

## REMUNERATION IN THE PLATFORM ECONOMY: ASSESSING THE SITUATION IN CROATIA

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*Predictable and sustainable earnings represent one of the crucial preconditions for achieving fair working conditions within the platform economy. This contribution seeks to critically examine the issue of remuneration of platform workers. Firstly, it offers an overview of the Croatian regulation of platform work under the national labour law. Then, the paper explores the key challenges that affect the earnings of platform workers. The author presents an in-depth analysis of remuneration of platform workers in Croatia, based on the relevant national labour law provisions and a case study of the food delivery platform Wolt. The author concludes by identifying the main obstacles to achieving fair and adequate remuneration for platform workers within the Croatian platform economy.*

*Key words: digital labour platform; platform worker; remuneration; working conditions; legal regulation; aggregators; joint and several liability*

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## 1. INTRODUCTION \*\*

The phenomenon of platform work has attracted significant attention among legal scholars in the recent years. This new form of work is characterized by several main features. It is performed by individuals through digital labour platforms (hereinafter: DLP) that provide certain services to their customers. The transaction involves at least three parties: namely, a DLP, a service user or a client and a platform worker<sup>1</sup>, whereby the distinguishing element of this form of work relates to online mediation performed by the platform. Online mediation involves the online matching of supply and demand for paid work. This means that the DLPs, by means of algorithms, organise the performance of the work, the remuneration for the work and the relationship between their customer and the platform worker.<sup>2</sup>

It is essential to emphasize that platform work is, in many respects, highly heterogeneous. It manifests in various forms, and the scope of activities conducted through DLPs is continuously expanding. This diversity in platform work makes its classification and legal regulation particularly complex. Nevertheless, within the existing legal scholarship, there is a broad consensus among scholars on a basic distinction between different forms of platform work, primarily based on the location where the work is performed.<sup>3</sup> Accordingly, platform work may be categorized as either exclusively online, conducted via electronic tools (online platform work or crowdwork), or hybrid, involving both online communication

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<sup>1</sup> The term 'platform worker' will be used in this paper as a general broad term for a person performing platform work, regardless of his/her employment status. Therefore, it includes both persons working via DLPs as self-employed persons and those persons who are in an employment relationship.

<sup>2</sup> See Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work (OJ L, 2024/2831, 11.11.2024.), (hereinafter: The Platform Work Directive), the Preamble, para. 5. For more details about the concept and main characteristics of platform work see: Bjelinski Radić, I., *Radnopravni aspekti rada preko digitalnih platformi*, Pravni fakultet Sveučilišta u Zagrebu, Zagreb, 2022, pp. 37 – 45.

<sup>3</sup> See for example: De Stefano, V.; Aloisi, A., *European legal framework for digital labour platforms*, Publication Office of the European Union, Luxembourg, 2018, <https://publications.jrc.ec.europa.eu/repository/handle/JRC112243> (last accessed 25 June 2025), pp. 8 – 9. See also: Prassl, J., *Humans as a service: The Promise and Perils of Work in the Gig Economy*, Oxford University Press, Oxford, 2018, p. 13.

and subsequent activity in the physical world (on-location platform work or gigwork).<sup>4</sup>

The emergence of platform work has stimulated a vivid development of national case law in many EU Member States<sup>5</sup>, but also important changes in labour legislation in some countries. Moreover, the recent adoption of the Platform Work Directive at the EU level is expected to enhance the national labour law systems by introducing some concrete advancements, *inter alia*, a presumption of employment for platform workers and clearer rules on algorithmic management.<sup>6</sup> It is worth mentioning that improvement of working conditions in the platform economy is one of the main goals of the Directive.<sup>7</sup> Since the predictable and liveable earnings represent one of the crucial preconditions for achieving fair working conditions<sup>8</sup>, the purpose of this paper is to discuss specifically the issue of remuneration of platform workers.

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<sup>4</sup> The same basic categorisation of different types of platform work has been implemented in the EU Platform Work Directive (the Preamble, para. 5). For a detailed discussion on the categorisation of platform work see: Bjelinski Radić, *op. cit.* (fn. 2), pp. 47 – 68.

<sup>5</sup> For a comprehensive overview see e.g., Hiessl, C., *The Classification of Platform Workers in Case Law: A Cross-European Comparative Analysis*, *Comparative Labor Law & Policy Journal*, vol. 42, no. 2, 2022, pp. 465 – 517.

<sup>6</sup> For an overview of the main rights and obligations established by the Platform Work Directive see Rainone, S.; Aloisi, A., *The EU Platform Work Directive. What's new, what's missing, what's next?*, ETUI, The European Trade Union Institute, Brussels, 2024, available at: <https://www.etui.org/publications/eu-platform-work-directive> (last accessed 25 June 2025). A detailed discussion about the role of the Platform Work Directive in improving the transparency of algorithmic management is available in: Rosin, A.; Parviainen, H., *Improving the transparency of algorithmic management in platform work: The role of the Platform Work Directive*, *European Labour Law Journal*, vol. 16, no. 4, 2025, pp. 472 – 493, available at: <https://journals.sagepub.com/doi/pdf/10.1177/20319525251375023> (last accessed 24 September 2025).

<sup>7</sup> As regards Article 153(1), point (b) of the Treaty on the Functioning of the European Union (hereinafter: TFEU), the Platform Work Directive sets out rules aiming to support the determination of the correct employment status of persons performing platform work and to improve working conditions and transparency with regard to platform work, including in cross-border situations, as well as to protect workers in the context of algorithmic management. See Preamble, para. 16 and Article 1 of the Directive. The other main objective of the Directive refers to protection of personal data of persons performing platform work, based on the Article 16 of the TFEU.

<sup>8</sup> *Arg. ex* The Platform Work Directive, Preamble, para. 44. Many studies have identified earnings and payment conditions (price setting, wages and additional fees) as one of the key challenges for decent working conditions in the platform economy. See e.g., Kilhoffer *et al.*, *Study to gather evidence on the working conditions of*

This contribution starts by giving a comprehensive overview of the Croatian regulation of platform work in the national labour law, and by presenting the key labour market indicators (in section 2). Then it focuses on the remuneration problem in the platform economy. It provides a discussion on general challenges affecting earnings of platform workers, based on a literature review (in section 3.1). Furthermore, it presents the author's in-depth analysis of remuneration of platform workers in Croatia, based on the case study of the food delivery platform Wolt, as well as the relevant provisions of the Labour Act<sup>9</sup> (in section 3.2). It concludes with some remarks on the main obstacles for ensuring an adequate level of remuneration in the platform economy in Croatia (in section 4). In relation thereto, the author's research starts from the hypothesis that the legislative framework in Croatia represents an obstacle for improving working conditions of platform workers, including the level of their remuneration.

