

EVALUATION PAPER

Obstacles and Opportunities for Implementing the Platform Work Directive: Focus on Work Classification and the Presumption of Employment in Poland

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About the project

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Introduction

The purpose of this evaluation paper is to critically analyze the practical **barriers and opportunities** associated with implementing the provisions of the **Platform Work Directive (PWD)** in Poland, with a particular focus on the issues of work **classification and the presumption** of an employment relationship. These are key elements of the Directive that aim to improve the working conditions of people providing services via digital platforms. The analysis is based on desk research, written communication provided by the Ministry of Family, Labor and Social Policy (MRPiPS), and two in-depth interviews: one with an academic expert and one with a representative of the platform industry.¹ The consulted sources include reports and statements by public institutions, trade unions and civil society organizations.

As of July 2025, no draft law transposing the PWD had been made publicly available in Poland, nor had an official roadmap or consultation process been announced. However, according to the Ministry of Family, Labor and Social Policy, analytical and legislative work is already underway. The government has decided to prepare a separate legislative act that will comprehensively regulate matters covered by the PWD. In addition, several other statutes are expected to be amended, particularly in the areas of labor law, civil procedure, labor inspection regulations, and the rules on informing and consulting workers. According to information provided by the Ministry, **a draft law is likely to be presented for consultation in the fourth quarter of 2025.** At the same time, the timeline remains closely tied to the progress of autonomous dialogue within the Social Dialogue Council, which makes the pace and scope of transposition dependent on negotiations between social partners. The deadline for implementing the PWD into national law is December 31, 2026.²

Platform work in Poland is a **growing segment of the labor market**, encompassing both on-location services (such as taxi services and app-based delivery) and remote digital tasks. It attracts a diverse population: students, freelancers, migrants, and people seeking flexible sources of income. Despite their apparent autonomy and flexibility,

¹ These are: Prof. Izabela Ostoj Ph.D., from the University of Economics in Katowice, and a representative from the Polish Association of 3PL Application Partners.

² Response from the Ministry of Family, Labor and Social Policy (MRPiPS), signed on behalf of Ms. Agnieszka Wołoszyn, Deputy Director of the Labor Law Department, September 5, 2025.

digital platforms often **operate under legal uncertainty**, basing cooperation on civil law contracts or self-employment, often under conditions equivalent to an employment relationship. This phenomenon is referred to as “**bogus self-employment**” and is associated with a lack of social protection, a lack of transparency and unequal treatment of contractors.³

Obstacles and Opportunities

Alignment with Existing Legislation

The Polish legal system currently lacks comprehensive regulations on platform work. The current labor, civil and business laws do not take into account the specifics of work provided through digital platforms. Such work can be performed on the basis of various legal forms, which leads to a lack of uniform standards for the protection of contractors. In Poland, platform work is subject to general regulations depending on the type of contract concluded with the person performing services through the labor platform:⁴

- Contract of mandate (*umowa zlecenie*): regulated by the Civil Code;
- Self-employment (*jednoosobowa działalność gospodarcza*): regulated by the Law of Entrepreneurs;
- Employment contract (*umowa o pracę*): regulated by the Labor Code (K.p), but rarely applied in platform work.⁵

In practice, workers are often classified as self-employed or contractors, although comprehensive data on the scale of this phenomenon is lacking. Existing observations and expert interviews indicate that in some instances, services are performed under conditions resembling those of an employment relationship—such as limited ability to negotiate terms, digital supervision, or algorithmic task management. As a result, it is possible that a portion of the platform workforce may lack access to social benefits,

³ Daria Szafarczyk, Hubert Gołębiewski, *Mapping Platform Work in Poland: Background Paper*, The Platform Revolution project (Europeum, 2025), 4, accessed August 24, 2025, <https://www.europeum.org/wp-content/uploads/POLAND.pdf>.

⁴ The expert deliberately avoided the term “platform worker” because, according to Polish law, these individuals do not have employee status, whereas the Directive refers to platform workers in the context of a presumption of employment.

