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THE EMPLOYMENT ILLUSION: PLATFORM WORK, MISCLASSIFICATION, AND THE INCOMPLETENESS OF SOCIAL SECURITY IN EUROPE

THESIS BOOKLET
Summary of the PhD Dissertation

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I. RESEARCH BACKGROUND, OBJECTIVES AND RELEVANCE

Platform work shows how a change in the organisation of labour can become a structural challenge to the legal foundations of European labour law and social security law. Algorithmic task allocation, data-driven supervision and the fragmentation of continuous jobs into discrete tasks do not eliminate dependency; they conceal it beneath the formal language of self-employment, so that a worker may appear independent in contract while remaining deeply dependent in practice. The dissertation therefore treats platform work not as a marginal anomaly of the digital economy, but as a regulatory fault line running between two branches of law that are usually studied separately.

The problem the dissertation addresses is precisely delimited. In employment-centred welfare systems, and particularly in the contribution-financed systems of Central and Eastern Europe built on the Bismarckian model, labour-law status is not descriptive but constitutive: it is the switch that turns access to contributory social security on or off. Employee status triggers registration, contribution liability, risk allocation and entitlement acquisition, and it makes the employer a public-law intermediary responsible for calculating, deducting and transferring contributions. Self-employed status, by contrast, frequently produces partial coverage, voluntary affiliation, or the transfer of the whole administrative and financial burden onto the individual. Misclassification consequently operates on two levels at once: at the micro level it excludes economically dependent workers from sickness and maternity benefits, occupational accident insurance, unemployment protection and stable pension accrual; at the macro level it removes employer contributions from the financing of pay-as-you-go schemes.

Directive (EU) 2024/2831 on improving working conditions in platform work is the most consequential supranational intervention to date in the governance of digitally mediated labour. It responds to what may be called the classification paradox, the coexistence of formal self-employment with substantive economic dependence, by introducing a rebuttable presumption of employment. Yet Article 5(3) of the Directive provides that the legal presumption shall not apply to proceedings concerning tax, criminal and social security matters. The instrument that finally addresses misclassification therefore stops precisely where, in employment-centred welfare states, misclassification does most of its damage. That gap between the correction of status and the consequences of status is the dissertation’s central concern.

Research Questions

Four interrelated questions are pursued. First, how do national definitions of “employee” and “self-employed” in EU Member States, particularly in Central and Eastern Europe, contribute to the persistence of social protection gaps affecting platform workers? Second, to what extent does the case law of the Court of Justice on the autonomous concept of “worker” reflect and accommodate the realities of algorithmic management and digitally mediated economic dependence? Third, what institutional, legal and administrative challenges arise in the implementation of the rebuttable presumption introduced by Directive (EU) 2024/2831, especially in jurisdictions characterised by formalistic classification traditions? Fourth, beyond formal transposition, what structural reforms are necessary to ensure that employment-centred social insurance systems remain equitable, adequate and fiscally sustainable under conditions of platform-mediated labour?

Relevance

The topic is relevant at three levels. For platform workers, formal classification determines whether economic dependence is met with protection or with exposure: irregular or absent contributions fragment insurance histories and produce gaps precisely at the moment of sickness, injury, parenthood or unemployment, and workers commonly discover their classification only when they claim a benefit or contest a deactivation. For Member States, and acutely for those in Central and

Eastern Europe already facing demographic ageing, outward labour migration and comparatively narrow contribution bases, the cumulative effect of misclassified platform work aggravates structural pressure on the financing of social insurance; incorrect status determination causes measurable losses in contributions as well as reduced benefit entitlements. For the Union, the transposition period of Directive (EU) 2024/2831, which expires on 2 December 2026, makes the question of how classification translates into social-security consequences immediately operational rather than academic.

II. METHODOLOGY, SOURCES AND STRUCTURE

The dissertation adopts a doctrinal comparative legal methodology situated within the multi-level governance framework of the European Union. Its core is the systematic interpretation of the norms governing employment classification and social security inclusion: the Treaty framework, in particular Article 9 TFEU and Title X on social policy; Directive (EU) 2024/2831 and the Commission proposal that preceded it, COM(2021) 762 final; the social security coordination regime of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009; and the case law of the Court of Justice on the autonomous concept of "worker", in which Case 66/85 Lawrie-Blum and Case C-256/01 Allonby serve as the doctrinal anchors for a functional understanding of economic dependence.

Because doctrinal analysis alone cannot capture the institutional consequences of platform-mediated work, the interpretation of EU norms is set against national frameworks in which post-transition contractual formalism coexists with contribution-based social insurance. Romania serves as the principal national illustration, chosen because its Labour Code contains no statutory definition of "employee" and the constitutive elements must instead be assembled from Articles 10, 13 and 14 of the Labour Code, Article 1(5) of the Social Dialogue Act and Article 5(a) of Law No. 319 of 2006 on occupational health and safety. Hungarian material provides the second axis, above all the first platform-work judgment delivered in the region. The comparison is deliberately not descriptive: it is used to expose the friction between national formalism and EU functionalism, and to test the resilience of classification doctrine where the fiscal stakes of misclassification are highest.

The analysis is problem-driven and normative in orientation. Drawing on purposive labour law theory, employment classification is examined not as a technical question of taxonomy but as a mechanism for allocating social and economic risk, so that the question of who counts as a worker becomes a question about the architecture of social solidarity. The doctrinal layer is supplemented by the institutional evidence of the International Labour Organization, the OECD, Eurofound, the European Labour Authority and the European Trade Union Institute, and by the preparatory materials of the Union legislature, including the second-phase consultation of the social partners, the successive Presidency compromise texts and the final political agreement. Human rights instruments are treated not as ornament but as binding standards against which national and Union responses are measured.

