Recovering workers' data to negotiate and monitor collective agreements in the platform economy (GDPoweR)

Country report Belgium

Laurène Thil, Dirk Gillis,
Sebastiaan Kennes & Karolien Lenaerts

May 2025

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union. Neither the European Union nor the granting authority can be held responsible for them.

Abstract

This report is part of the GDPoweR project, which explores how platform workers' data can be recovered and used to support collective bargaining and monitor the implementation of agreements in the platform economy. Focusing on the ride-hailing and food delivery sectors, the report investigates the legal, institutional, and practical dimensions of platform work in Belgium. It draws on a combination of desk research, stakeholder consultation, focus groups, and data recovery workshops involving workers. The study reveals a fragmented and opaque platform ecosystem, where workers often operate in precarious conditions with limited access to social protections. Despite early regulatory efforts, the legal framework remains complex and inconsistent, contributing to confusion among workers and enforcement bodies alike. The report highlights the challenges workers face in accessing their personal data under the GDPR, including procedural barriers, fear of retaliation, and the technical complexity of interpreting the data received. Through detailed analysis of data obtained from platforms, this report examines the scope and nature of data collected, the role of algorithmic management, and implications for workers' autonomy, earnings, and job security. It assesses the role of unions, grassroots organisations, and public authorities in advocating for platform workers' rights, and identifies the potential and limitations of current collective bargaining efforts. It underscores the need for stronger regulatory enforcement, greater algorithmic transparency, and more robust institutional support to empower platform workers.

May 2025

Acknowledgements: The authors gratefully acknowledge the contribution of all platform workers, platforms, and stakeholders participating in the project.

For more information laurene.thil@kuleuven.be

Please refer to this publication as follows:
Thil, L., Gillis, D., Kennes, S., & Lenaerts, K. (2025). *Country Report Belgium. GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy*. GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy.

Information may be quoted provided the source is stated accurately and clearly. This publication is also available via https://hiva.kuleuven.be/en/research/theme/workandor/p/GDPoweR-industrial-relations-in-the-platform-economy. This publication is part of the GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy, which has received funding by the European Commission, DG Employment, Social Affairs and Inclusion, within the Social Prerogatives and Specific Competencies Lines (SocPL). The information and views set out in this document are those of the authors and do not necessarily reflect the views and official opinion of the European Union. Neither the European Union institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

Co-funded by the European Union

Contents

List of tables

List of figures

1. Introduction

1.1 The GDPoweR project

GDPoweR - Recovering Workers' Data to Negotiate and Monitor Collective Agreements in the Platform Economy - is a research project co-funded by the European Union on industrial relations in the platform economy. The project involved seven research and social partner organisations from Austria, Belgium, France, Poland, Spain.[1] This report covers the case of Belgium.

The project aimed to bolster industrial relations in the platform economy by analysing strategies used by platform workers, activists, trade unionists, and employer groups in negotiating pay and working conditions. To this end, the project assessed the challenges in implementing collective bargaining agreements in the location-based platform economy, focusing on ride-hailing and food delivery platform work. Additionally, it set out to raise awareness about platforms' data collection practices, to empower workers to reclaim their data.

Three areas of focus were thus at the core of the GDPoweR project: (i) the collection and use of worker data by digital labour platforms and its impact on worker well-being and workers' inclination to engage in collective actions, (ii) the strategies employed by social partners to negotiate and implement collective and company-level agreements within the platform economy, and (iii) the implementation, monitoring, and enforcement of negotiated agreements.

The research conducted in all five countries followed the methodology outlined in the GDPoweR Research Design and its addendums (Geyer *et al.*, 2024; Geyer & Gillis, 2024; Geyer, 2024). It combined several different methods to collect data at both the level of collective action and industrial relations, and at the level of individual workers. All data collection activities were carried out between January 2024 and May 2025.

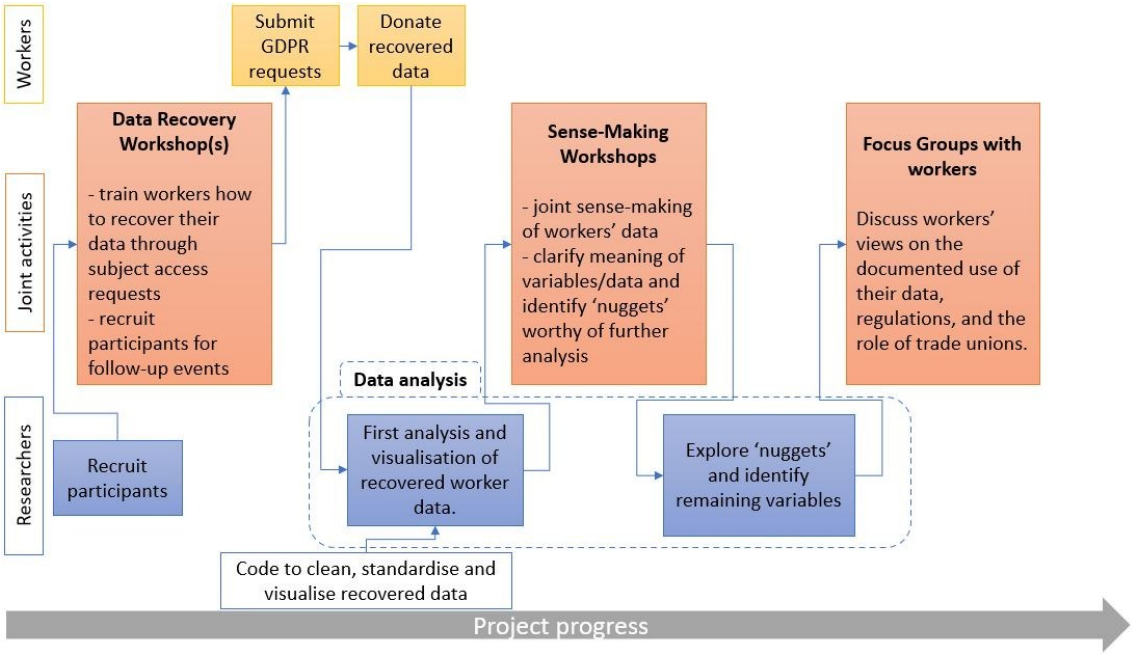
More specifically, at the *level of collective action and industrial relations*, the GDPoweR project examined the strategies used by activists, trade unions and employer groups for negotiating and implementing agreements on platform workers' pay and working conditions, including collection and use of personal data. Furthermore, it explored if those agreements are implemented correctly and what challenges social partners face in (trying to) negotiate and implement such agreements. This was achieved based on desk research into each country's platform economy and collective bargaining system, as well as a mapping of relevant negotiated agreements at the company and sectoral levels. In addition, focus groups and interviews were conducted with worker activists, representatives of trade unions, employer groups and digital labour platforms to understand how agreements are negotiated and implemented, what challenges exist in this respect or, if no agreements had (yet) been concluded, why this is the case.

1 The European Centre for Social Welfare Policy and Research (Austria, coordinator), ACV-Innovatief (Belgium), HIVA-KU Leuven (Belgium), ThEMA - CY Cergy Paris (France), UCLM – Universidad de Castilla-La Mancha (Spain), Fundación 1 de Mayo (Spain), and the Institute for Structural Research (Poland).

At the level individual workers, GDPoweR explored what data digital labour platforms collect about workers, if workers are aware of what data is being collected about them and how platforms data collection practices influence workers through a sequence of events and activities described in Figure 1 below, that was inspired by the work of Hestia.ai and others (Ausloos, 2019; Ausloos & Veale, 2020; Bowyer *et al.*, 2022).

First, data recovery workshops were organised to inform platform workers in food delivery and ride-hailing on how to receive ('recover') a copy of their personal data processed by platform companies through Data Access and/or Data Portability Requests under the European General Data Protection Regulation (GDPR). Interested workers were given the opportunity to donate their recovered personal data to the project for research purposes. The donated data were then cleaned, analysed and partially visualised using code developed within the project.[2] The results were presented to and discussed with the workers who had donated their data at a sense-making workshop to jointly make sense of the meaning of the variables and explore data worthy of further analysis. Thereafter, the same group of platform workers was interviewed in a focus group format about their views on the data collected about them, potential effects on their well-being, if they perceive a need for more regulations and what role they see for trade unions in this regard. In most cases, the sense-making workshop and the focus group discussed were organised on the same day to facilitate participation by workers. In a few instances, these were organised on different days which gave project researchers time to further explore data and to use the focus group to also discuss any remaining unclarities regarding the interpretation of specific variables and/or data with the workers.

Figure 1. Research at the level of individual workers and worker data



Source Figure adjusted from the GDPoweR Research Design (Geyer, Kayran, & Danaj, 2024)

The aim of this report is to provide a comprehensive analysis of the platform economy in Belgium through the lens of the GDPoweR project, focusing on workers' experiences, digital labour platform's data practices, and collective bargaining dynamics in the ride-hailing and food delivery sectors. The report starts by introducing the GDPoweR project's objectives, methodology, and outreach

2 https://github.com/nikkobilitza/GDPoweR-Data-Visualization

strategies, including the process of engaging platform workers, organising data recovery and sense-making workshops, and conducting focus groups. It then maps the broader platform ecosystem in Belgium, examining the legal context, key actors, and characteristics of major digital labour platforms and their workforce. The report further discusses the structure of the collective bargaining model and the strategies used by trade unions, activists, and employers to negotiate and enforce agreements. A central section of the report is devoted to the collection and use of worker data by platforms, analysing GDPR-based data access requests, platform responses, and the implications of algorithmic management. Finally, this report assesses the implementation of collective agreements, identifying best practices and persistent challenges, and it concludes with reflections on how these findings can inform ongoing efforts to strengthen platform workers' rights and industrial relations in the platform economy.

The results presented in this report are not intended to be representative of all platform workers or platforms operating in Belgium. Our conclusions are based on a limited number of responses and platforms, reflecting the inherent challenges of accessing personal data through GDPR subject access requests within this fragmented sector. Nonetheless, while the sample size is limited, the findings reported here do provide valuable insights into the data practices of major platforms. Importantly, the principles and obligations under the GDPR apply uniformly to all digital labour platforms, regardless of their size or visibility. Therefore, the issues identified in our analysis highlight broader concerns about transparency and compliance that are relevant across the platform economy.

1.2 Reaching out to platform workers

Reaching out to platform workers in Belgium proved to be particularly challenging, despite the invaluable support of ACV-Innovatief[3] and Maison des Livreurs,[4] who played a critical role in facilitating contact with workers. The highly fragmented and precarious nature of platform work, combined with workers' irregular schedules, limited availability, and general mistrust towards external organisations, made engagement efforts complex and time-consuming. Even with the strong networks and commitment of the partners, building trust and encouraging participation required persistent outreach, tailored communication strategies, and significant time investment.
These challenges underscore the broader difficulties of doing research in the platform economy, where workers often remain isolated and difficult to mobilise.

3 ACV Innovatief is a non-profit organisation affiliated with the Belgian trade union ACV (Algemeen Christelijk Vakverbond). It functions as a laboratory for worker support, focusing on innovative and empowering projects that address societal concerns, union challenges, and socio-economic demands of workers and their representatives.

4 La Maison des Livreurs (The House of Couriers) is a community space in Brussels dedicated to supporting and organising platform delivery workers. Opened on 18 November 2022, it was established through a collaboration between several organisations, including ACV-CSC Brussels, United Freelancers, the Collectif des Coursiers/KoeriersCollectief, Jeunes FGTB Bruxelles, and MOC Bruxelles. Located in Ixelles, near the European Parliament, the centre serves as a welcoming hub where couriers can rest, socialise, and access various forms of support. It offers free assistance on legal, administrative, and professional matters related to their work. Additionally, the space facilitates collective organising efforts aimed at improving working conditions for platform workers.

1.3 Types of workers

The group of food delivery riders and ride-hailing drivers is divers and visible, but also difficult to quantify. In fact, no reliable data exist on the quantity and profile of the workers in Belgium. In the fieldwork conducted for this project, some patterns could be identified but not proven: many of the platform workers the research team encountered were male, between 18 and 40, and of colour. In those more visible characteristics, some similarities could be seen, but conversations showed that workers had many different backgrounds and/or reasons to work through a platform. This diversity in workers open to participate in the research, however, was limited: only workers blocked from a platform, or workers economically independent from the platform, felt safe enough to participate. To overcome these challenges, La Maison des Livreurs and Union Des Chauffeurs Limousine Belge U.C.L.B.[5] have played a key role in the search for candidates, since they have built already for years on a more trust base relationship with those workers.

1.4 Data recovery workshops

As part of the research process, **street visits** were carried out to initiate contact with platform workers, build trust, and invite them to participate in the study. These informal conversations proved useful for getting to know workers and understanding their interest in the project. Street visits took place in several cities: twice in Brussels, once in Ghent, and once in Antwerp. The dynamics of these interactions varied notably between cities. In Ghent and Antwerp - where workers tend to gather in a few central locations - it was easier to establish connections, as riders were less dispersed and often seen multiple times over the course of an evening. In contrast, in the larger and more fragmented urban landscape of Brussels, workers were more scattered across many waiting spots, resulting in shorter, more fleeting encounters.

Following these outreach efforts, **two data recovery workshops** were organised in Brussels: one at the headquarters of ACV-CSC, and another at La Maison des Livreurs. Unlike the brief street interactions, these workshops provided a more structured and supportive environment for engaging with workers in depth. Here, researchers had the opportunity to present the project in full, explain the purpose and benefits of data recovery, and assist workers in submitting GDPR-based data access requests. These sessions proved to be significantly more effective for collecting data, as they allowed for sustained dialogue, questions, and the building of confidence around the use of personal data in the research. While street visits were essential for outreach and relationship-building, the workshops in turn were crucial for actual data collection and more meaningful engagement with the aims of the project.

1.5 Platforms contacted

The initial objective of the research was to gather data from all major ride-hailing platforms - such as Uber, Bolt, Heetch, and Taxis Verts - as well as from food delivery platforms including Takeaway, Uber Eats, Deliveroo, and Glovo. However, as will be further detailed in Section 4, the research team encountered significant challenges in the data collection process, primarily due to the reluctance of many workers to request their personal data from platforms while still actively working through them.

5 Drivers using the Uber app in Belgium are currently represented by three organisations that bring together drivers of chauffeur-driven hire vehicles (LVC): the Union of Belgian Limousine Drivers (UCLB), currently the most representative; the Union of Private Drivers (USCP); and the Belgian Association of Limousine Drivers (ABCL), a 'yellow' association linked to the Uber platform. These are not trade unions but non-profit associations (ASBL) (Dufresne & Bauraind, 2022).

This hesitation was often driven by fears of potential repercussions or jeopardising their relationship with the platform. As a result, despite our broader intentions, the final dataset is limited to data obtained for a smaller number of platforms - namely Uber, Uber Eats, and Deliveroo - reflecting both the constraints faced during the fieldwork and the sensitive nature of data requests in platform-based work environments.

1.6 Sense-making workshop

In the Belgian case, the sense-making workshop was organised on the same day as the focus group with workers, in Brussels, and brought together four participants - one from Uber and three from Uber Eats. All of them had experienced account deactivation by the platforms, either being currently blocked or only recently reactivated. Despite multiple follow-up attempts by phone and email to reach all workers who had requested their data, only these four participants ultimately joined the workshop. These were also the workers for whom data had been successfully retrieved via Worker Info Exchange (see Section 4 for more details on the data collection process).

1.7 Focus groups

Focus	Date	Place	Number of participants and affiliation
Workers	29/11/2024	Aeropolis 2, Avenue Britsiers 5, 1030 Schaarbeek	- 4 (1 from UBER and 3 from UBER Eats)
Administration and trade unions	11/12/2024	Vleva, Aarlenstraat 80, 1000 Bruxelles	4 participants in total: - 1 from FOD-WASO (Federal Public Service Employment, Labour and Social Dialogue) - 1 from ABVV-BTB union - 1 from ACV union - 1 from ACLVB union All main unions in Belgium were represented
Platforms	16/01/2025	Vleva, Aarlenstraat 80, 1000 Bruxelles	4 platforms representatives:* - 1 from HELPPER - 2 from COMEOS - 1 from Smart Coop
Administrations	27/03/2025	Vleva, Aarlenstraat 80, 1000 Bruxelles	Participants in total: - a representative of the Belgian Data Protection Authority (APD/GBA) - 2 representatives of the SIOD (Social Information and Investigation Service)

Helpper is a Belgian peer-to-peer platform designed to connect individuals who need assistance with daily tasks to local helpers within their community. Operating primarily in Flanders and Brussels, Helpper facilitates support for people with reduced autonomy - such as the elderly, individuals with disabilities, or those with chronic illnesses - by matching them with vetted neighbours willing to provide help. The assistance offered encompasses a range of non-medical tasks, including grocery shopping, transportation, companionship, and minor household chores.

Comeos is the Belgian federation representing the trade and services sector. Its members operate across 18 different sectors, selling to both businesses and consumers, through physical stores and online platforms. The platform sector

includes marketplace platforms (B2C and C2C) and service platforms (B2C), including TakeAway, UberEats and Deliveroo.

Smart Coop is a Belgian cooperative designed to support freelancers, artists, and self-employed professionals by providing them with the benefits and protections typically associated with salaried employment. Operating as a shared enterprise, Smart allows its members to develop their professional projects within a cooperative framework, offering services such as invoicing, contract management, legal advice, insurance, and access to co-working spaces.

The main objective of the focus groups was to gather key insights and perspectives from a range of stakeholders involved in or affected by platform work. The first focus group brought together workers themselves to discuss the data collected about them - how it was gathered, what it revealed, and how they personally felt about it. This session aimed to ensure that workers' voices and lived experiences were central to the interpretation of the data. The second focus group included representatives from trade unions and public administration, with the goal of exploring how such data could be used to strengthen the protection of workers' rights and support collective representation. A third session was held with representatives from four platforms, offering a space to understand their perspectives on data collection and management, worker anonymity, and to reflect on the concerns raised by workers. Finally, a fourth focus group brought together a representative from the Belgian Data Protection Authority (APD/GBA) and two representatives from the Social Information and Investigation Service (SIOD). This group discussed how administrative bodies could play a role in supporting platform workers, particularly in relation to data transparency and enforcement, and examined the challenges and opportunities of engaging with platforms from a regulatory standpoint. These discussions together provided a multi-layered understanding of the dynamics of data use in the platform economy and its implications for policy and practice.

2. The country's platform economy ecosystem

2.1 Legal context for platform workers in the country

This section discusses the legal context for platform work in Belgium. Despite the slow adoption of platform work in the country (see Section 2.2), Belgian policymakers have been proactive in formulating novel policies and practices around platform work. In fact, the first legislation targeting platform work already entered into force in 2016, at a time when at EU level only few initiatives were taken. Back then, the debate was still very much focused on the tension between innovation and regulation, and several actors feared that regulating too soon or too strongly would hamper the development of the digital economy in Europe (Lenaerts *et al.*, 2023). Because Belgium was a frontrunner in adopting legislation directly target platform work, this section first discusses the legal framework and then delves into court cases and administrative decisions regarding platform work. In contrast to other countries, in the Belgian case, it seems that the legal framework was in place before any court cases were decided on. Although the starting point for this legal framework came from a different perspective than the court cases and administrative decisions, it does affect those, and so these are discussed together in the following sections.

2016-2018: Law De Croo – Regulation to encourage the development of the so-called 'sharing economy'

The Programme Act of 1 July 2016 (Belgian Official Journal 4 July 2016; also known as the 'De Croo' Act) introduced a special regime for the so-called *'sharing economy'*. This terminology was in line with the ongoing debate and narrative around the sharing economy at the time, although the Explanatory Memorandum of the Act made clear that it only referred to the provision of paid services (or thus to 'platform work') and not to the exchange of goods (Gillis, 2018). Importantly, the initiative for this Act came from the federal Minister of Digital Agenda, Alexander De Croo. Its aim was to boost the development of the sharing economy in Belgium by establishing a favourable taxation regime, while also supporting labour market (re)integration, entrepreneurship, and the fight against undeclared work (Lenaerts, 2018; Gillis, 2018; Lenaerts *et al.*, 2023; Wattecamps, 2021; De Becker & Bruynseraede, 2024). With this special regime, the federal government hoped to encourage entrepreneurship for platform owners as well as platform workers, in the latter case by allowing individuals to occasionally do limited work activities outside of their main activity, or to try out an activity without taking significant risks or facing an administrative burden (Lenaerts, 2018; Gillis, 2018; Lenaerts *et al.*, 2023). With all transactions being processed through a digital platform, the regime promised to help bring activities out of the grey economy, tackle tax evasion and fraud, and increase transparency. In that way, it would provide fiscal, social and administrative legal certainty (Wattecamps, 2021; De Becker & Bruynseraede, 2024).

The specifics of the special regime for the sharing economy were as follows (also see Lenaerts, 2018; Gillis, 2018; Lenaerts *et al.*, 2023; Wattecamps, 2021; De Becker & Bruynseraede, 2024): If all conditions were met, income obtained from paid activities performed as platform work would not qualify as professional income, up to a certain amount (€5,000 annually in 2016). Instead, this income would be subject to a *special taxation law regime* with an effective tax rate of 10% and no VAT due. Furthermore, a *special social law regime* would apply: platform workers would not be categorised nor be obliged to register as self-employed and would not require a VAT number. The income earned would also be exempt from social security contributions. As a result, platform

work performed under this regulation does not contribute to the platform workers' rights to social security. It also does not count towards the minimum income or days worked required to reach thresholds for e.g., unemployment benefits, pensions, sickness and invalidity benefits, etc.

