

Online Platforms and Platform Work Spain

- ✓ ✗ Legally binding definition of online platforms
- ✓ ✗ Specific register of online platforms
- ✓ ✗ Specific regulation applicable to online platforms
- ✓ ✗ Online platforms are considered to be employers

In 2021, a law protecting delivery workers, known as the `Rider Law`, was passed. **The law stipulates that delivery workers must be considered employees and are therefore entitled to basic rights**, while representatives of workers must have access to the algorithms that organise workers' activities.



Based on the COLLEEM II survey, **Spain has the highest rate of platform workers within the EU** - platform work is the main occupation for 2.6% of the population of working age.

12,000,000



Other sources estimate that the number of people in the platform economy in Spain is far larger than previously believed and **may amount to 12 million workers**.



Based on UGT studies, **a majority of delivery drivers in Madrid and Barcelona are migrants** with Venezuelan or Pakistani roots.



The Spanish company **Glovo** has dominated the food delivery sector along with other international platforms, such as **JustEat** and **UberEats**. At present, the Glovo platform covers 20 countries in Europe. Recently, the company was acquired by **Delivery Hero** (Germany).

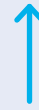
fiverr.

In 2020, an American online freelance service platform - **Fiverr**, launched its Spanish version as a new step in its international expansion.



EUR 158,000,000

The UGT report «El trabajo en las plataformas digitales de reparto» **estimates that delivery platforms save up to EUR 158 million per year:** EUR 92 million in wages and EUR 76 million in social security contributions.



As the result of the COVID 19 pandemic, there was a 10% increase in the number of freelancers registered via platforms between March and June 2020.



The public discourse in Spain has predominantly focused on working conditions of workers in the food delivery and transport sectors. To date there have been almost 50 rulings in Spain concerning delivery drivers affirming that there is an employment relationship between the platforms and delivery workers.

In 2020, the Spanish Supreme Court (Judgment N. 805/2020) held that riders of a delivery company, Glovo, are employees and not self-employed workers or economically dependent self-employed workers. This Supreme Court judgment was crucial, as was adoption of the `Rider Law`.

While the `Rider Law` has been well received by social partners, several rider's associations acknowledge that the new legislation does not completely resolve workers' legal situation.



The Spanish unions have been very active in organising and advising workers. The UGT, in particular, has recorded a number of violations of workers' rights, such as arbitrary and unplanned dismissals, union-related persecution, restriction of the right to strike, spying, unrecognised accidents and unpaid work.

One collective agreement is in the process of being negotiated between the UGT and CCOO unions and JustEat. Since the company operates through «fleets», working conditions of the delivery workers depend on small, subcontracted companies.

Although the agreement has not yet been finalised, the JustEat platform has committed to hiring directly the entire workforce, providing the necessary materials for their work, e.g., vehicles, clothes, mobile phones, etc., and paying a fixed salary, overtime, night bonuses and holidays.