic authority and reclaim agency.

3.3 Lobbying in the EU

Lobbying can be defined as the act of attempting to influence the decisions of government officials, most notably legislators, in favour of specific interests, often through strategic communication and advocacy efforts. It involves engaging with policymakers to persuade them to enact, modify, or dismiss legislation or regulations that impact a particular industry or issue. Lobbyists may represent various entities, including corporations, non-profit organizations, trade unions, and other advocacy groups, and employ a range of tactics from direct interaction with lawmakers to organized campaigns aimed at swaying public opinion. In the context of corporate lobbying, particularly within the European Union, it involves companies and industry groups exerting pressure on policymakers to shape regulatory environments in ways that prioritize their business interests, sometimes at the expense of socio-economic concerns such as worker protections and transparency (Greenwood and Justin 2011; Hanegraaff and Poletti 2021).

The influence of corporate lobbying further complicates the power dynamics discussed in this chapter. Research highlights lobbying's impact on EU policymaking, specifically how platform companies use campaigns to shape regulatory landscapes to their advantage (Hildén 2019; Hanegraaff and Poletti 2021). This often occurs without transparency, sidelining worker representatives and creating power imbalances between corporations and workers. Corporate lobbying, especially within the European Commission, has been widely studied (Kluever 2013; Greenwood and Justin 2011). Researchers have analysed how lobbyists shape EU reforms and policy alternatives during legislative processes (Hildén 2019). Studies also focus on the role of different stakeholders in shaping EU legislation, emphasising agenda-setting and lobbying strategies (Alexandrova and Carammia 2021).

Lobbying has become integral to public policy studies, with scholars highlighting its significant impact on legislative outcomes (Hoffmann 2021; Klemens 2016). Recent research underscores the growing influence of corporate lobbying and its role in shaping EU regulations (Hanegraaff and Poletti 2021). Additionally, scholars have explored the evolution of lobbying infrastructure and how corporations refine their strategies over time (Hoffmann 2021). A major concern is that platform companies' lobbying often occurs behind closed doors, directly targeting policymakers while bypassing traditional social dialogue. This lack of transparency diminishes the influence of worker representatives and trade unions in shaping legislation, tipping the balance of power towards corporate interests. Consequently, despite ongoing debates about platform workers' rights, lobbying efforts

continue to mould the regulatory landscape, prioritising business flexibility over worker protections.

Platform companies frequently classify workers as independent contractors, which allows them to deny essential protections such as minimum wage guarantees, sick leave, and unemployment benefits (Kenney and Zysman 2019). Without existing legislation, platform companies have seized the opportunity to define and influence regulation over their workers, a strategy scholars refer to as regulatory entrepreneurship. This involves companies actively shaping regulations to favour their business models and innovation processes, often disrupting and rewriting existing laws (Pollman 2015; Van Doorn 2020; Occhiuto 2022). In platform work, regulatory entrepreneurship manifests as platform companies lobbying for regulatory changes that facilitate flexible labour models and digital economy innovations. These efforts are aimed at rewriting or establishing rules that benefit the company (Bowering and Sorenson 2020; Occhiuto 2022). This includes advocating for worker classifications that limit employer obligations and lobbying for policies that position platform work as economically beneficial. The push for minimal regulation, coupled with the public endorsement of platform work by European policymakers, has accelerated the power imbalance between platform companies and workers.

Although platform work is often presented as a driver of innovation and economic growth, it continues to create unstable working conditions for those who depend on gig work (Vandaele 2022). Through aggressive and well-financed lobbying, platform companies, such as Uber and Deliveroo, aim to influence EU policies and ensure that regulatory frameworks remain favourable to their business models while leaving workers without essential labour protections (Corporate Observatory Europe 2019)

4 Data and Methods for the Analysis

This chapter presents the data and methods used to analyse the discourse surrounding the Platform Work Directive. The data comprises a range of public policy papers from platform companies, trade unions, and other organisations, which are introduced in this chapter. The chapter also introduces the methodological approach of this thesis, critical discourse analysis (CDA), and how it is used to examine the language and interests of the analysed stakeholders regarding the Platform Work Directive.

4.1 Stakeholders in the platform work directive

Table 1. Overview of analysed documents from platform companies, trade unions and EU institutions

<i>Identifier</i>	<i>Organisation and Document title</i>	<i>Date of publication</i>
Uber		
UBER1	White paper: A Better Deal for European Platform Workers - Uber Newsroom P	15.02.2021
Move EU		
ME1	Position Paper on Platform Workers	na
ME2	Improving Ride-Hailing Drivers' Conditions Without Putting At Risk Jobs And Innovative Industries In the EU	na
ME3	Move EU Feedback on the Roadmap on a Strategy for Sustainable and Smart Mobility	12.02.2022
European Trade Union Confederation (ETUC)		
ETUC1	Joint letter for an effective Directive on improving conditions in platform work	25.10.2022
ETUC2	ETUC resolution on the proposal of the European Commission of a Directive on improving working conditions in platform work and way forward ahead of the ordinary legislative procedure	16.03.2022

BusinessEurope		
BE1	Commission proposal for a directive on improving working conditions in platform work - a BusinessEurope position paper	23.02.2022
BE2	Commission proposal for a directive on improving working conditions in platform work - BusinessEurope in-depth position paper	20.06.2022
Delivery Platforms Europe /Copenhagen Economics		
CE1	The value of flexible work for food delivery couriers. Evidence from a novel, large-scale pan-European courier survey (A study by Copenhagen Economics for Delivery Platforms Europe)	11.2021
Deliveroo		
DELI1	Deliveroo Position on EU Directive Improving Working Conditions in Platform Work.	14.02.2022
Bolt		
BOLT1	Feedback on the Proposal for a Directive on improving working conditions in platform work. Submitted on 14 February 2022	14.02.2022
Wolt		
WOLT1	Wolt's feedback on the European Commission's proposal for a Directive on improving working conditions in platform work.	14.02.2022
European Economic and Social Committee		
EESC1	Opinion of the European Economic and Social Committee on 'Non-standard employment and platform cooperatives in the digital transformation of industry' (own-initiative opinion)	06.04.2022
EESC2	Opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Better working conditions for a stronger social Europe: harnessing the full benefits of digitalisation for the future of work	29.07.2022
Platform Work Directive		
	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work COM/2021/762 final	09.12.2021
	Proposal for the DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work - Analysis of the final compromise text with a view to agreement	08.03.2024

