

European social standards in the era of labour digitalisation

Nataliia Cherevko*

PhD in Public Administration

Kherson State Agrarian and Economic University

73006, 23 Stritenska Str., Kherson, Ukraine

<https://orcid.org/0000-0002-5456-8887>

Abstract. The article examined European social standards for the protection of individual labour rights through the prism of the jurisprudence of the European Committee of Social Rights in the context of labour digitalisation, the expansion of platform work, and the transformation of contemporary employment relations. The relevance of the study was determined by the need to adapt national labour law systems to modern socio-economic challenges and to ensure the effective implementation of the standards of the European Social Charter in Ukraine during the period of war and European integration processes. The purpose of the article was to analyse the transformation of individual labour rights from programmatic social guarantees into practical and effective subjective rights and to determine the impact of the jurisprudence of the European Committee of Social Rights on the development of modern labour law models. The study applied a combination of general scientific and special legal methods, included the legal-dogmatic method, comparative-legal method, functional approach, and qualitative content analysis of the decisions of the European Committee of Social Rights and contemporary legal scholarship. The research findings demonstrated that the concept of “practical and effective rights” has become the key mechanism for ensuring the real effectiveness of social rights within the European legal space. The study established that the recent practice of the European Committee of Social Rights gradually adapts the European social model to the challenges of algorithmic management and platform work. The article introduced the concept of “procedural non-compliance,” describing situations in which European standards are formally transposed into national legislation without the creation of effective enforcement mechanisms. It was substantiated that the primary threat to the effectiveness of social standards lies in the formalistic implementation of European norms without adequate institutional and financial support. The practical value of the study lies in developing recommendations for improving Ukrainian labour legislation, strengthening labour rights enforcement mechanisms, and ensuring the practical effectiveness of European social standards within the national legal system

Keywords: European Social Charter; individual labour rights; European Committee of Social Rights; platform work; algorithmic management; practical and effective rights

Introduction

Contemporary labour relations are undergoing profound transformations driven by economic instability, digitalisation, the expansion of platform work, and the increasing fragmentation of employment models. These developments challenge the traditional foundations of labour law, historically oriented toward stable, long-term, and physically localised employment relationships. As a result, the effectiveness of existing mechanisms for protecting individual labour rights has become increasingly contested, particularly in relation to non-standard forms of work and algorithmic management. At the same time, the growing role of supranational labour regulation has intensified the importance of European social standards as a framework for safeguarding human dignity, decent working conditions, and effective social protection. In this context, the Revised European Social Charter (1996) and the practice of the European Committee of Social Rights (ECSR) have acquired particular significance

for the development of contemporary labour law doctrine and the adaptation of national legal systems to evolving socio-economic realities. For Ukraine, this issue has become especially relevant in light of ongoing European integration processes, labour law reform, and the need to ensure effective protection of workers during economic instability and armed conflict.

Recent scholarly discourse increasingly focuses on the transformation of labour rights within the broader human rights paradigm. M. Smusz-Kulesza (2024) examined the evolution of labour rights as enforceable human rights guarantees and concluded that the effectiveness of labour protection increasingly depends on supranational monitoring mechanisms and access to collective remedies. K.A. Polomarkakis (2025) analysed the interconnection between social rights and economic governance within the European legal order and demonstrated that labour rights protection

Suggested Citation

Article's History: Received: 09.02.2026 Revised: 04.05.2026 Accepted: 27.05.2026 Published: 01.06.2026

Cherevko, N. (2026). European social standards in the era of labour digitalisation. *Social & Legal Studies*, 9(2), 56-66. doi: 10.32518/sals2.2026.56.

*Corresponding author (cherevko_n@ksaeu.kherson.ua)



Copyright © The Author(s). This is an open access Article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

has gradually shifted from a purely contractual model toward a rights-based approach grounded in social justice principles. Earlier studies by E. Dockès (2019) explored the impact of labour market flexibilisation on workers' security and emphasised the growing imbalance between economic freedoms and social guarantees. More recent research by A. Aloisi (2024) focused on platform work and algorithmic management, concluding that digital labour models create new forms of precariousness insufficiently addressed by traditional labour regulation. Similar issues were examined by O. Khainska (2026), who analysed the challenges of adapting European labour standards to digital employment and highlighted the need for stronger institutional guarantees in states undergoing legal transformation.

At the same time, contemporary scholarship demonstrates that the practice of the ECSR concerning individual labour rights remains insufficiently systematised in legal doctrine. Most recent studies focus either on the general system of social rights protection or on comparative analyses of international legal instruments without providing a comprehensive examination of ECSR collective complaints adopted during 2022-2025 and their influence on national labour law development. Limited attention has also been devoted to the interaction between ECSR standards, platform work regulation, and labour protection during periods of economic crisis and armed conflict. Such gaps in legal scholarship determine the necessity of further research into the contemporary evolution of European social standards and their implementation within national legal systems, particularly in the context of Ukraine's European integration obligations.

The purpose of this article was to analyse the transformation of individual labour rights within the system of European social standards through the prism of ECSR practice and to assess the influence of these standards on the development of the Ukrainian legal system. To achieve this purpose, the following tasks have been addressed: identifying the key principles underlying ECSR practice concerning individual labour rights; examining the influence of the Committee's decisions on national legal models; and analysing the adaptation of European social standards to contemporary forms of work, including platform labour and algorithmic management, under conditions of economic instability and armed conflict.

Materials and methods

The methodological framework of the study is based on an interdisciplinary combination of legal-dogmatic, comparative-legal, functionalist, and human rights-based approaches to the analysis of European social standards concerning individual labour rights. The theoretical basis of the research derives from the contemporary human rights-oriented understanding of labour law, according to which labour rights are interpreted not merely as contractual guarantees but as practical and effective human rights requiring positive obligations from states and effective supranational supervision mechanisms. Such a conceptual framework made it possible to examine labour protection within the broader context of social justice, human dignity, and the transformation of employment relations under conditions of digitalisation, economic instability, and the expansion of non-standard forms of work.