The conditions for the special regime to apply were met if: the services were provided by and to private individuals and intermediated by a platform recognised or organised by the Belgian federal government, and if all amounts were paid via the platform (Gillis, 2018; Wattecamps, 2021; De Becker & Bruynseraede, 2024). Services performed as platform work also had to be distinct from a worker's regular professional activities. If these conditions were not met, individuals could still engage in platform work, but they would be obliged to formally register as a self-employed. This is a key point, as traditionally natural persons who perform professional activities are subject to the social security scheme for the self-employed[6] in Belgium (Wattecamps, 2021; De Becker & Bruynseraede, 2024).

From this perspective, the regime was intended as a way to foster labour market entry, to try out an activity and move on to a new job as an employee if successful, or instead to get started as self-employed. Furthermore, the regime's underlying logic is that of no dependent employment relationship between platform and platform worker; platform workers, in principle, are considered self-employed (Gillis, 2018; Lenaerts *et al.*, 2023). At the same time, by restricting the volume of work and the nature of the activities allowed under the favourable regime, the Act strived to rule out unfair competition between platform workers and 'real' self-employed (Sels *et al.*, 2017; De Becker & Bruynseraede, 2024).

In order to receive formal recognition and be subject to the favourable regime, platforms must meet several criteria as per the Royal Decree of 12 January 2017, though the threshold to getting recognised or licensed is low (Lenaerts, 2018; Gillis, 2018; Lenaerts *et al.*, 2023). Over time, the number of licensed platforms grew to about 120 platforms by Spring 2024.[7] Today, platforms operating in multiple countries like Deliveroo and Uber Eats have also applied for and received a license.[8] Initially, however, the bulk of the licensed platforms were local ('bottom-up' initiatives). While some government representatives viewed this as a signal that the De Croo Act was indeed meeting its goals of encouraging entrepreneurship, the social partners heavily criticised it as an attempt of well-established global platforms, such as Uber, to escape regulation (Lenaerts, 2018). From the onset, the legal framework was thus under heavy scrutiny, with the idea that it could function as some form of 'regulatory sandbox' being challenged by many actors (Lenaerts, 2018, Gillis, 2018). This also became evident in several parliamentary questions.[9]

6 According to Article 3 §1 of the Royal Decree no. 38 of 27 July 1967 organising the social status of self-employed persons (O.J. 29 July 1967) a self-employed person is 'as any natural person who exercises a professional activity in Belgium on account of which he is not bound by an employment contract or by a statute'.

7 https://financien.belgium.be/sites/default/files/downloads/127-deeleconomie-lijst-erkende-platformen-20231221.pdf

8 Since the judgments in the Deliveroo case, the recognition of Deliveroo is not without controversy.

9 Examples are question nr. 1076 from Gilles Vanden Burre dd. 23.06.2016 (cf. Belgian Parliament, Chamber, Bulletin of Questions and Answers, QRVA 54/088, 12 September 2016, Brussels, https://www.dekamer.be/doc/qrva/pdf/54/54k0088.pdf#search=%22qrva%2054/088%20%2054k%20%3Cin%3E%20keywords%22, p. 415-420)

2018-2020: Platform work as part of a special regime together with association work and the provision of occasional services between citizens

In 2018, the special regime was amended with the introduction of the Act of 18 July 2018 on economic recovery and strengthening social cohesion (Belgian Official Journal 26 July 2018). This new Act provided for three different regimes for so-called *'tax free supplementary income'*: association work, occasional services between citizens and platform work (De Becker & Bruynseraede, 2024). In doing so, these regimes were explicitly excluded from the extended core of labour law (which concerns provisions relating to working times, wages, worker participation, among other topics, see Wattecamps, 2021; Lenaerts *et al.*, 2023). The Act, moreover, introduced an explicit exception to Article 2 of the Act on the wellbeing of workers in the performance of their work, which is the main Act on occupational safety and health (Lenaerts *et al.*, 2023). In addition, the 2018 modifications were so that platform workers could *earn more* than under the 2016 framework, while *being fully exempt from paying taxes and social security contributions*. In other words, the modifications implied in practice that the rules on platform work became more lenient, leaving workers even less protected and excluding more of them from access to social protection (Wattecamps, 2021; Lenaerts *et al.*, 2023).

Similar to the 2016 framework, the 2018 regulations were subject to severe scrutiny by the social partners as well as other actors (Wattecamps, 2021; Lenaerts *et al.*, 2023). Criticism concerned compliance with (supra)national legislation on labour and social matters, unfair competition, unequal treatment, displacement of work, de-professionalisation. Importantly, the social partners also underscored that this framework undermines the welfare state (Wattecamps, 2021; Lenaerts *et al.*, 2023). However, by its ruling no 53/2020 of 23 April 2020, the Belgian Constitutional Court annulled the 2018 Act in its entirety (Wattecamps, 2021; Lenaerts *et al.*, 2023; De Becker & Bruynseraede, 2024). Consequently, the 2016 regime was reactivated in January 2021. The Constitutional Court ruled that activities carried out under one of the special schemes - which included the scheme on platform work - that are similar to those carried out by an employee or a self-employed person in other contexts are treated differently, while such difference in treatment cannot be reasonably justified. For the scheme on platform work in particular, the Court additionally identified contradictions between the 2016 and 2018 legislation, and it refuted the claim that the 2018 framework helps provide legal certainty (Lenaerts *et al.*, 2023).

2022-present: The labour deal and modification in the labour relations act

Against a background of rising tensions around digital platform work and the European Commission's proposal aiming to improve the working conditions of platform workers, the Minister of Labour Pierre-Yves Dermagne put forward a proposal in the framework of the 'Labour Deal' of 2022. As a result, the Labour Relations Act was amended (Lenaerts *et al.*, 2023; De Becker & Bruynseraede, 2024). This Act is a legal instrument devised to allow for a proper classification of a labour relation through a rebuttable presumption on the basis of both general and sector-specific criteria. Concerning platform work, eight new specific criteria were introduced into the Labour Relations Act, which should since stipulate that *until evidence to the contrary, platform work is presumed to have been carried out under an employment contract if at least three out of these eight criteria are met.*[10] The idea is that in this way, and accounting for the role of algorithmic management, the nature of the relationship between platform and platform worker would be determined based on the actual situation and not what is written in platforms' terms and

10 The working of the Labour Relations Act is not undisputed. In fact, in its Deliveroo judgement, the Brussels Labour Court used the general criteria of said Act to argue Deliveroo riders are genuinely self-employed. This judgment was overruled by the Higher Labour Court of Appeal. However, Deliveroo has introduced an appeal to that ruling before the Belgian Supreme Court in civil and criminal matters.

conditions. This new legislation came into force on 1 January 2023. Note that the Royal Decree of August 12, 2024 implements articles 19, 19/1, 19/2, and 21 of the law of October 3, 2022, and makes it mandatory for platforms to provide an insurance against occupational accidents for self-employed platform workers contracted by digital platform clients.

The 2016 special regime, however, is also still in force. As a result, *in terms of taxation, labour and social (security) law, currently multiple regimes are applicable to platform work*, which creates legal uncertainty and confusion among platform workers, platforms as well as other actors and stakeholders (Lenaerts *et al.*, 2023). Especially the 2016 regime can be problematic, since in many situations, platform workers can assume in good faith that it applies when in fact it does not,[11] or it no longer does (i.e. when the income threshold is exceeded). In such cases, the tax and social law exceptions do not apply, and any income gained through platform work is also reclassified as professional income. The consequences of such reclassification are severe: in principle, interest and fines are due on overdue contributions and taxes. In addition, this means that when the income threshold is passed, different labour, social and taxation rules become applicable *retroactively* (Lenaerts *et al.*, 2023; Becker & Bruynseraede, 2024).

In the Explanatory Memorandum of the De Croo Act,[12] the legislator provided examples to clarify this point. One example is that of a self-employed person who also carries out platform work and whose income from platform work exceeds the threshold - in this case the earnings from platform work are considered regular income and added to the income from any other activities, on which taxes and social security contributions are due. Another example relates to an employee whose earnings from platform work exceed the threshold. Besides being obliged to establish as a self-employed, the income gained through platform work would be reclassified as professional income earned through self-employed work. If the activities executed as employee qualify as the person's main occupation, all activities performed as platform work will be (re)qualified as paid activities of a 'part-time self-employed person'. Otherwise, the platform work is seen as the person's main occupation. Then, the full amount of social security contributions for self-employed was due from the start of the activities. In many cases, arrears and penalties will also apply, some of which some of which may be quite high or severe (e.g. criminal charges).

This suggests that a thorough understanding of the legal framework is critical, as is the close tracking of the income earned through platform work. Yet, fieldwork conducted in previous studies and for the present study shows that this understanding is generally lacking, while income tracking is difficult for both platform workers and platforms. In addition, based on administrative data obtained from platforms, Gaublomme *et al.* (2023) report that the share of platform workers performing tasks under the 'sharing economy' status (see De Croo Act) is high on some platforms, even reaching up to 97% of workers on a food delivery platform.

11 An example is that, in 2019, the tax authorities informed Deliveroo that although Deliveroo is recognised as a 'sharing platform' in the government's licensing scheme, its interpretation of the Act suggests that it would not apply to Deliveroo as the platform intermediates the provision of services between an individual (platform worker) and a company (restaurant), rather than between two individuals (De Tijd, 2019). While an agreement with the tax authorities was reached, the consequences could have been significant for workers.

12 https://www.dekamer.be/FLWB/PDF/54/2828/54K2828004.pdf

Decisions by the Administrative Commission for the Settlement of the Employment Relationship

Besides regulatory efforts, which touch upon the employment status of platform workers to some extent, the *Administrative Commission for the Settlement of the Employment Relationship* has made decisions on the employment status of several individual platform workers working in food delivery and passenger transport, leading to a reclassification of the relationship between platform and worker into that of a dependent employment relationship (Lenaerts, 2018, Gillis, 2018; Wattecamps, 2021).

The Administrative Commission for the Settlement of the Employment Relationship is part of the Federal Government Department for Social Security. It was created to help achieve legal certainty when determining workers' employment status. The Commission functions as a mechanism that parties, or one of them, outside of any dispute, can use for reaching a binding decision on the legal nature of the employment relationship. Decisions on the nature of an employment relationship are made by an Administrative Commission established for this purpose (Programme Law (I) of 27 December 2006, Article 338 §1). The Administrative Commission is composed of a number of chambers, each of which is chaired by a judge and composed of an equal number of representatives from the Federal Government Department of Social Security and the National Institute for the Social Security of the Self-employed. Reaching out to this Commission is not obligatory but initiated by the parties involved in the employment relationship of interest, or one of them. Decisions from the Commission are binding for the institutions represented in it as well as for the parties involved in the case under examination. Although the Commission does not settle a high number of cases, its secretariat receives many requests for information.

This Commission already ruled on a number of cases from platform workers (Lenaerts, 2018). For example, some years ago, two Deliveroo riders filed a request with the Administrative Commission regarding their employment relationship with the platforms. Both requests were launched around the time that Deliveroo changed its employment conditions (i.e., at the end of January and early February 2018). In both cases, the Commission found their request admissible. It decided that the elements presented contradict the qualification of independent work and that there was sufficient evidence to conclude that if the work is performed in accordance with the terms set by the platform, the employment relationship would be regarded as a salaried employment relationship. This was related to issues such as workers having to book shifts, the consequences of not being available for work, workers receiving instructions on the dress code and interactions with restaurants, etc. In response, Deliveroo launched a court case against these two riders, arguing that they were never contacted by the Administrative Commission and that the decision made is based on inaccurate information (Lenaerts, 2018). This point, however, was refuted by a lawyer representing the couriers, who declared that the platform refused to give its views to the Commission. For more details on the Deliveroo case, see below.

Besides the Deliveroo riders, an Uber driver filed a similar request, with a similar outcome (e.g., due to consequences of not being available to work, the lack of information on the trip and client before the work starts, obligation to follow a route, etc.) (Wattecamps, 2021).

Court cases

When it comes to court cases, the most noticeable case is that of Deliveroo. As this case drags out over a relatively long period of time, and entails several complications, we first provide further information on how the situation emerged and then explain its results.

In 2016, SMart - a workers' cooperative that takes on the role of the employer to support freelancers in a wide range of sectors (see Lenaerts, 2018; Drahokoupil & Piasna, 2019; Charles

et al., 2020) - concluded an agreement with food delivery platforms Deliveroo and Take Eat Easy, a Belgian food delivery platform which went bankrupt some years ago. Under this agreement, riders could choose to work directly for one of the platforms as a self-employed, or to do so as a SMart employee being fully covered by the labour and social security legislation for employees (Lenaerts, 2018; Drahokoupil & Piasna, 2019; Charles *et al.*, 2020).

Already in 2013, some food delivery riders working via Take Eat Easy were doing so as SMart employees (Charles *et al.*, 2020). Deliveroo's market entry spurred competition between the platforms. When workers' pay went down and issues with the declaration of the number of hours worked emerged, SMart started negotiating with these platforms to understand what was happening and get access to the data (Charles *et al.*, 2020). For this reason, it also negotiated that platform workers would receive an hourly minimum wage with all work declared to social security, minimum three-hour shifts, training on occupational safety and health, accident and injury insurance, compensation for use of personal equipment in work, etc. (Drahokoupil & Piasna, 2019; Charles *et al.*, 2020).

In the Autumn of 2017, however, Deliveroo announced that from 1 February 2018 onwards, it would no longer allow delivery riders employed by SMart on its platform, while also changing its algorithmic management and pay scheme (see Lenaerts, 2018; Drahokoupil & Piasna, 2019; Charles *et al.*, 2020). The timing of this announcement was striking, as it coincided with recently started negotiations with trade unions and the workers' collective 'collectif des couriers', as well as with the government's announcement to introduce a new legal framework that would offer more flexibility and legal certainty (i.e. change from the 2016 to the 2018 legal regime, see above) (Lenaerts, 2018; Drahokoupil & Piasna, 2019; Charles *et al.*, 2020).

These developments, however, elicited such controversy that they prompted the then Minister of Employment, Labour and Social Dialogue to direct labour and social security inspectorates to investigate Deliveroo (Lenaerts, 2018; Drahokoupil & Piasna, 2019). This investigation culminated in judicial proceedings initiated by the public prosecutor at the labour court, focussing on the workers' employment status. While on 8 December 2021 the court had ruled that the 28 Deliveroo riders who had filed a complaint are rightfully classified as self-employed, this judgement was overturned on 22 December 2023 when the Higher Labour Court determined the riders are employees (Wouters, 2022; Wauters & Brocorens, 2022). However, Deliveroo filed an appeal before the Supreme Court in civil and criminal matters. The case is still pending, leaving the riders concerned as well as tax and social security administrations hanging in legal limbo.

2.2 Platforms and workers on food delivery and ride-hailing platforms

This section discusses the platform economy ecosystem in Belgium, zooming in on the platforms and workers that are active on delivery and ride-hailing platforms. To this end, it mainly draws on academic and grey literature and insights from fieldwork that was conducted in previous research projects on platform work in the country (Lenaerts, 2018; Lenaerts *et al.*, 2023).

The main reason for using this approach is that there is very little information available on platform work from official institutions. In addition, Belgium is not included in most major EU-wide surveys on digital platform work (e.g., the European Commission Joint Research Centre's COLLEEM surveys, the European Trade Union Institute's Internet and Platform Work surveys, to name a few recent examples), whereas national efforts to collect data are still in the early stages as discussed below (Lenaerts *et al.*, 2023). As a result, a good overview of the size of the platform economy,

the number of platforms operating in the country, the number of platform workers and their profile, is currently lacking.

As is described below, there have been several attempts by researchers to fill this data gap, but these efforts have not resulted in findings that are representative (or generalisable) for the platform economy as a whole in Belgium. Academic papers covering the country, therefore, typically contain a section discussing this issue and tend to present little or no data on the platform economy ecosystem. When data are presented, these are often based on qualitative research or on anecdotal evidence gathered in a particular case study or project. In what follows, data that are available are discussed, but readers are asked to keep this caveat in mind.

The only *official statistics* that are currently available on the platform economy result from a survey that was administered by the *Belgian national statistical office* (Statbel) in 2022. This concerned a pilot on platform work that was embedded in the Belgian labour force survey (Statbel, 2023). In the survey, anyone who worked at least one hour for one or more clients through an online platform qualified as a platform worker. According to the survey results, 84,000 people indicated to have worked through platforms for at least one hour in the past year, which corresponds to about 1% of the population between 15 and 64 years old. Food and parcel delivery is the most popular form of platform work in Belgium (Statbel, 2023). However, it is important to point out that selling goods online is also considered platform work in the definition of platform work used.[13]

Besides the Statbel data, the *tax authorities* gather data from both platforms and platform workers. These data, however, are not publicly available, and their quality and completeness was questioned by a working group composed of academic experts, representatives from the public administrations at Federal, Regional and Communal levels, representatives from the social partners, among other, on data needs in the context of digitalisation, in which the authors of this report participated.

From the data that are available from *EU-wide surveys* in which Belgium is covered, it is clear that the proliferation of the platform economy was somewhat slower and more limited in Belgium than in other Member States. According to the *Flash Eurobarometer survey 438*, in 2016 61% of Belgian respondents had never heard of sharing platforms (compared to the EU average of 46%), while 2% had used such platforms and paid for a service at least once (compared to 4%), 4% used them occasionally (compared to 9%), 2% used them regularly (compared to 4%). A follow-up survey *Flash Eurobarometer 467* corroborated these results in 2018.

Besides these data collection efforts, one particularly noticeable effort to gather data about platform work in Belgium was conducted as part of the SEAD (Sustainable Employment in the Age of Digitalisation) project.[14] In the SEAD project, a combination of quantitative and qualitative research methodologies were used mainly to gain further insights into the *socio-demographic profiles* of workers active on platforms, as well as their *professional and economic profiles*. The project did not aim to get a comprehensive view on the entire platform economy, nor attempt to assess its size or composition in terms of platforms, the types of work that are intermediated, etc. In terms of sources that were used, a first source are *administrative data* gathered directly from ten platforms (Gaublomme *et al.*, 2023): one education and tutoring platform, one professional

13 With this in mind, some experts have expressed concern about underreporting by survey respondents, as the data for Belgium tend to deviate considerably from those for other EU Member States. Although the Flash Eurobarometer survey does suggest a more limited take-up of platform work, the fact that selling of goods is considered makes these numbers even more problematic.

14 For more information about the project, see: https://sead.be/

services platform, three babysitting platforms, two platforms that are intermediating temporary agency work, one platform offering elementary jobs, one taxi services platform, and one food delivery platform. The data obtained, however, vary considerably in terms of their unit of analysis (e.g., whether the number of users or the number of transactions is provided), their reference period, and the information shared (e.g., worker identifier, task identifier, level of details on tasks).

From the available administrative data, it is clear that the socio-demographic profiles and the professional and economic profiles of platform workers in Belgium vary significantly across the platforms and types of platform work, underscoring that there is no single profile for "the platform worker". These data illustrate that this diversity within platform workers is closely tied to the specific services or activities they perform through these platforms (e.g., overrepresentation of women on babysitting and tutoring platforms). Another point that emerges from the data collected by Gaublomme *et al.* (2023) is that most platform workers engage with platforms only sporadically. In that sense, the findings for Belgium are aligned with evidence for other EU Member States.

A second data source used in the SEAD project is a *survey targeting platform workers* (Gevaert & Vandevenne, 2024). This survey explored various aspects of platform work, including employment conditions, health and well-being, social protection, income security, and career prospects. The target population consisted of all platform workers residing in Belgium. Using a purposive sampling approach to circulate the survey, a total of 406 platform workers were reached. The study distinguishes between employment quality and the intrinsic quality of work. Findings from Belgian platform workers reveal a high prevalence of non-standard contracts (e.g., self-employed, temporary, or peer-to-peer), limited access to social protections, and minimal organisational affiliation. Workers face varying degrees of vulnerability to exploitative treatment, with notable heterogeneity in economic sustainability and job security. While other studies highlight similar patterns of non-standard contracts and economic diversity within platform work, this research uniquely notes that most Belgian platform workers lack affiliation with any worker organisations, contrasting with trends seen elsewhere. Furthermore, unlike views that depict platform work as inherently authoritarian, this study finds diverse experiences, including both positive and negative treatment by platforms. Assessing the intrinsic work quality, platform work shows considerable variation in physical conditions and task autonomy. Many workers experience high work intensity and limited levels of social interaction but generally report high autonomy levels, balancing some of the job's adverse aspects. Overall, while platform work often leaves the tasks themselves unchanged, it alters the employment framework, influencing work intensity, autonomy, and collaboration.

As *food delivery and ride-hailing platforms* are of particular interest for the present study, we highlight the findings of the SEAD project for these below. Before doing so, the main platforms operating in this sector in Belgium are Deliveroo, Uber Eats, Takeaway (food delivery) and Uber (ride-hailing). Most of these platforms entered in 2015-2016, with the exception of Takeaway, which started operating in Belgium in 2007 yet under a different name. As in other countries, these platforms mainly serve the major cities. With regard to the socio-demographic, professional and economic profiles of the workers, Gaublomme *et al.* (2023) report based on administrative data obtained from one food delivery platform that workers are predominantly *young* (36% are between 21 and 30 years old, 25% between 31 and 40 years old) and *male* (94% are men). In 2020, 82% of them earned over €2,500 through the platform. Looking at working hours, 35% worked fewer than 10 hours per week, and 31% worked between 10 and 20 hours per week. Only 3% of food delivery workers are self-employed, while the vast majority (97%) operate under the 'sharing economy' status. Turning to the taxi drivers, it again appears that the vast majority are men (98%), but in this case the group of workers is slightly older (38% is aged between 30 and 39 years old). Interestingly, 43% of the surveyed drivers (based on a survey conducted by the

platform itself among a selected group of platform workers – no further details are available on this) hold a higher education degree. While the survey did not collect data on hours worked or employment status, it reveals that 64% of drivers rely on platform work as their primary source of income.