The Platform Work Directive has attracted significant interest from platform companies and their lobbying coalitions, employers' organisations, trade unions, and advisory bodies that influence EU policymaking. My data, as presented in Table 1, consists of 14 texts that influence the platform directive and vary in form and length. These texts include legislative proposals, opinion papers and technical amendment suggestions on the platform directive, representing both the platform companies' and trade unions' perspectives on the Platform Work Directive. The texts range from brief opinion pieces published on organizational websites to detailed, technical amendment proposals addressing specific legislative articles. Two (2) of the texts are different versions of the legislative proposal published by the European Commission, one of them being the first version and the other being the final version amended during the legislative process. Six (6) of the texts are opinion papers that discuss the state of platform work and provide general recommendations. These vary in length and originate from both platform companies and trade unions, including documents from Uber (UBER1), Move EU (ME1, ME2), Deliveroo (DELI1), the European Trade Union Confederation (ETUC1), and the European Economic and Social Committee (EESC1, EESC2). Seven (7) of the texts are technical feedback documents that directly comment on the recitals and articles of the proposed legislation. These include contributions from Move EU (ME3), BusinessEurope (BE1, BE2), Bolt (BOLT1), Wolt (WOLT1), ETUC (ETUC2), and EESC (EESC2). Additionally, my data includes a study by Copenhagen Economics, frequently referenced in the position papers to support various arguments (CE1). The study concludes that couriers prefer flexibility over fixed working hours and this model of employment is better for the European economy.

The selection of texts was based on three main criteria: publication date, ensuring relevance to the legislative process; target group, focusing on documents targeted at EU legislators, and the influence and size of the organizations, along with their thematic relevance. I selected texts that actively contribute to the discourse on platform work and the position of platform workers. Some documents (WOLT1, DELI1, ME3 and BOLT1) were sourced from the Commission's *Have Your Say* feedback portal. Platform companies Wolt, Bolt and Deliveroo all submitted feedback of the Commission's original proposal in February 2022. However, due to the limited number of public position papers from platform companies on this portal, for example the lack of feedback from Uber, I incorporated other available position papers.

To identify relevant platform companies and their lobbying efforts, I relied on the Multinationals Observatory's report *Uber Files 2* (2022), which outlines the most influential platform companies, their lobbying budgets, and the coalitions that played a role in shaping the Platform Work Directive. While these coalitions provided useful material, many of the most influential platform companies had published only a few public position papers during the legislative process. Instead, the process was largely characterized by intense direct lobbying efforts targeting both EU-level and national politicians (Uber Files 2, 2022). Next, I present the stakeholder groups analysed and examine Uber's distinctive role in the lobbying landscape.

MoveEU is a central lobbying coalition that combines Uber, Bolt, and FreeNow. It has actively engaged in discussions on the Platform Work Directive, publishing position papers and providing recommendations on the legislation during its preparation. MoveEU's primary goal is to advocate for regulatory conditions that favour the growth of ride-hailing platforms in Europe. (Transparency Register, ME1.)

Delivery Platforms is another lobbying group representing key food delivery companies, including Bolt, Deliveroo, Delivery Hero, Glovo, Uber Eats, and Wolt. The coalition aims to increase awareness of what it describes as the unique benefits of platform-based delivery work for consumers, merchants, and couriers. It works to influence EU policies to maintain the flexibility of gig work while opposing stricter labour protections that could reclassify platform workers as employees. (Transparency Register.)

BusinessEurope is one of the most influential employer organizations in the EU, representing 40 national industry and employer associations. It actively lobbies against regulations that could increase labour protections for platform workers, advocating instead for business-friendly policies. (Transparency Register, BE1.) According to studies from Corporate Europe Observatory, BusinessEurope has close ties to the European Commission, often gaining early access to legislative proposals. It has played a key role in shaping the EU's "Better Regulation Agenda," which critics argue focuses on reducing regulations for businesses rather than improving labour rights.

Uber is part of BusinessEurope's advisory group and has been a major player in lobbying EU policymakers. BusinessEurope has a declared lobbying budget of approximately €6-6.5

million, with 31 registered lobbyists actively engaging with EU officials (Corporate Europe Observatory 2023).

Uber is one of the most well-known platform companies and has the largest lobbying budget among ride-hailing platforms, estimated at €700,000 - €799,999 annually (Transparency Register). The company has faced multiple investigations into its lobbying practices in Europe, particularly regarding its efforts to shape platform work regulations in ways that maintain its business model. Although Uber did not publish official position papers during the formation of the Platform Work Directive, it has been highly active in behind-the-scenes lobbying. Uber officials have regularly met with EU policymakers, national politicians, and Commission officials, securing favourable discussions on labour classification. The company has held at least nine official meetings with EU institutions specifically on platform work. (Politico 2019.)

The European Economic and Social Committee (EESC) is an advisory EU body, established in 1957 as a bridge between EU institutions and civil society. It provides recommendations on social and labour policies, influencing discussions on platform work through perspectives from businesses, trade unions, and civil society organizations. Comprising 329 members from all EU Member States, they are appointed by the Council of the European Union for renewable five-year terms. Members work in three groups: "Employers" (Group I), "Workers" (Group II), and "Civil Society Organisations" (Group III). Though its advice is not legally binding, EESC members aim to have their opinions heard and use it as a channel to influence legislation. Given the EESC's representation of over 80 trade unions and its collaboration with ETUC and NGO's, it serves as a platform through which trade unions and social partners can voice and influence EU policies. The inclusion of the EESC in this analysis is valid as it encompasses a variety of interests, including numerous representatives from national trade unions, most of which are affiliated with ETUC or its sectoral federations. The Workers Group (Group II) prioritises achieving full employment, improving living and working conditions of workers in Europe, and enhancing the well-being of EU citizens. Meanwhile, the "Employers" (Group I) collaborates with major business organizations like BusinessEurope and SMEunited. (EESC homepage n.d.)

The European Trade Union Confederation (ETUC), established in 1973, is a major umbrella organisation representing 93 national trade union confederations across 41 countries,

alongside 10 European trade union federations. ETUC's core mission is to promote better working and living conditions through collective bargaining and social dialogue, which it views as the most effective means for workers to secure a fair and sustainable future for themselves, their families, and communities. The confederation defends fundamental social values such as solidarity, equality, democracy, social justice, and social cohesion. (ETUC1, Transparency Register.)

These stakeholders reflect competing discourses on the future of platform work in Europe. Platform companies and employer organizations advocate for maintaining flexibility and independent contractor models, while trade unions and civil society groups push for stronger worker protections and employee status for gig workers. The Platform Work Directive is being shaped by these competing forces, determining how labour rights and business interests will be balanced in the EU's digital economy.