## 2. THE CROATIAN APPROACH TO THE LEGAL REGULATION OF PLATFORM WORK

The Republic of Croatia has recently become one of the first EU member states to systematically regulate platform work in its labour legislation. The legislative amendments, which entered into force on 1 January 2024, amended the Labour Act with the new chapter entitled '*Work through digital labour platforms*'.<sup>10</sup> In the process of preparing the amendments to the Labour Act, the Government of the Republic of Croatia (hereinafter: the Government) emphasized that the regulation of platform work represents a key challenge of modern labour legislation. Taking into account both the positive and the negative features of the platform economy<sup>11</sup>, the Government deemed it necessary on the one hand to

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*platform workers*, Publications Office of the European Union, Luxembourg, 2019, available at: <https://op.europa.eu/en/publication-detail/-/publication/a698537c-6e49-11ea-b735-01aa75ed71a1/language-en> (last accessed 26 June 2025), pp. 72 – 75 and 217 – 218.

<sup>9</sup> The Labour Act (Official Gazette nos. 93/14, 127/17, 98/19, 151/22, 46/23, 64/23).

<sup>10</sup> Title IVa of the Labour Act (introduced by Amendments to the Labour Act, Official Gazette no. 64/23).

<sup>11</sup> The literature also recognizes the positive and the negative effects of platform work on the labour market. See e.g., Bjelinski Radić, *op. cit.* (fn. 2), pp. 40 – 42. Moreover, the Platform Work Directive emphasizes that platform work can provide opportunities for accessing the labour market more easily, gaining additional income through a secondary activity or enjoying some flexibility in the organisation of working time (positive effects). On the other hand, the negative features of platform

ensure a sustainable growth of digital labour platforms and transparency of their business activity, and on the other hand to ensure decent working conditions for people engaged in this form of work.<sup>12</sup>

As a result of the recent legislative changes, new concepts have been incorporated into Croatian labour law, specifically the terms ‘DLP’, ‘aggregator’, ‘worker performing work via a DLP’, and ‘other persons engaged in work through a DLP’. The definition of platform work includes both crowdwork and gigwork platforms. It refers to ‘a payable work performed by a natural person, based on a contractual relationship, for a DLP or for an aggregator using digital technology or remotely, using electronic means (website, mobile application, etc.) or directly at a specific location between participants in a particular job’.<sup>13</sup>

The concept of an aggregator constitutes a distinctive element in the Croatian approach to the legal regulation of platform work. Specifically, it refers to a natural or legal person engaged in the activities of representation or intermediation for one or more DLPs. According to the relevant provisions of the Labour Act, Croatian labour legislation permits the performance of platform work either for a DLP or for an aggregator (intermediary). Furthermore, it is stipulated that neither the DLP nor the aggregator may conduct a registered activity in the market unless they are duly entered in the special register maintained by the Ministry of Labour, Pension System, Family and Social Policy (hereinafter: the Ministry).<sup>14</sup>

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work include low pay, unpredictability of working hours, blurring the boundaries between employment and self-employment, a misclassification of the employment status, limited access to social protection, a lack of transparency in algorithmic management, challenges related to cross-border nature of platform work etc. See Preamble, paras. 6 - 9.

<sup>12</sup> Vlada Republike Hrvatske, *Konačni prijedlog Zakona o izmjenama i dopunama Zakona o radu*, studeni 2022., pp. 65 – 66.

<sup>13</sup> Art. 221b of the Labour Act. Accordingly, a DLP is defined as a natural or legal person who provides services provided at the request of the recipient of the service using digital technology, within the framework of the organisation of work in which natural persons perform work remotely using electronic means (website, mobile application, etc.) or directly at a specific location. See Art. 221c para.1 of the Labour Act.

<sup>14</sup> Art. 221c paras. 4-5 of the Labour Act. The Register of DLPs and aggregators is available as an electronic service and can be accessed through the e-Citizen system. The register in question is a part of the Unified Electronic Labour Records information system (in Croatian: *Jedinstvena elektronička evidencija rada – JEER*). More information (in Croatian) on the Register is available at: <https://mrosp.gov.hr/rad-putem-digitalnih-radnih-platformi/13269> (last accessed 4 July 2025).

The applicable provisions regulating platform work are determined by the place where the work is performed.<sup>15</sup> With regard to the personal scope of application, in the terminological sense a distinction is made between ‘workers’ who perform work using a DLP<sup>16</sup> and ‘other persons’<sup>17</sup> who perform such work. It seems that the Croatian legislator sought to follow the logic of the (proposal of the) Platform Work Directive<sup>18</sup> and emphasized that platform work can be performed both in and outside of an employment relationship.<sup>19</sup>

The regulation of platform work in the Labour Act primarily aims to establish specific rights<sup>20</sup> and obligations between employers and workers in that sector,

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<sup>15</sup> Specifically, the relevant provisions of the Labour Act shall apply to the DLPs and to the aggregators that organize work performed within the territory of the EU, regardless of their place of establishment and the law otherwise applicable. See Art. 221c para. 3 of the Labour Act.

<sup>16</sup> A ‘worker performing work via a DLP’ is a natural person who, based on an employment contract, performs work for a DLP or for an aggregator in an employment relationship. See Art. 221e of the Labour Act.

<sup>17</sup> The term ‘other persons engaged in work through a DLP’ refers to natural persons who, based on a contractual relationship that did not arise from the conclusion of an employment contract, personally perform work for a DLP or for an aggregator. However, if a legal presumption of the existence of an employment relationship is applicable to such a contractual arrangement, the individual in question will be deemed an employee. See Art. 221f of the Labour Act.

<sup>18</sup> It is worth mentioning that the amendments to the Labour Act entered into force (1 January 2024) before the Platform Work Directive was adopted (23 October 2024). Only the EU Commission’s proposal for the Platform Work Directive was available at the time when the Croatian government decided to initiate and adopt the legislative changes.

<sup>19</sup> The employment status of persons performing platform work determines the scope of legal protection that will apply to them. To be more specific, the entire Title IVa of the Labour Act applies only to those platform workers who are in an employment relationship. On the other hand, only the provisions on algorithmic management will apply to the category of self-employed persons performing platform work. That kind of approach is rather new in Croatian labour law, since the Labour Act now also regulates some rights of self-employed persons. For more details see: Bjelinski Radić, I., *Zakonsko uređenje rada putem digitalnih radnih platformi u Republici Hrvatskoj*, Zagrebačka pravna revija, vol. 12, no.1, 2023, pp. 41 – 58.

