

# DIGITAL LABOUR PLATFORM (DLP) REGULATION IN CROATIA

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## ABSTRACT

*Digital labour platforms (DLP) represent one of the most visible results of the latest technological revolution in the world of work. Working through online platforms in the Republic of Croatia is a relatively new phenomenon which has seen significant growth in the last few years, especially since the arrival of digital platforms such as Uber, Bolt, Wolt and Glovo, which operate in Croatia in the transport and delivery services. Although this phenomenon started before the COVID-19 crisis, for many platform workers the workload increased sharply due to the impact of the pandemic. The types of work offered through platforms are ever-increasing, as are the challenges for regulators.*

*In an effort to modernize and align Croatian labour law with the contemporary challenges, the amendments to the Croatian Labour Act governing work on digital platforms took effect on 1 January 2024, before the formal adoption of the EU Platform Work Directive in April 2024. With this regulatory harmonization, the Croatian legal framework represents one of the earliest regulations on platform work within the European Union.*

*This paper provides a concise overview of the main novelties brought by the Croatian Labour Act, as well as the key features from the EU Platform Work Directive. The analysis will also examine the Report on the state of Platform Work for the year 2024, which has to be published by the Croatian Ministry of Labour, Pension System, Family and Social Policy by 31 January 2025, being the first report since the implementation of the Unified Electronic Work Records ("JEER") system. The report is expected to provide a more detailed insight into the state of platform work in Croatia. A particular emphasis will be placed on foreign migrant workers, whose number is constantly growing and who are often employed as platform workers. Conclusions will be drawn on the necessary legislative changes during the formal alignment with the adopted directive.*

**Keywords:** *Croatia, digital labour platforms, EU Platform Work Directive, labour market, platform work*

# 1. INTRODUCTION

## 1.1. The emergence of work on digital platforms

Rapid technological progress and the expansion of the internet have led to the Fourth Industrial Revolution, which is now re-defining the global economy and its labour markets. Digital platforms are one of the key outcomes of such a revolution<sup>1</sup>, brought about by a combination of decentralized information networks, big data analytics and mobile digital devices.<sup>2</sup> This emerging form of work has driven the evolution of case law and prompted legislative changes in labour laws across various countries.

One of the defining aspects of platform work is its tripartite structure, which involves three key participants: the online platform, the platform worker, and the client. However, very often, the structure of digital platform work is in fact quadripartite, as it involves the online platform, a platform worker, a client but also an intermediate partner company („aggregator“).<sup>3</sup> Platform work is characterized by its inherent diversity, posing substantial challenges in classification and legal regulation. Despite this complexity, there is a broad consensus on a fundamental distinction based on the location where work is performed<sup>4</sup>. Digital labour platforms can be broadly categorized into two primary types: crowdwork and gig-work<sup>5</sup>. Crowdwork is conducted remotely via the internet, allowing workers to complete tasks from any location, encompassing a wide range of activities, such as simple microtasks (e.g., data categorization, image labelling) and more complex tasks (e.g., software testing, product design). Gigwork<sup>6</sup>, on the other hand, requires workers to be physically present at a designated location and time, as seen

<sup>1</sup> World Economic Forum, *The Fourth Industrial Revolution: what it means, how to respond*, 2016, [https://www.weforum.org/stories/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond], Accessed 23 March 2025

<sup>2</sup> Urzì Brancati M.C.; Pesole A.; Fernández-Macías E., *New evidence on platform workers in Europe, Results from the second COLLEEM survey*, 2020, p. 7.

<sup>3</sup> Bjelinski Radić, I., *Kritička promišljanja o prijedlogu Direktive o poboljšanju radnih uvjeta platform-sih radnika*, Zbornik Pravnog Fakulteta u Zagrebu, 2022, p. 1468., see also: Todoli-Signes, A., *The 'gig-economy': Employee, self-employed or the need for a special employment regulation?*, Transfer: European Review of Labour and Research, Vol. 23, Issue 2, 2017, pp. 140.

<sup>4</sup> De Stefano, V.; Aloisi, A., *European legal framework for digital labour platforms*, Publication Office of the European Union, Luxembourg, 2018. p. 8.

<sup>5</sup> For more comparison see: Dumančić, K.; Načinović Braje, I.; Aleksić, A., *Legal and Organizational Aspects of Labour Relations in the Collabourative Economy*, in: Teli, M.; Bassetti, C. (eds.), *Becoming a Platform in Europe: On the Governance of the Collabourative Economy*, Now Publishers Inc., Boston/Delft, 2021, p. 215.

<sup>6</sup> More about: Dumančić, K.; Načinović Braje, I.; Wittine, Z., *GIG WORK: The Challenges for the Protection of Platform Workers' Rights*, pp. 933-944.

in services like ride-hailing, food delivery and domestic services.<sup>7</sup> It is important to distinguish between different forms of employment for platform workers, as their status can vary depending on the sector, platform practices, and national labor and tax regulations. Platform workers may either be employed directly by the platform (which is uncommon) or, more frequently, by a partner company acting as an intermediary. Alternatively, they may work as registered self-employed individuals or freelancers.<sup>8</sup> This distinction is crucial because labour law regulations apply to dependent work, whereas self-employment is governed by civil and commercial law.<sup>9</sup>

The emergence of platform work was accelerated by the COVID-19 pandemic. During that time, digital labour platforms played a crucial role in helping many businesses remain operational by providing much-needed flexibility. For instance, numerous restaurants were able to continue their activities during lockdown thanks to food-delivery platform services. However, despite this adaptability, the COVID-19 crisis has underscored the necessity of ensuring access to social protection and safeguards against occupational risks for platform workers. Platform work appears in numerous different forms, and the range of activities carried out through digital platforms is constantly expanding. Data shows that there were around 28 million platform workers in the EU-27 in 2022, and it was estimated that this number would grow to 43 million by 2025.<sup>10</sup> For comparison, this figure is ten times the total population of the Republic of Croatia.