4.2 Critical discourse analysis

For my methodology, I use qualitative research methods, more specifically critical discourse analysis (CDA). Qualitative research is inherently interpretative and seeks to understand complex social phenomena through meaning-making and contextual analysis. As Lichtman (2014, p. 9, 47, 32) notes, qualitative research is always a subjective process, meaning the researcher plays a significant role in formulating questions, selecting data, interpreting findings, and generating meaning from the material. Since qualitative research is deeply embedded in human and social contexts, researchers must remain reflexive, acknowledging their own biases, positionality, and influence on the study. To ensure credibility, qualitative research must aim for impartiality, reliability, and validity (Lichtman 2014, p. 18-19).

My goal is to analyse and understand the intentions, arguments, and power structures reflected in policy papers related to the Platform Work Directive. Given that qualitative research is rooted in a constructivist epistemology, it assumes that reality is socially constructed through discourse and meaning-making, rather than existing as a singular, objective truth (Berger and Luckmann, 1994; Schwandt, 1994). This approach allows me to not only describe and explain but also critically engage with the ways in which language and discourse shape political and social realities.

For analysing position papers and amendments to the legislative proposal, I adopt critical discourse analysis (CDA) as my primary methodological approach. Discourse analysis assumes that language is both constitutive and action-oriented, meaning it does not merely reflect reality but actively constructs it, shaping social structures, behaviours, and relationships. Edwards and Potter (1992, p. 2–3) emphasise that discourse is not a neutral tool but a form of social action that influences policymaking and governance. In this case, discourse is a means through which actors attempt to shape the platform work directive and its adaptation.

What distinguishes CDA from other forms of discourse analysis is its explicit focus on power. Fairclough (2001, p. 52) argues that discourse is deeply intertwined with power structures, as access to and control over discourse determine which voices are heard and legitimised in society. Rather than existing in isolation, discourse is shaped by broader institutional, social, and ideological contexts. A central focus of CDA is how power relations and inequalities contribute to social injustices, particularly through discourse. It examines the interaction between discourse and power, and how this relationship affects other aspects of the social process and its structures (Fairclough, 2010, p. 40). CDA operates on two levels: the structuring of social practices and the strategic actions of social agents within texts (Fairclough 2010). This dual focus enables an examination of both overarching discursive frameworks and the specific ways in which actors attempt to influence policy through language.

CDA also shows how problematisations, ways of framing issues as problems, play a central role in shaping social change and contesting hegemony and the defining discourse (Fairclough, 2010). Policy debates are not isolated events, but part of broader structures where different actors define problems and propose solutions according to their ideological positions. Policy actors construct their own arguments while simultaneously problematising and responding to the claims of others (Howarth and Grigg 2012). Fairclough (2010, p. 3–4) highlights that texts function as arenas of negotiation, where different actors attempt to shape dominant interpretations of social issues. The relationship between discourse and hegemony is central to policymaking, as hegemonic struggles unfold through language, reinforcing or challenging dominant power structures. Hegemony operates through discourse, establishing dominant narratives across various societal spheres, including labour markets and regulation (Fairclough 2010, p. 127–129). Language itself functions as a material form of ideology,

shaping how different actors are framed and understood in political debates (Fairclough 2010, p. 129–130).

Fairclough narrows CDA down to three elements. First, it is not just an analysis of texts but part of a broader, transdisciplinary examination of how discourse interacts with social processes. Second, it is more than general commentary and involves a systematic analysis of texts. Third, it is not purely descriptive but also normative, addressing social injustices in their discursive aspects and exploring ways to mitigate or resolve them (Fairclough 2010, p. 10–11).

By applying Critical Discourse Analysis (CDA), this study aims to uncover how platform companies, lobbying coalitions, and trade unions construct and contest meanings around platform work and aim to influence the legislation around it. CDA provides a framework for examining the interests and power structures embedded within the argumentation. Stakeholders strategically frame key issues, such as worker classification, algorithmic management, and labour rights, in order to align with their interests and challenge opposing viewpoints.

The analysis focuses on recurring discourses highlighted in the papers listed in Table 1, with particular emphasis on the definition of platform workers' employment status and the arguments surrounding this issue. I use Atlas.ti to categorise the arguments to discourses, allowing for a deeper understanding of how platform workers are positioned and how stakeholders aim to influence the Platform Work Directive. Arguments regarding the directive are categorised into two groups: those supporting and those opposing the presumption of employment for platform workers. These discourses cover the positioning of platform workers, the influence of algorithmic management over them, their socioeconomic status, the broader implications platform work has on the European economy and labour rights, and the social responsibilities of companies.

An analysis of position papers reveals an absence of a clear line between support and opposition regarding new platform regulation. Instead, platform companies advocate for a "better agreement" and a directive that accommodates diverse stakeholders, including consumers, businesses, platform workers, the inner market, and Europe broadly. Stakeholders exhibit varying preferences for different aspects of the directive launched by the Commission

in 2021 and propose various amendments. The most distinct division among positions is related to the support or opposition to the presumption of employment.

Finally, I will integrate the discourse analysis with changes in the legislative text to assess how different interests are reflected in the final directive. By tracing the changes made to the Platform Work Directive, I aim to identify how the discourses reflected in the final legislative outcome. This methodological approach allows for a critical engagement not only with the content of policy documents but also with the underlying power dynamics and discursive struggles that shape EU labour regulations in the digital age.

5 Analysis

This chapter provides a detailed analysis of the positions taken by digital platform companies, their lobbying coalitions, and trade unions such as ETUC and EESC regarding the Platform Work Directive. Drawing on the position papers listed in Table 1, the analysis identifies recurring arguments, particularly concerning the employment status of platform workers and their socio-economic roles. It begins by examining the discourses of platform companies before transitioning to those of ETUC and EESC, illustrating the divide in Table 2, which summarises the dominant discourses presented by platform companies and trade union actors. Employing critical discourse analysis (CDA), the chapter unveils underlying interests and power structures within these arguments, including the influence of algorithmic management and broader socio-economic implications for the European workforce. A central divide exists around the presumption of employment: platform companies resist stricter regulations, championing flexibility and innovation, while trade unions and advisory bodies emphasise social protection and collective bargaining. These contrasting narratives highlight the tension between sustaining flexible business models and ensuring unified labour rights. Additionally, the chapter compares the initial and final versions of the directive, illustrating how stakeholders' viewpoints are balanced in its final form and what implications this may have.

