



# Industrial Relations and Social Dialogue in the Age of Collaborative Economy

IRSDACE

## National Report Belgium

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*With financial support  
from the European Union*



## Industrial Relations and Social Dialogue in the Age of Collaborative Economy (IRSDACE)

IRSDACE (Industrial Relations and Social Dialogue in the Age of Collaborative Economy) is a project funded by DG Employment, Social Affairs and Inclusion of the European Commission under the call for proposals on improving expertise in the field of industrial relations. The IRSDACE project is a transnational research project that brings together partners in five countries. The project aims to identify how traditional labour market actors, including trade unions, employers' associations, and national and EU-level policy-makers, experience and respond to the collaborative economy. IRSDACE aspires to clarify the current state-of-play regarding industrial relations and the role of traditional social partners, examine the rise of new forms of organisation, and explore the potential for developing social dialogue in the collaborative economy.

IRSDACE comprises five main tasks: i) a conceptualisation of platform work, its place in the labour market, employment policy and industrial relations; ii) an analysis of discourse on platform economy among established industrial relations actors; iii) an assessment of the implications of workers' experience with the platform economy for industrial relations and social dialogue; iv) a comparative analysis of national experiences; and v) an analysis of how EU-level employment policy and the industrial relations agenda should respond to the emergence of work in the platform economy.

IRSDACE is a two-year project which started in January 2017 and finishes in December 2018. CEPS is the coordinator of the project and collaborates with CELSI (Slovakia), FAOS (Denmark), Fundación Alternativas (Spain) and IZA (Germany).

## **Abstract**

Digitalisation has given rise to new forms of work and work organisation, of which work in the platform economy is a much discussed case. As the number of workers and platforms continues to grow and work in the platform economy is becoming more heterogeneous, concerns have been raised about issues such as working conditions, access to social protection, and employment status. Much less attention has been devoted to the organisation and representation of platforms and platform workers, and the potential for social dialogue in the platform economy. Nevertheless, social dialogue and industrial relations structures have historically provided the means for consultation and negotiation on labour-related issues. This report examines the platform economy in Belgium, focusing in particular on the most recent developments in policy-making and industrial relations and social dialogue. It explores both traditional and new forms of organisation and representation, such as grassroots movements and organisation through online media, as well as the role of social partners, government representatives and other actors. The report documents significant efforts from social partners to engage with platform workers and platforms in Belgium in the field, as well as their contributions to the debate and the policy agenda. The report also lays out the policy measures that have been proposed and/or adopted by the government up until July 2018, and reflects on the next steps for the platform economy in Belgium.

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## Chapter 1. Introduction

Digitalisation has given rise to a number of new forms of work and work organisation, of which paid work intermediated through digital platforms – i.e. work in the platform economy – is a much debated example. The platform economy is associated with services that are provided temporarily, online or offline, by one individual to another. Services can involve micro-tasks, full projects, or anything in between. Although the platform economy is relatively new, the number of clients, workers and platforms has rapidly increased, and the types of services traded are becoming more heterogeneous.

Platform work generates new opportunities and is believed to come with more flexibility and autonomy, while lowering barriers to entry into the labour market. However, platform work has also been linked to poor working conditions, such as stress, isolation and unstable and unpredictable remuneration. Against this background, policy-makers and social partners have taken an interest in this issue and explored ways to engage with platforms and workers, mitigate the risks and ensure that potential benefits can be reaped. As such, the debate on platform work is embedded in a much larger discussion on the ‘future of work’ and the impacts of digitalisation in the labour market.

This report presents an analysis of the platform economy in Belgium, with a particular focus on the recent developments in the areas of policy-making and industrial relations and social dialogue. It is part of a much larger project called “*Industrial Relations and Social Dialogue in the Age of the Collaborative Economy (IRSDACE)*”, funded by the European Commission, in which similar analyses are conducted at the EU level and at the national level in Denmark, France, Germany, Hungary, Slovakia and Spain. The IRSDACE project is dedicated to the organisation and representation of workers and platforms, and further aims to explore the potential of establishing and supporting social dialogue between all actors involved – social partners, policy-makers, and others. Please note that the report covers developments up until July 2018.

Any analysis of the platform economy is hindered by the lack of a single, widely accepted definition of this concept. There is a plethora of definitions, conceptualisations and understandings, and, as a result, different terms are being used to denote the same concept and vice versa. This has not only complicated the debate on the platform economy, but also poses severe challenges to policy-makers in responding to the phenomenon. Many have, therefore, called for a common definition (Eurofound, 2018).

For the purpose of this study, platform economy is understood as “*that portion of the economy composed of digital platforms enabling users to share, lend, rent or purchase goods and services. In comparison with traditional marketplaces, platforms reduce transaction costs and thus enable micro-transactions* (Kilhoffer et al., 2017, p.16). Although this is a quite broad conceptualisation, it is helpful as it allows us to capture a range of activities in the seven countries of the IRSDACE project. By covering seven countries, IRSDACE makes it possible to compare differences in the development and impacts of the platform economy, and in the approaches of policy-makers and social partners. Additionally, IRSDACE examines similar issues for the EU level, to account for the international dimension of the platform economy.

Within the IRSDACE project, the case of Belgium is a particularly interesting one as there have been lively public and policy debates on the platform economy, in which a number of actors have been engaged; e.g. policy-makers, social partners, academic and other experts, platform owners and workers, as well as other stakeholders. The debate is rich in terms of the topics covered, which range from taxation, access to social protection, working conditions, and competition, to health and safety and other issues, and part of a much

larger discussion on digitalisation and the future of work. Belgian media report on the platform economy on a fairly consistent basis.

Belgian policy-makers have been very active in the debate and adopted different types of policy measures. With its taxation law of 2016, Belgium was one of the first countries to implement dedicated legislation for the platform economy. Furthermore, different policy actors and government bodies are involved (e.g. public administration, cabinets, parliament, labour/social affairs inspectorates, etc.). Social partners have also been strongly engaged in the debate, prepared own research and reports, and have been active in the field. At the same time, new forms of organisation and representation (by third parties and workers) have emerged. Social partners representing employees and employers have entered into a debate with each other as part of their activities in representative and consultation bodies. Representatives of both employees and employers are also in contact with platform owners and platform workers. A final point of interest is that there have been a number of court cases in Belgium in relation to the platform economy.

As in other countries, the platform economy is known under a variety of names in Belgium, which include collaborative economy, sharing economy and peer-to-peer economy, and national language counterparts (e.g. *économie collaborative* and *deeleconomie*). While there is no definition of the platform economy or platform work, the concept is linked to a work performed on platforms that are licensed or organised by the government. A broad range of activities can be performed in the platform economy. This study focuses on paid services, which appropriately corresponds with policy-makers' approach to the topic.

Although the national report for Belgium takes a wide perspective on the platform economy, three sectors are highlighted: accommodation, micro-work and transportation. In particular, the transportation sector has received much attention in Belgium, as food delivery platforms have been at the core of the debate, and most efforts towards the organisation and representation of workers – by traditional social partners, new actors and initiatives started by the workers themselves – are linked to such platforms. In addition to this, the Belgian federal government has adopted taxation rules to foster the platform economy that are more broadly applicable.

Similar to the other national reports of the IRSDACE project, the national report for Belgium is based on a thorough review of the most recent academic and grey literature, policy reports, parliamentary questions, publications of social partners, press releases, media articles and other sources. This literature review is enriched with semi-structured interviews with social partners, government representatives, platform workers, platform owners and other key experts, as well as a focus group discussion with workers. These materials are also complemented by a web data analysis that provides further insights into online debates the platform economy.

The remainder of this national report is structured as follows. Chapter 2 provides more information on the state of play of the platform economy in Belgium. Chapter 3 analyses the discourse, perceptions and experiences on work in the platform economy among established industrial relations actors, processes and outcomes. Chapter 4 presents a similar exercise, but instead focuses on the discourse, perceptions and experiences of platform owners and platform workers. In the final chapter of the report, Chapter 5, a comparative analysis is performed of the information gathered. The chapter also summarises the main conclusions and formulates policy recommendations.



## Chapter 2. Work in the platform economy

### 2.1 What is the current state of play with work in the platform economy?

Although there has been a lively public and policy debate on the platform economy for a number of years, **still relatively little information and data** are available on the platform economy in Belgium. While some information is available on the number of platforms, little is known about these platforms in terms of numbers of workers and clients, the number of intermediated tasks, business models, and other variables. Only a few data collection efforts have focused on Belgium. One notable example is IDEA Consult (2017).

The platform economy in Belgium comprises both large, international platforms and small, national start-ups. In particular, labour platforms – i.e. platforms on which services are traded – are relatively new in Belgium, and this group of platforms is quite volatile. Platforms are created and disappear at a fairly frequent pace. Other parts of the platform economy, such as ‘true sharing’ platforms on which goods can be exchanged, have existed for longer. Cambio, for example, is a car-sharing platform that was launched in 2000. When it comes to data on the number of platforms, IDEA Consult (2017) identified **162 platforms** active in Flanders, of which 42 are related to goods, 35 to mobility, 33 to tourism, 28 to knowledge exchange, 9 to food, 8 to financing, 4 to housing and 3 to work (e.g. co-working spaces). About 95% of these initiatives uses a digital platform. The Belgian federal government uses a much narrower definition for platforms, and recognises about **40 platforms** on which services are exchanged. The large, international platforms are the best known of the platforms operating in Belgium: e.g. Uber and UberEats, Deliveroo, and AirBnb.

Looking at the **development of the platform economy** so far, the platform economy is characterised by a rapid proliferation, which is mainly concentrated in a number of sectors such as transportation, hospitality and accommodation. These characteristics are similar to those reported for other countries. It is expected that the platform economy will continue to grow in the coming years, and that this will also be the case in Belgium (IDEA Consult, 2017). Both the number of clients and workers is likely to continue rising (ibid). Despite this rapid proliferation, the platform economy **remains a relatively small phenomenon**. Data on the number of users in Belgium are presented in the following sections. Also the tax revenues collected from platform economy activities were fairly low in 2017 (€100,000 instead of the expected €30 million, as reported by one newspaper).<sup>1</sup>

As in other EU countries, the platform economy in Belgium is concentrated in the **capital city** Brussels and in **other major cities**, including Antwerp, Ghent and Liège. In part, this can be attributed to the lower share of car and bicycle owners in urban areas when compared to rural areas (ING International Survey, 2015). Other potential explanations are the higher population density in cities, the greater potential for trade in goods or services, and the fact that some platforms simply do not operate in other areas (yet) (ibid).

Work in the platform economy is **highly heterogeneous**: it involves high-skilled, mid-skilled and low-skilled tasks, offline and online activities, micro tasks and larger projects, etc. (Eurofound, 2018). This heterogeneity is also reflected in the Belgian platform economy.

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<sup>1</sup><https://www.tijd.be/politiek-economie/belgie/algemeen/belasting-op-deeconomie-levert-amper-iets-op/9955344.html>

### **Box 1. Zooming in on three sectors of interest: transportation, accommodation and micro work**

**Transportation:** Although platforms have emerged in a number of sectors in Belgium, especially those in the transportation sector have been under much discussion. Some of the most well-known platforms operating in Belgium are Uber, UberEats, Takeaway.com, Deliveroo, among few others. Transportation platforms have been at the heart of the discussions on working and employment conditions, and some of the most interesting examples of bottom-up and top-down initiatives towards worker organisation and representation are located in the transportation sector. The case of Deliveroo is a particularly relevant one in the Belgian context, as will become clear in the remainder of the report. As many of the experts interviewed for the IRSDACE project spoke at length about the transportation sector, worker interviews centred somewhat more on other sectors in the platform economy.

**Accommodation:** While the accommodation sector has been under discussion in Belgium, the focus of the debate has mostly been on unfair competition between AirBnb and other types of accommodation, as well as violations of regulations on accommodation. In Belgium, there is hardly any debate on labour in the context of platforms in the accommodation sector. For that reason, this report also focuses less on this sector than on the other sectors. There have been some attempts to regulate platforms in the accommodation sectors at regional level (Flanders, Brussels and Wallonia), but these have focused on health and safety, insurance or related issues. That being said, the labour angle will likely become more relevant in the future, as concierge services that focus on serving hosts are making their way to Belgium (e.g. bnbassist, homesweethome). To date, most of these services appear to be provided by traditional companies that provide similar services to others.

**Micro work:** Platforms intermediating micro work are relatively common in Belgium, but have received less attention than their counterparts in the transportation sector. Within the micro work sector, there are a variety of platforms that offer a range of services, from household tasks or pet-sitting to care. In this area, it is important to note the voucher system that Belgium introduced in the early 2000s (see De Groen et al., 2017). The system was set up in an attempt to reduce undeclared work in the household services sector. Vouchers can be used to pay a worker to do different types of activities, and are tax deductible (to a maximum level). There are several companies that organise micro work paid with these vouchers, but they do not necessarily have an online platform nor is the work intermediated by an algorithm. Such companies are thus outside of the scope of this study. To the best of our knowledge, there are no platforms that accept vouchers. There is one interesting case of a care platform: Helpper. Helpper is a platform that connects the elderly and people with (chronic) illnesses or disabilities with a worker for activities that of a non-medical nature (e.g. cleaning, cooking, doing groceries, etc.) (Lenaerts et al., 2018). In March 2018, the platform obtained a grant of 1 million from Carevolution (a fund for innovation in care). Helpper is also collaborating with two major health insurance funds in Belgium (Partena and OZ, the Independent Health Insurance Fund), who will direct their clients to Helpper (ibid). In the worker interviews and focus group, different types of micro work were covered.

#### **2.1.1 Participation in the platform economy as clients and workers**

In 2015, ING surveyed 14,829 individuals in 15 countries about their **familiarity and experiences with the sharing economy** (ING International Survey, 2015). In the survey, the sharing economy is described as putting goods to use (e.g. a car, house or lawnmower) that would otherwise be idle or unused. For Belgium, the survey covered 1,030 respondents. **24%** of these respondents had heard of the term ‘sharing economy’, but only **2%** indicated having participated in the sharing economy. With these results, Belgium was lagging behind in comparison to other countries in Europe, in terms of awareness and participation.

Taking all European countries together, **32%** of respondents reported being familiar with the term sharing economy, while **5%** had also participated in the sharing economy.

Nevertheless, these results should be interpreted with caution. Given that the term ‘sharing economy’ is a relatively new concept, some respondents may not be familiar with the term despite their awareness of sharing economy activities. To verify whether this could be the case, a more precise definition of ‘sharing economy’ was provided<sup>2</sup> and respondents were asked if they had shared specific goods<sup>3</sup> in exchange for payment in the past year (ING International Survey, 2015). In this case, 1.7% of respondents said they had lent out goods, 4.3% had borrowed goods, and 2.5% had done both types of activities. Rather than the 2% of respondents reported before, **8.5%** of Belgian respondents had already participated in the sharing economy. Furthermore, **25%** of the respondents expected to increase their participation in the following year. This number again increases when respondents are asked whether they would be interested in lending or borrowing specific goods (**44%**). A follow-up survey among ING clients conducted from 7 to 14 March 2016 revealed that **33%** of the 5,439 respondents had heard of the term sharing economy (see the ING Belgium Economic Newsletter, 2016).

A later study by IDEA Consult (2017) among 1,000 respondents in Flanders, which also uses a rather broad conceptualisation, found that **10.1%** took part in the platform economy in the previous 12 months, either as clients, workers or both. Only **4%** of the respondents participating in the study performed work in the platform economy, while **26%** reported considering doing so in the future. Overall, only **17%** of the Flemish respondents were aware of the ‘platform economy’ and **87.1%** of respondents do not know anyone who works in the platform economy. These results are in line with the earlier study of ING (2015).

### **2.1.2 Profile of those who participate in the platform economy and their motivations to do so**

International surveys of platform economy clients and workers have shown that young, highly-educated men living in urban areas are overrepresented in the platform economy (IDEA Consult, 2017). These trends are also confirmed for Belgium (ING International Survey, 2015; IDEA Consult, 2017). These findings are not so surprising, given that young, highly-educated individuals are more used to handling digital technologies and are more likely to have a smartphone than their older, less-educated counterparts (ibid). The ING International Survey (2015) further suggests that young, highly-educated individuals also appear to have more trust in others, which may be another explanation as to why younger people are more involved in platform work than older people.