3. The country's collective bargaining model: Actors and institutions

3.1 Collective bargaining in the platform economy

This section introduces the collective bargaining model in Belgium, highlighting the main actors and institutions and the regulatory framework, and discussing the state of collective bargaining in the platform economy.

Belgium's model of social concertation has proven resilient through various economic shifts and remains one of Europe's most structured systems of social dialogue. Today, the country maintains a diverse landscape of industrial relations shaped by sectoral, ideological, and regional factors (Marx & Van Cant, 2018; Vangeel & Lenaerts, 2024).

Actors: trade unions and employers' organisations

Trade unions in Belgium are organised by sector and consolidated into three main federal confederations: (i) Algemeen Christelijk Vakverbond/Confédération des Syndicats Chrétiens (ACV-CSC), (ii) Algemeen Belgisch Vakverbond/Fédération Générale du Travail de Belgique (ABVV-FGTB), and (iii) Algemene Centrale der Liberale Vakverbonden van België/Centrale Générale des Syndicats Libéraux de Belgique (ACLVB-CGSLB). The origins of these union confederations trace back to workers' movements linked to the three traditional ideological pillars of Belgian society. The Christian pillar arose in the late 19th century as Christian organisations established schools, hospitals, newspapers, sports clubs, and eventually unions to maintain their influence amid society's gradual shift from church oversight. Simultaneously, the socialist movement developed its own networks, and liberal groups followed, establishing three ideological pillars, each with its affiliated trade unions. Over time, smaller unions consolidated, forming the modern-day confederations: ACV-CSC for Christian unions, ABVV-FGTB for socialist unions, and ACLVB-CGSLB for liberal unions (Huyse, 2013; Marx, 2019; Vangeel & Lenaerts, 2024).

In 2018, ACV-CSC and ABVV-FGTB both had over 1.5 million members, while ACLVB-CGSLB counted around 300,000 members, bringing total union membership in Belgium to 3.4 million (Visser, 2019). Because retirees often retain union membership, students may join, and many unemployed individuals are members due to Belgium's partial Ghent system (Marx, 2019), Visser estimated net union membership in 2018 (i.e. total number of union members among the active, dependent, and employed workforce) at approximately 2 million. Thus, one in three trade union members in Belgium is inactive. To put those 2 million active members into context: they comprise half of all employees in Belgium and just under half of the active population (Visser, 2019).

A notable aspect of union membership in Belgium is its lack of fragmentation, a rarity compared to other countries. In 2016, the most recent year with available data in the OECD/AIAS ICTWSS database, union density in the public and private sectors differed by only 1.6 percentage points. Furthermore, in 2018, union density was 52.8% among men and 46.9% among women (OECD & AIAS, 2023). Company size does not appear to influence unionisation rates in Belgium, and the unionisation rate among young workers aligns closely with the national average. The relatively

high union density in Belgium can be partly attributed to its partial Ghent system, whereby unemployment insurance is mandatory, and unions play a significant role in distributing benefits.

The main organisations representing employers in Belgium are the *Federation of Belgian Enterprises* (VBO-FEB), the *Union of Self-Employed Entrepreneurs* (UNIZO) and the *Union des classes moyennes* (UCM). Besides these organisations, there are a number of organisations in the social profit sector and those representing farmers (Boerenbond in Flanders, Fédération Wallonne de l'Agriculture in Wallonia) (Vangeel & Lenaerts, 2024). VBO-FEB is the largest inter-professional employers' organisation that operates in all three regions of the country. VBO-FEB brings together over 50,000 Companies (including 25,000 SMEs) and represents 75% of employment in the private sector (all industry and services sectors). VBO-FEB traditionally is seen as the representative organisation for larger companies. UNIZO and UCM are employers' organisations for smaller companies (SMEs), the self-employed and liberal professions. UNIZO operates in Flanders, while UCM is active in the French-speaking part of the country. Over 80% of employers are a member of an employers' association.

Regulatory and institutional framework on collective bargaining

Belgium's extensive institutionalisation of social dialogue developed gradually over the past 70 years. The first major milestone was the Draft Agreement on Social Solidarity, or Social Pact, of 1944 (Marx & Van Cant, 2018). This pact, though merely a declaration of principles between trade unions and employer organisations and not formally ratified by either side, was established while Belgium was under German occupation. It represented a commitment by social partners to foster social peace following decades of labour conflicts, with both sides recognising each other as representatives of workers and employers and pledging to improve living standards across society (Cassiers & Denayer, 2010; Vangeel & Lenaerts, 2024).

The principles of the Social Pact were further enacted through Minister of Employment and Social Welfare Achille Van Acker's decree-law of 28 December 1944. This law made unemployment insurance compulsory, with benefits distributed by the unions. Belgium's social security and dialogue structures gradually expanded post-war: joint committees and subcommittees were granted legal status in 1945. The health and safety committee, the works council, and the Central Economic Council (CRB-CCE) were established in 1948, followed by the National Labour Council (NAR-CNT) four years later (see below).

The next key development came in 1968 with the enactment of the law governing collective bargaining agreements (CBAs) and joint committees. This law stipulated that all employers in an organisation that had agreed to a collective agreement -at national or sectoral levels - were bound by its terms, extending its coverage to the entire workforce regardless of union membership (Van Gyes *et al.*, 2018). This legislation provided social partners with significant autonomy to establish binding collective agreements at all levels of social dialogue (Cassiers & Denayer, 2010; Marx & Van Cant, 2018; Van Gyes *et al.*, 2018).

In Belgium, collective bargaining operates at three levels (Vangeel & Lenaerts, 2024). At the highest level, national bargaining brings together employer organisations and unions to negotiate centralised cross-sectoral agreements for the entire economy (Kelemen & Lenaerts, 2022). Below this is the intermediate level, the primary level for collective bargaining, where negotiations occur within specific sectors through joint committees and subcommittees (Marx, 2019; Marx & Van Cant, 2018). The third level is the company level, where bargaining takes place within individual enterprises. Thus, in Belgium there are three types of collective bargaining agreements: intersectoral CBAs at the national level, sectoral CBAs, and company CBAs.

Collective bargaining in Belgium is hierarchical, meaning that agreements at lower levels can only enhance employee benefits, not reduce them, from what has been established at higher levels; no exceptions are permitted (Kelemen & Lenaerts, 2022; Vangeel & Lenaerts, 2024). Additionally, CBAs automatically apply to all companies that are members of the committee that negotiated it. This effectively extends national-level CBAs to nearly all Belgian employees, resulting in a collective bargaining coverage of 96% in 2019, a figure unchanged over the past three decades (OECD & AIAS, 2023). Only certain managerial staff are excluded from CBAs, which explains why coverage is not a full 100% (Van Gyes *et al.*, 2018). This extensive coverage also helps explain the high union density in Belgium.

In Belgium, national-level socio-economic consultation is structured through two primary advisory bodies: the National Labour Council and the Central Economic Council. These bodies support the government by providing guidance on labour, social security, and economic matters. The NAR-CNT primarily advises the federal government and parliament on policies related to labour conditions, such as working hours, part-time work, wages, and temporary agency work. The NAR-CNT has the authority to establish national collective bargaining agreements, providing a legal framework for agreements across sectors (FOD WASO, 2023; Kelemen & Lenaerts, 2022). In contrast, the CRB-CCE holds an advisory role, offering input on broader socio-economic issues but without decision-making power.

Complementing these bodies, representatives from key employer organisations and trade unions convene every two years in the 'Group of Ten' to negotiate an Interprofessional Agreement (IPA) covering the entire private sector. This informal negotiation, driven in part by input from the CRB-CCE, is not legally binding but serves as a political and moral commitment by the social partners (Marx & Van Cant, 2018; Van Gyes *et al.*, 2018). For the IPA to gain legal power, it is typically formalised into a CBA by the NAR-CNT or, if no agreement is reached, it may be enforced by the government. An IPA addresses a variety of topics, including employee contributions, replacement incomes, temporary unemployment benefits, and other social benefits, with a primary focus on private-sector wage increases (Van Den Broeck, 2011). Note that also at the regional level, there are several advisory bodies in place: Flanders' Socio-Economic Council, the Walloon Economic, Social and Environmental Council, BruPartners in Brussels (Vangeel & Lenaerts, 2024).

The intermediate, sectoral level of bargaining involves approximately 170 joint committees and subcommittees, organised by sector, which implement the frameworks set at the interprofessional level. These committees negotiate detailed aspects of working conditions, including pay scales, working hours, and training requirements (Marx, 2019). Every company in Belgium is assigned to a specific sectoral joint committee upon obtaining a social security number, and all employees of that company are automatically covered by the same committee's agreements (Van Gyes *et al.*, 2018). At the company level, employee representation is structured according to company size. Companies with over 50 employees must establish a health and safety committee, comprising trade union and employer delegates, to advise on worker safety and well-being. For companies with over 100 employees, a works council is required as well. This body, equally representing employees and employers, has advisory and limited decision-making authority on workplace issues (Van Gyes, 2015; Kelemen & Lenaerts, 2022). Additionally, a union delegation can be set up at the request of one of the representative unions, irrespective of company size (FOD WASO, 2023).

3.2 Collective bargaining in the platform economy: Actors' strategies and models of collective bargaining in the country

Social dialogue within the platform economy, as far as it exists, is framed within this context and builds on the industrial relations structures outlined above (Lenaerts, 2018; Vangeel & Lenaerts, 2024). Social partners may extend their services to workers in the platform economy, organise and represent platform workers in negotiations with platforms, and influence the policy agenda. As Vandaele (2017) observes, the platform economy can provide unions with opportunities to explore different organisational strategies and reach new target groups (also see Lenaerts *et al.*, 2023; Vangeel & Lenaerts, 2024). Employers' representatives can contribute by organising and representing platforms and may include platform companies among their members. The platform economy presents new opportunities for organisation and representation by both traditional and emerging actors, incorporating both top-down and bottom-up initiatives, which are examined in more detail below. As Vandaele (2017) observes, the platform economy can provide unions with opportunities to explore different organisational strategies and reach new target groups (also see Lenaerts *et al.*, 2023; Vangeel & Lenaerts, 2024).

Position of trade unions

In Belgium, the three trade unions have taken a special interest in platform work and have developed different strategies to protect platform workers, from supporting those who take legal action against platforms (as in the Deliveroo court case described above) and collaborating with grassroots organisations and workers' collectives (e.g., the collectif des coursiers, see Charles *et al.*, 2020), to setting up a service tailored to the needs of platform workers (e.g., United Freelancers from ACV-CSC as an example of organisational experimentation; or the 'platform for platform workers' launched by ABVV-FGTB, see Kelemen & Lenaerts, 2022; Lenaerts *et al.*, 2023), and bargaining with platforms (e.g., the 2022 agreement between ABVV-FGTB and Uber, in which Uber recognises ABVV-FGTB as representative for all Uber drivers in Belgium and both agreed to joining forces to improve the conditions, see Lenaerts *et al.*, 2023 and Section 3.2). While these negotiation efforts have yet to result in a fully fledged collective agreement, they could perhaps serve as a first step to pave the way for future agreements. Some of the unions' initiatives and practices are traditional and rooted in a long history, while others are novel and allow unions to experiment with new strategies and activities (see Degryse, 2020).

All the trade unions' initiatives and actions are aimed at improving the conditions digital platform workers face, which includes striving for legal certainty and ensuring that platform workers have access to social protection, and subsequently that platforms pay social security contributions and taxes, in that way safeguarding the welfare state. Unions also explicitly aim to fill knowledge gaps. United Freelancers, for example, offers a 'salary compass' toolkit on its website and calls on platform workers to reach out when they find themselves in a complicated situation (e.g., after having an accident, in case of account de-activation, exceeding income threshold, uncertainty about combining platform work with unemployment benefits) (Kelemen & Lenaerts, 2022). In this way, unions have continued to advocate for platform workers' labour and social (security) rights - even in a context where government policy clearly went in a different direction - and have explored ways to scale up and make their efforts sustainable. The trade unions are frontrunners in this area compared to other labour market actors in the country.

Belgian trade unions have taken a proactive role in the platform economy debate, conducting research and advocating for policy responses to mitigate potential negative impacts on workers. Both ABVV/FGTB and ACV/CSC developed reports on the platform economy, as part of a broader focus on the future of work, emphasising that unions should actively address platform work issues rather than passively observe its evolution (Vandaele, 2017; Lenaerts, 2018). Belgium's unions entered the platform economy debate after the International Labour Organisation's discussions

on the future of work, and they have since driven the national conversation, especially as government action was initially limited (but as discussed above, this changed later on). At the national level, unions have worked with employers' organisations through the National Labour Council, where they addressed the impacts of digitalisation and the platform economy alongside other societal challenges. Their February 2017 social partners' agreement proposed that platform work could contribute to economic growth, employment, and social security. A timeline was set to gather insights and make recommendations by year-end, though union suggestions to the government reportedly went unaddressed.

While Belgian unions recognise the platform economy's benefits and public demand for these services, they are pragmatic and wary of potential risks (Lenaerts, 2018; Lenaerts *et al.*, 2023). Unions express particular concerns over platforms that resemble traditional companies but market themselves as part of the 'sharing economy', fearing that this could weaken workers' rights, encourage precarious employment, and undermine social security. Furthermore, they argue that some platforms (purposely) misclassify workers as self-employed to circumvent labour regulations, leaving the concerned workers exposed and unprotected. Belgian unions are thus focused on curbing abuses in the platform economy, raising awareness among workers, and fostering a fair environment for platform work to develop responsibly.

In practice, trade unions face unique challenges when engaging with platform workers, including the workers' varied identities and, in some cases, hesitation to view platform work as 'real work' (Eurofound, 2018). Despite this, unions are reaching out to both individuals and self-organised worker groups, recognising that being accessible and visible is essential for engagement. The case of Deliveroo illustrates union involvement: unions took interest in late 2017 when Deliveroo announced employment term changes, such as no longer paying couriers for time en route to meeting points. This announcement was especially significant because Deliveroo had previously partnered with SMart, a cooperative organisation critiqued by unions. In response, unions began contacting Deliveroo couriers, particularly in urban areas, to discuss employment terms and working conditions.

Belgian unions engage platform workers through various methods, from street outreach and pamphlet distribution to social media interactions, particularly on Facebook, where union representatives maintain connections with hundreds of Deliveroo couriers (Lenaerts, 2018; Lenaerts *et al.*, 2023). They provide essential information on workers' rights, wages, and benefits, with an emphasis on support and information rather than immediate union membership. Internal discussions about this outreach approach continue, as unions navigate how best to represent these workers. Alongside direct outreach, unions also advocate for safer working conditions for example for food delivery riders, promoting awareness around issues such as helmet and glove use and reliable bicycles. Safety is a major focus of promotional materials, especially given the lack of formal representation from platforms in these discussions, which hinders collective bargaining efforts when platforms refuse to negotiate.

In addition to direct support, Belgian unions are pressing for stronger regulation of the platform economy, on both national and European level, emphasising the government's role in shaping fair labour conditions within this sector. Union representatives call for a robust legal framework to address challenges posed by monopolistic platforms and to curb the risk of a 'winner-takes-all' market dynamic, which they argue could further harm labour rights and equitable work practices. Over time, the trade unions have remained critical about the legal framework in place in Belgium and Europe. On a European level Belgian trade unions play an active role in ETUC to call the EU institutions for a cross-border approach, since the biggest platforms are doing similar practices in different EU countries. According to Belgian trade unions those platforms look for gaps in local

legislation to find loopholes and exploit workers. Something they think can only be solved with an EU-wide approach.

Position of employers' organisations

In Belgium, employers' organisations are actively engaged in discussions surrounding the platform economy, aiming to shape policy and guide the ongoing debate (Lenaerts, 2018; Lenaerts *et al.*, 2023). Both associations representing large companies and those advocating for smaller businesses and the self-employed participate in these discussions, often collaborating with trade unions in forums such as the National Labour Council. Viewing the platform economy as a component of the broader trend toward digitalisation, these organisations are keeping a close eye on its developments and potential impacts. Compared to unions, employers' organisations generally adopt a more optimistic perspective on the platform economy (Lenaerts, 2018; Gillis, 2018). Representatives from VBO/FEB, for example, believe media coverage tends to overemphasise the negative aspects, overlooking the positive impacts. They emphasise the platform economy's innovative qualities, its accessibility, and its potential to enhance transparency in transactions. Additionally, they see opportunities for the platform economy to support labour market integration by creating more accessible pathways to work.

Employers' organisations in Belgium recognise the platform economy's benefits but remain wary of potential risks, particularly the threat of unfair competition against traditional businesses, which bear higher costs due to standard employment practices. They advocate for a "level playing field," where existing rules are applied uniformly to all, including platforms, rather than implementing new regulations (see Lenaerts, 2018; Kelemen & Lenaerts, 2022). Employers' representatives suggest that regulation should proceed cautiously to balance the advantages of the platform economy with the uncertainties surrounding its impact. They stress the importance of monitoring the sector closely, recommending that current rules be enforced to ensure fair competition. In the first years of activity platforms did not join employer organisations since they claimed not to be an employer of platform workers. But since a couple of years TakeAway, Deliveroo and UberEats joined Comeos, the Belgian sector organisation for trade and services.

Grassroots' organisations and mobilisation

In a recent study on mobilisation within the platform economy in Belgium, Brodersen *et al.* (2023) conduct an in-depth comparison of passenger transport drivers and food delivery riders. The study aimed at understanding how mobilisation dynamics differ across these sub-sectors within platform work, shaped by their specific socio-economic environments, trade union interactions, and policy frameworks. Using ethnographic research, the study reveals three main insights. First, mobilisations in each group are distinctly influenced by Belgium's national and local contexts (see Section 2.1). Second, varying trade union strategies and legislative tools affect how each group interacts with traditional labour market institutions. Third, these distinct trajectories, in turn, shape workers' diverse demands for regulation and protection, challenging a one-size-fits-all approach.

Although food delivery and passenger transport platforms are both operating in urban spaces, Brodersen *et al.* (2023) find that they rely on different recruitment and employment strategies. To be more precise, food delivery platforms were found to initially focus on recruiting a young, temporary workforce - often students using bicycles. Over time, however, these platforms shifted toward recruiting a more diverse yet highly vulnerable labour pool, including undocumented workers who rely heavily on this employment. Importantly, mobilisation among the food delivery riders seems linked to deteriorating working conditions at Take Eat Easy, which prompted workers to form a collective called the *collectif des coursier.e.s* in 2016. Couriers initially organised through a Facebook group. However, as Take Eat Easy went bankrupt and its business transitioned to Deliveroo, this further strengthened the collective's resolve. When Deliveroo imposed the self-

employed status and pay-per-delivery on its workers in 2017, this resulted in protests, strikes, and occupation of Deliveroo's premises. As the mobilisation among couriers intensified, unions began playing a more active role in supporting worker rights in this sector. The *'Maison des livreurs'* in Brussels emerged from these alliances - a space where couriers could find legal advice and representation, marking a shift from confrontational mobilisation to institutionalised support.

The picture is different for passenger transport platforms (Brodersen *et al.*, 2023), with Uber already encountering resistance from traditional taxi services as soon as they entered the Belgian market. At first, this seemed to be related especially to the platform offering taxi services at Brussels Airport, which is heavily regulated and requires specific licenses. Over time, Uber drivers in Belgium saw a shifting workforce, and the number of drivers without a professional license declined. Mobilisation within the paid passenger transport sector has revolved around market access. Attempts to regulate the market through a standardised taxi plan led to conflicts with traditional taxi drivers. LVC drivers were also affected by these shifts, particularly in 2021 when an outdated ordinance forbade them from using smartphones to access ride requests. Massive protests ensued, leading to a temporary policy allowing LVC drivers to continue their work. Later in 2021, however, the Brussels Court of Appeal issued a decision prohibiting LVC drivers from using Uber's app, which led to one of the largest mobilisations in front of the Brussels Parliament. The collective *'Union des chauffeurs limousine belge'* (UCLB), newly formed by LVC drivers, spearheaded these protests, which highlighted the precarious position of LVC drivers amidst ever-shifting regulations.

As also briefly mentioned above, legal action has played a central role in shaping platform labour mobilisation in Belgium as well (Brodersen *et al.*, 2023; Lenaerts *et al.*, 2023). For example, many food delivery riders seek reclassification as employees, challenging the subordination implied by their work arrangement. In contrast, LVC drivers view platform work as entrepreneurial and often focus on regulatory disputes over market access. Legal battles, particularly for LVC drivers, have become a primary avenue for change. Courts have repeatedly been called upon to determine market legitimacy, especially as taxis have contested Uber's competitive practices. For food delivery riders, however, legal action has centred on reclassifying their status to better align with employment laws, demonstrating the intrinsic difference in how each group interacts with existing legal frameworks.

Ultimately, the distinct work structures and demographics of couriers and drivers in Belgium's platform economy have led to different regulatory demands (Brodersen *et al.*, 2023; Lenaerts *et al.*, 2023). Food delivery riders, for example, have rallied around labour protections that include minimum hourly wages, social security contributions, and workplace injury insurance. Conversely, taxi drivers have focused on maintaining LVC status as a viable business model within the transport market. Although this distinction reflects each group's unique labour conditions, both groups have at times directed their frustration at platforms. Nevertheless, the state's lack of a clear regulatory approach remains a common obstacle for both groups, often necessitating court interventions to address immediate disputes (Lenaerts *et al.*, 2023).