5.1 Analysis of competing discourses on the platform work directive

Table 2. Discourses around the platform workers positions

Against a stricter presumption of employment (platform companies and their coalitions)	For a stricter presumption of employment (ETUC & EESC)
Platforms offer freedom, which workers value over everything else that the employment status provides.	Platforms act as employers; therefore, they should carry out the responsibilities of employers.
Current working conditions are fair and just, and platform workers are satisfied with them.	Platform workers need social protection and collective agreements made by trade unions.
Common European rules would be bad, and we need diverse legislation.	Unregulated Platform Work Threatens the European Economy and workers rights'
Platform companies are a driving force of innovation and represent the future, therefore the European legislation should respect their business model.	

5.1.1 Discourses against a stricter presumption of employment

Discourse 1: Platforms offer freedom, which workers value over everything else that the employment status provides.

The most recurring argument, presented by platforms, is that the freedom and opportunities they offer are central to workers' satisfaction. They stress that workers maintain significant control over their work and earnings (ME1, BE1, UBER2, DELI1, WOLT1): they can log in and out at will, work for multiple companies, set their own schedules, and are not assigned shifts by an employer. As MoveEU highlights: "Yet, this flexibility is not detrimental to their income, as many drivers report a higher degree of life satisfaction compared to other workers, earning more than the minimum wage in their countries. In addition, drivers use platforms to access a bigger pool of customers and thereby increase their income (ME1)." Platform companies act as advocates for precarious forms of employment and nontraditional forms of

work painting them as innovative and highlighting. From this perspective, introducing a presumption of employment is portrayed as a threat to the flexibility and freedom that platform workers value most. Companies also claim that workers themselves prioritize the ability to choose when to work and which jobs to accept above other considerations (WOLT1, ME1, ME2 and ME3)

Flexibility ties together with the entrepreneurial discourse on platform workers, workers “being their own boss (WOLT1)” and having authority over the work they do. The discourse views platform companies as a neutral base providing workers with opportunities to connect with customers and other businesses. The crowdsourcing work model is seen as beneficial, providing as much freedom as competition (ME1, WOLT1). Some platforms propound that most platform workers seek part-time work, looking for "side hustles" or additional income during circumstances such as the COVID-19 pandemic (WOLT1, UBER1).

BusinessEurope recommends that categorizing employment should be based on a category stemming from a legal ruling in 2020 done by the European Court of justice termed as the 'Yodel category' (CJEU 2020, case C-692/19) ruling a categorisation of a worker. The decision rules that a person hired as a self-employed contractor cannot be classified as a worker if they have significant freedom in how they work. Specifically, they must have the ability to hire subcontractors or substitutes to do the job for them, choose whether to accept tasks and set a personal limit on how many they take, work for other clients, including competitors of the company hiring them. And lastly, decide their own working hours and prioritise their personal schedule over the employer's needs (CJEU 2020, case C-692/19). “Against this background, we underline the relevance and importance of the criteria outlined in the recent Yodel case, which could serve as inspiration for a balanced set of criteria at EU-level (BE2).” Following the Yodel criteria would mean that the digital platform companies listed in my material could keep classifying their workers as self-employed, since they allow workers to accept tasks and prioritize their own schedule.

This notion of freedom serves as a justification for maintaining platform workers in a precarious position without an employment contract. Moreover, it challenges traditional employer-worker relationships, and the responses employers need to bare, while aiming to give platform companies greater flexibility in regulation. The surveillance and control used

by platforms are not seen as conflicting with the idea of entrepreneurship. However, the amount of freedom workers have is contested since they work under algorithms that govern their work, salary and actions and reward and punish them accordingly. The notion of freedom distracts from with power and control platforms have over their workers, simultaneously platform companies claim that the workers want to be considered as entrepreneurs.

Discourse 2: Current working conditions are fair and just, and platform workers are satisfied with them.

This discourse centres around the argument that platform workers are generally content with their current working conditions and wages. Platform companies assert that the working conditions offered are equitable and satisfactory. They argue that platforms provide unique opportunities, particularly to vulnerable groups, that might not be available elsewhere (UBER1, CE1).

Platform companies support their claims with satisfaction scores derived from their own surveys, presenting these as evidence. The Copenhagen Economics study highlights how platform jobs serve as a solution to social issues rather than a source, suggesting that limiting these jobs could result in significant earnings losses for couriers, estimated at up to EUR 800 million (CE1). While platform companies recognise challenges that comes with crowdsourcing such as limited gig availability and growing worker competition, they maintain that workers are generally satisfied and do not perceive power imbalances with employers (ME1, WOLT1, UBER1). Moreover, during the COVID-19 pandemic, platforms claimed to enhance social inclusion by providing safe transportation options and job opportunities during economic downturns (ME1, UBER1).

In terms of income, position papers portray platform workers as economically stable and independent actors benefiting from the current business model, which allows them to maximise their income and access a broad customer base. Claims by companies like Wolt and Deliveroo emphasise the earning potentials they offer, stating that couriers can earn significantly more than the national minimum wage. These companies also cite internal surveys claiming high levels of worker satisfaction (WOLT1, DELI1). This constructs a

counter-narrative to the European Commission's estimates by framing platform work as offering decent income, favourable conditions, and overall worker contentment (DELI1, ME1, BE2).

Yet, embedded within this discourse is a complex issue of agency and representation for platform workers. Companies rely heavily on self-generated data, raising questions about the reliability of their findings. The statistics presented might not accurately reflect the realities faced by platform workers, revealing a gap between corporate narratives and actual worker experiences. The absence of independent validation accentuates potential biases in these representations. This leaves to question of how valuable companies own data is in producing perceptions of the satisfaction of workers, and how much are workers censoring their answers regarding they know they are being monitored representing Foucault's notion of self-censorship (1975).

Discourse 3: Common European rules would be bad, and we need diverse legislation.

In this discourse, platform companies and their coalitions argue against EU-level regulation of platform workers' status. They advocate for diverse legislation and different measures among member states (UBER1, BE1, BE2, ME1, WOLT1). Rather than implementing a European-wide set of rules, companies prefer country-specific agreements, suggesting varied employment laws across countries make standardized solutions impractical (DELI1). Position papers highlight the complexity of platform work and support diverse solutions over a universal approach. For example, BusinessEurope states that "Member States [should] develop their own national criteria to be verified and enforced by the competent national bodies on the basis of applicable national law and national legal practice (BE2)." BusinessEurope justifies this position through the principle of subsidiarity, which holds that decisions should be made as closely as possible to the citizens, with EU-level intervention remaining secondary. As they argue, "in any case, national criteria should always take precedence over any criteria identified at EU level in light of the subsidiarity principle (BE2)."