## 1.2 The emergence of work on digital platforms in Croatia

Working through online platforms in the Republic of Croatia is a relatively new phenomenon, which has seen significant growth in the last few years. While digital platforms have been a global trend for some time, their widespread adoption in Croatia was notably accelerated by the events of the year 2020. The COVID-19 pandemic, followed by stringent lockdown measures, and the devastation caused by two powerful earthquakes that struck the country that year, particularly af-

<sup>7</sup> Eurofound, *Non-standard forms of employment: Recent trends and future prospects*, 2017, [<https://www.eurofound.europa.eu/en/publications/2017/non-standard-forms-employment-recent-trends-and-future-prospects>], Accessed 22 March 2025, p. 22.

<sup>8</sup> Vukorepa, I., *Cross-border platform work: riddles for free movement of workers and social security coordination*, Zbornik Pravnog Fakulteta Zagrebu, Vol. 70, Issue 4, 2020, p. 487.

<sup>9</sup> For more see: Bjelinski Radić, I., *Novi oblici rada kao suvremeni izazov za radno pravo – slučaj UBER*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol.38, Issue 2, 2017, pp. 881-905.

<sup>10</sup> Impact Assessment Report accompanying the Proposal for a Directive of the European Parliament and of the Council to improve the working conditions in platform work in the European Union, Staff Working Document, European Commission, 2021., p. 19.

fecting the city of Zagreb, were key catalysts in this shift<sup>11</sup>. As businesses closed their physical locations and individuals were forced to stay at home to prevent the spread of the virus, the demand for remote work and online services skyrocketed. For many workers whose businesses were no longer operational or whose industries had ground to a halt due to the pandemic or earthquake-related circumstances, platform work emerged as an existential solution. Those workers turned to platform work as a way to maintain their income.

Moreover, the reliance on these platforms highlighted a growing need for regulatory frameworks to protect platform workers in Croatia. In an effort to modernize and align Croatian labour law with contemporary challenges, the Republic of Croatia has become the first country in the European Union to fully regulate work<sup>12</sup> performed through digital labour platforms<sup>13</sup>, even before the official adoption of the EU directive on improving working conditions in platform work<sup>14</sup>. In the explanation of the final proposal of amendments to the Labour Act, the Government of the Republic of Croatia highlighted the regulation of platform work as one of the key challenges of modern labour legislation. Considering both the advantages and disadvantages of this form of work, the Government of Croatia deemed it necessary to balance supporting the sustainable growth of digital labour platforms and ensuring their transparency with securing decent working conditions for individuals engaged in platform work.<sup>15</sup>

The legal framework regulating this emerging form of work, introduced through the Croatian Labour Act, came into force on 1 January 2024.<sup>16</sup> At the same time, the JEER system was implemented under the jurisdiction of the Ministry of La-

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<sup>11</sup> For instance, while in 2018, the platforms Glovo and Wolt had a few thousand deliveries per month in Croatia, by 2020, they were handling several hundred thousand deliveries per month across the entire country. For more, see: Butković, H.; Samaržija, V.; Rukavina, I., *Foreign Workers in Croatia: Challenges and Opportunities for Economic and Social Development*, Institute for Development and International Relations, 2020, p. 70.

<sup>12</sup> By contrast, at other national level, regulation has often approached the phenomenon narrowly and in a fragmented and casuistic way, typically by focusing on specific forms of work provided through platforms (e.g. couriers, urban transport workers) rather than holistically, see: Aloisi, A.; Rainone, S.; Countouris, N., *An unfinished task? Matching the Platform Work Directive with the EU and international 'social acquis'*, *Working Paper 101*, ILO, 2023, p. 5.

<sup>13</sup> Report on the State of Platform Work in Croatia, 2025, p. 1.

<sup>14</sup> Directive of the European Parliament and of the Council on improving working conditions in platform work, Official Journal of the European Union, 2024.

<sup>15</sup> Konačni prijedlog Zakona o izmjenama i dopunama Zakona o radu, Vlada Republike Hrvatske (eng. The Final Proposal of the Act on Amendments to the Labour Act, Government of the Republic of Croatia), p. 65.

<sup>16</sup> Labour Act, Official Gazette No. 93/14, 127/17, 98/19, 151/22, 46/23, 64/23.

bour, Pension System, Family and Social Policy of the Republic of Croatia<sup>17</sup>, which is responsible for maintaining records of work conducted via digital platforms. This paper will examine the key provisions of the Croatian Labour Act related to platform work, as well as the first annual report on its implementation, published by the Ministry for the year 2024. Furthermore, it will explore the novelties introduced by the EU Directive on Improving Working Conditions in Platform Work and outline the necessary legislative amendments required to align national regulations with the adopted directive.

## **2. THE CROATIAN LABOUR ACT**

The new provisions regulating work through digital platforms have been included in Chapter IVa. of the Labour Act (LA) under the title “Work through Digital Labour Platforms”, incorporating Articles 221a to 221p. This chapter of the LA regulates matters related to platform work, defines key terms, and establishes specific rights and obligations arising between employers and workers engaged in such work. Additionally, it sets a minimum level of protection for rights and working conditions when such work is performed by other individuals and outlines the rights and responsibilities of digital labour platforms to ensure their transparent operation, as described in Article 221a. In the following part of this paper, the provisions of the article will be analyzed, divided into 4 thematic sections.

### **2.1. Definitions of Key Terms Related to Platform Work**

Work performed using a digital work platform is considered billable work carried out by a natural person under a contractual relationship with a digital work platform or an aggregator. This work is facilitated through digital technology and can be performed remotely via electronic means, such as a website or mobile application, or directly at a specific location between participants involved in the job (Article 221b). A digital work platform is a natural or legal person that provides services at the request of a service recipient using digital technology. Additionally, an aggregator is an entity that engages in mediation activities for one or more digital work platforms. Both digital work platforms and aggregators must be registered in the records of the competent ministry to operate legally (Article 221c). Regarding employment relationships, Article 221d establishes that a digital work platform or an aggregator is considered the employer of a worker who performs tasks personally through a digital work platform. If an aggregator acts as the work-

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<sup>17</sup> Pravilnik o Jedinstvenoj elektroničkoj evidenciji rada, (eng. Ordinance on Unified Electronic Labour Records), Official Gazette No. 8/2024.

er's employer, the digital work platform is jointly liable for the aggregator's obligations toward the worker. However, the digital work platform may be exempted from this liability if it demonstrates that the aggregator is duly registered, ensures workers' enrollment in pension and health insurance, regularly pays wages, and has no outstanding tax debts. To verify these conditions, the digital work platform may request supporting documentation from the aggregator before entering into a contract or on a monthly basis during the contract's duration.