3.3 Mapping of collective bargaining agreements in delivery and ride-hailing platforms

As indicated above, there have been efforts by trade unions to negotiate with platforms, but these have not resulted in any concluded collective bargaining agreements. The trade union ABVV-FGTB concluded a Memorandum of Understanding (MoU) with Uber. Since the MoU contains an NDA, details on this agreement are not publicly available, besides the information that is shared

in the press release.[15] The research team has asked to receive further information, but this request did not yield results, so far, except a confirmation by email from Frank Moreels from ABVV-FGTB an MoU containing an NDA was signed with Uber and the referral for more information to Tom Peeters. Moreover, while the press release mentions that an agreement was reached between the two parties, it does not state that this agreement is a collective bargaining agreement. Which, technically, it cannot be, since a CBA cannot contain an NDA. As a result, the agreement is not included among the database of collective agreements that is maintained by the Federal Public Service for Employment. As Brodersen *et al.* (2023) further explain, this agreement was made between the union responsible for the transport sector within ABVV-FGTB. However, the agreement was criticised by other the trade unions as well as by grass roots organisations, arguing that they had not been consulted and that this agreement undermined their efforts to improve conditions for these platform workers, and due to the lack of transparency with the agreement not being made public. Furthermore, one cannot easily understand why a trade union would sign an agreement containing and NDA with a company with a history as that of Uber. Also, since the agreement allegedly recognises ABVV-FGTB as the sole representative of drivers using the Uber app, it is easy to understand the benefit for this particular trade union. However, the benefits for Uber remain a mystery.

The only visible successful negotiation in Belgium between a 'platform' and trade unions is the case of Taxi Verts during the COVID-19 crisis.[16] Originally purely a taxi dispatch centre, Taxi Verts has partly evolved into a platform for drivers. Drivers who use platforms like Uber and Bolt have also started using Taxi Verts as an alternative. During the pandemic, many drivers were unable to work but were still required to pay a monthly fee to Taxi Verts. With support from United Freelancers and ACV Transcom, drivers managed to negotiate a temporary pause in these payments, ensuring they could resume working with the platform once restrictions were lifted.

15 https://www.btb-abvv.be/en/news/1452-abvv-btb-and-uber-strike-historic-deal-for-thousands-of-drivers

16 ACV Vakbeweging Nr 946 of 10th of June 2021, p19: https://www.hetacv.be/docs/default-source/acv-csc-docsitemap/5000-over-het-acv-a-propos-de-la-csc/5230-publicaties-publications/vakbeweging/acv_2021vakbeweging-946.pdf?sfvrsn=fd619549_2

4. The collection and use of workers data by digital labour platforms

4.1 Article 15 of the GDPR

Prior to the entry into force of the GDPR, the general data protection legislation in Belgium was the Act of 8 December 1992 on the protection of privacy with regard to the processing of personal data[17] and the competent body was the Privacy Commission. This general legislative framework, which transposed into Belgian Law Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,[18] was replaced by, on the one hand, the Act of 3 December 2017 establishing the Data Protection Authority[19] and on the other hand, the Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.[20] The 'Privacy Commission' was replaced by the new (Belgian) 'Data Protection Authority' (hereafter: BDPA).[21] The BDPA is an administrative authority and not a judicial one, although its procedure for treating complaints does have similarities with judicial procedures. An appeal against a decision of the BDPA can be lodge at the 'Market Court', a specialised Chamber of the Brussels Court of Appeal (Plets, 2021).

As of yet, the BDPA has not treated any complaint, nor has it taken any decision related to platform work, other than referring complaints regarding online labour platforms to the DPA of the - in first instance deemed competent - Member State. Since none of the bigger online labour platforms' have their main establishments located in Belgium, the BDPA in accordance with the

17 Act of 8 December 1992 on the protection of privacy with regard to the processing of personal data, Belgian OJ, 18 March 1992, https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?cn=1992120832&la=N&language=nl&table_name=wet (Dutch and French versions available).

18 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23 November 1995, p. 31–50, https://eur-lex.europa.eu/eli/dir/1995/46/oj/eng

19 Act of 3 December 2017 establishing the Data Protection Authority, Belgian OJ, 10 January 2018, https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2017120311&table_name=wet (Dutch, French and German versions available). For the website of the Belgian DPA, please see: https://www.dataprotectionauthority.be/ (Dutch, French and German versions available).

20 Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data, Belgian OJ, 5 September 2018, https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2018073046&table_name=wet (Dutch, French and German versions available).

21 https://www.dataprotectionauthority.be/

GDPR's 'one-stop shop' mechanism,[22] refers complaints related to such platforms to the DPA of the Member State where the main establishment is located and/or where the processing and/or the decisions regarding the processing actually take place.

As a result, complaints filed with the BDPA, for instance with regard to Uber, are referred to the 'Autoriteit Persoonsgegevens' (hereafter: AP), the Netherlands' DPA.[23] The AP has treated complaints regarding Uber in the past and continues to do so.[24] In 2018, the AP imposed an administrative fine of €600,000 upon Uber B.V. and Uber Technologies, Inc. for failing to report a data breach which occurred in 2016 and affecting 57 million Uber users worldwide, and concerns 174,000 Dutch citizens. The data exposed contained, inter alia, names, email addresses and telephone numbers of customers and drivers.[25]

Early 2024, the AP imposed an administrative fine of €10 million upon Uber for failing to provide sufficient disclosure on how long the company kept data on European drivers and on to which countries outside Europe the data was being transferred to. Furthermore, the AP noted Uber *"made it unnecessarily complicated for drivers to make a request to see or receive their data. While there was a digital form in the app for drivers to request access, it was deep and too scattered in a variety of menus and could have been in a more logical place. Uber then handled a request for access by putting information in a file, in which personal data was not always structured and therefore difficult to interpret."*[26]

In August 2024, the AP imposed a third administrative fine upon Uber, this time to the amount of 290 million Euro for collecting, inter alia, sensitive personal data of European drivers and retaining it on servers in the US.[27]

Data subjects can choose to either file a complaint with their national DPA and with the competent DPA *or* to take the controller to court.[28] Since a number of platforms have their main (European) establishment in the Netherlands there have been a number of court cases regarding platform workers' personal data, apart from the complaints filed with the AP. In three cases, a group of

22 *Cf.* among others, Recital (127) and Articles 55 - 58 GDPR. For a brief explanation, see for instance: https://www.edpb.europa.eu/sme-data-protection-guide/data-protection-authority-and-you_en#toc-1 For a longer explanation, see: Gonzalez Fuster *et al*. (2022). *The right to lodge a data protection complaint: ok, but then what: An empirical study of current practices under the GDPR.* European University Institute. https://cadmus.eui.eu/bitstream/handle/1814/74899/The_right_to_lodge_a_data_protection_complaint_2022.pdf?sequence=1&isAllowed=y p. 20 et seq. For an interesting case about the 'one-stop shop' mechanism, see CJEU, Grand Chamber, Judgement of 15 June 2021, Case C-645/19, Facebook Ireland and Others, ECLI:EU:C:2021:483, https://curia.europa.eu/juris/liste.jsf?language=en&jur=C%2CT%2CF&num=%20C-645/19 and infra.

23 *Cf.* https://www.autoriteitpersoonsgegevens.nl/en

24 However, as of yet, no Belgian complaints have been treated by AP.

25 https://www.autoriteitpersoonsgegevens.nl/en/current/dutch-dpa-fine-for-data-breach-uber

26 https://www.autoriteitpersoonsgegevens.nl/actueel/uber-krijgt-boete-van-10-miljoen-euro-voor-overtreden-privacyregels

27 Personal data included: account details, taxi licences, location data, payment details, identity documents, but also photos, and in some cases even criminal and medical data. For more details, cf: https://www.autoriteitpersoonsgegevens.nl/en/current/dutch-dpa-imposes-a-fine-of-290-million-euro-on-uber-because-of-transfers-of-drivers-data-to-the-us

28 *Cf.* inter alia Recitals (143) and (145) to the GDPR and Articles 47(1)(e) & 79 GDPR.

London drivers, assisted by the App Drivers & Couriers Union, sued the companies Uber and Ola.[29]

On 4 April 2024, the Amsterdam Court of Appeal ruled in three of cases where an appeal had been logged against a first instance judgement.[30] In the three cases, drivers requested access to information about algorithms used by Uber and Ola such as 'algorithmic decisions concerning the matching of passengers to drivers (the batched matching system), the way the fare was calculated (the upfront pricing system) and the calculation of fraud probability scores (the fraud probability score)'.[31] Article 15(1)(h) GDPR provides data subjects have a right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information: (...) h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

As Metikoš observes, Article 15(1)(h) GDPR has been a subject of discussion in the academic literature.[32] The Amsterdam Court of Appeal ruled Article 15(1)(h) GDPR is limited to fully automated decision-making, although, as Metikoš duly states, the EDPB has clarified the term 'fully automated decision-making' means that there is no 'significant' human intervention in the

29 For a concise comment of the cases, see: Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf

30 Amsterdam Court of Appeal 4 April 2023, ECLI:NL:GHAMS:2023:793, https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHAMS:2023:793;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL:GHAMS:2023:796, https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHAMS:2023:796;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL:GHAMS:2023:804, https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHAMS:2023:804.
The judgements of the court of first instance are of interest, also because at some points, they clearly indicate that first instance judges often are not familiar with matters such as data protection or platform work. Unfortunately, it falls outside the scope of this report to fully elaborate this point as none of the cases imply Belgian drivers. Nevertheless, interested readers can have a look at, inter alia, the reasoning of the Amsterdam Court in the Ola-case (ECLI:NL:RBAMS:2021:1019 - Rechtbank Amsterdam, 11-03-2021/C/13/689705/HA RK 20-258, https://linkeddata.overheid.nl/front/portal/document-viewer?id=http%3A%2F%2Flinkeddata.overheid.nl%2Fterms%2Fjurisprudentie%2Fid%2FECLI%3ANL%3ARBAMS%3A2021%3A1019&callback=&dates=&fields=) and the reasoning behind the judgement of the Appeal Court, which reformed the first judgement in the case on different points.
A concise and critical annotation of the cases can be found here: Custers, B. H. M. (2022) Annotatie bij Rechtbank Amsterdam 11 maart 2021, nr. C/13/687315/HA RK 20-207 (Uber), Computerrecht, afl. 2, https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4329266, p. 122-140.

31 Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf (author's translation). In his article, Metikoš refers to:
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:793, para. 2.7;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:796, para 3.33-3.34;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:804, para 3.8.

32 *Cf.* Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf, p. 114 (author's translation) and the references cited.

decision-making process.[33] He further mentions a decision of the 'Datenschutzbehörde', the Austrian DPA, of 2020 which 2020, granted an information request under Article 15(1)(h) GDPR even though there was no fully automated decision-making.[34] The Amsterdam Court of Appeal judgements also rule on what information about the algorithms must be provided, namely 'information on factors taken into account in the decision-making process, and their respective "weighting" at an aggregate level.'[35] This information must be sufficiently complete 'for the data subject to be able to the reasons for the decision'.[36]

Another interesting subject of debate is the right of controllers to wholly or partially reject access requests if providing the information requested would harm the rights and freedoms of others. The Court rejected Uber and Ola's arguments the information requested would contain trade secrets, considering a complete withholding of all information would neither be proportionate nor necessary, an essential aspect of the right to refuse access requests on those grounds. As the Court rules, Uber and Ola can still provide partial information about their algorithms and sufficiently safeguard their trade secrets.[37]

In a recent case, the CJEU ruled that 'in the case of automated decision-making, including profiling, within the meaning of Article 22(1) of [the GDPR], the data subject may require the controller, as "meaningful information about the logic involved", to explain, by means of relevant information and in a concise, transparent, intelligible and easily accessible form, the procedure and principles actually applied in order to use, by automated means, the personal data concerning that person with a view to obtaining a specific result, such as a credit profile' and that 'where the controller takes the view that the information to be provided to the data subject in accordance with that provision contains data of third parties protected by that regulation or trade secrets [...] that controller is required to provide the allegedly protected information to the competent supervisory

---

33 Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf. *Cf.* EDPB, Automated decision-making and profiling, 25 May 2018, https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/automated-decision-making-and-profiling_en

34 *Cf.* Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf, p. 115 (author's translation) and the reference cited: Datenschutzbehörde 8 September 2020, RIS - 2020-0436002, ECLI:AT:DSB:2020:2020.0.436.002, https://www.ris.bka.gv.at/Dokumente/Dsk/DSBT_20200908_2020_0_436_002_00/DSBT_20200908_2020_0_436_002_00.html).

35 Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:793, para. 3.28.

36 Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:804, para 3.48;
cf. Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf

37 Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:793, para 3.27;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:796, para 3.39;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:804, para 3.47.
In 2023 the CJEU had already observed that 'as the Advocate General stated in point 61 of his Opinion, in the event of conflict between, on the one hand, exercising the right of full and complete access to personal data and, on the other hand, the rights and freedoms of others, a balance will have to be struck between the rights in question. Wherever possible, means of communicating personal data that do not infringe the rights or freedoms of others should be chosen, bearing in mind that, as follows from recital 63 of the GDPR, 'the result of those considerations should not be a refusal to provide all information to the data subject' (CJEU, Judgment of 4 May 2023, Case C-487/21, F.F.v Österreichische Datenschutzbehörde, ECLI:EU:C:2023:369, para 44.

authority or court, which must balance the rights and interests at issue with a view to determining the extent of the data subject's right of access.'.[38]

As to what exactly is to be considered personal data, there is a body of jurisprudence interpreting the concept of personal data extremely broadly. In the Nowak case, for instance, the CJEU ruled that 'the written answers submitted by a candidate at a professional examination and any comments made by an examiner with respect to those answers constitute personal data'.[39] At the time the facts of the Nowak case took place, the Data Protection Directive (DPD) was still in force.[40] However, the GDPR retained the conceptual framework of the DPD and codified the jurisprudence.[41] And although the definition of personal data enshrined in the DPD at the time left the concept rather open and vague,[42] through the years, the CJEU has interpreted the concept of personal data at different occasions and consistently interprets the concept ever broader, which has a direct impact on the scope of the right to access and transparency. Recent technological developments such as, inter alia, Big Data and Machine Learning have raised new questions, for instance on the classification of secondary data, inferred data, and of the reasoning of and behind the algorithms and of the results of their use,[43] whereby the arguments in favour of a more narrow interpretation of personal data, excluding for instance inferred data and information on the reasoning behind or of the algorithms, are coming more from the 'tech' side, whereas authors stressing the fundamental right quality of data protection, are more in favour of a broader interpretation of the concept of personal data, including such information.[44]

Also on this point, the jurisprudence of the CJEU is evolving. In 2023, the Court rules that a data subject's right 'to obtain from the controller a copy of the personal data undergoing processing means that the data subject must be given a faithful and intelligible reproduction of all those data. That right entails the right to obtain copies of extracts from documents or even entire documents or extracts from databases which contain, inter alia, those data, if the provision of such a copy is essential in order to enable the data subject to exercise effectively the rights conferred on him or her by that regulation, bearing in mind that account must be taken, in that regard, of the rights

38 CJEU, Judgment of 27 February 2025, Case C-203/22, CK v Magistrat der Stadt Wien, ECLI:EU:C:2025:117.

39 CJEU, Judgment of 20 December 2017, Case C-434/16, Peter Nowak v. Data Protection Commissioner, ECLI:EU:C:2017:994.

40 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 1995, p. 31–50, http://data.europa.eu/eli/dir/1995/46/oj

41 Kuner, C., Bygrave, L. A., & Docksey, C. (2020). Background and Evolution of the GDPR. In: C. Kuner *et al.* (eds), *The EU General Data Protection Regulation (GDPR): A Commentary*; (p. 2) (online eds). Oxford Academic. https://doi.org/10.1093/oso/9780198826491.001.0001

42 Op cit. and Bygrave, L.A. & Tosoni, L. (2020). Article 4(1). Personal data. In C. Kuner et al. (eds), *The EU General Data Protection Regulation (GDPR): A Commentary* (pp. 103 & 113 et seq.) (online eds). Oxford Academic. https://doi.org/10.1093/oso/9780198826491.001.0001

43 *Cf.* for instance Custers, B. & Vrabec, H. (2024). Tell me something new: data subject rights applied to inferred data and profiles. *Computer Law & Security Review*, *52*(105956), 1-14. https://doi.org/10.1016/j.clsr.2024.105956

44 For an interesting case with regard to the classification of pseudonymised data, see Case C-413/23 P, EDPS v SRB. The Judgment is pending. However, the Opinion of the AG is available since 6 February 2025 (*cf.* https://curia.europa.eu/juris/document/document.jsf?text=&docid=295078&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=16644251). Also see the recent EDPB Guidelines on Pseudonymisation: EDPB (2025). Guidelines 01/2025 on Pseudonymisation, https://www.edpb.europa.eu/system/files/2025-01/edpb_guidelines_202501_pseudonymisation_en.pdf.

and freedoms of others.[45] On the latter part, the Court argued that 'the rights and freedoms of others' included 'trade secrets or intellectual property, and in particular the copyright protecting the software'.[46]

The Amsterdam Court of Appeal's judgement is in line with the ruling of the CJEU, which stated in the case mentioned above 'that in the event of conflict between, on the one hand, exercising the right of full and complete access to personal data and, on the other hand, the rights and freedoms of others, a balance will have to be struck between the rights in question [and that] the result of those considerations should not be a refusal to provide all information to the data subject'.[47] This jurisprudence seemed to allow controllers to restrict the right to transparency and access and to not provide all information requested. Nevertheless, in a recent case, the CJEU ruled that the principle of transparency and the right to access cannot be restricted fully and that 'in the case of automated decision-making, including profiling [...] the data subject may require the controller, as "meaningful information about the logic involved", to explain, by means of relevant information and in a concise, transparent, intelligible and easily accessible form, the procedure and principles actually applied in order to use, by automated means, the personal data concerning that person with a view to obtaining a specific result' and that 'where the controller takes the view that the information to be provided to the data subject [...] contains *data of third parties* [...] *or trade secrets* [...] that controller is required to provide the allegedly protected information to the competent supervisory authority or court, which must balance the rights and interests at issue with a view to determining the extent of the data subject's right of access provided for in Article 15 [GDPR].'[48]

As a result, a platform worker has a right to obtain a copy of *all* data relating to their person, including a copy of first tier personal data, collected directly by the platform,[49] a copy of their personal data acquired by the platform from third parties, a copy of all metadata, inferred data and data the processing of which the platform might have subcontracted to third parties as well as information on the reasoning behind and of the algorithms used, and the information the use

45 CJEU, Judgment of 4 May 2023, Case C-487/21, F.F. v Österreichische Datenschutzbehörde, ECLI:EU:C:2023:369, https://curia.europa.eu/juris/document/document.jsf?text=&docid=273286&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=338780.

46 CJEU, Judgment of 4 May 2023, Case C-487/21, F.F. v Österreichische Datenschutzbehörde, ECLI:EU:C:2023:369, https://curia.europa.eu/juris/document/document.jsf?text=&docid=273286&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=338780, para 43.

47 CJEU, Judgment of 4 May 2023, Case C-487/21, F.F. v Österreichische Datenschutzbehörde, ECLI:EU:C:2023:369, https://curia.europa.eu/juris/document/document.jsf?text=&docid=273286&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=338780, para 44.

48 CJEU, Judgement of 27 February 2025, Case C-203/22, CK v Magistrat der Stadt Wien, ECLI:EU:C:2025:117, https://curia.europa.eu/juris/document/document.jsf?text=&docid=295841&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=15464990 (emphasis added).

49 Leaving aside for the moment the question of the potential (ir)relevance of *the different locations the processing thereof takes place*: on the platform's servers (in and/or outside the EU), on the device used by the platform worker locally (e.g. while rendering services), and/or on the device used by the client or any other third party (e.g. a subcontractor of the online labour platform, of the platform worker, or of the client or any other third party concerned) and/or on the different (internet) relays and servers providing the (internet) connection between the digital labour platform, the worker and the 'client' or any other third party.

thereof resulted in. In the Dutch cases ruled by the Amsterdam Court of Appeal cited above, this would entail, inter alia, 'information on the algorithmic decisions concerning the matching of passengers to drivers (the batched matching system), the way the fare was calculated (the upfront pricing system) and the calculation of fraud probability scores (the fraud probability score)'.[50]
As the CJEU observes and repeats, 'the right of access provided for in Article 15 of the GDPR must enable the data subject to ensure that the personal data relating to him or her are correct and that they are processed in a lawful manner (see, to that effect, judgment of 12 January 2023, Österreichische Post (Information regarding the recipients of personal data), C-154/21, EU:C:2023:3, paragraph 37 and the case-law cited). In particular, that right of access is necessary to enable the data subject to exercise, depending on the circumstances, his or her right to rectification, right to erasure ('right to be forgotten') or right to restriction of processing, conferred, respectively, by Articles 16, 17 and 18 of the GDPR, as well as the data subject's right to object to his or her personal data being processed, laid down in Article 21 of the GDPR, and right of action where he or she suffers damage, laid down in Articles 79 and 82 of the GDPR (judgment of 12 January 2023, Österreichische Post (Information regarding the recipients of personal data), C-154/21, EU:C:2023:3, paragraph 38 and the case-law cited).'[51]

Nevertheless, in some cases, parts of the information requested by a data subject, for instance a platform worker, exercising their right of access, might have to be provided to a DPA, a court or another competent and independent third party first. Such information could for instance, as the CJEU ruled, be information about the automated decision-making process or (personal) data which contains personal data from other data subjects not exercising their right of access - and hence could or should be classified as being data that is protected by, inter alia, the provisions of the GDPR.

The CJEU's jurisprudence is not only relevant for platform workers but also for organisations defending platform workers' rights. For instance, where a platform worker would like to understand, how their remuneration for services rendered, regardless of the classification of the employment relation, was calculated or otherwise decided upon, which factors played a role and if any errors might have been made and to verify if the online labour platform has respected the terms and conditions of the agreements concluded with the platform worker and other applicable rules and regulations. In extension, access to such information should enable organisations defending platform workers' rights, as well as competent authorities, in cases where platform workers grant such organisations or organisations access to that information, to verify if, for instance, a bias in the algorithms used, or if (other) forms of discrimination exist. Some platforms'

50 Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, P&I, Afl. 3, Juni 2023, https://www.ivir.nl/publicaties/download/PI_2023.pdf, p. 114 (authors' translation) and the references to the judgements of the Amsterdam Court of Appeal there cited: Amsterdam Court of Appeal 4 April 2023, ECLI:NL:GHAMS:2023:793, para. 2.7;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:796, para 3.33-3.34;
Amsterdam Court of Appeal 4 April 2023, ECLI:NL: GHAMS:2023:804, para 3.8.
Also see Custers, B. H. M. (2022) Annotatie bij Rechtbank Amsterdam 11 maart 2021, nr. C/13/687315/HA RK 20-207 (Uber), Computerrecht, afl. 2, https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4329266, p. 122-140.