The Commission's impact assessment is considered inadequate by platform companies, who argue it did not consult the right social partners (ME3, BOLT1). Companies claim that neither

platform workers nor platform companies were adequately represented because they are not part of employee or employer organizations, hence they do not identify trade unions as the rightful representatives of platform workers. Uber highlights its proactiveness in supporting platform workers by providing country-specific insurances and education policies, asserting its awareness of platform workers' needs, backed by internal studies. This portrays a collaborative environment where platform workers and platform entities shape agreements and conditions together (UBER1). Additionally, platform companies welcome collective agreements and social dialogue as long as traditional trade unions are not part of the conversation (WOLT1).

This discourse suggests that work is shifting towards more independent roles, making it essential for laws to offer appropriate protection for these types of work. There is a strong push for laws to establish clear rules and make significant changes that maintain worker flexibility and maximize benefits. Collective agreements are mentioned as a potential method to outline rights and conditions, yet platform companies prefer to negotiate in ways that avoid traditional trade unions, aiming to name their own representatives and claiming they understand the platform workers positions very well: “If platforms are explicitly allowed to offer protections to couriers, these can also be negotiated as part of collective agreements (WOLT1).”, “Move EU is convinced that a social dialogue process, such as the one created in France would allow platform workers and platforms to express their preferences, without putting at risk their earning opportunities (ME3).”

By arguing that platform workers can easily and realistically influence their own conditions through agreements with companies, platform companies suggest standardized legislation is unnecessary. They portray platform workers as powerful actors capable of negotiating wages, conditions, and social positions independently. This contrasts the power hierarchies that exists between workers and their employers, and the dominance companies have over their workers. (Edwards 1979). In addition, this perspective overlooks the reality that workers often compete for scarce gigs and have limited direct contact with companies or opportunities to engage with fellow workers.

Discourse 4: Platform companies are a driving force of innovation and represent the future, therefore the European legislation should respect their business model.

This discourse from platform companies' position papers focuses on the potential impact of implementing new legislation on platform work, affecting stakeholders such as platform workers, consumers, restaurants, and the overall economy. Platform companies challenge the Commission's impact assessment of the economic effects of the Platform Work Directive. They counter by relying on their own studies or citing third-party research such as Copenhagen Economics and Compass Lexecon, which dispute the Commission's calculations of platforms' economic contributions, labelling them as inaccurate. Platform companies argue that the directive would negatively affect businesses and workers more than the Commission estimates, aiming to maintain their existing business models (UBER1, DELI1).

Platform companies position themselves as experts in the domain through regulatory entrepreneurship, aiming to influence the proposed directive. They argue that platform workers, portrayed as independent contractors, can determine their own circumstances without trade unions or common legislation, thereby avoiding labour protections such as minimum wage laws (Pollman 2015). They seek to establish regulatory environments prioritizing flexibility and innovation over workers' rights, ultimately favouring business objectives over social protections. Traditional employment laws and trade unions are presented as outdated for modern digital work arrangements. Consequently, platform workers should not be subject to traditional labour laws and protections advocated by trade unions (BE1).

The narrative from these discourses suggests that implementing the proposed legislation could jeopardise the trajectory of innovation and digitalisation, leading to massive job losses and detrimental effects on the European economy and society. This would indirectly affect consumers, who might face increased prices and decreased access to services, fulfilling predictions of consumer suffering (UBER1, BE1, BE2). Studies such as Copenhagen Economics, frequently cited in the position papers, defend platform companies by illustrating adverse effects of restricting flexible work. Their findings highlight potential discouragement and losses for up to 75,000 couriers, along with broader economic ripple effects. Restaurants and consumers would suffer lost revenue and decreased service delivery options: “We estimate a lost earning associated with the couriers discouraged from the workforce. Based on

the survey evidence, EUR 160m (lower bound scenario) or 300m (medium scenario) of couriers' earnings in Europe are at stake if policy initiatives were to curtail flexible work in this sector... the total couriers' earnings loss could be as high as EUR 800m if policy initiatives were to curtail flexible work (upper bound scenario) (CE1).”

In conclusion the discourse highlights the persistent struggle over labour conditions, with lobbying coalitions and platform corporations advocating for flexible markets and minimal regulation as essential for European prosperity. Technological advancements influence work organisation, and companies aim to steer legislative changes through regulatory entrepreneurship. Instead of platform companies seeing themselves as in competition with traditional companies, they want to extend their business models to other sectors and influence labour legislation on a larger scale. Standard employment forms and their protective measures are challenged by buzzwords such as productivity, freedom, and progress, reflecting neoliberal principles. These terms often mask the erosion of workers' rights, leading to reduced wages and benefits (Zwick 2018). Furthermore, platform companies emphasize individual agency, portraying platform workers' experiences positively and highlighting the freedom and opportunities they provide. By promoting a framework emphasizing flexibility and innovation, platform companies conceal the realities of precarious work conditions and the erosion of worker rights. They construct a discourse equating economic liberalisation with progress, conveniently sidelining the necessity of comprehensive worker protections.

5.1.2 Discourses for a stricter presumption of employment

Discourse 1: Platforms act as employers; therefore, they should carry out the responsibilities of employers.

Both ETUC and EESC highlight the importance of having a clear legal distinction between employment and genuine self-employment. This separation is crucial for ensuring legal certainty for both workers and businesses, protecting workers' rights, organizing collective bargaining and securing proper social contributions and taxation from platform companies (EESC1).

ETUC highlights how many platform companies exert employer-like control through algorithmic management and rating systems, challenging the notion of self-employment: “Whereas some digital labour platforms operate with genuine self-employed workers, many digital labour platforms nevertheless exert the prerogatives of employers (by relying on rating systems and performing algorithm management, among other forms of applying control) and still present themselves as digital marketplaces which only facilitate the offer and demand between an undertaking and a client (ETUC1).” This argument underscores the need for common legislation that recognises platforms using algorithmic management as employers, thereby offering proper protections to platform workers.