The study was conducted in several interconnected stages. At the first stage, relevant normative sources, ECSR decisions, and academic literature published predominantly

between 2020 and 2025 were collected and systematised. The source base of the research includes the Revised European Social Charter (1996), conclusions and collective complaints decisions of the ECSR, selected legal acts of the European Union concerning labour and social protection, the European Union Directive on platform work, and national labour legislation of Ukraine. In addition, analytical reports and contemporary academic studies devoted to platform labour, algorithmic management, precarious employment. The selected source base made it possible to analyse both the normative foundations of European labour protection and the practical evolution of supranational labour standards in response to current socio-economic challenges.

At the second stage, the legal-dogmatic method was applied to interpret the substantive content of individual labour rights guaranteed under the European Social Charter (1996) and reflected in ECSR practice. This method enabled the identification of the key doctrinal principles underlying the Committee's reasoning, including the concepts of "practical and effective rights", proportionality, protection of human dignity, social justice, and positive obligations of states in the sphere of labour protection. Through this method, the evolution of legal interpretations concerning fair remuneration, protection against dismissal, safe working conditions, social protection, and workers' access to effective remedies was examined in the context of digital transformation and the fragmentation of traditional employment relations.

The comparative-legal method was used to compare European supranational standards with the current Ukrainian labour law framework and implementation practice. Comparative analysis focused on identifying normative inconsistencies, gaps in enforcement mechanisms, and challenges arising during the adaptation of European social standards within the Ukrainian legal system under conditions of economic instability and armed conflict. The comparison also included selected European approaches to regulating platform work and protecting workers engaged in non-standard forms of employment. The use of the comparative method made it possible to assess the extent to which Ukrainian labour legislation corresponds to contemporary European approaches to labour rights protection. The functionalist approach was employed to evaluate the practical effectiveness of existing legal guarantees and institutional mechanisms aimed at protecting individual labour rights. Within this framework, attention was devoted not only to the formal incorporation of European standards into national legislation but also to the effectiveness of their implementation in practice. This approach enabled the assessment of whether existing legal remedies and institutional safeguards ensure real protection of workers' rights under rapidly changing labour market conditions.

Results

The concept and structure of individual labour rights in European Social Standards. European social standards function as supranational benchmarks that limit State discretion in social policy. Individual labour rights – access to employment, fair working conditions, and protection against dismissal – are regarded as "living standards" capable of adapting to socio-economic shifts. Unlike universal ILO standards, the European model places emphasis on a high degree of regulatory detail and the protection of subjective rights, rejecting the distinction between binding and declaratory

rights. In contemporary legal doctrine, the notion of European social standards is used to denote the set of minimum normative requirements in the field of social and labour rights, developed within the European legal space and aimed at ensuring decent working conditions, social justice, and human dignity. These standards have a supranational character and function as benchmarks for national legal systems, defining the permissible limits of State discretion in social policy.

Scholarly literature emphasises that European social standards are not limited to the formal recognition of rights but also include interpretative approaches and effectiveness criteria formulated by specialised monitoring bodies of the Council of Europe (Parpworth, 2025). In this sense, they are regarded as “living social standards,” capable of adapting to socio-economic transformations. Unlike universal international social standards, European social standards are characterised by their regional focus, a higher level of detail, close connection to the human rights framework, and an orientation towards the practical and effective realisation of rights (practical and effective rights). Individual labour rights are traditionally considered a component of the broader category of social rights. In European legal doctrine, social rights are recognised not merely as programmatic goals of State policy but as fully-fledged subjective rights, subject to legal protection (Coker *et al.*, 2023). Individual labour rights encompass those entitlements of a worker that are directly exercised within employment relationships and do not depend on collective representation. At the same time, they have a distinct social dimension, as they aim to address structural inequalities between workers and employers.

The European approach is based on the principle of the inseparable link between labour rights and human dignity, which allows individual labour rights to be regarded as a concretisation of social rights in the field of employment (Coker *et al.*, 2023). This concept underlies the practice of the ECSR, which consistently rejects a formal distinction between “legally binding” and “declaratory” rights. Thus, individual labour rights constitute the functional core of social rights in the labour sphere and ensure their practical implementation at the level of the individual worker. The Revised European Social Charter (1996) occupies a central place in the system of European social standards, complementing the European Convention on Human Rights (1950) in the protection of socio-economic rights. In the scholarly literature, the Charter is often referred to as the “social constitution of Europe” (Kotsoni, 2025). Unlike universal instruments such as the ILO Conventions (1948) or the International Covenant on Economic, Social and Cultural Rights, the European Social Charter (1996) sets higher minimum standards, contains detailed State obligations, and is supervised by a specialised monitoring mechanism – the ECSR (Cherevko, 2025). A key feature of the Charter is that its provisions are interpreted not in isolation but in light of contemporary social realities and the principle of effectiveness. This allows the ECSR to expand the content of individual labour rights without formally amending the text of the Charter.

Based on the analysis of the provisions of the European Social Charter (1996) and the practice of the ECSR, individual labour rights can be classified according to their functional purpose. These include fundamental rights of access to employment, such as the right to work, the right to freely choose employment, and the right to effective employment services. Another group encompasses rights guaranteeing

fair working conditions, including the right to safe and healthy working conditions, reasonable working hours, and rest and leisure. Economic rights comprise the right to fair remuneration, adequate pay, and protection against in-work poverty. A separate category includes guarantees of stability in employment relationships, particularly protection against unjustified dismissal, access to effective remedies, and compensation in cases of unlawful termination.

The conducted analysis demonstrates that the system of European social standards forms an integrated mechanism for the protection of individual labour rights based on the principles of human dignity, social justice, and the effectiveness of legal guarantees. The practice of the ECSR confirms that labour rights are interpreted as practical and effective rights rather than declaratory social objectives. Such an approach substantially expands the obligations of States in the sphere of labour protection and strengthens the role of supranational supervision in ensuring compliance with social standards. At the same time, the dynamic interpretation of the Revised European Social Charter allows the adaptation of labour rights protection to contemporary socio-economic transformations, including digitalisation and the expansion of non-standard forms of employment. Consequently, European social standards increasingly influence the development of national labour legislation and determine the modern direction of labour law reform in European states.