51 CJEU, Judgement of 27 February 2025, Case C-203/22, CK v Magistrat der Stadt Wien, ECLI:EU:C:2025:117, https://curia.europa.eu/juris/document/document.jsf?text=&docid=295841&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=15464990.

reluctance to provide said information[52] and the tendency to provide only partial access to a platform worker's data upon said worker's exercising their right to access, might not only be motivated by the protection of trade secrets but also by the knowledge that a platform worker's personal data provided as a result of an access request per the GDPR, might become arguments in court cases regarding, for instance, the fairness of the remuneration, the classification of the labour relationship, non-compliance with the terms and conditions of the agreements concluded with the platform worker or other applicable rules and regulations, or arguments for complaints filed at competent authorities such as, for instance, a DPA, a Labour Inspection Service or tax or social security administrations.

Labour Inspections', social inspection services', tax administrations' or other enforcement agencies' competences to access data processed by online digital platforms in some cases are granted them directly by the national legislative framework regulating their investigative powers. In that case, the majority of such investigations will be of an administrative nature. In other cases, Labour Inspection, other social inspection services or enforcement agencies will have to seek a judicial order issued by a judge allowing them access to said data. In the majority of those cases, the investigation will have a judicial character, be it in the framework of civil or criminal proceedings. In some cases, an administrative investigation might still require an order issued by a judge to allow for certain investigative procedures such as accessing private quarters or (personal) data. In Belgium, the Social Criminal Code provides Labour and Social Inspection Services with extensive competences with regard to the access to, the right to obtain a copy of or to seize data and the devices processing data.[53] Also here, the concept of data is broad. Article 25 of the Belgian Social Criminal Code provides 'social inspectors may proceed to every inspection, every supervision and every interview, as well as gather all information which they deem necessary to ascertain that the provisions of the legislation they supervise are actually complied with'.[54]

52 See for instance the reasoning of Uber claiming *they did not make use of automated decision-making*, an argument Custers (2022) classified as 'weak'. Custers, B. H. M. (2022) Annotatie bij Rechtbank Amsterdam 11 maart 2021, nr. C/13/687315/HA RK 20-207 (Uber), Computerrecht, afl. 2, https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4329266, p. 122-140.

53 Article 16, 11° Belgian Social Criminal Code contains a broad definition of 'data carrier'. The Article provides: 'data carriers' shall mean: any type of data carrier, no matter in what form, such as books, registers, documents, numerical or digital data carriers, disks, tapes and including those which are accessible through an information technology system or through any other electronic device' (Article 16, 11° Belgian Social Criminal Code; *cf.* Translation: De Coninck, M., Gillis, D., & Jorens, Y. (2013). *The Belgian social criminal code: an English translation by IRIS│International Research Institute on Social Fraud*. die Keure). Consolidated Dutch, French and German version: https://www.ejustice.just.fgov.be/eli/wet/2010/06/06/2010A09589/justel).

54 Article 25 Belgian Social Criminal Code (Translation: De Coninck, M., Gillis, D., & Jorens, Y. (2013). *The Belgian social criminal code: an English translation by IRIS│ International Research Institute on Social Fraud*. die Keure). Consolidated Dutch, French and German version: https://www.ejustice.just.fgov.be/eli/wet/2010/06/06/2010A09589/justel.

Social inspectors 'may have all data carriers[55] submitted which are at the workplaces or at other places which are subject to their supervision, provided that these data carriers: either include social data,[56] *or include any other data which, under the legislation, must be drawn up, kept up to date or stored, even if the social inspectors are not in charge of the supervision of this legislation.* Furthermore, the social inspectors may have the data carriers, as provided for in the first limb, which are accessible from these places through an information technology system or through any other electronic device, made accessible to them.[57] *'If the employer, his appointee or his proxy is absent at the time of the inspection, the social inspectors shall take the necessary measures to contact the employer, his appointee or his proxy to have him submit said data carriers or to have the data carriers [...] and accessible from these places through an information technology system or through any other electronic device – made accessible to them'*.[58]

Social inspectors may proceed to the detection and inspection of the said data carriers: '1° if the employer, his appointee or his proxy does not voluntarily submit said data carriers without, however, resisting this detection or inspection; 2° if the employer, his appointee or his proxy cannot be contacted at the time of the inspection.'. They may only proceed to the detection or inspection of these data carriers 'provided that this is required because of the nature of the detection or inspection if there is a risk that these data carriers or the data which they contain would disappear or be changed as a result of the inspection, or if required for the employees' health or safety. If the employer, his appointee or his proxy resists this detection or inspection, a pro justitia report stating the obstruction of the supervision shall be drawn up.'[59]

'If there is a risk that these data carriers or the data which they contain would disappear or be changed as a result of the inspection': this provision is not without relevance. In the past, it was revealed that at least one platform deployed software dedicated to avoiding inspections and/or to mitigate the results of inspections by competent authorities. Moreover, social inspectors may also 'have all data carriers which contain any other data submitted for inspection, if they deem this necessary for the completion of their tasks and inspect them'.

---

55 Also, the concept of data carriers is to be interpreted broadly. Article 16, 11° Social Criminal Code provides: '"data carriers" shall mean: any type of data carrier, no matter in what form, such as books, registers, documents, numerical or digital data carriers, disks, tapes and including those which are accessible through an information technology system or through any other electronic device' (De Coninck, M., Gillis, D., & Jorens, Y. (2013). *The Belgian social criminal code: an English translation by IRIS│International Research Institute on Social Fraud*. die Keure, p. 19).

56 Article 16, 5° Social Criminal Code provides: 'social data' shall mean: all data required for the purposes of the legislation regarding labour law and social security law' (De Coninck, M., Gillis, D., & Jorens, Y. (2013). *The Belgian social criminal code: an English translation by IRIS│International Research Institute on Social Fraud*. die Keure, p. 19).

57 Article 28 §1 Social Criminal Code, Consolidated Dutch, French and German version: https://www.ejustice.just.fgov.be/eli/wet/2010/06/06/2010A09589/justel.

58 Article 28 §2 Social Criminal Code, *op. Cit*.

59 Article 28 §3 Social Criminal Code, *op. Cit*. The Cour de Cassation, the Belgian supreme court in civil and criminal matters, ruled that 'the deliberate failure to provide information carriers containing social data or data that must be created, maintained or stored in accordance with the law, to a social inspector who has requested them may constitute the offence of obstructing the supervision. It is irrelevant whether the social inspector has made use of the investigative powers conferred on him by Article 4, §1, 2°, c) of the Labour Inspection Act, now Article 28, §3, of the Social Penal Code. This obligation, which is subject to criminal sanctions, does not constitute a disregard of the presumption of innocence of the presumption of innocence contained in Article 6.2 of the ECHR and Article 14.2 of the ICCPR.' (Hof van Cassatie, Judgment No. P.13.1258.N of 21 April 2015. For a summary, see: Chr. D.S. – Soc. Kron., 2016, 03, p. 132.).

Of importance to inspections involving digital labour platforms is the fact social inspectors also have this competence for the data which are accessible through an information technology system or through any other electronic device.[60] If the data mentioned above are accessible through an information technology system or through any other electronic device, *the social inspectors shall have the right to have the data on these data carriers submitted in a legible and understandable form, in such form as requested by them*.[61]

Furthermore, if the data mentioned above are accessible 'through an information technology system or through any other electronic device from the workplace or from another place subject to the supervision of the social inspectors, the employer, his appointee or his proxy *must guarantee the social inspectors the right to electronically access the information technology system or any other electronic device and these data, the right to physically access the inside of the enclosure of the information technology system or of any other electronic device, as well as the right to download and electronically use these data'*.[62] Such is also the case '*if the place where these data are stored is in another country and if these data are electronically accessible in Belgium from the workplace or from another place subject to the supervision of the social inspectors'* and in cases where these data 'are on an information technology system or on any other electronic device, in Belgium or abroad, of which the employer, his appointees or his proxies are not in charge, and if these data are electronically accessible in Belgium from the workplace or from another place subject to the supervision of the social inspectors'.[63]

Moreover, 'the employer, his appointees or his proxies who make use of an information technology system or of any other electronic device in order to draw up, keep up to date or store the data mentioned above *shall at the social inspectors' request and without displacement be obliged to submit for inspection the dossiers relating to the analyses, the programmes, the management and the exploitation of the system used*.[64] In our view, this includes information on automated decision-making systems or other forms of algorithmic worker management systems, a point we will come back to since it is relevant in view of the latest adaptations, which were part of the 'Labour Deal' in 2022, of the Belgian so-called Labour Relations Act, and the transposition of the Platform Work Directive into Belgian law.

Last but not least, social inspectors may also take copies, in any form, of the data carriers mentioned above or of the data contained by these data carriers, or may have the employer, his appointees or his proxies provide them with these copies free of charge. 'Social inspectors shall preferably request an electronic copy from the employer, his appointees or his proxies'. If said data carriers are accessible through an information technology system, the social inspectors may, 'by means of the information technology system or any other electronic device and in the presence of the employer, his appointees or his proxies, copy said data completely or partially in the form of their choice'.[65] *Moreover, they may seize or seal said data carriers, regardless of whether or not the employer, his appointees or his proxies are the owner of these data carriers*, 'in case this is necessary for detecting, inspecting or proving the infringements, or in case there is a risk that the infringements would be continued or that new infringements would be committed with these data carriers. *If the seizure is materially impossible, both these data and the data necessary to*

60 Article 29 Social Criminal Code, op. Cit.

61 Article 30 Social Criminal Code, op. Cit.

62 Article 31 §1 Social Criminal Code, op. Cit.

63 Article 31 §§2 & 3 Social Criminal Code, op. Cit.

64 Article 32 Social Criminal Code, op. Cit.

65 Article 34 Social Criminal Code, op. Cit.

be able to understand the latter shall be copied on carriers owned by the government.'[66] Such could be the case, for instance, for data processed in the cloud.

Nevertheless, social inspectors' competences with regard to information carriers are subject to certain conditions. Firstly, there the general the principles of finality and proportionality enshrined in Articles 18[67] & 19[68]. Furthermore, Article 28 § 3 of the Belgian Social Criminal Code provides for a 'cascade' system[69] which implies that, first and foremost, social inspectors must allow employers to provide the information voluntarily. Second, should the employer or his representative be absent, social inspectors must take all due measures to contact them. Only as a last resort, and subject to the provisions described above, can social inspectors execute their full competences, taking care, however, not to engage in 'fishing expeditions'.[70]

66 Article 35 Social Criminal Code, op. Cit.

67 'Article 18. The principle of finality. The social inspectors shall exercise the competences as provided for in present Chapter for the purpose of, on the one hand, supervising the compliance with the provisions of present Code, with the acts as provided for in Book 2 of present Code and with other acts the compliance therewith they are in charge of supervising, and, on the other hand, for the purpose of supervising the compliance with the provisions of the implementing decrees of present Code and of said acts', De Coninck et al. (2013). *The Belgian Social Criminal Code - An English Translation by IRIS|international research institute on social Fraud.* die Keure, p. 24.

68 'Article 19. The principle of proportionality. In exercising the competences as provided for in present Chapter, the social inspectors must guarantee that the means which they use are appropriate and necessary in order to, on the one hand, supervise the compliance with the provisions of present Code, with the acts as provided for in Book 2 of present Code and with other acts the compliance therewith they are in charge of supervising, and, on the other hand, to supervise the compliance with the provisions of the implementing decrees of pre- sent Code and of said acts', De Coninck et al. (2013). *The Belgian Social Criminal Code - An English Translation by IRIS|International Research Institute on Social Fraud.* die Keure, p. 24.

69 Gailliet, G. (2023). Les pouvoirs d'investigation conférés aux inspecteurs sociaux par le Code pénal social et la procédure prévue par la loi du 2 juin 2010 comportant des dispositions de droit pénal social, Note sous Prés. trib. trav. Anvers (div. Anvers), 13 septembre 2022, 22.598/A , Rev. dr. pén. entr., 2023/3, p. 251.

70 All conditions seem to have been met during the so-called inspection of Uber in 2015. In particular the condition that there is a risk data would be erased or otherwise absconded, as the discovery of Uber's 'Ripley' application clearly demonstrated. Nevertheless, after Uber's refusal to provide the information, which in fact and in accordance with Article 28 §3, 2°, third limb Belgian Social Criminal Code should have been classified as 'obstruction of the investigation', a Class 4 infringement as provided for in Article 209 of the Social Criminal Code, neither the executing of the investigative competences ex. Article 28 §3, 1° nor the drawing up of a pro justitia report for obstruction of the inspection as provided for by 28 §3, 2°, third limb Belgian Social Criminal Code took place, *cf.* Gillis, D. (2018). Some thoughts on the social law challenges in the sharing economy from a Belgian perspective, Le droit social numérique; 2018; Publisher: Stämpfli Verlag AG, Bern; Bern, p. 106-107 & 131-134.

These competences are endowed upon Social Inspection Services in the framework of both administrative[71] as well as in judicial investigations. Nevertheless, in some cases, it might be advisable to seek an order from a magistrate, be it a Public Prosecutor at a Labour Court or an Examining Judge. Last but not least, Social Inspection Services have the right to claim police assistance.[72] Another argument in favour of joint inspections Belgium has a fairly long tradition of carrying out joint inspections, organised through so called 'district cells'. Joint inspections can be important as they can do away with arguments of competence. Labour Inspectors sometimes claim not to be competent in case of platform work, as they are classified as self-employed workers or work under the statute of the Belgian special tax-exemption regime for platform work, the so-called 'De Croo-Act'. Inspectors competent for the supervision of the legislative framework applicable to self-employed workers often claim not to be competent for similar reasons. In our view, such arguments are invalid. The reverse would render every enforcement of applicable legislation completely impossible in cases of bogus/false self-employment or other forms of undeclared work. Nevertheless, as stated above, for those seeking procedural guarantees regarding competences, joint inspections are an avenue, as well as seeking an order from a magistrate or opening a judicial investigation.[73]

In cases where (digital) data is processed by information technology systems, Social Inspection Services are often assisted by a specialised units of the Federal or local Police. An interesting question is the possibility of the national DPA assisting in investigations, for instance, in case of joint inspections organised by a district cell.[74] In any case, according to Article 58 (5) GDPR a national DPA must have the power 'to bring infringements of the GDPR to the attention of the judicial authorities and where appropriate, to commence or engage otherwise in legal

71 For instance, inspections on social inspectors' own initiative. However, due to 'guidance' through various 'action plans' by SIOD-SIRS, social inspectors' autonomy has been declining rapidly past decade, even more so since the reorganisation of social inspection services under the Michel-Government - which was nothing less than the dissolving of the 'Social Inspection' of the Federal Public Service Social Security and the usurpation of most of its personal by the NSSO. This is even more so for politically sensitive sectors, of which the platform economy, in Belgium since the De Croo-Act euphemistically called the 'sharing economy' (*cf.* Gillis (2018). Some thoughts on the social law challenges in the sharing economy from a Belgian perspective, Le droit social numérique; 2018; Publisher: Stämpfli Verlag AG, Bern; Bern, p. 125 et seq. Luckily, inspections also take place in the framework of the 'District Cells', presided by a Public Prosecutor at a Labour Court. However, the Public Prosecutor's offices at the Labour Courts also face a lack of resources, notably a lack of 'court days', which means they can only bring a limited number of cases before the Criminal Courts. Also, the way the 'Deliveroo-case' was handled (an appeal before the Cour de Cassation is pending) raises questions on said Office's competences in handling digital labour platforms. Currently, SIOD-SIRS is still in the process of 'devising a strategy' for the inspection of digital labour platforms and platform workers. For a similar experience in France, another country one of the then Ministers of which starred prominently in the Uber Files, see: Abdenadour, S., Julliard, É. & Méda, D. (2023). Promoting employed worker status on digital platforms: how France's labour inspection and social security agencies address 'uberisation'. Transfer, 29(3), 339-354. https://doi.org/10.1177/10242589231190566, p. 4 et seq.

72 Article 22 Social Criminal Code, *op. Cit*.

73 These far-reaching competences might become an argument for certain undertakings to *not have a main or even a local establishment* in Belgium.

74 Most Social Inspection Services lack both the technology and the knowledge to take full advantage of their competences regarding digital data and information technology systems. Such technology and knowledge are present with the specialised units of the Federal and Local Police and with the Inspection Service of the Belgian DPA.

proceedings, in order to enforce the provisions of the GDPR'.[75] The CJEU has ruled on said powers and decided that a supervisory authority of a Member State 'has the power to bring any alleged infringement of that regulation to the attention of a court of that Member State and, where necessary, to initiate or engage in legal proceedings' and 'may exercise that power in relation to an instance of cross-border data processing even though it is not the 'lead supervisory authority' [...] provided that that power is exercised in one of the situations where Regulation 2016/679 confers on that supervisory authority a competence to adopt a decision finding that such processing is in breach of the rules contained in that regulation and that the cooperation and consistency procedures laid down by that regulation are respected' and that 'it is not a prerequisite for the exercise of the power of a supervisory authority of a Member State, other than the lead supervisory authority, to initiate or engage in legal proceedings [...] that the controller or processor with respect to the cross-border processing of personal data against whom such proceedings are brought has a main establishment or another establishment on the territory of that Member State'.[76] Naturally, before doing so, the DPA might want to exercise its investigative powers, which are restricted to the territory of its Member State.[77] Hence, in such cases, the DPA would have to rely on cooperation with the DPA of the Member State, where the decisions about the processing of personal data are being taken and where the core of the processing actually takes place (e.g. where the data are processed by the algorithmic workers management system, and/or where they are stored, and/or where they are transferred to a third country), at least for the processing of personal data that takes place *in that Member State*.[78]

Nevertheless, since the changes to the Belgian Labour Relations Act in 2022, inspections have become ever more relevant. Indeed, this Act provides that the relationship between a platform worker and a digital labour platform, 'are presumed, unless proven otherwise, to have been established under an employment contract if the analysis of the employment relationship shows that at least three of the following eight criteria or two of the last five criteria are met: 1° the platform operator can demand exclusivity with regard to its field of activity; 2° the platform operator can use a geolocation mechanism for purposes other than the proper functioning of its basic services; 3° the platform operator can restrict the platform worker's freedom in the way the work is carried out; 4° the platform operator can limit the income level of a platform worker, in particular by paying hourly rates and/or by limiting an individual's right to refuse work offers based on the rate offered and/or by not allowing the individual to determine the price of the service. Collective labour agreements are excluded from this clause; 5° with the exception of legal provisions, in particular those relating to health and safety, which apply to users, customers or employees themselves, the platform operator may require a platform worker to comply with mandatory rules on prevention, conduct towards the recipient of the service or the performance of the work; 6° the platform operator may determine the prioritisation of future job offers and/or the amount offered for a job and/or the ranking by using the information collected and by monitoring the performance of the platform workers, excluding the result of this performance, in particular by electronic means;

75 Article 58 (5) GDPR. Also see: https://www.edpb.europa.eu/sme-data-protection-guide/data-protection-authority-and-you_en.

76 CJEU, Grand Chamber, Judgement of 15 June 2021, Case C-645/19, Facebook Ireland and Others, ECLI:EU:C:2021:483, https://curia.europa.eu/juris/liste.jsf?language=en&jur=C%2CT%2CF&num=%20C-645/19

77 Nevertheless, one should bear in mind at least part of the processing of a platform worker's personal data is done on said platform worker's device, for instance done, by the app or browser accessing or connecting to the digital labour platform, and subsequently transferred to the digital labour platform's server(s). Also, any data processed over the internet is processed on multiple points during its route to its final destination: the user's device, the user's internet connection, the user's ISP's servers, internet relay points, etc.

78 *Cf.* supra the question with left aside regarding the potential (ir)relevance of the different locations the processing thereof takes place.

7° the platform operator may, restrict, including by means of sanctions, the freedom to organise work, in particular the freedom to choose one's working hours or periods of absence, to accept or refuse tasks or to call on subcontractors or replacements, except where, in the latter case, the law expressly restricts the possibility of calling on subcontractors; 8° the platform operator may restrict the platform worker's ability to build up a customer base outside the platform or to perform work for a third party'.[79]

It is obvious that, for the conditions described under 2° - 8°, (access to) the worker's data processed by the platform is of paramount importance, both for a worker, but even more so for tax and social inspection services. After all, without data, it will be impossible to classify the relationship between the worker and the platform and to decide whether or not that relationship does comply with the conditions set out by the special tax-and social security-exemption regime, and if not, whether the relationship between said worker and said platform should be classified as an employment relationship or if said worker should be considered a self-employed worker. In all three possibilities, data are essential to ascertain whether or not both the worker and the platform have complied with all applicable rules and regulations with regard to, on the one hand, tax and social security, and on the other, rules regarding permits, classifications and other obligations ultimately related to fair competition, quality and safety assurance and consumer protection. Furthermore, the third paragraph of (new) Article 337/3 of the Labour Relations Act provides that the 'classification resulting from the actual exercise of the employment relationship [...] must take into account the use of algorithms in the organisation of work and, if this classification excludes the legal classification chosen by the parties, may not be limited to the classification in an agreement between the parties'.[80]

Again, data and even more so, insight in the system of fully or semi-automated decision-making are essential. Al the more reason for tax administrations, social inspection services and other enforcement agencies, to step up the monitoring of digital labour platforms and platform workers.