⁵ Prof. Izabela Ostoj Ph.D., University of Economics in Katowice, interview by authors, June 26, 2025.

paid leave, health insurance, or protection against unfair treatment.⁶ The PWD is designed to help address such risks by introducing, among other measures, a presumption of an employment relationship, which requires platforms to prove that a given collaboration does not have the characteristics of employment. In this sense, the Directive extends current legislation and provides a framework for adapting Polish law to the realities of the digital economy.

According to recent information from the Ministry of Family, Labor and Social Policy, analytical and legislative work is currently underway to implement the Platform Work Directive into the Polish legal system. The government has decided to draft a separate legislative act that will comprehensively regulate matters covered by the Directive. In parallel, it is conducting a legal review of other relevant statutes—such as the Code of Civil Procedure and the Act on the National Labor Inspectorate—which will likely require amendments due to the new regulatory framework. Particular challenges include implementing effective procedures for verifying the employment status of platform workers, including the rebuttable presumption of employment, which is seen as a novel legal instrument in the Polish context. The Ministry emphasized that new regulations should be designed in a transparent and thoughtful manner, balancing the obligations placed on digital labor platforms and control institutions with the need to enhance the protection of workers.⁷

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amendments to the existing Labor Code.***

Professor Izabela Ostój argued that the specific nature of platform work in Poland requires a separate legislative framework, rather than isolated amendments to the existing Labor Code (K.p.),

originally adopted in 1974, which has been amended over 80 times but still does not address the realities of the digital economy, including phenomena such as labor fragmentation and algorithmic management. In her view, a dedicated legal act would

⁶ Prof. Izabela Ostoj Ph.D., University of Economics in Katowice, interview by authors, June 26, 2025.

⁷ Response dated August 11, 2025, to parliamentary interpellation No. 10482 on regulating the status of platform workers, i.e. persons performing work via digital applications, in accordance with the guidelines of the PWD. 2024/2831, accessed August 29, 2025, <http://sejm.gov.pl/INT10.nsf/klucz/ATTDKGHGS/%24FILE/i10482-o1.pdf>.

enable the clear definition of platform work, operationalize the presumption of employment, and regulate platform responsibilities without undermining flexibility.⁸

In addition, the regulation of so-called fleet partners—intermediaries between the platform and the contractor—also remains outside current legal control.⁹ The PWD, combined with proposals from the industry community (for example, from the Polish Association of 3PL Application Partners),¹⁰ could foster the regulation and licensing of such intermediaries, increasing the transparency of legal relationships and operational accountability.¹¹

Administrative Barriers and Opportunities

At the current stage, in the absence of publicly available information on the scope and content of the national transposition of the PWD, it is not possible to reliably assess the administrative readiness of Polish institutions to implement and enforce its provisions. Without a draft law, implementation roadmap, or technical guidelines, there is no clarity as to which institutions will be responsible for specific tasks or whether they possess the necessary resources, expertise, and coordination mechanisms to fulfil these roles effectively. However, taking into account the scope of legislative work outlined by the Ministry of Family, Labor and Social Policy—including amendments to labor law, court procedures, labor inspection regulations, and rules on worker information and consultation—it is reasonable to expect that the forthcoming draft proposal, due to be presented by the end of 2025, will outline the instruments necessary for effective oversight and enforcement.

At the same time, ongoing legislative work on the reform of the National Labor Inspectorate (*Państwowa Inspekcja Pracy*, PIP) suggests that some elements of

⁸ Prof. Izabela Ostoj Ph.D., University of Economics in Katowice, interview by authors, June 26, 2025.

⁹ A representative from the Polish Association 3PL of Application Partners highlights the lack of a licensing mechanism for intermediaries (application partners) as a fundamental gap in the current legal framework.

¹⁰ Polish Association 3PL of Application Partners is an organization representing 13 of the largest Polish application partners (so-called fleet partners), acting as intermediaries within the meaning of the PWD. It covers approximately 70% of the Polish market and cooperates with over 50,000 drivers and couriers in more than 200 cities. The association aims to professionalize the sector, promote transparent and responsible operational standards, and support social dialogue. 3PL Application Partners provide operational, accounting, and administrative support to contractors working with digital platforms.