The legal framework for the protection of individual labour rights under the European Social Charter. The key provisions of the Charter (Revised European Social Charter, 1996) establish a comprehensive standard for the individual protection of workers within employment relationships. In particular, the right to work, enshrined in Article 1 of the European Social Charter (1996), is interpreted by the ECSR not as an abstract entitlement to employment, but as the right to effective access to the labour market and the free choice of occupation. In its practice, the Committee consistently emphasises that this right entails a positive obligation for the State to develop effective employment services, implement active labour market policies, and remove structural barriers for vulnerable groups, including young people, persons with disabilities, and migrants (Decision of the European Committee of Social Rights on Complaint No. 14/2003, 2004).

The right to fair working conditions, enshrined in Article 2 of the Charter (Revised European Social Charter, 1996), encompasses requirements regarding reasonable working hours, adequate rest periods, paid annual leave, as well as guarantees of safe and healthy working conditions. The ECSR emphasises that formal legal recognition of these guarantees is insufficient if the State does not ensure effective enforcement in practice, particularly through labour inspection mechanisms (Conclusions of the European Committee of Social Rights XIV-2, 1998; Decision of the European Committee of Social Rights on Complaint No. 14/2003, 2004).

The right to fair remuneration, guaranteed under Article 4 of the Charter (Revised European Social Charter, 1996), aims to ensure a level of pay that allows workers and their families to lead a decent life. In its practice, the ECSR explicitly links this right to the concept of the “working poor” and the necessity of combating in-work poverty, recognising that the minimum wage must be adequate not only formally but also in terms of real purchasing power (Decision of the European Committee of Social Rights on Complaint

No. 11/2001, 2002; Conclusions of the European Committee of Social Rights XVIII-1, 2006; Decision of the European Committee of Social Rights in Case No. 55/2009, 2010).

A particular significance in the system of individual labour rights lies in the right to protection in the event of termination of employment, guaranteed under Article 24 of the Charter (Revised European Social Charter, 1996). The ECSR consistently emphasises that this right requires not only a formal prohibition of unjustified dismissals, but also the existence of effective remedies, including reinstatement or the award of adequate compensation with both deterrent and restorative effects (Conclusions of the European Committee of Social Rights XV-2, 2001; Decision of the European Committee of Social Rights on Complaint No. 88/2012, 2014; Decision of the European Committee of Social Rights on the Merits of the Complaint No. 158/2017, 2019).

The European approach to interpreting these rights is based on rejecting the perception of social rights as mere programmatic declarations. Contemporary doctrine recognises social and labour rights as fully-fledged subjective rights, subject to judicial and quasi-judicial protection, whose implementation is assessed through the prism of effectiveness (Coker *et al.*, 2023). This approach allows individual labour rights to be understood as a concretisation of human dignity in the field of employment and as an instrument to correct structural inequalities between workers and employers.

A key element of the European social standards system is the concept of States' positive obligations. Within the context of the European Social Charter (Revised European Social Charter, 1996), these obligations mean that States must not only refrain from interfering with the exercise of labour rights, but also actively create legal, institutional, and economic conditions for their effective realisation. As emphasised in scholarly research, it is through positive obligations that social rights acquire a practical dimension and cease to be purely declarative (Casla, 2026).

The practice of the ECSR consistently develops this approach. In its decisions on collective complaints, the Committee stresses that the mere existence of legal norms is insufficient for fulfilling obligations under the Charter if national mechanisms do not provide workers with real access to their rights. For instance, in *Confederación Sindical de Comisiones Obreras (CCOO) v. Spain* (2024), the Committee found that a compensation system for unlawful dismissal, which lacks a deterrent effect on employers, does not comply with the requirements of Article 24 of the Charter (Revised European Social Charter, 1996). A similar emphasis on the effective realisation of the right to fair remuneration was made in recent cases against Italy and France, where the ECSR evaluated the adequacy of minimum wage standards and State measures to combat in-work poverty.

Thus, within the European social standards system, individual labour rights are not isolated entitlements but an interconnected set of legally binding guarantees aimed at ensuring decent working conditions and social justice. Their content is shaped not only by the text of the European Social Charter (Revised European Social Charter, 1996) but also by the dynamic practice of the ECSR, which allows social standards to adapt to contemporary socio-economic challenges without the need for formal treaty revision.

The concept of practical and effective rights in the approach of the ECSR. In the practice of the ECSR, the concept of practical and effective rights plays a central role,

forming the methodological basis for interpreting the provisions of the Revised European Social Charter (1996). This concept is grounded in the principle that social and labour rights cannot be limited to formal legal recognition but must be genuinely accessible to rights-holders and supported by effective mechanisms for their enforcement and protection. This approach reflects a broader European trend toward overcoming the traditional view of social rights as declaratory and confirms their status as legally binding subjective rights (Coker *et al.*, 2023; Ploszka, 2026).

Scholarly doctrine emphasises that the concept of practical and effective rights is common to the entire system of the Council of Europe's human rights protection; however, within the Revised European Social Charter (1996), it acquires particular significance in the field of labour rights. J.O. Coker *et al.* (2023) argue that labour rights in the European legal order are an integral part of the human rights framework, and their effectiveness is a key criterion for assessing States' compliance with international obligations. In this context, the ECSR stresses the necessity of a regulatory framework that ensures not only a formal right for workers but also a genuine opportunity for its exercise in cases of violation.

An analysis of ECSR practice demonstrates that the principle of rights' effectiveness operates both procedurally and substantively. On the one hand, the Committee evaluates whether the State provides effective access to judicial, quasi-judicial, or administrative mechanisms for protecting labour rights, particularly in cases involving unlawful dismissal, remuneration, or working conditions. On the other hand, it examines the substantive content of national legislation and its practical application, assessing whether it ensures the realisation of the right to work, fair remuneration, safe and healthy working conditions, and effective protection against unjustified termination of employment (Ploszka, 2026).

