

EVALUATION PAPER

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

**Ana Milinković**

## About EUROPEUM

**EUROPEUM Institute for European Policy** is a non-profit, non-partisan, and independent think-tank focusing on European integration and cohesion. EUROPEUM contributes to democracy, security, stability, freedom, and solidarity across Europe as well as to active engagement of the Czech Republic in the European Union. EUROPEUM undertakes original research, organizes public events and educational activities, and formulates new ideas and recommendations to improve European and Czech policy making.

## About the author

**Ana Milinković** is a Researcher at the European Policy Centre (CEP).

## About the project

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## Introduction

This paper analyses the challenges and opportunities that Serbia can expect when implementing the EU's new Platform Work Directive, with a particular focus on provisions related to worker classification and the presumption of employment. It addresses the question: What practical issues might arise when trying to implement these rules at the national level? The study employs a qualitative methodology, combining legal and institutional analysis with desk research and semi-structured interviews to address the research question. It examines the existing legal framework related to work classification, freelancing, and employment status in Serbia, and compares it to the requirements of the EU Platform Work Directive. In addition, four semi-structured interviews were conducted with a diverse group of stakeholders, namely researchers on platform work and EU enlargement and socio-economic gap, an employment law practitioner and a National Employment Service of Serbia representative. Interviews were held between May and June 2025 and lasted between 45 and 90 minutes. Participants were selected based on their direct involvement in or knowledge of platform work regulation and labor policy.

Although Serbia is not required to adopt the Directive right away, aligning with the EU labor rules is an important part of its EU accession process. So far, there has not been any concrete move toward implementation, but the topic is slowly entering the public conversation. In Serbia, platform work is predominantly digital and export-oriented, with many workers engaged in online freelancing, especially in IT, creative services, and customer support. Serbia ranks among the top countries globally in terms of the share of the workforce active on online labor platforms, which makes this form of work central to its digital economy.<sup>1</sup> Therefore, it is highly relevant in Serbia, not only due to the significant number of workers involved, but also because a big portion of these workers represents a vital source of knowledge, innovation, experience, and entrepreneurial potential. Most of these workers do not have standard employment contracts, meaning they often miss out on basic protection. The Directive could change that, but that will not happen without complications.

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<sup>1</sup> Ana Milinković, Mapping Platform Work in Serbia: Background Paper, (Europeum, 2025), <https://cep.org.rs/wp-content/uploads/2025/06/SERBIA.pdf>.

# Obstacles and Opportunities

## Alignment with Existing Legislation

Serbia's existing legal framework does not recognize platform work as a distinct form of employment, nor does it include a legal presumption of employment based on the actual conditions under which work is performed. Platform workers are most commonly engaged through civil law contracts—such as service contracts—or operate as registered entrepreneurs, which places them outside the scope of the Labor Law.<sup>2</sup> Consequently, they are not entitled to core labor rights such as minimum wage, sick leave, paid holidays, working time limitations, or protection against unfair dismissal.

Platform work is also not explicitly defined in the Law on Labor or in the Regulation on the Classification of Activities, which forces workers and companies to fit into existing categories based on the type of service provided. Additionally, as pointed out by the employment law practitioner, Serbia's Labor Law does not provide a functional test for establishing employment status, and misclassified workers must initiate court proceedings, where courts apply a narrow interpretation based on formal subordination.<sup>3</sup> This leads to inconsistencies in the classification of platform workers, many of whom are treated as individual entrepreneurs or are required to register as limited liability companies (known as d.o.o.), even when their income is unstable or modest.<sup>4</sup> This structure is particularly unsuitable for economically dependent platform workers, who operate much like employees but lack the corresponding rights. Although the idea of introducing a new category of 'economically dependent self-employed' has been discussed among experts<sup>5</sup>, it has not yet been implemented. In contrast, the EU Platform Work Directive introduces a presumption of employment

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<sup>2</sup>Zakon o radu [Labor Law], Official Gazette of the Republic of Serbia, nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017, 113/2017, accessed June 10, 2025, [https://www.paragraf.rs/propisi/zakon\\_o\\_radu.html](https://www.paragraf.rs/propisi/zakon_o_radu.html).

