Potential impact of the EU Platform Work Directive on AI labelers

Authors of contributions (including affiliations):
Mariia Lesina, Master's student "Human Rights Studies", Lund University

Introduction

The gig economy has revolutionized labor markets, introducing high flexibility while simultaneously raising critical concerns about workers' rights and protections. Across the European Union (EU), 3% of people aged 15-64 rely on digital platforms to access employment, yet many remain trapped in a legal grey zone, lacking social security, job stability, and transparency in how their labor is managed (Eurostat 2024).

While the attention has been largely drawn to the impact of AI algorithms on the workflows of such gig workers, most notably drivers or delivery people, one group has been largely overlooked – the invisible workforce behind AI. These workers perform essential tasks such as data tagging, annotation, and content moderation, which help train artificial intelligence models (Muldoon et al. 2024, 9-10). Their work is often fragmented and distributed through digital labor platforms, making them susceptible to unfair algorithmic control, precarious employment conditions, and opaque remuneration structures. AI labelers work asynchronously across different time zones and are also subject to algorithmic management, where automated systems monitor their accuracy, determine their pay, and can even suspend or terminate their accounts without clear justification (Ibid, 12-15). Evidence of this can be easily found on community discussions on Reddit where stories of such workers are widespread, telling how their work was declined and payment delayed or cancelled altogether (Nagaraj Rao et al. 2025, 23). One of the recent attempts to address this systematic issue was taken by the EU via the Platform Work Directive, features and implications of which will be analyzed in this article.

EU Platform Work Directive

In 2024 the EU introduced the Platform Work Directive, a regulatory framework designed to enhance labor protections, redefine employment classifications, and establish oversight mechanisms for AI-driven algorithmic management. The EU Directive recognizes AI labeling as a form of platform work if it is conducted through a digital platform within the EU and based on a contractual relationship. Article 19 of Introduction specifically mentions tagging as a form of crowd work that can be conducted remotely. This recognition aims at allowing AI labelers to benefit from the Directive's employment presumption when platforms exercise control over their workflows, task assignments, or performance evaluations. More importantly, it states that it is platforms that have to prove employment status of their platform staff, as the

latter usually lacks the means and leverage to do so (Articles 30, 31).

The core of the regulations is that "platform work should be provided with rights, with a view to promoting transparency, fairness, human oversight, safety and accountability" (Article 14). These goals will be achieved through a number of legal changes, translated into the national legislation from the EU level. To begin with, Article 10 of Chapter III enforces human oversight in algorithmic decision-making and mandates greater transparency in how these systems operate, granting AI labelers the right to request detailed explanations of algorithmic decisions that impact their work. This means that platforms cannot solely rely on automated systems to suspend or deactivate an AI labeler's account. Instead, these decisions must "ensure human oversight and regularly carry out an evaluation of the impact of individual decisions taken or supported by automated monitoring systems": essentially demanding human in the loop, ensuring that workers are not unfairly penalized by flawed algorithms (Article 47). Additionally, AI labelers now have the right to contest algorithmic decisions, demand explanations, and request human reviews of automated rulings that affect their employment status, pay, or continued access to work (Article 8). The Directive also states that platform workers' representatives "should be involved in the evaluation process" of these automated systems (Article 44).

The mental and physical well-being of platform workers is another crucial aspect addressed by a separate Article 12 of Chapter III. Due to the nature of their work – repetitive tasks, exposure to harmful content, and tight deadlines – AI labelers face unique risks to their mental and physical health. The Directive requires platforms to assess and mitigate these risks, ensuring that AI systems do not "put undue pressure on platform workers or otherwise puts at risk their safety and physical and mental health". Platforms must now provide effective information and consultation for workers, while Member States - ensure that digital labour platforms take "preventive measures, including providing for effective reporting channels" (Article 12 of Chapter III).