<sup>20</sup> The third part of Title IVa of the Croatian Labour Act is dedicated to rights of workers who perform work through DLPs. It prescribes, *inter alia*, the mandatory content of a written employment contract for platform work (Art. 221l) and introduces the presumption of the existence of an employment relationship in work performed using a DLP (Art 221m).

regulate algorithmic management<sup>21</sup>, and define responsibilities of DLPs in order to ensure transparency in their operations.<sup>22</sup>

As previously noted, in Croatia, a platform worker may perform work for either a DLP or an aggregator. This implies that a DLP or an aggregator could serve as the employer of a worker who personally performs tasks through the platform.<sup>23</sup> The introduction of the term 'aggregator' into the Labour Act was a legislative response initiated by the Government to address the unique characteristics of platform work that had already emerged within the Croatian market. It is important to emphasize that, prior to the legal regulation of this work arrangement, platform work predominantly occurred with the involvement of aggregators acting in the capacity of employers.<sup>24</sup> Aggregators function as intermediaries between the DLP and the workers, facilitating the provision of services. Based on available public information, it is inferred that their primary role in the market consists of employing platform workers solely for the purpose of assigning them to DLPs for the execution of services offered by the platforms.<sup>25</sup>

It follows that the business model of DLPs in Croatia, in practice, predominantly manifests as a four-party structure. Typically, a business cooperation

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<sup>21</sup> Algorithmic management is a central feature of the platform economy. The term 'algorithmic management' refers to the use of computer-programmed procedures to coordinate labour input in an organisation. See for example the definition of the Joint Research Centre (JRC), available at: [https://joint-research-centre.ec.europa.eu/projects-and-activities/employment/algorithmic-management-and-digital-monitoring-work\\_en](https://joint-research-centre.ec.europa.eu/projects-and-activities/employment/algorithmic-management-and-digital-monitoring-work_en) (last accessed 7 July 2025).

The second part of Title IVa of the Croatian Labour Act refers to use of automated management system in the organization of platform work. In that respect, it prescribes specific rights and obligations of the employer who uses algorithmic management in the organization of work (Art. 221g), as well as the obligation of human supervision in monitoring work and decisions made in the automated management system (Art. 221i). Moreover, special attention is paid to the impact of algorithmic management on the health and safety of workers (Art. 221h), as well as to protection of workers' personal data and privacy (Art. 221j).

<sup>22</sup> The Ministry shall maintain and process, in electronic form, records of work performed through DLPs, for the purpose of ensuring the transparency of the operation of DLPs, as well as strengthening accountability and legal certainty among entities engaging in activities and work on the market through the use of DLPs. See Art. 221p of the Labour Act.

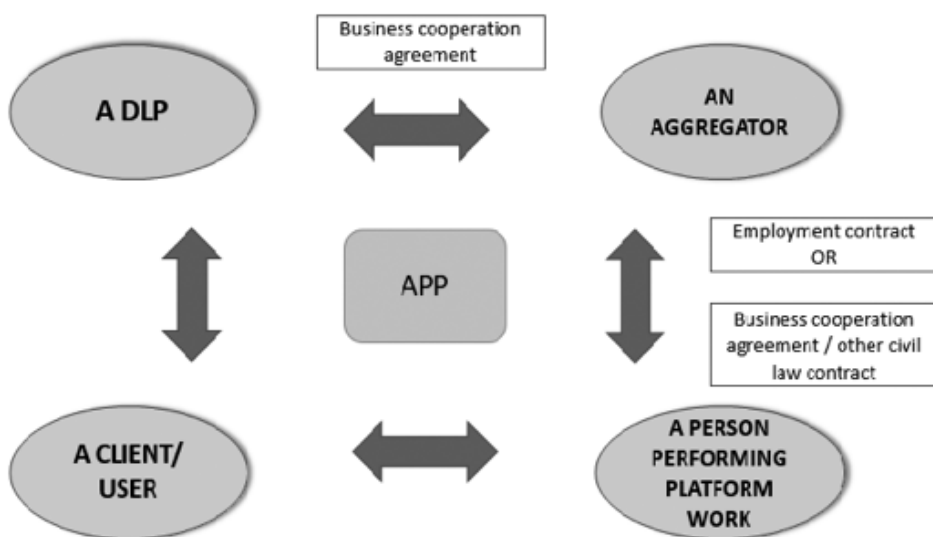
<sup>23</sup> Art. 221d, par. 1 of the Labour Act.

<sup>24</sup> See more in Bjelinski Radić, *op. cit.* (fn. 19), pp. 48 – 54.

<sup>25</sup> In that sense, the activity of aggregators is very similar to temporary work agencies (hereinafter: TWAs). However, provisions of the Labour Act that regulate TWAs (Art. 44 - 52) do not apply to aggregators in the context of platform work.

agreement exists between a DLP and an aggregator, while a separate contractual relationship is established between the aggregator and the individual performing platform work. In this context, it is important to highlight that the Labour Act permits the performance of platform work for an aggregator under an employment contract, whereby the platform worker is legally recognized as an employee.<sup>26</sup> Moreover, a (formally) self-employed person can also work for an aggregator based on some form of a civil law contract (e.g. a business cooperation agreement).<sup>27</sup> In practice, the question of false self-employment could arise, because a large number of (formally) self-employed platform workers work exclusively for one aggregator.<sup>28</sup> Finally, it should be pointed out that, in a four-party structure of platform work there is no contractual relationship between a DLP and a person performing platform work.

*Graph: the four-party structure of platform work in Croatia<sup>29</sup>*



<sup>26</sup> *Arg. ex* Art. 221e of the Labour Act.

<sup>27</sup> The Labour Act refers to the self-employed persons as ‘other persons engaged in work through a DLP’. *See* Art. 221f of the Labour Act.

<sup>28</sup> Source: Mr. Tomislav Markota, State Inspectorate, Labour Inspection Sector (Head of Sector), lecture held for students of the Faculty of Law, University of Zagreb on 12 May 2025, on the topic of platform work in Croatia.

<sup>29</sup> Source: Author’s own elaboration based on the analysis of the relevant provisions of the Labour Act.