This provision is particularly significant in the context of Croatia, where many workers enter into contracts with aggregators rather than directly with platforms. Even before the legal regulation of this form of work, platform work was largely carried out in practice with the involvement of aggregators.<sup>18</sup> Relevant data shows that for platform workers offering physical labour services a significant issue is their relationship with aggregators who act as intermediaries between them and the platforms. Aggregators frequently sign employment contracts with workers for only two or four hours per day, while they actually work up to 12 hours daily. The difference in working hours is not reported to the state, avoiding tax payments. All earned income first goes to the aggregators' accounts, and many do not pay any contributions to the state, despite deducting money from workers' earnings as if these payments were being made. To evade VAT obligations, many aggregators frequently shut down their companies, declaring fictitious bankruptcies, only to establish new ones where they transfer all former workers.<sup>19</sup> Digital platforms initially resisted the idea of joint legal responsibility in these situations. However, over time, platforms came to realize that they also benefit from the work facilitated by aggregators. These intermediaries bring workers to the platforms, generating revenue for them, which led platforms to understand that it would be more beneficial to regulate these relationships legally rather than eliminate the role of aggregators entirely. The introduction of joint liability in Article 221d is a key step towards ensuring fairness and transparency in the platform work ecosystem. It holds both the digital work platform and the aggregator accountable for the rights and obligations towards workers.

Finally, the Labour Act defines a worker who performs work using a digital work platform as a natural person engaged in an employment relationship with a digital work platform or an aggregator under an employment contract. Apart from employed workers, other persons may also perform work using a digital work plat-

<sup>18</sup> ETUC, *Platform Report: Croatia Report*, 2022, [<https://www.etuc.org/en/platform-reps-project-country-reports-and-key-policy-recommendations>], Accessed 29 March 2025.

<sup>19</sup> For more see: Butković, H., Samardžija, V., *The Digital Transformation of the Labour Market in Croatia*, Institute for Development and International Relations, 2019., p. 152.

form under a contractual arrangement that does not constitute an employment relationship. (Article 221e).<sup>20</sup>

## 2.2. Use of Automated Management Systems in Platform Work

Algorithmic management is a crucial element of the platform business model, playing a central role in the automated or semi-automated decision-making systems (ADM) that govern how platforms operate. As many argue, it is not simply a tool for companies to streamline operations; it represents a fundamental shift in how work is organized and managed. These systems make real-time decisions about workers, including assigning tasks, predicting performance, and even assessing workers' emotions. However, these decisions are often opaque and nearly impossible for workers to challenge. This lack of transparency leads to several potential risks, including a loss of autonomy, discrimination, unpredictable incomes, and increased surveillance<sup>21</sup>.

That is why, according to Croatian Labour Act, employers who utilize digital technology and automated management systems based on algorithms in organizing work through digital platforms have several key obligations towards their workers. These obligations ensure transparency, fairness, and the protection of workers' rights.

### 2.2.1. Transparency and Worker Awareness

Before starting work on a digital platform, the employer must introduce workers to the organization of work on the platform and explain how decisions are made within the automated management system, ensure transparency and availability of data related to work performed via digital platforms, provide clear information regarding job assignments, work tasks, and performance evaluations, inform workers about their rights, including access to work tasks, working hours, workplace conditions, career advancement opportunities, training, and wage calculation. Additionally, employment contracts must explicitly state these obligations to ensure that workers fully understand their rights and the conditions of their employment (Article 221l).

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<sup>20</sup> See also: Bjelinski Radić, I., *Kritička promišljanja o prijedlogu Direktive o poboljšanju radnih uvjeta platformskih radnika*, Zbornik Pravnog Fakulteta u Zagrebu, 2022, p. 1476.

<sup>21</sup> Ponce Del Castillo, A.; Naranjo, D., *Regulating algorithmic management - An assessment of the EC's draft Directive on improving working conditions in platform work*, Policy Brief 2022.8, ETUI, 2022. p. 2.

### 2.2.2. Supervision and Worker Protection

To maintain fairness and accountability, employers are required to: appoint an authorized person to oversee the safety and workload of workers, designate an official responsible for reviewing decisions made by the automated management system upon the worker's request, provide professional communication channels between workers, employers, and other business participants to facilitate seamless information exchange, assess potential work risks and their impact on workers' safety and health, ensuring that work intensity does not endanger physical or mental well-being (Article 221h). If a worker believes their safety and health rights have been violated due to working conditions on a digital platform, they have the right to request protection and receive a written explanation or review of any specific measure or decision. The designated official has the authority to oversee and evaluate such concerns (Article 221g, paragraph 1, point 3.)

### 2.2.3. Protection of Workers' Rights in Automated Decision-Making

Workers have the right to challenge decisions made by an automated management system, particularly those related to: access to work tasks, working hours, opportunities for advancement and training, and wage calculation and benefits. If a worker believes such a decision has infringed upon their employment rights, they may request a written explanation and a review of the decision. The employer must appoint an expert to explain and, if necessary, amend the decision (Article 221i).