<sup>3</sup>Employment Law Practitioner, interview by author, Belgrade, May 25, 2025.

<sup>4</sup>Bojan Urdarević, *Frilenseri i problemi u njihovom pojmovnom definisanju* (Belgrade: Centar za istraživanje javnih politika, 2022), <https://publicpolicy.rs/publikacije/6ad539ce9acc26df8cab8c8854fd08230b7b9f08.pdf>.

<sup>5</sup>Bojan Urdarević, *Frilenseri i problemi u njihovom pojmovnom definisanju* (Belgrade: Centar za istraživanje javnih politika, 2022), <https://publicpolicy.rs/publikacije/6ad539ce9acc26df8cab8c8854fd08230b7b9f08.pdf>.

when control criteria are met—shifting the burden of proof to the platform. This would mark a substantial departure from current Serbian practice.

In addition, Serbian legislation does not recognize intermediate employment categories, such as “dependent self-employment”.<sup>6</sup> While the Directive ultimately rejected introducing a third category at the EU level to avoid institutionalizing precarious work, this decision presumes strong enforcement mechanisms and legal interpretation capacity—features that Serbia currently lacks. In the Serbian context, the

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strict binary classification between employees and the self-employed can create legal uncertainty in borderline cases, particularly where platform workers show economic dependency but lack formal employment contracts. Key features of platform work—such as algorithmic management, performance tracking and digital hiring—are also not addressed in current laws, leaving significant regulatory gaps.<sup>7</sup> Likewise, collective labor rights for platform workers remain underdeveloped. When classified as self-employed, platform workers are excluded from collective bargaining and union representation, in contrast to the Directive’s emphasis

on strengthening social dialogue.

A broader conceptual shift in how employment relationships are defined and protected in the digital economy will be necessary to fully align with the Directive. Encouragingly, a new Labor Law is expected by the end of 2026,<sup>8</sup> with a goal of better regulating non-standard forms of work, including work performed outside of employer premises, which is very relevant for platform work, especially on-site platform work. However, legal and policy discussions remain at an early stage. The legal changes will have to be creative and context-specific in order to ensure effective implementation.

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<sup>6</sup> Employment Law Practitioner, interview by author, Belgrade, May 25, 2025.

<sup>7</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

<sup>8</sup> Nataša Vučković, “Zakon o radu – sad ili kad?”, Fondacija Centar za demokratiju, May 24, 2025, accessed June 20, 2025, <http://www.centaronline.org/sr/dogadjaj/13385/natasa-vuckovic-zakon-o-radu-sad-ili-kad>.

In parallel, progress has been made with the adoption of the new Law on Income Tax (2024), which introduces clearer tax and social security obligations for self-employed workers providing services online.<sup>9</sup> While this law addresses some aspects of platform-mediated work, such as taxation, social security contributions, and formalization of income, it falls short of ensuring core labor protections and does not resolve the question of employment misclassification.<sup>10</sup>

## Administrative Barriers and Opportunities

The National Employment Services representative sees the main administrative challenge to implementing the Platform Work Directive in Serbia in the limited institutional capacity to monitor, detect, and enforce the appropriate classification of workers—especially in the fast-evolving and often opaque platform economy.<sup>11</sup> Labor inspectorates are already overstretched in their oversight of standard employment relationships and are ill-equipped to handle the complexities of predominantly digitally mediated work. According to a researcher on platform work, labor inspectors often lack adequate training, digital literacy, and technological tools to understand how algorithmic systems manage tasks, allocate work, or impose performance metrics—especially in cases where platforms operate cross-border and lack a clear legal entity in Serbia.<sup>12</sup> These gaps would make it extremely difficult in practice to verify working conditions or collect sufficient evidence to trigger a reclassification of workers as employees. This issue is particularly pronounced for online platform work, where enforcement is less feasible than in more visible, on-site platform work, because there is no physical workplace to inspect, work is often performed for clients abroad, and platforms may not have a registered presence in Serbia.