The labour market indicators presented in the first Ministry's report on platform work in Croatia<sup>30</sup> suggest that four big DLPs were present on the Croatian market in 2024 (Glovo, Wolt, Bolt, Uber), as well as more than 3,000 registered aggregators.<sup>31</sup> The analysed data reveal that platform work in Croatia is performed through various types of contractual relationships. A vast majority of persons performing platform work have an employment contract, which they, almost exclusively, conclude with aggregators.<sup>32</sup> Within the group of self-employed persons, some platform workers have registered crafts<sup>33</sup>, whereby others have performed work as a self-employed person in a company.<sup>34</sup> Those self-employed persons worked via business cooperation agreements – concluded either directly with a DLP or through an aggregator. Platform work outside of an employment relationship has also been performed via a civil law contract for services<sup>35</sup> and a student contract<sup>36</sup>, both concluded predominantly with aggregators.

Finally, attention should be drawn to the regulation of multi – party relationships in the platform economy on the EU level. By failing to mention the intermediaries in the original text of the proposal for the Platform Work Di-

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<sup>30</sup> Izvješće o platformskom radu u Hrvatskoj za 2024. godinu, Ministarstvo rada, mirovinskoga sustava, obitelji i socijalne politike, available at (in Croatian): <https://mrosp.gov.hr/UserDocsImages/dokumenti/Uprava%20za%20rad/Izvje%C5%A1%C4%87e%20o%20platformskom%20radu%20za%202024.pdf> (last accessed 11 July 2025).

<sup>31</sup> Out of the total number of aggregators, 1,743 are registered as crafts businesses and 1,305 as legal persons (companies). In 2024, more than 22 thousand people performed work using DLPs in Croatia. The majority of platform workers in Croatia are men aged 25 to 29. Two thirds of platform workers are Croatian citizens, whereas one third of them are third-country nationals (TCNs). Source: *Ibidem*, pp. 2 - 5.

<sup>32</sup> In 2024 more than 19,500 platform workers had an employment contract concluded with the aggregator, whereas only 26 workers were directly employed by the DLP. Source: *Ibidem*, p. 6.

<sup>33</sup> In total more than 4,000 crafts were registered in Croatia for performing platform work. Source: *ibid.*

<sup>34</sup> Only 248 persons. Source: *ibid.*

<sup>35</sup> In total 496 service contracts were registered. A service contract (in Croatian: *ugovor o djelu*) is a type of contract where the performer obliges to perform a specific job for the client, who will pay them an agreed fee. It is regulated by the Civil Obligations Act (in Croatian: *Zakon o obveznim odnosima*), Official Gazette nos. 35/05., 41/08., 125/11., 78/15., 29/18., 126/21., 114/22., 156/22., 145/23., 155/23, Articles 590 - 619.

<sup>36</sup> In total 638 student contracts were registered. Student work in Croatia is regulated by the Act on Student Work (in Croatian: *Zakon o obavljanju studentskih poslova*), Official Gazette nos. 96/18, 16/20. Students in Croatia are not in an employment relationship and therefore not protected by the Labour Act.

rective<sup>37</sup>, the EU Commission initially did not take into account the complex reality on the markets of some EU member states, including Croatia. However, the final text of the adopted Platform Work Directive acknowledges the complexity and creativity of business models used by the DLPs, which increasingly rely on subcontracting chains, in which worker hiring and organisation are completely outsourced to one or more intermediaries.<sup>38</sup> The Directive recognizes that organizing platform work in such a manner often results in blurred responsibilities between the DLP and the intermediaries. Member States should therefore establish appropriate measures in order to ensure that persons performing platform work working through intermediaries enjoy the same level of protection as persons performing platform work who have a direct contractual relationship with the DLP. The Directive thus requires the Member States to establish appropriate mechanisms, including, where appropriate, through joint and several liability systems.<sup>39</sup>

### 3. REMUNERATION OF PLATFORM WORKERS

#### 3.1. The Challenges Affecting Earnings of Platform Workers

After presenting the Croatian model of platform work regulation, in this section, I focus on the issue of remuneration of platform workers. Predictable and liveable earnings represent one of the crucial preconditions for establishing fairer working conditions in the platform economy.<sup>40</sup> The specific models of work

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<sup>37</sup> For an analysis of the initial EU Commission's proposal presented in 2021 see: De Stefano, V., *The EU Commission's proposal for a Directive on Platform Work: an overview*, Italian Labour Law e-Journal, vol. 15, no. 1, 2022, pp. 1 – 11.

<sup>38</sup> See more in: Wray B., *Is sub-contracting becoming the new normal in the platform economy?*, Brave New Europe, 22 April 2021, available at: <https://braveneweuropa.com/gig-economy-project-is-sub-contracting-becoming-the-new-normal-in-the-platform-economy> (last accessed 10 July 2025). Additionally, see a detailed analysis of multi-party relationships in the platform economy in Hiessl, C., *Multiparty work relationships in platform work: Cross-European case law developments and points of departure for (supranational) regulation*, European Labour Law Journal, vol. 14, no. 4, pp. 514 – 540.

<sup>39</sup> See Preamble, para. 24 and Article 3 of the Directive. For the definition of an intermediary, see Art. 2 para. 1(e). A detailed discussion on this matter is available in Sanders, A., *Article 3 in the Platform Work Directive on intermediaries: Joint liability or joint employment?*, European Labour Law Journal, vol. 16, no. 4, 2025, pp. 452 – 471, available at: <https://journals.sagepub.com/doi/pdf/10.1177/20319525251375025> (last accessed 24 September 2025).

<sup>40</sup> *Arg. ex* The Platform Work Directive, Preamble, para. 44.

organization implemented by DLPs greatly influence the earnings of persons performing work on these platforms. Current studies and literature report on several systemic features of platform work that affect earnings of workers.

Firstly, platform work, while offering flexibility, often leads to low and unpredictable earnings.<sup>41</sup> Income instability is due to several factors, primarily a variable demand for work. To be specific, earnings can vary significantly based on the number of available jobs on the platform, the number of workers online, and the pricing algorithms.<sup>42</sup> Moreover, the frequent changes in the prices set by the DLPs, as well as in the platforms' business models, contribute to income uncertainty.<sup>43</sup> On the other hand, it should be underlined that predictability and level of remuneration vary considerably across different types of platform work. According to Eurofound, on-location platform-determined work<sup>44</sup> is paid by the hour, per task or a combination of both. For this type of platform work, earnings tend to be low, but often comparable to income from similar tasks in the traditional labour market.<sup>45</sup> In online contestant work<sup>46</sup>, earnings depend

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<sup>41</sup> It is important to emphasize that many workers rely on DLP for supplemental income; however, some seek it as their primary source of livelihood. Several studies have suggested that special attention needs to be paid to the group of workers who depend on this income. See Kilhoffer *et al.*, *op. cit.* (fn. 8), p. 73.