The practice of collective complaints in recent years confirms the dynamic application of this principle. For example, in *Unión General de Trabajadores (UGT) v. Spain* (2022), the ECSR found a violation of Article 24 of the Charter (Revised European Social Charter, 1996), noting that national legislation did not provide adequate protection for workers in cases of unlawful dismissal, and that established compensation mechanisms did not fully reflect the actual harm or provide a sufficient deterrent effect for employers (Council of Europe, 2025). In *Unione Sindacale di Base (USB) v. Italy* (2022), the Committee addressed restrictions on collective action and bargaining, including the right to strike in critical sectors, highlighting the interconnection between individual and collective labour rights. In *FSC CCOO v. Spain* (2023), the focus was on fair remuneration and overtime pay, reaffirming the Committee's concern with the substantive protection of labour standards and ensuring a decent standard of living for workers (Conclusions of the European Committee of Social Rights..., 2023a). Additionally, in *CUB v. Italy* (2024), the Committee assessed restrictions on employees' participation in collective actions, potentially limiting the practical realisation of labour rights, while in *Fédération SUD Santé-Sociaux v. France* (2023), issues concerning pay and working conditions for healthcare workers were examined, illustrating the ECSR's attention to the material substance of labour rights.

These cases demonstrate that the ECSR prioritises the actual protection of workers' rights, considering the real impact of regulatory mechanisms on employees' conditions

rather than merely formal guarantees. Accordingly, the concept of practical and effective rights emerges as the functional core of European social standards in the domain of individual labour rights, serving as a criterion for assessing both national legislation and its practical application, promoting the harmonisation of social standards and enhancing the real protection of workers in Council of Europe member States (Cullen, 2021; Nalyvaiko, 2025).

The conducted analysis demonstrates that the concept of practical and effective rights constitutes the central interpretative principle in the practice of the ECSR and significantly influences the contemporary understanding of individual labour rights within the European legal order. The ECSR consistently proceeds from the position that labour rights cannot remain merely declaratory guarantees but must be supported by effective legal, institutional, and procedural mechanisms ensuring their real implementation. The examined collective complaints confirm the dynamic and evolutive interpretation of the Revised European Social Charter, particularly in matters concerning protection against unlawful dismissal, fair remuneration, working conditions, and access to effective remedies. Such an approach strengthens the human rights dimension of labour law and expands the positive obligations of States in the sphere of social protection. Consequently, the principle of practical and effective rights functions as a key criterion for assessing both the quality of national labour legislation and the effectiveness of its practical implementation within Council of Europe member States.

Comparative analysis with Ukraine. A comparative analysis of the ECSR case law and Ukrainian legislation reveals both convergences and divergences in approaches to the protection of individual labour rights. The Ukrainian system for safeguarding workers is primarily grounded in the Labour Code of Ukraine (1996) and a series of specialised laws that establish core worker guarantees, including protection against unlawful dismissal, the right to fair remuneration, working time regulations, paid leave, social benefits, and working conditions (Nalyvaiko, 2025). In this respect, there is a certain alignment with the principles enshrined in the European Social Charter (1996), particularly regarding the right to effective protection in cases of labour rights violations and non-discrimination.

At the same time, ECSR practice, notably in the cases *Unión General de Trabajadores (UGT) v. Spain* (2022) and *USB v. Italy* (2022), emphasises that the formal existence of legal guarantees without effective mechanisms for their enforcement and compensation is insufficient to ensure practical protection for workers. Ukrainian practice partly mirrors this issue: although the LCU establishes rights and obligations, the real effectiveness of their protection in cases of unlawful dismissal, breaches of employment contracts, or discrimination depends on the quality of judicial practice, the qualifications of judges, and the functioning of labour inspection authorities (Kotliarova, 2025).

A particularly pressing issue is the insufficient integration of the principle of practical and effective rights into the national system. Ukrainian legislation provides for formal rights, but mechanisms for their practical realisation – including administrative and judicial procedures – are often limited or fragmented. For example, issues of fair remuneration and compensation for unlawful dismissal are governed by Articles 233-237 of the LCU (Labour Code of

Ukraine, 1996); however, in practice, employees do not always have prompt and accessible means to enforce their rights, and awarded compensation does not always reflect actual losses or serve a deterrent function against violations (Papadopoulos, 2023; Nalyvaiko, 2025).

Moreover, ECSR practice offers guidance for expanding workers' protections in the context of new forms of employment and the digitalisation of the labour market – an area still insufficiently addressed in Ukrainian legislation (Perehudova, 2025; Kotliarova, 2025). For instance, there is no clear regulatory framework for freelancers and platform workers, nor are there instruments ensuring their social guarantees or access to protective mechanisms. Adapting Ukrainian legislation to Charter standards, particularly through the establishment of procedural and substantive protection mechanisms, could significantly enhance the practical effectiveness of labour rights and align them with the principle of practical and effective rights (Papadopoulos, 2023; Nalyvaiko, 2025).

In conclusion, the comparative analysis indicates that while Ukrainian labour legislation provides fundamental worker protection mechanisms, there is a need for deeper implementation of European social standards, development of judicial practice, strengthening of administrative oversight, and integration of contemporary digital employment trends. Incorporating the ECSR's approaches could facilitate the harmonisation of the national worker protection system with European standards and improve the practical realisation of labour rights in Ukraine.

New forms of employment and digitalisation. Contemporary labour markets are characterised by rapid digital transformation, which directly affects the nature of employment relationships and the practical realisation of individual labour rights. One of the key trends is the growing significance of the gig economy, platform work, and freelance employment – new forms of work that extend beyond traditional employment contracts and pose novel challenges for national labour law systems (Aloisi, 2024; Adams-Prassl *et al.* 2025). These forms of employment are often associated with precariousness, lack of social insurance coverage, limited access to pension and healthcare benefits, and deficits in legal protection mechanisms, thereby exposing platform workers to heightened risks of social exclusion and economic insecurity (Kotliarova, 2025; Perehudova, 2025).

Labour markets in the digital economy are marked by a high degree of flexibility, which on the one hand enables rapid engagement of workers through digital platforms, but on the other hand generates significant risks for workers' rights, particularly with regard to timely payment of wages, guarantees of fair remuneration, and safe and healthy working conditions (Krutylin, 2025; Alauddin *et al.*, 2025). In the context of algorithmic management and automated task allocation, traditional institutions of labour law are not always capable of providing effective protection for digital workers. This makes the concept of practical and effective rights, as developed by the ECSR in both classical and emerging contexts, particularly relevant (Rainone, 2025).