According to the same source, Serbia also lacks administrative mechanisms to effectively engage or collaborate with major global platforms,<sup>13</sup> making it difficult to

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<sup>9</sup> Zakon o porezu na dohodak građana [Personal Income Tax Law], Paragraf.rs, accessed June 10, 2025, <http://www.paragraf.rs/propisi/zakon-o-porezu-na-dohodak-gradjana.html>.

<sup>10</sup> Usvojen zakon – korak napred za frilensere [Adopted Law – A Step Forward for Freelancers], Frilenseri Portal, December 14, 2022, accessed June 10, 2025, <https://frilenseri.purs.gov.rs/korisne-informacije/vesti/225104/usvojen-zakon---korak-napred-za-frilensere.htm>

<sup>11</sup> National Employment Service of Serbia (NSZ) Representative, interview by author, Belgrade, July 7, 2025.

<sup>12</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

<sup>13</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

establish compliance, ensure information exchange, or negotiate responsibilities. For example, there is no dedicated liaison body or formal framework for cooperation with international digital labor platforms, nor are there clear legal obligations for platforms without local legal entities to report data or respond to labor inspections.

Despite these limitations, digitalisation also presents new opportunities. The employment law practitioner pointed out that if adequately resourced and modernised, labor inspectorates could adopt data-driven monitoring tools and digital reporting systems to enhance detection and enforcement. Stronger institutional cooperation—particularly between the Labor Inspectorate, the Tax Administration, and social security bodies—could help uncover undeclared or misclassified platform work.<sup>14</sup> The introduction of a central registry where platforms are required to report their workers and service relationships could also support greater transparency and targeted inspections<sup>15</sup>.

The National Employment Services representative believes that another window of opportunity is Serbia's ongoing public administration reform, which aims to improve the quality of regulatory oversight and service delivery. If platform work regulation is positioned as part of a broader labor market modernization agenda, it may help unlock a greater political will and financial support needed to expand administrative capacity.<sup>16</sup> Still, without clarified institutional mandates, dedicated funding, and a clear implementation roadmap, Serbia's administrative system is unlikely to be prepared for the regulatory complexity that full alignment with the Directive entails.

## Political Barriers and Opportunities

The researcher on EU enlargement and socio-economic gap sees the limited attention and prioritization given to platform work and non-standard employment in the national policy agenda as one of the primary political barriers to implementing the Platform Work Directive in Serbia. While labor market reform is a recurring theme in national strategies, platform work remains marginal in public and political discourse. Moreover,

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<sup>14</sup> Employment Law Practitioner, interview by author, Belgrade, May 25, 2025.

<sup>15</sup> The Platform Work Directive (Directive (EU) 2024/2831) includes provisions for digital reporting obligations. It requires platform companies to report, preferably via digital means, information such as the number of persons performing platform work, their employment status, and the contractual terms to competent national authorities.

<sup>16</sup> National Employment Service of Serbia (NSZ) Representative, interview by author, Belgrade, July 7, 2025.



platform workers are not yet perceived as a significant electoral constituency, reducing the political incentive for lawmakers to act proactively, especially in the absence of binding EU obligations.<sup>17</sup> The platform work researcher adds that the platform regulation is often deprioritized in favor of more immediate political concerns, contributing to reform delays. Despite the urgency of aligning with the EU Directive, day-to-day governance challenges routinely push labor law updates down the agenda.

The same source also points to entrenched links between segments of government and business interests, including platform operators and investors who benefit from the current flexible and low-cost labor model.<sup>18</sup> In such a context, proposals for stricter regulations, such as a presumption of employment, may be portrayed as anti-business or potentially harmful to job creation, which could politically stall or water down reform efforts. Additionally, as the EU enlargement and socio-economic gap researcher points out, potential corruption risks and selective enforcement of labor law complicate the regulatory landscape, as political influence can at times be used to shield specific actors from scrutiny, raising concerns about regulatory capture, particularly in a market dominated by a small number of powerful actors.<sup>19</sup>

On the other hand, the platform work researcher argues that there are no major political obstacles to regulating platform work, noting that the overall attitude is proactive, and that there is broad political consensus on the need for reform.<sup>20</sup> In this view, the challenge is less about resistance and more about maintaining momentum and ensuring that regulation remains a priority amid competing policy demands. This divergence may reflect different levels of awareness: while there is a recognition of the structural importance of platform work for Serbia's labor market, it is often overshadowed by more pressing socioeconomic or political issues, resulting in a lack of urgency.