<sup>42</sup> Platforms tend to adjust the pay per gig according to fluctuations in demand and supply, which can result in highly volatile earnings. See the example of the delivery platform Deliveroo in: Pulignano, V. *et al.*, *Does it pay to work? Unpaid labour in the platform economy*, ETUI Policy Brief, 2021, available at: <https://www.etui.org/publications/does-it-pay-work> (last accessed 14 July 2025), p. 4.

<sup>43</sup> For more on the topic of price setting in platform work see Kilhoffer *et al.*, *op. cit.* (fn. 8), pp. 73 – 74.

<sup>44</sup> According to Eurofound's typology, this type of platform work covers low-skilled work that is delivered in person and assigned to the worker by the platform (e.g. platform Deliveroo).

<sup>45</sup> Source: <https://www.eurofound.europa.eu/en/platform-work-earnings> (last accessed 15 July 2025).

<sup>46</sup> This type of platform work refers to high-skilled online work where a skilled crowd performs a creative task, and the client selects the worker by means of a contest. Online contestants earn money if they win a contest. In the literature, it is sometimes referred to as 'creative crowdwork'. One of the most well-known platforms of this type is 99designs. For more on creative crowdwork see Schmidt, F.A., *Digital Labour Markets in the Platform Economy: Mapping the Political Challenges of Crowd Work and Gig Work*, Friedrich-Ebert-Stiftung, Bonn, 2017, available at: <http://library.fes.de/pdf-files/wiso/13164.pdf> (last accessed 15 July 2025), pp. 16 – 18.

on the outcome of the contests and are highly uncertain.<sup>47</sup> On-location worker-initiated work provides the most predictable earnings since workers can set their own rates and largely determine their own working time.<sup>48</sup>

Secondly, platform workers often face issues related to non-payment<sup>49</sup>, as well as unpaid time. It should be underlined that unpaid labour is inherent in the DLP's model of work organization. It refers to periods when platform workers are engaged in work-related activities but are not being compensated. To be more specific, workers may spend considerable time searching for jobs<sup>50</sup>, traveling to and from assignments, or awaiting work opportunities, all of which occur without remuneration for the time spent. Moreover, algorithmic management used by the DLPs to match workers with tasks can significantly increase unpaid waiting time.<sup>51</sup> Such unpaid labour contributes to the gap between gross earnings per gig and effective hourly wage once all unremunerated hours are included.<sup>52</sup>

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<sup>47</sup> Eurofound, *Employment and working conditions of selected types of platform work*, Publications Office of the European Union, Luxembourg, 2018, available at: <https://www.eurofound.europa.eu/en/publications/all/employment-and-working-conditions-selected-types-platform-work> (last accessed 10 September 2025), p. 24.

<sup>48</sup> This type of platform work covers low- to medium-skilled work where tasks are selected and delivered on-location by the worker (e.g. platform ListMinut). See more: <https://www.eurofound.europa.eu/en/platform-work-earnings> (last accessed 15 July 2025).

<sup>49</sup> Relevant studies suggest that, typically, the payment runs from the client to the platform worker through the platform. It is important to emphasize that the platforms usually can withhold (part of) the payment in case of bad rating by the client or a complaint. Kilhoffer *et al.*, *op. cit.* (fn. 8), p. 75.

<sup>50</sup> E.g. waiting time of drivers or riders on the DLPs like Uber or Glovo refers to the situations when they wait for a ride of a delivery request or spend time in traffic when it is not matched with a job. Moreover, DLPs use algorithms to match workers with tasks. Due to the algorithmic matching criteria (e.g. availability, location, and performance history), some workers may stay online for hours but get few or no offers, especially in low-demand areas and during off-peak times.

<sup>51</sup> See for example the recent study on Uber's pricing model in the UK, which demonstrated that, after the introduction of the dynamic pricing model, drivers spent significantly more time waiting for jobs. Consequently, their pay decreased, Uber's cut increased and job allocation and pay became less predictable. Binns, R. *et al.*, *Not Even Nice Work If You Can Get It: A Longitudinal Study of Uber's Algorithmic Pay and Pricing*, 2025, in: *The 2025 ACM Conference on Fairness, Accountability, and Transparency (FAcT '25)*, June 23–26, 2025, Athens, Greece. ACM, New York, NY, USA, available at: <https://arxiv.org/abs/2506.15278> (last accessed 16 July 2025).

<sup>52</sup> For a detailed analysis of the phenomenon of unpaid labour in the platform economy, see Pulignano *et al.*, *op. cit.* (fn. 42), pp. 73 – 74. Further reading on this topic is available in Pulignano, V. *et al.*, *Why does unpaid labour vary among*

Finally, platform fees and policies, as well as the costs associated with platform work, significantly contribute to low earnings of platform workers. Platform fees, typically calculated as a percentage of the worker's earnings from a transaction, decrease net earnings of workers. Many platforms deduct 20-30% of the worker's earning per job.<sup>53</sup> Moreover, algorithmic management on the DLPs dictates work availability and task allocation, potentially affecting income of workers. Finally, workers on many DLPs are expected to bear the expenses associated with the performance of work, such as gas, vehicle wear and insurance or to bring their own equipment for work.<sup>54</sup>

## 3.2. Remuneration of Platform Workers in Croatia

### 3.2.1. General Observations

The data presented in Section 2 demonstrated that the vast majority of platform workers in Croatia work via an employment contract, which they, almost exclusively, conclude with aggregators. That means that, as a rule, there is no contractual relationship between a DLP and a platform worker. In order to gain a thorough understanding of the functioning of the four-sided model of platform work with respect to payment, the author conducted a case study of the food delivery platform Wolt.<sup>55</sup> From the information received, it follows that, although there is an employment contract between a deliverer (employee)

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*digital labour platforms? Exploring socio-technical platform regimes of worker autonomy*, The Tavistock Institute, Human Relations, vol. 77, no. 9, 2024, pp. 1243 - 1271, available at: <https://journals.sagepub.com/doi/10.1177/00187267231179901> (last accessed 16 July 2025).

<sup>53</sup> For example, the Economic Policy Institute's analysis of Uber's data shows that, while Uber frequently claims a 25% commission, about a third of what passengers pay actually goes to Uber in forms of fees (commissions and the booking fee per trip). Mishel, L., *Uber and the labour market*, Economic Policy Institute, Washington, DC, 2018, available at: <https://www.epi.org/publication/uber-and-the-labor-market-uber-drivers-compensation-wages-and-the-scale-of-uber-and-the-gig-economy/> (last accessed 18 July 2025). Publicly available information suggests that food delivery platforms typically charge restaurants 20-30% commission per order. See for example <https://www.deliverect.com/en-gb/blog/online-food-delivery/deliveroo-101-the-essential-guide-for-restaurants> and <https://blog.menuviel.com/wolt-fees-and-commissions-for-restaurants/> (last accessed 18 July 2025).