### 2.2.4. Privacy and Data Protection

To safeguard workers' privacy, digital work platforms and aggregators are prohibited from: processing private conversations, collecting data on workers' emotional or psychological states, processing health-related data, except in cases specified by data protection regulations, and collecting personal data when the worker is not actively engaged in work (Article 221j). This article is closely related to the existing regulation known as the **General Data Protection Regulation (GDPR)**.<sup>22</sup>

### 2.2.5. Ensuring Professional Communication

For the sake of uninterrupted workflow and effective collaboration, employers must provide communication channels between workers, employers, and other

<sup>22</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC -General Data Protection Regulation (2016) OJ L 119.



participants in the business process. This ensures smooth professional interactions and the exchange of relevant information (Article 221k).

By adhering to above mentioned obligations, employers create a fairer and more transparent work environment for individuals engaged in digital work platforms.

## **2.3. Platform Workers' Rights**

### **2.3.1. Mandatory Content of the Written Employment Contract**

According to Article 221l of the Act, when an employer and an employee enter into an employment contract using a digital work platform, the contract must include certain specific information. This includes the job assignment and evaluation process, along with details on how decisions regarding working hours, conditions, safety, health, career advancement, and salary payments are made. The employer is obligated to inform the worker about who is responsible for supervising their work performance through the automated system. Additionally, the contract must describe the electronic tools and other equipment required for the job.

The contract should also provide information on professional communication opportunities, ensuring the worker can communicate with other workers, their representatives, the employer, and third parties involved in the business process.

Furthermore, there should be a provision on reimbursing workers for costs related to work performance, including wear and tear on personal vehicles or equipment if applicable. The employer is also responsible for providing accident and liability insurance, particularly for workers who may need to use vehicles in their work, in compliance with road traffic safety regulations.

Lastly, the contract should outline how training and professional development will be provided to the worker, along with a clear explanation of how the worker can exercise their right to participate in decision-making processes.

However, if the work is contracted due to an unpredictable work pattern, such as work requested at the employer's invitation, the contract must include specific provisions. It should detail the variable work schedule, outlining the unpredictable nature of the worker's hours and specifying the reference period during which the employer can request work. The contract must also guarantee a minimum number of hours that the employer is required to pay the worker, even if no work is requested. The employee must have the right to refuse a work assignment without penalty, under certain conditions. In the event that a work assignment is revoked within the agreed timeframe, the employer is obligated to provide salary compensation.

### 2.3.2. Assumption of Employment Relationship

The main challenge in platform work is the unclear employment status of platform workers and the risk of the precariousness of their work which includes absence of some or all forms of labour-related security.<sup>23</sup> That is why Article 221m outlines the conditions under which an employment relationship is presumed to exist when using a digital work platform. If a digital platform or aggregator enters into a contract with a worker, and the nature of the work resembles that of an employment relationship, it is presumed that an employment contract exists, unless proven otherwise. Factors that support the presumption of an employment relationship include: direct performance of billed work, employer's control over work organization and instructions, limited freedom to refuse work or penalties for refusal, employer's control over work details, including time, location, and method of execution, supervision and performance evaluation of the worker, and prohibition on using other platforms for similar transactions. The burden of proof is on the platform or aggregator to disprove the presumption of employment. If workers believe they are not an employee, they have the right to challenge the presumption, and the platform or aggregator must provide necessary evidence to resolve the dispute. The presumption of employment represents a key innovation in digital labour platform regulation as it directly addresses the uncertainty regarding the employment status of platform workers.

### 2.4. Transparency of Work through Digital Labour Platforms

Article 221p of the Labour Act requires the maintenance of records on work performed through digital labour platforms to enhance transparency, improve accountability, and strengthen legal security. These records are to be kept electronically by the ministry.

The records will collect data on digital labour platforms and aggregators operating in the market, including indicators of the scope of work, such as the number of workers and the types of contracts under which they work on the platforms. Platforms and aggregators are required to submit a request for registration in the records, which must include information such as the name, registered office, contact details, and, in the case of aggregators, an intermediation agreement. Data on the scope of work, including the number of workers and types of contracts, must be submitted to the ministry within the prescribed deadline.

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<sup>23</sup> Bilic, A.; Smokvina, V., *What lessons could Croatia learn from a comparative perspective regarding the labour market status of on-demand platform workers?* InterEULawEast: Journal for International and European Law, Economics and Market Integrations, Vol 9, Issue 1, 2022, p. 52.

In accordance with Article 221p, paragraph 8, the minister of labour, pension system, family, and social policy issued the Ordinance on work records using digital platforms. Under this ordinance, the Ministry of Labour maintains the records through the Unified Electronic Work Records system (referred to as the JEER system).<sup>24</sup> Digital labour platforms are required to submit data in the JEER system on each individual completed task in real-time, or at the latest within 24 hours after the task has been completed.

### **3. PLATFORM WORK IN CROATIA**

#### **3.1. Report on the State of Platform Work in Croatia**

The Ministry of Labour is required to prepare a Report on the state of platform work in Croatia. This report is based on all annually collected data from the records. The report must be adopted and published on the ministry's website once a year for the previous year, no later than 31 January of the current year. This comprehensive reporting mechanism aims to provide transparency and oversight in the rapidly growing sector of platform work in Croatia.<sup>25</sup>

According to the first published Report on platform work in Croatia, by the end of 2024, a total of four digital work platforms were registered in Croatia. Although, for business protection reasons, the report does not specify the exact names and details—including the names of the four platforms—it is widely known that they are UBER, Glovo, Wolt, and Bolt. In addition to digital platforms, the register includes 3,048 aggregators. Of these aggregators, 1,743 were sole traders, while 1,305 were legal entities. This remarkably high number justifiably raises concerns and spreads uncertainty. However, the report indicates that most of these are very small size aggregators, often employing only one or two family members who occasionally work alongside them via a digital labour platform. Aggregators play a vital role in connecting workers with digital platforms and often act as intermediaries between the two. A majority of workers, 19,593 in total, have a contractual relationship with an aggregator, while only 26 individuals are directly contracted by a digital platform. The author argues that smaller aggregators require stricter oversight to prevent potential labour rights violations and ensure fair treatment of their employees. While the focus is often on major digital platforms, it is crucial not to overlook smaller aggregators, as they may be more prone to irregularities. Additionally, it is possible that in future reports, the number of aggregators will

<sup>24</sup> Article 2, Pravilnik o evidenciji rada korištenjem digitalnih radnih platformi (eng. Ordinance on Unified Electronic Labour Records), Official Gazette No. 8/2024.