The seven chapters proceed deductively. Chapter 1 sets out the research scope, questions, methodology and structure. Chapter 2 examines bogus self-employment and the classification of platform workers within labour law. Chapter 3 establishes labour-law status as the structural precondition of social security inclusion. Chapter 4 analyses the Platform Work Directive and its rebuttable presumption, together with the national practice that preceded it. Chapter 5 grounds social protection in international and European human rights law. Chapter 6 turns to the recalibration of social protection and its financing in the platform economy. Chapter 7 draws the conclusions and formulates the de lege ferenda proposal. The sequence is deliberate: contextualisation identifies the protection gap, doctrinal analysis clarifies the legal mechanism producing it, regulatory evaluation examines the Union response, and institutional reflection assesses long-term sustainability.

III. SUMMARY OF THE ANALYSIS

1. Bogus Self-Employment and Platform Work

Bogus self-employment is not a by-product of the digital economy. The dissertation traces the phenomenon through three competing conceptual framings, each with a distinct disciplinary emphasis: economically dependent work, which locates the problem in remuneration drawn from a single disguised employer; sham self-employment, a civil-law framing resting on the divergence between the written agreement and the de facto agreement of the parties; and bogus self-employment, which addresses the question from the perspective of labour law and social security law. The absence of a clear and widely accepted definition is itself identified as a cause of exploitation, because it allows the employing entity to escape the Labour Code, social security obligations and the protective directives of Union law, and to substitute the Civil Code in their place.

Platform work is then situated within this longer history. The dissertation is critical of definitions that presuppose employment, since by doing so they exclude precisely the substantial share of platform workers formally classified as self-employed, who are the population most in need of protection. The Commission proposal is judged more careful, because it distinguishes persons performing platform work, a status-neutral category, from platform workers, those in an employment relationship. Article 2(2) of the proposal defines platform work as any work organised through a digital labour platform and performed in the Union by an individual on the basis of a contractual relationship between the platform and the individual, irrespective of whether a contractual relationship exists between the individual and the recipient of the service. The decisive relationship is thus the one between platform and worker, not between worker and client.

Whether self-employment is a suitable legal form for platform work is answered largely in the negative, but with careful differentiation between business models. Where the worker cannot build a client base, is contractually or practically prohibited from doing so, represents the platform's brand rather than an own undertaking, cannot select clients, and finds the freedom to refuse tasks constrained by rating systems that determine future work allocation, the economic purpose of self-employment cannot be achieved. Conversely, in asset-sharing models the core obligation is not the performance of a work activity at all. Platform business models differ fundamentally, and it follows that no single universal reclassification formula can be adopted: each assessment requires an in-depth analysis of the facts.

Doctrinally, the analysis rests on the autonomous Union concept of "worker", described in the case law as the performance of services for and under the direction of another person in return for remuneration, and developed further where formal self-employment conceals economic dependence and integration into another undertaking's organisation. Union legislative technique is shown to be inconsistent: some instruments expressly leave the definition of "employee" to national law, as in the transfer of undertakings and employer insolvency directives, while the Court has nevertheless held that national definitions cannot be framed so as to undermine a directive's social objective. Algorithmic management does not dissolve subordination; it replicates the classical employer functions of recruitment, task allocation, monitoring, discipline and exclusion, while obscuring their visible indicia. The chapter's formulation is that the platform economy does not escape labour law but challenges labour law to update its evidentiary and enforcement mechanisms: misclassification persists not because the law is blind, but because control has become technologically mediated and strategically concealed.

The chapter closes by asking why platform workers litigate. The answer advanced is deliberately unromantic. The courtroom is not, for most platform workers, a theatre of conceptual clarification; it is a site of economic survival. Litigation follows concrete income shocks, sudden account deactivation, an accident, prolonged sickness or exclusion from task allocation, and the claim for reclassification is in substance an indirect claim for social security inclusion. Comparative evidence supports the reading: jurisdictions in which the self-employed enjoy little social protection tend to produce more confrontational regulatory responses and more litigation, so the intensity of status conflict is partly produced by welfare-state design itself.

2. Reclassification as a Gateway to Social Protection

The third chapter establishes the structural claim on which the remainder of the dissertation depends: status is not "just" a labour law question. In contributory systems the employer is not merely a counterparty but an institutional gatekeeper, and when that gatekeeping function disappears the architecture of automatic coverage collapses with it. Classification therefore decides whether social risk is collectivised or privatised. Where the worker is treated as self-employed, four consequences follow with structural predictability: employer contributions are absent, so the financing burden is privatised; coverage becomes an insurance patchwork in which individuals are intermittently covered but never securely protected; benefit adequacy falls because entitlements are calculated on volatile and frequently under-declared income; and enforcement is individualised, so that litigation becomes a precondition of inclusion.

Among these consequences, pension fragmentation is identified as the most silent but structurally severe, since interrupted and irregular contribution records translate decades later into old-age poverty. The dissertation describes this as a future poverty pipeline, particularly acute in the contribution-based pension systems of Central and Eastern Europe. Misclassification thus undermines three mutually reinforcing dimensions at once, individual protection, collective solidarity and fiscal sustainability, and operates as a centrifugal force within employment-centred welfare regimes. The conclusion drawn is that misclassification is not merely a labour law problem but a stress test for the contributory logic of European welfare states, and that reclassification is not the end goal but the legal gateway.