Although the ECSR's case law does not yet include a substantial number of decisions directly addressing digital employment, the Committee's general approach to the effectiveness of rights can be adapted to assess the situation of workers in the gig economy. In particular, the Committee has emphasised that the standards of the Charter must

be dynamic and capable of accommodating new forms of employment that fall outside traditional contractual frameworks. This approach enables an assessment not only of the formal recognition of rights, but also of their practical application and effectiveness, which is especially important in the context of platform work and freelancing, where traditional collective agreements and trade union oversight are often absent (Rainone, 2025).

Within the European Union, the regulatory response to these challenges includes Directive of the European Parliament and of the Council No. 2024/2831/EU (2024), which establishes criteria for the classification of platform workers and imposes obligations on employers to ensure transparent working conditions and access to mechanisms for the protection of rights (European Commission, 2024). This legislative instrument seeks to ensure that the rights of platform workers are realised in practice and comply with the principles of practical and effective rights enshrined in the Charter and interpreted by the ECSR. Assessing the effectiveness of regulation in the digital context involves, *inter alia*, access to justice, fair remuneration, and the ability to engage in collective action even under conditions of algorithmic management (Pilatti, 2024; Rainone, 2025). The research highlights that traditional labour law is ill-equipped for algorithmic management. Digital platforms create new dependency structures. The Directive of the European Parliament and of the Council No. 2024/2831/EU (2024) represents a

results-oriented regulatory response, aligning with the Charter's (Revised European Social Charter, 1996) principle of effectiveness by ensuring that platform workers gain access to standard social guarantees.

Systematic reviews of the literature indicate that digital platforms create new structures of power and dependency, in which workers are heavily reliant on algorithmic decisions that determine the volume of tasks, levels of remuneration, and rating systems. This, in turn, complicates the application of classical labour standards and necessitates the expansion of regulatory approaches to ensure minimum social guarantees (Pilatti, 2024; Alauddin *et al.*, 2025). In such conditions, the effective realisation of the rights to fair remuneration, decent working conditions, and protection against discrimination becomes a key criterion for assessing States' compliance with their obligations under the Charter (Kotliarova, 2025).

The Ukrainian context reflects similar challenges (Fig. 1). National legislation has not yet been fully adapted to the realities of platform-based employment, and gig workers often remain outside the scope of social protection and effective legal regulation (Zadorozhnyi, 2025; Perehudova, 2025). Scholars emphasise that, for Ukraine, it is essential to take into account European experience and the standards of the Charter, particularly with regard to effective access to legal remedies and social guarantees tailored to the specificities of the digital economy (Nalyvaiko, 2025).

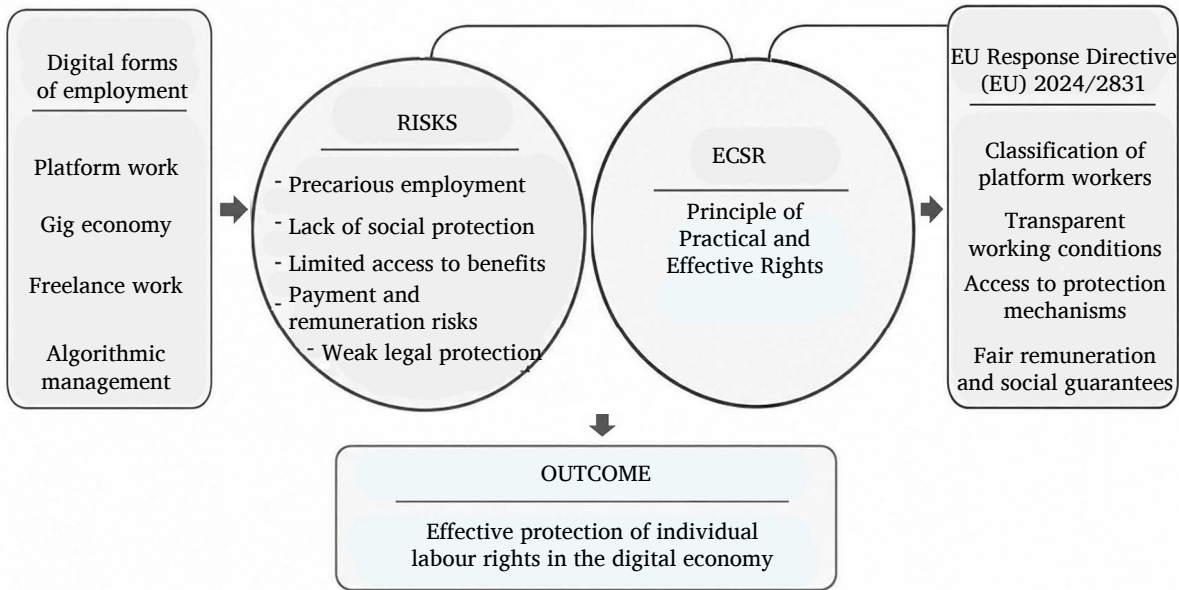


Figure 1. The impact of digital transformation on the practical and effective protection of individual labour rights
Source: developed by the author on the basis of Directive of the European Parliament and of the Council No. 2024/2831/EU (2024), the Revised European Social Charter (1996), G.R. Pilatti (2024), A. Aloisi (2024), S. Rainone (2025), I.Yu. Kotliarova (2025)

The study reveals that while the Labour Code of Ukraine (1996) generally reflects Charter standards, it suffers from “procedural fragmentation”. Workers lack prompt access to enforcement, and compensation for violations often lacks a deterrent function. Furthermore, freelancers and gig workers remain in a regulatory vacuum, which constitutes a significant non-compliance risk with European social *acquis*. The Figure 1 illustrates the relationship between digital forms of employment, the specific risks they generate for workers’ rights, the role of the ECSR and its principle

of practical and effective rights, as well as the response of the Directive of the European Parliament and of the Council No. 2024/2831/EU (2024). The ultimate goal is to ensure effective protection of individual labour rights in the context of the digital economy.