<sup>54</sup> Kilhoffer *et al.*, *op. cit.* (fn. 8), p. 74.

<sup>55</sup> For that purpose, the author conducted an interview with a former Wolt employee, who used to work as an account manager for Wolt in Croatia. The interview was

and an aggregator (employer), Wolt actually controls all the relevant aspects of payment policy. Specifically, Wolt sets the price of the service to be charged from the customer, as well as Wolt's fee, calculated as a percentage of the worker's earnings from each transaction.<sup>56</sup>

It is important to observe that a customer placing an order through Wolt's platform pays both a delivery fee and a service fee. The service fee is generally allocated for the upkeep and operation of the application. The delivery fee is initially remitted to Wolt, which subsequently deducts its commission before remitting the balance to the aggregator. Thereafter, the aggregator retains a commission for its intermediation services.<sup>57</sup> It is necessary to clarify that, before entry into force of the amendments to the Labour Act, the aggregators in the Croatian market typically charged the platform workers an intermediation fee. Article 221c of the Labour Act now explicitly forbids the aggregator to charge the worker an intermediation fee.<sup>58</sup>

Typically, there is no communication between a deliverer and Wolt, except through customer support. With respect to all payment issues, Wolt communicates exclusively with the aggregators.<sup>59</sup> The interviewee pointed out that Wolt transfers each worker's earnings to the aggregator, i.e. the worker's formal employer. Afterwards, the aggregator pays a salary to the deliverers. The aggregators in practice used two different models in order to define the platform worker's remuneration. The remuneration of a deliverer was either dependant on the earnings per delivery and the number of deliveries made, or it was agreed upon with an aggregator as a fixed monthly salary. In the latter case, the aggregators

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conducted on 24 April 2025. The information obtained from the interviewee refer to the period until 2023, after which he stopped working for Wolt.

<sup>56</sup> Wolt typically imposes a commission ranging from 20% to 25% on the earnings of workers. Furthermore, restaurants partnering with Wolt are also required to pay a commission fee to the platform, typically ranging from 20% to 25%. This commission contributes to the higher prices of food when ordered through Wolt, compared to the same food consumed directly at the restaurant. In addition, Wolt operates in partnership with numerous stores in Croatia, charging a commission fee ranging from 7% to 13% for smaller establishments. For larger stores, the commission is typically scaled according to the type of product offered. Source: interview with a former Wolt employee.

<sup>57</sup> According to the interviewee, the intermediation fee in practice was usually agreed in the range between 7% and 15%.

<sup>58</sup> See Art. 221c par. 6 of the Labour Act.

<sup>59</sup> The aggregators regularly receive the information from Wolt via e-mail about the deliveries completed by each deliverer, specifying a number of completed orders and amount of earnings per order.

typically demand from workers to work for a certain number of hours and days in order to achieve a defined quota of deliveries.<sup>60</sup> It should be underlined that such approach of the aggregators leads to the disappearance of the core principle of DLP's business model, namely the flexibility of platform workers to decide when they want to work.

Field observations by the Croatian Labour Inspection indicate that the fixed monthly salary specified in employment contracts with aggregators typically corresponds to the minimum wage.<sup>61</sup> However, although the contracting parties formally agree upon the minimum wage as a fixed salary, it is possible that, in many cases, platform workers verbally agree on the performance-based payment with the aggregator.<sup>62</sup>

Furthermore, it is important to emphasize that the Ombudswoman of the Republic of Croatia<sup>63</sup> recently reported on many illegal actions by the aggre-

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<sup>60</sup> Hiessl points out that one of the motives of the DLPs to operate via subcontractors and intermediaries, refers to DLP's strategy to gain competitive advantage over its competitors. To be specific, working with subcontractors often means that the subcontractors oblige (rather than just incentivise) their employees to work in times of high demand. See Hiessl, *op. cit.* (fn. 38), p. 515.

<sup>61</sup> Minimum wage in Croatia is regulated by the Minimum Wage Act (in Croatian: *Zakon o minimalnoj plaći*, Official Gazette nos. 118/18, 120/21, 152/24) and is defined as the lowest gross monthly wage for a full-time worker. The Government determines the minimum wage for each calendar year by a regulation. As of 1 January 2025, the gross minimum monthly wage in Croatia is €970. The net minimum wage, after deductions, is roughly €750. See The Regulation on the minimum wage for 2025 (in Croatian: *Uredba o visini minimalne plaće za 2025. godinu*, Official Gazette no. 124/2024).

<sup>62</sup> Source: Mr. Tomislav Markota, *op.cit.* (fn. 28). Mr. Markota pointed out that it is very difficult to track and prove these allegations. Although this performance-based payment is unregistered in that case, it is nevertheless worth mentioning that the Labour Act contains provisions regarding performance-based payment. To be specific, according to Art. 90 of the Labour Act, a salary may consist of the basic or contracted salary, supplements and other remuneration. The supplements that form an integral part of the salary may depend on the hours worked under certain conditions (e.g., difficult working conditions, overtime work etc.), or the employee may be entitled to them regardless of actual work performed (e.g. a supplement for completed years of service). The entitlement to such supplements may also depend on the employer's business performance and the employee's work performance. See Art. 90 para. 4 of the Labour Act.

<sup>63</sup> The Ombudswoman of the Republic of Croatia is a commissioner of the Croatian Parliament, responsible for the promotion and protection of human rights and freedoms. More information about this institution is available on the official website: <https://www.ombudsman.hr/en/> (last accessed 25 July 2025).

gators as employers. These refer to, *inter alia*, charging the platform workers an intermediation fee, failure to register workers for compulsory pension and health insurance, non-payment of social security contributions, inability to use sick leave, denial of the right to rest and improper keeping of working time records.<sup>64</sup> Moreover, according to the Labour inspectorate's data, in practice, the aggregators' business is often connected with various forms of undeclared work.<sup>65</sup> The most common illegalities include (i) performing platform work without concluding an employment contract in written form, (ii) employing TCNs without a residence and work permit or a work registration certificate, (iii) cases of false self-employment, (iv) payment of a salary or a part of a salary in cash, without the calculation and payment of prescribed taxes and contributions, and (v) incorrect registration of working hours with the Croatian Pension Insurance Institute.<sup>66</sup> The recent media reports on growing dissatisfaction of platform workers in Croatia additionally confirm the above-mentioned findings of the competent institutions.<sup>67</sup>

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<sup>64</sup> Annual Ombudswoman's Report for 2024, p. 54, available at: <https://www.ombudsman.hr/en/reports/> (last accessed 25 July 2025).