3. The Platform Work Directive and the Rebuttable Presumption

The fourth chapter is the analytical centre of the dissertation. It begins from the observation that the presumption operates at the level of evidentiary allocation rather than substantive redefinition. The Directive does not tell Member States who is an employee; it changes who must prove what. This is consistent with the functional approach of the Court of Justice, and it explains both the instrument's strength and its limits. The dissertation characterises the Directive as at once modern and conservative: modern in confronting algorithmic management, conservative in reinforcing the employment gateway model rather than creating a hybrid status with autonomous social security entitlements. No third category is introduced, and the insider–outsider structure of employment-based welfare is left intact.

The legislative history is treated as analytically significant rather than as background. Of the four options canvassed in the second-phase consultation of the social partners, three ultimately collapsed into reliance on courts and on the allocation of cost and risk, which left the rebuttable presumption as the only viable instrument. The Commission proposal accordingly set out five concrete criteria in Article 4(2), of which two had to be met for the presumption to be triggered: effectively determining or setting upper limits for remuneration; binding rules on appearance, conduct or performance; supervision of performance, including by electronic means; effective restriction of the freedom to organise one's work, including through sanctions; and effective restriction of the possibility to build a client base or to work for third parties. The dissertation reads the last of these as the most revealing, because the capacity to build a client base is constitutive of autonomous economic activity, so its absence indicates not merely subordination but the absence of genuine entrepreneurial autonomy.

The comparative reference point is the Californian ABC test, introduced by the Supreme Court of California in Dynamex Operations West, Inc. v. Superior Court and codified by Assembly Bill 5, in force from 1 January 2020, under which employee status is presumed unless the hiring entity establishes freedom from control in contract and in fact, work outside the usual course of its business, and the worker's customary engagement in an independently established trade of the same nature. The two designs differ fundamentally: the Californian presumption is automatic and can be rebutted only by cumulative satisfaction of all three prongs, whereas the Union proposal set out triggering criteria activated when two of five were met. The dissertation observes that in mass-misclassification settings the prongs of such a test can be formally constructed or strategically satisfied, and argues that status assessment should be aligned with the substantive nature of the platform's economic activity rather than with formal patterns of contractual engagement.

What the legislative process did to the criteria is the pivot of the analysis. In the Committee of Permanent Representatives the five criteria were subdivided into seven, of which three were required, without any new criterion being added. Successive Presidency compromise texts followed, a vote of Member States' representatives failed in February 2024, and agreement was reached only under the Belgian Presidency. The final compromise language states that Member States determine the modalities, that the presumption is to constitute a procedural facilitation which must not increase the burden of requirements on persons performing platform work or their representatives, and that its application should not automatically lead to reclassification. Article 5 of the adopted Directive accordingly contains no list of criteria at all: the presumption rests on national law, collective agreements, national practice and the case law of the Court of Justice, with only general notions such as autonomy and entrepreneurial risk to guide it.

The dissertation assesses this outcome as a genuine but ambivalent achievement. The loss of concrete criteria was the political price of adoptability, and it trades away much of the legal certainty the proposal was designed to create; it may reduce practical accessibility for workers in jurisdictions where procedural barriers are already high, encourage divergent implementation, and displace the conflict from substantive status determination to disputes over the threshold conditions for activating the presumption at all. The counter-argument is reported with sympathy: an open, fact-based assessment is harder for platforms to circumvent by merely amending their terms and conditions than a fixed list would be. What follows for the dissertation is that monitoring must extend beyond the transposing legislation to the practical preparedness of labour inspectorates and social security institutions.

National practice illustrates what is at stake. In the first platform-work judgment delivered in Central and Eastern Europe, the Curia of Hungary decided on 13 December 2023 in case No. Mfv.VIII.10.091/2023/7 the claim of a food-delivery courier engaged for roughly three months. The first instance had found a genuine self-employment relationship, the second instance had reclassified the relationship as employment, and the Curia then ruled. It held that a case-by-case approach is required because platforms differ by sector and by work-distribution mechanism, that no special regulation was then in force either nationally or at Union level, and that legal practice is not uniform even within a Member State. Applying the primacy of facts and the national statutory definitions, it found that a window of seventy-five seconds to accept a task did not amount to direct control because tasks could be refused, that no hierarchical system existed, that earnings were neither maximised nor minimised, and that the courier selected and owned the tools used. The dissertation agrees that the court was right not to rely on the Commission proposal, whose criteria did not survive into the final text, but it records the scholarly criticism that the absence of visible hierarchy requires corroboration precisely because a bogus arrangement operates by concealing hierarchy, and that worker-owned tools do not exclude an employment relationship.

The chapter's normative position is expressly twofold. Reclassification is indispensable within the current architecture, because in employment-centred welfare states status is constitutive rather than symbolic; but it is not sufficient, because employee status does not guarantee full protection where thresholds, minimum-hours rules and short contracts create gaps of their own. Platform work does not invent precariousness; it magnifies it. The right conclusion is therefore not to abandon collective risk-sharing but to complement reclassification with reforms addressing fragmentation, income instability and enforcement capacity.

4. Social Protection as a Fundamental Human Right

The fifth chapter supplies the normative foundation. Against the objection that social rights are programmatic rather than justiciable, the dissertation adopts the position that there is no fundamental distinction between negative and positive freedom, both being equally essential to dignity and equally vulnerable to infringement. Social security is then treated as a formalised legal relationship: once a claim is made and the statutory conditions are met, the competent authority must recognise the entitlement and the administration is legally obliged to provide the benefit.