In this context, trade unions are advocating for a presumption of employment to protect workers from exploitation, without needing specific criteria (ETUC2). They criticise platforms for imposing "bogus self-employment," which undermines responsibilities and negatively impacts public income, workers, and industry. The notion that platform work is fundamentally unique and thus exempt from standard labour laws is strongly contested and ETUC recognises the exploitation that comes with platform work. ETUC argues that, although facilitated by technology, platform work does not differ significantly from other types of labour and should thus be subject to similar regulations. There is a clear argument that platform workers should be classified as employees, since in most cases platform companies function as employers by exercising significant control over how the work is performed. Both ETUC and EESC advocate for a unified European legislative approach to ensure consistent protections across all EU member states. EESC highlights that “the objective of improving working conditions through digital platforms cannot therefore be

sufficiently achieved by each Member State alone but, in accordance with the subsidiarity principle, can be better achieved at EU level (EESC2).” Trade unions strongly reject the idea that platform work is fundamentally from other types of work, a claim used by the platform companies to avoid standard labour law obligations.

Ultimately, this discourse calls for the recognition of platforms as employers due to the significant control they exercise and highlights the urgent need to protect the self-employed from exploitation and unfair competitive pressures in the platform economy. It argues that, although platform work is facilitated by technology, it is not fundamentally different from other types of employment and should therefore be subject to the same labour regulations as the wider industry. There is growing concern about the employer-like control platforms exert over workers through practices such as algorithmic management. Trade unions push for a stricter criteria to protect platform workers from being in positions of subordination and a general presumption of employment that platform companies could prove to be wrong: “Open-ended criteria should therefore help rebut the presumption, not activate it. This will grant employees with an employment contract and protect the self-employed from the subordination of platforms, such as it is the case in most of traditional companies (ETUC1).” Moreover, ETUC contends that digital labour platforms should be recognized as undertakings with employer's obligations, highlighting, “It must be very clear that the digital labour platform is the employer of the platform worker (ETUC2).”

Discourse 2: Platform workers need social protection and collective agreements made by trade unions.

In this discourse platform workers current position is seen unjust, as platform companies do not cover their workers with social protection and hold significant authority over them.

Platform workers in their current form are excluded from some of the international labour organizations agreements such as the European Pillar of Social Rights and other social rights establishing a standard of social protection for the workers. Moreover, it contradicts the platform companies' argumentation over how platform work is decent, workers are happy with their circumstances and value their entrepreneur status over everything else. Platform companies are seen as disturbing for the development of workers' rights and international standards that govern them.

Whereas platform companies highlight the openness and possibilities that comes with gig work, ETUC questions the risks that come with it. ETUC arguments that since many platform workers already suffer from insecure economic and social situations and often have migrant backgrounds, it is important to offer more social security for them. The lack of social security coverage, fragmented working hours, insecure work, and health and safety risks should be recognized and addressed appropriately, ensuring equal treatment for workers of both traditional and platform companies. "Many workers in platform companies are undocumented migrant workers as well as asylum-seekers, who access these jobs through the sub-contracting of accounts. Their precarious and vulnerable position needs to be taken into account in the European legislative proposal, including fast-track avenues for their regularisation (ETUC2)."

ETUC also covers how fighting for the right employment status puts platform workers in an unequal position and is very costly. If the presumption of employment applies only to platform workers who undergo court proceedings, it creates discrimination and divides workers into different social categories: "Currently, digital labour platforms operate with the opposite assumption, whereby all workers are presumed to be self-employed, and it is their responsibility, or that of their trade unions, to challenge their status in court. Few workers can undergo this expensive and extensive procedure. Not surprisingly, those in a more vulnerable situation are unlikely to undertake any legal action (ETUC2)." ETUC also argues that limiting

the presumption of employment only to workers who pursue legal action would create unequal treatment among platform workers doing the same job, thereby undermining the principle of *Erga Omnes* (ETUC1).

Trade unions seek to maintain their central role in negotiating working conditions and to prevent platform work from expanding into sectors traditionally governed by standard employment. ETUC emphasises that platform workers should be represented by trade unions and not by representatives selected or influenced by platform companies. As stated in one of their position papers, “Workers' representatives should mean trade union representatives... and elected representatives, who are freely elected by the workers of the organisation, not under the domination or control of the employer (ETUC2).” This stance is particularly visible in their arguments over representation, where they stress that previously negotiated social agreements should not be reopened and that platform workers should be included within them. They oppose of creating a third categories of employment.

ETUC also warns against platform companies creating private social protection schemes, arguing that these are often used to avoid employer obligations: “The proposed directive should prevent digital work platforms from developing their own unilateral private protection schemes [...] particularly when this is done to escape their responsibility as employers. Such private and non-transferable schemes can create a lock-in effect [...] and therefore produce a dumping with traditional companies (ETUC1). “ETUC further criticises the directive’s recital, which frames social protection and other benefits for the self-employed as voluntary: “In this respect, the reference in the recitals of the directive to the voluntary decision to pay for ‘social protection, accident insurance or other forms of insurance, training measures or similar benefits to self-employed persons working through that platform (ETUC1).”

From a critical discourse analysis perspective, ETUC and EESC challenge portrayals of platform workers as independent and self-sufficient. Instead, they frame these workers as vulnerable and in need of legal recognition and social protection. This discourse reflects their strategic opposition to the power imbalance maintained by platform companies and supports policy reforms that better align with workers’ realities. Their stance resists the privatisation of risk and the erosion of labour protections, directly countering platform companies’ narratives. By demanding equitable legal status and comprehensive rights, they also reject attempts to

disregard their role as worker representatives and oppose platform-led representation schemes.

Discourse 3: Unregulated platform work threatens the European economy and workers' rights.

Countering the platforms' last argument, this viewpoint asserts that the activation of the presumption may have a significant adverse impact on the European economy. Both ETUC and EESC highlight the way in which platform companies have reduced the social costs of employing a workforce and avoided conventional taxation, creating an unfair competitive advantage against traditional companies adhering to labour rules. Digital platforms have replaced traditional businesses and platforms has triggered job losses, increased social and fiscal dumping of workers, and negatively impacted European society by undermining worker conditions and quality of life (ETUC1, EESC2) They insist that platform companies must contribute to welfare systems like other businesses: “Moreover, a considerable amount of case-law has proved that some platform business models build their competitive advantage by seeking to avoid applicable regulations, be it social, environmental or economic legislation (7). This strategy is not conducive to long-term economic sustainability and is detrimental to fair competition, in particular between large and micro or small platform company (EESC2).” This discourse points out how we need legislative measures to protect traditional businesses from the threat of unfair competition. ETUC opposes exclusion of platform companies from labour legislation, stating that such companies should comply with wage standards and other working conditions. “Platform companies shall comply with remuneration and other working conditions established by law or collective agreements for the relevant sector and/or geographical area, including statutory minimum wages (ETUC2).”