¹¹ Polish Association of 3PL Application Partners, interview by authors, July 10, 2025.

institutional capacity building are already in motion. A key component of the proposed reform is to grant PIP the authority to issue binding decisions reclassifying civil law contracts into employment contracts in cases where the conditions of employment are met, with a right of appeal to the labor court. This would mark a major expansion of enforcement powers, especially in the context of the PWD's presumption of employment. Additionally, the reform introduces measures to enhance data sharing between PIP, the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS), and the National Revenue Administration (*Krajowa Administracja Skarbowa*, KAS); enables remote inspections using digital tools; and mandates the development of risk-based inspection programs. These changes are complemented by new requirements for long-term institutional strategies, staff training, and improved digital infrastructure. If adopted, this reform would significantly strengthen the institutional capacity of the PIP to monitor and enforce compliance with the PWD, particularly with respect to employment classification. Although the reform does not directly address algorithmic management, the planned investment in risk analysis, digital control tools, and inter-agency cooperation could indirectly support oversight in this area, depending on the final legal and technical arrangements.¹²

A key barrier to effective implementation of the PWD is the lack of comprehensive, up-to-date data on the scale and characteristics of platform work in Poland. While a pilot study on the topic was conducted in 2022 by the Central Statistical Office (*Główny Urząd Statystyczny*, GUS), it has not, to date, been followed by regular or expanded data collection. As a result, public authorities and stakeholders lack reliable information on the size of the platform workforce, the diversity of sectors involved, or the employment conditions of those working via digital platforms. This limits the ability to tailor implementation strategies to the specific features of the Polish labor market.¹³

In the authors' view, while the ongoing reform of the PIP provides a potentially strong foundation for the effective implementation of key provisions of the PWD, particularly

¹² Ministry of Family Labor and Social Policy Republic of Poland, *Nowe uprawnienia Państwowej Inspekcji Pracy coraz bliżej. Projekt trafił do wykazu prac rządu*, accessed August 28, <https://www.gov.pl/web/rodzina/nowe-uprawnienia-panstwowej-inspekcji-pracy-coraz-blizej-projekt-trafil-do-wykazu-prac-rzadu>.

¹³ Daria Szafarczyk, Hubert Gołębiowski, *Mapping Platform Work in Poland: Background Paper*, The Platform Revolution project (Europeum, 2025), 4, accessed August 24, 2025, <https://www.europeum.org/wp-content/uploads/POLAND.pdf>.

the presumption of employment, it cannot by itself ensure a successful transposition. Without greater transparency about the government's legislative plans, it is not yet possible to assess whether these reforms will be fully aligned with the requirements of the PWD. The success of implementation will depend not only on institutional capacity but also on clear coordination mechanisms, appropriate legal instruments, and sustained political will to enforce the new rules in a balanced and effective manner. To support this process, existing public institutions such as the GUS could be tasked with conducting regular, disaggregated surveys on platform work in Poland. This would enable policymakers to better understand the dynamics of the platform economy across different sectors and employment forms. The availability of such data would strengthen institutional preparedness, facilitate the design of tailored legal solutions, and enhance the transparency and legitimacy of the national implementation process.

Political Barriers and Opportunities

At the declarative level, the Polish government supported the adoption of the PWD—the Minister of Family, Labor, and Social Policy officially expressed support at the Council of the EU in March 2024. By July 2025, no draft

Public debate on platform work in Poland remains limited and lacks social pressure.

law implementing the Directive or even general guidelines had been published. However, the Ministry has since confirmed to the authors that a draft law is expected to be presented for consultation in the fourth quarter of 2025, with the timeline closely tied to the progress on the autonomous dialogue within the Social Dialogue Council.¹⁴