Finally, there is recognition that the challenges Serbia faces are not unique, and that other countries are similarly struggling to adapt the regulation of platform work. This broader European context, according to the EU enlargement and socio-economic gap

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<sup>17</sup> EU Enlargement and Socio-Economic Gap Researcher, interview by author, Belgrade, June 25, 2025.

<sup>18</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

<sup>19</sup> EU Enlargement and Socio-Economic Gap Researcher, interview by author, Belgrade, June 25, 2025.

<sup>20</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.



expert, may reduce political defensiveness and encourage Serbia to engage constructively in shaping locally adapted, but EU-consistent, solutions.<sup>21</sup>

## Pushback from the Private Sector

In Serbia, resistance from platform companies and investors to the implementation of the Platform Work Directive is likely to center on concerns about increased labor costs, administrative burdens, and reduced operational flexibility. The employment law practitioner points out that most platforms—including major actors like Glovo and Wolt—currently operate through civil law contracts that allow them to avoid standard employment obligations such as social contributions, paid leave, working time restrictions, and dismissal protections.<sup>22</sup> The Directive’s presumption of employment would significantly alter this model by reclassifying many platform workers as employees, thereby triggering a higher regulatory and financial burden.

This concern is not hypothetical—it is already reflected in public discourse. A 2024 report by the Public Policy Research Centre noted that leading delivery platforms often register under IT or consultancy activity codes, which fall outside the usual scope of labor inspections for services like transport or courier, making oversight more difficult and suggesting a deliberate strategy to avoid tighter labor regulation.<sup>23</sup> While some companies, such as Glovo and Wolt, have voluntarily introduced minimal safeguards—such as different models to contribute to a private health insurance—none offer full employment status.

On the other hand, the viability of the platform model itself is increasingly questioned, particularly in light of the costs introduced by the Directive. According to the platform work researcher, platforms and platform workers frequently operate with a short-term, operational focus, making decisions based on immediate financial calculations rather than long-term sustainability.<sup>24</sup> In this context, the reclassification of workers could

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<sup>21</sup> EU Enlargement and Socio-Economic Gap Researcher, interview by author, Belgrade, June 25, 2025.

<sup>22</sup> Employment Law Practitioner, interview by author, Belgrade, May 25, 2025.

<sup>23</sup> Public Policy Research Centre, GIGMETAR Report: Serbia 2024 (Belgrade: Public Policy Research Centre, October 2024), accessed July 15, 2025, <https://gigmetar.publicpolicy.rs/en/serbia-2024-2/>.

<sup>24</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

lead some platforms to downscale, automate further, or exit the market, especially if Serbia is perceived as a less competitive environment relative to neighboring countries.

Moreover, the entrepreneurial potential and innovation ecosystem fostered by platforms must not be overlooked. The same source stresses that overregulation could unintentionally stifle self-employment opportunities, digital innovation, and new forms of economic activity, especially for younger workers or those in rural areas who view online platform work as an accessible income source or entry point into the labor market.<sup>25</sup>

At the same time, the EU enlargement and socio-economic gaps researcher thinks that the pushback is not uniform across the business community. Some investors and platform operators may see it as an opportunity, particularly as EU alignment becomes more relevant for attracting stable investment.<sup>26</sup> However, unless reforms are introduced in consultation with the industry and accompanied by transitional support, many platforms may resist changes or respond by shifting operations to more flexible regulatory environments.

Finally, worker mobilization is growing, as demonstrated by the 2021 protests led by the Association of Internet Workers (URI),<sup>27</sup> which brought public attention to the vulnerability of digital labor, particularly in the areas of taxation and social insurance. The protests gathered thousands of online freelancers across Serbia and prompted public debate, media coverage, and direct engagement from state officials. This growing visibility could eventually prompt stronger political responses and make regulatory inaction increasingly untenable, even in the face of business resistance.