This need for unifying the legislation also ties to the question of social dumping and countries competing over low labour standards. EESC states that “These different forms of labour relations, and of low individual and collective protection at national level are multiplied at EU level, thus creating conditions for social dumping and unfair competition that threaten the very effectiveness of European and national labour protection standards (EESC2).”

Furthermore, ETUC argues that Commissions impact assessment might not recognize all the platform workers affected by misclassification arguing how: “The Commission’s impact assessment estimates that the proposed measures would benefit only 5.51 million

misclassified platform workers out of 28.3 million across the EU. However, the actual number of bogus self-employed workers on digital platforms may be much higher, with platform workers projected to grow to 42.7 million in the EU by 2030 (ETUC1).” ETUC also points out that, without appropriate legislation, businesses can gain an unfair competitive advantage by externalizing social costs and exploiting weak labour regulations. They do so by intensifying competition among workers, transferring the risks associated with work onto those workers, and seizing the opportunity to maximize profits in an unregulated environment. (ETUC1.)

In conclusion trade unions aim to give workers a voice, representing the needs of platform workers and demanding that they receive the same rights as those in traditional labour agreements, as protected by the ILO. Instead of highlighting the freedom that platform workers supposedly have, trade unions challenge the principle of algorithmic management and the idea that platforms merely connect entrepreneurs to their customers. They see a strong power hierarchy and control that platforms exert over their workers. They see a need for a unified codification of workers’ rights across Europe, ensuring equal protections and limiting the power of platform companies in defining working conditions. They also stress the importance of preventing the continued weakening of workers’ rights through legal unification across the EU, establishing clear criteria for defining employment status for platform workers. They also highlight how companies reduce employment costs and lower social protections, gaining a business advantage by avoiding payments for social protection. This disproportionately affects vulnerable workers and creates unfair competition against traditional companies. Ultimately, this debate raises broader questions about how businesses should operate within the European market.

Trade unions aim to highlight workers voices, particularly for those engaged in platform work. They advocate for platform workers and demanding that they receive the same rights as those in traditional labour agreements, as protected by the ILO. They challenge the narrative that platforms provide freedom by highlighting the reality of algorithmic management and contesting the idea that platforms merely connect entrepreneurs to customers. This framing obscures the control platforms exert and legitimises inadequate social protections. Unions see a need for a unified codification of workers’ rights across Europe, ensuring equal protections and limiting the power of platform companies to define working conditions. If the legislation varies across EU member states this can create conditions for social dumping. ETUC and

EESC particularly highlight the business advantage that platform companies gain by avoiding payments for social protection, which disproportionately affects workers in vulnerable positions and creates an unfair advantage over traditional companies. Ultimately, this debate raises broader questions about how businesses should operate within the European market. It invites critical reflection on balancing economic innovation with the safeguarding of social rights. Trade unions stress that having strong labour rules is important not just for fairness but also to keep Europe's economy prospering and fair.

5.2 Comparison of initial and final versions of the platform work directive

Table 3. Differences between the Commission's initial proposal and the final version of the platform work directive

Initial Proposal (2021)	Final Version (2024)
Unified classification of platform workers employment status across all member states.	Employment status classification left to individual member states.
Clear criteria for triggering the presumption of employment.	No predefined criteria; instead, emphasis on collective bargaining and state-supported legal processes to establish employment status.
Estimated reclassification of 1.72 to 4.1 million people as employees, with an annual salary increase of approximately €121 per person	No specific estimates for reclassification or salary increases.
Mandatory human oversight of algorithmic management, restrictions on personal data use, and recognition of algorithmic biases and dominance.	Similar restrictions on algorithmic management, but no explicit mentions of bias, discrimination, or dominance.

Specific mentions of social security contributions platforms need to provide.	No mentions of social security payments for platform companies.
Platforms required to declare work performed by platform workers to relevant labour and social protection authorities. Estimated benefits for member states of up to €4 billion annually in additional tax and social contributions. Lack of transparency and enforcement seen as contributing to poor working conditions and inadequate social protection.	Member states responsible for requiring digital labour platforms to declare work performed, following national laws and procedures. The legal presumption of employment does not apply to tax, criminal, or social security matters, but member states may choose to apply it at the national level.
Workers' representatives are defined as workers organisations or representatives, provided by national law or practices or both.	Workers' representatives refer to representatives of platform workers, such as trade unions and representatives who are freely elected by the platform workers in accordance with national law and practice

The Commission's initial proposal and the final directive largely differ in their approach to classifying workers and their employment types. The key differences between these two versions are summarised in Table 3. In the initial draft, the Commission emphasized on having uniform legislation that all member states could adapt to, instead of each one formulating their own regulation regarding platform workers. This included a clear criteria-based system to establish self-employment and activation of the legal presumption of employment. Moreover, in the initial version platforms are highlighted as potential employment avenues for marginalized demographic groups facing barriers in access to the labour market. However, these job roles are not described as "decent" or "quality" positions, unlike the final directive that outlines access to decent and quality jobs as an outcome of well-

regulated and implemented digital interactions and new technologies; “New forms of digital interaction and new technologies in the world of work, if regulated and implemented properly, can create opportunities for access to decent and quality jobs for people who traditionally lacked such access.”

In the initial proposal, the presumption of employment is activated if the platform controls the performance of work by fulfilling at least two of the following conditions:

- (a) determining or placing upper limits on remuneration
- (b) instating specific binding rules on the appearance or conduct towards the service recipients
- (c) supervising tasks or verifying work quality
- (d) restricting workers' freedom to organize work, for example, choice of working hours
- (e) limiting possibilities of building a client base or working for anyone else

The concern identified in the Commission's draft was that allowing the member states to independently decide on rules for platform workers could lead to market competition and little regulation to attract platform companies. The Commission's proposal underscored the significance of ensuring same rules for uniform competition standards amongst companies globally. According to the Commission's proposal by maintaining right employment status designation with digital labour platforms, labour and social protection rights for workers can be obtained proactively.

However, the final version of the directive gives member states the decision of correct classification of platform workers. The criteria for determining the presumption of employment as provided in the Commission's initiative are missing in the final directive, leading to potential ambiguity. Instead, it states that “member states shall have appropriate and effective procedures in place to verify and ensure the determination of the correct employment status of persons performing platform work.” It urges the member states to develop guidance for implementing the legal presumption of employment and ensure compliance of the digital labour platforms with rules on correct employment determination. It further clarifies that “existence of an employment relationship will be guided by the actual performance of work as per laws, collective agreements, or norms that member states practice.” The responsibility of regulations is shifted from an EU-level legislation to member states and the collective bargaining of workers and worker unions.