At the universal level, Article 22 of the Universal Declaration of Human Rights establishes the right to social security for everyone as a member of society, and Article 25 specifies its material content, including security in the event of unemployment, sickness, disability, widowhood and old age; the enumeration of risks is read as open-ended rather than exhaustive. The dissertation draws out a consequence that matters directly for platform work: entitlement is grounded in societal membership constituted by substantive ties such as residence or contribution, so that formal citizenship recedes and factual participation becomes the operative condition. Convention No. 102 of the International Labour Organization, adopted in 1952 and in force from 27 April 1955, is the first comprehensive binding instrument in the field, identifying nine branches of social security while allowing ratifying States to accept only three, and imposing general responsibility for the provision of benefits and for the proper administration of the system. Its flexibility is also its limit: the Convention is far from universalising social security, and its derogation for insufficiently developed economies and medical facilities is criticised for leaving both the circumstances and the duration undefined. Recommendation No. 202 of 2012, although non-binding, raises the standards and broadens the personal scope, calling for national social protection floors guaranteeing essential health care and basic income security across the life cycle, and marking the shift from a risk-based model tied to formal employment towards a universal and inclusive approach that reaches informal and non-standard workers.

The International Covenant on Economic, Social and Cultural Rights is treated as the core binding instrument. Article 9 recognises the right of everyone to social security, including social insurance, and binds States to respect, protect and fulfil it, ensuring effective access to contributory and non-contributory provision alike. General Comment No. 19 of the Committee on Economic, Social and Cultural Rights specifies these duties in detail: the obligation to respect prohibits dismantling schemes without adequate alternatives, discriminatory eligibility criteria and restrictions on access for vulnerable groups; the obligation to protect requires oversight of privately organised schemes; and the obligation to fulfil is subdivided into duties to facilitate, promote and provide, with the Committee singling out workers in the informal economy and in casual, non-standard and self-employed arrangements. The dissertation resists treating Convention No. 102 as lex specialis for the interpretation of Article 9, since its limited ratification and its three-of-nine structure would produce unequal obligations and fragmented legal alignment.

At the European level the analysis is layered. The European Social Charter of 1961 and its revised version of 1996 are more detailed and more prescriptive than the universal instruments. Article 12 is the foundational provision, complemented by Article 13 on social and medical assistance and Article 14 on social services; the subject of the right under Article 12(1) must be construed broadly, so that self-employed persons are also covered, and Article 12(2) requires a legal framework clear enough that people know their entitlements and how to access them, benchmarked in the revised Charter against the European Code of Social Security. Article 12(3) requires progressive development and Article 12(4) equal treatment of non-nationals, exportability and the aggregation of insurance periods. The European Committee of Social Rights monitors compliance; its decisions are not directly enforceable, but they carry considerable authority for governments, legislators and courts. The European Code of Social Security of 1964 is not merely similar to Convention No. 102 but raises its standards, requiring acceptance of at least six of the nine branches and containing no derogation for underdeveloped economies, while its Protocol requires eight branches and higher benefit levels; because the Code, its Protocol and the Revised Code all remain in force, States face what amounts to a three-step ladder of obligations. Article 34 of the Charter of Fundamental Rights of the European Union draws on Article 12 of the European Social Charter, the Code and Articles 9 to 11 of the Covenant; its second paragraph has a broad personal scope conditioned only on lawful residence or movement, and any limitation is subject to Article 52 and to proportionality.

The Union’s own competence is characterised as coordination and support rather than harmonisation. Title X of the Treaty on the Functioning of the European Union provides for cooperation, social dialogue and the coordination of social security systems, while Article 153(2)(a) expressly excludes the harmonisation of national social standards; Article 9 TFEU nevertheless requires the Union to take account of the guarantee of adequate social protection and the fight against social exclusion across all its policies. Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 do not create schemes or guarantee complete income protection, but they ensure that a person is subject to the legislation of a single Member State and safeguard non-discrimination, portability, aggregation and the preservation of acquired rights. The dissertation draws a pointed inference: although the coordination regulations do not require Member States to establish schemes for non-standard workers, they presuppose that such schemes exist and oblige their coordination, thereby indirectly reinforcing the obligation to include these workers in national systems.

Principle 12 of the European Pillar of Social Rights affirms that all workers, and under comparable conditions the self-employed, have the right to adequate social protection irrespective of the type and duration of the employment relationship. Council Recommendation 2019/C 387/01 on access to social protection for workers and the self-employed operationalises that principle on the legal basis of Articles 153(1) and 352 TFEU, requiring formal, effective, adequate and transparent access for all workers in standard and non-standard work, including platform work, and for the self-employed. Its status-neutral approach affirms fundamental social protection rights for all professionally active persons regardless of how their labour is classified, while insisting on the sustainability of national systems. The conclusion the chapter reaches is that the evolution of international human rights law has transformed social security from a matter of national discretion into a subject of international supervision: States are no longer free to abstain from action, and the universality of the right in principle cannot be reconciled indefinitely with access that remains conditional in practice.

5. Recalibrating Social Protection in the Platform Economy

The sixth chapter turns from diagnosis to design, under an organising premise borrowed from the institutional literature: there is no one-size-fits-all solution, and national systems are hybrids combining universal and contributory logics in different proportions. The chapter first identifies the exclusion in Article 5(3) of the Directive as a structural weakness rather than a technical detail. Because the presumption is confined to labour-law proceedings, the same person may be an employee for the purposes of labour rights and self-employed for the purposes of social security and taxation. Member States may extend the presumption further, but leaving that extension optional entrenches divergence and produces a patchwork of protections rather than the coherent framework the instrument was meant to supply.