<sup>65</sup> Undeclared work in Croatia is regulated by the Act on suppression of undeclared work (in Croatian: *Zakon o suzbijanju neprijavljenoga rada*, Official Gazette no. 151/22). Undeclared work in the narrow sense is work that, given the nature and type of work and the authority of the employer, has the characteristic of an employment relationship, and is not legally contracted or does not have a valid legal basis, or for which an appropriate registration for compulsory insurance in accordance with special regulations has not been established. Undeclared work in a broad sense includes work that, according to its characteristics, represents the avoidance of obligations that the employer has in relation to the salary of workers. For the details on the various forms of undeclared work which are prohibited in Croatia, see the Art. 3 of the Act on suppression of undeclared work.

<sup>66</sup> Source: Mr. Tomislav Markota, *op. cit.* (fn. 28), and Annual Ombudswoman's Report for 2024, *op. cit.* (fn. 64), p. 54.

<sup>67</sup> In July 2025 Wolt deliverers held a protest in Zagreb due to a(n alleged) 'drastic drop in earnings, reductions and cancellation of bonuses, unbearable working conditions and systematic threats to workers who try to take collective action'. They called upon state institutions to carry out urgent inspections of the aggregators' business activities, who, as they claim, operate outside the legal framework. See (in Croatian): Jutarnji list, Dostavljači Wolta za četvrtak najavili prosvjed: 'Zarada nam je pala oko 40 posto, jedva nam ostane i za minimalac!' (last accessed 28 July 2025). Some of the organizers of the recent protest called for the abolition of aggregators and the establishment of direct cooperation with Wolt. See (in Croatian): Večernji list, Dostavljači najavili prosvjed ispred Wolta: 'Ovo je robovlasništvo' (last accessed 28 July 2025).

### 3.2.2. Joint and Several Liability

As it has already been mentioned in Section 2, the Platform Work Directive requires the Member States to establish appropriate measures in order to ensure that persons performing platform work who have a contractual relationship with an intermediary enjoy the same level of protection as those who have a direct contractual relationship with a DLP.<sup>68</sup> Although the amendments to the Labour Act entered into force before the adoption of the Platform Work Directive, the Croatian legislator prescribed a joint and several liability mechanism for that purpose. Specifically, if the aggregator is an employer to the worker, the DLP shall be jointly and severally liable for the obligations that the aggregator, as its market intermediary, has towards the worker it employs to perform work for the DLP.<sup>69</sup>

A DLP may be released from such liability if it proves that an aggregator registered under a special regulation and with which it has concluded a contract (i) duly fulfils the obligation to register for workers' pension and health insurance, (ii) that it regularly covers the cost of workers' salaries and (iii) that it has no established tax debt.<sup>70</sup> For the purpose of proving these facts, the DLP may, before concluding a contract with the aggregator, or once a month for the duration of that contract, request certain confirmations and written statements from the aggregator.<sup>71</sup>

In our view, the legislator's intention was most likely to strengthen the level of protection of those workers who are employed by the aggregators, and thus perhaps also to justify the legalization of aggregators as employers in the Labour Act. In practice, however, the procedural aspects of the enforcement of the provision on joint and several liability could be particularly problematic. Given that all DLPs operating in Croatia have their registered office outside Croatia, seeking judicial protection for platform workers might be difficult, as it raises questions of determining the international jurisdiction of courts and

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<sup>68</sup> See Art. 3 of the Platform Work Directive.

<sup>69</sup> Art. 221d para. 2 of the Labour Act.

<sup>70</sup> Art. 221d para. 3 of the Labour Act.

<sup>71</sup> These include: (i) a confirmation by the competent tax body that the aggregator does not have an outstanding tax debt, (ii) a statement by the aggregator that he or she has registered for compulsory pension and health insurance payments for all workers in accordance with a special regulation, and (iii) a proof that the aggregator regularly pays the total cost of workers' salaries. See Art. 221d para. 4 of the Labour Act.

the applicable law in such a dispute with an international character.<sup>72</sup> Moreover, TCNs are a particularly vulnerable group of platform workers because they are dependent on aggregators as their employer, and at the same time have poor knowledge of the Croatian language and their legal rights.<sup>73</sup>

### 3.2.3. Impact of Platform Worker's Remuneration on the Employment Status

So far in this paper, remuneration has been discussed primarily in light of the goal to achieve decent and fair working conditions for platform workers. In this section, the author indicates that, in the Croatian legal system, the level of worker's earnings also affects his or her employment status.

It has already been mentioned that the Croatian Labour Act introduced the presumption of the existence of an employment relationship in work performed using a DLP. If the prescribed conditions are met, a presumption can be invoked against a DLP or an aggregator as a putative employer.<sup>74</sup> However, there is a specific derogation from that general rule, by which the employment status of a person performing platform work is made dependant on the extent of income of that person. Specifically, the presumption shall not apply to a natural person

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<sup>72</sup> Moreover, according to the data provided by the State Inspectorate, in practice there is a lot of undeclared work. Although the aggregators formally sign a statement that all workers are registered for compulsory pension and health insurance (which is one of the proofs necessary to release DLPs from liability), such statements quite often do not correspond to reality.

<sup>73</sup> The exploitation of TCNs is generally a big problem in the platform economy in Croatia. See more: <https://novisindikar.hr/zajednicki-prosvjed-domacih-i-stranik-dostavljacka-wolt-a/> (last accessed 29 July 2025). They rarely report irregularities committed by aggregators for fear of losing their residence and work permits. It is thus unlikely to expect that those workers would sue DLPs directly in case the aggregator fails to fulfil its obligations towards them.