Though workers representatives are mentioned in both versions of the directive, the final directive mentions trade unions specifically when referring to workers representatives and organising collective bargaining. In the initial version workers representatives are mentioned together with workers' organisations. This highlights trade unions position in negotiating the working conditions and the role they should have in advocating the rights of platform workers as well as platform workers freedom to choose who they want as their representatives.

The initial proposal by the Commission and the final directive differs significantly in terms of how they address the estimations that suggest more earnings for platform workers that come with the presumption of employment. The Commission's draft anticipates that the directive would lead to the reclassification of between 1.72 and 4.1 million people as workers. It also notes an expected increase in earnings for platform workers, with an average annual increase of €121 per worker, a detail not mentioned in the final version. Additionally, the draft estimates new costs for digital labour platforms to be around €4.5 billion annually. These estimations are based on the Commission's impact assessment, which gathered information from Eurofound reports, JRC reports, ILO reports, academic literature, mapped policies in member states, analysed CJEU case law, and conducted interviews with stakeholders (Commission 2021). However, the final directive does not mention "budget," "costs," "euro," or "salary", making no reference to salary increases for platform workers nor budget increases for companies. It omits the expected increase in salaries and prospects for workers and does not disclose the estimated number of workers moving from self-employment to actual company employees.

Both the Commission's draft and the final directive impose limits on algorithmic management and automated monitoring systems. These are defining features of platform work and ways platform companies control their workers, as highlighted in the discourses of the ETUC and EESC. The directive restricts the personal data that platforms may process and requires that platform workers and their representatives be informed about automated decision-making systems, their purposes, and the decisions they produce. Member States are obliged to ensure that digital labour platforms review the impact of automated decisions on platform workers every two years, with the involvement of worker representatives.

However, the emphasis on social protection for platform workers is less clear in the final directive. The Commission's initial draft mentions social protection 44 times and states that

platforms must declare the work performed by platform workers to the relevant labour and social protection authorities. It also estimates that Member States could gain up to €4 billion annually through additional tax and social security contributions. In comparison, the final directive places the responsibility on Member States to require digital labour platforms to declare work performed, and it mentions social protection only four times.

After analysing the discourses from trade unions and platform companies it becomes clear that the final directive signifies a shift towards accommodating the interests of platform companies by leaving employment status classification to individual member states and prioritising collective bargaining and state-supported legal processes. This decentralised approach aligns with platform companies' discourse, emphasising flexibility and avoiding rigid, uniform standards across the EU. The edits made to the directive, such as the absence of specific estimates for reclassification or salary increases and the social security payment requirements for platform companies, also follow the interests of platform companies. However, the directive retains elements advocated by trade unions, regarding algorithmic management and trade union's role in negotiating for platform workers. These measures echo trade unions' concerns about algorithmic control, trade unions not representing the workers, and underscore the necessity of protecting platform workers from undue biases and dominance, though the final version doesn't explicitly mention discrimination or bias. While the directive doesn't impose EU-wide standards, it allows member states to activate the presumption of employment for platform workers, providing a potential avenue for stronger worker protection at the national level.

6 Conclusions

In this thesis, I examined the tensions between the actors influencing the Platform Work Directive: platform companies and trade unions, and other social partners. Using Critical Discourse Analysis (CDA), I explored how these groups construct differing discourses around key issues such as worker autonomy and power, algorithmic management, collective bargaining, the classification of platform work, and the EU's broader social and economic direction. Drawing on theories of power by Edwards (1979) and Foucault (2010), I analysed how control operates both externally through managerial strategies and surveillance, and internally via self-regulation and economic dependency. These frameworks helped explain how the position of platform workers is shaped by broader structural and discursive forces.

The central conflict in these discourses lies in whether platform workers should be viewed as fundamentally different from traditional employees. Platform companies frame platform work as flexible and supplementary, highlighting workers' ability to choose tasks, set schedules, and contract freely, suggesting that platforms act merely as intermediaries. As demonstrated in my analysis, platform companies argue that trade unions represent "old legislation" and that platform workers should not be constrained by conventional labour rules. This discourse supports their push for minimal regulation and classification of workers as independent contractors, thereby avoiding obligations tied to standard employment.

Conversely, trade unions and social partners stress the need for stronger protections, arguing that platform work often leads to precarity, surveillance, and reduced autonomy. They advocate for a common European approach that clarifies employment status, centres collective bargaining, and addresses algorithmic control and economic insecurity. While the final directive leaves the presumption of employment to the discretion of member states, it retains important provisions on algorithmic governance and the role of collective bargaining.

Ultimately, the debate over platform work reflects deeper tensions about the status of workers in European society and their role in the evolving world of work. As platform work becomes more widespread, the stability and protections traditionally provided by standard employment contracts, such as minimum wage guarantees, sick leave, and job security, are being contested. This erosion of rights poses significant risks to the EU's social model and reflects a broader tendency towards neoliberal policymaking (Andry 2022). As Zwick (2018) argues, increasing corporate influence may contribute to the loosening of labour protections,

thereby prioritising market flexibility over social security and weakening the position of workers throughout the EU.

A key limitation of this study was the limited public access to stakeholder position papers, since many platform companies use direct lobbying techniques and have avoided public social dialogue. Nevertheless, by analysing the evolution of the directive from the Commission's initial proposal to the final version, it is evident that many of the amendments align with the interests of platform companies such as leaving the definition of employment to member states.

Implications for further research

The implementation of the Platform Work Directive by member states remains uncertain and should be researched more closely. Although these states are responsible for establishing a legal presumption of employment, national interpretations and criteria for employment may vary widely. Meanwhile, the substantial lobbying budgets of platform companies and their direct contact with politicians raise questions about how much social partners can influence labour legislation. Therefore, there needs to be a critical examination of the direct lobbying strategies employed by platform companies. Additionally, there is insufficient data on platform companies' budget-saving strategies, particularly their effects on social security contributions and labour rights.

Platform workers continue to face significant challenges in securing fair wages and improved working conditions, due to issues such as labour oversupply and limited job opportunities. Further research should also focus on the everyday lives of platform workers and the broader socio-economic implications of platform work. Special attention should also be given to collective bargaining practices and the resistance tactics of platform workers. It is critical to understand how the presumption of employment can influence wages, healthcare, opportunities and the right to live and work across the EU. These issues intersect with migration policies and the marginalisation of vulnerable workers, including those subject to social dumping or legal precarity. Moreover, as algorithmic management continues to evolve, further studies should investigate its effects on worker autonomy and the broader consequences of automated decision-making.

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