Possible shortcomings of the Directive

While the Directive provides a theoretically effective legal framework, its success is based on effective enforcement. One major concern is that companies will exploit national law loopholes, restructuring their business models to avoid classifying workers as employees. This issue has been explored by an organization called Fairwork, which evaluates the work conditions of digital labour platforms, and whose extensive analysis highlights large reliance on contextual enforcement in the country-specific legislation. Therefore, as Fairwork experts state, in member states where the "power of labour unions is undermined", like, for instance, in Italy, the workers can remain unprotected and "self-employed" (Fairwork Project 2024, 2).

Moreover, as experts from International Labour Organization (ILO) explore, outsourcing work to foreign workers in countries where the cost of labour is lower is common as it enables businesses to optimize their costs (Rani et al. 2021, 22). Hence, the Directive, which only protects workers within the EU, does not address the issue of exploitation of non-EU based platform staff.

Conclusion and further discussion

The EU Platform Work Directive is a crucial step toward recognizing AI labelers as platform workers, granting them employment protection, transparency, and human oversight in algorithmic management. However, its impact depends on consistent enforcement across Member States and preventing platforms from exploiting loopholes or outsourcing labor beyond the EU's reach.

As the December 2026 deadline for national implementation approaches, the fight for fair AI labor practices is only just beginning. With platforms already pushing back, arguing that regulation stifles innovation and contradicts the inherent advantage of flexibility that digital work provides (Copenhagen Economics 2021, 24), the real test will be in Directive's practical integration. Whether the EU emerges as a pioneer in ethical AI labor governance or struggles with unintended consequences will depend on the ability of each state to implement the Directive in a way that is both principled and pragmatic. Hence, the most topical question remains: "Will this policy set a global precedent for fair AI labor practices, or will fragmented enforcement and corporate resistance weaken its impact?"

To achieve the first outcome, EU policymakers, researchers, and labor rights advocates will need to continue pushing for a regulatory environment that ensures that this overlooked groups in the gig economy – AI labelers – receive the protections they deserve.

References
1. Copenhagen Economics. The value of Flexible work for local delivery couriers. Study for Delivery Platforms Europe. November 2021. 28 p.
2. European Parliament and Council Directive (EU) 2024/2831 of 23 October 2024 on improving working conditions in platform work [2024] OJ L283/1. Internet source. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024L2831 (accessed 7 March 2025).
3. Eurostat. Experimental statistics on digital platform employment. 18 July 2024. Internet source.URL: https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240718-1#:~:text=In20223.0ofpeople,countriesand1EFTAcountry (accessed 7 March 2025).
4. Fairwork Project. Fairwork's Response to the EU Directive on Platform Work. March 2024. Internet source. URL: https://fair.work/wp-content/uploads/sites/17/2024/03/Fairworks-Response-to-the-EU-Directive-on-Platform-Work.pdf (accessed 7 March 2025).
5. Muldoon, J., Graham, M., Cant, C. Feeding the Machine: The Hidden Human Labour Powering AI. Canongate Books. 2024. 288 p.
6. Nagaraj Rao, V. Dalal, S., Agarwal, E., Calacci, D., and Monroy-Hernández, A. Rideshare Transparency: Translating Gig Worker Insights on AI Platform Design to Policy. ACM Hum.Comput. Interact. No. 9, 2. April 2025. Pp. 1-49.
7. Rani, U., Rishabh, K.D., Furrer, M. Gőbel, N. Moraiti, A. and Cooney, S. World employment and social outlook: the role of digital labour platforms in transforming the

world of work. Geneva: International Labour Office. 2021. 283 p.

8. Silberman, M.S., Adams-Prassl, J., Abraha, H. and Suresh, R., Doth the Platform Protest Too Much? Uber, Employment Status, and the EU's Proposed Platform Work Directive. Oxford Law Blogs, 28 September 2023. Internet source.
URL: https://blogs.law.ox.ac.uk/oblb/blog-post/2023/09/doth-platform-protest-too-much-uber-employment-status-and-eus-proposed (accessed 7 March 2025).