Similar findings were reported by IDEA Consult (2017) for Flanders: workers tend to be young and highly educated. Whereas 27% of those in work plan on offering services in the platform economy, 33% of respondents who are still in education are considering this (IDEA Consult, 2017). Among the unemployed, the share is 34%; for the inactive 20%, and for the retired 16% (ibid). Most workers spend a few hours per month or a few hours per week working in the platform economy (35% and 23% respectively, confirming that platform work is a side activity for Belgian workers).

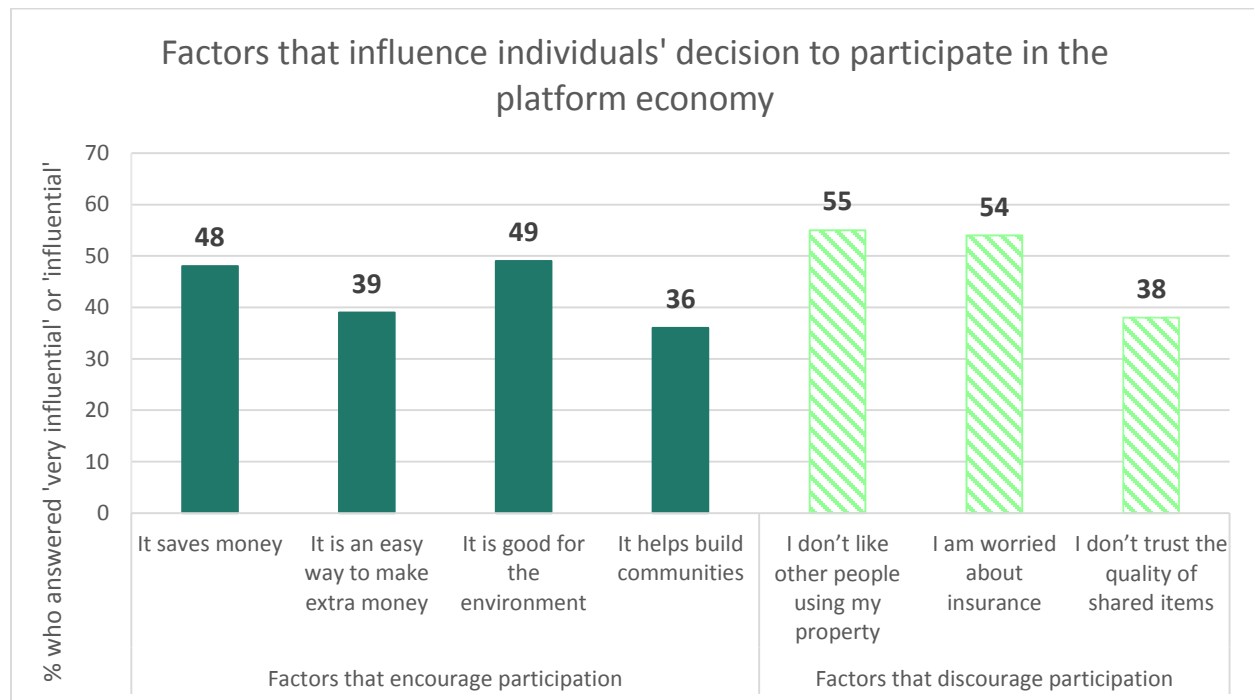
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<sup>22</sup> More precisely, the following explanation was put forward: the sharing economy is a way of consumption in which consumers share among each other, in return for payment, under-utilised goods or services.

<sup>3</sup> Items included: a car, bicycle, clothes, children’s items, household appliances, holiday accommodation, electronics, and sports equipment.

Turning to the motivations for participating in the platform economy, the results from the ING International Survey (2015) suggest that **concerns about the environment and saving money** are the main reasons why Belgians participate (as shown in Figure 1). Other reasons are that the platform economy is **an easy way to make additional money and it helps build communities**. Among the factors limiting participation are concerns about insurance, the quality of the shared items and letting others use one's property (ING International Survey, 2015).

**Figure 1. Factors that influence individuals' decision to participate or not in the platform economy**



Note: Data are derived from the ING International Survey 2015 on the sharing economy, which was conducted in 15 countries. 1,030 respondents were surveyed in Belgium between 16 January and 2 February 2015. The survey uses a broad definition. Source: Own elaboration based on ING International Survey (2015).

**Box 2. The platform economy and opportunities for the weakest in society in Belgium**

With regard to the connection between the platform economy and volunteering, it has been noted that the platform economy has the potential to generate new opportunities to exchange goods or services for all members of society, including those who are struggling (see Lenaerts et al., 2018 for a discussion on labour market access). At the same time, there is little evidence to support these claims. For Belgium, Agence Alter (2016) prepared a study on the opportunities that the platform economy brings to those in poverty. In the study, the focus is on four areas of the platform economy: consumption, production, financing and the sharing of knowledge – this perspective is much broader than the focus of this report. Moreover, the study of Agence Alter (2016) covers both the trading of goods and services free of charge and for pay. This is in contrast to this report, which is mostly dedicated to the provision of paid services.

Notwithstanding the differences in scope, the work by Agence Alter (2016) is important to consider for this report, as it provides evidence on the interactions between the platform economy and the social economy and what opportunities platforms create for those who are struggling. Based on a number of

interviews with individuals in poverty and representatives of supporting organisations, it became clear that individuals in poverty are interested and participate in ‘true sharing’ initiatives, but do not appear to use digital platforms such as Uber and Airbnb (Agence Alter, 2016). The goods and services traded on these platforms are considered too expensive and access to digital technologies remains a challenge. Some social economy actors are concerned that the platform economy is turning ‘sharing’ initiatives into commercial activities and is likely to engage and create networks between those who are already connected. Others suggested that the government might use the platform economy as an opportunity to decrease its own initiatives.

### 2.1.3 The debate on the platform economy in Belgium

There have been lively public and policy debates on the platform economy in Belgium since at least 2015, when Uber introduced its services in the country. The debate on the platform economy is very rich, as it covers a range of topics – from competition and taxation to working conditions and representation – and involves a range of actors. The most debated platforms are food delivery and transportation platforms, such as Uber, Deliveroo, and others. The issues in the debate and the actors involved are explored in more depth in the following chapters.

As part of the debate takes place online, a **web data analysis** was performed to investigate what types of information were available and who published them in autumn 2017. This web data analysis is based on **Google search**; first a list of common words to describe the platform economy is prepared (in the national language and English), and then the first 100 results that Google search returns are extracted and analysed.<sup>4</sup> This search is done for web links in general (denoted ‘HTML’ in the charts below) and for pdf documents only (denoted ‘PDF’). For Belgium, the search was done on <https://www.google.be/>, i.e. the Belgian website. In the search, the following ‘native language’ **keywords** were used (in Dutch, French and English, since all three languages are used in the debate):

*deeleconomie, économie du partage, sharing economy, économie collaborative, collaborative economy, peer-to-peer économie, économie numérique, économie de plateforme, platform économie, économie à la demande, on-demand économie, crowdfunding, co-creatie, and crowdsourcing*

In addition to these keywords, a list of English keywords is used (‘English language’), which includes:

*platform economy, crowdsourcing, sharing economy, collaborative consumption, share economy, on-demand economy, crowdworking, crowdworker, crowd work and gig work*

In total, **four searches** are done on the basis of these keywords: i) native language html links, ii) native language pdf documents, iii) English language html links, and iv) English language pdf documents. For each search, the first 100 results are retained and categorised according to the taxonomy presented in Table 1.

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<sup>4</sup> Note that prior to the execution of the web search, the researcher’s browser was reset and cookies were removed to ensure that previous search history did not influence the search results obtained.

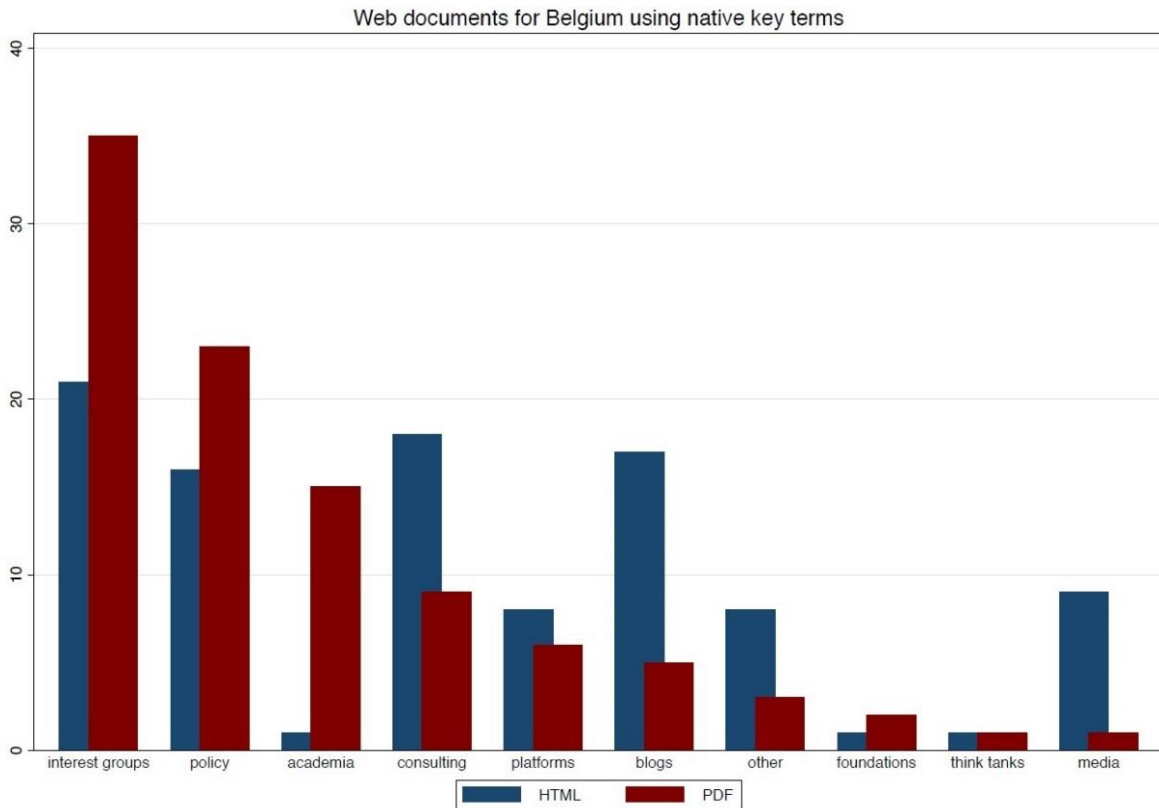
**Table 1. Web link categorisation**

Category	Content: all URLs related to:
Academia	University webpages, academic papers and journals, projects, etc.
Blogs	Informal or emerging media, blogs, online magazines, publishers, etc.
Consulting	Business consulting, legal consulting, etc.
Foundations	Foundations of any kind – political, industrial, private, etc.
Interest groups	Trade unions, employers’ organisations, professional associations, lobbying etc.
Media	Formal media, newspapers, public broadcasters, etc.
Platforms	Platforms
Policy	Parliament, government, federal ministries, committees, political organisations
Think tanks	Research institutes, policy-driven think tanks, etc.
Other	URLs which cannot be classified in any of the other categories (e.g. dictionary)

Source: Own elaboration.

The results of this web data exercise are summarised in Figure 2 (native language, html and pdf), Figure 3 (English language html and pdf) and Figure 4 (comparison with results for other countries). Looking at the native keywords in Figure 2, the debate on the platform economy appears to be driven by **interest groups, policy actors, academia, consultancies, platforms and blogs**. In particular, interest groups, policy actors and academics publish documents (pdf) on the topic. Blogs and consultancy websites become more relevant when only links are considered. About one third of the documents retrieved in the search was published by interest groups, and over 20% was published by policy actors and about 15% by academics. When the search is limited to web links, a more equal division across the different actors is found. While there is a lively media debate on the platform economy in Belgium, traditional media sources (such as newspapers) come up less than other sources but nevertheless represent about 10% of the hits.

Figure 2. Share of web links by category for Belgium (search based on native keywords)

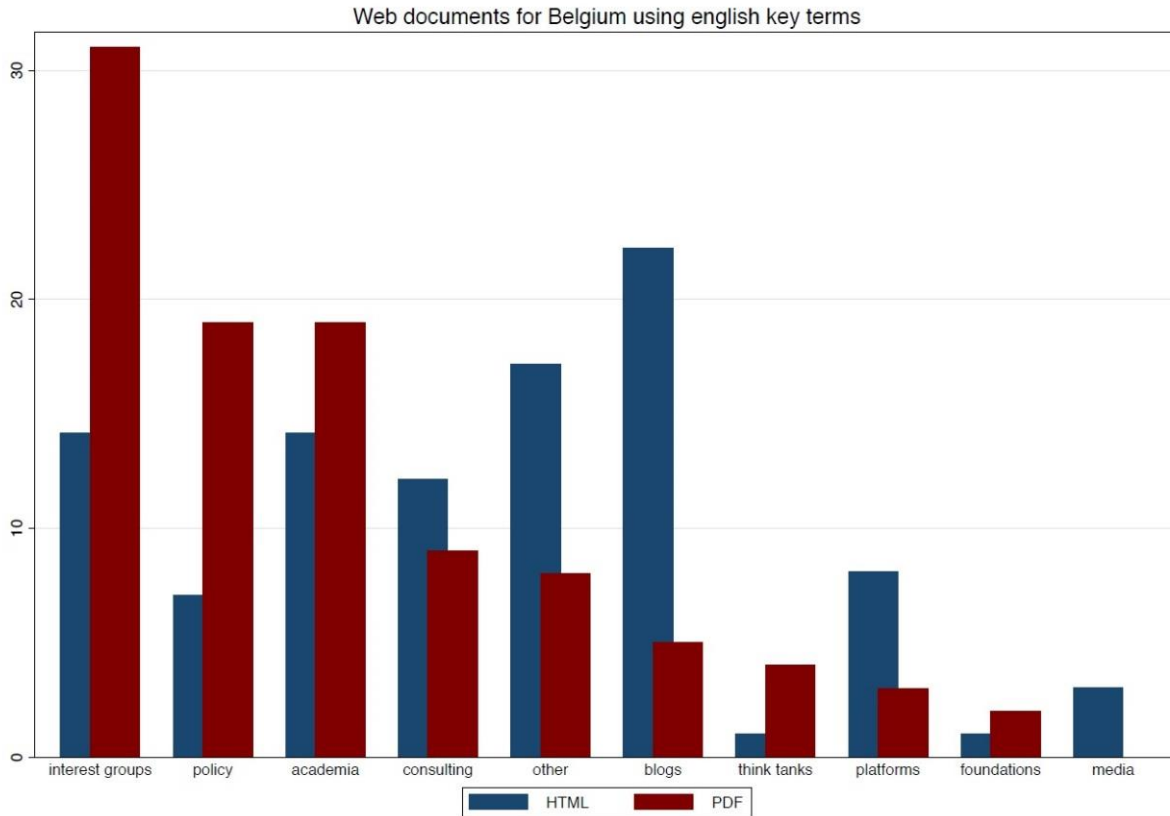


Note: HTML refers to any type of web link among the top 100 hits after performing a Google search, PDF refers to pdf documents that are returned after limiting this search to pdf documents only.

Source: Graph prepared by the partners from IZA on the basis of web data collected for the project.

When English search terms are considered, blogs and academia become more prominent, especially when only web links are reviewed (this is illustrated in Figure 3). Besides these results, few changes in the results can be noted when comparing Figure 2 with Figure 3: interest groups, policy actors, academic and blogs are the main sources of information available online on the platform economy in Belgium.