The impact of ECSR practice on national labour law systems. The practice of the ECSR has a significant impact on the national legal orders of the States Parties, even though its decisions do not formally have binding force for national courts. This influence is exercised through

the recommendatory nature of the Committee's decisions, international pressure, and the development of a doctrinal interpretation of social rights that is relied upon by courts and public authorities. ECSR decisions – particularly those adopted within the framework of the collective complaints procedure and the system of Conclusions – create an informal yet effective channel for the implementation of European social standards, contributing to the formation of “living standards” whose content continuously evolves in response to socio-economic change (Papadopoulos, 2023).

The interaction between the ECSR's practice and the case law of the European Court of Human Rights (ECtHR) demonstrates the complementary nature of the two systems of human rights protection. While the Committee focuses on social and economic rights under the European Social Charter (1996), the ECtHR safeguards civil and political rights under the European Convention on Human Rights (1950). Nevertheless, the Committee's approaches often resonate with the ECtHR's doctrine of positive obligations and the requirement to ensure the effectiveness of rights, particularly in the field of labour relations (Ploszka, 2026).

Despite the Committee's active role, the implementation of its decisions within national legal systems faces a number of persistent challenges. States frequently confine themselves to formal legislative alignment without ensuring the effective realisation of the relevant standards in practice. Social and labour inspectorates often lack sufficient resources and powers to monitor compliance with labour rights, while mechanisms for protecting workers are frequently ill-adapted to contemporary forms of employment, such as freelance work and the gig economy. A lack of coordination among public authorities further complicates the fulfilment of States' positive obligations (Casla, 2026).

In particular, in its Conclusions concerning Italy, the ECSR found that the existence of mechanisms protecting against unjustified dismissal in national legislation does not guarantee effective protection where the level of compensation is not adequate or sufficiently dissuasive for employers. The Committee emphasised that the formal existence of a right without a genuine possibility of its effective enforcement is incompatible with the requirements of Article 24 of the Revised Charter and with the concept of practical and effective rights (Conclusions of the European Committee of Social Rights..., 2023a; 2023c).

A similar approach is evident in the Conclusions concerning France, where, despite a highly developed legal framework regulating pay, the ECSR found that the actual level of the minimum wage failed to comply with the requirements of Article 4 of the Charter (Revised European Social Charter, 1996). The Committee stressed that the statutory establishment of a minimum wage cannot be regarded as fulfilment of international obligations if such remuneration does not ensure a decent standard of living for workers and their families and does not prevent the phenomenon of the “working poor” (Conclusions of the European Committee of Social Rights..., 2023a; 2023b).

In its Conclusions concerning Greece, the ECSR drew attention to systemic problems in the implementation of the right to just working conditions and fair remuneration in the context of economic reforms. Although the State had formally adapted its labour legislation, the Committee found that limitations on working time, guarantees of rest, and levels of remuneration did not, in practice, meet the standards of

the Charter (Revised European Social Charter, 1996). This enabled the Committee to articulate an important principle, namely that economic or budgetary considerations cannot justify a reduction in the effective level of protection of social rights (Conclusions of the European Committee of Social Rights..., 2023a).

The problem of a formalistic approach to implementation is also evident in the Conclusions concerning Bulgaria, where the ECSR identified procedural barriers to access to effective remedies in dismissal cases. The Committee emphasised that even where legislative guarantees exist, their practical value is undermined by excessive length of proceedings or the absence of genuine mechanisms for the restoration of violated rights.

In its Conclusions concerning Ukraine, the ECSR acknowledged that national labour legislation generally reflects the basic standards of the Revised European Social Charter (Revised European Social Charter, 1996), while simultaneously identifying significant shortcomings in their effective implementation. The Committee highlighted the insufficient effectiveness of protection against dismissal, difficulties in the practical обеспечения of fair remuneration, and limited access to effective remedies, indicating the persistence of structural challenges in the implementation of social standards (Conclusions of the European Committee of Social Rights..., 2026).

For Ukraine and other Eastern European countries, challenges in implementing the ECSR's practice are closely linked to the need to adapt labour legislation to European standards, to ensure access to effective remedies, to overcome the lag of judicial practice behind the principles of practical and effective rights, and to address broader socio-economic challenges, including economic instability and armed conflict. Effective implementation of ECSR standards therefore requires a comprehensive approach, encompassing legislative reform informed by the Committee's recommendations, the strengthening of the role of courts and supervisory bodies, the integration of Charter standards into corporate policies and labour contracts, and the establishment of mechanisms for monitoring compliance with the Committee's decisions.

Discussion

The conducted analysis confirms that the contemporary system of European social standards increasingly develops through the dynamic interpretation of the Revised European Social Charter (1996) by the ECSR. Unlike earlier approaches that viewed social rights primarily as programmatic obligations of States, current ECSR practice treats individual labour rights as practical and effective rights requiring genuine implementation mechanisms. This conclusion generally corresponds with the position advanced by J.O. Coker *et al.* (2023), who argued that labour rights within the European legal order should be regarded as an integral component of the broader human rights framework. The results of the present study support this approach, particularly regarding the indivisible connection between labour rights, human dignity, and effective judicial protection.

The results obtained also correlate with the conclusions of M. Kotsoni (2025), who characterised the Revised European Social Charter (1996) as the “social constitution of Europe.” The present analysis confirms that the Charter functions not only as a catalogue of social rights but also as a flexible instrument capable of adapting labour rights

protection to changing socio-economic realities. Nevertheless, some of author's conclusions may be reconsidered in light of recent collective complaints practice. While the author primarily focused on the constitutional nature of the Charter within the European legal order, the contemporary practice of the ECSR demonstrates that the effectiveness of Charter standards largely depends on national implementation mechanisms and the willingness of States to ensure practical enforcement of rights. Consequently, the constitutional character of the Charter remains limited where States confine themselves to formal legislative compliance without guaranteeing effective remedies.

The findings of the present study also partially coincide with the position of H. Cullen (2021), who emphasised the role of the ECSR in developing "living social standards". The analysis of recent collective complaints confirms that the Committee interprets the Charter dynamically and progressively. However, the conducted research demonstrates that the concept of "living standards" currently extends beyond traditional labour law issues and increasingly covers emerging forms of employment associated with digitalisation and algorithmic control. Therefore, the present study supports author's conclusions while simultaneously demonstrating that the scope of dynamic interpretation has significantly expanded during the last decade due to technological transformation of labour relations.