Collective bargaining is then examined as a necessary but neglected instrument, and the Romanian trajectory is used to show what its absence costs. Under the previous regime collective agreement coverage reached almost the entire employed population, but it functioned as an instrument of monitoring rather than of representation. The Social Dialogue Act adopted in 2011 in the context of external financial assistance abolished national-level bargaining, weakened the protection of employee representatives and replaced branch-level with sectoral-level bargaining, and coverage collapsed to roughly a third of employees. A new Social Dialogue Act entered into force on 25 December 2022, reintroducing national-level bargaining, widening the sectors in which bargaining may take place and restoring protection for representatives. The consequence for platform work is that the country was left without an effective mechanism for regulating it at precisely the moment such a mechanism was needed.

The Nordic experience is presented as the counter-model. Denmark produced the first collective agreement in the platform economy, under which freelancers on a cleaning-services platform are reclassified as employees after one hundred hours of work, with better pay and stronger social protection; a further agreement raised wages, added sick pay and increased pension contributions while leaving workers free to choose their status. In Norway an agreement with a food-delivery company delivered higher wages and an early retirement benefit. The common feature is instructive: these are systems in which the self-employed already enjoy extensive coverage, so the State intervenes less and conflict is resolved through social partnership, and the measurable result is a low volume of litigation. Collective agreements deliver not only better conditions for workers but regulatory certainty for platforms themselves.

The chapter then sets out four ways in which social protection may be attached to work, in ascending order of inclusiveness. Protection tied to a specific employer is the most restrictive, since entitlements end with the contract and accumulated benefits are lost when work or occupation changes. Protection tied to salaried employment in general travels with the worker between jobs but still leaves gaps for temporary, agency and dependent self-employed workers. Protection tied to participation in gainful work irrespective of status is more inclusive, whether contributory or tax-financed, though household-based eligibility criteria may disadvantage women and younger workers. Protection tied to residence and financed through taxation is least dependent on labour-market status and most effective against exclusion. The dissertation is explicit that total decoupling is not the answer: it risks lowering both the scope and the level of benefits, diverting attention from the employer's duty to contribute, and increasing reliance on private insurance with limited risk pooling and redistribution. What is required is a coordinated combination of contributory and tax-financed elements, in line with the dual approach of the social protection floors recommendation.

Against that framework the two dominant models are assessed and both are found wanting on their own. Voluntary arrangements, whether private insurance, platform-organised schemes or optional affiliation to public schemes, are administratively light and adaptable to irregular and multi-platform work; accident and health cover offered by large platforms in selected countries illustrates the model. But participation is low precisely among workers with irregular and low incomes, which weakens risk pooling, diminishes redistribution and widens inequality within the platform workforce; without compulsion or strong incentives, voluntary contributions do not close the gap. Mandatory coverage carries the redistributive strength of universalism and the legal certainty of entitlement, and comparative practice supplies concrete models: in Spain the Riders Law, through Additional Provision 23 of Royal Decree-Law 9/2021, requires platforms to make social security contributions for delivery workers recognised as employees, France requires solo self-employed and platform workers to contribute to pension and insurance schemes, and Slovakia is noted for an approach in which every job counts. Yet mandatory schemes meet platform resistance grounded in cost and competitive disadvantage, administrative and enforcement complexity in cross-border settings and for smaller platforms, and political contestation.

The financing question is treated as the decisive one, and the chapter's most original contribution lies here. The barriers are identified precisely: income volatility and legal ambiguity; contested or undefined contribution liability once the employment boundary erodes; the separate assessment of each engagement for multi-platform workers, producing overlapping or conflicting classifications; unpaid waiting and reputation-building time that makes declared income an unreliable proxy; and reporting obligations burdensome enough to cause underreporting or outright non-declaration, so that complexity itself drives informality. Simplification is therefore not a convenience but a policy instrument. Monotax regimes consolidate tax liability and social contributions into a single payment, and the Estonian entrepreneur account is examined as a unified mechanism combining income tax, social contributions and pension contributions in one business tax, substantially reducing the administrative burden on micro-entrepreneurs. Safeguards are nevertheless required, so that undertakings do not remain indefinitely within preferential regimes, and so that the public subsidies on which such schemes often depend neither threaten long-term sustainability nor entrench precarious models by attaching support to informality as such rather than to actual income levels.

Who should pay is the question the platform business model is designed to leave open. Even where a worker is highly economically dependent on a single platform, the platform presents itself as a mere digital intermediary rather than an employer. Assigning collection and remittance to the platform provides a clear institutional channel, but comparative experience shows that formal allocation of responsibility does not by itself secure coverage: in Italy contribution arrangements for platform-based food delivery workers rely on platform reporting to the national social security institution, yet gaps persist where status remains contested or reporting is only partially enforced; in France platforms operating under the auto-entrepreneur regime must supply income statements, but compliance depends on platform cooperation and remains uneven, and workers denied the required documentation may be excluded from benefits altogether. Transaction-based collection, which treats each task as a proxy for income and embeds contributions in platform payments, offers automated and continuous financing well suited to fragmented work, but it improves matters only where robust reporting duties, transparency requirements and effective supervisory powers accompany it. Without those safeguards, both models reproduce existing exclusions under a different institutional guise.