Figure 3. Share of web links by category for Belgium (search based on English keywords)



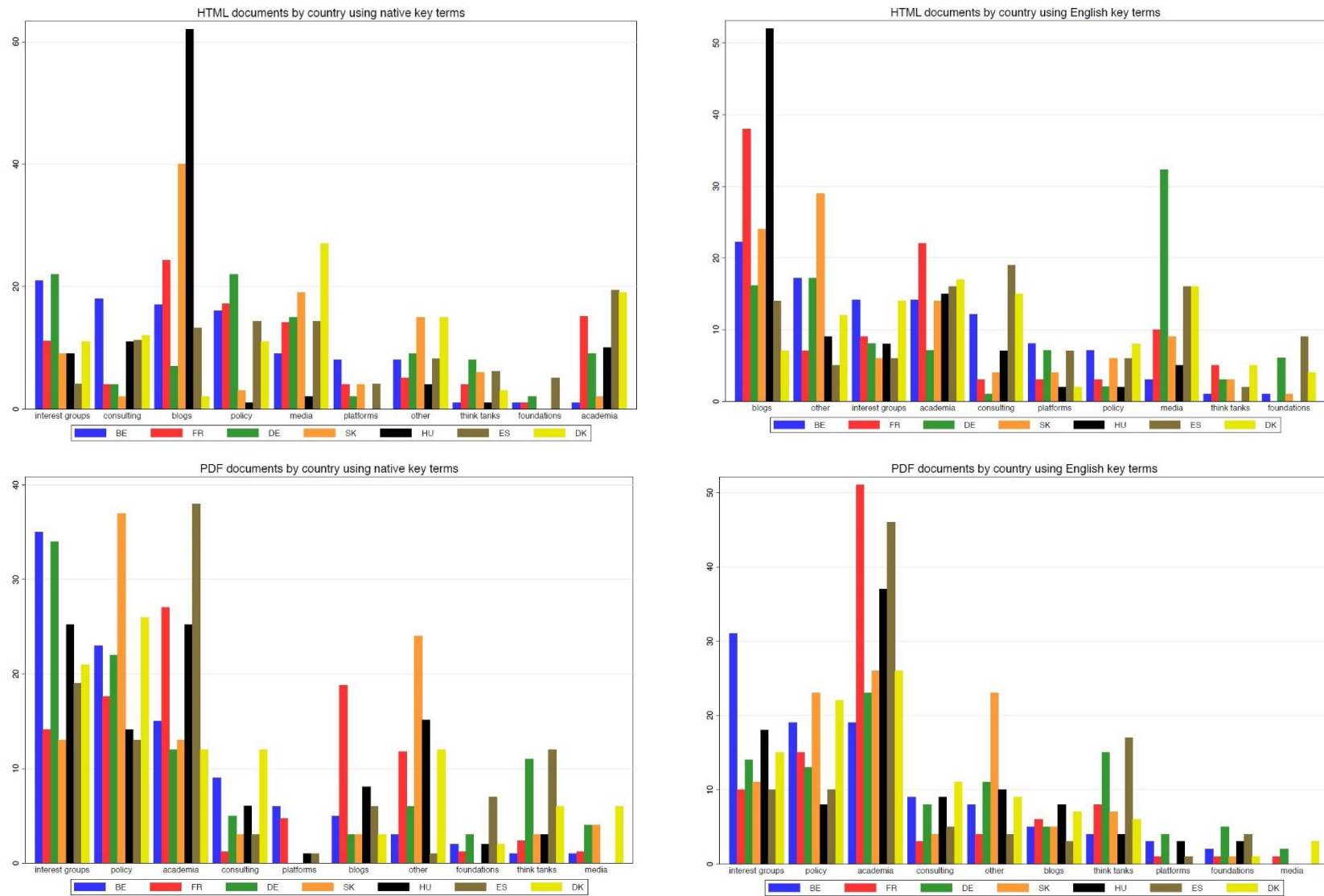
Note: HTML refers to any type of web link among the top 100 hits after performing a Google search, PDF refers to pdf documents that are returned after limiting this search to pdf documents only.

Source: Graph prepared by the partners from IZA on the basis of web data collected for the project.

On the basis of Figure 4, the findings for Belgium can be contrasted with those for the other countries of the IRSDACE project (i.e. Denmark, France, Germany, Hungary, Spain and Slovakia). Looking at the HTML results first (top row), it appears that the debate in Belgium is quite balanced across different actors. In Hungary, for example the debate seems mostly driven by blog posts, whereas in Germany the traditional media appears to play a much more important role than other groups. When the bottom two charts are examined, the leading role of interest groups in the debate in Belgium is reinforced. Also policy actors are quite active in Belgium, when compared to the other six countries. Another noticeable result is that the academic community has a smaller role in the Belgian debate than in other countries (notably academics in France, Hungary, and Spain).



Figure 4. Comparison of findings for Belgium (in blue) with other countries studied in IRSDACE



Source: Graphs prepared by the partners from IZA on the basis of web data collected for the project.

## 2.2 What are the main challenges and impacts for workers?

### 2.2.1 Remuneration and ratings

The remuneration of platform workers and working conditions in the platform economy have been under a lot of discussion. Previous research has shown that most platform workers combine platform work with another main activity; i.e. platform work generally serves as a **source of secondary income** (IDEA Consult, 2017; Eurofound, 2018). For most workers, the income earned in the platform economy is not enough to make a living. Earnings per transaction can be (very) low (e.g. a few euros per delivery), and income is generally unstable and unpredictable. Platform workers, moreover, may spend time bidding for tasks, or have waiting time in between tasks. Their income can be influenced by **ratings**. In some cases, platform workers are expected to bring their own materials or equipment. More details on remuneration are provided in the following chapters.

### 2.2.2 Employment status and access to social protection

In Belgium, there is **no separate employment status for workers in the platform economy**, and therefore platform workers take on one of the existing employment statuses. This leaves some **grey areas**, and many workers are unaware of their own employment status. Most commonly, platform workers in Belgium are **self-employed, student workers**, or do this type of work **occasionally**. In very few cases do platform workers receive an employment contract. A well-known example of this was Deliveroo: platform workers could be employed via SMart, or work as self-employed. In early 2018, however, the collaboration between Deliveroo and SMart came to an end, so all Deliveroo bikers are now working as self-employed or with student contracts. The case of Deliveroo and SMart is described in further detail in Box 3.

#### Box 3. New types of intermediaries: the case of SMart in Belgium

For some years now, the case of SMart has been monitored by researchers, social partners, government representatives and other interested parties. The case has been cited as an example of how new types of intermediaries can help clarify the employment status of platform workers and ensure their access to social protection and other rights. SMart, however, has also received a lot of criticism.

SMart is a Belgian cooperative for artists through which self-employed artists had the option to become employees of SMart, in exchange for part of their earnings. As employees, these artists had access to a number of benefits such as training, insurance, shared workplaces, and others (Kilhoffer and Lenaerts, 2017). The organisation is now active in several EU member states. With the emergence of the platform economy, SMart extended its services to platform workers. In particular, the organisation established a collaboration with Deliveroo in Belgium in the spring of 2016. Bikers could choose to work directly for Deliveroo under the status of self-employed, or indirectly as employees of SMart. The vast majority of Deliveroo bikers chose the second option (90% according to De Groen et al., 2017). The riders could be insured via SMart for the duration of their shifts, although the riders themselves were liable for any damage to their bicycles and phone as a result of their work.

This collaboration between SMart and Deliveroo, however, was terminated by Deliveroo about a year after it started. In October 2017, Deliveroo announced that it would change its remuneration system from hourly wages to pay-per-delivery and the algorithm that it uses to allocate work (Kilhoffer and Lenaerts, 2017). Along with these changes, the platform would only work with self-employed bikers from 1 February 2018 onward. When implementing these changes, Deliveroo stated that they would give more flexibility to workers, and that options were being explored to provide insurance (ibid).

When Deliveroo announced its intentions in October 2017, this sparked a heated debate involving its workers, social partners, policy-makers, SMart and the platform itself. This debate not only covered the platform's working conditions, but also the challenges of the platform economy more generally. There was a lot of media attention for the case, for several weeks after the decision was made and again when the new scheme was launched a few months later. A number of journalists for different media outlets went 'under cover' as Deliveroo bikers to report on the platform economy.<sup>5</sup>

There was a lot of controversy when Deliveroo announced it was terminating the collaboration with SMart, as this coincided with the start-up of negotiations between SMart and social partners (CNE ACV (central office), BTB ABVV (transportation), HORVAL (food and hospitality) in an attempt to conclude a collective agreement. It also coincided with the government's announcement to revise the 2016 taxation regime (Vandaele, 2017). Vandaele (2017) indicates that the Belgium 'Couriers Collective' also contributed to these negotiations, but mostly relied on the unions to lead the process.

To gain further insight into these negotiations, a trade union representative who was involved in these negotiations was interviewed. The representative explained that trade unions started to negotiate with SMart as SMart was the only partner willing to negotiate with them. This was confirmed by Vandaele (2017), who describes how unions viewed Smart as the 'lesser evil' to negotiate with. Attempts to get Deliveroo to the negotiating table failed, and so the negotiations with SMart were started somewhat out of necessity. This is a common issue according to the interviewee (but also other interviewees): as platforms do not want to be seen as employers, they are not willing to negotiate with unions, and would rather deal with issues with their workers on a one-to-one basis. The negotiations themselves covered many things: employment status, hourly wages, minimum number of working hours, social security, etc. The interviewed union representative explained that these efforts were very important to the unions, as a lot of Deliveroo riders are students (i.e. young, vulnerable individuals with limited experience). Bringing clarity is, therefore, key.

Several interviewees representing both employers and employees highlighted that they were already very critical of SMart even before the organisation started to collaborate with Deliveroo, claiming that some of its practices are in a legal grey area and that artists have encountered severe difficulties when dealing with Smart (also see Vandaele, 2017). Social partners voiced concerns that similar issues may occur for platform workers. One of the interviewed platform workers experienced difficulties when working as a SMart employee for Deliveroo, on which further details are provided in a later chapter.

Nevertheless, the case of SMart and Deliveroo is interesting to monitor, precisely because it caused so much controversy and triggered government responses and parliamentary debates. Kris Peeters, the Minister of Employment, Labour and Social Dialogue, ordered the Federal Government Department of Social Security to investigate Deliveroo in the aftermath of these events and also the labour and social affairs inspectorates became involved (i.e. the labour inspectorate and social inspectorate of the city of Ghent opened a formal investigation into the Deliveroo case; Vandaele, 2017).

*Source:* Kilhoffer and Lenaerts (2017), completed and updated with information retrieved from interviews with social partners and government representatives and additional literature.

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<sup>5</sup> See for example the website [uberizeme.be](http://uberizeme.be)

In the platform economy, the relationships between workers and clients are based on civil law contracts. Student work is covered by collective agreements. There are no collective agreements for the self-employed; these workers depend on the **terms and conditions** stipulated by the platform.

In general, there is a lot of **confusion when it comes to the employment status of platform workers in Belgium**. One telling case is that of Uber. In 2015, Bart Tommelein, the Secretary of State for the Fight against Social Fraud, Privacy and the North Sea, requested the Federal Government Department of Social Security to clarify the status of Uber drivers in Belgium. In September 2015, based on their legal analysis, the Department found that Uber drivers are self-employed. This conclusion was further discussed in October 2015, at a round table on social and fiscal fraud in the taxi sector. The round table for the taxi sector was quoted as an example of sectoral social dialogue by an interviewee.

Two years later, in the autumn of 2017, the Federal Government Department of Social Security went back on its earlier decision. The Department declared that the **argument that Uber is a platform that is bringing people together is artificial**. It further noted that drivers cannot negotiate the prices of the services or choose the route to take. In addition, Uber drivers risk their account being deleted if they do not log on often enough. According to the Federal Government Department of Social Security, these features suggest the employment relationship between Uber and its driver is an employer-employee relationship. Around the same time in 2017, a similar exercise was started for Deliveroo.

As in other countries, **access to social protection** is largely tied to the employment status of an individual in Belgium. There is no specific system of social security in place for platform workers in the country. In addition, platform workers are not always aware of their status and its impact on their social security obligations and rights. Workers are usually not protected on account of their platform work but rely on a main activity outside of the platform economy to gain access to social security (Eurofound, 2018).

### 2.2.3 Insurance

Another common concern about (work in) the platform economy relates to insurance. Platform workers are not always insured and many are unaware of who is responsible for providing insurance.

Some platforms are aware of these issues and have attempted to address them. One example is **Uber**. In June 2018, Uber introduced 'Partner Protection' in **collaboration with insurance company Axa** (Uber, 2018). All eligible Uber drivers and couriers are automatically covered, free of charge, for both accidents that occur during rides as well as accidents that happen on other occasions (e.g. one can receive a one-off compensation for maternity/parental leave or jury duty). Only Uber drivers and couriers working as self-employed are eligible (i.e. those using the Uber-app on the basis of a contract with Uber and who are not employees of a transportation company).

Some insurance agencies have started to provide services to clients and workers in the platform economy. For example, in response to the rise of the platform economy, AG Insurance, a Belgian insurance company that offers different types of insurances, adjusted its policies (Ag Insurance, 2018). As the regulatory framework leaves many questions on liability unanswered, AG Insurance performed its own assessment of what **risks and costs related to the platform economy would already be covered by its policies** (e.g. home or family insurance) **and where there are gaps**. The company then revised some of its policies to accommodate the platform economy: the 'Top Woning' ('Top Home') insurance package, for example, covers damage to the property and household goods for properties rented out through platforms like Airbnb. The package called 'Top Familiale' ('Top Family') offers coverage to workers for similar damages

as in their private lives so long as they offer their services through an officially recognised platform and remain below a maximum income level. Finally, there is the CarSharing insurance package. This policy allows car owners to expand their comprehensive car insurance so that it also covers damages incurred when the car is shared with others for an additional fee, or to take out a temporary comprehensive insurance that only applies during the times when the care is shared.

#### 2.2.4 Litigation

In Belgium, there have been a number of **court cases** in which platforms and their workers are involved as plaintiffs, defendants or with another role. Most of these court cases concern the transportation sector. In some of these cases there was a ruling in favour of the platform, while in others the ruling was in favour of other actors, such as platform workers or competing companies.

A first set of cases is related to **unfair competition**. One example is the motion filed by **Taxis Autolux**, a taxi and limousine company operating at Brussels Airport, at the **Dutch-speaking Tribunal of Commerce in Brussels** (*Nederlandstalige Rechtbank van Koophandel Brussel*) in May 2015. Taxis Autolux filed a **claim to cease activities** against **Uber**, when the platform started to offer its services at the airport in an area that is reserved for taxi companies and at much lower prices. At the time, Uber was offering its services through UberPop. In **September 2015**, the court ruled in favour of Taxis Autolux and ordered Uber to cease its activities at Brussels Airport. In an **interim verdict of 9 June 2016**, the court subsequently ruled that Uber should be regarded as a taxi company. Uber argued that the company has developed a new business model with which they want to enter the market, but this is hampered *de facto* and *de jure* by regulations of the Flemish Government (i.e. the *Vlaams Taxidecreet* and *Vlaams Taxibesluit* – the taxi decree and taxi resolution) and the municipality of Zaventem.<sup>6</sup>

The following step in the procedure was to verify whether **these regulations comply with the conditions imposed by the Court of Justice of the European Union** (CJEU). The CJEU ruled that measures that may hinder fundamental freedoms or make them less attractive, are only allowed when these measures are applied without discrimination, and on the condition that they can be justified with overriding reasons of general interest, are suitable to ensure that the objective that is being pursued can be achieved, and do not go beyond what is needed to achieve that objective. The Dutch-speaking Tribunal of Commerce in Brussels ruled that the regulations of the municipality of Zaventem and the *Vlaams Taxidecreet* and *Vlaams taxibesluit* do not comply with this ruling. With this ruling, the previous ban on Uber's activities was overturned.

Uber had filed a **counterclaim** against Taxis Autolux at the same court, but this claim was also denied. The court ruled that Taxis Autolux cannot be convicted for abuse of a position of power or for participation in anti-competitive agreements as the company complies with the specific rules and requirements from the municipality of Zaventem and the *Vlaams Taxidecreet* and *Vlaams taxibesluit*.

An example of a similar court case on unfair competition between a platform and a competitor is that between **Taxis Verts** and **Uber**, which was brought before the **French-speaking Tribunal of Commerce in Brussels** (*Tribunal de Commerce Francophone de Bruxelles*).<sup>7</sup> In this court case, Taxi Verts had argued that Uber's services are a form of unfair competition; a claim that was upheld by the tribunal. The court found

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<sup>6</sup>[http://www.wolterskluwer.be/files/communities/legalworld/rechtspraak/2016/Kh.%20Brussel%209%20juni%202016%20\(UBER\).PDF](http://www.wolterskluwer.be/files/communities/legalworld/rechtspraak/2016/Kh.%20Brussel%209%20juni%202016%20(UBER).PDF)

<sup>7</sup> <https://www.tijd.be/ondernemen/diensten/brussels-taxibedrijf-bijt-in-het-zand-tegen-uber/9867736.html>

Uber illegal and ruled that the platform had to cease its activities, also imposing penalties of €10,000 per infringement (with a maximum of €1 million). Uber appealed this decision but lost the appeal, after which it shut down UberPop. The platform, however, launched two new services: **UberX** and **UberBlack**. In contrast to UberPop, these services work with professional taxi drivers, rather than individuals. The launch of these new services spurred **Taxis Verts** to go back to court to demand financial penalties, arguing that the court had ruled that all Uber services are illegal in Belgium. This claim was **denied** by the court.