79 *(New) Article 337/3, §2 Labour Relations Act (cf. Article 15 of the Act of 3 October 2022 containing various labour provisions, Belgian OJ, 10 November 2022, https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2022100306&table_name=wet#LNK0007 (French & Dutch versions available).*

80 *Obliterating the argument that the algorithmic worker management system is a 'black box': see for instance the reasoning of Uber claiming they did not make use of automated decision-making, an argument Custers (2022) classified as 'weak'. Custers, B. H. M. (2022). Annotatie bij Rechtbank Amsterdam 11 maart 2021, nr. C/13/687315/HA RK 20-207 (Uber), Computerrecht, afl. 2, https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4329266, p. 122-140. As Custers noted: to verify this claim, one would (also) need the information the platform workers were seeking to obtain by exercising their right of access and which Uber had denied providing them with.*

In comparison with the Labour Inspection Act, the Social Criminal Code slightly tuned down social inspectors' competences with regard to the access of data.[81]

4.2 Data collection processes in Belgium

For the Belgian case, data was requested from two platforms: UBER (Eats)[82] and Deliveroo.

For Deliveroo: Only one method is available, contacting the DPO via email, using the contact information that is available on the website. Once requested, Deliveroo contacts the rider by email to confirm identity by sending a copy of the ID, drivers license or Passport. Once this is confirmed, the rider receives a confirmation of the request with a request ID and date of submission, which is not set as the moment of the original email, but at the moment the ID check is finalised. Within

81 Not only the initial proposal of the Social Criminal code tuned down these competences, they where further tuned down as a result of an amendment of the proposal (*cf.* Van De Mosselaer, G. (2025). *De organisatie van sociale fraudebestrijding en de bevoegdheden van de sociaal inspecteurs in het licht van het Sociaal Strafwetboek*. Kluwer, p 137. Some social inspectors claim to not be competent to inspect platforms or platform workers. The arguments often depend on the affiliation of the inspector. Social inspectors affiliated with administrations that deal with the social security of the self-employed will often claim not to have any competence, since platform workers working under the special exemption regime of the De Croo-Act, fall within the remit of the fiscal administrations and inspection services, an argument often shared by inspectors affiliated to administrations dealing with the social security of employees, some of whom also claim that platform workers are self-employed and thus fall outside of the scope of their competences. Such arguments cannot be followed since an amount of platform work amounts to und(er)declared work and should be treated as such. Both social inspection services as well as fiscal administrations and inspection services are fully competent to tackle und(er)declared work. Furthermore, applying strategies tackling UDW to the platform economy has proven successful in several countries, notably in France, where a major platform was fined for 'travail dissimulé' and Spain, where the ITSS-inspection service consequently treated food delivery riders as bogus self-employed workers. As a result, a major platform has recently started employing food delivery riders. Those arguing administrations', inspections services' and other enforcement agencies' competences are should, rather than throwing arms in the air and the towel in the ring, plead for more competences. After all, in a changing world of work, legislation should change accordingly. See, for France, for instance: Toulgoat, M. (2024). Des ex-patrons de Deliveroo condamnés pour travail dissimulé, L'Humanité, 5 September 2024, https://www.humanite.fr/social-et-economie/deliveroo/des-ex-patrons-de-deliveroo-condamnes-pour-travail-dissimule; OC avec AFP (2024). Travail dissimulé chez Deliveroo: d'anciens dirigeants condamnés en appel, bfmtv, 5 September, https://www.bfmtv.com/economie/entreprises/travail-dissimule-chez-deliveroo-d-anciens-dirigeants-condamnes-en-appel_AD-202409050595.html; Le Monde avec AFP (2024). Deliveroo, reconnue coupable de travail dissimulé, condamnée à verser 9,7 millions d'euros à l'Urssaf, Le Monde, 2 September 2022, https://www.lemonde.fr/societe/article/2022/09/02/la-plate-forme-deliveroo-reconnue-coupable-de-travail-dissimule-condamnee-a-verser-9-7-millions-d-euros-a-l-urssaf_6140005_3224.html. See, for Spain, for instance: Gispert, B. (2024). Glovo announces a change of labor model in Spain: it will start operating with fleets of salaried 'riders', La Vanguardia, 2 December 2024, https://www.lavanguardia.com/mediterranean/20241202/10162894/glovo-announces-change-labor-model-start-operating-fleets-salaried-rider-just-eat-spain-delivery-platform-economy-worker.html; Callardo, C. (2024). 'Unless there's a miracle, Glovo is very likely to lose' — how Spain's favourite scaleup is facing up to the regulators, Sifted, 27 February 2024, https://sifted.eu/articles/glovo-online-delivery-startup-legal; Heller, F. (2022), Spain fines delivery app Glovo €79 million for labour law breaches, Euractiv, 22 September 2022, https://www.euractiv.com/section/politics/short_news/spain-fines-delivery-app-glovo-e79-million-for-labour-law-breaches/.

82 The process was similar for UBER and UBER Eats.

30 days, the worker received a link via email to an external platform, where all the data can be downloaded, after a double confirmation of a code send to the email of the worker.

For Uber (Eats): three different methods were used to request personal data:

- **Method 1:** submitting a privacy inquiry via Uber's online form[83]
  This method allows individuals to request access to their personal data and contact Uber's Data Protection Officer (DPO). The form can be used by both current and former Uber account holders, as well as individuals without an account. When completing the form, workers must specify whether they are a driver or rider and provide a reason for their request. Additionally, they are required to enter their full name, phone number, and email address associated with their account. A detailed request template was developed to detail as much as possible their inquiry (see Annex).
- **Method 2**: requesting data via Uber's mobile app
  Workers can also retrieve their data directly through the Uber mobile app. However, this method may provide less comprehensive data than the formal request via the online form.

  Steps to request data via the app:
  1. Open the Uber app and access the menu while logged in.
  2. Navigate to "Security and Privacy".
  3. Select "Drivers and Couriers", then request a copy of the data.
  4. Enter the email address or phone number. If using a phone number, ensure you can receive a text message containing a verification code from Uber.
  5. Once you receive the data, contact us for further assistance.

  For both of these methods, workers were supported by researchers in data recovery workshops, where we guided them through the process and addressed any questions they had. None of the workers had previously attempted to request their data from the platform before this initiative.
- **Method 3**: data obtained from Worker Info Exchange[84]
  Worker Info Exchange (WIE) is a non-profit organisation that helps workers access and better understand the data collected about them by digital labour platforms. This organisation has already gathered substantial data from Uber drivers and riders in Belgium. To access some of this data, we contacted workers directly and requested their consent to allow Worker Info Exchange to share their information with us. However, we do not have full details regarding the specific requests that were made to obtain this data.

4.3 Challenges encountered in workers' data requests

Under the EU's General Data Protection Regulation, companies are required to respond to Data Subject Access Requests (DSARs) within 30 calendar days. If the request is complex or if the company is handling a high volume of requests, this deadline can be extended by an additional 60 days, provided that the requester is informed of the delay within the initial 30-day period.

83 https://help.uber.com/driving-and-delivering/article/submit-a-privacy-inquiry-without-an-account?nodeId=9c9f63ad-e6c6-4690-8bf3-caa1b63da5a1

84 https://www.workerinfoexchange.org/

However, obtaining data from platforms involves several steps, each presenting key challenges:

The initial step in acquiring data from workers is to encourage them to request their data. Several factors have been identified as limiting the effectiveness of data collection:

- *Accessibility to workers*: although visible on the streets, the transient nature of their profession makes it challenging to engage in meaningful conversations and build trust. Even with a list of contacts via grassroot organisations creating an engagement is not proven easy. For one data collection workshop, over 80 riders were contacted few days prior, of which at least 10 confirmed their presence. Even after sending reminders, none of the riders showed up, only to send last minute cancellations for a diversity of reasons.
- *Lack of interest*: many workers show limited interest in obtaining and analysing their data, partly due to insufficient knowledge about how this data could benefit them.
- *Fear of repercussions*: this is the predominant factor, and discussed in more detail in the paragraphs below.
- *Other reasons*: not eligible for the research because they are not using their own account.

Many workers fear potential repercussions if they choose to share their data with external organisations or researchers. This fear stems largely from their lack of awareness of their rights regarding data access and platform accountability and transparency. Many workers are uncertain about whether requesting or sharing their data could be seen as a violation of platform rules, potentially leading to penalties or deactivation.

A common concern among workers is the possibility of being blocked or having their work opportunities restricted if platforms perceive their actions as challenging the system. Given that their income depends on maintaining access to the platform, workers prefer to avoid any risk that might affect their ability to continue working. This sense of insecurity is reinforced by the lack of transparency in platform decision-making, making it difficult for workers to anticipate how platforms might react to their data-related actions.

Workers mention the experience of colleagues being blocked without any clear reason and with no real opportunity to request clarification or corrections if the action was taken erroneously. Another form of repercussions that workers fear, and which is even less visible, pertains to the allocation of rides, with some workers believing their actions may impact this. The inability to verify such claims significantly influences workers' beliefs.

However, workers who have already been blocked from the platform are often more willing to share their data. Since they have already lost access to their work and have nothing left to lose, they see fewer risks in disclosing information. Some even hope that sharing their data might help challenge the platform's decision to block them or contribute to broader efforts to improve conditions for other workers. This category of blocked workers was the majority of interested workers.

Another category of interested workers are more privileged workers without economic dependence on the platform, representing a very small minority in the current workforce of delivery riders and ride-hailing drivers. The impact of potential penalties or deactivation is less due to this economic independence. However, only those driven by social purpose of solidarity joined.

The second step in the data acquisition process involves the request for data, which varies for each platform. Uber and Uber Eats offer different options for requesting data: immediately via the application, which provides only a limited amount of data, or through an official form where the

URL has changed over time. Once the data request is made via the form, workers are often required to confirm their request or even restate their original request through a link sent in their email. Due to the layout of this email, some workers have misunderstood the need to reconfirm, resulting in them not receiving their data despite their clear and legally correct initial request.
Requesting data from Deliveroo is done via email, and after the request, the worker is asked to confirm their identity with a legal document that can verify their identity. Since this confirmation is requested through the same communication channel used to request the data, i.e., the mailbox, the risk of missing this need to confirm is lower.
Takeaway also requires workers to fill out a form on the website.

The final step involves receiving and interpreting the data. Although the legal timeframe for providing this information is 30 days, certain platforms systematically utilise the maximum allowed period including prolongation, resulting in workers waiting several months. One significant risk is that workers may receive a link with a limited time frame to download their data. If workers have already been waiting for months, they might miss this link during periods such as vacations. For instance, a rider in this project missed their data link with limited time and had to restart the entire process.

Upon receiving the data, platform workers face additional challenges, including the ability to open the files and comprehend their contents. One rider received the data from Takeaway in a format they could not open, rendering the information inaccessible for them. Many other riders were unsure how to manage the numerous documents and data points they received. The many thresholds between the moment workers want to know their data, and the receiving and understanding of it, makes it a big mountain to climb for those workers. In connection with the fact that many workers in this sector are in a vulnerable situation with limited schooling, has as a consequence that only very few reach the end without external support.

During the focus group with platforms, questions were posed concerning these obstacles, but no clear explanations were provided. The only response given regarding the systematic extension of deadlines and the limited readability of documents was the complexity of creating a fast and standardized process - something Deliveroo appeared to have accomplished - and the opinion that platforms are performing better than many companies in other sectors. This claim, however, was not verified as it fell outside the scope of this research.

4.4 What data is being collected by digital labour platforms on workers?

In total, we obtained six datasets for food delivery and three datasets for ride-hailing. Workers were contacted with the support of La Maison des Livreurs and United Freelancers.

UBER (Eats) – 8 observations

One key observation is that the amount and completeness of data varied depending on the method used to request it.

- Data obtained via Worker Info Exchange: the exact nature of the original request is unknown, so we cannot determine if all relevant data was retrieved.
- Data obtained via Uber's mobile app: only a limited subset of information was provided.
- Data obtained via Uber's online form: this resulted in the most comprehensive dataset.

To ensure the most complete data retrieval, it is crucial to first have prior knowledge of all the data collected by the platform. If requests are not highly specific, platforms may withhold certain data.

Overview of the data received

The most complete dataset was obtained through Uber's online form, consisting of approximately 30 Excel files (not all contained data). Additionally, Uber provided a document titled "Guidance Notes to Subject Access Request", which outlined the categories and labels used in the data.

Breakdown of the data collected

The table below summarises the types of data retrieved across different categories for both Uber and Uber Eats workers.

Table 1. Breakdown of the collected data across different categories for Uber & Uber Eats workers

Data category	Uber	Uber Eats
Employment status	Self-employed / P2P	Self-employed / P2P
Personal & contractual information		
Name, contact details, date of birth, social insurance number	✅	✅
Copies of official documents (e.g. ID card)	✅	✅
Bank account details	✅	✅
Working time data		
Start and end time of shifts	✅	✅
Start and end time of breaks	❌ (but data on 'driver paused')	❌ (but data on 'driver paused')
Delivery/ride data		
Time accepted	✅	✅
Location accepted	❌	❌
Pick-up time	✅	✅
Pick-up location	❌	✅ (delivery start)
Drop-off time	✅	✅
Drop-off location	❌	❌
Travel distance to pick-up	❌	❌
Travel distance from pick-up to drop-off	✅ (in payment data)	✅ (in payment data)
Payment data		
Payment per month	❌	❌
Payment per delivery/ride	✅	✅
Performance data		
Acceptance rate	❌	❌
Utilisation rate (completed trips per hour)	❌	❌
Absences / no-shows	❌	❌
Customer rating	✅	✅
Worker reprimands	✅	✅
Internal rating score	❌	❌
Communication Data		
Communication with the platform	✅	✅
Communication with customers	⚠ Some data available	⚠ Some data available
App Data		
Usage data (logins, logouts)	✅	✅
Battery level	⚠ Sometimes recorded	⚠ Sometimes recorded

1. **Data captured on the worker's personal characteristics (gender, nationality, age, union membership, etc.)**
   The data collected on workers' personal characteristics included their name, contact details, date of birth, social insurance number, copies of official documents (such as an ID card), and bank account details. No information was provided on union membership.

2. **Data captured on the worker's wages**
   Regarding wage information, multiple payment categories were included, such as commission fees, city and airport fees, tips, worker charges, and fares. Payment per ride or delivery was available, but no data was provided on total monthly earnings.

Figure 2. Example of payment categories

	A	B	C	D	E	F
1	city_name	amount_lo	currency_c	classification	category	recognize_timestamp_local
2	Brussels	0.41	EUR	transport.fare.charges.wait_time	driver_payment_charges	8/02/2022 6:03
3	Brussels	1.0	EUR	transport.fare.base	driver_payment_fares	8/02/2022 6:03
4	Brussels	-4.18	EUR	intermediary.commission	commission	8/02/2022 6:03
5	Brussels	0.5	EUR	transport.fare.coupled_ufp_adj		8/02/2022 6:03
6	Brussels	4.31	EUR	transport.fare.time	driver_payment_fares	8/02/2022 6:03
7	Brussels	10.5	EUR	transport.fare.distance	driver_payment_fares	8/02/2022 6:03
8	Brussels	1.0	EUR	transport.fare.base	driver_payment_fares	8/02/2022 6:35
9	Brussels	1.46	EUR	transport.fare.coupled_ufp_adj		8/02/2022 6:35
10	Brussels	4.46	EUR	transport.fare.time	driver_payment_fares	8/02/2022 6:35
11	Brussels	-4.08	EUR	intermediary.commission	commission	8/02/2022 6:35
12	Brussels	9.39	EUR	transport.fare.distance	driver_payment_fares	8/02/2022 6:35
13	Brussels	-0.68	EUR	transport.fare.coupled_ufp_adj		8/02/2022 7:03
14	Brussels	4.0	EUR	transport.misc.tip	tip	8/02/2022 7:03

3. **Data captured on the number of times the worker has refused services**
   In terms of service rejections, the data included whether a trip was completed, cancelled by the rider or driver, or rejected before expiry. It also recorded the total number of dispatches received by a driver during a specific segment or hour and the number of rejections.

4. **Data captured on the worker's preferred slots**
   Data on workers' preferred locations and slots was minimal. Some saved locations were recorded, but there was no detailed breakdown of a worker's preferred work areas.

5. **Data captured on the times he/she remains connected to the platform**
   The data included records of when a worker was online or offline, providing insights into platform connectivity and online status.

6. **Data captured on their connections to the platform during weekends or holidays**
   There was no specific distinction between work on weekdays, weekends, or holidays, all days appeared the same in the records.

7. **Data captured on commuting times**
   Nothing

8. **Data captured on commuting routes**
   Nothing

9. **Data captured on the number of hours per day/week/month he/she works**
   Work hours per day, week, or month were not directly provided, though they could be inferred from trip start and drop-off timestamps.

10. **Data captured on accidents at work**
    Nothing

11. Data captured on incidents he/she has had with customers

No data was available on workplace accidents. However, some insights into incidents with customers could be derived from customer feedback, driver-user communications, and a safety complaints file. This file contained reports on issues such as whether a driver used their phone while driving or was accused of unprofessional behaviour.

DELIVEROO – 1 observation

Overview of the data received

About 20 files were received (mix of PDFs, pictures and Excel files). Additionally, DELIVEROO provided a link titled ‘Your Subject Access Request’, which outlined the data categories.

Breakdown of the data collected

The table below summarises the types of data retrieved across different categories for the worker.

Table 2. Types of data retrieved across different categories for the worker

Data category	DELIVEROO
Employment status	Self-employed / P2P
Personal & contractual information	
Name, contact details, date of birth, social insurance number	✅
Copies of official documents (e.g. ID card)	✅
Bank account details	✅
Credit card details	✅
Working time data	
Start and end time of shifts	✅
Start and end time of breaks	❌
Delivery/ride data	
Time accepted	✅
Location accepted	✅
Pick-up time	✅
Pick-up location	✅
Drop-off time	✅
Drop-off location	❌
Travel distance to pick-up	❌
Travel distance from pick-up to drop-off	❌
Payment data	
Payment per month	❌
Payment per day	✅
Payment per delivery/ride	✅
Performance data	
Acceptance rate	❌
Utilisation rate (completed trips per hour)	❌
Absences / no-shows	❌
Customer rating	❌
Worker reprimands	❌
Internal rating score	❌
Communication data	
Communication with the platform	✅
Communication with customers	❌
App and device data	
Usage data (logins, logouts)	✅
Device model	✅
Battery level	❌

1. **Data captured on the worker's personal characteristics (gender, nationality, age, union membership, etc.)**
   The data collected on workers' personal characteristics included their name, contact details, date of birth, social insurance number, copies of official documents (such as an ID card and the contract with the platform), and bank account and credit card details.
2. **Data captured on the worker's wages**
   Payment per ride or delivery was not available, but data was provided on total daily earnings via an invoice.
3. **Data captured on the number of times the worker has refused services**
   In terms of service rejections, the data included whether a trip was completed or cancelled by the rider. It also recorded the total number of dispatches received by a driver during a specific segment and the number of rejections.
4. **Data captured on the worker's preferred slots**
   Data on workers' preferred locations and slots was minimal. Some saved locations were recorded
5. **Data captured on the times he/she remains connected to the platform**
   The data included records of when a worker was online or offline, providing insights into platform connectivity and online status.
6. **Data captured on their connections to the platform during weekends or holidays**
   There was no specific distinction between work on weekdays, weekends, or holidays, all days appeared the same in the records.
7. **Data captured on commuting times**
   Nothing
8. **Data captured on commuting routes**
   Nothing
9. **Data captured on the number of hours per day/week/month he/she works**
   Work hours per day, week, or month were not directly provided, though they could be inferred from trip start and drop-off timestamps.
10. **Data captured on accidents at work**
    Nothing
11. **Data captured on incidents he/she has had with customers**
    No data was available on incidents with customers.

4.5 Information about the algorithms or artificial intelligence system

The focus group with platforms highlighted that platforms generally do not disclose detailed information about the algorithms or artificial intelligence systems they use, whereas both legislation and case law dictate sufficient information on the working of the algorithms should be provided (*cf.* supra). Representatives from the platforms emphasised that their algorithms are integral to their business models and are, therefore, considered proprietary, an argument which has been discarded with in case law (*cf.* supra). One participant explicitly stated that while worker data can be shared within the limits of data protection regulations, the algorithm itself is part of the company's competitive advantage and should remain confidential. Again, an argument that has been raised in and to a large extend by case law.[85]

85 *Cf.* the Amsterdam Court of Appeal and the CJEU cases mentioned above.

When asked why platforms do not provide more details about their AI systems, platform representatives cited multiple reasons. Firstly, they argued that disclosing specifics could enable competitors to replicate their business model, undermining their market position. Secondly, they highlighted that algorithms are dynamic and constantly evolving, meaning any disclosed information could quickly become outdated. Lastly, they suggested that algorithmic transparency could lead to system manipulation, where workers might try to game the system to their advantage, which, according to them, could negatively impact overall efficiency and fairness. A strange argument, since at least some platforms use algorithms to manifestly 'game the system'.[86] (*cf.* Price surging).

The discussion also touched on the difficulty of distinguishing between algorithmic processes and personal data collected from workers. Some participants pointed out that platforms use AI-driven decision-making to allocate tasks, determine pricing, assess worker performance, and even influence employment conditions. However, there was uncertainty about where to draw the line between data transparency and business secrecy. While some argued that greater transparency is necessary to ensure fairness and compliance with regulations, others maintained that revealing too much about the algorithm could compromise the platform's business operations.

