



Wolt

Pohjoinen Rautatiekatu 21
00100 Helsinki
Finland

Miki Kuusi

Co-Founder & CEO, Wolt

15 December 2023

Minister Riisalo

I am writing to you on behalf of Wolt and our self-employed courier partners to express our concerns about the Spanish agreement on the Platform Work Directive negotiated with the European Parliament in the trialogues (announced 13 December). The **Spanish agreement would create greater legal uncertainty, put at risk the flexible way millions of genuinely self-employed platform workers want to work in Europe, and fail to achieve the objective of the Directive**, which is to improve the working conditions of platform workers regardless of their status. **We believe the Council should not rush to accept such a text, but rather take more time to develop the right future-proof framework for platform work.**

Our courier partners have a clear opinion on how to create the right frameworks but have had a hard time getting their voices heard by policymakers. In a recent 3rd party survey commissioned by Wolt,¹ almost 7000 courier partners from across 15 EU Member States voiced their concerns about their future:

- **82%** voice that the Platform Work Directive should not change anyone's status from self-employed/contractor to employed against their will;
- **78%** would consider stopping delivering if the law forced them into employment without flexibility (i.e. the ability to choose their own hours, tasks, vehicle or routes);
- **71%** choose to work as a Wolt courier partner because they prefer this over any other work opportunities.
- **Only 40%** feel like their opinions are heard by EU policymakers, and even less - only 34% - feel like local policymakers listen;

This message is not new. Survey upon survey has shown the **preference of the platform workers themselves - a view that has been ignored by the European Parliament and the Spanish preliminary agreement. Based on what our partners want, our vision for the future of platform work is to combine the freedom and flexibility our courier partners want with the protections they deserve.**

We do not believe that forcing courier partners into rigid employment relationships against their will is the only or right way to ensure their access to better protections. Instead, we believe the combination of allowing collective bargaining for self-employed and allowing platforms to offer better benefits and protections without facing legal classifications risks would create a framework in which our self-employed couriers could continue to work as flexibly as today, but without having to accept weaker social protections. Wolt and many other platforms are already engaging in collective bargaining negotiations on the basis of the EU collective bargaining guidance for self-employed platform workers adopted in 2022, and we fear those efforts would be significantly complicated if the Spanish agreement would be approved by the Council.

Future proof rules matter – also for our company. After nine years since starting in Helsinki, Finland, Wolt is

¹ Wolt blog on the Courier Partner survey conducted by Taloustutkimus in 2/2023

<https://blog.wolt.com/hq/2023/05/09/pan-european-study-shows-platform-workers-know-what-they-want-but-are-not-being-heard/>



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today present in 17 EU Member States and altogether in 25 markets globally. We are proud to employ over 10,000 employees in our offices, and partner with over 200,000 courier partners and 130,000 brick-and-mortar shops and restaurants. **The rules being decided now should ensure we and our sector have more clarity and legal certainty, allowing us to create even more economic opportunity going forward.** The clearer the rules, the easier it is to have a level playing field. Clear rules also mean administrative resources are best utilized.

The key challenge with the provisional agreement is the presumption of employment. **The Spanish agreement would essentially capture nearly all services provided to or through online platforms as presumed employment, which goes against the Directive's stated objective of addressing bogus self-employment.** As the EU Commission estimates that some 20 million genuinely self-employed Europeans provide services through or to online platforms, **the Spanish agreement would create uncertainty for these professionals and a significant administrative burden for each country** - burden that would be spent on cases where closer examination against national criteria and definition of employment would not result in reclassification. The overly broad criteria would likely capture any traditionally freelance-based sectors such as taxis and potentially many others such as IT services and design, to name a few.

Based on these views, we hope the preliminary agreement is rejected next week and more focus is put into ensuring that the final text takes into account the following:

- 1. In order for the presumption of employment to work, it needs clear criteria.** The criteria should lead to further clarity, it should not capture genuinely self-employed service providers, and it should not lead to further fragmentation in the EU.
- 2. The Directive should acknowledge the important role of collective bargaining for self-employed people in the platform economy.** As CBA processes are starting across Europe, the Directive should clearly recognize their significance in providing for better protections for self-employed and state that respecting agreements between platforms and workers do not trigger the presumption criteria and that platforms are allowed to offer protections and benefits to their self-employed partners.

Beyond these key views, we believe there is still a lot of technical work to be done to ensure that the final proposal is clear, practical and future-proof.

Taking more time to get this right doesn't mean that platform workers are left without improvements to their working conditions in the meantime. Negotiations for collective agreements, new platform features, and ongoing dialogue with our partners means that we are hard at work every day to make platform work better.

Sincerely,

A handwritten signature in black ink, appearing to read "Miki Kuusi", written over a horizontal line.

Miki Kuusi

Co-founder & CEO
Wolt