There have also been a number of other court cases, some of which are still pending. For example, there was a court case related to **AirBnb**. The case was launched by an owner of an apartment in Bruges against his neighbours, who had forbidden him to rent out his apartment via AirBnb. The court ruled in favour of the neighbours, in accordance with the regulation introduced on 1 April 2017 in Flanders.<sup>8</sup> Another court case was launched by the Flemish Minister of Mobility and Public Works, Brussels Periphery, Tourism, and Animal Welfare, Ben Weyts against Airbnb. Since 1 April 2017, those renting out accommodation through AirBnb and other online platforms have to register online and comply with a number of regulations (safety and insurance regulations). AirBnb hosts who do not comply with these regulations risk having to pay an administrative fine of €250 to €25,000. To verify that AirBnb hosts comply with these rules, the Minister requested that AirBnb share some information (e.g. addresses) so that inspections could be carried out. AirBnb, however, refused to provide this information, after which Minister Weyts launched the court case. In parallel to this, inspections are made at both AirBnb accommodations that are registered and those that are not registered.<sup>9</sup>

## **2.3 The role of industrial relations and social dialogue in platform economy work**

### **2.3.1 Industrial relations structures**

The Belgian system of industrial relations and social dialogue has a long history and is very well developed. The country has a strong culture of social dialogue (ETUI, 2016). Social dialogue involves bi-partite and tri-partite negotiations at various levels – i.e. at the national, regional, communal, provincial, sectoral, and company level. In addition to the social partners, representatives of several governments (e.g. federal, regional, communal) are involved in the negotiations. Further details on the main social partners in Belgium are presented in the next section. According to ETUI (2016), **trade union membership** in Belgium is among the highest in the world and so is the **coverage of workers by collective agreements**.

At the **national level**, social dialogue mainly takes place within the **National Labour Council (NAR/ CNT)** and the **Central Economic Council (CRB/ CCE)** (ETUI, 2016). Both are **cross-industry** bodies that, first and foremost, serve as **advisory bodies to the government and parliament**. Both bodies are composed of an **equal number of representatives of workers and employers** (so-called ‘paritary composition’). Whereas the National Labour Council is focused on **social issues** that companies face, the Central Economic Council deals with **economic issues**. Together, the National Labour Council and the Central Economic Council form a **fundamental part of the negotiation and consultation structures** that are in place in Belgium, because they cover all economic sectors of and all topics at the federal level. They also participate in negotiations and consultations at EU and the international level (e.g. as part of the ILO’s work).

The National Labour Council was founded in 1952. In line with its role and responsibilities as described above, this body gives advice on conflicts regarding competences between joint committees, is authorised

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<sup>8</sup> [https://www.nieuwsblad.be/cnt/dmf20170417\\_02836900](https://www.nieuwsblad.be/cnt/dmf20170417_02836900)

<sup>9</sup> [https://standaard.be/cnt/dmf20180523\\_0352483](https://standaard.be/cnt/dmf20180523_0352483)



to conclude collective agreements applicable to the entire economy or specific sectors, and gives advice and formulates proposals on matters related to individual and collective labour law and to social security law. The Central Economic Council was founded around the same time, in 1948. Given its focus on economic issues, the Central Economic Council is tasked with providing advice on the development of labour costs and employment (in comparison to neighbouring countries), the business cycle, the competitiveness of the Belgian economy, and related issues. Next to NAR/CNT and CRB/CCE, the High Council for Prevention and Protection at Work (HRPBW/CSPPT) is a joint advisory body that provides advice on issues related to well-being at work.

The National Labour Council and Central Economic Council are in close contact with **consultative bodies** that bring together representatives of employers and employees at **regional and community levels**. These include the *Conseil économique et social de la Région wallonne* (Wallonia), *Sociaal-Economische Raad van Vlaanderen* and *Vlaams Economisch Sociaal Overlegcomité* (Flanders), *Economische en Sociale Raad van het Brussels Hoofdstedelijk Gewest* and *Brussels Economisch Sociaal Overlegcomité* (Brussels), and the *Wirtschafts- und Sozialrat der Deutschsprachigen Gemeinschaft Belgiens* (German-speaking community), among several other bodies (e.g. the *Sociaal-Economische Raad van de Regio* and *Regionaal Economisch Sociaal Overlegcomité*).

The governing bodies of the employers' and employees' organisations represented in the National Labour Council and the Central Economic Council are part of the so-called '**Group of Ten**' (ETUI, 2016). The Group of Ten is composed of **five representatives of employers' organisations** (two of VBO/FEB, one of UNIZO, one of UCM, one of Boerenbond) and **five of trade unions** (two of ACV/CSC, two of ABVV/FGTB, one of ACLVB/CGSLN), and is chaired by a representative of employers' organisation VBO/FEB. The Group of Ten plays a **fundamental role in bipartite and tripartite social dialogue** and their negotiations typically **lay the foundations for later agreements**.

The Group of Ten's main task is to negotiate, every two years, an **inter-professional agreement (IPA/AIP)** at the national level. The most recent agreement covers the 2017-2018 period. AN IPA/AIP typically includes a number of topics, most notably wage levels and their development over time (which should be on a par with that of France, Germany and the Netherlands), working conditions, working times, training, and other issues. After an inter-professional agreement is concluded, its content is further discussed and transformed into collective agreements, laws and other agreements (e.g. at sector level).

Besides 'inter-professional' or cross-industry social dialogue, the Belgian industrial relations system has a strong tradition of 'professional' or industry-specific social dialogue at sectoral and company level. At the **sectoral level**, social dialogue is organised into joint committees, which consist of an equal number of representatives of employers and workers. Joint committees are responsible for negotiating **collective agreements** for their respective economic sector on working conditions, wages and other items. At the **company level**, the employees and employer are represented in a Works Council and Committee for Prevention and Protection at Work (health and safety committee).

**Social dialogue within the platform economy**, to the extent that it exists, is set in this context and builds on the industrial relations structures outlined above. Social partners may extend their services to workers in the platform economy, organise and represent platform workers in their negotiations with platforms, and influence the policy agenda. Employers' representatives can play a role in organising and representing platforms and may have platform companies among their members. Also these organisations contribute to the policy agenda on the platform economy. The platform economy creates new opportunities for

organisation and representation by traditional and new actors, including both top-down and bottom-up initiatives, which are explored in more detail below. As Vandaele (2017) notes, the platform economy can create opportunities for unions to explore different organisation strategies. In addition, platform workers have an interesting profile for trade unions: because platform workers tend to be young, unions can demonstrate that they play an important role in supporting transitions from education to work (ibid). The role of the government is also examined in this report.

### 2.3.2 Social partners

In Belgium, the main organisations representing employers and employees are (ETUI, 2016):

**Employers:** The *Federation of Belgian Enterprises* (VBO/FEB), the *Union of Self-Employed Entrepreneurs* (UNIZO) and the *Union des classes moyennes* (UCM). Besides these organisations, there are a number of organisations representing farmers (*Boerenbond* in Flanders, *Fédération Wallonne de l'Agriculture* in Wallonia), but these organisations are less relevant for this study and are not covered further.

**VBO/FEB** is the largest inter-professional employers' organisation that operates in all three regions of the country. VBO/FEB brings together over 50,000 companies (including 25,000 SMEs) and represents 75% of employment in the private sector (all industry and services sectors). VBO/FEB traditionally is seen as the representative organisation for larger companies. **UNIZO** and **UCM** are two employers' organisations for smaller companies (SMEs), self-employed and liberal professions. UNIZO operates in Flanders, while UCM is active in the French-speaking part of the country. According to ETUI (2016), over 80% of employers are a member of an employers' association.

**Employees:** The *Confederation of Christian Trade Unions* (ACV/CSC), the *General Federation of Belgian Labour* (ABVV/FGTB) and the *Confederation of Liberal Trade Unions of Belgium* (ACLVB/CGSLB).

In Belgium, trade unions are embedded into longstanding political and philosophical traditions. **ACV/CSC** is connected to the Christian worker movement, **ABVV/FGTB** is linked to the socialist worker movement, and **ACLVB/CGSLB** is related to the liberal movement. **ACV/CSC** and **ABVV/FGTB** are the largest unions in Belgium. Both unions represent over 1.5 million workers. ACLVB/CGSLB has about 290,000 members and was created independently from the Christian and socialist worker movements (liberal movement).



## **Chapter 3. Discourse, perceptions and experiences of work in the platform economy among established industrial relations actors, processes and outcomes**

### **3.1 Discourse, perceptions and experiences among public authorities**

As the starting point for the discussion on the discourse, perceptions and experiences on work on online platforms among established industrial relations actors, we examine the **approaches of the Belgian federal, regional and local governments towards the platform economy**. This section covers governments' awareness of the platform economy, their role and engagement in the debate, the adopted and proposed policy measures, and related topics. The perspectives of trade unions and employer representatives are considered in subsequent sections. While this structure may differ from that of other national reports, it works well for the Belgian case study. In the Belgian case, much of the debate among unions and employer representatives relates to the policy measures adopted by the governments. For that reason, it is easier to first explain what these measures entail and then describe how they are judged, than vice versa.

#### **3.1.1 Awareness and interest**

In contrast to most other EU member states, public authorities in Belgium have been **very engaged** in the debate on the platform economy and have adopted measures in response to its development. The **Belgian federal, regional and local governments** take part in the debate, and **different government departments** are involved in the discussion. For example, at the federal level, the debate incorporates the Minister of Development Cooperation, Digital Agenda, Telecom and Postal Services and the Minister of Employment, Economy, Consumers, and Foreign Trade, as well as their respective cabinets, ministries and associated agencies (including the tax authorities, the Federal Government Department for Employment, Labour and Social Dialogue, Federal Government Department for Social Security, social affairs inspectorates, among others). The discourse and focus of these government departments corresponds with their responsibilities and competencies. In general, different government departments closely **monitor developments in the platform economy**, in order to identify challenges and consider potential solutions in their domain. Note, also, that several departments are in contact with each other on this topic, as platform work touches on many domains. In Belgium, the platform economy has also been discussed in parliament.

A representative of the cabinet of the Minister of Development Cooperation, Digital Agenda, Telecom and Postal Services, highlighted the **innovative nature** of the platform economy and its potential to encourage **entrepreneurship**. This representative had an optimistic stance on the platform economy and explained that the Minister's aim under the Digital Agenda is to adopt measures to stimulate the development of the platform economy (i.e. the favourable taxation regime described in the following section) and make sure that Belgium is one of the frontrunners in this domain. This representative spoke of how technology creates new opportunities and of the importance of the digital economy.

Representatives of other government departments and bodies have taken a more **cautious** approach. A representative of the Federal Government Department of Social Security, for example, voiced concerns on the difficulties in determining the employment status of platform workers, the issue of bogus-self-employment, access to and the financing of the social security system, and the lack of information provided to workers on their rights and obligations. Similar remarks were made by a representative of the

Department of Employment, Labour, and Social Dialogue. Among the other concerns mentioned by the government representatives interviewed were unfair competition, loss of income to the platform, unclear platform structures, consumer protection, and health and safety.

All government representatives interviewed were well aware of the **initiatives of social partners as well as of workers trying to organise themselves**. One interviewee, for example, indicated that social partners are the voice of platform workers and play this role in the Belgian context. When asked about the **role of the government** in fostering social dialogue, interviewees referred to the ongoing initiatives of the Federal Government Department of Employment, Labour and Social Dialogue, participation in different meetings and coordination of the work being done on the platform economy across government departments and bodies. One interviewee said that dialogue already exists but should be further developed, and is mainly challenged by the specificities of the sector and the absence of joint representation of platforms (as one group). Representation of workers should be further improved as well, according to this interviewee.

One of the government representatives did not have a clear view on social dialogue in the platform economy, and argued that questions on organisation and representation should be left to social partners. This person, however, is less focused on labour issues, due to his position. Another interviewee mentioned that **labour and social affairs inspectorates** should not be overlooked as regards representation, as these inspectorates can also introduce procedures in the interest of platform workers.

In the following sections, the main **policies** that have been adopted or discussed in relation to the platform economy in Belgium are reviewed. Before doing so, it is important to reflect on the context in which policy-making is set. In the interviews, one representative of the government indicated that there is **no coherent vision on how to approach the platform economy**, and that this is also reflected in the policies adopted so far. The taxation regime introduced in 2016, for example, focuses on a single aspect and leaves other questions unanswered. There is **no comprehensive strategy or approach to date, as indicated by several interviews** (representing the public administration but also other experts and social partners).

### 3.1.2 Policies currently in place

Belgium is one of the few EU member states that introduced specific legislation for the platform economy (Eurofound, 2018; other examples are Estonia and France). In the Belgian case, legislation is focused on **taxation**. Motivations for introducing a tax regime were to **prevent fraud, tax evasion and unfair competition, facilitate monitoring and inspections** of the platform economy and its actors, support the **further development** of the platform economy, create **legal certainty, encourage entrepreneurship** in the platform economy for workers and platform owners, and to **allow individuals to perform limited activities** outside of their main activity or to **test a profession or activity** without taking significant risks (IDEA Consult, 2017; Gillis, 2017; interviews with government representatives). As a representative of the cabinet of the Minister for Digital Agenda indicated, the 2016 legislation was intended to **clarify the fiscal situation of platform economy**, and successfully serves this purpose. The representative further pointed to the key building blocks of the regime: the occasional nature of the activities, the income threshold, and that transactions are processed by the platform, which is easy and transparent.

On **1 July 2016**, a Programme Act (*Programmawet*) was introduced which contained specific sections on the platform economy. More specifically, this Programme Act established a **new fiscal regime for income gained through the platform economy**. Income collected through the platform economy is regarded as **'diverse income'** (Art. 90, 1°bis WIB 1992), as long as a number of conditions are met and the total amount

earned is lower than a maximum level. The **maximum income was set at €5,100 annually**<sup>10</sup> (for year 2017, indexed). The income obtained in the platform economy has to be (Gillis, 2017):

- Gathered through activities that are *outside of (i.e. not related) to a person's professional activity*;
- Arises from *services*, other than the services that generate income mentioned in Art. 90, 5° WIB 1992 (e.g. income from subleasing or transfer);
- These services are *provided by the taxpayer himself*;
- Exclusively to *natural persons* who themselves act outside of their professional activities;
- Exclusively within the framework of *agreements that have been established via intermediation by a licensed electronic platform or an electronic platform that is organised by the government*;
- And on the condition that the payments for the services are *only paid out or granted to the service provider (the worker) by the platform or by intermediating through this platform*.

If these **conditions are met** and the total gross income earned from platform work **does not exceed €5,100** annually, then this income is **not categorised as income from professional activities**<sup>11</sup> and hence subject to a more favourable tax regime. First, the usual **tax rate** is lowered from 33% to 20%, and to this 20%, a 50% cost deduction is applied. This implies that the tax rate applicable to platform economy income is further reduced to **10%**, if these conditions are met. Secondly, service providers or workers are not obliged to register as self-employed and do not have to pay social security contributions for the activities. Thirdly, the service providers do not have to pay VAT or obtain a VAT number. Also in **administrative terms**, there are some advantages for the workers: the platforms are responsible for collecting and transferring the tax to the tax authorities and the income is automatically included in service providers' tax return.

If these **conditions are not met** or the total gross income earned **exceeds the maximum level**, **all income** earned via platform work is considered income from professional activities and a tax rate of 33% is applied. In that case, service providers have to register as self-employed (main or side profession) at the Crossroads Bank for Enterprises.

Although these provisions were part of a Programme Act of July 2016, their practical implementation was dependent on the licensing scheme for platforms that still had to be developed, and platforms applying to receive a license. This was done via the **Royal Decree of 12 January 2017**, which sets the conditions that platforms have to meet to receive a license and also stipulates what information platforms should provide to the tax authorities.

All of the following conditions have to be met for a platform to be eligible for licensing (Gillis, 2017):

- The platform is set up *within a company or non-profit organisation* created in accordance with the legislation of an EEA member or state with which Belgium has established an *international agreement on equal treatment of its companies and non-profit organisations*;
- The *registered office, principal establishment, or management seat* of this company or non-profit organisation is established in the EEA or in a state with which Belgium is bound by an international agreement;

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<sup>10</sup> Note that this includes fees that are withheld by the platform (Pacioli, 2016). In addition, the total income earned across all activities on different licensed platforms is taken into consideration.