<sup>25</sup> Article 12, Pravilnik o evidenciji rada korištenjem digitalnih radnih platformi (eng. Ordinance on Unified Electronic Labour Records), Official Gazette No. 8/2024.

slightly decrease, with those operating in the “grey” area likely to withdraw due to the introduction of stricter control mechanisms and enhanced oversight. The most common types of jobs performed through these platforms is ride-hailing, which accounts for 70% of the work, and delivery, at 30%. Throughout 2024, a total of 22,083 individuals worked via these platforms, with 16,382 of them being Croatian citizens and 5,104 foreign nationals. A significant gender disparity exists, with 19,667 men working on these platforms, compared to only 1,818 women. This aligns with global trends, as women are generally underrepresented in platform work worldwide. Women face obstacles entering the platform economy, with limited participation in riding and delivery services dominating the gig workforce, which are now the only sectors represented in platform work in Croatia.<sup>26</sup> In terms of age distribution, the largest group of workers falls within the 25 to 29 age range, indicating that digital platform work is particularly popular among younger individuals. Platform work is primarily concentrated in urban areas, particularly the City of Zagreb and Split-Dalmatia County, where the demand for services such as delivery and transportation is highest. Workers using digital platforms typically work an average of 4 hours and 10 minutes per day. This suggests a flexible working model, although it may also indicate that some workers are combining platform jobs with other employment or using platform work as a secondary source of income. Now that the four major platforms have adapted to the new regulations and there are far fewer uncertainties than before, it is expected that new platforms will emerge in the near future. For example, Croatia currently lacks a platform specializing in domestic services, which is quite common in other countries.

It is also expected that each subsequent annual report will be of higher quality and greater accuracy. In 2024, platforms were given a six-month adjustment period to comply with the new legislation, meaning that some data in the JEER system may be incomplete due to the missing transitional period. Additionally, the JEER application will be systematically technically improved and upgraded as needed. Furthermore, an upcoming report from the State Inspectorate will provide important data for analysis, and by consolidating all these sources, future reports will become even more transparent.

### **3.2. Foreign Platform workers in Croatia**

Foreign workers are increasingly prominent in the digital platform economy across Europe. According to recent studies, migrants are more likely to engage in platform work due to its lower entry barriers and flexibility, which can be particu-

<sup>26</sup> Dumančić K; Obadić A., *Gendering analysis of working conditions and social protection law in digital labour platform work*, Labour & Law Issues, Vol.10, Issue 2, 2024, p. 47.

larly appealing when faced with limited job opportunities in traditional labour markets. However, this flexibility can also lead to precarious working conditions and economic dependency on platforms since migrants often rely on it as their primary source of income, making migrants more vulnerable to exploitation.<sup>27</sup>

Croatia's growing reliance on foreign labour across different sectors, including tourism and construction, indicates a broader trend where international workers are crucial for addressing labour shortages and supporting economic growth. While platform work provides opportunities for migrants, it also raises concerns about working conditions and social protection.

According to the Report on platform work in Croatia for 2024, foreign workers constitute a significant portion of the total number of workers on digital platforms. The report highlights that a total of 5,104 foreign nationals worked through digital platforms. More than a half of the foreign nationals (58.3%) come from India (1,938) and Nepal (1,039).<sup>28</sup> Other countries with a significant number of workers included Bangladesh (615), Uzbekistan (285), Egypt (202), Bosnia and Herzegovina (132), the Philippines (115), Turkey (111), and North Macedonia (106).

Foreign workers are primarily engaged in driving and delivery services, reflecting the dominant types of platform work in Croatia. The presence of foreign workers in these sectors underscores the global nature of platform work and the challenges faced by migrants in accessing stable employment opportunities.

When it comes to third-country workers, another major issue is the existence of aggregators specialized in importing labour from non-EU countries. Very often, they post job ads for full-time positions at minimum wage, which local workers in Croatia are unwilling to accept. This allows them to obtain work permits for foreign labour while simultaneously undermining the labour costs of the domestic workforce<sup>29</sup> In addition, undocumented migrants often work through digital labour platforms in sectors like ride-hailing and delivery, sometimes “renting” accounts from others, which reduces their earnings and increases their vulnerability to exploitation. Without work and residence permits, they face sudden dismissals, low pay, and no legal protection, making them highly precarious in the gig econo-

<sup>27</sup> For more see: ETUI, Digital labour platforms and migrant workers, [<https://www.etui.org/publications/digital-labour-platforms-and-migrant-workers>], Accessed 25 March 2025; also: De Leo, A.; Grossi, T., *Regulating platform work: How will this impact migrant workers?* European Policy Centre, 2025, p. 4.

<sup>28</sup> Report on the state of platform work in Croatia, p. 4.

<sup>29</sup> Butković, H.; Samaržija, V.; Rukavina, I., *Foreign Workers in Croatia: Challenges and Opportunities for Economic and Social Development*, Institute for Development and International Relations, 2020, p. 74.

my.<sup>30</sup> Hopefully, this might change since the recent adoption of the new Aliens Act<sup>31</sup>, which includes the implementation of Article 79, is expected to address certain issues in the regulation of foreign workers. According to the provisions of this article, during an inspection, the inspector from the relevant authority may issue an oral decision to ban an employer—whether a legal or natural person—from conducting business activities for a period of 30 days if it is found that a third-country national was working in violation of the law. This applies to situations where the foreign worker has not obtained the required residence and work permit or the work registration certificate. In addition, the article applies to employers representing or mediating for digital work platforms („aggregator“), prohibiting them from continuing such activities if they are found to be employing third-country nationals without the necessary documentation.<sup>32</sup> What is more, according to Article 93 of the Aliens Act, the ministry, through the police administration or police station, may reject an application for a residence and work permit if the employer has been penalized for undeclared work or illegal employment. This should discourage the undeclared employment of foreigners and the violation of their rights. This issue is not highlighted in the adopted EU Directive, but ETUC, as the main representative organization of workers at the EU level, continues to advocate for safeguards that protect undocumented third-country nationals from retaliation and deportation, particularly when they seek legal action to claim their workers' rights.<sup>33</sup>