<sup>74</sup> The facts on the basis of which the existence of an employment relationship may be presumed are (i) personal performance of payable work; (ii) giving orders and instructions for the performance of work to a natural person, within the framework of the organisation of work and subordination of work; (iii) limiting the freedom to refuse to execute orders or making such freedom subject to sanctions or other measures; (iv) determining in detail the time, place and manner of performing the work of a natural person, regardless of whether he or she uses his or her own means of work; (v) supervising the performance of work and monitoring the effectiveness of a natural person, in order to evaluate his or her work and the possibility of promotion; (vi) prohibiting the conclusion of transactions for one's own or someone else's account by using the services of other DLPs. See Art. 221m of the Labour Act. For a detailed discussion on this topic see: Bjelinski Radić, *op. cit.* (fn. 19), pp. 54 – 56.

who, working through a DLP, in a single quarter of the calendar year has not earned an income exceeding 60% of the gross amount of three monthly minimum wages in Croatia.<sup>75</sup> Using an example of the minimum wage for 2025 (which amounts to €970 gross), a worker would fall under the derogation if he or she earns up to €1,746 gross in a single quarter. A DLP or an aggregator shall regularly monitor the level of earnings of all persons working through it.<sup>76</sup> If the earnings exceed the above mentioned threshold, a DLP or an aggregator must offer an employment contract to such person.<sup>77</sup>

The author believes the described approach is inadequate for a number of reasons. Firstly, the level of remuneration here appears to be the only indicator of whether someone is employed or self-employed. At the same time, the (non) existence of the element of subordination, as a key criterion for determining the existence of an employment relationship, is entirely ignored.<sup>78</sup> Moreover, since a DLP or an aggregator must offer an employment contract to a person who exceeds the threshold of earnings, there is a group of persons performing platform work who are forcibly 'pushed' into employment. In situations where there is no subordination, this calls into question genuine self-employment in the platform economy in Croatia. On the other hand, a person who earns less than the set limit will not be considered an employee despite the fact that his or her contractual relationship with a DLP or an aggregator has all the elements of subordination, which I consider to be wrong.<sup>79</sup>

#### 4. CONCLUDING REMARKS

The discussion presented in this paper demonstrates that predictable and liveable earnings represent one of the crucial preconditions for establishing fairer working conditions in the platform economy. Besides that, in the Croatian legal system, the level of worker's earnings also affects his or her employment status.

The in-depth analysis of remuneration of platform work in Croatia has supported the initial hypothesis that the legislative framework in Croatia represents an obstacle to improving working conditions of platform workers, including the level of their remuneration.

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<sup>75</sup> Art. 221n of the Labour Act.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Arg. ex* Art. 221n para. 4 of the Labour Act.

<sup>78</sup> For a detailed analysis of criteria which should be used in order to determine the existence of an employment relationship in the context of platform work see: Bjelinski Radić, *op. cit.* (fn. 2), pp. 309 – 315.

<sup>79</sup> See also our previous work on this issue in: Bjelinski Radić, *op. cit.* (fn. 19), p. 56.

To be specific, the business model of the DLPs in Croatia predominantly exhibits a four-party structure, with the concept of the aggregator serving as a defining characteristic. Platform work in Croatia is organized through various forms of contractual relationships, the vast majority of which involve individuals employed under contracts that are almost exclusively concluded with aggregators. According to the Croatian Labour Inspection, the fixed monthly salary stipulated in the employment contracts with aggregators typically corresponds to the minimum wage. Furthermore, the data presented in this paper indicates that aggregators, in their capacity as employers, are frequently involved in various unlawful practices, including various forms of undeclared work. In this regard, TCNs represent a particularly vulnerable category of platform workers in Croatia, as they are dependent on aggregators as employers while simultaneously possessing limited knowledge of their legal rights.

It can be concluded that the legalization of aggregators as employers has not contributed to an improvement in the working conditions of platform workers in Croatia. By permitting the subcontracting of services via aggregators within the Labour Act, the legislator seems to have facilitated an evasion of direct responsibility by DLPs for their workers. Although the Labour Act includes a provision on joint and several liability, its effective enforcement in practice is, however, unlikely.

Additionally, it has been observed that the formal position of the aggregator as the employer precludes platform workers from invoking the presumption of the existence of an employment relationship against a DLP, thereby preventing them from asserting the presence of elements that would suggest the actual existence of such a relationship between the DLP and the platform worker. Specifically, it can be assumed that the actual role of aggregators in the labour market is limited to employing platform workers solely for the purpose of assigning them to a DLP to perform the services it provides. In this context, the employer status of such intermediary companies is *de facto* fictitious. It has been demonstrated in this paper that their existence potentially contributes to the appearance of undeclared work and violation of workers' rights.

In conclusion, the described legislative framework in Croatia clearly represents an obstacle for improving the working conditions of platform workers, including the level of their remuneration. The law in Croatia allows DLPs to (almost exclusively) rely on subcontracting chains and to outsource worker hiring to one or more intermediaries. Such fragmentation of the corporate structure in fact allows platforms to erect contractual barriers that shield them from their obligations as employers. In the context of ensuring adequate levels of remuneration, it is particularly important to highlight that this legislative

framework also undermines the collective labour rights of platform workers. In fact, the presence of numerous aggregators operating as the formal employers of workers who, *de facto*, perform services for the same DLP substantially impairs platform workers' ability to exercise collective bargaining rights, including the negotiation of wages and wage-related benefits through collective agreements.

The analysis presented in this contribution concerning the remuneration of platform workers thus demonstrates that ensuring decent working conditions for these workers cannot be achieved solely through mechanisms that enhance correct determination of their employment status. From the platform workers' perspective, the identification of the 'correct employer' can be highly relevant in mitigating the precarious nature of this form of employment.

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## Sažetak

Iva Bjelinski Radić \*

### PLAĆA PLATFORMSKIH RADNIKA: OCJENA SITUACIJE U REPUBLICI HRVATSKOJ

*Predvidiva i primjerena zarada predstavlja jedan od ključnih preduvjeta za postizanje pravednijih uvjeta rada za osobe koje obavljaju rad putem digitalnih radnih platformi. U ovom radu nastoji se kritički razmotriti pitanje plaće platformskih radnika. Autorica pritom nudi analizu hrvatskog pristupa pravnom uređenju toga oblika rada u okviru nacionalnog radnog zakonodavstva. Nadalje, u radu se nastoje identificirati najvažniji izazovi koji utječu na razinu i stabilnost zarade platformskih radnika. Autorica detaljno analizira problematiku plaća platformskih radnika u Republici Hrvatskoj oslanjajući se na relevantne odredbe hrvatskog radnog prava te na studiju slučaja platforme za dostavu hrane Wolt. U zaključnim razmatranjima, autorica ističe glavne prepreke za ostvarivanje pravedne i primjerene plaće radnika koji u Hrvatskoj rade putem digitalnih radnih platformi.*

*Ključne riječi: digitalna radna platforma, platformski radnik, plaća, uvjeti rada, pravno uređenje, agregator, solidarna odgovornost*

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