From this comparative assessment the dissertation develops a set of financing models adapted to platform-mediated income. A hybrid contribution model pools worker contributions, platform contributions and public support, with platforms allocating a defined percentage of each transaction to a social security fund. Insurance-type products linked to algorithmic risk adjust contribution rates to dynamic pricing, task availability and surge allocation, channelling them into accounts that provide income smoothing or risk-contingent benefits. Real-time reporting systems require platforms to transmit completed tasks, revenue and time as they occur, with contributions adjusted dynamically over short reference periods; this presupposes technical standards, algorithmic transparency, data accuracy, worker consent and the legal recognition of dynamically calculated contributions for entitlement purposes. Tiered contribution schemes graduated by income or intensity of engagement allow sporadic earners to contribute at reduced rates with correspondingly partial entitlements, addressing directly the missing middle between genuine self-employment and dependent employment. Portable social security accounts attached to the worker rather than to an employer or platform carry entitlements across platforms and borders, consistently with the Union's coordination framework and its mobility policy. Alongside these, the chapter endorses extended reference periods, flexible payment schedules, mobile and micropayment channels and simple accrual rules consistent with benefit equivalence, so that sporadic contributions still translate into tangible entitlements.

IV. NEW SCIENTIFIC RESULTS (THESES)

On the basis of the doctrinal, comparative and institutional analysis carried out in Chapters 2 to 6, the following theses are put forward as the principal contributions of the dissertation.

Thesis 1. Bogus self-employment is not a by-product of the digital economy but a recurring structural phenomenon that resurfaces wherever the workforce is precarious and vulnerable, and platform work is its contemporary form. The conceptual competition between economically dependent work, sham self-employment and bogus self-employment is not merely terminological: each framing assigns the problem to a different branch of law and therefore to a different remedy. The absence of a clear and widely accepted definition is itself a cause of exploitation, because it permits the employing entity to displace labour law and social security obligations in favour of civil law.

Thesis 2. The definitional vacuum operates at two levels and is inherited rather than cured by the Union response. At Union level there is no general definition of "employee" or "employer", an absence attributable to political willingness rather than to doctrinal necessity; at national level, labour and social security law remain oriented towards standard employment. Because Directive (EU) 2024/2831 refers the operation of its presumption back to national law, collective agreements and national practice, it builds on the very foundation whose weakness produced the problem. Where a Member State's Labour Code contains no statutory definition of "employee", as in Romania, the constitutive elements must be assembled from scattered provisions, and the resulting ambiguity is transmitted directly into the operation of the presumption.

Thesis 3. Misclassification in the platform economy is neither incidental nor a by-product of regulatory uncertainty; it functions as a business-model logic and, more precisely, as an institutional strategy of cost externalisation. By denying employee status while retaining employer-like powers over task allocation, performance monitoring, pricing and sanctioning, platforms shift social risk and the cost of insurance onto workers, the State and the remaining contributors. Misclassification therefore transforms collectively insured workers into individually responsible risk-bearers, dissolving solidarity into individual market risk.

Thesis 4. Employment status functions as the constitutional hinge between labour law and social security law. In contribution-financed systems it is not a label attached to a relationship but the institutional gateway that triggers registration, contribution liability and the acquisition of entitlements, and it makes the employer a public-law intermediary. It follows that reclassification is never an end in itself: workers do not litigate to exchange one contractual denomination for another but to enter the regime of protection that status unlocks. Classification disputes are, in substance, disputes about the distribution of social risk.

Thesis 5. Platform workers litigate for economic survival rather than for recognition. Litigation is reactive, following concrete income shocks such as deactivation, accident, sickness or exclusion from task allocation, and it is triggered at the moment a benefit is claimed and classification is discovered. Litigation intensity is therefore partly a product of welfare-state design: where the self-employed enjoy little protection, regulatory responses are more confrontational and court proceedings more frequent. Reclassification litigation is best understood as a form of regulatory correction, in which the courtroom becomes the first arena for the defence of the welfare state.

Thesis 6. The rebuttable presumption of employment operates on the evidentiary architecture of classification rather than on its substantive content. It does not redefine the worker; it reallocates the burden of proof, thereby acknowledging implicitly that the obstacle is evidentiary asymmetry and enforcement failure rather than doctrinal uncertainty. In this respect the Directive codifies the functional logic long developed in the case law of the Court of Justice. It is at the same time modern and conservative: modern in confronting algorithmic management, conservative in reinforcing the employment gateway model instead of creating a hybrid status carrying autonomous social security entitlements.

Thesis 7. The disappearance of the proposal's concrete criteria was the political price of adoptability, and it has a determinable legal cost. The five criteria of Article 4(2) of COM(2021) 762 final, of which two triggered the presumption, were first subdivided into seven of which three were required, and then removed altogether: Article 5 of the adopted Directive contains no list, referring instead to national law, collective agreements, national practice and Union case law. Three consequences follow: reduced practical accessibility for workers in jurisdictions with high procedural barriers; divergent implementation in an area where the reduction of uncertainty was itself an objective; and the displacement of conflict from substantive status determination to disputes over the conditions for activating the presumption at all. The counter-argument that an open, fact-based standard is harder to circumvent by amending terms and conditions is well founded, but it shifts the decisive variable from the text of the law to the administrative and judicial capacity to apply it.

Thesis 8. National practice preceding the Directive demonstrates the limits of formalistic classification under algorithmic conditions. In the first platform-work judgment in Central and Eastern Europe, the Curia of Hungary correctly declined to rely on the Commission proposal, whose criteria did not survive into the adopted text, and correctly insisted on a case-by-case assessment based on the primacy of facts. Its reasoning nevertheless illustrates the evidentiary problem the Directive was designed to address: the absence of a visible hierarchy requires corroboration precisely because a bogus arrangement operates by concealing hierarchy, and the worker's ownership of the tools of work does not exclude an employment relationship. Formalistic indicators developed for industrial-era supervision under-detect control that is exercised digitally.