In response to parliamentary question No. 10482 concerning the regulation of the status of platform workers, the Ministry of Family, Labor and Social Policy confirmed that the legislative timeline for the PWD remains closely tied to the ongoing social dialogue within the Social Dialogue Council. According to the Ministry, the outcome of the autonomous dialogue between social partners will significantly influence both the direction and pace of the implementation process. This approach is consistent with Article 29(3) of the PWD, which obliges Member States to ensure stakeholder

¹⁴ Response from the Ministry of Family, Labor and Social Policy (MRPiPS), signed on behalf of Ms. Agnieszka Wołoszyn, Deputy Director of the Labor Law Department, September 5, 2025.

involvement and promote dialogue in the course of transposition. While no draft law or official roadmap has been published to date, the Ministry indicated that the legislative proposal is likely to be submitted for interministerial consultation and public review by the end of 2025. However, the extent and timing of further progress will depend on the consensus reached within the Council and among institutional partners.¹⁵

At the same time, the broader public debate on platform work in Poland remains limited, and there is little social pressure to prioritize the issue. The topic is rarely covered in mainstream media, and public awareness of the legal and social implications of platform work—especially among platform workers themselves—is still low. This lack of public engagement is compounded by the limited representation of platform workers themselves in formal policy processes. While the Social Dialogue Council plays a key role in shaping the national implementation of the PWD, its structure predominantly reflects traditional employer and trade union organizations. Many platform workers, particularly those operating under civil contracts or as self-employed, are not affiliated with such institutions and may lack the capacity or channels to express their views. Without targeted mechanisms for their participation, there is a risk that the solutions developed will insufficiently reflect their needs, experiences, and working conditions. These gaps—both in communication and representation—may reduce the legitimacy and practical effectiveness of the transposition process.

In the authors' view, based on the information currently available, the transposition of the PWD in Poland appears to be progressing in a formally appropriate manner. However, a comprehensive assessment of the process will only be possible once the results of the ongoing legislative work are presented and a public debate on the proposed solutions is initiated. At this stage, it remains unclear to what extent the perspectives of platform workers themselves are reflected in the policy process. Given the structure of existing consultation mechanisms, there is a potential risk that the solutions developed may not fully correspond to the practical needs and expectations of those directly affected by the PWD.

¹⁵ Response dated August 11, 2025, to parliamentary interpellation No. 10482 on regulating the status of platform workers, i.e. persons performing work via digital applications, in accordance with the guidelines of the PWD. 2024/2831, accessed August 29, 2025, <http://sejm.gov.pl/INT10.nsf/klucz/ATTDKGHGS/%24FILE/i10482-o1.pdf>.

Pushback from the Private Sector

Although the Polish Association of 3PL Application Partners supported greater market transparency, they also warned that poorly designed implementation of the PWD could have disruptive effects on the sector. In an interview, a representative from this organization highlighted the lack of a licensing mechanism for intermediaries (application partners) as a fundamental gap in the current legal framework. According to the Polish Association of 3PL Application Partners, introducing such a system would significantly professionalize the market and eliminate unfair and unregulated operators. They emphasize that intermediaries play a critical operational role, including providing settlement support and logistical infrastructure, and should be recognized formally in legislation.¹⁶

The Polish Association of 3PL Application Partners argues that a rigid implementation of the Directive could seriously disrupt the current ecosystem. Their research, conducted in cooperation with Professor Dominika Polkowska from the Maria Curie-Skłodowska University in Lublin on a sample of nearly 4,000 contractors, suggested that in the event of a ‘strict’ implementation of the PWD, 21% of respondents would allegedly quit platform work, with an additional 51% willing to consider quitting if their assignments’ conditions proved unfavorable. For this reason, some platforms may consider pre-emptively withdrawing from the Polish market or limiting their activities in the event of an overly restrictive legislative approach. This is because platform business models depend on a critical mass of active contractors to ensure service availability and competitiveness. A substantial outflow of workers would compromise operational efficiency, customer satisfaction, and ultimately profitability, which could prompt platforms to reassess their presence in the Polish market.¹⁷

¹⁶ Polish Association of 3PL Application Partners, interview by authors, July 10, 2025.