Particular attention in recent legal scholarship has been devoted to platform labour and precarious employment. A. Aloisi (2024) concluded that existing labour regulation mechanisms are insufficient for protecting workers engaged in digital labour platforms and that supranational regulation must adapt to algorithmic management systems. The present analysis generally supports this conclusion. At the same time, the research demonstrates that the ECSR already possesses sufficient interpretative instruments within the framework of the Revised European Social Charter (1996) to extend labour protection guarantees to non-standard forms of employment. Accordingly, the problem lies not exclusively in the absence of new legal norms but also in the insufficient implementation of existing European social standards at the national level.

Similar conclusions were reached by O. Khainska (2026), who examined the adaptation of European labour standards within states undergoing legal transformation. The author emphasised the vulnerability of workers during periods of economic instability and institutional reform. These findings correspond with the results of the present study regarding Ukraine's difficulties in implementing the principle of practical and effective rights. However, the conducted analysis demonstrates a broader systemic problem connected not only with legislative adaptation but also with institutional capacity, judicial effectiveness, and the limited role of labour inspectorates in ensuring compliance with social standards. Therefore, the causes of ineffective implementation appear more complex than solely normative deficiencies.

The conclusions of K. Casla (2026) concerning the gap between formal recognition and effective protection of social rights are likewise supported by the present research. Author argued that States frequently adopt legislation formally complying with international standards while failing to ensure effective implementation in practice. The analysis of ECSR Conclusions concerning Italy, France, Greece, Bulgaria, and Ukraine confirms this tendency. Nevertheless, the

present study demonstrates that the ECSR increasingly evaluates not merely the existence of legal guarantees but also their deterrent effect, accessibility, and practical impact on workers' living conditions. Consequently, the contemporary interpretation of social rights protection appears substantially broader than earlier doctrinal understandings focused primarily on legislative compliance.

Certain positions advanced in recent scholarship appear more debatable when compared with the results of the present analysis. N.A. Papadopoulos (2023) argued that the influence of ECSR decisions on national legal systems remains predominantly symbolic due to the absence of formally binding force. However, the conducted analysis demonstrates a different picture. Although the Committee's decisions formally possess recommendatory status, they significantly influence legislative reforms, judicial interpretation, and labour policy within Council of Europe member States. The practical importance of ECSR standards is especially visible in the context of European integration processes, where compliance with social standards becomes part of broader political and legal obligations. Therefore, the symbolic interpretation of the ECSR's role appears insufficient to explain its growing normative influence.

The conducted research additionally demonstrates that the concept of practical and effective rights increasingly functions as a unifying principle connecting labour rights, social protection, and access to justice. This conclusion supports the broader human rights-based approach to labour law while simultaneously indicating the emergence of new challenges related to digitalisation, economic crises, and armed conflict. In particular, the Ukrainian context reveals that even formally developed labour legislation may remain ineffective where judicial protection, enforcement mechanisms, and institutional guarantees are weakened by structural instability.

Overall, the findings of this study confirm the growing significance of European social standards in shaping contemporary labour law doctrine and national legal reforms. At the same time, the analysis demonstrates that the effectiveness of these standards depends not only on the development of supranational legal principles but also on the capacity of States to transform formal guarantees into genuinely accessible and enforceable rights. Consequently, further development of European labour standards will likely depend on strengthening implementation mechanisms, expanding protection for non-standard forms of employment, and ensuring the practical effectiveness of labour rights under conditions of continuing socio-economic transformation.

Conclusions

The research findings confirmed that the jurisprudence of the ECSR has effectively transitioned social rights from the realm of programmatic declarations into the sphere of subjective, enforceable rights. In answering the research questions stated in the introduction, this study demonstrates that the key principles underlying ECSR practice – specifically the "practical and effective rights" concept – serve as the primary driver for this transformation. The conducted analysis contributed elements of new knowledge through the introduction of the concept of "procedural non-compliance". This concept describes a systemic phenomenon characteristic of jurisdictions undergoing legal transformation, including Ukraine, where European Union directives

and provisions of the Revised European Social Charter are formally transposed into national legislation without the simultaneous creation of effective administrative and institutional mechanisms necessary for their implementation, including sufficiently empowered and adequately resourced labour inspectorates. Under such conditions, formal legislative alignment without effective enforcement mechanisms may be characterised as a form of “social greenwashing” at the State level, where the external appearance of compliance with European social standards is not accompanied by substantive guarantees of workers’ rights protection. Such a phenomenon constitutes one of the principal contemporary threats to the effectiveness and integrity of European social standards.

The obtained results generally correspond with and further develop the conclusions reached in contemporary legal scholarship. In particular, the findings support J.O. Coker *et al.* thesis concerning the central role of human dignity within labour relations and the interpretation of labour rights as an integral component of the human rights framework. At the same time, the analysis of recent collective complaints, including UGT v. Spain and USB v. Italy, demonstrates the further evolution of ECSR practice towards strengthening the “deterrent effect” in dismissal law and labour protection mechanisms. This indicates a gradual transition from a predominantly compensatory model of labour rights protection towards an approach aimed at preventing systemic violations through effective sanctions and broader positive obligations imposed upon States and employers.

Certain conclusions advanced by K. Casla appear insufficiently comprehensive in light of contemporary labour market transformations associated with digitalisation and algorithmic management. While K. Casla primarily focused on the gap between formal recognition and practical implementation of social rights, the conducted analysis demonstrates that positive obligations of States increasingly extend beyond traditional public supervision mechanisms and require active regulation of private digital platforms and algorithmic

systems that substantially influence working conditions, remuneration, and access to employment. Consequently, contemporary European social standards necessitate not only formal compliance with labour guarantees but also effective oversight of technological forms of labour organisation capable of producing new forms of precarious employment and structural inequality.