Thesis 9. The central finding of the dissertation is that the protection deficit affecting platform workers is not, in the first instance, a deficit of substantive rights but a deficit of consequence. By excluding proceedings concerning tax, criminal and social security matters from the reach of the presumption, Article 5(3) of Directive (EU) 2024/2831 corrects the labour-law half of the problem while leaving unresolved the mechanisms through which reclassification becomes registration, contribution liability and effective entitlement. The result is that the same person may be an employee for labour rights and self-employed for social security and taxation. A worker who establishes employee status but cannot obtain insurance registration or contribution recognition has won only a partial victory; the framework is symbolically transformative but operationally incomplete.

Thesis 10. Social protection is a fundamental human right, and the obligations it generates are no longer a matter of national discretion. Article 22 of the Universal Declaration, Convention No. 102 and Recommendation No. 202 of the International Labour Organization, Article 9 of the International Covenant on Economic, Social and Cultural Rights as elaborated in General Comment No. 19, Article 12 of the European Social Charter with the European Code of Social Security, Article 34 of the Charter of Fundamental Rights and Principle 12 of the European Pillar of Social

Rights together bind States to respect, protect and fulfil the right, and to include workers in informal, casual, non-standard and self-employed arrangements. States are therefore not free to accept exclusion merely because the organisation of work has changed or because digital intermediaries rely on formal labels that obscure dependency. At the same time, the persistent gap between universality in principle and conditionality in practice is itself the measure of the problem.

Thesis 11. Inclusion must be two-sided, and neither of the two dominant models achieves it alone. Platform workers must be integrated on the benefit side and on the financing side alike, because entitlement without secured contribution flows shifts the burden onto systems already under demographic strain. Voluntary schemes are administratively light but suffer low uptake precisely among workers with irregular and low incomes, weakening risk pooling and redistribution. Mandatory coverage carries the redistributive strength of universalism and the legal certainty of entitlement but meets platform resistance, cross-border enforcement difficulty and political contestation. Total decoupling of protection from employment is feasible in principle yet risks lowering benefit levels and releasing employers from the duty to contribute. What is required is a coordinated combination of contributory and tax-financed elements rather than the replacement of one model by another.

Thesis 12. Complexity in the financing architecture is itself a driver of informality, and simplification is therefore a substantive policy instrument rather than an administrative convenience. Because contribution liability is contested where the employment boundary has eroded, and because multi-platform engagements are assessed separately and produce overlapping classifications, the design of collection determines whether formal inclusion becomes effective coverage. Comparative experience shows that assigning collection to platforms or embedding contributions in transactions secures coverage only where transparent reporting duties, enforcement and effective remedies against non-cooperation accompany the allocation of responsibility; without them, automated models reproduce exclusion for workers whose activity is only partially recorded.

V. PRACTICAL APPLICABILITY AND DE LEGE FERENDA RECOMMENDATIONS

The recommendations target the point of intervention identified by Thesis 9, namely the gap between the correction of status and its social-security consequences, and they proceed from the legally most demanding proposal to the institutionally most feasible ones.

1. Extending the Consequences of the Presumption to Social Security

As the preferred solution, the limitation in Article 5(3) of Directive (EU) 2024/2831 confining the presumption to labour-law proceedings should be removed, so that a determination of employee status also operates in social-security matters. This entails, first, an express obligation on Member States to connect a successful reclassification to insurance registration and to contribution liability for the period actually worked, including retroactive effect within national limitation periods. Second, it entails transparent reporting duties on platforms covering income statements and contribution notifications, since comparative experience in Italy and France shows that the formal allocation of responsibility to platforms secures coverage only where reporting is enforced and workers have an effective remedy against non-cooperation. Third, a floor of concrete and verifiable control indicators should be restored, capable of being applied by labour inspectorates and social security institutions and not only by courts, so that the open-textured standard of Article 5 does not become inaccessible in practice. Fourth, the reform must be coordinated with Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, so that reclassification in cross-border and multi-platform situations does not produce competing or cumulative liabilities. Where a Member State does not extend the presumption of its own motion, the optional character of that extension should at least be accompanied by a reporting and monitoring obligation, since leaving the matter to national discretion entrenches divergence in an area where the objective was convergence.

2. Clarifying the National Definitions on Which the Presumption Depends

Because the presumption operates by reference to national law, the quality of national definitions determines its effect. Member States whose labour codes contain no express definition of "employee", Romania being the example analysed, should adopt one, together with a definition of "worker" where the two concepts are used in parallel, drafted so as to capture functional and algorithmically mediated dependence rather than only visible hierarchical subordination. The Union's role in this respect should be understood as setting limits to the terms rather than defining them universally: full unification is neither attainable nor desirable in a field so closely tied to national economic and social conditions, but a floor below which national definitions may not fall is both attainable and necessary if the presumption is to function comparably across the internal market.

3. Strengthening Collective Representation and Social Dialogue

Collective representation should be enabled rather than merely tolerated. This means recognising trade unions as legitimate interlocutors in platform settings, consolidating the removal of competition-law obstacles to collective bargaining by solo self-employed persons, and providing institutional support for sectoral agreements of the kind already concluded in Denmark and Norway, where the outcome has been not only better pay and stronger social protection but also regulatory certainty for the platforms themselves and a markedly lower volume of litigation. In Central and Eastern Europe the priority is reconstructive: the Romanian Social Dialogue Act that entered into force on 25 December 2022, which restored national-level bargaining and widened the sectors in which bargaining may take place, should be used deliberately as an instrument for regulating platform work. Collective agreements can address not only pay and working conditions but contribution arrangements, procedural safeguards and pathways to effective inclusion in social security, and they adapt to new business models faster than legislation can.