¹⁷ Polish Association of 3PL Application Partners, *Raport Kierowcy i kurierzy na platformach: Co naprawdę liczy się w branży? 2025* (Warsaw: Polish Association of 3PL Application Partners, 2025), 20, accessed July 18, 2025, https://pzpa.pl/wp-content/uploads/2025/03/Raport-z-badan_Polski-Zwiazek-Partnerow-Aplikacyjnych-2025.pdf.

One industry perspective, shared during the interview with the Polish Association of 3PL Application Partners, underscores how the Directive could transform the market by raising standards for intermediaries.

“The expected effect of the Directive’s implementation should be the professionalization and cleansing of the market, that is, a situation where intermediaries operate only as reliable, transparent, and licensed entities. The Directive can effectively reduce the space for companies to circumvent the law or operate in the gray zone. In the long run, it will also facilitate supervision and enforcement by state institutions.

Standardizing and making the list of intermediaries transparent will allow platforms to cooperate safely and legally only with trusted partners. This will not only improve cooperation between application partners and contractors but also contribute to building a healthy and fair market, with clearly defined responsibilities, settlement mechanisms, and accountability. Such a direction of change would be beneficial both for contractors and the state, ensuring greater fiscal transparency, protection of social rights, and the preservation of the key flexibility without which this work model would simply not function.”¹⁸

Social Support and Opposition

The approach of platform workers themselves to the presumption of employment and reclassification as employees appears to be divided. On the one hand, there is a clear need for greater legal and social protection, as many people work on the basis of civil law contracts or self-employment, performing duties in conditions typical of traditional employment. On the other hand, flexibility and autonomy seem to remain key priorities for a significant proportion of contractors.

Research by the Polish Association of 3PL Application Partners indicates that approximately 60% of contractors practice so-called “multiapping,” which is providing services for multiple platforms simultaneously. According to their study report, this work model is often seen as a way to maintain independence rather than as an alternative to full-time employment. For many people, platform work is a supplement

¹⁸ Polish Association of 3PL Application Partners, interview by authors, July 10, 2025.

to their income or a form of casual work, which may explain the lack of strong social pressure to reclassify as an employee.¹⁹

*“However, it should be emphasized that not all individuals working through digital platforms are interested in establishing an employment relationship with the platform. Studies conducted by one of the employers' organizations have been published, indicating that the majority of people working via platforms are not interested in full-time employment, although there was no information on the representativeness of the sample in those studies. Furthermore, the workers themselves may lack the ability to assess the long-term consequences of misclassifying their work, which means they may not perceive the benefits of an employment relationship within the context of platform work.”*²⁰

From a social perspective, another challenge is the low level of awareness of what platform work actually entails—both among consumers and decision-makers. According to an interviewee, when people use ride-hailing or food delivery apps, they often do not realize they are engaging with platform-based services, simply because no one outside research circles refers to it as such.²¹

When implementing the PWD, Poland will also have to guarantee contractors the right to associate, engage in social dialogue, and form collective representation. According to an expert, currently, people working through platforms often operate in isolation, have no access to institutional support, and their voices are ignored in public debate.²² The Directive requires countries to create conditions that enable contractors to work together, which may strengthen their negotiating position and improve working conditions.

“It is good that the PWD, after a long period of consultation, has been adopted and has made it impossible to continue circumventing the issue [of misclassification]; it

¹⁹ Polish Association of 3PL Application Partners, *Raport Kierowcy i kurierzy na platformach: Co naprawdę liczy się w branży? 2025* (Warsaw: Polish Association of 3PL Application Partners, 2025), 14, accessed July 18, 2025, https://pzpa.pl/wp-content/uploads/2025/03/Raport-z-badan_Polski-Zwiazek-Partnerow-Aplikacyjnych-2025.pdf.

²⁰ Prof. Izabela Ostoj Ph.D., University of Economics in Katowice, interview by authors, June 26, 2025.