There was also discussion on the interpretation of the concept of personal data and the extent of the right of access per Article 15 GDPR. Some platforms clearly interpret both concepts too narrowly. There was a brief discussion on the concepts of anonymisation and pseudonymisation. Again, some platform representatives seem to not be up to speed with the state of the legislation and case law on the subjects, which state that in most cases, anonymisation cannot be reached and pseudonymisation does not bereft the data of their status of 'personal data' and thus being clearly in scope of the GDPR.[87]

Concerns were raised about the extent to which workers understand how algorithms affect their work. Many focus group participants, especially with unions and administrations, suggested that workers often do not know what data is being used to make decisions about them, nor do they have control over how the algorithm evaluates their performance. Some mentioned that even when workers request access to their data under GDPR, without knowing, they may receive incomplete information, making it difficult to fully grasp how algorithmic management affects their work experience.

Despite these justifications, some participants at the focus group with unions and administrations expressed concerns that the lack of transparency prevents meaningful oversight and

86 *Cf.* For instance: https://www.uber.com/be/en/drive/driver-app/how-surge-works/. Also see the controversy on the deployment of 'Trip Radar' mentioned above. Also see: https://www.btb-abvv.be/nieuws/54-wegvervoer-en-logistiek-nieuws/1732-uber-chauffeurs-willen-duidelijkheid-over-hun-inkomen, https://www.reddit.com/r/uberdrivers/comments/1gzukdq/trip_radar_explained/, https://www.taxi-point.co.uk/post/uber-s-new-trip-radar-how-it-works-and-what-it-means-for-drivers and Alsford, L. (2024). Uber drivers warn new feature is 'putting you at risk', Metro, 9 December 2024, https://metro.co.uk/2024/12/09/new-uber-feature-drivers-warn-putting-passengers-risk-22117587/.

87 *Cf.* Supra. For an interesting case with regard to the classification of pseudonymised data, see Case C-413/23 P, EDPS v SRB. The Judgment is pending. However, the Opinion of the AG is available since 6 February 2025 (*cf.* https://curia.europa.eu/juris/document/document.jsf?text=&docid=295078&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=16644251). Also see the recent EDPB Guidelines on Pseudonymisation: EDPB (2025). Guidelines 01/2025 on Pseudonymisation, https://www.edpb.europa.eu/system/files/2025-01/edpb_guidelines_202501_pseudonymisation_en.pdf

accountability. They questioned whether platforms' reliance on AI aligns with workers' rights to fair treatment and due process, particularly when algorithmic decisions affect wages, job allocation, and even the suspension or deactivation of worker accounts. Some suggested that regulatory measures should be introduced to ensure that platforms provide at least a basic level of transparency regarding the data used in algorithmic decision-making.

In conclusion, the discussion revealed a fundamental tension between the platforms' desire to protect their business model and the need for greater transparency in algorithmic management. While platforms insist on keeping their AI systems confidential for competitive and operational reasons, there is growing concern that the opacity of these systems leaves workers vulnerable to unfair treatment. The debate remains unresolved, reflecting broader challenges in regulating AI-driven labour platforms.

4.6 Are workers aware of what data is collected on them?

Focus groups and sense-making workshop discussions revealed that most platform workers have limited awareness of the full scope of data collected about them. While participants generally expected platforms to retain basic information - such as their identity, delivery history, location, and completed tasks - they were often surprised to learn that platforms also collect more granular and less intuitive data. Examples that elicited strong reactions included battery levels, Wi-Fi connections, device models, app usage timestamps, and stored communications with customers (e.g. messages and, in some cases, recorded calls). Many workers had never considered that these technical details might be tracked or factored into performance evaluation or job allocation.

Although the scale and depth of data collection surprised many, worker reactions varied. Some accepted it as a necessary feature of platform work, believing that digital systems required such data to function efficiently. Others, however, raised concerns about transparency and control, especially when certain types of data - such as detailed payment records or records of customer complaints - were missing from the files they received after submitting GDPR access requests. This raised suspicions that platforms might be selectively disclosing information, particularly data that could be useful in challenging account suspensions or deactivations.

One recurring concern was the suspicion that collected data played a role in job allocation and overall earning potential. Workers speculated that factors such as past acceptance rates, response times, time spent online, and even battery levels might influence their likelihood of receiving assignments. Some perceived that platforms used algorithmic systems to "balance" work distribution, ensuring that no worker consistently earned significantly more than others. However, these assumptions remained unverifiable due to the opacity of the platforms' decision-making processes and the lack of explanatory information provided alongside raw data.

Importantly, while workers often expressed frustration over the lack of information, the platforms themselves face a complex challenge. From the platform's perspective, informing workers transparently about all data collected and how it is used can be difficult - especially when many workers show limited interest in data issues until their accounts are at risk or suspended. There is a broader communication challenge: how can platforms engage workers meaningfully on data governance in a context where many are unaware of their data rights or find the process of requesting and interpreting their data burdensome? Moreover, there are practical and legal limits to what data can be shared. Some data may involve other users (e.g. customers) or be protected due to commercial sensitivity or security protocols, which complicates full disclosure.

Finally, even when workers succeeded in recovering their data - often through support from intermediaries like Worker Info Exchange - they encountered difficulties interpreting the information. The technical nature of the files, lack of contextual explanations, and the absence of standardised formats made it hard for most workers to draw meaningful conclusions. While GDPR offers important rights to data access and portability, these rights are difficult to exercise in practice without guidance or collective support.

The focus groups highlighted a significant gap between the data collected by platforms and workers' awareness, understanding, and control over that data. The opacity of algorithmic systems and the difficulty of accessing and interpreting personal data contribute to a sense of powerlessness among workers. At the same time, platforms face legitimate challenges in determining how best to communicate complex data practices in a way that is both transparent and accessible. These findings underline the need for clearer communication, stronger enforcement of data rights, and greater investment in tools and support systems that make worker data meaningful, actionable, and fair.

4.7 How do platforms' data collection practices influence workers?

Digital labour platforms, such as ride-hailing and food delivery apps, collect vast amounts of data on their workers, often without offering meaningful transparency or control. Although some workers initially claim not to be affected by these data collection practices, their concerns - especially around income, job allocation, and account blocking, are intrinsically linked to how data is gathered, interpreted, and used by platforms.

4.7.1 Perceptions of data collection and transparency

During focus group discussions, workers expressed a range of views regarding platform data practices. While some accepted data collection as a necessary aspect of platform work, many others voiced deep concerns about the lack of clarity around what data is being collected, how it is used, and how it affects their working conditions. Most workers were unaware of the full extent of the data being captured - such as battery level, Wi-Fi connection, device model, GPS data, and even communications with customers through recorded calls or stored messages. This realisation triggered a sense of unease, especially given that they were never clearly informed about these practices.

The most pressing concern raised by workers was the complete lack of insight into how data is used to make decisions that directly affect their income and job security. Workers suspected that factors such as response time, customer ratings, time spent online, or acceptance rates influenced the number and quality of job offers they received. Yet, the platform algorithms remained opaque, leaving workers to guess how to optimise their behaviour. This opacity often resulted in feelings of helplessness and mistrust, as workers could neither confirm nor contest the fairness of these automated decisions.

4.7.2 Data access and control

Workers also encountered significant difficulties when trying to access their own data. Although the GDPR provides a legal right to request personal data, platforms were reported to delay responses, request repeated clarifications, or provide large datasets that were nearly impossible for workers to interpret on their own. These procedural barriers often discouraged workers from pursuing access altogether and contributed to a broader sense that platforms were deliberately obstructing their rights.

The issue of algorithmic management was particularly frustrating for workers. Not only did platforms fail to disclose how decisions were made, but workers were also unable to verify common concerns - such as whether they were being unfairly penalised or discriminated against. Without transparency, rumours and speculation flourished. Many workers took irrational steps based on assumptions, hoping to influence how the algorithm treated them, but with no clear feedback mechanism, these efforts often proved ineffective. For instance, some couriers accepted every delivery to maintain a supposed 'acceptance rate'. Some drivers stayed logged in for long hours without breaks, assuming constant availability would boost their ranking.

4.7.3 Impact on earnings and decision-making

Most of the concerns workers voiced ultimately revolve around earnings, which are deeply influenced by the way rides are allocated. In Belgium, most platforms do not offer hourly wages (with the exception of Takeaway), meaning workers' income depends on the volume and quality of jobs they receive. This makes the decision-making process around accepting rides crucial.

Workers try to maximise their earnings by selecting the best-paying jobs relative to the time required, factoring in distance, delivery location, and proximity to high-demand areas. However, the short time window for accepting ride proposals and the limited information provided makes it difficult to make well-informed choices. The problem becomes more complex in systems with flexible or dynamic pricing, where workers lack access to historical data or average rates—data that would otherwise help guide strategic decisions.

In the case of Takeaway, although workers have slightly more financial stability, challenges remain. For example, United Freelancers was approached to address concerns about pay for the final ride on the way back to the restaurant hub. In such cases, access to relevant data could serve as a powerful tool to support collective bargaining efforts.

4.7.4 Account blocking and algorithmic penalties

Data collection also influences more punitive outcomes, such as account deactivations. Workers reported that accounts were often blocked without explanation, reinforcing the sense that platform decision-making is not only opaque but unchallengeable. These decisions are typically based on algorithmic analysis of data collected during rides. However, some workers who requested access to their data in response to being blocked were later reinstated - sometimes without needing to take further action. This demonstrates that data access can be a vital tool in challenging unjust decisions, but only when workers are aware of and capable of exercising that right.

Despite the importance of these issues, workers' engagement with them remains limited. Daily survival concerns, such as securing enough work to earn a living, leave little time or energy for broader political or regulatory involvement. While trade unions are often consulted for individual support - especially in cases of deactivation or pay disputes - collective action or legislative lobbying remains rare.

4.7.5 The role of regulation and collective bargaining

There is widespread agreement among workers that current practices need to change. Many called for stronger regulations requiring platforms to be transparent about what data they collect, how it influences job allocation, and whether it introduces any bias. Workers also supported legal obligations for platforms to provide clear, accessible data to workers in understandable formats. Some emphasised the need for oversight of algorithmic decision-making, suggesting platforms be required to explain how their systems work and whether they unfairly disadvantage certain workers.

Trade unions were seen as essential allies in this struggle. Workers felt that only collective action could balance the power asymmetry between individuals and the platforms. Many suggested that unions should negotiate fairer rules around data collection and usage, and provide legal and strategic support in disputes over algorithmic penalties or data access. However, broader campaigns for legislative reform are still in their early stages, and workers' limited availability makes sustained mobilisation difficult.

Digital labour platforms' data collection practices profoundly affect workers' experiences, from ride allocation and income to deactivation and access to justice. Despite being aware of these effects, many workers struggle to connect the dots between data and their day-to-day challenges, often due to a lack of transparency and understanding. Strengthening regulations, improving data access, and supporting collective bargaining through trade unions could help address these imbalances. But for real change to occur, both institutional support and worker engagement must increase in tandem to reclaim control over how data shapes the future of platform work.

5. The implementation of the collective agreements in the platform economy

5.1 What strategies are used by activists, trade unions and employers for implementing negotiated agreements in the platform economy?

The implementation of effective measures to protect platform workers requires coordinated efforts from workers, trade unions, activists, and employers. Each actor has a distinct but complementary role in ensuring greater transparency, fairness, and accountability in digital labour platforms.

Workers often face challenges related to isolation and fragmentation, making it difficult to advocate for their rights. However, they can take action by increasing their awareness of their data rights and collectively organising to demand better working conditions. Many workers are unaware of the extent of data collected about them or how it influences their work opportunities. Organising and forming networks is another key step in strengthening worker representation. Since platform workers typically operate independently, joining worker associations, networks, or trade unions allows them to exchange experiences, gain legal knowledge, and push for collective demands. Workers can also challenge unfair algorithmic management by monitoring their work conditions and data patterns to identify discrimination in job allocation, unexplained deactivations, or unfair performance evaluations. If workers suspect such issues, they can collaborate to challenge these decisions through legal avenues or public advocacy. In some cases, platform workers have successfully engaged in direct negotiations with platform representatives, organising strikes or protests to demand better wages and improved working conditions.

Trade unions play a crucial role in advocating for stronger protections and ensuring that digital labour platforms are held accountable for their practices. They can push for the negotiation of collective agreements that set fair standards for platform work, addressing issues such as data transparency, algorithmic fairness, wage protections, and employment rights. In addition to negotiating agreements, unions provide legal advocacy and support for workers who face wrongful deactivations or other forms of unfair treatment. By launching legal actions, submitting complaints to regulatory bodies, and using strategic litigation, trade unions can push for stricter oversight of platform practices. Raising awareness through campaigns and reports is another way unions can highlight exploitative practices in the platform economy. By conducting research, publishing findings, and engaging with policymakers, unions can advocate for stronger legal protections for platform workers.

Activists and worker rights organisations also play a key role in pressuring platforms and policymakers to implement fairer regulations. Through public awareness campaigns, activists can highlight the risks of opaque algorithmic management and call for policy reforms that ensure better protections for workers. Independent research can expose exploitative practices and generate evidence to support workers' demands. Activists can also develop toolkits and resources to help workers understand their rights and challenge unfair platform practices. By organising demonstrations, petitions, and policy discussions, they can push for laws that require platforms to disclose how they collect and use worker data, ensure fair treatment, and establish mechanisms for worker representation in decision-making processes.

5.2 Pathways to enhancing platform workers' rights

According to the focus group with unions and activists, platform companies must take responsibility for increasing transparency and adopting fairer management practices. This includes providing clear explanations about how their algorithms operate, how job assignments are determined, and how performance evaluations impact workers. Platforms should engage with trade unions and worker representatives to develop fair policies that balance business efficiency with workers' rights. They should also comply with regulations that require transparency in data collection and algorithmic management. By fostering a fairer work environment, platforms can avoid conflicts and create a more sustainable and ethical business model.

The discussions highlighted the urgent need for regulatory intervention to ensure that platforms comply with transparency obligations and do not use data collection and algorithmic management to exploit workers. Stronger enforcement mechanisms, such as requiring platforms to have a local legal presence, standardising data formats, and allowing independent audits of algorithmic decision-making, would significantly improve protections for platform workers. Ultimately, meaningful change will require coordinated action between workers, trade unions, activists, and policymakers to establish robust frameworks that ensure fairness, accountability, and workers' rights in the digital economy.

5.3 Are the collective agreements negotiated in the delivery and ride-hailing platforms being implemented correctly?

As discussed in Chapter 3.2, given the specificities of the Belgium context, the platforms we researched do not have any collective bargaining agreement for rider or drivers. Takeaway is the only platform falling under a joint committee (PC 100) since they work with employment contracts. However, no data has been received from workers on this platform. One potential agreement that could be researched is the 2022 agreement between Uber and ABVV-FGTB, but none of the parties was open to disclose any information about this agreement.

With the data collected, it is potentially feasible to perform basic calculations to better understand working conditions on the platforms. For example, we could estimate how many hours an individual worked per day or week, and subsequently calculate their average earnings per hour worked. These calculations would offer valuable insights into the real income generated through platform work and could be compared against national minimum wage standards or sectoral benchmarks. Such comparisons could help assess whether platform work provides a fair income and highlight discrepancies between platform promises and actual worker experiences.

5.4 What are the challenges faced by social partners in implementing negotiated agreements?

The focus group discussions with social partners revealed several key challenges in improving working conditions for platform workers. One of the most significant issues is the lack of legal clarity and enforcement mechanisms for regulating platform work. The current legal framework often fails to clearly define the employment status of platform workers, leaving them in a grey area between self-employment and dependent employment. This ambiguity makes it difficult to apply existing labour protections, social security benefits, and collective bargaining rights.

Another major challenge is the lack of transparency in platform management and data collection practices. Social partners struggle to advocate effectively for workers when platforms do not disclose key information about how algorithms distribute work, assess performance, or impose

sanctions. Many platforms refuse to provide full access to the data they collect on workers, making it difficult to monitor compliance with labour laws and challenge unfair treatment. Even when workers request access to their own data, platforms often delay responses, provide incomplete records, or use complex formats that are difficult to interpret.

Social partners also face obstacles in organising platform workers due to their fragmented and precarious working conditions. Unlike traditional workplaces where workers share a common space, platform workers are geographically dispersed, often working independently and communicating with the platform through digital interfaces. This isolation makes it difficult to mobilise workers, build solidarity, and negotiate collective agreements. Additionally, many platform workers are in vulnerable situations, including migrants and those with limited knowledge of their labour rights, which further complicates efforts to engage them in collective action.

The legal and procedural barriers to collective bargaining for platform workers pose another difficulty. In many jurisdictions, collective agreements can only be applied to employees, excluding a significant portion of platform workers classified as independent contractors. Even when workers attempt to challenge their employment status in court, platforms use legal delays and appeals to prolong the process, making it financially and logistically exhausting for trade unions and worker organisations. Some unions have initiated legal actions to demand better protections, but these cases require significant resources and time.

A related challenge is the reluctance of policymakers to impose stricter regulations on platforms. Some governments have been hesitant to regulate platform work too aggressively, fearing that it might discourage investment or push companies to relocate. Social partners have observed that platform companies actively lobby against stronger worker protections, and in some cases, political authorities have been reluctant to enforce existing rulings against platforms.

There are also technical challenges in enforcing collective agreements and ensuring fair working conditions. Even when regulatory measures are introduced, monitoring compliance is difficult due to the complexity of platform algorithms and the lack of enforcement mechanisms. Social partners have pointed out that traditional labour inspection methods are inadequate for tracking violations in digital labour platforms. Some have suggested the need for automated monitoring systems and mandatory algorithmic transparency to help regulators and unions assess whether platforms are complying with fair labour standards.

To address these challenges, social partners advocate for stronger regulations, clearer employment classifications, and better access to data to ensure that platform workers receive fair treatment. Many also emphasise the importance of developing new organising strategies, leveraging technology, and forming alliances between trade unions, worker cooperatives, and advocacy groups to strengthen collective bargaining power in the platform economy.

6. Conclusions

This national report offers a comprehensive and multi-layered analysis of the platform economy in Belgium, with a particular focus on how digital labour platforms collect, process, and disclose data relating to their workers. It explores how platform workers and social partners attempt to navigate these opaque data environments through mechanisms such as GDPR data requests, collective bargaining, and grassroots advocacy. Central to this investigation is a recognition of the structural power imbalance between platforms and their workers - an imbalance that not only shapes labour conditions but also severely limits workers' ability to exercise their data rights meaningfully.

The research aimed to engage a broad and diverse population of platform workers, spanning various sectors and job types, to capture a range of experiences and perspectives. However, despite outreach efforts - including street-level engagement and partnerships with grassroots organisations - participation was limited. A significant portion of those willing to engage were workers who had already been blocked from platform access, often motivated by a desire to be reinstated. While food delivery riders typically approached the research from a self-interested standpoint, ride-hailing drivers more often expressed a collective awareness of shared problems and systemic challenges. Still, across both groups, fear of retaliation remained a major barrier. Many workers reported concerns about being penalised, either through deactivation or algorithmic downgrading, if they were seen as asserting their rights. This pervasive fear, fuelled by a lack of transparency, directly undermines the practical enforceability of GDPR and broader labour protections.

Crucially, the process of data collection itself was experienced as burdensome, complex, and often discouraging. Workers reported bureaucratic hurdles such as unclear procedures, confusing terminology, repeated requests for confirmation, and the use of different channels for communication. In several instances, platforms exceeded the timeframe for data access requests, often justifying delays with vague explanations. These claims stand in stark contrast to the platforms' demonstrated ability to act swiftly when issuing warnings or account suspensions based on algorithmic analysis - possibly highlighting a selective application of their technological capacities. The duration of the process can be a point of concern, especially as some platforms routinely request extensions beyond the permitted timeframe. By contrast, Deliveroo managed to respond within the deadline, and several platforms have shown they are capable of acting very quickly when it comes to disciplinary measures. For example, based on real-time algorithmic analysis, platforms can issue warnings, suspend, or even deactivate workers' accounts within minutes - sometimes immediately after a single flagged incident - demonstrating that rapid action is possible when it aligns with their operational priorities. For those data-driven companies, you could expect a data request to be answered within the legally permitted time. The explanation raised by the platform representatives during the focus group is the complexity of these personal data extraction, and however the maybe smaller difficulties, platforms perform still better than other companies. A statement that could not be verified within the scope of this research.

This led to a deeper concern: the contested definition and scope of 'personal data'. Although GDPR offers a legal framework, its practical implementation remains murky. Workers and their

representatives generally adopt a broader interpretation, encompassing not only primary data (e.g. hours worked, tasks completed) but also algorithmically derived or inferred data (e.g. calculated speeds, acceptance rates, behavioural profiles). Certain platforms, however, tend to limit disclosures to what they deem 'primary' data, excluding profiling metrics and other forms of processed information. This definitional gap was a recurring theme in expert focus groups, where legal scholars and digital rights advocates noted that even pseudonymised or anonymised data can often be re-identified, especially when combined with behavioural and geolocation metrics. This raises serious ethical and legal questions about the limits of current data protection frameworks and the responsibility of platforms to uphold them.

At the same time, the findings dismantle the stereotype of the passive platform worker. Workers, far from being unaware or indifferent, actively try to make sense of how algorithms affect their daily lives. Many hypothesise about the role of performance metrics - such as acceptance rate, time online, or even battery level - in determining access to work. While these assumptions often remain speculative due to the platforms' lack of transparency, they point to a growing data consciousness among workers. This growing awareness, however, remains largely unaccompanied by effective tools or support systems that would allow workers to engage meaningfully with the data collected about them.

The study also confirms the persistent difficulty that institutions face in reaching platform workers. Universities, trade unions and even public administrations have struggled to maintain consistent communication with this workforce. Many platform workers operate outside traditional institutional frameworks, not out of apathy, but due to distrust, precarity, or a lack of relevance in what these institutions offer. This disconnection speaks to a deeper challenge in the governance of the platform economy, one that demands new forms of representation, outreach, and institutional innovation.