## Social Opposition and Support

Platform workers in Serbia are a very heterogeneous group. They differ significantly in terms of the type of services they provide (e.g., delivery, ride-hailing vs. digital freelancing), the skill levels required, and their income levels and degree of dependence on platform work. Some workers engage in high-skilled digital tasks and

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<sup>25</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

<sup>26</sup> EU Enlargement and Socio-Economic Gap Researcher, interview by author, Belgrade, June 25, 2025.

<sup>27</sup> Miran Pogačar, interview by Muhammed Shabeer, Peoples Dispatch, February 21, 2021, <https://peoplesdispatch.org/2021/02/21/whats-behind-the-internet-workers-protest-in-serbia/>.

earn substantial incomes, while others perform low-paid, routine services and rely heavily on platform work as their primary source of income. There is increasing recognition that regulation must reflect this diversity. The platform work researcher points out that a one-size-fits-all approach may not suit a sector where some workers earn \$400 per month, while others earn \$5,000 or more.<sup>28</sup> Regulation is particularly important for low-income and economically dependent workers, who lack bargaining power and remain vulnerable to exploitation under current legal gaps.

On one side, among couriers for companies like Wolt and Glovo, there is a rising awareness of the need for better labor protection, which aligns closely with the Directive's aims of reclassifying workers as employees when appropriate. This growing discontent has been visible through multiple protests in Belgrade during 2023, organized by workers themselves and supported informally by local courier group networks.<sup>29</sup> While smaller in scale and without explicitly referencing the EU Directive, they were significant for the delivery sector and reflected the same underlying concerns as the EU's Platform Directive—job security, fair remuneration, and occupational health.

On the other side, the platform work researcher sees online platform workers as an increasingly valuable and educated segment of the workforce, with the potential to become a talent pool for Serbia's digital economy. Many have acquired skills through international work exposure, including foreign business practices, communication, and digital project management, positioning them as contributors to entrepreneurial development.<sup>30</sup> This means that policymakers

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<sup>28</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

<sup>29</sup> Protest dostavljača kompanije Wolt: Ugrožena im egzistencija i bezbednost, Nezavisnost, April 6, 2023, accessed August 6, 2025, <https://nezavisnost.org/protest-dostavljacka-kompanije-wolt-ugrozena-im-egzistencija-i-bezbednost/>.

<sup>30</sup> Platform Work Researcher, interview by author, Belgrade, July 4, 2025.

issue, but also as a matter of economic opportunity and long-term workforce development.

That said, the platform work researcher concludes that the support for reclassification and full employee status is not universal. Some platform workers continue to value the flexibility and autonomy that comes with the current system, particularly those who work across multiple platforms or use platform work to supplement other income, which is true for most online platform workers. These mixed attitudes are further complicated by low public awareness of what the Directive entails.

Overall, while challenges remain, regulation is increasingly viewed as a desirable and necessary step, particularly for improving social inclusion, security, and fairness in Serbia's evolving digital labor market.

## Conclusion

The implementation of the Platform Work Directive in Serbia presents both significant challenges and important opportunities. The existing legal and administrative frameworks are not yet equipped to fully regulate platform work, the administrative capacities are limited and digital tools and expertise within labor inspectorates are insufficient, and the political prioritization of platform work is weak. However, there is growing recognition—among policymakers, workers, and civil society—of the need for reform.

To overcome these barriers, Serbia should consider a phased and consultative approach to reform. This would include:

- Adopting legal amendments that introduce a presumption of employment and clarify worker classification criteria;
- Investing in capacity-building for labor inspectorates and strengthening inter-agency coordination between labor, tax, and social protection authorities;
- Engaging stakeholders—including platforms, workers, and civil society—in the design and implementation of new rules, ensuring both transparency and buy-in;

- Positioning platform regulation as part of a broader labor market modernization agenda, supported by Serbia's EU accession framework.

Aligning with the Directive would require not only legal amendments, but also a broader shift in how employment is defined and protected in the digital economy. To be effective, reform efforts must balance social protection with economic flexibility, address the diversity of platform work, and ensure institutional readiness. With Serbia's EU accession process providing a strategic incentive, and worker mobilization on the rise, this moment offers a critical window to build a fairer, more inclusive framework for the future of work.

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