Although recent legislation, through amendments to the Labour Act and the Aliens Act, improves certain equality aspects for migrant workers, there is a lack of long-term migration strategy with the aim of genuinely integrating such workers into society and ensuring their long-term stay in Croatia. The new migration strategy should integrate fundamental rights of migrant workers, security, and equal opportunities. It must result from extensive consultations between the government, social partners, experts, and civil society organizations and should be developed through constructive dialogue with migrant representatives.<sup>34</sup>

<sup>30</sup> See: PICUM, *From taxis to food delivery: Undocumented migrants in platform work*, Platform for International Cooperation on Undocumented Migrants, 2023, [<https://picum.org/blog/taxis-food-delivery-undocumented-migrants-platform-work/>], Accessed 29 March 2025.

<sup>31</sup> Aliens Act (Zakon o strancima), Official Gazette No. 133/20, 114/22, 151/22, 40/25 .

<sup>32</sup> However, the imposed ban can be revoked if the employer or the third-country national service provider provides proof of payment of 3,981.68 euros per third-country national to the state budget within three days of the decision being issued.

<sup>33</sup> See: ETUC, *ETUC's next steps towards fair platform work*, 2024, [<https://www.etuc.org/en/document/etucs-next-steps-towards-fair-platform-work>], Accessed 29 March 2025.

<sup>34</sup> Butković, H.; Samaržija, V.; Rukavina, I., *loc. cit.*, note 29.

## 4. EU DIRECTIVE ON IMPROVING WORKING CONDITIONS IN PLATFORM WORK

### 4.1. Background

To enhance working conditions and social rights for individuals engaged in digital platform work while fostering the sustainable growth of digital labour platforms across the European Union, the European Commission has recognized the need to regulate this form of work at the European level. As part of these efforts, the Commission published the *Proposal for a Directive on Improving Working Conditions in Platform Work* in December 2021.<sup>35</sup>

The legal foundation for the adoption of the proposal stems from the European Union's core objectives to promote the well-being of its citizens and ensure the sustainable development of Europe through a highly competitive social market economy, with the ultimate goal of achieving full employment and social progress<sup>36</sup>. The right of every worker to safe, healthy, and dignified working conditions is firmly established in the Charter of Fundamental Rights of the European Union. Additionally, the European Pillar of Social Rights affirms that, regardless of the nature or duration of their employment relationship, all workers are entitled to fair and equal treatment in terms of working conditions and access to social protection<sup>37</sup>.

According to the research conducted by the Commission, around 90% of platform workers are estimated to be formally classified as self-employed, meaning they genuinely operate autonomously, using platform work to expand their entrepreneurial ventures. However, a significant number of platform workers experience varying degrees of control by the digital platforms they rely on, particularly regarding pay rates and working conditions<sup>38</sup>. Approximately 5.5 million platform workers may face the risk of employment status misclassification, raising concerns about their legal rights and protections<sup>39</sup>.

The main goal of the proposed directive is to improve the working conditions and social rights of individuals working through platforms, while also supporting the

<sup>35</sup> Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work, European Commission, Brussels, 9 December 2021.

<sup>36</sup> Article 3 of the Treaty on European Union (2016) OJ C202/13

<sup>37</sup> Principle 5 of the European Pillar of Social Rights

<sup>38</sup> Brancati, R. *et al.*, *Digital Labour Platforms in Europe: Numbers, Profiles and Working Conditions*, European Trade Union Institute (ETUI), 2019, p. 22.

<sup>39</sup> Impact Assessment Report accompanying the Proposal for a Directive of the European Parliament and of the Council to improve the working conditions in platform work in the European Union, Staff Working Document, European Commission, 2021., p. 9.

conditions necessary for the sustainable growth of digital labour platforms within the European Union. To achieve this, the proposal for a directive sets out three key objectives. These include ensuring that platform workers have the correct employment status based on their actual relationship with the platform, thus enabling them to access relevant labour and social protection rights. The main challenge in platform work lies in the risk of such misclassification of employment status. Additionally, the directive aims to promote fairness, transparency, and accountability in the algorithmic management of platform work. Furthermore, it seeks to enhance transparency within platform work, while improving the enforcement of applicable laws and regulations.

#### **4.2. Adoption of the EU Directive 2024/2831 on Improving Working Conditions in Platform Work**

On 24 of April 2024, the European Parliament formally adopted the directive, with 554 votes in favour, 56 against, and 24 abstentions. While the adoption demonstrated broad support, it also highlighted significant opposition and some reservations. That underscores the difficulty in reaching a consensus on such an evolving issue as platform work. The resistance from digital platforms was particularly strong, as they feared that the presumption of employment could drastically alter their business models and increase operational costs. The issue of algorithmic management, another key provision in the directive, also sparked considerable debate.<sup>40</sup>

It is important to mention that ETUC played a key role in the adoption of the Directive on Platform Work. Through negotiations with EU institutions, advocacy for better working conditions, and cooperation with national trade unions, ETUC ensured that workers' interests were properly considered, contributing to fairer regulation of platform work.<sup>41</sup>

The final step came on 14 October 2024, when the Council of the European Union officially adopted Directive (EU) 2024/2831 on Improving Working Conditions in Platform Work, marking its formal approval and signalling the readiness for its implementation across EU Member States.

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<sup>40</sup> See: ETUC, *Platform Work Directive: A milestone towards innovation that delivers for all*, 2024 [<https://www.etuc.org/en/publication/platform-work-directive-milestone-towards-innovation-delivers-all>], Accessed 23 March 2025.

<sup>41</sup> See: ETUC, *ETUC's next steps towards fair platform work*, *loc.cit.*, note 33.



