

Digitalization of work and Fragmented adaptation of EU labour law



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QUESTIONS

1. Which challenges?

2. Three reform groups

3. Fragmented adaptation

1.

**Profound challenges
from digitalisation of
work**

Challenge 1 – Flexibilisation of place and time

**Freed from
the workplace**



**Flexible
working time**



Challenge 2 – Surveillance and monitoring

**Enhanced
control**



Challenge 3 – Algorithmic management

Non-human in command



Challenge 4 – Diminishing protection

**Employee
coverage**

**Applicability
of laws**

Net of challenges

**Various sources
of managerial
power**



2.

Three clusters of reforms

3

**REFORM
METHODS**

- 1. Extended protection**
- 2. Adjusted employment protection**
- 3. Restricting algorithms and AI**

Reform 1 – Extended personal scope

a) Broader EU concept of worker

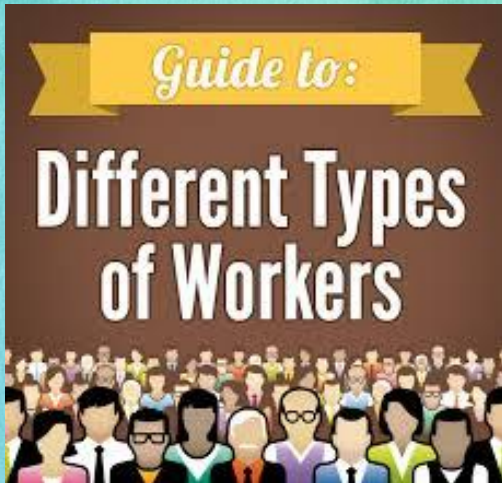


b) Presumption of employment



Extended personal scope

c) Third category



d) Universal rights



Reform 2 – Adjustment of labour law protection

Telework

Flexible working time

**Data protection and
privacy**

Discrimination

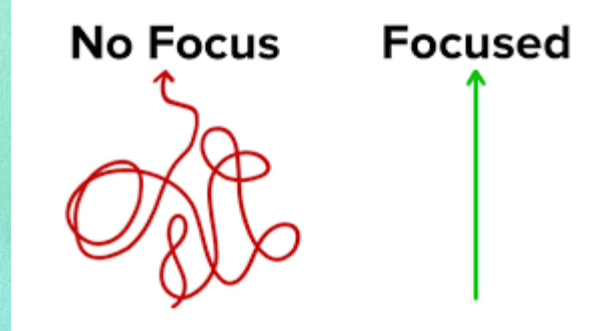
Collective bargaining



Problems of adjustment

EU competence

Non-agreements



Lack of focus

Reform 3 – Restricting algorithm & AI

general AI Act

GDPR



Platform Work Directive



Two methods to restrict algorithms

Prohibitions



Effectiveness principles



3.

Fragmented adaptation of EU Labour Law

Policy choices

Forefront:

- Data protection
- Restricting algorithms and AI

Classic labour law protections:



Mixture of legal sources

EU level:

Regulation
Directive
CJEU case law
Soft-law

National level:

Law
Case law
CBA



Effectiveness constraints

Lack of employment focus
No adjustment to digital challenges
Lack of agreement
No competence
Time factor
Enforcement constraints

**The puzzle
has been
started**



**Thanks for
your
attention!**



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