Institutional fragmentation remains another serious obstacle. Although Belgium has made some legal and policy strides, there is no coordinated governmental strategy for addressing the complexities of the platform economy at any level of government and administration. Responsibilities are scattered across multiple departments and agencies, leading to confusion and inaction. Public authorities have reported limited capacity to monitor platform compliance, particularly with regard to data transparency and labour protections. This is further compounded by the platforms' lack of cooperation: many delay responses, restrict access to information, or avoid engaging altogether. Representatives from Belgian inspection services and administrations openly acknowledged their inability to conduct effective oversight, citing the platforms' opaque structures and offshore decision-making - and such despite more the platform economy is present in Belgium for at least a decade and Belgium being one of the first countries in the world to regulate the sector This dynamic further entrenches the power asymmetry between workers, public regulators, and multinational platform companies.

Despite these challenges, the research also uncovers potential avenues for progress. Workers' growing awareness of algorithmic management, the active role of grassroots organisations, and the increasing attention from regulators and researchers all point toward the possibility of change - provided that institutional support mechanisms are significantly strengthened. There is a clear need for streamlined, accessible, and well-communicated processes for data access and labour rights enforcement, as well as for the enforcement of compliance with applicable tax and social security legislation, rules and regulations on fair competition and with regard to consumer protection. Platforms must be held to higher standards of transparency and accountability, not only to comply with GDPR but to foster a fairer and more sustainable platform economy.

In conclusion, the Belgian case offers a microcosm of the broader European struggle to build equitable digital labour systems. While rights to data access and protection are enshrined in law, they remain largely aspirational for many platform workers. The findings from this report make clear that enforcing existing regulations, developing supportive infrastructures, and fostering trust between workers and institutions must become central priorities. The goal should not only be compliance, but empowerment: to ensure that data is a resource that platform workers can access, understand, and use to protect and improve their working lives. Only through such reforms - legal, technical, and relational - can we close the gap between the promises of the digital age and the lived realities of those powering its platforms.

Annex

appendix 1 Data request template

Dear [name of the platform] Data Protection Officer,
I work as a [courier/driver] at [name of the platform].
I hereby issue a transparency request under the General Data Protection Regulation, including a subject access request, a portability request, and other specific provisions.
I request that you provide a copy of all personal data held and/or undergoing processing. This is both a subject access request and a portability request.
[Optional: List here information on data you know the platform to collects]
Copies of my personal data
Article 20

For data falling within the right to data portability (GDPR, art 20), which includes all data I have provided *and* which have been indirectly observed about me and where lawful bases for processing include consent or contract, I wish to have that data:

- **sent to me in commonly used, structured, machine-readable format**, such as a CSV file.
- accompanied with an **intelligible description of all variables.**

Article 15

For all personal data not falling within portability, I would like to request, under the right to access (GDPR, art 15):

- **a copy sent to me in electronic format**. This includes any data derived about me, such as opinions, inferences, settings and preferences. For data that is available to the controller in machine readable format, it must be provided to me in that form in accordance with the principle of fairness and provision of data protection by design.

As you know, the concept of personal data must be interpreted extremely broadly, in line with, among others, the WP29's Opinions, EDPB's guidelines, the jurisprudence of the Court of Justice of the European Union.

My request for access, copy and additional information therefore encompasses the concept of

- **personal data in the broadest sense**, including but not limited to notes, comments, reviews, ratings, and all data relating to my person or personal data, including but not limited to observed data or raw data provided by me by virtue of the use of the service or the device (such as for instance but not limited to data processed by connected objects, transaction history, activity logs such as access logs, history of website usage, search activities, location data and data derived or inferred therefrom, clicking activity, unique aspects of a person's behaviour such as handwriting, keystrokes, particular way driving, riding, walking or speaking),
- **data derived from other data**, rather than directly provided by me (for instance but not limited to ratings, classifications based on common attributes, etc.),
- **data inferred from other data**, rather than directly provided by me (for instance but not limited to assign a score, to comply with anti-money laundering rules, algorithmic results and the data derived or inferred therefrom, results of a health assessment or a personalisation or recommendation process, etc.), pseudonymised data as opposed to anonymized data, metadata, etc.

If your organisation considers me a controller for whom you process

Furthermore, if your business considers me the controller of any personal data for which your business acts as processor, please provide me **with all the data you process on my behalf in machine readable format** in accordance with your obligation to respect my to determination of the means and purposes of processing.

In addition, I request the following categories of information:

1. Article 22: Information on automated decision-making

Please confirm whether you make any automated decisions (within the meaning of Article 22, GDPR). If the answer is yes, please provide meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing. (Article 15(1)(h)).

2. Metadata on processing

This request also includes the metadata I am entitled to under the GDPR.
Information on controllers, processors, source, and transfers.

- The identity of all joint controllers of personal data.
- Any **third parties to whom data has been disclosed**, named with contact details in accordance with Article 15(1)(c). Please note that the European data protection regulators have stated that by default, controllers should name precise recipients and not "categories" of recipients.
- If any data was not collected, observed or inferred from me directly, please provide precise information about **the source of that data**, including the name and contact email of the data controller(s) in question ("from which source the personal data originate", Article 14(2)(f)/15(1)(g)).
- Please confirm where my personal data is physically stored (including backups) and at the very least **whether it has exited the EU at any stage (if so, please also detail the legal grounds and safeguards for such data transfers)**.

3. **Information on purposes and legal basis**

- All **processing purposes and the lawful basis for those purposes by category of personal data**. This list must be broken down by purpose, lawful basis aligned to purposes, and categories of data concerned aligned to purposes and lawful bases.

4. **Information on storage**

Please confirm for how long each category of personal data is stored, or the criteria used to make this decision, in accordance with the storage limitation principle and Article 15(1)(d).

Procedure

To ensure we follow an ordered procedure with this correspondence, I kindly request that you:

- Confirm receipt of this request by email, clearly communicating any stages and dates involved in the handling of the request.
- Inform me by email once the full request has been completed.

[*The following personal information must only be provided if the request is made by email and not if the request is made through an online form in which personal information like name and email address are already entered.]*

Identifying information

To help identify me, I have attached the following personal information:

- First and last name:
- Email:
- Address (street, number):
- Postal Code:
- City:
- Country:

Sincerely,
Name

References

Abdenadour, S., Julliard, É., & Méda, D. (2023). Promoting employed worker status on digital platforms: how France's labour inspection and social security agencies address 'uberisation'. *Transfer, 29*(3), 339-354. https://doi.org/10.1177/10242589231190566

ACV-Vakbeweging (2021, 10 juni). Welkom bij het ACV, ledenwerving en ledenzorg [Artikel]. *ACV-Vakbeweging*, 946, 19. https://www.hetacv.be/docs/default-source/acv-csc-docsitemap/5000-over-het-acv-a-propos-de-la-csc/5230-publicaties-publications/vakbeweging/acv_2021vakbeweging-946.pdf?sfvrsn=fd619549_2

Alsford, L. (2024, December 9). Uber drivers warn new feature is 'putting you at risk'. *Metro*. https://metro.co.uk/2024/12/09/new-uber-feature-drivers-warn-putting-passengers-risk-22117587/

Ausloos, J. (2019). *GDPR Transparency as a research method.* Institute for Information Law, University of Amsterdam. https://doi.org/10.2139/ssrn.3465680

Ausloos, J., & Veale, M. (2020). Researching with Data Rights. *Technology and Regulation*, 136-157.

Bowyer, A., Pidoux, J., Gursky, J., & Dehaye, P.-O. (2022). *Auditing the Data Economy through Personal Data Access. A Methodology and Case Studies Report.* Hestia.ai.

Brodersen, M., Dufresne, A., Joukovsky, A., & Vitali, Z. (2023). Dynamiques de l'organisation collective des coursiers et des chauffeurs en Belgique. Histoires parallèles et rapprochement ambigus. *Relations industrielles/Industrial Relations*, *78*(3). https://doi.org/10.7202/1110484ar

Bygrave, L. A. , & Tosoni, L. (2020). Article 4(1). Personal data. In C. Kuner, C, *et al.* (eds), *The EU General Data Protection Regulation (GDPR): A Commentary* (online edn.). Oxford Academic, https://doi.org/10.1093/oso/9780198826491.001.0001

Callardo, C. (2024, February 27). 'Unless there's a miracle, Glovo is very likely to lose' - how Spain's favourite scaleup is facing up to the regulators. Sifted. https://sifted.eu/articles/glovo-online-delivery-startup-legal

Cassiers, I., & Denayer, L. (2010). Sociaal overleg en sociaal-economische veranderingen in België van 1944 tot heden. In E. Arcq (ed.). *Les relations collectives du travail en Belgique*. CRISP

Charles, J.; Ferreras, I., & Lamine, A. (2020). A freelancers' cooperative as a case of democratic institutional experimentation for better work: a case study of SMart-Belgium. *Transfer: European Review of Labour and Research*, *26*(2), 157-174. https://doi.org/10.1177/1024258920919686

Chatterjee, P. (2018, January 17). Uber Used Clandestine Technology Tool to Thwart Police Raids. *Corpwatch*. https://www.corpwatch.org/article/uber-used-clandestine-technology-tool-thwart-police-raids

Clerix, K. (2022, 17 July). Het herenakkoord tussen Uber en Pascal Smet: achter de coulissen van het Brusselse taxiplan, *Knack*. https://www.knack.be/nieuws/uberfiles-achter-de-coulissen-van-het-brusselse-taxiplan

Custers, B. H. M. (2022). Annotatie bij Rechtbank Amsterdam 11 maart 2021, nr. C/13/687315/HA RK 20-207 (Uber), *Computerrecht, afl.* 2. https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4329266

De Becker, E., & Bruynseraede, C. (2024) Unemployment protection for self-employed and platform workers in Belgium. *European Journal of Social Security*, 1-17. https://doi.org/10.1177/13882627241232398

De Coninck, M., Gillis, D., & Jorens, Y. (2013). *The Belgian social criminal code: an English translation by IRIS|International Research Institute on Social Fraud*. die Keure.

Degryse, C. (2020) Du flexible au liquide: le travail dans l'économie de plateforme. *Relations Industrielles/Industrial Relations 74*(4), 660–683.

De Tijd (2019, May 25). *Koeriers Deliveroo dreigen belastingen te moeten betalen.* https://www.tijd.be/ondernemen/diensten/koeriers-deliveroo-dreigen-belastingen-te-moeten-betalen/10130242.html

Drahokoupil, J., & Piasna, A. (2019). *Work in the Platform Economy: Deliveroo Riders in Belgium and the SMart Arrangement* (ETUI Research Paper - Working Paper 2019.01). ETUI. http://dx.doi.org/10.2139/ssrn.3316133

Dufresne, A., & Bauraind, B. (2022). Le nouveau « plan Taxi » à Bruxelles: vers une ubérisation du secteur?. *Chronique Internationale de l'IRES, 179*(3), 3-13.

EDPB (2025). Guidelines 01/2025 on Pseudonymisation, https://www.edpb.europa.eu/system/files/2025-01/edpb_guidelines_202501_pseudonymisation_en.pdf

Efrati, E. (2017). Uber's Top Secret 'Hell' Program Exploited Lyft's Vulnerability, 12 April 2017, https://www.theinformation.com/articles/ubers-top-secret-hell-program-exploited-lyfts-vulnerability

Eurofound (2018). *Employment and working conditions of selected types of platform work.* Publications Office of the European Union.

FOD WASO (2023). CAO zoeken [Dataset]. https://werk.belgie.be/nl/themas/paritaire-comites-en-collectievearbeidsovereenkomsten-caos/collectieve-4

Gailliet, G. (2023, September 22). Les pouvoirs d'investigation conférés aux inspecteurs sociaux par le Code pénal social et la procédure prévue par la loi du 2 juin 2010 comportant des dispositions de droit pénal social (Note sous Prés. trib. trav. Anvers (div. Anvers)), 22.598/A, *Rev. dr. pén. entr., 3*.

Gaublomme, F., Gevaert, J., & Kruithof, E. (2023). Describing the socio-demographic, professional and economic profile of platform workers based on administrative platform data. SEAD working paper 2023.01.

Gevaert, J., & Vandevenne, E. (2024). *In-depth online study of work and employment conditions in the Belgian Platform Economy* (SEAD Working Paper 2024.3). SEAD.

Geyer, L. (2024). *Research Design Addendum II - Data Management Plan.* GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy. https://www.euro.centre.org/downloads/detail/4947

Geyer, L., & Gillis, D. (2024). *Research Design Addendum I – Data requests, information letters & consent forms.* GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy. https://www.euro.centre.org/downloads/detail/4946

Geyer, L., Kayran, E. N., & Danaj, S. (2024). *Research Design and Data Recovery Protocol.* GDPoweR – Recovering workers' data to negotiate and monitor collective agreements in the platform economy. https://www.euro.centre.org/downloads/detail/4945

Gillis, D; (2018). Some thoughts on the social law challenges in the sharing economy from a Belgian perspective. In *Le droit social numérique* (pp. 87 – 124). Publisher: Stämpfli Verlag AG.

Gispert, B. (2024, December 2). Glovo announces a change of labor model in Spain: it will start operating with fleets of salaried 'riders', *La Vanguardia*. https://www.lavanguardia.com/mediterranean/20241202/10162894/glovo-announces-change-labor-model-start-operating-fleets-salaried-rider-just-eat-spain-delivery-platform-economy-worker.html

Heller, F. (2022, September 22), Spain fines delivery app Glovo €79 million for labour law breaches. *Euractiv*. https://www.euractiv.com/section/politics/short_news/spain-fines-delivery-app-glovo-e79-million-for-labour-law-breaches/

Huyse, L. (2013). De ontzuiling is nog niet verteerd. *Samenleving & Politiek*, *20*(2), 30–39.

Kelemen, M., & Lenaerts, K. (2022). *Break up to get back together: The impact of unionisation through innovative service provision on union membership and industrial relations (BreakBack): Country Report Belgium*. Confederazione Italiana Sindacati Lavoratori. https://www.breakback.cisl.it/

Klingert, L. (2022, July 12). Uber leaked files reveal the company's hold on Brussels Minister Pascal Smet, *The Brussels Times.* https://www.brusselstimes.com/253984/uber-files-reveal-the-companys-hold-on-brussels-minister-pascal-smet

Kuner, C., Bygrave, L.A. & Docksey, C. (2020). Background and Evolution of the GDPR, in: Kuner, Christopher, and others (eds), The EU General Data Protection Regulation (GDPR): A Commentary; New York, 2020; online edn, Oxford Academic, https://doi.org/10.1093/oso/9780198826491.001.0001

Le Monde avec AFP (2024, September 2). Deliveroo, reconnue coupable de travail dissimulé, condamnée à verser 9,7 millions d'euros à l'Urssaf. *Le Monde*. https://www.lemonde.fr/societe/article/2022/09/02/la-plate-forme-deliveroo-reconnue-coupable-de-travail-dissimule-condamnee-a-verser-9-7-millions-d-euros-a-l-urssaf_6140005_3224.html

Lenaerts, K. (2018). Industrial Relations and Social Dialogue in the Age of Collaborative Economy: Belgium (IRSDACE National Report). CEPS.

Lenaerts, K.; Van Aerden, K.; Gillis, D.; Gevaert, J.; Pollet, I.; Steenssens, K.; Smits, I.; & Vanroelen, C. (2023). *Personen met een (grote) afstand tot de arbeidsmarkt en de platformeconomie in Vlaanderen - Is platformwerk een opstap tot kwalitatief en duurzaam werk? Lessen uit een ESF-project met aanbevelingen voor beleid en praktijk* (onderzoeksrapport, pp. 1 – 118). HIVA-KU Leuven.

Marx, I. (2019). Chapter 3: Belgium; Is strong social concertation a driver of upward social convergence? In D. Vaughan-Whitehead (ed.), Towards Convergence in Europe. Institutions, Labour and Industrial Relations. (pages 78-100). Edward Elgar Publishing. https://www.elgaronline.com/display/edcoll/9781788978064/9781788978064.xml

Marx, I., & Van Cant, L. (2018). Belgium: Is robust social concertation providing a buffer against growing inequality? In D. Vaughan-Whitehead (ed.), *Reducing Inequalities in Europe* (pp. 116–167). Edward Elgar Publishing.

Metikoš, L. (2023). Leg het me nog één keer uit: het recht op een uitleg na Uber en Ola, *Privacy & Informatie, 114(3)*, 114-116. https://www.ivir.nl/publicaties/download/PI_2023.pdf

OC avec AFP (2024, September 5). Travail dissimulé chez Deliveroo: d'anciens dirigeants condamnés en appel, *BFMV*. https://www.bfmtv.com/economie/entreprises/travail-dissimule-chez-deliveroo-d-anciens-dirigeants-condamnes-en-appel_AD-202409050595.html

OECD & AIAS (2023), *Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts. [Dataset]*. OECD Publishing. www.oecd.org/employment/ictwss-database.html

Plets, I. (2021). Beslissingen van de Geschillenkamer met impact voor arbeidsrecht en hr, *Or., 2021/4,* 86; with reference to the judgement by the Marktenhof 2 September 2020, nr. 2020/AR/329, https://www.gegevensbeschermingsautoriteit.be/publications/arrest-van-10-maart-2021-van-het-marktenhof-ar-329.pdf (Dutch version only).

Sanen, S. (2022, July 12). Rol van Pascal Smet bij Brussels Uber-verhaal in vraag gesteld, PS en Ecolo vragen onderzoekscommissie. *VRTNWS*. https://www.vrt.be/vrtnws/nl/2022/07/12/pascal-smet-uber-brussel/

Sels, L., Vansteenkiste, S., & Knipprath, H. (2017). *Toekomstverkenningen arbeidsmarkt 2050*. (Werk. Rapport 2017 nr. 1). Steunpunt Werk, HIVA-KU Leuven.

Statbel (2023). *Only a limited number of people work for a digital platform: Results of the pilot survey on digital platform work (2022)*. https://statbel.fgov.be/en/news/only-limited-number-people-work-digital-platform

SVG (2022, July 12). Uber had voet in kabinet van Pascal Smet. *BRUZZ*. https://www.bruzz.be/politiek/uber-had-voet-kabinet-van-pascal-smet-2022-07-12

Thomas, J. (2023, May 19). Uber Files : Pascal Smet « n'a rien commis d'illégal ou inapproprié ». *Le Soir*. https://www.lesoir.be/514183/article/2023-05-19/uber-files-pascal-smet-na-rien-commis-dillegal-ou-inapproprie

Toulgoat, M. (2024, September 5). Des ex-patrons de Deliveroo condamnés pour travail dissimulé. *L'Humanité*. https://www.humanite.fr/social-et-economie/deliveroo/des-ex-patrons-de-deliveroo-condamnes-pour-travail-dissimule

Vandaele, K. (2017). Belgique. Les syndicats sur le qui-vive pour soutenir les travailleurs des plateformes: l'exemple des livreurs de repas. *Chronique internationale de l'IRES, 160*, 85-100.

Van Den Broeck, M. (2011). *Bargaining begins on cross-industry agreement*. Eurofound. *https://www.eurofound.europa.eu/publications/article/2011/bargainingbegins-on-cross-industry-agreement*

Van De Mosselaer, G. (2025). *De organisatie van sociale fraudebestrijding en de bevoegdheden van de sociaal inspecteurs in het licht van het Sociaal Strafwetboek*. Kluwer.

Vangeel, N., & Lenaerts, K. (2024). *Country Report. Dynamics of Industrial Relations and Collective Bargaining in Belgium*. ImproCollBar.

Van Gyes, G. (2015). Het Belgische beleidskader gepositioneerd in de Europese traditie. In S. De Spiegelaere (ed.), *De onderneming is van ons allemaal: De Belgische werknemersinspraak innoveren* (pp. 239). Acco.

Van Gyes, G., Van Herreweghe, D., Smits, I., & Vandekerkhove, S. (2018). Opposites attract? Decentralisation tendencies in the most organised collective bargaining system in Europe. In S. Leonardi & R. Pedersini (eds.), *Multi-employer bargaining under pressure: Decentralisation trends in five European countries* (pp. 67–103). ETUI. https://www.etui.org/publications/books/multi-employer-bargaining-under-pressuredecentralisation-trends-in-five-european-countries

Visser, J. (2019). *ICTWSS database* (Version 6.1) [Dataset]. Amsterdam Institute for Advanced Labour Studies (AIAS), University of Amsterdam. https://www.ictwss.org/

Wattecamps, C. (2021) From precarity to the denial of social status in the Belgian legal order: The social security rights of platform workers in question. *International Social Security Review, 74*(3-4), 13-38.

Wauters, E., & Brocorens, A. L. (2022) Welk statuut voor de platformmedewerkers? Het Deliveroo-vonnis – Belgische en Europese context. *Oriëntatie*, *4,* 95-103.

Wong, J. C. (2017, April 25). Uber's secret Hell program violated drivers' privacy, class-action suit claims, *The Guardian*. https://www.theguardian.com/technology/2017/apr/24/uber-hell-program-driver-privacy-lyft-spying

Wouters, M. (2022, May 19) De zelfstandige maaltijdkoeriers van Deliveroo: Symptomatisch voor een wijdverspreid probleem?, *Arbeidsrecht Journaal.* https://arbeidsrechtjournaal.be/de-zelfstandige-maaltijdkoeriers-van-deliveroo-symptomatisch-voor-een-wijdverspreid-probleem

X (2023, May 20), Uber-commissie pleit Pascal Smet vrij. *Knack*. https://www.knack.be/nieuws/belgie/uber-commissie-pleit-pascal-smet-vrij/

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

COORDINATOR

European Centre for Social Welfare Policy and Research (AT)

PARTNERS

HIVA-KU Leuven (BE)
ACV-Innovatief (BE)
ThEMA CY Cergy (FR)
Universidad de Castilla-La Mancha (ES)
Fundación 1º de Mayo (ES)
IBS - Institute for Structural Research (PL)