



## Newsflash

### European Commission proposes measures on platform workers

On 9 December 2021, the European Commission proposed a set of measures to improve the working conditions of platform workers. The objective is to ensure that people working through digital labour platforms enjoy the rights and benefits they are entitled to, and to provide additional protection as regards the use of algorithmic management. To this end, the Commission is putting forward a proposal for a Directive covering three main areas.

First, it would seek to ensure that people working through platforms are granted the legal employment status that corresponds to their actual work arrangements. To determine whether the platform is an employer, the Commission has provided a list of five control criteria, of which two are sufficient to legally presume employability. A recent analysis conducted by the European Trade Union Confederation has found that Europe's biggest platform companies would meet the majority of the criteria and therefore be classed as employers.

Second, the Directive increases transparency in the use of algorithms by platforms, ensures human monitoring of whether they respect working conditions, and gives the right to contest automated decisions.

Finally, in light of the fact that national authorities often struggle to access data on platforms and the people working through them, the Directive clarifies existing obligations on declaring work and asks platforms to make key information available to them.



**3**  
key areas covered by a new platform directive.

### Bullying culture in fine dining restaurants

A recent study conducted by Cardiff University revealed that violence, bullying and aggressive behaviours are commonplace among elite chefs employed in fine dining restaurants.

The study draws on 47 interviews with chefs employed in Michelin-starred kitchens around the world, mostly in European countries. It shows how working in closed, hidden-away kitchen environments influences the generation and reproduction of violent and aggressive behaviours. With isolation comes concealment, freedom from external scrutiny and the opportunity to act 'in a different way', as one participant described. More than the male-dominated culture and extreme pressure, it is the 'geography of the workplace' that causes misbehaviours among elite chefs.

But the study pointed out a paradox. Despite the brutality, most of the chefs interviewed reported a strong sense of camaraderie and were a highly productive and committed workforce. As co-author Rebecca Scott explained, 'the chefs we spoke to gained a sense of belonging from their collective experience of physical, stressful, fast-paced work'. It is this feeling of community which enables them to 'remain highly productive and committed despite the often brutal working conditions they experience'.

Measures are desperately needed, as poor working conditions and pay make chef retention difficult. A report from the Centre for London shows that around 20 000 chefs across the UK leave their roles every year.



**250**  
testimonies exposed Orpea's system of maximising profits.

**20 000**  
chefs quit every year across the UK.



### Nursing home group Orpea at the centre of another scandal

The Orpea group is a leading global player in the field of healthcare and homes for the elderly, running a network of 1 156 establishments and offering more than 100 000 beds in 23 countries, mainly in Europe. In France, Orpea's management methods have been the subject of regular scandals since 2014.

The latest scandal was revealed by journalist Victor Castanet in an investigation based on 250 testimonies, in which he exposed the system developed by Orpea to maximise its profits and the dividends paid to its shareholders — a complex strategy based on drastic cost-cutting and the maximum use of public funding. On top of the prohibitive rates charged, he revealed a range of abusive practices directly impacting the quality of care for residents and employee working conditions: systemic shortages of care staff, a ban on replacing absent staff, and the rationing of food and healthcare products. The journalist was even offered 15 million euros not to publish his work.

As a result of these revelations, Orpea is now the subject of a twofold — administrative and financial — investigation ordered by the French government. It was already the subject of charges from families concerning the deaths of elderly residents during the first lockdown. Jan Willem Goudriaan, General Secretary of the European Federation of Public Service Unions, is calling for an extension of the investigations to other EU Member States.

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# 115 500

## health workers died from Covid-19 during first 18 months.

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### Health workers are facing dangerous neglect of their health and safety

In a joint publication, the International Labour Organization (ILO) and the World Health Organization (WHO) have urged greater safeguards to protect health workers. The healthcare sector is known to be a stressful industry with high burnout rates, workplace violence and harassment, musculoskeletal disorders, infections, and allergies, all resulting from poor working conditions. But the Covid-19 pandemic has taken an additional heavy toll on health workers and, more generally, on frontline workers.

The joint call for action from the ILO and WHO points at the 'dangerous neglect' of the health, safety and wellbeing of healthcare workers. 'Only a few healthcare facilities had programmes in place for managing health and safety at work', said Maria Neira, Director of WHO's Department of Environment, Climate Change and Health. The crisis has exposed the cost of this systemic lack of safeguards, with approximately 115 500 health workers dying from Covid-19 during the first 18 months of the pandemic.

Beyond exposing these issues, the ILO and WHO have provided recommendations on how to develop and implement stronger OSH programmes for health workers. Specifically, the report stresses the need for a comprehensive and sustainable approach, implemented at national, sub-national and health facility levels, and covering all types of risk factors – infectious, ergonomic, physical, chemical, and psycho-social.

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### P&O Ferries' sudden sacking of 800 crew members

P&O Ferries, a British shipping company operating ferries to Ireland and continental Europe, sacked 786 crew members on 17 March to replace them with cheaper workers earning as little as £1.80 an hour – almost four times lower than the national minimum wage. Many of them were sacked by video message.

According to the national organisation of British trade unions (TUC), the company should face legal action for its failure to consult with staff. 'UK law requires companies to consult with workers and unions before making redundancies. The company are clear that they did not do this,' said General Secretary Frances O'Grady. P&O claims it did not act illegally.

According to an anonymous source within P&O, agency staff made between roughly £916 and £1,298 a month prior to the sacking, equating to less than £3 an hour on their 11-hour-day, seven-day-week rota. The crew could leave the boat while it was moored but were not allowed to take a weekend off. P&O insider and Labour Party member Karl Turner described the working conditions as like living on a 'floating prison'.

This is not the first time the company displays such disregard for workers. In May 1988, P&O European Ferries sacked 400 personnel at Dover to replace them with untrained crew and strike breakers, which created a safety risk to passengers.



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# 11-hour days, 7-day weeks, £3 an hour.

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# 4

## family members lost to mesothelioma.

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### Eternit trial: fairer compensation for asbestos victims?

28 April 2022 marked the beginning of a trial against the fibre cement company Eternit in Belgium. The plaintiff Eric Jonckheere is suing the company, holding it civilly liable for exposing not only its workers to asbestos, but also those living near to the factory. Although this lawsuit follows other court decisions involving Eternit, the strategy adopted could have consequences for the whole process of compensating asbestos victims in Belgium.

Jonckheere is suffering from mesothelioma, a serious disease of which the only known cause is asbestos. He is the fifth member of his family to suffer from this disease, the other four having died. Not only did Eric's father work for Eternit, but his whole family lived in the vicinity of the factory, whose responsibility for playing down the dangers associated with asbestos and failing to take appropriate countermeasures has already been recognised by Belgian courts.

As things stand in Belgium, victims of environmental or household exposure can obtain compensation by filing a claim with the Asbestos Victims Compensation Fund, which provides rapid and lump-sum compensation for victims of several diseases caused by asbestos. However, anyone using this fund is forced to waive the second route to compensation: legal recourse.