#### 4.2.1. Key novelties of the Directive

The Platform Work Directive introduces significant reforms aimed at improving platform workers' rights, including provisions introducing legal presumption of employment status, algorithmic management and data rights.

Article 5 of the directive introduces a rebuttable legal presumption of an employment relationship for individuals performing platform work. According to Article 5(2), EU Member States are required to 'establish an effective rebuttable legal presumption of employment', which aims to facilitate the process for individuals performing platform work to be recognized as employees. This presumption is designed to be a procedural tool that eases the burden of proof for workers, making it simpler for them to claim their rights. However, Article 5 does not require this presumption to be linked to specific criteria, leaving it general and adaptive in nature. That is why these provisions should be carefully implemented at the national level to ensure that workers' rights are protected and that obstructive criteria do not diminish the effectiveness of this presumption.

For the first time in EU law, the directive establishes rules on algorithmic management, recognizing the impact of automated decision-making on workers' conditions<sup>42</sup>. Article 6 introduces provisions on algorithmic management. Platforms are strictly prohibited from processing certain categories of personal data, such as data related to the emotional or psychological state of workers, private conversations, sensitive personal data, or biometric data for identification purposes. Chapter III of the Directive represents a significant and novel development, as it directly responds to the shortcomings of the EU General Data Protection Regulation (GDPR) in the context of the workplace. The drafters clearly recognized that the GDPR, though foundational, does not sufficiently address the realities of algorithmic management in labour settings. One of the most impactful elements is found in Article 10(5), which explicitly prohibits decisions that limit, suspend, or terminate a contractual relationship or account—or any action with a similar effect—unless such decisions are made by a human being. This marks a substantial advancement compared to Article 22 of the GDPR, which bans decisions based solely on automated processing but provides a wide exception for the event of "contractual necessity," often undermining worker protection in practice<sup>43</sup>. This chapter of the directive sets a precedent for future European Union legislation on artificial intelligence in the workplace, ensuring that technological advancements do not undermine existing workers' rights. It raises the broader question of

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<sup>42</sup> *Ibid.*

<sup>43</sup> Rainone, S.; Aloisi, A., *The EU Platform Work Directive: What's New, What's Missing, What's Next?*, ETUI Research Paper - Policy Brief, 2024., p. 5.

whether all workers, including those in traditional sectors, need stronger protection against the intrusion and dominance of automated systems.

#### 4.2.2. Key Criticism of the Directive

Due to the minimum harmonization approach of the directive, national legislators have significant freedom in interpretation which could result in inconsistent application and weak enforcement mechanisms. This could result in the introduction of employment presumption thresholds that are too high or reliance on weak enforcement mechanisms that do not sufficiently consider collective rights<sup>44</sup>. During the transposition phase it will be crucial for trade unions, employers, and labour advocates to push for comprehensive and cohesive frameworks. For instance, national legislators could use the “more favourable provisions” clause (Article 26) to ensure that self-employed workers are fully included in the scope of labour protection and collective rights.

#### 4.3. Implementation of the Directive

Article 9 of the directive sets out the timeline for implementation, requiring Member States to adopt the necessary measures for transposition into national law by 2 December 2026 at the latest. In the Croatian context, the implementation of the directive falls under the jurisdiction of the Sector for Labour within the Ministry of Labour, Pension System, Family and Social Policy. As mentioned above, Croatia was the first EU country to regulate platform work through its Labour Act. A conversation had with the Head of the Sector, Josipa Klišanin<sup>45</sup> on 26 March 2025, provides the background of this legislative process. In 2021, as part of the Recovery and Resilience Mechanism Plan, Croatia set the ambitious goal to amend its Labour Act by the end of 2022, including digital platform work regulation for the very first time.<sup>46</sup> The legislative working group greatly benefited from

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<sup>44</sup> *Ibid.*, p.8.

<sup>45</sup> All the information in this section is derived from a conversation with Josipa Klišanin, Head of Sector for Labour at the Ministry of Labour, Pension System, Family and Social Policy, during a meeting held on 26.03.2025 at the Ministry of Labour.

<sup>46</sup> National Recovery and Resilience Plan 2021-2026 (Croatian: NPOO) is as an important strategic document that obliged the Republic of Croatia to improve its labour legislation. NPOO is the result of a planning instrument through which the European Union responded to the economic and social crisis caused by the COVID-19 pandemic, and the implementation of the established reforms enabled the Republic of Croatia to utilize significant financial resources for structural reforms and investments aimed at economic recovery and building the resilience of the state and the economy during the crisis period. Therefore, a reform component included in this planning document concerned „Improvement of Labour Legislation“ which starts from the fact that during 2020 and 2021, due to unforeseen and extraordinary circumstances caused by the COVID-19 pandemic, as well as by the strong earthquakes

the proposal of the EU directive on platform work, which served as a guideline. Additionally, intensive discussions with platform representatives, the Croatian Employers' Association (HUP), and three trade unions played a crucial role. However, it is important to highlight that the negotiations were further complicated by the fact that all four platforms operating in Croatia have foreign owners, which significantly prolonged the communication and decision-making processes. The Croatian working group played a proactive role in shaping the directive proposal, particularly emphasizing the presence of numerous aggregators in the Croatian market. Croatia strongly advocated for an explicit regulation of aggregators, as the initial draft of the proposal had entirely omitted this concept. This term is now regulated by the directive in Article 3 under the term “intermediary.”