<sup>11</sup> The income earned is treated as 'diverse income'.

- The company or non-profit organisation is registered for this activity at the Crossroads Bank for Enterprises as a trade or craft company, or registered in the *trade register* in accordance with the legislation of the EEA member state or state with which Belgium has entered into an international agreement for equal treatment, where the company or non-profit organisation is located;
- The company or non-profit organisation has an *enterprise number assigned by the Crossroads Bank for Enterprises* that counts as a VAT identification number and contains the letters BE, or (in the absence of an enterprise number, in so far this occurs), an *identification number for VAT purposes* in the EEA member state or state with which Belgium has entered into an international agreement on equal treatment, where it is established.
- The *directors, managers and persons authorised to run the company or non-profit organisation* may:
  - Not be persons to whom the exercise of such functions is prohibited by virtue of Royal Decree no. 22 of 24 October 1934 or similar provisions of another EEA member state;
  - Not be in a state of bankruptcy, unless in the process of being excused or discharge, nor are they subject to bankruptcy or analogous procedures under foreign law.

In terms of their **reporting to the tax authorities**, platforms are obliged to provide, at the end of the year and for each service provider, the income gained by this service provider through the platform, as well as a summary form (due by 28 February). The individual information sheets should contain the identity and national registration number of the worker, the start and end dates of their activities, a description of the services provided, the gross earnings from the platform (split by type of service provided, if relevant), other gross earnings, and the amount platforms deduct from the gross earnings (e.g. taxes and the amount and nature of other sums).

After the licensing was clarified, the regime became operational on **1 March 2017**. The first platforms also received their licenses then. The **number of platforms** that has officially been licensed by the government gradually increased over time. In February 2018, for example, the list comprised 33 platforms. Five months later, in July 2018, the count was 39 platforms. Over this period, three platforms disappeared, FLAVR, Menu Next Door and Klusser; they are no longer operational. Nine new platforms were added to the list. When looking more closely at the platforms on the list, it appears that platforms generally offer **unskilled or low-skilled work**, of a **more limited scale** (tasks), such as peer-to-peer **accommodation, transport, professional services, domestic services, and collaborative financing**.

When asked about the list of platforms, the stakeholders interviewed had fairly different interpretations. A government representative, for example, indicated that the list mostly contains platforms that originated in Belgium and are relatively small in size (start-ups), which demonstrates that the platform economy presents great opportunities for entrepreneurs. Up until a few months ago, for example, the list did not include platforms like Deliveroo. The representative argued that the absence of large, international platforms is a good illustration of the platform economy's potential and further stated that the fear that big platforms are taking over the Belgian platform economy is unjustified.

Social partners, and notably trade unions, however, interpret these observations very differently (Knack, 2017). Unions argue that this rather suggests that international platforms are trying to escape regulation and government control. Social partners further indicate that as registering a platform is voluntary, there is a risk of ending up with two parallel systems: one with licensed platforms that fall under the tax law and are more transparent, and one with unlicensed platforms. Social partners assert that a more coordinated

approach towards the platform economy is needed (Knack, 2017). In the interviews, social partners also noted that the list does not appear to be updated regularly, which concerns them.

Even with this regulatory framework, is not so easy to determine what activities are regarded as services in the platform economy. The example of **accommodation** is telling: only services, not the rental income, could be covered by the regime (IDEA Consult, 2017). Gillis (2017) gives another example: whereas the preparation and delivery of food organised via online platform would be considered as platform economy activities, the mere delivery of food purchases somewhere else would not, since the delivery of goods is not a service.

Besides the national-level policies, policy-makers at the **regional and local level** have also taken measures in response to the platform economy. The Brussels Minister of Mobility Pascal Smet, for example, devotes attention to platforms like Uber in his proposed taxi plan. Another example relates to **Airbnb**. Both the regional governments of Brussels and Flanders have revised their tourism accommodation regulations in response to challenges related to Airbnb (see above). Income taxes are applicable to income gained through Airbnb, in addition to tourism taxes and VAT.

### 3.1.3 Policies under discussion

#### Expansion of the sharing economy law?

Shortly after the ‘sharing economy law’ came into force in March 2017, discussions started on the **next steps in regulating the platform economy**. First indications of what these steps could be, became clear in the ‘Summer Agreement’ reached by the federal government on 26 July 2017, which included measures related to the platform economy. Note, however, that the ‘Summer Agreement’ lays out the ambitions of the government, which then have to be translated into draft laws and submitted to the Council of State.

In the 2017 ‘Summer Agreement’, the Belgian federal government proposed to allow employees and the self-employed, who already have a main activity for at least 80% of their working time, to **earn up to €500 per month or €6,000 per year in the framework of ‘leisure work’**, specific functions in the non-profit sector and for peer-to-peer activities.<sup>12</sup> These additional earnings are exempted from fiscal and social security contributions. This measure would also apply to retired individuals. The measure would come into force on **1 January 2018**. Activities in the platform economy would also be covered by this new measure.

From the perspective of a representative working for Minister of Digital Agenda Alexander De Croo, these measures are the way forward as they will increase **entrepreneurship** and help reduce social fraud. In the interview, the representative explained that the reality in Belgium today is that there are severe barriers to entrepreneurship. The platform economy presents a good opportunity to overcome these barriers. One example is the administrative burden, which are much less in the platform economy. Platforms can thus serve as a very **easy gateway to work and a sandbox for entrepreneurship**. The platform economy is not competing with what already exists, but rather complements it, according to the interviewee. It is this view on the platform economy that informed the legislation in place and the legislation proposed.

During the interview, the same representative also argued that there is **no need for social protection** in the context of platform work. The reasoning is that platform work, taking the legislation as a starting point,

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<sup>12</sup> [https://premier.fgov.be/sites/default/files/articles/PPWT%20NL\\_0.pdf](https://premier.fgov.be/sites/default/files/articles/PPWT%20NL_0.pdf)

should not be regarded as a work activity; it only comprises occasional activities and is not meant to cover professional activities (there even are provisions in the law to ensure that the work is performed on an occasional basis (e.g. not intended for those who have no main activity outside of the platform economy; for professionals, platform work cannot be linked to their main profession or the worker becomes self-employed instead).

Although the specific modalities of this measure and its application to the platform economy still had to be clarified, from the beginning many questioned whether platform work fits into the same framework as the other activities (e.g. volunteering) and whether this measure would be sufficient to address challenges related to employment status and social protection. In October 2017, **further details** were provided by the government (e.g. what activities are covered). Note that in drafting this new legislation, the opinions of the social partners and the managing committees of social security institutions are sought (e.g. National Labour Council, Higher Council of Independent Workers, Higher Council of Volunteers and SMEs, etc.). This point was raised in multiple interviews.

From the beginning, **social partners were strongly against the proposed regulations** (and this view was also voiced by the National Labour Council) and urged the government to not take a rash decision (Knack, 2017). Social partners emphasised that both the current and proposed regulations leave many questions unanswered, in relation to competition, access to social security, taxation, and other issues. This may lead to social dumping and unfair competition (Knack, 2017). **Representatives from the public administration and of the opposition parties** were also critical about the proposed changes. Additionally, the **Council of State** also had a number of critical remarks related to the proposed schemes.

Despite the controversy, the government introduced a **new scheme** in the summer of 2018 (*relancewet*). Since 15 July 2018, **individuals can earn up to €6,000 per year (exempted from taxes and social security contributions)** in the platform economy by working on a licensed platform. The maximum amount earned is evaluated annually; there is no maximum amount that one is allowed to earn on a monthly basis. These rules for the platform economy are introduced along with new rules on **occasional peer-to-peer services** (not arranged through a platform) and **work for an association** (e.g. being a sports trainer). There are some restrictions on the other two forms of work, for example an obligation to have a main activity for at least 80%. For platform work, the only restriction is that the self-employed cannot perform the same activity in the platform economy as in their main activity.

To work in the platform economy, under either the legislation adopted in 2016 and 2018, **workers do not need to have a status in the area of labour law and social security** (as long as their earnings remain below the maximum cut-off levels). One interviewee representing the Federal Government Department of Social Security explained that, as a result, collaboration with the platforms is key to protecting the workers involved. To this end, platforms would need to transfer information on activities and remuneration to the respective government departments and inspectorates.

### **Modifications to the Belgian labour law framework?**

The Belgian labour law recognises **two main employment statuses, employee and self-employed**, which can be distinguished from each other based on the **degree of subordination in the execution of the work** (Nerinckx, 2016). In the past, it was quite straightforward to classify workers on the basis of this criterion. Today, that is no longer the case. The **rise of new forms of work and work organisation**, such as work in the platform economy, has made it more difficult to assess the degree of subordination (Nerinckx, 2016).



In Belgian labour law, **four general criteria** are stipulated to help determine the degree of subordination and distinguish between employees and self-employed (stipulated in Title XIII of the Programme Law (I) of 27 December 2006). These criteria are: 1) the will of the parties as expressed in their agreement, insofar the latter is implemented in accordance with the provisions of Article 331; 2) the freedom of organising working time; 3) the freedom of organising the work; and 4) the possibility of carrying out hierarchical supervision.<sup>13</sup> Next to these general criteria, specific criteria could apply to certain sectors or professions, such as responsibility and decision-making power over the financial resources to ensure the company's profitability; fixed and / or guaranteed remuneration; the possibility to employ staff or to be replaced by someone else; and other conditions.

Note that **criteria indicating socio-economic dependency**, which were critical in the Employment Tribunal of London to determine that Uber drivers should be classified as workers, are absent from the four general criteria in Belgium (as mentioned by a government representative of the Federal Government Department of Employment, Labour and Social Dialogue). While socio-economic dependency criteria can be included at the sector level to establish a legal presumption about the nature of an employment relationship, this presumption can be overturned by applying the general criteria. Although the government has agreed to re-evaluate the criteria stipulated in the labour law, the responsible Minister (Minister Ducarme) has yet to take an initiative to also include socio-economic dependency among the criteria.

Applying these criteria to work in the platform economy is difficult, as pointed out in almost all stakeholder interviews and the literature. Interviewees of the Federal Government Department of Social Security and of Employment, Labour and Social Dialogue explained that, in many cases, platform work has traits of an employer-employee relationship even when the workers have the status of being self-employed. It is not easy to determine whether and to what extent platforms workers are in a **relationship of subordination**. One of the representatives further indicated that a link of subordination is becoming increasingly difficult to demonstrate, as new forms of work and work organisation come with higher levels of autonomy, not only for the worker but also for other parties assessing the employment relationship (e.g. inspectorates). This representative suggested that more emphasis should be put on the **three-way relationship** between the platform, worker and client to determine employment status. All government representatives agreed that the employment status of platform workers should be considered on a case-by-case basis.

Also **inspectorates for labour and social affairs** are struggling with this exercise (Nerinckx, 2016). Whereas the Federal Government Department of Employment, Labour and Social Affairs is competent to examine whether the status given to a worker is correct from a labour law perspective and for monitoring whether the rights of employees are guaranteed (e.g. in terms of remuneration, working conditions), inspectorates of the Federal Government Department of Social Security and the National Institute for the Social Security of the Self-employed are responsible for determining whether this employment status is correct in the context of social security.

Because work in the platform economy is highly heterogeneous, it is not possible to arrive at a conclusion on the employment status of platform workers that applies to all workers (neither for specific groups of workers, such as those using a specific platform or working in a specific sector). Instead, the employment status of platform workers needs to be determined on a **case-by-case basis** (Nerinckx, 2016). This further

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<sup>13</sup> Elements that are not considered in the classification of labour relations include the title of the agreement; registration with a social security body, at the Crossroads Bank for Enterprises, or with the VAT administration; and the way in which income is declared to the tax authorities.

complicates the issue of platform workers' employment status and their access to social protection. With all these challenges in mind, many have called for modifications of the labour law (e.g. adding additional criteria or fine-tuning existing criteria (see Nerinckx, 2016).

In the context of digitalisation and technological change, representatives of the government and the social partners have highlighted the **need to update the existing labour law framework**, to make it more fit for purpose and adapt it to the needs and realities of the 21<sup>st</sup> century. At the same time, all have underlined that this is an incredibly difficult task. While this may come up in the next elections to be held in 2019, it seems unlikely that any major changes will be implemented beforehand.

One final note relates to the **labour relations commission** that was set up within the Federal Government Department for Social Security, as pointed out by one of the interviewees. This commission was created to help achieve legal certainty when determining workers' employment status; it serves as a mechanism that parties, or one of them, outside of any dispute, can use for reaching a binding decision on the legal nature of the employment relationship. Decisions on the nature of an employment relationship are made by an Administrative Commission established for this purpose (Programme Law (I) of 27 December 2006, Art. 338 §1). The **Administrative Commission** is composed of a number of chambers, each of which is chaired by a judge and composed of an equal number of representatives from the Federal Government Department of Social Security and the National Institute for the Social Security of the Self-employed. Reaching out to this commission is not obligatory but initiated by the parties involved in the employment relationship of interest, or one of them. Decisions made by the commission are binding for the institutions represented in the commission as well as for the parties. Although the commission does not settle a lot of cases, its **secretariat receives many requests for information**. An interviewee consulted for this project indicated that the number of such requests has gone up since the emergence of the platform economy and that the option to expand the commission's activities to include the platform economy is being explored. By doing so, the commission could help clarify workers' employment status.

Some months after the interview, two Deliveroo riders filed a request with the Administrative Commission regarding their employment relationship with the platforms. Both requests were launched around the time that Deliveroo changed its employment conditions (i.e. end of January and early February 2018). In both cases, the commission found their **request admissible**. It decided that the elements presented **contradict the qualification of independent work** and that there was **sufficient evidence to conclude that if the work is performed in accordance with the terms set by the platform, the employment relationship would be regarded as a salaried employment relationship**.<sup>14</sup> In response, Deliveroo launched a court case against these two couriers, arguing that they were never contacted by the Administrative Commission and that the decision made is based on inaccurate information.<sup>15</sup> This, however, was refuted by the lawyer representing the couriers, who declared that the platform refused to give its views to the commission.

### **Introducing a third status?**

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<sup>14</sup> For more information and related documents, see <http://commissiearbeidsrelaties.belgium.be/docs/dossier-113-fr.pdf> and <http://commissiearbeidsrelaties.belgium.be/docs/dossier-116-fr.pdf>. Note that the platform and workers are anonymous, but it is clear from the context and other reporting on these decisions that these documents refer to the case of Deliveroo.

<sup>15</sup> See [https://www.rtb.be/info/belgique/detail\\_deliveroo-la-decision-de-la-commission-relation-de-travail-est-un-signal-fort?id=9875746](https://www.rtb.be/info/belgique/detail_deliveroo-la-decision-de-la-commission-relation-de-travail-est-un-signal-fort?id=9875746)



As in a number of other countries, the idea of **introducing a third status for platform workers** that falls in between that of employee and self-employed has been discussed in Belgium. By introducing such a status, the aim is to ensure that platform workers can **benefit from (some of) the protections of workers with an employment contract** while enjoying the **flexibility and autonomy of those who are self-employed**.

A first proposal was that of the Belgian Minister of Employment, Economy, Consumer Affairs and Foreign Trade, Kris Peeters, who indicated in a 'General Policy Note on Employment' (*Algemene Beleidsnota Werk*, published on 28 October 2016) that the option of establishing a specific status for platform workers should be explored (Peeters, 2016). A related proposal followed a few months later, launched by a Member of Parliament of an opposition party, Meryame Kitir, and inspired by the status of artists. In Belgium, artists are regarded as employees when it comes to social security, but self-employed as regards labour law. Neither of these proposals has been adopted to date.

While there has been **some discussion on the idea of introducing a dedicated status** for platform workers, **this idea has been refuted by several stakeholders**, including labour lawyers and academic experts, social partners, and policy-makers. Social partners have spoken out against this idea on several occasions (e.g. in relation to proposals launched by Minister Peeters and Member of Parliament Meryame Kitir). Common arguments for why it is not a good idea to introduce a third status are that:

- Labour law is already very complicated and adding a status would result in even more complexity;
- The existing legal framework is sufficient to cover those working in the platform economy – what is really needed are clarifications on its application (social partners' views);
- A third status might cover all cases of platform work now, but would need (continuous) revision in the future to remain relevant, especially given the increasing heterogeneity in platform work;
- A third status would result in new 'corner cases' and classification issues;
- A third status may in practice be precarious and imply a further deterioration of employees' rights (unions' view);
- A third status might lead to unfair competition for companies that use traditional employment contracts, which are more expensive in terms of employers' contributions (employers' view);
- And several other reasons.