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will certainly force an increased awareness throughout society of platform work as a new way of earning income and will allow [for] measuring the real scale of platform work. The PWD seems better tailored to the needs of those heavily involved in platform work, for whom it is their main source of income; it takes less account of the needs of those who are geared towards occasional supplementary income or working for more than one platform, of which there are likely to be more in Poland. It is crucial to take into account the diverse circumstances in which platform work is undertaken.”²³

Conclusion

The main barriers to implementing the PWD in Poland are threefold. First, the legal framework remains fragmented: there are no specific regulations on platform work, the operational criteria for applying the presumption of employment have not yet been defined, and the status of intermediaries such as fleet partners remains unclear. Second, institutional readiness is uncertain. Although work is underway to reform the National Labor Inspectorate (PIP), no public implementation plan, coordination mechanism, or technical guidelines have been published, and it remains unclear whether enforcement bodies are adequately prepared. Third, although the government formally expressed support for the PWD in March 2024, no draft legislation or official position has been published to date, resulting in limited transparency and a lack of public debate.

At the same time, the Ministry of Family, Labor and Social Policy has indicated that a draft law transposing the Directive is expected to be presented in the fourth quarter of 2025.²⁴ Only once this proposal becomes available will it be possible to carry out a more accurate assessment of Poland’s transposition strategy. The publication of the draft should also provide an opportunity to open broader communication and debate on the specific provisions of the national implementation framework.

Despite these challenges, the implementation of the PWD in Poland also presents important opportunities. The ongoing reform of the PIP, if adopted, could significantly enhance enforcement capacity—especially regarding the reclassification of civil law contracts. The transposition process also offers an opportunity to improve coordination

²³ Prof. Izabela Ostoj Ph.D., University of Economics in Katowice, interview by authors, June 26, 2025.

²⁴ Response from the Ministry of Family, Labor and Social Policy (MRPiPS), signed on behalf of Ms. Agnieszka Wołoszyn, Deputy Director of the Labor Law Department, September 5, 2025.

mechanisms, digital oversight, and institutional cooperation between the PIP, the Social Insurance Institution and the National Revenue Administration. Moreover, the use of existing public institutions such as the Central Statistical Office (GUS) to collect disaggregated data on platform work could enhance the evidence base for future legal and policy decisions. Industry proposals, such as the licensing of intermediaries, although not directly mandated by the PWD, could help formalize parts of the sector and increase accountability.

To facilitate compliance, special attention should be given to:

- Prioritize the development of a separate and coherent legal act on platform work.
- Making the presumption of employment operational through clear sector-specific guidelines and enforcement protocols—while safeguarding legitimate forms of flexibility for autonomous platform workers.
- Engaging in structured dialogue with platform companies and intermediaries to define their legal role, responsibilities, and possible registration or licensing frameworks that promote transparency and accountability.
- Establish targeted consultation channels for platform workers, including those on civil contracts or self-employed, who are not typically represented in formal social dialogue structures. Ensure that future regulations reflect not only the views of institutional stakeholders but also the lived experiences and working conditions of platform workers themselves.
- Sequencing the implementation process via a published roadmap, supported by structured public consultation and inclusive dialogue with all stakeholders, including workers.
- Building regulatory and analytical capacity within existing institutions—such as the GUS or PIP—to support both implementation and legislative design, including improved data collection on platform work and basic reporting requirements for platforms.
- Ensuring transparency and accountability in algorithmic management by introducing minimum standards for information access and redress in decisions affecting working conditions.
- Avoiding overly rigid transposition by allowing for piloting and phased entry into force, adapted to the specific features of platform work in Poland.

These recommendations should guide both the forthcoming legislative draft and subsequent implementing measures.

Coordinated action by government, platforms, workers, and civil society is essential to ensure that the PWD delivers meaningful protections without undermining justified flexibility. A balanced and context-sensitive implementation can strengthen rights, improve legal certainty, and support the sustainable development of the platform economy in Poland. Such a coordinated and proportionate approach is not only necessary to align with EU standards but also to foster innovation and ensure fair competition within the Polish platform economy.



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