4. Redesigning the Financing Architecture

Financing reform should proceed on the premise that complexity drives informality. Consolidated contribution mechanisms of the monotax or entrepreneur-account type, which combine income tax and social contributions in a single payment, reduce compliance burdens for fragmented income streams and should be made available to platform workers, subject to safeguards ensuring that preferential regimes do not become permanent, that public subsidies neither threaten sustainability nor attach to informality as such, and that simplification does not degrade the adequacy of accrued entitlements. Alongside them, four mechanisms should be developed: a hybrid contribution model pooling worker contributions, platform contributions and public support, with a defined percentage of each transaction allocated to a social security fund; real-time reporting systems in which platforms transmit tasks, revenue and time as they occur and contributions adjust dynamically over short reference periods, subject to technical standards, algorithmic transparency, data accuracy, worker consent and the legal recognition of dynamically calculated contributions; tiered contribution schemes graduated by income or intensity of engagement, allowing sporadic earners to contribute at reduced rates with correspondingly partial entitlements, so as to reach the missing middle directly; and portable social security accounts attached to the worker rather than to a platform or employer, carrying entitlements across platforms and borders in a manner consistent with the Union's coordination framework. Extended reference periods, flexible payment schedules and simple accrual rules consistent with benefit equivalence should accompany them, so that sporadic contributions still yield tangible entitlements.

5. Building Enforcement and Institutional Capacity

Finally, the effectiveness of the entire framework depends on institutions that the Directive does not itself reform. Monitoring of transposition should extend beyond the adequacy of national legislation to the practical preparedness of labour inspectorates, social security institutions and courts, including their capacity to assess algorithmic management, to obtain and interpret platform-held data, and to act on their own initiative rather than only upon individual complaint. Cross-border cooperation through the competent Union bodies should be strengthened for multi-platform and mobile workers, whose activity is assessed separately in each jurisdiction and whose cumulative rights are consequently obscured. Without this administrative layer, an open-textured presumption risks becoming a right that exists on paper and is claimed only by those able to litigate.

VI. CONCLUSION

Platform work is not a marginal anomaly of the digital economy but a regulatory fault line running between labour law and social security law. The dissertation has argued that the decisive question is not whether platform workers fit inherited legal categories, but whether European legal systems are willing to align rights and responsibilities with the economic reality of digitally mediated dependence, and to do so on both the benefit side and the financing side of social insurance. Misclassification is the mechanism through which that alignment fails: it is an institutional strategy of cost externalisation that redistributes social risk away from collective insurance and towards individual vulnerability, and in employment-centred welfare states its effects reach far beyond the employment contract.

Directive (EU) 2024/2831 confirms that platform labour has entered the core of European labour-law policymaking, and its rebuttable presumption is a genuine achievement: it realigns evidentiary rules with economic substance and gives workers, authorities and courts an instrument that did not previously exist at Union legislative level. Yet the long path from proposal to compromise, the disappearance of the concrete criteria that were to make the presumption operational, and above all the exclusion of tax, criminal and social security matters from its scope leave the framework unfinished. It is a milestone and a compromise at once, symbolically transformative and operationally incomplete.

The conclusion that follows is neither that reclassification is unimportant nor that it is sufficient. Within the present architecture it is indispensable, because status is constitutive of inclusion; but the protection of platform workers cannot rest on individual litigation alone. It requires that reclassification carry its social-security consequences, that national definitions be capable of capturing algorithmic dependence, that collective representation be enabled where it has been eroded, that financing be redesigned around the real shape of platform income, and that the institutions charged with enforcement be equipped for the task. Whether the European social model can absorb the platform economy without eroding the solidaristic foundations of social citizenship will depend on decisions taken during transposition and in the reforms that must follow it. If platform work is allowed to remain a zone of exception, flexible in name but precarious in substance, what is at risk is not only the position of millions of workers but the sustainability of the systems of solidarity on which the European social model rests.

VII. PUBLICATIONS RELATED TO THE TOPIC OF THE DISSERTATION

1. Szabó, C.: Navigating the Gig Economy: How EU Labour Law Can Guide National Systems. Revue Européenne du Droit Social, Volume LXXI, Issue 2, 2026.

2. Szabó, C.: From Chasing Stability to Searching for Flexibility: Bogus Self-Employment and Platform Work. Acta Universitatis Sapientiae – Legal Studies, Vol. 12, No. 2, pp. 127–141.

3. Szabó, C.: The Historical Development of Gender Equality in the Period of Soviet-Type Dictatorship in Romania. Revista Română de Istoria Dreptului / Romanian Journal of Legal History, Vol. 3, No. 1, 2023.

4. Szabó, C.: Recalibrating Social Protection in Europe's Gig Economy. Ubezpieczenia Społeczne. Teoria i Praktyka / Social Insurance. Theory and Practice, ISSN 1731-0725. Accepted for publication, 2026.

5. Szabó, C.: States' Obligation Regarding Social Protection in Europe. Revue Européenne du Droit Social. Accepted for publication, 2026.

6. Szabó, C.: Algorithmic Labour and Social Protection: Rethinking Contributions for the Gig Economy. Law, Identity and Values. Accepted for publication, 2027.

7. Szabó, C.: Reflections from Bangkok: A Deep Dive into the LLRN7 Conference "Forging the Future of Labour Law in a Globalized World". CEA Blog, Central European Academy, Budapest. Accepted for publication on 10 July 2025.