More recently, however, Minister Peeters **abandoned the idea of a third status** (Vermeir, 2018). By doing so, the Minister is following the advice of the High Council for Employment, which had argued in its 2016 report on digitalisation and the labour market that creating a status in between employee and self-employed may lead to a further segmentation of the labour market (Hoge Raad voor de Werkgelegenheid, 2016). Minister Peeters also explained that **such an intermediary status does not serve its purpose** because it does not help clarify the grey area between employee and self-employed (Vermeir, 2018). Instead, an intermediary status would **create two grey areas**: one between the new status and that of the self-employed, and one between the new status and that of employee. A related issue is that such a status may **crowd out** the status of employee. Rather than opting for an intermediary status, Minister Peeters is focusing on **refining the statuses of employee and self-employed**. One option in this regard is to recognise an '**autonomous employee**', as part of the group of employees (but not a separate status). Autonomous employees would be an employee, in a traditional employment relationship and enjoying the accompanying protection, but with less autonomy relative to a self-employed worker.

### 3.1.4 Is there a role for the EU?

Belgian policy-makers **follow the development of the platform economy in other EU member states and monitor the policy measures implemented or proposed by national and EU-level policy-makers.** Minister Peeters, for example, underlines the Commission's proposals for more transparent and predictable labour conditions, as part of the **European Pillar of Social Rights**, and highlights their relevance for platform work (Vermeir, 2018). Several representatives of the Federal Government Department of Social Security and of the Department of Employment, Labour and Social Dialogue referred to the **"European Agenda for the Collaborative Economy"** as a guiding document. A representative working for Minister De Croo pointed to the EU's initiatives in the context of the **Digital Single Market**.

Another aspect that was pointed out in an interview with a government representative are **the EU level court cases on the platform economy**. Public authorities covering different domains closely monitor such court cases and attempt to interpret their outcomes and implications for Belgium. The European Court of Justice ruling on Uber is seen as an interesting example in this regard.

## 3.2 Discourse, perceptions and experiences among employee representatives

### 3.2.1 Awareness and interest

Trade unions are **strongly engaged in the debate** on the platform economy in Belgium and have taken up the topic in their **own research and activities** (Vandaele, 2017). One of the trade unions, ABVV/FGTB, will dedicate a chapter to the topic of the platform economy in a report that is being prepared for an upcoming congress. Another union, ACV/CSC, similarly, is working on the topic of the future of work, and digital platforms are seen as a part of this future. With their research activities, unions are aiming to map the platform economy and obtain a comprehensive understanding of its impacts, in order to help address negative effects. As one representative noted: *"Trade unions should not stand on the side; they should take an active role."*

Several interviewed trade union representatives indicated that their work on the platform economy in Belgium was kick-started by the ILO's debates regarding the future of work, in which the unions take part. Belgian trade unions have been closely following the development of the platform economy for well over two years. Union representatives argue that the unions have been the driver of the debate on the platform economy in Belgium, whereas the government only became involved later on.

Trade unions have been involved at all policy levels and in the field. On the **national level**, the trade unions and employers' organisations have already been working on this issue for about two years, in the context of the **National Labour Council** and within their own organisations. In the National Labour Council, the topic of digitalisation has been discussed more broadly, and the platform economy was one of the subjects within this topic. One interviewed representative felt that although the National Labour Council provided a number of suggestions to the government on how to approach the platform economy, these suggestions have mostly been ignored.

In the **inter-professional agreement** published on **2 February 2017** (IPA/AIP 2017-2018), the Belgian social partners identified digitalisation and the platform economy as one of the societal challenges they wish to address in 2017-2018. To this end, social partners planned to examine, within the context of the National Labour Council (NAR/CNT) and the Central Economic Council (CRB/CCE), what measures could be taken to ensure that digitalisation and the platform economy could lead to more growth, employment and entrepreneurship, and a sustainable social security system. In doing so, social partners would build on the

report and recommendations of the High Council of Employment (HRW/CSE), the advice of the NAR/CNT on the future of work, and the publications of the CRB/CCE on digitalisation and the organisation of work.

In the agreement, social partners indicated they would focus on the effects on the sustainability of the economy and the labour market, and fair competition between all players/entrepreneurs in the market. In this way, social partners set out to document both the opportunities and risks, and formulate proposals to better equip employees and employers/entrepreneurs to deal with these challenges and their effects. In terms of process, the idea was to gain initial insights by 30 June 2017, which were to be discussed in a colloquium in September 2017 and to formulate concrete proposals by 31 December 2017.

At the **regional level**, all the trade unions interviewed have been very active as well. In Flanders, for example, the Socio-Economic Council of Flanders (SERV) has done considerable work on the topic of digitalisation, including the platform economy, in close collaboration with the social partners. This work resulted in a number of reports and round tables. The activities of the SERV take place in parallel with activities of the Socio-Economic Council (SER) in the Netherlands, which has also been doing research into freelancing and bogus self-employment. Another important development at regional level is the advice of the Brussels Economic and Social Committee on digitalisation.

Also at the **sectoral and company levels**, the trade unions have taken an interest in the platform economy and launched several activities. Union representatives noted that these discussions and initiatives may be specific to a sector or platform, but are nevertheless an important **test lab** informing the larger debate at the national and international levels. Discussions are ongoing in the transportation, hospitality, domestic and professional services, food and other sectors in the joint committees and union sectoral branches (e.g. Transcom, LBC distribution, BTB and others). One of the representatives interviewed highlighted that **internal communication** within the union is important, for example to ensure that collective agreements concluded at the sector level also cover the platforms that are active in these sectors.

Unions, in general, have an **open attitude towards the platform economy and are not against it as such** (Vandaele, 2017). This point was made by all union representatives interviewed. They all stated that the platform economy will continue to develop, as there is a real demand for it, and recognised that the platform economy comes with advantages. One interviewee indicated that certain parts of the platform economy are not new at all (e.g. cooperatives); what worries unions, however, is the emergence of digital platforms that function as regular companies looking to make a profit but present themselves as 'sharing economy' initiatives. According to this representative, it is essential to make the distinction between these platforms, but in reality this is not always straightforward. As one union representative said, "*the idea is not to kill the platform economy before it really exists, but rather to take a pragmatic approach towards this new phenomenon*". Instead, unions focus on prevention and sensitisation of workers.

Nevertheless, the **trade unions are concerned about a number of issues**. Unions are especially concerned about the **long-term consequences** that the platform economy may produce, despite its limited size currently. More specifically, unions are worried that the platform economy will result in a deterioration of workers' rights, is crowding out traditional labour and complicating labour relations, is associated with precarious working conditions, and undermines the financing of social security. Union representatives are worried that some platforms are abusing the status of self-employment to circumvent regulations, whereas in practice their workers find themselves in an employer-employee relationship.

In dealing with these issues, **trade unions have reached out to platforms and platform workers** and have strived to organise and represent workers. As documented by Kilhoffer et al. (2017) and Eurofound (2018), unions may have a hard time organising platform workers for several reasons (e.g. lack of a shared identity, not recognising platform work as work, etc.). Nevertheless, **unions are trying to rally platform workers**, both on an individual basis and the groups of workers that organised themselves.

The **most prominent example of organisation and representation in the platform economy in Belgium** is the case of **Deliveroo**. While this case has been discussed most, all union representatives interviewed underlined that this is just one example, and that other platforms are also on their radar (e.g. UberEats). The case of Deliveroo, however, immediately attracted unions' attention due to the platform's previous collaboration with SMart, of which the unions were already critical, and due to the changes that Deliveroo announced in the fall of 2017. Combined with the mostly negative media coverage of the platform, unions decided to try and get in contact with bicycle couriers.

One union representative noticed the Deliveroo bicycle couriers in Belgium's major cities and immediately became interested in this platform and type of work. This interviewee felt that since Deliveroo riders are transporting packages for third parties, they would fall under the transportation sector (the interviewee's sector of expertise). The representative was worried about the changes to the employment and working conditions that Deliveroo announced, as they implied that couriers would no longer be remunerated for the time they spend getting to the meeting point. From the interviewee's perspective, Deliveroo, and other platforms in the transportation sector, should comply with the rules that apply to all companies in the sector. The interviewee noted that other platforms with a similar business model, such as Cargovelo, do comply with the rules and regulations, so this should also be feasible for Deliveroo and other platforms.

Unions get in touch with platform workers through **multiple channels**, for example by approaching them in the street for a chat or to hand out pamphlets, or by reaching out via the platforms and on social media. The union representatives interviewed explained that unions usually combine offline and online channels. One representative said that **showing they are available** is an important part of getting in touch with workers (i.e. raising awareness). In practice, this is done by organising events (i.e. setting up information stands that workers can visit), being present at the meeting places, etc. Of the online channels, **Facebook** in particular appeared to be a widely used channel. The trade union representatives explained that Facebook is an important tool for them to get in touch with platform workers, exchange information and remain up-to-date on recent developments. One union representative is in touch with 250-300 Deliveroo couriers through Facebook and is a member of several Facebook groups. This interviewee also shares a phone number with the bikers that they can call, and gives out information on their rights and obligations (for student workers, for example, information is provided on child allowance, scholarships, etc.).

Besides **exchanging information**, unions aim to **get a good understanding of platform workers' needs** and find the best ways to better support them. Union representatives also explained that their **first aim is to provide information and help those who need it**; not to try to force or convince platform workers to join the union. At the same time, union representatives recognised that this approach is subject to internal discussion, as it is not sustainable in the long run.

From the interviews with trade union representatives, it became clear that unions are **actively trying to organise and represent platform workers**. In the case of Deliveroo, unions have been in contact with the platform, platform workers, SMart, as well as the government. Unions have represented platform workers in negotiations with SMart and Deliveroo. For the unions, the priorities are **wages** and **safety**. The safety

of the Deliveroo bicycle couriers is very important to the unions, and unions argue that the couriers should be provided with a helmet, gloves, a well-maintained bike, etc. One representative indicated that the union is organising its promotional material around this topic (e.g. handing out lights, pens suitable for touch screens, etc.). When asked about organisation and representation, all trade union representatives expressed **concern about the lack of representation on the platforms' side**, as this implies that unions may not have a partner to negotiate with if the platform is unwilling to do so.

### 3.2.2 Regulating the platform economy

Trade unions are strongly in favour of regulating the platform economy in Belgium. All trade union representatives interviewed underlined that the **government has a major role in steering the development of the platform economy and should adopt measures to regulate it**. One of the interviewees, for example, explained that the union is calling for a legal framework governing the platform economy, because of the monopoly position that some platforms have. Another interviewee described the platform economy as a winner-takes-it-all-model.

When asked about the **favourable tax regime introduced in 2016**, trade unions expressed their concerns as the policy does not consider issues such as employment status, social protection, or working conditions. According to the union representatives, it is clear that the government adopted this measure to stimulate the proliferation of the platform economy, but ignored its negative effects. Union representatives also noted that the **list of platforms is not updated regularly**. This is one example of a more **general lack of transparency** that unions struggle with.

One union representative stated that **platforms that are not officially recognised yet should be forced to seek recognition** and that these **platforms should be investigated** in terms of working conditions. Another point that came up in the interviews with union representatives is **enforcement**.

As soon as it was announced, trade unions **strongly opposed** the federal government's proposal to allow individuals to earn up to €500 per month (untaxed) with peer-to-peer activities (Knack, 2017). One union representative indicated that this might result in people engaging in platform work without having access to social protection, and without making any contributions to the government budget and social security. In the initial proposals, platform work was only available for those who have another main activity (for at least 80%); in that way excluding the unemployed, retired people and others who may benefit from having the opportunity to work through an online platform. Unions were highly critical of the idea of linking the platform economy with volunteering and other activities, as this may crowd out regular statuses, generate competition between different systems, and make unpaid volunteering less attractive. The unions also indicated that the government communication on their plans was not very clear.

When asked about the idea of introducing a **third employment status** that falls in between employee and self-employed, all the union representatives interviewed indicated they were **against** a third employment status.<sup>16</sup> Trade unions' main arguments for being against a third status have already been listed above (and note that also employers' organisations have spoken out against a third employment status). One of the union representatives recalled that the idea of a third employment status has also been discussed by social partners in the National Labour Council, where the idea was refuted. Instead, the National Labour Council urged the government to find a solution within the existing framework, for example by classifying

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<sup>16</sup> Note that at the time of the interview, one of the trade unions did not have an official stance yet on this question, but both interviewed representatives refuted the idea of a third status.

platform workers as employees or self-employed, or making further distinctions within these categories. The existing legislation and regulation would then have to be adjusted accordingly.

Since the question of platform workers' **employment status** is particularly important for the trade unions, interviewed representatives were asked to elaborate on their organisations' views in this regard. One of the interviewed union representatives mentioned that the union **advocates that all platform workers should be employees**. The underlying reasoning is that 'labour is labour'; so if you perform labour in the platform economy, you should have the employee status. Platforms should likewise be treated as employers. Otherwise, workers run the risk of having to negotiate directly with the platform, which may leave them in a precarious situation. It also undermines the collective momentum. Should workers instead be classified as self-employed, the risk is that they would contribute less to social security and have fewer rights, which one interviewee therefore ruled out as a good default status.

A representative of another union similarly indicated that the union is currently reflecting on the question of employment status, but emphasised that the **union recognises that not all platform workers should be classified as employees or would want to have this employment status**. This interviewee underlined that the question of employment status is very difficult to answer based on the current law. The definition of an employee in Belgian labour law is very strict (as explained above); this makes it very difficult to demonstrate that someone is an employee, not least in the context of the platform economy. The representative said that a more flexible definition of employee is thus needed. The union also believes that more weight should be put on the concept of **economic dependence** when assessing a person's employment status. The union representative further indicated that even when their employment status cannot be determined, platform workers **have rights in the social domain** and trade unions are allowed to negotiate and conclude collective agreements on their behalf. This follows from the ILO's understanding of a worker, which includes both employees and self-employed, and a ruling of the European Court of Justice that found that collective agreements also apply to the fake self-employed.

### 3.2.3 Is there a role for the EU?

Trade unions are **engaged in the debate on the platform economy at the EU-level and beyond**, through their involvement in different bodies such as the ILO.

Union representatives referred to the **efforts of EU-level policy-makers**. One interviewee noted that much progress has been made towards achieving a Digital Single Market, but that a more balanced view on the platform economy is needed. The interviewee also pointed to other efforts, such as the revision of the Written Statement Directive, which links questions regarding employment status and social security to the platform economy. A representative from another union indicated that there is a need for binding EU legislation on the platform economy set in the framework of Social Europe.

There is an **ongoing exchange of information with unions** in other countries. This exchange covers several aspects, from policy to how workers can be approached in the field (both online and offline).

## 3.3 Discourse, perceptions and experiences among employer representatives

### 3.3.1 Awareness and interest

The employers' organisations are active participants in the **debate on the platform economy in Belgium** in an attempt to weigh on the debate and steer policy-making. Organisations representing larger as well as smaller companies and the self-employed have engaged in the public and policy debates, for example



in the context of the **National Labour Council**, together with the trade unions. In Belgium, the employers' organisations are thus **well aware of recent developments** and **monitor these closely**. Similar to the trade unions, employers' organisations stress that the platform economy is likely to continue developing, and see it as part of much larger trend towards digitalisation.

**When compared to the trade unions, employers' organisations appear to have an overall more positive stance** on the platform economy. Representatives from VBO/FEB, for example, believe that the reporting on the platform economy in Belgium is too negative, as it focuses too much on the negative aspects while positive aspects are overlooked. According to the employers' organisations, a number of positive aspects should be pointed out: e.g. the innovative character of the platform economy, the low thresholds for participation, potential for increased transparency of transactions, etc. In the interviews, representatives of the employers' organisations gave examples of how the platform economy can **contribute to labour market integration**. A first example was a recent experience that one interviewee had with an Uber driver in Prague, where the driver was a person with a hearing disability and this was clearly indicated in the car. A second example was the platform Menu Next Door, a platform that collaborated with Syrian refugees.<sup>17</sup> Such positive aspects should be stimulated according to the interviewees. Employers' organisations also argue that the demand for the platform economy should be acknowledged in policy-making.

At the same time, employers' organisations are aware of the risks and **call for a level playing field for all organisations operating in the market**, in which platforms **complement what already exists**. Employers' representatives are cautious about the development of the platform economy, as the platform economy may create unfair competition vis-à-vis employers with a traditional work force, which is more expensive. It is against this background that employers' organisations view on regulation should be interpreted. The employers' organisations are in touch with platforms, but it is unclear whether platforms have joined the employers' associations or are interested in doing so.

