

## Spain

# Algorithmic management

<b>Phase</b>	Royal Decree-Law 9/2021, of 11 May (amending the revised text of the Workers' Statute Law, approved by Royal Legislative Decree 2/2015, of 23 October, to guarantee the labour rights of persons dedicated to delivery in the field of digital platforms);
<b>Native name</b>	Real Decreto-ley 9/2021, de 11 de mayo (por el que se modifica el texto refundido de la Ley del Estatuto de los Trabajadores, aprobado por el Real Decreto Legislativo 2/2015, de 23 de octubre, para garantizar los derechos laborales de las personas dedicadas al reparto en el ámbito de plataformas digitales);
<b>Type</b>	Algorithmic management
<b>Added to database</b>	13 October 2023
<b>Access online</b>	<a href="#">Click here to access online</a>

## Article

Royal Decree-Law 9/2021, of 11 May

## Description

LAST UPDATE 2023 - THIS CONTENT WILL NOT BE UPDATED

In Spanish, a 'rider' is a delivery person who works for digital platforms. The so-called Rider Law was expected to affect between 18,000 and 30,000 people in Spain when it came into force in August 2021.

The main novelty is that delivery workers will be salaried and not self-employed. In other words, it is based on the premise that the workers who carry out their tasks on digital platforms are workers and have all the rights set out in the Workers' Statute regarding organisation, unionisation, social protection, contributions and salary. In fact, the Rider Law introduces a new additional provision on the presumption of employment in the activities of delivery or distribution of any type of product or merchandise, when the company exercises its powers of organisation, management and control, by means of

algorithmic management of the service or working conditions, through a digital platform.

Furthermore, this is the first legislation that incorporates access to information on parameters, rules and instructions of the algorithms of artificial intelligence systems that affect labour decision-making. Specifically, it amends Article 64 of the Workers' Statute, on the rights of information and consultation of the legal representation of workers. Thus, the new Rider Act adds a new paragraph to section 4, which recognises the right of the works council to be informed by the company of the parameters, rules and instructions on which the algorithms or artificial intelligence systems are based that affect decision-making that may have an impact on working conditions, access to and maintenance of employment, including profiling.

## Commentary

Before Royal Decree-Law 9/2021 was passed, companies such as Glovo, Deliveroo and Uber Eats did not employ couriers. They were self-employed, which meant a saving in labour costs for the multinationals and a reduction in Social Security income in social security contributions. After the law came into force, some of these companies, such as Deliveroo, left Spain, others adapted to the new rules of the game and others defied the government and the law.

According to data from a report by the Esade Forum for Technological Humanism, in collaboration with Just Eat, the number of workers with employment contracts in the home delivery sector through digital platforms has doubled in one year. Despite this progress, large platforms such as Glovo and Uber Eats continue to hire freelancers to carry out their deliveries. Many agents consider that progress should be made towards the negotiation of a sectoral collective bargaining agreement that would standardise sufficient wage and employment conditions in the sector.

## Additional metadata

<b>Cost covered by</b>	None
<b>Involved actors other than national government</b>	National government Trade union Employer organisation
<b>Involvement (others)</b>	None

### Thresholds

Affected employees: No, applicable in all circumstances

Company size: No, applicable in all circumstances

Additional information: No, applicable in all circumstances

### Sources

- [Royal Decree-Law 9/2021, of 11 May](#)~~~

### Citation

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