The impact and significance of this study are particularly relevant for the ongoing legal reforms in Ukraine. The results provide a strategic roadmap for the development of a “New Labour Code”, suggesting that legislative priorities must shift from formal transposition to the absolute prioritisation of the non-regression principle. The research underscores that labour rights have evolved from a domestic social policy tool into a vital component of a state’s international human rights standing and its economic resilience. By integrating ECSR standards not merely as external obligations but as internal foundations for social justice, Ukraine can bridge the gap between formal implementation and the practical effectiveness of rights, thereby ensuring democratic legitimacy and the dignity of working people in a globalised economy. Further research in this field appears promising in relation to the legal regulation of platform labour, the influence of artificial intelligence and algorithmic management on labour rights, the implementation of European social standards during armed conflict and post-war recovery, as well as the development of effective national mechanisms for enforcing ECSR decisions within domestic legal systems.

Acknowledgements

None.

Funding

The study was not funded.

Conflict of interest

None.

References

- [1] Adams-Prassl, J., Aloisi, A., Countouris, N., De Stefano, V., & Rainone, S. (2025). Protecting platform workers in the European Union. *European Labour Law Journal*, 16(4), 427-431. doi: 10.1177/20319525251376935.
- [2] Alauddin, F.D., Aman, A., Ghazali, M.F., & Daud, S. (2025). The influence of digital platforms on gig workers: A systematic review. *Heliyon*, article number e41491. doi: 10.1016/j.heliyon.2024.e41491.
- [3] Aloisi, A. (2024). Regulating algorithmic management at work in the European Union: Data protection, non-discrimination and collective rights. *International Journal of Comparative Labour Law and Industrial Relations*, 40(1), 37-70. doi: 10.54648/IJCL2024001.
- [4] Casla, K. (2026). *The social right to property: Social function and human rights* (1st ed.). London: Edward Elgar Publishing. doi: 10.4337/9781035339181.
- [5] Cherevko, N. (2025). Mechanisms for monitoring the implementation of the European Social Charter and their significance for the Member States. *Scientific Journal of the National Academy of Internal Affairs*, 30(1), 60-70. doi: 10.63341/naia-herald/1.2025.60.
- [6] Coker, J.O., Ijiga, A.C., Uzougbo, N.S., Oguejiofor, B.B., & Akagha, O.V. (2023). The impact of labor laws on fundamental human rights in the workplace: a comparative analysis between nigeria and the United States. *Social Values & Society*, 5(2), 54-58. doi: 10.26480/svs.02.2023.54.58.
- [7] Complaint of the European Committee of Social Rights No. 234/2024 “Confederazione Unitaria di Base (CUB) v. Italy”. (2024, June). Retrieved from <https://www.coe.int/en/web/european-social-charter>.
- [8] Conclusions of the European Committee of Social Rights “Conclusions 2022: France – Fair Remuneration”. (2023a). Retrieved from <https://rm.coe.int/conclusions-2022-france-e/1680aa9869>.
- [9] Conclusions of the European Committee of Social Rights “Conclusions 2025: Ukraine”. (2026). Retrieved from <https://rm.coe.int/conclusions-2025-ukraine-en/48802a4e71>.
- [10] Conclusions of the European Committee of Social Rights “Conclusions 2022: Italy – Right to Fair Remuneration and Labour Rights”. (2023b). Retrieved from <https://rm.coe.int/conclusions-2022-italy-e/1680aa986d>.

- [illegible]

- [41] Rainone, S. (2025). The collective rights dimension of the Platform Work Directive: Assessing regulatory effectiveness in the digital labour context. *European Labour Law Journal, Special Issue: Protecting Platform Workers in the European Union*. doi: 10.2139/ssrn.5494054.
- [42] Revised European Social Charter. (1996, May). Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=163>.
- [43] Smusz-Kulesza, M. (2024). Challenges of implementation of the revised european social charter standards in Poland – selected issues. *European Studies – the Review of European law, Economics and Politics*, 11(2), 199-214. doi: 10.2478/eustu-2024-0022.
- [44] Zadorozhnyi, B.Y. (2025). Legal regulation of gig work in Ukraine in the context of European integration. *Uzhhorod National University Herald Series Law*, 5(91), 119-127. doi: 10.24144/2307-3322.2025.91.5.17.

Європейські соціальні стандарти в умовах цифровізації праці

Наталія Черевко

Кандидат наук з державного управління
Херсонський державний аграрно-економічний університет
73006, вул. Стрітенська, 23, м. Херсон, Україна
<https://orcid.org/0000-0002-5456-8887>

Анотація. Стаття присвячена дослідженню європейських соціальних стандартів захисту індивідуальних трудових прав крізь призму практики Європейського комітету з соціальних прав в умовах цифровізації праці, розвитку платформеної зайнятості та трансформації сучасних трудових відносин. Актуальність дослідження зумовлена необхідністю адаптації національних трудових систем до сучасних соціально-економічних викликів, а також забезпечення ефективної імплементації стандартів Європейської соціальної хартії в Україні в умовах війни та євроінтеграційних процесів. Метою статті була оцінка трансформацій індивідуальних трудових прав із програмних соціальних гарантій у практичні та ефективні суб'єктивні права, а також визначення впливу практики Європейського комітету з соціальних прав на формування сучасних моделей трудового права. У дослідженні використано комплекс загальнонаукових і спеціально-юридичних методів, зокрема формально-догматичний, порівняльно-правовий, функціональний та метод контент-аналізу рішень Європейського комітету з соціальних прав і сучасної наукової доктрини. У результаті дослідження встановлено, що концепція «практичних та ефективних прав» стала ключовим механізмом забезпечення реальної дії соціальних прав у європейському правовому просторі. Доведено, що сучасна практика Європейського комітету з соціальних прав поступово адаптує європейську соціальну модель до викликів алгоритмічного управління та платформеної праці. Запропоновано концепцію «процедурної невідповідності», яка характеризує ситуацію формальної імплементації європейських стандартів без створення ефективних механізмів їх забезпечення. Обґрунтовано, що основною загрозою для ефективності соціальних стандартів є формальний підхід до їх транспозиції без належного інституційного та фінансового забезпечення. Практична цінність дослідження полягає у формуванні рекомендацій щодо вдосконалення трудового законодавства України, розвитку механізмів контролю за дотриманням трудових прав та забезпечення реальної ефективності європейських соціальних стандартів у національній правовій системі.

Ключові слова: Європейська соціальна хартія; індивідуальні трудові права; Європейський комітет із соціальних прав; соціальні стандарти; платформна робота; алгоритмічне управління