### 3.3.2 Regulating the platform economy

With regard to **regulating the platform economy**, employers' organisations recommend to take a cautious approach to ensure that a good **balance** can be reached between reaping the advantages of the platform economy while addressing the risks that it entails. Employers' organisations maintain that the government should **not go to fast** in regulating the platform economy, as this might kill opportunities. In addition, since the platform economy is still developing, there is a lot of **uncertainty** about its potential impacts. For these reasons, employers' organisations indicate that continued monitoring of the platform economy is needed, before adopting measures that may hamper its development. At the same time, employers' organisations stress that **the existing rules should apply to everyone (level playing field), and they should be enforced**. In other words, there is not so much a need for more regulation or for changing existing regulations; the focus should be on applying them.<sup>18</sup> An important issue according to the employers' organisations is that platforms believe they are not subject to these regulations.

In one of the interviews with employer representatives, the example of Uber was given. The interviewee explained that Uber drivers in Belgium today only rarely do this type of work as long-term work. With this

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<sup>17</sup> Menu Next Door, however, has become inactive in the meantime.

<sup>18</sup> Representatives of the employer organisations further highlighted that in some cases, it already is clear that work is occasional, and therefore there is no need to reflect further on such cases. One example was Bringr.be, a platform launched by the Belgian Post Office.

in mind, one interviewee argued that if a platform like Uber wants to continue developing, it will have to start playing the role of employer, at least to some extent. To grow as a company, platforms have to adjust to the existing framework, and so there is no danger for regular employment. The same rules apply to the platforms as to other companies that are active in the sector.

Another point that came up in the interviews with employers' organisations is that responsibilities cannot only fall on the government or the platforms, but also on those who work on platforms. **Platform workers, as entrepreneurs, should keep track of what their responsibilities are.** That being said, raising awareness on these responsibilities is key.

With regard to the **legislation** that was introduced in 2016, representatives of VBO/FEB indicated that this legislation is successful and clear, and that the organisation was very happy with the fiscal measures that were introduced. Rather than modifying this law or introducing new regulations, VBO/FEB argues that the government needs to ensure that all platforms operating in Belgium apply for recognition and pay taxes. This point was also made by trade union representatives.

However, the proposal to integrate platform work into the legislation on 'leisure work' or volunteering is not considered a good approach, as it remains unclear what types of services and activities would fit into this framework. Some of the employer organisation representatives interviewed maintained that this proposal interferes with the debate, which was otherwise well on track. These representatives further indicated that the existing rules on volunteering work well and should not be changed. With this new proposal, there is a risk of abuse and of unfair competition.

Finally, employers' organisations do not support the idea of establishing a **third employment status**, for reasons that have been highlighted above and have rejected all concrete proposals in this area (i.e. the proposals of Minister Peeters and Member of Parliament Kitir). Representatives of VBO/FEB, for example, indicated that such a status is not necessary, and creates confusion and complications rather than improves them. Instead, the focus should be on applying the existing rules according to the interviewees. Another employers' organisation, VOKA, however, has argued in favour of a third status.

### 3.2.3 Is there a role for the EU?

In Belgium, the employers' organisations are **much more sceptical** than the trade unions on **the potential role of European institutions in the debate and regulation on the platform economy**. Interviewees indicated that the EU is trying to put a break on platform economy initiatives; this is not deemed desirable. In addition, questions on the employment status of platform workers should not be addressed at the European level, but fall under the national legal framework. In the Belgian case, whether someone is an employee or self-employed is closely linked to the concept of economic dependence. This cannot be evaluated at the EU level.

## 3.4 Summary

- There is a **lively debate on the platform economy in Belgium**, which is **rich in terms of topics and participants, and relatively balanced as a result of this broad scope**. Both positive and negative aspects of the platform economy are discussed and the perspectives of workers, platforms, policy-makers, business owners, social partners, academic experts, and other stakeholders are shared. The media report on recent developments in the platform economy on a nearly continuous basis.



- Social partners and government representatives recognise that the platform economy is likely to **continue its development** in the years to come. The topic is of interest to them, and it is typically framed in a much larger debate on the **future of work** and the impact of **digitalisation** on labour and society.
- In Belgium, social partners take a **nuanced approach** towards the platform economy. Although it may appear that trade unions point out the negative aspects of the platform economy much more than employers' organisations, both underline that there are opportunities as well as risks related to the platform economy, and that the challenge lies in migrating the risks while ensuring that the benefits can be reaped. Larger differences arise when the social partners' views on the **need for regulation** are compared (e.g. whether regulation should be adopted, what measures, and when).
- Trade unions and employers' organisations have been discussing the platform economy for some years already (informally and formally in consultation and negotiation bodies, at different levels). Social partners have formulated **recommendations** to the government.
- On the **government's side**, several public agencies and bodies have been involved in the debate and taken measures in response to the platform economy. Some government departments have taken an optimistic perspective, highlighting opportunities for entrepreneurship and innovation, while other departments are much more critical. The policy measures adopted so far have focused on taxation and encouraging the proliferation of the platform economy, while much less attention has been paid to issues related to remuneration, employment status and social protection. In particular, the most recent measures have received much scrutiny.

## **Chapter 4. Discourse, perceptions and experiences of work in the platform economy among platform owners and workers**

### **4.1 Discourse, perceptions and experiences among platform owners**

Of the actors involved in the platform economy, to date **platform owners and representatives have been the least vocal in the debate** in Belgium. Also in other countries, the debate is often driven by other actors, notably social partners (Eurofound, 2018). By being less active, platform owners risk the debate becoming unbalanced, as other actors may focus on **the downsides of the platform economy** in particular.

Nevertheless, in Belgium, there has been **considerable media coverage** of the platform economy and a number of platform owners and representatives **have voiced their opinions through these channels** (e.g. Uber, Deliveroo, ListMinut and Airbnb). In that way, the public and policy debates remained balanced and cover a range of perspectives and issues. Most commonly, however, platform owners focus on their own **experiences and initiatives, highlight benefits and opportunities, and respond to specific cases or issues**. A small number of platform owners and representatives have expressed their views on the government's policies and measures in Belgium and beyond (especially larger platforms with an international presence, such as Uber and Deliveroo). Uber, for example, has launched its own policy-oriented white paper.

Deliveroo, for example, was in the media when the platform was collaborating with SMart, and later on when it announced a change to its conditions, and the platform's representatives were able to give their view on the events that occurred. AirBnb saw some media coverage when local and regional policy-makers adopted and enforced rules, but has been less vocal at other times. Some platforms are active participants at conferences, for example Uber and ListMinut. Some smaller platforms have been discussed in the media as well, but rather as examples of entrepreneurship than on their working and employment conditions (e.g. FLAVR).

When it comes to **organisation and representation of platforms**, far fewer initiatives are found than for the organisation and representation of platform workers in Belgium, but also in other countries in Europe (see Kilhoffer et al., 2017; Eurofound, 2018). This applies to both initiatives from social partners and initiatives taken by platforms themselves. There are several reasons that may explain why this is the case, e.g. the fact that platforms regard themselves as pure intermediaries or tech start-ups, and therefore do not see a need for organisation and representation, nor for social dialogue more generally. Platform owners are in touch with their workers and prefer that workers approach them directly (Lenaerts et al., 2018). Platform owners believe this is much more effective than collective negotiations led by a group of workers or a union. Some platforms are in touch with the government and social partners, but not all. Some are also in contact with other platforms, but here again, initiatives are still in the early stages (ibid).

### **4.2 Discourse, perceptions and experiences among platform workers**

#### **4.2.1 Awareness, engagement and challenges**

Platform workers are **well aware of the developments of the platform economy in Belgium**, even though most of them are only active on one to two platforms in a particular sector. According to the workers interviewed, the platform economy is **relatively widespread**, especially in larger cities. Most platform workers have engaged in the platform economy as **consumers as well as workers**, and the majority of them started working in the platform economy fairly recently (i.e. in the last 2-3 years).

When asked about their **understanding** of the concept ‘platform economy’ and other conceptualisations, workers both in the focus group and in individual interviews often make the distinction between ‘sharing’ and ‘platform’ economy. Many workers highlight that these two concepts should not be confused. The workers participating in the focus group agreed that the platform economy **can be an added value for society, though not in all its forms**. As one worker stated:

*“I have discussed the platform economy with my family and friends, and told them about platforms that I think are interesting. But these platforms are true sharing platforms; involve the sharing of goods. I have recommended such platforms, but not the others.”*

Another interviewee stated that he would never recommend becoming a platform worker to his family or friends. Other interviewees were more positive.

During the focus group discussion, the **variety of tasks** in the platform economy was mentioned. Workers also highlighted that doing similar activities through different platforms can lead to different experiences. One platform worker gave the example of tutoring via platforms Bijleshuis or ListMinut; another worker compared Deliveroo with Takeaway:

*“I worked for Deliveroo for 1.5 years, and in those 1.5 years a lot has already changed. Some things have gotten better; some have gotten worse. What struck me the most is that Deliveroo is trying to reduce costs. In the past, we used to work for an hourly wage, and I thought that was a good system. You had to take care of the maintenance of your own bike, but you could easily deduct the costs associated with this from that hourly wage. I always fixed my bike myself, so I was okay with that. I simply declared the hours I wanted to work, I went to work, and two weeks later I would receive my wage, and that was okay. If you had an accident, you had no insurance to fall back on. Now, Deliveroo tried to improve the insurance part ... you can take an insurance via Deliveroo or a separate one, and you have to pay for it ... but we don’t really work as service providers, we are given tasks (you can refuse 3 tasks, but no more), and that is where service provision stops. With Takeaway, in contrast, you still get the fixed assignments, so you are still an employee more or less, but on the other hand, you do get the freedom to choose your schedule. You are fully insured, so I prefer Takeaway. There is more transparency with Takeaway.”*

Besides the points mentioned above, the worker also stated that Deliveroo expects couriers to bring their own bike, whereas Takeaway provides bicycles. In general, the platform worker was much more positive about Takeaway than Deliveroo – this is in line with the most recent communication from the unions. One recent action by the BTB branch of the ABVV/FGTB union was to have lunch delivered by Takeaway at the Deliveroo headquarters in Brussels, as a way to trigger the Deliveroo management to have a meeting with the unions.

The **motivations** to work in the platform economy mentioned in the interviews and focus group discussion correspond to those reported in the literature for Belgium and other countries: flexibility, independence, opportunity to earn additional income, make better use of available time, opportunity to build up clientele and develop a business, accessibility of work (low thresholds to labour market entry), and the level of autonomy, among other reasons. Especially the low thresholds to start working were important:

*“With Deliveroo, it was very easy. I just approached someone in the street and asked if there were spots available for students looking to do this type of work. The courier replied that I should go to the website, which I did. He told me that the only thing I would need was a bike and a phone. I submitted my application*

*through the website, and immediately got a reply ... I was invited for an interview a few days later. When I got there, Deliveroo gave a power point presentation to the group of workers they had invited, and afterwards I had a very short one-on-one interview. I received my backpack and gear, and that was it. You could start working the next day."*

Another platform worker also explained that quitting was easy. The worker just has to write an e-mail saying that they want to stop working and hand in the materials received. None of the workers participating in the focus group or interview had any real training on how to perform the work, and none were requested to show certificates that they are able to do the work. In the case of micro work, some interviewees were a bit worried about this, as this also implies that non-professionals can execute relatively dangerous work, such as fixing electricity or heating systems. One of the workers does tutoring, but did not have to provide any certificates of pedagogic training or ability to work with children. One of the platforms this platform worker uses, however, does request a certificate of good behaviour.

Two participants of the focus group said that the tax regime is an important reason for them to work in the platform economy, as they are sure that **their work is legal**. One worker is retired and was already offering tutoring services through different platforms and organisations, but this was in a legal grey area. Another platform worker said that without the platform economy, the most attractive options for a student to earn additional money would be to work in the hospitality sector, where work tends to be undeclared (or at least partially undeclared). For that reason, the worker preferred the platform economy.

Workers are also faced with some **disadvantages or challenges** when working in the platform economy, such as communication issues with the platform and clients, unpredictability of wages and working hours, poor working conditions more generally, unclear employment status, limited access to social security, and others. Many of these issues had also been identified in previous chapters.

Platform workers active on food delivery platforms, for example, reported that **wages** can be quite low, especially when they are paid per delivery rather than per hour. One platform worker was earning €9 per hour before Deliveroo changed the payment system, and earned €5 per delivery afterwards. The worker also explained that the platform charges a 10% fee on any earnings made, including tips. Workers doing micro work using ListMinut, in contrast, reported that they can set their own prices (e.g. €25 per hour). Workers set their prices so that they can recover investment in equipment and materials, and have a sufficiently high income left after the platform's fee has been deducted.

In relation to remuneration, Belgian platform workers are well informed about the **taxation regime** that was introduced in 2016, and many of them referred to it explicitly during the interviews and focus group discussion. In fact, especially workers who are not self-employed in their main profession, make sure their earnings remain below the maximum cut-off level, to avoid having to register as self-employed. As regards the tax regime, several workers stated that they are satisfied with the regime introduced in 2016,<sup>19</sup> and would like to see the government reduce the tax rate or raise the maximum level of earnings.

Platform workers earning less than the maximum level, however, do not have a clear **employment status**. Some interviewed workers were, therefore, not entirely sure what their employment status as platform workers is. Platform workers generally **do not have access to social security** through their platform work

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<sup>19</sup> Note that all interviews were conducted before the most recent changes were implemented.

activities, but depend on their main activity outside of the platform economy. The majority of the workers, however, did not find this problematic precisely because they had a main activity.

When it comes to **insurance**, platform workers are not always aware of whether they are insured and for what. Platform workers using ListMinut reported that the client is insured, but they are not – it should be noted that in this case a difference should be made between those earning more or less than the cut-off level. Platform workers in the transportation sector reported that their mobile phone is usually not insured when working through a food delivery platform. One worker stated that having insurance is key as this worker saw two colleagues fall while doing delivery work.

Against this background, it is clear that platform work is a viable career option for some platform workers, but not for others. None of the bicycle couriers interviewed, for example, see platform work as a long-term career option. One of them stated that he is *“not willing to work for Deliveroo on a permanent basis”*. This is very different for the workers using ListMinut or involved in micro work, as some of them are using the platform economy as a trampoline to start or expand their own business. One worker participating in the focus group declared that he could envisage working more in the platform economy, as he very much enjoys this.

#### 4.2.2 Organisation and representation of platform workers

Of the platform workers interviewed, **only a few were aware of any organisation or union that organises and represents them as platform workers**. Platform workers in the **transportation sector** were aware of some initiatives. This is not so surprising considering that most efforts towards organisation and representation of platform workers in Belgium are concentrated in this sector (both bottom-up and top-down initiatives, which have joined forces).

During the interviews, most workers indicated they were not aware of any initiatives towards organisation and representation of platform workers, though several of them are union members in the context of their work outside of the platform economy. Some platform workers further stated that even if such initiatives did exist, they would **not be interested** in joining them. **Other platform workers do see the benefit** of such an organisation, for example for obtaining information about their rights and obligations.

One worker working on a general services platform mentioned that if any issue emerges, they prefer to **reach out to other workers or get in touch with the platform directly**, rather than trying to solve the issue through a union or workers' organisation. Platform workers, however, do **not always have much contact with other workers or with the platform**.

For some platform workers, this lack of contact is not an issue. As one platform worker involved in micro work on ListMinut said, *“we regard ourselves as self-employed, not employees, and do not expect to have colleagues as such”*. Although the platform is organising events where platform workers can meet, there was only little interest among the workers in participating in such events. One worker had participated and noticed that there was only one other individual present doing the same type of work. These workers are not necessarily against worker organisation, informal or formal, but felt that this should be optional (i.e. by choice). Some workers had a very good relationship with the platform and communicate with platform on a regular basis; others had much less contact.