The Croatian government stated in the proposal of amendments that the new Labour Act was aligned with the directive proposal, which was later confirmed<sup>47</sup>. Although the amended Labour Act came into force in 2023, its provisions on platform work had a delayed implementation and became effective on 1 January 2024. This delayed enforcement allowed time for the development of the Unified Electronic Labour Records – JEER, which is arguably one of the most significant outcomes of the legislative changes. JEER is an advanced digital application that consolidates various databases and serves multiple institutions, including the Ministry of Labour, Pension System, Family and Social Policy, the Ministry of the Interior (for foreign workers on digital platforms), the Croatian Pension Insurance Institute, the Tax Administration, and, most importantly, the State Inspectorate, which benefits from it the most in its daily operations. The first State Inspectorate report since the JEER implementation will soon be published, providing valuable data for analysis. However, even at this stage, it is evident that inspectorate employees are highly satisfied with the information system, which has significantly improved their workflow, especially considering the current undercapacity of the inspectorate. Moreover, JEER has become an example of good practice, frequently consulted by other Member States seeking to improve their own labour monitoring systems. It was presented at the European Labour Authority Conference in Dubrovnik in October 2024, showcasing its effectiveness and inspiring other countries to adopt similar technological solutions<sup>48</sup>.

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that affected certain parts of the Republic of Croatia, various crisis situations occurred that significantly impacted the labour market. As a result of these crisis situations, a problem was identified regarding the lack of a quality legal framework in the area of general labour legislation that could appropriately respond to such challenges. See: Final Proposal of the Amendments to the Labour Act, Government of the Republic of Croatia, p. 63.

<sup>47</sup> Final Proposal of the Amendments to the Labour Act, Government of the Republic of Croatia, p. 83.

<sup>48</sup> See: European Labour Authority, *Thematic review workshop on challenges and approaches for tackling undeclared work on digital labour platforms*, 2024 [<https://www.ela.europa.eu/en/news-event/events/themat->

From a legislative perspective, the Croatian Labour Act is well aligned with the final version of the directive. One key difference lies in Article 221m of the Croatian Labour Act which outlines the conditions under which an employment relationship is presumed to exist when using a digital work platform (corresponding to Article 5 of the directive). Initially, the proposal of the directive listed five factors that could indicate an employment relationship, requiring that at least two of them had to be fulfilled<sup>49</sup>. The Croatian working group opposed this numerical threshold, so the Labour Act simply lists the factors that support the presumption of an employment relationship without requiring a specific number to be fulfilled. The final directive also abandoned this strict enumeration, instead allowing Member States to determine the relevant criteria<sup>50</sup>. Although the factors listed in Article 5 of the adopted directive are no longer explicitly stated, the existing Croatian legal framework remains in alignment with the directive. This is because, instead of relying on a strictly exhaustive list, it provides examples that are left to the discretionary assessment of each individual case. This approach aligns with Article 6 of the directive, which calls on Member States to establish a framework of supporting measures and recommendations to substantiate the legal presumption.

Another notable difference is Article 221n<sup>51</sup>, which has been criticized for potentially allowing employers to monitor and limit workers' earnings to avoid crossing the threshold that mandates an employment contract<sup>52</sup>. This article does not exist in the directive. However, this provision is not directly contrary to it, as the directive gives Member States discretion to regulate such matters. Nonetheless, there is a possibility that this article could be revised in the implementation procedure to further align with best practices.

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<sup>49</sup> For more see: ETUC, *Platform Work Directive: A milestone towards innovation that delivers for all*, 2024 [https://www.etuc.org/en/publication/platform-work-directive-milestone-towards-innovation-delivers-all], Accessed 23 March 2025.

<sup>50</sup> The European Parliament, in its Report on the proposal for a directive of the European Parliament and of the Council on improving working conditions in platform work, Report (2022) A9-0301/202, also criticized the strict criteria for establishing employment status. Instead, it introduced a broad presumption of employment, allowing workers, trade unions, or national authorities to trigger it based on indicators of platform control, as outlined in the non-exhaustive list in Recital 25. of the final directive.

<sup>51</sup> According to this article, as an exception to Article 221m of this Act, the presumption of an employment relationship does not apply to a natural person who, through work on digital labour platforms, has not earned more than 60% of the gross amount of three monthly minimum wages, as determined by a special regulation, in a given quarter of the calendar year.

<sup>52</sup> Bjelinski Radić I., *Legal regulation of platform work in croatia*, Zagreb Law Review, Vol. 12 Issue 1, 2023, p. 56.

The working group for the implementation of the directive has not yet been established, but its task will be significantly easier due to Croatia's existing legal framework.

## 5. CONCLUSION

The regulation of digital labour platforms (DLPs) in Croatia represents a significant step forward in addressing the challenges posed by the evolving nature of work in the digital age. As the first country in the European Union to fully regulate platform work, Croatia has demonstrated proactive leadership in this area. The amendments to the Croatian Labour Act, which came into effect on 1 January 2024, introduced comprehensive provisions to govern platform work, including key definitions, workers' rights, and transparency requirements. Moreover, the inclusion of "aggregators" in the legislation reflects an understanding of the specific characteristics of the Croatian platform work market. The provision introduced in Article 221d, which establishes joint liability between digital work platforms and aggregators, is of particular importance for the protection of workers.

The implementation of the Unified Electronic Work Records (JEER) system and the requirement for annual reports on platform work demonstrate Croatia's commitment to transparency and data-driven policymaking. The first submitted report on the state of platform work is already important for further analysis, but each following annual report should be of even higher quality, especially as the JEER system will continue to improve and be upgraded.

However, challenges remain, such as a huge number of small-size aggregators who should be monitored in order to avoid potential misclassification of employment status and a high proportion of foreign platform workers who are always a vulnerable group.

While Croatia's regulations are largely in line with the EU Platform Work Directive, some adjustments are necessary to fully comply with its requirements, particularly in the official terminology used in the directive. However, as the platform economy continues to evolve, ongoing monitoring and potential legislative adjustments will be crucial to ensure that the regulatory framework remains effective and relevant. A constant dialogue between all key stakeholders—such as the ministry, platform representatives, the Croatian Employers' Association (HUP), trade unions, the European Commission, and other EU Member States—is particularly important.

In conclusion, as other EU countries begin to implement the EU Directive on Platform Work, Croatia is well-positioned to successfully implement the direc-

tive with only minor terminological and technical adjustments, rather than major substantive changes. Croatia's experience may serve as a valuable case study for balancing worker protection with the flexibility that characterizes the platform economy.

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