Thinking of the case of **delivery couriers**, another worker participating in the focus group argued in favour of having organisations that represent platform workers:

*“I think they (platform workers) should be sufficiently protected (in terms of accidents). Whether that is organised by the government or by the workers themselves ... I understand that it is difficult to organise them, there is a high turnover; and these are young people, many of them are students, who are just studying and doing this work as a small job on the side, and together with the high turnover it would be difficult for them to organise themselves, so maybe this should be organised externally.”*

In the transportation sector, there appears to be more contact among workers themselves. In particular, food delivery riders are in touch with **other platform workers**: for example, they see each other in the street, at a meeting point or in the garage, and have a discussion forum through which they interact. One worker explained that usually 5-10 people are waiting in the same location for work, so workers have the opportunity to talk to each other. Most of the bicycle couriers interviewed felt that their relationship with the **platform** is much more complicated. One person explained that Deliveroo moved its customer support department to Madagascar, which caused a lot of issues (e.g. delayed replies, language issues). In the case of Takeaway.com, workers and the platform interact via one big chat forum and there is no option to directly contact the person you need. If an issue arises, Takeaway couriers have to send a picture of their number, tag the dispatcher in their message in the general chat box, and hope that the dispatcher sees it in a timely manner.

Some of the platform workers interviewed had **been in touch with a union in relation to their activities**. One of the bicycle couriers, for example, **reached out to a trade union for help** in addressing an issue with their contract. This worker's girlfriend did not receive a study allowance, as the worker had been registered as a permanent employee by mistake (the worker was a full-time student at the time) and neither Deliveroo nor SMart could explain why this mistake had occurred or offer any help in resolving it. When the platform worker approached Deliveroo about the issue, the platform referred the worker to SMart, and vice versa. After multiple rounds of being turned away by the platform and Smart, the platform worker went to a trade union to ask for help. As the worker explains:

*“I had a lot of problems with Deliveroo ... There was a registration error, and neither Deliveroo nor SMart could figure out what went wrong. I went to Deliveroo and pretended that I had an issue with my backpack to get into the office, to discuss the registration error. I explained that the situation was unacceptable; we are talking about a study allowance of €800; my girlfriend and I cannot afford to lose this money. But Deliveroo said that they are not the ones paying me, and told me to go to SMart. I went to SMart, but there, however, I was told that I had been registered as a permanent employee all along, which meant that we would lose two years of study allowances. After approaching Deliveroo again, they gave me the same reply, so I gave up. I went to the union to ask for help (general department of ABVV/FGTB). The union told the worker that in principle, they could not really help, because I was a student and should have been fully protected. The general department referred me to the ABVV BTB (transportation department, which was already working with bicycle couriers). At BTB, I met someone who offered to help, but asked for all paperwork I received, and e-mails. It took a few weeks, and I was very worried as I believed that my studies and my girlfriend's studies would be ruined because of this issue. The union representative explained that it was very difficult for them to find out what happened, as all information was difficult to access, and the only thing they could use was the contract (which is very basic but lists your status) ... I met several other people who faced similar issues, after a procedure was started up by BTB ... In the end, however, the union managed to resolve this issue, luckily.”*



The platform worker was not aware of any trade union initiatives in the transportation sector, but decided to approach a union as the worker did not know where else to turn. After dealing with all these issues, the worker stopped working with Deliveroo and switched to Takeaway.

In addition to the initiatives discussed above, there are a number of other examples of actions or initiatives from platform workers, often in collaboration with platform workers, workers' organisations, and unions from Belgium or abroad. A particularly important example is the **Belgian Couriers Collective**. Next to these initiatives, there have been several protests and actions against the platform economy. For example, on 16 September 2015, a protest was organised by taxi drivers in response to Uber.

#### **Box 4. The Belgian Couriers Collective (Collectif des Coursier-e-s / KoeriersKollektief)**

The Belgian Couriers Collective (Collectif des Coursier-e-s / KoeriersKollektief) was created by platform workers in 2016, after food delivery platform Take Eat Easy went bankrupt (Willems, n.d.). The Couriers Collective has an active Facebook Group that had more than 1,750 followers in August 2018. The group brings together couriers from Deliveroo, Takeaway, UberEats and similar platforms. While its focus is on Belgium, the Couriers Collective is in touch with couriers and organisations active in other countries. The Collective was started with the aim to defend couriers' rights, share information with its members, exchange ideas for actions, organise activities, and so on.

The Couriers Collective is supported by several Belgian trade unions, whose members are also active in the Facebook group and provide information and support. Vandaele (2017), for example, reports that CSC-Transcom and CNE offers assistance to the group when they undertake actions and in negotiations. An interviewee of the trade union ABVV/FTGB, similarly, explained how that union engages with the Collective as well as couriers that are not members of the Collective, in the form of support for actions and negotiations, information provision, and other activities.

Supported by the unions, the Belgian Couriers Collective has organised a range of protests, strikes and other actions. For example, in July 2017 30 platform workers protested against the working conditions and the relocation of Deliveroo's customer service centre to Madagascar (Vandaele, 2017). This protest was supported by the unions. Another example is the various meetings, protests and strikes following Deliveroo's announcement to stop the collaboration with SMart; for example there was a meeting on 25 November 2017, a strike on 8 January 2018, and another strike on 20 January 2018, after which the Collective had meetings with the Deliveroo management, Minister Peeters (Federal Government) and Minister Gosuin (Brussels government) (ibid). The Couriers Collective also gathered a strike fund to pay out couriers who participate in strikes.<sup>20</sup>

*Note:* The Facebook Group can be found here: <https://www.facebook.com/collectif.coursiers/>

*Source:* Willems (n.d.), Vandaele (2017), Eurofound (2018), among others mentioned in the text.

### **4.3 Summary**

- Platform owners and representatives are **less engaged** in the debate on the platform economy in Belgium than other actors. In addition, there are no clear examples of efforts towards organisation and among platforms. Platforms do interact with their workers on issues related to employment and working conditions, but prefer to negotiate on an individual basis rather than with a group of

<sup>20</sup> See <https://www.joc.be/rencontre-avec-le-collectif-des-coursier%C2%B7e%C2%B7s-de-la-lutte-a-la-cooperative/>



workers or a trade union. Whereas some platforms are easy to contact and provide information to their workers, others are much more difficult to approach.

- **Platform workers have been vocal in the debate**, both individually and through informal and formal workers' organisations. Workers recognise both the advantages and risks of platform work, but are affected by them differently, depending on the type of work, platform and their individual circumstances. For some, platform work is an attractive type of work that they wish to continue doing in the future; for others, it is a temporary activity that allows them to earn some extra money. Regarding organisation and representation, only a limited number of platform workers is aware of any organisation (formal or informal) that represents them as platform workers. Those who are aware, are not always interested or engaged. Still, especially in the transportation sector, several initiatives towards organisation and representation exist, and these tend to be supported by the trade unions. Workers have organised strikes, protests and other actions, in collaboration with unions and workers' organisations from other countries.
- When it comes to **regulating the platform economy**, opinions are quite nuanced. Platforms have warned against too strict regulation. The platform workers, on the other hand, had more mixed opinions. Some workers are very much in favour of the tax regime of the Belgian government, and hope it will be further revised to make platform work even more attractive. Other workers pointed to the remaining issues that are still on the table, such as access to social protection and insurance, and are looking to the government for solutions.

## Chapter 5. Conclusions

Although there is a growing body of research on work in the platform economy, the role of social dialogue in this context has been underexplored. In order to address this issue, the IRSDACE project, on “*Industrial Relations and Social Dialogue in the Age of the Collaborative Economy*”, set out to map initiatives towards organisation and representation in seven EU member states and compare them in a structured way.

This study presents an overview of the state-of-play of the platform economy in Belgium, with a particular focus on industrial relations and social dialogue between platform workers, platforms, social partners and the government. It examines the discourse, perceptions and experiences of each of these actors with the platform economy. Methodologically, the study is based on desk research, web data analysis, interviews and a focus group discussion. Belgium presents an interesting case due to the richness of the debate, the involvement of government representatives, social partners, platform workers and other stakeholders, as well as the policy measures implemented.

The platform economy in Belgium is still relatively small in size when the number of clients or workers or the total amount of revenue is considered. Similar to other EU countries, the platform economy in Belgium is concentrated in a few sectors, including the transportation and accommodation sectors. In many ways, the platform economy in Belgium is not so different from that in other countries, for example as regards the motivations of workers to participate, or the advantages and risks identified. Although Belgium is not among the frontrunners in terms of awareness and participation in the platform economy as clients or workers, the country is a frontrunner in regulating the platform economy.

In Belgium, policy-makers have been very active participants in the debate on the platform economy, and the country is one of the few with dedicated legislation aimed at the platform economy. The favourable taxation regime introduced in 2016 was welcomed by many, but also left open a number of issues related to employment status and access to social security. In particular, the unions were sceptical for these reasons. Platform workers, on the other hand, are well aware of the taxation regime and many of them make sure that their earnings stay below the cut-off level. Furthermore, platform workers that fall under the regime are often not concerned about their employment status and believe they have access to social security through their main activity. Workers, however, are often worried about (accident) insurance, working conditions, and remuneration.

With the revision of the law in the summer of 2018, the applicable tax rate was further reduced and the maximum earnings level was raised. The revision, however, was heavily criticised even before it was made, because it fails to address open issues and links the platform economy with activities of a very different nature. As the revision was implemented over the summer, it is not yet clear what its impact will be. For example, it is not known whether it will encourage more platforms to register, or generate additional tax revenues.

Industrial relations and social dialogue in the platform economy are still in the early stages in Belgium, but also beyond. Nevertheless, some examples of organisation and representation of platform workers (both formal and informal efforts), as well as examples of collective action and negotiation have been identified. These examples are set in the transportation sector, where food delivery couriers have been particularly active in this regard. Platform workers may meet in the street but tend to organise themselves online, via Facebook groups or through other social media. This has led to a number of informal organisations, such as the Couriers Collective, which represents workers’ collective interests, with the support of trade unions.

Considering the involvement of social partners in the platform economy, similar cases are likely to emerge (also in light of Belgium's well-developed industrial relations structures and rich history of social dialogue).

Next to these bottom-up initiatives, trade unions have reached out to platform workers both online and offline. In these initial stages, trade unions are focusing on providing information and support to platform workers, and on trying to influence the policy framework. Trade unions and employers' organisations have discussed the topic of the platform economy in several advisory bodies and formulated recommendations to the government. Notwithstanding the examples of organisation and representation of workers, only a small number of platform workers are aware of these initiatives or engaged in them. The platform economy presents new opportunities, but also challenges for trade unions.

On the platforms' side, much fewer efforts towards organisation can be found and platforms indicated they prefer one-on-one negotiations with their workers. Government representatives, however, underlined the potential and need for industrial relations and social dialogue in the platform economy. It remains an open question whether the efforts towards organisation and representation in the platform economy will include platforms better, and spread to other sectors beyond the transportation sector. Furthermore, the policy measures adopted by the government should be evaluated, and there is a broad consensus that more attention should be devoted to issues related to working and employment conditions.

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## Appendix

### Appendix A. Overview of interviewees

Table 2. Overview of interviewees

Expert Interviews	
Type of expert	Number of experts
Social partners	4 (3 trade unions, 1 employers' organisation)
Government representatives	4 (1 member of cabinet, 3 administration)
Academics and researchers	2 (1 academic, 1 research institute)
Worker Interviews	
Type of interview	Number of interviewees
Focus group	4 (2 transportation, 2 micro work)
Interview	6 (micro work, though different activities)

Note: There are no interviewees representing the accommodation sector, as this topic has hardly been addressed from the labour angle in Belgium, and only part of the income gathered through accommodation platforms would fall under the regulation.

Source: Authors' own elaboration.

## Appendix B. List of officially recognised platforms (update 24 July 2018)

**Table 3. List of licensed platforms**

KBO Number	Name	Website	Date accreditation entered into force
0503.832.450	ListMinut	<a href="http://www.listminut.be">www.listminut.be</a>	01.03.2017
0663.983.212	Conceptz	<a href="http://www.klaariskees.be">www.klaariskees.be</a>	10.03.2017
0662.444.078	Heetch Belgium	<a href="http://www.heetch.com">www.heetch.com</a>	01.04.2017
0665.814.730	Pwiic	<a href="http://www.pwiic.com">www.pwiic.com</a>	15.03.2017
0668.638.519	BRANPONT	<a href="http://www.bijlesherent.be">www.bijlesherent.be</a>	15.03.2017
0400.523.292	Daoust	<a href="http://www.dajobs.be">www.dajobs.be</a>	01.04.2017
0666.835.111	Your private butler	<a href="http://www.yourprivatebutler.com">www.yourprivatebutler.com</a>	03.04.2017
NL856287386B01 (N° TVA)	Uber Portier BV	<a href="http://www.ubereats.com">www.ubereats.com</a>	01.03.2017
0882.782.152	MY SHERPA	<a href="http://www.mysherpa.be">www.mysherpa.be</a>	01.05.2017
0673.789.021	HOMEYZ	<a href="http://www.homeyz.be">www.homeyz.be</a>	01.05.2017
0660.749.449	Opleiding en huiswerkinstituut	<a href="http://www.huiswerk-instituut.be">www.huiswerk-instituut.be</a>	01.06.2017
0673.790.011	Helppeer	<a href="http://www.helppeer.be">www.helppeer.be</a>	15.06.2017
0674.685.181	StarPirates	<a href="http://www.kluster.work">www.kluster.work</a>	01.06.2017
0870.869.166	Red Carrots	<a href="http://www.deelplatform.be">www.deelplatform.be</a>	01.11.2017
0674.759.516	Wetasker	<a href="http://www.wetasker.com">www.wetasker.com</a>	01.06.2017
0632.989.039	Vengo	<a href="http://www.vengo.technology">www.vengo.technology</a>	01.07.2017
0674.799.306	Shippr	<a href="http://www.shippr.be">www.shippr.be</a>	30.06.2017
0540.564.865	Optibi	<a href="http://www.bijleshuis.be">www.bijleshuis.be</a>	15.06.2017
0841.183.505	LSQ	<a href="http://www.shortstreet.be">www.shortstreet.be</a>	15.12.2017
0678.988.221	Eigenonderwijs	<a href="http://www.eigenonderwijs.be">www.eigenonderwijs.be</a>	01.09.2017
0635.821.538	Het Bijlesbureau	<a href="http://www.hetbijlesbureau.be">www.hetbijlesbureau.be</a>	01.10.2017
0635.738.988	Parcify	<a href="http://www.parcify.be">www.parcify.be</a>	01.10.2017
0822.138.049	MIXLE	<a href="http://www.crowdfilms.be">www.crowdfilms.be</a>	01.01.2018
0659.717.883	BeautyDash	<a href="http://www.beautydash.be">www.beautydash.be</a>	01.08.2017
NL857915812B01 (N° TVA)	Howala	<a href="http://www.howala.com">www.howala.com</a>	01.01.2018
0680.415.111	Centrum voor duurzame digitale onderwijsontwikkeling	<a href="http://www.bijleszoeker.be">www.bijleszoeker.be</a>	01.12.2017
0832.976.810	Sagio	<a href="http://www.sagio.be">www.sagio.be</a>	10.12.2017
0633.775.036	DELIVEROO BELGIUM	<a href="http://www.deliveroo.be">www.deliveroo.be</a>	18.01.2018
0684.751.902	PLAT ENTRE VOISINS	<a href="http://www.plat-entre-voisins.be">www.plat-entre-voisins.be</a>	01.12.2017
0807.261.417	TRIXXO EXXTRA	<a href="http://www.trixxo.be">www.trixxo.be</a>	01.12.2017
0598.910.464	PMO-B	<a href="http://www.tutor4expats.be">www.tutor4expats.be</a>	01.10.2017

Source: Federal Government Department Finance.



**Table 3. List of licensed platforms (continued)**

KBO Number	Name	Website	Date accreditation entered into force
0680.651.176	BM	<a href="http://www.wellness-web.be">www.wellness-web.be</a>	01.12.2017
0642.970.240	Nestor	<a href="http://www.martha.be">www.martha.be</a>	01.01.2018
0476.425.002	COGITO	<a href="http://www.cogitobelgium.com">www.cogitobelgium.com</a>	01.10.2017
0542.906.426	SUPERVAKANTIE	<a href="http://www.supervakantie.vlaanderen">www.supervakantie.vlaanderen</a>	16.10.2017
0897.402.032	FIMMUS	<a href="http://www.500euroextra.be">www.500euroextra.be</a>	15.12.2017
FR67817550130 (N° TVA)	BIRDIZ	<a href="http://www.birdiz.com">www.birdiz.com</a>	01.01.2018
0811.426.576	GROUP DAENENS	<a href="http://www.nettobijverdienen.be">www.nettobijverdienen.be</a>	01.02.2018
0686.791.078	KLEENY	<a href="http://www.washer.be">www.washer.be</a>	01.02.2018

Source: Federal Government Department Finance.